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Canonical Norms Regarding the Administration of the Holy Baptism

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Abstract

The administration of the Holy Baptism, that is to say, the celebration of this Holy Sacrament, is the first act by which the sanctifying power is applied. It does not, however, apply to any member of the Church, but to a person who is not yet part of the Church and who is thus located outside the Church.

In order to perform this Holy Sacrament properly, it must be taken into account the observance of canonical norms or ordinances. These canonical norms regarding the administration of the Holy Baptism are divided into four categories, namely: (1) in norms regarding those who have the right to perform Baptism; (2) in regard to those who may receive Baptism; (3) in norms regarding the celebration of the Baptism itself; and (4) in rules regarding the effects of the administration of the Holy Baptism.

Keywords

baptism, holy chrism, holy myrrh, ministers, canonical ordinance, holy canons, economy, akriveia, exactness, emergency baptism.

I. Introduction

The administration of the Holy Mysteries is regulated by the canonical ordinances and norms, which concern the one who administer them, the recipient and the act itself of administrating the mystery, with its effects.

The canonical ordinances and norms precisely define the conditions that must be fulfilled for the correct administration of the Mystery. In addition to the person who administers the Mystery – a bishop or priest with valid ordination - and the one who receives it - who must express the desire and prove the dignity necessary to receive the Mystery - the appropriate matter and the determined form are required, and prescribed for the administration of the Mystery.

For the exercise and administration of the sacramental power, the Church established a series of canonical rules and ordinances, some referring to the very content of the sanctifying power, that is to the acts of sacramental character by which this power is exercised. Others refer to the matter competence of those who exercise this power and to the territorial competence where those who obtain this sanctifying power should exercise the sanctifying, sacramental and hierarchical acts.

In connection with the substantive competence in matters of sacramental power, the canonical ordinances of the Orthodox Church have always provided that only the valid ordained clergy has such competence. Under this report of substantive competence, we must mention that, according to the canonical ordinances of the Orthodox Church, all the seven Mysteries established by the our Saviour can only be committed by the first step of the priesthood - the archbishop stage. The priests also perform the Holy Sacraments except for the Mystery of Ordination or the Cheirotonia. Deacons serve as assistants of the archbishop and priest in performing the seven Holy Mysteries of divine institution.

The canonical provisions and norms regarding the administration of the Holy Sacraments are obligatory for the Orthodox, autocephalous or autonomous Church as "...no one shall falsify the preceding canons, nor reject them, nor receive any others than these here set forth, those composed spuriously by certain men who have attempted to traffic in the truth"¹.

In keeping with the dispositions of all the canons, the Fathers of the Church

¹ Cf. canon 2 of the Council in: Trullo, in: George NEDUNGATT and Michael FEATHERSTONE (eds.), *The Council in Trullo Revisited*, Kanonika 6, Pontificio Istituto Orientale, Roma, 1995, pp. 68-69.

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“joyfully embrace the sacred canons and they maintained complete and unshaken their regulation”, because they have considered them “to be set forth by the holy trumpets of the Spirit, the renowned Apostles, or by the Six Ecumenical Councils, or by our holy Fathers. For all these, being illumined by the one and the same Spirit, defined such things as were expedient”².

The grounds, provisions and canonical norms regarding the administration of the Holy Sacraments have in fact sanctioned the entire canonical ordinance and discipline regarding the manner in which the mysteries are committed, administered and validated. In this sense, it is possible to speak of a canonical-liturgical law, which constitutes a true guide, and a precise norm in the correct administration of the Holy Sacraments, because they “cannot be done arbitrarily, but according to the norms established by the Church”³.

The canonical norms upheld by the Fathers of the Ecumenical Orthodox Church have precedence in honour and application to those decided by the laws, statutes and ordinances of an autocephalous Church. This is because any organization of management and administration⁴ which is drawn up and applied by an autocephalic church, always remains a “secundum legem” norm. And its canonicity is measured by observing the principles enshrined in the canonical law of the Ecumenical Orthodox Church. The canonical unity of the Ecumenical Orthodoxy is preserved by jointly and precisely observing the canonical norms of each autocephalous Church, “firm and unshaken”⁵, “according to the custom delivered down”⁶ by the Church Fathers⁷.

² 1st canon of the Seventh Ecumenical Council, in: Henry R. PERCIVAL (ed.), *The Seven Ecumenical Councils of the Undivided Church*, in: Philip SCHAFF and Henry WACE (eds.), *A Select Library of Nicene and Post-Nicene Fathers of the Christian Church*, vol. XIV, WM. B. Eerdmans Publishing Company, Grand Rapids, Michigan, 1983, p. 555.

³ Prof. dr. Dumitru BOROIANU, *Dreptul bisericesc*, vol II, Iași, 1899, p. 3.

⁴ See canons: 1st of the Fourth Ecumenical Council; 2nd of the Council in Trullo and 1st of the Seventh Ecumenical Council.

⁵ See canon 2 of the Sixth Ecumenical Council, in: Henry R. PERCIVAL (ed.), *The Seven Ecumenical Councils*, Vol. XIV, p. 361.

⁶ Henry R. PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 361.

⁷ Article 2 – (1) and (2) state: “The Romanian Orthodox Church, of apostolic origin, is and remains in: communion and dogmatic, liturgical and canonical unity with the

As it is known, the canonical provisions and norms regarding the administration of the Holy Sacraments, sanctioned by the Church Fathers at the Ecumenical and local councils, were determined by the need to remove some non-canonical practices and deviations from the canonical doctrine of the primary Church. By this canonical legislation of the Church, however, it was intended to give a normative, authoritative and unitary character, to all canonical-liturgical practices and ordinances throughout the Christian Church. For example, through this canonical law it was decided that the one who does not partake with the Holy Sacraments should not be considered a member of the Church; and also according to the provisions of this legislation, it was ordained that only the one who received the grace of ordination has the right to perform and administer the Church Mysteries. Based on the ordination, the servants of the altars become oikonomos and administrators of God's mysteries. Those who have received the Sacrament of Ordination, that is the sanctifying power, have the obligation to administer it according to the provisions and norms inscribed in "the canons issued by the Holy Fathers in each councils up to the present time should remain in force"⁸, because "the pattern for those who have received the sacerdotal dignity is found in the testimonies and instructions laid down in the canonical constitution ..."⁹. In fact, the administration of the sanctifying power through the Holy Sacraments is the work through which the life of the believer is sanctified by grace. In fact, the correct performance of the formal act of the rite and the fulfilment of the respective canonical forms implies the knowledge and respect of the whole canonical legislation of the Church, and of the "canonical settlements" without which, in canon law, the concept of rite does not bear its entire semantic and functional meaning. Therefore, the knowledge and observance of the canonical ordinances and norms regarding the

universal Orthodox Church. The Romanian Orthodox Church is autocephalous and unitary in: her organisation and pastoral, missionary and administrative work", in: *The Statutes for the Organisation and Functioning of the Romanian Orthodox Church*, in: <http://www.orthodoxero.eu/media/Documents/STATUTES%20FOR%20THE%20ORGANISATION%20OF%20ROMANIAN%20ORTHODOX%20CHURCH.pdf>, accessed 28th of Jan. 2020.

⁸ 1st Canon of the Fourth Ecumenical Council, in: Henry R. PERCIVAL, *The Seven Ecumenical Councils*, Vol. XIV, p. 267.

⁹ 1st canon of the Seventh Ecumenical Council, in: Henry R. PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 555.

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administration of the Holy Baptism remains a major canonical concern of every autocephalous Church.

According to the doctrine of our Church, through Baptism man is justified, enlightened, sanctified¹⁰, he is filled with the power of the Holy Spirit, and unites with Christ, becoming a son of His kingdom. This correction consists in the erasure of the ancestral sin, which we are all born with, of the sins committed - if the baptized one is an adult - up to that time, and granting the power to do good. Saint Justin the Martyr and Philosopher (+167) tells us that according to the teaching “received from the Apostles”, through baptism “we are dedicated to God”, “we are made new through God”, “we are regenerated in the same manner in which we were ourselves regenerated...; in order that we may not remain the children of necessity and of ignorance, but may become the children of choice and knowledge, and may obtain in the water the remission of sins...”¹¹.

In the same way, Clement of Alexandria states:

“Being baptized, we are illuminated; illuminated, we become sons; being made sons, we are made perfect; being made perfect, we are made immortal... This work is variously called grace, and illumination, and perfection, and washing. Washing, by which we cleanse away our sins; grace, by which the penalties accruing to transgressions are remitted; and illumination, by which that holy light of salvation is beheld, that is, by which we see God clearly”¹².

¹⁰ Sprinkling the newly enlightened with clean water, the priest prays: “You are justified. You are enlightened. You are sanctified. You are washed in: the name of the Father, the Son and the Holy Spirit”, in: *Molitfelnic*, Editura Institutului Biblic și de Misiune al Bisericii Ortodoxe Române, București, 2006, p. 46.

¹¹ JUSTIN MARTYR, “First Apology”, LXI, in: Philip SCHAFF (ed.), *The Ante-Nicene Fathers*, vol. I. *The Apostolic Fathers with Justin Martyr and Irenaeus*, trans. by Alexander ROBERTS and James RONALDSON, WM. Eerdmans Publishing Company, Grand Rapids, Michigan, 2001, p. 286; also see the site: <http://www.ccel.org/ccel/schaff/anff/anf01.html>, accessed on 7th of December 2019.

¹² CLEMENT OF ALEXANDRIA, “The Instructor”, Book I, Chapter VI, in: Philip SCHAFF (ed.) *The Ante-Nicene Fathers*, vol. II. *Fathers of the Second Century: Hermas, Tatian, Athenagoras, Theophilus, and Clement of Alexandria*, Wm. Eerdmans Publishing Company, Grand Rapids, Michigan, 2004, pp. 339-340; also see the site: <http://www.ccel.org/ccel/schaff/anff/anf01.html>, accessed on 7th of December 2019.

And elsewhere, he says:

“We are washed from all our sins, and are no longer entangled in evil. This is the one grace of illumination, that our characters are not the same as before our washing... In the same way, therefore, we also, repenting of our sins, renouncing our iniquities, purified by baptism, speed back to the eternal light, children to the Father”¹³.

The canonical-disciplinary measures taken by the Primary Church against the errors of Pelagianism, which taught that infants were sinless, including the ancestral sin, prove the permanent care of the Ecumenical Orthodox Church for the precise observance and application of the “canon of faith”, “... in the way the Catholic Church everywhere diffused has always understood it”¹⁴. In the “canon of faith” it is clearly stated that

“whosoever denies that the infants newly from their mother’s womb should be baptized, or says that baptism is for remission of sins, but that they derive from Adam no original sin, which needs to be removed by the laver of regeneration, from whence the conclusion follows, that in them the form of baptism for the remission of sins, is to be understood as false and not true, let him be anathema”¹⁵.

To the objections of those who claim that the Baptism of the children is done against their will and therefore it is not valid, we remind them only that as without their will they shared “... by nature, from the sin of the parents, even so and much more can be made partners, without their will for the redeeming grace of the Lord”¹⁶. Besides, according to the

¹³ CLEMENT OF ALEXANDRIA, “The Instructor”, Book I, Chapter VI, in: Philip SCHAFF (ed.), *The Ante-Nicene Fathers*, vol. II, p. 340 also see the site: <http://www.ccel.org/ccel/schaff/anff/anf01.html>, accessed on 7th of December 2019.

¹⁴ Canon 110 of the Synod of Carthage, in: Henry R. PERCIVAL, (ed.), *The Seven Ecumenical Councils*, vol. XIV, pp. 496-497.

¹⁵ Canon 110 of the Synod of Carthage, in: Henry R. PERCIVAL, (ed.), *The Seven Ecumenical Councils*, vol. XIV, pp. 496-497.

¹⁶ H. ANDRUTSOS, *Dogmatica*, transl. Dumitru Stăniloae, Sibiu, 1930, p. 357.

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teaching of the Orthodox Church, children are baptized “in the faith of parents and godparents”¹⁷, that is, having their natural and spiritual parents as guarantees and guidance for their faith. Canon 111 of the local Council of Carthage testifies that, by the grace of God received at Baptism, the baptized one “... is justified through Jesus Christ our Lord, avails not only for the remission of past sins but for assistance against committing sins in the future”¹⁸. In the same context, the Fathers who attended the Council of Carthage in 419 stated that

“whoever say that the same grace of God through Jesus Christ our Lord helps us only in not sinning by revealing to us and opening to our understanding the commandments, so that we may know what to seek, what we ought to avoid, and also that we should love to do so, but that through it we are not helped so that we are able to do what we know we should do, let him be anathema; ... it were truly infamous were we to believe that we have the grace of Christ for that which puffeth us up, but have it not for that which edifieth, since in each case it is the gift of God, both to know what we ought to do, and to love to do it; so that the wisdom cannot puff us up while the charity is edifying us”¹⁹.

Therefore, the power to do good can only materialize with the “grace of justification”²⁰ because there is not a man without sin, and again “he who affirmed that he had no sin would speak not that which is true but that which is false”²¹.

¹⁷ See also *Învățătura preoților pe scurt a 7 Sfinte Taine a Bisericii, cu porunca Prea Sfințitului Mitropolit Antonie*, printed in Iași in 1732; Cf. C. POPOVICI, “Misterul Sfântului Botez”, in: *Candela*, 1882, nr. 4, p. 176.

¹⁸ Henry R. PERCIVAL, (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 497.

¹⁹ Canon 112 of the Synod of Carthage, in: Henry R. PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, pp. 497-498.

²⁰ Canon 113 of the Synod of Carthage, in: Henry R. PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 498.

²¹ Canon 114 of the Synod of Carthage, in: Henry R. PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 498.

II. The canonical-legal consequences regarding the administration of Baptism

From the canonical point of view, the administration of Baptism also has some canonical-legal consequences. Through the Mystery of Baptism, which is a door of the Church, the baptized one becomes law subject of the Church, as well as by the physical birth, the new born becomes the subject of law of the respective state. Orthodox baptism gives the baptized one the status of Church of Christ's citizen. Through Baptism, man becomes a temple of the Holy Spirit, a dwelling of grace, which justifies him to be inscribed in the "book of life"²². Without "the seal of the gift of the Holy Spirit" which the baptized receives through the act of administering the Sacrament of Baptism and under its canonical aspect, the practice of children's baptism is proved by numerous testimonies and canonical grounds. The baptism of children has the gift of conferring the status of those who have passed on to the worshipers of Christ. This state brings with it the civil capacity that entails all the rights and obligations that this state implies, with the age.

The practice of Baptism, as ordained by the Holy Apostles, is attested by the first documents of Christian literature. Speaking about this practice of Christian Baptism, inherited from the Holy Apostles, Saint Justin the Martyr says that it consisted of the following acts: a) preparation for receiving Baptism through prayer and fasting; b) Baptism itself, in the name of the Holy Trinity, through immersion in the water; Baptism was always followed by the communion with the Holy Eucharist²³. According to the testimony of canon 91 of Saint Basil the Great, on some of these canonical ordinances and norms of the Church, regarding the forms of the liturgical ritual of the Mysteries, "... we have them from the written teaching, and others we have received from the tradition of the Apostles, but both have the same strength for the right honour of God"²⁴. Referring

²² *Molitfelnic*, p. 23.

²³ JUSTIN MARTYR, "First Apology", LXI-LXVI, in: Philip SCHAFF (ed.), *The Ante-Nicene Fathers*, vol. I. *The Apostolic Fathers with Justin Martyr and Irenaeus*, trans. by Alexander Roberts and James Ronaldson, WM. Eerdmans Publishing Company, Grand Rapids, Michigan, 2001, pp. 286-290.

²⁴ Canon 91 of Saint Basil the Great, in: D. CUMMINGS (ed.), *The Rudder (Pedalion) of the Metaphorical Ship of the One Holy Catholic and Apostolic Church of Orthodox Christians*, The Orthodox Christian Educational Society, Chicago, Illinois, 1957, pp. 853-854.

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to practices directly related to the Holy Sacraments, however, usually kept, the Holy Father said:

“The words uttered in the invocation connected with the exhibition of the Eucharist (ineptly called by Roman Catholics ”the elevation of the Host) and of the chalice of the blessing, what Saint has bequeathed them to us? For indeed we are not even content with these, which the Apostle or the Gospel has mentioned, but we add other ones before and after them on the ground that they contribute greatly to enhance the Mystery, which words we have received from unwritten teaching. We bless the water of baptism and the oil of the anointment (or chrism), and in addition thereto even the person being baptized, with reference to what documents? Is it not with reference to silent and mystic tradition? But what else? What written word has taught us the use of the oil in the anointment? And whence comes the idea of baptizing a person three times (in succession)? But, in fact, whatever is connected with baptism, renouncing Satan and his angels, from what Scripture is it? Is it not from this unpublished and confidential teaching which our Fathers have kept as a guarded secret in unmeddlesome and incurious silence, they having rightly enough taught to preserve the respectable parts of the Mysteries in silenced...; But out of what written works have we obtained the Creed itself, the confession of the faith, the recital of a belief in a Father, a Son, and a Holy Spirit? If it be from the tradition of baptism, as suggested by regard for the subtle consecution of piety, as we are baptized, so ought we also to believe, and therefore deposit a confession similar to the baptism”²⁵.

However, Saint Basil the Great drew attention to the fact that he inventoried the customs “which we have found in the uncorrupted Churches from the indefatigable custom which has no basis and does not bring a little perfection to the power of Mystery?”²⁶ It was therefore

²⁵ Canon 91 of Saint Basil the Great, in: D. CUMMINGS (ed.), *The Rudder (Pedalion)*, pp. 854-856.

²⁶ Canon 91 of Saint Basil the Great, in: D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 856.

the apostolic predicament, the custom of the primary Church which had remained unaltered until his time and which has been preserved until now immeasurably only in the Orthodox Church. Obviously, as Saint Basil the Great said, accordingly, “no one gainsays these, at least no one that has any experience at all in ecclesiastical matters”²⁷ since “*the custom amongst us which we have to propose in regard to such cases, having as it does the force of a law, on account of the fact that the institutions were handed down to us by saintly men*”²⁸. To respect the same orthodox church tradition, the Fathers of the 7th Ecumenical Synod provided, by canon 7, that “the best customs should now be renewed and which should be in vigour in virtue of both written and unwritten legislation”²⁹.

The canons of the Orthodox Church also provide for other ordinances regarding the Baptism. For example, the bishop and the priest must strictly respect all the acts that accompany the commission of the mystery. The Baptism must be performed through *immersion into water three times, in the name of the Holy Trinity*, the whole formula of the Church being spoken: “*The servant of God (name) is baptized, in the name of the Father,...and of the Son... and of the Holy Spirit... Amen*”. If there is not a three-time immersion and the formula is spoken incorrectly, this entails the nullity of Baptism. The 49 Apostolic Canon provides punishment for the bishop or priest who “would not baptize according to the ordinance of the Lord into the Father, and the Son and the Holy Spirit”³⁰. The 50 Apostolic Canon has the same punishment “if the bishop or presbyter does not perform the one initiation with three immersion, but with one immersion only, into the death of the Lord”³¹.

In this sense, art. 29, paragraph 2 of the *Regulation of the Canonical Disciplinary Authorities and for Judicial Instances of the Romanian Orthodox Church* stipulates the following:

“The clergy who, intentionally and constantly, do not perform the Holy Sacrament of Baptism in the name of the Holy Trinity (of the Father, of the Son and of the Holy Spirit), with three

²⁷ Canon 91 of Saint Basil the Great, in: D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 854.

²⁸ Canon 87 of Saint Basil the Great, in: D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 842.

²⁹ Henry R. PERCIVAL, (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 560.

³⁰ Henry R. PERCIVAL, (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 597.

³¹ Henry R. PERCIVAL, (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 597.

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immersions or, if necessary, with thrice pouring, or admitting the baptism of the heretics will be deposed; the same sanction also applies to the cleric who repeats the Mystery of Baptism performed correctly (with three immersions) in the name of the Most Holy Trinity”³².

In the West we have old evidence of performing the Baptism by immersion, and not by pouring. In St. Gregory the Great’s *Sacramentarium* it is written: “Baptizet sacerdos *sub trina mersione*, tantum Sancti Trinitatis semel invocans, ita dicendo: baptizo te in nomine Patris, et *merget* semel, et Filii, et *merget* iterum, et Spiritus Sancti, et merge tertio”. In *Sacramentarium Ambrosianum* it is said: “*Immersionis* modus cum antiquissimi in Sancti Dei ecclesiis instituti ritusque sit, idemque in ecclesia Ambrosiana *perpetuo retentus: ab ea mergent; consuetudine recedi non licet*, nisi imminens motis periculum instet, tumque vel aquae infusione vel aspersione ministrabitur, servata illa stata baptizandi forma...”. Then Duns Scotus is quoted (Comment. in IV sentent. dist. 3, qu. 4): “Excursarii potest minister *a trina immersione*, ut si minister sit impotens, et si unus magnus rusticus, qui debet baptizari, quem nec potest immergere, nec elevare”. A new formula was imposed in the Roman Catholic Church from the beginning of the 17th century: “Batizet sacerdos infantem *sub trina immersione*...Ego te baptizo in nomine Patris, et *merget* semel, et Filii, et *merget* iterum, et Spiritus Sancti, et *merget* tertio”. Therefore, the deviations from the order prescribed by the ritual books are sanctioned by canons with the penalty of deposition. The Constitutions of the Apostles draws attention to the ministers of the Sacrament, that is the bishop and the priest, to observe exactly the ordinance of the administration of Baptism, set by the Church during the time of the Holy Apostles:

“O, bishop or presbyter, we have already given direction; and we now say that you shall so baptize as the Lord commanded us... But you shall first anoint the person with the holy oil, and afterwards you shall baptize him with water, and in the conclusion you seal him with ointment; that the anointing with

³² *Regulamentul autorităților canonic disciplinare și al instanțelor de judecată ale Bisericii Ortodoxe Române*, Editura Institutului Biblic și de Misiune Ortodoxă, București, 2015, p. 39.

oil may be the participation of the Holy Spirit, and the water the symbol of the death of Christ, and the ointment the seal of the covenants”³³.

The Orthodox Church also provided for the unforeseen situations, in which the baptism cannot be performed with respect to the entire order. In this regard, a shortened order was established³⁴, which the priest can only use when there is motivation. The administration of the baptism according to this rule in the ordinary cases entails the sanction of the priest, a sanction that goes until the deposition from the clergy. But even when the baptism is performed according to the abridged ordinance, because the baby is in danger of death and it is doubtful he will survive until the entire ordinance of the baptism is fulfilled, the commission of the mystery must be done in compliance with the three main essential acts for the validity of baptism. They are provided in the Constitutions of the Apostles³⁵ as following: the anointing with the holy oil, the immersion into the water three times and the seal with the Holy Chrism. In case the Baptism is performed under conditions of necessity and “if there be neither oil nor ointment, water is sufficient, both for the anointing and for the seal, and for the confession of him that is dying, namely, dying together with Christ”³⁶.

In case that child lives, the priest is due to complete the Baptism, including anointing with holy oil and anointing with the Chrism.

III. The canonical rules regarding the celebration of the Holy Baptism

The canonical ordinances and norms regarding the *administration of the Holy Baptism* do not only refer to the manner, to the act of the

³³ Philip SCHAFF (ed.), *Apostolic Constitutions*, VII, 22, 2, in: Alexander ROBERTS and James DONALDSON (eds.), *Ante-Nicene Fathers*, vol. VII. *Fathers of the Third and Fourth Centuries: Lactantius, Venantius, Asterius, Victorinus, Dionysius, Apostolic Teaching and Constitutions, Homily, and Liturgies*, Wm. Eerdmans Publishing Company, Grand Rapids, Michigan, 2004, p. 701.

³⁴ *Molitfelnic*, pp. 50-51.

³⁵ Philip SCHAFF (ed.), *Apostolic Constitutions*, VII, 42, 43, 44, in: Alexander ROBERTS and James DONALDSON (eds.), *Ante-Nicene Fathers*, vol. VII, pp. 713-714.

³⁶ Philip SCHAFF (ed.), *Apostolic Constitutions*, VII, 22, 2, in: Alexander ROBERTS and James DONALDSON (eds.), *Ante-Nicene Fathers*, vol. VII, p. 701.

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mystery itself, but also regulate the relations between the administrator and the recipient. Regarding the celebration of the baptism, the canonical provisions and norms provide that it can be performed only in the Church. Otherwise, the administrator is liable to be deposed. The canons foresee, in principle, that this Mystery should be performed only in the parish church. According to the canonical norms, the officiating of Baptism in oratories of private houses or in private houses is strictly forbidden, under the harsh sanction of the priest's deposition, who would not respect the canonical order established by canon 59 of the Sixth Ecumenical Council, which stipulates the following:

“In no wise shall a baptism be performed in a oratory which is inside a private house, but those to be chosen for immaculate illumination shall present themselves at their parish Churches and shall there have the benefit of this gift. If anyone is found transgressing against our decree, if he is a cleric, he shall be deposed, if a layman, excommunicated”³⁷.

Therefore, the Sacrament of Baptism must be performed only in the Church consecrated by the bishop of the place. Although not provided in the canons of the Church, there are still special situations when the sick can be baptized in private houses. Canon 31 of the Council in Trullo established the permission granted by the local bishop as a condition to perform the Baptism in the oratories of houses. However, Baptism could be performed in these oratories only if they were consecrated by bishops or had the prescribed Holy Relics, prepared by the bishop of the place on the Holy Tables, because the Holy Antimension³⁸ (see the 73rd Apostolic

³⁷ George NEDUNGATT and Michael FEATHERSTONE (eds.), *The Council in Trullo Revisited*, p. 139.

³⁸ An antimension is made of good-quality cloth, cut in a rectangular shape, and imprinted with the icon of the burial of Christ. The antimension is consecrated, as is the Holy Table, by anointing it with holy myrrh and holy water. in: some Orthodox traditions (notably, in the Slavic tradition), the antimension contains small fragments of the relics of the saints, while in the Greek tradition those relics are planted in the Holy Table. The antimension carries the signature of the ruling hierarch and is the proof of his canonical permission to perform Divine Liturgies in that Church, in: Fr. Vasile MIHAI, *Orthodox Canon Law, Reference Book*, Holy Cross Orthodox Press, Brookline, Massachusetts, 2014, p. 51.

Canon; the 7th canon of the Seventh Ecumenical Council, the 1st canon of St. Nicephorus the Confessor) can replace the churches consecrated by bishops. In the liturgical practice of the Orthodox Church, the disposition of the synodal decree of 1028 was imposed, whereby Patriarch Alexis of Constantinople forbade the bishops to give permission for Baptism in private oratories and provided that only the Holy Liturgy can be performed in the oratories of private homes. In agreement with the canonical order and practice of the Ecumenical Orthodox Church, article 29, paragraph 3 of the *Regulation of the canonical disciplinary authorities and for Judicial Instances of the Romanian Orthodox Church* states that

“the clergy who perform the Holy Sacrament of Baptism outside the place of worship, except for the baptism of necessity, are sanctioned with episcopal reprimand, stopped from performing the holy ones for 30 days, disciplinary removal, dismissal from clerical service, and in case of perpetuation, with the deposition”³⁹.

Regarding the time and moment of the Baptism, the canons provide:

- a) In case of necessity, Baptism can be performed at any time;
- b) Some canonical provisions and ordinances provide that the infants cannot be baptized before 40 days. In this sense, canon 38 of Saint Nicephorus the Confessor stipulates the following:

“If a woman gives birth, and the baby is in danger of dying, when it is but three or five days old, let the baby be baptized, but another woman who is baptized and clean must suckle the baby; and its mother must not even enter the room where the child is, nor handle it at all, until after the lapse of forty days she has become purified, and has received a prayerful wish from the Priest”.

Therefore, newborns, if healthy, should be baptized 40 days after birth.

- c) According to the canonical-liturgical tradition of the primary Church, sanctioned by the canonical law, the Baptism must be performed during the time before the Holy Liturgy, so the newly baptized could receive the

³⁹ *Regulamentul autorităților canonice...*, p. 39.

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Holy Communion. Canon 45 of the Council of Laodicea provided for the celebration of the Baptism of the catechumens in Holy Saturday. Other days when Baptism was administered, during the time before the Holy Liturgy, with special fast, were Pentecost and Epiphany.

IV. Canonical norms regarding the celebrants of the Sacrament of Baptism

Regarding the celebrants of Baptism, the Apostolic Canons 47, 49 and 50 expressly provide that, in principle, only bishops and priests have this right. If in the Apostolic Canons 47, 49 and 50 it is only mentioned that the bishops and priests are the ones who perform Baptism, in the *Apostolic Constitutions* it is categorically and clearly stated that

“nor do we permit the laity to perform any of the offices belonging to the priesthood; as, for instance, neither the sacrifice, nor baptism, nor the laying on of hands, nor the blessing, whether the himself, but he that is called of God. For such sacred offices are conferred by the laying on of the hands of the Bishop⁴⁰; “Nay further – it is mentioned in the *Apostolic Constitutions* – we do not permit to the rest of the clergy to baptize; as, for instance, either to Readers, or Singers, or Porters, or Ministers, but only to the Bishops and Presbyters”⁴¹.

According to the ordinances of the Holy Apostles, preached and kept until today in the Orthodox Church, the deacons have the right to perform the Baptism only in case of necessity and only based on a bishop’s consent or authorization. Saint Nicephorus the Confessor gave expression to this canonical testimony, in canon 44, saying that: “in case of necessity...the deacon may baptize”⁴². In the spirit of the same tradition, the baptism can be performed in case of necessity by any Christian or monk, provided that the

⁴⁰ Philip SCHAFF (ed.), *Apostolic Constitutions*, VII, 22, 2, in: Alexander ROBERTS and James DONALDSON (eds.), *Ante-Nicene Fathers*, vol. VII, p. 637.

⁴¹ Philip SCHAFF (ed.), *Apostolic Constitutions*, VII, 22, 2, in: Alexander ROBERTS and James DONALDSON (eds.), *Ante-Nicene Fathers*, vol. VII, p. 637.

⁴² Canon 44 of Saint Nicephorus the Confessor, in: D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 970.

formula is correctly pronounced, and then the priest performs the complete service of Baptism, including the exorcism. In canon 45, Saint Nicephorus the Confessor gives us testimony to this tradition, stating: “when no Priest is available, unbaptized infants must be baptized by anyone present, even though he be their own father, or anyone else, provided he is a Christian and he is not sinning”⁴³. After this baptism performed “from necessity” (canon 2 of the First Ecumenical Synod) by someone other than the bishop or priest, also called the baptism of economy – because it opens the way to salvation – the baptism formula can no longer be repeated, but the priest or bishop only read the respective prayers. Confirming this practice, the Orthodox Book of needs draws attention:

“If an adult in danger of death requests the mystery of baptism, having come to faith, or if a child of Christian parents is in danger of death, then the rite of baptism is to be performed with water in the following shortened form. If a priest is present, he is to perform the baptism, but in the absence of the priest any Christian person may also baptize, acting according to the mind of the Church. The person to be baptized is immersed in the water three times, or water is poured upon his (her) forehead three times, once at the mention of each person of the Holy Trinity, the Father, and the Son and the Holy Spirit, in the following words which are said as the baptism is being performed: The servant of God (name) is baptized in the name of the Father, and of the Son, and of the Holy Spirit. Amen”. “If the person baptized in emergency circumstances but not chrismated survives, then at a later date the office of chrismation without baptism is celebrated. If the person baptized and chrismated in emergency circumstances then survives, then at a later date the following rite is celebrated for him (her)”⁴⁴.

However, the one baptized in such fortuitous cases, and especially if he was an adult, according to canons 46 of Laodicea and 78 in Trullo, must “learn the faith of Christ” in order to “copy his manner of life which he

⁴³ Canonul 45 Nicephorus the Confessor, in: D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 970.

⁴⁴ *Molitfelnic*, pp. 50-51.

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lead in the flesh” (canon 96 of the Synod in Trullo⁴⁵. Those who does not abide by this provision will fall under the punishment of excommunication as some who “acts contrary to the canon”.

In connection with the economy adults’ baptism, that is, in case of illness or danger of death, it should be remembered that according to the 80th Apostolic Canon and the 3rd of the Synod of Laodicea, they cannot be promoted immediately to the sacerdotal order, because it is “contrary to the Ecclesiastical canon” (canon 2 of the First Ecumenical Council), and “for it is not right that he who has not been tried himself should be a teacher of others”; “unless indeed – canon apostolic 80 stipulates – this be done upon a special manifestation of Divine grace in his favour”⁴⁶. Canon 12 of the Synod of Neocaesarea clarifies the cause of this prohibition, noting that “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”⁴⁷.

As a result, neither the baptism received by sprinkling allowed the recipient to enter the priesthood immediately. However, under the principle of economy, the Church Fathers admitted their ordination, conditioning it “on account of his subsequent display of zeal and faith, and because of a lack of men”⁴⁸. Therefore, the Church can grant the exemption “from all canons based on common needs or canonical doctrine, and from those based on dogmatic principles unless the principle is jeopardized”⁴⁹.

According to the teaching of the Roman Catholic Church, a valid baptism can also be performed by someone who is not a member of the Church, if he commits it with the intention of producing a member of the Church. Such differences and alienations of the Catholic Church from the authentic spirit of the dogmatic and canonical Orthodox tradition appeared

⁴⁵ Henry R. PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 406.

⁴⁶ Henry R. PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 599. Apostolic canon 80 states: “It is not allowed that a man who has come over from an heathen life, and been baptized or who has been converted from an evil course of living, should be immediately made a bishop”, in: Henry PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 599. Canon 3 of the Synod of Laodicea stipulates: “He who has been recently baptized ought not to be promoted to the sacerdotal order”, in: Henry PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 126.

⁴⁷ Henry R. PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 84.

⁴⁸ Henry R. PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 84.

⁴⁹ Drd. Ioan N. FLOCA, “Dispensa în Dreptul bisericesc”, in: *Studii Teologice*, VII (1955) 1-2, p. 115.

after its separation from the Ecumenical Orthodox Church. After this time, the Roman Catholic doctrine “ex opere operato” also appeared, according to which the effects of the Mysteries occur through the work of divine grace, regardless of the “faith, merit and dignity of the minister”⁵⁰.

Of course, neither can be made the abstraction of the canonical situation of the minister of the Sacrament. Therefore, canon 21 of the Synod in Trullo states that “those who have become guilty of crimes against the canons, ... and are degraded to the condition of laymen...”⁵¹ “they shall presume to execute any part of the ministry” (can. 4 Antioch)⁵² because “they ought to be demoted to the position of laymen” (can. 8 Nicholas of Constantinople)⁵³. Naturally as laymen, they can only perform that baptism of economy, caused by necessity or need. As for the clergy who have fallen into heresy - as they lost the grace - according to the 68th Apostolic Canon, they have no longer the capacity to perform Baptism “... because those who have been baptized or ordained by such persons cannot be either of the faithful, or of the clergy”⁵⁴.

In fact, for the validity of the Mysteries, Roman Catholics put more emphasis on the obligation to perform the Mysteries according to the “canonical form”, rather than on the obligation of the authentic Orthodox faith, mentioned above by the canons of the Orthodox Church: canon 80 of the Apostolic Council, canon 2 of the First Ecumenical Council, canon 10 of Sardica, canon 3 of Laodicea, canon 12 of Neocaesarea, etc.

V. Canonical norms regarding the recipients of the Mystery of Baptism

As regards the recipient of the Holy Baptism, the canonical practice and norms have arranged the following:

1) the one who can receive the Holy Sacrament of Baptism are: the living persons (canon 45, 46 of Laodicea; 14 of the First Ecumenical

⁵⁰ Prof. Vincenzo del Giudice, *Nozioni di dritto canonico*, Milano, 1970, p. 287.

⁵¹ Henry R. Percival (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 375.

⁵² Henry R. Percival (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 110.

⁵³ Canon 8 of Nicholas of Constantinople, in: D. Cummings (ed.), *The Rudder (Pedalion)*, p. 973; Ioan Cozma, “A Historical and Canonical Analysis of the Answers of Patriarch Nicholas III Grammatikos to the Athonite monks”, in: *Orientalia Christiana Periodica*, nr. 2/2017, p. 273.

⁵⁴ Henry Percival (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 598.

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Council; 78, 96 in Trullo) - male or female, infant, young or old - who have not been baptized;

2) the person who receives the Baptism, must be assisted by an attendant - godfather - who whom he enters into a sponsorship report with (canon 53 of the Synod in Trullo). The godfather (godmother) must be an Orthodox Christian. It is forbidden to have a godfather of another faith, heretic or schismatic, because the godfather takes the spiritual responsibility (canon 45 of Synod of Carthage) for his godson;

3) the found children, whom it is not known whether they were baptized (canon 72 of Carthage, 84 of Synod in Trullo), receive Baptism, so that they do not lack the sanctifying purity, saying the formula “the servant of God is baptized, if he was not baptized”;

4) regarding the baptism of the children, there are canonical provisions that in case of illness (canon 26 of Nicephorus the Confessor; 4 of Timothy of Alexandria; 47 of Synod of Laodicea; 5 of Cyril of Alexandria) to be baptized immediately. Canon 38 of Saint Nicephorus the Confessor states that “If a woman gives birth, and the baby is in danger of daying, when it is but three or five days old, let the baby be baptized...”⁵⁵;

5) those who are baptized at a young age must go through certain stages of Christian education and catechesis. From the apostolic age it was introduced the ordinance for these persons to be catechized, to be exposed to exorcisms and to be given a Christian name⁵⁶.

The consequences or effects of this Sacrament are in direct connection with the recipient of the Mystery of Baptism. By sharing the grace of Baptism, the baptized person becomes a member of the Church with full rights and inherent obligations to this status. The canonical norms foresee the following effects of the Mystery of Baptism:

a) the baptism clears the original sin. According to canon 110 of Carthage:

“likewise it seemed good that whosoever denies that infants newly from their mother’s wombs should be baptized, or says that baptism is for remission of sins, but that they derive from

⁵⁵ D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 962.

⁵⁶ See Philip SCHAFF (ed.), *Apostolic Constitutions*, VII, 39, 40, 41, 42, 43, 44, and 45, in: Alexander ROBERTS and James DONALDSON (eds.), *Ante-Nicene Fathers*, vol. VII, pp. 745-748.

Adam no original sins, which needs to be removed by the laver of regeneration, from whence the conclusion follows, that in them the form of baptism for the remission of sins, is to be understood as false and not true, let him be anathema”⁵⁷;

b) the baptism should not be repeated because through this Sacrament the original sin was erased, which is irreparable.

The canons of the Orthodox Church sanctioned the uniqueness and indelibility of the Baptism, validly administrated. Repetition of a valid baptism is considered a serious crime, which entails the deposition of the priest or bishop. The 47th Apostolic Canon decided the basic norm in this regard:

“Let a bishop or presbyter who shall baptize again one who has rightly received baptism, or who shall not baptize one who has been polluted by the ungodly, be deposed, as despising the cross and death of the Lord, and not making a distinction between the true priests and the false”⁵⁸.

According to the 46th Apostolic Canon, the baptism of heretics is not valid. Canons 7 of the Second Ecumenical Council; 95 of the Synod in Trullo; 7 and 8 of Laodicea; 45, 47 of Carthage; 1, 47 of St. Basil the Great clearly state that baptism not performed in the Orthodox Church and by unorthodox priests, must be considered invalid and implicitly there is the obligation of Orthodox baptism. Based on the provisions 46 and 68 of the Apostolic Canons, the clergy admitting the baptism of the heretics should be deposed. In addition to the canonical conditions that a valid baptism must fulfil, the Apostolic Canon 47 expressly refers to the grace state of the minister. The distinction between the grace of priesthood of divine institution and apostolic succession, and of a Christian confession that cannot justify the succession in grace and faith from the Holy Apostles, remains a basic norm in evaluating the validity of the Baptism. The interdependence of the baptism validity with the Orthodox faith in the Holy Trinity - the basic dogmatic platform - and the canonical ordination of the minister is also provided by canon 19 of the First Ecumenical Council. It

⁵⁷ Henry R. PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, pp. 496-497.

⁵⁸ Henry R. PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 40.

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states that heretics like Paulianists, – who taught a wrong teaching about the Holy Trinity –: “... they must by all means be rebaptized. And if any of them who in past time have been numbered among their clergy should be found blameless and without reproach, let them be rebaptized and ordained by the Bishop of the Catholic Church”⁵⁹.

Thus, as Fathers of Nicaea pointed, he who does not profess the true faith does not receive a valid baptism and are unworthy even of a canonical ordination.

In the Primary Church there were different opinions regarding the method of receiving heretics. The Synod of Carthage from 255-256 invalidated the baptism of heretics and schismatics. The First Ecumenical Synod through canon 8, accepts the Novatians, considered to be schismatic, without being re-baptised, but by lying on the hands and confessing the true faith. Therefore, by canon 8 of the First Ecumenical Synod, the principle of receiving schismatics without re-baptism was sanctioned, considering the baptism administered before the schism to be valid. In accordance to the decisions of the First Ecumenical Synod, canon 7 of the Synod of Laodicea validly recognizes the baptism of those who anatematized “every heresy, and particularly that in which they have held ..., and having been anointed with the holy chrism, shall so communicate in the holy Mysteries”⁶⁰. Saint Basil the Great was also concerned by the canonical issue of the validity of heretics and schismatics baptism. St. Basil the Great categorized those who stray from the faith and discipline of the Church in three categories: heretics, schismatics and members of illegal assembly. In the canonical opinion of Saint Basil the Great, “the heresies is the name applied to those who have broken entirely and have become alienated from the faith itself”⁶¹. Schismatics are considered to be those who “on account of ecclesiastical causes and, remediable questions have developed a quarrel amongst themselves”⁶².

According to St. Basil’s statement, “the Parasynagogues is the name applied to gatherings held by insubordinate presbyters or bishops, and those held by uneducated laities. As, for instance, when one has been arraigned for a misdemeanor held aloof from liturgy and refused to submit to the

⁵⁹ Henry R. PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 40.

⁶⁰ Henry R. PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 127.

⁶¹ Canon 1 of Saint Basil the Great, in: D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 773.

⁶² Canon 1 of Saint Basil the Great, in: D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 773.

Canons, but laid claim to the presidency and liturgy for himself, and some other persons departed with him, leaving the catholic Church”⁶³. Canon 7 of the First Ecumenical Synod put also this category among schismatics. Regarding the recognition of the validity of the baptism of the heretics, St. Basil was intrusive, mentioning that

“it therefore seemed best to those who dealt with the subject in the beginning to rule that the attitude of heretics should be set aside entirely”⁶⁴, ”for persons have not been baptized who have been baptized in names that have not been handed down to by the traditional teaching”⁶⁵.

The schismatics are considered by the Holy Father “as still belonging to the Church”, which is why he recommended that their baptism “let be accepted”⁶⁶.

By defining the canonical doctrine of the Orthodox Church regarding the receiving of heretics and schismatics, St. Basil the Great showed that the act of receiving depends on the extent to which the episcopate of the respective community detached from the Orthodox Church, can claim an apostolic succession. Obviously, any bishop loses this apostolic succession through heresy or schism, and therefore he cannot convey this dowry, that is, the succession in grace and faith to others. Saint Basil states that “those who seceded from the Church had not the grace of the Holy Spirit upon them; for the impartation thereof ceased with the interruption of the service”⁶⁷.

This canonical principle of the apostolic succession revealed by the Holy Father remained the basic criterion in the attitude and orientation of the Orthodox Church, regarding the receiving of heretics and schismatics. The Orthodox Church does not consider valid the baptism committed by the priests of a heretical or schismatic denomination since those who are called to be stewards and administrators of the Mysteries of God cannot justify a valid ordination, an apostolic succession and a *communicatio in sacris*

⁶³ Canon 1 of Saint Basil the Great, in: D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 773

⁶⁴ Canon 1 of Saint Basil the Great, in: D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 773.

⁶⁵ Canon 1 of Saint Basil the Great, in: D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 773.

⁶⁶ Canon 1 of Saint Basil the Great, in: D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 774.

⁶⁷ Canon 1 of Saint Basil the Great, in: D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 774.

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with the whole Orthodox and Ecumenical Church, the true storehouse of grace and faith. Saint Basil the Great considered the baptism performed by the schismatic priests to be a baptism by the laity, which therefore need the ritual, liturgical and canonical forms of the Orthodox Church:

“... Although the ones who were the first to depart had been ordained by the Fathers and with the imposition of their hands they had obtained the gracious gift of the Spirit, yet after breaking away they became laymen, and had no authority either to baptize or to ordain anyone, nor could they impart the grace of the Spirit to others, after they themselves had forfeited it. Wherefore they bade that those baptized by them should be regarded as baptized by laymen, and that when they came to join the Church they should have to be repurified by the true baptism as prescribed by the Church”⁶⁸. Saint Basil the Great said that although this is his personal opinion, nevertheless “as it has seemed best to some of those in the regions of Asia, for the sake of extraordinary concession (or ”economy”) to the many, to accept their baptism, let it be accepted”⁶⁹.

Therefore, Saint Basil the Great sought a uniformization of local practices and traditions. At the base of his conceptions was the holy desire to preserve the unity of the Ecumenical Orthodox Church, even by accepting the validity of the baptism of schismatics as an exception. However, the uniformization of personal opinions, local practices and traditions can be done only by the synod of bishops of the Ecumenical Church. Saint Basil the Great says that “if this pleases them more Bishops ought to adopt it, and thus establish as a Canon, in order that anyone following shall be in no danger, and anyone replying by citing it shall be deemed worthy of credence”⁷⁰.

In order to justify his opinion, Saint Basil the Great mentioned that

“If, however, this is to become an obstacle in the general economy (of the Church), we must again adopt the custom and follow the

⁶⁸ Canon 1 of Saint Basil the Great, in: D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 774.

⁶⁹ Canon 1 of Saint Basil the Great, in: D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 774.

⁷⁰ Canon 47 of Saint Basil the Great, in: D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 823.

Fathers who economically regulated the affairs of our Church. For I am inclined to suspect that we may by the severity of the proposition actually prevent men from being saved because of their being too indolent in regard to baptism. But if they keep our baptism, let this not deter us. For we are not obliged to return thanks to them, but to serve the Canons with exactitude⁷¹.

Saint Basil the Great recommended, however, that all the schismatics returning to the Orthodox Church should be anointed with the Holy Chrism. “But let it be formally stated with every reason – said the Holy Father – that those who join on top of their baptism must at all events be anointed by the faithful, that is to say, and thus be admitted to the Mysteries⁷². In fact, the ordinance prescribed by St. Basil the Great remained for the Orthodox Church “... as a canonical obligation to allow them communion⁷³. Those ordained by St. Basil the Great were sanctioned by the Second Ecumenical Synod, through canon 7 and canon 95 of Synod in Trullo.

The issue of baptism validity performed outside the Orthodox Church, that is, by the heterodox, is still waiting for a common solution at the future holy and great ecumenical synod. As it is known, in the Orthodox Church we still do not have “a decision which stipulates a certain doctrine and practice regarding the baptism of heterodox as absolutely obligatory⁷⁴. In the primary Church, the receiving of heretics and schismatics in Orthodoxy was made according to the “rule and custom” (can. 7 of the Second Ecumenical Synod; 95 Trullo), which sometimes differed from one church to another.

From those who performed the baptism in the name of the Holy Trinity, whom they did not deny, but misinterpreted, it was required a written confession of faith, an official and public anathematization of their creed, and the sealing or Chrismation. The heretics who did not perform the baptism in the name of the Holy Trinity, were received by the Primary Church through re-baptism. The regime of receiving and communion with those who departed from the faith and discipline of the Church was guided

⁷¹ Canon 1 of Saint Basil the Great, in: D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 774.

⁷² Canon 1 of Saint Basil the Great, in: D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 774.

⁷³ Canon 1 of Saint Basil the Great, in: D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 774.

⁷⁴ Pr. Dr. Ioan PETREUȚĂ, “Botezul eterodocșilor”, in: *Mitropolia Banatului*, XIII (1963) 12, p. 420.

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by the distinction made between heretics and schismatics. In principle, the heretics were received by re-baptism, and the schismatics by Chrismation. This canonical principle has become obligatory throughout Orthodoxy, although each Autocephalic Orthodox Church can decide on a case-by-case ground, based on the principle of economy, on the basis of the spirit of the current ecumenical climate and of joint efforts to restore Christian unity.

For example, the receiving of Roman Catholics in Orthodoxy is done based on the principles mentioned above, because the validity of this Mystery is recognized. The Orthodox Church, being the depository of Grace, can grant the character of Mystery to the baptism of heterodox people who have faith in the Holy Trinity and perform Baptism on its behalf. In recognizing the baptism of the heterodox, the Orthodox Church has been led and governed by the provisions sanctioned by the Ecumenical Church, and especially by the canonical principles set forth by the canonical law of the Ecumenical Church, where appropriate, by the principle of economy⁷⁵.

The Orthodox theologians consider Church economy “as a recognition or a complement of Christ’s work outside the Church with that through the Church”⁷⁶. In conclusion, we note that, according to the canonical provisions (can. 19 of the First Ecumenical Synod.; 7 of the Second Ecumenical Synod; 95 of the Synod in Trullo.; 7 and 8 of the Synod of Laodicea; 1 and 47 Saint Basil and 3 Saint Athanasius the Great) of the Ecumenical Orthodox Church, sometimes the act of heterodox reception was done through Chrismation, to others through Baptism, and to others it was sufficient if they gave letters of anathematization of the heresies. According to the canonical doctrine of the Orthodox Church, the baptism performed in the name of the Holy Trinity is therefore validly recognized.

The canonical doctrine of the Roman Catholic Church, regarding the conditions of receiving the heretics, differs from the Orthodox Church’s one. The old practice of the Western Church, which is still in force today, has been confirmed by the Tridentine Synod, by canon 4. “If anyone say that Baptism, which is also given by heretics in the name of the Father

⁷⁵ John H. ERICKSON, “Oikonomia in Byzantine Canon Law”, in: *Law, Church and Society, Essays in Honor of Stephan Kuttner*, University of Pennsylvania Press, 1977, pp. 225-236.

⁷⁶ Pr. prof. dr. Dumitru STĂNILOAE, “Iconomia Dumnezeiască, temeii al iconomiei bisericesti”, in: *Ortodoxia*, XXI (1969) 1, p. 21.

and of the Son and of the Holy Spirit, with the intention of doing what the Church does, it is not true Baptism - it is stipulated in the canon – let him be anathema”⁷⁷.

The West received the Christians by the act of laying hands identifying it with that of Chrismation. As noticed, this canonical-liturgical practice of Roman Catholics does not comply with the provision of canon 7 of the Second Ecumenical Synod and canon 95 in Trullo, which sanctioned the regime of receiving heterodox in the Church. As is well known, the Trent Council had sanctioned Blessed Augustine’s theory, according to which any Mystery outside the Church committed by a valid ordained servant is valid even when performed separately from the Church. In connection with the indelible character of the Mystery of Baptism, which Blessed Augustine commented on, we must point out that it stamps its seal only on the cleansing of the ancestral sin, since the fall from grace, in the case of heresy, no longer preserves the work of grace received at Baptism. The grace received through the Holy Sacraments works only if the Christian is in communion with the Church. Therefore, the assertion of the Roman Catholic Church that those who become partakers of the Sacraments outside the Church can be likened to those who unworthily take communion in the Church⁷⁸, it is totally wrong and has been condemned by the canonical practice and doctrine of the Ecumenical Orthodox Church (can. 1 of St. Basil the Great). Therefore, in such cases of coming out of communion with the Orthodox Church - through heresy or schism - neither the Sacrament of Baptism nor the Sacrament of Ordination ensures that the grace remains, because apart from the Church there is no salvation. The re-administration and sharing of grace upon return to the Orthodox Church - in the case of the heterodox - is thus justified from a dogmatic and canonical point of view. And when applying the principle of economy, only the negative aspect of the Mystery of Baptism is considered, that is, the erasure of the ancestral sin⁷⁹.

As for Protestants, some Orthodox theologians believe that our brethren have not yet found “the most appropriate expression for the

⁷⁷ Canon 4 of Council in Trent, in: http://www.documentacatholicaomnia.eu/03d/1545-1545,_Concilium_Tidentinum,_Canons_And DECREES,_En.pdf, accessed on 13th of December 2019.

⁷⁸ H. ANDRUTSOS, *Simbolica*, transl. Prof. dr. Iustin Moisescu, Craiova, 1955, p. 256.

⁷⁹ Drd. Constantin DRĂGUȘIN, “Primirea eterodocșilor în Biserică”, in: *Ortodoxia*, IX (1957) 2, p. 295.

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presentation of the Sacred Mysteries” according to the teaching of the Primary Church. We must not forget that the fulfilment or admission of intercommunication “in sacris” of the believers belonging to the various Christian denominations with the Orthodox Church, of the recognition of the validity of the Sacraments of the Catholic Church and of the heterodox ones, is conditioned by the preservation of the apostolic succession, because “only on the basis of it can the existence of the sacramental priesthood be admitted”⁸⁰, and thus implicitly the valid administration of the Church Mysteries. The sacramental succession of the bishops is conditioned by the succession in faith, the confession and the preservation of the right faith, because “the administration of a Sacrament by the one without the faith, even if he received the power of ordination validly, is and must be regarded as dead, in other words as ineffective...”⁸¹.

In the Orthodox Church, the act of receiving the heterodox did strictly observe the ceremonial ordinances (Molitfelnicul românesc, ed. 2016) prescribed by the canonical tradition⁸² of the Ecumenical Orthodox Church. In the Autocephalic Orthodox Churches, although the practice of receiving heterodox is not uniform⁸³, regarding the conditions imposed, however, it agrees the basic principles of the canonical norms. This different practice was also due to the application or non-application of the economy by the Synod of the respective Church, which has the possibility to apply or not the principle of economy, on a case-by-case basis, and in the best interests of the Church, for the validation of the Mystery to the heterodox.

VI. Special cases regarding the way of administrating the Baptism

The canons of the Church regulated not only the administration of Baptism, the conditions required for the administrators and the recipients, but also the special cases, prohibiting non-canonical practices, for example:

a) it is forbidden the administration of Baptism, as it is of the Eucharist, to the bodies of the dead. In this respect, canon 18 of Synod of Carthage

⁸⁰ Pr. prof. dr. LIVIU STAN, “Succesiunea apostolică”, in: *Studii Teologice*, VII (1955) 5-6, p. 307.

⁸¹ Pr. Prof. Dr. LIVIU STAN, “Succesiunea apostolică”, p. 314.

⁸² Dr. Nicodim MILAȘ, *Canoanele ...*, vol. I, part. 2, pp. 477-478.

⁸³ Drd. C. DRĂGUȘIN, “Primirea eterodocșilor în Biserica”, p. 293.

provided: “It seemed good that before bishops and clerics were ordained, the provision of the canons should be brought to their notice”⁸⁴. Also through this canon, the Fathers of the Carthage Church drew attention as for those who ordained bishops or priests “... lest, they might alferwards repent of having through ignorance acted contrary to law. It also seemed good that the Eucharist should not be given to the bodies of the dead.... Nor let the ignorance of the presbyters baptize who are dead”⁸⁵.

As is known, the custom of baptizing the bodies of the dead originated in the pious sense and belief that Baptism reborn the human body. Montanists who baptized the dead introduced this custom. Legislating in this regard, the Church gave the clergy a guide, a canonical guide, of universal - obligatory character, commanding them to respect those ordained by the Apostles. The knowledge of the ordinances decided and fixed by the Church was a canonical obligation (can. 9 of the First Ecumenical Synod; 2 of the Seventh Ecumenical Synod)⁸⁶ of all those who were preparing to receive the ordination, because, without doubt, knowing the canonical norms also supposed their observation.

b) Baptism is only performed individually and nominally. Through the Holy Sacrament of Baptism the grace is shared only to those to whom the Mystery is administered. The grace received individually cannot be transmitted to the offspring hereditarily. All people are born with original sin, but the effect of Baptism does not exceed the status of the respective person, that is, it only works on the one to whom it is administered. Thus, according to the disposition of canon 6 of the Synod of Neocaesarea, “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”⁸⁷, if she were to baptize during this time, because each person must express the confession of faith for himself before Baptism and this confession of faith must be the product

⁸⁴ Henry R. PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 450

⁸⁵ Henry R. PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, pp. 450-451.

⁸⁶ Metropolitan Jacob Putneanul (1719-1778) confessed that because he had “greater and special care (...) for the economy of the Church and the humility of the talking sheep (...)”, he also printed “*Sinopsis*”, that is *Adunare a celor șapte Taini ...*, Iași, 1755 (*Predoslovie*, cf. Ion BIANU și Nerva HODOȘ, *Bibliografia Românească veche, 1508-1830*, t. II, pp. 119-121).

⁸⁷ Henry R. PERCIVAL, *The Seven Ecumenical Councils*, vol. XIV, p. 82.

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of free and personal will. In the case of children's baptism, the confession of faith, the *Creed*, is done by the spiritual parent (godfather), who gives testimony that his spiritual son will grow in the orthodox faith. The free will of the child manifests at the age of adulthood, when he voluntarily agrees to remain a member of the Church, to participate in the eucharistic life of the community, and therefore to be a subject of Church law.

c) Receiving Baptism by adults involves spiritual preparation, but also a state of physical cleansing. In this regard, Saint Dionysius, Archbishop of Alexandria, urges us: "let everyone be conscientious in these matters, and outspoken, in accordance with his own inclination, when he approaches to God"⁸⁸, because "if one is not wholly clean both in soul and in body, he shall be prevented from coming up to the Holies of Holies"⁸⁹. Timothy of Alexandria also considers special cases, such as keeping the woman's body clean, so as not to invade and dishonour the Holy Sacrament. By canon 6, Saint Timothy of Alexandria states the following: "If a woman who is a catechumen has given her name in order to be enlightened, and on the day appointed for the baptism she incurs the plight which regularly afflicts women ... she ought to defer, until she has been purified"⁹⁰.

d) An element specific to the apostolic era is the fast before Baptism. In *The Teaching of the Twelve Apostles (Didache)* it is said that "before the baptism let the baptizer and the baptized fast; and any others who can; but the baptized thou shalt command to fast for one or two days before"⁹¹.

e) As for the status of those returning to the Orthodox Church, the canons provide the following:

1. The fullness of the mental faculties of those returned to orthodoxy, the sincere faith and the free and personal belief must be taken into account;

2. Only those who have not received a valid Christian baptism are baptized. For those who were "called by grace", but after a while they returned to their wanderings, and then to return under the law of grace,

⁸⁸ Cf. canon 4 of Saint Dionysius the Alexandrian, in: D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 721.

⁸⁹ Cf. canon 2 of Saint Dionysius the Alexandrian, in: D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 718.

⁹⁰ Cf. canon 6 of Timothy of Alexandria, in: D. CUMMINGS (ed.), *The Rudder (Pedalion)*, p. 893.

⁹¹ *The Teaching of the Twelve Apostles*, chapter VII, in: *The Teaching of the Twelve Apostles*, A translation with Notes, and Excursus (I to IX) illustrive of the "teaching" by Canon Spence, M. A., 2nd edition, London, 1888, p. 21.

the canons stipulate that “,... in all these cases it is necessary to examine well into their purpose and what their repentance appears to be like. For as many as give evidence of their conversions by deeds, and not pretence, with fear, and tears, and perseverance, and good works, when they have fulfilled their appointed time as hearers, may properly communicate in prayers” (can. 12 of the First Ecumenical Synod)⁹².

Based on the provision of canon 12 of the First Ecumenical Synod, the bishop the bishop “may determine yet more favourably concerning them”, that is to reduce their punishments. So, following the canonical teaching of the Fathers of the Church, we must investigate whether the one who comes to the door of the Orthodox Church does it “... out of a sincere heart and in faith, is converted and makes profession with his whole heart, setting at naught their customs and observances, and so that others may be convinced and converted, such an one is to be received and baptized, and his children likewise...” (can. 8 of the Seven Ecumenical Synod)⁹³.

f) Baptism can be administered to those who have expressed a desire to receive baptism, even if they are not in a catechumenate state, in case they have lost consciousness or voice. In this situation, the personal desire, expressed during the state of health, and the testimony of the Christians that in the case of healing will remain firm in the Orthodox faith is the guarantee for the validity of Baptism. According to the decision made by the Fathers of the Carthage Church, met at the Council of Hippo in 393, by canon 45: “That the sick are to be baptized who cannot answer for themselves if their servants shall have spoken at their own proper peril a testimony of the good will of the sick man”⁹⁴.

The Church Fathers left provisions and norms that stipulate the obligation of the parents to baptize their children⁹⁵, lest they die unbaptized. According to the disposition of canon 37 of St. John the Faster - such

⁹² Henry R. PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 27.

⁹³ Henry PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 561.

⁹⁴ Henry PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 463.

⁹⁵ Biblical and patristic testimonies on infant baptism, see Rev. Marcos DAUD, *Church Sacraments*, Cairo, 1975, pp. 8-13; Pr. V. MOISE, “Botezul pruncilor”, in: *Mitropolia Moldovei și Sucevei*, XLVI (1970) 7-8, pp. 406-422; †NICOLAE, Mitropolitul Banatului, “Fundamentarea ortodoxă a pedobaptismului”, in: *Mitropolia Banatului*, XXIX (1979) 10-12, pp. 576-589; †NICOLAE, Mitropolitul Banatului, “Pedobaptismul (Botezul copiilor) de-a lungul vremii”, in: *Biserica Ortodoxă Română*, XCIII (1975) 1-2, pp. 130-149.

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neglect of parents entails the punishment of exclusion “for three years from communion ... and being the child of seven days, and if he dies unbaptized, the parents will be removed from communion for seven years ...”. To avoid the death of any baby who is not baptized, the Orthodox Church has ordered that the one who is not sure whether or not he is baptized to be baptized with the formula “if he is not baptized, the servant of God is baptized ...” (canon 72 of Carthage)⁹⁶.

g) According to the provisions of the canons, infants resulting from mixed marriages (Orthodox and heterodox) must be baptized and raised in accordance with the Orthodox faith and teaching. By the disposition of canon 14, the Fathers of the Fourth Ecumenical Council decided that “... those who have already begotten children of such marriage, if they have already had their children baptized among the heretics, must bring them into the communion of the Catholic Church; but if they have not had them baptized, they may not hereafter baptize them among heretics...”⁹⁷.

Based on the regulations set by the Fathers of Chalcedon, on the occasion of an approved mixed marriage, the Orthodox Church asks her faithful to declare that the babies born from this marriage will be baptized and raised according to the teaching of the Orthodox Church.

h) Baptism produces spiritual kinship. Since the early Christian centuries, the Church has instituted guarantees in the person of godparents (sponsors). In the name of the children the sponsors declare they want Baptism and they are obliged to take a close interest in their Christian growth. As a rule, in the Primary Church, the sponsors were the deacons for men, and deaconesses for women, because they performed the function of catechesis of catechumens. From the canonical point of view, sponsors are counted for their godchildren, as the guardianship for guarded minors. The Church adopted the institution of sponsorship by analogy with the guardianship of civil law. Between the one who kept the infant at baptism and the baptized one, a kinship relation is created, known in the canonical doctrine of the Church as a spiritual relation (*cognatio spiritualis*). This spiritual kinship has its basis in the idea of the baptized infant rebirth and in the relationship in which he enters with his soul parent, the sponsor, who produces his rebirth. In the context of these relationships of spiritual kinship, the Church subsequently fixed the impediment to marriage

⁹⁶ Henry R. PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 478.

⁹⁷ Henry R. PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 278.

between sponsor and godchild. Although according to the disposition of canon 53 in Trullo, "... the spiritual relationship is greater than fleshly affinity..."⁹⁸, based on the prescription of the same canon and the practice of the Church, it was established as an impediment to marriage produced by the spiritual kinship, the second degree including.

i) Baptism administered under the condition "if not baptized". If it is not known whether or not a child has been baptized, because the witnesses are absent and he cannot confess, the canons of the Orthodox Church provide that the child is to be baptized on condition that the formula is stated "if it was not baptized". Canon 72 of the Council of Carthage stated:

"It seemed good that whenever there were not found reliable witnesses who could testify that without any doubt they were baptized and when the children themselves were not, on account of their tender age, able to answer concerning the giving of the sacraments to them, all such children should be baptized without scruple, lest a hesitation should deprive them of the cleansing of the sacraments ..."⁹⁹.

This decision was reinforced by the Fathers of the Sixth Ecumenical Council through canon 84, pointing out that the canonical disposition taken was the natural consequence of "following the canonical laws of the Fathers"¹⁰⁰.

j) There are also some ordinances that the Church strictly observes in the administration and ritual of the Holy Baptism, but they do not have express references in the holy canons. However, they find canonical grounds in liturgical practice and canonical doctrine¹⁰¹ of the Church. Some canonical works make express mention of these ordinances. For example, about the water of baptism, the canons of the Church do not give

⁹⁸ Henry R. PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 390.

⁹⁹ Henry R. PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 478.

¹⁰⁰ Henry R. PERCIVAL (ed.), *The Seven Ecumenical Councils*, vol. XIV, p. 402.

¹⁰¹ For example, the recognition of the schismatics' ordination was conditioned by the validity of Baptism, as required by the canonical doctrine of the Church. (See also Prof. dr. Iorgu D. IVAN, "Abaterile papalității de la organizația canonică a Bisericii", in: *Ortodoxia*, VI (1954) 4, pp. 475-306; Prof. Dr. Iorgu D. IVAN, *Vârsta hirotoniei clericilor*, București, 1937, p. 4.

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us clear explanations of its status. However, we find valuable information in *Didache* - the work appeared in the second century - where it says:

“... baptize into the name of the Father, and of the Son, and of the Holy Spirit, in running water. But if you have not running water, baptize in other water; and if you cannot in cold, then in warm. But if you have neither, pour water upon the head three times, into the name of Father, and Son and Holy Spirit”¹⁰².

k) The canonical provisions and norms regarding the administration of the Holy Baptism were sanctioned and upheld by the canonical legislation of the Ecumenical Councils. The rule of Baptism in the Primary Church was sanctioned by the canonical laws of the Fathers and the canonical-liturgical practice of the Orthodox Church. The canonical ordinances regarding the administration of the Mystery of Baptism remain a true guide for the priests of today, a canonical guide in solving all the problems related to the administration of this Holy Sacrament. Its canonical implications and effects can only occur when the Holy Baptism is performed according to the canonical-liturgical order of the Orthodox Church, the only one that has kept and observes the provisions and norms regarding the proper administration of this Holy Sacrament.

VII. Conclusions

We can notice from the above that the administration of the Holy Baptism, that is to say, the celebration of this Holy Sacrament, is the first act by which the sanctifying power is applied. However, it does not apply to any member of the Church, but to a person who is not yet part of the Church and who is thus outside the Church. So in this regard, the first work of the sanctifying power is similar to the first work of the teaching power, that is to say, the missionary work, because this is not celebrated to the members of the Church, giving us the opportunity to ascertain that the application of the means of the Church power is not done only to realities in the life of the Church, but also to realities outside the Church.

To correctly perform this Holy Sacrament, it must be taken into account the observance of canonical norms or ordinances. These canonical

¹⁰² *The Teaching of the Twelve Apostles*, chapter VII, in: *The Teaching of the Twelve Apostles*, p. 21.

norms concerning the administration of the Holy Baptism fall into four categories, namely: (1) rules regarding those who have the right to administer Baptism; (2) rules regarding those who can receive Baptism; (3) rules regarding the celebration of Baptism itself; and (4) rules regarding the effects of the administration of Holy Baptism.

Holy Baptism is the first Sacrament through which we share divine grace and the first Sacrament that fulfils our aspiration and faith. Thus we enter the orbit which centre is Christ, whose force manifests in all the Mysteries, but especially in Eucharist, when we will feel we no longer live, but Christ lives in us, as we communicate with Christ the Saviour (Galatians 2: 20).

In the Sacrament of Holy Baptism, we become partakers of the sufferings, death and resurrection of our Saviour, Jesus Christ, according to the words of the Holy Apostle Paul, who says: "... Know ye not, that so many of us as were baptized into Jesus Christ were baptized into his death?" or " Now if we be dead with Christ, we believe that we shall also live with him: Knowing that Christ being raised from the dead dieth no more." (Romans 6, 3.8.9). We really share in the power of suffering and the death of our Saviour, and we also really share in the Resurrection and His new life, which the Holy Fathers have emphasized. If in our daily life, through our participation in someone's sufferings, a change really occurs in us, the more this change takes place in the baptismal bath, when we participate in the death of the Saviour and when His grace is poured on us.

Through this Sacrament we re-make the image of God in us, the image of the Son of God, following Christ's pattern, and we must strive to grow spiritually according to his likeness. Through the Mystery of Baptism, a certain knowledge and feeling of God is poured into the soul, after the elimination of the ancestral sin which had weakened our understanding; the eyes of the soul are opened and we are given the power to order the life in Christ. Baptism is the first call to life in Christ and the first aid in our spiritual ascension.