

The Collection of Byzantine Canon Law («Kniga pravil», 1839) as a Legal Basis for the Russian Orthodox Church in the 19th and 20th Centuries: Paradoxes, Problems and Perspectives

The »Book of the Divine Canons of Holy Apostles, Holy Ecumenical and Local Synods and Holy Fathers« (*Kniga pravil*) today constitutes the principal code of canon law of the Russian Orthodox Church. It was first published by the Holy Synod in 1839 to replace the previous code, the so-called »Printed Pilot Book« (*Pečatnaja kormčaja*). Though the latter was first published in Moscow under Patriarch Nikon in 1653, most of its legal texts dated back to the 13th century and were long outdated by the 19th century¹. The issue of publishing Church canons (fig. 1) was put on the agenda in both cases due to the official codification of Civil Law that first took place under Czar Aleksej Michailovič in 1649 and then under Nicholas I (fig. 2) in 1830-1832.

In the 17th as well as in the 19th century, Russian canon law had to be codified along with Civil Law since it was, just like in Byzantium, an integral part of the state legal system. The monumental »Code of Laws of the Russian Empire« (*Svod zakonov Rossijskoj imperii*) was published in 15 volumes in 1832 under the supervision of the outstanding Russian statesman, Count Michail Michailovič Speransky (1772-1839) (fig. 3).

It took seven more years to prepare a new edition of Church canons as an appendix to the new »Code of Laws«. In 1836, the Holy Synod entrusted management of this project to the Metropolitan of Moscow, Philaret (Drozdov) (fig. 4).

Unlike the »Printed Pilot Book« of 1653, the »Book of the Divine Canons« contained neither Byzantine civil regulations, such as official or semi-official legal codes of the 8th and 9th centuries (the »Ecloga« and the »Procheiros nomos«, the »Mosaic Law«) and ecclesiastical novels of Byzantine emperors, nor Church legislation of lower rank than the canons, such as conciliar and patriarchal decrees, canonical (partly anonymous) treatises on various topics of spiritual life, the canonical »Collection of 87 Titles« of the 6th century, selected chapters of the »Nomocanon in 14 Titles« (in Patriarch Phottios's version of the 9th century), canonical answers of Byzan-

tine hierarchs, and canonical comments of three outstanding Byzantine canonists of the 12th century, Alexios Aristenos, John Zonaras and Theodore Balsamon. Moreover, the »Book of Canons«, also omitted canonical texts of Russian origin, so that the new codification of canons completely neglected the rich canonical tradition of the Russian Church of previous centuries².

Choosing to ignore the later Byzantine tradition of canonical thought as well as the Russian canonical heritage, Metropolitan Philaret reduced the legal basis of the Russian Orthodox Church to approximately seven hundred Church canons of the 4th to 8th centuries, which were published in chronological order of synods and Holy Fathers without any attempt to adapt this material to legal proceedings by presenting it in any kind of thematic order. The point at issue is why Philaret disregarded the secondary, but nonetheless very honourable canonical tradition of late Byzantium as well as the almost six hundred years-old canonical tradition of Russia in favour of the most archaic heritage of the Early Church. To answer this question and to demonstrate the implications of the Philaret's decision will be the goal of this paper.

First of all, it should be borne in mind that the »Printed Pilot Book« of 1653 was based upon the Serbian Nomocanon of the early 13th century, which contained a strongly abridged version of Church canons with comments. Those abridged canons were indeed insufficient for managing Church affairs, including more or less complicated ecclesiastical lawsuits. According to Philaret, the canonical comments by Aristenos and Zonaras were partly too short and therefore less informative, or they sometimes distorted the sense of canons. Furthermore, the Slavonic language of the translation also appeared archaic and less comprehensible to Philaret. For these reasons, he considered it helpful to return to an old, long-forgotten project of the Holy Synod: to produce a new, full Slavonic translation of Church canons and publish it alongside their Greek originals³. In 1836, the Chief Procurator of the Holy

1 On the composition of the Printed Pilot Book see: Žužek, *Kormčaja Kniga* 64-101.

2 Barsov, *O sobranii* 11, 281-319. 581-619; 12, 754-784 (esp. 754-766).

3 *Ibidem* 12, 754-755.



Fig. 1 Cover of «Printed Pilot Book» (1912-1913).



Fig. 2 Portrait of Emperor Nicholas I (1852). – (Painter: Franz Krüger oil on canvas, Hermitage Museum).

Synod, Count Nikolay Protasov (1798-1855) submitted a report on behalf of the Holy Synod to Czar Nicholas I, in which he argued the necessity of publishing Church canons in full.

Philaret's and the Holy Synod's arguments, referred to by Count Protasov in his report, were as follows:

1. Ecclesiological: Strength and constancy of the Orthodox Church is secured solely by original and genuine Church regulations, which are free from later additions and interpretations, that is, by Church canons in their full wording.

2. Theological: Unlike Civil Law, whose source is the legislative power of human institutions, the Church canons have their source in divine revelation. Therefore, unlike civil laws, which can be altered or replaced in the course of time, Church canons reflect the divine truth and are per se unchangeable, eternal and divine⁴.

3. Political: a) The later canonistic interpretations, whose goal is to adapt the eternal and divine truth of canons to the temporal conditions that are restricted to specific times, places and persons, may awaken the distrust of official powers because the latter would profane God's eternal truth by interpreting it according to earthly needs. This might lead

some «audacious minds» to revise the very foundations of Orthodox faith⁵.

b) A codification of later Church tradition must be accepted by four traditional Orthodox Patriarchates, since the Orthodox Church is only a gathering of a number of autonomous Churches. To guarantee their unity, only traditional canons recognized by other Churches should be codified, since any innovation could bring about dissension or even schism within Orthodoxy⁶.

Having read this report, Czar Nicholas considered it helpful to consult the chief editor of the Russian civil code, Count Michail Speransky. The latter supported the idea of Philaret and the Holy Synod fervently. Afterwards, on 14 November 1836, Czar Nicholas officially approved the report of Count Protasov and the technical work on the edition of the «Book of the Divine Canons» began⁷. After three years, the edition was completed to become the only code of canon law of the Russian Orthodox Church up to this day.

It is worthwhile at this point to assess the arguments of Philaret and the Holy Synod in favour of the type of ecclesiastical codification that was realized in 1839.

4 «Первые [т.е. каноны] от Бога и, как вечная правда Его, должны быть неизменны» (Barsov, O sobranii 12, 756).

5 Ibidem.

6 Ibidem.

7 Ibidem 758.



Fig. 3 Portrait of Michail Speransky (1824). – (Painting A. Varnek).

First, the ecclesiological argument, whereby the Church was founded on the original Church canons. The Church as the Body of Christ could not be founded on anything but Christ Himself and the grace of the Holy Spirit. If only Old Church canons are supposed to have the power of salvation, this would mean that only the Old Church had been endowed with God's grace, which then for reasons unknown stopped working in the Church after the 9th century. This consequence must evidently be discarded as ecclesiological nonsense. Therefore, Philaret's assumption that the strength and constancy of the Church would dwell in the full text of canons also belongs to the realm of fantasy. It can also not be ignored that Church canons did not exist until the late third century, and that the lack of canons had by no means weakened »the strength and constancy« of the primitive Church.

The theological argument of Metropolitan Philaret, in my opinion, does not withstand critical analysis either. To ascribe to Church canons divinity and, therefore, eternity means nothing but equating canons to scripture or to the creed. Indeed, the scriptures and the creed alone reflect divine revelation and must remain forever unmodified. All other genres of Christian writing are also »divine«, but to a much lesser extent than the scriptures, which possesses the highest grade of divinity. Being less divine than Holy Writ, other

8 The last anti-Judaic canon is apparently conc. Nic. II cn. 8 of 787.



Fig. 4 Portrait of Metropolitan Filaret. – (Nach: Russkie dejately 41-42).

genres enjoy much more freedom regarding modifications in wording and composition or the creation of new texts. With this literary background, a proclamation of the infallibility, eternity and divinity of canons means to claim that they are inherently unchangeable, just like scripture or the creed. But this idea radically contradicts the legal practice of the Church over its entire history, for the canons, along with other legal texts, could and did undergo serious changes and revisions, including full abrogation of those which had become obsolete or otherwise appeared inappropriate. For example, many canons concerning heresies, schisms or alternative religious movements become redundant after these heresies and schisms had been suppressed. The anti-Judaic canons also became obsolete from the time that the Christian Church completely had rejected surviving Jewish rites, i. e. from the late 8th century onwards⁸. Such instances are legion in canon law. In the entire history of the Byzantine Church, I could find just a single example of a canonical collection being equated to the Bible: In a marginal scholion to the »Nomocanon of

Fourteen Titles», it is said that »in the Church the Nomocanon is considered to be like the divinely written tablets«⁹.

Finally, the political arguments of Philaret, including his concerns about unspecified »audacious minds« as well as about the recognition of the new code of canon law by four Orthodox patriarchates, appear unsubstantiated inasmuch as there were no attempts from his side to clarify this issue to either the Russian ruling elite or to the Eastern patriarchates. Hence, these arguments must be regarded as secondary to the ecclesiological and theological ones.

Such was the theoretical reasoning on which the publication of the »Book of the Divine Canons« was based. The question remains: Was this »Book« with its canonical material predating the 9th century applicable in Russia some thousand years later? One can safely assume that not every canon of the Early Church could be applied in Russian ecclesiastical courts, primarily for historical reasons.

First of all, the Eastern Roman Empire and czarist Russia were very different polities. In Byzantium, the Church had not been integrated into the state as one of its departments, as it was in nineteenth-century Russia. Moreover, the very system of Orthodoxy had undergone significant changes over the course of centuries. In Byzantium, there was the one and undivided imperial Church, which consisted of roughly five patriarchates. In the 5th and 6th centuries, the ruler of the Eastern Roman Empire possessed full administrative sovereignty over the whole Church, from Rome to Jerusalem. The canons formulated at the Church councils of that time reflected this situation and served to uphold its *status quo*. More than one thousand years later, the situation of Orthodoxy had changed radically. Instead of the undivided Church under the sway of one emperor, there appeared many autonomous Orthodox sister Churches in new nation-states, of which the Russian Orthodox Church was only one. In the old canons, however, neither the Russian empire nor the Russian Church had been mentioned. Paradoxically, Metropolitan Philaret and the Holy Synod of the Russian Church published a Code of Canon Law in which not a single word was said about Russia, but a great many about Constantinople.

Indeed, only one of the seven (actually, eight) ecumenical councils took place far from Constantinople, in Ephesus. The remaining six convened either in Constantinople or in the neighbouring cities of Chalcedon and Nicaea. It is not surprising, therefore, that the canonical legacy of those councils should be strongly influenced by the bishop (from the 5th century onwards, patriarch) of Constantinople. The canons of the second and the fourth ecumenical councils (Const 3, Chalc 9 and 28) gradually accorded the bishop of Constantinople a status equal to bishop of Rome. Down to the Great Schism of the 11th century, there were only five patriarchates

in all of Christendom (Rome, Constantinople, Alexandria, Antioch and Jerusalem), which enjoyed mutual autonomy and formally equal rights in affairs of the Church (the so-called »pentarchy«). At the time of conversion of Russia to Christianity, the three oriental Patriarchates were long under Muslim rule and played no part in common ecclesiastical affairs. The Russian Church, which had received the Christian faith and worship from the Greeks, from the very beginning was only a metropolitanate (or, in official usage, a daughter Church) of Constantinople, and it preserved this status until the late 16th century. All in all, by accepting the Church canons of the ancient epoch as its own canon law, the Holy Synod of the Russian Orthodox Church automatically recognized the traditional primacy of the patriarch of Constantinople in Russian ecclesiastical life. To proclaim the canons of the 4th and 5th centuries »divine« and »eternal«, as Philaret did, might lead to the false conclusion that the administrative system of the Church had remained unmodified throughout the centuries and that even in the 19th century the »pentarchy« of five patriarchates was in force¹⁰.

But adopting the »Book of Canons« as the Code of Canon Law meant committing more than just a practical error. I will enumerate other cases of that kind. For instance, many canons of the Early Church were directed against surviving pagan rites and oriental ascetic practices as well as against magic, astrology and diverse superstitions, for these were flourishing at that time and could and did influence the Christian flock and the hierarchy¹¹. Since the Russian Church of the 19th century was safe from hazards of that kind, dozens of the corresponding canons, however »divine« and »eternal« they might have been in Philaret's eyes, were completely inapplicable in Russian soil. As for the Church itself, in early Byzantium a heresy or a schism arose every now and then and required an immediate canonical reaction¹², whereas in multi-ethnic Russia the situation had long been under government control and relations between Orthodoxy and other Christian denominations, such as Catholicism or Protestantism, and non-Christian faiths, such as Judaism, Islam or Buddhism, were managed by state laws rather than by completely outdated canons. To give but one example: from the nine canons of the third ecumenical council of Ephesus in 431, only one canon could be applied in the Russian Orthodox Church of the 19th century, namely canon 7 which prohibits the formulation of a creed other than the Nicene Creed. The remaining eight canons address the figures of the heresiarch Nestorios (patriarch of Constantinople in 428/431 AD) and Pelagian, Celestios, who were relevant only in the era of Christological disputes, but not for the Russian Church 14 centuries later.

Another case concerns the penitential discipline of the Church. In the canons of the first centuries, a very archaic

9 Nom. 14 tit., 1.9: ἐν τῷ νομοκάνονι [...] τῷ ὡς θεογράφου πλάκας παρὰ τῆ ἐκκλησίᾳ λογιζομένῳ (Rhallēs/Potlēs I, 49-50, Scholion).

10 Canons dealing especially with Constantinople: Conc. Const. 3; Chalc. 28; Trul. 36; Nic. II 10. 15.

11 Cf. Conc. Anc. 24; Carth. 58. 60-61. 63. 67. 84; Trul. 24. 60-62. 65. 71. 94 etc.

12 Cf. Conc. Laod. 33; Carth. 47. 66. 68-69. 91-92. 95. 99. 106. 117-118. 121. 123-124 (on the Donatists and Pelagians); Carth. 22; Trul. 72. 81-82. 95; Bas. 1, 47 etc.

penal system of four degrees of public penitence was applied, according to which offenders – i.e. sinners who had been condemned to public penitence upon their confession to the bishop – were divided into the following categories according to the extent of their exclusion from the mass: 1) »the weepers« (lat. *flentes*), who were not allowed to enter the church and had to express their repentance by weeping at the entrance, 2) »the listeners« (*audientes*), who were permitted to enter only the church narthex and had to leave the mass after the gospels were read, 3) »the kneeling« (*genuflectentes*), who were allowed to enter the church itself but had to kneel all the time and leave the mass together with catechumens, and 4) »the standing together« (*consistentes*), who were allowed to stand upright together with the faithful during the whole mass but were excluded from the Eucharist. Most of the ecclesiastical punishments of that time stipulated that the culprits would pass successively either through all or several of these stages of repentance. This system persisted more or less unmodified until the 8th or 9th century, when it was replaced by the sacrament of confession. It is self-evident that archaic public penitence was completely obsolete in the 19th century, but in the »Book of the Divine Canons« this archaic system was formally declared obligatory for the Russian Orthodox Church. This represents one more example of the dozens of canons that turned out to be inapplicable, and this in such a sensitive sphere of the everyday life of the Church as the punishment of sinners.

In the early Church, there had been some hierarchical degrees that gradually fell into disuse, specifically the office of rural bishop (*chorepiscopus*) as well as lower ranks of female church servants such as virgins, widows and deaconesses (Chalc. 15; Carth. 44; Bas. 18. 20. 24 etc.). The Russian Church from its very beginning did not have any of these ecclesiastical ranks, so that the relevant canonical norms of the Old Church no longer related to reality.

Regarding fasting discipline and the calendar, there were many differences in the Russian Church compared with that of the first Christian centuries. In the old canons, only Lent is mentioned as a time of fasting. In the course of time, from about the 11th century onwards, three more times of fasting were added – the fast of the Apostle Peter, the fast before the Assumption of the Mother of God and the Christmas fast. All three fasting periods were in use in the Russian Church, though there is no mention of them in the old canons. Moreover, even the duration and the food taboos of the traditional Lent varied widely from epoch to epoch and country to country. The Russians of the 19th century observed quite a different Lent compared with the believers of Early Byzantium or the canons of the Ancient Church. For instance, canon 50 of the local synod at Laodicea required

abstention from cooking and eating only uncooked food (*ξηροφαγοῦντας*) for the duration of Lent¹³. This norm was still in force as late as the 12th century, since the famous canonist Alexios Aristenos mentions it in his commentary on this canon¹⁴. In the Mediterranean with its fertile soils and warm climate, fasting with olives, bread and vegetables appears relatively unproblematic, whereas in Russia Lent took place in early spring with still frosty weather and a complete lack of fresh vegetarian food. It was thus quite impossible to observe the dietary prescriptions of Laodicea in the northern regions, and they were for that reason tacitly ignored by the Russian Church. However, even the Byzantines sometimes neglected to observe them, for in the same 4th century when the synod of Laodicea was summoned, Epiphanius of Salamis recommended uncooked food only for Holy Week, but not for the entirety of Lent¹⁵.

Returning to the canons on fasting included in the »Book of Canons«, if old canons prescribing only one fast in a year had been as »divine and eternal« as Metropolitan Philaret and the Holy Synod claimed, the Russian Church after the publication of the »Book of Canons« should have immediately abandoned the »superfluous« fasts to restore primitive fasting discipline with only one – Lent, before Easter. However, this was not the case. The »eternal« canons had to remain in eternity, their lack of contact with reality notwithstanding.

As a final remark on the discrepancies in fasting discipline, I would stress the strong canonical prohibition against fasting on Saturdays and Sundays (Ap. 64, Trul. 55). In the Russian Church, this prohibition was never observed and is still not observed today. Thus, if these canons were eternal and divine, the Russian Christians would have to be anathematized, since that is the punishment clearly prescribed in these canons for fasting on Church feasts, including Saturdays and Sundays.

One more canonical problem arises with regard to divine services. In early Byzantium, there existed no unity in liturgical forms between local Churches, so that many regulations of the divine service had to be introduced by Church canons for the sake of unification¹⁶. The Russian Orthodox Church at Philaret's time already used unified liturgical books, the so-called *Typikon* and the Ritual (*Trebnik*), so that the old liturgical rules inevitably lost their practical efficacy.

As has been stated above, though the Christian Church has always regarded canons as »divine«, they were never officially defined as »eternal« or »unchangeable«. Only the canons of the seven ecumenical councils enjoyed full »immutability« and (with quite a few exceptions¹⁷) could not be altered or abrogated¹⁸. All other canons were treated as common legal texts whose goal was to administer justice in the Church by means of extant administrative entities and whose wording could be changed in accordance with

13 Rhallēs/Potlēs III, 217.

14 Ibidem 218.

15 Theodore Balsamon in a comment to Conc. Laod. 50; cf. Rhallēs/Potlēs III, 218.

16 Cf. Conc. Laod. 16-19. 48. 49; Carth. 37; Trul 52. 59. 81 and many more.

17 Conc. Chalc. 28 abrogates Conc. Const. 3; Conc. Trul 20 modifies Chalc. 29.

18 Emperor Justinian even proclaimed canons of ecumenical councils equal to laws of the state, cf. Cod. Iust. I, 3. 44; Nov. Iust. VI, 1. 8; CXXXI, 1.

changes occurring in those entities in the course of time¹⁹. Not only tacitly, in practice, but also officially, in theory, the Church recognized that the divine canons might be modified »as far as strengthening and progressive development of the Church« was evident (cf. canon 40 of the ecumenical Council in Trullo). It should be obvious even to the non-specialist in theology that if the Church is able to issue divine canons with the help of the Holy Spirit, it certainly falls within the authority of the Church to modify those canons by adapting them to new circumstances and conditions. For instance, the centralized Catholic Church undertook a massive reform of ancient canon law and created a monumental »Corpus Juris Canonici«, into which many, but by no means all of the ancient canons were incorporated. In the world of Orthodoxy, full of rivalries between local Churches, such a project of a unified Church codification continues to appear impossible. Nevertheless, each Orthodox Church, if it claims to be blessed with the grace of the Holy Spirit, has the right to compile its own code of canon law, which would reflect the traditional customs and spiritual experience of this Church. Of course, it would mean a break with some (not all!) ancient traditions of early Byzantium, but, nonetheless, at the same time it would supply the Church with a really effective means of administering justice.

Metropolitan Philaret and the Russian Holy Synod, however, made their choice in favour of meticulously preserving

fossilized ancient traditions in the »Book of the Divine Canons«. Two negative implications resulted from this seemingly very »pious« act.

1) For one thing, the Russian Orthodox Church through this act virtually recognized its inability to create a code of canon law of its own. The attribution of divinity and eternity only to ancient canons, primarily dictated by Constantinople, along with the omission of the genuine Russian canonistic tradition from the codification of the »Kniga pravil« meant that the Holy Synod did not consider the Russian Orthodox Church an equal partner of Constantinople as a beneficiary of God's grace.

2) What is more, the choice of ancient canons that mostly could not be applied in nineteenth-century Russia meant that the Russian Orthodox Church discarded the very idea of effective institutions of justice within the Church. For institutions cannot function effectively without clear, transparent and appropriate rules. Mostly long outdated rules of the »Kniga pravil« were neither clear nor transparent, nor were they appropriate to Russian reality, so that their codification failed to create an effective administrative system, including reliable ecclesiastical courts. It is regrettable that the »Kniga pravil« with its archaic canonical material even nowadays constitutes the Code of the Russian Orthodox Church. This problem still awaits a solution.

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¹⁹ Conc. Trul. 6 abrogates Conc. Anc. 10; Conc. Trul. 16 abrogates Conc. Neoc. 14; Conc. Trul. 29 modifies Conc. Carth. 41; Conc. Trul. 31 abrogates Conc. Laod. 58. Many canons of Holy Fathers of the 4th century contradict the later

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canons of Church Councils and were virtually invalidated by the latter (Bas 18 was abrogated through Conc. Trul. 40 etc.).

Summary / Zusammenfassung

The Collection of Byzantine Canon Law («Kniga pravil», 1839) as a Legal Basis for the Russian Orthodox Church in the 19th and 20th Centuries: Paradoxes, Problems and Perspectives

The »Book of the Divine Canons of Holy Apostles, Holy Ecumenical and Local Synods and Holy Fathers« (Kniga pravil) today constitutes the principal code of canon law of the Russian Orthodox Church. It was first published by the Holy Synod in 1839 at the behest of Philaret, Metropolitan of Moscow, to replace the previous code, the so-called »Printed Pilot Book« (Pečatnaja kormčaja). Unlike the »Printed Pilot Book«, the »Book of the Divine Canons« contained neither Byzantine civil regulations nor Church legislation of lower rank than the canons. Moreover, canonical texts of Russian origin were also omitted in the »Book of Canons«, so that the new codification of canons completely neglected the rich canonical tradition the Russian Church had developed in the previous centuries. The goal of this article is to demonstrate Philaret's approach to Byzantine canon law as being holy, eternal and unchangeable, thus supposing that canonical regulations from the first Christian centuries could also meet the needs of the Russian Church in the 19th century. Philaret's ecclesiological, theological and political arguments in favour of this approach are analysed and finally rejected as untenable.

Die Sammlung des byzantinischen Kirchenrechts («Kniga pravil», 1839) als Rechtsgrundlage für die russisch-orthodoxe Kirche im 19. und 20. Jahrhundert: Paradoxien, Probleme und Perspektiven

Das »Buch der göttlichen Kanones der heiligen Apostel, der heiligen ökumenischen und Ortssynoden und der heiligen Väter« (Kniga pravil) ist heute der Hauptkodex des Kirchenrechts der Russischen Orthodoxen Kirche. Es wurde zuerst von der Heiligen Synode im Jahre 1839 auf Geheiß von Philaret, Metropolitan von Moskau, veröffentlicht, um den vorherigen Kodex, die sogenannte Pečatnaja kormčaja («gedrucktes Steuermannsbuch») zu ersetzen. Anders als die Pečatnaja kormčaja enthielt die Kniga pravil weder byzantinische Zivilgesetze noch kirchliche Legislation von niedrigerem Rang als die der Kanones. Darüber hinaus wurden auch kanonische Texte russischer Herkunft in der Kniga Pravil weggelassen, sodass die neue Kodifizierung der Kanones die reiche kanonische Tradition, die die russische Kirche in den vergangenen Jahrhunderten entwickelt hatte, völlig vernachlässigte. Das Ziel dieses Artikels ist es, zu zeigen, dass Philaret das byzantinische Kirchenrecht als heilig, ewig und unveränderbar empfand und dabei unterstellte, dass kanonische Vorschriften aus den ersten christlichen Jahrhunderten auch die Bedürfnisse der russischen Kirche im 19. Jahrhundert erfüllen könnten. Philarets ekklesiologische, theologische und politische Argumente zugunsten dieses Ansatzes werden analysiert und schließlich als unhaltbar zurückgewiesen.