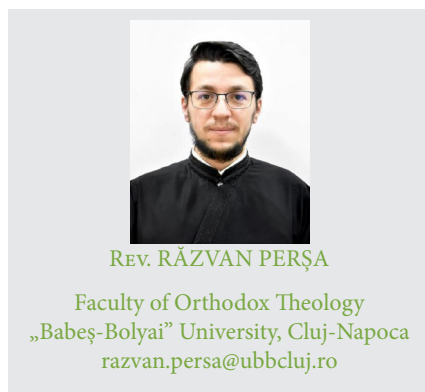


## THE IMPORTANCE OF THE HOLY SCRIPTURE WITHIN THE CANONICAL TRADITION OF THE ORTHODOX CHURCH

### Abstract

This paper examines the views of Orthodox canonists on the relationship between the Holy Scripture and Canon Law in current academic research. It explores two general positions within Orthodox Canon Law: one that considers the Holy Scripture as a fundamental source of Canon Law, and another that postulates a conflict between the principles of love and grace found in Scripture and the legal aspects of Canon Law. The first position categorizes the Holy Scripture as divine written law, while the Holy Tradition is seen as divine unwritten law. The sources of law are further classified into fundamental, historical, and practical sources. The division of Canon Law also includes distinctions such as divine or natural Church Law, common law versus law, and old law versus new law. The text references various canonists and their works to support these classifications. It highlights the understanding of contemporary Orthodox canonists who continue to recognize the Holy Scripture as a source of divine written law, emphasizing the importance of formulating human laws by divine justice. In general, it is emphasized that all the canons of the Church included in the fundamental collection, being regarded as an essential part of the Patristic tradition and the synodal manifestation of the Church, can be understood as manifestations of the ecclesial experience across time and space, guided by the divine grace of the Holy Spirit, and as a continuation of biblical rules and norms.



### Keywords

Holy Scripture, Abrogation of Law, Law and Grace, Orthodox Canon Law

## **The Holy Scripture as a source of Canon Law according to Orthodox Canonists**

In the 19<sup>th</sup> and 20<sup>th</sup> centuries, Orthodox Canon Law emphasized two general positions on the relationship between Holy Scripture and Canon Law. On one hand, according to old-school manuals of Canon Law, there was almost unanimous agreement that the Holy Scripture is considered a fundamental source (*fons iuris canonici*) of Canon Law (Milash 1905, 12). On the other hand, since the second half of the twentieth century, some canonists have postulated an antinomy between the Holy Scripture and Canon Law, the former being based on the principle of love and grace, and the latter on law, jurisdiction and authority (Afanasiieff 1975, 349; Stan 1968, 181).

According to the first position, Holy Scripture is considered, from a general perspective, as a source of law, being described, within a specific Western division of Canon Law (Perșa 2021, 25-130), as *divine written law* (*jus divinum scriptum*), and the Holy Tradition was considered a source of *divine unwritten law* (*jus divinum non scriptum*). For example, the sources of law are divided by the canonist and bishop Nikodim Milash, into three main categories: fundamental, historical and practical sources (Milash 1905, 12; Milash 1890, 10-15). Bishop Nikodim Milash divided the Church Law into 1. *written* and *unwritten* Church Law; 2. *divine* or *natural* Church Law, based on the clearly expressed will of God, and *positive* or *Ecclesiastical* Law (here Milash is misleading by equating divine law with natural law, considering that the latter originated within the Church). 3. *Common* Law, valid for the whole Church, and *particular* Law, valid for local Churches; 4. *internal* and *external* Law, regulating the internal life of the Church or the relations with external bodies such as the State; 5. Old Law and new Law, the former including rules “given in the time when the Church was not separated” (Milash 1905, 12; Constantinescu 2010, 97-99).

In a series of articles published in the Journal “Candela” of The Faculty of Orthodox Theology in Chernivtsi between 1885 and 1886, Constantin Popovici, professor of Orthodox Church law at the Faculty of Theology of the University of Chernivtsi, outlined the general elements of Canon Law, devoting several passages to determining the nature of Canon Law. From the outset, he divides Canon Law into written divine law (the Holy Scripture being its source), unwritten divine law (i.e. Holy Tradition), written human law (the “church” and “political-church” laws) and unwritten human law (represented by the customs of law) (Popovici 1885, 661-668). This division can be found in the handbooks of many 19<sup>th</sup> and 20<sup>th</sup> century Orthodox

Romanian and other canonists (Pocitan 1898, 14-15; Χριστοδούλου 1896, 32; Popovici 1925, 25-26; Moldovan 1930, 11; Şesan 1942, 29). Contemporary Orthodox canonists also acknowledge the Holy Scripture as the source of divine written law. For example, Panteleimon Rodopoulos states in his work that „every law and every human judicial institution must be formulated following divine justice (*jus divinum*), that is with unwritten divine justice or natural justice (*jus naturale*) or natural law (*lex naturalis*) and with the written divine law” (Rodopoulos 2007, 10).

When dividing the different categories of sources of ecclesiastical law, the Holy Scripture is considered as the fundamental source (Popovici 1925, 25-26; Şesan 1942, 29) or general fundamental source (Floca 1990, 72-75). This division follows the connection between a source of law and the primary source, which is the will of the founder of the Church. Therefore, all sources are related to the words of the Saviour, or more technically, to *divine law* (*jus divinum*). Based on this distinction, N. Milash, like other canonists of this period, introduced a qualitative distinction between the words of Christ, found in the Gospels or in parallel passages, which are considered as Divine Tradition, and the words of the apostles, considered as theological recommendations or opinions (Milash 1905, 39-40).

According to the teaching of St. Basil the Great, as reflected in his Canon 91, Nikodim Milash equates the normative importance of the Holy Tradition with that of the Holy Scripture. In the handbooks of the 19th and 20th centuries, the transition from divine law, represented by the teachings and commandments of Christ, to human ecclesiastical law is described by the statement: “Christ did not leave a codified set of laws or an ecclesiastical legislation, but rather demonstrated the meaning of the Church by granting authority to the Apostles” (Milash 1905, 38; Rodopoulos 1991, 9-10). Nevertheless, Jesus Christ is regarded as the primary legislator of the Church’s life. Because the Holy Scripture primarily encompasses fundamental principles and does not provide detailed regulations for ecclesiastical life, Orthodox canonists argued that norms, rules or laws based on fundamental principles must be established. From this perspective, laws concerning faith and morals, grounded in Holy Scripture, are unalterable, obligatory, and universally applicable. However, ecclesiastical laws governing the external organization of the Church are considered “conditionally binding”, with only those laws rooted in fundamental principles being unchangeable (Milash 1915, 50).

During the 19th and 20th centuries, there existed a general agreement among Orthodox theologians engaged in canonical research regarding the significance of the Holy Scripture for the Canonical Tradition of the Orthodox Church. However, this consensus was disrupted by the audacious theses of Rudolf Sohm, one of the most debated authors of the late 19<sup>th</sup> and early 20<sup>th</sup> centuries (Congar 1973, 263), who asserted an inherent incompatibility between grace and law, as well as between the principle of love and the authority or power of Law. Sohm's work can be summarized by two theses, one theological and one historical. The German scholar's theological thesis was that the being of Canon Law is in contradiction with the very being of the Church. "Das Kirchenrecht steht mit dem Wesen der Kirche in Widerspruch" (Sohm 1892, 2 and 700), and the Church is free from any juridical influence ("Die Kirche Gottes ist frei von ihrer Vergangenheit, von allem, was menschlich in der Geschichte gestaltet ist. Darum ist frei von jeglichen Recht", Sohm, 1892, 533). These perspectives introduced an antinomy between Holy Scripture and Canon Law (Buisson 1966, 1-175; Adams 1958, 219-235; Congar 1973 263-294; Haley 1980, 185-197). Sohm's theses had a significant impact not only on Protestant theology but also on Catholic and Orthodox theology. While Catholic scholars were initially inclined to dismiss Sohm's theses (Mörsdorf 1953, 483-502; Mörsdorf 1965, 72-79), as they directly challenged the fundamental principles of juridical thinking in Catholic theology (Cattaneo 1991, 23; Wijlens 1990, 30-31), Orthodox theologians embraced Sohm's arguments, with some minor adjustments, for anti-Catholic polemics and to assert the pneumatological character of the Church's being, which they believed to be independent of any legal or juridical influence.

In response to the legalistic perspective on the Holy Scripture, the second position challenges the dichotomy between divine and human law, as well as the idea of the Holy Scripture as a source of unchangeable written divine law that established a definitive Canon Law for the Church (Afanasiëff 1967, 54-68; Stan 1968, 180-189). Christ's authority as the originator of laws is diminished, and the scriptural norms, encompassing both the Old and New Testaments, are no longer viewed as positive norms (Afanasiëff 1959, 112-127). Instead of the biblical text, the canons have their source in the dogmatic consciousness transposed within a cultural and historical framework by the canonical consciousness of the Church. According to this second perspective, throughout history, law has been progressively integrated into the life of the Church, eventually assuming a central organizational role (Afanasiëff 1975, 349; Stan 1968, 181). By aiming to reject the legalistic interpretation of the Bible, this perspective

diminishes the significance of the Holy Scripture within the canonical tradition. A good example of this perspective is the Romanian Canonist Rev. Liviu Stan.

In an article written in 1960, Liviu Stan presented fundamental questions regarding the use of legal norms within the Orthodox Church by inquiring: “Why did the Church adopt legal frameworks? How and when were these legal norms developed and acquired?” (Stan 1960, 467-483). In response to the first question, the author examines the necessity and social context of human life, offering a critique of Rudolf Sohm’s opinions regarding the incompatibility between grace and law. While rejecting these theses, the author emphasizes that the New Testament primarily embodies elements of grace, suggesting that the inclusion of legal elements occurred later as a response to social inequalities.

“It is true that our Saviour did not endow the Church with rules of law, with a ‘code of juridical laws,’ but only with grace, with truths of faith and with religious and moral norms. Nor did the Apostles and the Evangelists give a legal character to the norms they set down in writing or transmitted orally. So, the revelation of the New Testament does not contain legal norms; the Law does not belong to the content of the New Testament revelation. It is only the traditional use of concepts or their confusion, that has led many to give the meaning of legal norms to the teachings or instructions of our Saviour or of his Holy Disciples” (Stan 1960, 471).

In addition to Catholic theologians, Liviu Stan also criticizes Orthodox theologians and canonists, such as Constantin Popovici, Nikodim Milash, and Valerian Șesan, especially their perspective on the Holy Scriptures and the Holy Tradition as the fundamental source of Canon Law. He argues that these two sources lack juridical value for the Church (Stan 2017, 122). According to the author, the development of law is rooted in social inequality and serves as a crucial instrument within the Church, particularly when it operates within a social class framework. From this perspective, the author affirms:

“It appears to us as an instrument created by social inequality, as a factor which will always assert its presence and usefulness, if the division of society into classes lasts; and the members of the Church themselves being divided into classes, as such they too cannot be governed without rules of law. ... If the members of the Church had not been divided into classes, then, of course, the Church also could have dispensed from Law. Moreover, the very fact that the Church has used and uses legal elements proves that they entered, under certain conditions of the time, into the economy of

salvation, for otherwise she, as the unfailing bearer of her saving mission, would not have appropriated them or, if they nonetheless infiltrated her life, would have eliminated them” (Stan 1960, 471-472).

Through these assertions, laden with undertones reminiscent of class-based propaganda, the author addresses the initial inquiry concerning the Church’s adoption of legal elements. Regarding the origins and emergence of legal norms within the Church, the author posits that the initial legal elements were introduced by Jewish converts into Christianity, who drew inspiration from the Old Testament. Furthermore, the author contends that the New Testament does not encompass any legal elements at all (Stan 1968, 181).

“Although the intrusion of Old Testament legal norms into the Church was stopped, we find that the Jewish Christians, for their insistence that the Old Testament legal laws be received into the Church, found a valid basis because many of them had a revelatory content, although they had subsequently undergone alterations. And, indeed, while New Testament revelation has no legal content, Old Testament revelation has a rich content of this nature” (Stan 1960, 472-473).

The author provides an interpretation of the disparity between the two Testaments in his work “*Ontologia Juris*,” focusing on the prelapsarian state of humanity characterized by perfection. According to the author, in this state, there was no necessity for religion, morality, or law. However, following the fall, religion and morality became insufficient, leading to the introduction of legal laws. It is important to note that the author does not precisely establish the exact timing of this second fall or clarify the point at which religion and morality were deemed inadequate (Stan 1943). In contrast to his thesis rejecting the Marxist theory that attributes the emergence of legal laws and law to economic factors, the author presents a potential explanation that indeed correlates with economic causes.

The Old Testament, while containing legal laws, according to the author, loses its authority after the removal of sin through the redemptive work of Jesus Christ. Consequently, Christ’s advent renders the revealed law of the Old Testament null and void. Through objective salvation, individuals are granted the possibility of experiencing spiritual rebirth and embarking on a new life. Considering this, the author asserts that for such a life, religious and moral norms derived from the truth embodied and preached by the Lord are sufficient, eliminating the need for legal norms (Stan 1960, 473; Stan 1968, 3-11; Stan 1968, 181). This second state of moral and

religious perfection is attributed by the author to the early Christian community, which thrived in a state of perfect harmony and love of God within their internal relationships. However, their external interactions were subject to Roman law, which permeated the life of the Church. The author posits that the fundamental factor leading to the integration of law into the being of the Church was based on: “the lack of social homogeneity of the members of the Church, more precisely, the fact that they too were divided into classes and social categories, on a scale of at least 10 different statuses, each of which had not only a social identity but also a corresponding civil and political identity, established by the legal status of each, according to the rules of Roman Law” (Stan 1960, 474).

In this sense, Church Law is nothing more than “a new legal offspring”, created from the interference of legal elements from the Old Testament, Jewish Law, and Roman law to regulate the division of Christians into social classes.

The theses put forward by Rev. Liviu Stan, permeated with notions of class struggle and social inequality, exhibit both oversimplification and contradiction. While the author attempts to underscore the imperative nature of law in the life of the Church by asserting the existence of social classes from the beginning of the Church and the subsequent need to regulate their social interactions, an inconsistency arises when the author postulates an initial state of perfection that was later disrupted by class conflicts and social divisions. However, a cursory examination of conflicts within the New Testament and the presence of legal elements therein refutes the claim of an absolute absence of legal content in the New Testament, as posited by Rev. Liviu Stan to account for the subsequent emergence of law. The author perceives legal laws through the lens of modern legal positivism, a perspective that rightly does not apply to the early period of Christianity seen as a time of unblemished moral purity, where even “divergent interests” did not exist. Yet, it is precisely within this conflation that the problem with the author’s thesis arises. The legal elements found in the New Testament cannot be equated with those of modern legal positivism, as doing so would be anachronistic and fail to account for the contextual factors at play.

### **The Canons of the Church and their relationship to the Holy Scripture in current academic research**

Contemporary scholarly investigations within canonical research have taken a fresh approach by closely examining biblical texts contained within the canons

of the Church. This exploration aims to reinitiate the discourse on the connection between Holy Scripture and the canons included in the fundamental collection of Canon Law of the Orthodox Church. These recent studies, conducted by researchers such as Wagschal (2015a, 204-205; 2015b, 245-253), Pieler (1997, 81-113), and Ακανθοπούλου (1986, 187-195), seek to move beyond the preconceived divisions within canon law and delve deeper into understanding the relationship between these two sources, i.e. Scripture and Tradition.

The biblical canon recognized by the Orthodox Church was established through the synodically received canons. A thorough study of these canons reveals the historical progression and finalization of the list of biblical books received as normative by the Orthodox Church (Boumis 2007, 547-602). The biblical canon itself is confirmed by specific canons, including the Apostolic Canon 85, Canon 60 of the Council of Laodicea, the canons of St. Athanasius, St. Gregory the Theologian, St. Amphilochius of Iconium, and Canon 24 of the Council of Carthage. Notably, Apostolic Canon 85 attributes the finalization of the biblical canon to St. Clement, mentioning his letter addressed to the bishops and referring to “Our Acts of the Apostles.” Additionally, it includes a mention of “two epistles of Clement and the Constitutions in eight books,” which are not to be publicly circulated due to the presence of mystical matters. However, Canon 2 of the Council of Trullo rejects the Apostolic Constitutions, deeming it a work tainted by heterodox teachings.

By examining the relationship between biblical and canonical texts, it becomes evident that Holy Scripture is the most frequently cited source within the canons of the Church. Nearly half of the 770 canons included in the Canonical Collection of the Orthodox Church contain a biblical quotation or reference, serving as various types of canonical arguments. However, a comprehensive study encompassing all the biblical passages found in canonical texts is regrettably lacking. Joannou provides a biblical index in his canonical collection, listing approximately 380 biblical references (Joannou 1962, 345). Akanthopoulos, in his analysis of biblical citations, identifies around 349 canons that contain biblical references, bearing in mind that a canon can often feature multiple biblical references (Akanthopoulos 1992, 26; Ακανθοπούλου 1986, 187-188). David Wagschal estimates that approximately 180 canons contain biblical references, not including the actual biblical quotations within these texts (Wagschal 2005a, 203).

From this perspective, the biblical text can be considered a primary and fundamental source of the canons. Indeed, most biblical quotations found in the



canons are used, as we shall see, to reinforce a canonical provision and not to modify any biblical commandment or rule. Canon 5 of the Council of Carthage provides, as a rule of reference to the Holy Scripture, that “in regard to those things which the divine Scripture has most obviously provided, it is not proper that they should be subject to vote, but only that they should be followed” (For the Greek text see: Perșa 2022, 138). Therefore, most references to biblical passages are descriptive and explanatory.

Certainly, it is crucial to analyse the role of the biblical text and the use of biblical passages or quotations within the canonical tradition. With that in mind, it is prudent to address the Old and New Testaments separately, considering their distinct relationship as observed within the canons of the Orthodox Church.

### *The relationship between the Canons and the Old Testament*

As discussed earlier, the attitude of Orthodox canonists towards the Old Testament was a dual one. On one hand, the Old Testament is recognized as divine written law, but it is limited to its moral principles rather than the legal prescriptions of the Mosaic Law. Consequently, this perspective inevitably results in the Old Testament being disregarded as a source of ecclesiastical law. This viewpoint is reinforced by the second thesis, which suggests that the introduction of Jewish and Greco-Roman legislative provisions caused the emergence of law within the spiritual life of the Early Church.

To compare these two theses with the canonical perspective on the Old Testament as reflected in the Holy Canons, it is necessary to conduct a brief analysis of how the Old Testament is regarded within these texts. The analysis aims to systematize the use of Old Testament texts within the canons of the Church.

a. *Rejection of Jewish cultic provisions.* Numerous canons within the canonical collection explicitly target the opposition of specific Jewish cultic practices or tendencies associated with Judaizing (Perșa, 2023). These canons address a range of topics, including observances related to Jewish Passover, marriage regulations, and other aspects. It is important to note that these canons do not entail an outright abrogation of the Old Testament itself, but rather focus on combatting certain Jewish cultic practices or religious influences within the context of the early Church.

For example, Apostolic Canon 7 and Canon 1 of the Council of Antioch explicitly denounce the celebration of the Lord’s resurrection following Jewish practices, adhering to the biblical provisions outlined in the Old Testament (Perșa 2023;

Feldman 1996, 399; L'Huillier 1996, 19-30). Apostolic Canon 70 forbids the observance of Jewish fasting and prohibits participation in Jewish celebrations or accepting gifts from Jews. Additional canons further prohibit accepting gifts associated with Jewish feasts (Canon 37 of the Council of Laodicea), participating in Jewish synagogue festivities (Canon 39 of the Council of Laodicea, Apostolic Canons 64 and 71), and observing the Sabbath (Canon 29 of the Council of Laodicea). These canons collectively demonstrate the rejection of Jewish cultic practices within the early Church while not necessarily annulling the Old Testament itself. We can find as well, some Old Testament texts that are abrogated or annulled by some canons. For example, Canon 2 of Saint Basil the Great rejects the distinction made according to the LXX text in Exodus 21:22-23 between formed and unformed foetus and condemns abortion as homicide in both cases (Roman 2009, 125-138; Stan 2010, 38-46; di Mauro 2008, 17-18; Gorman 1998, 63-67; Mistry 2015, 51-52). Canon 28 of St. Basil the Great rejects the provision of Leviticus 11:7-8 regarding the prohibition of eating certain types of meat. Canon 87 of St. Basil the Great rejects the Jewish provision regarding the possibility of marriage with the sister-in-law in the event of the death of the wife, a provision found in Leviticus 18:18 (Patsavos 2011, 197-219). St. Basil the Great offers a guiding principle for interpreting Jewish provisions, stating that the commandments of the Law are intended for those under the law (cf. Romans 3:19): "As to this first thing I shall ask permission to say is that whatever the Law says is said in the Law, since thus also at least we should be subject to the Law's requirements as to circumcision and the sabbath and abstinence from certain foods (Rom. 3:19). For indeed we shall not lay upon ourselves a yoke of slavery to the Law if we find anything to help us to enjoy ourselves in sensuality: if anything included in the requirements of the Law appears to be too severe, too burdensome, why then we shall have recourse to the freedom granted by Christ (Gal. 5:1)." (Rudder 1957, 842)

b. *Acceptance of Old Testament norms.* A second attitude towards Old Testament texts is the acceptance of certain norms, rules or provisions. For example, Apostolic Canon 51 and 53 prescribe the defrocking of clergymen who abstain from marriage, meat, and wine out of disgust, as these elements were created by God and declared to be very good, according to Genesis 1:31; Genesis 5:2. Apostolic Canon 55, based on the provision found in Exodus 22:27, instructs that clerics who slander the bishop should undergo defrocking. Apostolic Canon 63 refers to various texts from the Jewish Law to impose certain dietary restrictions on the consumption of meat. These

provisions are also reiterated in Acts 15:29 and reaffirmed by Canon 67 of the Council of Trullo. Canon 11 of St. Basil the Great addresses the distinction between voluntary and involuntary murder found in Exodus 21:18-19. He establishes that canonical punishment should be determined based on this distinction. Canon 5 of the Council of Carthage prohibits clerics from engaging in usury, a provision derived from Deuteronomy 23:19 and Psalms 15:5. Apostolic Canon 25, along with Canons 3 and 32 of St. Basil the Great, upholds the principle from Nahum 1:9 that forbids double condemnation for the same offence. Canon 17 of the First Council of Nicaea along with other canons (Apostolic Canon 44, Canon 10 of the Council of Trullo, Canon 4 of the Council of Laodicea, Canons 5 and 16 of the Council of Carthage, and Canon 14 of St. Basil the Great), prohibit clerics from offering money with interest or engaging in financial exploitation. This prohibition is based on the passage from Psalm 15:5. Canon 54 of the Council of Trullo reiterates the prohibition of incest as stated in Leviticus 18:6 (Petcu 2012, 105).

The canonical texts above highlight the complex and multifaceted relationship between the canons of the Church and the Old Testament. While there is a rejection of certain Jewish cultic provisions and practices in the canons, there is also an acceptance and utilization of Old Testament norms as a basis for canonical regulations. The canons demonstrate both a descriptive approach, where biblical texts are used as authority for specific norms, and an extensive approach. Overall, the relationship between the canons and the Old Testament reflects a dynamic interplay between scriptural authority, tradition, and the development of canonical norms in the life of the Church.

### *The relationship between the Canons and the New Testament*

Regarding the relationship between the canons of the Church and New Testament texts, four key approaches can be identified: *descriptive, extensive, corrective, and interpretative*.

a. *The descriptive approach* entails the acceptance in the canons of the Church of rules and norms derived from the texts of New Testament. According to this approach, biblical texts serve as authoritative sources for specific canonical regulations. For example, Apostolic Canon 3 prohibits offering sacrificial products that contradict the Lord's commandment regarding the Holy Eucharist. Apostolic Canon 27, based on 1 Peter 2:23, subjects clerics who strike the faithful or the non-believers to

defrocking. Apostolic Canon 29, along with parallel canons, forbid any acceptance of any kind of payment in exchange for the grace of the priesthood, citing the condemnation of Simon Magus. Apostolic Canon 41, based on the principle found in 1 Corinthians 9:7, allows clerics the possibility of supporting themselves through Church income. Canon 50 of the Apostolic Canons mandates three baptismal immersions in the name of the Holy Trinity, following the command of Jesus from Matthew 28:19. Canon 67 of the Council of Trullo, drawing from the prohibition found in Acts 15:29 to abstain from blood, strangulated animals, and fornication, further specifies the prohibition of consuming animal blood prepared in any manner. This canon seeks to provide a deeper understanding of blood consumption, particularly within the socio-cultural context of the 7<sup>th</sup> century. Apostolic Canon 75 addresses the number of witnesses required in cases of canonical offences, referring to Matthew 18:16. Apostolic Canon 82 highlights the need for the consent of masters for the ordination of slaves, drawing this argument from Epistle to Philemon and Colossians 4:9. These examples demonstrate how the descriptive approach utilizes New Testament passages to establish specific canonical regulations, aligning the Church's canons with the teachings and guidance found in the New Testament.

Canons 2 of the Council of Nicaea and Canon 10 of the Council of Sardica incorporate the Pauline provision found in 1 Timothy 3:6, which cautions against the hasty ordination of bishops to prevent them from succumbing to pride and facing condemnation. These canons establish a required period between ordinations from deacon to bishop. Canon 70 of the Council of Trullo addresses the prohibition found in 1 Corinthians 14:34-35 regarding women speaking in the church. This canon prohibits women from speaking during the Liturgy. Byzantine canonists assert that this canon extends beyond the liturgy and encompasses other Christian services and gatherings. Balsamon, for instance, highlights that in the 7<sup>th</sup> century, certain women took it upon themselves to assume teaching positions and engage in preaching within the church. Church tradition acknowledges the existence of such female presbyters (*πρεσβύτιδες*) as early as the first Christian century, as mentioned by the Apostle Paul (Tim 5:2; Tit 2:3). These women held teaching or catechetical roles, being referred to as „teachers of good” (*καλοδιδάσκαλοι*) in Tit 2:3. They provided instruction to younger women concerning Christian morals and conduct but were not permitted to preach during worship services. The ecclesiastical institution of presbyters, including female presbyters and deaconesses, was formally established within the early centuries of the

Church but later forbidden by Canon 11 of the Council of Laodicea. However, this canon specifically addresses the prohibition of women preaching the word of the Gospel in public and does not negate the significant role of women in catechizing their families. Canon 72 of the Council of Trullo incorporates the Pauline privilege described in 1 Corinthians 7:12-16, which allows for the dissolution of marriage between a believer and an unbeliever under certain circumstances (Perșa 2018, 346-372). This canon applies the principle of economy to such mixed marriages. Canon 11 of the Council of Neocaesarea establishes the age of 30 as the minimum age for priesthood ordination because Jesus was baptized and began his ministry at that age, as mentioned in Luke 3:23. Dionysius of Alexandria, drawing arguments from the account found in Matthew 9:20-22 regarding the woman with a bleeding issue, imposes certain canonical restrictions on menstruating women. These restrictions are intended to align with the biblical passage and are further discussed by scholars (Larin 2008; Papanikolaou 2008; Morris 2010). Canon 1 of St. Peter of Alexandria imposes a period of penance lasting 40 days, mirroring the Saviour's 40 days of fasting described in Matthew 4:2. This canon establishes the duration of the penitential period based on the biblical reference.

b. *The extensive approach* in the relationship between the Church's canons and the New Testament involves the expansion or modification of existing rules and norms found in texts of the New Testament. Within the canonical collection, certain canons can be identified that extend or amend specific provisions from the New Testament. Apostolic Canon 52 expands upon the verse "there will be more joy in heaven over one sinner who repents" found in Luke 15:7 by stating that bishops and priests should receive anybody who turns away from sin. Apostolic Canons 81 and 83, along with Canon 11 of the Proto-Deutera Council, based on the Lord's commands in Matthew 6:24 ("no one can serve two masters") and Matthew 22:21 ("render to Caesar the things that are Caesar's, and to God the things that are God's"), prohibit clergymen from engaging in public administration or military service. Canons 4 and 5 of the Seventh Ecumenical Council refer to Acts 20:33, 1 Corinthians 6:9, and 1 Peter 5:2-4 to establish canonical norms against embezzlement and simony in various contexts. These canons expand upon the biblical teachings to address specific cases of misconduct.

c. *The corrective attitude* in the relationship between the canons and the New Testament involves making changes, amendments, or improvements to the rules and norms found in the New Testament. This approach acknowledges the need to adapt and refine certain aspects considering the evolving needs and circumstances of the Church.

An example of this approach is seen in Apostolic Canon 80, which, based on the commandment found in 1 Timothy 4:12, prohibits the ordination of a lay person to the episcopate. However, a brief amendment is included, stating “except by divine grace”. This addition recognizes that exceptional cases may arise where divine intervention warrants a departure from the general rule. Canon 40 of the Council of Trullo modifies the age requirement for the ordination of women deacons. While the New Testament specifies the age of 60 (1Tim 5:9), this canon reduces the age to 40, reflecting a change in practical considerations and pastoral needs. Canon 3 of the Council of Trullo introduces the requirement of celibacy for bishops, deviating from the Apostle Paul’s instruction that a bishop should be “the husband of one wife” (1Tim 3:2). This corrective measure aims to address specific pastoral and ecclesiastical concerns within the context of the Church’s historical development. Similarly, Canon 9 of St Basil the Great distinguishes between adultery and fornication, imposing different punishments for men and women. Although both acts are referred to as adultery according to the New Testament, this canon introduces a distinction for disciplinary purposes, recognizing the need for a nuanced approach in addressing different situations. In all these cases, the corrective attitude reflects the recognition that certain adjustments or refinements are necessary to better align the Church’s canons with its pastoral, moral, and disciplinary requirements (Viscuso 1999, 273-290).

d. *The interpretative or hermeneutical approach* in the relationship between the Church’s canons and the New Testament involves a synodal interpretation of the texts, rules, and norms found in the New Testament. This approach seeks to provide a deeper understanding and clarification of certain biblical passages through the collective wisdom of the Church. An example of this approach can be seen in Canon 16 of the Council of Trullo, which offers an extended exegesis of Acts chapter 6 (Wortley 1984, 255-260; Dură 1995, 149-164). This canon, in contrast to Canon 15 of the Council of Neocaesarea, interprets the role of the seven deacons not as sacramental ministers, but as individuals tasked with assisting in the distribution of meals for the ones in need. Similarly, Canon 64 of the Council of Trullo provides an interpretation of 1 Corinthians 12:12, exploring the various services and roles performed by the members of the body of Christ (Stan 1939, 85-86). This interpretation seeks to deepen the understanding of the passage and its implications for the functioning of the Church. In both cases, these canons reflect the synodal effort to

interpret and apply New Testament texts in a way that aligns with the teachings and traditions of the Church.

### **Conclusions**

In conclusion, the examination of the relationship between the Church's canons and the texts of the Old and New Testaments reveals a complex and multifaceted interplay. The canons demonstrate various approaches to the biblical texts, including rejection, acceptance, extension, interpretation, and correction. While some canons reject certain Jewish or Old Testament provisions, others affirm and extend biblical norms. The canons also interpret biblical passages considering the Church's context and make corrective amendments to address evolving circumstances.

The presence of extensive biblical references in the canons underscores the significance of Holy Scripture as a primary source for canonical tradition. Biblical quotations and references are used to establish moral, cultic, and disciplinary norms within the Church. The canons draw upon both the Old and New Testaments, reflecting the continuity and relevance of biblical principles in the life of the Church.

Furthermore, the canons demonstrate the dynamic nature of canonical development, as the Church adapts and refines its practices in response to evolving circumstances. The canons exhibit a balance between fidelity to biblical teachings and the need for practical and pastoral considerations. The interpretative and corrective attitudes exemplify the Church's ongoing discernment and application of biblical principles in the context of its mission and ministry.

Overall, the study of the Church's canons about the biblical texts provides valuable insights into the rich tapestry of canonical tradition. It highlights the multifaceted ways in which the Church engages with Scripture, utilizing its teachings to shape its moral, liturgical, and disciplinary life. This exploration invites further inquiry and reflection on the interplay between Scripture and the canonical tradition in the ongoing development of the Church.

According to the above arguments, it can be concluded that all the canons of the Church included in the fundamental collection, being regarded as an essential part of the Patristic tradition and the synodal manifestation of the Church, can be understood as manifestations of the ecclesial experience across time and space, guided by the divine grace of the Holy Spirit, and as a continuation of biblical rules and norms.

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