Volos Academy – Canon Law Conference
Paper – "Women and the Canons of the Church: A Difficult Relationship"
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Abstract: The relationship between women and the canons of the church has often been a difficult one. Although the canons that speak to the lives of women particularly were promulgated centuries ago, many are routinely used to regulate the ecclesial lives of women today, often without taking into consideration the assumptions upon which they were based. This paper will begin to explore this relationship, primarily focusing on the canons and commentaries that speak to women's "uncleanness", some of the liturgical practices that are associated with this understanding of the natural biological function of women, and some pastoral implications of these practices for the life of women and the Church today.

Introduction

In 2000, the Editorial Board of the *St. Nina Quarterly* (with the help of a local organizing committee) held our first conference for Orthodox women entitled, *Gifts of the Spirit*. In addition to the keynote presentations, we offered a number of smaller group sessions that explored areas of concern and interest to many women in the Church—Christian Education, Pastoral Care, Liturgical Arts, the Saints, and Women in Church Tradition. The latter category included a session on women and the canons of the Church. We had no idea if anyone would be interested in such a topic, after all there are very few canons that speak to women particularly (i.e. to women just because they are women). However, it proved to be a highly popular session. I remember asking a colleague why that might be so. His response, "Because the canons are often used against [i.e. to restrict] women!" Maria-Fotini Kapsalis relays the experience of many a young girl born and raised in the Orthodox tradition and her first encounter with the canonical inheritance of the church. She writes,

> …puberty marks the time when our mothers not only set us down to discuss with us the facts of life …, but also marks the time when our mothers expose us to the tradition [via the canonical inheritance of the church] of "ritual impurity" and the teachings of "uncleanness." …For some girls, this is calmly accepted as a fact of womanhood. For most, it becomes an obstacle to spiritual growth, causing distain for church practices which to the present day educated women do not make sense."[1]

[1] Maria-Fotini Polidoulis Kapsalis, "The Canons of Ritual Uncleanness and Women in the Orthodox Church." Accessed 10/29/2014, http://www.goodtreasure.net/WP/?p=366. Also, published in *The Coptic Church Review*, vol. 19, no. 4 (Winter 1998.) Henceforth: Kapsalis, "The Canons of Ritual Uncleanness."

The issue of the "uncleanness" of women is addressed in a few rather obscure canons of the Church. There are also canons for the ritual cleansing of men, but they vary in their proscriptions, interpretation, and enforcement and are not the primary focus of this paper.[2] This paper will focus primarily on an early canon that speaks to the issue of women's "uncleanness"—the second canon of Dionysius that restricts the public liturgical activity of "menstruous women," in particular entering the "temple of God" and approaching the "Holy of Holies," as well as a related canon—Canon 44 of Laodicea that prohibits women from "going to" or "entering" the altar. Both of these canons were not directly promulgated by a council of ecumenical authority, but belong to the collection introduced into the broader canonical corpus through Canon 2 of the Council of Trullo in 691 AD which ratified canons of previous councils including Regional Synods and those of some Church Fathers.

Dionysius – Canon II

Dionysius was a 3rd century Archbishop of Alexandria. As a pupil of one of the great exegetes of the early church, Origen, one would assume that he was well versed in Scripture. In a letter to Basilides, the bishop of Pentapolis, Dionysius appears to answer the questions posed to him and opines on church matters in what would eventually become four canons later recognized by the universal church. The text of Canon 2 reads as follows:

> Concerning menstruous women, whether they ought to enter the temple of God while in such a state, I think it superfluous even to put the question. For I opine, not even they themselves, being faithful and pious, would dare when in this state either to approach the Holy Table or to touch the body and blood of Christ. For not even the woman with a twelve years' issue would come into actual contact with Him, but only with the edge of His garment, to be cured. There is no objection to one's praying no matter how he may be or to one's remembering the Lord at any time in any state whatever, and petitioning to receive help; but if one is not wholly clean both in soul and in body, he shall be prevented from coming up to the Holy of Holies.[3]

Dionynius does not give any reason for his opinion, although, given his allusions to the Jewish temple, he seems to have the Levitical Law in view. In the Levitical Law, both men and

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[2] e.g. John the Faster, Canon 6: "Anyone who has been polluted in sleep by reason of an emission of semen, shall be denied communion for one day; but after chanting the fiftieth Psalm and making forty-nine metanies, it is believed that he will be purified." (Translation from *The Rudder*, Agapiou Hieromonachou and Nikodemou Monachou, eds, (Athens, 1957), 935. See also p. 936 for further proscriptions. Henceforth: *The Rudder*.)

[3] *The Rudder*, 718.

women could be considered unclean from bodily discharges—among other things, men from the discharge of semen and women from menstrual blood—and from contact with something considered ritually impure. It was thought that the sacrifice would be tainted by such contact. As a result, they would be prohibited from the public activity of the cult until they were clean. In particular, Hebrew women would sit apart from the community until their monthly flow had stopped. In one sense, it is likely that they and he were concerned with the cleanness of the liturgical space. In an era without modern feminine hygiene products, such a concern is quite understandable.[4]

However, Dionysius' analogy to the women with the issue of blood cited here conflates this issue slightly. This analogy does **not deal with menstruation per se**, but deals more particularly with involuntary discharges outside of a regular cycle, a more anomalous situation.[5] In this context, Levitical law would not only have considered such a woman unclean, but ill and thus sinful and in need of atonement (Lev. 15: 16–33)—i.e. unclean in both body and soul. From the biblical witness, we know that this woman touches the hem of Jesus' garment and is healed (by her faith). However, unlike the healing of the leper, someone who was considered ritually unclean, Jesus does *not* tell her to atone for her "sin" and present herself to the priests (Mt. 8:1–4.) Clearly, Jesus does not consider her to have been sinful (or unclean, in soul.) Furthermore, according to the Levitical proscription, by coming into contact with this woman, Jesus would have been considered unclean himself until evening (Lev. 15: 19–30). Furthermore, if he had been in contact with anything she had touched or, in this context, anyplace she had walked, he would have had to wash his cloths, bathe himself, and yet still remain "unclean" until the evening. However in the biblical narrative, he does not do these things and immediately proceeds to raise the ruler's daughter (Mt. 9:18–25). Therefore, one can assume that Jesus did not consider himself unclean either.

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[4] A complete examination of the nuances of the Levitical rules of ritual purity is beyond the scope of this short paper. Ritual purity not only deals with hygiene, but processes of life and death. Even today, in Orthodox Judaism, both men and women purify themselves through a *mikvah* (ritual bath). What I hope to show here is that these injunctions were unevenly applied to men and women in the Christian context. (The sole exception to this seems to be the *Testamentuam Domini*, a late 4th century document from Asia Minor. It prescribes that both a woman during her menstrual period (referring specifically to ordained or consecrated widows and deaconesses) and a man who has ejaculated in his sleep refrain from serving in the liturgical celebration or receive the Eucharist. See: *Testamentum Domini* 1.23. Accessed 10/27/2014, http://archive.org/details/cu31924029296170, 76.)

[5] Shaye Cohen, "Menstruants and the Sacred in Judaism and Christianity" in Sarah B. Pomeroy, Women's History and Ancient History (Chapel Hill, 1991), 273–299. It is likely that the woman with the "issue of blood" had a uterine fibroid that caused her to bleed outside of her cycle.

Within the biological context that Dionysius seems to have initially in view (i.e. menstruous women), it is interesting to note that he does not apply the same prohibition to the male biological and reproductive equivalent of menstruation, noctural emissions. In what will become his fourth canon, he advises Basilides that he should "let them [i.e. the men] be guided by their own conscience as to whether to indulge or not [in the Eucharist.]"[6]

Dionysius was not the only voice in the early Church to speak to the issue of "uncleanness" and how Christians might understand this inheritance from Judaism.[7] In Chapter 26 of the *Didascalia Apostolorum,*[8] all Christians are admonished to abandon the rabbinical rules of "uncleanness." In response to what seems to have been the continued use of ritual baths to purify oneself, the text reads,

> [Are they de-]void of the Holy Spirit.[?] For through [the bath of] baptism they receive the Holy Spirit, who is ever with those that work righteousness, and does not depart from them by reason of natural issues and the intercourse of marriage, but is ever and always with those who possess Him…[9]

It goes on to state explicitly that the Holy Spirit remains with a woman during her monthly period and that giving into Rabbinical taboos and rules opens the way for the wrong spirit.[10] The Apostolic Constitutions[11] extends this emphasis and further defines what, then, is considered "unclean,"

> …For neither the lawful mixture [=intercourse], nor childbearing, nor the menstrual purgation, nor noctural pollution can defile the nature of a [person], or separate the Holy Spirit from him…. but only impiety towards God, and transgression, and injustice towards one's neighbor… [12]

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[6] English translation from *The Rudder*, 721–3. Athanasius' letter to Ammos will later posit that involuntary emissions are not unclean. See: *The Canonical Epistle of St. Athanasius to the Monk*. Accessed 10/27/2014, http://www.ccel.org/ccel/schaff/npnf204.xxv.iii.iv.iii.html.

[7] Dr. Valerie Karras establishes that even though the ancient Greeks did not understand menstruation very well, the understanding of uncleanness with which these early Fathers are dealing most likely comes from their encounter with Judaism. She notes the repeated use of temple references in their arguments to make her claim.

[8] The *Didascalia Apostolorum* is a later 3rd century-early 4th century document outlining pastoral and Church practice. The eight books of the *Didascalia Apostolorum* were subsequently incorporated into the *Apostolic Constitutions* with some minor variation.

[9] *Didascalia Apostolorum*, Chapter 26. R. Hugh Connolly, *The Didascalia Apostolorum* (The Syriac Version), Oxford: Clarendon Press, 1929. Accessed 10/29/2014, http://www.bombaxo.com/didascalia.html.

[10] Ibid, Chapter 26.

[11] The *Apostolic Constitutions* is a 4th-5th century document of Syriac origin that outlines early Church ethics and liturgics.

[12] *Apostolic Constitutions*, Chapter VI, no. 27. Accessed 10/29/2014, http://www.sacred-texts.com/chr/ecf/007/0070457.htm.

Moreover, Chrysostom, in his *Homily III* on Titus 1:15 emphasizes,

> Things are not clean or unclean for their own nature, but from the disposition of him who partakes of them.[13] [Furthermore,] God made nothing unclean, for nothing is unclean, except sin only…. Other uncleanness is human prejudice.[14]

Canon 44 of Laodicea and Others

However, the issue of the "uncleanness" of women would continue to be an issue within the church. About one hundred years after Dionysius, Timothy of Alexandria (late 4th c.) would restrict baptism of women until they are "clean" (i.e. Canon 6)[15] and would restrict the reception of communion by women "until she be clean" (i.e. Canon 7). In both of these cases, he gives no reason for his opinion.[16] Similarly, Canon 44 of a local Council in Laodicea (363-4) would forbid women to access the altar.[17] Although no reason is given for this prohibition, later commentators would appeal to their perceived uncleanness and associate this **specifically with the menstrual discharge**. For instance, in his commentary on Canon 44 of Laodicea, the 12th century canonist, John Zonaras would cite the "pollu[tion] by the monthly flux of blood."[18] Despite the implicit repudiation of Levitical norms found in Canon 8 of Nicea II (8th c.)[19], later commentaries would affirm these restrictions on women, often within the context of Canon 2 of Dionysius.

Nicodemus of Mt. Athos (1749–1809) comments on Canon 2 of Dionysius similarly. In the compilation of the canons assembled by him (and another monk) known as the *Pedalion* or in English, *The Rudder*, he says that one should not "go near the 'Holy of Holies' (in this case,

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[13] This understanding will be come the guide for further patristic thought on the uncleanness of noctural emissions from men. These fathers will distinguish between "willful" (e.g. masturbation) and "un-willful" (e.g. noctural emissions) acts that result in the ejaculation of sperm.

[14] Chrysostom, "Homily III," in Nicene Post-Nicene Fathers (NPNF) First Series, vol. 13, Philip Schaff, ed. (Eerdmans, 1956), 529-30.

[15] This seems to be a common sense injunction as the candidate for baptism was naked.

[16] "Canons of Timothy of Alexandria" in *Ancient Epitome of The Sacred Canons of the Eastern Orthodox Church*, Rev. George Mastrantonis, ed., (St. Louis, MO: Ologos), 28, 6-7.

[17] In particular, according to the Nicene Post-Nicene Fathers collection, "Women may not go *to* the altar." And according to the compilation of Nicodemus of the Holy Mountain, "Women must not *enter* the sacrificial Altar." The nuance in the latter injunction most likely reflects the development of the iconostasis as a separation barrier between what is considered the nave of the church and what is considered the sanctuary or "altar" area.

[18] "The Synod of Laodicea," in Nicene Post-Nicene Fathers (NPNF) 2nd Series, *The Seven Ecumenical Councils*, vol. 14, Philip Schaff, ed. (Eerdmans, 1956), 153.

[19] "The Seventh Ecumenical Council," ibid, 561.

specifically referring to the Eucharist species) when he is not clean in soul and body, like *women who are taken with their menses* (emphasis mine)."[20] Here, he equates the prohibition specifically with the menstrual cycle, yet still uses the example of the woman with the issue of blood found in Dionysius' commentary that refers, more specifically, to the intermittent discharge of blood. He emphasizes that the woman "on account of the flux of her blood did not dare, because of her great reverence, to touch the *body* (emphasis mine) of Christ, but only the hem of His garment." Likewise, women should not come into contact with the sacramental *body* of Christ that is now accessible to them through the reception of Holy Communion. In his extended excursus on the issue of women's menstruation, Nicodemus acknowledges menstruation as a natural biological process as well as the texts that I have cited above that dismiss the issue of "uncleanness." In addition, he quotes the concurring opinions of Theodoret who says, "No natural occurrence is unclean" and Diodorus who says, "There is nothing unclean except wicked disposition."[21] Still he gives three reasons why he thinks the canon should still be valid. I have summarized them below:

1) He opines that all human beings are disgusted by and deem unclean anything that comes through pores or passages of the body that are ejected as useless or superfluous.
2) He compares the sinfulness of involuntary and voluntary actions, citing Theodoret, "*If* involuntary actions pollute, much more defiling are actions that are voluntary."
3) He opines that God calls women unclean during their periods to prevent men from having intercourse with them during this time as (among other things) any infants conceived and formed by such contaminated blood become weaker in nature and liable to leprosy.[22]

Although an exhaustive analysis of his arguments is beyond the scope of this paper, I will respond in brief. In the first reason given above, Nicodemus gives "uncleanness" primarily a physical meaning. Furthermore, he gives his own evaluative interpretation of what is useless which includes among other things, the menstrual discharges of women[23]. Interestingly, he fails to mention male sperm that has also been ejected through noctural emissions and according to Canon 12 of Timothy, can prohibit a man from receiving communion. However, even within

[20] *The Rudder*, 720.
[21] *The Rudder*, 719.
[22] Ibid, 719.
[23] He also includes among other things, earwax, mucus from the nose, phlegm of the mouth, and urine, but fails to mention other bodily secretions, such as sweat.

this limited understanding of "uncleanness," one can argue that this no longer applies to menstruous women in the modern world with the availability of modern feminine hygiene products. His second reason does not address the presupposition that involuntary actions are, in fact, unclean, especially given statements to the contrary by many Fathers of the Church that dismiss involuntary male nocturnal emissions as unclean and at times, women's menstrual blood as well. Furthermore, a women's menstrual discharge is not a "willful action." Finally, his third reason is based on a faulty understanding of reproduction. Women do not conceive during menstruation. In addition, leprosy is an infectious disease caused by the organism *mycobacterium leprae* and has no connection whatsoever to the method of conception.[24]

Somewhat ironically, in his brief commentary on Laodicea Canon 44 (which forbids women to enter the altar), Nicodemus emphasizes the lay status of women and does not focus on their perceived "uncleanness." In his comments, he refers to Canon VI.69 that forbids lay people, in general (except the emperor), from entering the altar and emphasizes, "for if laymen are prohibited from doing so, much more so are women."[25] However, in his commentary, he recognizes that "Patriarch Nicholas allows monks to enter the Holy Bema… in order to light the candles or wax tapers [and] that St. Nicephorus says that nuns ought to enter the Holy Bema for the purpose of lighting the lights and setting things in order and sweeping it."[26] The nature of this canon seems to be more concerned with limiting the access to the altar area to those who

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[24] Kapsalis, "The Canons of Ritual Uncleanness."
Although not part of our ecumenical canonical inheritance, other commentators have suggested that one should not approach the chalice if one is bleeding at all. There are certainly practical reasons for this. However, we have bandages to collect the flow of blood from a cut/wound (now with plastic linings so that they do not leak.) Likewise, we have feminine hygiene products for women. However, one commentator suggested that we cannot receive the Eucharist while bleeding because it then enters our "blood stream" and would then somehow leave us if we were bleeding. (Fr. Joseph, 10/30/2006, comment on the discussion, "Menstruation and Receiving Communion." Accessed 10/27/2014, http://www.monachos.net/conversation/topic/2254-menstruation-and-receiving-communion.) Here, he alludes to one of the post-communion prayers, the Prayer of Simeon Metaphrastes, that says that the Eucharist passes "through all the parts of my body, into my joints, my heart, my soul…" (*Prayer of St. Simeon Metaphrastes*. Accessed 10/27/2014, http://acfp2000.com/Saints/St_Simeon_Metaphrastes/St_Simeon_Metaphrastes.html.) The association with menstrual fluid (some of which is blood) in this case is misplaced and based on a faulty understanding of our digestive and circulatory systems. Everything we consume is eventually digested and either expelled or absorbed into the rest of our body (e.g. our blood stream.) However, menstrual blood has already been collected in the lining of the uterus prior to menstruation and is not immediately influenced by something we have just consumed. Furthermore, from a theological perspective, we do not consume the Body and Blood of Christ in the Eucharist, but are incorporated into it through the elements of bread and wine. (Re: The Prayer of the Fraction in the Liturgy, "The Lamb of God is broken and shared, broken but not divided, ever eaten but *not consumed, sanctifying those who partake* (emphasis mine)." (*The Divine Liturgy according to Saint John Chrysostom* (Jackson, MI: The Romanian Orthodox Episcopate of America), 100.)

[25] *The Rudder*, 569.

[26] *The Rudder*, 372.

have a function there rather than to the laity, per se. Today, canon VI.69 is largely disregarded for laymen, although not normally for laywomen.

Perceived problems with the understanding of the "uncleanness" of women

Given this admittedly rather cursory overview of the history and interpretation of some of the canons that deal with the "uncleanness" of women, I would like to offer these reasons why many women find them problematic. In Orthodox theology, we are blessed with a patristic inheritance of great richness. However, we usually only understand something as normative for the church if all the Fathers agree. All the Fathers do not agree that menstrual discharges are unclean. Furthermore, the Fathers who have spoken to this issue do seem to agree (either implicitly or explicitly) that baptized menstruous women are not devoid of the Holy Spirit. It would seem that this should be the element of the Tradition that we uplift and not their individual thoughts on whether menstruation makes one ritually "clean" or not. Secondly, many of the opinions of the fathers and the canons based on their thought are based on an outdated understanding of female (and male) biology and reproduction.[27] Thirdly, there appears to be a clear double standard in the understanding of uncleanness when it is applied to men and women. Whereas for men, involuntary emissions would generally come to be considered part of their natural biological function (and only willful emissions considered "unclean," etc. from masturbation, etc.), for women, all discharges were still considered "unclean." Fourthly, even in the cases where involuntary emissions still might be considered otherwise for men, they do not permanently mark him as "unclean." Whereas for women, they have sometimes been applied in the broadest sense, against the biological sex of women, per se. Connie Tarasar, one of the first women to graduate from St. Vladimir's Seminary (USA) writes,

> These negative attitudes [have] greatly affected the attitude towards and the status of woman in the Church. The sexual taboos resulting from the concept of woman's 'uncleanness' became, in some circles—e.g. monastic, a taboo **against woman herself** (emphasis mine).[28]

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[27] For instance, Blastares, a 14th c. commentator on the canons, understood reproduction to occur by man providing the seed and women the blood, which then is made into "formless flesh and then is fully shaped and formed into limbs and parts" without any understanding of the role of the woman's egg in the process of conception. (See: Alphabetical Collection, G. 28. Basil 2, Rhalles and Potles, 6:200 in Viscuso, "Menstruation: A Problem in Late Byzantine Canon Law" in *Byzantine Studies*, vol 4, 1999.)

[28] Tarasar, Constance, *Woman: Handmaid of the Lord*, (M. Div. Thesis, St. Vladimir's Theological Seminary, Crestwood, NY: St. Vladimir's Seminary Press, 1965), 268.

From my point of view, this extension of the notion of "uncleanness" to women in the general sense is most problematic as it has anthropological and soteriological implications that are not in harmony with the faith of the Church. It objectifies women and fails to see them as persons who are made in the image of God and like all of us, called to grow into His Likeness.

Practically, this canon has often been used to restrict woman's participation in the liturgical assembly just because they are women. In particular, it has been used to restrict the access of women to and service within the altar area, even when not menstruating. This has implications for the practice of taking infant girls inside the altar area during their churching[29], allowing girls to serve as altar servers[30], and the liturgical participation of any possible rejuvenation of the female diaconate. (Note: This paper did not explore any of the issues or liturgical practices having to do with childbirth.)

A Re-evaluation of the Issue in the Modern Era

It should be noted that for many women in the West, the issue no longer has the same relevance that it once had and is sometimes completely ignored, although many of the liturgical practices associated with it are not. Modern feminine hygiene products have removed the immediate issue from view, but women are still usually barred from the altar area in most places (except, perhaps, to clean). For some others, women have internalized the belief that their periods make them "unclean" and still exclude themselves from liturgical participation during their periods or are forced to do so by the clergy who serve them. For the past forty years, (e.g. International Conferences of Orthodox Women in Agapia, Romania–1976; Damascus, Syria – 1996; Istanbul, Turkey–1997, etc.), women have been calling on the church to re-evaluate canons that speak of (or assume) women as "unclean" and the associated liturgical practices that appear demeaning. In recent times, a few local councils of the Church have addressed this issue. In 1997, the Synod of Antioch proclaimed:

> The Holy Synod affirmed the God-given value of women in the Church and ordered that liturgical texts that imply otherwise be corrected. The Holy Synod discussed matters which touch the lives of women and decided that women and men should be treated equally concerning their participating in divine services and receiving sacraments. Whatever references are in the liturgical books that

[29] It should be noted that in some places this is beginning to change; infants are treated similarly in the ritual practice of churching.

[30] It should be noted that in some parish settings females do serve as altar servers, although this practice still remains rare outside of women's monasteries.

> women are unclean and tainted should be abolished. They can enter the church and receive communion at any time. This necessitates a new look at liturgical texts.[31]

Although not promulgated by a council of ecumenical authority, this represents a more modern interpretation of the issue. One can only hope that other church leaders will reevaluate their understanding as well and *act* similarly.

[31] Announcement in *The Word Magazine*, Sept. 1997, 33.