

***Some brief notes about how the Church received Heretics in Orient  
in agreement of the “Sacri Canones” of the Ecumenical Councils  
of the 1<sup>st</sup> Millennium***

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In this short paper I would like to give a brief survey concerning how the heretics were “received” into full communion with the Church, was tackled by the ecumenical councils of the first millennium. But before considering the canons issued by the ecumenical councils, I believe that it is necessary to investigate the topic through the famous collection of canons called “85 Canons of the Apostles”<sup>1</sup>. In fact this canonical collection treats the question in three canons: canon 46, 47 and 68. Here are the texts of the canons<sup>2</sup> and then some remarks on themselves.

**Canon 46 of the Apostles:** «We ordain that a bishop, or presbyter, who has admitted the baptism or sacrifice of heretics, be deposed. For what concord hath Christ with Belial, or what part hath a believer with an infidel?».

**Can 47 of the Apostles:** «Let a bishop or presbyter who shall baptize again one who has rightly received baptism, or who shall not baptize one who has been polluted by the ungodly, be deposed, as despising the cross and death of the Lord, and not making a distinction between the true priests and the false».

**Canon 68 of the Apostles:** «If any bishop, presbyter, or deacon, shall receive from anyone a second ordination, let both the ordained and the ordainer be deposed; unless indeed it be proved that he had his ordination from heretics; for those who have been baptized or ordained by such persons cannot be either of the faithful or of the clergy».

The “Canons of the Apostles” is a very ancient (probably written at the end of the 4th century) and important canonical collection belonging to the pseudo-apostolic literature. The importance of this collection was great in the Orient, in fact JOHANNES SCHOLASTICUS, patriarch of Constantinople, added “*The 85 canons of the Apostles*” to his *Synagoge* and then the Council of Trullo (AD 692) quoted this collection in canon 2. But also the imperial legislation quotes the “Apostolic Canons”, in fact JUSTINIAN quoted it in his two Novels (6 and 137).

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<sup>1</sup> Of this important canonical collection of ancient canons, we still do not know the author, and the exact period it belongs to is also unknown. Probably this collection was made during the IV century. Cf. JOANNOU P.P., *Discipline Générale Antique*, t. I, 2, *Les canons des Synodes Particuliers*, Roma 1962, 1-4; CECCARELLI MOROLLI D., *Alcune riflessioni intorno ad una importante collezione canonica delle origini: “Gli 85 Canonici degli Apostoli”*», in G. PASSARELLI (ed.), *Miscellanea C. Capizzi*, in *Studi sull’Oriente Cristiano* 6 (2002), 151-175 [with an Italian translation of the canons].

<sup>2</sup> The original texts are in JOANNOU, op. cit., 31-32, 42.

The “Canons of the Apostles” seem to treat heretics with severity but this collection does not give a general definition of heresy and heretic. This definition was to be given in later times (as we shall see shortly). The principal point, that will be found in all the legislation issued by the ecumenical councils is that there is a distinction between “true” baptism and “false” baptism. If someone has received “true” baptism (i.e. in conformity with the statement: “In the name of the Father, the Son and the Holy Spirit” and through washing with simple water), he must not be baptized again, because his baptism is valid and effective. This is the case of someone born in orthodoxy, and who then becomes a heretic. In these circumstances “to baptize someone twice, is not allowed”<sup>3</sup>. But if someone was baptized with a “false” baptism (i.e. was baptised by heretics), in this circumstance it is necessary to baptize again, because that baptism is not valid. About this point JOHANNES ZONARAS wrote the following comment: «the baptism of heretics cannot make someone Christian, and sacred ordination given by heretics cannot make a cleric»<sup>4</sup>.

The problem of how to receive heretics into the Orthodox Church was raised by the canons of the Ecumenical Councils.

A different attitude to the topic is given us by the First Nicaean council (325 AD), which treats the question of how to receive heretics in canons 8 and 19. Here are the texts.

**Canon 8 of 1<sup>st</sup> Nicaean Council (325 AD):** «Concerning those who have given themselves the name of Cathars, and who from time to time come over publicly to the catholic and apostolic church, this holy and great synod decrees that they may remain among the clergy after receiving an imposition of hands. But before all this it is fitting that they give a written undertaking that they will accept and follow the decrees of the catholic church, namely that they will be in communion with those who have entered into a second marriage and with those who have lapsed in time of persecution and for whom a period [of penance] has been fixed and an occasion [for reconciliation] allotted, so as in all things to follow the decrees of the catholic and apostolic church. Accordingly, where all the ordained in villages or cities have been found to be men of this kind alone, those who are so found will remain in the clergy in the same rank; but when some come over in places where there is a bishop or presbyter belonging to the catholic church, it is evident that the bishop of the church will hold the bishop's dignity, and that the one given the title and name of bishop among the so-called Cathars will have the rank of presbyter, unless the bishop thinks fit to let him share in the honour of the title. But if this does not meet with his approval, the bishop will provide for him a place as chorepiscopus or presbyter, so as to make his ordinary clerical status evident and so prevent there being two bishops in the city»<sup>5</sup>.

**Canon 19 of 1<sup>st</sup> Nicaean Council (325 AD):** «Concerning the former Paulinists who seek refuge in the catholic church, it is determined that they

<sup>3</sup> So BALSAMON commented upon canon 47 of the Apostles. RHALLI G.-POTLI M., *Σύνταγμα τῶν θείων καὶ ἱερῶν κανόνων*, 6 voll., Athenis 1852-1859, II, 62 [henceforth always abbreviated as “*Syntagma*”].

<sup>4</sup> RHALLI-POTLI, *Syntagma*, op. cit., II, 87.

<sup>5</sup> TANNER N. P., (ed.), *Decrees of the Ecumenical Councils*, I., Ann Arbor. Michigan, 1990, 9-10. [= henceforth always abbreviated as “*DEC*”]. About this canon cf.: Apostolic canons, cc- 46-47 and 68; Council of Ancyra (314 AD), c. 13; Council of Neocesarea (314-319 AD), c. 14.

must be rebaptised unconditionally. Those who in the past have been enrolled among the clergy, if they appear to be blameless and irreproachable, are to be rebaptised and ordained by the bishop of the catholic church. But if on inquiry they are shown to be unsuitable, it is right that they should be deposed. Similarly with regard to deaconesses and all in general whose names have been included in the roll, the same form shall be observed. We refer to deaconesses who have been granted this status, for they do not receive any imposition of hands, so that they are in all respects to be numbered among the laity»<sup>6</sup>.

These two canons do not give general rules about the problem, but they are only particular norms concerning particular cases. Canon 8 of the First Nicaea council gives an important juridical norm: heretics must promise, in writing, to accept and follow the teaching of the Orthodox Church. About the Cathars and Novatians<sup>7</sup>, canon 8 decrees that they must only make a written promise and they must receive the imposition of hands (χειροτονία). As it well known this is the problem of the “lapsi”. Different was the case of the Paulinists<sup>8</sup>; for the Paulinists canon 19 of the Nicene council decrees that they must be baptized again. So, the sacred orders of the Paulinists were considered completely invalid.

It is possible to note a significant difference between the Nicean Council and the “Canons of the Apostles”. The Nicean Council seems to have preferred the οἰκονομία and the collection of the Apostles the ἀκριβεία. But, I think both the canonical sources seem to remember what Pope Stephen wrote in his letter (256) addressed to St. Cyprian: «*Si quis ergo a quacumque haeresi venerit ad nos, nihil innovetur nisi quod traditum est, ut manus illi imponantur in poenitentiam*»<sup>9</sup>.

During the history of the ecumenical councils, the first council to give a general juridical rule was the Council of Constantinople (381 AD). The First Constantinopolitan Council seems to want to “build” a general canonical theory about our question. In fact, after the 1st canon<sup>10</sup>, in which is described the importance of the true faith and the necessity to defend it, the Council gives us two most important canons: canon 6 and 7.

**Can. 6 of 1<sup>st</sup> Constantinopolitan Council (381 AD):** «*On those who ought to be allowed to accuse bishops and clerics. (...) We define “heretics” as those who have been previously banned from the church and also those later anathematised by ourselves: and in addition those who claim to confess a faith*

<sup>6</sup> DEC, I, 35. Cf. Apostolic canons, c. 47.

<sup>7</sup> Both these heretical groups refused communion to sinners (such as those who made a second marriage or those who renounced the faith during past persecutions).

<sup>8</sup> This heresy takes its name from PAUL OF SAMOSATA; it was a christological heresy, believing that Christ was not really God, but simply a man. So, the baptism of the Paulinists was a “false” baptism.

<sup>9</sup> *Patrologia Latina*, III, 1174.

<sup>10</sup> «*On the continuing validity of the decrees passed at Nicaea and on the anathematizing of heretics. The profession of faith of the holy fathers who gathered in Nicaea in Bithinia is not to be abrogated, but it is to remain in force; every heresy is to be anathematised and in particular that of the Eunomians or Anomoeans, that of the Arians or Eudoxians, that of the Semi-Arians or Pneumatomachi, that of Sabellians, that of the Marcellians, that of the Photians and that of the Apollinarians*» See: DEC, I, 31.

that is sound, but who have seceded and hold assemblies in rivalry with the bishops who are in communion with us»<sup>11</sup>.

**Can. 7 of 1<sup>st</sup> Constantinopolitan Council (381 AD):** «On how to receive those who embrace orthodoxy. Those who embrace orthodoxy and join the number of those who are being saved from the heretics, we receive in the following regular and customary manner: Arians, Macedonians, Sabbatians, Novatians, those who call themselves Cathars and Aristae, Quartodeciman or Tetradites, Apollinarians—these we receive when they hand in statements and anathematise every heresy which is not of the same mind as the holy, catholic and apostolic church of God. They are first sealed or anointed with holy chrism on the forehead, eyes, nostrils, mouth and ears. As we seal them we say: “Seal of the gift of the holy Spirit”. But Eunomians, who are baptised in a single immersion, Montanists (called Phrygians here), Sabellians, who teach the identity of Father and Son and make certain other difficulties, and all other sects — since there are many here, not least those who originate in the country of the Galatians — we receive all who wish to leave them and embrace orthodoxy as we do Greeks. On the first day we make Christians of them, on the second catechumens, on the third we exorcise them by breathing three times into their faces and their ears, and thus we catechise them and make them spend time in the church and listen to the scriptures; and then we baptise them»<sup>12</sup>.

The aforementioned canons are most important. In fact canon 6 gives a “definition” of heresy and canon 7 shows us the “way” to receive (i.e. *modus recipiendi*) the heretics. In the end, I believe that these two canons are a sort of general canonical theory about our topic. For the first time, an ecumenical council gives us general rules and applicable norms concerning the “*modus recipiendi*” in any case and at any time.

The definition of “heretics” given us by canon 6 of the Constantinopolitan Council is really interesting. Canon 6 represents the first canonical definition of heresy among the canons issued by the ecumenical councils. The definition given by the 6th canon is very clear and I think that it does not merit particular comments.

Canon 7 of the same council shows us how to receive heretics. The first care of the conciliar fathers seems to be the desire to receive those who ask to become members of the “true faith”. In fact the first line of the 7th canon seems to be inspired by the principle of the οἰκονομία: the orthodox church takes care of those who want to embrace orthodoxy. Then the canon shows the “practical” procedure. But, as SALACHAS, has rightly remarked, the question is to bring light to bear on the problem of the χειροτονία and the unction with the holy oil (i.e. *myron*)<sup>13</sup>. In fact canon 8 of Nicaea requires

<sup>11</sup> DEC, I, 33-34. Cf.: Apostolic canon, c. 74; Council of Antioch (341 AD), cc. 12, 14, 15; Council of Sardica (342/343 AD), c. 4; St. Basil, c. 1.

<sup>12</sup> DEC, I, 35. About this canon cf.: Council of Nicea (325 AD), c. 8, 19; Apostolic canons, cc. 46-47, 68; Council of Laodicea (325-381 AD), cc. 7-8; St. Basil, cc. 1, 5, 47

<sup>13</sup> Cf. SALACHAS D., *Il Diritto Canonico delle Chiese Orientali nel Primo Millennio. Confronti con il diritto canonico attuale delle Chiese orientali cattoliche: CCEO*, Roma-Bologna 1997, 317-318. And in general for our topic fundamental are the following studies by Salachas, as follows: SALACHAS D., *La legislazione della Chiesa primitiva a proposito delle diverse categorie di eretici*, in *Nicolaus 2* (1982), 315-346. IDEM, *La normativa del Concilio Trullano commentata dai canonisti bizantini del XII secolo*

the imposition of hands, but canon 7 of the 1<sup>st</sup> Constantinopolitan council requires anointing with chrism. SALACHAS has remarked that in JOHN SCHOLASTICUS’ Collection canon 7 does not exist and that the canon there isn’t in the Latin canonical collection of the middle age. It seems that canon 7 would have been added later and it would be a fragment of a letter addressed to MARTIRIUS of Antioch (c. 460); therefore, later, the council of Trullo (692 AD) seems to insert this canon into its canon 95, which we will see<sup>14</sup>. It is interesting that the *Pedalion* writes as follows: «The Holy Apostles in their canons used the ἀκρίβεια, rejecting the baptism of heretics; but the ecumenical councils enforced the οἰκονομία»<sup>15</sup>. But we must not confuse the χειροτονία *ad poenitentiam* with the χειροτονία *ad Spiritum Sanctum*. The χειροτονία for apostates and for those who received a valid baptism is *ad poenitentiam*, while the χειροτονία is *ad Spiritum Sanctum* for those who were born in heresy (i.e. their baptism is therefore not valid)<sup>16</sup>.

The ancient oriental – especially byzantine – canonical legislation seems to end with the canon 95 of the Trullan Council (692 AD). Hence the canon.

**Trullan c. 95:** «Concerning how those who convert from heresy are to be received. We receive those who come from the heretics to orthodoxy and the portion of the saved in accordance with the following order and custom. In the case of Arians and Macedonians and Novatians, who called themselves Katharoi and Aristeroi, and the Quartodecimans or Tetradites, and Apollinarians, we receive them when they present a document certifying that they hold as anathema every heresy which does not hold the same beliefs as the holy Catholic and Apostolic Church; and they are sealed, that is, we first anoint them with holy chrism, on the forehead, the eyes, the nose, the mouth, and the ears, and then sealing them we say: “The seal of the gift of the Holy Spirit”<sup>17</sup>. In the case of followers of Paul of Samosata who have fled for refuge in the Catholic church, a decree has been issued that they should be rebaptized altogether. In the case of the Eudomians, however, who are baptized by one immersion, and Montanists, called Phrygians here, and Sabellians, who teach the identity of the Father and the Son and commit various other grievous offences, as well as all the other heretics — there are many here, especially those from the land of Galatia — we receive those from amongst them who wish to embrace orthodoxy as we do pagans: on the first day we make them Christians, on the second catechumens, and on the third we exorcize them by blowing thrice in their faces and their ears; then we give them instruction, requiring them to attend Church for a year and attend the reading of the Scriptures; thereupon we baptize them. We receive also as pagans Manichaeans, Valentinians, Marcionites, and those who come from similar heresies, rebaptising them. Nestorians, Eutychians, Severians, and those from similar heresies must present a document certifying that they hold

Zonaras, *Balsamone, Aristenos*, in *Oriente Cristiano* 2-3 (1991), monographic number, Palermo 1991. IDEM, *La législation de l’Eglise ancienne à propos de diverses catégories d’hérétiques, commentée par les canonistes byzantins du XII siècle*, in AA. VV., ΕΥΛΟΓΗΜΑ – *Studies in honour of Robert Taft sj*, «*Studia Anselmiana*» 110 (1993), 403-425.

<sup>14</sup> *Ibid.*, 317.

<sup>15</sup> *Pedalion*, 54 footnote 1.

<sup>16</sup> Cf. SALACHAS D., *Il diritto canonico...*, op. cit., 319.

<sup>17</sup> Σφραγίς δωρεᾶς Πνεύματος ἁγίου.

their own heresy as anathema, as well as Nestorius, Eutyches, Dioscorus, Severus, and the other leaders of these heresies and those who hold their doctrines, and also all the aforementioned heresies; and thus they partake of holy communion»<sup>18</sup>.

This canon seems to resume canon 19 of the Nicaean council and canon 7 of First Constantinople. The canon of the Council in Trullo, doesn't give a new rule but it confirms the ancient procedure of how to receive heretics in the Church. Therefore, the practise of χειροτονία or the ἅγιον μῦρον is used *ad poenitentiam* for apostates and those who are baptized without vailidity; but for those who are born in the heresy the χειροτονία or the ἅγιον μῦρον is prescribed *ad Spiritum Sanctum*. The Church has always used this procedure and still does. In fact modern catholic legislation for the Oriental Catholic Churches (*Codex Canonum Ecclesiarum Orientalium*, 1990) nowadays devotes an entire section to the question: title XVII «*De baptizatis A catholicis ad plenam communionem cum ecclesia convenientibus*» (canons 896-907)<sup>19</sup>. In these canons we can perceive the “echo” of the ancient canons issued by the Ecumenical councils of the 1<sup>st</sup> Millenium<sup>20</sup>.

On the basis of what I have quoted, I can say that the Church had a very clear idea about heretics and how to receive them into the Orthodox Faith. From the ancient canons of the ecumenical councils, the idea about heresy and that the Holy Spirit is a permanent seal, clearly emerges. So hence the difference between two categories of heretics: those who are born in the heresy and those who became heretics (after a valid baptism). Saint CYRIL writes that the Holy Spirit is a permanent seal: «(...) καὶ πνεύματος ἁγίου σφραγίδα δῶν ἀνεξάλειπτον εἰς τοὺς αἰῶνας»<sup>21</sup>. Especially for this latter class of people, the Church has used the principle of οἰκονομία rather than that of ἀκρίβεια. So the most important task for the Fathers is to investigate the nature “heretical baptism”, that is to say which kind of baptism was used for the followers. Therefore, the problem of the εἶδος (*form*), ὕλη (*matter*), τύπος (*formula*) is well explained by the ancient canons.

But, in the end, these ancient canons show us the very concept that the Church has about heresy; I am referring here to the great historical-religious problem concerning heresy and orthodoxy. All the above-mentioned canons want to affirm that heresy is born after orthodoxy, and that orthodoxy precedes heresy. This was the theological thought of all the Fathers of the Church, and the ancient canons reflect this attitude. For an

<sup>18</sup> NEDUNGATT G. - DEATHERSTONE M., (eds.), *The Council in Trullo revisited*, «Kanonika» 6, Roma 1995, 174-177. (in this there is a good and new translation from Latin-Greek into English).

<sup>19</sup> CECCARELLI MOROLLI D., *Il Codex Canonum Ecclesiarum Orientalium e l'Ecumenismo – Aspetti ecumenici della legislazione canonica orientale*, «Quaderni di Oriente Cristiano – Studi» 9, Palermo 1998.

<sup>20</sup> Cf., in general, CECCARELLI MOROLLI D., *Sources of the Canons of CCEO*, in NEDUNGATT G. (ed.), *A Guide to the Eastern Code – A Commentary on the Code of Canons of the Eastern Churches*, «Kanonika» 10, Rome 2002, 897-903; and IDEM, *Il Codex Canonum Ecclesiarum Orientalium e l'Ecumenismo – Aspetti ecumenici della Legislazione canonica orientale*, «Quaderni di Oriente Cristiano – Studi» 9, Palermo 1998, 31-67.

<sup>21</sup> *Patrologia Græca*, XXXII, 365.

example, I can quote IRENEUS<sup>22</sup>, HEGESIPPUS<sup>23</sup> and TERTULLIAN. As it well known, the question is very complex and many scholars have tried to investigate it, giving many theories. So, BAUER has asserted that heresy preceded orthodoxy<sup>24</sup>, and TURNER, who has asserted – in a word – that heresy is the prevalence of the “fixed elements” over the “flexible elements”<sup>25</sup>... but this is another question, so I have only hinted at it but I do not want to discuss it in this paper<sup>26</sup>.

To conclude this paper I would like to mention another question that is raised by the aforesaid canons. All the above-mentioned canons are very important, their importance was great within the very life of the Church.

The topic itself: “heresy-orthodoxy” was one of the most principal and important point of the Church for its life. So, it is interesting to note that the ancient canons seem to have within them a dogmatic nature and not only a pastoral one. The ancient ecumenical councils giving canons on how to receive heretics have meant to give laws not only to solve or resolve a problem (i.e. heretics coming into the full communion) but they wanted to give to Christianity a juridical structure, a canonical theory and to defend orthodoxy against the danger from the heretical groups. So the spirit of this ancient legislation – in my opinion – has got not only a pastoral purpose but also a dogmatic one.

In this way, we can comment on, and look better at this ancient legislation. In fact, reading the comments given us by the Byzantine lawyers of the 12<sup>th</sup> century, we can notice this spirit. JOHANNES ZONARAS, ALEXIOS ARISTENOS and THEODORE BALSAMON seem to comment upon the ancient legislation in order to explain the “theological spirit” of these canons rather than the “pastoral spirit”. But I think that a special paper should be written about the “dogmatic substratum” of the ancient canons, or – better – about the topic: “dogmatization of the canons and canonization of the dogma” and I do hope to write it soon.

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<sup>22</sup> In *Against the heresies*, III, 4,3.

<sup>23</sup> HEGESIPPUS’ thought was quoted by EUSEBIUS OF CAESAREA in his *Historia Ecclesiastica*, III, 32, 7 and IV, 22, 5.

<sup>24</sup> See: BAUER W., *Rechtgläubigkeit und Ketzerei im ältesten Christentum*, Tübingen 1964<sup>2</sup> (English translation, with corrections made by STRECKER J., *Orthodoxy and Heresy in Earliest Christianity*, Philadelphia 1971).

<sup>25</sup> TURNER H.E.W., *The Pattern of Christian Thought*, London 1954.

<sup>26</sup> For a general point of view, see: SIMON M.-BENOÎT A., *Giudaismo e Cristianesimo*, Roma-Bari 1995 (Italian translation), 269-287.