

UNIT 3B:80: PASTORAL AND ASCETICAL THEOLOGY

The Canonical Tradition of Orthodox Church: A Basic Overview

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If you are Orthodox, you will hear people refer to ‘*the canons*’ or call an event, a practice, or an entire diocese either ‘*canonical*’ or ‘*uncanonical*’. Often, they use the word ‘*uncanonical*’ like a stick to brandish in someone’s face. When priests or bishops refer to *the canons*, some Orthodox become suddenly anxious while others turn a deaf ear. Sometimes, the speakers themselves do not know what the canons say or even what a canon is. The canons seem shrouded in mist.

This basic overview is an attempt to clear away the mist. In simple terms, I shall explain:

- What *is* a canon?
- Which canons are the most important?
How do bishops and other authorities apply canons?
- What are *akriveía* and *oikonomía*?
- What is ‘canonical consciousness’?

WHAT IS A CANON?

Canon comes from the Hebrew word meaning a *rule* or *measuring stick*. The English word *cane* comes from the same root. A canon is like a straightedge ruler, used to draw a straight line, or a walking-stick, used to keep balance. As soon as you sway too far in one direction or another, you are not using a canon wisely. You are likely to fall over.

A *musical canon* consists of a melody followed by two or more variations that either repeat it almost exactly or depart from it but always return. The *Biblical canon* consists of all the diverse books of the Bible, some of which are similar and others different but which always return to the theme of the love of God. A canon creates harmony through a theme and variations.

The theme of a *church canon* is the unity of the Church in truth. Sometimes, a canon is applied strictly to the letter. At other times, it is applied loosely or not at all. Canons are not laws that are always applied equally. The best sense of the word *canon* comes from St. Irenaeus (d. 202): *kanôn tês alitheías*, ‘*canon of truth*’. This is the *instinct* that enables us to interpret the Bible, the faith, and the canons themselves for the salvation of Christians. Without it, we are likely to fall off our path. The canons keep us balanced.

Canons are not laws

There is no such thing as *canon law*. The *canonical tradition*, as we call it, is a mindset, a whole body of thought. It does not consist merely of codes handed down from on high and the comments of interpreters. It consists of *an instinct*, a mind derived not from codes but from the worship of the Church.

The canons are not the source of faith. To place them on a par with the Holy Gospel, the Divine Liturgy, or the definitions of a universal (or ‘*Ecumenical*’) Council would be heresy. They are guidelines for life, not life itself.

You cannot open the text of a canon and apply it instantly without great risk to yourself and others. A canon is a prescription written by a doctor. You do not fill it yourself; you take it to a chemist, specially trained in medicine. The usual 'chemists' are the bishops.

How do canons arise?

An event poses a danger to the *unity of the Church in the truth*. Perhaps it is a conflict between two persons, including two bishops. A bishop expresses his opinion. If it is very serious, he consults his fellow bishops in a council. When all the bishops agree, or the consensus works, they express a written opinion together. The Church gathers these opinions in the form of canons.

As in law, later canons can overrule earlier canons. The canons of Universal or 'Ecumenical' Councils take priority over those of local councils or individual bishops. As in medicine, bishops and others always consult related canons in order to prescribe the right medicine for the right complaint at the right time. A canon is not complete in itself; it is applied in a context. In a different context, it might not be applied. No one uses the same medicine for every illness.

In every instance, a synod of bishops has the primary right to apply canons, followed by an individual diocesan bishop, followed by a priest. No one below priest's orders may apply canons in an official capacity.

Canons were not codified all at once, or once for all

Before the sixth century, canons were usually lists attached to the decrees of a local or universal council or opinions found in the letters of bishops to those who asked advice. By the sixth century, the *Sýntagma in 14 Titles* appeared. It consisted mainly of the canons of the first four Ecumenical Councils. By the time of the seventh such council, in 787, it was decreed that no canon could be added to or subtracted from this collection.

The Church left canons to each bishop or priest to interpret until the twelfth century, when Alexios Aristenos, Ioannes Zonaras, and Theodoros Balsamon began to compare and classify them. The commentaries are highly respected but not the final word. Only in 1800 did St. Nicodemus of the Holy Mountain of Athos publish a one-volume commentary, called the *Pedálion*, or 'Rudder'. In an age of print, it is tempting but dangerous for laity to use such 'handbooks' to answer all questions. This practice, which is not authorised by the Church, can create *canonical fundamentalists*. Like Biblical fundamentalists, they take a text outside the context of life in the Church. Outside that context, the canon is meaningless.

PRIORITY: WHICH CANONS ARE THE MOST IMPORTANT?

Canonical fundamentalists, like Biblical, do not know how to apply the canons because they do not understand the priority of some over others. Canons are ranked in priority, partly by *origin*, partly by *purpose*.

The canons of the seven Holy and Ecumenical Councils (325-787) come first. They reflect the consensus of bishops from across the Christianised Roman empire (the *oikouménê*, or *ecuménê*) who also defined the faith against great heresies. Next come the so-called Apostolic Canons, an early list that reflects the practices of the Apostles and their immediate successors. Then come the canons of regional or local councils, such as Ancyra, Gangra, and Laodicea, local responses to local problems. Lastly come the canons drawn from letters of individual bishops, starting with such bishops as St. Basil the Great (330-379). St. Photius the Great (d. 893) ranks the canons in this order.

Let us call them a) ecumenical canons, b) apostolic canons, c) local canons, and d) individual canons.

Ecumenical canons

The canons from Ecumenical Councils, like the councils themselves, respond to a crisis that affects the entire Church. Very often, the texts of these canons cite a parallel Apostolic canon, or the canon of an earlier council, in order to show that the Church has always taught the same principle. For example,

Seventh Ecumenical Council (787), Canon 3

Let every election of a bishop, presbyter, or deacon made by princes stand null, according to the canon which says: "If any bishop making use of the secular powers shall by their means obtain jurisdiction over any church, he shall be deposed, and also excommunicated, together with all who remain in communion with him". For he who is raised to the episcopate must be chosen by bishops, as was decreed by the holy fathers of Nice[a] in the canon which says: "It is most fitting that a bishop be ordained by all the bishops in the province, but if this is difficult to arrange, either on account of urgent necessity or because of the length of the journey, three bishops at least having met together and given their votes, those also who are absent having signified their assent by letters, the ordination shall take place. The confirmation of what is thus done shall in each province be given by the metropolitan thereof".

This canon, which excommunicates all bishops who are appointed by secular authorities (emperors, kings, parliaments, presidents, etc.) reflects a common crisis in church history. Hence, it does not name the Iconoclast emperors who inspired it. It cites *both* Apostolic canon 30 ("*If any bishop ...*") and Canon 4 of the First Ecumenical Council, also held in Nicea in 325 ("*It is most fitting...*"). It is the canonical way of saying: same problem, then as now.

When three or more canons from different periods agree so closely, we know that they reflect the Holy Tradition of the Church.

Another Ecumenical canon demonstrates the principle not only of *origin* but of *purpose*. In origin, it comes from the Second Ecumenical Council. In purpose, it serves the highest aim of the Church: *unity*.

Second Ecumenical Council (381), Canon 2

Diocesan bishops are not to intrude in churches beyond their own boundaries, nor are they to confuse the churches: but in accordance with the canons, the bishop of Alexandria is to administer affairs in Egypt only; the bishops of the East are to manage the East alone (whilst safeguarding the privileges to the church of the Antiochenes in the Nicene canons); and the bishops of the Asian diocese are to manage only Asian affairs; and those in Thrace only Thracian affairs. Unless invited, bishops are not to go outside their diocese to perform an ordination or any other ecclesiastical business. If the letter of the canon about dioceses is kept, it is clear that the provincial synod will manage affairs in each province, as was decreed at Nicaea. But the churches of God among barbarian peoples must be administered in accordance with the custom in force at the time of the fathers.

This canon, referring to Canon 6 of the First Ecumenical Council, expresses the most critical principle in the canons concerning the Church: *territoriality*. It is essential to the unity of the bishops. Each bishop and synod is confined to a specific geographical territory and may not act outside it arbitrarily. The limit to territory ensures that all bishops are equal.

From a glance at the Ecumenical canons, it is clear that the current structures of the Orthodox Church in the so-called *diaspora* in the West are *uncanonical* both in letter and spirit. The terms '*Russian Orthodox*' or '*Greek Orthodox*' are not canonical. *Canonically*, we should say: 'the Orthodox Church *in Russia*' or '*in Greece*'. Canon 8 of the First Ecumenical Council states that in one church diocese, there must be only one bishop. There may not be a diocese for each ethnicity – a category not recognised in the canons.

All overlapping dioceses in countries such as Australia and the United States recognise that the situation is contrary to the canons but cannot agree how to solve it.

One Ecumenical canon on unity is very controversial. Historically, it refers to a band of nomadic Goths who had settled in Thrace, north of the imperial city of Constantinople. Some spokesmen for the patriarchal city of Constantinople, however, more recently have interpreted '*the barbarians*' as referring to every region beyond the classical Roman empire, including the Americas, Australia, and the Far East.

Fourth Ecumenical Council (451), Canon 28

... in the Pontic, the Asian, and the Thracian dioceses, the metro-politans only and such bishops also of the Dioceses aforesaid as are among the barbarians, should be ordained by the aforesaid most holy throne of the most holy Church of Constantinople

...

Interpreted in this way, the excerpt seems to give privileges to Constantinople that no other centre enjoys. Opponents of this interpretation will cite Canon 2 of the Second Ecumenical Council, among others, to argue that the capitol of the 'Byzantine Empire' is as limited by territory as any other city.

Ecumenical canons do not only concern unity in the Church. Some concern a variety of ethical questions. Canon 3 of the First Council forbids clergy to live with a wife, mother, sister, or other woman who is 'above suspicion'. Canon 3 and Canon 7 of the Fourth Council forbid clergy to take secular jobs – a rule which generally cannot be applied today, when many clergy are not salaried a living wage. Canon 9 of the Fourth Council prescribes that lawsuits that clergy bring against other clergy should be settled in the Church, not by the secular authorities. Still other Ecumenical canons concern matters of worship. Canon 18 of the First Council forbids deacons to receive Holy Communion before the bishop and priests. Canon 20 of the same council orders us to pray standing, not kneeling, on every Sunday and between *Pascha* (Easter) and Pentecost. Canon 2 of the Seventh Council requires that a man becoming a bishop must know all the Psalms by heart.

Apostolic canons

The Apostolic canons date from before 300. They were not written by the holy Apostles themselves but reflect the practice of the first several generations of Christians.

Many Apostolic canons, like Ecumenical canons, concern the structural unity of the Church. The first affirms that all bishops are equal and depend on each other.

Apostolic Canon 1

Let a bishop be ordained by two or three bishops.

Perhaps the most famous Apostolic canon on unity declares that the bishops on a synod must do nothing without consulting the primate, or first among the equals on the synod. Likewise, he must

do nothing without the consensus of all. The canons leave no room for any metropolitan, patriarch, or pope to act unilaterally.

Apostolic Canon 34

The bishops of every nation must acknowledge him who is first among them and account him as their head, and do nothing of consequence without his consent; but each may do those things only which concern his own parish, and the country places which belong to it. But neither let him (who is the first) do anything without the consent of all; for so there will be unanimity, and God will be glorified through the Lord in the Holy Spirit.

Nation refers to a province of the Roman empire. Later ideas of a 'nation' that consists of all persons of the same 'ethnic' stock find no place in the canons, which decree that dioceses are territorial.

Other Apostolic Canons set Orthodox Christians apart from those barred from receiving Holy Communion, including members of other religions and sects.

Apostolic Canon 7

If any bishop, presbyter, or deacon, shall celebrate the holy day of Easter before the vernal equinox, with the Jews, let him be deposed.

Apostolic Canon 10

If any one shall pray, even in a private house, with an excommunicated person, let him also be excommunicated.

Apostolic Canon 65

If any Clergyman, or Layman, enter a synagogue of Jews, or of heretics, to pray, let him be both deposed and excommunicated.

These canons are not directed against the 'Jewish people' but apply to every religion or sect outside the Orthodox Church. Orthodox Christians should not join in services of prayer with *anyone* outside it.

The Apostolic canons set a high ethical standard, especially for clergy. Canon 17 forbids a remarried man, even a widower, from being ordained. Canon 27 deposes a clergyman from office if he has struck anyone for sinning. Canon 57 even excommunicates clergy who mock disabled people, whether they are deaf, blind, or crippled in any way. The clergy should be models of love.

Some Apostolic canons suggest that today's problems do not differ from the everyday problems in the early Church.

Apostolic Canon 9

All the faithful who come in and hear the Scriptures, but do not stay for the prayers and the Holy Communion, are to be excommunicated, as causing disorder in the Church.

Even in the early Church, some lax believers used to wander in and out at will. All canons are windows into the everyday life of the past.

Regional canons

The canons of regional or local councils often treat ethical issues that arise in a certain time and place but are expressed in universal terms. Some regional canons are remarkably applicable today:

Council of Ancyra (314), Canon 21

Concerning women who commit fornication, and destroy that which they have conceived, or who are employed in making drugs for abortion, a former decree excluded them until the hour of death, and to this some have assented. Nevertheless, being desirous to use somewhat greater lenity, we have ordained that they fulfil ten years [of penance], according to the prescribed degrees.

Two principles from the canons are evident: a certain act, such as abortion, is seriously wrong; but this regional council decrees that the penalty should not be as harsh as hitherto. The canon is an act of mercy.

The canons of some regional councils, such as Gangra, concern very specific issues: in this case, monks who find married people, even married clergy, vile and disgusting.

Council of Gangra (340), Canon 1

If any one shall condemn marriage, or abominate and condemn a woman who is a believer and devout, and sleeps with her own husband, as though she could not enter the Kingdom [of heaven] let him be anathema.

'Anathema' is a very common word in canons, meaning 'accursed', that is, cast out of the body of the Church. Like Canon 4, which condemns monks and nuns (or laypeople) who refuse to receive Holy Communion at the hands of a married priest, the anathema of the Church falls not only on immoral but on judgmental Christians as well.

One of the most influential regional councils, Laodicea, consists of sixty canons mainly on the subject of public worship. Canon 20 forbids deacons to sit down in the presence of priests, unless invited. Canon 21 forbids altar servers, that is, those below subdeacon's orders, to touch the sacred vessels such as the holy chalice. Canon 44 forbids women to enter the sanctuary. Some reflect norms of classical Roman culture. Canon 30, for instance, forbids clergy, especially the monks, from bathing in public baths with women!

Regional canons are not as important as Ecumenical canons but are included among the canons when they reflect universal principles.

Individual canons

Many canons come from the personal letters of bishops, including great saints such as Athanasius, Basil, Gregory of Nyssa, and Gregory the Theologian. The canons of St. Basil the Great from his letters of advice to a spiritual son, Bishop Amphilochius of Iconium, are often respected as highly as those of a regional or even an Ecumenical, council.

St. Basil distinguishes usefully among categories of people who are separated from the Orthodox Church. In an excerpt from Canon 1, St. Basil classifies such categories as heresies, schisms, and parasynagogues.

Canon 1 of St. Basil

Heresies is the name applied to those who have broken entirely and have become alienated from the faith itself. Schisms is the name applied to those who on account of ecclesiastical causes and remediable questions have developed a quarrel amongst themselves. Parasynagogues is the name applied to gatherings held by insubordinate presbyters or bishops, and those held by uneducated laities.

These categories affirm that it is possible to gather outside the authority of the local Orthodox bishop, even the Orthodox Church, without changing the faith. *Parasynagogues* –unlawful assemblies – are contrary to St. Basil’s canon but not as bad as schisms, which are not as bad as heresies. The purpose of the canons is clear: *the unity of the Church in truth*. To defy the unity is wrong; to break it is worse; but worst of all is to teach a faith that undermines it. To this day, Orthodox canonists debate whether certain Western churches are really unlawful assemblies, schisms, or full-blown heresies.

The canons of St. Basil include ethical issues, such as homicide during war. St. Basil condemns *any* killing in war, whether premeditated or not.

Canon 13 of St. Basil

Our Fathers did not consider murders committed in the course of wars to be classifiable as murders at all, on the score, it seems to me, of allowing a pardon to men fighting in defence of sobriety and piety. Perhaps, though, it might be advisable to refuse them communion for three years, on the ground that they are not clean-handed.

St. Basil’s language reminds us that a canon is not a law but an opinion of an authority, whether one bishop or many. Hence, his phrases ‘*it seems to me*’ and ‘*it might be advisable*’. He does not claim to have the last word.

Like a wise doctor, St. Basil understands that even the bitter medicine of not receiving Holy Communion for a limited time may be best for a wounded soul. Knowing how and when to apply medicine requires a skilful physician.

PRINCIPLE AND PRACTICE: AKRÍVEIA AND OIKONOMÍA

Every canonical ‘doctor’ must know what sort of medicine to administer under what circumstances. The drugs that will cure one patient could kill another. If canons were rigid laws, to be enforced identically at all times, the task would be easy. It is not. Canons are not laws but guidelines.

To apply a canon in its rigour is called *kat’ akriveían*, ‘according to strictness’. To apply a canon leniently, or not at all, is called *kat’ oikonomían*, ‘according to economy’. Literally, *oikonomía* means ‘house-keeping’. *Oikos* is the Greek for ‘house’.

A priest entitled to hear confessions has a right to apply certain canons, as he sees fit: *kat’ akriveían* if the penitent is hard-hearted, *kat’ oikonomían* if he or she is sorry and struggling to get by. For instance, a priest may advise a sick or elderly parishioner not to fast. This is in keeping with the canons:

Council of Gangra, Canon 19

*If any of the ascetics, **without bodily necessity**, shall behave with insolence and disregard the fasts commonly prescribed and observed by the Church, because of his perfect understanding in the matter, let him be anathema.*

The canon requires monks and nuns to keep the fasts *except* in the cases of ‘*bodily necessity*’, that is, when fasting would damage one’s health.

In case of doubt in more complex pastoral matters, a priest always refers the matter to his bishop. A bishop refers a difficult matter to the synod of bishops on which he sits, sometimes in the person of the metropolitan, the first among equals on the synod.

According to Canon 14 of the regional Council of Antioch (341), a synod that is unable to reach consensus should ask a *'neighbouring'* synod. In problems that even a *'neighbouring'* synod cannot resolve, such as a bishop who feels wrongly accused, a bishop may appeal directly to the Pope of Rome (Canons 3, 4, and 5 of the Council of Sardica, 343) or the Patriarch of Constantinople (Canons 9 and 17 of the Fourth Ecumenical Council). Since the See of Rome left the Orthodox Church, the latter now applies.

Appeal to an authority which is first among equals, such as a metropolitan or the See of Constantinople does *not* guarantee that the problem is solved. No bishop, including a patriarch, has direct, immediate authority over the entire Orthodox Church. This would contradict Apostolic canons 1 and 34, as well as Canon 2 of the Second Ecumenical Council – all of which we have seen.

There is no simple solution for all canonical problems. More often than not, a form of *oikonomía* prevails. In its essence, *oikonomía* does not mean relaxing the rules. It means doing whatever is best for the household of faith.

Applying a canon *kat' akriveían* is sometimes a form of *oikonomía*.

WHAT IS 'CANONICAL CONSCIOUSNESS'?

If the texts of the canons are not self-evident but need to be interpreted, how do bishops and priests do so? How do they decide whether to use *akriveía* or *oikonomía*? By means of what Nicholas Afanassieff, a Russian canonist, calls *'canonical consciousness'*.

Canonical consciousness, like St. Irenaeus' *canon of truth*, is not found in any book, code, or formula. It is an *'instinct'*, a mindset, derived from living in the Church immersed in its worship and making its memory your own. At least in principle, bishops should have 'the mind of the Church' more deeply than any other member. They should think canonically. This is only possible if they are not bound to the letter of the law but to purpose of the medicine: to heal souls by means of the right worship of God.

A bishop who lacks this mindset will interpret all canons *kat' akriveían* in order to maximise his power or to punish his enemies. Alternatively, he will interpret the canons *kat' oikonomían* in order to let his friends or fans 'off the hook'. He will use the canons to serve himself, not the Church.

It is the duty of the educated faithful to object when they believe that a bishop or priest misuses his authority in applying the canons. If, according to canons, the bishops and priests who represent them are appointed to teach the faith, the whole People of God is appointed to defend it.

CONCLUSION

Our simple overview of the canons of the Orthodox Church should instil a little of the *'canonical consciousness'* in every reader. The key to the canons is not complex. If the canons serve the unity of the Church in truth, we must ask not only 'What is unity?' and 'What is truth?' but *where they are to be found*.

Nowhere is the Orthodox Church more united in truth than in a Divine Liturgy. When the canons function properly, they ensure that all Orthodox are united in an act of worship: from patriarch to parishioner, each knows his own rightful place in the Liturgy that offers the right glory to God.

By relating every canon to the worship that is our Orthodox identity, we shall remember what a *'canon'* means: a walking-stick to keep us on the path and guide us safely home.

SUGGESTED READING

'Canons of the Orthodox Church'.

Available at: <http://aggreen.net/canons/canons.html>. Accessed 25 January 2011. [The site includes the texts of all the Ecumenical, regional, local, and individual canons, as well as important essays by Nicholas Afanassieff, Lewis Patsavos, and Sts. Nicodemus and Agapius].

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