



A Contribution to the Theology of Orthodox Resistance and Walling-Off

The terms “resistance” and “resisters” are Patristic. They are mentioned, for example, by that great struggler for Orthodoxy, St. Theodore the Studite.

Everyone who “resists for the sake of the truth”¹ is fighting the good fight of “Orthodox and God-pleasing resistance.”² For this reason, he is regarded as a Confessor of the Orthodox Faith, “for everyone who resists is a Confessor”³ against heresy and for the sake of Orthodoxy.

Consequently, such a person is worthy of the “honor” due to an Orthodox Christian, according to the Fifteenth Canon of the First-Second Synod. In what follows we will cite the authoritative interpretation of this canon by Bishop Nikodim (Milaš).⁴

¹ St. Theodore the Studite, “Epistle 1.43, ‘To his brother, Joseph the Archbishop,’” *Patrologia Graeca*, Vol. xcix, col. 1064c.

² *Idem*, “Epistle 1.39, ‘To Theophilus the Abbot,’” *Patrologia Graeca*, Vol. xcix, col. 1045d.

³ *Idem*, “Epistle 11.20, ‘To Makarios the Abbot,’” *Patrologia Graeca*, Vol. xcix, col. 1177c.

⁴ Nikodim Milaš, Bishop of Dalmatia and Istria. A great ecclesiastical personality, an expert in the areas of the Canon Law of the Orthodox Church, the interpretation of the Sacred Canons, and Church history, he enjoyed pan-Orthodox esteem and prestige. Of Serbian descent, he was born in Sibenik on 16 April 1845. He graduated from the Karlovci Theological Seminary, attended classes in philosophy at the University of Vienna, and completed the Kiev Theological Academy, where he was awarded the degree of Master of Theology. The degree of Doctor of Theology was conferred on him by the Theological School of Bucharest. Returning to his homeland in 1874, he taught at ecclesiastical schools and seminaries. In 1890, he was Consecrated Bishop of Dalmatia and Istria, then under Austro-Hungarian occupation, where he remained for twenty years. He spent the final years of his life in Dubrovnik, where he reposed on 2 April 1915. His best-known and most important

Commentary on the Fifteenth Canon of the First-Second Synod⁵

by the ever-memorable Bishop Nikodim (Milaš)



Bishop Nikodim

This Canon, which complements the Thirteenth and Fourteenth Canons of the present Synod, prescribes that since there must exist a relationship (a relationship, that is, of submission and obedience) between a Presbyter and his Bishop and between a Bishop and his Metropolitan, how much more must there be such a relationship towards the Patriarch, to whom all owe canonical obedience: the Metropolitans, the Bishops, the Presbyters, and the other clergy of the Patriarchate in question.

Having defined these conditions concerning obedience to the Patriarch, the Canon makes a general

observation regarding the three Canons (XIII-XV), in which it says that the promulgated decrees are valid only in that case in which schisms are introduced on account of unproven transgressions by a Patriarch, Metropolitan, or Bishop.

work, *Orthodox Canon Law* (1890), was translated into Russian, German, Greek, and Bulgarian. *The Canons of the Orthodox Church, With a Commentary* (1895) is also a classic work. He wrote other studies of similar content, as well as monographs on topics in Church history, which are distinguished for their profundity, sobriety, and thoroughness (see Hierodeacon Grigorije Kalinić, “His Grace Dr. Nikodim Milas, Bishop of Dalmatia and Istria,” *The Journal of the Moscow Patriarchate*, No. 12 [1975], pp. 55-56).

⁵ Ὁρθόδοξος Ἐνοστασις καὶ Μαρτυρία, No. 3 (April-June 1986), pp. 73-74. See Bishop Nikodim Milaš, *The Canons of the Orthodox Church, With a Commentary* [in Serbian] (Novi Sad: 1896), Vol. II, pp. 290-291. Emphases ours. Translation from the Serbian by Hieromonk [now Bishop] Irinej (Bulović) (14/27 October 1981).

If, however, a Bishop, Metropolitan, or Patriarch begins to preach publicly in Church any heretical doctrine that is antithetical to Orthodoxy, then the aforementioned clergy *have a right and at the same time an obligation to separate themselves forthwith* from that Bishop, Metropolitan, or Patriarch, and for this reason not only will they not be subject to any canonical penalty, but will, moreover, even be praised, insofar as they have not thereby *reprehended or rebelled against legitimate Bishops, but against false bishops and false teachers*, and have not thereby initiated any schism in the Church, but on the contrary *have delivered the Church, as far as possible, from schism and division*.

Archimandrite John (a well-known Russian Canonist [later Bishop of Smolensk—*Trans.*]), having in view the historical circumstances of the Church of Russia, observes, in his interpretation of the present Canon, completely correctly and in accordance with a rigorous conception of Canonical science, that a Presbyter who secedes from his own Bishop by reason of heretical teaching [on the part of the latter] will not be culpable, but praiseworthy, yet when and only when the said Bishop begins preaching a doctrine that openly contradicts the teaching of the Orthodox Church and has been formally condemned by the Church,⁶ and if he proclaims this false doctrine openly, publicly, and in Church, with resolute intent to subvert Orthodox teaching and to uphold heresy; if otherwise (if, that is, a Bishop expresses some private opinion of his on matters of faith and morals which might appear to someone as incorrect, but is not especially important and is easily corrected, the Bishop not yet having been inculpated for deliberate unorthodoxy, or again, if the Bishop in question expresses his erroneous doctrine in a narrower circle of particular persons, so that it is at-

⁶ “[A]nd formally condemned by the Church...”

• Note: This view, in our humble opinion, is not quite correct; for praiseworthy walling-off is not implemented only when a heresy that has previously been formally condemned is preached, but in general when any kind of heresy, whether ancient or newly manifest, is proclaimed.

The verb *καταγιγνώσκω* and the participle *κατεγνωσμένος-η* certainly do mean “I condemn” (*καταδικάζω*) and “condemned” (*καταδικασμένος-η*), but in the present case of the Fifteenth Canon of the First-Second Synod they have another meaning, as is evident from the grammatical, syntactic, Biblical, and hermeneutical tradition of the Sacred Canons, and also from the *praxis* of the Church throughout history.

tainable that the doctrine in question be corrected within this narrower circle, the peace of the Church not being breached), in such a case no Presbyter has the right to secede high-handedly from his own Bishop and create a schism; otherwise, he will be subject to the injunction prescribed regarding these matters by the Thirty-first Apostolic Canon.

(Related Canons: Thirty-first Apostolic Canon; Sixth Canon of the Second Œcumenical Synod; Third Canon of the Third Œcumenical Synod; Eighteenth Canon of the Fourth Œcumenical Synod; Thirty-first and Thirty-fourth Canons of the Synod in *Trullo*; Sixth Canon of the Synod of Gangra; Fourteenth Canon of the Synod of Sardica; Fifth Canon of the Synod of Antioch; Tenth, Eleventh, and Sixty-second Canons of the Synod of Carthage; Thirteenth and Fourteenth Canons of the First-Second Synod).

The Fifteenth Canon of the First-Second Synod

The rules set forth regarding Presbyters, Bishops, and Metropolitans are all the more applicable to Patriarchs. Hence, if a Presbyter,

More specifically, the verb *καταγιγνώσκω* means also “I ascribe something to someone as an accusation,” “I accuse someone of something” (e.g., “I accuse someone of cowardice”), and the participle *κατεγνωσμένος-η* means “to be blameworthy or reprehensible.”

Examples:

- “For” Peter “was to be blamed” (Galatians 2:11); he was blameworthy or reprehensible.
- “For if our heart condemn us,” “if our heart condemn us not” (1 St. John 3:20, 21); our conscience condemns us for our behavior.
- “Many actions are performed to our peril, and even reprehensibly” (St. Basil the Great, *On Baptism*, II.8, *Patrologia Græca*, Vol. XXXI, col. 1601A): blameworthy or reprehensibly.
- “Not having found any fault with the Bishop” (Thirty-first Apostolic Canon).
- “Reprehending his own Bishop on the basis of certain charges” (Thirteenth Canon of the First-Second Synod).
- “Note that the present Apostolic Canon decrees that clergy may without peril secede from their Bishops if they reprehend them for wrong belief” (Theodore Balsamon, *Patrologia Græca*, Vol. CXXXVII, col. 97C [commentary on the Thirty-first Apostolic Canon]).
- The faithful of Constantinople, both clergy and people, *walled themselves off* from Patriarch Nestorios prior to any Synodal judgment, because this man was preaching a newfangled and reprehensible heresy; that is, “they reprehended a false bishop and false teacher.”

Bishop, or Metropolitan should dare to secede from communion with his own Patriarch and fail to mention his name in the Divine Mystagogy in accordance with the established and duly appointed practice, but prior to a Synodal declaration and final condemnation of the Patriarch should create a schism: the Holy Synod decrees that such a cleric be completely deposed from all sacerdotal ministry, provided he be convicted of this transgression. These rules have been both ratified and ordained with regard to those who secede from their First Hierarch on the pretext of certain charges against him, and create a schism and rupture the unity of the Church. As for those who, on account of some heresy reprehended by Holy Synods or Fathers, separate themselves from communion with their First Hierarch, who, that is to say, is preaching the heresy publicly and teaching it barefacedly in Church, such persons are not only not subject to any canonical penalty for walling themselves off, prior to a Synodal verdict, from communion with one who is called a Bishop, but will be deemed worthy of the honor due to Orthodox Christians. For they have not reprehended Bishops, but false bishops and false teachers, and have not sundered the unity of the Church through any schism, but have been sedulous to deliver the Church from schisms and divisions.

Interpretation by St. Nikodemos the Hagiorite

That which the foregoing Canons decreed concerning Bishops and Metropolitans, the same is decreed by the present Canon, and all the more so, concerning Patriarchs. This Canon says that if any Presbyter, Bishop, or Metropolitan should withdraw from communion with his Patriarch and fail to mention his name according to custom (the latter applies only to a Metropolitan; for a Presbyter mentions the name of his Bishop, and a Bishop the name of his Metropolitan) before disclosing the charges against their Patriarch to the Synod, and before the Patriarch has been condemned by the Synod: all of these, I say, are to be completely deposed: Bishops and Metropolitans from all Hierarchical officiation, and Presbyters from all sacerdotal officiation. However, these provisions are to take effect if Presbyters secede from their Bishops, Bishops from their Metropolitans, or Metropolitans from their Patriarchs on account of certain criminal charg-

es, such as fornication, sacrilege, and other grave delinquencies.⁷ But if the said First Hierarchs are heretics and preach their heresy openly,⁸ and those subject to them separate themselves from them for this reason, even before a Synodal judgment has been pronounced concerning this heresy, those who separate themselves are not only not condemned for their act of separation, but are actually worthy of due honor, as Orthodox Christians, since they have not caused any schism in the Church by their separation, but have, rather, delivered the Church from the schism and heresy of their false bishops. See also the Thirty-first Apostolic Canon.



⁷ However, the Thirty-first Apostolic Canon judges the one who separates inculpable, if he knows that his superior is unrighteous.

⁸ According to Balsamon, from this wording in the Canon it appears that one should not separate himself from his Bishop if the latter entertains some heresy, but keeps it secret and does not preach it; for it is possible that he will subsequently correct himself of his own accord (*Patrologia Græca*, Vol. CXXXVII, col. 1069A [commentary on the Fifteenth Canon of the First-Second Synod]).