

The Tome of 1756 and the Canonists

Nikodemos and Christophoros¹

by Theodore Giankou

The period of many years spent preparing for the Holy and Great Council—which in reality extends back to the beginning of the twentieth century—provided plenty of room for the development of theological discussions, which were sometimes expressed sharply, and yet at other times with sobriety. During this entire period, the ‘reworking’ of the synodical institution at the pan-Orthodox level was underscored as an end goal in official inter-Orthodox meetings, and certainly in theological conferences, particularly pan-Orthodox ones. For example, at the First Conference of Orthodox Theological Schools (Athens, 1936), the subject of calling a Pan-Orthodox Council within the framework of the Orthodox synodical consciousness or tradition was placed on the daily agenda. Indeed, since then this need has been frequently underscored by the most authoritative representatives of the ecclesiastical or theological world.

The decision for the Gathering of the Primates (March 2014) and the ensuing intensive preparations for the calling of the Synod (three successive sessions of the Special Inter-Orthodox Committee: from September 2014 to April 2015; the Fifth Pre-synodal Conference in October 2015; and, finally, the Gathering of the Primates in January 2016) were to be expected, since they would have invited discussions—which, when good-natured, become fertile. In this framework, and with this spirit, I am laying down a little historical information that is, effectively, an anthology from unpublished sources, for the most part concerning the *Tome of 1756*, and on the occasion of the recent relevant publication by the most Venerable Metropolitan of Nafpaktos, Hierotheos.

The *Tome of 1756*, which was signed by three patriarchs (namely, Cyril of

¹Source article: <http://www.amen.gr/article/o-oros-tou-1756-kai-oi-agioreites-kanonologoi-nikodimos-kai-xristoforos>. Accessed March 2018. Present translation by Fr. Andreas Houpos (fr.andreas.houpos@gmail.com).

Constantinople, Matthew of Alexandria, and Parthenios of Jerusalem), asserted—for the first time in an official manner with this particular document—rebaptism as being the inclination of the Patriarch of Constantinople, primarily for Latins and Armenians; it was not a decision reached by synodal consultation. It was a decision, in a manner of speaking, of a “Gathering” (*Synaxis*) of the three Primates. It is known that most of the members of the Synod of the Ecumenical Patriarchate—and, indeed, the Elder Metropolitans, who also had control of the Patriarchal Synod—disagreed with Cyril, and for this reason did not sign the *Tome*. They remained distant from Cyril's positions.

The *Tome* had limited acceptance. It resurfaced mainly in those cases where systematic Latin propaganda was threatening to the Orthodox Church. It seems the canonic sources of that era conspicuously pay it no heed. It is characteristic, for example, that St. Nikodemos of Athos, in his *Commentary* on the canons referring to the acceptance of heretics into the Church (canons 7 of the 2nd Ecumenical Council, and 95 of the Fifth-Sixth [*Penthekte*]), makes not one reference to the *Tome* in question, other than the fact that, as regards the matter of the rejection of the baptism of the Latins, it would have been possible to have done so. Furthermore, in the lengthy *Commentary* of the 46th Apostolic canon (the most lengthy that exists in *The Rudder*), in which, among other things, the Athonite Father likewise rejects the baptism of the Latins, he never once invokes the *Tome*, despite the fact that he knew of it. That Nikodemos knew of the *Tome* is assumed from whatever relevant references exist in the very important unpublished *Correspondence* between Nikodemos and the Preacher of the Great Church of Christ, Dorotheos Boulesmas, who was designated as the “Examiner” of the contents of *The Rudder* by the Patriarchal Synod of Constantinople, prior to the end of 1790, with the aim of securing synodal approval for its publication. In the context of the dialogue that developed between the two men, Boulesmas sent Nikodemos two treatises he had written, containing canonical matters, which remain unpublished in the Athonite

Codex *Panteleimon* 520. The first is titled “That it is always necessary to baptize heretics who have not been baptized according to either aspect of the Master’s command—that is, the one prior to the Resurrection, and that following the Resurrection,” and the second, “Concerning strictness towards those heretics and schismatics approaching us, that it is necessary for them to be received by baptism”. In these treatises on canonical matters, it is self-evident that Boulesmas is a disciple of a certain group of ecclesiastical men of his era—among them are the common teacher of the two men, at the Evangelical School of Smyrna, Hierotheos Dendrinos; the patriarchs of Constantinople Cyril and Neophytos; as well as Parthenios of Jerusalem. He shared their positions as regards the manner of the return of heretics to the ranks of the Church, and thus he recommended for Nikodemos to practice this; that is, he pointed out to him indirectly—but clearly—the *Tome* of 1756.

Again, we follow [...] many others shining forth in wisdom and virtue and holiness, such as [...] my teacher in Smyrna, Hierotheos, and the renowned Neophytos who was with him, and a good number of others with them, who wished to emulate his degree of both strictness and economy of speech—yes, indeed, those surrounding the most-divine Cyril, Patriarch of Constantinople, and Parthenios, the most-wise Hierarch of Jerusalem with Ephraim his teacher, and my most-holy elder.

Comparing the content of Boulesmas’ two lengthy discourses (they occupy around one hundred forty pages in the manuscript) with those relevant writings by Nikodemos in *The Rudder*, it is easy to deduce that the Athonite canonist maintained a cautious stance in relation to the positions of Boulesmas, and a simultaneous distance from the provisions of the *Tome* of Cyril and the two other patriarchs. For what reason?

One likely reason is that Cyril was treated by the satirically named “Kollyvades” in not-so-flattering words, since, on the point of memorial services, he held an ambiguous position, and in the end leaned toward a choice in

opposition to the liturgical order of the Church and to those who supported the Philokallic Fathers of the 18th century. It is characteristic that the author of the *Scourge*² (who is most likely Athanasios Parios, or another person involved with him), concerning those who were performing memorial services on Sundays, which is contained in the manuscript *Evangelistriais* of Skiathos 43 (see pp. 8-10) judges Cyril as unstable with regard to the major theological issue that shook the Holy Mountain and other places during the second half of the 18th century:

...but those monks (of the Skete of St. Anna [*Agiannitai*], who performed memorial services on Sunday)—of whom there are many, and who have as their head the former Ecumenical Patriarch, Cyril, (for he previously had judged against the matter rightly, recalling the tradition of our fathers, but later, as if struck deaf by something, was gradually broken down, warping into a crooked bow, and so becoming as if one of their number, and indeed also empowering them by saying that the matter was of no consequence and that he, being the one on the throne, had given in, and that they perform such memorial services in Constantinople on Sunday)—these same for some time now have asserted themselves, being in the majority, by labeling as supposed troublemakers those who do not sympathize with them, or who do not associate with them not only in church, or in the entrances to the monastic cells, or in common speech and daily life, but even in business at the mills, ordering to not grind with them: for Cyril, not having (as someone said) an argument from reason, argued using the mill's waterwheel. In this way, therefore, those pitiful brothers were fearfully persecuted and starved (for it was not easy for them to go to another mill) from fear of violating the decree, and, being constrained, they abandoned their dwellings and left for some place other than the Mountain. But they were not even in this way able to find peace anywhere, for it was not only these *Agiannitai* that brought impassioned reports of mischief and troublemaking against them, but also the many on the outside that were friendly in disposition to the cause of the *Agiannitai*, abandoning them as being defiled, and making it their business to instruct others in this way—the mightiest and chief among them ever was [the bishop] of Aleppo (that is, Gennadios, the most dynamic of the Anti-kollyvades), the tongue and hand and ear of Cyril, both formerly in Constantinople and now continuing on the

² Gr. *Φραγγέλιο* (i.e., “whip” or “scourge”).

Mountain; if one has not come to know who this man is, simply put, one does not know the “pestle” of the City and of the Mountain.

From the above quote, it therefore follows that what was previously supported by the theological agreement and cooperation of Cyril with the Kollyvades should be reconsidered. The traditional author of *The Scourge* is explicitly (*expresses verbis*) against Patriarch Cyril—in this case, on the issue of the anticanonical celebration of memorial services on Sundays—and his person is treated with skepticism. It would also be possible to support the view that the so-called Kollyvades did not appreciate Cyril's waverings. In addition to other sources of the era, Cyril appears to have promoted the rebaptism of Latins and Armenians as an ideological slogan, in order to secure the support of the people who were steeped in anti-Latin sentiment, so that he might succeed in his ascent to the Patriarchal Throne. The echo of Cyril's selfishness and personal aims reverberated well into the era of the author of *The Rudder* (that is, for about thirty years) and invited reservations about healthy intentions, on the part of those having discerning minds. Thus, we may pose the question: “What was the position of the two great Athonite Canonists—Nikodemos, and Christophoros Prodromites—regarding the controversial matter of the provisions for rebaptism of heretics contained in the *Tome* of 1756?

For the answer to this question, it is necessary to note that Nikodemos submitted a first draft of *The Rudder* to the Patriarchal Synod of Constantinople towards the end of 1790. There followed, until the end of 1793, a three-year-long fruitful discussion with Boulesmas and with the then-Patriarch Neophytos VII (both aligned on the side of Cyril's position), who turned away—indeed, in a bold way—on the matter of the baptism and ordination of heretics. Nikodemos initially supported the position that the Church, being consistent in the principle of economy, received heretics without rebaptism, and heretic clergy without repetition of the ordination. The above position of Nikodemos was strongly condemned by Boulesmas, and meanwhile caused Patriarch Neophytos to impose

on Nikodemos the immovable condition that he would not grant permission for the printing of *The Rudder* if the latter would not comply with Boulesmas' "Examination" (i.e., Recommendatory Report) :

It is impossible for the book to be sent off for publication if it is not reconciled with the Examination. For then, with (Patriarch Neophytos) approving, making us free of all concerns regarding the father of the book, we will readily have all the funds to put down for printing.

This was an ultimatum on the part of the Patriarch. The Examiner of *The Rudder*, Boulesmas, sent austere letters in order to dissuade Nikodemos, and even threatened that he would quit the work of the "Examination". I will refer illustratively to some of Boulesmas' harsh phrases against Nikodemos:

(Nikodemos) is mistaken, here and elsewhere, declaring in the interpretation of the 68th Apostolic Canon that the Church has accepted the ordinations of heretics, calling on the 8th canon of the First Ecumenical Council, the 61st of the Council in Carthage, and the 4th and the 7th Ecumenical Councils to uphold this.

Elsewhere, Boulesmas calls on Nikodemos to come to himself:

Come to yourself, O man, by being of one voice with the fathers in things irrefutable, not by way of the disgraced company of those who would fight and contradict them.

Nikodemos, however, continued to support the possibility of the reception of heretic clergy, without a new ordination, invoking the synodal practice of the Church, and especially of the 7th Ecumenical Council:

For the ordinations of the heretics—indeed, heretics put to shame synodally—were accepted by economy, as shown in Canon 66 (by our reckoning; 61 by the interpreters), clearly calling the Donatists heretics, and accepting their ordinations, which previously were examined by a synod—and not only, as we said, the ordination of Anatolios, but also of St. Meletios of Antioch, whom the many synodally-examined Arian heretics had ordained, and whose ordination the Orthodox accepted.

It is notable that Nikodemos went back to the *Acta* of the 7th Ecumenical Council, in the 1st *actus*, in which the matter of receiving back heretic clergy was discussed thoroughly, with St. Tarasios, Patriarch of Constantinople, supportive of not reordaining heretic clergy—even those who had been ordained by heretics. Such arguments are expressed often by Nikodemos in his *Letters* to Boulesmas (the *Correspondence* between the two is numbered at twenty-nine letters). We do not know to what extent the requirement of Boulesmas and of Patriarch Neophytos influenced the content of the relevant *Comments* of *The Rudder*. Nikodemos was a person who was characterized by his discernment, and for his sensitivity to not invite controversy into the ecclesiastical body. On account of this, he gave just a little ground to the recommendations of the two Patriarchal men. Moreover, had he not done so, it was absolutely certain that his work would have ended up in the wastebasket; if they had had their way, Boulesmas and Patriarch Neophytos would have thrown it out. However, it is also a fact that Nikodemos knew and adopted the canonic sources that highlighted the principle of Economy, without hesitation. He had sufficient formation with regard to patristic and canonic teaching, and also had the courage to express his opinion. It would be particularly useful to our research if a copy of the first drafts of *The Rudder* had been saved, prior to the correction according to Boulesmas' recommendations.

For Nikodemos, in this case division of the ecclesiastical body was painful—but so was the cancellation of his enormous effort to compile a credible collection of canons, free from the “strange tales” (ὀθνεῖους μύθους) found in the many “counterfeit nomocanon” (χυδαιονομοκανόνων) manuscripts of his era. Thus, he chose the path of retreat with discernment. In his *Letter* dated 17 September, 1792, he writes to Boulesmas:

So, does the Church's sacred perfection (that is, Dorotheos Boulesmas) want those heretics to be made to stand blameless, whose ordinations and baptism the Church once accepted by economy? And isn't the principle of Economy sufficient to

harmonize those holy fathers who were accepted, with those who were not accepted according to the principle of Precision? Bless, father, they stood blameless... Does he desire that the canons not impede those blameless priests? Bless, father, they stood unimpeded... for words and contentiousness over such things as these hold no value, both being cheap and worthless in themselves.

The “Bless” was, presumably, not hypocritical on the part of Nikodemos. At the same time, however, with those utterances of “Bless,” Nikodemos maintained his view as regards the principle of Economy. What he writes in his *Commentary* concerning the 46th Apostolic Canon testifies to this reality. We can assume that in Nikodemos’ writing of the following text, it was primarily addressed to his two Patriarchal interlocutors, who were firmly zealous supporters of Precision:

In thus speaking about these things, he[?] was right to be at a loss, because the 2nd Holy and Ecumenical Council, in its 7th Canon (but also the 6th Ecumenical Council, in its 95th), did not reject the baptism of all the heretics in accordance with the Apostolic Canons, and with the Council concerning St. Cyprian, and with all the other great Fathers wise in the things of God—those aforementioned, whose ordinances this same Council (as we said, the 6th Ecumenical in its 2nd Canon) ratified³—but the baptism of some heretics was accepted, yet not that of others? In order that the solution to this inquiry might become easy to grasp, it is necessary to know something ahead of time: that two kinds of governance and correction are maintained in the Church of Christ. The one form is called Precision, and the other is called Economy and Condescension, with which the stewards (*oikonomoi*) of the Spirit govern the salvation of souls—sometimes with the one, and sometimes with the other. And so the holy Apostles, in their aforementioned Canons, and all the commemorated saints, administered Precision, and thus rejected the baptism of heretics with perfection; but the two Ecumenical Councils administered Economy.

The author of another important collection of canons, which happened to be published the same year (1800) as *The Rudder*, worked along the same lines as Nikodemos. This work was the *Kanonikon* of Christophoros Prodromites, the

³ The source text has the word *επεσφάγισεν*, which appears to be a typographical error; the translator has chosen to use *επεσφράγισεν* (“ratified”), which seems to fit the context.

teacher and friend of Nikodemos, of whom it is known that he was condemned by the Ecumenical Patriarchate, along with Athanasios Parios and Agapios Kyprios, for their stance in the dispute about memorial services. Christophoros compiled the *Kanonikon* relying heavily on *The Rudder*, from which he copied (either in whole or in part) nine hundred commentaries (of the nearly one thousand, three hundred that are contained in the *Kanonikon*). Christophoros adopted and championed Nikodemos' position, namely, that the Church had, not a few times, received heretic clergy (including those who were ordained by heretics) without ordaining them again on those occasions when they returned to the Church. Following the dialogue that developed between Christophoros and Boulesmas (who had in this situation as well been appointed Examiner of the new collection of canons) is made easy by the existence of ample sources. In particular, the two copies of the *Kanonikon* (mss. *Panteleïmon* 144 and 145), which were submitted to the Ecumenical Patriarchate by Christophoros in order to be examined by the Synod for publication, survive—and in which exist Boulesmas' intervening commentary, mainly on the matter of the manner of reception of heretic clergy [^{*4}—as did Boulesmas' Recommendatory Report for the *Kanonikon*, Christophoros' *Apology* to Dorotheos, and Boulesmas' letter to Patriarch Neophytos VII (these last three documents are contained in ms. *Panteleïmon* 528). In all of the above documents, Christophoros appears adamant, laying out first the testimony of the sources, that the Church, on the matter of the reception of heretics, usually adopted a position of Economy. These claims were supported by the two Fathers of the Philokalic Movement of the 18th century. The following comment is precisely the most notable: the documents of the two Athonite Canonists, compared to the relevant adopted preconiliar texts of the Holy and Great Council, are more daring. The same can be said of many other patristic texts that exist in the sources.

⁴ The original Greek article includes a phrase making reference to accompanying images of the manuscripts, not included here.

This instruction in ecclesiastical practice, as it emerges from within the source texts, expands the horizon. The documents are the kind that teach us and open the road for the handling of analogous matters in our own era. I can categorically assert that, in the hand-written canonic and liturgical texts, there is a vast amount of information that reveals to us what the practice of the Church is over time. When someone is learned in such letters, he acquires strong and unshakeable supports that far surpass the use of slogans [in debates]. I will not go on to quote the information I am aware of from the relevant manuscript tradition, but I will invoke the fact that, in the Prayer Book (*Euchologia*) manuscripts, the relevant rite for the reception of heretics is built entirely upon Canons 7 of the Second Ecumenical Council and 95 of the Fifth-Sixth. The liturgical practice of the Church, which has been observed steadily from the fourth century up to the expiration of the Byzantine Empire and thereafter, cannot be on the wrong path.

The two Athonite Canonists, Nikodemos and Christophoros were not those who “neologized” concerning the ordinations of heretics. For example, the great canonist of Thessalonike, Matthew Blastares, who indeed was devoted to the Hesychasts, depicted the relevant canonical-liturgical practice of the Church in the following way:

The 57th and the 68th [canons] of the Council in Carthage do not appoint for those coming to the Orthodox faith from the heresy of the Donatists to be rebaptized (if belonging to the laity), and have the clergy [keeping] their priestly ranks, providing in this way for the majority of them to come to the catholic faith.

Likewise, the collection of canons contained in the manuscript *Lavra* K14 (1301), which was copied in 1600, makes reference to the following (f. 14r):

The ordinations of those (Latins) coming over to us—those who were ordained by them—are not rejected, since our divine fathers did not reject the ordinations of the heretics, for many of them have become orthodox.

The attitude of the Church toward heretics was usually not pent up in

querulousness. This can be deduced from the following two passages. The first belongs to St. Theodore the Studite, and the second to St. John of *The Ladder* [*⁵].

...but word has it that you do not approach the canon with discernment, but rather definitively and flatly declare that it is not possible for those ordained or baptized by heretics to be either clergy nor laity (as you reckon), for the Apostolic Canon names as heretics those not baptized or not baptizing in the name of the Father, Son, and Holy Spirit—and this we are taught by the divine voice of Basil the Great.

A certain learned man put a serious question to me, saying: “What is the gravest sin, apart from murder and denial of God?” And when I said: “To fall into heresy,” he asked: “Then why does the Catholic Church receive heretics who have sincerely anathematized their heresy, and consider them worthy to partake in the Mysteries; while on the other hand when a man who has committed fornication is received, even though he confesses and forsakes his sin, the Apostolic Constitutions order him to be excluded from the immaculate Mysteries for a number of years?” I was struck with bewilderment, and what perplexed me then has remained unsolved.⁶

⁵ The original Greek article includes the clause “whose memory the Church honors these days,” dating the original article’s publication, but not of consequence in translation.

⁶ Step 15:48. From the translation by Archimandrite Lazarus Moore (Harper & Brothers, 1959).