

# The Repressive Measure of “Utterance” in the Holy Canons

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It is certain that the supreme purpose of the sacred canons is pastoral, pedagogical, and more deeply soteriological<sup>1</sup>. The existence of the sacred canons contributes to the moral<sup>2</sup> and ontological perfection of the Christian, indicating to him each time his saving course within the space-time of now in the light of tomorrow, his eschatological perfection, according to the position of Paul that: «Οὐ γὰρ ἔχομεν ὧδε μένουσαν πόλιν, ἀλλὰ τὴν μέλλουσαν ἐπιζητοῦμεν»<sup>3</sup>. Therefore, it is very important to record that the canons moreover, constitute an “eschatological depicting” within human history because, quite simply, while the State as human creation is experienced intra-historically, the Church, because it exists and beyond history, is understood intra-historically and extra-historically – eschatologically<sup>4</sup>.

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1. See indicatively Archim. Georgios Kapsanis, *Ἡ ποιμαντικὴ Διακονία κατὰ τοὺς Ἱεροὺς Κανόνες, Α'*, Athos Publications, Piraeus 1976, pp. 19, 37-48, 59-70 and *passim*, P. Christinakis, *Θέματα Κανονικοῦ καὶ Ἐκκλησιαστικοῦ Δικαίου*, Symmetria Publications, Athens 1994, pp. 100-105.

2. K. Despotopoulos, *Φιλοσοφία τοῦ Δικαίου*, Papazisis Publications, Athens 2000, pp. 13-14; A. Christophilopoulos, *Ἑλληνικὸν Ἐκκλησιαστικὸν Δίκαιον*, issue Α', Athens 1952, pp. 12-14; Panteleimon Rodopoulos, Metropolitan of Tyroloi and Serention, *Ἐπιτομὴ Κανονικοῦ Δικαίου*, Mygdonia Publications, Thessaloniki 2005, pp. 27-28; K. Vavouskos, *Ἐγχειρίδιον Ἐκκλησιαστικοῦ Δικαίου 2*, Sakkoulas Publications, Thessaloniki 1986, pp. 14-15.

3. *Hebr.* 13, 14.

4. See in detail Archim. Gregorios Papathomas, «Ἡ διαλεκτικὴ σχέση Ἐκκλησιαστικῆς Κανονοθεσίας καὶ Πολιτειακῆς Νομοθεσίας», *Κανονικὰ ἔμμορφα (Δοκίμια Κανονικῆς*

In addition, it is necessary to emphasize that the canons function as signposts, for every Christian to act in a saving and therapeutic way in his life<sup>5</sup> and in no case do they act as revenge or punishment for every one that misbehaves. It becomes clear that the ultimate goal of the Church is how to lead man closer to Christ by any means. Consequently, there is no man for rules but rules for man<sup>6</sup>. “To save the sacred canons I am ready to sacrifice my whole life; however, in order to save a man, I am ready to scarily all the sacred rules”, said Justin Popovic, inspired by the spirit of *oikonomia* («οικονομία»)<sup>7</sup>. Besides, the Orthodox Church could be characterized as the Church of “*oikonomia*”, which is based on the one hand on the freedom of the person, and on the other hand on the salvation of its members. It is well known that many times the Church in its historical course, without changing the spirit and the particular purpose of the canons, “provides”, that is, applies, a pedagogical indulgence aiming at its soteriological and saving purpose<sup>8</sup>. According to Professor Archimandrite (now Metropolitan of Peristeri) Gregorios Papatomas, this is called “loving dispensation” («ἀγαπητική οἰκονομία»), because it is motivated by the true interest and the excessive love of the Church for its

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*Οἰκονομίας II*), Epektasi Publications, Katerini 2015, pp. 2-3; see also P. Christou, *Ἡ κοινωνιολογία τοῦ Μεγάλου Βασιλείου*, Athens 1951, pp. 41-60.

5. P. Boumis, *Κανονικὸν Δίκαιον*, Grigoris Publications, Athens 2000, pp. 24-27.

6. G. Mantzaridis, *Χριστιανικὴ Ἠθική*, vol. 1, Holy Great Monastery of Vatopedi Publications, Mt. Athos 2015, p. 326. According also to the saying of Christ Himself: «Τὸ σάββατον διὰ τὸν ἄνθρωπον ἐγένετο, οὐχ ὁ ἄνθρωπος διὰ τὸ σάββατον» (*Mark* 2, 27).

7. See Archim. Gregorios Papatomas, «Εἰσαγωγή στὸ Κανονικὸ Δίκαιο καὶ τὴν Κανονικὴ Οἰκονομία (Ζ')», *Ἐφημέριος/Efimerios* 1 (January-February 2020), p. 27.

8. Anastasius of Sinai gives a very nice definition of the Church’s dispensation by writing that it is «... ἐκούσιος μεγέθους συγκατάβασις πρὸς σωτηρίαν τινῶν ἐπιτελουμένη», PG 89, 77c. About the ecclesiastical *oikonomia* see in detail Ev. Mantzouneas, *Ἐκκλησιαστικὸν Δίκαιον*, vol. Α', Γενικὸν Μέρος, Athens 1979, pp. 60-66; Sp. Troianos, *Παραδόσεις Ἐκκλησιαστικοῦ Δικαίου*, Ant. N. Sakkoulas Publications, Athens – Komotini <sup>2</sup>1984, pp. 38-39; Archim. Hieronymos Kotsonis, *Προβλήματα τῆς Ἐκκλησιαστικῆς Οἰκονομίας*, «Ἡ Δαμασκός/Ἰ Damaskos» Publications, Athens 1957, pp. 5-7, 16-20, 30-34, 86-90 and *passim*, Io. M. Konidaris, *Ἐγχειρίδιο Ἐκκλησιαστικοῦ Δικαίου*, Sakkoulas Publications, Athens – Thessaloniki <sup>2</sup>2011, pp. 13-15.

members<sup>9</sup>. Herein lies the specific difference between the sacred canons and the state laws, as we will mention below.

It is initially necessary, in order to understand the repressive and preventive role of the *utterance* within the sacred canons but also the saving role of the canons of the Church in general to attempt a comparison of secular laws against sacred canons, thus revealing the existing contradistinction between the two sides. Initially, Plato emphasizes the necessity of the existence of laws within human society, in order of the *right order* to prevail, and indeed for the achievement of this goal laws must use *persuasion* («πειθώ») and *violence* («βία»)<sup>10</sup>, emphasizing the necessity of a lawful human life, in order to differentiate him from the wild animals<sup>11</sup>. Cesare Beccaria emphasizes that laws and the existing punishments were torturous but also cruel to human bodies, observing that punishments should be imposed with a deterrent and pedagogical role<sup>12</sup>.

It is known that from antiquity to the time of Enlightenment, the laws as also the punishments provided for had a brutal retributive character in relation to the criminal act of the perpetrator, to the point of his extermination and stigmatizing<sup>13</sup>. Besides, the cases of self-justice and of tautopathy that we encounter in these times are well known<sup>14</sup>.

Moreover, it should be mentioned that the dipole that secular Criminal Law deals with is *crime* and *punishment* as they began to be recorded semantically from the time of the Enlightenment and onwards<sup>15</sup>.

9. Archim. Gregorios Papathomas, «Ἡ διαλεκτικὴ σχέση Ἐκκλησιαστικῆς Κανονοθεσίας...», *op.cit.*, pp. 4-5.

10. «... πρὸς τοῦτο δὲ οὐδεὶς ἔοικε διανοηθῆναι πώποτε τῶν νομοθετῶν, ὡς ἐξὸν δυοῖν χρῆσθαι πρὸς τὰς νομοθεσίας, πειθοῖ καὶ βία...», Plato *Νόμοι*, Δ, 722b.

11. «... ὡς ἄρα νόμους ἀνθρώποις ἀναγκαῖον τίθεσθαι καὶ ζῆν κατὰ νόμους ἢ μηδὲν διαφέρειν τῶν πάντῃ ἀγριωπιάτων θηρίων...», Plato *Νόμοι*, Θ, 874e-875a.

12. Beccaria, *Περὶ ἀδικημάτων καὶ Ποινῶν*, Athens <sup>2</sup>1842, pp. 62-63.

13. N. Kourakis, *Ποινικὴ Καταστολή*, <sup>2</sup>1985, p. 1.

14. *Op.cit.*, pp. 6-7, 27, 28-29. We mention indicatively the examples of tautopathy that are mentioned in the book of the Old Testament: «... ὄφθαλμὸν ἀντὶ ὄφθαλμοῦ, ὀδόντα ἀντὶ ὀδόντος, χεῖρα ἀντὶ χειρός, πόδα ἀντὶ ποδός, κατάκαυμα ἀντὶ κατακαύματος, τραῦμα ἀντὶ τραύματος, μώλωπα ἀντὶ μώλωπος» (Ex. 21, 24-25).

15. See Protopr. L. Fotopoulos, *Ἱεροὶ Κανόνες καὶ Κοσμικοὶ Νόμοι*, Athens 2010, p. 54. Also, for another perspective on the subject see Bartholomew, Archbishop of

Therefore, the punishment, that comes as consequence of a crime, is characterized as “terrible” – “evil”, which is imposed in order to disapprove, stigmatize and hurt the criminal through the social outcry<sup>16</sup>.

In contrast, Ecclesiastical Law deals with the dipole *crime* («ἔγκλημα») and *punishment* («ἐπιτίμιο») <sup>17</sup>, underlining here that a crime for the Church and by extension for Canon Law is considered a sin, a violation of the divine law, understood as the failure of the Christian to realize his saving purpose<sup>18</sup>. However, sin as crime is an empirical fact for the Christian, through which he is led to lawlessness. «Πᾶς ὁ ποιῶν τὴν ἁμαρτίαν καὶ τὴν ἀνομίαν ποιεῖ, καὶ ἡ ἁμαρτία ἐστὶν ἡ ἀνομία» (“Everyone who commits sin is guilty of lawlessness”)<sup>19</sup>, essentially constituting a mental illness that needs to be cured<sup>20</sup>. Therefore, while

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Constantinople, New Rome and Ecum. Patriarch, «Νόμοι καὶ Ἱεροὶ Κανόνες», *Νομοκανονικά/Nomokanonika* 2 (2005), pp. 11-22.

16. Cf. indicatively N. Androulakis, *Ποινικὸν Δίκαιον, Γενικὸν Μέρος*, Ant. N. Sakkoulas Publications, Athens – Komotini 1985, pp. 16-17; Chr. Mylonopoulos, *Ποινικὸ Δίκαιο, Γενικὸ Μέρος*, vol. 1, P. N. Sakkoulas Publications, Athens 2007, pp. 28-29; N. Dimitratos, «Ποινὴ καὶ ἐναλλακτικοὶ τρόποι ἐκτίσής της», in: Maria Galanou (ed.), *Ἐγκλημα καὶ ποινικὴ καταστολὴ σὲ ἐποχὴ κρίσης, Τιμητικὸς Τόμος Καθηγητῆ Νέστορα Κουράκη*, vol. Α', Ant. N. Sakkoulas Publications, Athens 2016, pp. 2249-2250.

17. In relation to what is stipulated in the relevant article 14 § 1 of the C.C. regarding the crime, provided that: «ὡς ἔγκλημα νοεῖται μιὰ πράξη ἄδικη καὶ καταλογιστὴ στὸν δράστη πὸς τιμωρεῖται ἀπὸ τὸ νόμο [= as crime is defined an unjust act attributed to the perpetrator who is punished by law]». Also cf. G. Poulis, *Ἐκκλησιαστικὸ Ποινικὸ Δίκαιο*, Sakkoulas Publications, Athens – Thessaloniki <sup>2</sup>2008, pp. 40-44; Th. X. Giagkou – G. A. Poulis, *Πηγὲς τοῦ Ἐκκλησιαστικοῦ Ποινικοῦ Δικαίου, μὲ σχόλια καὶ βιβλιογραφία*, P. Pournaras Publications, Thessaloniki <sup>2</sup>2007, pp. 85-87; Io. M. Konidaris, *Ἐγχειρίδιο Ἐκκλησιαστικοῦ Δικαίου*, *op.cit.*, pp. 223-225. In particular, the canonic offense is considered and as canonic crime or sin, or offence or even a misdemeanor; see P. Panagiotakos, *Σύστημα τοῦ Ἐκκλησιαστικοῦ Δικαίου*, vol. Γ': *Τὸ Ποινικὸν Δίκαιον τῆς Ἐκκλησίας κατὰ τὴν ἐν Ἑλλάδι ἰσχὺν αὐτοῦ*, Athens 1962, pp. 100-101.

18. In the funeral service is mentioned in relation to this: «παρορῶν αὐτοῦ πάντα τὰ ἐγκλήματα», the holy Damascene records the sins of man as crimes. In detail cf. Archim. Christoforos Stavropoulos, *Ἐξομολογητικὴ*, General Directorate of Church Education, Athens 1972, pp. 29-30; Meletios, Metropolitan of Kythira, *Σύστημα Ἱερῶν ἐξομολογητικῆς*, Pigi Orthodoxou Vivliou Publications, Athens 1960, pp. 13-15, Π. Dimitropoulos, «Ἄμαρτία», *ΘΗΕ/Thriseftiki kai Ithiki Emgyklopaideia*, vol. 2, col. 250; Io. Angelopoulos, *Ἡ Ἄμαρτία*, Athens 2002, pp. 16-19; see also Maximus the Confessor, *Σχόλια εἰς τὸ περὶ θείων ὀνομάτων*, PG 4, 305c-d.

19. 1 John 3, 4.

20. P. Christinakis, *Θέματα Κανονικοῦ καὶ Ἐκκλησιαστικοῦ Δικαίου*, *op.cit.*, pp. 94-

under Criminal Law the criminal is reprehensible on the contrary under Ecclesiastical Law the sinful is to be cured. In Criminal Law, punishment focuses on the person, while in Ecclesiastical Law it is focused on the fight against sin and its definite elimination<sup>21</sup>.

In this sense and the 102nd Canon of the Quinisext Ecumenical Council proclaims: «... Οὐ γὰρ ἀπλή τῆς ἀμαρτίας ἡ νόσος, ἀλλὰ ποικίλη καὶ πολυειδής, καὶ πολλὰς τῆς βλάβης τὰς παραφυάδας βλαστάνουσα, ἐξ ὧν τὸ κακὸν ἐπὶ πολὺ διαχεῖται, καὶ πρόσω βαίνει, μέχρις ἂν σταίῃ τῇ δυνάμει τοῦ θεραπεύοντος ...»<sup>22</sup>.

Also, in connection with the above, St. Chrysostom advises those who practice pastoral care within the Church that «*The penance should not be determined only in proportion to the magnitude of the sin and the deviation, but the intention of those who sin must also be taken into account*»<sup>23</sup>. Consequently, the sacred canons should not be considered as secular laws having the ultimate purpose of causing the punishment and sometimes the torment of the deviant, but therapeutic and conscientious means, which have as a perspective the restoration of the sinner to the right course. If we do not approach the Canons of the Church in this way, then we will inevitably slip into a supreme legalism of them, something that is far from them.

The utterance («ἐπιφώνησις») or commission («παραγγελία»), that we find in certain sacred canons, has as its ultimate purpose the restoration of the sinner against the Evangelical and canonical law and his correction in the right course<sup>24</sup> before a greater punishment occurs. The word

100; Hierotheos, Metrop. of Nafpaktos & Hagios Vlassios, *Ὁρθόδοξη Ψυχοθεραπεία – Πατερικὴ Θεραπευτικὴ Ἀγωγή*, The Birth of the Theotokos Holy Monastery (Pelagias) Publications, Levadeia 2000, pp. 28-39, 108-111 and *passim*.

21. In the past, the punishment according to Criminal Law was of a reciprocal and vindicative character; much later the punishment was linked to a general and specific prevention. See Protopr. L. Fotopoulos, *Ἱεροὶ Κανόνες*, *op.cit.*, p. 57; I. Farsedakis, «Ἡ πρόληψη τοῦ ἐγκλήματος ὡς μέσον ἀντεγκληματικῆς πολιτικῆς», in: Maria Galanou (ed.), *Ἐγκλημα καὶ ποινικὴ καταστολὴ σὲ ἐποχὴ κρίσης*, *op.cit.*, pp. 169-170; N. Androulakis, *Ποινικὸν Δίκαιον*, *op.cit.*, pp. 32-44.

22. G. Rallis – M. Potlis, *Σύνταγμα τῶν Θείων καὶ Ἱερῶν Κανόνων*, vol. Β', Chartophylax Publications, Athens 1852, pp. 549-554.

23. John Chrysostom, *Περὶ ἱερωσύνης λόγοι*, PG 48, 635.

24. Besides, and word *canon* means the ruler by which we draw a straight line; meta-

*utterance* is not found precisely as a definition in the sacred canons, but indirectly as a means of inhibiting the imposition of an ecclesiastical punishment (penance) as a consequence of committing an ecclesiastical crime. The word *utterance* initially has the meaning of a *decree* but also of a *pronouncement*, and sometimes the meaning of a *notice* or *summons*<sup>25</sup>, and in some cases has the meaning of advice and exhortation<sup>26</sup>. In other cases, it also has the meaning of a *cry*<sup>27</sup>, that reveals a strong emotion (pain, sadness, admiration, wonder)<sup>28</sup>.

If we want to define what *utterance* is, we would say that “it is the process by which is pointed out to a transgressor and sinner Christian or cleric, of all degrees his wrong and criminal act, while at the same time he is ordered to comply and correct in accordance with the sacred canons. More essentially, we would say that it is a repressive measure of information to the person who has committed the sin and the ecclesiastical crime, providing him with a second chance to change his behavior before the imposition of sanctions and ecclesiastical punishments”<sup>29</sup>. As mentioned above, the term *utterance* is not exactly found in the sacred canons, however we find other terms, which are directly related to it. For example, we encounter the term *παραγγελία* (commission)<sup>30</sup>, which

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phorically therefore it means everything that helps us to have a correct and straight course in our life. Cf. P. Boumis, *Κανονικὸν Δίκαιον*, *op.cit.*, p. 8.

25. See Efstr. Roussos, *Λεξιλόγιο Ἐκκλησιαστικοῦ Δικαίου*, vol. 1: Βυζαντινὸν Δίκαιον, Athens 1948, p. 205.

26. Etymologically the word *ἐπιφώνησις* (*utterance*) comes from the *ἐπι* + *φωνέω-ω* < *φωνή*, having as its basic meaning of shout or utter. *Λεξικὸ τῆς Ἑλληνικῆς Γλώσσας, Ἀρχαίας-Μεσαιωνικῆς-Νέας/Lexiko tis Hellinikis Glossas Archaias-Mesaionikis-Neas*, Papyrus Press, vol. 5, p. 138. «...οἱ δὲ ἐπεφώνουν λέγοντες· Σταύρωσον σταύρωσον αὐτόν» (*Luke* 23, 21); also cf. J. B. Hofmann, *Ἑτυμολογικὸν Λεξικὸν τῆς Ἀρχαίας Ἑλληνικῆς*, transl. Ant. D. Papanikolaou, Athens 1974, pp. 486-487.

27. G. Liddell - R. Scott, *Λεξικὸν τῆς Ἑλληνικῆς Γλώσσας*, entry «ἐπιφώνησις».

28. *Μεγάλη Ὁρθόδοξη Χριστιανικὴ Ἐγκυκλοπαίδεια/Megali Orthodoxi Christianiki Engyklopaideia*, vol. 7, Stratigikes Ekdoseis Publications, Athens 2012, pp. 259-260.

29. Eleni Giannakopoulou, *Ἡ κρεοφαγία κατὰ τοὺς ἱεροὺς Κανόνες καὶ τὰ πρακτικὰ τῶν Οἰκουμενικῶν Συνόδων*, Grigoris Publications, Athens 2017, p. 131.

30. More of course in the Canons the term *παραγγελία* has the meaning of an order. See the relevant Canons: 4 Seventh Ecum. Council / 7 Carth. / 58 Carth. / 94 Carth. / 101 Carth. / 131 Carth.; Pavlos Menevisoglou, *Μετρ. of Sweden, Λεξικὸν τῶν Ἱερῶν Κανόνων*, Epektasi Publications, Katerini 2013, p. 244; A. Alivizatos, *Οἱ Ἱεροὶ Κανόνες* 3, Apostoliki Diakonia of the Church of Greece Publications, Athens <sup>3</sup>1997, pp. 153-

according to the 12th century canonist Theodore Balsamon is identified with the process of utterance<sup>31</sup>. In addition, in other cases the *utterance* is linked to the process of prevention and repression<sup>32</sup>. Since, as it has been emphasized above, the central goal of the sacred canons is the fight against and elimination of ecclesiastical crimes-sins as also the "cutting off" of the mental and spiritual reasons that cause them. Therefore, in order to achieve this goal, the Church aptly uses general and special preventive measures, which have a restorative and therapeutic goal for the benefit of the sinner, of course, but also for the benefit of society, always having a deeper metaphysical purpose that is none other than the mental salvation of man<sup>33</sup>.

It is noteworthy, of course, that the process of *utterance* is directly linked to the "correction", as it is recorded in several canons<sup>34</sup>, which we will present below in chronological order and which contain the repressive measure of *utterance*. From the outset it should be emphasized that several sacred canons consist of two sections: The first contains the reference and description of the ecclesiastical offence and the second records the corresponding punishment brought about by the ecclesiastical offense mentioned<sup>35</sup>.

154, 306-307, 339-340, 367-368; Pr. Akanthopoulos, *Κώδικας Ἱερῶν Κανόνων*, Vanias Publications, Thessaloniki 2006, pp. 170-171, 268-269, 302-303, 330-331, 336-337, 354-355.

31. Balsamon, commenting the 51 Apost. Canon, says that the cleric who abstains from marriage or meat because of disgust: «... καθαιρεθήσεται, μετὰ παραγγελίαν μὴ διορθούμενος καὶ τῆς Ἐκκλησίας γενήσεται ἐκκήρυκτος»; G. Rallis – M. Potlis, *Σύνταγμα...*, *op.cit.*, vol. Β', p. 68.

32. See the Canons: 87 M. Bas. / 6 Second Ecum. Council / 3 Aγχ. / 3 Carth. / 6 Carth. / 57 Carth. / 86 Carth. / 121 Carth. / 7 Nyss.; Pavlos Menevisoglou, *Μετρ. of Sweden, Λεξικὸν τῶν Ἱερῶν Κανόνων*, *op.cit.*, p. 272; A. Alivizatos, *Οἱ Ἱεροὶ Κανόνες 3*, *op.cit.*, pp. 41-43, 202-203, 304-305, 306, 339-356; Pr. Akanthopoulos, *Κώδικας Ἱερῶν Κανόνων*, *op.cit.*, pp. 64-67, 190-191, 264-267, 266-269, 300-303, 320-322, 348-351, 354-357.

33. See P. Christinakis, *Ἐγκληματολογία*, issue A1, Symmetria Publications, Athens 1995, pp. 38-39.

34. Pavlos Menevisoglou, *Μετρ. of Sweden, Λεξικὸν τῶν Ἱερῶν Κανόνων*, *op.cit.*, p. 100.

35. «Ἐπίσκοπος, ἢ πρεσβύτερος, ἢ διάκονος, κοσμικὰς φροντίδας μὴ ἀναλαμβάνετω; εἰ δὲ μὴ, καθαιρεῖσθω». In the present 6th Apostolic Canon we can clearly discern this dichotomy of the canons. The first part of the canon refers to the prohibition of the assumption of secular care by all degrees of priesthood, while the second to the imposition of the penalty of dethronement. In fact, in this canon, we find the element

The 51st Apostolic Canon is one of the most basic Canons that contains the procedure of *utterance*: «Εἴ τις ἐπίσκοπος ἢ πρεσβύτερος, ἢ διάκονος, ἢ ὄλως τοῦ καταλόγου τοῦ ἱερατικοῦ, γάμου, καὶ κρεῶν, καὶ οἴνου, οὐ δι' ἄσκησιν, ἀλλὰ διὰ βδελυρίαν ἀπέχεται, ἐπιλαθόμενος ὅτι πάντα καλὰ λίαν, καὶ ὅτι ἄρσεν καὶ θῆλυ ἐποίησεν ὁ θεὸς τὸν ἄνθρωπον, ἀλλὰ βλασφημῶν διαβάλλη τὴν δημιουργίαν, ἢ διορθούσθω, ἢ καθαιρείσθω, καὶ τῆς ἐκκλησίας ἀποβαλλέσθω. Ὡσαύτως καὶ λαϊκός»<sup>36</sup>. A cleric of all ranks, who abstains from eating meat and the mystery of marriage because of disgust, must either be corrected, or else be deposed. In fact, according to Zonaras, if he is not corrected, he must be expelled from the Church. According to Balsamon he is denounced from the Church as blasphemous; and the same is mentioned by Aristenus<sup>37</sup>.

Also, according to the 54th Canon of Carthage, a bishop is not allowed to appropriate a priest from a foreign province without the knowledge of the familiar bishop. However, if this happens, then either he will have to be corrected or else he will accept the condemnation of his obstinacy: «Ἐπιγόνιος ἐπίσκοπος εἶπεν Ἐν πολλαῖς συνόδοις τοῦτο ὀρισθέν, καὶ νῦν ἔτι μὴν ἐκ τῆς ὑμετέρας ἐβεβαιώθη συνέσεως, μακαριώτατοι ἀδελφοί, ὥστε μηδένα ἐπίσκοπον ἰδιοποιεῖσθαι ἀλλότριον κληρικόν, παρὰ τὴν κρίσιν τοῦ προτέρου αὐτοῦ ἐπισκόπου [...]. Διὸ εἰ μὴ ὁ αὐτὸς Ἰουλιανὸς διορθώσεται τὴν οἰκείαν πλάνην, καὶ μετ' ἀποθεραπεύσεως τῷ ὑμετέρῳ λαῷ τὸν αὐτὸν ἀποκαταστήσει κληρικόν, ὃν ἐτόλμησε χειροτονῆσαι κατὰ τῶν ὀρισθέντων τῇ συνόδῳ πρᾶττων, καὶ χωρισθεὶς ἀφ' ἡμῶν, τῆς οἰκείας μονοτονίας ἀπενέγκοι τὴν κρίσιν»<sup>38</sup>. In fact, Zonaras, with regard to this canon, emphasizes that a bishop who is not corrected by the commands of this canon and the decisions of the Councils is tantamount to overthrowing the synodically appointed<sup>39</sup>.

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of *utterance*. The expression: «εἰ δὲ μή, καθαιρείσθω» is nothing else but an utterance to the clerics that if they do not comply with what the canon proposes here, they will be deposed. See Agapios Hieromonk and Nicodemus Monk, *Πηδάλιον*, Papadimitriou Publications 1998, p. 8; Photios, *Νομοκάνων*, PG 104, 1076-1084, title H'; also see Io. M. Konidaris, *Ἐγχειρίδιον Ἐκκλησιαστικοῦ Δικαίου*, *op.cit.*, p. 223.

36. G. Rallis – M. Potlis, *Σύνταγμα...*, *op.cit.*, vol. B', pp. 67-68.

37. *Op.cit.* pp. 67-68.

38. See G. Rallis – M. Potlis, *Σύνταγμα τῶν Θεῶν καὶ Ἱερῶν Κανόνων*, vol. Γ', Chatophylax Publications, Athens 1853, pp. 436-437.

39. *Op.cit.*, pp. 437-438.

The 79th Canon of the Quinisext Ecumenical Council testifying to the procedure of *utterance*, states: «Ἀλόχευτον τὸν ἐκ τῆς Παρθένου θεῖον τόκον ὁμολογοῦντες, ὡς καὶ ἀσπόρως συστάντα, καὶ παντὶ τῷ ποιμνίῳ κηρύσσοντες, τοὺς ἐξ ἀγνοίας πράττοντάς τι τῶν οὐ δεόντων, διορθώσει καθυποβάλλομεν [...]. Εἴ τις οὖν ἀπὸ τοῦ νῦν πράττων τοιοῦτόν τι φωραθείη, εἰ μὲν κληρικὸς εἴη, καθαιρείσθω εἰ δὲ λαϊκός, ἀφοριζέσθω»<sup>40</sup>. Interpreting the above-mentioned prohibitive and at the same time ratifying canon, Balsamon records that when the Holy Fathers learned that some wanting to honor the Godmother one day after the birth of the Godman Christ with the so-called postnatal periods, took actions that were contrary to the orthodox liturgical practice. The invasion of these criminal acts resulted in the intervention through the process of the *utterance* of the Church emphasizing the need to correct these actions. Otherwise, the clergy will be disposed and the laity would be excommunicated<sup>41</sup>.

Another special Canon of the Seventh Ecumenical Council, the 16th, contains also the element of the utterance, mentioning pointedly: «Πᾶσα βλακεία, καὶ κόσμησις σωματικῆ, ἀλλότριά εἰσι τῆς ἱερατικῆς τάξεως, καὶ καταστάσεως. Τοὺς οὖν ἑαυτοὺς κοσμοῦντας ἐπισκόπους, ἢ κληρικούς, δι' ἐσθήτων λαμπρῶν καὶ περιφανῶν, τούτους διορθοῦσθαι χρὴ εἰ δ' ἐπιμένειεν, ἐπιτιμίῳ παραδίδοσθαι ὡσαύτως καὶ τοὺς τὰ μύρα χριομένους [...]. εἰ εὐρεθῶσι τοίνυν τινὲς ἐγγελῶντες τοῖς τὴν εὐτελεῖ καὶ σεμνὴν ἀμφίεσιν περικειμένοις, δι' ἐπιτιμίου διορθοῦσθωσαν [...].»<sup>42</sup>. Zonaras regarding the above-mentioned canon, records that the clergy should not be adorned and dressed in luxurious clothes. And if this happens, they should be corrected; if they insist, they should be disposed. Emphasizing on the one hand the inappropriate behavior

40. G. Rallis – M. Potlis, *Σύνταγμα...*, *op.cit.*, vol. Β', pp. 486-487.

41. G. Rallis – M. Potlis, *Σύνταγμα...*, *op.cit.*, vol. Β', p. 488; cf. also G. Gardavinas, *Ἡ Πενθέκτη Οἰκουμενικὴ Σύνοδος καὶ τὸ Νομοθετικὸ τῆς ἔργου*, Epektasi Publications, Katerini 1998, pp. 287-288; Irene Christinaki-Glarou, *Ἡ ἀρχὴ τῆς νομιμότητος στοὺς Ἱεροὺς Κανόνες*, vol. I, Ant. N. Sakkoulas Publications, Athens - Komotini 2007, pp. 271-272; V. Giannopoulos, *Οἰκουμενικὲς Σύνοδοι καὶ ἡ διδασκαλία τους*, Athens 1995, pp. 240, 249.

42. G. Rallis – M. Potlis, *Σύνταγμα...*, *op.cit.*, vol. Β', pp. 622-623; in a more detailed and informative way see Irene Christinaki-Glarou, *Ἡ ἀρχὴ τῆς νομιμότητος...* *op.cit.*, pp. 341-343; V. Giannopoulos, *Οἰκουμενικὲς Σύνοδοι*, *op.cit.*, p. 181.

towards the priestly office, but also the second opportunity that is given to them by the process of the *utterance* on the other hand<sup>43</sup>. Likewise, Balsamon mentions that the clerics who are not corrected after the commission of the above-mentioned canon, are dethroned<sup>44</sup>. Here Balsamon obviously mentions the procedure of *utterance* as an order, as it was stated above.

In conclusion, the 22nd Canon of the Seventh Ecumenical Council is an important example of *utterance*, mentioning that: «Θεῶ μὲν τὸ πᾶν ἀνατίθεσθαι, καὶ οὐ τοῖς ἰδίοις θελήμασι δουλοῦσθαι, μέγα χρῆμα τυγχάνει. Εἴτε γὰρ ἐσθίετε, εἴτε πίνετε, ὁ θεῖος Ἀπόστολός φησι, πάντα εἰς δόξαν Θεοῦ ποιεῖτε [...]. Καὶ εἶπου ποτὲ εἶεν τοιοῦτοι ἐν τοῖς Χριστιανοῖς, διορθούσθωσαν εἰ δὲ μή γε, κρατεῖτωσαν ἐπ' αὐτοῖς τὰ παρὰ τῶν πρὸ ἡμῶν κανονικῶς ἐκτεθέντα [...]»<sup>45</sup>. With respect to this, this canon gives orders concerning the proper life of monks and clericals, demanding their correction before the imposition of penances, according to the orders of earlier provisions<sup>46</sup>.

Summarizing the above, we are able to understand, on the one hand, the pedagogical and in general preventive tactic of the sacred canons of the Church, and on the other hand, the preventive perspective of the process of the *utterance*, against ecclesiastical crimes, which for Church and its law are identified with the misguided and lawless acts of the people, which are ultimately considered mental illnesses. We aptly believe, that professor Christinakis observes that the sacred canons create a “soteriological law”<sup>47</sup>, since they lead to spiritual salvation the members of the Church. The result of this fact is that the canons have a twofold character: clearly soteriological, but also profoundly corrective, since the canons have as their aim not just to suppress a committed ecclesiastical crime, but also to eradicate the root that feeds it. In addition, it is understood after the above, that the process of *utterance* expresses

43. G. Rallis – M. Potlis, *Σύνταγμα...*, *op.cit.*, vol. Β', p. 623.

44. *Op.cit.*, p. 624.

45. *Op.cit.*, pp. 642-644.

46. Cf. Irene Christinaki-Glarou, *Ἡ ἀρχὴ τῆς νομιμότητας...*, *op.cit.*, pp. 351-353; V. Giannopoulos, *Οἰκουμενικὲς Σύνοδοι*, *op.cit.*, pp. 184-185.

47. P. Christinakis, *Θέματα Κανονικοῦ καὶ Ἐκκλησιαστικοῦ Δικαίου*, *op.cit.*, pp. 103-105.

exactly the loving dispensation of the Church towards its members, based on its absolute love as a loving mother, who is selflessly interested in the correction and the restoration of its deviant children.