

Inaugural  
Orthodox Canon Law Society of North  
America Conference

October 18–19, 2024

at the

Maliotis Cultural Center

Brookline, MA



2024 Conference Abstracts

The Orthodox Canon Law Society of North America provides a venue for the presentation of papers embodying current research on all aspects of canonical studies and for discussion of canonical praxis in a professional setting. The *Abstracts of Papers* is produced from electronic copies supplied by the speakers. Copyright © is reserved by the individual speakers.

We acknowledge our debt to the Byzantine Studies Association of North America for providing an excellent model for the presentation of abstracts.

## Table of Contents

### Sessions

1	New Vistas in Canonical Research	3
2	Questions in North America	8
Lunch	Confidentiality of Confession in the Orthodox Canonical Tradition	14
3A	Oriental Orthodox Conference Panel	17
3B	Multidisciplinary Approaches to Canonical Research	23
4	Historical Approaches to Canon Law	29
	Index of Speakers	35

# Session 1



## New Vistas in Canonical Research

## Physical Disability and Priestly Ordination

John Chryssavgis (Holy Cross Greek Orthodox School of Theology)

This paper will explore and establish a canonical basis for the ordination—potentially to all three degrees, but practically and preliminarily to the diaconate—of individuals with disabilities in the Orthodox Church. In other words, and in reverse perspective, the intention of the proposal is potentially to eliminate and exclude any canonical impediment for the expansion of priestly orders to people with disabilities.

The first part of the paper will consider the fundamental source of canonical regulations as these are found in the corpus of eighty-five canons that have come to be known to us as the Apostolic Canons. There are three Apostolic Canons that refer to disability. The first, Canon LVII, deals more broadly with attitudes toward people with disabilities; the other two, Canons LXXVII and LXXVIII, refer explicitly to the ordination of individuals with disabilities. As is often the case, the twelfth-century interpreters and commentators, along with the eighteenth-century compiler of the canons themselves, provide additional insights and useful cross-references to conciliar decrees and byzantine legal documents.

In the second part of the paper, the emphasis will be on historical and theological, as well as liturgical and spiritual perspectives of the question. In the context and interpretation of Canon LXXVIII, this ultimately signifies that an individual who is unable to carry out certain tasks expected of a deacon in liturgical services may—solely and purely for practical reasons—be excluded from ordination for that specific reason “in order that the affairs of the church may not be hindered.” Nonetheless, a deacon’s responsibility, role, and reliability are not exclusively liturgical; nor are they exhausted by sacramental ministries. Therefore, a candidate may be ordained to the diaconate for distinctly alternative functions.

The paper closes with a personal “commentary” (ἐρμηνεία) or “concord” (συμφωνία) related to canons on the ordination of individuals with disabilities. The conclusion is that the church draws on its pastoral experience and practice in order to determine how the canonical tradition should be interpreted and applied in specific circumstances and cases. Ultimately, what should hold valid and true in considering ordinands with disabilities are the same general requirements for every aspirant to the priesthood, such as these are prescribed in the First Letter of Paul to Timothy (3.2–13) as well as in the interpretation of the Apostolic Canons so long as the disability does not pose any impediment for office, service, and ministry.

### **Strait is the Gate: American Convert Groups’ Discovery of Orthodox Canon Law in the Twentieth Century**

Greta Gaffin (Boston University)

Many spiritual seekers are attracted to Orthodoxy without fully understanding its ecclesiastical structures. This paper examines the Holy Order of MANS (HOOM) and the Evangelical Orthodox Church (EOC), two groups that became Orthodox in the late 20th century, as case studies for the canonical conflicts that arise when groups convert and are made to discover Orthodox canons as they relate to episcopal authority, clerical formation, and expectations of liturgical conformity. While HOOM started as a New Age esoteric group and the EOC started as a charismatic Protestant group, both came from a 1960s/1970s American religious culture that emphasized personal spiritual experiences and a disdain for hierarchy. The leader of HOOM became attracted to controversial hieromonk Abbot Herman of the St Herman of Alaska Brotherhood in California; shortly after, many members of HOOM converted to Orthodoxy by first joining a non-canonical jurisdiction and later the OCA. The leaders of the EOC became interested in Orthodoxy by reading the Church Fathers and then adapted their worship services to resemble Orthodox liturgies, later entering the AOC. For both groups, there were immediate issues upon their entry to regular Orthodoxy, such as clergy

disobeying their bishop's directives. Evangelism and mission were seen as more important than canonically-regulated practices of the church they viewed as irrelevant.

Previous work on these two groups has argued that their conversion to Orthodoxy was partially motivated by a primitivist strain in American religion that seeks to 'return' to the early church. This paper builds on this by examining the role of the additional American Protestant primitivist belief that Roman Catholicism ruined early Christianity by its development of a strict and oppressive ecclesiastical hierarchy. By surveying the anti-Catholic campus evangelical movements that gave rise to the EOC and the contemporary western esoteric groups that saw themselves as spiritual descendants of the medieval heretics suppressed by Catholicism that gave rise to HOOM, this paper will explain how the resultant belief in Orthodoxy as the 'real' heir of early Christian practice leads to dismay and disappointment when such converts run up against canonical structures they thought only existed in Roman Catholicism. Additionally, this paper examines how coming to Orthodoxy through either the influence of highly charismatic leaders (in the case of HOOM) or by reading patristic texts (in the case of the EOC) creates an image of a religion that is divorced from Orthodoxy's nature as a existent, functional church whose rules and regulations, developed over long periods of time, keep the church a stable entity, as well as how '70s spirituality-seeking led to a focus on mysticism and individual experience instead of a normal, canonically buttressed parochial life. While many of these converts eventually became regularized Orthodox, this paper focuses on the conditions that created their initial conflict with Orthodox canonical structures and what can be learned from it.

## **Thoughts on the Local Origins of Orthodox Jurisdiction in a Catholic Perspective**

Xénia Sereghy (Katholische Privat-Universität Linz)

Background: redefining the role of the papal office is the central theme of the

ecumenical dialogue. The refinement of the teachings of the Second Vatican Council on the origin of holy power (acknowledgment of the sacramental nature of this power, i.e. resulting from episcopal consecration) brought a significant approximation to the Orthodox understanding. At the same time, this synodal doctrine still describes governmental power as a reality essentially dependent on the papal office, in so far as it also considers the element of "missio canonica" given by the pope to be essential for the actual acquisition of this power. (In contrast to the orthodox practice, the practice of "absolute", i.e., independent ordination from a concrete episcopal see, spread among the Catholics from the 2nd millennium, in which case it is essential to define the circle of subordinates, this is the primary function of the missio canonica, that is why it is also called "determinatio iuridica" are mentioned, cf. Nota explicativa praevia 2).

The main question of the paper: from the promoting ecumenical dialogue's point of view, it is an important question whether the Catholic doctrine will be able to reach the point where it also recognizes about the second element (missio canonica) of the two-component holy power (ordinatio/missio canonica) that it also has local origin, and not the concession from the Pope, which He can freely give and freely withdraw. This perception, which still prevails today, makes the governmental autonomy of the Orthodox churches completely contingent, and thus it is understandably unacceptable from an Orthodox point of view.

On the eve of the upcoming 1700th anniversary of the Council of Nicaea, the question arises as to whether the Catholic canon law doctrine on the missio canonica cannot be further refined in the light of Canon 6 of the Council, which gives broad jurisdiction to the Archbishops of Alexandria and Antioch. Remarkable proposals have recently been made in this field (e.g. the studies of Péter Szabó), which deserve further reflection and deepening. Our proposed paper intends to focus on the presentation and analysis of the essential points of these new endeavors.



## Session 2



## Questions in North America

## **North American Eastern/Orthodox and Catholic Mixed Marriages: Next Steps**

Anthony Roeber (St. Vladimir's Orthodox Theological Seminary)

In 2018 St. Vladimir's Orthodox Seminary Press published the book *Mixed Marriages: An Orthodox History*. In this historical survey of mixed marriage among the Eastern Orthodox the author posed a series of six questions relating to mixed marriages between Eastern and Oriental Orthodox couples before turning briefly to the challenge posed by a mixed marriage between an Eastern Orthodox and a Roman Catholic Christian. Six years after the appearance of this book, a new "Agreed Statement" has appeared, endorsed by the Eastern Orthodox Assembly of Bishops as well as the Roman Catholic bishops in North America. In February 2020 the Joint Commission of the Eastern Orthodox and Oriental Orthodox hierarchs in North America met to discuss especially "ministering to families which include both Eastern and Oriental Orthodox Christians."

While both the "Agreed Statement" and the Joint Commission's work represent sincere interest in addressing the issues surrounding mixed marriages, the proposed paper will address some of the unresolved issues that deserve attention regarding what "next steps" might be considered to best promote the shared interests displayed by both Eastern and Oriental Orthodox as well as Roman Catholic bishops to exercise pastoral care for mixed marriage families. The paper raises these questions:

1. Can the agreements reached in Egypt and in the Middle East between Oriental and Eastern Orthodox hierarchs regarding pastoral care for spouses and children in mixed marriages apply to the North American Orthodox context or does the multiplicity of jurisdictions preclude those agreements as a model?
2. Given the continued disagreement between the Orthodox and Catholics on the question of divorce and re-marriage, what does it mean that Catholic bishops "seek ways to receive the pastoral decisions of Orthodox

spiritual courts and hierarchs” and “in some carefully examined cases” re-admit divorced and remarried Catholics Eucharistic participation in their Church?

3. What specific content is envisioned in the recommendation that “materials for Christian marriage and family life be updated and jointly developed” in cases of Roman Catholic/Eastern Orthodox mixed marriages?
4. Does the “Pastoral Care of Mixed Marriages” document simplify or make more difficult the on-going discussions between the Eastern and Oriental Orthodox in North America regarding mixed marriages?

### **Reshaping our Thoughts on Marriage: Finding Gaps in Orthodox Academia**

James Purdie (Antiochian House of Studies)

Orthodoxy in today’s North America faces numerous challenges. Among these, the Church seeks to faithfully respond to high divorce rates, the prevalence of mixed-marriages, and a hypersexualized society that questions the nature of humanity. The Orthodox Church must address these issues while additionally tasked with expressing her own self -understanding - ecclesial and sacramental - as she engages the world.

It is imperative therefore that the Orthodox Church be able to articulate its understanding of marriage. Tradition surrounding marriage offers clues for addressing divorce, mixed-marriages, and the present proclivity to indulge the sexual appetite. Furthermore, the Orthodox understanding of marriage may offer suggestions as to how the Church perceives herself and her sacraments.

This requires comprehensive study, which includes canonical and liturgical sources. A classic essay from Fr. John Meyendorff, “Christian Marriage in

Byzantium: The Canonical and Liturgical Tradition,” may be a promising start to such a study. As the title suggests, it considers canonical and liturgical sources, as well as scriptural references. However, upon a deeper reflection, this work is found to contain many difficulties.

A primary concern centers around the thesis that the Byzantine canonical and liturgical understanding of marriage is built on eschatology. According to Meyendorff, the Byzantines conceived of marriage eschatologically as “the image of the coming Kingdom of God as a wedding feast (Matt. 22:2-12, 25:10; Luke 12:36): a joyful reconciliation of God with his creation.” Marriage is therefore conceived as a mystical image of Christ’s relationship with the Church. According to Meyendorff, “this vision of marriage was the principle that determined the whole approach to marriage problems by the Church in Byzantium.” It is not that this thesis is necessarily wrong. The Byzantines may have indeed conceived of marriage as imaging forth Christ’s union with His bride, the Church. Rather, the fault lies in the fact that Meyendorff fails to connect this to the canonical and liturgical material.

This paper takes into consideration Meyendorff’s additional writings, so as to fairly situate the essay, “Christian Marriage in Byzantium: The Canonical and Liturgical Tradition” within the general scope of his thinking. That essay, however, will be the focus of several points. First, that Meyendorff’s scriptural references, canonical examples, and liturgical evidence do not corroborate his thesis. Second, the questions that Meyendorff’s essay prompts challenge his central idea and his concept of marriage being eternal. Third, it will be argued that the Byzantine canonical and liturgical tradition of marriage focused on issues of chastity and asceticism and not on Christ’s eschatological union with the Church. Lastly, this paper will conclude by raising several important questions to be explored for further study and application to the challenges of divorce, mixed-marriage, and hypersexualization.

## **Gender and Ordination: Male and Female as Archic and Eucharistic Modes of Relation**

Brian Patrick Mitchell

(St. John the Baptist Russian Orthodox Cathedral, ROCOR, Washington, DC)

Our Holy Fathers have left us 15 canons respecting the place of women in the Orthodox Church.<sup>1</sup> Several of these canons cite Holy Scripture to limit what women may do in church, and several of the Scriptures cited allude to the creation or fall of the first man and woman. Today, opponents of the ordination of women have paid little attention to the economic consequences of the fall and instead grounded their arguments against ordination on natural differences between the man and the woman. In doing so, however, they have argued in favor of a natural hierarchy of the man over the woman, implying not only that men and women are naturally unequal but also that men are more like God and Christ than women are.

This paper will argue that a better way to make sense of our Holy Fathers and ancient canons is to base our understanding of the man and the woman on the Father and Son, Who provide us a divine paradigm for interpersonal relations that are *equal yet ordered*—not *hierarchical* but perfectly *archic* on account of the Father being the *archē* of the Son and the man being the *archē* of the woman.

There is an obvious danger in relating male and female to the Trinity. Too often theologians pondering the mystery of male and female have taken *what they think they know* about men and women and looked for the same in God—and tended thus to project masculinity and femininity on God in ways Church Fathers would never allow, for fear of sexualizing divinity and divinizing sexuality. The safer way is to

---

<sup>1</sup> Canon 19 of I Nicaea; Canon 15 of Chalcedon; Canons 33, 48, and 70 of the Council in Trullo; Canon 20 of II Nicaea; Canons 13 and 17 of Gangra; Canons 11, 15, and 44 of Laodicea; Canon 2 of St. Dionysius; Question 7 of St. Timothy; Rule 46 of St. Cyprian of Carthage; Rule 73 of St. Basil the Great. This list does not include the canons of local councils in the West, four of which ruled against deaconesses between 396 and 533.

take *what we are told* about the Father and the Son in the Gospels and then look for the same in the man and the woman.

This analysis yields a theory of interpersonal relations based on two fundamental modes of relation, archic self-giving and eucharistic service, as revealed in Scripture and Tradition between the Father and the Son, Christ and the Church, the man and the woman, parents and children, and also clergy and laity. These archic and eucharistic modes do not necessarily involve either inequality or subjection. On the contrary, they are the very basis of equality, freedom, unity, and diversity in God and man. Christ models both modes, relating eucharistically to the Father but archically to the Church. Every Christian likewise relates archically to some and eucharistically to others. The economic subjection of some to others is not denied but is not strictly necessary as a basis for only men taking the self-giving clerical role

# Lunch and Legal Discussion



Sponsored by the  
Orthodox Christian Attorney Network

## **Confidentiality of the Mystery of Confession in the Orthodox Canonical Tradition**

Justin Bosl (Greek Orthodox Metropolis of San Francisco)

In many U.S. States, as well as in other countries such as Australia, clergy are considered mandatory reporters of child abuse. Generally, such laws have carved out an exception for information clergy learns during Confession. In recent years, however, there have been exceptions to this practice, such as in Rhode Island, Texas, and New Hampshire. There are multiple additional states that have made efforts in recent years to remove the exception for Confession to mandatory reporter laws. While it is generally accepted and stated that Confession is to be kept confidential in the Eastern Orthodox tradition, these statements are often conclusory. This paper explores the Orthodox canonical support and rationale for this understanding to allow an evaluation and response to these legal challenges. To understand the context for the canons, this paper provides a brief overview of the development of the shape of Confession from the time of public penance to the widespread practice of private confession to a priest. This paper then presents the primary canonical texts pertaining to the issue of confessional secrecy along with the commentaries from medieval Roman/Byzantine commentators, primarily Basil 34, Carthage 132/141, and Nicephorus 27, 28 and 222.

Modern evaluations of the issue from St. Dimitri of Rostov, St. Nikodemos of the Holy Mountain, and the Synods of the Orthodox Church of America and the Antiochian Orthodox Christian Archdiocese of North America demonstrate how the canonical principles have been understood as applied to the modern practice of Confession. The *Spiritual Regulation* of Tsar Peter I in Russia, which mandated priests to disclose confessions in certain situations, is an instructive example underscoring the confidentiality of Confession. To get around the prohibition on divulging Confession, the supporters of this law explained that when someone confesses an intention to sin in the future, it is not in fact a sacramental confession at all and thus the priest may relate the information to the civil authorities.



The basic principles underlying Basil 34 and Carthage 132/141 are a prohibition on acting in such a way that would subject the penitent to further consequences because of having confessed his or her sin (i.e. public humiliation or civil penalties). Likewise, a priest is prohibited from divulging confessions in a manner that would have the effect of discouraging others to confess their sins. On this basis, the later canons categorically forbid the disclosure of information learned in Confession. Compliance with laws requiring disclosure of confessions--no matter how terrible the sin confessed--would inevitably run afoul of these canonical principles by subjecting the penitent to civil penalties that they might not have faced had they not confessed their sins to a priest. On this basis, the Orthodox canonical tradition does not support compliance with these actual or proposed laws.

## Session 3A



## Oriental Orthodox Conference Panel

## The Therapeutic Nature of Canon Law in the Oriental Orthodox Churches

Mary Ghattas (Agora University)

Canon Law within the Oriental Orthodox communion reflects the very nature of the Trinity. The Trinitarian values of unity in diversity, creativity, and fellowship are emphasized in the tradition, as canon law is not merely a set of imperial decrees but a means to foster spiritual growth, communal harmony, and communion between God and humanity. The examination begins by highlighting the Trinitarian framework, where unity and diversity *are* relationship, serving as a model for the church's legal and communal life. This principle is particularly evident in the diverse practices governing Eucharistic preparation and participation across the Armenian, Coptic, Ethiopian, and Syriac Orthodox churches. Preparation practices are deeply rooted in each church's canonical tradition and reflect a therapeutic approach to spirituality; practices vary but the underlying purpose remains the same. The diversity in preparation canons allows each church to honor its unique historical-cultural context in communing with God. Similarly, the canons governing Eucharistic participation illustrate a unifying aspect of ecclesial law. Each Oriental Orthodox Church has its own regulations concerning the preparation, frequency, and manner of receiving the Eucharist and yet, despite the variations, the shared belief in the healing, transformative power of the Eucharist unites these churches, reflecting the Trinitarian ideal of unity in diversity. These examples demonstrate that the communion among the Oriental Orthodox churches mirrors the Trinitarian God. The therapeutic nature of canon law in these churches lies in the ability to cultivate a communal identity that is both diverse and harmonious, in profound reflection of the Holy Trinity. By allowing for diversity in practices of Eucharistic preparation and participation, the Oriental churches uphold a model of unity that honors each tradition as part of the whole, and stewards the spiritual health of its faithful in its communal harmony.

## Syriac Canonical Tradition: Particularity Beyond Empire

Daniel Kakish (Agora University)

The Syriac canonical tradition has many particularities from the earliest centuries of Christianity that exist until the present day. This presentation explores the canonical and legal dimensions of the Syriac Orthodox Church as embedded and expressed within its historical, scriptural, liturgical, and hymnological tradition. Historically, the Syriac Tradition spanned the great empires of the world: Roman, Persian, Mongolian, and Arab. Distinctly Syriac canons regarding baptism, marriage, and celibacy appear in the early centuries of Christianity on both sides of the Roman-Persian border. Early Syriac theology was typically expressed in poetry, rather than prose, although the latter also exists. In Late Antiquity, conformity of the Syriac canonical tradition to imperial councils did not always take place immediately or in totality, or even at all, depending on the circumstance. That is not to say that the native, local canons were opposed to imperial policy, but rather that the empire did not have the foothold that might be assumed in this region. Towards the middle and later 6th century, the Syriac Orthodox Church of Antioch was officially censured by the Roman Empire, allowing it to continue independently in its own canonical tradition, with independent synods and canons in the following centuries. There are also examples of joint synods with the Armenians, who were outside of the boundaries of the Empire. The Church of the East, always being beyond the borders, also continued to have many independent synods, especially in the 6th century, addressing the Christological controversies that were occurring on the Roman side of the border. The Church of the East explicitly accepted and cited from Chalcedonian canons, as opposed to their Syriac counterparts *within* the Roman border who rejected it. The canonical tradition of the Syriac Churches preserves its particularity, having commonalities with each other as well as those outside the Syriac-speaking community, and also having many noticeable canonical differences. Blatant differences to the typical imperial Christian, would be the official canon of Scripture used in the liturgy and the lectionary of the Church of Antioch and the Church of the East. To make matters more complicated, although the Syriac-speaking churches agree on the canon of

Scripture, they have major reading variants opposed to each other, due to the Christological implications. In the hymnology found in the early Syriac tradition, the canonical implications are found both implicitly and explicitly. The Syriac tradition neither attempts to be explicit in definition and law, neither does it philosophize. Rather, it takes a very Semitic, Biblical, poetic approach to painting a mosaic about what is being expressed to help foster understanding, since what is being described is a mystery.

## **The Armenian Canons on Divorce: Old Principles in New Times**

Roberta R. Ervine (St. Nersess Armenian Seminary, Armonk, NY)

In medieval and early modern Armenian tradition, the gradual and careful process of entering into a marriage was mirrored, at least ideally, in the equally gradual and careful process of ending one, in the unfortunate event that such a termination proved unavoidable. One important consideration for the canonist overseeing a marriage dissolution was that the divorcing parties promote their own and one another's healing through a disciplined practice of mutual respect and generosity. Equally important, however, was the healing and well-being of the wider circles of community in which the divorcing couple had been embedded during their married life.

This paper will present an overview of the development of the Armenian canons on divorce, contextualizing them within the overarching principles of Armenian canon as neither Law nor customary practice (*ōrēn*) but something in between. Special emphasis will be placed on canonical changes that took place after the Armenian homeland, administratively split between a variety of Muslim enclaves, had ceased to be predominantly Christian but retained a modicum of self-governance. Generally speaking, how did the Church rise to the challenge of maintaining Armenian Christian marriage in a society where Armenian Christian identity could be seen as a detriment? Specifically, in a society where faithful Armenians who wished to dissolve a marriage may have had other options than the Church, how did the Church position itself to offer the healthiest possible

options for couples suffering from marital discord or disappointment?

It may be impossible to know with any certainty what percentage of divorces among the Armenian Christian population took place under the Church's direct auspices, using the process outlined in the canons. Nonetheless, answers to the question, "What advantages did or does a Church-sponsored divorce offer?" have relevance for modern canonists tasked with helping today's Christians navigate the trackless ocean of contemporary marital issues.

### **Seeking the Lost Sheep: The Ethiopian Orthodox Tewahedo Church's Mission to and Reception of the Rastafari**

Gebre-Kristos Nicholas Siniari

(Coptic Orthodox Diocese of New York and New England)

On 2 November 1930 Ras Tafari Makonnen Woldemikael was crowned as Emperor of Ethiopia, assuming the regnal name of Haile Selassie I. Although Selassie was by all accounts a devotee of the Ethiopian Orthodox Tewahedo Church and was crowned as emperor by the hands of an Orthodox Christian bishop, he was nevertheless hailed by the members of a burgeoning new religious movement in the then British colony of Jamaica as a living god. This group, the Rastafari, which called itself by Selassie's pre-coronation name, regarded the emperor as the second coming of Jesus Christ; the "black redeemer" prophesied by Marcus Garvey. Some thirty years after Selassie's coronation, in April of 1961, a delegation of prominent Rastafari travelled to Ethiopia where they were received by the Emperor and by the Patriarch of the Ethiopian Orthodox Church, Abune Basilios. This meeting eventually led to Selassie's sponsoring of an Ethiopian Orthodox mission to the Rastafari led by the monastic priest Abba Laike Maryam Mandefro, who would later be installed as Archbishop Yesehaq, Primate of the Archdiocese of the Western Hemisphere. The purpose of my work is to examine the history of the interaction between the Rastafari and the Ethiopian Church, demonstrating that this ancient and integrally African church was uniquely positioned to meet the spiritual, historical, cultural, and

psychological needs of the Rastafari in ways that Western confessions were not, and further, to analyse the pivotal and indispensable role played by Yesehaq in the transmission of the Orthodox faith to the Rastafari and the unique atmosphere of adoration that developed around him during his lifetime and after his death among the “Western Born”; that is, those Rastafari who embraced Ethiopian Orthodox Christianity via his mission and contextualized it in distinctive ways within their own culture in a manner that has now allowed it to endure for several generations. It examines several canonical issues related to the means by which members of the community were converted to Orthodoxy and received into the Church.

## Session 3B



# Multidisciplinary Approaches to Canonical Research



## An Historical Theology of the “Work of Christ’s Diaconate” in the Vitae of St. Domnika

Laura Wilson (Antiochian House of Studies)

When Aimé Martimort analyzed the Byzantine ordination rite of the deaconess, he noted that it was made to be symmetrical to the deacons’ in the structure and concluding rites. It occurred at the altar at the same time during the divine liturgy. It included the bishop’s laying of hands, the prayer “divine grace,” a typical Eastern liturgical structure of two prayers with an epiclesis contained in the first prayer, and vesting with the diaconal orarion. However, in his final comments Martimort said, “the conclusion nevertheless must be that a deaconess in the Byzantine rite was in no wise a female deacon. She exercised a *totally different ministry* from that of the deacons.”<sup>2</sup> His conclusion does not explain the assimilation of the deaconess’s rite of ordination to that of the deacon, or the similarities in their language including a calling to the “work of your diaconate.” An historical theology of the rite must account for both the similarities and differences between the rites of ordination for male and female deacons.

This study will consider the ordination rite through the vitae of St. Domnika (*BHG* 562-562f), a deaconess of Constantinople. The hagiographic tradition of St. Domnika emerged sometime between the fifth and seventh centuries, surviving in three recensions written from the seventh to tenth centuries. The recent scholarship of Andrey Kurbanov and Lydia Spyridonova presents a critical edition of these recensions and a French translation of the *BHG* 562f, which they date to the seventh century. This longer life presents rich details, scriptural quotations, and prayers of the saint.

Domnika was said to have lived under the reign of Theodosius the Great. The vitae describe her flight as a young woman from her home in Carthage to Alexandria and then Constantinople, where she was received by the famous

---

<sup>2</sup> Aimé Martimort, *Deaconesses: An Historical Study*, trans. Kenneth D. Whitehead (San Francisco, CA: Ignatius Press, 1986), 156.

Patriarch Nectarios of Constantinople in the early fifth century. Under his care and with the patronage of the Emperor, she founded a monastery and church. She was ordained a deacon (διάκονον χειροτόνηκεν)<sup>3</sup> by the Patriarch, being given the “priestly *schema* of the diaconate in Christ” (τὸ ἱερατικὸν σχῆμα τῆς ἐν Χριστῷ διακονίας).<sup>4</sup>

Her vitae were written contemporary to the manuscripts which preserve the Constantinopolitan rite of the ordination of the deaconess, making it an excellent case-study for understanding the use, language, and historical theology of this unique rite. Reading the Byzantine ordination rites in light of the ordination and ministry of St. Domnika reveals a theological continuity in the “work of [Christ’s] diaconate” expressed distinctly in the ministry of male and female deacons.

## **Beautiful Tension: A Historical, Theological and Canonical Appraisal of Crossdressing Saints**

Joseph Thornburg  
(St. Silouan Orthodox Church, College Station, TX)

It may be a surprise to some, but there are a number of canonized saints who dressed as the opposite sex throughout their lives. All of these cases involved women. Their identity usually became clear when they died or some scandal necessitated the revelation of their true sex. In this lecture I will consider the historical context wherein these actions took place; I will then refute the erroneous belief that instances of such crossdressing serve as clear evidence of a “proto-transgender” phenomenon; lastly, I will appraise the relevant canons and reconcile how these canonized saints acted in an uncanonical manner.

---

<sup>3</sup> From *BHG* 562d in Andrey Kurbanov and Lydia Spyridonova, “Les Vies de sainte Domnika (*BHG* 562, 562d, 562f). Textes grecs édités et commentés avec traduction de *BHG* 562f,” *Analecta Bollandiana* 138, (2020): 301.

<sup>4</sup> From *BHG* 562f in Kurbanov, “Domnika”: 270, 294.

There were numerous reasons why these women dressed as men. Much of the hagiography reveals to us that they desired to live a monastic life. They often fled arranged marriages or unsafe situations, seeking refuge in a male monastery as a last resort. The desire to enter a male monastery made sense; a woman's father or suitor would naturally look for her at a female monastery and force her to remove herself. Living at a male monastery gave her a greater chance of remaining undetected and pursuing a life of celibacy and seclusion.

Some contemporary scholars learn the lives of these women saints and conclude they must have been transgender, perhaps in some nascent form. Such parties jump far too quickly to conclusions. That the actions taken by these women seem to mirror the contemporary concept of "transition" (i.e., changing dress, names, and pronouns) does not mean these women suffered from gender dysphoria; neither does it admit the false reality of a "trans man" as proper Christian anthropology. Contemporaries who read this narrative *into* our saints' lives do a gross injustice to the courage these women demonstrated, wrongfully co-opting the stories of Christian heroes for cultural clout and ideological leverage.

If these crossdressing saints are not ancient evidence of 'transitioning' then how do Orthodox Christians assess them? A prime example in appraising this question can be found in the person of St Xenia. In this fool for Christ and crossdresser we are faced with true godliness and actions that run contrary to the canons (e.g. Canon 13 of the Council of Gangra: "If any woman, under pretense of asceticism, shall change her apparel and, instead of a woman's accustomed clothing, shall put on that of a man, let her be anathema" and Canon 62 of Trullo: "No man should be dressed as a woman, nor any woman in the garb suitable to men; a clergyman who attempts to do so should be deposed, and a layperson should be excommunicated"). It would hardly seem reasonable to eschew St Xenia's saintliness and forgo her canonization because of her deviance from the canons. It would be equally inflexible to conclude that the canons are not an extension of the will of God and thus, reject them entirely.

The Church's canon law is both human and divine; spiritually emanating from God *and* human beings in the sense that they are for the right ordering and

discipline of the people. The canons are the plumb line, the standard by which all should measure themselves. Far from being brittle laws, the canons are often a flexible balm for the healing and restoration of souls. They are for the perfection of the faithful. Understood this way, the reality of crossdressing saints becomes more intelligible. In canonizing crossdressing saints, the Church *recognized*—taking into account the historical contingencies discussed above—the sanctity of someone. They realized that God worked through someone despite unconventional circumstances. If the canons are committed to the perfection of individuals, what do the canons have to bear on someone who is perfected?

The spirit of the canons allows for this phenomenon, if only in a limited way. Christian crossdressers did not spend their lives telling others that they identified with the opposite sex, much less encouraged others to do likewise. Otherwise, the Church would rightly have taken action. Secondly, and primarily, their lives testified to their holiness despite their utilitarian deception. As the saying goes: all saints' lives can be venerated but not all saints' lives should be imitated. The *intention* behind these crossdressing women was desire for God. Their inner disposition was pure. They showed us that despite their circumstances, God could sanctify them, even though a real canonical tension presents itself.

### **Considerations of Self-Defense in Orthodox Canon law in Light of American Law and Culture**

Kyle Sterner (Holy Cross Greek Orthodox School of Theology)

Throughout history, the Orthodox Church has accrued experience living within the contexts of various secular legal systems. Every particular time and place ultimately requires adjustment to those legal and pastoral circumstances, complete with unique challenges regarding specific pastoral issues. Within the United States, one example of a popularly discussed topic in this regard is abortion, both pertaining to its legal status and pastoral consideration, yet it is by no means limited thereto. In many societies throughout the world, self-defense is a feature of criminal law that is recognised as bearing some degree of fundamental

legitimacy in at least certain circumstances. The canonical tradition of the Orthodox Church is of course no exception in this matter, as evidenced in the various distinctions explicated within the canons of the Holy Apostles, St. Basil, St. Gregory of Nyssa, etc. At the same time, it is also a topic in which legitimate application is inherently fraught with nuance, especially given its intimate connection to murder. Additionally, for Orthodox Christians in the United States, it is often presumed that the defining and examination of self-defense claims belong exclusively within the realm of the secular criminal law of the land.

However, the validity of this presumption remains axiomatic. One of the key elements of this axiom is that, insofar as this issue is concerned, the Church and the secular law are in agreement on the fundamental elements of law. Alterations in the secular law on this matter create a fundamental problem with that very presumption. Over the last half century, American secular law regarding self-defense has undergone drastic alterations and no such re-examination on the part of the Church has yet occurred, to deleterious effect. Two such examples of alterations in the American secular law include the steady revocation of the duty to retreat and the gradual cultural drift towards reliance upon exclusively lethal means in cases where self-defense is claimed.

This paper aims to begin the conversation regarding some of these overdue concerns, unaddressed questions, and potential issues at play in the topic of self-defense for Orthodox Christians in the United States. We intend to examine the notion of self-defense within Orthodox canon law, as well as within the context of American law and culture, laying out existing similarities and/or differences. Orthodox canonical sources to be utilized will range from Holy Scripture to the Canons of St. Basil the Great to the current Regulations of the Greek Orthodox Archdiocese of America, but by no means limited hereto. Lastly, we intend to suggest some potential options and/or next steps that might be taken in response to this disjunction. Through engagement with these questions, we hope that contributions will be made towards more fully living out our lives as Orthodox Christians in the United States with all due pastoral consideration for this most serious of matters.

## Session 4



# Historical Approaches to Canon Law

## The Trullan Canons and the End of the World

David Olster (University of Kentucky)

The Trullan canons are perhaps Orthodoxy's most important canonical code, and much ink has been spilled over their relationship to Latin and Armenian practice, the light they shed on contemporary social practices, episcopal reorganization, and clerical regulation. The *Logos Prosphonetikos* however has received far less interest. This is surprising because this text, as the Trullan Council's *ACO* editor, Heinz Ohme, has pointed out, is not only the only extant chancery document between Constantine IV's Sixth Ecumenical Council correspondence and Leo III's *Ekloga* forty years later, but was specifically written as a *prooimion* to Justinian II's canonical code. It is the goal of this paper to consider first the Trullan Council's political and institutional context, then to consider how this context impacted the canons' construction, and finally, how the *Logos Prosphonetikos* shines a light on the canons' cultural context. This paper builds on my article, "Justinian II's Two Silentia," (in *Dissidence and Persecution in Byzantium from Constantine to Michael Psellos*, [*Byzantina Australiensia* 26], ed. Danijel Dzino, Ryan Strickler, Leiden, 2021:123–137), which analyzes the Trullan Council's peculiar conciliar history, and unsurprisingly, my methodological model will be Father Viscuso's ground-breaking work in canon law history that has repeatedly demonstrated the necessity of setting canon law in its cultural and political context.

The Trullan canons' political and institutional context is clear. In the sixty or so years before the council, the Arabs had conquered Syria, Palestine, Egypt and Africa, the Slavs and Bulgars had wrested away most of the Balkans, and the weakened Empire could no longer successfully project imperial power into Italy and Armenia. These catastrophic losses left the imperial bureaucratic apparatus in ruins, both the secular and ecclesiastical. Many dioceses not only lacked bishops, but both the vertical and the horizontal communication lines of the Empire's ecclesiastical bureaucracy had been shattered, and the centrifugal forces that imperial power had suppressed for more than two centuries were spinning Syriac, Coptic, Armenian and Catholic Christianity irrevocably out of the imperial orbit.

The cultural context is far more difficult to locate because the source material is so poor. But there is no doubt that imperial collapse inspired a dramatic spike in apocalyptic speculation. Beginning with Theodore Syncellus's *Homily* on the 626 Persian siege of Constantinople, which presented Roman victory as the fulfillment of Ezekiel's Gog/Magog prophecy, contemporaries cast the Empire's wars as cosmological conflicts that would bring about Christ's return and the Empire's millennial restoration. Wolfram Brandes has written extensively on seventh-century apocalyptic and in particular, has linked the Trullan Council *Logos Proshphonetikos*'s apocalyptic tone and tropes to more famous seventh- and early eighth-century apocalypses like the Greek redaction of *The Pseudo-Methodius Apocalypse* (which might have been written about the same time as the Trullan Council) and the early eighth-century *Daniel Diegesis*. In considering the canons' authors' motivations and goals, this cultural discourse should not be minimized or dismissed.

This paper, then, seeks to set the canons within this temporal context. In particular, we will consider not only how these political, institutional and cultural factors shaped the canons' formation, but how the canons' authors understood their task.

## **Honoring the Wife: The History of Titles and Honorifics for Wives of Clergy**

Sarah Ann Wagner-Wassen (Johannes Gutenberg-Universität Mainz)

The history of titles and honorifics for wives of clergy involves a complex debate in academia with discussions revolving around ecclesiastical titles for women, particularly in the early church. Various forms of evidence, including artistic, epigraphic, and documentary sources, have led to differing opinions as to whether women held official and ordained roles in the church, and the impact of practices such as having female deacons in the East adds a layer of complexity. Scholarly opinions differ on the interpretation of the evidence, with Orthodox scholars



challenging Western perspectives rooted in assumptions about clerical celibacy.

The transition and transformation of titles such as *presbytera* provide insight into the evolving role of women within the ecclesial system, from ancient Rome to modern Orthodox practices. Cultural variations in recognizing the status of clergy wives through titles such as *presbytera* highlight debates over gendered language and social constructs. The historical context reveals shifts in perceptions of the clergy wife's role from being an integral part of her husband's ministry to being marginalized within the male-dominated world of the priesthood. Synthesizing evidence from the early church to western canon law to Byzantine practices offers a nuanced understanding of how women navigated their identities within ecclesiastical structures, shedding light on the complexities of gender, marriage, and power dynamics in religious institutions across historical periods and geographical locations.

The diversity and evolution of terms used for clergy wives within Orthodox churches today reveal linguistic and cultural influences, with variations based on ecclesial families and regions. The semantic significance of terms like "*presbytera*" reflects notions of nobility and honor, while socio-cultural factors likely shaped the adoption and evolution of such designations over time, highlighting the complex interplay between language, tradition, and gender dynamics within religious contexts.

Careful avoidance of anachronism makes it possible to show that the development of such titles was based on gender separation and distinction. The initial development of these titles in Western practice, then their later disappearance and appearance in the East, indicates shifts in the application of canon law and cultural practices that should be carefully charted. An understanding of this socio-linguistic development provides clarity for understanding the earliest epigraphic evidence and a basis for understanding the origins of modern Orthodox practices. It is within this framework that the canonical legislation on which many of the expectations of clerical marriage and of the clerical wife are based can be better analyzed and understood.

## **Emperor Justinian's Legislation on Monks and Monasteries in Patriarch Nikon's book of Kormchaia**

Anna Vankova

(Institute of World History, Russian Academy of Sciences)

The Book of Kormchaia is first attested in the 13th century. Several compilations bearing the same name appeared over the subsequent centuries, but their contents varied from one compilation to another. The need for an authoritative edition became evident by the 17th century, and the work on such an edition started in 1649 under Patriarch Joseph's supervision. A total of 1200 copies were published. The edition, however, was only completed under Patriarch Nikon. A large portion of the text was devoted to the legislation of Byzantine emperors. This paper investigates the extent to which Byzantine legal norms from much earlier periods were applicable in the legal circumstances of seventeenth-century Russia. According to E. V. Belyakova and A. A. Turilov's article on the Book of Kormchaia, published in the Orthodox Encyclopedia, the printed version of the book was widely used in the seventeenth-century Russian legislation. This included the decrees of Moscow Patriarchs and ecclesiastical court proceedings primarily concerned with divorce and inheritance cases, as well as disciplinary cases that involved members of the clergy.

The Byzantine imperial legislation in the Book of Kormchaia includes two extensive sections from the laws of Emperor Justinian I, as well as the laws of the Emperors Leo VI the Wise and Alexius I Comnenus.

In total, the The Book of Kormchaia included two and a half dozen decrees of Emperor Justinian concerning monks. The most extensive excerpts deal with the admission of slaves into a monastery, inheritance law, and the joining of a monastery by betrothed and married people. Very few regulations concerning the internal life of the monastery are included, such as the ordination of the abbot.

One could argue, albeit with caution, that the special attention given to these

particular sections was motivated by the following considerations. The admission of a slave to a monastery could echo the problem of serfs fleeing their masters to become monks. This problem likely existed in seventeenth-century Russia, just as it did in the Byzantine Empire, and so the Russian legislators turned to the most authoritative source at their disposal, that is, the code of laws of Emperor Justinian. The inheritance repercussions of joining a monastery were elaborated in detail in Justinian's Code and Novellae, which is why Russian canonists decided to use these documents. The literal application of these laws, however, was hardly possible. For example, the Falcidian part was irrelevant to the circumstances of seventeenth-century Russia.

In general, the inclusion of Byzantine legal norms served to fill lacunae in Russian medieval legislation.

It is also clear why so few laws regulating the internal life of a monastery are found in the Kormchaia. Such regulations were already abundant in Russian legal texts and monastic statutes.

## **Index of Speakers**

Bosl, Justin	15
Chryssavgis, John	4
Ervine, Roberta R.	20
Gaffin, Greta	5
Ghattas, Mary	18
Kakish, Daniel	19
Mitchell, Bryan Patrick	12
Olster, David	30
Purdie, James	10
Roeber, Anthony	9
Sereghy, Xénia	6
Siniari, Gebre-Kristos Nicholas	21
Sterner, Kyle	7
Thornburg, Joseph	25
Vankova, Anna	33
Wagner-Wassen, Sarah Ann	31
Wilson, Laura	24

## **Orthodox Canon Law Society of North America**

President: Patrick Viscuso, The Antiochian House of Studies

Vice President: Andrei Psarev, Holy Trinity Orthodox Seminary

Secretary: Laura Wilson, The Antiochian House of Studies

Treasurer: Bartholomew Mercado, Holy Cross Greek Orthodox School of Theology

### **Board Members**

Lewis Patsavos, Emeritus, Holy Cross Greek Orthodox School of Theology

Despina Prassas, Independent Scholar

Christos Linardakis, Attorney-at-law

### **Program Committee**

Patrick Viscuso, The Antiochian House of Studies

Andrei Psarev, Holy Trinity Orthodox Seminary

Despina Prassas, Independent Scholar

### **Local Arrangements**

Bartholomew Mercado, Holy Cross Greek Orthodox School of Theology