

## The Canonical Rules of the Orthodox Church: Theory and Practice

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### ***Introduction***

The problematic status of the “holy canons” of the Orthodox Church’s councils – both ecumenical and local – is best known to those who have attempted to teach the history of these councils to those unfamiliar with them. Anyone who has tried to explain the relevance of these Councils and their canonical legislation in a classroom today will know that this is no easy task. What makes the task difficult is not so much the theology articulated by the councils. The complexities of the Trinitarian and Christological controversies are admittedly difficult subject matter for any age group to fathom. Their dogmatic formulations are as relevant to the Orthodox today as they were then. The truly difficult part of the story is the disciplinary legislation or “canons” promulgated and/or ratified by the councils, which concern everything from how men and women may dress or wear their hair<sup>1</sup> to the status of the

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<sup>1</sup> For example, Canon 13 of the Council of Gangra (AD 341) forbids women to don men’s apparel “instead of the usual and customary women’s apparel,” if this is done “for the sake of supposedly ascetic exercise” (*The Rudder*, trans. Denver Cummings [Chicago: Orthodox Christian Educational Society, 1957], 527). Canon 96 of Trullo (AD 691–692) reprimands those who “arrange the hair on their head in elaborate plaits, offering allurements to unstable souls” (George Nedungatt and Michael Featherstone, eds., *The Council in Trullo Revisited* [Rome: Pontificio Istituto Orientale, 1995], 177).

archbishop of Constantinople.<sup>2</sup> These “canons” include the legislation of most of the ecumenical councils and Trullanum<sup>3</sup>; of two additional councils of Constantinople<sup>4</sup>; the “Canons of the Holy Apostles”; those of ten local councils; and, finally, of thirteen Fathers.<sup>5</sup> Most of this collection of canons was proclaimed binding and normative by the Council in Trullo (AD 691–692)<sup>6</sup> and by the seventh ecumenical council in 787,<sup>7</sup> its present-day version having been completed in the year 883.<sup>8</sup> Produced over a thousand years ago, this legislation is often considered “strictly binding” and “in full force” for the entire Orthodox Church today.<sup>9</sup> Since the Council of Trullo at the

<sup>2</sup> For example, Canon 3 of the Second Ecumenical Council (AD 381); Canon 28 of the Fourth Ecumenical Council (AD 451); Canon 36 of Trullanum (AD 691–2).

<sup>3</sup> There are no canons of the Fifth (AD 553) and Sixth (AD 681) Ecumenical Councils. On the “Ecumenical” status of Trullanum see note 6 below.

<sup>4</sup> Two local Constantinopolitan councils, of 861 (in the church of the Holy Apostles) and 879 (in Hagia Sophia), have been received by the Orthodox *oikumene* as normative and binding (cf. Vladislav Cipin, *Cerkovnoe pravo* [Moscow: Klin, 1996] 31 and 194, and Nikolaj Suvorov, *Učebnik Cerkovnogo Prava*, [Moscow: Zercalo, 2004] 130).

<sup>5</sup> For more on the fundamental collection of canons see Willibald Plöchl, *Storia del diritto canonico*, 2 vols (Milan: Massimo, 1963), I: 290; and Nikodim Milasch, *Das Kirchenrecht der morgenländischen Kirche* (Mostar: Pacher & Kistic, 1905), 79ff.

<sup>6</sup> See canon 2 of Trullo. For Orthodox tradition, Trullanum “is called and is an Ecumenical Council,” as flatly stated in *The Rudder* 287, n. 1. This is so because in Orthodox canon law, the status of “ecumenical” depends solely on reception. For more on this question see Heinz Ohme, *Concilium Quinisextum: Das Konzil Quinisextum* (Turnhout: Brepols, 2006), 22–31; Nicolae Dura, “The Ecumenicity of the Council in Trullo: Witnesses of the Canonical Tradition in the East and in the West,” in *Trullanum Revisited*, 229–262, and Richard Potz – Eva Synek, *Orthodoxes Kirchenrecht. Eine Einführung* (Freistadt: Plöchl, 2007), 36 and 212–213.

<sup>7</sup> See canon 1 of Nicaea II.

<sup>8</sup> The second redaction of the “Nomokanon in 14 Titles,” completed in Constantinople in 883, was the first collection to contain all the ecclesial legislation mentioned above (Milasch, *Kirchenrecht* 79, 183).

<sup>9</sup> “Until there appears a legislative body of a status equal to that of the Trullanum and the other ecumenical councils – regarding the task of ratifying canons – until then, each canon that is now included in the general canonical codex, in connection with other similar canons of the same codex, is absolutely in force and strictly binding for anyone who wishes to belong to

end of the seventh century, the canons are even deemed “sacred,” “divine,” and hence “permanent and rigid,”<sup>10</sup> from which “we refrain from adding or removing anything.”<sup>11</sup> But how can this be so? How can thousand-year-old canons be “strictly binding” and completely inalterable, and in what sense – if any – are they “in full force”?

Several modern-day Orthodox theologians point to the temporal aspect of the canons, and even to their “changeability” according to historical context.<sup>12</sup> And in earlier times, the history of canon law in the Slavic churches from its very outset speaks of a surprisingly “free” attitude toward the canons: it is known that St. Methodius, the teacher of the Slavs, took the liberty of omitting 142 canons from his Slavonic translation of the Greek *Synagogy* of John the Scholastic. Among these he omitted 34 canons of St. Basil, 70 canons of local synods, 22 canons of ecumenical councils, and 10 Apostolic Canons. The resulting *Syntagma of Methodius* corresponds to only about 50% of the total Greek text.<sup>13</sup> So the apostle of the Slavs did

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the church” (Nikodim Milasch, *Pravila Pravoslavnoj Cerkvi*, 2 vols [S. Petersburg: Izd. Duxovnoj Akademii, 1911–1912] vol. 1, 438).

<sup>10</sup> On the development of these epithets with reference to the canons see Cyril Vasil, “Saint Methodius – Missionary and Canon Lawyer. Canonical Norms of Ecumenical Councils and Their Usage and Adaptation within the Church,” unpublished paper of the *Oriente Lumen Euro-East III Conference* in Istanbul, Turkey, July 5–8, 2010. On the problem of the relationship between the sacredness of the canons and their inalterability see Ivan Žužek, “Sacralità e dimensione umana dei canones,” in: *Ius ecclesiarum vehiculum caritatis, Atti del simposio internazionale per il decennale del entrata in vigore del CCEO, Città del Vaticano 19–23 novembre 2001* (Vatican City: Libreria Editrice Vaticana, 2004) 53–116.

<sup>11</sup> See the commentary to Canon 1 of the 7<sup>th</sup> Ecumenical Council in *The Rudder* 429; cf. also Canon 2 of Trullanum: “No one shall falsify the preceding canons, nor reject them, nor receive any others than these here set forth.... If anyone is found innovating or trying to subvert any of the aforementioned canons, he shall be liable” (Nedungatt–Featherstone, *Trullanum Revisited*, 68–69).

<sup>12</sup> Cf. for example Nicholas Afanasiev, “The Canons of the Church: Changeable or Unchangeable?” *St. Vladimir’s Seminary Quarterly* 11 (1967): 61–62; and Panteles Kalaitzidis, “Challenges of Renewal and Reformation Facing the Orthodox Church,” *The Ecumenical Review* 61 (2009): 136–64.

<sup>13</sup> For more on the *Syntagma of Methodius* see Ivan Žužek, “The Determining Structure of the Slavic Syntagma of Fifty Titles,” *Orientalia Chris-*