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## **On the Cusp of Modernity: The Canonical Hermeneutic of St Nikodemos the Haghiorite (1748–1809)**

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It would be difficult to overestimate the impact which the *Pedalion* of St Nikodemos the Haghiorite (Leipzig 1800) has had on modern Orthodoxy, particularly in its Greek expression. Not only its text of the canons but also its commentaries, “harmonies” and extensive notes are widely regarded as authoritative. For example, in “traditionalist” circles, they are regularly invoked when issues like the reception of “converts” or the paschalia arise. Perhaps because such controversial issues are involved, scholars have been reluctant to examine the saint’s canonical hermeneutic. Systematic studies of his sources and editorial principles have yet to be undertaken. The observations which follow therefore are highly tentative in nature. They are offered in the hope that others will be encouraged— or perhaps provoked— to study this major figure more closely.

So great is the importance of the *Pedalion* that it is easy to ignore the historical circumstances in which it was produced and, in turn, some of its intrinsic limitations. We sometimes are tempted to treat the Turkokratia (1453-1821) as though it constituted a single undifferentiated period. We ignore the many ways in which the institutions and religious ethos of the Byzantine world continued after 1453 in the *rum millet*, making it possible to speak of *Byzance après Byzance*— Byzantium after Byzantium. We also ignore the many important political, economic and even linguistic changes that transformed the Ottoman Empire and the *rum millet* in the century or so preceding the Greek War of Independence.

In 1683 the Turks were at the gates of Vienna, but by the mid-18th century the Ottoman Empire was well on its way to

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becoming the “sick man” of Europe. It was besieged by the western powers on many fronts. Besides suffering territorial losses to Austria and Russia, it was subject to economic penetration by Britain and France, particularly in the Levant— penetration facilitated by the growing importance of regional power structures bent on their own aggrandizement at the expense of an increasingly ineffectual central administration. Foreign ideas from Enlightenment and revolutionary Europe also penetrated the Ottoman Empire, particularly through the agency of the subject peoples. This had several important consequences for the *rum millet*. Bonds of unity inherited from the old Byzantine commonwealth were fraying. Among other things, nationalism, often associated with linguistic particularity, was on the rise.

We see what is perhaps an extreme example of this in one of St Nikodemos’ contemporaries, Dimitrije Obradovic (1743-1811). Obradovic is convinced of the cultural unity of the South Slav peoples, whether Orthodox, Catholic or Muslim— a unity based on race and language, “inasmuch as religion and faith can be changed, but race and language can never be.”<sup>1</sup> Quite understandably, he is hostile to the “old language,” Church Slavonic, which along with Greek had enjoyed a monopoly in the realm of high culture in the old Byzantine commonwealth; and he has nothing but contempt for “the external customs, ritual and ceremonies” of popular Eastern Orthodoxy, which he sees as “superstition” and at variance with the pure teaching of the Gospels.”<sup>2</sup> More devoted to Orthodoxy but no less nationalistic is Paisy of Hilandar, whose *History of the Bulgarians* (1762) summoned his people to take pride in their language and race. “There was a time,” he reminds his readers, “when the Bulgarians were famous throughout the world, many times have they imposed tribute upon the strong Romans and the wise Greeks...; of all the Slav peoples the Bulgarians have been the most illustrious: They were the

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first to receive baptism, the first to have a patriarch, the ones who made the most conquests, the first Slav saints were of our race....”<sup>3</sup> Here as in many other writers of this period, we find not only incipient nationalism but also a new sense of historical distance,

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<sup>1</sup> G.R. Noya, trans. and ed., *The Life and Adventures of Dimitrije Obradovic...* (Berkeley: University of California Press, 1953) p. 135.

<sup>2</sup> *Ibid.* 135.

<sup>3</sup> Quoted by L.S. Stavrianos, *The Balkans Since 1453* (New York: Holt, Rinehart and Winston, 1966) p. 390.

of longing for a bygone golden age, of unwillingness to accept painful present realities as the way things always have been and therefore the way they must always be.

Nowhere is this sense of historical distance and discontinuity more evident than in the works of Adamantios Korais (1748-1833), another contemporary of St Nikodemos. In a letter of 1788 he contrasts Paris, filled with “all sorts of academics and public libraries, where science and art have been developed to perfection,” with the present state of the Greek world, where “we are governed by scoundrels and stupid men as well as by an ignorant clergy who are even worse than our foreign tyrants the Turks.” How painful is such a contrast is “for a Greek who knows that his ancestors had reached, two thousand years ago in Athens, an equal if not higher degree of learning!”<sup>4</sup> For Korais and a growing number of secularized intellectuals, the bygone golden age is to be found in their ancient Greek heritage, in the Athens of Pericles rather than in the New Rome of Constantine and Justinian, in classical Hellenism (and its modern Western European recreation) rather than in the Orthodox Christian culture of Byzantium. While Korais insists on his loyalty to Orthodoxy, it seems evident that he has unwittingly lost touch with its traditional spiritual sources.

Another challenge to the traditional life and ways of the *rum millet* came from Western, and particularly Catholic, proselytism. During the earlier centuries of the Turkokratia, just as during the last centuries of the Byzantine Empire, one can find examples of hostility between Orthodox and Catholics, but one can also find examples of amicable relations and cooperation. For example,

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Western religious might be invited by Orthodox bishops to preach and hear confessions. If “conversion” resulted from such activities, it was not necessarily expressed in a change in institutional adherence. But by the 18th century this situation had changed. In Rome, the Counter-Reformation spirit of “soteriological and ecclesiological exclusivism”<sup>5</sup> was at its height. In the disintegrating Ottoman Empire, restrictions on recourse of subjects to foreign cults were becoming increasingly ineffective. Diplomatic pressure made it easier for upwardly-mobile Eastern Christians to submit openly to the Catholic Church. Ethnic, economic and regional rivalries found easy expression in matters of

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<sup>4</sup> Quoted by S.G. Chaconas, *Adamantios Korais: A Study in Greek Nationalism* (New York: 1942) p. 28.

<sup>5</sup> W. Hryniewicz, “Der 'Uniatismus' und die Zukunft des katholisch-orthodoxen Dialogs,” *Ostkirchliche Studien* 40 (1991) 210-221 and elsewhere.

religious allegiance. Such is the background to the Melkite Schism of 1724, which saw the establishment of a parallel Eastern Catholic hierarchy in the Patriarchate of Antioch in open competition with the Orthodox. Like earlier unions with Rome in the Slavic world from Brest (1596) onwards, this union within the Ottoman Empire did nothing to achieve a wider reunion of the churches. Rather, it sharpened their division, as each insisted ever more strongly that it was the exclusive bearer of salvation. Symptomatic on the Catholic side is a 1729 order of the Propaganda Fide forbidding any *communicatio in sacris* with the “dissident Orientals.” Symptomatic on the Orthodox side is the *Definition of the Holy Great Church of Christ Defending the Holy Baptism Given From God and Spitting Upon the Baptisms of the Heretics Which Are Otherwise Administered*, which was issued by Patriarch Cyril V of Constantinople in 1755.

Against this background, how are the life and works of St Nikodemos to be evaluated? It is perhaps inevitable to refer to him as a “traditionalist” and to praise or criticize him accordingly. A resolute opponent of Latin innovations, heresy and aggression, he fully supported the 1755 *Definition* on baptism. Unlike Obradovic and other secularized intellectuals, he was devoted to “the external customs, ritual and ceremonies” of Orthodoxy. Unlike

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Korais or, slightly earlier, Eugenios Vulgaris (1716— 1806), he was steeped in the “practical philosophy” of the Eastern ascetical tradition rather than the rationalism of ancient Greece or modern Enlightenment Europe. His loyalties— in more ways than one— were to Constantinople rather than to Athens whether ancient or modern. At the same time, we should not overlook the many ways in which St Nikodemos was like his “modernist” contemporaries. Like them he was keenly aware of the discontinuities of history, of the distance separating his times from a past golden age; and like them he was filled with zeal to reform a spiritually starved present on the basis of norms and principles drawn from that golden age.

Among other things, St Nikodemos, like his more secular counterparts, devoted much of his energy to the recovery and dissemination of texts from the past, whose message was very nearly at the point of being forgotten within the *rum millet* if only because of difficulties of language. In the case of St Nikodemos, these texts were the great monuments of Orthodox spirituality— the texts on prayer and the spiritual life which comprise the *Philokalia* (compiled with St Makarios of Corinth, Venice 1782); diverse Byzantine hagiographical and exegetical works rendered in modern Greek; the

works of St Symeon the New Theologian also rendered in modern Greek (Syros 1790), the works of St Gregory Palamas, manuscripts of which St Nikodemos collected, collated and prepared for publication only to have his edition destroyed at the printer's shop in Vienna by the Austrian authorities.... The list of scholarly achievements goes on and on. As presented by his earliest biographers, St Nikodemos was in ascetic, but he was also devoted to books. He moves restlessly from place to place in search of manuscripts and in search of collaborators for scholarly projects. He becomes practically disconsolate at the loss of his edition of Palamas. He finds deprivation of books a greater hardship than deprivation of food.<sup>6</sup>

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Apart from the *Philokalia*, certainly St Nikodemos' most influential work is the massive *Pedalion*. In it he (together with his collaborator Agapios) provides, first of all, the text of the canons themselves, in a recension which as the whole is correct.<sup>7</sup> He then provides in modern Greek his own interpretation (*hermenia*), in most cases a paraphrase; a "harmony" (*symphonia*), which shows the relationship of the canon in question to others dealing with similar subjects; and extensive notes. Throughout the work, St Nikodemos, practical concern—to render the canons accessible to his contemporaries—is evident. But what gives the *Pedalion* its distinctive character is the interpretive framework within which the canons are placed. St Nikodemos was convinced of the essential unity and harmony and normative character of the received canonical corpus. Just as the Trinity established various natural canons to assure the coherence and good order of this material world, so also it has bound together and consolidated "this second and supersensible world of the Catholic Church" by means of the "sacred and divine canons."<sup>8</sup> The canons were established by the Holy Spirit in the context of the conciliar life of the Church—in the gathering of the apostles, in synods of bishops, and

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<sup>6</sup> On St. Nikodemos' life and works see most conveniently in English C. Cavarnos, *St Nicodemos the Hagiorite* (Belmont, MA: Institute for Byzantine and Modern Greek Studies, 1974) and G. Bebis, introduction to *Nicodemos of the Holy Mountain: A Handbook of Spiritual Counsel* (New York and Mahwah: Paulist Press, 1989).

<sup>7</sup> As Abp. Peter (L'Huillier) observes in *The Church of the Ancient Councils* (Crestwood, NY: St Vladimir's Seminary Press, 1996) p. 5, "St Nicodemus the Hagiorite was no stranger to the concerns of textual criticism; this is obvious from his notes, which give the most characteristic variants of the recension of John the Scholastic."

<sup>8</sup> Preface (Athens, 1957) p. iz, trans. D. Cummings (Chicago, 1957) p. li.

above all in the ecumenical councils which not only laid down their own canons but also ratified the canons of certain regional synods and individual holy fathers. They constitute a single whole whose component parts are in essential harmony, notwithstanding a few apparent contradictions. They are universally applicable, at all times and in all places; and therefore they take precedence over any contrary customs, civil laws, episcopal or patriarchal decrees, monastic typika, or even the provisions of liturgical books. They “must be kept rigidly by all.” “When anyone is speaking out of the contents of conciliar or synodical canons, his

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words are authoritative,” and “whoever acts in accordance therewith is hee from danger.” On the other hand, “those who fail to keep them are subject to horrible penances.”<sup>9</sup>

Stressing as he does the perennially normative character of the canons, St Nikodemos shows little interest in their historical context. He shows even less interest in the historical development of the canonical corpus taken as a whole. For him it was enough that its contents were ratified by a council of ecumenical standing (Synod in Trullo canon 2). At the same time St Nikodemos was acutely aware of historical change. He knew that many practices in the Orthodox Church of his day did not correspond to the ancient canons. This, in his estimation, was a situation needing correction. He often calls attention to matters dear to the hearts of his fellow *kollyvades*. The appropriate time for serving the vesperal Divine Liturgy of the Presanctified Gifts (evening, rather than the by— then customary morning)<sup>10</sup>; the appropriate time for solemn kneeling prayers (not on Sundays);<sup>11</sup> the appropriate times to receive communion (frequently, indeed continuously).<sup>12</sup> But no matter however small and seemingly trivial escapes his notice. For example, he devotes two long and learned notes to the subject of the proper shape of the monastic tonsure, or *paralêthra*, which by his day in the East was made “unskillfully,” “inexpertly,” and “inartistically.”<sup>13</sup>

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<sup>9</sup> Prolegomena text and notes, pp. ith-k, trans. Cummings pp. liv-lv.

<sup>10</sup> Note 1 on Trullo canon 52.

<sup>11</sup> Note 1 on Trullo canon 90.

<sup>12</sup> Interpretation, concord and note 1 on Apostolic Canon 9; note 1 on Trullo canon 52.

<sup>13</sup> Note 1 on Trullo canon 23; cf. note 1 on Trullo canon 90.

St Nikodemos was unacquainted with the idea that a new practice or development might represent a legitimate pastoral response to a new situation; or that it might be appropriate or even desirable for diversity in culture to be reflected in diversity of practice. But he cannot be dismissed as a narrow-minded chauvinist. He acknowledges, for example, that the Latins observe many “canonical” practices, such as those just reviewed, more faithfully than the Orthodox do.<sup>14</sup>

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He is critical of those who would reject a given practice simply because that is what the Latins do: “We must hate and detest the misbeliefs and unlawful customs of the Latins and others who are heterodox; but if they have anything sound and confirmed by the canons of the holy synods, this we must not hate.”<sup>15</sup>

In fact St Nikodemos accepts from the Latins rather more than is explicitly “confirmed by the canons of the holy synods.” The most obvious examples of this are his adaptations of two Counter-Reformation classics, *Unseen Warfare* and *Spiritual Exercises*. Less often noted is his adoption of the vocabulary and conceptualizations of Latin sacramental theology. In his manual for confessors, for example, he insists on use of a deprecative rather than an indicative formula of absolution, identifying this precisely as to *eidos tou mysteriou*— “the form of the sacrament.” He opposes use of an indicative formula as a Latinization, but he does so in the framework of a sacramental theology that is itself Latinized! Not only his scholastic terminology but also his preoccupation with identifying a specific formula of absolution is quite alien to the earlier eastern tradition.<sup>16</sup>

But notwithstanding his willingness to borrow from the Latins at times, St Nikodemos on the whole has a very low opinion of them. Despite their occasional observance of canonical norms, the Latins in fact are heretics, at variance with the dogmas and canons of the holy apostles and ecumenical councils at many crucial points. indeed, in the eyes of St Nikodemos, their ecclesial status is no different from that of the unbaptized.

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<sup>14</sup> E.g., in note 1 on Trullo canon 90.

<sup>15</sup> *Heortodromion* (Venice, 1836) p. 584, quoted by Cavarnos, *St Nicodemos* p. 31.

<sup>16</sup> Discussed in my article “The Value of the Church’s Disciplinary Rule With Respect to Salvation in the Oriental Tradition,” *Atti del Congresso Internazionale Incontro fra Canonici d’Oriente e d’Occidente*, ed. Raffaele Coppola I (Bari: Carucci, 1992) pp. 245-74 at 267-68.

We come to one of the most controversial aspects of the Pedalion, St Nikodemos' treatment of Roman Catholic baptism. To appreciate fully the distinctiveness and importance of the Pedalion on this point, it is necessary to bear in mind the *status quaestionis* in

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St Nikodemos' day. A complete history of the reception of "converts" into the Orthodox Church before his day, or even a complete history of the reception of Roman Catholic "converts," would be impossible to present within the scope of this paper. It would be unnecessary in any case, inasmuch as the subject has been dealt with on many occasions.<sup>17</sup> Only the barest sketch is possible here.

Early Church practice, as revealed in many canonical, liturgical and other texts, distinguished between the forms that separation from the Church can take and therefore between modes of reception. In one of the earliest authoritative statements on this subject, St Basil the Great (canon 1) indicates with approval that "the ancients" distinguished between heresies, schisms, and illegal congregations: "heresies, those who are completely broken off and, as regards the faith itself, alienated; schisms, those at variance with one another for certain ecclesiastical reasons and questions that admit of a remedy; illegal congregations, assemblies brought into being by insubordinate presbyters or bishops, and by uninstructed laymen." As examples of heretics he gives Manichaeans, Montanists and various gnostic groups, whose understanding of God and of God's relation to creation was altogether at variance with the Christian faith and who signaled this (in the case of the Montanists) by their use of a falsified baptismal formula ("In the name of the Father and of the Son and of the Lord Montanus"). Such baptisms, Basil states, the ancients quite properly rejected. On the other hand, he notes, they accepted the baptism not only of those coming from illegal congregations but also of schismatics—and in Basil's understanding this category included many groups, such as the Novatianists, who differed with the Church on some very serious doctrinal issues. By the late fourth century, the term "heretic" comes to be applied to many of these groups, in

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<sup>17</sup> See my "Divergencies in Pastoral Practice in the Reception of Converts," in *Orthodox Perspectives on Pastoral Practice*, ed. T. Stylianopoulos (Brookline, MA: Holy Cross Orthodox Press, 1988) pp. 149-77, and Abp. Peter (L'Huillier), "Reception of Roman Catholics Into Orthodoxy: Historical Variations and Norms," *St Vladimir's Theological Quarterly* 24 (1990) pp. 75-82.

part so that civil legislation against heretics could be enforced against them. Yet the practice of the Church, as set forth in a number of liturgical and canonical texts (I Nicaea canons 8 and 19, "Laodicea" canons 7-8, "1 Constantinople canon 7," the presbyter Timothy's treatise "On the Reception of Heretics," the *Euchologion* of the Great Church of Constantinople, Trullo canon 95, etc.) continued to distinguish between heretics in the earlier sense of the word, who were to be received as heathens (i.e., baptized), and those who were to be received by anointing with chrism (e.g., Novatianists, mainstream Arians, *pneumatomachoi*) or simply by profession of faith (e.g., the non-Chalcedonians).

To be sure, a few other ancient texts which also were eventually included in the Eastern canonical corpus do not draw such distinctions, or at least do not draw them clearly.

a) Included in Eastern canonical collections from the 6th century onward were the 85 "Apostolic Canons" (actually from the mid-late 4th century), canon 46 of which ordained "that a bishop or presbyter who had admitted the baptism or sacrifice of heretics be deposed" (see also canons 47, 49 and 50). The canonical collection before the fathers of the Synod in Trullo in 691-92 (a redaction of *Syntagma in XIV Titles*) included these "Apostolic Canons," and as a result they were among the canons ratified by Trullo in its own canon 2.

(b) At some point, probably in the late 6th century, the text of Cyprian's council of 256 against Novatianist baptism was translated into Greek. This text too was evidently in the manuscript of the canonical collection before the fathers of Trullo, and as a result it was also among the canons ratified in Trullo canon 2. From the wording of canon 2, however, it seems likely that the Cyprian text at the time did not form an integral part of the *Syntagma* but rather simply followed the texts of the *Syntagma* in the manuscript at hand.<sup>18</sup> Despite being mentioned in Trullo canon 2, the text in

<sup>18</sup> Cf. the description of Vallicelliana F 10 as given by V.N. Beneshevich, *Kanonicheskie Sborniki XIV Titulov co vtoroi chetverti VII veka do 883 g.* (St Petersburg, 1905) pp. 242-50.

fact appears only in a very small family of manuscripts of the *Syntagma*; it does not, for example, appear in the so-called “Photian” recension, which enjoyed wide circulation not only in Greek but also in Old Slavonic translation.

The Byzantine East, then, was certainly aware of Cyprian’s position on baptism “Outside the Church,” not only from the text of the council of 256 but also from references in Basil the Great canon]; and some Byzantine writers seem to have been attracted by it.<sup>19</sup> But Cyprian’s position played little or no role in Church practice or reflection. The wording of Trullo canon 2 itself indicates that Cyprian’s practice was regarded as a North African peculiarity; the commentary of Zonaras, followed by Balsamon, reflects the same understanding.<sup>20</sup> As for the Apostolic Canons relating to heretic baptism, they were interpreted in the light of the ancient canonical and liturgical texts mentioned earlier (I Nicaea, “Laodicea,” Basil the Great, etc.) rather than vice versa. A distinction between two classes of heretics, as it were, continued to be made. St Theodore of Studios, generally regarded as a rigorist, offers a striking example. He was engaged in a struggle against those who had condoned and blessed the adulterous marriage of Emperor Constantine VI to his mistress, and he insisted that his opponents were “moechian heretics,” guilty of proclaiming a new dogma against the witness of the Forerunner and Baptist John. St Theodore’s associate Naucratiotios questioned him on this point: If the moechians are truly heretics, then shouldn’t they be (re)baptized in accordance with Apostolic Canons 46-47? After all, Naucratiotios says, the Apostolic Canon “by no means makes distinctions, but rather definitively declares that those who are ordained or baptized by heretics are neither clerics nor Christians.” But take note, replies St Theodore, that the Apostolic Canon calls “heretics” those who are not baptized and do not baptize in the name of the Trinity. St Basil, he continues, teaches the same thing

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when he distinguishes between heretics, who are wholly cut off with respect to the faith itself and who “baptize into names that have not been handed down to us,” and schismatics, “whose separation admits of a remedy.” The former, St Theodore

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<sup>19</sup> Cf. the glosses (by Arethas?) to Vallicelliana F 10, in Beneshevich, supplement to *Kanonicheskii Sbornik...* (St Petersburg, 1905) 39-44.

<sup>20</sup> PG 137:1096-97, 1104.

concludes, are heretics properly so— called; the others (which would include the moechians) are called “heretics” by extension.<sup>21</sup>

In the later Middle Ages the question of reception of Latins arose. There is little to suggest that they were regularly rebaptized. In fact, there is much more evidence of Latins rebaptizing Greeks than vice versa. When a policy of rebaptism of Latins was adopted in Muscovy under Patriarch Filaret of Moscow in 1620, on the grounds that their previous baptism by affusion rather than immersion was no baptism at all, this was largely in response to the prevailing Polish Catholic practice of rebaptizing Orthodox. It is not clear how widely Latins were received by anointing with chrism, as distinct from profession of faith, during the last centuries of the Byzantine Empire; but from shortly after the fall of Constantinople to the Turks we do have a special rite for the reception of Latin converts by means of anointing (1484).<sup>22</sup> This practice of reception by anointing with chrism was subsequently ratified by representatives of all the eastern patriarchates at the 1667 Moscow Council, where they also explicitly repudiated the earlier Muscovite policy of rebaptism. Within the Ottoman Empire, however, official practice for reception of Latin converts changed dramatically with Patriarch Cyril Vs controversial Definition against heretic baptism (1755). The arguments for rebaptizing Latin converts set forth in the Definition call for some comment, since they will set the stage for St Nikodemos’ contribution to the subject.

Certainly most prominent is the argument that Latin baptism is formally defective: the Latins have replaced the triple immersion

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of true *baptismos* with affusion, or as the polemicists claimed, with “aspersions,” *rhantismos*. If the ancient canons rejected the Eunomian practice of baptism by a single immersion, how much more is the Latin practice to be rejected! Contemporary treatises in support of the *Definition* tend to follow the same line. At times their criticism of the form of Latin baptism becomes remarkably crude, as in the anonymous tract “Sprinkling Pilloried” or in the vituperations of the monk Auxentios, who was scandalized that the Latins baptized without insisting on removal of all clothing, thus inhibiting the fire activity

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<sup>21</sup> *Ep.* 140, PG 99:1052-53.

<sup>22</sup> On the nature and significance of this rite, which is distinctly one of reconciliation rather than a reiteration of the post-baptismal chrismation, see my article “The Reception of Non-Orthodox into the Orthodox Church: Contemporary Practice,” *St Vladimir’s Theological Quarterly* 41 (1997) pp. 1-17 at pp. 7-8.

of the Holy Spirit.<sup>23</sup> At other times, as in the *Manual on Baptism* of Eustraticis Argenti, much greater sensitivity is displayed: By omitting immersion, the Latins have destroyed the essential correspondence between the visible sign in the sacrament and the spiritual realities which the sign allows us to apprehend— washing, remission of sins, enlightenment, regeneration and, above all, burial and resurrection with Christ.<sup>24</sup>

The argument from defective form, whether expressed in crude terms or profound, was by no means new in the 18th century. It had been used earlier by the Muscovites to justify their practice of rebaptism, and it appear also in medieval polemical literature. But entwined with this argument is another, one less prominent in earlier centuries but more significant for the future. The Latins' baptism is in fact no baptism at all not simply because it is formally defective but precisely because the Latins are outside the true Church. According to the *Definition* of 1755:

We know only One, our own, Holy, Catholic, and Apostolic Church, and acknowledge only her sacraments, and consequently only her divine Baptism; but as for the baptisms of the heretics, which are not administered as the Holy Spirit commanded the holy Apostles, and as the Church of Christ has ever continued to administer

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them up to the present day, but are the inventions of corrupted men, we judge them to be utterly at variance with the whole Apostolic tradition and alien to it, and we reject them by common decision; and those who join us from the heretics, we receive as unordained and unbaptized.<sup>25</sup>

The ecclesiological argument, with its echoes of Cyprian, still has not been disengaged from the problem of correct form. Yet the fundamentally “Cyprianic” orientation of the *Definition* is unmistakable: The baptism of all the heretics is to be rejected, not only that

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<sup>23</sup> Noted by P.A. Palmieri, “La rebaptisation des Latins chez les Grecs,” *Revue de l’Orient Chretien* First Series 7 (1902) pp. 618- 46, 8 [sic—ed.] (1903) pp. 111-32, at p. 117.

<sup>24</sup> On Argenti’s baptismal symbolism see K. Ware, *Eustratios Argenti: A Study of the Greek Church under Turkish Rule* (Oxford: Oxford University Press, 1964) pp. 90-97.

<sup>25</sup> Mansi 28:617-22; trans. W. Palmer, *Dissertation on Subjects Relating to the “Orthodox” or “Eastern-Catholic” Communion* (London, 1953), pp. 199-202 at pp. 200-201.

of the Latins, with its manifestly incorrect form, but also that of the Armenians, which differed little if at all from that of the Orthodox.<sup>26</sup>

As long as this Cyprianic ecclesiological argument was not systematically developed, relatively little attention was paid to the implications of “economic” acceptance of the sacraments of heretics. Eustratios Argenti, for example, knew the many ancient canons which permitted acceptance of converts from various heretical groups without insisting on rebaptism. The baptismal form employed by these groups, he argued, warranted these “economics.” But the case of the Latins is different. Though some might seek “to vindicate the pseudo-baptism employed by the present-day westerners, defending it with empty and vain arguments and with unlawful acts of economy and condescension,” in fact because of its formal defects Latin baptism has “no relationship and likeness” whatsoever to true baptism. “When we exercise economy, we must not break the law,” the law here being baptism by triple immersion.<sup>27</sup> But as emphasis shifted from the problem of form to ecclesiology, the role of “economy” had to be investigated more closely. Here is where the notes and commentaries of the *Pedalion* are

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particularly important. These merit closer examination not only because of their intrinsic interest but also because of their continuing influence on the life and thought of Greek Church.

As has been pointed out, the received *corpus canonum* of the Orthodox Church took shape over a period of several centuries, sometimes by private initiative, other times by conciliar activity. It does not deal systematically with the sacraments, much less with the sacraments of heterodox. Rather, it includes diverse texts whose provisions at times may appear contradictory. How were the various texts relating to reception of “converts” to be harmonized? In the early and Byzantine periods, texts that insist on rebaptizing all heretics (Cyprian’s council of 256 AD or the Apostolic Canons) either were ignored or were interpreted in the light of St Basil canon 1, 1 Constantinople “canon 7,” Trullo canon 95, and the many other texts that make a distinction between heretics properly so-called and those “whose separation admits of a remedy.” The *Pedalion* systematically reverses this perspective. According to St Nikodemos, the position represented by the Apostolic Canons and Cyprian was that of the universal ancient church and of the

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<sup>26</sup> On the question of Armenian rebaptism in the 18th century see Palmieri, “La rebaptisation,” P. 117.

<sup>27</sup> Enchiridion on Baptism, quoted by Ware, *Eustratios Argenti*, pp. 90, 96.

fathers generally. In support of this contention, St Nikodemos adduces a number of patristic texts, often taken quite out of context, which “prove” the need to rebaptize heretics. He also argues at length for the authenticity of the Apostolic Canons. In his lengthy prolegomena concerning the synods or rather gatherings (*syneleuseis*) of the apostles, he opines that these canons were formulated at their final plenary gathering in ca. 51 AD. (Here, it could be noted, the assurance of St Nikodemos stands in contrast to the appropriate reticence of Trullo canon 2 on the subject of the authenticity of these canons.) In addition, St Nikodemos calls attention both to the antiquity and therefore to the great authority of Cyprian’s council of 256 AD. As already has been noted, Trullo canon 2 included this council in its enumeration of accepted canons but regarded it as a North African peculiarity, in Byzantium the text enjoyed only very limited diffusion and was largely ignored; in the few manuscripts in which it appears, it is usually incorporated near the end of the “canons of the holy fathers.”

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St Nikodemos, however, “rediscovers” the text and gives it a position of particular prominence as first of the local councils.

For St Nikodemos, the position represented by Cyprian and reflected also in the Apostolic Canons was to be regarded as normative for all ages. But if this is so, why did some canons apparently accept heretic baptism? He offers this answer:

In order to have an easily understandable solution to this perplexity, it is necessary for one to know beforehand that two kinds of government and correction are employed in the Church of Christ. One is called strictness (*akribeia*) and the other is called economy (*oikonomia*) or moderation (*synkatabasis*). With these, at times using the one, at times the other, the stewards (*oikonomoi*) of the Spirit promote the salvation of souls. Thus, the fact is that the holy apostles in their aforesaid canons, and all the saints who have been mentioned, employed strictness, and for this reason they reject the baptism of heretics completely, while, on the other hand, the two ecumenical councils employed economy and accepted the baptism of the Arians and the Macedonians and of others, but refused to recognize that of the Eunomians and of still others. This is because in the time especially of the Second Council the Arians and Macedonians were at the height of their influence, and were not only very numerous but also very powerful, and were close to the emperors, and close to the nobles

and the senate. Therefore, both in order to attract them to Orthodoxy and correct them the easier and also in order to avoid the risk of infuriating them still more against the Church and the Christians and aggravating the evil, those divine fathers thus managed the matter economically and condescended to accept their baptism.....

Economy is the first and principal reason why those councils accepted the baptism of some heretics, and not that of others. In close connection with economy there was also a second reason why they did so: the fact that those heretics whose baptism they accepted also rigorously observed the

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kind and the matter of the baptism of the Orthodox, and were willing to be baptized in accordance with the form of the Catholic Church. Some heretics, on the other hand, whose baptism they had refused to recognize, had counterfeited the ceremony of baptism and had corrupted the rite... [The example of the Eunomians and the Sabellians is discussed at length.] So because of the fact that those heretics were accustomed to observe the form of the apostolic baptism, the canons of those two councils accepted them as baptized persons, yet not for this reason alone, but also for the sake of economy, as we have said. For if economy had not been at stake, they certainly would not have flinched in the face of the Apostolic Canons which command the contrary.<sup>28</sup>

St Nikodemos did not set forth this theory of economy in the *Pedalion* simply to demonstrate the inherent harmony of the ancient canons. He was concerned about their contemporary application.

All this theory which we have been setting forth here is not something superfluous. On the contrary, it is something which is most needful, both on every occasion in general and especially today, in view of the great controversy and widespread dispute going on in regard to the baptism of the Latins.... So, following what has been said, we declare that the baptism of the Latins is one which falsely is called baptism and for this reason it is not acceptable or recognizable either by strictness or by

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<sup>28</sup> (Athens, 1957) p. 53-54, trans. Cummings pp. 70-71 corrected on the basis of the Greek text.

economy. It is not acceptable by strictness: (1) Because they are heretics. That the Latins are heretics there is no need of our producing any proof for the present. The very fact that we have entertained so much hatred and aversion against them for so many centuries is a plain proof that we loathe them as heretics... [Additional proofs are adduced.] (2) Because they do not observe the three immersions which have to be administered to

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the one being baptized, as the Orthodox Church has been instructed by the apostles from the beginning. [Latin innovations in baptismal practice are recounted.] If, however, anyone among the Latins or the Latin-minded should put forward a claim to the three invocations of the Holy Trinity, he must not pretend to have forgotten what he was told above by the holy Firmilian and the great Athanasius: i.e., that those more-than-divine names are useless and ineffective when pronounced by the mouth of heretics.... So the Latins cannot even perform a baptism because they ate heretics and have lost the grace required to celebrate Christian rites and they have added to their iniquities that of overthrowing the apostolic baptism of three immersions.<sup>29</sup>

Why then had Latins been received hitherto by anointing with chrism?

As it seems and as it is proper for us to believe, the Church wished to employ some great economy with respect to the Latins, having as an example conducive to her purpose that great and holy Second Ecumenical Council. For the fact is that the Second Council, as we have said, employed economy and accepted the baptism of Arians and of Macedonians with the aim and hope of their returning to the faith and receiving full understanding of it, and in order to prevent their becoming yet more savage wild beasts against the Church, since they were also very great in numbers and strong in material things. And, as a matter of fact, they accomplished this purpose and realized this hope. For thanks to this economy those men became more gentle toward the Orthodox Christians and returned to piety to such a degree that within the space of

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<sup>29</sup> *Ibid.* 55, trans. Cummings 72, corrected.

a few years they either disappeared completely or very few of them remained. So also our predecessors employed economy and accepted the baptism of the Latins, especially when performed in the second manner [by affusion

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rather than by sprinkling], because papism was then in its prime and had all the force and powers of the kings of Europe in its grasp, while on the other hand our own empire was then breathing its last gasp. If that economy had not been employed, the Pope would have roused the Latin races against the Eastern, taken them prisoner, killed them and inflicted countless other barbarities upon them. But now that they are no longer able to inflict such woes upon us, because of the fact that divine Providence has set a guardian over us [i.e., the Turk] so powerful that he has at last beaten down the brow of those arrogant and haughty monsters: now, I say, that the fury of papism... is of no avail against us, what need is there any longer of economy? For there is a limit to economy, and it is not perpetual and indefinite. That is why Theophylact of Bulgaria says: "He who does anything as a matter of economy does it, not as something good in itself, but as something necessary for the time being"... That is what I say too. It is certainly poor economy when it does not serve to convert the Latins and forces us to transgress the strictness of the sacred canons and to accept the pseudo-baptism of heretics.... Thus, economy should be set aside and its place taken by strictness and the Apostolic Canons.<sup>30</sup>

Several features in the *Pedalion's* discussion of Latin baptism call for comment:

(1) The question of "heretic baptism" has been placed squarely within a framework in which *akribeia* (strict adherence to the law) and *oikonomia* (relaxation of the norm for the sake of the Church's well-being) become antinomic principles by which the Church is governed.

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<sup>30</sup> *Ibid.* 55, trans. Cummings 73, corrected.

(2) In the case of baptism, *akribeia* (strictness) demands the three immersions prescribed by Apostolic Canon 50; it also demands the proper minister, a priest and not a layman. But above

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all, *akribeia* demands conformity to the rule enunciated in Apostolic Canon 46, upheld by Cyprian and maintained by the fathers generally: The baptism of the heretics cannot be accepted precisely because baptism outside the Church is no baptism at all. While the formal defects of Latin baptism are not forgotten, they clearly take second place: By “overthrowing the apostolic baptism of three immersions,” the Latins have simply “added to their iniquities.” Their first and foremost iniquity is heresy, as a result of which— or perhaps as a sign of which— they are “cut off from the Orthodox Church” and thereby deprived of “the grace of the Holy Spirit.”

(3) As this Cyprianic ecclesiological argument becomes more prominent, so too does the role of economy. Earlier, Eustratios Argenti could argue that because of its defective form Latin baptism was absolutely unacceptable, that economy would be altogether unlawful and unjustifiable. But now that defective form is seen as a secondary iniquity, a mere epiphenomenon of heresy, use of economy is— or was— proper, even though by strictness Latin baptism is unacceptable.

(4) Form may play a role in decisions to use economy: Latin baptism was formerly accepted “especially” when it was performed by affusion rather than by sprinkling, just as in antiquity the councils accepted the baptism of those heretics who “rigorously observed the kind and the matter of the baptism of the Orthodox.” But far more important are the immediate circumstances: Will the conversion of the heretics be facilitated, and— above all— does the well-being of the Orthodox flock demand it?

The theory of sacramental economy developed in the course of the *Pedalion*’s discussion of Latin baptism was not altogether novel. The term *oikonomia* itself had been used in canonical literature long before St Nikodemos’ day, though generally in the broad sense of prudent pastoral stewardship; as a *terminus technicus* it occurs chiefly in connection with discussions of the administration of penance and of the exercise of orders.<sup>31</sup> But the *Pedalion* does

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<sup>31</sup> On these two areas, see most conveniently J. Erickson, *The Challenge of Our Past* (Crestwood, NY: St Vladimir’s Seminary Press, 1991) pp. 23-39 (on penitential discipline) and 115-32 (“The Problem of Sacramental ‘Economy’”).

expand and codify the concept of sacramental economy in ways only hinted at in earlier times, giving it the prominence which it has enjoyed ever since in Orthodox discussions of sacramental theology. The *Pedalion* thus marks an important turning point in Orthodox thought.

Were he alive today, St Nikodemos might be surprised and not altogether pleased with some of the directions which subsequent presentations of economy have taken. They have been many and exceedingly diverse.<sup>32</sup> In any case, he certainly did not regard the position which he develops as an innovation. Quite the contrary! In the *Pedalion* as throughout his works, St Nikodemos labored valiantly for the renewal of Orthodox Tradition as he understood it. He was devoted to Tradition, and for that reason he was no traditionalist, if by that term we mean someone concerned only with the preservation and perpetuation of received forms. In the name of authentic Orthodoxy, St Nikodemos like his associates among the *kollyvades* in fact sought to overturn many of the received forms of his day. There was something very “modern” about this undertaking. In certain respects St Nikodemos is very like Adamantios Korais and others of his more secular contemporaries, though he hardly would appreciate the comparison. Just as Korais undertook to renew the Greek language by returning it as much as possible to a more pristine form and to restore Greek civilization on ancient Athenian models, so also St Nikodemos; sought to renew the spirituality and practice of the Church on the basis of the principles which he found in the classics of Orthodoxy spirituality and in the sacred canons. And he did so by employing many of the same tools of scholarly research that were used by men like Korais. In fact, at many points the scholarly research underlying St Nikodemos’ interpretation of the canons is in need of correction. For example, no serious historian today would maintain that the Apostolic Canons really were the work of the apostles. But the problem with St Nikodemos’ canonical hermeneutic is not simply

<sup>32</sup> See my article “Sacramental ‘Economy’ in Recent Roman Catholic Thought,” *The Jurist* 49 (1968) pp. 653-67.

that his historical scholarship has been superseded. Like Korais' approach to the Greek language, St Nikodemos' approach to the Church and the canons tends to be static, even Platonic. It ignores the dynamic, historical character of the Church and of its life in this world.

The legacy of St Nikodemos and his *Pedalion* is a mixed one. Like so many efforts at repristinization, his effort to restore the canons to their rightful place in the Church's life had some unintentionally revolutionary consequences. Particularly problematic is the antinomy which he sets up between *akribeia* and *oikonomia*. His understanding of what constitutes canonical *akribeia* does not do justice to the richness of the Church's canonical and patristic heritage; his understanding of *oikonomia* as an expedient but otherwise regrettable derogation from canonical *akribeia* obscures the word's earlier, more positive meaning as prudent pastoral stewardship— stewardship that is to be exercised on the basis of the canons and following the example of the fathers. At the same time, St Nikodemos' attempt to discern the inner coherence of the Church's canonical tradition presents a salutary challenge to Orthodox canonists even today. While many specific aspects of his canonical hermeneutic stand in need of correction, St Nikodemos still remains unsurpassed among Orthodox interpreters of the canons for his breadth of vision, his effort to see the canons in the light of their saving purpose, his refusal to see canon law as a discipline in itself, cut off from spirituality, his desire to make the terrestrial Church a faithful reflection of celestial realities. In any case, his *Pedalion* has left an indelible mark on modern Orthodox thought.