

CANON LAW

Unit III.1 – Ordained Ministry

A. General Qualifications and Impediments to Ordination

1. Orthodox Faith

Apostolic 62

About those clergy who have renounced the name of Christ

IV 11; Anc. 1, 2, 3, 12; Peter 10, 14; Bas. 45, 73

If any of the clergy, through fear of men, whether Jew, heathen, or heretic, shall deny the name of Christ, let him be cast out. If he deny the name of a clergyman, let him be deposed. If he repent, let him be received as a layman.¹

I Nicea 9

Concerning those who have been promoted to the rank of presbyter without examination

Ap. 25, 61; Neoc. 1, 9, 10

If any have been promoted presbyters without examination, and then upon investigation have confessed their sins, and if after their confession men have imposed hands upon such people, being moved to act against the canon, the canon does not admit these people, for the catholic church vindicates only what is above reproach.²

Ancyra 12

About those who sacrificed while in the catechumenate

Bas. 20

It is decreed that they who have offered sacrifice before their baptism, and were afterwards baptized, may be promoted to orders, inasmuch as they have been cleansed.³

II Nicea 2

A bishop when ordained should undertake to observe the canons without fail, and if he does not, he should not be ordained

Since we make an undertaking before God as we sing, "I shall meditate on your judgments, I shall not neglect your words (Ps 118.16)," it is essential to our salvation that every Christian should observe these things, but more especially those who have been invested with priestly dignity. Therefore we decree that everyone who is to be advanced

*Abbreviations:

DEC = N. Tanner (ed.), *Decrees of the Ecumenical Councils*. Vol. 1: *Nicea I to Lateran V* (London 1990).

Deferrari = Basil the Great, *The Letters* (R. Deferrari, trans.), III (Loeb Classical Library 243, London 1930; reprinted by Harvard University Press).

Nedungatt and Featherstone = G. Nedungatt and M. Featherstone, *The Council in Trullo Revisited* (Kanonika 6, Rome 1995) 45-185.

NPNF XIV = P. Schaff and H. Wace, *A Select Library of Nicene and Post-Nicene Fathers of the Christian Church*. Vol. XIV: *The Seven Ecumenical Councils of the Undivided Church. Their Canons and Dogmatic Decrees, together with the Canons of all the Local Synods which have Received Ecumenical Acceptance* (H. Percival, ed.) (Grand Rapids, MI, 1988).

¹ NPNF XIV, 599.

² DEC 10.

³ NPNF XIV, 68.

to the grade of bishop should have a thorough knowledge of the Psalter, in order that he may instruct all the clergy subordinate to him, to be initiated in that book. He should also be examined without fail by the metropolitan to see if he is willing to acquire knowledge – a knowledge that should be searching and not superficial – of the sacred canons, the holy gospel, the book of the divine apostle, and all divine scripture; also if he is willing to conduct himself and teach the people entrusted to him according to the divine commandments. “The substance of our hierarchy are the words handed down from God (*Pseudo-Dionysius, Hier. eccl. I 4* (= PG 3.389),” that is to say, the true knowledge of the divine scriptures, as the great Dionysius made plain. If someone is doubtful and ill at ease with such conduct and teaching, let him not be ordained. For God said through the prophet: “You rejected knowledge, and I shall reject you, so that you may not serve me in a priestly function.(Hos 4.6)”⁴

2. Bodily Wholeness

Apostolic 77

About those deprived of an eye or lame

If any one be deprived of an eye, or lame of a leg, but in other respects be worthy of a bishopric, he may be ordained, for the defect of the body does not defile a man, but the pollution of the soul.⁵

Apostolic 78

About those deaf and blind

But if a man be deaf or blind, he may not be made a bishop, not indeed as if he were thus defiled, but that the affairs of the Church may not be hindered.⁶

I Nicea 1

Concerning those who make themselves eunuchs and others who suffer the same loss at the hands of other

Ap. 21, 24

If anyone in sickness has undergone surgery at the hands of physicians or has been castrated by barbarians, let him remain among the clergy. But if anyone in good health has castrated himself, if he is enrolled among the clergy he should be suspended, and in future no such man should be promoted. But, as it is evident that this refers to those who are responsible for the condition and presume to castrate themselves, so too if any have been made eunuchs by barbarians or by their masters, but have been found worthy, the canon admits such men to the clergy.⁷

3. Age

Trullo 14

That no presbyter is to be ordained before the age of thirty years, nor deacon before twenty-five, nor deaconess before forty

IV 15; VI 15; Neoc. 11; Carth. 16

The canon of our holy Fathers shall remain in force also in this matter: that “A presbyter is not to be ordained before the age of thirty years, even if he be most worthy, but to be held back: for the Lord Jesus Christ was baptized and began to teach in his thirtieth

⁴DEC 139-140.

⁵ NPNF XIV, 599.

⁶ NPNF XIV, 599.

⁷ DEC 6.

year.” Likewise, “Neither shall a deacon be ordained before the age of twenty five-years; nor a deaconess before forty.”⁸

Trullo 15

That no subdeacon is to be ordained before the age of twenty years

Neoc. 15

A subdeacon shall not be ordained before he is twenty years old. If anyone in any sacerdotal position has been ordained before the years prescribed, he shall be deposed.⁹

4. Marital Status

Apostolic 17

About those who contract two marriage or have a concubine

VI 3, Neoc. 3, 7; Bas. 4, 12, 50, 80

He who has been twice married after baptism, or who has had a concubine, cannot become a bishop, presbyter, or deacon, or any other of the sacerdotal list. (Cf., I Tim 3.2; Tit 1.6)

Apostolic 18

About those who take a widow or a dishonorable woman

VI 3, 26; Bas 27

He who married a widow, or a divorced woman, or an harlot, or a servant-maid, or an actress, cannot be a bishop, presbyter, or deacon, or any other of the sacerdotal list.¹⁰

Chalcedon 14

Against marriages between those in holy orders and heretics

Ap. 26; Laod. 10, 31; Carth. 16, 21, 25

Since in certain provinces readers and cantors have been allowed to marry, the sacred synod decrees that none of them is permitted to marry a wife of heterodox views. If those thus married have already had children, and if they have already had the children baptised among heretics, they are to bring them into the communion of the catholic church. If they have not been baptised, they may no longer have them baptised among heretics; nor indeed marry them to a heretic or a Jew or a Greek, unless of course the person who is to be married to the orthodox party promises to convert to the orthodox faith. If anyone transgresses this decree of the sacred synod, let him be subject to canonical penalty.¹¹

Trullo 6

That presbyters and deacons cannot marry after their ordination

IV 14, 15; Ap. 26; Anc. 13; Carth. 16, 25

Whereas it is stated in the Apostolic canons that “From amongst the celibate men promoted to the clergy, only the readers and cantors may marry,” so do we, observing this, decree that henceforth no subdeacon, nor deacon, nor presbyter, should in any wise be at liberty to arrange for himself a matrimonial union after his ordination; if he dares to do this, he shall be deposed. If anyone entering the clergy desires to be joined in law to a woman, he shall do this before his ordination as subdeacon or deacon or presbyter.¹²

⁸ Nedungatt and Featherstone 87-88.

⁹ Nedungatt and Featherstone 88.

¹⁰ NPNF XIV, 595.

¹¹ DEC 93-94.

¹² Nedungatt and Featherstone 75-76.

Trullo 12

That no bishop is to cohabit with his wife after his ordination.

VI 30, 48; Ap. 5; Gangr. 4; Carth. 3, 4, 25

It has also come to our knowledge that in Africa and Libya and other places the local bishops, most beloved of God, do not renounce living with their wives, even after their ordination, thereby causing offence and scandal to the people. Since, then, it is of great importance to us that everything should be effected for the benefit of the flock in our care, we are resolved that henceforth no such thing should be done. We say this not for the abolition and overthrowing of Apostolic ordinances, but in order to provide for the salvation and progress of the people toward better things, and that no re-proach may attach to the sacerdotal state; for the divine Apostle says: "Do everything for the glory of God. Give no offence to Jews or to Gentiles or to the Church of God, just as I try to please everyone in everything, not seeking my own advantage, but that of many, so that they may be saved. Be imitators of me, as I am of Christ."¹³ If anyone is found doing this, he shall be deposed.¹⁴

5. Pre-ordination Moral Purity

Apostolic 61

About those convicted of forbidden acts

II 6; Carth. 50, 129

If any accusation be brought against a believer of fornication or adultery, or any forbidden action, and he be convicted, let him not be promoted to the clergy.¹⁵

I Nicea 10

Concerning those who have denied the faith in persecution and have been promoted to the clergy

Ap. 62; Anc. 1, 2, 12; Peter 10

If any have been promoted to ordination through the ignorance of their promoters or even with their connivance, this fact does not prejudice the church's canon; for once discovered they are to be deposed.¹⁶

Neocaesarea 9

About those who committed carnal sins before their presbyteral ordination

I 9; VI 4, 21; Ap. 25; Carth. 16, 19; Neoc. 1, 8, 10; Bas. 3, 17, 32, 51

A presbyter who has been promoted after having committed carnal sin, and who shall confess that he had sinned before his ordination, shall not make the oblation, though he may remain in his other functions on account of his zeal in other respects; for the majority have affirmed that ordination blots out other kinds of sins. But if he do not confess and cannot be openly convicted, the decision shall depend upon himself.¹⁷

¹³ I Cor 10.31-11.1

¹⁴ Nedungatt and Featherstone 82-83.

¹⁵ NPNF XIV, 598.

¹⁶ DEC 11.

¹⁷ NPNF XIV, 83.

6. Ecclesiastical Status

Sardica 10

That it is not possible to go immediately from the laity to the episcopacy

I 2; Ap. 80; Neoc. 10; Laod. 3; AB 17; Cyr. 4

Bishop Ossius said: I think this also to need scrutiny with all precision and care: if it is desired that a rich man or a jurist of the forum become a bishop, he shall not be ordained before having fulfilled the functions of reader, deacon, and presbyter, that in accord with each step (if he is deemed worthy) he may proceed to the height of the episcopate. And each step will clearly not be of the shortest length of time, through which his faith and his good character and his strength may be made well known, and, deemed worthy of the priesthood, he can enjoy this great honour. For it is not fitting nor does discipline or good sense allow proceeding to this act rashly or casually so as to ordain a bishop or presbyter or deacon hastily, for such a one can fairly be called a neophyte. Most certainly the most blessed apostle—he who became the teacher of the Gentiles—is seen to have forbidden hasty ordinations; for scrutiny of even the longest time will not unreasonably be required to reveal the mode of life and character of each. *All said:* These [things] are pleasing and absolutely must not be overturned.¹⁸

B. Deposition

General Presuppositions

Trullo 21

Concerning clerics liable to canonical penalties who have repented

I 9; VI 4; Ap. 25 Neoc. 9; Bas. 3, 17, 32, 70

In the case of those liable to canonical penalties and thereby subject to complete and permanent deposition, reduced to the status of layman, if of their own will they see to their reform, rejecting the sin through which they have fallen away from grace and freeing themselves completely from it, then they shall be retonsured as clerics. But if they do not choose this of their own accord, they shall grow their hair as laymen, inasmuch as they have preferred living in the world to the life in heaven.¹⁹

Basil 3

About deacons who have committed fornication

VI 4, 21; Ap. 25; Carth. 27; Bas. 32, 44, 51

If a deacon commit fornication after receiving the diaconate, he shall be removed from the diaconate, but after he has been reduced to the station of a layman he shall not be barred from communion. Wherefore there is an old canon that those who have fallen from their grade shall be subjected to this form of punishment only, the ancients following, as I think, the law, “Thou shalt not exact the penalty twice for the same offence (Nah 1.9)”; and also for another reason—those in the ranks of the laity, after being expelled from the place of the faithful, are again taken back into the place from which they fell, but the deacon once and for all incurs the lasting penalty of deposition. On the ground, therefore, that the diaconate is not restored to him, they have taken their stand on this punishment alone. These, then, are the conclusions from their decrees. But in general a

¹⁸ Translation taken from H. Hess, *The Early Development of Canon Law and the Council of Serdica* (Oxford 2002) 233-235.

¹⁹ Nedungatt and Featherstone 96-97

truer remedy is withdrawal from sin. Thus he who for pleasure of the flesh has rejected grace, but by chastisement of the flesh and by complete subjection of it through continency has abandoned the pleasures whereby he was mastered, will furnish us a complete proof of his cure. We should, therefore, know both what is according to strict rule and what is according to custom, and in matters which do not admit of the strictest interpretation we should follow the decision handed down.²⁰

1. Heresy

Ephesus 2

About those bishops who have rejoined those of Nestorius

If any provincial bishops were not present at the holy Synod and have joined or attempted to join the apostasy; or if, after subscribing the deposition of Nestorius, they went back into the assembly of apostates; these men, according to the decree of the holy Synod, are to be deposed from the priesthood and degraded from their rank.²¹

Ephesus 3

About those clerics who were deposed through piety by Nestorius

If any of the city or country clergy have been inhibited by Nestorius or his followers from the exercise of the priesthood, on account of their orthodoxy, we have declared it just that these should be restored to their proper rank. And in general we forbid all the clergy who adhere to the Orthodox and Ecumenical Synod in any way to submit to the bishops who have already apostatized or shall hereafter apostatize.²²

Ephesus 4

About those clerics who follow Nestorius

If any of the clergy should fall away, and publicly or privately presume to maintain the doctrines of Nestorius or Celestius, it is declared just by the holy Synod that these also should be deposed.²³

2. Transgressions of Church Order

Apostolic 15

About clergy who leave their own parish

I 15, 16; IV 5, 10, 20, 27; VI 17, 18; VII 10, 15; Ant. 3; Sard. 15, 16, 17; Carth 54, 90

If any presbyter, or deacon, or any other of the list of the clergy, shall leave his own parish, and go into another, and having entirely forsaken his own, shall make his abode in the other parish without the permission of his own bishop, we command that he shall no longer perform the liturgy; more especially if his own bishop having exhorted him to return he has refused to do so, and persists in his disorder. But let him communicate there as a layman.²⁴

²⁰ Deferrari 23-25.

²¹ NPNF XIV, 228.

²² NPNF XIV, 228.

²³ NPNF XIV, 229

²⁴ NPNF XIV, 594.

Trullo 17

That a cleric must not be ascribed to another Church without the consent of his own bishop.

Whereas clerics of various Churches have left their own Churches, in which they were ordained, going off to other bishops, and have been ascribed to other Churches without the consent of their own bishop, whereby they have become insubordinate; we decree that, from the month of January of the past fourth Indiction, no cleric, regardless of his rank, can be ascribed to another Church, save with a dismissory letter from his own bishop. Anyone who does not observe this, but rather, on his part, disgraces the one who bestowed ordination upon him, shall himself be deposed, as well as the other who has irregularly received him.²⁵

3. Ethical/Moral lapses

Apostolic 25

About any of those in sacred orders found in fornication, perjury, or theft, that they are deposed but not excommunicated
I 9; VI 4, 21; Ap. 30; Neoc 1, 9; Carth. 27; Bas. 3, 17, 21, 44, 51, 70

If a bishop, presbyter, or deacon be found guilty of fornication, perjury, or theft, let him be deposed, but let him not be excommunicated; for the Scripture says, "you do not punish [a man] twice for the same thing (Nah 1.9)." In like manner the other clergy shall be subject to the same proceeding.²⁶

Trullo 4

Concerning the penalty for one who has had carnal intercourse with a woman dedicated to God.
I 9; IV 16; VI 21, 44; Ap. 25; Anc. 19; Neoc. 9; Bas 3, 6, 18, 19, 20, 32, 51, 60

If any bishop, or presbyter, or deacon, or subdeacon, or reader, or cantor, or door-keeper has carnal intercourse with a woman dedicated to God, he shall be deposed, as one who has corrupted the bride of Christ; if a layman, he shall be excommunicated.²⁷

C. Reception of Non-Orthodox Clergy

I Nicea 8

Concerning the so-called Cathars
Ap. 46, 47, 68; Anc. 13; Neo. 14

Concerning those who have given themselves the name of Cathars, and who from time to time come over publicly to the catholic and apostolic church, this holy and great synod decrees that they may remain among the clergy after receiving an imposition of hands. But before all this it is fitting that they give a written undertaking that they will accept and follow the decrees of the catholic Church, namely that they will be in communion with those who have entered into a second marriage and with those who have lapsed in time of persecution and for whom a period [of penance] has been fixed and an occasion [for reconciliation] allotted, so as in all things to follow the decrees of the catholic and apostolic Church. Accordingly, where all the ordained in villages or cities have been found to be men of this kind alone, those who are so found will remain in the clergy in the same rank; but when some come over in places where there is a bishop or presbyter belonging to the catholic church, it is evident that the bishop of the church will hold the

²⁵ Nedungett-Featherstone 92-93.

²⁶ NPNF XIV, 595.

²⁷ Nedungett-Featherstone 74.

bishop's dignity, and that the one given the title and name of bishop among the so-called Cathars will have the rank of presbyter, unless the bishop thinks fit to let him share in the honor of the title. But if this does not meet with his approval, the bishop will provide for him a place as chorepiscopus or presbyter, so as to make his ordinary clerical status evident and so prevent there being two bishops in the city.²⁸

I Nicea 19

Concerning the followers of Paul of Samosata who come over

Ap. 47

Concerning the former Paulinists who seek refuge in the catholic church, it is determined that they must be rebaptised unconditionally. Those who in the past have been enrolled among the clergy, if they appear to be blameless and irreproachable, are to be rebaptised and ordained by the bishop of the catholic church. But if on inquiry they are shown to be unsuitable, it is right that they should be deposed. Similarly with regard to deaconesses and all in general whose names have been included in the roll, the same form shall be observed. We refer to deaconesses who have been granted this status, for they do not receive any imposition of hands, so that they are in all respects to be numbered among the laity.²⁹

Basil 1

About Cathari, Pepuzeni, and Encratites

I 8; II 7; VI 95; Ap. 46, 47, 68; Laod. 7; Carth. 48, 68, 93; Ath. 2, 4; Bas. 47, 95, 96; Tim. 19, 25; Cyr. 6, 7; Cypr. 1

Now regarding your inquiry about the Cathari, mention has already been made, and rightly have you called to mind that we should follow the custom existing in each region, because those who once rendered a decision in their regard held divergent views about their baptism. But the baptism of the Pepuzeni seems to me to have no sanction, and I have wondered how this escaped Dionysius, versed as he was in the canons. For the ancients decided to accept that baptism which in no wise deviates from the faith. Accordingly, they employed the names: heresies, schisms, and illegal congregations; heresies, those who are completely, broken off and, as regards the faith itself, alienated; schisms, those at variance with one another for certain ecclesiastical reasons and questions that admit of a remedy; illegal congregations, assemblies brought into being by insubordinate presbyters or bishops, and by uninstructed laymen. For example, if someone who has been apprehended in error has been forbidden the exercise of his office and has not submitted to the canons, but has unjustly arrogated to himself the episcopal and priestly functions, and certain people, abandoning the Catholic Church, have gone along with him, such an affair is illegal congregation. And schism is to be at variance regarding penance with those belonging to the Church. And heresies are, for example, those of the Manichaeans, of the Valentinians, of the Marcionites, and of these very Pepuzeni; for here at once regarding faith in God itself disagreement exists. The ancients, accordingly, decided to reject completely the baptism of heretics, but to accept that of schismatics on the ground that they were still of the Church; and as to those in illegal congregations, to join these again to the Church after they had been improved by adequate repentance and change of heart; hence they often received into the same rank, whenever they have repented, even those in orders who have gone off with the insubordinate.

²⁸ DEC 8-9.

²⁹ DEC 15.

Now the Pepuzeni are clearly heretical, for they have blasphemed against the Holy Ghost, unlawfully and shamelessly giving the name of Paraclete to Montanus and Priscilla. Therefore, either on the ground that they are making men partakers of the divine nature, are they to be condemned, or on the ground that they are mocking the Holy Ghost by comparing Him to man, and thus are liable to everlasting punishment because blasphemy against the Holy Ghost is without forgiveness. Therefore what reason is there in our having sanctioned the baptism of these who, baptize in the name of the Father, and the Son, and of Montanus or Priscilla? For those have not been baptized who have been baptized in the names which have not been handed down to us. Hence, even if this has escaped the notice of the great Dionysius, we, on the other hand, must not maintain the imitation of the error. For the absurdity of the thing is quite evident of itself, and clear to all whoever share at all, even slightly, in the power of reason.

The Cathari themselves also belong to the number of schismatics. Still, however, it seemed best to the ancients – I refer to Cyprian and our own Firmilianus – to subject all these – Cathari, and Encratites, and Hydroparastatae to one vote of condemnation, because the beginning of this separation arose through schism, and those who had broken away from the Church no longer had in them the grace of the Holy Spirit; for the imparting of it failed because of the severance of continuity. For those who separated first had ordination from the fathers, and through the imposition of their hands possessed the spiritual gift, but those who had been cut off, becoming laymen, possessed the power neither of baptizing nor of ordaining, being able no longer to impart to others the grace of the Holy Spirit from which they themselves had fallen away. Therefore, they commanded those who had been baptized by them, as baptized by laymen, to come to the Church and be purified by the true baptism of the Church. But since on the whole it has seemed best to some of those in Asia that, for the sake of the discipline of the majority, their baptism be accepted, let it be accepted.

We must, however, observe the wicked action of the Encratites, for in order to render themselves unacceptable to the Church they have attempted for the future to forestall the matter by practicing a peculiar baptism of their own, whereby they have violated even their own practice. Accordingly I think that, since nothing has been clearly established regarding them, it is proper for us to reject their baptism, and if anyone has received it from them, to baptize him on his entering the Church. If, however, this shall prove to be injurious to the general discipline, we must resort again to custom, and must follow the fathers who have dispensed legislation that pertains to us. For I entertain some fear lest, while we desire to make the people cautious about baptizing, we may by the severity of our decision stand in the way of those who are being saved. But if they maintain our baptism, let this not disturb us.

For we are not under obligation to return them the favor, but to observe the canons scrupulously. And on every ground let it be decreed that those who come from their baptism be anointed, to wit, in the presence of the faithful, and thus approach the mysteries. But I know that we have received the brethren Izois and Saturninus into episcopal rank, who were of that party. Therefore we can no longer separate from the Church those who have joined their company, since through the acceptance of the bishops we have published a kind of canon of communion, with them.³⁰

³⁰ Deferrari 7-21.