

What is Canon Law?

The canonical tradition of the Orthodox Church, often called Canon Law, refers to the collection of the spiritual canons which constitute the majority of the Church's legislation. The canons delineate the theology of the Church and also aim to steer human behavior. However, rather than merely being a set of legalistic norms that exist simply to punish bad behavior, the canonical tradition of the church exists to guide our lives in the godly paths of salvation. Dr. Lewis Patsavos, a leading scholar and teacher of canon law, writes:

“In the last analysis, the Church's law exists to safeguard particular interests from the arbitrary intervention of superior interests. It should not be understood as subjecting a person to subservience, but as guaranteeing his freedom. Contrary to what some have believed, the Church's law differs essentially from secular law. Its difference lies mainly in the premise that the original source of canon law is found in the will of God to establish his Church on earth....Furthermore, the Church's law differs from secular law in purpose (*humanity's salvation*), time (extending beyond this life into the next), scope (including one's conscience), and place (the universal Church).”¹

As noted above, the purpose of canon law is the salvation of mankind. All things that God does for us are to teach us to follow His will so that our lives might be fuller, richer and more joyous, ultimately leading us to a life of holiness. While it is true that God established the holy canons through his Church to offer her a set of rules to live by, their intention and goal is nothing short of our salvation! The canons serve the Church and her faithful in order to guide her members on the way to salvation and make following that way easier.

Canons are dispensed with three different groups of people involved. The first are the bishops who enforce the canon (though this duty often falls to the priests in the local parish setting), the second are the people whom the canon directly affects, and the third are the faithful who witness the pastoral decision and its consequences. This leads directly to the manner in which the canons are dispensed. There are two ways that a bishop or priest can effectively use a canon. The first of those ways is according to *akrivia*, which means the strict and austere administering of a canon. *Akrivia* is adhering to the letter of the law and following the canon exactly. The second way for a canon to be used is by *oikonomia* (literally the “law of the house”). *Oikonomia* allows the bishop the flexibility to consider the person involved and their own spiritual maturity and ability to handle the consequences of their sin. Most importantly,

¹¹ Patsavos, Lewis J., *Spiritual Dimensions of the Holy Canons*, (Brookline, MA: Holy Cross Orthodox Press 2003), pgs 1-2, emphasis mine.

oikonomia functions at the level of love for the individual and the desire to teach the will of God. By administering the canon with flexibility, the pastor can consider being compassionate for the human being while also seeking to prevent any adverse effects from a strict observance of the law. The major characteristics of *oikonomia* are “compassion, pastoral sensitivity and forgiveness.”²

The Church has composed her canons in two different fashions. First, whenever the Church met in council—an Ecumenical Council for example—many canons were produced. For example, the first Ecumenical Council in Nicaea in the year 325 established when and how the date of Pascha was to be calculated. The local council of Ancyra in 314 says in Canon 6 that anyone who has sacrificed to an idol because of threats shall be removed from communion for five years. The Penthekte Council in the years 691-2 decreed in its 73 Canon that if a cross is found on the ground it must immediately be picked up. Second, canons can be produced in the writings of individual saints and fathers of the Church which are subsequently accepted as universal by the whole Church. An example of this is St. Basil of Caesarea’s first canon which handles the way in which heretics and heterodox are received into the church. St. Basil states that if they were baptized in the name of the Trinity they should be received without re-baptism. This canon still guides the modern Church as Roman Catholics and most Protestants are received into the Orthodox faith by Chrismation and not Baptism.³

Next, when a canon is observed according to *oikonomia* it does not set a precedent. Unlike secular law, if a bishop or a priest bends a law for one person, they do not have to do so for the next person. Furthermore, just because the bishop uses *oikonomia* it does not mean that he does so to lighten the burden. It is certainly within his purview to administer a canon even more strictly if his intent is to save the soul of his spiritual child. Once again, with this as the pervading premise of the pastoral nature of the canonical tradition, it is easy to see what the focus must be.

Finally, the context in which the canon was originally written matters immensely for its application today. Believe it or not, there is a canon that states if a priest has ever ridden on horseback he should be deposed from his order. If the bishop used *akrivia* I’d be in big trouble! Although that canon may sound somewhat silly, if we know the context from within which it was written, it tends to make more sense. In the ancient Roman Empire, soldiers rode on horseback. Horses were also used in the coliseum for the games where people and animals were slaughtered by the thousands. Furthermore, actors and those involved in the theater

² Ibid, 13.

³ This obviously does not apply to non-Christians such as Mormons, Jews, Buddhists, Muslims, etc. All non-Christians must be received by baptism.

companies often used horses and these people were considered to be profligate and debaucherous. With all of this in mind, for the ancient world, people who rode on horses were connected to death, murder and extreme sexual immorality, all things that the priesthood should be free from. Keeping this in mind, it is clear to see that the Church fathers decided to eliminate any controversy by keeping priests off of horses!

In closing, I leave you with another beautiful quote from Patsavos:

“The Church, which is the mystical body of Christ, utilizes her own means to achieve the salvation of all her members. Although the Church is simultaneously a human and divine institution, her earthly aspect is predominantly spiritual. So long as the Church retains this aspect of her existence, the holy canons together with the canonical tradition emanating from them will be an essential part of her earthly life. It is the Church’s canons and canonical tradition which assure the external means of security within which the life of the spirit is nurtured and preserved.”⁴

⁴ Patsavos, 16.