

Liberty of Conscience and Conciliarity

Daniel Lossky

The Russian emigration of the 1920s, which followed in the wake of the Russian Revolution, gave rise to numerous Orthodox communities in Western Europe and North America. In an effort to serve the spiritual needs of these communities, the bishops-in-exile at times made decisions that were not followed by all. This inevitably led to divisions.

The example of the divisions created among those Orthodox communities in the “diaspora” formed in the wake of the Russian Revolution leaves us with this important question: How do we account for the fact that ecclesial decisions made by an assembly, a bishop, or a synod of bishops could be considered normative for some but not for others? Fortunately, we have some helpful interlocutors to guide us. Nikolai Berdyaev was one of the first to initiate a theological reflection that brought ecclesial tradition in contact with elements of modern thought and religious philosophy—and subsequently, among the first in the Orthodox world to question the traditional way in which episcopal decrees had been received. In an article entitled “Church Discord and Freedom of Conscience,” published in 1926 in response to the Karlovtsy Synod (the synod at the origins of the Russian Orthodox Church Outside Russia, that is, ROCOR), Berdyaev denounced the clericalism and servility with which episcopal decisions were often received.

Below, we will examine some salient points of this article in light of two contemporary and complementary theologians, Father Sergei Bulgakov and Vladimir Lossky, in order to deepen the original reflection.

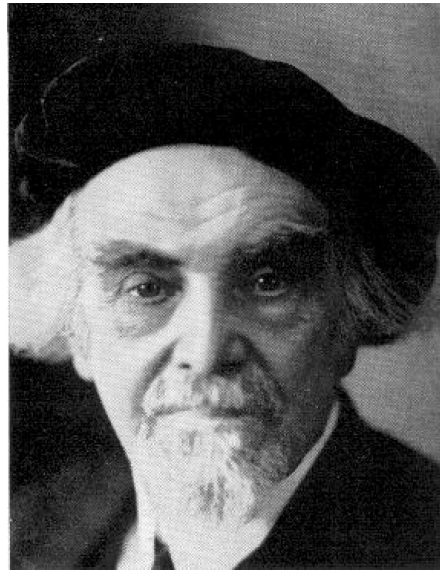
The central theme of Berdyaev’s article concerned the link between obedience to an ecclesial authority and the exercise of liberty of conscience. The principle by which one placed conscience on some secondary level in order to grant a privileged position to clerical authority was, according to him, a sign of weakness that indicated ignorance of the most authentic Orthodox Tradition—a “sickness” that paralyzed the ecclesial body and hindered its most vital function, namely the exercise of conciliarity. By re-examining Berdyaev’s exposé, we might stimulate a conversation that addresses the following questions:

1. Does the existence of an ecclesial hierarchy imply an exterior authority, even an infallible one?
2. What is the point of articulation between the diversity of consciences and the quest for conciliar consensus?
3. Is the affirmation of liberty of conscience, in the context of conciliarity, an inherently individualist approach?

Nikolai Berdyaev
around 1946.

In his reflection, Berdyaev affirms that genuine authority is by necessity interior. No institution, juridical or canonical, can be imposed from the exterior on personal conscience. Nothing can justify a servile attitude with regard to any ecclesial authority, no matter how lofty. As he puts it: "Even an ecumenical council, the highest source of authority in Orthodoxy, is not endowed with exterior authority." Such an affirmation flows from the fact that God himself cannot impose from the exterior because, Berdyaev says, "God can never be an act of violence made against my liberty." In the Church, the hierarchical principle can never be placed above personal conscience. Consequently, it is useless to attempt to institute a supreme ecclesial authority, let alone an infallible one. Berdyaev here opposes the doctrine formulated in the Catholic Church during the 19th century whereby an ecclesial magisterium, considered in certain circumstances as infallible, ought to be placed above personal conscience. Quite apart from the problem created by the notion of infallibility and its institutionalization, such an affirmation would create a division at the very heart of the ecclesial community. It would place certain persons or assemblies above other members of the same body.

The Church's rejection of exterior authority does not, however, deny the existence of organized hierarchy. The gifts (or charisms) of the Spirit pass through the sacramental action accomplished by an ordained priestly ministry which, in turn, can be traced back to the authority received from Christ through the Apostles. At the heart of the ecclesial hierarchy is the episcopal ministry, containing within itself the responsibility for organizing the other ministries as well as raising up, discerning, and stimulating the



growth of the charisms in the bosom of the community. Nevertheless, the exercise of an ordained ministry "is only valid in union with the Church and only in the Church, not above it nor outside it."¹ As Christ himself reveals (cf. especially Luke 22:25), the hierarchical principle is above all a service; in no case can the ordained ministries be placed above the rest of the ecclesial community. The mission of the clergy is to place themselves at the service of the Spirit's activity, in the world and in the human heart. The bishop and the clergy who surround him are the dispensers of grace, but they are neither its source nor its owners. According to the words of the Lord referenced above, the bishop would be derelict in his responsibility if he were to overlook present or potential charisms, suppress them, or even worse, use his pastoral responsibility as a means of extortion or spiritual blackmail.

The clergy/laity distinction, and canonical regulations that accompany it, are contingent on the respect for the connecting link which, in Christ,

¹ Sergei Bulgakov, *L'Orthodoxie: Essai sur la doctrine de l'Église* (Lausanne: Éditions l'Âge d'Homme, 1980), 49.

unites the members of the Church one to another. The grace received by the members of the clergy during ordination is not a personal privilege. It is given to them for the service of the community in order to overcome personal weaknesses in the exercise of their mission. The fullness of the gifts of the Spirit is not reserved exclusively for the clergy, and every person, whether ordained or not, receives through chrismation a potential to be placed in service of the community. Indeed, in the Church there is no place for individual salvation, but rather a reciprocity between personal holiness and service to the community. Grace rests in the body of the Church for the service and the growth of each of its members; the potential for holiness of each of its members is a living rock that contributes mutually to fortify the whole edifice. The presence of the grace of the Spirit in the Church and its members is not a tribute to the good pleasure of its ordained ministers: it is the fact of the coming of the Spirit into the world, a permanent actualization of Pentecost. For Orthodoxy, there can be no clear distinction between the Church that is taught and the Church that teaches, just as there can be no exterior principle of authority.

The absence of external ecclesial authority necessitates *a fortiori* the absence of an institutional jurisdiction or an infallible ministry. If there exist some infallible elements—or rather indisputable elements—in the Tradition of the Church, these rest only in the fact of the Church in its totality. In other words, what is incontestable in the Church is an expression of its catholicity as it is attested to in the Creed that the Church is catholic. What is catholic ought not be reduced to what is universal or widely accepted. Even if this conception is not necessarily false, catholicity designates first and

foremost that which is in keeping with the fullness of the Church of God. Each local community, each of its members, is called to reflect the catholicity of the Church. It is not a question here of universality or a majority: historically it has happened that a single member of the Church became the authentic spokesperson for catholicity, against the opinion of all contemporary representatives. There is not, therefore, any exterior or institutional principle that would allow the *a priori* expression of the Church's catholicity. As Lossky maintains:

The canons are not a magical recipe that force the catholic Truth to express itself. To search for the criterion of Christian Truth outside the Truth itself, in the canonical formulations, would be to deprive the Truth of its interior evidence; this would turn catholicity into an exterior function, exercised by the hierarchy; that is, to confuse the Church's attribute of catholicity with apostolicity.²

If the ecclesial hierarchy is the guarantor of the uninterrupted transmission of grace received by the Apostles, this is no pretext for refusing to consider the opinion of those who are not ordained. It is the body of the Church, uniting hierarchy and the rest of its members, that is the depository of its catholicity. Furthermore, the authority of the hierarchy depends on the free choice of the members of the Church to entrust themselves to its care. Thus, even the decisions of the ecumenical councils are binding insofar as the faithful make the choice to accept them. Outside the body of the Church, the catholic affirmations that are the foundation of Christian hope cannot be established. The catholicity of the Church, and the hierarchical principle that flows from it, do not

² Vladimir Lossky, *À l'image et à la ressemblance de Dieu* (Paris: Cerf, 2006), 178.

enter into conflict with the exercise of liberty of conscience; in other words, obedience to an ecclesial authority is only exercised as a personal, enlightened discernment through divine inspiration. No exterior structure can claim to constrain the life of the Spirit in the Church, and Berdyaev maintains as much: "the search for an unshakeable authority with perceptible attributes is, in the final analysis, fictitious and based on illusions."³

The notion of catholicity revealing the incontestable elements of the Church is closely tied to that of conciliarity (or *sobornost*). Even if catholicity is not strictly identical to conciliarity, it is in the exercise of conciliarity that the Church is closest to living and expressing its catholicity. Conciliarity can manifest itself in various manners and on several levels, the highest level being that of the extraordinary general council, notably the ecumenical councils. There is no canonical norm concerning the authority or the composition of such councils, but the canonical arrangements insist (at the local level) that the churches within the same territory act in concert during the assemblies occurring once or several times a year. The Greek word used to designate these assemblies is *synodè*. In a literal sense, this word evokes the idea that one is moving together along the same road. The same word is used to designate extraordinary universal gatherings. Furthermore, there is no fundamental distinction between doctrinal and administrative concerns. In the Church, there is no insignificant element; every gesture or decision, to a greater or lesser degree, leads to an end that includes all of society and the cosmos.

According to the usage that has prevailed throughout history, councils and synods are gatherings of bishops.

It would be false, however, to conclude from this point that other clergy and the laity are excluded from ecclesial conciliarity. The indispensable participation of the bishop is tied to the nature of his ministry. The bishop's mission recapitulates in his person the whole of the Church of God. His ministry includes two complementary aspects: the first in the heart of the local church where he presides, the second with the other churches. These two aspects imply two levels of conciliarity. The first consists in maintaining a permanent, reciprocal link between the bishop and the members of the community that God has entrusted to him. The second flows from the fact that the bishop must also witness to the catholicity of the local church where he presides in the presence of the other churches, most notably during episcopal synods. One can also note in passing that the decision of a synod does not constitute an exterior authority for a local church or its bishop, even more so if the bishop did not participate in the synod that made a decision concerning them. Even in the case of pronouncing a disciplinary action, the one who is judged must have been heard by the episcopal assembly in charge of his case. Only the active presence of the Holy Spirit in ecclesial conciliarity grants genuine authority to ecclesial decisions, though this presence cannot be normalized by juridical or canonical guarantees. Nothing can constrain the Spirit. He blows where he wishes, without one's knowing from where or in what direction; the same can be said for each person born of the Spirit (cf. John 3:8). Personal liberty allows for the creation of a space where the Spirit can spread out into the world. In order to live, the Church and the conscience of the faithful need to be transformed by the divine breath. The desire to systematize and standardize

³ Nikolai Berdyaev, "Church Discord and Freedom of Conscience," in this issue of *The Wheel*.

is a deadly temptation through which the members of the Church risk distorting the Church and the mystery of the person.

In order to facilitate the Church's breathing, it is essential to realize what Father Sergei Bulgakov calls "active conciliarity." This implies the existence in the Church of a venue for debate and the exchange of points of view. This active conciliarity

is achieved in the forms that the conditions of time and place make possible: conversations, correspondence, scientific and theological communications with congresses, assemblies, and councils. It proceeds through different degrees of elaboration and maturing common understanding. The councils [and *a fortiori* all ecclesial gatherings] are not parliaments where opinions are curbed by some majority criterion, rather they are the place for open dialogue and cooperation for the thought of the entire Church expressed by its authorized representatives.⁴

The practice of conciliarity implies a coming together of diverse points of view and experiences. Such a principle is fundamental; it is rooted in faith in the Trinity. In the reciprocity of trinitarian love, the diversity of the divine persons is not opposed to the unity of their being. It might seem inadequate to transpose the principles of Trinitarian theology to the realm of created being, but the justification for creation, and subsequently for the Incarnation of the Savior, is the participation of created beings in Trinitarian life. In the Church it ought to be a matter of thinking of the human being in terms of what each is called to become—a person in the sense that the divine life reveals it. Trinitarian

theology and Christology constitute a revelation concerning human beings and what they are called to be; as such, these theological disciplines are the foundation upon which "Christian anthropology must be constructed."

In the living body of the Church, each member is unique and none is useless. The charisms of each constitute an infinitely precious wealth for the entire body. "There is no place in the Church for mutism, for a close mouthed passive state of obedience, because the Apostle tells us 'Stand firm therefore in the liberty that Christ has given us, and do not submit again to the yoke of slavery' (Gal. 5:1)."⁶ Liberty according to the Spirit is a call that awaits a response. It implies a responsibility. In this sense, diversity is a source of richness and ecclesial unity. Personal liberty, assumed by Christ, does not generate division, because thanks to this liberty, "there is a mystical union of that which is uniquely individual with that which is universally common."⁷

Genuine liberty derives from the communion between personal conscience and the illuminating grace of the Holy Spirit. It is a matter of the "transfiguration of [one's] free conscience." The adhesion of personal conscience to divine truth is respectful of liberty, because in the "mystical communion with a higher reality" the integrity of the different natures is preserved: they are fully united, without fusion or distortion.⁸ It is a mystical experience of communion between personal conscience and the truth of the Spirit. It is a matter of ecstasy, understood in a literal sense—a departure from one's own limitations through communion with the other. In this progression, "the supra-personal experience, catholic, becomes personal and expresses itself as thought."⁹ One might also conceive of personal conscience as a

⁴ Bulgakov, *L'Orthodoxie*, 83–4.

⁵ Lossky, *À l'image et à la ressemblance de Dieu*, 182–3.

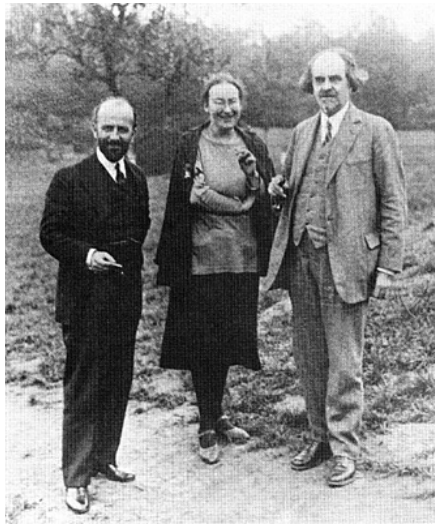
⁶ Bulgakov, *L'Orthodoxie*, 62.

⁷ Berdyaev, "Church Discord."

⁸ *Ibid.*

⁹ Bulgakov, 82.

Stefan Stanchev
Tsankov, Maria
Skobtsova, and
Nikolai Berdyaev
around 1930.



zone of communion in which true liberty manifests itself.

Through communion with the Spirit, the multitude of liberties converge, without fusion, in the unique body of the Church. Here diversity and liberty are the source of unity; it is only the fallen dimension of human nature that renders them a cause for division. The rejection of communion, at the very origin of sin, comes to fragment the person and create antagonisms that set liberty, will, and desire in opposition. The person who rejects communion tends to become an individual, someone whose liberty is alienated by desires for domination and exploitation, as well as the necessity to protect oneself from the same, all of which generate the desire for autonomy. The individual tends to confuse liberty and autonomy. Of course, the desire for autonomy allows the struggle against the alienation of fusion, but it hinders the interior liberation that stems from communion. The affirmation of autonomy, therefore, is not an authentic expression of liberty; rather it is the sign of sin. Communion is the source of liberation and fullness because it

aligns with the divine intention regarding the creature.

If one imagines, as certain philosophers do, that the purpose of God with regard to his creatures is comparable to an artisan's who manufactures an object, then human liberty would simply be transitory: its only interest would be to renounce itself for the benefit of the divine plan. Such an affirmation ignores the fact that God wanted his creature to be free, not only in order to allow the creature's free progress toward the goal intended for it, but especially because liberty is an integral component of the divine life in which God wills that his creature participate. God is a being of communion and there can be no communion without liberty. It is the experience and the awareness of this communion that orients the will of the divine persons, and this cannot be accomplished without an infinite liberty.

By causing the communion of human nature with the divine, Christ reveals the divine plan with regard to humanity, but it is only in and through Christ that the power of sin can be vanquished. The human nature of Christ—foreign to all alienation of sin—is voluntarily subjected by him to the power of sin. Christ allows this power to be unleashed within him in order to combat it and neutralize it. If, during his agony in Gethsemane, Christ renounced his human will, it is in the context of this unspeakable conflict that he struggles against the forces of evil. He shares the fruits of this combat with his fallen creation, and those who partake of his victory with him are thereby enabled to accompany him in further combat. Renunciation of one's own will is not therefore a goal in and of itself. Apart from prior experience of resurrection

and communion, renunciation of the will produces no fruit. Otherwise there would be no difference between the way of the Christian martyr and the renunciation of self that moves the kamikaze to suicide.

The renunciation of one's own will is not an end in itself, and is not by itself capable of ensuring that one is on the path toward conciliarity. In order to serve the goal of ecclesial conciliarity, renunciation must proceed from interior illumination, the only guarantee of victory over the shadows of sin and error. This revelation carries with it a power of forgiveness; it is a healing of the personal conscience which is thereby, little by little, freed from the alienation of sin. This grace of repentance can also be lived out at the level of community; it has happened on occasion that the Church corrects its previous conciliar decisions. In all of its efforts toward conciliarity, it is important to note that the Church proceeds "from the metaphysical to the canonical and not the other way around."¹⁰

Throughout these considerations of ecclesial conciliarity, one is obliged to approach the concept of conscience in

a new way. Conscience is not simply something that belongs exclusively to the individual, but, by the intermediary of a multitude of consciences, a single and unified conscience comes to light little by little, the conscience of a common entity, the conscience of the Church. As Lossky explains:

If one wishes to apply the notion of conscience to ecclesial reality, it will be essential to include therein several personal consciences, but one single subject of that conscience . . . which is the Church. In this sense, the fathers of the Church and all who walk in their footsteps by liberating themselves from their individual limitations, are the fathers of the conscience of the Church, those persons through whom Truth was able to be expressed by the councils, not as a constraining device of a 'supra-conscience' of some *deus ex machina*, but in the full sense of personal conscience, truly engaging human responsibility. And this is what allows the truly catholic audacity to judge in matters of faith and to say: 'It seemed good to the Holy Spirit and to us. . . .' (Acts 15:29).¹¹ ✱

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¹⁰ Ibid.

¹¹ Lossky, 185.



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