The Canons

Council of Neocaesarea (AD 315) (AD 315)

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Introduction

(Zonaras and Balsamon prefix to the canons this note.) The Synod gathered together at Neocaesares, which is a city of Pontus, is next in order after that of Ancyra, and earlier in date than the rest, even than the First Ecumenical Synod at Nice. In this synod the Holy Fathers gathered together, among whom was the holy Martyr Basil, bishop of Amasea, adopted canons for the establishing of ecclesiastical order as follow-

The Canons of the Holy and Blessed Fathers Who Assembled at Neocaesarea — Which are Indeed Later in Date Than Those Made at Ancyra, But More Ancient Than the Nicene: However, the Synod of Nice Has Been Placed Before Them on Account of Its Peculiar Dignity.

(Annotations by Routh, and reprint of the Notes of Christopher Justellus and of Bp. Beveridge will be found in Vol. iv. of the Reliquioe Sacroe.)

Canon I.

IF a presbyter marry, let him be removed from his order; but if he commit fornication or adultery, let him be altogether east out [i.e. of communion] and put to penance.

Notes.
Ancient Epitome of Canon I. If a presbyter marries he shall be deposed from his order. If he commits adultery or whoredom he shall be expelled, and shall be put to penance. Aristenus. A presbyter who marries is removed from the exercise of the priesthood but retains his honour and seat. But he that commits fornication or adultery is cast forth altogether and put to penance. Van Espen. These fathers [i.e. of NeoCaesarea] shew how much graver seemed to them the sin of the presbyter who after ordination committed fornication or adultery, than his who took a wife. For the former they declare shall simply be deposed from his order or deprived of the dignity of the Priesthood, but the latter is to "be altogether cast out, and put to penance." ... Therefore such a presbyter not only did they remove from the priestly functions, or the dignity of the priesthood, but perfectly or altogether east him out of the Church.

This canon Gratian has inserted in the Corpus Juris Canonici. Decretum. Pars I., Dist. xxviii., c. ix. Gratian has followed Isidore in adding after the word "penance" the words "among the laity" (inter laicos) which do not occur in the Greek, (as is noted by the Roman Correctors) nor in the version of Dionysius Exiguus; these same correctors fall however themselves into a still graver error in supposing that criminous clerks in the early days of the Church were sent out to wander over the country, as Van Espen well points out. On the whole subject of the marriage of the clergy in the Early Church see the Excursus devoted to that subject.

Canon II.

IF a woman shall have married two brothers, let her be east out [i.e. of communion] until her death. Nevertheless, at the hour of death she may, as an act of mercy, be received to penance, provided she declare that she will break the marriage, should she recover. But if the woman in such a marriage, or the man, die, penance for the survivor shall be very difficult.

Notes.

Ancient Epitome of Canon II. A woman married to two brothers shall be expelled all her life. But if when near her death she promises that she will loose the marriage should she recover, she shall be admitted to penance. But if one of those coupled together die, only with great difficulty shall penitence be allowed to the one still living. It will be carefully observed that this canon has no provision for the case of a man marrying two sisters. It is the prohibited degree of brother's wife, not that of wife's sister which is in consideration. Of course those who hold that the affinity is the same in each case will argue from this canon by parity of reasoning, and those who do not accept that position will refuse to do so. In the Greek text of Balsamon (Vide Beveridge, Synod.) after the first clause is added, "if she will not be persuaded to loose the marriage."

Van Espen. The meaning of this canon seems to be that which Balsamon sets forth, to wit, that if a woman at the point of death or in extremis promises that if she gets better she will dissolve the marriage, or make a divorce, orabstain from the sacrilegious use of matrimony, then "she may be received to penance as an act of mercy"; and surely she is immediately absolved from the excommunication inflicted upon her when she was cast out and extruded from the Church. For it is certain that according to the discipline of the Fathers he was thought to be loosed from excommunication whoever was admitted to penance, and it is of this that the canon speaks; but he did not obtain perfect reconciliation until his penance was done. To this performance of penance this woman was to be admitted if she got well and dissolved the marriage according to her promise made when she was in peril of death, as the Greek commentators note; and this too isthe sense given by Isidore.

Canon III.

Concerning those who fall into many marriages, the appointed time of penance is well known; but their manner of living and faith shortens the time.

Notes.
Ancient Epitome of Canon III. The time of polygamists is well known.A zeal for penance may shorten it. Hefele. As the Greek commentators have remarked, this canon speaks of those who have been married more than twice. It is not known what were the ancient ordinances of penitence which the synod here refers to. In later times digamists were condemned to one year's penance, and trigamists from two to five years. St. Basil places the trigamists for three years among the "hearers," and then for some time among the consistentes. Van Espen. "The appointed time of penance is well known." These words Zonaras notes must refer to a custom, for, says he, "before this synod no canon is found which prescribes the duration of the penance of bigamists [i.e. digamists]." It is for this reason that St. Basil says (in Epist. ad Amphilogium, Can. 4) in speaking of the penance of trigamists "we have received this by custom and not by canon, but from the following of precedent," hence the Fathers received many things by tradition, and observed these as having the force of law.

From the last clause of this canon we see the mind of the Fathers of this synod, which agrees with that of Ancyra and Nice, that; with regard to the granting of indulgences, for in shortening the time of penance, attention must be paid to the penitence, and conversation, or "conversation and faith" of each one separately. With this agrees Zonaras, whose remarks are worthy of consideration. On this whole subject of the commutation of the primitive penance and of the rise of the modern indulgences of the Roman Church Van Espen has written at length in his excursus De Indulgentiis (Jure Eccles., P. I. i., Tit. vij.) in which he assigns the change to the end of the XI century, and remarks that its introduction caused the "no small collapse of penitential discipline." This canon is found in the Corpus Juris Canonici, Gratian, Decretum, Pars II., Causa xxxi., Quaest. i., c. viij. where for "conversio," (a0nastrofh;) is read "conversatio," and the Greek word is used in this sense in Polybius, and frequently so in the New Testament.

Canon IV.

IF any man lusting after a woman purposes to lie with her, and his design does not come to effect, it is evident that he has been saved by grace.

Notes.
Ancient Epitome of Canon IV. Whoso lusteth but doth not accomplish his pleasure is preserved of God. Hefele. Instead of e0piqumhsai we must read, with Beveridge and Routh, who rely upon several mss., e0piqumh/saj. They also replace met au0th=j by au0th=|. The meaning of the canon appears to me to be very obscure. Hefele refers to Van Espen and adopts his view, and Van Espen in turn has adopted Fleury's view and given him credit for it, referring to his Histoire Ecclesiastique, Lib. X., xvij. Zonaras' and Balsamon's notes are almost identical, I translate that of the latter in full. Balsamon.

In sins, the Fathers say, there are four stages, the first-motion, the struggle, the consent, and the act: the first two of these are not subject to punishment, but in the two others the case is different. For neither is the first impression nor the struggle against it to be condemned, provided that when the reason receives the impression it struggles with it and rejects the thought. But the consent thereto is subject to condemnation and accusation, and the action to punishment. If therefore anyone is assailed by the lust for a woman, and is overcome so that he would perform the act with her, he has given consent, indeed, but to the work he has not come, that is, he has not performed the act, and it is manifest that the grace of God has preserved him; but he shall not go off with impunity. For the consent alone is worthy of punishment. And this is plain from canon lxx. of St. Basil, which says; "A deacon polluted in lips (e0n xei/lesi)" or who has approached to the kiss of a woman "and confesses that he has so sinned, is to be interdicted his ministry," that is to say is to be prohibited its exercise for a time. "But he shall not be deemed unworthy to communicate in sacris with the deacons. The same is also the case with a presbyter. But if anyone shall go any further in sin than this, no matter what his grade, he shall be deposed." Some, however, interpret the pollution of the lips in another way; of this I shall speak in commenting on Canon lxx. of St. Basil.

Canon V.

IF catechumen coming into the Church have taken his place in the order of catechumens, and fall into six, let him, if a kneeler, become a hearer and sin no more. But should he again sin while a hearer, let him be cast out.

Notes.
Ancient Epitome of Canon V. If a catechumen falls into a fault and if while a kneeler he sins no more, let him be among the hearers; but should he sin while among the hearers, let him be cast out altogether. Zonaras. There are two sorts of catechumens. For some have only just come in and these, as still imperfect, go out immediately after the reading of the scriptures and of the Gospels. But there are others who have been for some time in preparation and have attained some perfection; these wait after the Gospel for the prayers for the catechumens, and when they hear the words ”Catechumens, bow down your heads to the Lord,” they kneel down. These, as being more perfect, having tasted the good words of God, if they fall, are removed from their position; and are placed with the ”hearers”; but if any happen to sin while ”hearers” they are east out of the Church altogether.

Canon VI.

Concerning a woman with child, it is determined that she ought to be baptized whensoever she will; for in this the woman communicates nothing to the child, since the bringing forward to profession is evidently the individual [privilege] of every single person.

Notes.

Ancient Epitome of Canon VI. If a woman with child so desires, let her be baptized. For the choice of each one is judged of. Van Espen. That the reason of the canon may be understood it must be noted that in the first ages of the Church catechumens were examined concerning their faith before they were baptized, and were made publicly to confess their faith and to renounce openly the pomps of the world, as Albaspinaeus (Aubespine) observes on this canon, "A short while before they were immersed they declared with a loud voice that they desired baptism and wished to be baptized. And since these confessions could not be made by those still shut up in their parent's womb, to them the thing (res) and grace of baptism could not come nor penetrate." And altogether in accord with this is the translation of Isidore- "because the free will of each one is declared in that confession," that is, in that confession he declares that he willingly desires to be baptized.

Canon VII.

A Presbyter shall not be a guest at the nuptials of persons contracting a second marriage; for, since the digamist is worthy of penance, what kind of a presbyter shall he be, who, by being present at the feast, sanctioned the marriage?

Notes.
Ancient Epitome of Canon VII. A presbyter ought not to be present at the marriage of digamists.For when that one implores favour, who will deem him worthy of favour. Hefele. The meaning of the canon is as follows: "If the digamist, after contracting his second marriage, comes to the priest to be told the punishment he has to undergo, how stands the priest himself who for the sake of the feast has become his accomplice in the offence?" Van Espen. The present canon again shews that although the Church never disapproved of, nor reputed second or still later marriages illicit, nevertheless the Fathers enjoined a penance upon digamists and those repeating marriage, because by this iteration they shewed their incontinence. As he that contracted a second marriage did not sin properly speaking, and committed no fault worthy of punishment, therefore whatever was amiss was believed to be paid off by a lighter penance, and Zonaras supposes that the canons inflicted a mulct upon digamists, for saith he, "Digamists are not allowed for one year to receive the Holy Gifts."

Zonaras seems to indicate that the discipline of the canon was not in force in his time, for he says, "Although this is found in our writings, yet we ourselves have seen the Patriarch and many Metropolitans present at the feast for the second nuptials of the Emperor."

Canon VIII.

IF the wife of a layman has committed adultery and been clearly convicted, such [a husband] cannot enter the ministry; and if she commit adultery after his ordination, he must put her away; but if he retain her, he can have no part in the ministry committed to him.

Notes.

Ancient Epitome of Canon VIII. A layman whose wife is an adulteress cannot be a clergyman, and a cleric who keeps an adulteress shall be expelled. Van Espen. Although the Eastern Church allows the clergy to have wives, even priests, and permits to them the use of marriage after ordination, nevertheless it requires of them the highest conjugal continency, as is seen by the present canon. For here it is evident that the Fathers wished even the smallest possible kind of incontinence to be absent from men dedicated to holiness. This canon is found in the Corpus Juris Canonici, Gratian's Decretum, Pars I., Dist. xxxiv., c. xi.

Canon IX.

A Presbyter who has been promoted after having committed carnal sin, and who shall confess that he had sinned before his ordination, shall not make the oblation, though he may remain in his other functions on account of his zeal in other respects; for the majority have affirmed that ordination blots out other kinds of sins. But if he do not confess and cannot be openly convicted, the decision shall depend upon himself.

Notes.
Ancient Epitome of Canon IX. If a presbyter confess that he has sinned, let him abstain from the oblation, and from it only. For certain sins orders remit. If he neither confess nor is convicted, let him have power over himself. Van Espen. Therefore if he who before his ordination had committed a sin of the flesh with a woman, confess it after ordination, when he is already a priest, he cannot perform the priestly office, he can neither offer nor consecrate the oblations, even though after his ordination he has preserved uprightness of living and been careful to exercise virtue; as the words ”zeal in other respects” (”studious of good”) Zonaras rightly interprets. And since here the consideration is of a sin committed before ordination, and also concerning a presbyter who after his ordination was of spotless life, and careful to exercise virtue, the Fathers rightly wished that he should not, against his will, be deposed from the priestly office.

It is certainly curious that this canon speaks of ordination as in the opinion of most persons taking away all sins except consummated carnal offences. And it will be noted that the a0fie/nai must mean more than that they are forgiven by ordination, for they had been forgiven long ago by God upon true contrition, but that they were made to be non-existent, as if they had never been, so that flier were no hinderance to the exercise of the spiritual office. I offer no explanation of the difficulty and only venture to doubt the satisfactory character of any of the explanations given by the commentators. Moreover it is hard to grasp the logical connexion of the clauses, and what this ”blotting out” of ta\ loipa; has to do with the matter I entirely fail to see. The kai; after polloi; may possibly suggest that something has dropped out. This canon and the following are together in the Corpus Juris Canonici, Gratian’s Decretum, Pars II., Causa xv., Quaest. viii., c. i.

Canon X.

Likewise, if a deacon have fallen into the same sin, let him have the rank of a minister.

Notes.
Ancient Epitome of Canon X. A deacon found in the same crime shall remain a minister (u9ph/rethj). Hefele. By ministers (u9ph/retai) are meant inferior officers of the Church-the so-called minor orders, often including the subdeacons. This canon is in the Corpus Juris Canonici, Gratian's Decretum, Pars II., Causa xv., Quaest. viii., united with canon ix., and in the following curious form: "Similiter et diaconus, si in eodem culpae genere fuerit involutus, sese a ministerio cohibebit."

Canon XI.

Let not a presbyter be ordained before he is thirty years of age, even though he be in all respects a worthy man, but let him be made to wait. For our Lord Jesus Christ was baptized and began to teach in his thirtieth year.

Notes.
Ancient Epitome of Canon XI. Unless he be xxx. years of age none shall be presbyter, even should he be worthy, following the example of the baptism of our Saviour. This canon is found in the Corpus Juris Canonici, Gratian's Decretum, Pars I., Dist. lxxviii., c. iv. Gratian. (Ut supra, Nota.) This is the law, and we do not read that Christ, or John the Baptist, or Ezechiel, or some other of the Prophets prophesied or preached before that age. But Jeremiah and Daniel we read received the spirit of prophecy before they had arrived even at youth, and David and Solomon are found to have been anointed in their youth, also John the Evangelist, while still a youth, was chosen by the Lord for an Apostle, and we find that with the rest he was sent forth to preach: Paul also, as we know, while still a young man was called by the Lord, and was sent out to preach. The Church in like manner, when necessity compels, is wont to ordain some under thirty years of age.

For this reason Pope Zacharias in his Letter to Boniface the Bishop, number vi., which begins "Benedictus Deus" says, C. v. In case of necessity presbyters may be ordained at xxv. years of age. If men thirty years old cannot be found, and necessity so demand, Levites and priests may be ordained from twenty-five years of age upwards. Van Espen. The power of dispensing was committed to the bishop, and at length it was so frequently exercised that in the space of one century [i.e. by the end of the xiith century] the law became abrogated, which was brought about by necessity, so that it passed into law that a presbyter could be ordained at twenty-five. And from this it may appear how true it is that there is no surer way of destroying discipline and abrogating law than the allowing of dispensations and relaxations. Vide Thomassinus, De Disc. Eccles., Pars. IV., Lib. I., cap. 46.

Canon XII.

IF any one be baptized when he is ill, forasmuch as his [profession of] faith was not voluntary, but of necessity [i.e. though fear of death] he cannot be promoted to the presbyterate, unless on account of his subsequent [display of] zeal and faith, and because of a lack of men.

Notes.
Ancient Epitome of Canon XII. One baptized on account of sickness is not to be made presbyter, unless in reward for a contest which he afterwards sustains and on account of scarcity of men.The word used in the Greek for ”baptized” is ”illuminated” (fwtisqh=|), a very commonexpression among the ancients. Aristenus. He that is baptised by reason of illness, and, therefore come to his illumination not freely but of necessity, shall not be admitted to the priesthood unless both these conditions concur, that there are few suitable men to be found and that he has endured a hard conflict after his baptism. With this interpretation agree also Zonaras and Balsamon, the latter expressly saying, ”If one of these conditions is lacking, the canon must be observed.” Not only has Isidore therefore missed the meaning by changing the copulative into the disjunctive conjunction (as Van Espen points out) but Beveridge has fallen into the same error, not indeed in the canon itself, but in translating the Ancient Epitome.

Zonaras explains that the reason for thisprohibition was the well-known fact that in those ages baptism was put off so as the longer to be free from the restraints which baptism was considered to impose. From this interpretation only Aubespine dissents, and Hefele points out how entirely without reason. This canon is found in the Corpus Juris Canonici, Gratian’s Decretum., Pars. I., Dist. lvii., c. i.

Canon XIII.

Country presbyters may not make the oblation in the church of the city when the bishop or presbyters of the city are present; nor may they give the Bread or the Cup with prayer. If, however, they be absent, and he [i.e., a country presbyter] alone be called to prayer, he may give them.

Notes.

Ancient Epitome of Canons XIII. And XIV. A country presbyter shall not offer in the city temple, unless the bishop and the whole body of the presbyters are away. But if wanted he can do so white they are away. The chorepiscopi can offer as fellow ministers, as they hold the place of the Seventy. Routh reads the last clause in the plural, in this agreeing with Dionysius Exiguus and Isidore. In many mss. this canon is united with the following and the whole number given as 14. This canon is found in the Corpus Juris Canonici, Pars I., Diet. xcv., c. xii. And the Roman correctors have added the following notes. Roman Correctors. (Gratian ut supra.) "Nor to give the sacrificed bread and to hand the chalice;" otherwise it is read "sanctified" [sanctificatum for sacrificatum]. The Greek of the council is a!rton dido/nai e0n eu0xh=|but Balsamon has a!rton eu0kh=j, that is, "the bread of the mystic prayer."

Instead of "let them only who are called for giving the prayer, etc.," read kai\ ei0j eu0xh/n klhqh=| mo/noj di/dwsin, that is: "and only he that shall have been called to the mystic prayer, shall distribute."

Canon XIV.

The chorepiscopi, however, are indeed after the pattern of the Seventy; and as fellow-servants, on account of their devotion to the poor, they have the honour of making the oblation.

Notes.

Ancient Epitome of Canon XIV. [Vide ante, as in many mss. the two canons are united in the Ancient Epitome.] Van Espen. The reference to the Seventy seems to intimate that the Synod did not hold the chorepiscopi to be true bishops, as such were always reputed and called successors, not of the Seventy disciples but successors of the Twelve Apostles. It is also clear that their chief ministry was thoUght to be the care of the poor. Zonaras and Balsamon would seem toagree in this with Van Espen. See on the whole subject the Excursus on the Chorepiscopi.

Canon XV.

The deacons ought to be seven in number, according to the canon, even if the city be great. Of this you will be persuaded from the Book of the Acts.

Notes.
Ancient Epitome of Canon XV. Seven Deacons according to the Acts of the Apostles should be appointed for each great city. This canon was observed in Rome and it was not until the xith century that the number of the Seven Cardinal Deacons was changed to fourteen. That Gratian received it into the Decretum (Pars. I., Dist. XCIII., c. xij.) is good evidence that he considered it part of the Roman discipline. Eusebius gives a letter of Pope Cornelius, written about the middle of the third century, which says that at that time there were at Rome forty-four priests, seven deacons, and seven subdeacons; and that the number of those in inferior orders was very great. Thomassinus says that, "no doubt in this the Roman Church intended to imitate the Apostles who only ordained seven deacons. But the other Churches did not keep themselves so scrupulously to that number." In the acts of the Council of Chalcedon it is noted that the Church of Edessa had fifteen priests and thirty-eight deacons. And Justinian, we know, appointed one hundred deacons for the Church of Constantinople. Van Espen well points out that while this canon refers to a previous law on the subject, neither the Council itself, nor the Greek commentators Balsamon or Zonaras give the least hint as to what that Canon was.

The Fathers of NeoCaesarea base their limiting of the number of deacons to seven in one city upon the authority of Holy Scripture, but the sixteenth canon of the Quinisext Council expressly says that in doing so they showed they referred to ministers of alms, not to ministers at the divine mysteries, and that St. Stephen and the rest were not deacons at all in this latter sense. The reader is referred to this canon, where to defend the practice of Constantinople the meaning of the canon we are considering is entirely misrepresented.

Source. English translation: an older public-domain translation as collected in the Writings-Database (HistoricalChristianFaith), mostly from the Ante-Nicene, Nicene and Post-Nicene Fathers and similar nineteenth-century editions. SermonIndex has only divided it into chapters and short sections; the wording is the translator's own. Square

brackets, Greek or Latin words and footnote-free text are as the source file prints them, and a transcription error may remain. No Greek or Latin text is shown beside it yet, and no modern English version has been made.