

G and H. Priestly and Monastic Conditions for Marriage

According to current laws (vol. X, part 1, articles 2, 37, item 6), those **embracing monasticism**¹ and those **dedicated to the priestly or diaconal office**, however long they abide in them², are forbidden marriage altogether based on church decisions³.

¹ Members of the Church who have vowed celibacy cannot marry, according to the canons of the church. The church compares the vows of virginity and celibacy to a marital fidelity vow. According to it the presentation of the vow of chastity is betrothal with the heavenly groom - Christ. This figurative presentation of spiritual unification of the believing soul, which has dedicated itself to special service to Christ, has served as the basis for the canonical definitions concerning change to the given vow.

Therefore canon 19 of the Ancyra Council looks upon the broken vow of chastity as on a second marriage and assigns him the penance of a second marriage.

St. Basil the Great looks more strictly on the change of the vow of virginity. He considers it adultery and assigns the same penance as that followed for adultery (Basil the Great 18, 19, 50).

Byzantine civil laws also forbade **marriages for those embracing monasticism** under fear of heavy punishment (Novella 5, chapter 8, Nomocanon IX, 29).

However marriage with a monk or nun until the IV century was not subject to anathema.

Cyprian of Carthage says in one of his letters: "If (some) have devoted themselves to Christ, then he should remain chaste and pure without any falseness and with firmness and the constancy to await the award of virginity. If anyone does not want to remain in this status any more or cannot, then it is better to let him marry than to cause him to fall into the fire from the sins" (Cyprian letter to Pom.).

St. Basil the Great in canon 18 testifies that the fathers were mildly concerned for such marriages as condescending to the weakness of longing. But he himself, looking at such a marriage as adultery, directly says that one should not first accept in intercourse the professed virgin devoted to God, except when he will stand higher than sin.

The same expresses also in canon 16 of the Council of Chalcedon, subjecting the monk, who married, to deprivation of church communion.

After this as this practice has come into force, embracing monasticism after divorce from marital co-habitation was returned, sometimes by means of the police, to the monastery where he had been before (Justinian Novella 123, cap. 15 et 42). The person who has entered an illegal marriage with a monk or a nun, on separation from co-habitation was imposed a church penance on a par with embracing monasticism and after its fulfillment did not lose the right to enter a legal marriage.

² The Holy Church not only for priests but also for all Christians recognizes one marriage as perfect (refer to the 3 notes on p. 1111). Therefore the Church fairly demands that the **marriage of the priest** be mainly made perfect, but not such as what laymen admits as imperfection (Sobranie Mnenie (Collection of Opinions and Excerpts), vol. IV, pp. 521-522).

Church servers usually entering their first marriage after dedication in a sticharion, in the case of a second marriage by established custom, lose the right of wearing the sticharion (refer above to note 1 on p. 713 and note 2 on p. 1107). The third marriage for church-servers is considered possible only under the condition of preliminary dismissal from spiritual ranks (see Tserkovniia Vedomosti [Church News] 1896, 16, 1898, 50; for details see Penzenskiiia Eparkhial'niia Vedomosti [Penzan Diocesan News] 1886, 4).

³ The priest, deacon, subdeacon and furthermore, of course, the bishop, after acceptance of the dignity cannot marry by the canons of the church (Apostolic Canon 26; Neocaesarea 1; Trullo 3, 6). The canons of the church have been confirmed since the time of Justinian also by the civil laws (Codicils 1, 3, 45). **Marriage of ordained persons**, concluded after the consecration in the dignity was liable to degradation as illegal. This is evident from the sixth canon of St. Basil the Great and the third canon of the Council of Trullo.

Emperor Justinian in his decision of October 18, 530 expressed about similar marriages thus: "in as much as such marriages are not allowed by church canons, we order that they have been forbidden also by our laws, - that children who will be born in such an illegal marriage were not considered born in marriage, but divided the shame of his progenitor, that they completely admitted without

rights to inherit, to receive gifts from their fathers, neither personally nor through the means of others, for example mothers" (Codicils 1, 3, 45).

Justinian's law should lose its power after Novella (79) of Emperor Leo the Philosopher, who determined that the clergyman, who was to marry after ordination, was deprived of his consecrated dignity, but was not excluded from the clergy and generally was not banished at all from church services, with which deprivation does not impede the second marriage.

Church canonists of the XII century testify that during their time the law of Leo the Philosopher was used instead of that of Emperor Justinian (Balsamon, Commentary on Nomocanon IX, chapter 29), although they keep that idea that any illegal marriage of the clergy, after removing him from serving, cannot become valid, on the basis of the core position of the Greco-Roman right, that had no validity in its beginning, cannot get it subsequently, after the removal of obstacles, taking away by this power.

Balsamon even asserts that marriage of ordained persons cannot be lawful and in that case only if they have already married him after the removal of his sacred vestments (Commentary on canon 44 of St. Basil).

But in the practice of the Greek Church and during the latest time divorce of the marriage concluded by the ordained person while he remained in his office was not required.

What the practice of the Russian Church was at first is difficult to tell by the lack of certificates. In church practice, since XVI century, a distinction was made between the marriage of the ordained persons before removal of his dignity and the marriage after removal of his dignity. The last marriage was considered allowed. But since there was no direct and clear rule in this accounting, the practice was not firm. The Moscow Council of 1667 recognized the possibility to keep the practice established by the law of Leo the Philosopher, i. e. not to interfere with priests and deacons who married a second time, to correct the duties of clergy after deprivation of their ordained dignity, and their marriage was certainly held valid (Acts of the Council Chapter 7, verse 3). Peter I also recognized the legality of similar marriages. The same was also in the practice of the past centuries (see I. S. Berdnikov, Lectures on Church Rights, pp. 98-101).

See note 2 on p. 939 and refer to note 2 on p. 1107.

*S. V. Bulgakov, "Handbook for Church Servers", 2nd ed., 1274 pp. (Kharkov, 1900) pp. 1118-1119.
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