

# The Application of *Oikonomia* in the Sacrament of Ordination

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## **Abstract:**

The issue of the status of divorced and remarried priests as well as of widowed and remarried ones is present in the life of the Church today. The post-modern, secularized society in which we live is the auspicious context for discarding a man from the balance between what the Church teaches and lives, that is between orthodoxy and orthopraxis, attempting in every way to sweeten rules and, implicitly, to justify sin. In this study, we shall deal first of all with issues concerning the principle of *oikonomia*, and secondly with the way this principle is reflected in Decision no.1092 of the Holy Synod of the Romanian Orthodox Church passed on the 24<sup>th</sup> of February 2010 regarding the status of divorced and remarried priests, and widowed and remarried ones, thus addressing the principle of *oikonomia* in the Sacrament of Ordination.

*Keywords: canons, oikonomia, Sacrament of Ordination, divorced and remarried priests, decisions of the Holy Synod*

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## **The principle of *oikonomia***

Among the topics on the agenda in preparation and organization for the future Ecumenical Council, there is the principle of *oikonomia*, following the procedure that was already established in Rhodes, first of partial theological processing, then of the proceedings of the Preparatory Commission and, finally, of the agenda of the first Pre-Conciliar Pan-Orthodox Conference in Chambésy. This issue was examined by the Fourth Pan-Orthodox Conference in Geneva-Chambesy in Switzerland, 8-16 June 1968 that took place at the center of the Ecumenical Patriarchate in Chambesy.

In one of his studies, canonist Liviu Stan highlighted an aspect of great importance in the context of inter-Orthodox dialogue, that is, the involvement and empowerment of some of the local Orthodox Churches

by the Commission of Delegation Heads that analyzed the list of topics of the first Pan-orthodox Conference in Rhodes and assigned six of these topics for prepared studies, which suggests a unity around common interests of the Orthodox Church.

The 6<sup>th</sup> topic of “Theological topics”, point A: *Oikonomia in the Orthodox Church*, was entrusted for research to the Romanian Orthodox Church. It included:

- a.) The concept and expression of the terms “akribeia” and “oikonomia” in the Orthodox Church.
- b) Oikonomia: 1. The Sacraments that are administered to both those from within and outside the Church; 2. Upon receiving heretics, schismatics, the fallen ones (who should be received by baptism, by anointing with the Holy Chrism, by confession or by prayer) into the Church; 3. In worship (Stan 1968: 875).

Theologically, *oikonomia* signifies the work of salvation of mankind carried out by God through the work of Jesus Christ our Saviour, being also called *divine oikonomia* (Stan 1970: 7). This work of salvation is continued by the Church, imparting to the faithful the redeeming work of our Saviour Jesus Christ in the world, which the Fathers and Church writers also call *redeeming oikonomia* or *Church oikonomia*.

Dogmatically, “*oikonomia* signifies the work through which the Church validates or, better said, accomplishes or completes the Sacraments that are administered outside of it” (Stan 1970: 9).

Canonically, *oikonomia* means the work through which the Church, through its collegiate or individual bodies, either strictly applies canonical norms, following the path of *akribeia*, or concedes, in certain circumstances, temporary or permanent exemption from canonical and disciplinary norms, excluding dogmatic norms, following the path of concession, always taking into account the saving path of the one to whom these are applied (Stan 1970: 9).

The dogmatic foundation of the principle of *oikonomia* is represented by the words of the Scriptures that calls Church ministers “stewards of the mysteries of God” (1 Cor. 4:1; 1 Pet. 4:10), a status that gives them the right to administer the Mysteries of the Church so as not to close the door to salvation to anyone (Acts 14:27; 1 Tim. 2:4). In the same manner, the Holy Tradition set the dispensation regarding the work that is done through sanctifying grace as a doctrine of the Faith.

The canonical foundation of the principle of *oikonomia* is reflected both in the Synodal canonical and patristic norm, where the Church Fathers regulate the possibility of concession and how it is applied (cann. 8, 12 I Ecum, can. 102 Trullo, cann. 2, 5, 7 Ancira, cann. 74, 75, 84, 85 Basil, cann. 4, 5, 7 Gregory of Nyssa, 7 II Ecum., cann. 95 Trullo). Moreover, the constant application of the principle of *oikonomia* in its two forms, namely concession and *akribeia*, in the life of the Church, is attested by the practice of religious life and consecrated by the habit of Church law.

Therefore, *oikovoúia* is the Church principle through which Church authority administers the means through which the work and the purpose of the Church are achieved, that is the salvation of the faithful, applying the canons and rules of the church either leniently, following in this case the path of concession, or rigorously, following the path of *akribeia*. This principle applies to all three ministries of the Church, namely, the sanctifying, teaching and governing offices. Thus, in the case of the sanctifying office of the Church, applying the principle of concession validates the incomplete work of the heterodox, whereas in the case of the other two offices, that is teaching and governing, applying the principle of *oikonomia*, either by concession or by *akribeia*, aims to help or reform those who did not comply with the order of the Church. We refer to those who request dispensation from religious rules and the forgiveness or punishment of those who violated the canonical norms.

Following consistently the spiritual well-being, the Church reinforces the belief that leniency is more useful than the strict application of the law, which some canonists inappropriately call the principle of concession since *oikonomia* is the principle and concession the means of its implementation, along with *akribeia*.

### ***Ius vigens* in the Romanian Orthodox Church**

Faithfully preserving canonical tradition, the Romanian Orthodox Church has been closely concerned with the situation of divorced priests or divorced and remarried priests by addressing it several times through the decisions the Holy Synod, “the highest authority of the Romanian Orthodox Church in all its areas of activity” (art. 11, ROC Statute) (The Decisions of the Holy Synod are: no. 5114/1952; no. 13408/1958; no.

15782/1978; no. 2581/2002; no. 781/2005 no. 1092/2010; no. 4627/2010 and no. 5277/2012) made at various times, always aiming at pastoral and unitary solutions. Analyzing these decisions shows that the situation of divorced or divorced and remarried priests has been entrusted, canonically, to dioceses, each Diocesan Bishop being under the obligation of investigating and settling each and every case. For example, through Decision no. 2581/2002 adopted in the session of the Holy Synod on 2 -3 July 2002, the Metropolitan Synods were designated

to examine the situation of divorced and remarried priests as well, so that these issues may be addressed on the whole by the Holy Synod in order to provide pastoral means of dealing with them unitarily throughout the Church

and

to include on the agenda of the Holy Synod the topic: “The issue of the priest’s family - theological, canonical and pastoral-missionary aspects”, for which the Holy Synod will make appropriate proposals.

In the same year, in the meeting on the 12<sup>th</sup> and 13<sup>th</sup> of March, the Holy Synod adopted and sent to the Dioceses Address no. 1140/2002, a *Code of measures and methods for updating, redirecting and intensifying the pastoral-missionary work of the clergy*, in which, in Chapter 3, section 6, it is asserted that

diocesan centers shall take appropriate measures to prevent cases of disintegration of priests’ families according to the *Plan of missionary actions (Action and practical methods plan for the promotion of pastoral-missionary activity to preserve and defend the true faith*, approved through the Decision of the Holy Synod no. 4334/5 June 1987 and updated through Decision no. 8400/1995), and shall apply canonical, statutory and regulatory provisions in these cases.

With respect to the same subject, *The action and practical methods plan for the promotion of pastoral-missionary activity to preserve and defend the true faith* that the Holy Synod approved by Resolution no. 4334/5 June 1987 and updated by Resolution no. 8400/1995, assigns cases of priests’ broken families to “the attention and direct examination of the respective diocesan center” (*Action and practical methods plan for the promotion of pastoral-missionary activity to preserve and defend the true faith*, approved through the Decision of the Holy Synod no. 4334/5 June 1987 and updated through Decision no. 8400/1995, ch. 6/14).

Moreover, the issue of divorced or divorced and remarried priests was extended to teachers of Religion as well. Thus, by report no. 781/2005, the Report of the Romanian Patriarchy Education Sector on the address no. 22-C / 22.02.2005 of His Eminence Andrei, Archbishop of Alba Iulia, the analysis of the situation of teachers in theological education is requested. Following the discussions and proposal of the Theological and Liturgical Commission, the Holy Synod decided:

Remarried priests, monks and celibate priests married after ordination who are teachers in theological education of all levels shall be sent to Archdiocesan Consistories for priests or monks so that appropriate measures be taken, taking into account each situation as such situations are scandalous cases and lead to disorder. Each diocese shall draw up lists of priests who have such problems and shall study their situation in the same manner so that, when they go to another Diocese, their situation is known. It approves the submission of this list issued locally to other Dioceses, for acknowledgment (Report no. 781 2005: 140-141) [See also the arguments in the analysis of report no. 822/2005 by the Canonical, Legal and Discipline Commission].

Regulating the canonical status of these priests, however, has been uneven, varying from one Diocese to another, meaning that some Dioceses have applied canonical *akribeia*, applying sanctions to all those in this situation, while others have applied concession, without sanctioning anyone, the priests preserving their former positions.

In time, the inconsistent enforcement of disciplinary measures has sparked negative reactions in society and hence the faithful and, regarding Church life, in the applications of divorced or divorced and remarried priests for transfer from one Diocese in which disciplinary measures were applied strictly to another, in which concessions were made, thus creating a lack of discipline that affected the pastoral-missionary activity of the priest.

After 1990, as shown in the report presented to the Holy Synod of the Romanian Orthodox Church in its working session on the 11<sup>th</sup> of February 2010, the number of divorced or divorced and remarried priests has increased. According to the records of the Holy Synod Chancery, in the Romanian Orthodox Church, in 2009, there are 570 declared cases of priests of these categories, of which only a total of 39 have received various punishments, and the number of divorced or divorced and remarried priests represent more than 3.5% of all parish priests in the

Romanian Patriarchate, the situation being particularly serious in terms of the morality of priests (cfr. Decision no. 1092 the Holy Synod of the Romanian Orthodox Church, 24 February 2010).

So this matter should be regulated in a consistent and mandatory manner within the Romanian Orthodox Church, in the spirit of canonical doctrine and of the statutory and regulatory provisions of the church.

According to the *Statute for the Organization and Functioning of the Romanian Orthodox Church*, the Holy Synod “examines any dogmatic, liturgical, canonical and pastoral-missionary issue, which they settle in accordance with the teaching of the Orthodox Church and decide, according to the Holy Canons of the Church, religious issues of any nature “[Art. 14 (1) c], approves the norms of the missionary pastoral activity and those promoting the religious and moral life of the clergy” [Art. 14 (1) y] and the Bishop of the Diocese “leads the Diocese in accordance with the provisions of the Holy Canons, of the statute and Church regulations as well as by the decisions of the Holy Synod” [Art. 88 (1) b)] and “ensures the discipline of the clergy and other staff in his Diocese, directly or through diocesan-appointed competent bodies” [Article 88 (1) a<sup>1</sup>].

Moreover, taking into account that, according to the Statute, “the decisions of the central deliberative and executive bodies are compulsory for the entire Romanian Orthodox Church” (Article 10, paragraph 6), as shown on the grounds of decision no 1092, the Holy Synod of the Romanian Orthodox Church, at the proposal of the Canonical, Legal and Discipline Commission, decided

in order to strengthen, on the one hand the stability of the Christian family and, on the other hand, the discipline and morals of the clergy, by applying pastoral unitary solutions for the situation of the divorced and divorced and remarried clergy

the following:

- a. Divorced or divorced and remarried priests as well as widowed and remarried clergy cannot occupy leading positions in church administration, at the level of deaneries, dioceses and patriarchate;
- b. Divorced or divorced and remarried priests as well as widowed and remarried clergy cannot occupy the position of parish priests, which is a leading position in parishes where there are several priest positions. In the case of rural parishes

where, most exceptionally, such a cleric is maintained as parish priest, he will not be promoted into parishes of superior category;

c. Divorced or divorced and remarried priests as well as widowed and remarried clergy cannot apply for promotion in other parishes, cannot be proposed for and cannot receive higher Church ranks;

d. Divorced or divorced and remarried priests as well as widowed and remarried clergy cannot be employed and cannot work in secondary or superior theological education;

e. Divorced or divorced and remarried priests as well as widowed and remarried clergy cannot request a move from one Diocese to another without careful analysis of their canonical situation and its mention in their personal file;

f. Divorced or divorced and remarried priests as well as widowed and remarried clergy cannot administer by themselves the Sacrament of Marriage, but only in assembly with other priests, except for those who work alone in parishes in rural areas and where there is no likelihood of the establishment of such an assembly (Panțuru 2014: 103).

The question in the case of divorced or divorced and remarried priests is to what extent Church discipline of the Holy Canons is reflected here?

The life of the Church has been confronted with the issue of its priests' divorce and remarriage ever since the first centuries. Thus, can. 5 of the Apostolic Canons prohibits divorce on grounds of piety: "Let not a bishop, presbyter, or deacon, put away his wife under pretence of religion; but if he put her away, let him be excommunicated; and if he persists, let him be deposed". We find the same canonical norm taken over by the Council in Trullo in canon 13, that reinforces the fact that "living with his lawful wife" is not an impediment to ordination in a clerical rank. Moreover, Can 17 Ap. reads: "He who has been twice married after Baptism, or who has had a concubine, cannot become a bishop, presbyter, or deacon, or any other of the sacerdotal list", while Can 18 Ap. reads: "He who married a widow, or a divorced woman, or an harlot, or a servant-maid, or an actress, cannot be a bishop, presbyter, or deacon, or any other of the sacerdotal list." Canon 3 Trullo resumes the issue of those that married twice after Baptism, thus strengthening the canonical tradition:

This we decree to hold good only in the case of those that are involved in the aforesaid faults up to the fifteenth (as was said) of the month of January, of the

fourth Indiction, decreeing from the present time, and renewing the Canon which declares, that he who has been joined in two marriages after his Baptism, or has had a concubine, cannot be bishop, or presbyter, or deacon, or at all on the sacerdotal list; in like manner, that he who has taken a widow, or a divorced person, or a harlot, or a servant, or an actress, cannot be bishop, or presbyter, or deacon, or at all on the sacerdotal list.

Likewise, St. Basil the Great, in canon 12, also reinforced church discipline: “The canon prohibited completely from the ministry those who married twice”. Can. 6 Trullo prohibits marriage after ordination,

we determine that henceforth it is in nowise lawful for any sub-deacon, deacon or presbyter after his ordination to contract matrimony but if he shall have dared to do so, let him be deposed. And if any of those who enter the clergy, wishes to be joined to a wife in lawful marriage before he is ordained sub-deacon, deacon, or presbyter, let it be done.

It follows that the decision of the Holy Synod is consistent with the canonical tradition. Although *akribeia* (literal compliance) is the norm, by applying the principle of *oikonomia*, the canonical norms are interpreted from an eschatological perspective, from case to case, the aim always being *salus animarum*.

The second part of the decision highlights also some aspects related to the implementation of the decision, particularly the personal enforcement of the punishment, such as assessment of the situation of divorced or divorced and remarried priests and widowed and remarried priests taking into account whether there are failed marriages, or they were abandoned by their wives, the results to their ministry, if they prove to have missionary pastoral qualities, their behaviour, their relations with the faithful of the parish, if they have particular theological preparation, if they have dependent children, etc., and some administrative issues such as their place in Church administration, their role in philanthropy, in cultural and educational activities or their non-clergy positions as church singers.

Thus, the decision also stipulates that:

4. Their Eminences the Bishops shall take measures to assess the situation of divorced or divorced and remarried priests and the widowed and remarried priests, considering the following aspects: there are failed marriages, being abandoned by their wives; what the results of their pastoral work are; if they demonstrate missionary pastoral qualities, religious behaviour and good relations with the faithful of the parish; if they have a particular theological training; if they have dependent children. 5. Depending on the results of this evaluation, keeping



to canonical provisions, as pastoral and Christian pedagogy measures, their Eminences the Bishops shall find ways of using such priests from case to case, in Church administration, in philanthropic or cultural-educational activities, in public education or in the lay positions of Church singers. 6. Their Eminences the Bishops have the canonical statutory and regulatory duty to enforce these conciliar decisions and to inform the Chancery of the Holy Synod, before the next Synod meeting, of the way to carry out and to submit possible proposals on completing this conciliar decision (Panțuru 2014: 104).

Hence we may ask the following questions: can we speak of a contradiction between the two parts of the decision? Can one evoke the lack of a definite delimitation of Church *oikonomia* and canonical *akribeia* at an Inter-Orthodox level? Also, to what extent is this decision retroactive?

First of all, in order to answer these questions, we would like to present some relevant views set forth in the plenary of the Holy Synod in 2005 on the issues we are discussing. Thus, his Eminence Teofan, Metropolitan of Oltenia, emphasizes that the issue should be studied carefully, because such cases are not rare and represent a violation of Church canons and regulations; His Holiness Vicar Ioachim, Bishop of Roman asks that religion teachers and the laity working in seminars fall under this proposal. His Beatitude Patriarch Teoctist pointed out that there are remarried fathers, professors, working in universities and seminaries as well as in parishes therefore, the impediments are two-fold, representing deeds of non-discipline in the Church. Also, in the case of clergy received from another Diocese, acceptance must occur knowingly, with full knowledge of the situation of every priest and especially with proof of auspicious priesthood. His Eminence Archbishop Bartolomeu of Cluj considers that it is necessary to observe conciliar decisions and regulatory Church provisions regarding divorce and remarriage and that special attention should be paid in employing either in priesthood or theological education of any persons who could be in this situation. If at any time the faithful support remarried or divorced priests on the grounds that they are good priests and they carry out their duties in parishes well, they should be informed of the criteria and reasons for regulating these situations, namely the norms of the Fathers regarding this issue. His Eminence Metropolitan Daniel of Moldavia and Bucovina mentioned that, although only teachers and professors were concerned, a general

measure, encompassing all priests that are in such a situation should be taken and that the issue should be handled, however, from case to case. His Holiness Epifanie, Bishop of Buzău and Vrancea, supports the same idea, mentioning cases of priests and teachers or professors of theology and religion guilty of the debated deeds who do their job well and are very good” (cfr. Report no 781 2005: 140).

Secondly, current Church legislation regulates this issue, on the one hand, through *The Statute for the Organization and Functioning of the Romanian Orthodox Church*, that draws a general framework of the issue at hand, through decisions taken by the Holy Synod at Patriarchate level and enforced by every Bishop at diocesan level, and on the other hand, through the Regulation of the Disciplinary and Judicial Bodies of the Romanian Orthodox Church that stipulate canonical discipline.

The situation of divorced or divorced and remarried priests was regulated by *Rules of Procedure of Disciplinary and Judicial Bodies of the Romanian Orthodox Church* ever since 1953 through Article 38 which regulated both the situation of widowed priests and deacons punished according to the Holy Canons and their divorce, except for reasons of adultery, with deposition, but not before allowing them time off from religious service so they could rebuild their home. Article 38 also stipulates penalty for the wife guilty of divorce from a priest or deacon, varying from reprimand to excommunication [1] (*The Laws of the Romanian Orthodox Church* 1953: 61-62).

*The Regulation of Canonical Disciplinary and Judicial Bodies of the Romanian Orthodox Church* in 2015, Article 19, stipulates on the issues discussed by us the following:

- (1) The clergy that, except for cases of the wife’s adultery proven by an investigation ordered by the Diocesan Bishop, divorce out of their own fault or initiative or mutual agreement, is completely prohibited from performing divine services for a period of one year, time allowed for restoring their marriages; in case of failure, they shall be removed from ecclesiastical ministry or deposed.
- (2) The cleric who divorces because of his wife’s fault, proven by the investigation ordered by the Diocesan Bishop, permanently lose the right to carry out activities that are carried out with the blessing of the Church; if this case produces disorder, the cleric shall be moved to another parish.
- (3) The divorced or widowed cleric who remarries is punished by dismissal from the clerical ministry or by being deposed or defrocking.
- (4) The cleric who neglects the education of his children, the preservation and promotion of Orthodox Faith as well as the decent conduct

of his family, is punished by the Bishop's rebuke, a canon of fasting and penance in a Monastery or Hermitage, disciplinary removal or dismissal from clerical ministry, according to the seriousness of the offense. (5) The laity who, by their family breakdown, adversely affect the image of the Church, defaming the institution of marriage, shall be punished with the Bishop's reprimanding, with dismissal for Church singers, with the withdrawal of the diocesan blessing (the written approval) for school teachers and university professors or for laity who carry out activities with the blessing of the Church or with losing the possibility of being ordained for graduates of Theology, according to the seriousness of the offence (*The Regulation of Canonical Disciplinary* 2015: 30-31).

Regarding the questions we have raised, in the case of the first one, we cannot speak of a contradiction between the two parts of the decision as it would appear at the first reading of the decision as the spiritual well-being of the person on whom the principle of *oikonomia* is enforced is always sought, and person that receives punishment after church trial, which is deposition or defrocking; in the issue we discussed, in both situations, the religious authority resorts to concession, always seeking to keep the person within the ecclesial space, seeking the right formula through which he and his family can support themselves.

The second question, regarding the lack of clear-cut limits of Church *oikonomia* and canonical *akribeia* at Inter-Orthodox level, is justified only when one refers to the dogmatic aspect of *oikonomia* (See *Report of the Preparatory Interorthodox Committee* 1972: 285-295), namely the recognition and validation of heterodox Sacraments, such as Baptism and Ordination that are not to be repeated, but not in our case since, in the case of clergy discipline, each case is judged individually, therefore the application of *oikonomia* is decided differently, from case to case. Consequently, therefore the application of *oikonomia*, either by concession or by *akribeia*, does not stir controversy at the pan-Orthodox level, as it is normal that the ecclesiastical authority which adopted those rules should also have the freedom and right to apply either with concession or strictness, the latter also being an instance of *oikonomia* through which spiritual well-being is sought.

As for the issue of retroactive application of the decision, this is not possible because the rule regards only the future, as Decision no. 4627/7 July 2010 underlined, stipulating that

all clergy who, at the time of the establishment of the Decision of Holy Synod no. 1092/2010 will divorce, will divorce and remarry or will remain widowers and

will remarry, will be called to the judgment of the Archdiocesan Consistory (paragraph 3 letter b) (Note 86, *The Regulation of Canonical Disciplinary* 2015: 30);

regarding the application of Decision no. 1092/11 of February 2010, the Holy Synod of the Romanian Orthodox Church decided that no Bishop could resort to concession starting with the day of the approval and of his being informed of this Synodal decision, the divorced or divorced and remarried clergy as well as widowed and remarried clergy were to be sanctioned with deposition or defrocking.

Society, in general, and media, in particular, pay special attention to the moral attitude of the clergy and therefore any deviation from moral conduct is severely criticized and publicized. The negative publicity of these cases causes disorder and tarnishes the image of the Church. It is a paradox because, although society indulges in sin, the servants of the Church are asked to adopt irreproachable conduct, even if they belong to their society, being part and parcel of it.

In conclusion, through *oikonomia*, the door of salvation remains open to all, in every aspect of the work and mission of the Church in the world while, from the point of view of Canon Law, through its enforcement, either by concession or by *akribeia*, stipulated by both canonical and patristic tradition and current legislation of the Romanian Orthodox Church, the Church seeks to help or to reform those who have not observe its order.

#### **Notes:**

[1] Art. 38: “Widowed priests and Deacons who remarry are punished, according to the Holy Canons. And those who divorce their wives, except for adultery, proven by the investigation ordered by the Diocesan Bishop, are prohibited by the Bishop from all religious services until they rebuild their home. If they continue in separation, they are brought to the Diocesan Consistory to be sanctioned by deposition. The wife, who was proven guilty of the separation from the priest or deacon, of deeds stipulated by the Holy Canons will be punished by the Diocesan Bishop, at the proposal of the Diocesan Consistory, with punishment ranging from reprimand to excommunication.”

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