

Canon Law-2

Church Administration

The General Out Look

It is necessary for the theological students to take the right outlook which refers to the rule of the church administration. It must be exposed how and what base the church exercises the power given by the divine foundation for keeping her organization.

The church power contains three branches: educational administration, the sacred thing performance and the jurisdictional power. The church should have a school to keep her teaching and perform the gifts with the help which is shared the grace of God.

Chapter one

1.1. The Educational Administration

The unity of the church is based on the unity of faith. If there is no unity of faith, the revealed Christian teaching cannot be kept; the unity of the church will not exist. The organ that can keep the unity of the church is the bishop. The bishop is expected to preach the gospel in order to make the persons inherit the kingdom of God. To fulfil these cases every bishop is assigned to a place where he is in a position to keep the truth. All bishops are regarded as representative of the apostles on the earth. All have the same power and dignity. In case, any quarrel is created regarding the faith, which touches all or the unity of the church and threatened purity as well as the integrity of the truth discovered, must listen the voice of the whole bishops.

In relation with the question of belief and the decision about what to be believed, the church does not create a new dogma but witness only the truth discovered as well as the unchangeable tradition.

The definitions of fixed dogmas by legal authorities are compulsory for all the members of the church unconditionally. Thus obligation power has the

origin in the content of those definitions which do not include any innovation but only the explanation of the traditional belief.

1.1.1. The Spreading of the Christian Teaching

In the oldest canons of the Oriental church, it is said that the bishop or the priest who neglects the clergy and the people and does not teach in devotion is to be deposed. The leaders of the church have decided that at all times and especially on Sunday. Only the bishops have complete rights in the church for preaching; without the authorization or permission of the bishop nobody can preach in the church.

Strengthening and spreading pure Christian teaching used is *catheheza* catechumen. In the earlier period of the church, baptism was preceded/headed by the instruction about the fundamental truth of the belief and lasted till when it is proved by the respective priest. Later on when baptism is implemented for children the *catheheza* is transferred for God-father and Mother. Nowadays, catechize is exercised in a way such that the priest gathers the children in certain time in his parish and will explain to them fundamental belief.

The spreading of Christian teaching in a sense of respective/individual is made through missionary service; the church sends her teachers to the people who are not enlightened by Christianity in order to convert them to Christianity. The missionary service is a divine order and through the use of it, the church has strived for bringing all human races to Christ.

The laws given by the church authorities for missionary requirements are:

- a. Clear and exact speech of the true Christian belief from which is recommended as a means of foundation of school for the unbelievers,
- b. The influence over the heart through a kind advice and love through the justification of the belief and moral of unbelievers and at least,

- c. Strengthening the relation among the convert, the church and faith relation and so on.

The missionaries are in any respect dependents of the dioceses bishop and obligated in interval time to present report in detail over their activities.

1.1.2. Defending the Believers from False Teaching

To keep the true revelation, the church was forced to elaborate the symbol of creed or to formulate the true belief for general use of the believers from the very beginning. The symbols must be read by the believers for every divine service. Among the symbols of this kind which have arrived to us from the old time are the symbols of Nicaeano-Constantino-politan, Gregory of Neo-Caesarea and Athanasius the Great. The Nicaeano-Constantino-politan symbol was strengthened by all synods of ecumenical councils held in the fifth century and through the 3rd synod of ecumenical council. And from then on ward, it was forbidden forever to introduce new symbol instead of this or to change or make any modification.

Among the expositions of the faith of this kind which are compulsory for all members are the two most remarkable approved by a synod gathered in Jerusalem. It is known as *Encyclia Orient Orthodox Patriarchs*. The *catheheza orthodox catholic* was developed by the church authority for the young.

The supreme defender of the orthodox truth teaching is the bishop. As guarantee, he will be the protector of the believers from false teaching. This is the well-known testimony of the bishop and at the same time the parish priest fulfils this duty in his parish.

Due to this motive/reason, the church decided from the very beginning to hold a synod every year for the solution of the problem expressing the true teaching of belief. The synod authority in the name of the bishop has

the duty to supervise the elaboration of the tradition and the Holy Scriptures before they are printed.

Every Orthodox Christian must know the number of the Holy Scripture fixed by canon and respect them. In the same way, the church gave a special attention for the translation of the Holy Scripture. Without the approval of the church, it is impossible to issue the books regarding the belief, moral or doctrine. It will be censored before it is printed. Usage of this kind of books and painted pictures without the approval of the authority will be punished.

The church which fixed the true belief in the ecumenical council/synod condemned in the same time the respective/individual heresies and their teaching, and it prevents reading of similar books prepared by them. The first example was the 1st ecumenical council which prohibited reading the writings of Arius. In regard with the decision of the synod, Emperor Constantine the Great had given a decree through which it was ordered that all the books of the heresies to be burnt. The old practice of the church relative for the condemnation of harmful books and opposite to religion is still in force or valid.

Chapter Two

2.1. The Administration of Sacred Things

2.1. 1. The General Explanation of Sacred Things

A certain ritual of the legal authority must be kept and from which nobody can be diverted. In the old times of the church, it was given a special attention, and a special ritual was made for sacred things of the Christian church for liturgy as well as implementation of all other established things. Any diversion from this or introduction of the innovation was and is prohibited. The canons of ecumenical synod give us evidence that the church was very attentive for keeping rigorously the old rule of the divine service and condemn any diversion/change.

Besides the exact observation of the rules mentioned, sacred things must be implemented according to the order of the church with the fear of God; they must be performed publicly in the church and not in particular houses except in the case of jurisdiction.

Participating public divine service on Sunday and holydays is compulsory to all believers; the church condemns those who neglect it. If anyone intentionally separates from the unity of the church and others who indicate other tendency outside of the church are to be deprived of the Eucharist. At the same time, the church prevents gatherings up with these kinds of people. Similarly, the church prevents the participation of the believers for prayers and sacred rituals with non-Orthodox. The organs for implementation of sacred things are obliged to watch for whom the priest should instruct them first, otherwise it is forbidden to perform the sacraments for these who do not know the fundamental truth of the belief.

The church is a place where the great priest brings sacrifice to God for the salvation of human soul. The sacrifice is performed then and now at all times in the church. It is the great sacrament from which all sacred things which exists today in the Oriental Orthodox Church developed. Some of them were decided even by the founder of the church (Christ) for the transmission of the divine grace, while others were instituted by the church in the course of time on the basis of the power given to her in order to be holy in her and the blessing of God. The sacramental activities are performed through the use of different prayers conducted by the bishops or priests according to certain ritual.

There are seven sacraments: namely baptism, myrrh (anointing), Eucharist, repentance, ordination, marriage and anointing. For a regular performance of any sacraments, it is necessary to have adequate material. The priest or the bishop at least convokes (call for a meeting) the Holy Ghost using a certain formula through which the priest performs the sacrament with spiritual power. All the sacraments have their origin from divine law and the church legislation.

There are different prayers which must be performed according to certain ritual. The church has introduced a lot of prayers not only for the distinguished occasion of the church but for all social life of human beings in general. Among these prayers some refer for the object in connection with church function; others for altar work, water consecration for the baptism, blessing of the oil, incense, the candle, the bell etc. consecration of the new church building, cemetery, etc. new houses, flags, tables, etc. prayer for protection from natural disaster, beseech/implore help for the sick etc. All these prayers are found with the ritual books. The priest or bishop has to perform these prayers.

2.1. 2. The Organs for Administration of Sacred Things

Any priest or bishop ordained legally can administer sacred things because God Himself works through them; the priest or the bishop is used as intermedial. The priest does not impart the gift of God to men but God Himself through the priest. The bishop has absolute right for the performance of any sacred thing in the church. The priest receives an authority from the bishop performing these things. Ordaining a priest or a deacon is the activities exclusively done by a bishop in the virtue/feature of his hierarchical power, while others are performed by priests. The deacons have no right to perform independent sacred things at a normal condition.

Chapter Three

The Jurisdictional Power

3.1. The church Legislation

The founder of the church had given to his apostles the power of legislation that transferred it to their followers (bishops) episcopos. The legislation power of the church assisted by absolute divine power is developed in certain direction. The organs of the legislation power, the church for the introduction of a new do not declare in their own name but in the name of the Holy Ghost who lives in the church and they

implemented as intermediater of his will on the earth. **Anybody** is not allowed to issue the rule in his proper name but in the name of the Holy Ghost who works through him. The legislation power works in the name of the whole church as a body which is inspired by the Holy Spirit. The organs of these powers have permitted the sacrament of priesthood with which a special grace of God is attached. Having this view in the character of the church laws, the legislation power of the whole church is impossible to be possessed by a single person except the holy synod of ecumenical or local one.

3.1. 1. The General Legislation of the Church

Through the general church legislation, it is understood that the laws given by the superior church legislation power are compulsory; it should be unconditional accepted by any church member. The fundamental rules which refer to the teaching of faith, sacraments and internal church administration were elaborated to know the bases put by Jesus Christ that are first made by the apostles and later by the ecumenical synods. The general church legislation is developed in the ecumenical synod through the discussion of the head of the autocephaly churches.

3.1. 2. The Special Church legislation

Besides the general church legislation, the canons permit any particular church to be organized. The second ecumenical synod, in its second canon had fixed jurisdiction on some significant episcopal throne and decided that every church looking after the respective synod. All the canons give the right of legislation to the bishop in the assigned diocese. The deviation with his own power of one bishop or any particular church, from these fundamental canons are received by all churches, to be a schismatic society, but if the bishop to be blamed must be deposed.

3.1. 3. The Particular Synod

The legislation of the particular synod must take into account the general legislation. It is not allowed to violet the general fundamental of the

church organization and not to be against the spirit of the truth of the church of Christ. The particular churches must control the activity of the legislation in the synods that the rule to be based directly on the prescription of the general canons.

3.1. 4. The Legislation Power of the Bishops

The bishop has the position of a legislation power in the church and its organization. According to the confession elaborated in the epistles of the apostles and the church fathers, the bishops were giving instruction and making regular corresponding to the situation in their jurisdiction. In the 4th century, the legislation activity of the bishop was legalized through the canons. The 34 apostolic canons have insured the independence and right of the bishop in order to look after interests of the churches. The bishop is a light of the followers of the apostles and he has a duty to keep relation with other bishops and churches to exercise the apostolic mission in the church. A decision of a bishop remains obligatory if it is not against the canons.

3.2. The Status of the Society

There are a number of societies in the church which follow a certain scope of devotion. The society enjoyed the autonomy based on the rule which was given by the competent authority. This status is in need of the approval of the competent authority in order to convince that the status is based on the respective rule given by the church.

3.3. The Church Jurisdiction

3.3. 1. General Outlook

The law either in the sense of objective or subjective contains in itself the idea of unviolated form. From the independent situation of the church as a social organization, its power took place in exercising the jurisdiction for any violence of jurisdictional sphere. As anyone is obstacle to implement

the mission of the church, he should be deposed based on the established church orders. The basis of the jurisdiction was put by the founder of the church when he said to his disciple: "If your brother sins against you, go to him, and show him his fault. But do it privately just between yourselves. If he listens to you, you have won your brother back. But if he will not listen to you, take one or two other persons with you so that every accusation may be upheld by the testimony of two or more witnesses as the scripture says. If he will not listen to them, then tell the whole thing to the church. Finally, if he will not listen to the church, treat him as though he were a parent or a tax collector" (Mat. 18:5-17).

The bishops have the right to function as a judge in a church. The founder of the church had transmitted the right of judging the brothers to the apostle. The bishop has this right since he is responsible to control all misunderstandings among the believers. Any tribunal which is independent of the bishop that is consisted of the clergy or other church personality is considered as illegal or valueless. The clergy in their situation should be obedient to the church jurisdiction as laymen obey to spiritual affairs.

3.3. 2. The Competent Church Tribunal in Its Special Phase

In the first century, when the church was isolated from the pagan people in the Roma Empire, it abandoned any relation with pagan authority. Any quarrel or misunderstandings which were created among the Christians either in church relation or in social relation was discussed in the church tribunal. This process was made through the disposition/nature of NT based on the church rule of the time. St. Paul the apostle wrote to the Corinthians "If any one of you has a dispute with fellow Christian how dare he goes before heathen judges instead of letting God's people settle the matter? Don't you know that God's people will judge the world? Well, then if you are to judge the world, aren't you capable of judging small matters? Do you not know that we shall judge the angels how much more then..." This advice conforms that as there was any quarrel among the clergy and the laymen church jurisdiction was applied. The jurisdiction acknowledged

by the first Christian emperors did not allow the interference of the political tribune to be exercised.

The canon prohibited the clergy members harshly as in quarrel among them to address the political tribune. It orders them in this case to appeal the help of church tribune. Emperor Justinian had introduced and stabilized (in detain enough) the relation between the tribune of the church and that of politics, and he gave same occasional rules as follows:

- a. All the quarrels in the church as well as the administration of the church property are under the competent of respective bishop. Any member of the clergy who is not satisfied with the decision of the bishop can appeal to the metropolitan, in proper procedure and at least to the patriarchate.
- b. A lay man can invoke/appeal against a member of the clergy with the help of the bishop's judgement.
- c. In case of crime, either the church tribune or the civil can examine the case, if the respective person is found guilty, he will be given to the civil.
- d. All the process among the bishops either the church character or civil is judged by respective metropolitan synod.
- e. Any bishop cannot be summoned to be a witness in the civil court or tribune for a certain scope. A judge used this kind of behaviour will lose his position. Anyone who helps the judge against the bishop will be penalized with exile.

The church legislation on the base of church practice of the previous one, all offences of the (lay men) believers, were brought before the church tribune even after the recognition of church liberty in the Greco-Roman Empire.

All cases which are about defence of the members of the clergy in implementing sacred things are judged before the tribune of the church according to the actual law while other affairs of the clergy were subjected

to the civil tribunal. In regard to laymen, it depends on the competent of the church tribunal.

1. The decision of illegal marriage contract,
2. Cancellation of marriage and
3. The legal marriage question.

Lay men were judged by the church tribunal with regard for all offense against faith, church hierarchy, the church right and devotion. The church tribunal can penalize these offences with prevention receiving Eucharist for many hours but a little time taking the right participation of jurisdiction from the ecclesiastical actions; he should be excluded from the community of believers.

3.3. 3. The Church Tribunal

Canon 6 of the Second Ecumenical Synod decided the debate of the judgement in the church affairs. If the member of the clergy is accused by other clergy or an episcopos or metropolitan, the question should be brought before the ecclesiastical tribunal. The clergy and monks have to be present before the episcopal tribunal, while the bishops before the metropolitan. If the metropolitan is also in a position to be judged, he will be present before the patriarchal tribunal. Here there are three instances of jurisdiction. These are episcopal, metropolitan and patriarchal.

According to the canonical principle of the Oriental Orthodox Church organization, any power is exercised in the synod. The personal jurisdiction is exercised by the bishop without formality and the sentence given by him is not examined by other tribunal.

- a. The most inferior instance of the church tribunal is the tribunal of archpriest (the rector which is not independent).

According to the canons, the rector's tribunal is in debt to examine the quarrel which is created among the members of the church with regard to service affairs and searching complain which are raised by the church community or every believer.

- b. The bishop tribunal is constituted in the church always from the bishop, the elected member by the diocesan clergy.

The sources of church law are real and exact and the bishop tribunal used to discuss and decide in olden times.

- c. The metropolitan tribunal which is mentioned in the canon source is administered by the synod. The metropolitan forms the first instance in quarrel among the diocesan bishop.

Today the jurisdiction in this regard is exercised by the central organ that is superior in the autocephalous church. According to the existence of status, the metropolitan tribunal forms the first instance.

- A. In quarrel among the diocese bishop
- B. In competent to judge the quarrel, in rule of church administration and church jurisdiction among the diocese authority and on organic element.
- C. For reclamation which has done by clergy or co-religious against some bishops of the diocese or against consistent.
- D. In case when a bishop is charged uncanonical character.
- E. In case when it is speaking of removing disorderliness observed.

The second instance of canonical applicant is the metropolitan tribunal for all church personal and other persons.

The metropolitan tribunal today in autocephaly church forms the last judicial instance with exception of the four. Oriental Patriarchal as instance superior metropolitan tribunal.

3.4. The Church Procedure

3.4. 1. The Special Church Procedure

In the canonical source of the first century of the bishop tribunal is read as a regular tribunal and independent...all the quarrel created among Christians whether clergy or lay is debated by Christians to find out the truth in the good model as well as giving a right sentence.

The behaviour of the accuser as well as the accused have to obey for detail examination; whatever the accused himself has had a good fame, it won't be given any credit, it must be proved by witnesses. Before the church tribunal, two kinds of processes are presented; one is introduced through the charge raised by somebody, while the other through the intervention from the tribunal office. In the process of the first manner, the accuser is the principal person; he has to find the charge to read and offer the necessary evidence, and to convince the judge about the legality of the charge. Opposite to this, the accused has to reject the attack of the accuser to combat the accusation and to show his innocence by providing evidence. In this process, the tribunal plays more of passive role.

- a. In regard to the accuser, the canons make difference between the affair of the church and the civil. In the affair of the church, a charge against a member of the clergy cannot be raised unless by co-religious, therefore someone who does not have an Orthodox faith cannot be accuser.

A charge must be public; a secret charge is not acceptable by the bishop. The accuser must read exactly all points of charges mentioned by him in his charge and to call on two or three witness for strengthening the truth by his indication.

- b. The accused is obliged to be present at the tribunals for judgement in the same day in which he received the written order; in case when he is not present, in the absence of the motive which is to be justified, the obstacle is penalized.
- c. The canon mentioned about the lawyer before the tribunal.
- d. At last the canons more contain decision about the witness permitted on debate affairs in dispute or litigation before the tribunal of the church.

3.4. 2. The General Church Offense

a. Apostasia: it is the abandon of the Christian faith and embraces some none Christian confession apostasion can be either intentional or forced. In the first case, apostasy lay man is excluded from embracing all the life, in

the last case on 12 years while the clergy in the first case is deposed. In the last case, it shows deep repentance that will keep the name and dignity of the clergy; but no more dignity forever to implement sacred things.

b. Heresy: it is intentional rejection and being stubborn of some fixed dogma of the church or dogmatic holding for heretical dogmatic opinion blamed by the church. The penalty of the church for this anathematized.

c. Schism: it is the separation or division of the church due to different understanding of some object which are lesser importance to the church teaching or a certain problem easy for reconciliation. The later one is refusing of listening of the church authority. The canon decides penalty for the first 1st kind of schism, according to the size of the distance from the church teaching established for the 2nd type of schism, the canon decides for clergy deposed and for life excommunicating.

d. Simonism: it is a serious offense consisted with spiritual gift. The name is derived from Simon who offered money to the apostles for spiritual evidence. A guilty man is not the only person that gives live or ordination or (forwarded) raise (the grade of hierarchy) but some body to hierarch grade as well as someone who receives ordination in the same case, so also intermediater. Through Simonism only giving, receiving money or other gifts for the evidence, respectively holding of spiritual service is not comprehensive.

This offence is done then:

1. When it is made ordination or for better position as reward for personal service.
2. When this result is considered as nepotism/favouritism or friendship.
3. When it's deceived by the person influenced for proving illegally by the church dignity as much as getting vote for election in the church position.

The Objective of Offence of Simonism

- A. Agreement or receiving the dignity of the bishop priest or deacons in spite of any service.
- B. Therefore acceptance or agreement this follows any service of jurisdictional hierarchy.
- C. Gifts with payment of embracing or other means of salvation.
- D. The abuse of jurisdictional power for a law use as well as giving of unjust sentence or giving unmerited penal for gaining or for suffering (bias).

The church gives the bitter penalty for this offense. Any bishop who is proved of Simonism is to be deposed.

3.4. 4. The Offence of the Clergy

The Offence of the Clergy is referred to for professional duty special in church or for general duty which obliged any Christian.

I. Offence which is regarded as a special church service is read in the source of church law as follows:

- a. The ordination for the second time of the bishop, the priest and the deacons for the same rank.
- b. Committing by his own authority sacred things by a priest legally deposed due to an offence.
- c. Performing ordination by his own power of an episcopos outside of his diocese without the will of the diocese bishop.
- d. The performance of divine service by a clergy into paraclis without the knowledge of the diocese bishop.
- e. Leaving the service place by his own power, and the acceptance by other bishop, priest or deacon without the knowledge of the competent church authority.
- f. Leaving off a diocese bishop of his diocese and waiting a long time outside his diocese
- g. The negligently of a bishop or priest, the written ritual for performing sacred things.

- h. The negligently by a bishop or priest and implementing the duty function of the teacher in the church.
- i. The violation of secret witness.
- j. The wasting of church property or its utilization for its scope.
- k. Occupation with affairs which is not related directly to the church service and his duty negligently.
- l. The negligently of the cloths which do not correspond to the church character.

The penalties for the offence given are contained in the same source of the church law, which treats about that offence. For the account of these penalties, the canonical prescription is always taken into consideration by the church authority.

II. More offence is committed by clergy who regard duty of social life, nowadays decide the civil tribunal. Because the church has direct jurisdiction over the clergy, similar offence is judged by external church forum.

Among the offence of this kind that must be mentioned these more important.

1. A high betrayal
2. Conspiracy against the legal authority
3. 3. Perjury
4. Profanation (abusement of things sacramental to God)
5. Blasphemy
6. Aloniereaslanderslanderslanders and false accusation
7. Theft (hurtful)
8. Usury
9. Omor=murder
10. Beating
11. Adultery
12. prostitution
13. Drunkenness

14. Play or chance play
15. Passing time in drinking house
16. 16. Visiting of localities of amusement

The penalty for other offence, the church decides according to the necessary measurement.

3.4. 5. The Penalty for the Clergy

The penalty which is given for a clergy can be grouped in correction venality through which is taken all the right and the spiritual property. And the other is recovery penalty.

From the first make parts:

- a. The advice is understood as the duty of the clergy that must be fulfilled according to his position in church.
- b. Reproach or scold is made personal by a bishop or by the synod. In the last case the respective is blamed in public.
- c. The degradation of the guilty from the rank occupied to the lower position.
- d. Excluding from the service for certain time. At the beginning, he will be at them bishop's residence under his supervision. Later on, the guilty is sent to the monastery under the supervision of the abbot with the penitential rule.
- e. Preventing from performing sacred things for certain time. This penalty is given as a penitential for an offence committed. In the expired time of the penalty, the respective cannot exercise any right.
- f. Preventing from fulfilling certain sacred things. For that penalty are obedient those guilty of an offence.

The penalty mentioned up to now is for correcting the clergy from their wrong doings, whereas the following are proper penalties applied upon the clergy when they are found guilty of violating canonical orders:

1. Losing the right to be transferred for higher hierarchical rank forever.
2. Being excluded from any ecclesiastical service forever. This penalty is given for the negligence in implementation of the duty which the clergy has. For example, when a bishop leaves his diocese for a long time or a priest goes from his service place without the will of the bishop (by his own will).
3. Losing the right forever to perform sacred things, but with the right of bearing the clergy title and holding the spiritual dignity. This penalty is given in case where the offence is very difficult and produces a scandal in the population.
4. The deposition or loss of the right to fulfil the sacred things, related with the loss of the title name of the clergy and the dignity forever. This penalty is directed specially to hierarchical norms. For example, Simonism, laymen are penalized by excommunication. A clergy that is penalized with deposition, loses all rights of teaching, performing sacred things and the right of jurisdictional power.
5. Deposing and excommunication at the same time: the clergy who takes this penalty is subjected for laymen. This means, he will be excluded for a short or long time from the prayer of the community of their believers. The clergy suffer from this difficult church punishment.
6. Anathema: this punishment is the same for the clergy and lay men.

3.4. 5. The Right of the Church Having the Property

The property of the church is composed of all things which are needed for her external life and for not to be obstacle in arriving her scope. The external life of the church mission is constituted from implementing divine services according to the ritual prescribed from spreading Christian teaching and from keeping order in church organization.

The church has a right to realize her sacred mission in the world. As a social organization, for the satisfaction of divine service necessity, the church has a need of earthly property.

3.4. 6. The Changing of Ancient Canons

An ecumenical council is the only authority enables to define dogmas and imposes on all church obligatory disciplinary prescription, abrogating or changing the canons of the preceding councils or forming new ones more adapted to modern times.

The first congress of Orthodox theologians, recognizing the necessity of codification of the holy canons expressed to the most Holy Orthodox churches the desire that they constitute by common understanding and by the meditation of a commission of professors of canon law from the theological faculty.

3.5. Church Administration and Ecclesiastical Discipline

A. Codification of the Holy Canons and other canonical prescription with a view to their eventual ratification by an ecumenical council, when the time shall have come from one.

B. Administration of justice and penal procedure:

1. An organization of ecclesiastical courts in the entire Orthodox Church that will be as uniform as possible.

2. The establishment of a penal procedure that will be identical as far as possible.

3. Concerning bishops:

- a. A study of the manner of electing bishops so that it may confirm to the canons as closely as possible.

b. Administrative and other distinction among the bishops;

1. Patriarch 2. Heads of the autocephalous churches 3. Metropolitans 4. Archbishops 5. Titular Metropolitans 6. Residential Bishops 7. Titular and Auxiliary bishops 8. Chero bishops.

D. Monastic life a suitable means for bringing orthodox monastic life back to its ancient splendour by fidelity to its tradition and monastic rules and by resumption to its former activity.

E. Adaption of canonical prescription regarding fasting so as to be in accord with the exigencies of our times.

3.5.1. Formation of Clergy

- a. Manner, aim and content of clerical formation.
- b. The immediate supervision of clerical formation by the hierarchy.
- c. The formation of the clergy in theology and other fields.
- d. Lecture for the formation of clergy.
- e. Marriage independent: a study of actual practice of local of actual churches and the church's power in the field, with a view to arriving at a uniform practice in the entire Orthodox Church as far as this is possible.
- f. Department of clergy: their appearance and dress.
- g. The problem of the calendar: a study of the question based on the decision of the first ecumenical council in regard to the date of Easter, aiming at the establishment of a practice common to all Orthodox churches in this matter.

The approval of the above program at Rhodes necessitated the establishment of officially recognized group of scholars furnished the necessary scientific and material means.

3.5. 2.The fundamental principle of Orthodox

Canon law should guide the composers of the new code. It is explained in the development of the canon law. According to him an orthodox code should be based on eight principles closely connected with 'Dogma' and on four others of purely 'Canonical'.

These are:

- a. The divine human nature of the Son of God.
- b. Universal church in which every member
- c. Collaborates in the work for the salvation of souls under the guidance of
- d. A hierarch organized in a synod system
- e. The exercise of ecclesiastical authority should be governed by the principle of economy.
- f. An independence of and at the same time
- g. Loyalty to the civil power
- h. The autocephalous character of the church
- i. Autonomy with regard to a superior orthodox authority.
- j. The acceptance of state laws in the ecclesiastical codes or the 'Nomo canonical' principle and finally
- k. The territorial principle according to boundaries of dioceses and parishes should correspond to the administrative canon law/ page. 157.

3.6. Human Rights and Church Order

The determination to create a juridical order which safe guards the personal freedom of man should also be expressed in church order. Church law ought to be a living theological expression of man's right by its very nature.

3.6. 1. The Specific Nature of Church Order

The key function of a church order as well as its aim is to protect and guarantee this proper responsibility in faith and its development. The quality of the ecclesiastical community as a sacramental community of faith is decisive for the nature and function of church law.

3.6. 2. Particular Right

a. Equality and Brotherhood: the first of the declaration say “ all human are born free and equal in dignity and heights. They are endowed with reason and conscience and should act toward one another in a spirit of brotherhood.”

A “personality cult” is not recognized in law. Church law should be radically and resolutely reject any chains that might suggest inequality among the faithful on principle whatever the function.

b. No discrimination: the second article rejects and forms of discrimination in law birth and social background have no claims to special privilege. It is urgently necessary for the law to abolish radically, still legally existing “minority status” of secular and regular female superior.

c. Equality in the administration of justice: Canon law recognizes the principle that anybody can seek protection for any right he has in the community. In a sacramental community of faith, it is extremely important that the legal way of protecting ones ecclesial rights is clear, public and open to every member with regards to every other member.

d. Impartial justice: the existence and effective functioning of independent and impartial justice is a service to both parties and prevents many conflicts that are otherwise insoluble. A solution which also will satisfy the community can only be given by an impartial judge who is not dependent of the bishop.

e. Respect for the private life: these who were adequately protected by church law against almost unlimited interference in private affair and under the regulation that makes even a minimum of privacy impossible.

f. Freedom of thought conscience and religion: Church law is meant to order the life of the sacramental community of believers and therefore presuppose a free acceptance of the faith. There is no sense in imposing church law on people who do not believe themselves bound by such a law who want to have no part in the community.

g. Freedom of opinion and expression: the usual ecclesiastical policy of presuming the necessity of secrecy and of only occasionally allowing

publicly should be reversed so that the necessity of publicity is presumed and secrecy only occasionally imposed when there are compelling reasons for it.

h. Freedom assembly and association: The principles which govern freedom of association in the church have been set out in the constitution on the apostolate of the laity.

i. Democracy: the indispensable condition for the further development of democratic structures within the church is the development of each one's awareness of their own personal responsibility to the Lord.

j. Participation in the cultural life of the community: Universal declaration of human rights can be an inspiration, not only for a new codification of Christian rights in a new church order, but also for the growth of a social law as has already happened in the legislation.

1. There be a revelation of the nature and purpose of the in so far as it tends to perfect the people of God.
2. In this reevaluate Cognizancebe taken of the current scriptural and theological classification of the nature and mission of the church.
3. The charity and pastoral concern of to be strong motivating factors in the formation of the law.
4. In addition to the concept of Roman law, Germanic law, Anglo- American law and Oriental law are considered in the formation of the revised law code of canon law.
5. There is a careful scouting of these? Laws which we formulated in the historical context of conflict with other religious or secular bodies. In so far as these laws lead to interference of lack of justice and lack of charity.
6. Persons who were not baptized legally in the universal church, who were not converted to orthodox faith are exempt from purely ecclesiastical laws.

7. The content and terminology of the law be formulated with the presumption that persons who are not Catholic are persons of integrity and good faith.
8. The objection of non-Catholic to the laws of the church is thoughtfully considered as much as these objections may point to the lack of justice equity or charity in the law.
9. The penal law be drastically curtailed and simplified and that their application for greatest part be placed in the hands of the local ordinary or regional and national conference of bishops.
10. An accused person be not punished unless he is aware of the nature of the accusation, the identity of his accuser and the evidence of the truth of the accusation, and he has adequate opportunity to defend himself.
11. Whatever possible decision permission and delegation now reserved to the Holy See be transformed to local ordinaries.
12. The safeguarding of the rights of persons be on a par with the safe guarding of the dignity of sacraments.
13. The rights and interest of priests and religions other than pastors and superiors be defined and safe guarded.
14. Very serious consideration be given to the fact that under to personal laws of procedure. Person seeking annulment or dissolution of marriage often suffer a grave injustice in as much as they are not given an adequate opportunity to vindicate their rights or to seek relief.
15. The right and interest of the laity be clearly defined and safeguarded.
16. The freedom of conscience of the individual person be respected and safe guarded by laws concerning the prohibition and censor of books.\

17. The work and experience of the united nation and the world council of churches be taken into consideration in the formation of the new law.

The renewal of church order, the revision of penal code is one of the hardest nuts to crack yet the maintenance or rather restoration of an ecclesiastical discipline is necessary.

The ecclesiastical communities cannot & let mystery of salvation be celebrated or ecclesiastical ports to be occupied by people who openly reject their gospels or whose conduct denies this proclamation openly and clearly.

The churches cannot be and remain themselves if they do not maintain themselves in a true unity of faith, the true unity of community and a true unity of evangelical life.

It's generally agreed that the penal law contained in the present code of canon law is for a large part out of date. To apply it means in most cases a complication of evangelical life.

3.7. Penal Law or Discipline

To prove that the church need a penal law code it has been argued that the coercive/force power is just as necessary to the church as the law at large. It is said that the church is perfect society coercion is an essential element of law. It is true that in earlier day's excommunication and to other punitive measures of the church had a pronounced coercive character. Any measure by which the church excluded somebody from her community or from the right to liturgical participation or from the exercise of ecclesiastical office had a pronounced coercive character.

3.7.1. The Notion of offence

Offence means in canon law an external and morally imputable transgression of law or command to which a canonical sanction is added or at least a treat of punishment. One might conclude from this that the

church order works on the principle that there is no punishment without law, even though the law contain no sanction whatever the legitimate authority can nevertheless punish the transgression of such a law, woven without the threat of a sanction before hand, if this were deemed necessary on account of public scandal or the particular seriousness of the transgression otherwise the guilty peon cannot be punishment in case of transgression. I principle a judge cannot inflict punishment unless he acts on an existing penal law fits with a system where legislator to lay down what punishment must accompany what transgression and the judge cannot inflict punishment unless he acts on an existing penal law fits with a system where legislature and judicature are separate function . Then it is up to the legislator to apply these laws. But in the church order there is no separation in principle between legislature and judicature particularly not in penal law. it also makes sense to establish a procedure for the taking of such measures which will protect members against every injustice and arbitrations.

3.7. 2. Discipline and Penance

The definition of an ecclesiastical offence said on one hand that in penal law the church only considers the social aspects of the offence, not the aspect of sin for which one is reasonable to god and which the church deals with in the sacrament of penance with so called vicarious authority. Here satisfaction is obtained through a voluntarily accepted penance.

We start from the right principle that penal law or the disciplinary order of the church is by a mature public matter a matter that concerns the community on the other hand here we have disciplinary measures about conduct that is not public and this cannot be reconciled with the community should be separated from concern for individual members and this principle is only gradually coming to be realized in church order. Ecclesiastical administration is becoming increasingly distinct in principle from functions that are concerned with personal spiritual direction.

3.7. 3. The Notion of Punishment

In the secular state all penal measures are measures with which the community through its competent bodies threatens the transgressor. There is no single system where the transgressor must himself apply punishment to himself. It is different in canon law where excommunication, suspensions and interdict are not the only measures that the community or the ecclesiastical authority takes against the transgressor but also an obligation on the transgressor to execute these measures himself, Ecclesiastical punishment not only obliges the churches not to let somebody approach the sacraments or to administer them or to let him partake in the celebration of the Eucharist or to exercise etc. But also imposes upon the transgressor himself the duty to abstain from these actions in conscience.

We can also avoid a contradiction on this point in the existing discipline and canon law. When the church decides that somebody must be denied communion or the celebration of mass for public misconduct. She does not judge the man's conscience and does not intend to judge this. "The church doesn't judge matters of conscience is centuries old (adage). But in that case it is a bad logic to impose a direct obligation of conscience on some body to take disciplinary measure against him. The function of canon law is to regulate the public aspect of the life of the community, not the private life the person. This would be the logical application of the separation of law from conscience.

3.7. 4. Punishment Inflicted by Law

A punishment imposed by law is a particular punishment so attached to a law or command that it is incurred (ipso facto) by the transgression of the law or command the punishment laid down in law or command is only incurred by the sentence of a judge or a pronouncement by the authority. Most canonical punishment today is (late Sententiae)

Various arguments have been adduced to justify the existence of such punishments. In a spiritual community punishment (latae sententiae)

might be meaningful because over and above the keeping of the law, the members are expected to live by the inner connection of their faith.

The legislator does not know the transgressor the judge does can make personal contact with him and adjust the punishment to his condition. Punishments are not aiming at individual but at the community. They must correspond to the social consequence of the offences. They are not imposed in order to protect the community. It is precisely this sanction (*lataesententiae*) which caused penal law to shift from public order to private penance and the conscience. And thus the

Penalty has become a private affair, no longer a matter for the community but a personal matter a tail end to sin.

Some authors to maintain the punishment (*lataesententiae*) at least for specific misconduct in office by priest, where this conduct is by very nature and not public as in the case of giving sacramental absolution to an accomplice in sins against the commandment of chastity or of a direct violation of the confessional secret, such offence can create grave scandal and seriously injure the religious life of the others but as long as violations of the priestly office are not public, it is difficult to see why the situation should become still more complicated by severe disciplinary measures.

3.7. 5. The Prohibition to Absolve (Pardon)

One of the effects of excommunication is that sacramental absolution must neither be given nor be received. It has suggested dropping this prohibition as an ecclesiastical sanction. If all disciplinary measures are taken by the same authority instead of the confessor, such a prohibition would no longer be justified. For this would mean that the delinquent cannot receive the sacrament of penance before the authority has withdrawn the prohibition while in fact he is entitled to sacramental absolution as soon as he is in the right disposing.

To this one might add that the church's judgment of the necessity of disciplinary measures against a member cannot be and does not intend to

be, a judgment of this conscience. He should therefore be free to deal personally with matters of conscience even in confession, independently of his public and canonical position in the community.

3.7. 6. Excommunication

Excommunication can be described as a censure or corrective punishment by which someone is excluded from the community of the faithful. The following lists are the effects of this sanction are loss of right to come to the church's services, Service, except for preaching no active participation in church service, no reception of sacraments, no ecclesiastical, burial, loss of indulgences and public intercession of the church, no share in so called legal ecclesiastical action such as the management of church property, functioning in the church's judicature being a god parent at baptism or confirmation, voting in ecclesiastical elections, no reception or execution of sacred order, no administrative function etc.

Not every excommunication entails/involves the whole list and some only become operative after sentence.

Anyone who reads these lists for the first time wonder how one penalty can possibly have so many and such varied results all at once. This all embracing excommunication is not an institution which has existed in the church since the beginning formerly but it was divided into several kinds. Each member should be stated on the sentence. It has been suggested that no ecclesiastical measures should forbid or abstract the validity of a marriage. Here again a disciplinary measure is strengthened with a consequence that belongs rather to the conscience and disposition of the individual person.

3.8. GUIDE LINES

For excellence success in management the following formulas are cited often

- a. Know the organization goal
- b. Select effective subordinate

- c. Delegate by letting subordinates decide issue with/in their? Respective sphere of operation.
- d. Check to ensure that the results being obtained are satisfactory

A. First

- 1. Select your group members carefully
- 2. Motive them
- 3. Develop good communication.
- 4. Strive to attain effective interpersonal relationship.
- 5. Minimize conflicts among the group made me.

B. Second

- a. Strengthen human relations skills
- b. Learn to speak and to listen effectively.
- c. Set high standards or proposed levels of achievement.
- d. See situations from the other persons viewpoints.
- e. Because effective in decision making.
- f. Adapt a question attitude to discover and use new idea.
- g. Be a leader by getting involved in the action.
- h. View management as the opportunity to influence other peoples favorably.
- i. Evaluate what is achieved and if necessary take remedial action.

C. Third

- 1. Spread time on matters that are really important.
- 2. Plan and follow through on program.
- 3. Express personal feelings and understand the feelings of others.
- 4. Look for the best in others not the worst.
- 5. Make sure each group member is assigned the work best suited for that person.
- 6. Encourage members to assume responsibility
- 7. Appraise his or her own self and performance honestly.
- 8. Evaluate the group members' consistently
- 9. Keep expenditures at a minimum compatible with the service required.
- 10. Increase personal over all knowledge.
 - The church administration according to administrative law

a) people b) properties

- People managed by the church

a) Laymen be clergies

- Properties administered by the church.

a) sacred objects for ship service./eg. Church buildings and sacred things/ by as a legal body the right to possess property.

- Structural of church administration.

a/ vertical structure b/ Horizontal structure.

- Legislation of church law.

a) the right to issue the law b) the right to apply the church law/ the right to translate in practice the church law.

- Order of administration consecutively

a/ Giving guidance and performance by receiving direction and complying

- Technical administration

a) Placing policy planning **b)** planning **c)** character of the plan /kinds of the plan and its grade.

- Penal law of the church

According to the church law, the kinds of offence, the tribune of the church and the penal law in the church are applied to:

a) laymen b) clergies c) monks

- The procedure of penal law of the church

a) the body of justice b) charge procedure order

c) kinds of evidence d) justice procedure order