

## Canon 28 and Eastern Papalism: Cause or Effect? - George C. Michalopoulos

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**ABSTRACT:** Orthodoxy today is at a crossroads in America and throughout the world. One of the great challenges facing us has to do with inter-Orthodox cooperation. Specifically, how are new mission fields identified? Which of the established churches evangelizes them? And how are they granted autocephaly? What is the purpose of the Ecumenical Patriarchate and by what authority does it claim primatial honors? More importantly, is there a difference between primacy and supremacy? The purpose of this essay is to evaluate the primatial claims of the Church of Constantinople and specifically, Canon 28 of the Council of Chalcedon, which has become the proof-text as it were of recent Constantinopolitan claims which have startled many in the Orthodox world.

### I. The Ecumenical Patriarchate and Its Claims

Recent events have forced the issue of Constantinopolitan supremacy to the fore. Previously, this topic was dealt with (if at all) in essays found in theological journals and speeches delivered at symposia, but because of the feebleness of the Patriarchate of Constantinople (and Orthodoxy in general) the controversy surrounding it quickly dissipated.

Unfortunately, matters came to a head in America due to long-simmering disputes that have existed in American Orthodoxy in part because of the existence of multiple jurisdictions. The spark that lit the fuse was an [address given at Holy Cross School of Theology](#) on March 16, 2009 by the Chief Secretary of the Holy Synod of Constantinople, the Very Rev Dr Elpidophorus Lambriniades.<sup>1</sup> This speech may have been partly in response to an [article written by Metropolitan Philip Saliba](#), the primate of the Antiochian archdiocese in North America. Saliba's essay questioned the validity of Canon 28 of the Council of Chalcedon.<sup>2</sup> Although Saliba was singled out for criticism by Lambriniades, his speech immediately galvanized opposition to him (and the Phanar) from almost all quarters. The firestorm was based in part on its many criticisms of American Orthodoxy, including its unsettling briefs regarding the speaker's perceptions of parish life, monastic communities, and the primates of other jurisdictions. Likewise, his vituperative comments against the OCA, and even the faculty and graduates of Holy Cross itself were risible to the extreme.

Of course, not all of his arguments were invalid. Salient points were made (as pointed out in this writer's own response)<sup>3</sup> accompanied with incendiary assertions. Many

American readers saw the speech as not only a broadside at American Orthodox ecclesiology, but also a bill of particulars that the ecumenical patriarchate will use to make its claims for global supremacy in the Orthodox world. If true, it is to be viewed as a trial balloon floated in anticipation of the upcoming pan-Orthodox synod that is tentatively scheduled for June on the island of Cyprus.

How did we get here? The Church of Constantinople, and its patriarch have long enjoyed primacy of honor within the Orthodox Church. This primacy is known by the Latin formula *primus inter pares*, literally "first among equals." This honorific was first attached to the Bishop of Rome by custom and later ratified by canon.<sup>4</sup> With the rupture between East and West in 1054, it devolved by default to the Archbishop of Constantinople who thanks to various canons arising from the Second Ecumenical Council, was placed second in line in the primatial sequence (to the detriment of the Patriarch of Alexandria). Before the twentieth century, this insistence on primacy was viewed in its correct light, that is primacy, not supremacy. To be sure, some patriarchs had a rather exalted view of their office but the popes in Rome or the Christian emperors of Byzantium usually put them in their place.

Since the time of Patriarch Meletius IV Metaxakis (d. 1935) however, the ecumenical patriarchate has formulated a more robust view of its place in Orthodoxy. These new ideas, together with the high-handed antics and startling reforms of Meletius set alarm bells off throughout Orthodoxy. So stunning and novel were Meletius' claims to universal jurisdiction, that St John Maximovitch, the then-Archbishop of Shanghai, felt compelled to [immediately criticize them](#) in no uncertain terms.<sup>5</sup> Nor was he alone horrified by these scandalous claims. Indeed, criticism of Metaxakis has not dissipated over time; they continue to this day.<sup>6</sup>

Although Metaxakis' tumultuous career and controversial reforms have been studiously ignored by his successors, his novel theories of Constantinopolitan supremacy have become enshrined as the official doctrine of the ecumenical patriarchate (as shall be examined more fully in section 5). The basis of Metaxakis' claims rests with one long-forgotten canon (28) that was formulated at the Fourth Ecumenical Council held in Chalcedon, in AD 451. We must therefore look at this canon in its entirety, that is to say its origins, context, and validity. For purposes of brevity, it will henceforth be known as "Canon 28," and the Fourth Ecumenical Council will be known as "the fourth council," or simply, "Chalcedon."

## **II. The Fourth Ecumenical Council**

Before we can actually examine the historicity and context of Canon 28, a brief word must be said about the council from which it arose. This council was called by the Emperor Marcian to resolve a long-festering christological dispute regarding the nature of Christ which had been precipitated by the claims of an archimandrite named

Eutychus who taught that Jesus the man had only one nature (*physis*). So powerful was Jesus' divine nature that it had totally overwhelmed His human nature, hence this doctrine was labeled as *monophysite*. Its popularity became a destabilizing factor in Byzantium within the city of Constantinople itself as well as in the non-Greek areas of the empire.

The monophysite teaching was a response to an earlier one labeled [Nestorianism](#) (named after Archbishop Nestorius of Constantinople, d. 431), which held that Jesus had two distinct natures. Nestorius taught that these natures were so different that the Virgin Mary could only rightly be called *Christotokos* – the bearer of Christ, rather than *Theotokos*, that is to say, the Mother of God. The Nestorian heresy had been dealt with at the Third Ecumenical Council which was held at Ephesus in 431. It was revived shortly thereafter in the infamous "Robber Council" of 449. This latter council was called by Patriarch Dioscorus of Alexandria and was held in Ephesus. Dioscorus made it a point to not invite bishops from the West; Pope Leo I however was able to formulate a treatise detailing the orthodox views involving all christological matters. Unfortunately the bishops who attended suppressed his "Tome".

This second Ephesian council did not resolve anything however. Eutychus promoted his counter-heresy and in short order was degraded and condemned as a heretic by Anatolius, the Archbishop of Constantinople. Assured of the rightness of his cause, he appealed to Pope Leo I the Great, the emperor, and his wife Pulcheria. Another council was called, this time in the city of Chalcedon. Leo took no chances this time and sent three papal legates to preside. The council began with the reading of Leo's tome that had been suppressed at Ephesus. The overwhelming majority of the bishops agreed with Leo and upheld Eutychus' condemnation. For good measure, Nestorianism was likewise repudiated and a new statement of faith was drawn up, one which confirmed that the man known as Jesus had but one person with two natures: he was both perfect God and perfect man, with the latter not being subsumed into the former.

Unfortunately, this did not end the controversy. Bishops in Egypt and Syria remained defiant and the first schism in Christianity occurred, resulting in the installation of two rival popes in Alexandria, one clinging to the monophysite doctrine, the other upholding the Chalcedonian view. (The schism, along with the dual papacy of Alexandria survives to this day). In addition, one of the council's canons (28), likewise had a lingering effect, some of which we are dealing with at present. According to the official *acta* of the council, twenty-seven canons were officially recognized. Sometime later, three additional canons were furtively inserted but one of these, Canon 28, was hastily removed on order from Pope Leo upon the recommendations of his legates, who coincidentally were not present when this particular canon was drafted. For several centuries thereafter, no more mention was made of Canon 28 and the following ones, 29 and 30 respectively, were viewed as commentary upon other canons and not as canons in and of themselves.

As for the offending canon, its verbiage was certainly troubling in that it elevated Archbishop Anatolius of Constantinople to patriarchal status and confusingly, made him overlord of three autocephalous metropolitan sees (Asia, Thrace, and Pontus). Both actions were unsettling to say the least. Previous to this time, the Christian world had only three commonly recognized patriarchates – Rome, Alexandria, and Antioch. These had been identified as such because of their firm apostolic foundation as well as their antiquity. Now it seemed as if by mere statute that patriarchal dignity could be bestowed. The legality of such an action was troubling to say the least; if nothing else, custom alone dictated against such a precedent as far as the other patriarchs were concerned. <sup>7</sup> A careful reading of this canon in its entirety indicates that its authors were quite aware of the implications of what they were doing and went out of their way to insert verbiage which would provide a rationalization for their actions:

Following in all things the decisions of the holy fathers, and acknowledging the canon which has been just read, the one hundred and fifty bishops beloved of God (who assembled in the imperial city of Constantinople, which is the New Rome, in the time of the Emperor Theodosius of happy memory [AD 180]), we also do enact and decree the same things concerning the privileges of the most holy Church of Constantinople, which is New Rome. For the Fathers rightly granted privileges to the throne of old Rome, because it was the royal city. And the one hundred and fifty most religious bishops, actuated by the same consideration, gave equal privileges to the most holy throne of New Rome, justly judging that city which is honored with the sovereignty and the Senate, and enjoys equal privileges with the old imperial Rome, should in ecclesiastical matters also be magnified as she is, and rank next after her; so that in the Pontic, the Asian, and the Thracian dioceses, the metropolitans *only and such bishops also of the dioceses aforesaid as are among the barbarians*, should be ordained by the aforesaid most holy throne of the most holy Church of Constantinople; every metropolitan of the aforesaid dioceses, together with the bishops of his province, ordaining his own provincial bishops, as has been declared by the divine canons; but that as has been above said, the metropolitans of the aforesaid dioceses should be ordained by the archbishop of Constantinople, after the proper elections have been held according to custom and have been reported to him (emphasis added).

To effect the exaltation of the Byzantine archbishop, the authors of this canon waited for a day in which the papal legates were not in attendance (as mentioned). Even so, they had to make their case by special pleading and excessive redundancy. Once the legates who had actually presided over the council got wind of it, they rejected it out-of-hand, as did Leo. It was not hard to see why; after all, dioceses with ruling bishops were independent churches in and of themselves. They had not heretofore looked upon the other three patriarchs as their suzerains. In fact, Canon 2 of the Second Ecumenical Council – the same council which elevated Constantinople to secondary status after Rome – specifically stated that the bishops of Alexandria, Antioch, Asia, Thrace and Pontus "alone `could` administer their affairs." Canon 28 therefore single-handedly (and

rather suspiciously) abrogated this earlier canon to its own benefit. This of course is curious, why for example did it not demote Alexandria or Antioch? (Is it possible that Constantinople dared not degrade Antioch or Alexandria because of their apostolicity?)

This warrants further investigation. In the first millennium autocephaly was rarely given because most regional churches headed by metropolitans were considered to already be autocephalous. Theodore Balsamon (d. 1195), Patriarch of Antioch and one of Byzantium's greatest canonists, wrote that "...formerly all the heads of the provinces were autocephalous and were elected by their respective synods." <sup>8</sup> The Archbishop of Constantinople himself was a suffragan bishop of the Church of Heraklea, and he received his own honors from the metropolitan of that city. Thus the elevation of the Constantinopolitan archbishop to actual supremacy over and above the three metropolitans in question was highly irregular in its own context as can be gathered from the firestorm that erupted. The Archbishop of Constantinople was by a furtive statute now a "Metropolitan of Metropolitans," an ecclesiological oxymoron.

In addition, Leo objected to the fact that this canon ran counter of both the Councils of Nicaea and Constantinople (AD 381), as well as the already established prerogatives of the various churches. Leo grudgingly conceded that because of Canon 10 of the second council, Constantinople had the right to claim second place in the primatial sequence. On the other hand this new canon, with its expanded powers over other dioceses, was an obvious violation to Canon 8 of the Third Ecumenical Council:

None of the bishops who are most beloved by God should extend their authority to another diocese, which had not previously and from the beginning been under them or their predecessors.

Leo's championship of the canonical precedents of the first three councils stood him on solid ground. He certainly could not be accused of inconsistency nor was he being self-serving: he himself respected the prerogatives independent sees, as can be evidenced by the letter that he wrote (the "Tome of Leo") and submitted for the approval of the council.

The invalidity of Canon 28 was therefore obvious. In a letter to Marcian, Leo stated in no uncertain terms that Constantinople was not an apostolic see. <sup>9</sup> Writing in a separate letter to the Empress Pulcheria, he used even more forceful language: "As for the resolution of the bishops which is contrary to the Nicene decree, in union with your faithful piety, I declare it to be invalid and annul it by the authority of the holy Apostle Peter." <sup>10</sup> Faced with this opposition Anatolius quietly withdrew it, never openly bringing it up again.

Time however, was on Anatolius' side. Leo had more serious problems to contend with, particularly trying to dissuade Attila from attacking Rome. As far as Leo and his

successors were concerned, the illegality of the canon remained in force (at least in theory) but given the dire straights of the see of Rome, there was little that they could do as Constantinople quietly enhanced its grip over the three archdioceses in question.

Further investigation of the geopolitical landscape of fifth century Christendom would undoubtedly shed more light on this subject. For our purposes however, it is vital to note the irregularity of Canon 28 and how unsettling it was in its own time. Although its territorial ambitions were strictly limited, it was obvious that an unfortunate precedent had been set. In addition, the acquisition of the patriarchal dignity by the Byzantines only roiled the waters further. Not only was such an honor now bestowed by statute, thus diminishing the luster of the three apostolic sees, but the bearers of this new title viewed it as a first step to explore even greater avenues of glory.

### **III. The Evolution of the Patriarchate of Constantinople to Ecumenical Status**

An additional black mark against Byzantium (besides its lack of apostolic foundation) was that it could not claim that it had always upheld orthodox doctrine. After the first council condemned Arianism, the Flavian successors of Constantine remained resolutely Arian, as did the bishops of that city. Indeed Arianism remained in place in that city and its church for several decades thereafter. Thus the bypassing of Alexandria by Constantinople did not set well with the Orthodox parties for doctrinal reasons as well. This was no small matter. None of the other patriarchs had heretofore promoted heresy, whereas Byzantium provided a never-ending stream of novel teachings — Nestorianism had been taught from the patriarchal throne of Constantinople itself, for example. It was left to another patriarch, John IV Neustetes ("the Faster," d. 595), to further upset the equilibrium with his assumption of the title "ecumenical patriarch," a term which was abrasive to its non-Greek hearers and was handily swatted down by Pope Pelagius II and his more illustrious successor, Gregory I (the Great).

To be sure, prerogatives and protocols have always been deemed necessary for the good order of the Church. The canons of the first three councils clearly reflected a profound respect for diocesan boundaries. As well, they reinforced Christian humility in that they did not allow bishops to usurp authority that did not belong to them. By simple logic alone, this precluded any concept of universal supremacy.

That being said, the patriarchal status of Constantinople remained in place. However, the appropriation of the title "ecumenical" by John IV ("the Faster") another matter entirely. In Gregory's eyes, any such talk of a *patriarcha universalis* was more reminiscent of the antichrist than of a Christian pastor. In addition, it implied universal supremacy, a role which even he, as the successor of Peter, did not possess. John for his part apologetically replied that ecumenical meant something different than its plain meaning; in other words, the idiomatic understanding of the word had changed from that of "universal" to "imperial," at least in the living Greek language of the East. The

Greek adjective (*oikoumenekos*) had nuances that were untranslatable in Latin (which even certain Catholic critics today admit. <sup>11</sup>)

All this special pleading fell on Gregory's deaf ears. Gregory told John in no uncertain terms to not call himself "universal," saying that reference to such a title was "ill-advised." Simple logic dictated to Gregory that if one patriarch was universal, it would deny the very "office of bishop to all their brethren." <sup>12</sup> For good measure, he wrote both the patriarchs of Alexandria and Antioch regarding his concerns as well, informing them "Not one of my predecessors ever consented to the use of this profane title, for to be sure, if one patriarch is called 'universal,' the name of patriarch is denied to the others." <sup>13</sup> Nor did he stop there: in a letter to the emperor, Leo flatly stated that such a title amounted to "blasphemy." <sup>14</sup> In any event, John, like Anatolius before him, decided that discretion was the better part of valor, and refrained from using that title again, at least in correspondence with the West. This was true of most of his successors as well.<sup>15</sup>

The controversy surrounding the very title itself merits some mention at this point. There is sufficient contemporaneous evidence that it was hardly ever used even in Constantinople. As shocking as this sounds, evidence for this assertion is not lacking. As noted above, John IV himself never used it again in public, nor did the majority of his successors. Even Photius the Great (d. 867), whose irregular elevation to the patriarchal throne of Constantinople precipitated a schism with Rome and who enjoyed the full support of the emperor in his rivalry with the pope dared not use it in his correspondence with the pope.

Surprisingly, this appears to have been the case even after the Great Schism. After the Fourth Crusade (1204) for example, the Byzantine Empire split into three successor-states: Nicaea, Epirus, and the Trebizond, each with their own imperial court and hierarchy. The Orthodox Patriarchate of Constantinople relocated to Nicaea and one of its incumbents, Patriarch Germanus II, sent a letter to the John Apocaucus, the Metropolitan of Epirus, which he signed as "ecumenical patriarch." This provoked the recipient to remark that he had never heard of such a thing, even though he had served for years in the offices of the patriarchate of Constantinople itself.<sup>16</sup> To be sure, real tension existed between the rival empires of Epirus and Nicaea, a fact that certainly exacerbated tensions between these two churches. Yet Apocaucus' rebuke is unequivocal and his knowledge of the inner workings of the patriarchate must be accepted as valid. Certainly the fact that he was not rebuked for this retort to the patriarch in Nicaea is probative as well.

At any rate, by the late thirteenth century, no such reticence existed. Patriarchs used this term in profligate fashion and with the crumbling of the Byzantine Empire, no one called them to task for it. What accounted for this change in attitude? The answer lies in the changing dynamic between Byzantine church and state. It is a paradox, but the See of Constantinople maintained its dioceses while the empire was losing land to the

Seljuk Turks. In addition, the newly established churches of Serbia and Russia looked to the ecumenical patriarch for support. Their history and interaction with the ecumenical patriarchate has implications for us today, specifically in the matter of evangelism and autocephaly.

#### **IV. Evangelism and Autocephaly**

One of the glories of the Roman Empire was its ability to promote the Christian faith among its many peoples. Even the barbarian tribes that struck fear in the hearts of Romans were eagerly converting to Christianity, usually to Arianism. With the quashing of Arianism, many of these nations just as eagerly accepted Orthodoxy. Once such nation was the Khanate of Bulgaria, and in the ninth century, its church received autocephaly and a concomitant patriarchal status. The shoe was now on the other foot and the Patriarch of Constantinople found himself to be objecting to the granting of patriarchal honors to a see that was neither ancient nor apostolic. Although there would be jostling between these two patriarchates for the remainder of the time of the First Bulgarian Empire and the suppression of its patriarchal dignity for a time, the autocephaly of that church was never revoked.

Byzantium's most successful evangelistic mission began somewhat later, during the reign of St Photius the Great. It was because of this brilliant man (who began his career as a bureaucrat in the civil service) that the two Thessalonican brothers Cyril and Methodius were able to establish the first mission in Moravia. Though modest in scope, it planted the seeds of Christianity among the Slavs and within two centuries it would bear much fruit.

Unlike the experience with Bulgaria, relations with Serbia were not as contentious. St Sava, the founder of that church was on excellent terms with Byzantium and the other patriarchates as well, having traveled extensively to Jerusalem and Mt Athos for many years. He received his consecration as archbishop of the autocephalous Serbian church in 1219 from the aforementioned Patriarch Germanus II at Nicaea (where the patriarchs of Constantinople were still in exile). When the Latin Empire of Byzantium was overthrown and Orthodoxy restored in that city, the title of ecumenical patriarch came to be openly used and its bearers started looking at their role in a more robust fashion. One such patriarch, Philotheus Coccinus (d. 1376) wrote a letter to the princes and dukes of Russia, describing his office thusly:

Since God has appointed Our Humility as leader of all Christians found anywhere in the oikoumene, as protector and guardian of their souls, all of them depend on me, the father and teacher of them all. If that were possible, therefore, it would have been my duty to walk throughout the cities and countries everywhere on earth and teach in the Word of God, doing so unfailingly, since such is our duty. But since it is beyond the capacity of one weak and helpless man to walk around the entire oikoumene, Our



Humility chooses the best among men, the most eminent in virtue, and sends them to the ends of the universe. One of them goes to your country, to the multitudes which inhabit it, another reaches other areas of the earth, and still another goes elsewhere, so that each, in the country and place appointed to him, enjoys territorial rights and episcopal see, and all the rights of Our Humility.<sup>17</sup>

In contrast to the startled reaction of the Metropolitan of Epirus in the prior century, such a high-handed view did not appear arrogant to the various daughter churches. Indeed, it was welcomed: in his biography of St Sava written a century later, the Serbian writer Domentijan uses the title "ecumenical patriarch" liberally and calls this ecclesiarch "the father of the fathers of the whole *oikoumene*."<sup>18</sup> The Russian princes likewise accepted the ecclesiastical sovereignty of the Byzantine patriarch-albeit through the mediation of the Metropolitan of Kiev-with scarcely a thought. There were practical reasons for this, in the case of the Serbs, the Byzantine hierarchy respected the ethnicity of the Serbian nation and after a few altercations involving the forcible removal of Greek bishops from Serbia, accepted as a *fait accompli* the creation of sovereign Serbian dioceses. As for the Russians, the Metropolitan of Kiev was viewed as the focal point of Russian unity and an honest broker, beholden to none of the princes in particular. Even if a metropolitan were Russian, just the fact that he had been chosen by Constantinople made him appear unbiased.

More to the point, the above self-description of the Byzantine patriarch was not viewed in its own time as supremacist. As Aristeides Papadakis points out in his monumental study of the Eastern church in the post-schism period, "...although these forceful affirmations are reminiscent of western papism `sic`, the resemblance is unintentional. The patriarchs were by no means attempting to redefine or change their *ecclesiological* position...For the Orthodox Church the nature of episcopal power was vastly different, as its repeated condemnation of the papacy's extreme claims to universal dominion indicate."<sup>19</sup> Moreover, there were practical considerations that mitigated against the rise of an Eastern papalism besides the plain and universally accepted theological ones. If nothing else, the catastrophic events of the Fourth Crusade must have opened their eyes to the dangers of assigning supreme ecclesial authority to one man.

Evangelism is one thing, however the maintenance and growth of a native church is necessary if it is to prosper. Autocephaly therefore is to be desired, not suppressed. Though Photius and his successors reacted tactlessly to Bulgaria's independence, in the grand sweep of the history of Orthodoxy this was anomalous, at least previous to the twentieth century. Byzantium could not have been known for its greatest legacy had it not been willing to grant independence to its missionary endeavors that it carefully nurtured time and time again. One of the hallmarks of Orthodox Christianity is the tenacity with which it is maintained by the various native cultures that have embraced it. Often this can erupt in a xenophobia and tribalism, but that is the dark side of an otherwise glittering coin.

Given Orthodox resilience, it is impossible to believe that autocephaly is not only desired, but enduring. It is not in fact a new phenomenon but as already mentioned above, the normal state of affairs in almost every local church of the first Christian millennium. Certainly this was true of the regional metropolitan archdioceses, whose prerogatives were respected by the patriarchal sees. Given that during this same time period Christendom was defined by the borders of the Roman Empire, this was to be expected. The special place of the pope was accommodated within this scheme as well: that of first among equals, primatial *within* the Church but not supreme *over* it. With the creation of the Bulgarian and Serbian churches however, a new element arose in the definition of autocephaly, that of the church as the defining characteristic of the nation-state itself. With the creation of the Bulgarian, Serbian, and later Russian patriarchates, ecclesiastical independence came to mean political independence, but more importantly, it defined the political identity of the inhabitants of these lands as well.<sup>20</sup> Nation and state, throne and altar, came to be viewed as two sides of the same coin. An entirely new paradigm that was unknown in early Byzantium but which prevails today.

The Slavic experience of a national church was not lost on the Greek successor state of Epirus, whose emperor likewise demanded that his autocephalous metropolitan be given patriarchal dignity as well. If the Bulgars and Serbs could (because of this new theory) enjoy the privileges of a church that defined their nation, so should the Greeks of the West to his mind.<sup>21</sup> Their request was rejected out-of-hand by the patriarch-in-exile in Nicaea who reasoned otherwise: just as these other nations should have a patriarchate that defined their polity (thereby ratifying their nationality), it made no sense for Greeks to be represented by two different patriarchates since they were one nation (albeit one that was unfortunately divided into two different states). Notice for our purposes that the idea of autocephaly based on culture was upheld here by the very ecumenical patriarchate that seems at present to deny the legitimacy of churches based on culture. Irony abounds: both the Bulgarian and Serbian churches continued in their autocephaly until 1767, when they were suppressed by the Ottoman Empire, much to the sorrow of those two nations.

## V. Present Claims for Canon 28

The crux of the problem today however, is that claims of primacy that are virtually indistinguishable from supremacy; hence the very real fear of papalism. Clearly, the archbishops of Constantinople had always had a rather exalted view of their archdiocese that was perfectly understandable given the glory of that city in late antiquity. Beginning with Anatolius, the patriarchal claim was first promoted and in the following century, the unfortunate adjective "universal" was appended to it. On the other hand, it was just as clear that neither of these claims were wholeheartedly accepted. Even after the Schism of 1054, it was only the slow decline of the office of emperor that made the title "ecumenical patriarch" normative in the Orthodox East. And even then, the exact meaning of the term "ecumenical" was very much open to

debate, as even the Byzantines themselves admitted in their hasty explanations to Gregory I.

To its credit, the website of the ecumenical patriarchate begins an exposition of the role of bishop in a non-controversial fashion, rightly stating that bishops are supreme within their dioceses. It also rightly quotes the relevant passages in Canon 28 (although never once mentioning its less-than-glittering conception). Nor for that matter does it explain how one archbishop can now possess sovereignty over independent archdioceses (the aforementioned Asia, Pontus, and Thrace). More to the point, it does not explain how the plain text of Canon 28 which mentions these same provinces and their respective bishops who are "situated in barbarian lands" means *all* barbarians, that is to say throughout the whole world. The text is specific in this regard: it plainly states that only those bishops who reside *within* these provinces – albeit among "barbarians"-likewise owe their ultimate sovereignty to Constantinople.

Interestingly enough this is not lost on the partisans of the Phanar. They hastily add that the "...adjective 'barbarian' modifies the noun 'nations,' which is omitted from the text of the canon, but which is inferred." But is this interpretation correct? The writer of this essay attempts to prove this point by mentioning the fact that in another time, the respected Byzantine canonist Zonaras equated "barbarians" with "nations."<sup>22</sup> We are not told however what specifically Zonaras was referring to, was this his understanding of the term barbarian or was it the accepted understanding of this term among the Greek-speaking population? This raises other questions since languages change over time: did barbarian mean at the time of Chalcedon or the time of Zonaras? The website does not answer this question.

Such sleight-of-hand gives away the game: by means of a clever but false syllogism, the case of Phanariote supremacy is propagated. First the canon is accepted as non-controversial (it wasn't). Then by a careful bit of legerdemain, when it mentions the "bishops of these aforesaid provinces" who are "situated in barbarian lands," we are to take it to mean that these bishops are somehow adjacent *to* barbarian lands. And finally, by an equally clever stroke, barbarians in general are made to be synonymous with nations since a much later canonist stated that this was so (even though we are not sure if he was referring to this canon). Since there were no doubt barbarians adjacent to the aforesaid Thracian, Pontic, and Asiatic barbarians we must therefore believe that *all* barbarians equal *all* nations, hence, those areas that have not been evangelized by already established churches belong to the ecumenical patriarchate.

What is surprising is that even with the grandiose claims of Philotheus Coccinus who saw himself as a universal pastor, the idea that the ecumenical patriarchate could evangelize in areas where there were already established churches strains credulity. A careful reading of Philotheus' self-understanding of his office shows that his role as universal teacher was to send bishops to the "ends of the earth" and that they were to be

accorded the same honors and dignity that he himself enjoyed. This bears repeating: they were not to be his auxiliaries but rulings bishops in their own right, enjoying "territorial rights and episcopal see, and all `the` rights of Our Humility." If this insistence upon full episcopal prerogatives is plain (and it is), then can autocephaly be far behind? Coccinus' comments lead inexorably to this conclusion. After all, had he wanted to do so, he could have revoked the autocephaly of Serbia and Bulgaria if he were truly a *patriarcha universalis* rather than merely a primatial one.

Be that as it may, none of the patriarchs before the twentieth century ventured into the areas of other churches. Coccinus himself was writing to the Russian princes who belonged to an ecclesiastic province of the See of Constantinople. On the other hand, circumstances under the Turkish occupation precluded any evangelistic activity at all. Yet even within the primatial mindset of Constantinople during this time, the prerogatives of the other churches were upheld. Although the autocephalous patriarchates of Serbia and Bulgaria were unfortunately quashed, those of Antioch, Jerusalem, and Alexandria were resolutely – and with great difficulty-maintained (albeit as dependencies of Constantinople).

Even outside of the boundaries of the four ancient patriarchates scrupulous attention was paid to ecclesiastic protocols. For example, as far as Constantinople was concerned, the vast Siberian expanse was the evangelistic responsibility of Moscow, even though it had yet to be annexed politically to the Russian state. According to the modern interpretation of Canon 28, the ecumenical patriarchate should have been able to evangelize that area since it was essentially a no-man's land. Likewise it could have established missions in Japan and the Far East, where Russia had influence but no political control whatsoever. It did not. Later, Russian prerogatives in North America were accepted as well even when Greek Christians came under its fold, as the letter of Patriarch Joachim III of Constantinople to the Holy Synod of Moscow attests.<sup>23</sup>

What then accounts for the lack of seriousness of the present claims? The answer lies with the remarkable career of Patriarch Meletius IV Metaxakis, a brilliant reformer whose own allegiance to the canonical order and conciliar norms of the Orthodox Church was shaky at best. It was during his reign that the term ecumenical was given its present hyperbolic meaning. Part of the answer lies in the tumultuous times in which Meletius lived. Because of his familial relationship with Eleutherios Venizelos, the equally brilliant reformist prime minister of Greece, Metaxakis was elected as Archbishop of Athens by usurping the throne. Like his relative, he was enamored of the West and tried to push through audacious reforms.<sup>24</sup> Like Venizelos he was a member of a Masonic lodge, a startling and embarrassing revelation to say the least.<sup>25</sup> (Venizelos had been excommunicated because of his membership in this fraternity.) Upon the restoration of the previous archbishop whom he had earlier displaced, Metaxakis went into exile in America, where he had an enthusiastic following among that portion of the Greek-American community that despised the monarchy and viewed Venizelos as their

champion. While in America, he established a separate jurisdiction called the "Greek Orthodox Archdiocese of North and South America" to the extreme displeasure of the Metropolia, the successor of the Russian Orthodox Greek-Catholic Archdiocese of North America. The new archdiocese was to be an eparchy of the Church of Greece, to which he anticipated returning to someday. However by some twist of fate, Metaxakis was instead proclaimed Patriarch of Constantinople (even though he was in the United States). In a move that can only be seen as extremely expedient, he rescinded the Church of Greece's claim on the new archdiocese and made it an eparchy of the Patriarchate of Constantinople, whose head he now was.

Meletius, who actively sought allies in Western religious circles, saw himself as the focal point of unity in the non-Catholic Christian world by dint of his new title. Whereas "ecumenical" in previous ages had meant "imperial," and then later universal pastor of the Orthodox *oikoumene*, in Metaxakis' eyes it now truly did mean "universal." He could not be universal however while Moscow's patriarchate was being reestablished in 1918 by Tikhon Bellavin (who had earlier been archbishop in America). Metaxakis therefore began negotiations in with the so-called Renovationist Church, a Soviet puppet that was established as a counter-church to the Patriarchate of Moscow. Like Metaxakis, the Renovationists believed in many of the same reforms. Their activities of course were to the detriment of Patriarch Tikhon who was bravely trying to maintain the Russian church in the face of overwhelming odds and unspeakable terror. If the Russian patriarchate could be quashed, then Metaxakis' overlordship of the Orthodox world would have been complete. (The Renovationists for their part were also at odds with the Metropolia, bringing lawsuits against them in the American court system for the express purpose of seizing their property.)

In the end, the aftermath of the First World War ended Metaxakis' career on the patriarchal throne. The "Catastrophe" (as it is called by the Greeks) was the result of the rout of the Greek armies by Mustapha Kemal. It led to the massive exchange of populations between Greece and Turkey. The Turks forced Metaxakis, who was an enthusiastic supporter of Prime Minister Venizelos, into exile. Following his tumultuous tenure, the Turks degraded the patriarchate considerably. To this day, it does not accept the ecumenical title for the Patriarch of Constantinople. Unfortunately, even in spite of his disastrous tenure, his successors accepted his grandiose claims and acted upon them, thus further alienating the other Orthodox Churches, primarily those of Serbia and Russia.

## **VI. More on Autocephaly**

The problem of autocephaly was dealt with in the previous "Response" by this author, however impending events gives this issue new urgency. In the opinion of the Phanar, absent an ecumenical council, only the ecumenical patriarchate has the right to bestow ecclesiastical independence. In the opinion of Moscow and its daughter church in

America, this is true as far as it goes. Moscow maintains however, that in addition to these methods, a mother church can bestow autocephaly as well.

Contrary to the claims of some Phanariote apologists, this is not a self-serving claim by Moscow. In the first millennium the Church of Georgia according was granted autocephaly by Antioch, its mother church. Although the actual history of the inception of this church is vague, that it was a province of Antioch is undisputed. Balsamon of Antioch clearly stated that one of his predecessors had earlier granted autocephaly to Georgia merely through a "local" council.<sup>26</sup> As far as he was concerned there was nothing controversial about this. In his opinion, autocephaly was statutory, that is to say it could be granted by councils, imperial decree, or grants by mother churches.<sup>27</sup> (Coincidentally, the position of the Moscow patriarchate its partisans.<sup>28</sup>) His commentary in this regard shows that the bestowal of autocephaly was itself an unremarkable event. Thus it is incumbent upon Constantinople to prove its allegations in this regard; that is to say that only two methods exist for granting ecclesiastical independence (rather than three). If this is true, then the Church of Georgia is *by definition* uncanonical.

Interestingly enough, even the views of the Patriarchate of Constantinople have not been as rigid as they seem to indicate at present. That is to say, that only it or an ecumenical council can bestow autocephaly on a local church. In 1879 the Serbian royal house and the Metropolitan of Belgrade approached Patriarch Joachim III of Constantinople, asking for the reinstatement of Belgrade's autocephalous status. Belgrade did so because Constantinople was its mother church. Joachim for his part assented, using the various canons at his disposal, including Canon 28. Be that as it may, Joachim's statements regarding the recognition of Serbian autocephaly indicated that there were many models that governed the birth and maturity of a local church, not just ecumenical councils. In particular, the life and well being of the nation – that is socio-political considerations-could be taken into account. For his part, Joachim:

...recognized that Local Churches may be established "not only in conformity with the historical importance of the cities and countries in Christianity, but also according to political conditions of the life of the people and nations." Referring then to Canon 28 of Chalcedon and other canons, as well as the opinion of Patriarch Photius...he reaffirmed: "The ecclesiastical rights, especially those of parishes, usually conform to the structure of the state authority and its provinces."<sup>29</sup>

These words clearly recognized that the history of late antiquity was one of dynamic church formation. The canons of the first councils (local as well as ecumenical) clearly took into account the hustle and bustle that was apparent in these times. As was well known, many of these canons antedated the See of Constantinople's elevation to patriarchal status. Perhaps the most important canon for recognition of a local church's independence was Apostolic Canon 1 which mandates that at least two bishops be

present for the consecration of a new bishop, and canon 4 of the First Ecumenical Council which states that the appointment of a new bishop can only be made by election of at least three bishops sitting in a local council.

These canons reflected the fact that the independent status of the many local ecclesiastical regions found in antiquity. The existence of these canons therefore begs an important question: by what sanction were bishops granted the right to administer their own affairs (as stated for instance in canon 8 of Ephesus) and to consecrate other bishops (Apostolic canon 1)? As stated earlier, these churches were "already autocephalous." That is all well and good, but how did *they* receive their independence? No doubt some were of apostolic origin – Alexandria, Ephesus, Antioch, Rome, Corinth-spring instantly to mind. But not all were. The proliferation of new ecclesiastical regions (such as Hippo, Ancyra, Lyons,) throughout the first half-millennium precludes this possibility. It stands to reason therefore that autocephalous churches themselves founded many of these regional synods.<sup>30</sup> Some may have started out as missions; others were formed because of political exigencies (i.e. the redrawing of imperial diocesan boundaries, the loss of a region to war, etc.). Yet all of them possessed the canonical prerogatives that inured to all churches, despite their relative youth.

Therefore Joachim's general statements about "political considerations" must be viewed in this light. Yes, Constantinople may be a grantor of independence, but many of the canons that governed the life of the Church were anterior to Constantinople's own foundation. To put not too fine a point on it, historical and political considerations very often do play a significant role in the establishment of an independent church. As such, churches can bestow autocephaly on regions adjacent to them. The only consideration was that the new ecclesiastical regions have at least three contiguous dioceses.

More to the point, Constantinople had been Serbia's mother church. It was Patriarch Germans II who consecrated St Sava as Archbishop of Pec, the then-capital city of Serbia. It stood to reason therefore that Serbia's elite should beseech Joachim for reestablishing this honor. Indeed, the Serbs took a real risk in going to the Phanar since it was a subject of the Ottoman Empire (as had been Serbia). There was no guarantee that Turkey would allow the Phanar to bestow a tome of autocephaly on Serbia. It was not in Turkey's interests to see its breakaway provinces become independent nation-states with vigorous churches. One of the methods the Turks had used in subjugating their Christian subjects was the threat of excommunication that the Patriarch of Constantinople could level on any incipient rebellion. This threat would be removed if the Serbian patriarchate was reestablished. It would have been far more expedient for the Serbs to approach the Holy Synod of Moscow which was free of foreign domination and with whom the Serbs had excellent relations.

## VII. Conclusion

This validity – indeed, legality-of Canon 28 is therefore troubling to say the least. The fact that it was excised from the official drafts of the Council of Chalcedon should tell us something. It was conceived during a time of great turmoil in the West, and its unsettling nature was apparent to many in its own day and context. It was never accepted by Rome and only surreptitiously in the East. Thus it is impossible to take it seriously given its origins; one can only do so by means of tortuous logic (as was demonstrated by the language used by Phanar's own apologist – see section 5 above).

Likewise, the evolution of the Archbishop of Constantinople to patriarch, and then to ecumenical patriarch, was done in fits and starts and only when popes or emperors were unable to contain the ambitions of these bishops. This should tell us something about its provenance and those who stake ecclesiastic claims on it would do well to reconsider their position. If this title had little legitimacy when it was first proposed, then it strains logic to believe the passage of time has made it more so.

In the final analysis, such posturing stands in stark contrast to the Gospel. The legitimacy of any bishop is his fidelity to the Gospel of Jesus and not to grandiose titles that were arrogated during a time that no longer exists and by legalisms that are only tenuously related to the spirit of the Gospel. As Pope Gregory the Great said in reaction to John IV, the only title he wanted for himself was *servus servorum Dei* ("servant of the servants of God.")

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## ENDNOTES

1. [www.ocl.org](http://www.ocl.org)
2. Metropolitan Philip Saliba, [Canon 28 of the 4th Ecumenical Council – Relevant or Irrelevant Today?](#) (The Word, Feb 2009).
3. [The address](#) was given by the Rev Elpidophorus Lambriniades on March 16, 2009. [The reply](#) was written by this author and published on March 25. Both can be accessed on [www.aoiusa.org](http://www.aoiusa.org) and [www.ocl.org](http://www.ocl.org).
4. Canon 6 of the First Ecumenical Council (Nicaea, AD 325).
5. St. John Maximovitch, [The Decline of the Patriarchate of Constantinople](#) delivered at the Second All-Diaspora Sobor of the Russian Church, Srmski Karlovtsy, Yugoslavia, 1938.
6. See for example Archbishop Gregory Afonsky, [The Canonical Status of the Patriarch of Constantinople in the Orthodox Church](#) (Mar 24, 2009); Patriarch Alexii II of Moscow and All Russia, [A Letter to the Ecumenical Patriarch Concerning the Situation of the Diaspora](#) (Feb 2, 1005). For a contemporaneous Greek response to the idea of Constantinopolitan overlordship, see footnote no. 16 below.
7. John J. Norwich, [A Short History of Byzantium](#) (London: Penguin, 1997 ed.), p 48.



8. John H. Erickson, [\*The Challenge of Our Past: Studies in Orthodox Canon Law and Church History\*](#), (Crestwood, SVS Press, 1991), p 92.
9. Leo the Great, *Epistolarum* 104
10. Ibid., Leo the Great, *Epistolarum* 104.
11. *John the Faster*, [www.newadvent.org](http://www.newadvent.org).
12. Gregory I, *Epistle* 18.
13. Ibid., *Epistle* 43.
14. Ibid. *Epistle* 20.
15. *John the Faster*, [www.newadvent.org](http://www.newadvent.org).
16. Erickson, Op cit., p 108.
17. Aristeides Papadakis, [\*The Christian East and the Rise of the Papacy: The Church 1071-1453 A.D\*](#) (Crestwood: SVS Press, 1994), p 309.
18. Erickson, Op cit., p 108.
19. Aristeides Papadakis, [\*The Christian East and the Rise of the Papacy: The Church 1071-1453 A.D\*](#) (Crestwood: SVS Press, 1994), p 309.
20. Erickson, Op cit, p 107. (See also W Bruce Lincoln's [\*The Romanovs: Autocrats of All the Russians\*](#) [New York: Dial Press, 1981], p 7.)
21. Ibid.
22. [www.ec-patri.org/discdisplay.php?lang=en&id-2878&a=en](http://www.ec-patri.org/discdisplay.php?lang=en&id-2878&a=en).
23. Mark Stokoe, [\*Orthodox Christians in North America 1794-1994\*](#) (in collaboration with Leonid Kishkvosky, OCPC: 1995), p 32.
24. He believed priests should be clean-shaven and wear Western garb, that bishops should be allowed to marry, and that fasting rules should be relaxed. As patriarch, he instituted the adoption of the Gregorian Calendar.
25. Although there are no canons which expressly condemn membership in the Lodge, this is because Freemasonry is a relatively recent development. In 1933 however, Archbishop Damascene of Athens commissioned a study of this fraternity and subsequently the Church of Greece issued a strong statement which reiterated the long-held views of the Orthodox Church regarding this organization. (Cf [www.orthodoxinfo.com/ecumenism/masonry.aspx](http://www.orthodoxinfo.com/ecumenism/masonry.aspx).)
26. Balsamon
27. Erickson, Op cit., p 102.
28. Alexander Bogolepov, [\*Toward an American Orthodox Church: The Establishment of an Autocephalous Church\*](#) (Crestwood: SVS Press, 1963, [2001 ed.]), pp xvi-xix, 10-11.
29. Ibid., pp 14-15.
30. Ibis., pp 9-10.

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George Michalopoulos is a layman in the Orthodox Church in America. He is married to the former Margaret Verges of Houston, Texas, and the father of two boys, Constantine and Michael. Together with Deacon Ezra Ham, he is the author of [\*The American Orthodox Church: A History of Its Beginnings\*](#) (Salisbury: Regina Orthodox Press, 2003), as well as several articles

*and essays published on the [Orthodox Christian Laity](#) website. He has served as parish council president of Holy Trinity Greek Orthodox Church in Tulsa, OK, and twice was a lay delegate to the Clergy-Laity Congress of 1998 and 2002. He helped found [Holy Apostles Orthodox Christian Mission](#), a parish of the OCA in 2003 and continues to be active in pan-Orthodox events in the greater Tulsa area.*