DEBATING THE DOCUMENTS OF THE HOLY AND GREAT SYNOD OF CRETE – A CANONICAL AND DISCIPLINARY APPROACH. CASE STUDY: THE ARCHBISHOPRIC OF IASI

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ABSTRACT. The discussion of the documents of the Holy and Great Synod of Crete has resulted in numerous clashes in the dioceses of the Romanian Patriarchate. In this context, our study seeks to analyse various forms of canonical disobedience and highlight the principle of synodality, one of the fundamental canonical principles of organizing the Orthodox Church, according to which the leadership of the Church is exercised collectively, not individually. Furthermore, canonical obedience, as an expression of the hierarchical principle, means the subordination of the inferior ranks to the higher ones, of the faithful to the hierarchy, of the hierarchs to the synods, etc.

Keywords: Church discipline, canons, Synod, synodality, regulations.

The debate of the documents of the Holy and Great Synod of Crete has resulted in numerous disturbances in the dioceses of the Romanian Patriarchate. The Archbishopric of Iași was no exception. These disturbances meant the rebellion of some restricted groups, either of monks or priests, together with some parishioners, which were also reflected in the local media and not only, often with a touch of sensationalism. The rebellion has taken various forms, ranging from the

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disrespect of the hierarch of the place to the refusal to commemorate Him, the public contradiction of the official position of the Church, disobedience to church authority, etc., all being serious violations of canonical discipline.

Given the sustained actions meant to manage the conflicts and re-establish peace and order, worthy of emphasis is the effort of His Eminence Teofan, who held talks with the monks, priests, and the faithful, so as to bring the rebels back into communion, despite their attitude of separation and vehemence regarding the leaving of the ecclesial communion. Thus, His Eminence Teofan has clarified, on various occasions, those aspects considered by some attacks on the true faith. Moreover, he created a special section on doxologia.ro, dedicated to articles and papers on the documents of the Synod in Crete, written by monks, theologians, professors, etc.

Paradoxically, although academic theology paid no special attention to these documents, both in the framework of the pre-synodal proceedings and during the debates of the synodal documents, as well as in the activities dedicated to the event in the ecclesial area, however, after the meeting of the Holy and Great Synod of the Orthodox Church, held in Crete (June 18-26, 2016), these documents became vividly disputed. Thus, the reactions in the theological medium, and beyond, in both academic and non-academic environments "were extremely critical and they brought to the fore a series of insufficiently cultivated theological voices, incapable of lecturing and refining the theological documents, lacking the motivation to grasp the major significance of this event. These were, in general, the reactions of people «with zeal, but without knowledge». And in these cases, the theologians' reactions / responses have been rather timid."

In the context of the disturbances in the eparchies, the Romanian Patriarchate issued an appeal entitled ‘Let us Preserve the Peace and Unity of the Church’ (September 7, 2016), which describes, as Fr. professor G. Gârdan asserts, "the behaviour of the ecumenically untrained people: the fanatic, the arrogant, the aggressive, people incapable of dialogue repeating unfounded ideas and accusations, judging and slandering. On the other hand, the ideal for the contemporary Orthodox Christian is also defined: lucid, realistic, capable of remaining loyal to Orthodoxy when in dialogue and co-operation with other Christians as well.”

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2 Gabriel-Viorel Gârdan, ”Dimensiunea ecumenică a educației teologice contemporane” [The Ecumenical Dimension of Contemporary Theological Education], in Teologia in Universitate (Sibiu: Astra Museum Publishing House, 2016), 308.
4 Gabriel-Viorel Gârdan, „Dimensiunea ecumenică a educației teologice contemporane” [The Ecumenical Dimension of Contemporary Theological Education], 309.
The consequences of “the lack of involvement of the theologians in the dissemination and interpretation of the results of inter-Orthodox and inter-Christian dialogues; the lack of a culture of dialogue even among clergy, graduates of theological schools” highlight the dysfunctionality between academic theology and church life, between orthodoxy and orthopraxy.

All these have had repercussions on church discipline, which is a guide to salvation. According to art. 11 of the Statute (2011) ”The Holy Synod is the highest authority of the Romanian Orthodox Church in all its fields of activity”. Therefore, in the working session of the Holy Synod of the Romanian Orthodox Church on the 29th October 2016, the members of the Holy Synod assessed and concluded on the proceedings and decisions of the Holy and Great Synod of the Orthodox Church of Crete (16-26 June 2016), highlighting in the press release the following three aspects:

1. It was noted with appreciation the participation and substantial involvement of the Patriarch of Romania and other members of the delegation of the Romanian Orthodox Church in the works of the Holy and Great Synod of the Orthodox Church.

2. It was noted the content of the documents as approved in the works of the Holy and Great Synod of Crete, the mission of the Orthodox Church in the contemporary world; the Orthodox Diaspora; the autonomy and its proclamation; The Holy Sacrament of the Wedding and its impediments; the importance of fasting and its observance today; the relations of the Orthodox Church with the whole Christian world, as well as the Encyclical Letter and the Message of the Synod, respectively. The Holy and Great Synod of the Orthodox Church did not issue new dogmas, new canons or liturgical changes, but confessed that the Orthodox Church is the One, Holy, Catholic and Apostolic Church of Christ.

3. It was also noted that the texts can be explained, nuanced or developed by a future Holy and Great Synod of the Orthodox Church. Their explanation and the drafting of other synodal documents on various themes should not be carried out under the pressure of time, but in case there is no Pan-Orthodox consensus, they must be postponed and refined until a consensus is reached.

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5 Ibid., 308-309.
Church discipline – guide to salvation

One of the consequences of the above-mentioned rebellions was the failure to acknowledge the authority of the church and of the hierarch of the place, invoking in this regard canon 15 of the First and Second Synod of Constantinople, 861. From the beginning, we must mention that the First and Second Synod of Constantinople in 861 preserves with holiness what had previously been established by the Church in regard to church discipline. This synod regulated, among other canonical and church issues, the relationship between the clergy and the lay people and the bishop (canon 13), the relationship between a bishop and his metropolitan (canon 14) and, last but not least, the relationship between a metropolitan, bishop, priest, deacon and the patriarch (canon 15). The canonical tradition includes numerous canons that regulate these canonical obedience relationships, for example: 31, 55 ap.; 6 sin. II ec.; 3 sin. III ec.; 18 sin. IV ec.; 31, 34 Trul.; 6 Gang.; 14 Sard.; 5 Antioh.; 10, 11, 62 Cartag.; 13, 14, 15 sin. I-II C-pol 861.

Therefore, the instances of indiscipline were frequent in the past, as were the unjust charges brought against bishops. Often, some priests and those around them (including the laity) would unjustly accuse their bishops of departing from the right faith and not instilling justice, seeking to break the communion with their bishop and to cease to commemorate his name as regulated in the ordinances of church worship. All these eventually would lead to schism and the division of the Church of Christ. The apostolic Canon 31 punishes the schism with deposition of the clergy and admonition in the case of the laity, but, as the canon reads, “Let this, however, be done after a first, second, and third admonition from the bishop”.

Others, on the contrary, seeing that they cannot accuse them of heresy, with cunningness, accused them of committing sins, without waiting for their proof, immediately breaking their communion with them, and ceasing to name them in church services. In this regard, canon 13 I-II C-pol 861 reads: “henceforth if any Presbyter or Deacon, on the alleged ground that his own bishop has been condemned for certain crimes, before a 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 deposition from

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1 Nicodin Milaş, *Canoanele Bisericii Ortodoxe, Însoţite de comentarii. I, 1. Introducere, Nomocanonul în XIV Titluri și Canoanele Apostolice* [The Canons of the Orthodox Church, together with Comments], trans. Uroş Kovinici and Nicolae Popovici (Arad: Tipografia Diecezană, 1930), 231.
office and shall be stripped of every prelatic honour”\(^8\). Therefore, this canon punishes with deposition and loss of clerical dignity the priests and deacons who dare break communion and not commemorate the name of the hierarch in the holy ministries prior to judgment and publication of the final sentence of church judges. Such person, as highlighted in the canon, “is not even worthy of the honour or name of Presbyter”\(^9\). The canon concludes that those “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 honour; 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.”\(^10\).

Canon 14 refers to the relationship between the bishop and his Metropolitan, the former being punished with defrocking if, under the pretext of an accusation against the Metropolitan before investigation, trial and publication of the final sentence by the church judges, he breaks communion with his bishop and ceases to commemorate His name according to the decreed ordinances of divine services\(^11\).

Canon 15 completes the previous canons, 13 and 14, with the obedience relationship between metropolitans, bishops, priests and other clergy and their patriarch. Thus, canon 15 of the First and Second Synod of Constantinople of 861 must be interpreted in the wider context of the canonical obedience report. It stipulates that all the three canons (13-15) “have been sealed and ordained as respecting those persons who under the pretext of charges against their own

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\(^9\) Ibid., 320.

\(^10\) Ibid., 320.

\(^11\) Canon 14, I-III C-pol, 861: “If any Bishop, on the allegation that charges of crime lie against his own Metropolitan, shall secede or apostatize from him before a 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”. Nicodim Milaş, *Canoanele Bisericii Ortodoxe, însotite de comentarii. II, I. Canoanele sinoadelor locale* [The Canons of the Orthodox Church, together with Comments. II, 1. The Canons of the Local Synods], 321. See also Nicolae V. Dără, “Le jugement synodal”, in Constantin Rus, ed., *The Place of Canonical Principles in the Organization and Working of Autocephalous Orthodox Churches*, The Canon Law International Symposium, Arad, 10-12 September 2008 (Arad: Aurel Vlaicu University Publishing House, 2008), 105-111.
presidents stand aloof, and create a schism, and disrupt the union of the Church” for certain unproven allegations.

However, Canon 15 also regulates the situation in which communion and commemoration of church services can be broken, but in an expressis verbis presentation. Thus, the canon stipulates that “for those persons, on the other hand, who, on account of some heresy condemned by holy Councils, or Fathers, withdraw themselves from communion with their president, who, that is to say, is preaching the heresy publicly, and teaching it bareheaded 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 synodal verdict has been rendered, but, on the contrary, they shall be deemed worthy to enjoy the honour which befits them among Orthodox Christians.” In his comment, in order to validate his interpretation, canonist Nicodim Milaș also brings an example from the Russian Church by quoting Archim. John, taking into account the historical context of his Church, with condescension and strict observance of the canonical doctrine, pointing out that, in interpreting this canon, a priest would not fall under the incidence of the canons when breaking communion with the bishop of the place; this occurs only under strict conditions, namely when that bishop teaches something different from the teaching of the Orthodox Church, something that was solemnly condemned by the Orthodox Church and if he preaches it in public in the church, with the clear intent of destroying the teaching of the Orthodox Church and of supporting that heresy.

It is worth mentioning that one of the fundamental canonical principles of organizing the Orthodox Church is the principle of synodality, according to which the leadership of the Church is exercised collectively and not individually, therefore, the superior governing body is the synod. This principle has effectively contributed to the affirmation and maintenance of unity in the diversity of Orthodoxy.

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12 Nicodim Milaș, *Canoanele Bisericii Ortodoxe, însoțite de comentarii. II, I. Canoanele sinoadelor locale* [The Canons of the Orthodox Church, together with Comments. II, I. The Canons of the Local Synods], 322.
13 Ibid., 322.
14 Cf. ibid., 323.
15 According to art. 3 of the *Statute for the Organization and Functioning of the Romanian Orthodox Church*, “(1) The Romanian Orthodox Church has a hierarchical synodal leadership, according to the teaching and canons of the Orthodox Church and its historical tradition. (2) The Romanian Orthodox Church is administered autonomously through its own representative bodies, made up of clergy and laypersons, according to the Holy Canons, the provisions of this statute and other provisions of the competent church authority”. See also Patriciu Vlaicu, *Legi și comuniune. Organizarea statutară a Bisericii Ortodoxe Române (2007-2012)* (Cluj-Napoca: Presa Universitară Clujeană, 2013), 32-33; Patriciu Vlaicu, *Canon și libertate. împărtășirea continuă din experiența Bisericii* (Cluj-Napoca:
In the Orthodox Church, synodality is expressly stipulated in the apostolic canon 34: "The bishops of every nation must acknowledge him who is first among them and account him as their head, and do nothing of consequence without his consent; but each may do those things only which concern his own parish, and the parts of the country which belong to it. But neither let him (who is the first) do anything without the consent of all; for so there will be unanimity, and God will be glorified through the Lord in the Holy Spirit". This canon confirms the hierarchical-synodal organization on the local level, even if it does not use the phrase "synod", also stipulating the way in which synodality is manifested, i.e. through good understanding, and implicitly, its purpose, a true doxology, namely God will be glorified through the Lord in the Holy Spirit.

Another fundamental principle is the hierarchical principle, according to which the leadership of the Church is carried out according to the order that the church hierarchy of divine institution (deacon, priest, bishop) imparts to church life. This principle applies to the relations between the divine founders, the relations between the governing bodies of the Church and the relations between church units.

The canonical obedience is the expression of the hierarchical principle. This implies the subordination of the inferior ranks to the superior ones, the obedience of the faithful to the hierarchy, of the hierarchs to the synods, etc. On the one hand, obedience is accomplished by fulfilling the duties arising from the grace, the provisions of the higher bodies with diligence and responsibility. On the other hand, practically, the deacon and the priest show their obedience to the bishop by commemorating his name in the divine service, praying for him. So does the bishop towards the metropolitan and so on. Everyone therefore commemorates the name of the hierarch.

Consequently, not commemorating the name is evidence of canonical disobedience, of breaking the communion and schism.

**Ius vigens**

According to the vigente legislation of the Romanian Orthodox Church, as designated by the church authority - the Bishop and the Synod of Bishops -, the...
exercise of the judiciary office lies within the responsibility of the Consistories. They act on church causes and propose resolutions for the approval of that disciplinary canonical authority. Their deviations and sanctions, the procedure for the functioning of the church courts (the Consistories), and the procedure of disciplinary investigation and church judgement are regulated by The Regulation of the Canonical Disciplinary Authorities and the Courts of the Romanian Orthodox Church (2015).

Article 2 of The Regulation of the Canonical Disciplinary Authorities and the Courts of the Romanian Orthodox Church stipulates that: “This Regulation applies to all clergy, monks and laymen from church units and church administration in Romania and abroad, from pre-university and university theological education, teachers of Religion, as well as to the clergy from public or private institutions, clergy and retired monks, students of Orthodox theology faculties and theologians, as well as to other persons who work at the request and with the blessing / written approval of the bodies of ecclesial authority”.

On the one hand, by the disapproving attitude and the disturbances created by some clergy, monks and laypersons, two of the fundamental principles underlying this Regulation of the Canonical Disciplinary Authorities and the Courts of the Romanian Orthodox Church, namely the defense of the unity of the faith and the teaching of the Church, as well as the observance of the canonical, statutory and regulatory provisions, of the decisions of the competent authority bodies, reflected in art. 34 – “(1) The following are considered disobedience by the ecclesiastical authorities and shall be sanctioned with hierarchical reproof, dismissal from clerical ministry or defrocking, according to the seriousness of the deed, the following: … b) rebellion and harmful attitude to church life shown by words or writings, public or private actions, directed against the decisions of the higher hierarchical authorities”, and in art. 39 of The Regulation of the Canonical Disciplinary Authorities and the Courts of the Romanian Orthodox Church: “The public contradiction, in writing or by visual or audio means, of the official position of the Church regarding events or aspects of its life and activity, is considered disobedience to authorities and is sanctioned with hierarchical reproof or deposition from clerical ministry, according to the seriousness of the deed”.

Even more serious is the schism, a dogmatic (doctrinal) deviation, defined in The Regulation of the Canonical Disciplinary Authorities and the Courts of the Romanian Orthodox Church as “separation from the Church, through actions or particular public interpretations of some norms of discipline, morality and worship of the teaching and Tradition of the Church, or the disobedience and refusal to obey church authority, after written reproof. The schism shall be sanctioned as follows:

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17 Stipulated by art. 148-161 (chapter IV: The Discipline of the Clergy) from The Statute for the Organization and Functioning of the Romanian Orthodox Church (2011).
a) in the case of the clergy, with deposition from the clerical ministry or defrocking;
b) in the case of laymen, with the dismissal for church chanters, with the withdrawal of the blessing / written approval for the teaching staff in pre-university and university education or for carrying out any activity with the blessing of the Church;
c) in the case of the monks, with exclusion from monasticism and forbidding them to wear the monk vestments”18.

On the other hand, “insult, calumny, defamation, and mischief are acts that interfere with the good name of a person or being unfairly accused of committing evil deeds”19 are sanctioned as follows:
a) in the case of clergy, with hierarchical reproof, forbidding divine worship, disciplinary removal, dismissal from clerical ministry or deposition, according to the seriousness of the act;
b) in the case of the laity, with hierarchical reproof or withdrawal of the distinctions granted by the Hierarch, with the fulfilment of a canon of fasting and repentance in a monastery or a hermitage, with the disciplinary removal or dismissal for church chanters, with the withdrawal of the blessing (written approval) for the teaching staff in pre-university and university education or for the laymen carrying out other activities with the blessing of the Church or with losing the possibility of being ordained for the graduates of theology, according to the seriousness of the deed;

c) in the case of the monks, with the fulfilment of a canon of fasting and repentance in a monastery or a hermitage, with lower rank obedience for 30 days; in case of failure to mend one’s ways, with disciplinary removal to another monastery or hermitage”.

18 Art. 11, 1 from The Regulation of the Canonical Disciplinary Authorities and the Courts of the Romanian Orthodox Church. See also Nicolae-Coriolan Dura, „Schisma”, in Exercitarea puterii judecătoare în Biserică. Abaterile și delictele bisericii [The Exercise of Judicial Office in the Church. Church Deviations and Offenses] (Alba Iulia: Reîntregirea Publishing House, 2014), 118-120.
19 Art. 25, 1 in The Regulation of the Canonical Disciplinary Authorities and the Courts of the Romanian Orthodox Church. Art. 26 stipulates other deeds than those already provisioned, namely deeds that infringe Christian morality, public order and common sense, these being thus punished: “a) in the case of clergy, with hierarchical reproof, with the fulfilment of a canon of fasting and repentance in a monastery or a hermitage, forbidding divine worship, disciplinary removal, dismissal from clerical ministry or deposition, according to the seriousness of the act, and in case of failure to mend one’s ways, with deposition; b) in the case of the laity, with hierarchical reproof or withdrawal of the distinctions granted by the Hierarch, with the fulfilment of a canon of fasting and repentance in a monastery or a hermitage, with the disciplinary removal or dismissal for church chanters, with the withdrawal of the blessing (written approval) for the teaching staff in pre-university and university education or for the laymen carrying out other activities with the blessing of the Church or with losing the possibility of being ordained for the graduates of theology, according to the seriousness of the deed; c) in the case of the monks, with the fulfilment of a canon of fasting and repentance in a monastery or a hermitage, with lower rank obedience for 30 days; in case of failure to mend one’s ways, with disciplinary removal to another monastery or hermitage”.
c) in the case of the monks, with the fulfilment of a canon of fasting and repentance in a monastery or a hermitage, with lower rank obedience for 30 days; in case of failure to mend their ways, with disciplinary removal to another monastery or hermitage, and, in case they should persist in misconduct, with exclusion from monasticism and forbidding them to wear the monk vestments”20.

Orthodoxy includes all the necessary means for the faithful to become partakers of salvation, and “the Church must make them fully available, as prescribed by the old canonical ordinances, which make the Church a sacred deposit, usable with the help of its servants and only in the proportions settled by the tradition and experience of the earlier ages, not at anyone’s whim”21.

The fidelity to canons is reflected in the level of church life; consequently, on the one hand, we must reiterate the fact that our canonical treasure is an integral part of the Tradition, which confers safety of its preservation and, on the other hand, it is necessary to emphasize that each of the statutes and regulations of the Orthodox Churches has as fontes iuris canonical norms, and the faithful, as members of the Church, must comply with its laws, this being an assumed and not imposed obligation22.

The attempt to reform the canons, proposed by some clergy, theologians or jurists, is in line with the thesis of canonist Patsavos, according to whom today the transformation of the Church according to the world and not the reverse, that is, the change of the world by the Church, is sought23. Indeed, “the priest, who was trained by the spirit of our tradition, whose integral part the Holy Canons are, feels with the help of the Holy Spirit how to apply them correctly. The difficulty does not lie so much in the fact that the Holy Canons are something anachronistic, but in that we are unable to live according to their spirit, which is the spirit of the Orthodox tradition”24.

21 Constantin Dron, Valoarea actuală a canoanelor [The Current Value of the Canons] [Tipografia Cărtiilor Bisericești, 1928], 178.
24 Ibid., 62.
REFERENCES


