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ȘCOALA DOCTORALĂ ÎN DOMENIUL TEOLOGIE**

## **SUMMARY OF THE PHD THESIS**

### **THE CANONICAL WORK OF ST. JOHN THE FASTER. ITS IMPORTANCE FOR CANONICAL CHURCH LAW**

**SCIENTIFIC COORDONATOR:  
Pr. Prof. Univ. Dr. CONSTANTIN RUS**

**PHD Candidate:  
DRĂGHICI CĂTĂLIN CONSTANTIN  
(Arhimandrit CALINIC)**

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## CONTENT

Introduction.....	1
<b>Chapter I. The Eastern Canonical Collections up to St. John the Faster.....</b>	10
1.1. Canonical synopsis, Collection of canons, Nomocanons.....	10
<b>Chapter II. The age, life and activity of St. John the Faster.....</b>	20
2.1. The age St. John the Faster lived in.....	20
2.1.1. The political and social framework.....	20
2.1.2. The political and religious situation in the Western Roman Empire.....	23
2.1.3. The ecclesial framework.....	27
2.1.4. The wars with the Persians.....	32
2.1.5. The Slavs and the Avars.....	33
2.2. The life of St. John the Faster.....	35
2.3. The work of St. John the Faster .....	41
2.3.1. The relation between the Church of Constantinople and the Church of Rome.....	44
2.3.2. St. Gregory the Great.....	45
2.3.3. Their letters.....	47
2.3.4. The Pope's claims.....	50
2.3.5. The first Ecumenical Patriarch.....	52
2.4. The writing of St. John the Faster (homilies, letters, canons).....	56
2.4.1. A brief historical view on the work and writings of St. John the Faster.....	56
2.4.2. Homilies.....	63
2.4.3. Letters.....	64
2.4.4. Syntagma XIV titulorum.....	64
2.5. The canonical work of St. John the Faster.....	65
2.5.1. The division of St. John the Faster's canons.....	65
2.5.1.1. Canons on faith (Περὶ ἀρνήσεως, canons 1-2).....	65
2.5.1.2. Canons on Christian morals (περὶ τοῦ επιθυμητικοῦ μέρους, canons 4-30).....	72
2.5.1.3. Canons on loving our neighbour (Περὶ τοῦ θυμικοῦ τῆς ψυχῆς μέρους, canons 31-48)....	108
2.5.1.4. Canons from Synopsis.....	125
<b>Chapter III. The Kanonikon of St. John the Faster .....</b>	141
3.1. The purpose and the importance of the Kanonikon in the Orthodox Church Law.....	148
3.2. The author of the Kanonikon.....	152
3.3. Manuscripts of the Kanonikon.....	154

3.3.1. Manuscripts in Greek .....	154
3.3.2. The way the collection of canons was composed.....	157
3.3.3. The use of the collection.....	159
3.4. Manuscripts in Slavonic language.....	162
3.5. Canon laws and collections of the Church from Great Moravia.....	165
3.5.1. Canon laws and collections of the Serbian Orthodox Church .....	166
3.5.2. Canon laws and collections of the Bulgarian Orthodox Church .....	167
3.5.3. Canon laws and collections of the Russian Orthodox Church .....	168
3.6. Manuscripts with excerpts from Nomocanon.....	171
3.7. The content of Kanonikon in manuscripts.....	172
3.7.1. Kanonikon in Alphabetical Syntagma .....	173
3.7.2. Kanonikon in Pedalion (The Rudder).....	173
3.7.3. Kanonikon in Athenian Syntagma .....	173
3.7.4. Kanonikon in Spicilegium Solesmense collection.....	174
3.8. The circulation of Kanonikon in the Romanian Principalities.....	174
3.9. The content and the themes of the Kanonikon.....	182
<b>Chapter IV. Deuterocanonarion.....</b>	189
4.1. The content of Deuterocanonarion.....	189
4.1.1. The title and the author of the text.....	190
4.1.2. Introduction on Confession.....	191
4.1.3. The Confession Rule.....	192
4.1.4. Giving the epitimia (penance).....	192
4.1.5. Epitimia, as reward for the repentance of sins.....	193
4.1.6. Canonical supplement.....	193
4.2. <i>Didascalia from the manuscript MÜNCHEN 498</i> .....	193
4.2.1. The title and the origin of the text.....	194
4.2.2. Introduction.....	194
4.2.3. The Confession Rule .....	194
4.2.4. Giving the epitimia .....	194
4.2.5. Epitimia, as reward for the repentance of sins .....	194
4.2.6. Canonical supplement .....	195
4.3. <i>Akolouthia from the Cathedral of Otranto</i> .....	196
4.3.1. The author and the title of the text .....	196
4.3.2. Introduction missing.....	196
4.3.3. The Confession Rule .....	196

4.3.4. Giving the epitimia .....	197
4.3.5. Epitimia, as reward for the repentance of sins .....	197
4.3.6. Canonical supplement .....	197
4.3.6.1. Appendix „F”.....	197
4.3.6.2. Appendix „C” from Protocanonarion.....	197
4.3.6.3. Appendix „G”.....	197
4.3.7. Texts in Protocanonarion.....	198
<b>4.4. <i>Logos of Patriarch John the Faster</i></b> .....	198
4.4.1. The author and the title of the text .....	199
4.4.2. Introduction.....	199
4.4.3. The Confession Rule.....	199
4.4.4. Giving the epitimia .....	199
4.4.5. Epitimia, as reward for the repentance of sins .....	199
4.4.6. Canonical supplement .....	199
<b>4.5. <i>Kanonikon of St. John the Faster compared to Nomocanon in 50 titles and Nomocanon in 14 titles</i></b> .....	200
4.5.1. Nomocanon in 50 titles (Nomocanon L Titulorum).....	204
4.5.2. Nomocanon in 14 titles (Nomocanon XIV Titulorum).....	205
<b>Chapter V. The penitencial discipline according to Kanonikon of St. John the Faster</b> .....	208
5.1. The content of the book.....	210
5.2. Description of Confession.....	220
5.3. Differences between the two penances.....	228
<b>Chapter VI. The way Church received the Kanonikon of St. John the Faster</b> .....	230
6.1. The collection published by cardinal J. B. Pitra in Spicilegium Solesmense.....	231
6.2. The series of 34 (35) canons collected by Matthew Blastares.....	231
6.3. More canons collected by the same Blastares .....	231
6.4. A collection of 21 canons.....	231
<b>Chapter VII. The actuality of the Kanonikon of St. John the Faster</b> .....	237
7.1. The interpretation of canons by letter.....	239
7.2. The practical use of St. John the Faster’s Kanonikon, proof of the practical importance of its systematization .....	242
Conclusions.....	255

## INTRODUCTION

### **The issue**

The theme chosen for research in this paper titled *The Canonical Work of St. John the Faster. Its Importance for Canonical Church Law*, deals with the importance of the canons made by Saint John the Faster, Patriarch of Constantinople in canon law. These are a basic element of theology, because they encompass the church laws that regulate the internal life of the Church as a visible institution of this world, based on what Christ the Saviour ordained through the work of the Holy Apostles and their descendants.

First, this paper aims a systematic study of St. John the Faster's canonical work. Secondly, we wish to highlight the actuality of some of the ecclesial norms contained in these canons.

What clearly emerges from the study of canons is that the holy canons are not the expression of a legalist spirit that would tend to encompass everything in rules and transform the life of the Spirit into legal norms. On the contrary, they are the expression of the Church pastoral care for the salvation of her members.

### **Research methodology**

The methodology I used in this work is the detailed study of the content of St. John the Faster's canons in a historical, legal, analytical, moral, pastoral and spiritual relation.

The distinction between the historical content of the canons and the spiritual consciousness of the Church manifested in them cannot be made merely by simple objective research, based on the historical-genetic method of canons. It is done through an up-to-date assessment of these by reference to other sources of the Church law history, since the content of the canonical tradition officially formulated supposes that the Church has the fullness of the divine revelation content.

Therefore, any canonical formulation must be on a solid Christocentric basis, and it should be applied in the life of the Church under the guidance of the Holy Spirit. At the same time, all canons must be in agreement or in an authentic relationship with the spirit of the fundamental source of revelation in Christ, that is to say with Holy Scripture and Holy Tradition (patristic, liturgical, sacramental, customary), which constitute basic sources of the Christocentric content of the whole canonical tradition.

### **Motivation and choice of subject**

Together with the scientific advisor, Prof. Dr. Constantin Rus and following the spiritual and pastoral urge of His Eminence Nicodim Nicolăescu, the Bishop of Severin and Strehia, in the conception of the paper, I considered fit to focus on this Saint honoured by the Orthodox Church, because very little research has been done so far and there are so many implications in the canon tradition of our Church.

This research has its motivation and personal interest in matters concerning the authenticity of the canons and the importance they represent in the pastoral life of the Church. It is well known that many of these canons are still used as norms of behaviour in solving various liturgical, pastoral, moral and disciplinary problems.

### **The purpose and the limits**

The Church Law is primarily a spiritual one, since its main purpose is the spiritual growth of believers. In this sense, the thesis has a dual purpose: to present the invaluable treasure of the canonical tradition transmitted by St. John the Faster and the benefit of adjusting the penitential time he did to the Church norms of the Holy Fathers and the Synods canons.

### **Uniqueness and originality**

By its form, common language and content, the present work intends to be erudite and to constitute an original research through the methodology used, the bibliographic material and through an overview of Orthodox canonical tradition.

### **Structure and content of the paper**

The thesis is structured in seven chapters divided into subchapters:

The first chapter includes the Eastern canonical collections up to St. John the Faster, the canonical synopsis, canon and nomocanon collections.

The second chapter is divided into eleven sub-chapters and it covers the era St. John the Faster lived and worked. They deal with the political and social background, the political and religious situation in the Western Roman Empire, the Church framework, the wars with the Persians, the Slavs and the Avars, St. John the Faster's life and activity, the relationship between the Church of Constantinople and the Church of Rome, St. Gregory the Great, John the Faster and Pope Gregory, the pope's claims, the first ecumenical patriarch.

The third chapter includes the work of St. John the Faster (homilies, epistles, and canons), divided in turn into twenty-eight subchapters. They address a brief historical look at the work and writings of St. John the Faster, homilies, letters, *Syntagma XIV* titles and canonical work of St. John the Faster, *Kanonikon* of St. John the Faster, divided into manuscripts of *Kanonikon*, laws and *Kanonikon* in manuscripts and other collections written after it and, last but not least, the circulation of *Kanonikon* in the Romanian Provinces, content and themes of the *Kanonikon*.

The Fourth chapter contains *Deuterocanonical book* and manuscripts extracted from it, *Kanonikon* of St. John the Faster compared to *Nomocanon in 50 titles* and *Nomocanon in 14 titles*, divided into two subtitles that treat *Nomocanon in 50 titles* and *Nomocanon in 14 titles* divided in turn into 34 subchapters.

The fifth chapter includes penitential discipline according to the *Kanonikon* of St. John the Faster, divided into three sub-chapters about the content of the work, the description of confession and the differences between the two penances.

The sixth chapter contains the way the Church received the *Kanonikon* of St. John the Faster, divided into four subtitles dealing with the collection published by Cardinal J. B. Pitra, the 34 (35) series of canons gathered by Matthew Blastares and other collections of canons.

The seventh chapter contains the actuality of St. John the Faster's *Kanonikon*, divided into two subtitles dealing with the interpretation of the canons by letter and the practical use of the *Kanonikon*, proof of the practical importance of its systematization.

## CHAPTER I

### The Eastern Canonical Collections up to St. John the Faster.

#### **1.1. Canonical synopsis, Collections of canons, Nomocanoans.**

The Eastern Church did not elaborate the matter of ecclesiastical canon law in a complete form, but accepted as authoritarian and normative a *canonical corpus*, which included synodal decisions, whether ecumenical or local, as well as the writings of the Holy Fathers. In the early centuries of the Christian communities, a relevant part of liturgical and canonical indications was drafted according to the law, for easier use. Therefore those texts that bear the names of *texts of canonical-liturgical literature*<sup>1</sup> appeared, that is, a liturgical and canonical literature, which, under the authority of the Pastoral Epistles, provides practical advice for the growth of liturgical life and the organization of Christian communities in order to function in a manner consistent with the norms and laws of the whole Church. Besides, it unites all liturgical, disciplinary, moral and administrative norms for all social classes: clergy, married people, virgins, widows and monks.

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<sup>1</sup> Kirchenordnung, *Church Order*, see Angelo Berardino, *Patrologia*, vol. V, I Padri orientali (secoli V-VIII), Marietti, Milano 2005, p. 659.

## CHAPTER II

### AGE, LIFE AND ACTIVITY OF SAINT JOHN THE FASTER

#### **2. The Age St John the Faster lived in**

##### **2.1. Political and social framework**

The new social reality of the Byzantine world is the result of the territorial amputations suffered by the empire in the 7th century, which left Constantinople precisely the regions where the great property did not have the weight it had in the other imperial provinces. However, it is also the result of the difficulties faced by the land aristocracy to adapt to the new economic and political conditions of the 7th century, dominated by a climate of insecurity caused by foreign invasions. To these we can add the effects of the imperial policy, fully aware of its fiscal and military interests, of protecting the small peasant free property on the Anatolian plains and the Balkans and of revitalizing it by the massive colonization of the Eastern and Slavic populations. The new cell of Byzantine agricultural life becomes the rural community (*chôiron*)<sup>2</sup>, in which the peasant owns the lot of land he is working on in full and hereditary property, and the pastures, forests and all the uncultivated land in joint property with other members of the community. The rural community formed a fiscal and administrative unit: its members were jointly responsible for the payment of taxes and the regular distribution of lots abandoned by their owners<sup>3</sup>.

##### **2.2. The political and religious situation in the Western Roman Empire**

In AD 285, the Emperor Diocletian divided the Roman Empire into two parts. The East side became known as the Eastern Roman Empire, or just the Roman Empire, after the western empire finally disappeared in 476<sup>4</sup>. Only after the fall of the former Eastern Empire in 1453 the historians felt the need for a name in which Rome would not appear for an empire that Rome was not part of. Although the eastern capital was generally in Constantinople, the term "*Constantinopolitan Empire*" was difficult. Then it was decided to use the name of the "*Byzantine Empire*" or "*Byzance*" (gr. *Byzantion*)<sup>5</sup>, this being the name of the city rebuilt under the name of Constantinople in 330<sup>6</sup>.

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<sup>2</sup> See Michel Kaplan, *Bizanț*, traducere din limba franceză de Ion Doru Brana, Nemira, București, 2010, p. 86-89.

<sup>3</sup> See Michel Kaplan, *Bizanț*, p. 105.

<sup>4</sup> Cf. Pr. Eugen Drăgoi, *Istoria creștinismului în date*, p. 97.

<sup>5</sup> „We avoid naming the "Byzantine Empire" before the 5th century, when Constantinople really became its political capital, and when the Western Empire broke up", cf. Warren Treadgold, *O scurtă istorie a Bizanțului*, traducere de Mirella Acșente, Editura Artemis, București, 2003, p. 13.

<sup>6</sup> Cf. Pr. Eugen Drăgoi, *Istoria creștinismului în date*, p. 56.

### **2.3. The ecclesial framework**

With the death of Emperor Justinian, an epoch ended, demonstrating that the rupture between Orthodox and monophysites could not be repaired by any imperial edict, not even through the intervention of imperial police, and even less by non-elaborated theology. However, the successors of Emperor Justinian did not want to see these consequences, and sometimes it seems that all mistakes were to be repeated. This is especially true for *Emperor Justin II* (565-578), the nephew of Emperor Justinian<sup>7</sup>. In order to have a complete comparison: his wife, the Empress Sofia, was the niece of the Empress Theodora, and not only after the kinship. Since 573, when mental illness<sup>8</sup> became something undeniable for the Emperor, *Tiberius Constantine* would take over the administration of the empire, first as *Caesar*, and would give it a new course<sup>9</sup>.

### **2.4. The wars with the Persians**

Emperor Justin II, who refused to pay the fixed annual amount, violated the 50-year peace with Persia completed by Emperor Justinian in 562. The common hostility to Persia led to the development of interesting relations between the Byzantine Empire and the Turks, which, shortly before, had appeared in West Asia and along the Caspian Sea.

### **2.5. The Slavs and the Avars**

In the Balkan Peninsula, after the death of Emperor Justinian, very important events took place, even if, unfortunately, the fragmentary material that appears in the springs limits the current information about them. Under Emperor Justinian, the Slavs often attacked the provinces of the Balkan Peninsula, penetrating deep in the south and sometimes threatening Thessaloniki. These invasions continued after the death of Emperor Justinian. A large number of Slavs remained in the Byzantine provinces and gradually occupied the peninsula.

### **2.6. The life of St. John the Faster**

Her Founder endowed the Church with all the means necessary to attain her supreme purpose, salvation. The Church received all the foundations of faith and moral living through Revelation, that is, through Holy Scripture and Holy Tradition, and on this basis the whole life and work of the Church was organized and carried on from the beginning to today.

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<sup>7</sup> Agostino Saba, *Storia della Chiesa*, vol. I, Torino, 1938, p. 415.

<sup>8</sup> Warren Treadgold, *O scurtă istorie a Bizanțului*, p. 87.

<sup>9</sup> Hans-Georg Beck, *Istoria Bisericii Ortodoxe din Imperiul Bizantin*, p. 124.

## **2.7. The work of St. John the Faster**

After the death of Patriarch Eutychius in 582<sup>10</sup>, on April 11<sup>11</sup> in the same year, John IV, known as the Faster, was chosen as his successor, being sanctified in St. Sophia Cathedral<sup>12</sup>. From his time as a patriarch, it is known the polemic about the title of *Ecumenical Patriarch*<sup>13</sup>, especially in the dispute he had with Pope Gregory the Great, Bishop of Rome. In fact, several Patriarchs had already appropriated this title during the sixth century without any controversy in this sense. Instead, two successive popes, namely Pelagius and Gregory the Great<sup>14</sup> did not recognize this title for John the Faster. In spite of reprimands from the two Pontiffs, John the Faster retained his title of *Ecumenical Patriarch* until his death, and his successors took over the title with all the efforts of resistance coming from Rome.

## **2.8. The relationship between the Church of Constantinople and the Church of Rome**

In *Novel 123*<sup>15</sup> which is a part of his *Codex* of laws issued from 528-529<sup>16</sup>, the Byzantine Emperor Justinian (527-565) referred to five patriarchs (pentarchy): Rome, Constantinople, Alexandria, Antioch, and Jerusalem. These five chairs did not have the same importance for the two Churches in the East and West. In the 4th-5th centuries, Rome belonged to the Roman Empire of the West, then to the Kingdom of Ostrogoths, until Emperor Justinian reconquered it.

### **2.8.1. St. Gregory the Great**

At the end of Christian antiquity and early middle Ages, we can see the figure and personality of Gregory the Great, who, during a not very long pontificate (590-604), deeply influenced the religious and political life of the West<sup>17</sup>.

### **2.8.2. Their letters**

Regarding the correspondence between the Patriarch of Constantinople John IV and the Bishop of Rome, Gregory the Great, this happened especially in the context that Pope Gregory did not recognize the title of Ecumenical Patriarch used by Patriarch John the Faster in the official documents.

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<sup>10</sup> Pr. Eugen Drăgoi, *Istoria creștinismului în date*, p. 109.

<sup>11</sup> See *Dictionnaire de Théologie Catholique*, Vol. VIII – partea întâi, Librairie Letouzey et Ané, Boulevard Raspail 87, Paris, 1947, p. 828; cf. Théophane, *Chronogr.*, în P.G., t. CVIII, col. 544; Cedrenus, *Histor. compend.*, în P.G., t. CXXI, col. 753.

<sup>12</sup> *Dictionnaire de Théologie Catholique*, Vol. VIII – partea întâi, p 828.

<sup>13</sup> The local synod of 588 in Constantinople, chaired by Patriarch John the Faster himself, decided that all Patriarchs of Constantinople should be called *Ecumenical Patriarch*; cf. Pr. Eugen Drăgoi, *Istoria creștinismului în date*, p. 110.

<sup>14</sup> Cf. *Dictionnaire de Théologie Catholique*, Vol. VIII – partea întâi, p 828.

<sup>15</sup> Being a part of *Novels or Novellae constitutiones*, the second collection of State and Church laws (153) encompassed all the laws issued by Emperor Justinian from 534 to 565; *Novels* or the new laws are drafted in the form of organic laws, each one referring to an important branch of legal relations. This is the transition to the Byzantine law, and at the same time it is the most important state law in ecclesiastical matters; cf. Pr. Prof. Univ. Dr. Alexandru I. Stan, *Drept Bisericesc*, București și Târgoviște, 2007, p. 58.

<sup>16</sup> Pr. Eugen Drăgoi, *Istoria creștinismului în date*, p. 101.

<sup>17</sup> *Storia del Cristianesimo. Religione-Politica-Cultura*, Vol. III, *Le Chiese d'Oriente e d'Occidente (432-610)*, p. 774.

### **2.8.3. The Pope's claims**

Pope Gregory I the Great was the resistance factor against the invasion of the Lombards who were mostly pagans and with an Arian aristocracy. The moral prestige of his seat was recognized throughout the Christian Occident. At that time, when much of the West was in the hands of the barbarian kingdoms, their ties to the Church were obviously a priority for the Bishop of Rome.

### **2.9. The first Ecumenical Patriarch**

As we have already mentioned, in the synodal documents referring to the case of the two priests in Chalcedon (the decisions of the local council held at Constantinople 592-593, Patriarch John the Faster sent to Pope Gregory the Great in 595, it appeared the title of ecumenical patriarch causing Pope Gregory's protest. He was not the first pope to do so, because in 588, following another Council held in Constantinople<sup>18</sup>, Pope Pelagius II, the predecessor of Gregory the Great, also disputed the name used.

### **2.10. The work of St. John the Faster (homilies, letters, canons)**

#### **2.10.1. A brief historical view on the work and writings of St. John the Faster.**

During the 4th and 5th centuries, attempts were made to gather church law decisions in a *Corpus Canonum*, which was already translated into Latin at the beginning of the 5th century, being put into practice only in the sixth century in Antioch<sup>19</sup>. During his reign (527-565), Emperor Justinian interfered in the canonical discipline of the Church through a series of decisions that left almost nothing in the care of the bishops. This is why they wanted to bring the imperial laws in accordance with the canonical law of the Church. Patriarch John III Scholasticus of Constantinople was the one who divided the collections into categories/chapters by classifying the canons. These canons were completed with the decisions gathered in the work of the Holy Fathers titled *Syntagma in 50 titles*<sup>20</sup>, but for this purpose, he also created a collection of church law materials from *Novels* of Emperor Justinian, who made the so-called *Collectio 87 capitulorum*<sup>21</sup>.

#### **2.10.2. Homilies**

The later Synaxaria attributed to John the Faster 'Useful words for the soul as transmitted by St. John Chrysostom'<sup>22</sup>. From this oratorical work, only a longer sermon 'On penitence,

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<sup>18</sup> The local synod of 588 in Constantinople, chaired by Patriarch John the Faster himself, decided that all Patriarchs of Constantinople should be called *Ecumenical Patriarch*, cf. Pr. Eugen Drăgoi, *Istoria creștinismului în date*, p. 110.

<sup>19</sup> Cf. E. Schwartz, *Die Kanonessammlung der alten Reichskirche*, în ZRGKan 25 (1936), 1-114 (*Gessammelte Schriften*), IV Berlin 1960, p. 159-275.

<sup>20</sup> Angelo di Berardino, *Patrologia – I Padri Orientali secoli V-VIII*, vol. V, p. 96.

<sup>21</sup> Cf. E. Schwartz, *Die Kanonessammlung des Johannes Scholastikos*, Sitzungsberichte der Bayer. Akad., phil.-hist. Abt. 6 (1933).

<sup>22</sup> Emperor Basil Porphyrogenete, „Menologii Graecorum”, in J. P. Migne, *Patrologia Graeca*, t. 117, col. 25-26, 25b, „Memoria Sancti Patris nostri Joannis patriarchae Constantinopolitani, cognomento Jejunatoiris. Sanctus Pater noster Joannes cognomento Jejunator natus est Constantinopoli: vixit autem temporibus Justini, Tiberii, et Mauricii imperatorum. Hic primum quidem statuariam artem exercuit: deinde ob multas et egregias ipsius virtutes patriarcha

*abstinence and virginity*' (which does not belong to Saint John Chrysostom) is left<sup>23</sup>, attributed to St. John the Faster with some hesitation on the part of the Synaxaria<sup>24</sup>. This fragment addressed to a nun is made up of numerous loans taken from the work of Saint John Chrysostom and other writings that do not belong to him<sup>25</sup>. Without a precise plan and unnecessary formulations, the urge to penance, tears, incessant prayer and vigil is the basis of the fear of the last judgment<sup>26</sup>.

### **2.10.3. Letters**

There is nothing left from the correspondence of St. John the Faster, Patriarch of Constantinople, with the bishops of Rome.

### **2.10.4. Syntagma XIV titulorum**

According to Honigmann, at the urging of his predecessor Eutychios, John the Faster continued his work for preparing the canonical collection known as *Collection in 14 titles*<sup>27</sup>.

## **2.11. The canonical work of St. John the Faster**

Through their content, the canons attributed to John the Faster are not just simple norms of law, but true pastoral exhortations abundant in quotes from patristic canons, especially from the canons of St. Basil the Great and St. Gregory of Nyssa, as well as quotes from the canons of the Ecumenical and Local Councils.

### **2.11.1. The division of St. John the Faster's canons**

#### **2.11.1.1. Canons on faith (Περὶ ἀρνήσεως, canons 1-2)**

#### **2.11.1.2. Canons on Christian moral (περὶ τοῦ επιθυμητικοῦ μέρους, canons 4-30)**

#### **2.11.1.3. Canons on loving our neighbour (Περὶ τοῦ θυμικοῦ τῆς ψυχῆς μέρους, Canons 31-48)**

#### **2.11.1.4. Canons from Synopsis**

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*ejusdem magnae urbis renuntiatus est. Fuit autem pauperum amator, misericors, et miserator: sed et multa miracula patravit. Nam precibus suis barbaras gentes ex Macedonia fugavit, urbemque gravissima peste liberavit, et multos infirmos curavit, obsessosque a daemonibus sanavit. Orationes denique anime utilissimas, instar magni Joannis Chrysostomi, conscripsit. Cum vero populum suum sancte pieque rexisset, sacramque Ecclesiam annis tredecim, mensibus quinque optime gubernasset, atque ad summam sanctutem pervenisset, in pace beatam sanctamque animam suam Domino tradidit, et sepultus fuit; ornatam virtutibus vitam suam, et reliqua a se praecclare gesta in exemplum cunctis relinquens".*

<sup>23</sup> Ioan Postitorul, „De poenitentia, et continentia, et virginitate”, in J. P. Migne, *Patrologia Graeca*, t. 88, col. 1937-1977.

<sup>24</sup> Cf. *Dictionnaire de Spiritualité*, tome VIII, Beauchesne, Paris, 1974, p. 588.

<sup>25</sup> Cf. J. A. de Aldama, *Repertorium pseudo-chrysostomicum*, Paris, 1965, p. 199.

<sup>26</sup> Cf. *Dictionnaire de Spiritualité*, tome VIII, p. 588.

<sup>27</sup> Cf. *Dictionnaire de Spiritualité*, tome VIII, p. 588.

## CHAPTER III

### KANONIKON OF ST. JOHN THE FASTER

When, in 1651, Johannes Morinus published his precious work "*Commentarius historicus de disciplina in administratione sacramenti Poenitentiae*"<sup>28</sup>, in addition, he introduced some Greek writings, including three "*penitentiaries*", which we call:

I. Ἀκολουθία καὶ τάξις ἐπὶ ἔξολογονμένον συνταγεῖσα ὑπὸ τοῦ ὁσίου πατρὸς ἡμῶν Ἰωάννου τοῦ Νηστευτοῦ<sup>29</sup>;

II. Ἰωάννου μοναχοῦ Πατριάρχου Κονσταντινούπολεως τοῦ Νηστευτοῦ λόγος πρός τὸν μέλλοντα ἔχαγορεῦσαι τὸν ἑαυτοῦ πνευματικὸν πατέρα<sup>30</sup>;

III. Ἰωάννου μοναχοῦ καὶ διακόνου, μαθητοῦ τοῦ μεγάλου Βασιλείου, αὕτινος ἡ ἐπωνυμία τέκνον ἵπακοῆς Κανονάριον, διαγορεῦν περὶ πάντων λεπτομερῶς παθῶν, καὶ τὸν τούτοις προσφόρων ἐπιτιμίων περὶ τε τῆς ἀγίας κοινωνίας, βρωμάτων τε καὶ πωμάτων καὶ εὐχῶν, λίαν σιμπαθέστατον<sup>31</sup>.

#### **3.1. The purpose and the importance of the *Kanonikon* in the Orthodox Church Law.**

So far, we presented the researches, especially by Russian authors, on the writings attributed to Patriarch John the Faster. They form a special group of Byzantine writings, which is marked by the attempt to tame the penances transmitted until then. The original text of these penitential writings, preserved in manuscripts, has undergone various changes, which is why it is not easy to reconstruct their genealogy.

#### **3.2. The author of the *Kanonikon***

St. Euthymios, a famous Georgian translator from Mount Athos who died in 1031, translated in Georgian the *Protocanonicalion*<sup>32</sup>. The two Georgian manuscripts in Chachanov's edition date back to 1031<sup>33</sup>.

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<sup>28</sup> Cf. Emilio Herman, „Il più antico penitenziale greco”, în *Orientalia Christiana Periodica*, nr.19 (1953), *Commentarius historicus de disciplina in administratione Sacramenti Poenitentiae tredecim primis seculis in Ecclesia occidentali, et huc usque orientali observata*, Parisiis 1651.

<sup>29</sup> Cf. *Les regestes des actes du patriarcat de Constantiople*, Vol. I, *Les actes des patriarches*, Fasc. I, *Les regestes de 381 a 715*, (N. 270), p. 109.

<sup>30</sup> Cf. *Les regestes des actes du patriarcat de Constantiople*, Vol. I, *Les actes des patriarches*, Fasc. I, *Les regestes de 381 a 715*, (N. 270), p. 109-110.

<sup>31</sup> Cf. *Les regestes des actes du patriarcat de Constantiople*, Vol. I, *Les actes des patriarches*, Fasc. I, *Les regestes de 381 a 715*, (N. 270), p. 109-110.

<sup>32</sup> Frans van de Paverd, „The Kanonarion by John, monk and deacon and Didascalia Patrum”, în *Kanonika 12*, p. 201.

<sup>33</sup> A. Almazov, *Kanonarii monacha Ioanna. K' voprosu o pervonacialnoi sudb' nomokanona Ioanna Postnika. Kriticeskii ocerk' povodu knigi: M. A. Zaozerskij i A. T. Chachanov*, Odessa 1907, p. 1-168.

The Georgian text is presented in a more developed manner than in the text published by Morin (like the unidentified *manuscript of Vatican*). Its writing should be earlier than that used by Euthymios. This drafting cannot be after the second half of the 10th century<sup>34</sup>.

Proving the presence of a series of canons by Theodore of Studios († 826), Herman<sup>35</sup> anticipated the dating (*ante quam*) before the second half of the ninth or the first half of the tenth century<sup>36</sup>.

As for the later date (*post quam*)<sup>37</sup>, we can say without doubt that it is posterior to St. John the Faster, patriarch of Constantinople, despite the fact that the texts of Cardinal Pitra and the Georgian texts attributed it to him<sup>38</sup>.

### **3.3. Manuscripts of the *Kanonikon***

#### **3.3.1. Manuscripts in Greek**

During the second - fourth centuries, most of the synods were held in the Greek language environment, sometimes attended by Western bishops. However, the debates of the first Councils, either ecumenical or local, are not kept, but only their decisions, namely canons or confessions of faith<sup>39</sup>. The texts of the fourth and fifth centuries were transmitted into subsequent collections in an uncertain situation, determined by the quality and age of the manuscripts. These collections have a private character; hence their spread and variety<sup>40</sup>.

#### **3.3.2. The way the collection of canons was composed**

The process of forming this collection is not entirely clear, but we can list some basic steps. The first more consistent nucleus of this collection was formed during the fourth century and is called *Syntagma antiochenum* (*Syntagma canonum*, *Corpus canonum orientale*).

#### **3.3.3. The use of the collection**

The texts constituting the collection were arranged in a chronological order, which is found in the translations in Latin, and the Syrian language. Dionysius's version reflects the order of the original Greek text, in which a continuous numbering placed the canons.

### **3.4. Manuscripts in Slavonic language**

Although these were used and invoked even in the works of the ecumenical synods, the Canons of the local councils and the Holy Fathers were nevertheless regarded as not normative for

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<sup>34</sup> Frans van de Paverd, „The Kanonarion by John, monk and deacon and Didascalia Patrum”, în *Kanonika 12*, p. 201.

<sup>35</sup> Cf. Emilio Herman, „Il più antico penitenziale greco”, în *Orientalia Christiana Periodica*, nr.19 (1953), p. 119.

<sup>36</sup> Frans van de Paverd, „The Kanonarion by John, monk and deacon and Didascalia Patrum”, în *Kanonika 12*, p. 192.

<sup>37</sup> Frans van de Paverd, „The Kanonarion by John, monk and deacon and Didascalia Patrum”, în *Kanonika 12*, p. 192.

<sup>38</sup> Frans van de Paverd, „The Kanonarion by John, monk and deacon and Didascalia Patrum”, în *Kanonika 12*, p. 26, 205-206.

<sup>39</sup> Conform Angelo Di Berardino, *Patrologia Vol. V, I Padri Orientali*, p. 665-666.

<sup>40</sup> Conform Angelo Di Berardino, *Patrologia Vol. V, I Padri Orientali*, p. 666.

the whole Church, "but merely indicative," which did not diminish their value for some parts of the Church or for the local Churches<sup>41</sup>.

### **3.5. Canon laws and collections of the Church of Great Moravia**

#### **3.5.1. Canon laws and collections of the Serbian Orthodox Church**

#### **3.5.2. Canon laws and collections of the Bulgarian Orthodox Church**

#### **3.5.3. Canon laws and collections of the Russian Orthodox Church**

### **3.6. Manuscripts with excerpts from the Nomocanon**

Apart from the canonical collections already mentioned, there are other manuscripts only partially published by authors such as Dmitrievsky and Almazov.

### **3.7. The content of the *Kanonikon* in manuscripts**

The form and the content of the *Kanonikon* from certain manuscripts determine us to conceive it not as a treaty of continual descriptions and exposures, but rather as a series of penitentiary provisions, including rich doctrines and quotations from the Holy Fathers<sup>42</sup>.

#### **3.7.1. Kanonikon in Alphabetic Syntagma**

In the collection made by Matthew Blastares, the way in which John the Faster's canons are presented is different from previous writings, although it was not a novelty in canon law because we find it for the first time in the prescriptions of St. Gregory of Nyssa<sup>43</sup>.

#### **3.7.2. Kanonikon in Pedalion (the Rudder)**

In this manuscript, the prescriptions of John the Faster are divided into two groups: the first group consists of 35 canons, while the second contains a series of 18 (17) provisions concerning the sin of adultery.

#### **3.7.3. Kanonikon in the Athenian Syntagma**

This six - volume collection made by G. A. Rhalli and M. Potli from 1852-1858 contains 48 canons published by Blastares, and 18 canons published in Pedalion, added at the end as a footnote. In this collection, we do not have 18 canons but only 17, because the prescription regarding zoophilia committed by a woman (canon 12) has been added to the one about zoophilia committed by a man (canon 11), forming today a single canon - canon 59<sup>44</sup>. Therefore, their total number is 65, all of these canons in Orthodox collections constituting today the so-called Kanonikon of St. John the Faster, Patriarch of Constantinople.

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<sup>41</sup> Liviu Stan, „Legislația bisericească și valoarea ei canonica”, în *Mitropolia Olteniei*, anul VI (1954), nr. 11-12, p. 599, a se vedea și canonul 1, al Sinodului al IV-lea Ecumenic în *Canoanele Bisericii Ortodoxe. Canoanele Apostolice și Canoanele Sinoadelor Ecumenice*, Vol. I, p. 260-265.

<sup>42</sup> See Frans van de Paverd, „The Kanonarion by John, monk and deacon and Didascalia Patrum”, în *Kanonika 12*, Pontificio Istituto Orientale, Piazza Santa Maria Maggiore, 7, 00185 Rome, Italy, 2006, p. 22-29.

<sup>43</sup> See: Arhid. Prof. Dr. Ioan N. Floca, *Canoanele Bisericii Ortodoxe. Note și comentarii*, p. 448-450.

<sup>44</sup> G. A. Rhalli – M. Potli, *Σύνταγμα τῶν Θείον καὶ ἱερῶν κανόνων* (*Syntagma dumnezeieștilor și sfintelor canoane*), vol. IV, p. 432-445.

### **3.7.4. Kanonikon in the collection Spicilegium Solesmense**

Cardinal Jean Baptiste Pitra in Paris published volume IV of this collection in 1858<sup>45</sup>. In this collection, the Kanonikon appears in the form of a penitentiary chapter, referring to the passions and penitences that apply to them, advices on the administration of the Holy Communion, teachings on how to eat and drink on weekdays, on the fasting periods over the year, on Sundays and royal feasts.

### **3.8. The circulation of the Kanonikon in the Romanian Principalities**

The first written laws that circulated on the Romanian soil were copies of the Slavonic translations of *Byzantine Nomocanons*, some of which have been preserved to this day. Translated into Romanian by *pravile* (*canon laws*) they became the first collections of written laws, as they encompass *Church law or canon law*, but also include civil and criminal law. Therefore, they applied to both Church and secular courts, thus forming a unique code of laws written and used as a rule of Romanian justice.

### **3.9. The content and the themes of the KANONIKON**

The author's name appears at the beginning of this work: John the monk and deacon, after Morin<sup>46</sup>; John the Faster, Patriarch of Constantinople, according to Cardinal Pitra<sup>47</sup>; the same name, but as archbishop of Constantinople, according to the Georgian text. In the Paleoslav text, title is missing<sup>48</sup>.

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<sup>45</sup> Jean Baptiste Pitra, *Spicilegium Solesmense. Complectens sanctorum patrum scriptorumque ecclesiasticorum anecdota hactenus opera selecta e graecis orientalibusque et latinis codicibus*, tomus quartus, Parisiis 1858, see the re-print in Graz in the year 1963, p. 436-438.

<sup>46</sup> J. Morinus, *Commentarius historicus de disciplina in administratione sacramenti Poenitentiae tredecim primis seculis in Ecclesia Occidentali et hucusque in Orientali observata...*, Paris, 1651, (cf. ediția Venetă 1702), KAN:T-1 =MOR:101d.

<sup>47</sup> Cardinal J. B. Pitra, *Spicilegium Solesmense*, t. IV (1858), p. 429-439.

<sup>48</sup> Cf. Miguel Arranz S. J., „I Penitenziali Bizantini”, în *Kanonika 3*, p. 15.

## CHAPTER IV

### DEUTEROCANONARION

#### **4.1. The content of the Deuterocanonarion**

We can see that none of the documents that will be presented below is named '*Canonarion*', for indeed these are not really collections of canons, but ordinances of confession with canonical additions.

If we still use the title *Canonarion* for these documents, it will be to follow a tradition created by older liturgists, from Almazov to Herman. This is why we will not count the title *Deuterocanonarion* as a definition, but in the sense that certain books of the Holy Scriptures are called '*deuterocanonical*'.

##### **4.1.1. The title and the author of the work**

As we will see later, the title of the work varies from one document to another: Διάφοροι διαφοραί<sup>49</sup>, Ἀκολουθία<sup>50</sup>, Διδασκαλία<sup>51</sup>, Λόγος<sup>52</sup>.

##### **4.1.2. Introduction on confession**

After the title, an introduction or a prologue follows about the attitude that both the confessor and the penitent must have.

##### **4.1.3. The confession rule**

After the beginning prayers, it follows the explanation of how the secular penitent must be with his head uncovered, while the monk's penitent must cover his head.

##### **4.1.4. Giving the Epitimia (penance)**

After the prayer, the confessor asks the penitent what canon he could do, which is fixed by mutual consent. Here begins the chapter on how to give the canon: "the one who gives the canon

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<sup>49</sup> *Manuscrisul Bodleian Auct. E. 5. 13:ff. 238-246v: Eucologio del ss. Salvatore di Messina (anul 1131), cf. Jacob A., „Une euchologe du Saint-Saveur ‘in Lingua Phari’ de Messine. Le Bodleianus Auct. E. 5. 13”, Bulletin de l’Institut historique Belge de Rome, 50 (1980), p. 283-364.*

<sup>50</sup> Ἀκολουθία καὶ τάξις ἐπὶ ἔξομολογουμένων συνταγεῖσα ὑπὸ τοῦ ὄσίου πατρὸς ἡμῶν Ἰωάννου τοῦ Νηστευτοῦ. Λαμβάωει ὁ ἵερεὺς τὸν μέλλοντα ἔξομολογείσασθαι, cf. Morinus J., *Commentarius historicus de disciplina in administratione sacramenti Poenitentiae tredecim primis seculis in Ecclesia Orientali observata*, Paris, 1651, p. 77-90; Ioan Postitorul, „Poenitentiale”, in J. P. Migne, *Patrologia Graeca*, t. 88, col. 1889-1919, după *manuscrisul Ottoboni* 344, a. 1177, al Evhologhionului catedralei din Otranto.

<sup>51</sup> Διδασκαλία πατέρον περὶ τῶν ὄφειλόντων ἔξαγγεῖλαι τὰ ἴδια ἀμαρτήματα καὶ περὶ Βασιλείου τοῦ τέκνου τῆς ὑπακοῆς. Δεῖ τὸν δεχόμενον τὴν ἔξομολόγησις, *manuscrisul München 498*, secolul al XII-lea, ff. 209-212; cf. I. Suvorov, *Vizantijiskij vremennik*, t. VIII, 1901, p. 398-413.

<sup>52</sup> Ἰωάννου μοναχοῦ πατριάρχου Κονσταντινουπόλεως τοῦ Νηστευτοῦ λόγος πρὸς τὸν μέλλοντα ἔξαγορεῦσαι τὸν ἔαυτοῦ πνευματικὸν πατέρα. Ὁ Κύριος ἡμῶν Ἰησοῦς Χριστός, ὁ μονογενῆς τοῦ Θεοῦ παῖς, cf. Morinus J., *Commentarius historicus de disciplina in administratione sacramenti Poenitentiae tredecim primis seculis in Ecclesia Orientali observata*, Parisiis, 1651, p. 91-97; Ioan Postitorul, „Sermo di Poenitentia”, in J. P. Migne, *Patrologia Graeca*, t. 88, col. 1920-1932.

does not give what he wants, nor what he should or would be appropriate, but what the penitent prefers."

#### 4.2. DIDASCALIA from the manuscript MÜNCHEN 498

Suvorov published *the Manuscript München 498*<sup>53</sup> and deliberately divided it into three sections (hereinafter referred „приложения”, meaning additions). We assume that they are placed successively, without omissions in the text, thus allowing us to read the document continuously. Only the end of the MUN/3 text could hide some omissions.

##### 4.2.1. The title and the origin of the text

*The Manuscript München*<sup>54</sup>: „Διδασκαλία πατέρον περὶ τῶν ὄφειλόντων ἐξαγγεῖλαι τὰ ἴδια ἀμαρτήματα καὶ περὶ Βασιλείου τοῦ τέκνου τῆς ὑπακοῆς”<sup>55</sup>. This assignment is quite plausible, and this Basil should have been lived two or three centuries after John, the supposed author of *Protocanonarion*<sup>56</sup>. Most likely, they were both Studite monks, belonging to the spiritual tradition of Palestine<sup>57</sup>.

#### 4.3. Akolouthia from the Cathedral of Otranto

This ritual entitled *akolouthia*, published by Morin<sup>58</sup>, was attributed to Patriarch John the Faster; therefore, it was introduced in Migne's Patrology<sup>59</sup>.

That text can be identified with *manuscript Ottoboni 344*<sup>60</sup>, almost identical to *codex Barberini 443*<sup>61</sup> and very similar to the version of *manuscript of Sinai 966*<sup>62</sup>. In this last manuscript, *akolouthia* followed by norms and another order of confession similar to the first, is not part of the Euchologion corpus, but it is found in a text added at the beginning of the book<sup>63</sup>.

##### 4.3.7. Texts found in *Protocanonarion*

All the case regarding the clergy taken directly from *Protocanonarion* is presented here. Then the whole chapter IV is about the clergy, chapter V speaks about penitents' consciousness, special emphasis being placed on desperate cases. It follows chapter VI of *Protocanonarion* on Fasting and chapter VII describes the daily prayer program of the penitent. Then it follows the note

<sup>53</sup> Suvorov I., „Veroyatnii sostav drevneiskago ispovednago i pokayannago ustava v vostochnoi tserkvi”, *Vizantijiskij vremennik*, t. VIII, 1901, p. 357-434, cf. „Orientalia Christiana Periodica” 1993, p. 77.

<sup>54</sup> *Didascalia Patrum a Basilio monacho*, cf. Miguel Arranz S. J., „I Penitenziali Bizantini”, p. 152-153.

<sup>55</sup> „Învățătura părinților despre cei care trebuie să-și mărturisească propriile păcate, și despre Vasile, fiul ascultării”.

<sup>56</sup> Suvorov I., „Veroyatnii sostav drevneiskago ispovednago i pokayannago ustava v vostochnoi tserkvi”, *Vizantijiskij vremennik*, t. VIII, 1901, p. 398, cf. „Orientalia Christiana Periodica” 1993, p. 77.

<sup>57</sup> Cf. Miguel Arranz S. J., „I Penitenziali Bizantini”, p. 136.

<sup>58</sup> Morinus J., *Commentarius historicus de disciplina in administratione sacramenti Poenitentiae tredecim primis seculis in Ecclesia Orientali observata*, Parisiis, 1651, p. 77-90.

<sup>59</sup> Migne, *Patrologia Graeca*, LXXXVIII, coll. 1889-1918.

<sup>60</sup> Evhologhionul catedralei din Otranto din anul 1177.

<sup>61</sup> *Manuscrisul Barberini 443*, ff. 118-139, the cathedral of Otranto, the 13th century.

<sup>62</sup> *Manuscrisul Sinai 966*, ff. 1-20v, the cathedral of Otranto, the 13th century.

<sup>63</sup> Cf. Miguel Arranz S. J., „I Penitenziali Bizantini”, p. 138.

of *Protocanonarion* on after confession, in which it is stated that no small bows should be made on Sundays and royal feasts<sup>64</sup>.

#### **4.4. LOGOS of St. John the Faster**

J. Morinus published this document<sup>65</sup>, and he took it from a text of D. de Montchal, Archbishop of Toulouse. As this text was attributed to Patriarch John the Faster, it also enjoyed the honour the Fathers of the Church received, being introduced into the Patristic collection of Migne<sup>66</sup>.

#### **4.5. Kanonikon of St. John the Faster compared to *Nomocanon in 50 titles* and *Nomocanon in 14 titles***

Nomocanons are mixed collections of Church<sup>67</sup> and civil<sup>68</sup> laws referring to Church life<sup>69</sup>. The name nomocanon comes from Greek *vouoi* – generic name for all civil laws and *kavavoi* – Church laws issued or approved by Church authority<sup>70</sup>. Even if they are called nomocanons, these collections first include Church laws and then civil laws<sup>71</sup>.

##### **4.5.1. *Nomocanon in 50 titles* (*Nomocanon L Titulorum*)**

The main sources of this Nomocanon are *Syntagma in 50 titles* and *Collection of Novels in 87 titles*. This is why *Nomocanon in 50 titles* was attributed to John Scholasticus, the Patriarch of Constantinople (566-577)<sup>72</sup>, after 565. He used the very collection of canons in 50 titles as basis for this nomocanon. However, he only completed his work already begun in year 550, by drawing the collection of canons in 50 titles<sup>73</sup>.

##### **4.5.2. *Nomocanon in 14 titles* (*Nomocanon XIV Titulorum*)**

It was composed during the reign of Emperor Heraclius (610-641)<sup>74</sup>, who also issued a very large number of state laws on Church affairs. This was probably done through the perseverance or even the direct work of Patriarch Sergius of Constantinople (610-638)<sup>75</sup>, its author apparently being

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<sup>64</sup> Cf. Miguel Arranz S. J., „I Penitenziali Bizantini”, p. 140.

<sup>65</sup> Morinus J., *Commentarius historicus de disciplina in administratione sacramenti Poenitentiae tredecim primis seculis in Ecclesia Orientali observata*, p. 91-97.

<sup>66</sup> Ioan Postitorul, „Sermo di Poenitentia”, in J. P. Migne, *Patrologia Graeca*, t. 88, col. 1920-1932, cf. Emilio Herman S. I., „Il più antico penitenziale greco”, p. 71.

<sup>67</sup> Arhid. Prof. Dr. Ioan N. Floca, *Drept canonic ortodox, Legislație și administrație bisericească*, vol. I, E.I.B.M.B.O.R., București, 1990, p. 96.

<sup>68</sup> See: Ioan Cozma, *Canoanele întregitoare ale patriarhilor de Constantinopol*, 2010, p. 40.

<sup>69</sup> Arhid. Prof. Dr. Ioan N. Floca, *Drept canonic ortodox, Legislație și administrație bisericească*, vol. I, p. 96.

<sup>70</sup> Arhid. Prof. Dr. Ioan N. Floca, *Drept canonic ortodox, Legislație și administrație bisericească*, vol. I, p. 96.

<sup>71</sup> See: Brian Edwin Ferme, *Introduzione alla storia del diritto canonico*, (Quaderni di apollinaris), Pontificia Università Lateranense, Mursia, 1998, p. 79-83; Péter Erdö, *Storia delle fonti del diritto canonico*, (manuali 2), Marcianum Press, Venezia, 2008, p. 44-47.

<sup>72</sup> Angelo di Berardino, *Patrologia*, „I Padri orientali (secoli V-VIII)”, vol. 5, p. 94-97.

<sup>73</sup> See Brian Edwin Ferme, *Introduzione alla storia del diritto canonico*, p. 82; Péter Erdö, *Storia delle fonti del diritto canonico*, p. 46.

<sup>74</sup> See Brian Edwin Ferme, *Introduzione alla storia del diritto canonico*, p. 83.

<sup>75</sup> See Arhid. Prof. Dr. Ioan N. Floca, *Drept canonic ortodox, Legislație și administrație bisericească*, vol. I, p. 97.

the Byzantine jurist Enantiophanes<sup>76</sup>. Thus, a first edition was made of a more comprehensive nomocanon than the one of John Scholasticus<sup>77</sup>. It is divided into 14 large chapters, called titles, from where it is called *Nomocanon in 14 titles*<sup>78</sup>.

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<sup>76</sup> Cf. Spyros N. Troianos, „La contribution des laics à la formation du droit de l’Eglise”, in *Kanon*, nr. 15 (1999), p. 311-312.

<sup>77</sup> Dr. Nicodim Milaş, *Canoanele Bisericii Ortodoxe*, Vol. I, partea I, p. 66.

<sup>78</sup> Angelo di Berardino, *Patrologia, „I Padri orientali (secoli V-VIII)“*, vol. 5, p. 98, Angelo di Berardino attributed the *Nomocanon in 14 titles* to, Patriarch Jphn the Faster, see V. N. Beneševič, *Syntagma XIV Titulorum sine scholiis secundum versionem palaeo-slavicam adiecto textu graeco*, St. Petersburg, 1906-1907.

## CHAPTER V

### THE PENITENCIAL DISCIPLINE ACCORDING TO KANONIKON OF ST. JOHN THE FASTER

Morinus published the text of Kanonarion for the first time<sup>79</sup>. He confessed that he did not see the original manuscript found in the Vatican library, but that he had received a copy of it from his friends. Pitra described the text, which is found in *manuscript Coislinus 364*, fol. 297-331<sup>80</sup>. Suvorov published the old Paleo-Slavic version, contained in manuscript Rum 230<sup>81</sup>. It is noticed that here the manuscript jumps to the page 95, omitting what is found in Morinus on the pages 107-110. This part is kept in *Joasaphovskaja Kormčaja*, published by Zaozerskij<sup>82</sup>, which is similar to *Ustjužskaja Kormčaja*<sup>83</sup>. The Georgian version is found in the text of the professors Zaozerskij and Chachanov<sup>84</sup>. In manuscript, *Canonarion* is often added to other penitential writings, either in whole or in part, as at Morinus<sup>85</sup>. Cardinal Pitra mentioned a similar situation<sup>86</sup>. In *manuscript München 498* there is a vast collection of canons and rules of diverse origin. Here we can meet the penitential text titled „Διδασκαλία τῶν πατέρων” above mentioned. Another text follows this one and has the title „Αἱ δὲ ἐπιτιμήσεις καὶ διαφοραὶ τῶν ἐπιτιμίων εἰσὶν αὗται. Βασιλείου τέκνου τῆς ὑπακοῆς, μαθητοῦ τοῦ ὁγίου Βασιλείου τοῦ μαγάλου”<sup>87</sup>.

#### 5.1. The content of the book

In Preface, the author presents his motivation for writing this text. It starts with a praise brought to divinity and divine mercy, which gave man countless blessings. These are the way God show his love and long patience towards sinners.

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<sup>79</sup> *Commentarius historicus de disciplina in administratione sacramenti Poenitentiae tredecim primis seculis in Ecclesia Orientali observata*, Paris, 1651, Appendix, p. 101-117.

<sup>80</sup> Cardinal J. B. Pitra, *Spicilegium Solesmense*, t. IV, Paris, 1858, p. 436-438.

<sup>81</sup> Cf. Suvorov I., „Veroyatnii sostav drevneiskago ispovednago i pokayannago ustava v vostochnoi tserkvi”, *Vizantijiskij vremennik*, t. VIII, 1901, p. 400.

<sup>82</sup> Zaozerskij M. A. – A. S. Chachanov, *Nomokanon Ioanna Postnika v' ego redakcijach: gruzinskoi, greceskoi i slavianskoi*, p. 92-96.

<sup>83</sup> Ms Rumjantsev sl. 230: ff. 77-102, cf. Suvorov I., „Veroyatnii sostav drevneiskago ispovednago i pokayannago ustava v vostochnoi tserkvi”, *Vizantijiskij vremennik*, t. VIII, 1901, p. 401.

<sup>84</sup> Zaozerskij M. A. – A. S. Chachanov, *Nomokanon Ioanna Postnika v' ego redakcijach: gruzinskoi, greceskoi i slavianskoi* p. 92-96.

<sup>85</sup> Ἀκολουθία καὶ τάξις ἐπὶ ἔξομολογουμένων συνταγῆσα ὑπὸ τοῦ ὄσίου πατρὸς ἡμῶν Ἰωάννου τοῦ Νηστευτοῦ. Λαμβάνει ὁ ἵερεὺς τὸν μέλλοντα ἔξομολογείσασθαι, cf. Morinus J., *Commentarius historicus de disciplina in administratione sacramenti Poenitentiae tredecim primis seculis in Ecclesia Orientali observata*, p. 86; Migne PG: LXXXVIII, 1889-1919.

<sup>86</sup> Cardinal J. B. Pitra, *Spicilegium Solesmense*, t. IV, p. 438.

<sup>87</sup> Cf. Suvorov I., „Veroyatnii sostav drevneiskago ispovednago i pokayannago ustava v vostochnoi tserkvi”, p. 402.

## **5.2. The description of confession**

Now in *manuscript München 498* the description of confession follows, entitled *Περὶ τοῦ πῶς δεῖ ἐξομολογεῖσθαι*<sup>88</sup>.

## **5.3. Differences between the two penances**

Next, we will examine the differences between the two penances and their reasons<sup>89</sup>. The longer preface was omitted in what remained, perhaps because of its length that did not fit at all with the new penitentiary rule or because it contained personal expressions. Thorough and historical research of the seven or eight bodily sins that occupy the first part of the *Canonarion* is overlooked. The one who revised the text intended to offer especially practical recommendations on confession. For this reason, taking those rules from the order of the confession that the author of *Canonarion* put to the end and developing them, he puts them at the beginning of the new review, describing how the whole job is done according to a logical process. The epitimia or penance follows confession and the prayer of absolution.

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<sup>88</sup> Cf. Suvorov I., „Veroyatnii sostav drevneiskago ispovednago i pokayannago ustava v vostochnoi tserkvi”, t. VIII, p. 398.

<sup>89</sup> Almazov specifies that the author of the second penitentiary attaches particular importance to the sincere pain experienced by the penitent for his sins, and considers that such a deeper conception of penance is an indication of his posterior origin, cf. Almazov A. I., *Kanonarij monacha Ioanna*, p. 112 §. u.

## CHAPTER VI

### THE WAY CHURCH RECEIVED THE KANONIKON OF ST. JOHN THE FASTER

One of the main characteristics of the penitential *Nomocanon*, compared to the others *Nomocanons* is the difference between them. We do not have here a continuity of judgments and descriptions, but a series of short rules and canons describing the offences or sins and the penances. By form, they resemble the canons of certain synods and some of the Holy Fathers, such as Saint Basil the Great.

The Russian authors discussed if this third element, apart from the others, should be called Nomocanon, as Gorčakov did<sup>90</sup>. Zaozerskij contradicted him, although stating that it is not used just like other sources. He thought the title *Nomocanon* can only be given when there was a text made up of several parts, one of which might have been a collection of canons of the kind dealt with here, but not when the entire script contained only a few short rules (*from 30 to 50*)<sup>91</sup>. Although the title of the *Nomocanon* enjoyed a wide application only in the years to come, being attributed to short collections of canons, it can be said, as Almazov did, that the title of Kanonikon is older and was used rather to indicate the penitentiary in treatment<sup>92</sup>.

**6.1. Collection published by cardinal J. B. Pitra in *Spicilegium Solesmense*<sup>93</sup>,** which constitutes the second part of the work of the patriarch, entitled „Διδασκαλία μονάζουσών καὶ ἐπιτιμία ἐκάστου αμαρτήματος Ἰωάννου Πατριάρχου Κονοντινούπολεως τοῦ Νηστευτοῦ”<sup>94</sup>;

**6.2. The series of 34 (35) canons collected by Matthew Blastares** and published for the first time in the *Kanonikon* by monk Christophoros at Constantinople in 1800, and then adding four more canons in Pedalion<sup>95</sup>;

**6.3. More canons collected by the same Blastares** and published by G. A. Ralli and M. Potli<sup>96</sup>;

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<sup>90</sup> Cf. M. Gorčakov, *K' istorii epitimijnych nomokanonov pravoslavnoj cerkvi*, (Istoria penitenței în Biserică Ortodoxă), Sankt Petersburg 1874, p. 19.

<sup>91</sup> Cf. M. Gorčakov, *K' istorii epitimijnych nomokanonov pravoslavnoj cerkvi*, (Istoria penitenței în Biserică Ortodoxă), p. 18.

<sup>92</sup> Cf. Almazov A. I., *Kanonarij monacha Ioanna*, (Canoniconul monahului Ioan), p. 34.

<sup>93</sup> Cardinal J. B. Pitra, *Spicilegium Solesmense complectens Sanctorum Patrum Scriptorumque ecclesiasticorum*, t. IV, p. 429-435.

<sup>94</sup> Cf. Zaozerskij M. A. reprinted the canons in the second part of his work which also included the body of the work where he gave the texts, *Nomocanon Ioanna Postnika*, (Nomocanonul lui Ioan Postitorul), p. 83; we must note that in the introduction: „see also the epitimias that not us but St. Basil the Great established for the sinners”, are not found in Cardinal Pitra's collection, but are included in *Canonarion* of Morinus J., *Commentarius historicus de disciplina in administratione sacramenti Poenitentiae tredecim primis seculis in Ecclesia Orientali observata*, p. 114 E.

<sup>95</sup> ΠΗΔΑΛΙΟΝ, p. 697-718.

<sup>96</sup> G. A. Ralli și M. Potli ed., *Σύνταγμα των Θείων καὶ ιερών κανόνων*, (Syntagma dumnezeieștilor și sfintelor canoane), t. IV, p. 432-446.

**6.4. A collection of 21 canons** published by St. Nicodemus the Hagiorite in *Exomologhetarion* then in *Pedalion*; the last four canons exist already in another collection<sup>97</sup>.

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<sup>97</sup> *Pidalion* (*Πηδάλιων*), Atena, ed. 1866, p. 498.

## CHAPTER VII

### THE ACTUALITY OF THE KANONIKON OF ST. JOHN THE FASTER

The Church canons are the fundamental sources of canon law, because they give us an authentic testimony of the Church problems that have arisen in different epochs and the way the Church has dealt with. The entire canonical tradition of the Church must be judged by a fair interpretation of each group of canons given by the ecumenical or local synods or coming from the authority of the Fathers of the Church. This implies the reporting of every canon or group of canons similar to the fullness of the sacramental, pastoral and spiritual work of the Church on which the entire canonical tradition is based. Directly or indirectly, the content of the canons is based on Sacred Scripture and Holy Tradition, thus being integrated into the Tradition of the Church.

The investigation of Saint John the Faster's canons regarding penitence highlights their actuality and importance for the canon law of the Orthodox Church. Most of his canons and, in particular *Kanonikon*, expressly refers to the Mystery of Confession, epitimias or spiritual punishment, to stopping or abstaining from the Holy Communion, and to the fact that true healing is achieved primarily by the removal from sin.

#### **7.1. Interpretation of canons by letter**

The historical form of the canons in the precise formulation of the content of life in Christ is due to the adaptation to certain objective conditions of the historical life of the Church. It also favours the reformulation of the same truth, each time with a more precise reference to the new needs that are present today, since the mission of the Church is to give believers the joy of new life in Jesus Christ our Lord. The entire evolution of the official canonical tradition over about six centuries testifies the permanent manifestation of the ecclesial consciousness on the importance of the faith experience in Church problems that arise every time.

#### **7.2. The practical use of St. John the Faster's *Kanonikon*, proof of the practical importance of its systematization.**

The Mystery of the Confession, along with the other Holy Mysteries of the Church, is a holy work regarding our salvation and becoming in Christ. It is essentially cleansing, delivering from sin, straightening in the light of life in Christ. Partaking of Christ and in His Spirit is the profound meaning of Confession. Repentance, baptism, forgiveness of sins and the presence of the Holy Spirit in man restores his communion with God and with his neighbour. The Holy Mystery of Repentance is an icon of the Last Judgment, with the distinction that those who are judged or who accused themselves here and now, will no longer be judged or condemned then.

A series of canons of the Ecumenical and local councils contain epitimias for each sin, especially those of St. Basil the Great, Gregory of Nyssa, etc, and of the patriarchs mentioned in the synodal constitutions. Our Church used the canons of St. John the Faster for a long time, and they are the most indulgent. It is important that the diminution of the epitimias is due to St. John the Faster, who was named the *Faster* or *Nesteutes* for his ascetic life. St. John the Faster reduced the time of stopping from the Communion, but added fasting, canons, vigils, prostrations, which the Fathers before him did not provide<sup>98</sup>.

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<sup>98</sup> Cf. Ierótheos, Mitropolit al Nafpaktosului, *Ştiinţa medicinei duhovniceşti. Practica psihoterapiei ortodoxe*, traducere Protosinghel Teofan Munteanu, Editura Sophia, Bucureşti, 2017, p. 321.

## CONCLUSIONS

The official canonical tradition has the main purpose of authentically, correctly and universally adapting the content of revelation in Christ and the spiritual mission of the Church to the permanent changing living conditions of the Church life. We are well aware that this is done on the one hand by the good external organization and the proper functioning of the synodal system and, on the other hand, by the necessity of the sacramental and moral life of believers. It assures the unity of the Church in true faith and love, not only through the dogmatic formulation of faith, but also by the pure living of this faith by her believers.

Following the first Ecumenical Council of Nicea (325) and its decisions, which tried to bring order and structure to a Church that had long endured the blows of persecution, the reformist canons, or the canonical collections, made up according to the Nicene model, began to be attached to synodal acts, forming together the canonical legal code of the Church. In the Eastern Church, the older canons coexist with the most modern to the present day, sometimes in a mutual contradiction. In contrast, in the West, especially after the 5th century, the laws of the Roman Church began to have a more and more widespread circulation and influence. The pope's decisions taken independently of the synodal legislation, gained a strong normative status. These have greatly influenced the form of the Roman canon law, while in the East the problem of the issue of canons remained related to the synodal decisions.

The canonical work attributed to Saint John the Faster has a real practical character, stemming from the necessity to supplement the rigorism or laxism of the law (exaggerated indulgence) with the spirit of discernment and balance. It emphasizes the balance that must exist between oeconomy and exactitude in the interpretation and application of the Church laws. The equivalences proposed by Nomocanon, which allowed the considerable reduction of epitimias and encouraged personal ascetic practices, made repentance no more a public act, but a private act.

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