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Theological Aspects of Order in Byzantine/Orthodox Canon Law

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IN BYZANTINE/ORTHODOX CANON LAW

Introduction

In ecumenical dialogue, one of the most important problems to define was the nature of order. In other words every church had to define its understanding of order so that a dialogue could be possible. This happened and we now have the BEM document. What is then the reason for such a subject of study? How might such an enquiry be explained from a pastoral point of view?

One of the reasons could be the lack of detailed historical studies of the Byzantine perspective on order. A study of the eastern doctrine of order parallel to Puglisi’s monumental work on the western Church is yet to appear. This lack of materials was both a problem and a challenge. As a method of approach I preferred the one formulated by William J. Chriss in his definition of canonology: textual study of the canons themselves, reviewing the interpretations and historical contextualisation.

Another problem of approach was the different attitude of the orthodox canonists towards the canons. Chriss gave some good examples of traditionalists for whom the canons should be respected ad litteram (e.g. Chrisostomos of Etna), moderate (Kallistos Ware) and liberals (John Erickson). The perspective that I have adopted in this study is the moderate attitude which distinguishes between the unchangeable teaching of faith and the changeable disciplinary canons on the one hand, and on the other hand, that based on the distinction made by Zonaras, which distinguishes between the canons of the ecumenical councils and those of the local councils.

When dealing with Byzantine canon law, another concept that must be taken account of is the oikonomia. The difference between the Latin concept of dispensation and oikonomia is that the only boundary for the application of oikonomia is the definition of faith. Therefore, in comparison with the secular laws, the canons are of relative power, but absolute validity, while the others are of absolute power, but relative validity – they can be changed.

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2 W. J. Chriss, *Canonology*, p. 2 et passim.

The modern Orthodox view on order is shaped on the tridentine model and concepts. Through the seventeenth century confessions of faith, the Orthodox Churches adopted this model which contrasts with the traditional view. What made this switch seem acceptable was an earlier distinction starting with the eighth century, between *cheirotonia* and *cheirothesia*. The split of these two terms (one meaning ordination and the other just a blessing for minor orders) had deep implications. The traditional view was left behind for an increasingly pyramidal system. This artificial and late change made possible the loss of an organic understanding of the Church, the result being a polarised ecclesial body, organised like a pyramid with the bishop at the top opposing the laymen. The gap between the clergy and the laity deepened in time so much that extreme doctrines, like the ontological change that happens with ordination, were accepted.

I will begin with a short introduction to Byzantine canon law, followed by a descriptive approach of the canons. The most important will be shortly described so that a general image of the clergy can be obtained. I will analyse first the canons of the ecumenical councils (traditionally seven in number), the Apostolic Canons followed by the canons of the local councils. After that the canons of the Greek Fathers of the Church and some of their canonical letters will be examined. In the analysis not all the canons referring to the clergy will be mentioned, but particularly the ones that could give hints about the Byzantine theological understanding of order as much as it can be seen from the canonical corpus.

In the presentation of the canons I did not follow the chronological appearance of the canons. Maybe that would have benefitted the study in identifying the precise moments when changes happened and would have made clearer the dependency of the synods between them. I chose instead to follow the classification of Zonaras (a Byzantine twelfth-century canonist). He approached the canons according to an order of the weightiness of the sources. This means that the ecumenical councils have more authority than the decision taken by the local councils, and the more recent canons have more authority than the older ones. This order of authority being given, since we are trying to identify hints of theology underlying the canons, it is easy to see why the authoritative classification is preferable to the chronological one.

The analysis of the canons will be followed by a terminological examination. This examination is important because of the tendency of the vocabulary of ordination to become technical. There are several terms to describe the clerical rank, the ordination

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itself and there is also a rich vocabulary to express the deposition situations. Each term has its own particular emphasis. They will also be presented starting with the understanding that they had in classical Greek.

The Byzantine Canon Law

The sources of the Byzantine canon law are first of all Scripture and Tradition; the apostolic ordinances (*Didache*, *Didascalia*, *Apostolic Constitutions*) and the canons.

The most important are the canons of the seven ecumenical councils: Nicaea (320), Constantinople (381), Ephesus (431), Chalcedon (451), Constantinople (691)\(^5\), and Nicaea (787). The Apostolic Canons, although not of apostolic origin, were accepted in the corpus. The canons of some of the local councils are also sources of the Byzantine canon law: Carthage (256), Ankyra (314), Neocaesarea (314-325), Gangra (340), Antioch (341), Laodicaea (342-381), Serdica (343), Constantinople (394) and Carthage (419).

Either some of the Fathers of the Church issued canons, or they were extracted by posterity from their writings. These canons belong to: Denys of Alexandria (+265), Gregory the Wonderworker (+270), Peter from Alexandria (+311), Athanasius (+373), Basil the Great (+379), Timothy of Alexandria (+385), Gregory of Nazianz (+389), Amphilochnus of Ikonium (+395), Gregory of Nyssa (+394), Theophilus of Alexandria (+412), Cyril of Alexandria (+444), Gennadios of Constantinople (+471) and Tarasios of Constantinople (+807).

Beside all these canons the Byzantine canonists accepted a questionnaire of some monks, a pseudoepigraphal of patriarch Nicephoros of Constantinople and some penitentials attributed to Athanasius, Chrysostom and John the Faster.

There were some later Constantinopolitan councils which issued canons. These together with the commentaries of the Byzantine canonists (eleventh century onwards) were also accepted in the Byzantine canonical collections.

The second canon of the sixth ecumenical council ratified all the ecumenical and the local councils up to 691. There was never a precise limit to what are all the ecclesiastical laws of the Byzantine Church. One of the reasons was the so-called ‘symphony’ – the harmonious relation between the Church and the state. All the canons were also laws of the state valid in all the empire. The collections they circulated in were called *Nomokanonoi*, which literally means laws and canons.

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\(^5\) It issued canons for both fifth and sixth council.
That is why a precise border of which are exactly the ecclesial laws and which the secular ones never existed. One of the first attempts to give a collection comprising all the Church’s canons was realised in 1800 by two Greek monks, Agapios and Nicodemos Agioritis. It was called The Rudder or Pedalion. The text of the canons was mainly taken from W. Beveridge’s Synodikon. To each of the canons Nicodemos added a synthesis of the commentaries of John Aristenos, Matthew Blastares, Theodore Balsamon and John Zonaras, all of them being famous Byzantine canonists (eleventh to thirteenth century). To these commentaries he added his own and all these resulted in a very voluminous collection. It was soon translated in the majority of the Orthodox Churches and became the semi-official canonical collection of the Orthodox Church.

Another more scholarly orthodox attempt to publish a canonical collection was realised by G. A. Ralli and M. Potli in 1852\textsuperscript{6}. The six massive volumes were a success in the Orthodox world to the disappointment of Cardinal Pitra, a great adversary of the collection.\textsuperscript{7} One symptomatic characteristic of this collection is that it contains a lot of secular Byzantine laws mixed with the ecclesiastical ones.

**The First Ecumenical Council**

The first Ecumenical Council was held in Nicaea in 325. It was convoked by the emperor Constantine the Great to solve the crisis generated by Arianism. The traditional accepted number of attendant bishops is 318.

The first canon regulates the problem of the ones who excluded themselves on purpose, forbidding them to be ordained or, if they were already in the clergy (to klero), demanding them to stop. The usage of to klero is in Hefele’s opinion a sign of relation with the previous usage of the term in the Apostolic Canons. Leclercq considers the later canons posterior to the Nicene corpus.\textsuperscript{8} The practice of self-castration, motivated by a misunderstood piety, was apparently not rare in the early Church. Origen is one famous case. The canon does not sanction natural cases, or persecutions.

The bishop must be installed (kathistasthai) by all the bishops from the province or at least by three with the given accord of the others. In this condition the ordination

\textsuperscript{6} G. A. Ralli and M. Potli, Syntagma ton theion kai hieron kanonon (Thesaloniki: Ekdoseis Bas. Rigopoulou, 2002).

\textsuperscript{7} J. B. Pitra, Des canons et des collections canoniques de l’Église Grecque d’après l’édition de M. G. A. Ralli (Paris: Durand, 1858).

(cheirotonian) can proceed. This canon raises a series of terminological problems. Joannou translates the couple kathistasthai/cheirotonian with choisi/election; Hefele with choisi/sacre and Cummings with installed/ordination. As Leclercq rightfully pointed out, at that time, the terms were practically used interchangeably. Although etymologically cheirotonia implies a vote or election, here it is used as a technical term for ordination. Kathistasthai means to appoint, to establish, to make and thus here in the sense of ordination. The point of understanding if the terms refer to election is to understand the participation of the laity in the process of admission to order.

The eighth canon prescribes the way the Puritan (katharous) clergy should be recognised in case they want to join the Catholic Church: through the laying on of hands (cheirothetoumenos) they will remain in the clergy. In the places where they are the only ones ordained (cheirotonethentes) they will remain in the habit/order, but where there is a Catholic bishop the Puritan bishop will serve as a priest, or if appropriate on considerations of worthiness, will share the name of a bishop but with no actual authority. There are a few problems raised by this canon, first of which is the nature of the laying on of hands. Nikodemos Agioritis interprets it as a penitential act invoking the distinction made in the eighth century by Patriarch Tarasios between cheirotonia/cheirothesia. It is though an anachronistic interpretation. The terms were used interchangeably. But indeed the contradiction remains. What was that laying of hands if their ordination is acknowledged? An attractive solution is given by Beveridge. According to him, the laying on of hands referred to the laymen entering the Catholic Church who were eligible to become clergy, while the second part of the canon recognised the Puritan’s ordination. There are also the cases of the bishops who were supposed to

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9 Cf. 4th canon.
15 As it can also be found in the Apostolic Constitutions.
16 Agapios and Nicodemos eds., The Rudder…, pp. 176-177.
serve as priests, or of the bishops sharing only the name. Was this only a conjectural solution or did such cases exist in the Catholic Church?

The laymen that had impediments and were still promoted/brought (proechthisan) to priesthood are not received by the Canon (ho kanon ou prosietai). This is also the case of the lapsi who ought to be deposed.

The fifteenth canon forbids the transfer of bishops, priests or deacons from the place to which they were appointed. It was apparently an important issue in the Eastern Church. As an example there is the case of Saint Gregory the Theologian who was deposed from Constantinople on the grounds that he was previously ordained for the bishopric of Sasima. In case the cleric did not returned to the original parish, the sixteenth canon invalidates their ordination (akyros esto he cheirotonia).

For a long time in the history of both Western and Eastern Churches, there persisted the problem of precedence between deacons/archdeacons and priests. The eighteenth canon sets the limits. The deacons are only servants of the bishops, being inferior to priests. Thus the early triangular representation of the clerics with the priests and deacons set under the bishop’s authority becomes a descendent line or pyramid where the deacon is submitted to both the bishop and the priest. If he does not obey this prescription, the deacon should be suspended (pauestho tes diakonias).

The nineteenth canon of the first ecumenical synod raises a series of problems, as it is contradictory in its formulation. The canon regulates the admission of the Paulianists to the Catholic Church. Their baptism being not valid on account of Trinitarian heresies, they ought to be rebaptised. Because of their invalid baptism, the canon invalidates also their ordination. Therefore, the ones who were Paulianist clerics, if they are found worthy they should be ordained by a Catholic bishop. The first contradiction of the canon is in the next recommendation. If they are found not worthy, the canon stipulates, they should be deposed (kathaireisthai). The Byzantine canonists, observing the contradiction, interpreted it in the sense that if the baptism was named baptism even if in reality it was not, in the same way, although they had not a genuine ordination, the fathers of the council spoke of deposition.

The deaconesses and the others counted in the Order should be treated likewise (hosautos). This implies that if found worthy, the deaconesses should be re-ordained. This

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17 Cf. 9th canon.
18 Cf. 10th canon.
19 Agapios and Nicodemos eds., The Rudder…., p. 193.
statement is in open contradiction with the end of the canon “We have referred to the deaconesses who have been examined under cover of the habit, since they have neither any claim to appointment (Gr. cheirothesian) to any order, so that they are to be examined without fail among the laymen.”

Nikodemos interprets in *The Rudder* this last part of the canon as referring to Paulianist deaconesses who supposedly did not receive ordination. Joannou’s French translation literally implies that. One solution to avoid this contradiction was the replacement in some manuscripts of the first mention of the deaconesses, which is also the first historical appearance of this feminine form of the Greek *diakonos*, with the masculine form of deacons. Another was the anachronistic interpretation of *cheirothesian* as being a mere blessing and not an ordination, an hypothesis unsustained by the contemporary usage of the two terms.

**The Second Ecumenical Council**

The Second Ecumenical Council was held in 381 in Constantinople. Convoked by Theodosius I it solved the pneumatological debates that troubled the Christian East.

Comparing it with the first Ecumenical Council it is less rich in references to the nature of order. It uses mainly the same technical terminology. The fourth canon solves the problem of Maximos the Cynic. He is declared an invalid bishop, he himself and all whom he ordained in any clerical rank (*bathmo*). Their ordination is declared void and without power (*genomenon akyrothenton*). Hefele affirms that the nature of this invalidation is not very clear as the distinction between sacramental and functional deposition will only appear later. His affirmation is true if referring to Western canon law because in the Eastern canonical corpus such distinction is never asserted. There are, though, isolated historical examples that could give hints about such distinction.

**The Third Ecumenical Council**

The third Ecumenical Council was held in Ephesus in 431. It was convoked by Theodosius II and dealt with the Nestorian controversy. It issued eight canons.
The first canon removes from the rank/step of episcopate (tou bathmou tes episcopes ekblethenai) those who were part of the heresy. Even those who signed the deposition of Nestorius, but rejoined the apostasy should be removed from holy orders (hierosynes/sacerdotio) and fall from their rank.\textsuperscript{25}

The seventh canon links the heretical thinking with the deposition. The clerics, be they bishops or priests, should be alienated (allotrious/allotriousthai) from their rank, while the laymen should be anathematised.

Nikodemos Agioritis in \emph{The Rudder} immediately after the canons of the Council, places a letter of the Ecumenical Synod addressed to the Synod of the Church in Pamphylia about Eustathius, their old bishop\textsuperscript{26}. Eustathius, being legally ordained, had met difficult circumstances and resigned. Another bishop was ordained in his place. But the old Eustathius asked the Synod to grant him the honour and the title of a bishop and the communion of the episcopate. He was, though, forbidden to celebrate services or perform ordinations by himself. The Byzantine canonists had observed the resulting risk involved in this precedent: bishops could resign from their bishopric but still keep the name, dignity and work of the episcopate\textsuperscript{27}. But this is strictly forbidden by many other canons which deny the right to transfer, or to have any sort of absolute ordination, as we will later see at the fourth Ecumenical Council. The principle of being tied to the community or church that you have been ordained for has very important theological implications.

\textbf{The Fourth Ecumenical Council}

The fourth Ecumenical Council was held in 451 in Chalcedon. It was convoked by the emperor Marcianos and it was attended by more than 500 bishops. The council decided on the character of the union between the two natures of Christ – divine and human. The Synod issued 40 canons.

The second canon of this council invalidates all the ordinations or promotions in rank that were made in exchange for money. Not only is the ordained declared void of any honour and rank, but the ordainer himself risks losing his title. The simonia should be alienated both from the honour or the promotion (allotrios axias he tou frontismatos)

\textsuperscript{25} Cf. 2\textsuperscript{nd} canon.
\textsuperscript{26} Agapios and Nicodemos eds., \emph{The Rudder}…, pp. 236-237.
\textsuperscript{27} Agapios and Nicodemos eds., \emph{The Rudder}…, p. 237.
of the rank he gained. Hefele explains that *axia* refers to order and *frontismatos* refers to temporary placements in the service of the church.\(^{28}\)

The sixth canon forbids absolute ordinations. For the understanding of the doctrine of order in the Eastern Church this canon is very important. It states that no one shall be ordained without a title/absolutely/in itself (*Medena apolelymenos cheirotoneisthai/Nullum absolute ordinari debere*). Apparently it was not a rare practice.\(^{29}\) The name of the church, monastery, or *martyrium* for which the ordination was performed had to be specifically pronounced (*pronuntietur*). The unattributed ordinations were declared null and void (*akyron echein*). The canon uses interchangeably *cheirotonia* and *cheirothesia*. The fact that in order to be valid an ordination had to depend on a certain church or monastery has deep theological implications which will be further explored. This canon is a major argument for the distinction that will later occur especially in western development of canon law. In eastern thought priesthood is not a personal gift or possession, but it is given for the community and in the name of the community, the bishop, priest or deacon being only the bearer of that gift. Outside the church for which a candidate was ordained, the ordination was null and void. That is why so many canons forbid the transfer or moving from one parish or bishopric to another.

The tenth canon confirms this view, forbidding the transfer or the pastorship of two churches at once. In the cases where the transfer has already been accomplished, the cleric should remain there but with no benefits from the former church.

The text of the canon is actually a fragment of the fourth session of the council, regarding two bishops, Photius and Eustathius, who were deposed from their bishopric but allowed to remain and serve as priests. Because this canon is not present in the old canonical collections, Hefele supposes that it was introduced by a later copyist.\(^{30}\)

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decided that a bishop must never be degraded to the rank of a priest because, if there is a real reason for such a deposition, he is not worthy of priesthood either. The degradation of a bishop to the rank of a priest is described in terms of sacrilege (ierosylia). He is either to be restored into the dignity and function of episcopate in case of being not guilty, or to be deposed from priesthood too.

**The Sixth Ecumenical Council (V-VI)**

The fifth Ecumenical Council did not issue any canon. Instead when the sixth Council gathered it issued a substantial collection of 102 canons. It was named the *Quinisexte/Penthekte* Council or In Trullo after the place of the imperial palace where it was held. The Synod gathered in 691 and was convoked by Justinian II with the precise intention of creating an ecclesiastical canonical uniformity for the Byzantine Empire. The canons from 3 to 40 regulate the situation of the clergy.

The Synod forbids the second wedding under the punishment of deposition.\(^{31}\) Probably for the same argument the Fathers forbid marriage after ordination. The subdeacon, deacon and the priest had to get married before being ordained.\(^{32}\) The clerics are not allowed to live in the house with women other than close relatives\(^{33}\). The seventh canon reinforces the precedence of the priests over the deacons.

The twelfth and the thirteenth canons prescribe for the first time in an Ecumenical Council the celibacy of the bishops. The priests, deacons and subdeacons were allowed to be married and forbidden to separate for reasons of piety. Sensing the discrepancy between the biblical/traditional practice of the Church\(^{34}\) and the new decision, Byzantine commentators tried to argue about the decision, invoking some rather embarrassing canons from the synod of Gangra and a wishful interpretation of St. John Chrysostom. The canon imposed the separation between the wife and the husband-bishop. Do we understand from this that the bishops were elected from married clergy or in some cases married laymen? A later synod (Ag. Sophia) will emphasize the incompatibility between monasticism and the episcopal institution. The second canon of this council held in 879 forbids the bishops to assume monastic vows, as they cannot be both teachers and disciples. Despise this, the

\(^{31}\) Cf. 3\(^{rd}\) canon.

\(^{32}\) Cf. 6\(^{th}\) canon.

\(^{33}\) Cf. 5\(^{th}\) canon.

\(^{34}\) For further details about the marital status of Eastern clergy see Chr. Knetes ‘Ordination and Matrimony in the Eastern Orthodox Church’. *The Journal of Theological Studies* XI (1910).
majority of the bishops in the following centuries will be chosen from the monks. No later than 861, a Synod held in Constantinople and called Proto-Deutera in the seventeenth canon witnesses the election of bishops from both laymen and monks.  

The priest has to be at least 30 years old before being ordained, the deacon 25, the deaconess 40 and the subdeacon 20. Again it is important to mention that for both the deaconess and the subdeacons the verb used for ordination is *cheirotoineo*.

Against previous regulations the seventeenth canon accepts the transfer from one church to another only with a written accord of the bishop.

Although the twenty-ninth canon of the fourth Ecumenical Council described as sacrilegious the lowering of the bishops to the rank of priests whatever the reason might be, the twentieth canon of the Council In-Trullo states that if a bishop is publicly teaching in another bishopric, he should lose his episcopal functions and should serve only as a priest.

The deposed clerics, if they truly repented, were allowed to have their clerical tonsure enjoying the honour of their rank. Nikodemos Agioritis in his commentary states that the tonsure referred only to the regaining of the rank’s honour but not to the actual repositioning into the priestly office. This type of “mild” deposition is also imposed on the priests who contracted an illicit marriage. They still share the statute of priests but are not allowed to perform any priestly services.

Two other references to the deaconesses are worth mentioning. The fortieth canon repeats the fourteenth canon saying that they must be ordained (*cheirotoineisthai*) only after they are forty years old. The second mention is connected with the new situation imposed by the twelfth canon – the celibacy of the bishops. The forty-eighth canon solves the problems of the wives of those who were to become bishops and had to stop their marital life. One condition was mutual agreement for the separation. If she agreed she had to join a monastery, far away from the episcopal see of her husband, she had to be financially sustained by the former husband, and, if found worthy she could be elevated to the dignity of diaconate (*axioma tes diakonias*).

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36 Cf. 14th canon.
37 Cf. 15th canon.
38 Cf. 21st canon.
40 Cf. 26th canon.
The Seventh Ecumenical Council

The seventh ecumenical council was held in Constantinople in 787 and dealt with the serious iconoclast crisis that shook the Byzantine Church starting in the eighth century. It issued twenty-two canons.

The disciplinary canons referring to order are few and usually repeat former conciliar decisions. Simony is once again strictly forbidden\(^\text{41}\), the services in the private chapels of the rich people as well\(^\text{42}\), and the priests are again restricted to serve no more than one parish\(^\text{43}\). What it is interesting to notice about the terminology used by this Synod with reference to ordinations, is that it is very precise. No more interchangeable usage of *cheirotonia* and *cheirothesia*, a very neat and precise terminological usage etc. One must mention that in the first session of this Synod, Patriarch Tarasius, asked about the eighth canon of the first Council of Nicaea, made for the first time the distinction between *cheirotonia* – ordination and *cheirothesia* – blessing “Perhaps, this imposition of hands may be understood of blessing not of ordination”\(^\text{44}\).

This neat distinction between the two terms is observable in the fourteenth canon, where all the ‘minor clergy’, if we may use a later distinction, is invested with *cheirothesia*. There are, though, some critiques to this point of view. One cannot state that this council started the technical differentiation of these two terms as there are no mentions of deaconesses and subdeacons who used to receive *cheirotonia* as testified by previous Councils, and in the same fourteenth canon the term used for the lector’s appointment is *procheirizesthai*. This later term is also a technical term to denote ordination. It was used in the Byzantine ritual of bishop’s, priest’s and deacon’s/deaconess’s ordination, in the core prayer *He Theia Charis/The Divine Grace* which had very old patristic origins and witness.

Although this distinction was indeed made by the Patriarch, it rather remained a juridical distinction as the ritual books used the two terms interchangeably until the thirteenth century. The precise distinction would be realised by the Archbishop Symeon of Thessalonica in the fourteenth century.

\(^{41}\) Cf. 3\(^{\text{rd}}\) and 5\(^{\text{th}}\) canon.

\(^{42}\) Cf. 10\(^{\text{th}}\) canon.

\(^{43}\) Cf. 15\(^{\text{th}}\) canon.

The Apostolic Canons

The eighty-five “apostolic canons” were written somewhere in Syria at the end of the fourth century. They appeared together with the collection called the Apostolic Constitutions, a compilation from various pseudo-apostolic sources. The references to the clergy are many but mainly refer to moral issues.

The first two short canons regulate the ordination scheme of the Church. The bishop should be ordained by at least three bishops, and the priests, deacons and all the other clergy should be ordained by the bishop. The clergy, including the bishop should not reject the wives for reasons of piety or be involved in worldly cares. Apparently, canon fourteen accepts a bishop’s transfer to another bishopric only for very good missionary reasons and if he is called to do that by other bishops. The priests are not allowed at all to move, and if they do, they should be received as laymen.

Self mutilation for reasons of piety, gambling, nepotism, simony, taking interest from money lending are strictly forbidden under the penalty of deposition, though they give us a very colourful picture of the morality of the clergy. The fortieth canon, together with the fifth are a strong proof that the bishops were married and had heirs, as the canon regulates their right to inheritance.

The clerics who receive the second ordination are to be deposed both themselves and the one who ordained them, unless the first ordination was received from heretics. Purely for practical reasons, the bishop can have bodily deficiencies but should not be blind or deaf.

The eightieth canon might be interpreted as testifying the eastern prayer of ordination for it uses both the verb procheirizou and the formula theia charis.

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45 Cf. 5th canon.
46 Cf. 6th canon.
47 Cf. 15th canon.
48 Cf. 21st to 24th canon.
49 Cf. 42nd canon.
50 Cf. 76th canon.
51 Cf. 29th and 30th canon.
52 Cf. 44th canon.
53 Cf. 68th canon.
54 Cf. 77th and 78th canon.
Seeing that the nature of the canons is rather restrictive than prescriptive, the moral situation of the clergy must not have been too good.

The Synod of Ancyra

The Council of Ancyra was held in 314. It issued twenty-five canons regarding the contemporary problems of the *lapsi*, moral canons referring both to laymen and clerics.

The eighteenth canon of this Synod offers an interesting solution for the bishops that were ordained for a certain bishopric and the community there does not receive them. The Fathers of the council stated that they should be received back as priests, or if they persist through intrigues in taking back their see they should be deposed from priesthood as well. This canon offers a local example of the importance of the community in the election and appointment of bishops.

The Councils of Neocaesarea and Gangra

The Council of Neocaesarea (province of Cappadocia) was held sometime between 314 and 325. It had 17 attendants and issued fifteen canons. The first canon forbids the already ordained priest to contract a marriage after ordination. If he does, he should be deposed (*tes taxeos auton katatithesthai*). If a priest fornicated before ordination and recognises that, he should not offer the oblation, but can remain in the honour of the rank. An interesting remark is added in this canon: “because all other sins, many say, are erased by the ordination”, apart from fornication. This is the option of translation chosen by Hefele and Joannou. Cummings translates the phrase in the sense that people would forgive all other sins and let the ordination proceed. Veniamin Costachi in his Romanian translation makes absolutely no sense. His formulation implies that people would forgive the ordination too.

The Council of Gangra (340) was summoned to solve the problem of the Eusthatians, a group of Eustathius of Sebasta’s disciples who had very rigorous ascetical views on marriage, sexual relations, and the body in general. They refused, for example,

56 Cf. 9th canon.
communion from married priests and the council strictly forbids that\textsuperscript{61}. There are no canons of interest for our research.

**The Council of Antioch**

The Antiochene Council was held in 341 on the occasion of the Emperor Constantine’s church consecration, during the reign of his son Constance.

The first canon condemns those who disobey the decisions of the first Ecumenical Council regarding the date of Easter. It also makes an important distinction between the exterior honour of the rank of order (\textit{exothen times es ho hagios kanon}) and the priesthood of God (\textit{to tou Theou ierateion}).

If a cleric is deposed and still performs his ministerial duties, he should lose the possibility of defending himself in front of another synod, or of being re-installed (\textit{apokatastaseos})\textsuperscript{62}. Apparently this canon accepts the idea of the reversibility of deposition.

Canon sixteen testifies on the presence of vacant bishops. If they impose themselves on a vacant church, or even if they are elected by all the people, they should be rejected, for a bishop must be named with the consent of a synod.\textsuperscript{63} The next canon gives an example of a vacant bishop (not received by the parish), and allows him to remain in the honour, though not working as a bishop.\textsuperscript{64}

**The Council of Laodicea**

Two canons of the Council gathered in Laodicea (end of the fourth century) are of particular interest. The eleventh canon mentions a mysterious group of women, which from then on had to cease being appointed in the church. They were called \textit{presbytidas} and were described as having precedence over women. The canon uses the verb \textit{kathistasthaii} to describe their ordination, which was used also for men. At the end of the fourth century it was already a technical term for ordination. There are more theories on their identity. Some scholars identified them with deaconesses, or with a particular group inside their order who wanted precedence. The Byzantine canonists Zonaras and Balsamon do not consider them as being deaconesses but just older women of the community, as their name

\textsuperscript{61} Cf. 4\textsuperscript{th} canon.
\textsuperscript{62} Cf. 4\textsuperscript{th} canon.
\textsuperscript{63} Cf. 16\textsuperscript{th} canon.
\textsuperscript{64} Cf. 17\textsuperscript{th} canon.
suggests, who used to be in charge of organising women in the assembly. If this is true one cannot explain their appointment.

The thirteenth canon forbids the participation of the people in the election for priesthood (hierosynen). The specific usage of this general term implies the reference to bishops, priests and (possibly) deacons.

**The Council of Sardica**

The council of Sardica (343-344) gives the first decree that imposes what will later be called cursus honorum. The tenth canon states that if someone is found worthy of the episcopate, he should pass through all the inferior steps, and not shorten the prescribed period, before he is to be ordained (kathisasthai) as a bishop. After this Council there are many examples proving that this regulation was not always respected. One famous example is Patriarch Photius of Constantinople (late ninth century). However, the canon’s requirement will later become a common and accepted practice.

**The Council of Carthage**

The council of Carthage was summoned in 419 by Aurelius. The canons are in fact a collection of pre-conciliar regulations added to the seven canons adopted by the synod. The Pedalion offers a different numbering because it accepts a couple of letters from Rome as being canonical.

Although the first canon states allegiance to the decisions taken at the first ecumenical council (Nicaea 325), the decisions about the marital life of the superior clergy are contrary to the latter. Canons 3, 4 and 33 ask the bishops, priests, deacons and subdeacons to abstain from marital relations. This might be connected to the traditional North African ascetical inclinations. These canons never became a rule in the Byzantine Church although the canons were kept in the canonical collections. The pressure on the clergy to separate from the wives only succeeded at the sixth ecumenical council where they decided that the future bishops were to be celibate. Subsequent practice selected the bishops from monastic environments.

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67 I will follow the numbering from Agapios and Nicodemos eds., *The Rudder….*. 

Canon 35 attests an interesting practice of the clerics with serious faults: rebaptising for the erasure of all sins. The fathers of the council forbade that. The 57th canon refers to the same matter as well. Baptism and ordination were not to be repeated, not even the baptisms and ordinations conferred by the donatist heretics.68

The 97th canon, in order to avoid void claims, decided that every ordained cleric from the African dioceses should receive a grammata/book containing the signature of the bishop and the date of their ordination.

Other canons reaffirm previous conciliar decisions concerning the number of ordainers in the case of the bishops, the ever-present problem of transfer from one parish/bishopric to another etc.

**The Canons of St. Basil of Caesarea**

The Byzantine canonical corpus also contains an important number of canons from the fathers. These were formulated as such, or the regulations were extracted from their writings. Such is especially the case of St. Basil the Great (330-379). He had a deep influence on the organisation of the Byzantine Church’s life, and, in the matter of ordination, which is our concern, he is the origin of the highly moral standards imposed for the selection of ordinands. He emphasises more than all the other fathers the incompatibility between fornication and ordination. He had such influence that, up to present time, the Orthodox Churches consider premarital sex as an impediment to priesthood. At the same time, if an ordained cleric falls into the sin of fornication he is to be deposed.

In the third canon69, St. Basil argues that if one deacon commits fornication he is to be deposed but not denied Communion so that he is not punished twice for the same offence. The loss of the diaconate seems to be enough of a punishment, and that deacon can take the Eucharist with the lay people. Apart from avoiding the double punishment, St. Basil gives another argument. Laymen, when excommunicated can be readmitted to Communion. That is why the deacon is only deposed and not deprived of the Eucharist, and consequently he cannot claim the reinstallation. In St. Basil’s understanding the deposition is permanent. It would be a good question to ask if these prescriptions are valid only for the order of deacons. In fact the Byzantine Church proceeded in this manner with all the ranks of the clergy according to the 32nd canon, which for the reason of not

68 Cf. 66th and 77th canon.
punishing twice for the same offence regulates that all the clerics that committed mortal sins should be deposed, but still remain with the believers for Communion.\textsuperscript{70}

The second canonical letter sent to Amphilochius of Ikonium contains the seventeenth canon, which mentions priest Bianoros, who, under pressure, swore not to serve as a priest in Antioch, but moved to Ikonium. Basil allowed him to serve for an interesting reason: ‘for his priesthood is not in Antioch, but in Ikonium/ouk en Antiocheia estin he hierosyne all’en Ikonio’\textsuperscript{71}. This appears to mean that priesthood is not connected so much to the church that the priest was ordained in, but rather priesthood became a more personal gift. Of course, one cannot speculate too much on this aspect, as it is difficult to find other similar arguments in Basil’s writings.

According to the 44th canon the deaconess who fornicated with a pagan should be admitted to communion, but she will be accepted to the offering only after seven years.\textsuperscript{72} In order to exclude the contradiction in terms the Byzantine commentators followed by Nikodemos Agioritis understood communion not as Eucharist, but as communion of prayer with the believers. This interpretation of \textit{koinonian} is possible but not very probable. Other manuscripts containing the canon replaced \textit{koinonian} with \textit{metanoian}\textsuperscript{73} so it would make sense: once she has been admitted to the group of those who are repentant, after seven years she will receive the Eucharist. The reason for this punishment is that the body of the deaconess has been consecrated (\textit{kathieromenon}), therefore it should not be used any more for carnal pleasures.\textsuperscript{74}

The canon does not specifically explain whether the deaconesses were to be deposed, or once they have completed the seven years of repentance they were to be readmitted to the diaconate. From the very few mentions of the deaconesses in St. Basil’s works (Epistles 105, 297 and canon 44) one cannot define the nature of the deaconesses’ role in St. Basil’s thought.

In the case of any fault that would lead to deposition, according to St. Basil’s 51st canon all the clerical ranks should be treated as equals.

The epistle to the rural bishops (\textit{chorepiskopoi}) gives important hints about the process of admission to priesthood. In this letter (canon 89), St. Basil argues against the

\textsuperscript{70} Agapios and Nicodemos eds., \textit{The Rudder}…, p. 816.
\textsuperscript{72} Agapios and Nicodemos eds., \textit{The Rudder}…, p. 821.
\textsuperscript{73} P.-P. Joannou, \textit{Les canons des Pères Grecs}, p. 136.
\textsuperscript{74} Agapios and Nicodemos eds., \textit{The Rudder}…, p. 822.
chorepiskopoi for they have ceased to respect the traditional way of the selection of candidates for priesthood. He gives a brief description of what he considered to be ‘the Canons of the Fathers’. The ordinand had to be of highly moral standards and, for this, the priests and the deacons gave testimonies. This means that the ordinand had to be a member of the parish for otherwise they could not know the future cleric’s good life. After a rigorous test and trial (meta pases akribeias), the selected ordinand was presented to the chorepiskopos, who himself presented him to the bishop and he was ordained.

In St. Basil’s time the chorepiskopoi let things slip, ceasing to present the ordinands to the bishop and not paying attention to the deacons and the priests who made selections based on their own interest. There were also cases when people joined the clergy to avoid the army.

St. Basil decided that all the rural bishops should send him a list with all the priests describing his morality, and the persons who proposed them. The recently ordained clerics were to be considered laymen (epi tous laikous aporriphosin), tested again, and if found worthy (axioi), they were to be received back. Any cleric ordained from then on without the knowledge of St. Basil was considered a lay person.

Through these prescriptions St. Basil centralised the ordinations in the person of the city bishop having thus control over the clergy, which in the context of the fight with the Arians over territorial influence from Basil’s time was a sound choice.

There are among St. Basil’s canons a great number that are trying to eradicate the ever present problem of simony.

Canons from Teophilus of Alexandria, Cyril of Alexandria, John the Faster, Nicephorus the Confessor

Teophilus of Alexandria (+412) left fourteen canons. The seventh is important because it gives another description of how the entire process of admission to orders should be. The priests should choose the candidate and then the bishop should examine him (dokimazein). With the consent of the clergy he should ordain the candidate in the middle of the church in the presence of the believers who can also testify for the candidate. Teophilus emphasises the fact that ordinations must be made in public and not in secret (cheirotonia de lathrai me ginestho), as long as the Church is in peace. He seems thus to recognise the ordinations made in secret in times of persecution.

75 Agapios and Nicodemos eds., The Rudder…, pp. 849-850.
Cyril of Alexandria (+444) in the canonical epistle to Domnus explained to the latter his insight on the situation of Peter, a deposed bishop who, for his venerable age, was still honoured by Domnus with the title of bishop, although he lost his see\(^76\). Cyril links the title with the see and says that Peter should not be called bishop except if he is to be reinstalled after the trial he claims he never had. It is interesting that Cyril sees the dignity connected with the cathedra and not as a personal quality.

He also rejects in the third canon the practice of resigning from the episcopal duties through a written *libellus* as this is not an ecclesiastical practice.

The Pedalion numbers among the canons the collection that is ascribed to St. John the Faster, patriarch of Constantinople (+619). The tenth canon\(^77\) states that if a priest after the ordination persists in the sin of masturbation he is to be deposed to the rank of lector. This example might suggest that the practice of being deposed to a lower rank in case of serious faults was acceptable, as we have seen from previous canonical prescriptions.

The Pedalion also contains a number of canons by St. Nicephorus the Confessor, patriarch of Constantinople\(^78\). His canons are followed by a number of questions and answers. Of particular interest is the eighth question. Some monks asked if a deposed priest can say the divine services, or cense, or take communion in the altar. The answer is cutting. In no manner can a deposed priest perform the priestly tasks, but he should be counted with the laity.

This eighth-century patristic testimony clearly contrasts with the present-day view on the indelible character of priesthood.

**The ordination terminology: Cheirotonia, Cheirothesia, Kathistemi and Procheirizo (Proagein)**

The corresponding term to *ordinatio* used in the Eastern Church is *cheirotonia*. Apart from the common meaning that denotes the whole process of ordination including the election and the liturgical investiture, *cheirotonia* also implies the laying on of hands. As we have seen from the canons it is the most widely used technical term to express ordination.

In classical Greek *cheirotonia* means stretching out of the hand to vote in an assembly, votes in a general sense, to elect through raising the hands, and, in a passive

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\(^76\) 1\(^st\) Canon see Agapios and Nicodemos eds., *The Rudder*…, pp. 916-917.

\(^77\) Agapios and Nicodemos eds., *The Rudder*…, pp. 938-939.

\(^78\) Agapios and Nicodemos eds., *The Rudder*…, p. 973.
denotation, to be elected.\textsuperscript{79} In New Testament Greek \textit{cheirotonia}, while maintaining the classical sense, develops new meanings: to appoint, by or without a vote (II Cor 8, 19; Acts 14, 23)\textsuperscript{80}; to select or to nominate.\textsuperscript{81} In the Roman and Byzantine periods new denotations are added: investiture with regal dignity and power, coronation, ordination of clergy, election, appointment\textsuperscript{82}. C. H. Turner affirms that “the original sense of \textit{cheirotonein} – to appoint by the shew of hands, to elect, is further latent in the word… the word would not have come into such regular technical use in the Church if it had not been helped at one end by this sense of election”.\textsuperscript{83} The fathers of the Church use \textit{cheirotoneo} in the sense of appointment of the Old Testament High Priests, Christian bishops and higher clergy, imperial figures, the appointment of the Son, appointment to particular functions or offices. In the case when \textit{cheirotonia} means ordination through imposition of hands, it is sometimes related to the idea of the divine grace connected to that imposition.\textsuperscript{84}

Another common term to describe the ordination is \textit{cheirothesia}, which is the nominal form of the verb \textit{cheirotheteo}. It means imposition of hands, sometimes handwriting but not when used in ecclesiastical language.\textsuperscript{85} In church language, it means imposition of hands in view of ordination.

The imposition of hands was a widely used gesture, inherited by Christianity from the Jewish background. Lampe signals the fact that sometimes the two originating verbs \textit{cheirotheteo} and \textit{cheirotoneo} are used as synonyms, \textit{cheirotonia} and \textit{cheirothesia} being like whole and a part. While \textit{cheirotonia} represents the whole act of ordination, \textit{cheirothesia} is a part of it, namely the laying on of hands during the liturgical service. Although being a part of the ordination ceremony, \textit{cheirothesia} was a central act, this being the reason for their interchangeable use. One good example of this interchangeability is the sixth canon of the fourth ecumenical synod.

\begin{footnotes}
\item[84] G. W. H. Lampe, \textit{A Patristic Greek…}, pp. 1522 – 1523.
\item[85] A. E. Sophocles, \textit{Greek Lexicon…}, p. 1163.
\end{footnotes}
In conclusion, when used in the specific context of ordination, *cheirothesia* means the central act of laying the hands on the ordinand, and when used alone it can mean the whole act of the ordination. Later distinctions (starting with the eighth century) differentiated the two terms\(^86\) in the sense of the distinction between sacraments and sacramentals. *Cheirotonia* started being used exclusively for ordination to higher clergy (deacon, priest and bishop) while *cheirothesia* was the appointment to lower clergy. This distinction of western influence was acknowledged only in the canonical collections. The liturgical texts used the terms as in the old understanding until the fourteenth century. At that time the scholastic view on sacraments was also common in the Eastern Church, so the artificial distinction that we have mentioned became coherent with the contemporary liturgical theology.

What needs to be understood is that they are two key terms in the Byzantine theology of ordination, which became technical terms starting with the *Apostolic Constitutions*.

*Kathistemi* is another technical term that is used in the Byzantine canon law to denote ordination. The originating verb *Kathizo* means to sit, to sit on a throne, to establish.\(^87\) *Kathistemi* has several senses: to put forth, to present, to establish persons, laws or order, to dispose, to calm down,\(^88\) to appoint, to come into a certain state, to become.\(^89\) It has for example the precise sense of appointment in the fourth canon of the first ecumenical synod or in the fourth canon of the third ecumenical council where it has the grammatical form *katheremenous*. From these senses evolved the verb *kathieroo*, to consecrate, to dedicate, to devote, the nominal form *he kathierosis* meaning consecration, dedication.\(^90\) *Kathistemi* has been used explicitly as a synonym for *cheirotonia*.\(^91\) There is, though, a passage in the tenth chapter of the *Apostolic Tradition* where it seems that the terms are different on account of the fact that *kathistemi* is an installation by word and not by the laying on of hands. The tenth canon from the council of Serdica

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\(^{88}\) M. A. Bailly, *Dictionnaire…*, p. 995.


\(^{91}\) On the evolution of *cheirotonia* see J. Hefele and H. Leclerq, *Histoire des conciles…*, I, 1, p. 545.
The fourth technical term for ordination is *procheirizo* and it literally means in hands. The senses are to put between the hands, to be elected, chosen, designated, nominated, to be put forth.\(^92\) Bailly also mentions to choose in front with raised hand, to assign.\(^93\) In the Christian usage it can also mean to put forward for office, to appoint to ministerial office.\(^94\) What is to be mentioned about this fourth term is the connection with *cheirotonia* and *cheirothesia*. Through the sense mentioned by Bailly it is linked with the literal meaning of *cheirotonia* – to vote by raising the hand, and through the meaning (to put between the hands) is closer to *cheirothesia* (to lay on the hands). *Procheirizo* is also present in the central prayer for the ordination of deacons, deaconesses, priests and bishops.\(^95\)

*Proagein* could also qualify as a technical term. It means to bring forward, to prefer for ordination, to promote.\(^96\)

**The order of clerics: Klero, Kanon, Taxis, Schema and Bathmos**

There are also specific terms to denote the order. These five terms referred more or less to different aspects of clergy like the habit, the degree, the membership to the ecclesiastical catalogue, etc.

*Klero* meant in ancient Greek the object used to draw lots, be it dice or anything similar. From the sense of luck evolved the next ones: ballot, inheritance, and heritage.\(^97\) The Fathers of the Church used *klерικος* to name the one who receives a portion, hence, in the case of the Church, a cleric.\(^98\) *Kleriκος*, in opposition with *laικος* were the persons that either served the Church, or in the case of widows, were assisted by it. The sense was broader than the modern usage because it encompassed not only the deacons, priests and bishops, but also what will later be defined as minor clergy: deaconesses, widows, virgins, subdeacons, doorkeepers, etc.

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\(^92\) F. Montanari, *Vocabulario*…, p. 1851.  
\(^93\) M. A. Bailly, *Dictionnaire*…, p. 1689.  
In classical Greek *kanon* meant a straight stick used for measurements. In a figurative way it meant limit, rule, principle, model, type, canon, and paradigm. In Christianity the primary sense of limit, rule was attached to the teachings, therefore we had the canon/rule of faith, the canon of scriptures, a Christian moral canon, canons as ecclesiastical laws. In liturgical compositions the canon denoted a sequence (of odes, hymns, Eucharistic prayers etc.). Probably because the clergy was of supposed high moral standards, canon also started meaning order or ecclesial rank (e.g. canons 9 and 19 from the first ecumenical council). It could as well refer to clerics or to professed widows and virgins.

Another Greek term used by Byzantine canon law to name the order was *taxis*. In ancient Greek it meant order, arrangement (especially of military troops), rank, position, state, prescription, regularity, limit, political constitution. The military connotation of the classical Greek was also transferred in Christian theology to the angelic hosts. It acquired the sense of order in the church, monastic rule, rank, position, office, class, and group. In these last meanings *taxis* denotes the group of clergy (e.g. 29th canon of the 4th ecumenical synod), which were also enlisted in the Church’s documents called as well *Taxis*.

*Schema* meant in classical Greek form, figure, manner of being, posture, position, role of an actor, appearance, character, propriety, aspect. The term was enriched in the patristic era. being used even in the Christological and anthropological debates in relation or opposition with *morphe*. It also defined an attitude of the body and hence the habit, be it secular, monastic or clerical. Today in eastern monasticism there still survives the ancient distinction between the great or the small *schema*, as monastic degrees. Linked with the exterior aspect of the habit, *schema* also defines in the terminology of the eastern canon law the clerics (e.g. 19th canon of the first ecumenical council) who, apparently from the oldest times started wearing distinctive clothes.

The last term to define the order is *bathmos*. It meant in classical Greek grade, step, from which degree, dignity, honor, rank. Koine and Byzantine Greek retained

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these senses. The term was used to define the ranks of the clerical system (e.g. 2nd and 3rd canon from the 3rd ecumenical council; the 4th canon from the first Constantinopolitan synod etc.). The meaning of bathmos was the particular grade of a cleric. When a cleric was deposed he “fell from his step” or, on the contrary he was advanced.

All five terms that referred to the clerical order referred to specific aspects. Klero defined the clergy in general without the later distinction between minor and major clergy, Kanon and Taxis were the ecclesiastical rule that they respected and belonged to, and taxis could also mean the official Church catalogue, Schema referred to the Church habit and Bathmos to the clerical degree.

The deposition and void ordinations’ terminology: Kathairesis, Ekballo, Allotrios, Paneusto, Akyros and Apolelymenos

The common term used for deposition is kathairesis, from the verb kathaireo. Kathaireo means reversal, from which comes the sense of destruction, death. It also means to take or to put down, to demolish, to kill, eliminate, condemn, erase. In the patristic age the term acquired several new meanings: to remove, to depose/or the sentence of deposition, to condemn and to degrade (though in the case of deposed clerics distinct from both temporary suspension and excommunication).

Apart from kathairesis there are several other terms to express deposition. The cleric who was deposed was thrown out (ekballo), expelled, and rejected (e.g. 1st canon of the 3rd ecumenical council). He was to be alien from the Church (gr. allotrios), separated and without a share (e.g. 7th canon of the 3rd ecumenical council) and beyond all he had to cease (gr. Paneusto - cessation) from serving his clerical function.

Another way to express what happened de facto when a cleric was deposed was through characterizing his ordination. Akyros meant powerless, without authority, null, void. The cleric was not deposed only from his ecclesiastical honors or degrees in a church, but his ordination was null from all points of view. Such a characterization of

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107 M. A. Bailly, Dictionnaire…, p. 990.
113 G. W. H. Lampe, A Patristic Greek…, p. 68.
someone’s ordination (in the case of deposition) was in fact common (e.g. 4\textsuperscript{th} canon of the 2\textsuperscript{nd} ecumenical council; 6\textsuperscript{th} canon of the 4\textsuperscript{th} ecumenical council; 16\textsuperscript{th} canon of the first ecumenical council; 76\textsuperscript{th} canon of the Apostolic Council etc.).

The Byzantine Church forbade absolute ordinations. The most explicit canon about absolute ordinations is the sixth canon from the fourth ecumenical council:

It is decreed that no one shall be ordained (gr. \textit{cheirotonisthai}) at large (gr. \textit{apolelymenos}) either a presbyter or a deacon, nor anything else at all in the ecclesiastical ranks unless he be particularly assigned to the church of some city, or to a martyry, or to a monastery. As for those ordained at large, the Holy Council has determined that any such chirothesy (gr. \textit{cheirothesian}) shall be null and void (gr. \textit{akyron}), and that such ordinees shall not be allowed to officiate anywhere, to the dishonor of the ordainer.\textsuperscript{114}

\textit{Apolelymenos} means in itself, absolutely, without a title, without specification or qualification.\textsuperscript{115} Therefore ordination was not a private, absolute, indelible gift as it came to be considered in later times because of the influence of the western medieval theology, but rather in order that an ordination should be effective it had to be linked to a particular church/community. Otherwise the ordination was powerless, to the shame of the bishop who performed it.

\textbf{Contextualization, Evaluation and Conclusion}

The canons that we approached in our enquiry were not the general ones which regulate the organizational problems of the clergy’s life, marital issues, canonical age or problems of morality. These canons represent an important amount of the entire \textit{corpus canonum}. The reference to these canons was made in order to observe the incidence of some terms that became technical terms.

What we have tried to investigate were the canons that would give hints about the definition of the theology and nature of order. Unfortunately the Byzantine corpus of ecclesiastical laws is very diverse in both origin and theological background. From this point of view the fate of our enquiry itself is to be unfruitful in the sense that we are looking for coherence in an amalgam of sources and theologies. But at the same time the Byzantine Church created its theological identity, always verifying itself in the mirror of

\textsuperscript{114} Agapios and Nicodemos eds., \textit{The Rudder}…, p. 251.

\textsuperscript{115} G. W. H. Lampe, \textit{A Patristic Greek}…, p. 200.
the past, i.e. the canonical laws, and based on this accordance with the past new theologies and understandings emerged.

One important aspect of the development of Byzantine theology is that eastern Christianity did not really engage in debates on the nature of order as the western schools of canon law did, nor did the Greek theologians excel in this particular topic. But rather the theological explanations came contextually, through the restrictiveness of the canons, and mostly the theology is not explicit, but requires deciphering.

For reasons like this, the dialogue about union between the western and the eastern churches which started in the twelfth century, although unfruitful, left a deep imprint on eastern theological categories of thought. The scholastic methodology and categories were easily adopted by the Eastern Church. The cultural exchange with the west, somehow encouraged by the new geopolitical context (the pressure of Islam and the imminent fall of the Eastern Roman Empire) which led to the exodus of Greek intellectuals and theologians to Italy and other western countries (one important factor of the Renaissance), brought Byzantine orthodoxy into contact with the developed western doctrine of order. More than that, later in the reformation, after the counter-reformation defined its standing point through the Council of Trent, Orthodoxy embraced (at least from the point of view of the doctrine that we are concerned with) the western doctrine of order. This happened especially through the so-called ‘confessions of faith’ of the seventeenth century. Cyril Lukaris, Mitrophanes Kritopoulos, Peter Mohila and Dositheos of Jerusalem were all orthodox theologians who wrote confessions of faith on the model of the western ones. Through these the heirs of the Byzantine Church accepted and embraced a view on order that was foreign and in some points contrary to its original theology of ordination.

It is not the purpose of this paper to present and develop the tridentine position on the doctrine of order. It will be considered a given. Only in the case of contrast with the traditional views of the Byzantine church will it be specified.

It is obvious that a complete view of the teaching on order of the Byzantine church cannot be extracted only from the canons. They represent only an aspect, and they were not formulated as definitions. The canons are rather restrictive than prescriptive. Therefore they are essentially contextual. This does not mean that an exegesis of their underlying theology cannot be realized.

In order to understand the Fathers of the Church that promulgated the canons and their understanding of certain doctrines, one must realize their proclaimed lineage (at least in their view) with the Scriptures. The confusion and imprecision of terms in matter of
priesthood will slowly be sorted out, through the thought of the apostolic fathers, only later. J. Puglisi in his magisterial work on the history of order asserts that only with Irenaeus did the distinction between the precise functions of the priests and bishops become clear.\(^\text{116}\)

Notions like the apostolic succession and developments of the understanding of presidency of the ecclesia appear. A few decades after Irenaeus, the *Apostolic Tradition* attributed to Hippolytus of Rome appeared. It is important for the history of order because it contains the first ordination ritual. Once such liturgical collections appeared, they would become very popular in the East (the *Apostolic Constitutions*, the *Euchologion* of Serapion of Thmuis, the *Testamentum Domini* etc.). The reason I have mentioned these works is that they were closely linked with the canonical corpus. They were sometime called canonical-liturgical collections. For example the *Apostolic Constitutions* contained the *Apostolic Canons* which, although not of apostolic origin, were accepted in the Byzantine corpus canonum.

From this perspective, a particularity of the Byzantine liturgical development was that it was a mirror of the canonical view on order for example. An argument for this is the common usage of what will develop into canonical technical terms. The rituals for ordination will have titles taken from the canonical vocabulary: *cheirotonia, cheirothesia, kathisasthai* – all of them technical terms as we have seen.\(^\text{117}\)

For a complete view on the Byzantine doctrine of order the liturgical sources are as important as the canons of the Church. Unfortunately, in what concerns the Eastern Church, the liturgical materials that have survived the ages, in comparison with the western ones, are very few.\(^\text{118}\) One cannot precisely define the reciprocal influence that the canons and the liturgical texts had, but they expressed basically the same view: *lex orandi, lex credendi*. There is, though, an exception of interest for our study. As C. Vogel has extensively proved\(^\text{119}\), for the first eight centuries the terms *cheirotonia* and *cheirothesia*

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\(^{117}\) For references to the *Euchologion* of the Great Church from Constantinople see the critical edition of the Barberini gr. 336 manuscript in S. Parenti and H. Velkovska eds., *L’Eucologico Barberini*….


were used as synonyms. Starting with the seventh ecumenical council, Patriarch Tarasios of Constantinople made the famous distinction preserved in the caroline books between *cheirotonia* as genuine ordination and *cheirothesia* as a blessing for minor clergy. He does not precisely develop a theology of this distinction, but he is rather doubtful himself. Nevertheless this was one of the first authoritative sources that accepted such a distinction that would be adopted by later Byzantine canonists like Matthew Blastares, John Aristenos, Theodore Balsamon etc. Although this distinction became official (*cheirotonia* is the ordination, while *cheirothesia* is the blessing for minor clergy), it remained just a juridical differentiation because the liturgical texts kept on naming interchangeably the rituals for all the clerics in the old tradition of the Church. Maybe the conservative character of the liturgy tried to preserve an ancient understanding of clergy.

From the opposite perspective, together with the changing of the conception of priesthood, came a noticeable modification in the liturgical books. While traditionally the order of ordinations started with the ordination of the bishop and finished with the lower clergy in the idea that the priesthood of Christ is shared through the priesthood of the bishop to all the church, after the change all the liturgical collections had the rituals ordered the other way around, the bishop being the top and the end of the *cursus honorum*.

The acceptance of this distinction had in the background important changes of perspective. First of all this was an official recognition of the artificial distinction between minor and major clergy. This being acknowledged, the conceiving of the Church as a whole body in which every one has a personal charisma and vocation given not in an individual manner, but in view of the growth of the Church, was lost. It gave place to the hierarchical and pyramidal view of the medieval theology of order. The diversifying distinction between *laikos* and *kleros* became opposition. The clergy ended up being considered as ‘the Church’.

We can see and understand the fundamental changes that affected the way the Christian church understood itself from the point of view of the sharing of roles and functions in the ecclesia, also from the canons. There is a short and condensed passage of St. Cyprian found in his 55th letter in which de describes the election of Cornelius, the bishop of Rome:

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121 We can see this arrangement in the old *Euchologion Barberini*. See S. Parenti and H. Velkovska eds., *L’Eucologico Barberini…*. 

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Cornelius was made bishop by the judgment (iudicio) of God and of his Christ, by the testimony (testimonio) of almost all the clergy, by the vote (suffragio) of the people who were then present, by the college of venerable bishops and good men, when no one had been made before him, when (...) episcopal chair was vacant.\(^{122}\)

The ordination is an event of the whole Church. The process is composed of the selection with all the aspects underlined in the previously cited text, and the imposition of hands. All the Church (both clerics and laymen) are active in the selection for they are all responsible in their Church. In the case of the bishop, the selection must be made in communion with the neighboring bishops as a form of expression of the unity of the whole Church.\(^{123}\)

All these structures of admission and conception of order in the Church, which were common to ancient Christianity, were lost when the laity, based on new theological grounds (the ontological distinction between clericus et plebs) was excluded from the process of selection. In the Byzantine Church the 13\(^{th}\) canon of the council of Laodicea was the first attempt to eliminate the participation of the laity from the elections. It did not become, though, a general rule until the eighth ecumenical council. In the west this practice was imposed only in the eleventh century.\(^{124}\)

Summarizing, the old tradition of the Church was that all the people participated in the elections. The literary witnesses for this are extensive.\(^{125}\)

The judgment of worthiness was severe, the standards being very high. The impediments to the admission in clergy vary from physical infirmities to fornication. The accent falls especially on carnal deeds.

The act of ordination was centered on the imposition of hands. This can be seen also from the fact that at least three of the technical terms that define ordination contain in the root the word hand (gr. cheir).

Once accepted by the Church and ordained canonically, the canons forbade moving from one church to another.\(^{126}\) The 17\(^{th}\) canon of the sixth ecumenical council appears to allow it, but only with the knowledge and the blessing of the bishop. This


\(^{126}\) 5\(^{th}\) canon of the 4\(^{th}\) ecumenical council; 14\(^{th}\) and 15\(^{th}\) canons of the apostolic; 3\(^{rd}\), 16\(^{th}\), 21\(^{st}\) of Antioch etc.
principle of being attached to the church that was the destination of the ordination has an important underlying theological argument. The gift of priesthood or diaconate or any other service of the Church is not given like a personal and individual possession, but rather like a communitarian gift. It is why the gift is functional beyond personal worthiness. Not because it is indelible and inalienable as scholastic theology considered, but because it is not personal. The sacramental priesthood is based on the universal priesthood of the believers that is the priesthood of Christ. It is given to certain chosen people and it is effective independent from the personal righteousness of the receiver. The medieval scholastic theology, while conceiving priesthood as an individual possession, had to formulate an argument for the efficacy of ordination even in case of serious sins. The conclusion was the indelibility. The Eastern Churches adopted this teaching too. But the old tradition of the Byzantine church had another position on this. On the contrary, the gift of ordination was delible and alienable.

From the principle of forbidding absolute ordinations we can understand that the gift of ordination was not personal, but communitarian. According to the Byzantine canon law this gift could be lost. Deposition was to return back to the state of a lay person. Not an ex-priest or a retired one, but a simple layman. As we have seen from the apostolic canons and from St. Basil’s, the ones who were deposed for serious faults (usually carnal sins) were allowed to take communion on the principle of not being punished twice for the same deed. Deposition was enough.

As we have seen the vocabulary regarding deposition is detailed. According to Hefele there is a distinction between invalid (akyros) and illicit ordinations, between sacramental and legal nullity. Once someone was deposed his ordination was powerless, void. The 2nd canon of the 3rd ecumenical council states that in the case of the bishops that signed the deposition of Nestorius but returned to his heresy, they should be alienated from priesthood (hierosynes) and fall from their step (bathmon). This bipartite distinction is also based on the difference between sacramental and legal nullity. In the case of these bishops the deposition was complete. But in other cases (e.g. 3rd canon of the 3rd ecumenical council) in cases of unfair depositions, orthodox clerics were able to be lifted back to their rank (their ordination was not sacramentally null).

In other cases (20th canon of the 6th ecumenical councils), the punishment was degradation. If one bishop preached in another bishopric without the knowledge and

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127 6th canon of the 4th ecumenical council.
permission of the local bishop, he had to stop performing episcopal duties and function as a priest. These cases were quite rare. Is this canon an argument for the medieval scholastic idea that episcopacy is only a function and not a step in itself, or is the degradation specifically intended to indicate a difference in the natures of both priesthood and episcopacy? Again, the 18th canon from Ankyra states that if a bishop is ordained for a bishopric and this is not received by the people, he should go back in serving like a priest in the place where he previously was. This is another argument for the view that sacerdotal gifts are not individual.

The 21st canon from the sixth ecumenical council appears to give a chance of redeeming the step, allowing the deposed clerics, if truly repentant, to take back the habit/honor, but only that. Once deposed, usually there was no coming back.

By far the most sanctioned vice of the ecclesiastical system was simony. The fact that the canons are restrictive and not prescriptive and they continue to forbid simony, proves that it was throughout the centuries a major problem. When cursus honorum became ‘tradition’ simony was more encouraged.

**Final conclusion**

The vision that the canons of the Byzantine Church offer relating to the problem of ordination is limited and it can only be limited. Ordination is not only a matter of canons, but of ecclesiology, doctrine, and liturgy as well. The study of the canons can only give hints and clarifying lights in this matter.

One of these lights that the eastern canon law can share is that the distinction between cheirotonia as genuine ordination and cheirothesia as a simple blessing for the minor clergy is late, artificial and with no grounds in the tradition of the Church. This implies that the distinction itself between major and minor clergy is only an expression of the pyramidal view which emerged from this switch. The gap between clergy and laity was only deepened.

What is then the relevance of such enquiry for the Eastern Church? For the modern Byzantine/Orthodox churches the canons and the tradition are the source of identity. The Church has a canonical self consciousness and the canons have an important relevancy. Such introspection can be on the one hand fruitful for the Church itself, and on the other for an enriching ecumenical dialogue.

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129 The simplest proof of that is the fact that for example the 14th and 15th canons of the sixth ecumenical council use for the ordination of the deaconesses and subdeacons the term cheirotonia.
The consciousness of *sacerdotium* as a gift and vocation belonging to the entire body of the Church and the self consciousness of the ecclesial corpus can ease pastoral tasks. This means that a well grounded self knowledge of each member of the Church with everybody knowing his duties, calls and vocations can actually make pastorship function.

The exploration of the canonical experience of the Church in order to grasp the modality to answer in certain contextual problems proves to be useful. In the light of these answers we are called ourselves to respond to contemporary pastoral problems. This might be the explanation of one famous quote from Jaroslav Pelikan: ‘tradition is the living faith of the dead and traditionalism is the dead faith of the living’
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