

## HERESIES, SCHISMS AND UNCANONICAL ACTS REQUIRE A LIVING SYNODICAL JUDGMENT

### *An Introduction to Councils and Canon Law*

The Orthodox Church, since the time of the Holy Apostles, has resolved quarrels or problems by convening Councils. Thus, when the issue arose regarding circumcision and the Laws of Moses, the Holy Apostles met in Jerusalem, as recorded in the Acts of the Apostles (Chapter 15). The Holy Fathers thus imitated the Apostles by convening Councils, whether general, regional, provincial or diocesan, in order to resolve issues of practice. These Councils discussed and resolved matters of Faith, affirming Orthodoxy (correct doctrine) while condemning heresies (false teachings). The Councils also formulated ecclesiastical laws called Canons, which either define good conduct or prescribe the level of punishment for bad conduct. Some canons apply only to bishops, others to priests and deacons, and others to lower clergy and laymen. Many canons apply to all ranks of the clergy collectively. Several canons apply to the clergy and the laity alike.

The level of authority that a Canon holds is discerned by the authority of the Council that affirmed the Canon. Some Canons are universal and binding on the entire Church, while others are only binding on a local scale. Also, a Canon is only an article of the law, and is not the execution of the law. For a Canon to be executed, the proper authority must put the Canon in force. The authority differs depending on the rank of the person accused. According to the Canons themselves, a bishop requires twelve bishops to be put on trial and for the canons to be applied towards his condemnation. A presbyter requires six bishops to be put on trial and condemned, and a deacon requires three bishops. The lower clergy and the laymen require at least one bishop to place them on ecclesiastical trial or to punish them by applying the canons to them. But in the case of laymen, a single presbyter may execute the Canon if he has been granted the rank of *pneumatikos*, and therefore has the bishop's authority to remit sins and apply penances. However, until this competent ecclesiastical authority has convened and officially applied the Canons to the individual of whatever rank, that individual is only "liable" to punishment, but has not yet been punished. For the Canons do not execute themselves, but they must be executed by the entity with authority to apply the Canons.

The Canons themselves offer three forms of punishment, namely, deposition, excommunication and anathematization. Deposition is applied to clergy. Excommunication is applied to laity. Anathematization can be applied to either clergy or laity. Deposition does not remove the priestly rank, but is

simply a prohibition from the clergyman to perform priestly functions. If the deposition is later revoked, the clergyman does not require reordination. In the same way, excommunication does not remove a layman's baptism. It only prohibits the layman to commune. If the excommunication is later lifted, the layman does not require rebaptism. Anathematization causes the clergyman or layman to be cut off from the Church and assigned to the devil. But even anathematizations can be revoked if the clergyman or layman repents.

### *There Is a Hierarchy of Authority in Canon Law*

The authority of one Canon over another is determined by the power of the Council the Canons were ratified by. For example, a canon ratified by an Ecumenical Council overruled any canon ratified by a local Council. The hierarchy of authority, from most binding Canons to least, is as follows:

**Apostolic Canons (Universal)** refer to those compiled by the Holy Apostles and their immediate successors. These Canons were approved and confirmed by the *First Ecumenical Council* and again by the *Quinisext Council*. Not even an Ecumenical Council can overrule or overthrow an Apostolic Canon. There are only very few cases where Ecumenical Councils have amended the command of an Apostolic Canon by either strengthening or weakening it. But by no means were any Apostolic Canons overruled or abolished. For instance, the 1<sup>st</sup> Apostolic Canon which states that a bishop must be ordained by two or three other bishops. Several Canons of the Ecumenical Councils declare that even two bishops do not suffice, but that a bishop must be ordained by the consent of all the bishops in the province, and the ordination itself must take place by no less than three bishops. This does not abolish nor does it overrule the 1<sup>st</sup> Apostolic Canon, but rather it confirms and reinforces the "spirit of the law" behind that original Canon. Another example is the 5<sup>th</sup> Apostolic Canon which states that Bishops, Presbyters and Deacons are not permitted to put away their wives by force, on the pretext of reverence. Meanwhile, the 12<sup>th</sup> Canon of Quinisext advises a bishop (or presbyters who has been elected as a bishop) to first receive his wife's consent to separate and for both of them to become celibate. This does not oppose the Apostolic Canon because it is not a separation by force but by consent. The 13<sup>th</sup> Canon of Quinisext confirms the 5<sup>th</sup> Apostolic Canon by prohibiting a presbyters or deacons to separate from his wife. Thus the 5<sup>th</sup> Apostolic Canon is not abolished, but amended by an Ecumenical Council for the good of the Church. After all, the laws exist to serve the Church and not to enslave the Church. In the same way, Christ declared: "*The sabbath was made for man, and not man for the sabbath* (Mark 2:27)."

**Ecumenical Canons (Universal)** are those pronounced by *Imperial* or *Ecumenical* Councils. These Councils received this name because they were convened by Roman *Emperors* who were regarded to rule the *Ecumene* (i.e., “the known world”). Ecumenical Councils all took place in or around *Constantinople*, also known as *New Rome*, the *Reigning City*, or the *Universal City*. The president was always the hierarch in attendance that happened to be the *first-among-equals*. Ecumenical Councils cannot abolish Apostolic Canons, nor can they abolish the Canons of previous Ecumenical Councils. But they can overrule Regional and Patristic Canons.

**Regional Canons (Universal)** refer to those ratified by Regional Councils that were later confirmed by an Ecumenical Council. This approval gave these Regional Canons a universal authority, almost equal to Ecumenical Canons. These Canons are not only valid within the Regional Church in which the Council took place, but are valid for all Orthodox Christians. For this reason the Canons of these approved Regional Councils cannot be abolished, but must be treated as those of Ecumenical Councils.

**Patristic Canons (Universal)** refer to the Canons of individual Holy Fathers that were confirmed by an Ecumenical Council. Their authority is only lesser than the Apostolic Canons, Ecumenical Canons and Universal Regional Canons. But because they were approved by an Ecumenical Council, these Patristic Canons binding on all Orthodox Christians.

**Pan-Orthodox Canons (Universal)** refer to those ratified by Pan-Orthodox Councils. Since Constantinople had fallen to the Ottomans in 1453, there could no longer be *Imperial* or *Ecumenical* Councils, since there was no longer a ruling *Emperor of the Ecumene* (the Roman or Byzantine Empire). But the Ottoman Sultan appointed the Ecumenical Patriarch of Constantinople as both the political and religious leader of the enslaved *Roman Nation* (all Orthodox Christians within the Roman Empire, regardless of language or ethnic origin). In this capacity, having replaced the Roman Emperor as leader of the Roman Orthodox Christians, the Ecumenical Patriarch took the responsibility of convening General Councils which were not called *Ecumenical* Councils (since there was no longer an *Ecumene*), but instead were called *Pan-Orthodox* Councils. Since the Ecumenical Patriarch was also the first-among-equals of Orthodox hierarchs, he would also preside over these Councils. Thus he became both the convener and the president. The Primates of the other Patriarchates and Autocephalous Churches were also invited, along with their Synods of Bishops. If the Ecumenical Patriarch was absent or the one accused, the Patriarch of Alexandria would preside over the Synod. If he too could not attend in person, then the Patriarchs of Antioch or Jerusalem would preside. If no Patriarchs could attend, but only send their

representatives, these representatives would not preside over the Council. Instead, whichever bishop present who held the highest see would preside. In several chronologies, the Pan-Orthodox Councils are referred to as Ecumenical. In any case, the Canons pertaining to these Councils are regarded to be universally binding for all Orthodox Christians.

**National Canons (Local)** are those valid only within a particular National Church. The Canons of these National Councils are only accepted if they are in agreement with the Canons ratified by the above Apostolic, Ecumenical, Regional, Patristic and Pan-Orthodox Councils.

**Provincial Canons** are those ratified by Councils called by a Metropolitan and his suffragan bishops. They are only binding within that Metropolis.

**Prefectural Canons** are those ratified by Councils called by a single bishop and his subordinate clergy. They are only valid within that Diocese.

**Parochial Canons** are the by-laws of a local Parish or Mission, which are chartered and endorsed by the Rector or Founder of a Parish and the Parish Council. These by-laws are only applicable within that Parish.

**Monastic Canons** are the rules of a local Monastery or Monastic Order, which are chartered by the Abbot or Founder of the Skete or Monastery. These by-laws are only applicable within that Monastery.

Sometimes Canons are only recommendations explaining how clergy and laity are to conduct themselves. Other times they are actually penalties to be executed upon laity and clergy for their misdeeds. But the penalties contained within Canons are simply recommendations and not the actual executions of the penalties themselves. The recommendation of the law is one thing and the execution of the law is another.

### ***Canon Law Can Only Be Executed By Those With Authority***

For the execution of the law to take place it requires a competent authority to execute the law. A competent authority is reckoned by the principle of "the greater judges the lesser." Thus, there are Canons that explain who has the authority to judge individuals according to the Canons.

A layman can only be judged, excommunicated or anathematized by his own bishop, or by his own priest, provided the priest has the permission

of his own bishop (*i.e.*, a priest who is a *pneumatikos*). This law is ratified by the 6<sup>th</sup> Canon of Carthage, which has been made universal by the authority of the Sixth Ecumenical Council. The Canon states: *“The application of chrism and the consecration of virgin girls shall not be done by Presbyters; nor shall it be permissible for a Presbyter to reconcile anyone at a public liturgy. This is the decision of all of us.”* St. Nicodemus’ interprets the Canon as follows: *“The present Canon prohibits a priest from doing three things... and remission of the penalty for a sin to a penitent, and thereafter through communion of the Mysteries the reconciliation of him with God, to whom he had become an enemy through sin, making him stand with the faithful, and celebrating the Liturgy openly... For these three functions have to be exercised by a bishop.... By permission of the bishop even a presbyter can reconcile penitents, though. And read Ap. c. XXXIX, and c. XIX of the First EC. C.”* Thus the only authority competent to judge a layman is a bishop or a presbyter who has the permission of his bishop to do so. However, those who are among the low rank of clergy (readers, subdeacons, etc) require their own local bishop to try them, because a presbyter cannot depose them.

A deacon can only be judged by his own local bishop together with three other bishops, and a presbyter can only be judged by his own local bishop together with six other bishops. The 28<sup>th</sup> Canon of Carthage thus states: *“If Presbyters or Deacons be accused, the legal number of Bishops selected from the nearby locality, whom the accused demand, shall be empaneled — that is, in the case of a Presbyter six, of a Deacon three, together with the Bishop of the accused — to investigate their causes; the same form being observed in respect of days, and of postponements, and of examinations, and of persons, as between accusers and accused. As for the rest of the Clerics, the local Bishop alone shall hear and conclude their causes.”* Thus, one bishop is insufficient to submit a priest or deacon to trial or deposition. This can only be done by a Synod of Bishops with enough bishops present to validly apply the canons. The amount of bishops necessary to judge and depose a priest are seven (one local plus six others), and for a deacon the minimum amount of bishops is four (one local plus three others).

A bishop must be judged by his own metropolitan together with at least twelve other bishops. If the province does not have twelve bishops, they must invite bishops from other provinces to take part in the trial and deposition. Thus the 12<sup>th</sup> Canon of Carthage states: *“If any Bishop fall liable to any charges, which is to be deprecated, and an emergency arises due to the fact that not many can convene, lest he be left exposed to such charges, these may be heard by twelve Bishops, or in the case of a Presbyter, by six Bishops besides his own; or in the case of a Deacon, by three.”* Notice that the amount of twelve bishops is the minimum requirement and not the maximum. The maximum is for all the bishops, even if they are over one hundred in number, to convene for the sake of deposing a bishop. But if this cannot take place, twelve bishops assisting

the metropolitan suffice. Therefore, unless a bishop is judged and condemned to deposition by his own metropolitan and at least twelve other bishops, the accused bishop is not legally condemned nor deposed. This is also confirmed by the 2<sup>nd</sup> Canon of the Regional Council of Constantinople: *“We enact that hereafter that a responsible Bishop when being tried can be deposed neither by three nor much less by two, but only by vote of a larger Council, and if possible of all the provincials, just as the Apostolic Canons also decreed, in order that the condemnation of one deserving to be deposed may be shown by a vote of the majority, in the presence of the one being tried, with greater accuracy.”* Thus any bishop accused of heresy or uncanonical acts can only be deposed by a living council of bishops that has the authority to do so, which means a council called by the Metropolitan and all the bishops of the province, or, according to Carthage, no less than twelve bishops. As for a Metropolitan, he can only be judged by a Synod presided over by his own Patriarch or Ethnarch, and attended by all the bishops of the local Church. In the case wherein the Patriarch or an Ethnarch is to be deposed, this trial and deposition can only be enacted by an Ecumenical or Pan-Orthodox Council consisting of other Patriarchs, Metropolitans and Bishops, and such was always the case in ecclesiastical history. Thus Patriarch Nestorius of New Rome was deposed by the Third Ecumenical Council. Patriarch Dioscorus of Alexandria was deposed by the Fourth Ecumenical Council. Several Patriarchs were deposed by the Sixth Ecumenical Council. In 1054, the Pope of Rome was deposed by a Pan-Orthodox Council. Ecumenical Patriarch Cyril Lukaris was deposed by a Pan-Orthodox Council held in Jerusalem. And so on and so forth.

Thus there is a hierarchy of authority in Canon Law, but there is also a hierarchy of authority when it comes to who is eligible to execute the Canon Law. A layman can only be excommunicated by his own bishop, or by his own presbyter who has the blessing of the bishop. A reader or subdeacon can only be deposed by his own bishop. A deacon can only be deposed by his own bishop and three other bishops. A presbyter can only be deposed by his own bishop and six other bishops. A bishop can only be deposed by his own metropolitan and twelve other bishops. A metropolitan can only be deposed by his own patriarch and at least twelve other metropolitans and bishops. A patriarch can only be deposed by an Ecumenical or Pan-Orthodox Council consisting of several patriarchs, metropolitans and bishops. Thereby the “lesser is judged by the greater.” If this procedure is not carried out, then even if the accused are liable to excommunication, deposition or anathematization, they remain only liable and not truly condemned until a valid authority condemns them. This is the law of the Church and it cannot be abolished.

## *Until the Accused are Judged by Their Canonical Authority, They Are Not Yet Truly Deposed, Excommunicated or Anathematized*

Until the above canonical process takes place, the accused layman, reader, subdeacon, deacon, presbyter, bishop, metropolitan or patriarch is neither deposed nor anathematized. Even if the Holy Canons of the Apostles, Ecumenical Councils, Regional Councils or Holy Fathers, may suggest that the one accused be penalized, this penalty does not fall upon the accused until the living authority (be it the diocesan council, regional council or general council) executes the excommunication, deposition or anathematization. For the Holy Canons themselves are simply recommendations or penalties. They are not automatic executions of the law. The execution of the law must take place by the competent ecclesiastical authority depending on the case.

It is for this reason that the majority of canons word the penalty as “let him be deposed,” or “let him be excommunicated,” or “let him be anathema,” instead of “he is already deposed,” or “he is already excommunicated,” or “he is already anathema.” This is not only true in regards to violations of practice, but even in regards to violations of the Faith. For even anathemas are not executed by the Canons themselves. On the contrary, the anathemas only fall upon the head of the accused when a living ecclesiastical authority applies the Canons and hurls the anathemas upon the accused individual by name. Thus, if a layman, reader, subdeacon, deacon, presbyter, bishop, metropolitan or patriarch begins preaching heresy “with bared head,” and they fail to repent of this heresy, and especially if this heresy has been condemned by previous Councils of the Church, then such an individual is most certainly “worthy of anathema,” or “liable to be anathematized,” but it is only when a competent ecclesiastical authority actually judges and anathematizes the accused, that the latter can be called “already anathematized.”

St. Nicodemus of Athos, in a footnote contained in the Rudder, makes this perfectly clear. His explanation is provided below:

We must know that the penalties provided by the canons, such as deposition, excommunication, and anathematization, are imposed in the third person according to grammatical usage, there being no imperative available. In such cases in order to express a command, the second person would be necessary. I will explain the matter better. The canons **command** the council of living bishops to depose the priests, or to excommunicate them, or to **anathematize** laymen who violate the canons. Yet, if the council does not actually effect the deposition of the priests, or the

excommunication, or the anathematization of the laymen, **they are neither actually** deposed, nor excommunicated, **nor anathematized**.

They are, however, **liable to stand judicial trial** – here, with regard to deposition, excommunication, and **anathematization**, but there with regard to divine vengeance. Just as when a king commands his slave to whip another who did something that offended him, if the slave in question fails to execute the king's command, he will nevertheless be liable to trial for the whipping.

So, those silly men make a great mistake who say that at the present time all those in holy orders who have been ordained contrary to the canons are actually deposed from office. It is an inquisitorial tongue that foolishly twaddles thus without understanding that the **command** of the canons, without the practical activity of the second person, or, more plainly speaking, of the council, **remains unexecuted**, since **it does not act of itself** and by itself immediately and before judgment.

The Apostles themselves explain themselves in their c. XLVI unmistakably, since they do not say that any bishop or presbyter who accepts a baptism performed by heretics is **already** and **at once** deposed, but rather they **command** that he be deposed, or, at any rate, that he stand trial, and if it be proven that he did so, then 'we command that he be stripped of holy orders,' they say, 'by **your decision**.'

Therefore, even if a previous council, be it even Ecumenical or Pan-Orthodox, has directed that innovators be anathematized, this is only the recommendation and not the execution of the anathema. The anathema only becomes executed upon the innovators when a competent ecclesiastical authority applies the canons and the anathemas to the innovators in question. If the innovators are layman, a bishop suffices to do this. If the innovators are deacons, then only their own bishop and three other bishops have the authority to anathematize them. If the accused are priests, then only their own bishop and six other bishops have the authority to do this. If the innovators are bishops, then only their own metropolitan, and twelve other bishops have the authority to anathematize them. If those preaching heresy are patriarchs or ethnarchs, then only a Pan-Orthodox Council consisting of patriarchs, metropolitans, bishops, presbyters and deacons, can anathematize them.



## *The Meaning of Anathema and Who Has the Authority to Hurl It*

In order to understand the meaning of anathema, the explanation of St. Nicodemus of Athos, as contained in the rudder, is provided below:

The word anathema (written with *epsilon* in Greek) means, on the one hand, that which has been separated from men and consecrated to God — in which sense it is also written with *eta* in Greek — and, on the other hand, that which has been separated from God and from the Christian Church and consecrated to the devil, in which sense the spelling with *epsilon* has prevailed for the most part, and not that with *eta*. And just as one does not dare take hold of or even to touch anything that has been anathematized (in the first sense), or consecrated to God, because of one's being bound to honor and respect God — for “*every anathema that any man may devote unto the Lord shall be a holy of holies to the Lord*” (Lev. 27:28), says the Bible — so and in like manner also in the case of that person who has been separated from God and from the Church, and has become an anathema to the devil, no one dares to associate or communicate with him, but, on the contrary, all the faithful keep away from him. So that both the one and the other anathema, in so far as they imply separation from men, do not differ from each other, but in so far as one implies consecration to God, and the other implies consecration to the devil, each is exceedingly contrary to the other.

Hence Chrysostom in speaking about the second kind of anathema, in the discourse he has written to the effect that one ought not to anathematize anyone living or dead (Vol. V), says: “What else can be the meaning of the anathema you utter, O man, than that you wish the person in question to be consecrated (or, as we say in English, consigned) to the devil, and to have no longer any possibility of salvation, to be estranged, in fact, from Christ?” And again (he says): “An anathema utterly separates and cuts off a person from Christ.” In Vol. IV (page 880. 3.), in interpreting ch. 23 of the Acts, wherein it is said that those forty Jews anathematized themselves (*Note of Translator*. — The English Version has this translated “bound themselves under a great curse,” though the Greek text of the New Testament says *verbatim* “we have anathematized ourselves with an anathema”) if they failed to have St. Paul put to death — in interpreting this passage, I repeat, he says: “What is the meaning of ‘they anathematized’?”

It stands for "they said they would outside of faith in God unless they did what seemed fit to them against Paul."

In the justificatory appendix to the Seventh Ec. C. Tarasius says: "An anathema is a terrible thing, because it puts a man far away from God, and chases him from the kingdom of heaven, and sends him to the outer darkness" (page 724 of vol. II of the Conciliar Records). These facts having been thus made known beforehand, some persons (such as Blastaris and Balsamon) have unseasonably criticized the present Council for the anathema it pronounces, as they have done in citing in evidence divine Chrysostom: first, because in the foregoing discourse Chrysostom, true enough, does forbid any man to anathematize anyone, living or dead, where he says: "What then? Do you dare, O man, to utter that anathema which no one dared to pronounce of those who received authority to do so, when you are doing something that is contrary to the Lord's death, and are forestalling the King's judgment?"

But he does not prohibit a Council from doing this. For he himself says again in the same discourse: "So what? Did you receive so great authority as be entitled to anathematize anyone? — which authority to anathematize is something that was received by only the Apostles and those who became in all strictness successors of the Apostles and who were full of grace and power?" For it is patent that the Fathers of this just as all the other Fathers of the rest of the Councils, and especially those of the Ecumenical Councils, anathematized in their Acts heretics, on the score that they too possessed the same authority as successors of the Apostles, as is to be seen in their minutes. Secondly, because at the end of the above discourse the same Chrysostom says that we ought to anathematize heretical tenets, and to censure them, though as regards the men, the heretics, that is to say, he says that we ought to be sorry for them (St. Barsanuphius adds that one ought not to anathematize not merely heretics, but even the devil himself, because he is anathematizing himself in that he is guilty of liking and doing the wishes and works of the devil).

The truth of the matter, however, is that the present Council [*i.e.* that of Gangra] made excessive use of the anathema, not only as against the heretical and schismatical views of Eustathius, but also as against those improprieties which are remedied by other Canons with only excommunication of laymen and deposition of those in holy orders. For in regard to one who fasts on Sunday, and one who goes to church privately, the

Apostolic Canons merely depose him from office if he is a person in holy orders, or merely excommunicates him if he is a layman; whereas the present Council anathematizes him. But it prescribed this chastisement for two reasons: first, as Blastaris says, to prevent the evil, which had at that time become excessively rampant, by means of this excessive penalty; secondly, in order to have the adherents of Eustathius anathematize every view of theirs exactly as is prescribed in every Canon, when they came to join the Orthodox faith, by declaring, for instance, as fellows: "If anyone disparages marriage, let him be anathema. If anyone do this, and the rest, let him be anathema." This, or the like, they were to say, in order to ensure belief and conviction in others that they had truly come to hate their own views and on this account were anathematizing them. In verification of this explanation we find the letter of the present Council to Armenia saying: "But if the Eustathians regret and anathematize each one of these wrong utterances, they are to be accepted. For this reason the holy Council has set forth each single view which they must anathematize in order to be accepted."

Note that the Apostle uttered an anathema only four times: once against those who do not love the Lord, in 1 Cor. 16:22: "*If anyone love not the Lord Jesus Christ, let him be anathema*"; and twice in the Epistle to the Galatians, against those who preach anything outside of the gospel which has been handed down; and once in the Epistle to the Romans. The rest of the Canons pronounce an anathema only eleven times. For c. II of Chalcedon (i.e., the 4th Ec. C.) anathematizes those laymen or monks who act as go-betweens to have someone ordained for money; c. VII of the same C. anathematizes monks who go into the army or seek to obtain worldly offices or dignities and fail to return. Its c. XV anathematizes a deaconess who gives herself in marriage to a man. Its c. XXVII anathematizes those men who grab women. The Council held in Laodicea pronounces an anathema three times, in its cc. XXIX, XXXIV, and XXXV; and that held in Carthage, in two of its canons, namely, X and XI. The third Canon of the Council held in St. Sophia (Holy Wisdom) (in Constantinople) anathematizes anyone who strikes a bishop or puts him in prison. Canon LXXXVIII of St. Basil said that Presbyter Gregory should be anathematized if he failed to get rid of the housekeeper he was harboring.

Note, moreover, the fact that, since, according to Chrysostom, Christians ought not to be anathematized, so long as they cherish Orthodox views about God, that is to say, therefore,

according to Balsamon and Philotheus (patriarch) of Constantinople, both the Tome made in the reign of Constantine Porphyrogenitus, and that made in the reign of Manuel Comnenus and of Palaeologus have become void and invalid because they anathematized persons who deserted Emperors or Kings (page 288 of *Juris Graeco-Romani*).

Thus it is quite clear from the above explanation by St. Nicodemus that only a valid Council of Bishops with authority (that is, of a higher level in the hierarchical structure explained earlier) has the ability to hurl an anathema on a layman, reader, subdeacon, deacon, presbyter, bishop, metropolitan or patriarch. The competent authority varies according to the rank of the one accused of heresy and liable to the anathema. By no means can a laymen anathematize a priest. Nor can a priest anathematize his bishop. Nor can a bishop anathematize a metropolitan or a patriarch. But a council of patriarchs, metropolitans and bishops can anathematize a patriarch. A council of a metropolitan and twelve bishops can anathematize a bishop. A council of a bishop and seven neighboring bishops can anathematize a priest. A council of a bishop and three neighboring bishops can anathematize a deacon. And a bishop alone can anathematize a subdeacon, reader or layman, if the canons suggest that this should be done. To enact anything contrary to this structure is a defiance of the canons, a defiance of the canonical law of the Church, and a defiance of the Church itself, which exists in this God-given structure.

### ***Severing Communion Prior to the Synodal Condemnation***

Just as it is impossible for a layman to anathematize his priest, or for a priest to anathematize his own bishop, for a bishop his metropolitan, or a metropolitan his patriarch, in a like manner, it is forbidden for any layman to sever communion with his priest, or a priest from his bishop, or a bishop from his metropolitan, or a metropolitan from his patriarch. For only the higher authority can judge, anathematize and excommunicate (that is, remove from communion) anyone subject to their authority. The only exception is if it is a matter of heresy previously condemned by Ecumenical Councils. Aside from this exception, it is absolutely unacceptable for severing of communion to take place by any means. This rule is defined by the following Holy Canons of the First-and-Second (Twice-Held) Council under Patriarch St. Photius the Great:

The 12<sup>th</sup> Canon condemns priests who abandon their churches and begin praying in private homes or prayer houses when there is no reason of heresy for them to be doing so: *“Besides the fact that the holy and Ecumenical Sixth Council has made liable to deposition from office clerics who are officiating or*

*baptizing within a home in prayer-houses without the consent and approval of the bishop, we too join hands with that Council in condemning them likewise. For inasmuch as the holy Church is expounding the faith straightforwardly and soundly, and is professing and defending the true word, and is both maintaining and teaching outright the decorum regulating conduct in actual life, it is dissonant and undevout to relegate those living together with uneducatedness to their own roles, to vitiate her good order, and to permeate her with troubles and scandals galore. Wherefore the present sacred Council in cooperation with God, and in agreement with the Ecumenical and holy Sixth Council, has decreed that those who are officiating within a private home in prayerhouses are declericated, that is to say, the declerication being awarded them by the local bishop. But if any other persons than these, without the bishop's lending his good will, should fall into those roles and dare to touch the liturgy, they are to be deposed from office, whereas those on the other hand who partook of their communion are to undergo excommunication."*

The 13<sup>th</sup> Canon forbids presbyters and deacons from separating from their bishop prior to the investigation, trial and condemnation of a Synod of Bishops with authority to conduct these: *"The All-evil One having planted the seed of heretical tares in the Church of Christ, and seeing these being cut down to the roots with the sword of the Spirit, took a different course of trickery by attempting to divide the body of Christ by means of the madness of the schismatics. But, checking even this plot of his, the holy Council has decreed that henceforth if any Presbyter or Deacon, on the alleged ground that his own bishop has been condemned for certain crimes, before a conciliar or synodal hearing and investigation has been made, should dare to secede from his communion, and fail to mention his name in the sacred prayers of the liturgical services in accordance with the custom handed down in the Church, he shall be subject to prompt deposition from office and shall be stripped of every prelatiic honor. For anyone who has been established in the rank of Presbyter and forestalls the Metropolitan's judgment, and, judging matters before a trial has been held, insofar as lies in his power, condemns his own father and Bishop, he is not even worthy of the honor or name of Presbyter. Those, on the other hand, who go along with him, in case any of them should be among those in holy orders, they too shall forfeit their own rights to honor, or, in case they should be monks or laymen, let them be utterly excommunicated from the Church until such time as they spew upon and openly renounce all connection with the schismatics and decide to return to their own Bishop."*

The 14<sup>th</sup> Canon forbids bishops from separating from their Metropolitans prior to the convention of a Synod of Bishops to judge the Metropolitan: *"If any Bishop, on the allegation that charges of crime lie against his own Metropolitan, shall secede or apostatize from him before a conciliar or synodal verdict has been issued against him, and shall abstain from communion with him, and fail to mention his name, in accordance with consuetude, in the course of the divine*

*mystagogy (i.e., liturgical celebration of the Eucharistic mystery), the holy Council has decreed that he shall be deposed from office, if merely by seceding from his own Metropolitan he shall create a schism. For everyone ought to know his own bounds, and neither ought a presbyter treat his own bishop scornfully or contemptuously, nor ought a bishop to treat his own Metropolitan so."*

The 15<sup>th</sup> Canon likewise forbids a Metropolitan to sever communion with his own Patriarch prior to a Synodal trial and condemnation: *"The rules laid down with reference to Presbyters and Bishops and Metropolitans are still more applicable to Patriarchs. So that in case any Presbyter or Bishop or Metropolitan dares to secede or apostatize from the communion of his own Patriarch, and fails to mention the latter's name in accordance with custom duly fixed and ordained, in the divine Mystagogy, but, before a conciliar verdict has been pronounced and has passed judgment against him, creates a schism, the holy Council has decreed that this person shall be held an alien to every priestly function if only he be convicted of having committed this transgression of the law. Accordingly, these rules have been sealed and ordained as respecting those persons who under the pretext of charges against their own presidents stand aloof, and create a schism, and disrupt the union of the Church..."*

In the same Canon, however, an exception is made: *"But as for those persons, on the other hand, who, on account of some heresy condemned by holy Councils, or Fathers, withdrawing themselves from communion with their president, who, that is to say, is preaching the heresy publicly, and teaching it bareheadedly in church, such persons not only are not subject to any canonical penalty on account of their having walled themselves off from any and all communion with the one called a Bishop before any conciliar or synodal verdict has been rendered, but, on the contrary, they shall be deemed worthy to enjoy the honor which befits them among Orthodox Christians. For they have defied, not Bishops, but pseudo-bishops and pseudo-teachers; and they have not sundered the union of the Church with any schism, but, on the contrary, have been sedulous to rescue the Church from schisms and divisions."*

But this walling off from one's ecclesiastical president prior to his official condemnation does not mean that the condemnation is unnecessary. It most certainly is necessary and must take place in the future. But in order to protect oneself from the heresies preached by the president, one is permitted to sever communion prematurely. Thus, this canon by no means disqualifies the necessity of a Council of Bishops to judge the one preaching heresy. For without the judgment, the heretic retains his post. To repeat the words of St. Nicodemus: **"Yet, if the council does not actually effect the deposition of the priests, or the excommunication, or the anathematization of the laymen, they are neither actually deposed, nor excommunicated, nor anathematized."**