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The Council in Trullo: Monogamy and the Ordained Priesthood (Fr. John H. Erickson)

[Ξένες γλώσσες / In English](#)



Why can't priests and deacons marry after ordination? Why shouldn't widowed priests be permitted to remarry? What happens if a priest gets divorced? Why doesn't the Church «restore» a married episcopate? Such questions have been asked repeatedly the last century. Though they do not appear on the present agenda of the long-anticipated Great and Holy Council of the Orthodox Church, they often have been cited as the kinds of questions that such a council could consider. Even if lesser authorities – autocephalous churches, diocesan bishops – cannot do so, surely a Great and Holy Council could legislate «reform» in this and other areas of church discipline if only it should choose to do so. Or so many people claim. And many people would also argue that «reform» is sorely needed, particularly in the areas in question. Our present canons, they would claim, are altogether out of date; worse yet, they are often grossly unfair, especially to the married clergy. («If laymen can marry more than once, why can't priests?» “Why are all the highest positions reserved for celibates?» Etc.) Surely the canons should be changed!

Most often mentioned in these appeals for reform are the canons of the Council in Trullo, if only because the Orthodox Church's present norms for the marriage of clergy were codified at that council. At the same time, the very fact that the Council in Trullo met to deal with a host of administrative and disciplinary issues suggests that it may provide a pattern for ecclesiastical reform. It is important, then, that we look not only at the specific provisions of the council but also at the way in which the council approached its work. How did it understand its task? How did it deal with material inherited from the even more distant past? How in turn was its own legislation interpreted and applied in later centuries? In a word, what «basis for ecclesiastical reform» does the Council in Trullo provide in the area of marriage of clergy? In this brief presentation it obviously will be impossible to deal with all aspects of this problem. I shall concentrate on a single issue, second marriage of priests and deacons. First, however, a few general observations about Trullo itself may be in order.[\[1\]](#)



In the mind both of the emperor who convoked it and of the fathers who participated in it, the Council in Trullo was meant to be a «holy and ecumenical council,» as the *prosphonetikos logos* states, possessing no less authority than the ecumenical councils of antiquity. For this very reason, the Council in Trullo, like the councils of antiquity, began its work by «receiving» and confirming the earlier ecumenical councils which had proclaimed and defined the Orthodox faith (canon I)

and by ratifying the corpus of canons received from those councils, the holy fathers and the apostles, subjecting to penalty anyone «convicted of innovating upon, or attempting to overturn, any of the aforementioned canons» (canon 2). Fidelity to the received tradition was understood to be the hallmark of a true ecumenical council. Thus the Council in Trullo did not embark on a self-conscious program for ecclesiastical «reform,» at least not as we today would understand that word. The council's concern was rather to restore canonical discipline by reaffirming the authority of the received canonical tradition. To be sure, this was not an easy task. The seventh century had been tumultuous, filled with invasions and natural disasters that brought great changes to the social fabric of the old empire. How were the ancient canons to be applied in such very different conditions? What adjustments could be made to meet the new realities? The canons of the Council in Trullo do show some effort at adaptation — witness the various provisions for maintaining adequate structures for ecclesiastical administration in the face of barbarian incursions (cf. especially canons 8, 18, 37, 38 and 39).

Yet even when «new» measures are prescribed, there is always a respectful reference to the ancient canons: They cannot simply be changed, even if their application is modified in diverse ways. At many points, however, the canons of the Council in Trullo present no novelty whatsoever, no sign of adaptation. They simply repeat provisions of earlier canons, often verbatim. (Here it is interesting to note how later scholiasts like Balsamon and Zonaras do not find it necessary to offer any commentary whatsoever on a number of Trullan canons: They simply refer the reader back to what they wrote about earlier canons.) In a word, the Council in Trullo took a very conservative approach to the ancient canons. If anything, the troubled century in which it met encouraged resistance to change. Faced by disasters both material and spiritual, the fathers of the Council in Trullo looked back with nostalgia and reverence to a more stable past.

A Theological Issue

In the Canon 3, the Council in Trullo directly addresses the problem of priests who have entered into second marriages or into marriages with widows or other unsuitable women; and in its canon 26 it elaborates on this latter problem. These texts illustrate well the council's approach to canonical reform: The first quotes Apostolic canons 17-18 *in extenso*, expressly stating its intention to «renew» them, and also briefly quotes Basil the Great canon 27; the second develops certain points raised in the first simply by quoting Basil canon 27 at greater length. Clearly the council did not believe that the Church's position on the subjects in question needed to be redefined. What was needed was observance of the received canons. And in fact, the message of the relevant canons is quite clear. The ministry of

bishops, priest and deacons is limited to men married only once after baptism (Apostolic canon 17; Basil the Great canon 12). In addition, anyone married to a widow, *a fortiori* to a divorcee, to a prostitute, etc. is excluded from ministry (Apostolic canon 17; Basil the Great canon 27; Trullo canons 3 and 26).

While many people today – even Orthodox Christians – might regard these canons as arbitrary and even ridiculous, early Christians would have had quite a different view of the matter. For them, the canons in question simply reflected a basic element in Church's theology of marriage: The norm for Christian marriage is perpetual and absolute monogamy. The union in love of husband and wife is not intended for merely this-worldly ends (physical and emotional companionship, begetting of children, etc.) but to be a realization and manifestation to the world of Christ's love for his Church — a union which could not be other than faithful and perpetual. To be sure, second marriage is not utterly condemned. It may offer a remedy for concupiscence («better to marry than to bum»); it may save young widows from the desperate plight which would otherwise be theirs according to the prevailing Roman law; it may even offer opportunity for training in such natural virtues as patience and self-control, particularly if raising children is involved. But at best second marriage is regarded as a lesser good, precisely because it lacks the sign value of single marriage.

It would be a major task simply to assemble all the patristic texts (from Justin, Aristides, Athenagoras, Theophilus, Clement, Origen, Tertullian, Gregory the Theologian, Basil the Great, John Chrysostom, Epiphanius, Jerome, Ambrose, Augustine — to mention only the best known) which have a direct bearing on this subject.^[2] These texts are remarkable for their unanimity in insisting on perpetual monogamy as the norm for Christian marriage even in the face of death, linking this not only to discussion of the mystery of the union of Christ and his Church in Ephesians 5 but also to God's plan for creation as revealed in Genesis and to Christ's reference to this in Matthew 19:5 («the two shall become one flesh, and what God has joined let not man put asunder»). They differ mainly in the tone that they adopt in speaking of second and subsequent marriage, this ranging from mere condescension to the sharpest of sarcasm. Clement of Alexandria is comparatively mild:

We consider blessed the celibacy of those to whom God has given this gift. We admire monogamy and the chastity of a single marriage.... But as for a second marriage, if someone burns, says the Apostle, let him marry (*Stromata* 1).

If the Apostle allows a person a second marriage as a concession to the fire of passion and failure of self-mastery, one does not sin against a precept, for such

marriage is not forbidden by the law. But such a person does not attain in all its vigor the perfection of conduct sought for by the Gospel. For he attains a heavenly glory who remains free, who preserves the union that death has dissolved and who obeys willingly the divine plan that brings him without division into the worship of the Lord (*Stromata* 3).

More typical is the apologist Athenagoras:

Our lives are ruled not by the delivering of discourses but by the witness and teaching of our conduct. We either remain as we were born or we stay within a single marriage. In fact a second marriage is an adultery that is only speciously worthy of honor. He who dismisses his wife and marries another, says our Scripture, commits adultery. It forbids us to repudiate a wife whose virginity has been ended, or to take another woman. He who rids himself of his first wife, even if she be dead, is but an adulterer in disguise because he transgresses the hand of God, for in the beginning God created but one man and one woman.

(*Supplication* 33)

Equally acerbic is St. Gregory the Theologian:

If there are two Christs, then let there be two husbands or two wives. But there is only one Christ, only one head of the Church. So also there should be only one flesh. But if taking a second wife is discouraged, what shall we say of a third? A first marriage is permitted by law. Tolerance and indulgence allow a second. A third is iniquitous. As for what goes beyond this number, it is swinish.

(*Or.* 37.8)

Remarriage for Christians was tolerated as a concession to human weakness, but subject to certain limitations and conditions. It entailed, first of all, a period of penance:

The rule establishes one year of excommunication for those who marry a second time, though some authorities even require two years. Those who marry a third time are often excommunicated for three or four years; and such a union is not called marriage, but polygamy or rather mitigated fornication

(*Basil the Great canon 4, cf. Neocaesarea canon 3 and Laodicea canon 1*)

In addition, for many centuries a second or subsequent marriage was not accorded an ecclesiastical blessing (cf. Neocaesarea canon 7); and when a rite for second marriage was eventually established, it was quite different from that for first marriage, being in fact only an extension of the betrothal rite and having a strongly penitential character.[\[3\]](#)

Monogamy and the Ordained Priesthood

If a life of either consecrated celibacy or perpetual monogamy was the norm for every Christian — for every member of the royal priesthood — it was required for those set apart by ordination for the ministerial priesthood. The requirements for ordination enunciated in the Pastoral Epistles («Let the bishop be the husband of one wife ... », see 1 Tim 3:1-3, 12, and Titus 1:5-6) and repeated again and again in the various apostolic church orders, in the works of the Fathers, in canonical literature and eventually in the civil law were regarded as self-evident.[\[4\]](#) Writers as different as the rigorist Tertullian (*On Monogamy* 12) and liberal Origen (*Commentary on Mt 22*) simply take the perpetual monogamy of the ordained for granted. For them the real problem was persuading lay persons that monogamy was not just a matter for the clergy — that their own vocation as Christians called for maintaining the same high standard. Bigamists (i.e., those twice married) were excluded from ordination. «The canon unconditionally excludes from service all bigamists,» writes Basil the Great (canon 12), referring not to this or that piece of ecclesiastical legislation but to an abiding rule of behavior, an integral element of the Church's tradition.[\[5\]](#) Like other serious public infractions of the Church's discipline, bigamy entailed not only a period of penance but also permanent exclusion from priestly ministry.

Could this seeming austerity be tempered in any way? Is any «economy» possible at any time, under any circumstances? This was the situation facing the fathers of the Council in Trullo as they formulated their canon 3. They offer a classic example of «economy» as it was understood at that time. What was to be done «to provide for the purity» of the clergy and «to cleanse away the pollutions of unlawful marriages»? Wishing to balance «strictness» and «compassion» in such a way that «gentleness does not fall into license or severity into harshness,» and seeing that in many cases the problem had arisen out of ignorance, the council fathers reached the following decision: «Those who are involved in this disorder of a second marriage and have been slaves to sin» but have not repented of this are to be deposed; whereas

those who are involved in this defilement of second marriage, but before our decree have acknowledged what is fitting, and have cut off their sin by putting far

from them this strange and illegitimate connection, or those whose wives by second marriage are already dead or who have turned to repentance of their own accord, having learned continence and having made haste not to dwell upon their former iniquities, whether these be presbyters or deacons: these we have determined shall be deprived of all priestly ministrations or functions, being under penance for a certain time, but they shall retain the honor of their seat and station, being content with this position of precedence, begging the Lord with tears to pardon the transgression committed out of ignorance: for it would be unfitting that he should bless another who has need to bind up his own wounds.

A measure of leniency is in order, particularly given that the problem arose out of ignorance. But this or any legitimate «economy» does not constitute a license to do something otherwise forbidden. Rather, it is conditional upon repentance. The sin, the transgression, the cause of offense must have ceased.[\[6\]](#)

Ancient Precedents for Remarriage of Priests?

From the wording of Trullo canon 3 it is evident that there were a number of bigamous priests at the time of that council, but it is equally evident from the canon that this situation — ascribed to ignorance — was regarded as an abuse in need of correction, not as a precedent appropriate for imitation. But does antiquity offer any legitimate precedents, any examples of official acceptance of clerical bigamy? The following passages sometimes are adduced:

- Jerome, *Ep.* 69. Jerome's correspondent Oceanus has expressed surprise that a man married once before his baptism and a second time after has been made bishop. Jerome replies, «I am surprised that you named only one, since the whole world is full of such ordinations.» But of course here — and very possibly in the cases that follow — we are not speaking of men twice married *after* baptism.
- Hippolytus, *Refutation* 7. In the course of a long polemic against Pope Kallistos, Hippolytos accuses his rival of allowing twice- or even thrice-married bishops, priests and deacons. That Hippolytos tended to exaggerate and distort Kallistos' actions is well known. For example, in the same passage Hippolytos accuses his rival «teaching adultery and murder at a single stroke.» What Kallistos in fact did in this case is simply permit free women to marry slave men, something which the prevailing Roman civil law refused to acknowledge as marriage even though it did allow free men to marry slave women. In effect, Kallistos denied the ultimate authority of civil law when it was at variance with Christian principles, whereas Hippolytos insisted upon it. In the case of the clerical bigamy and trigamy allegedly permitted by Kallistos,

it is very possible that the pope permitted men twice or thrice married before baptism to be ordained (something which would be quite in keeping with the church's discipline as set forth, e.g., in Apostolic canon 17) and that Hippolytos, with his insistence on the authority of the civil law, objected, arguing that what the civil law regards as marriage must necessarily be regarded as marriage by Christians and therefore must be used in determining the presence or absence of the impediment of bigamy, even if it occurred before baptism.[\[7\]](#)

- Theodoret of Cyrus, *Ep.* 90, addressed to Patriarch Domnos of Antioch, around 447 A.D. Sometime during the previous year, Domnos had ordained Count Irenaios - former high civil servant, friend of Nestorios and companion in the early years of his exile, and bigamist - as metropolitan of Tyre. Now complaints are being heard in Constantinople. Theodoret therefore advises Domnos to write a letter stating (a) that in ordaining Irenaios he was in line with the precedent set by certain men «well known and illustrious both for learning and character,» specifically Alexander of Antioch and Akakios of Berrhoea, who ordained a bigamist named Diogenes (otherwise unknown), and Praylios, who ordained a bigamist named Domninos of Caesarea (otherwise unknown); and (b) that Proklos of Constantinople and the bishops of Pontos and Palestine all approved of the ordination. If Domnos followed Theodoret's advice it was to no avail, for in February of 448 A.D. Irenaios was deposed precisely on the grounds that he had been twice married, in violation of the Apostolic canons.[\[8\]](#)
- The Council of Mar Akakios (486 A.D.) which, in the course of a long treatise on clerical marriage, authorized any priest whose first wife has died to take another. The council in question was held by twelve bishops from what would become the dominant party in the Nestorian Church of Persia, the followers of Bishop Barsumas of Nisibis, who two years earlier had married a nun. Their position on clerical marriage reflects pressures coming from the Zoroastrian Persian authorities, who encouraged marriage and procreation in order to increase the population. The triumph of this party was assured a few years later when a council under Mar Babai (497 A.D.) complied with an edict from the Persian King of Kings which called for «a reform with regard to legitimate marriage and procreation of children for all clerics.» Henceforth the Nestorian Church would freely permit marriage and remarriage for all clerics, from patriarch down.[\[9\]](#) I do not believe, however, that this Nestorian precedent gives sufficient justification for other Christian groups to adopt the policies in question.

Later Medieval Developments

After the Council in Trullo, clerical bigamy does not appear to have been a major issue in the Byzantine Church. Standard procedure seems to have been that, if a widowed priest or deacon remarried, he was forbidden to exercise his former ministry but could serve as a reader/cantor.[\[10\]](#) The rationale for not reducing him to the lay state, as prescribed in earlier legislation by Justinian, was explained by Emperor Leo the Wise in his own novella on the subject: «Just as a vessel once consecrated to God should not be given over to secular uses even if it has become useless for employment at the altar, so also with those who once served at the altar.»[\[11\]](#) I have not found any evidence of remarried priests or deacons continuing to exercise their former ministry. A cursory review of the *Regestes* of the Patriarchate of Constantinople offers no examples of proceedings against clerics for such activity, much less of permission for such activity. Virtually the only reference to the subject that I have found is in a letter of Patriarch Athanasios I, who, in the course of a general discussion of how the priest must set a good example for the faithful, remembering that the priesthood is quite different from all other earthly professions, specifies that the priest must not marry twice or enter the army or accept a civil dignity, in accordance with the canons[\[12\]](#).

That the problem of clerical remarriage seems to have grown less acute since the days of the Council in Trullo may be due to the fact that an ecclesiastical blessing comes to be an absolute requirement for marriage from the tenth century onward, with Novella 89 of Emperor Leo the Wise.[\[13\]](#) As long as non-ecclesiastical marriage was legally and socially acceptable, clergy, like the laity, could remarry or enter into other anomalous unions relatively easily, and for a variety of reasons they might also successfully resist subsequent efforts to remove them from office. The requirement of an ecclesiastical blessing made it possible for the Church to enforce its own standards for marriage much more effectively than in antiquity. And enforce it did! Patriarchal responses and guidelines often call for disciplinary action against priests who have blessed marriages not conforming to the Church's norms, including its norms on remarriage.[\[14\]](#) In addition, there are a number of examples of priests being compelled to dismiss unchaste wives or face deposition.[\[15\]](#)

In Russia, and very likely also in other regions on the periphery of the Byzantine world, clerical bigamy was a greater problem, perhaps because concubinage and what we would call «common law marriages» were much more widely accepted both in law and popular sentiment than they were in Byzantium after the tenth century.[\[16\]](#) In Pskov, for example, the widowed clergy lived with their concubines

or «wives» through much of the fourteenth and fifteenth centuries, and neither the diocesan bishop (in rival Novgorod) nor the distant metropolitan in Moscow was able to dislodge them from their positions or the attached revenues. Only when the burghers of Pskov themselves tired of this situation in 1468 were matters set straight.[\[17\]](#)

Widowed clergy appear to have caused problems for their bishops throughout the later Middle Ages. The pastoral instructions of Metropolitan Peter of Moscow (1308-26) indicate that he faced the problem of widowed clergy «many times» and to prevent the scandal of concubinage, remarriage or other moral lapses he was forced to adopt measures which may seem to us cruel and unusual: If a priest's wife dies, he must either be tonsured and enter a monastery or else leave the priesthood. In time the severity of these measures was moderated somewhat. A council in Moscow in 1503 decided that widowed priests and deacons who lead a pure life, though still prohibited from serving the Liturgy, could at least be authorized to wear the epitrachelion and orarion respectively, receive communion in the sanctuary, and serve as church singers, and that a quarter of the churches' revenues were to be set aside for their financial support. Still, married clergy were not entirely pleased with these measures. One, the priest George Skripitsa of Rostov, wrote bitterly of the 1503 council: «The Holy Apostles and the fathers of the seven ecumenical councils did not condemn priests on account of their wives' death, nor did they remove them from office.... Where is there anything written that chaste priests and deacons should be deposed from office and forced to become monks?» In effect, the council is unreasonably assuming that if a married priest is chaste, an unmarried one is unchaste, and yet a wifeless monk is pure.»[\[18\]](#) Eventually, with the Moscow Council of 1666-67, virtually all restrictions on the ministry of widowed clergy — and in particular on serving the Liturgy — were finally lifted, though vestiges of these restrictions lingered even into the twentieth century [\[19\]](#).

Today we might be inclined to view the measures which I have just summarized as «strange,» irrelevant curiosities from a bygone age.[\[20\]](#) Our own inclination is to side with married priests like Skripitsa. Yet it might be worth noting that the same attitudes and analogous measures have been common enough elsewhere in the Christian East. For example, a twelfth-century Armenian penitential prescribes that if the wife of a young priest dies, he must enter a monastery, lest he acquire a «housekeeper,» and he must leave all his female confessants to a married priest; on the other hand, if the wife of a priest of sixty dies, he shall remain in his church and minister to it in purity, living in a single room at the church door so that all can see who comes and goes.[\[21\]](#) The brutal realism of such measures is instructive. It suggests, if nothing else, how far the Church has been willing to go in order to

preserve the clergy from the scandal of moral lapses without at the same time abandoning its understanding of the norm for Christian marriage, perpetual monogamy.

Modern Developments

From the eighteenth century onward we find a more «humane» approach to the difficulties of widowed clergy who wish to remarry. In 1766, addressing the case of a widowed deacon seeking to remarry, the Holy Synod of the Russian Orthodox Church issued a «landmark» decision: «The canons of the Holy Fathers do not prohibit a second marriage to priests and deacons; therefore, there is no reason for blaming those who, becoming widowers, contract a second marriage, because they are young.» Although Justinian (Novella 6.5) «decrees complete reduction to the lay state of those priests and deacons who contract a second marriage after their ordination, nonetheless this enactment was abrogated by Novella 79 of Leo the Wise..., which punishes bigamist priests not by a complete reduction to the lay state, but by a reduction to the rank of minor clerics.»[\[22\]](#) In certain respects this was a very practical solution, particularly given the caste system then prevailing in Russia. The talents and training of the remarried clerics continued to be employed in the service of the Church, albeit in a different capacity, and in turn the Church continued to bear some responsibility for their material well-being. The men in question remained on the Church's payroll and pension plan, as it were. They simply were transferred from front-line duty to desk jobs. At the same time, it is evident from the wording of the Holy Synod's decision that the theological considerations which gave rise to the Church's prohibition of clerical bigamy in the first place have been largely lost from sight. Whether or not widowed clergy are allowed remarry is being treated as a simple disciplinary matter.

But if remarriage of clergy is indeed a simple disciplinary matter, what is there to prevent a change in discipline? Such was the question that the «white» clergy and certain reforming elements began to raise more and more frequently toward the end of the nineteenth century, and by the opening decades of the twentieth century the problem had become acute. Remarriage of widowed priests was one of the controversial «reforms» introduced by the schismatic «Living Church» movement in the Soviet Union in the 1920s — a move resolutely opposed by the legitimate Russian Orthodox Church. Outside the Soviet Union, the problem of widowed priests was felt particularly sharply in Yugoslavia in the years following World War I, when many Serbian Orthodox priests returned home from captivity in Bulgaria or Austria only to find their children orphans. The Orthodox Priests' Association (a kind of clerical trade union) appealed to the Synod of Bishops of the Serbian Church to allow their remarriage. Emissaries were sent to the other

Orthodox churches to solicit advice, and some of these (most notably the Patriarchate of Constantinople) seemed favorably inclined. The Serbian Synod, however, refused to permit remarriage; and in 1921, basing its decision on Trullo canon 3, it ordered the widowed priests who had already remarried without permission to separate from their «wives» immediately and submit to a period of penance or else be deposed.[\[23\]](#)

While the issue gradually died down in Yugoslavia, similar problems in Romania and elsewhere following the war assured that it would not be forgotten altogether. In spring 1923, a Pan-Orthodox Conference was assembled in Constantinople under the presidency of Patriarch Meletios Metaxakis to consider a number of proposals intended to bring the Orthodox Churches more into line with the «modern world» (adoption of the Gregorian calendar, participation in international efforts to establish a fixed date for Easter, movement of feast days to the nearest Sunday, permission for marriage after ordination, restoration of a married episcopate, updating of rules relating to fasting, to clerical dress, etc.), and among the resolutions approved by the Conference was one favoring permission for widowed clergy to re-marry.[\[24\]](#) Neither this nor the other resolutions of the Conference enjoyed much success, however. Even the «new calendar» subsequently adopted by a number of churches did not fully conform to the Conference's resolution on the subject, since calculation of the paschalia was left unchanged. The Conference had taken pains to declare that to obtain validity its resolutions must be accepted not only by the autocephalous churches represented at the Conference (Constantinople, Cyprus, Greece, Serbia, Romania) but also by those not represented (Alexandria, Antioch, Jerusalem. Russia), and in fact these objected to the Conference both on procedural and on substantive grounds. During the interwar years the Patriarchate of Constantinople therefore tried on several occasions to gather a Pan-Orthodox Council (or at least a Pro-Synod) that would have greater authority than the 1923 gathering, and the issue of remarriage of widowed clergy regularly appeared on the proposed agendas. But of course no such council met; and when efforts for a Great and Holy Council resumed with the Rhodes conferences in the 1960s, the issue was quietly dropped.

The advance and recession of the issue of remarriage of widowed clergy in the early decades of the twentieth century can be traced in the scholarly and semi-scholarly literature. Already before World War I, the Serbian bishop-canonist Nikodim Milash was advocating remarriage; and around the time of 1923 Conference, several essays appeared in the Greek world upholding the same position.[\[25\]](#) These works share certain characteristics:

- a tendency simply to ignore the theological issues and patristic sources

relating to marriage which I have reviewed earlier in this presentation;

- a corresponding tendency to view all the canons without distinction simply as examples of positive ecclesiastical law, as legislation duly laid down by the competent authority for the good order of the Church as an earthly society and therefore subject to modification or abrogation by the same authority; and
- a tendency to conflate issues that in fact are quite distinct. These essays gather biblical and canonical texts which proclaim the goodness of marriage and human sexuality; which demonstrate that the Church at times has permitted deacons (and perhaps by extension priests) to marry after ordination under certain circumstances (Ankyra canon 10); and which indicate that the Church once permitted a married episcopate. But this «evidence» by no means proves that the Church has allowed — or that it can allow — widowed priests to remarry while continuing to exercise their ministry.

The inherent weaknesses in such essays were noted among others by S.V. Troitsky, a noted Russian canonist whose professional activities continued in Yugoslavia in the interwar period, first in a comprehensive study of second marriage of clergy commissioned by the Russian Orthodox Church in response to Milash's treatment of the subject and subsequently in his critiques of the «Renovated» or «Living Church» and in his major book on *The Christian Philosophy of Marriage*.^[26] By calling attention to the theology of marriage that underlies the canons and by emphasizing the need for an appropriate hermeneutic, Troitsky and others provided a reasoned defense of the Church's canonical norms for marriage of clergy without descending to the obscurantism of some self-styled traditionalists.

The Situation Today

Is remarriage of widowed clergy in fact a wide-spread practice today? This is sometimes asserted, but documentation is hard to come by. If remarriage has indeed been tolerated in some places, until now at least the churches in question have been very careful to maintain «credible deniability»; they have refrained from any word or gesture that might suggest official approval or set a precedent to which others might then appeal. When incidents of clerical bigamy have been brought to light, they generally have been officially disavowed or denounced. At least one younger bishop in Serbia has been quite vigorous in seeking out and deposing twice-married clergy, but perhaps more typical is the policy enunciated by a senior member of the Romanian hierarchy: We close our eyes, but if someone raises a complaint, we depose.

While this present practice may sometimes smack of hypocrisy, it is hard to imagine any official change in policy, any «reform» that a Great and Holy Council

might undertake which would substantially alter the Church's discipline as epitomized in Trullo canon 3, which would permit remarried clergy to continue to exercise the ministry of priest or deacon. The Orthodox Church's understanding of marriage itself is at stake. While the remarriage of widowed clergy at first glance may seem to be simply a disciplinary issue, on par with such issues as the age for ordination, in fact it is a serious theological issue — one calling for Christian integrity, not capitulation to the world's sub-Christian standards and expectations. To ignore the seriousness of this issue would not only damage the fragile unity of world Orthodoxy precisely at a time when the possibility of inter-Orthodox cooperation is becoming not just a pious hope but a real possibility. It would also gravely undermine the credibility of Orthodoxy's witness to the world.

Paper presented at conference devoted to "The Council 'in Trullo': Basis for Ecclesiastical Reform?" at Holy Cross Greek Orthodox School of Theology, March 16-17, 1992, marking the 1300th anniversary of that council, and published in *The Greek Orthodox Theological Review* 40.1-2 (1995) 183-99. The paper has not been systematically updated since then, though a few footnotes have been expanded.

[1] On Trullo itself, see especially *The Council in Trullo Revisited*, ed. G. Nedungatt and M. Featherstone (= *Kanonika* 6, Rome, 1995). Of earlier literature, still valuable is V. Laurent, «L'oeuvre canonique du Concile in Trullo (691-692), source primaire du droit de l'église orientale,» *Revue des Etudes Byzantines* 23 (1965) 7-41. On Trullo's treatment of marriage of clergy, its background, and its continuing influence, two relatively recent books are useful: C. Cochini, *Origines apostoliques du celibat sacerdotal* (Paris, 1981), English translation *Apostolic Origins of Priestly Celibacy* (San Francisco, 1990); and R. Cholij, *Clerical Celibacy in East and West* (Leominster, Herefordshire, 1989). Both books, in my estimation, are flawed (a) by their anachronistic presentation of the Pope's position in the Church through the centuries, and (b) by their tendency to underestimate, misinterpret, «retranslate» or even to ignore relevant materials which do not fit their presuppositions. I am not convinced by their argument that permanent continence has been normative for the higher clergy from the very beginnings of Christianity and that Trullo canon 13, which allows clergy the use of marriage, therefore constitutes a regrettable innovation (cf. the review by Abp. Peter/Pierre [L' Huillier] of New York, in *Sobomost* 12 [1990] 180-82). Often the very texts that the authors adduce show how widespread — and widely accepted — clerical use of marriage was in Christian

antiquity. At the same time, both authors gather a great deal of material relevant to our topic, and Cochini in particular helps to correct our picture of the early church on at least one point: Continence in marriage — a kind of domestic monasticism — was much more widely practiced and held up as an ideal than is often supposed, for pious laity but especially for the higher clergy. Whether married or celibate, early Christians were encouraged to view their conduct of life in an eschatological perspective, freed from worldly preoccupations by their confidence in Christ's triumph over the ultimate worldly preoccupation, death. In the East this ideal of continence did not lead to compulsory clerical celibacy, as it eventually did in the West. As Cholij remarks concerning the thinking of the fathers of the Council in Trullo as they adopted their canon 13, «The Roman discipline ... was an unnecessary imposition of positive law» (p. 117); what is ultimately a matter of grace cannot be coerced. Yet this ideal does help to explain why such disciplinary measures as the requirement of episcopal celibacy met with little or no opposition. On this subject see the presentation offered by Abp. Peter/Pierre [L'Huillier] at the same conference marking the 1300th anniversary of Trullo, "Mandatory Celibacy as a Requirement for Episcopacy," *The Greek Orthodox Theological Review* 40.1-2 (1995) 213-19.

[2] A convenient sampling is provided by T. Mackin in his *Divorce and Remarriage* (New York/Ramsey, 1984) and *The Marital Sacrament* (New York/Mahwah NJ, 1989); see also J. Meyendorff's popular *Marriage: An Orthodox Perspective* (Crestwood NY, 1975) and his article «Christian Marriage in Byzantium,» *Dumbarton Oaks Papers* 44 (1990) 99-107, as well as my own chapter on «Orthodox Perspectives on Divorce and Remarriage,» in *The Challenge of Our Past* (Crestwood NY, 1991).

[3] On this subject see most conveniently J. Meyendorff, «Christian Marriage ... »

[4] E.g., Tertullian, *To His Wife* 1.7; Origen, *Homilies on Luke* 17, *Against Celsus* 3.48; Clement of Alexandria, *Stromata* 3.12; Ambrose, *Ep.* 63.62-63; Jerome, *Commentary on Titus* 1.6; John Chrysostom, *Homily 10 on 1 Timothy* 3; «Ambrosiaster,» *Commentary on 1 Timothy* 3.12-13; Augustine, *On the Good of Marriage* 18; Epiphanius, *Panarion* 59.4, 79.4, *Exposition of the Faith* 21; Gregory the Great, *Ep.* 4.26; *Apostolic Constitutions* 6.17; *Testamentum Domini* 20; Justinian, *Novella* 6.1, 6.5, 123.1, 123.12, 137.2.

[5] On use of the word «canon» in Basil the Great, I Nicaea, and other fourth-century texts, see Heinz Ohme, "Der Kanon-Begriff der Synode von Nizaa (325)," *Studia Patristica* 29 (Leuven 1997) 310-15, and my own comments in *The Challenge of Our Past*,

chapter 1.

[6] Cf. my article on «Oikonomia in Byzantine Canon Law,” in *Law, Church and Society: Essays in Honor of Stephan Kuttner*. ed. K. Pennington and R. Somerville (Philadelphia, 1977) 225-36.

[7] Since the original appearance of this article, see, on the entire Hippolytean question, A. Brent, *Hippolytus and the Roman Church in the Third Century: Communities in Tension before the Emergence of a Monarch-Bishop* (Vigiliae Christianae supplement 31, Leiden, 1995).

[8] In its presentation of Trullo canon 3, the frequently consulted *Nicene and Post-Nicene Fathers* vol. 14 cites the older Roman Catholic canonist Antonio Pereira, who, in a garbled and rather misleading discussion of Theodoret’s letter, suggests «that many bishops remarkable for their learning and sanctity frequently dispensed with this apostolical law» which prohibits ordination of bigamists. In fact the bishops referred to by Theodoret hardly qualify as «many,» their dispensations hardly qualify as «frequent,» and in any case their example was not sufficient to save the bigamist Irenaios from deposition. Pereira, it should be noted, was writing in the context of the seventeenth-century debate between the Gallicans, who sought to limit papal authority, and papalists, who sought to advance it precisely by showing the pope’s full power to dispense even *contra apostolum* in cases of clerical bigamy. On earlier phases of the development of papal power in this area see S. Kuttner, «Pope Lucius III and the Bigamous Archbishop of Palermo,» *Medieval Studies Presented to Aubrey Gwynn, S.J.* (Dublin, 1966) 409-53.

[9] Such provisions remain in effect even to this day. According to J. Dauvillier and C. De Clercq, *Le mariage en droit canonique oriental* (Paris, 1936) 175-76 n. 4, as quoted by Cholij, p. 44 n. 35, after the death of a first wife priests may marry up to «seven and a half wives,» «the number seven indicating the virgins and the fraction designating a widow.»

[10] Cf. Novella 3 of Leo the Wise, abrogating Justinian Novella 6.5; glosses of Balsamon on Trullo canon 21 and Neocaesaria canon 9; Resp. 8 of Patriarch Nicholas III Grammatikos; and Blastares, *Syntagma* letter gamma, 4.

[11] As B. Deutsch, «Ecclesiastical Law in the Novels of Leo the Philosopher,» *The Jurist* 21 (1961) 141-69, 311-61, notes, Leo’s concern was not so much to

ameliorate the condition of remarrying clerics as to assure that they would not use remarriage as an easy way to return to secular life (p. 326).

[12] V. Grumel et al., *Les Regestes des actes du Patriarcat de Constantinople* (Paris, 1932) no. 1760. A further exception may be the case reported in no. 1440: A chartophylax of the metropolis of Smyrna has been accused, among other things, of trigamy, but the patriarchal synod declines to receive the charge. On the other hand, the fourteenth-century Latin canonist Johannes Andreae does claim that Greek clerics of his day often contracted illegal marriages; cf. Cholij, p. 45 n. 39.

[13] On this novella see Abp. Peter/Pierre (L' Huillier), «Novella 89 of Leo the Wise on Marriage: An Insight into its Theoretical and Practical Impact,» *The Greek Orthodox Theological Review* 32 (1987) 153-62.

[14] E.g., *Regestes* no. 848 and no. 1778 (which among other things prescribes penance for priests who eat with digamists or trigamists).

[15] *Regestes* no. 531 (canonical responses of Photius to Leo of Calabria: Priests and deacons whose wives have been ravished by barbarians are obliged to separate from them or cease their ministry); no. 883 (a complicated case of spousal adultery); no. 972 (canonical responses of Nicholas III Grammatikos: A priest whose wife commits adultery is not to be deposed if he separates from her, but if he keeps her in his home he is to be forbidden to serve); no. 1747 (instructions from Athanasios I to all metropolitans: A priest whose wife has sexual relations with another man. Whether willingly or unwillingly, may retain his priesthood but must abstain from all further relations with her).

[16] On the persistence of non-ecclesiastical forms of marriage see E. Levin. *Sex and Society in the World of the Orthodox Slavs, 900-1700* (Ithaca/London, 1989) 83-86.

[17] This episode and other aspects of the problem of widowed clergy in Muscovite Russia are summarized by V. Bochkarev in a brief monograph on *Widowed Clerics: Historical-canonical Notes* (Smolensk Guberniia, 1906); I am deeply indebted to Fr. Alvian N. Smirensky for supplying me with his English translation of this rare work. Only slightly more accessible is L. Lavrov, «Vdovie sviashchennosluzhiteli,» in *Khristianskoie Chtenie* (1870) 1019-56, (1871) 343-82. Also useful is I. Zuzek, *Kormchaia Kniga: Studies on the Chief Code of Russian Canon Law* (=Orientalia

Christiana Analecta 168, Rome, 1964).

[18] As quoted by Zuzek, p. 154.

[19] With an imperial *ukaz* of 1765 the requirement that widowed priests and deacons must obtain epitrachelion and orarion certificates was finally phased out, but one peculiarity remained in effect into the twentieth century: While widowed priests and deacons may serve the Liturgy, elevation of a widowed deacon to the priesthood is not allowed. Thus Bochkarev, *Widowed Clerics*.

[20] 'There is little in the history of the Russian Church more strange than the treatment prescribed here [in the council of 1503] for priests and deacons whose wives predeceased them»: Zuzek, p. 153.

[21] Penitential of David of Ganjak, c. 73, ed. C.J.F. Dowsett, *Corpus Scriptorum Christianorum Orientalium* 216 (Louvain, 1961) 51-52, as cited by Cholij, p. 45.

[22] Quoted by Zuzek, pp. 250-51.

[23] A brief account of the Serbian situation is given in English in *The Christian East* 2.1 (April 1921) 52; 2.3 (September 1921) 119; and 4.2 (May 1923) 111-12.

[24] An English translation of the proceedings of the conference is available in *The Christian East* 4.4 (November 1923) 166-72. Since the original publication of this article, see also P. Viscuso, *A Quest for Reform of the Orthodox Church: The 1923 Pan-Orthodox Congress* (Berkeley 2006).

[25] N. Milash. *Rukopolozhenie kao smetna braka* (Mostar, 1907). Essays by Pb. Vafeides, Metr. Chrysanthos of Trebizond and Gennadios of Thessalonike, among others, in *Gregorios ho Pajamas* 2.3; *Ekklesiastikos Keryx* 8; *Ekklesiastikos Pharos* 1; *Ekklesiastike Aletheia* 33, cited by D. Constantelos, *Marriage and Celibacy: A Greek Orthodox Perspective* (Minneapolis, n.d.) 84-85 and n. 87.

[26] *Vtorobrachie klirikov: Istoriko-kanonicheskoe izsledovanie* (St. Petersburg. 1912); *Chto takoe Zhivaia Tserkov?* (Warsaw, 1927), parts of which are included in English translation in W.C. Emhardt, *Religion in Soviet Russia* (London, 1929); *Khristianskaia filosofia braka*

(Paris, n.d.).

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