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## The celebrant of the Holy Sacrament of the Eucharist. Rules and canonical norms of the Orthodox Church

Among others, Orthodox Church, from the first millennium, drafted and published liturgical-canonical Rules and Norms regarding the celebrant of the Holy Sacrament of the Eucharist, by which the person baptized and sealed with the seal of the Holy Spirit is worthy to receive the Body and Blood of Jesus Christ, thus participating “to the supernatural life destined for the God’s people.”<sup>1</sup>

A review – even it is short – of the canonical legislation text of the Eastern Church, from the first millennium, – corroborated with the text of the typical guidelines made and published over the centuries in this part of this ecumenical christian world – concerning the celebration of the Divine Sacrament of the Holy Communion and, ipso facto, its celebrant, gave us the opportunity to offer to the specialized reader (canonist or theologian) some eloquent testimonies of the liturgical-canonical Tradition of this Church, which is part of the common liturgical-canonical heritage of the ecumenical Church of the first millennium.

According to the liturgical-canonical Tradition of the Orthodox Church, the Eucharistic Sacrifice can not be brought than “during the Divine Liturgy, (and) in a sanctified Church and only when needed outside, in any case only on the Antimins hallowed by the bishop”<sup>2</sup> and only by the bishop or by the priest who is worthy of the “clerical tonsure,” meaning the valid ordination from the canonical point of view, and received “the blessing from (their) first shepherd” (can. 33, Trullo Syn.),

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<sup>1</sup> Al. Kniazeff, *Cours de Droit canon*, partie 2, Paris 1988, p. 9.

<sup>2</sup> N. Milas, *The Church Oriental Law*, translated by D. I. Cornilescu, et al., Bucharest 1915, pp. 459-460.

that is the bishop of every bishopric, under whose canonical obedience they must be (can. 31, Apostolic Syn; 5, Antioch Syn.).

The canonical legislation of the Orthodox Church states that the celebrant of the Holy Sacrament of the Eucharist is only the bishop and the priest, who must strictly respect the liturgical-typiconal Rules (Regulae) established by him (cf. can. 32, 76, Trullo Syn.).

The celebrants or the administrators of the Holy Sacrament can not be “in no case deacons, the laymen or the monks.”<sup>3</sup> In fact, according to the canonical legislation, deacons and subdeacons are not allowed to “give the Holy Bread or bless the cup” (can. 25, Laodicea Syn.; can. 7 Trullo Syn.).

In some orthodox Manuals of canon law, have crept some allegations stating that “there is no provision to stop the deacons to give the Eucharist to the faithful in the absence of the priest or of the bishop, and thus this practice was strengthened and became a habit and generalized.”<sup>4</sup>

However, according to the canonical legislation of the Orthodox Church, deacons only had to assist the bishop or the priest in the communion of the faithful, or – in exceptional situations arising from persecution, lack of bishops or presbyters etc. – to carry the Holy Communion to the homes of the sick or those deported or who were in hospitals or prisons.

Thus, only in such cases – and with the express blessing of the bishop or of the priest – the deacons may administer the Holy Communion to the lay people.

According to the liturgical-canonical Rules of the Old Church – consecrated by the ecumenical canonical legislation of the first millennium – “in cases of major force, even the layman can give the Holy Communion to himself (cf. can. 58, VI<sup>th</sup> Ecumenical Syn.; St. Basil the Great, Letter to Caesarie).”<sup>5</sup>

As for the canonical status of the deacons, we should mention that they are not the descendants of the seven deacons mentioned in the Acts of the Apostles (Chapter VI, 1–6), because they – as the Parents of the Sixth Ecumenical Council (Trullo)<sup>6</sup> tell us – “should not be counted as servants within sacraments because they are the ones entrusted with the care of the necessities of the collectivity of

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3 I. N. Floca, *The Orthodox Canon Law. Legislation and Church Administration*, vol. 2, Bucharest 1990, p. 39.

4 Ibidem.

5 Ibidem.

6 See, N. V. Dură, *The Ecumenical Council in Trullo (691–692). The Canonical Tradition's Evidences from East and West*, “Kanonika,” Roma, 1995, no. 6, p. 229–262.

those gathered then; they have made to us through this example of love for their fellows (charity) and alacrity towards the needy ones” (can. 16, Trullo Syn.).<sup>7</sup>

The same ecumenical Fathers stated that “The Holy Apostles, when they instituted the 7 deacons have not actually instituted the clerical level of diaconate itself, because at that time there were only the Apostles, and the bishops and the priests were not even instituted – they only ordained 7 special servants or deacons, entrusted with the care of the charitable and social work of the Church, which included all members of the community.”<sup>8</sup>

Therefore, it should be noted that, according to the testimonies provided by the text in the Acts of the Apostles, Chapter VI, 1–6, – which was interpreted also by the “teacher of the Church, John Chrysostom” (can. 16, Trullo Syn.) in the XIV Homily of Acts – the seven deacons instituted by the Apostles should not be considered sacramental clerics, and ipso facto celebrants of the Holy Sacraments, as from ignorance some church historians, biblical scholars, liturgists, dogmatists etc. use to say, because they were entrusted by the Holy Apostles only with the care for the “need of community” (can. 16, Trullo Syn.).

According to the old liturgical-canonical Rules, the celebrants of the Holy Eucharist, must refrain “in all.” This explains the fact that the Fathers of the Ecumenical Orthodox Church asked to the celebrant clerics to live a pure life, compatible to their holy service, and ordered that those who serve at the Holy Altar to “refrain in everything during the administration of the Holies,” “as for us to keep the teachings of the Apostles, in force, knowing that everything has its time, and mostly the Fast period and that of the Prayer. For it behooves to those who approach to the Divine Altar to refrain in everything at the time they serve The Holies to be able to get what they generally ask of God” (canon 13 of the Council in Trullo).<sup>9</sup>

Under the provisions of the 13<sup>th</sup> canon of the Council in Trullo, this restraint should not therefore be understood in the sense of perpetual continence,<sup>10</sup> and

7 I. N. Floca, *The Canons of the Orthodox Church. Notes and Comments*, Sibiu 1991, pp. 109–110.

8 Ibidem, p. 110.

9 Apud N. Milas, *The Canons of the Orthodox Church with Comments*, translated by U. Kovincici and N. Popovici, Arad 1930, vol. 1, pp. 2, 352.

10 The 51<sup>st</sup> apostolic canon punishes by defrocking the clerics, and with excommunication the laymen who abstain from wine, and therefore those who would refuse to receive the Holy Eucharist. “If any bishop, or presbyter, or deacon and everyone in hierarchy at all levels – dispose the 51<sup>st</sup> apostolic canon – refrain from [...] wine not for abstinence, but in disgust, [...] should correct himself or to be

beyond the natural powers of the clerics, but only “at the proper time,”<sup>11</sup> only when they serve the Holy Liturgy, so that the married priest may administer the Eucharist entirely valid. Moreover, even St. Timothy the Archbishop of Alexandria († 385), – an exceptional monk – banned the celebrant priest to have conjugal relations with his wife only during the day in which he serves the “spiritual sacrifice to the LORD” (can. 13),<sup>12</sup> the liturgical day begins in the evening of a day and ends the following evening.

Concerning the time of serving the Sacrament of the Eucharist, the canonical legislation of the Eastern Church has provided it to be served only “during the morning until noon,” except for certain days of the year, when the liturgy is celebrated with Vespers or single (Easter, Christmas etc.) (cf. can. 52, Trullo Syn., 49, Laodicea Syn.).

According to Orthodox canonical Tradition and Doctrine, the celebrant of the Holy Eucharist should be a good “familiar with the text of the Canons” and a “Worthy observer” of the canons.

In 375, St. Basil the Great († 379) wrote “Guidelines” (Παράγγελμα) for the priests concerning the celebration of the Divine Liturgy. A copy of the “Guidelines” – who would later become the base of the “pastoral Books” written by some hierarchs of our Church – were handed over to the priest at his Ordination.

Among other things, the Holy ecumenical Father, Basil the Great, exhorted the young priest to be a good “connoisseur” and a “worthy observer of the Canons,”<sup>13</sup> and urged him to pray and read the Prayers and the Canons “until the time he has to serve the Divine Service “in the Holy Altar, where he have to stay” with fear and trembling before the King of Heaven.”

The same Holy Father of the Ecumenical Orthodox Church – which, among other things, studied in Athens Philosophy,<sup>14</sup> Medicine and Roman law, and

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defrocked, and to abandon the Church. The same thing should do also the layman” (N. Milas, *The canons of the Orthodox Church...*, vol. 1, pp. 1, 266).

11 See, Canons: 29<sup>th</sup> of the Sixth Ecumenical Council; 41<sup>th</sup> of the Synod of Carthage etc.

12 Apud N. Milas, *The Canons of the Orthodox Church...*, op. cit., vol. 2, pp. 2, 154.

13 Ibidem, p. 259.

14 See, N. V. Dură, “Theology” and “Philosophy:” *Convergence or ideatic divergence?!*, [in:] National Symposium Constantin Noica, 14<sup>th</sup> ed. *In the beginning was the Word*, Constanta, 17 to 18 May 2012, pp. 175–207; Idem, “The conscience” in the perception of Theology and Philosophy, “Saint Andrew the Apostle. Theological Review” XIII (2009) no. 1, pp. 27–37; Idem, *The Theology of Conscience and the Philosophy of Conscience*, “Philosophical-Theological Review,” Tbilisi, 2011, no. 1, pp. 20–29.

Theology of the Fathers at Caesarea in Cappadocia, including the canonical Theology, and proved to be a great canonist,<sup>15</sup> – use to exhort the priests not to give the “Divine Eucharist [...] to those who were not allowed by the Divine Canons.”<sup>16</sup>

According to the teaching word of St. Basil the Great – one of the Fathers of the eastern canon law – the celebrant priest must therefore know and apply the canons, especially in preparing and serving “the divine mystical service,” where so the obligation for the today priests to insist in knowing and observing the canonical Rules and Norms regarding the administration of the Holy Eucharist.

Pursuant to the canonical legislation of the Eastern Orthodox Church, the celebrant clerics have the canonical obligation to know the person who receives the Holy Eucharist,<sup>17</sup> and to not administer the Sacrament of the Holy Eucharist to “those who are not allowed by the divine canons.”<sup>18</sup>

Knowing the receiver of the Holy Communion has of course the purpose to avoid unwanted situations, as, for example, where those who received the Holy Eucharist either not received the Holy Confession, or consciously circumvented their Confessor to evade some penances appropriate of their life of sin.

The priest who administers the Eucharist for such “christians” is guilty not only before God but also before his competent authorities, that is of his bishop and of the Holy Synod of the respective Church, which is “the highest authority” of a local church (metropolitan and patriarchal) “for all spiritual and canonical matters, as well as for those of the Church of any kind within his jurisdiction” (art. 9 of the Rules of procedure).<sup>19</sup>

The exception from the canonical norms – which provides the obligation for the priest to know the person to whom he provides the Holy Eucharist, and not to administer “the Sacraments (Confession and Holy Communion)” to those that are not allowed by the Holy Canons, – it is acceptable only “in case of sickness.” And in

<sup>15</sup> Idem, *Thinking of Some Fathers of the Ecumenical Church on the Law*, “Christian Researches” VI, Tbilisi, 2011, pp. 230–245; C. Mititelu, *Internal (Material) Sources of Orthodox Canonical Law*, “Philosophical-Theological Reviewer,” Tbilisi State University (Georgia), 2011, no. 1, p. 111–120.

<sup>16</sup> Apud N. Milas, *The Canons of the Orthodox Church...*, op. cit., vol. 2, pp. 2, 259.

<sup>17</sup> St. Basil the Great urges the priest through these words: “Look out [...] of those who receive the Eucharist [...] and do not offer the Son of God into the hands of the unworthy ones” (Apud N. Milas, *The Canons of the Orthodox Church...*, op. cit., vol. 2, pp. 2, 259).

<sup>18</sup> Ibidem.

<sup>19</sup> Apud, *The Laws of the Romanian Orthodox Church – Extras*, Bucharest 2003, p. 11.

this case, the clergyman who has serviced the Sacraments even “in a foreign parish” – is not punished (Article 22 Rules of Procedure).<sup>20</sup>

According to the canonical norm, “only to those ordained,” that is only to the clergyman of divine institution (bishop, priest and deacon), are allowed “to enter inside the Altar and to receive the Eucharist” (can. 19, Sin. Laodicea), as for the laity (lay people) only “outside the Altar.”<sup>21</sup>

Pursuant to the principle laid down by canon 69 of the Council in Trullo (691/692) it is not “allowed” to anyone that is “part of the laity to enter inside the Holy Altar.”<sup>22</sup> However, some pious lay people are allowed to enter inside the Holy Altar (can. 69, Trullo Syn., 44, Laodicea Syn.), but are not allowed to receive the Holy Eucharist.

In Byzantium, only the Emperor had the permission to enter inside the Altar, and only when he used to bring “gifts for the Creators” (can. 69, Trullo Syn.). Such indulgence was justified by the Fathers of the Council in Trullo (691/692) with the testimony of “some very old teaching” (can. 69, Trullo Syn.), that means of the old canonical custom, whose power is recognized by law. But, it should not be understood and stated – as some byzantines did<sup>23</sup> – that the emperors had canonical permission to receive the Sacrament of the Holy Eucharist inside the Holy Altar.

In the ninth century, it was allowed to the nuns to enter “inside the Holy Altar to light the candles, the icon lamps, and sweep it” (can. 15 St. Nicephorus the Confessor). In the commentary on this canon, some canonists of the Eastern Church have made it clear that this indulgence it is not “for the whole community,” that means in “all churches, where are men,” but only for “the Altars within their monasteries.”<sup>24</sup>

Some canonists, such as Archbishop and the Orthodox Metropolitan of Transylvania, Andrei Saguna († 1873) affirmed, however, that the nuns can not enter inside the Altar, hence the controversy with Bishop Calinic of Ramnic – New Severin,

<sup>20</sup> Ibidem, p. 62.

<sup>21</sup> Commentary on the 19<sup>th</sup> Canon of Laodicea, [in:] *Pedalion. The Helm of the Orthodox Church*, Iasi 2004, p. 429.

<sup>22</sup> Can. 69 Trullo, apud I. N. Floca, *The Canons of the Orthodox Church...*, op. cit., p. 137.

<sup>23</sup> One of them was Symeon the Archbishop of Thessaloniki († 1430), who wrote that the emperor is entitled to receive the Eucharist in the Holy Altar when he was anointed as Emperor (The commentary of the canon 69 of Trullo from *Pedalion...*, op. cit., p. 294).

<sup>24</sup> Commentary on Canon 15 of Nicephorus the Confessor, [in:] *Pedalion...*, op. cit., p. 730.

“which refused to spread within his diocese the work of Saguna, the elements of canon law, Sibiu, 1854, on the grounds that Saguna stated that nuns can not enter inside the Altar.”<sup>25</sup>

To settle these disputes, the Metropolitan Saguna published in 1855 the second edition of his book, “The Elements of Canon Law,” in which the text of the 15 canon of Nicephorus the Confessor is reproduced after “Pedalion,” which states that “it is properly that the nuns may enter inside the Holy Altar [...]” and not according to the text in Cormchyaia, the collection of canons in Slavonic, where the text of this canon dispose the opposite, namely, that the nuns “are not allowed to enter inside the Holy Altar.”

Referring to the text in Cormchyaia, the canonist Nicodim Milas – another hierarch of the Orthodox Church – noted that the text of Cormchyaia prohibiting the entry of the nuns in the Holy Altar, “better reflects the canonical doctrine of the Orthodox Church than the permission given by the present canon according to the text from the “Athenian Syntagme” (Eastern Canonical Collection, n.n.), from Armenopol, and Pedalion [...]. Then, given the provision of the 44<sup>th</sup> laodicean canon also seems incomprehensible to me – wrote the serbian canonist, that had a “vlach” origin, – how could allow nuns the Patriarch of Constantinople Nicephorus in the ninth century, since on this kind of things, regarding the monks, the patriarch of Constantinople Nicholas decided only in the XII<sup>th</sup> century. For this reason we believe that the text of this canon (15) of Nicephorus is much more correct in Cormchyaia, namely in that greek manuscript, after which it was translated in Cormchyaia this canon, than the greek text collections mentioned above.”<sup>26</sup>

The great hierarch and canonist, Nicodim Milas, motivated also his statement on comments left by Ioan Zonara on canon 44 of the Council of Laodicea, where the byzantine canonist of the twelfth century add the provision that if the laity are forbidden to enter the Holy Altar, the more it is forbidden to women, who, regardless of their will, they have “the monthly issue of blood,”<sup>27</sup> that means physiological hemorrhage.

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<sup>25</sup> Commentary on Canon 15 of Nicephorus the Confessor, apud I. N. Floca, *The Canons of the Orthodox Church...*, op. cit., p. 442.

<sup>26</sup> N. Milas, *The Canons of the Orthodox Church...*, op. cit., p. 234.

<sup>27</sup> I. Zonaras, *Commentary on canon 44 of the Council of Laodicea*, [in:] G. A. Rhali, M. Potli, *The Syntagma of the Holy and Divine Canons (The Athenian Syntagma)*, vol. 3, Athens 1839, p. 212.

In the twelfth century, "... to the non-ordained monks" has been "absolutely forbidden to enter the Holy Altar."<sup>28</sup> From this canonical rule were exempt only some emperors (byzantine), as true believers, who were entitled to enter the Holy Altar only when would bring "gifts to the Creator" and this on the basis of a "very old tradition" (can. 69, Trullo Syn.), namely according to a very old canonical custom who had its beginnings in the practice of the roman temples, in which the emperor used to bring his personal sacrifice on the altar of the respective deities.

According to the canonical legislation of the Eastern Church, the celebrant clergyman of divine institution (bishop, priest and deacon) have the obligation to receive the Eucharist in every Holy Liturgy attended (can. 8 the Apostolic Syn.), without eating or drinking anything at all before liturgical Service (even water) (can. 29 Trullo).

The apostolic canon provides the penalty of excommunication<sup>29</sup> for those who refuse to tell the cause for which they would not receive the Eucharist, because it believes that such person "is guilty of disorder (hindrance) of the people" and set the pace to "suspicion against one who brought (the Holy Sacrifice), as if he had not committed the divine Service according to the practice."<sup>30</sup> However, this alleged "incorrect" act – ("non recte" in the text of Beveregius) – gives the opportunity to assume "that the priest who served the Liturgy is unworthy, and he did not want to receive the Eucharist from him."<sup>31</sup>

In their commentary on this apostolic canon (8), the byzantine canonists, Zonara and Balsamon, have specified that it is exposed to excommunication only that cleric (bishop, priest or deacon) who officiates the Divine Liturgy – with another celebrant mate- and does not say the reason for which refuse to take the Eucharist.<sup>32</sup>

The celebrant cleric who refuses to declare the reason for which he does not want to receive the Eucharist within the Holy Liturgy Service, must therefore

<sup>28</sup> The comment on 69<sup>th</sup> canon of Trullo, apud I. N. Floca, *The Canons of the Orthodox Church...*, op. cit., p. 138.

<sup>29</sup> See, N. V. Dură, *Elucidations regarding some notions of the canon law (deposition, defrocking, excommunication and anathema) in the light of the Orthodox teaching. Canonical study*, first part: "Ortodoxia Review" XXXIX (1987) no. 2, p. 84-135; second part: "Ortodoxia Review" XXXIX (1987) no. 3, p. 105-143.

<sup>30</sup> The 8<sup>th</sup> apostolic canon, apud. I. N. Floca, *The Canons of the Orthodox Church...*, op. cit., p. 12; N. Milas, *The Canons of the Orthodox Church...*, op. cit., vol. 1, p. 203.

<sup>31</sup> Commentary on the 8<sup>th</sup> apostolic canon, [in:] *Pedalion...*, op. cit., p. 46.

<sup>32</sup> See the comments on the 8<sup>th</sup> apostolic canon, [in:] *The Athenian Syntagma...*, op. cit., vol. 2, pp. 11-13, vol. 4, p. 462.



be excommunicated because “nothing tells us to leave the harshness (akribia), following the teachings of the holy apostolic Tradition and of the Holy Fathers” (can. 29, Trullo).

In other words, we can not replace the “akribia” principle with the principle of “economy” under the form of concession when – regarding the administration of the Sacraments – certain practices are contrary to the Rules confirmed by the Synods of the Ecumenical Orthodox Church and which were found also in the canonical Tradition of the Eastern Church.<sup>33</sup>

After the old liturgical-canonical Rules and Norms of the Orthodox Church, “the kiss of peace”<sup>34</sup> – during committing the Eucharistic sacrifice – is a sign of brotherly love and peace in the Lord. Therefore, “the Eucharistic Sacrifice” can not be performed without the “kiss of peace.” And according to the eastern canonical rule, only after “the presbyters will give it to the bishop” inside the Holy Altar, “then the laymen should give the kiss of peace” (can. 19, Laodicea), that means “men with men and women with women [...] outside the Altar,”<sup>35</sup> because [...] only those ordained are allowed to enter inside the Altar and to receive the Eucharist” (can. 19, Laodicea).

In their comments to this canon of the Synod of Laodicea, held in the year 343/344, the byzantine canonists, Zonara, Balsamon and Aristen – in the XII<sup>th</sup> century – have made it clear that according to the old canonical Tradition only clerics gave their kiss of peace and were receiving the Eucharist inside the Holy Altar, and not the laymen,<sup>36</sup> who were not allowed – at least at the time – even to enter the Holy Altar, much less to receive the Holy Eucharist.

The Fathers of the Council in Trullo (691/692) allowed to the byzantine emperor (can. 69, Trullo) to enter in the Holy Altar by applying the principle of economy, if he is proved to be truly orthodox and caretaker of the interests of the Church,

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33 See, N. V. Dură, *The canonical Orthodox tradition regarding the celebration of the Divine Liturgy*, “Ortodoxia Review” xxxiii (1981) no. 1, pp. 73–94; Idem, *Testimonies of the liturgical-canonical apostolic Tradition regarding prayer*, “Theological Studies” xxxv (1983) no. 7–8, pp. 481–490.

34 This form of “kiss is called peace, for it is a sign of love and peace” (Commentary on the 19<sup>th</sup> canon of Laodicea, [in:] *Pedalion...*, op. cit., p. 429).

35 Ibidem.

36 Comments on the 19<sup>th</sup> canon of Laodicea, apud *The “Pravila” of the Holy ecumenical Synods with comments*, in russian, Moscow 2011, pp. 232–234.

being thus considered as a kind of ‘bishop for foreign affairs’, as Emperor Constantine the Great<sup>37</sup> himself-titled.

According to the orthodox canonical doctrine and legislation, the clerics who are administrating the Holy Sacrament of the Eucharist are not allowed to receive or request any remuneration for it (cf. can. 23, Trullo; 1 Gennadius of Constantinople). Such an offense is punishable, as simony, and such clerics could be subject to defrocking (cf. can. 23, Trullo).

Neither canons, nor the canonical doctrine, does not specify whether it can be received or asked for money for the administration of any of the other Sacraments of the Church. But, under the provision of the principle enunciated by 23<sup>th</sup> canon of the Council in Trullo, we may conclude that the same prohibition is also assumed concerning the administration of other Sacraments, because, according to the divine mandate, “you received the gift of the Holy Ghost without pay, and you have also to give it without money.”

According to the liturgical-canonical Rules of the Eastern Church, consecrated by its canonical customs – which has the same power as the canonical law – the celebrants of the Holy Eucharist (bishops and priests) must know and observe the typiconal Rules established by the Church, and confirmed by its Synods.

These typikonon Rules – written within some large monastic community from Byzantium (Constantinople, Mount Athos, etc.), and known as “Typica,” – are inserted in various Collections of canons in the chapter “Additional canons.”<sup>38</sup>

Among the typikonon Rules – with a canonical basis (can. 19, Laodicea, 12 St. Nicephorus the Confessor) – that priests must respect during the Divine Liturgy, are the following two:

a) The priests must not “bless with his hand Proskomedia, or the Throne on high. Only to pint them out, as it is mentioned in the canon 12 of St. Nicephorus

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<sup>37</sup> See, N. V. Dură, *Edict of Milan (313) and its impact on the relations between State and Church. Some historical, judicial and ecclesiological considerations*, “Metropolitan Review of Oltenia” 2012, no. 5–8, pp. 28–43; Idem, *Religious Freedom in Romania*, “Theologia Pontica” v (2012) no. 3–4, pp. 9–24; C. Mititelu, *Law 489/2006 and relations between State and Church*, vol.1: RO-RUS-NIPPONICA, The 1st Global Conference on RO-RUS-NIPPONICA, Moscow 2010, coord. G. Stoica-Marcu, Publishing House Universitaria, Craiova 2010, pp. 36–43.

<sup>38</sup> See, I. N. Floca, *The Orthodox Canon Law...*, op. cit., vol. 1, Bucharest 1990, pp. 83, 86.

the Confessor”<sup>39</sup> Indeed, according to Canon 12 of St. Nicephorus the Confessor (Sec. IX),” the Holy Chalice should not be bless during the Proskomedia prayer.”

b) It should not be inserted “uncanonical” prayers in the text of the three Liturgies (St. John Chrysostom, St. Basil and Presanctified Gifts) (can. 19, 59, Laodicea), and much less to utter other prayers than those “confirmed by the Synod [...] during the Sacrifice act [...] but to read those prayers gathered by the most wise men” (can. 103, the Carthage syn).

Therefore, within the Divine Liturgy have to be read only prayers<sup>40</sup> established by the Ecumenical Orthodox Church and confirmed by the Synod of each local Church.

Noting this kind of violation of the typikonal rules of the Ecumenical Orthodox Church, even in the Church of Constantinople and in some Churches of the Holy Mountain Athos, the authors of the Pedalion<sup>41</sup> recommended that the priests, when celebrate the Liturgy of St. Basil the Great, during the changing and blessing act of the divine Sacraments they should not say, “changing them by your Holy Spirit. “For this is – they said – an addition to some bold and bad educated man (sic), which ..., took these words from the Liturgy of Chrysostom and put them in the great Basil’s Liturgy. For even not in the old hand written Liturgies (Missals in

39 Commentary on Canon 19 of the Council of Laodicea, [in:] *Pedalion...*, op. cit., p. 430.

40 Concerning the liturgical rule of the prayer and its theology, see N. V. Dură, *The prayer nomocanon in the light of the liturgical and canonical Tradition of the Orthodox Church*, “Orthodoxia Review” xxxv (1983) no. 3, pp. 431–457; idem, *Canonical Concerns of the Hierarchs of the Romanian Orthodox Church during the xviiith–xixth centuries in the light of small “Nomocanons”*, “Romanian Orthodox Church Review” cii (1984) no. 3–4, pp. 217–232; idem, *The Obligations of Christians concerning their christian life in the light of the Holy Canons*, “Indrumator bisericesc (Church Guidelines)”, Galati, 1988, no. 4, pp. 94–110; Idem, *The Duty of the faithful in the light of the Holy Canons*, “Altar of Banat Review” xliii (1993) no. 10–12, pp. 18–26; Idem, *The Prayers of Hierurgies after Orthodox Euchologion*, “Indrumator bisericesc (Church Guidelines)”, Ramnicu Valcea, 1987, no. 4, pp. 64–71; Idem, *Icon and Prayer. Realities of Orthodox spirituality. The Romanian icon*, “Herald Almanac”, Paris, 1989, no. 5, pp. 35–40.

41 This “complete” Collection of canons, with commentary – in which are inserted also the canons of St. Nicephorus the Confessor (ix<sup>th</sup> cent.) – was made by the hieromonk Agapios and by the monk Nicodemus. Published in Venice in 1787, and Leibzig in 1800, this canonical Collection was published also with the blessing of the proin patriarch Neophytos the vii<sup>th</sup> of Constantinople in 1802. After this edition was translated The Pedalion by the Metropolitan Veniamin Costachi (See, N. V. Dură, *The canonical activity of Metropolitan Veniamin Costachi*, “Metropolitan Review of Moldavia and Suceava” xlvii [1971] no. 7–8, pp. 471–493; xlviii [1972] no. 1–2, pp. 49–76).

manuscript), we cannot find these, as with much diligence was investigated. Not even this liturgical act we cannot place there this kind of words.”

In the same Commentary on Pedalion it reminds us that both “ancient” manuscripts and the old printed “Missals,” “during the act of Blessing the divine Sacraments, these do not have ‘O Lord, Who sent us your Most Holy Spirit,’ nor the verses, but immediately after he says: “Send us your Holy Spirit on us and on these Gifts here offered,” these have: “and make this bread,” and the other prayers; because lately they have added some newer – stated the respective commentators of the 19<sup>th</sup> canon of the Council of Laodicea – rather out of piety (Troparion and Kontakion from the descent of the Holy Spirit Feast, and the respective verses), which have no place there, and if any man would like to say these he usually he would have to say them before this prayer: “Again we offer you this spiritual and bloodless sacrifice.”<sup>42</sup>

Instead of conclusions, it is worth noticing that even today in the Eastern Orthodox Church the liturgical Rules and canonical Norms of the first millennium, regarding the celebrant of the Holy Eucharist, still have the force of “Jus cogens,” and as such, it oblige the celebrant clerics (bishops and priests) to know and to observe them, hence the need for them to be well acquainted with canonical and liturgical Tradition and doctrine of their own Church.

These liturgical Rules and the canonical Norms, concerning the celebration of the Holy Sacrament of the Eucharist, offer to the clergyman of the two Churches, *id est* Eastern Orthodox Church and Catholic Church, the opportunity to be better acquainted with the their common liturgical and canonical Tradition of the first millennium, which will be certainly invoked during our theological dialogue, if we are really eager to bring a real ecclesiological contribution to restoration of our unity, lost in 1054.

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#### SUMMARY

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### **The celebrant of the Holy Sacrament of the Eucharist. Rules and canonical norms of the Orthodox Church**

This review presents the canonical legislation text of the Orthodox Church, from the first millennium – corroborated with the text of the typiconal guidelines made and published

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<sup>42</sup> *Pedalion...*, op. cit., p. 430.

over the centuries in this part of this ecumenical Christian world – concerning the celebration of the Divine Sacrament of the Eucharist and, ipso facto, its celebrant. Thus an opportunity is created to offer to the reader (canonist or theologian) some eloquent testimonies of the liturgical-canonical Tradition of this Church, which is part of the common liturgical-canonical heritage of the ecumenical Church of the first millennium.

Keywords: Holy Sacrament, Eucharist, Orthodox Church, canon law, theology

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#### BIBLIOGRAPHY

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1. Dură N. V., *“The conscience” in the perception of Theology and Philosophy*, „Saint Andrew the Apostle” *“Theological Review”* 13 (2009) no. 1, pp. 27–37.
2. Dură N. V., *The Ecumenical Council in Trullo (691–692). The Canonical Tradition’s Evidences from East and West*, “Kanonika” Roma 1995 no. 6, pp. 229–262.
3. Dură N. V., *Elucidations regarding some notions of the canon law (deposition, defrocking, excommunication and anathema) in the light of the Orthodox teaching. Canonical study*, first part: “Ortodoxia Review” 39 (1987) no. 2, pp. 84–135; second part: “Ortodoxia Review” 39 (1987) no. 3, pp. 105–143.
4. Dură N. V., „*Theology*” and “*Philosophy*.” *Convergence or ideatic divergence?!*, [in:] National Symposium Constantin Noica, IV<sup>th</sup> ed. *In the beginning was the Word*, Constanta 7–18 May 2012, pp. 175–207.
5. Floca N. I., *The Orthodox Canon Law. Legislation and Church Administration*, vol. 2, Bucharest 1990.
6. Kniazeff A., *Cours de Droit canon*, partie 2, Paris 1988.
7. Milas N., *The Church Oriental Law*, translated by D. I. Cornilescu, et al., Bucharest 1915.
8. Milas N., *The Canons of the Orthodox Church with Comments*, translated by U. Kovincici and N. Popovici, vol. 1, Arad 1930.
9. Mititelu C., *Internal (Material) Sources of Orthodox Canonical Law*, “Philosophical-Theological Reviewer” Tbilisi State University (Georgia) 2011 no. 1, p. 111–120.
10. Dură N. V., *The Theology of Conscience and the Philosophy of Conscience*, „Philosophical-Theological Reviewer” Tbilisi State University (Georgia) no. 1, pp. 20–29.
11. Dură N. V., *Thinking of Some Fathers of the Ecumenical Church on the Law*, *Christian Researches*, 4, Tbilisi 2011, pp. 230–245.

12. Dură N. V., *The canonical Orthodox tradition regarding the celebration of the Divine Liturgy*, "Ortodoxia Review" 33 (1981) no. 1, pp. 73-94.
13. Dură N. V., *Testimonies of the liturgical-canonical apostolic Tradition regarding prayer*, "Theological Studies Review" 35 (1983) no. 7-8, pp. 481-490.
14. Dură N. V., *Edict of Milan (313) and its impact on the relations between State and Church. Some historical, judicial and ecclesiological considerations*, "Metropolitan Review of Oltenia" 2012 no. 5-8, pp. 28-43.
15. Dură N. V., *Religious Freedom in Romania*, "Theologia Pontica Review" 5 (2012) no. 3-4, pp. 9-24.
16. Dură N. V., *The prayer nomocanon in the light of the liturgical and canonical Tradition of the Orthodox Church*, "Orthodoxia Review" 35 (1983) no. 3, pp. 431-457.
17. Dură N. V., *Canonical Concerns of the Hierarchs of the Romanian Orthodox Church during the XVII<sup>th</sup>-XIX<sup>th</sup> centuries in the light of small "Nomocanons"*, "Romanian Orthodox Church Review" 102 (1984) no. 3-4, pp. 217-232.
18. Dură N. V., *The Obligations of Christians concerning their christian life in the light of the Holy Canons*, "Indrumator bisericesc [Church Guidelines]" Galati 1988 no. 4, pp. 94-110;
19. Dură N. V., *The Duty of the faithful in the light of the Holy Canons*, "Altar of Banat Review" 43 (1993) no. 10-12, pp. 18-26.
20. Floca I. N., *The Canons of the Orthodox Church. Notes and Comments*, Sibiu 1991.
21. *The Laws of the Romanian Orthodox Church – Extras*, Bucharest 2003.
22. *Pedalion. The Helm of the Orthodox Church*, Iasi 2004.
23. Rhali G. A., Potli M., *The Syntagma of the Holy and Divine Canons (The Athenian Syntagma)*, vol. 3, Athens 1839.