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## ***Precedence vs Primacy in the Church: A Canon Law Approach***

Georgică GRIGORIȚĂ

**Georgică GRIGORIȚĂ**

“Justinian Patriarhul” Faculty of Orthodox Theology, University of Bucharest  
Email: george.grigorita@unibuc.ro

### **Abstract**

In today’s Orthodox church language, to define the first hierarch (primus – πρῶτος) in a synod, the term “protos-hierarch” is usually used, alternating with the term “primate”, even if they are not synonyms. In the Orthodox-Catholic theological dialogue, the terms are used randomly, which has led some Orthodox theologians to borrow this linguistic usage, creating an ambiguous equivalence between the two terms, and others to criticize such a practice, claiming that the term “primate” is not specific to the Orthodox Church, but a late development of Catholic ecclesiology, and therefore should not be used as a synonym for the term “protos-hierarch”. The study examines this problematic ecclesiological situation, analyzing the canonical provisions regarding the nature and role of precedence in the Church and the relationship with synodality.

### **Keywords**

precedence in the Church; primacy; protos-hierarch; primate; ecclesiology; synodality; Church Diptychs

## I. Introduction

In the current Orthodox church language, the term *protos* or *protos-hierarch* is usually employed to designate honorary precedence among the hierarchs convened in a synod. At times, however, the first among bishops is alternatively designated as the *primate*, even though this is not synonymous to the term *protos-hierarch*<sup>1</sup>. The Orthodox-Catholic theological dialogue employs the two terms interchangeably, which has prompted certain Orthodox theologians to borrow this linguistic choice by using the term *primate*, thus creating an ambiguous, confusing equivalence between these two words. Other authors have criticized this practice, maintaining that the term *primate* is not specific to the Orthodox Church, but it is a recent import from the Roman-Catholic theology and consequently, it should not be used as a synonym to *protos-hierarch*, or *head*<sup>2</sup>. Therefore, it is necessary to investigate the meaning of the two terms (*protos-hierarch* vs *primate*), approached from a canonist's standpoint, and examine their ecclesiological connotations as well.

## II. On the *Church*: a brief overview of Orthodox ecclesiology

Orthodox theologians uniformly maintain that the Church – due to its divine-human nature and its eschatological character – cannot actually be given a comprehensive definition, but can only be described<sup>3</sup>. Orthodox theologians support this view with the argument that the systematic treatises authored by the Church Fathers do not include any chapter specifically

<sup>1</sup> Cf. Georgică GRIGORIȚĂ, “Le patriarche dans l’Eglise orthodoxe: *primat* ou *proto-hiérarque*? Les prescriptions des saints canons et les réalités ecclésiales actuelles”, in: Sorin ȘELARU, Patriciu VLAICU (eds.), *La primauté et les primats. Enjeux ecclésiologiques*, Paris, 2015, pp. 227-260.

<sup>2</sup> Cf. G. GRIGORIȚĂ, “Întâietate și sinodalitate în dialogul teologic oficial dintre Biserica Ortodoxă și Biserica Romano-Catolică. Studiu canonic”, in: *Ortodoxia*, seria a II-a, VI (2015) 1, pp. 104-177.

<sup>3</sup> B. BOBRINSKOY, “Le message de l’Orthodoxie en ce fin de millénaire”, in: *Service Orthodoxe de Presse*, CCVII (1996), p. 37. Cf. D. STĂNILOAE, *Teologia Dogmatică Ortodoxă*, vol. II, Bucharest, 1997<sup>2</sup>, p. 255. See also : J. MEYENDORFF, “The Orthodox Concept of the Church”, in: *St. Vladimir’s Seminary Quarterly*, VI (1962), pp. 59-71; S. ȘELARU, *Biserica – laborator al Învierii. Perspective asupra ecleziologiei Părintelui Dumitru Stăniloae*, Bucharest, 2014.

addressing the Church. This is how one of the most reputed Orthodox theologians - Paul Evdokimov (1901-1970), explained the situation:

“Neither Origen in his *Peri Archon*, nor St Gregory of Nyssa in his *Catechetical Oration*, nor St John Damascene in his *Exposition of the Orthodox Faith*, address ecclesiology *ex professo*. Of course, one might point out that, in the Holy Fathers’ times, Church life itself was so fervent and obvious that it transcended any formal definition. Why should one broach the subject of light, while the sun is shining? «The notion of Church does not exist, but the Church itself exists, and for any of its living members the Church is the most familiar and most tangible thing», Father Florensky rightly said. «Come and see», states Father Sergei Bulgakov, pointing to the same interior participation. For this reason, the very need to provide a definition is worrisome and marks the moment when obviousness disappears. Also, it is clear that in the formulations of textbooks and catechisms, it is not the Church speaking about its own nature, but the theologians and the schools of thought that define it. Thus, Laurent Zizani’s catechism (1627), Peter Mogila [Petru Movilă]’s confession of the faith (1640), the confession of patriarch Dositheus at the Synod of Jerusalem (1672), the catechism of Th. Prokopovich, the confessions of the faith of patriarch Gennadius (1459) and patriarch Metrophanes (1625) all refer to the four «traits» of the Church mentioned in the Creed, or confine themselves to a simplistic definition of the Church as a community united by faith, hierarchy and sacraments. These are circumstantial, polemical texts, most of the times imitating the Western phraseology<sup>4</sup>.

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<sup>4</sup> “Ni le *Peri archon* d’Origène, ni le *Discours catéchétique* de S. Grégoire de Nysse, ni la *Confession de foi orthodoxe* de S. Jean Damascène ne traitent de l’*ecclesiologie ex professo*. Certes, pourrait-on dire, au temps des Pères, l’évidence de la vie est si éclatante qu’elle se passe de toute définition formelle. Peut-on discuter de la lumière pendant que le soleil luit ? “L’idée de l’Eglise n’existe point, mais elle-même existe, et pour tout membre vivant, l’Eglise est la chose la plus palpable et la plus connue”, dit avec raison le père Florensky. “Viens et Vois”, note, dans le même sens de participation intérieure, le père Serge Boulgakoff. C’est pourquoi le besoin même de définir est déjà inquiétant en soi et marque le moment de l’éclipse de l’évidence. Et on comprend que, dans les formules des manuels et des catéchismes, ce n’est pas l’Eglise qui parle sur sa propre nature, mais ce sont les théologiens et les écoles qui la définissent. Ainsi le catéchisme de Laurent Zizani (1627), la Confession de Pierre Moghila (1640), la

## II. Local Church vs Worldwide Church [*Ecclesia dispersa*]

From the outset, we note that the descriptor *local* [Church] or *locally-established* [Church] is the only category employed by Pauline ecclesiology, as well as the entire subsequent patristic ecclesiology. This is why the Orthodox theology asserts that the only criterion that always allows identifying an ecclesial community, is its local position – that is, the place where this community is assembled. The reason is that it is always the same Church, that is present and operates in different places, such as “*the Church of God in Corinth*” (I Cor. I, 2; II Cor. 1,1), or “*the Church of Galatia*” (Gal. I, 2). It is also necessary to mention here that the Orthodox ecclesiology does not consider a local Church to be a “*part – pars*” or a “*portion – portio*” of the *worldwide Church* [*Ecclesia dispersa*] as state the current codes of canon law of the Roman-Catholic Church (*Codex Iuris Canonici*<sup>5</sup> and *Codex Canonum Ecclesiarum Orientalium*<sup>6</sup>), but as the local manifestation of the

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Confession du patriarche Dosithée au synode de Jérusalem (1672), le catéchisme de Th. Procopovitch, les Confessions du patriarche Gennadios (1459) et du patriarche Mitrophané (1625), se réfèrent aux quatre “notes” du Credo, ou se limitent par une définition simpliste d’une “société” unie par la foi, la hiérarchie et les sacrements. Ce sont des textes de circonstance, de nature polémique et le plus souvent calqués sur les formules occidentales.” (translation mine), P. EVDOKIMOV, “Les principaux courants de l’ecclésiologie orthodoxe au XIX<sup>ème</sup> siècle”, in: Maurice NÉDONCELLE, Roger AUBERT, Paul EVDOKIMOFF (eds.), *L’ecclésiologie au XIX<sup>ème</sup> siècle*, Paris 1960, p. 57.

<sup>5</sup> In 1983, by the Apostolic Constitution *Sacres Leges* (the official text in Latin in: *Acta Apostolici Sedis*, LXXXII (1990), pp. 1033-1044), pope John Paul II (1978-2005) promulgated *Codex Iuris Canonici* (henceforward CIC), whose official text in Latin language was published in: *Acta Apostolici Sedis*, LXXXII (1990), pp. 1061-136, as a normative text for the Roman Catholic Church. For further details, see: G. GHIRLANDA, “Il diritto canonico nel Magistero di Giovanni Paolo II”, in: PONTIFICIO CONSIGLIO PER I TESTI LEGISLATIVI, *20 anni di esperienza canonica 1983-2003. Atti della giornata accademica tenutasi nel XX anniversario della promulgazione del Codice di Diritto Canonico*, Città del Vaticano, 2003, pp. 57-81.

<sup>6</sup> On 18 October 1990, through the Apostolic Constitution *Sacri Canones* (text in: *Acta Apostolici Sedis*, LXXXII (1990), pp. 1033-1044), pope John Paul II (1978-2005) promulgated *Codex Canonum Ecclesiarum Orientalium* (the original text in: *Acta Apostolici Sedis*, LXXXII (1990), pp. 1061-1361) as a normative text for all the Catholic Oriental Churches. Even though in the Roman Catholic Church there have been oriental communities united to Rome for centuries, this code is the first one exclusively dedicated to the Oriental Catholic Churches. For further details, see: D. SALACHAS, “La promulgazione del CCEO”, in: S. GHERRO (ed.), *Studi sul CCEO*, Padova, 1994, pp. 35-49; G.P. MONTINI, “Il Codice per le Chiese Orientali. Presentazione generale

*Precedence vs Primacy in the Church: A Canon Law Approach*

Church in its plenitude. The adjectives employed in Orthodox ecclesiology to designate the local Churches, are names of places that indicate the *location* where the Church of Christ is manifest.

We note that in the two Roman-Catholic codes the *diocese*, *eparchy* and *ecclesiastic circumscriptions* are not described as *local Churches*, but are identified as „*particular Churches*” (*Ecclesia particularis*) and are defined as follows:

“A *diocese/eparchy* is a portion of the people of God, which is entrusted to a Bishop to be nurtured by him, with the cooperation of the presbyterium, in such a way that, remaining close to its pastor and gathered by him through the Gospel and the Eucharist in the Holy Spirit, it constitutes a *particular Church*. In this Church, the one, holy, catholic and apostolic Church of Christ truly exists and functions” (can. 369 CIC, 177§1 CCEO)<sup>7</sup>.

Orthodox theology attaches a very clear meaning to the canon law designations: *local Church* and *worldwide Church*. However, according to the Orthodox ecclesiology, the Church is to be understood as simultaneously *local* and *worldwide/disseminated throughout the world*. Moreover, we note that, in the Orthodox phraseology, the designation *local Church* indicates either an eparchy<sup>8</sup>, or several eparchies assembled in a synodal

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del „Codex Canonum Ecclesiarum Orientalium”, in: *Quaderni di diritto ecclesiale*, IV (1991), pp. 201-212.

<sup>7</sup> For further details, see also: G. GHIRLANDA, “Eglise universelle, particulière et locale au Concile Vatican II et dans le nouveau Code de droit canonique”, in: R. LATOURELLE (ed.), *Vatican II. Bilan et perspectives. Vingt-cinq ans après (1962-1987)*, II, Montréal-Paris, 1988, pp. 263-297; “«Populus Dei universus» et «populus Dei portiones»”, in: E. RAAD (ed.), *Système juridique canonique et rapports entre les ordonnancements juridiques / Sistema giuridico canonico e rapporti interordinamentali*, Beyrouth, 2008, pp. 37-90.

<sup>8</sup> The *eparchy* (ἐπαρχία), is the church’s administrative territorial unit under the authority of a bishop. It is made up of the parishes and monasteries on that territory. The term “eparchy” was borrowed from the Latin juridical idiom. Emperor Constantine the Great (306-337) – following the example of his predecessor, emperor Diocletian (285-305) – divided the Empire into four 4 *prefectures*, each subdivided into *dioceses*. The dioceses comprised several *provinces*, which in the Greek language were termed “*eparchies*” (ἐπαρχίαε). Hence the term “*eparchy*” which was later introduced into the church language, originally to designate a “*province*” (metropolis), then acquiring the current meaning of administrative church unit under the authority of a hierarch.

structure (*metropolitanate* or *patriarchate*) presided by a *head/protos-hierarch* (*primus – πρῶτος*). Even though some authors still use the phrase “*universal Church*” to identify the entire Orthodoxy, we must note that this collocation is not found in the text of the holy canons of the Orthodox Church. To designate the whole Orthodoxy, the text of the holy canons employs the phrase “τὴν κατὰ τὴν οἰκουμένην Ἐκκλησίαν” – “*the Church disseminated in the world/the Church worldwide*” (cf. canon 57 of the Synod of Carthage and canon 56 of the Trullan Council). Thus it is canonically correct to designate the entire Orthodox Church by the phrase “*the Orthodox Church worldwide*”<sup>9</sup>.

We also reiterate the fact that Orthodox ecclesiology deems the Church to be One. In this sense, the Orthodox theology states that the unity of the Church is mainly grounded in the unity of faith<sup>10</sup>, asserting that within the Orthodox Church it is not possible for local Churches to profess a different faith from the one shared across the entire Orthodoxy. Moreover, today it is unanimously accepted that the Orthodox Church evinces not only a strong unity of faith, but also a unity in discipline – especially the liturgical discipline, for „the unity of the ecumenical Church is not only expressed in its dogmatic unity, but also in its canonical and liturgical unity. It is only this triad that fully expresses the unity of the Church worldwide”<sup>11</sup>. We note that the liturgical unity of Orthodoxy is obviously due to the fact that for over a millennium, due to historical circumstances, the Orthodox Church has been defined by a liturgical corpus known as

<sup>9</sup> G. GRIGORIȚĂ, *L'autonomie ecclésiastique selon la législation canonique actuelle de l'Eglise orthodoxe et de l'Eglise catholique*, Roma, 2011, p. 30, n. 75.

<sup>10</sup> “Canonical unity thus depends upon unity of faith, and the latter must be evident by itself and not determined by some external criterion”, J. MEYENDORFF, *The Orthodox Church. Its Past and its Role in the World Today*, Crestwood-NY, 1996<sup>d</sup>, p. 58. For further details, see also: A. ALIVIZATOS [A. ΑΛΙΒΙΖΑΤΟΣ], “Περὶ τῆς ἐνότητος ἐν τῇ ὀρθοδόξῳ ἐκκλησίᾳ”, in: *Γρηγόριος ὁ Παλαμᾶς*, XLII (1959), pp. 435-456. C. SÎRBU, “Unitatea Ortodoxă. Cadrul teoretic și doctrinal al problemei”, in: *Ortodoxia*, X (1958) 4, pp. 539-553; C. Sîrbu, “Din trecutul unității ortodoxe”, in: *Ortodoxia*, XI (1959) 1, pp. 63-84; C. PAPASTATHIS, “Unity Among the Orthodox Churches. From the Theological Approach to the Historical Reality”, in: R. TORFS (ed.), *Canon Law and Realism. Monsignor W. Onclin Chair 2000*, Leuven, 2000, pp. 75-88; N. NISSIOTIS, “Présence théologique, relations œcuméniques et unité intérieure de l’Orthodoxie”, in: *Contacts*, XVI (1964), pp. 167-203.

<sup>11</sup> N. DURĂ, “«Regula de credință» și rugăciunea pentru unitatea creștină”, in: *Ortodoxia*, LV (2004) 3-4, p. 13.

*Precedence vs Primacy in the Church: A Canon Law Approach*

“*Syro-Byzantine*”<sup>12</sup>. A concrete expression of this unity lies in the fact that today, each autocephalous Orthodox Church explicitly states in the first article of its own Statutes of organization and operation, that it maintains the *dogmatic, canonical and liturgical* union with the *Orthodox Church worldwide*<sup>13</sup>.

**III. The synod of bishops and Church sobornost**

According to the Orthodox theology, the Synod of bishops (hierarchs) is the highest authority in the Church, both at local/regional level, and at universal level. However, the authority of a synod of bishops is not derived from the number of participants convened, nor from their affiliation to a particular local Church, but exclusively from the willingness of the hierarchs attending the synod to adhere, in all sincerity and fear of God, to the true apostolic tradition<sup>14</sup>. Convened in the synod, the hierarchs issue decisions with the assistance of the Holy Spirit – not as representatives of the authority of the ecclesial pleroma, but as responsible shepherds answerable for the communities under their care. This explains why, according to the Orthodox canonical doctrine, the local Churches do not receive passively or automatically the decisions issued by a synod of bishops, be it even one termed *ecumenical council*, but in keeping with the principle of synodality/*sobornost*, the local Churches have the right to decide on each decision issued by a synod of bishops – either to accept or to reject it. The process of acknowledging a decision issued by a synod of bishops thus presupposes an active debate within every local Church.

<sup>12</sup> N. LOSSKY, “Orthodoxie et diversités liturgiques”, in: A.M. TRIACCA, A. PISTOIA (ed.), *Liturgie et Cultures. Conférences Saint-Serge XLIII<sup>e</sup> semaine d’études liturgiques, Paris, 25-28 juin 1996*, Rome, 1997, pp. 137-141; E. BRANIȘTE, “Unitate și varietate în cultul liturgic al Bisericii Ortodoxe Autocefale”, in: *Studii Teologice*, VII (1955) 7-8, pp. 423-444; P. PRUTEANU, “Evoluția rânduielilor tipiconale în Răsăritul ortodox. Studiu istorico-liturgic”, in: *Studii Teologice*, seria a III-a, II (2006) 1, pp. 63-99.

<sup>13</sup> This is asserted, for instance, in the second article of the *Statutes for the organization and operation of the Romanian Orthodox Church* (2008), in the first article of the *Statutes of the Russian Orthodox Church* (2000), the first article of the *Statutes of the Orthodox Church of Georgia* (1995) or the first article of the *Statutes of the Orthodox Church of Greece* (1977).

<sup>14</sup> Cf. G. RACOVICIANU, “Sobor a toată lumea, sobor ecumenic, ecumenicitate”, in: *Pre-dania*, V (1937), pp. 9-11.

Etymologically, the word “*sobornost*”, of Russian origin, derives from the term *соборность* (*sobornost*), translating the Greek *καθολική* as it occurs in article 9 of the *Nicene-Constantinopolitan Creed*. The Orthodox understand the term *καθολική* as deriving from *καθ’ ὅλον* and meaning integrity, fullness, in the intensive sense<sup>15</sup>. Actually, the Orthodox Church adheres to the teachings of Saint Cyril of Jerusalem († 386), who states that “the Church is termed *catholic* [...] because it teaches all dogmas integrally (*καθολικῶς*) and without omission [...], because it provides full healing”<sup>16</sup>.

Consequently, to the Orthodox theology such collocation – the adjective *καθολική* qualifying the noun *εκκλησία* – indicates a qualitative value, because its quantitative and spatial correlative is a mere consequence and manifestation of this internal integrity. For this reason, Orthodox theology posits that a local Church is not a *part* (*pars*) or a *portion* (*portio*) of the *worldwide Church*, and if a local Church detaches itself from the *worldwide Church*, the Church however remains a whole, integer, incorruptible and unimpaired Body. According to the Orthodox theology, the Church is not a sum or collection of aggregate parts, but each and every local Church headed by a hierarch is, in its nature and structure, the *pleroma* of the Church<sup>17</sup>.

Thus to be acknowledged, a decision issued by the hierarchs’ synod has to be not only promulgated officially by the ecclesial authority, but it also has to be received by the faithful (clergy, laypersons and monks). The totality of the ecclesial community is directly involved in the communion process of reception of the decisions reached by a synod of bishops<sup>18</sup>.

<sup>15</sup> N. CHIȚESCU, “Sobornicitatea Bisericii”, in: *Studii Teologice*, seria a II-a, VII (1955) 3-4, p. 159.

<sup>16</sup> *PG* 33, 1044.

<sup>17</sup> Cf. D. STĂNILOAE, “Sfântul Duh și sobornicitatea Bisericii”, in: *Ortodoxia*, XIX (1967) 1, pp. 32-48. For further details on the concept of *sobornost*, see: G. CIOFFARI, “La sobornost’ nella teologia russa. La visione della chiesa negli scritti ecclesiastici della prima metà del XIX secolo”, in: *Nicolaus*, V (1977), pp. 259-324; H.J. RUPPERT, “Das Prinzip der Sobornost’ in der Russischen Orthodoxie”, in: *Kirche im Osten*, XVI (1973), pp. 22-56.

<sup>18</sup> Cf. L. STAN, “Concerning the Church’s Acceptance of the Decisions of Ecumenical Synods”, in: *Councils and the Ecumenical Movement*, Genève, 1968, pp. 68-75; † H. ALFEYEV, “The Reception of the Ecumenical Councils in the Early Church”, in: *Saint Vladimir’s Theological Quarterly* XLVII (2003), pp. 413-430.



*Precedence vs Primacy in the Church: A Canon Law Approach*

The authority of the Ecumenical Councils is based on the assistance of the Holy Spirit and the continuity with the ecclesial Tradition. For this reason, every council's decisions (decrees) enjoy formal authority since they meet the two criteria which *ipso facto* imply their communal reception by each local Church, that is by the *Church worldwide*. We also note that the formal authority enjoyed by the decrees of Ecumenical Councils is not a form of synodal infallibility, for the Orthodox Church has never recognized nor has it institutionalized as infallible any of its individual or synodal authority bodies<sup>19</sup>. The Ecumenical Councils are authority bodies by which the Church asserts its own infallibility. In conclusion, according to the Orthodox theology, *infallibility* does not belong to the synods of hierarchs, but exclusively to the Church<sup>20</sup>.

**IV. Precedence in the Church: a concrete expression of synodality**

The worldly perception of *precedence* as primacy, is that of dominance or power exerted by those who are, or think they are, leaders or rulers of other people. Lord Jesus Christ, however, told His disciples not to adhere to this understanding of *precedence*, but rather to understand it as humble and responsible ministry in the service of the others for the general benefit, stating: “whosoever will be great among you, shall be your minister, and whosoever of you will be first, shall be servant of all” (Mark 10, 43-44). This understanding of *precedence* was adopted by the Apostles and subsequently by the Church Fathers, who identify the first among others by the term *πρῶτος* – *primus*, always placing him in synodal communion. Thus in the Church, *precedence* is always understood as a concrete and authentic expression of *synodality*.

<sup>19</sup> Cf. † P. L'HUILLIER, “The Development of the Concept of an Ecumenical Council (Fourth-Eight Centuries)”, in: *The Greek Orthodox Theological Review* XXXVI (1991), pp. 243-262.

<sup>20</sup> N. AFANASSIEFF, “L'infailibilité de l'Eglise du point de vue d'un théologien orthodoxe”, in: O. ROUSSEAU (ed.), *L'infailibilité de l'Eglise. Journées œcuméniques de Chevetogne 25-29 septembre 1961*, Chevetogne, 1961, pp. 183-201. See also: D. STĂNILOAE, “Autoritatea Bisericii”, in: *Studii Teologice*, XVI (1964) 3-4, pp. 183-215; “Doctrina catolică a infailibilității la primul și la al doilea Conciliu Vatican”, in: *Orthodoxia*, XVII (1965) 4, pp. 459-492.

By *synodality* (συνοδικότης) – deriving from the Greek *synod* (σύννοδος)<sup>21</sup> –, Orthodox theology understands any mode of Church management which follows the model of a synod – the “*authentic form of church management willed by Christ and put into practice since the apostolic times*”<sup>22</sup>, involving both clergy and laypersons in the life of the Church<sup>23</sup>. Thus to the Christians, *synodality* is one of the fundamental ecclesiological principles, put forth by Christ and applied by His Apostles when they assembled in the Apostolic council – which was the very first council of the Church and provided the model for the concrete instantiation of the synodal principle. The Orthodox canonical doctrine asserts that *synodality* was instituted by the Holy Apostles when they came together with the presbyters of Jerusalem in that first council, in the presence of the entire Church, to discuss and decide whether the new converts to Christianity (*the gentiles*, that is the non-Jewish Christians) should observe all the laws of Moses (Acts XV, 1-35). From that moment on, as the Orthodox canonical doctrine maintains, the Holy Apostles always acted in a synodal manner in matters that concerned the *Church worldwide*, even though during their lifetimes they also conducted very important personal activities (for instance they wrote epistles containing authority directions and sent them to the emerging Christian communities)<sup>24</sup>.

<sup>21</sup> Etymologically, the term synod – σύννοδος, made up of the preposition σύν (together, cf. A. BAILLY, *Dictionnaire grec-français*, Paris, 1950, pp.1833-1835; H.G. LIDDELL (ed.), *A Greek English Lexicon*, Oxford, 1966, p.1720) and the noun ἡ ὁδός (route, path, way, cf. A. BAILLY, *Dictionnaire grec-français*, p. 1352; H.G. LIDDELL (ed.), *A Greek English Lexicon*, p. 1199), translates as „taking the same path together”. For details, see: A. LUMPE, “Zur Geschichte des Wortes Synodus in: der antiken Gräzität”, in: *Annuaire Historiae Conciliorum VI* (1974), pp. 40-53; “Zur Geschichte der Wörter Concilium und Synodus in: der Antiken Christlichen Latinität”, in: *Annuaire Historiae Conciliorum II* (1970), pp. 1-21; F.J. SCHMALE, “Synodus, synodale concilium, concilium”, in: *Annuaire Historiae Conciliorum VIII* (1976), pp. 80-103.

<sup>22</sup> N. DURĂ, *Le régime de la synodalité selon la législation canonique conciliaire, œcuménique du I<sup>er</sup> millénaire*, Bucharest, 1999, p. 266.

<sup>23</sup> L. STAN, *Mireni în Biserică. Studiu canonic-istoric*, Sibiu, 1939; “Poziția laicilor în Biserica Ortodoxă”, in: *Studii Teologice*, XX (1968) 3-4, pp. 195-203. See also: I. MARGA, “Armonia canonică dintre sinodalitate și autoritate”, in: *Revista Teologică*, XCV (2013) 4, pp. 125-137.

<sup>24</sup> For further details, see: N. DURĂ, “Le concile des Apôtres, prototype de tous les conciles, modèle de la synodalité orthodoxe”, in: *La Lumière du Thabor*, XLIX-L (2003), pp. 61-84; C. PREDA, “Sinodul Apostolic de la Ierusalim. Un model de a hotărî în Biserică (FA 15, 1-35)”, in: *Anuarul Facultății de Teologie Ortodoxă IV* (2004), pp. 323-341.

*Precedence vs Primacy in the Church: A Canon Law Approach*

In addition, we note that *synodality* was also asserted and stipulated in the texts of the holy canons, where it is defined as an expression of the interplay between freedom and responsibility, or between a church's own local/regional/national autonomy and cooperation at local, regional, national and universal level<sup>25</sup>. Thus in the Church, true freedom does not lie in isolation; unity poses no constraint, and hierarchical ministry is the ministry of ecclesial communion, whereby *precedence* is defined as service and greater responsibility subsumed to *synodality* and aimed to maintain the dogmatic, canonical and worship unity of the Church. Consequently, in the Church there cannot be any bishops enjoying authority over other Churches or other bishops. Thus *synodality* cannot be subordinated to any individual primate's authority, but it can only be presided over, or supervised and managed, by the first-standing (*protos-hierarch* – *πρῶτος* – *primus*) among the bishops<sup>26</sup>.

In the Orthodox Church, the relationship between *precedence* and *synodality* is based on the ecclesiology of Trinitarian communion, which is predicated on the theological relationship between *unity* and *freedom*. Orthodox theology maintains that in speaking of the unity of the Church, Lord Jesus Christ did not envisage this unity according to any system in this world, but he modelled it after the very Life of God which is revealed in the Trinitarian communion (*koinonia*). The Trinitarian communion, however, does not derive from any principle of subordination of many to one – so to say, an arithmetic unity, but on the mutual self-giving, which is the perfect form of communion. There is, of course, an internal order of communion (*koinonia*) which is due to the fact that the Persons are distinct and retain their own identity even in their perfect, supreme union. This order, however, does not abolish the equality of the Trinitarian Persons, their coessentiality and the plenitude of each One, which at the same time is the plenitude of all of Them. While within the Most Holy Trinity, the

<sup>25</sup> For a detailed analysis of *synodality* according to the holy canons, see: N. DURĂ, *Le régime de la synodalité*. See also G. GRIGORIȚĂ, “Autonomie et synodalité dans l’Eglise orthodoxe (les prescriptions des saints canons et les réalités ecclésiales actuelles)”, in: *Studii Teologice*, V (2009) 1, pp. 141-214.

<sup>26</sup> Cf. L. STAN, “Despre sinodalitate”, in: *Studii Teologice*, XXI (1969) 3-4, pp. 155-163. See also D. STĂNILOAE, “Natura sinodicității”, in: *Studii Teologice*, XXIX (1977) 9-10, pp. 605-614; A.-T. MILTOS, *Collégialité catholique et synodalité orthodoxe. Recherches sur l’ecclésiologie du Concile Vatican II, ses sources, sa réception et son rôle dans le dialogue entre les Eglise* (these de doctorat), Paris, 2017.

Father presides over the Trinitarian communion (*koinonia*), everything He decides or He does, He gives to the Son and to the Holy Spirit who, in Their turn, give Themselves to the Father. This Trinitarian perichoresis reveals two fundamental constitutive dimensions in the history of salvation: *unity* and *freedom*, in the absence of which communion is not authentic. This relationship is reflected in the Orthodox ecclesiology which is also Trinitarian: the Church is an icon, that is an image of the Most Holy Trinity, illustrating the mystery of unity in diversity. Thus the unity of the Church is the communion of Trinitarian life, conveyed and imparted through the Holy Spirit to those who believe in Christ, in order to enable them to reach communion with the Father. Consequently, intratrinitarian life is both a *source* and a *model* for the ecclesial communion (cf. John 17, 21-22). In the same way as the Holy Trinity's Persons are equal and consubstantial, similarly the Church is understood as a communion of local Churches, all "*equal*" and "*consubstantial*", that is each of them separately and all of them together possess the same fullness of the truth in faith and sacramental life. In addition, just as the Persons of the Holy Trinity are equal and distinct, similarly the Church is defined as communion of equal and distinct local Churches; no one of them, and no hierarch can claim to exercise authority over other Churches or other hierarchs<sup>27</sup>.

Therefore, according to the ecclesiology of Trinitarian communion, in the Church there are no hierarchs whose authority extends over other Churches or other bishops. Thus the *synodality* as authority resulting from the dogmatic, liturgical and canonical communion of the local Churches, expressed in a synod, cannot be subordinated to the authority of any individual primate: a patriarch or a pope, but it can only be presided over, or coordinated by the protos-hierarch (*πρωτος*–*primus*). In the Orthodox Church, *precedence* – that is, the ministry, office, position or rank of the "*protos-hierarch*", is always integral part of *synodality*, just as in the Most Holy Trinity the Father is "*Protos*", but equal to the Son and the Holy Spirit, and Their unity is Their communion of mutual love and cooperation without subordination, isolation or separation. Thus, Church *synodality*

<sup>27</sup> Cf. † DANIEL, Patriarch of Romania, *La joie de la fidélité*, Paris, 2009, pp. 210-217. See also S. ȘELARU, "Une analogie qui n'est pas sans valeur. Vérité et limites de certaines parallèles théologiques appliqués à la fonction primatiale de l'Eglise" in: S. ȘELARU, P. VLAICU (ed.), *La primauté et les primats. Enjeux ecclésiologiques*, Paris, 2015, pp. 55-69.

*Precedence vs Primacy in the Church: A Canon Law Approach*

is the spiritual image or icon of the Trinitarian communion, whereby the distinct divine Persons are consubstantial (coessential), equal and united in a communion of love – while this communion is manifest in Their mutual self-giving and Their joint work in the world’s creation and the economy of world’s salvation. At the same time, the *synodality* is a faithful image or icon of the apostolic communion, where the *protos* among the Apostles is not one above all the others (*unus super omnes*), but one among equals (*unus inter pares*), even if he acts as their head. In this sense, the Trinitarian communion becomes normative for the ecclesial communion, as show the evangelic texts (John 17, 21-22) as well as the canons (Apostolic canon 34 and canon 9 Antioch), and any deviation from *synodality* and from the role of *precedence* subsumed to *synodality* results in deviation from the ecclesiology of Trinitarian and apostolic communion<sup>28</sup>.

**a. Canonical stipulations on *precedence* within the Church**

Apostolic canon 34 is the first to describe the relationship between the *protos*-hierarchy (*πρῶτος*–*primus*) or the *head* of an autocephalous Church, and the synod he is part of, stating:

“The bishops of every nation (ἔθνους)<sup>29</sup> must acknowledge him who is first (πρῶτον) among them and account him as

<sup>28</sup> † DANIEL, Patriarch of Romania, “Autocefalia bisericească: unitate de credință și libertate de conducere”, in: *Autocefalia. Libertate și demnitate*, Bucharest, 2010, p. 12.

<sup>29</sup> The Orthodox canonical doctrine, in keeping with the prescriptions of Apostolic canon 34, always asserts that the *ethnicity* (ἔθνος=*gens, natio*, B. HEDERICI, *Lexicon Graeco-Latinum et Latino-Graecum*, vol. I, Roma, 1832, p. 245) or *nation* (*gens=nation=ἔθνος*, E. ROUSSOS, [E. ΡΟΥΣΣΟΣ], *Λεξιλογιον ἐκκλησιαστικου δικαιου τριγλωσσον. Λατινικον δικαιον*, Athens, 1949, p. 106) constitutes one of the fundamental principles of Church organization. Of course, *the ethnic principle* does not constitute an exclusive or absolute principle in the organization of an autocephalous Church, and so it can be considered only together with the other fundamental canonical principles. Cf. I. IVAN, “Etnosul-neamul, temei divin și principiu fundamental canonic al autocefaliei bisericești”, in: *Centenarul Autocefaliei Bisericii Ortodoxe Române. 1885-1985*, Bucarest, 1987, pp. 186-201; T. NIKOLAOU, “The term ἔθνος (Nation) And Its Relevance for the Autocephalous Church”, in: *The Greek Orthodox Theological Review*, XLV (2000), pp. 453-478; I.V. LEB, “Die Nation im orthodoxen Christentum”, in: K. NIKOLAKOPOULOS, A. VLETSIS, V. IVANOV (eds.), *Orthodoxe Theologie zwischen Ost und West. Festschrift für Prof. Theodor Nikolau*, Frankfurt am Main, 2002, pp. 277-291.

their head (κεφαλήν), and do nothing of consequence without his consent (γνώμης); but each may do those things only which concern his own parish (παροικία) and the places which belong to it. Neither let him (who is the first) do anything without the consent (γνώμης) of all (the other bishops); for so there will be unanimity and God will be glorified: the Father, the Son, and the Holy Spirit”<sup>30</sup>.

According to this canon, as well as canon 9 of the Council of Antioch, the main prerequisite for a bishop to become the first, is to be acknowledged as such by the bishops who are members of the synod he belongs to. The second prerequisite, after he has been acknowledged as the protos, is that the first among hierarchs (πρῶτος – *primus* – *the protos-hierarch*) has and maintains permanent communion with the bishops of his synod. This is the clearly defined status of *precedence* subsumed to, and integrated into *synodality: the first* among hierarchs, although he is acknowledged as head, never exists without his synod, for no head can exist without a body<sup>31</sup>.

Later, the second Ecumenical Council decided by canon 3 that *after the bishop of Rome, the bishop of Constantinople should have the prerogative of honour* (τά πρεσβεῖα τῆς τιμῆς), *because Constantinople is the new Rome*<sup>32</sup>. Etymologically, the phrase *τά πρεσβεῖα τῆς τιμῆς* – which actually occurs only in canon 3 of the second Ecumenical Council – translates as “*honorary precedence of the first-born*”, a manner of speaking that was absolutely normal in an era when the bishops deemed themselves to be brothers. Thus, when the bishops gathered in a synod acknowledged the pre-eminence of one of them, they considered him to be the first among

<sup>30</sup> „Τοὺς ἐπισκόπους ἐκάστου ἔθνους εἰδέναι χρή τὸν ἐν αὐτοῖς πρῶτον καὶ ἡγεῖσθαι αὐτὸν ὡς κεφαλήν, καὶ μηδέν τι πράττειν ἄνευ τῆς ἐκείνου γνώμης· ἐκεῖνα δὲ μόνα πράττειν ἕκαστον, ὅσα τῇ αὐτοῦ παροικία ἐπιβάλλει καὶ ταῖς ὑπ’ αὐτὴν χώραις. Ἀλλὰ μηδὲ ἐκεῖνος ἄνευ τῆς πάντων γνώμης ποιεῖται τι. Οὕτω γὰρ ὁμόνοια ἔσται καὶ δοξασθήσεται ὁ Θεὸς διὰ Κυρίου ἐν ἁγίῳ Πνεύματι ὁ Πατὴρ, καὶ ὁ Υἱὸς καὶ τὸ ἅγιον Πνεῦμα.”, G. A. RALLI, M. POTLI [Γ.Α. ΡΑΛΛΗ, Μ. ΠΟΤΛΗ] (eds.), *Σύνταγμα τῶν θείων καὶ ἱερῶν κανόνων*, t. I, Athens, 1852, p. 97; P.-P. JOANNOU (ed.), *Discipline générale antique (IV<sup>e</sup> – IX<sup>e</sup> s.)*, t. I-2, Grottaferrata-Rome 1962, p. 24.

<sup>31</sup> Cf. D. COBZARU, “Le texte du canon 34 apostolique et l’émergence de l’évêque protos mentionnée par ce canon”, in: S. ŞELARU, P. VLAICU (ed.), *La primauté et les primats. Enjeux ecclésiologiques*, pp. 125-147.

<sup>32</sup> G. A. RALLI, M. POTLI (éd.), *Σύνταγμα τῶν θείων καὶ ἱερῶν κανόνων*, vol. II, p. 173.

*Precedence vs Primacy in the Church: A Canon Law Approach*

them – that is, their first-born, elder brother. It is also necessary to note that the holy canons (can. 6 of the first Ecumenical Council, canons 2 and 3 of the second Ecumenical Council, canon 28 of the fourth Ecumenical Council, canon 36 of the Trullan Council), always employ the phrase “τά πρεσβεῖα” (*precedence of the first-born*) to indicate the privilege of an episcopal see of enjoying precedence in the order (ταξίς) of the Church. We can easily infer that no kind of *primacy* was stipulated by the holy canons, but their text simply indicated the position of Churches in the precedence order. It is thus obvious that Orthodox theology does not distinguish any “*privileged authority*” (πρεσβεῖα ἐξουσίας) superior to the authority of a bishop, for “*honorary precedence*” – as consecrated by the Ecumenical Councils – simply concerns the “*order*” (ταξίς) of the Church<sup>33</sup>. We also note that in some Latin collections of canons, the phrase τὰ πρεσβεῖα τῆς τιμῆς was translated as “*honoris primatum*”<sup>34</sup>, but this is an erroneous translation which can only be justified confessionally.

Thus *precedence* within the Church refers to the position of a particular Church, according to the order of precedence set in the Diptychs. According to canon 1 of the third Ecumenical Council, when a Church member became a heretic, he was immediately removed from this list<sup>35</sup>. Eliminating a hierarch’s name from the Diptychs was tantamount to excommunicating him<sup>36</sup>, while introducing the name of a hierarch in the Diptychs meant

<sup>33</sup> See also: J. MEYENDORFF, “The Council of 381 and the Primacy of Constantinople”, in: J. MEYENDORFF, *Catholicity and the Church*, Crestwood-NY, 1983, pp. 121-142; B.E. DALEY, “Position and patronage in the Early Church. The original meaning of «primacy of honor»”, in: *Journal of Theological Studies*, XLIV (1993), pp. 529-553.

<sup>34</sup> P.-P. JOANNOU (ed.), *Discipline générale antique (IV<sup>e</sup> – IX<sup>e</sup> s.)*, I-1, p. 48.

<sup>35</sup> Also, canon 81 of the Synod of Carthage stipulated that those bishops who in their will bequeathed their personal possessions to heretics or pagans, even if the latter were their relatives, should be removed from the Diptychs. Cf. † Nicodim MILAȘ, *Canoanele Bisericii Ortodoxe însoțite de comentarii* (translated by N. Popovici and U. Kovincici), vol. II-1, Bucharest, 1915, pp. 243-246.

<sup>36</sup> According to the canonical stipulations, *excommunication* (*excommunicatio* – *αφορισμός*) is the complete exclusion of a person from the Church, because of very serious sins (heresy, schism, apostasy etc.). Therefore, *excommunication* is the harshest punishment for a Church member (cf. apostolic canons 10, 12, 13, 16, 32, 36 and 51, canons 5 and 16 of the first Ecumenical Council, canons 4, 16 and 20 of the fourth Ecumenical Council, canons 2, 3, 6 and 17 of the Council of Antioch, canon 13 of the Council of Serdica). For further details, see: J. GAUDEMET, “Note sur les formes anciennes de l’excommunication”, in: *Revue des sciences religieuses*, XXIII (1949), pp. 64-77; J. BERNHARD, “Excommunication et pénitence-sacrament aux premiers siècles

accepting him in the communion of the Church. The Diptychs placed bishops in a particular order (τάξις), according to their administrative or honorary titles they held (*bishop, archbishop, metropolitan, exarch, patriarch, pope* or *katholikos*). However, this order where precedence was created by listing the hierarch's names in the Diptychs, entailed no privileged authority which could subsequently result in subordinating one hierarch to another hierarch.

### **b. Precedence in the Church Diptychs**

In time this orderly list, known as the Diptychs, became a characteristic element of the Church's administrative management, guaranteeing the orthodoxy of the bishops included on the list and indicating their relative position when serving in a synaxis of bishops. By extension, this orderly arrangement of the hierarchs was also applied to indicate the order of precedence of the various autocephalous Churches, and thus a general Diptych of the Church was created<sup>37</sup>.

During the early Christian centuries, the first place in the Diptychs was granted to the Church of Rome, mainly because Rome was at the time the capital city of the Roman Empire. The Church of Rome was followed in the Diptychs by the Churches of Alexandria, Antioch, then Jerusalem<sup>38</sup>.

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de l'Eglise. Contribution canonique", in: *Revue de Droit Canonique* 15 (1965), pp. 265-281, 318-330 and 16 (1966), pp. 41-70; N. DURĂ, "Precizări privind unele noțiuni ale dreptului canonic (depunere, caterisire, excomunicare, afurisire și anatema) în lumina învățaturii ortodoxe. Studiu canonic", in: *Ortodoxia*, XXXIX (1987) 2, pp. 84-135 and 105-143; I.N. FLOCA, "Caterisirea în dreptul canonic ortodox", in: *Studii Teologice*, XXXIX (1987) 5, pp. 83-90.

<sup>37</sup> G. GRIGORIȚĂ, "Dipticele în Biserica Ortodoxă. O analiză din perspectiva teologiei canonice ortodoxe", in: *Ortodoxia*, V (2013) 1, pp. 148-159.

<sup>38</sup> Cf. Can. 6 and 7 of the first Ecumenical Council. See also: H. CHADWICK, "Faith and Order at the Council of Nicaea: A Note on the Background of the Sixth Council", in: *The Harvard Theological Review*, LIII (1960), pp. 171-195; M.R. CATAUDELLA, "Intorno al VI canone del Concilio di Nicea", in: *Atti della Accademia delle Scienze di Torino. Classe di Scienze Morali, Storiche e Filologiche* CIII (1969), pp. 397-421; T. VALDMAN, "Vechea organizare a Bisericii și Sinodul I ecumenic", in: *Studii Teologice*, XXII (1970) 3-4, pp. 260-273; † PIERRE L'HUILLIER, "Ecclesiology in: the Canons of the First Nicene Council", in: *Saint Vladimir's Theological Quarterly* XXVII (1983), pp. 119-131.



*Precedence vs Primacy in the Church: A Canon Law Approach*

During the second half of the 4<sup>th</sup> century, the Church of Constantinople<sup>39</sup> - despite the lack of apostolic origins, or the absence of any particular role in the Christian history of the first three centuries<sup>40</sup>, was ranked second in the Diptychs. The main reason for this spectacular ascension was a socio-political one: the city of Constantinople had recently become the “new Rome”, that is, the new capital of the Roman Empire. Concerning the order of precedence (τάξις), we note that according to the canonical stipulations, a Church was ranked in the Diptychs depending on the following criteria:

- *the length of time since autocephaly had been acknowledged* for the respective Church<sup>41</sup>;
- *the administrative title* (archbishop, metropolitan, exarch, pope, patriarch or katholikos) *held by the head* of the respective Church<sup>42</sup>;
- *the social-political importance of the see* occupied by the head of the respective Church<sup>43</sup>;
- *the extent of the missionary-pastoral activity* carried out by the respective Church<sup>44</sup>.

<sup>39</sup> The City of Constantinople – Κωνσταντινούπολις was founded by Emperor Constantine the Great (306-337) in the autumn of 324 AD and was inaugurated and hailed as the „new Rome” on 11 May 330, on the place formerly occupied by the old colony of Byzantium – Βυζάντιον (7<sup>th</sup> century BC). For further details, see: G. DAGRON, *Naissance d'une capitale. Constantinople et ses institutions de 330 à 451*, Paris, 1974.

<sup>40</sup> Until the 4<sup>th</sup> century, the Church of Byzantium was a mere eparchy under the authority of the Church of Heraclea, at the time the capital of the civil diocese of Thracia (cf. J.D. MANSI, *Sacrorum Conciliorum. Nova et amplissima Collectio*, vol. III, Florence, 1759, col. 559-560; C. J. HEFELE, *Histoire des conciles d'après les documents originaux*, t. II-1, Paris, 1909, pp. 21- 22). See also: R. JANIN, “La hiérarchie ecclésiastique dans le diocèse de Thrace”, in: *Revue des études byzantines* XVII (1959), pp. 136-149.

<sup>41</sup> Cf. can. 6 and 7 of the first Ecumenical Council, 2 and 3 of the second Ecumenical Council, 8 of the third Ecumenical Council, 28 of the fourth Ecumenical Council, 36 of the Trullan Council.

<sup>42</sup> Cf. can. 6 and 7 of the first Ecumenical Council, 2 and 3 of the second Ecumenical Council, 8 of the third Ecumenical Council, 28 of the fourth Ecumenical Council, 36 of the Trullan Council.

<sup>43</sup> Cf. can. 17 of the fourth Ecumenical Council, 38 of the Trullan Council.

<sup>44</sup> Most canons focus on the missionary-pastoral responsibility of the bishop, identified as the one who has been „entrusted with the people of God” (apostolic canon 41, canon 24 of the Council of Antioch). Consequently, in: establishing the order of precedence in: the *Diptychs*, it is absolutely necessary to take into account the missionary-pastoral activity of the bishops comprising the synod of the respective Church. The most eloquent example is that of the Ecumenical Patriarchate: although the city of Constantinople officially became the capital of the Roman Empire in: the year 331

These four criteria were always applied together by corroboration, and not partially or unilaterally. Thus the precedence order set in the Diptychs was not established by a single, final, irrevocable decision issued by an authority body, but it was gradually established in time, as a result of the organizational-administrative evolution of the Church.

We note that currently, the Patriarchate of Constantinople claims to have apostolic origins, declaring that the colony of Byzantium had been evangelized by the Holy Apostle Andrew, the first-called (πρωτόκλητος), who had allegedly ordained the first bishop of this city – namely Stachys (Στάχυς). The latter was purportedly followed by an uninterrupted line of successors, until the first bishop of Constantinople whose name is known – Metrophanes (306-314). Recently, the Greek historian Vlasios Phidas even claimed to have discovered the Johannine origins of the Church of Constantinople<sup>45</sup>. However, these theories are disproved by the historical facts and by the stipulations of the holy canons. For instance, the Christian historian Socrates (380-450), born in Constantinople, stated around 427 AD that the first bishop of Constantinople had been Metrophanes<sup>46</sup>. Actually, the historians of the first millennium generally are of the same opinion<sup>47</sup>, and the canons that grant *honorary precedence* to the Church of Constantinople (canon 3 of the second Ecumenical Council, and canon 28 of the fourth Ecumenical Council), never invoke its apostolic origins but grant this privilege exclusively because at the time, Constantinople was the capital of the Roman Empire. Obviously, the theory crediting the Holy Apostle Andrew with the foundation of the Church of Constantinople is a legend that emerged most probably during the schism of Akakios (484-519)<sup>48</sup>.

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AD, the Church only ranked it second in: the *Diptychs* in: 381 AD (cf. can. 3 of the second Ecumenical Council), that is 50 years later, when it had already been validated through its intense and rich missionary-pastoral activity.

<sup>45</sup> Cf. V. PHEIDAS, “The Johannine Apostolicity of the Throne of Constantinople”, in: *Greek Orthodox Theological Review*, XLV (2000), pp. 23-55.

<sup>46</sup> PG 117, 805.

<sup>47</sup> Cf. R. JANIN, “Constantinople”, in: A. BAUDRILLART (ed.), *Dictionnaire d'histoire et de géographie ecclésiastiques*, vol. VI, Paris, 1956, pp. 634-637; S. VAILHÉ, “Les origines de l’Eglise de Constantinople”, in: *Echos d’Orient*, X (1907), pp. 287-295.

<sup>48</sup> Cf. F. DVORNIK, *The Idea of Apostolicity in: Byzantium and the Legend of the Apostle Andrew*, Cambridge 1958; S. NAZĂRU, “Sfântul Andrei «cel întâi chemat» și apostolicitatea scaunului Constantinopolului”, in: *Sfântul Apostol Andrei. Ocrotitorul României. Începătorul Botezului în poporul roman*, Bucharest, 2011, pp. 216-262.

*Precedence vs Primacy in the Church: A Canon Law Approach*

On the other hand, also in the 4<sup>th</sup> century, based on the Epistle of Clement to James, the Lord's brother<sup>49</sup> - an apocryphal document dating from the 3<sup>rd</sup> century and included in the Pseudo-Clementine collection<sup>50</sup>, the Church of Rome began to claim that its precedence in order was exclusively due to the fact that the Bishop of Rome was the direct successor of the Holy Apostle Peter, who according to the Latin exegesis of verses 18 and 19 of chapter 16 in Matthew's Gospel had received special authority in the Church. Thus by quoting a forged document, the Church of Rome refused to accept that ranking first in the order of precedence is due to the political importance of the city of Rome and to its missionary-pastoral activity, and produced a new theory according to which apostolic succession was personal – in the case of the Bishop of Rome as successor of the Holy Apostle Peter, and collegiate – in the case of all the other bishops throughout the world<sup>51</sup>.

In the 5<sup>th</sup> century, the Church of Constantinople continued its territorial expansion<sup>52</sup>, and canon 28 of the fourth Ecumenical Council<sup>53</sup> reconfirmed

<sup>49</sup> *Epistola Clementis ad Jacobum* in: PG 2, 31-34.

<sup>50</sup> *The Epistle of Clement to James* is an apocryphal text, written in: Syria in the Greek language, most likely during the early decades of 3<sup>rd</sup> century and wrongly ascribed to Clement, Bishop of Rome between 88-97. In this text translated into Latin: by Rufinus (345-411), Clement informs James of Peter's death, and of Peter's wish to appoint Clement as his successor. First Clement refuses, but later at the apostle's insistence he accepts to become the Bishop of Rome. For further details, see: B. NEIL, "Rufinus' Translation of the *Epistola Clementis ad Iacobum*", in: *Augustinianum*, XLIII (2003), pp. 25-39.

<sup>51</sup> Cf. A. M. JAVIERRE ORTAS, "Successione apostolica e successione primaziale", in: M. MACCARRONE (ed.), *Il primato del Vescovo di Roma nel primo millennio: ricerche e testimonianze. Atti del symposium storico-teologico, Roma, 9-13 ottobre 1989*, Roma, 1991, pp. 53-138.

<sup>52</sup> Between the second Ecumenical Council and the Council of Chalcedon, the Church of Constantinople succeeded in: bringing under its authority three major civil dioceses, amounting to more than half of the Eastern Roman Empire. Cf. E. STEIN, "Le développement du pouvoir patriarcal du siège de Constantinople jusqu'au Concile de Chalcédoine", pp. 80-108; R. JANIN, "Formation du patriarcat de Constantinople", in: *Echos d'Orient*, XIII (1910), pp. 135-140; M. TELEA, "Constituirea sistemului patriarhal în Bizanț și creșterea prestigiului Patriarhiei constantinopolitane", in: *Altarul Reîntregirii*, XI (2006), nr. 2, pp. 43-57.

<sup>53</sup> We note that this canon has already been investigated by various studies, of which we mention only the most important ones: † JUSTINIAN MARINA, "Valabilitatea actuală a canonului 28 al Sinodului al IV-lea ecumenic de la Calcedon", in: *Ortodoxia*, III (1951), pp. 173-187; V. MONACHINO, *Le origini del patriarcato di Costantinopoli e il canone 28 di Calcedonia*, Geneva, 1998; R. SOUARN, "Le 28<sup>e</sup> canon de Chalcédoi-

its rank in the Diptychs invoking the same and single reason – namely the fact that at the time Constantinople was the capital of the Empire, the “new Rome”<sup>54</sup>. Actually, the spectacular ascension of the Church of Constantinople in the Diptychs was motivated canonically by one of the fundamental principles of Church organization and operation, put forth in canon 17 of the fourth Ecumenical Council<sup>55</sup>: accommodating the organization of the Church to the territorial-administrative organization of the state. In this 5<sup>th</sup>-century context, an attempt was made to assert the primacy of the Church of Rome by interpolating in the text of canon 6 of the first Ecumenical Council (325 AD) in some of the Latin collections of canons, the formula “*Ecclesia Romana semper habuit primatum*”<sup>56</sup>. On the 16<sup>th</sup> session of the fourth Ecumenical Council of 451 AD, bishop Paschasinus, the pope’s delegate, read canon 6 of the first Ecumenical Council with this addition, but the Council’s Fathers rejected this interpretation, as they deemed it erroneous<sup>57</sup>.

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ne”, in: *Echos d’Orient*, I (1897), pp. 19-22 și 55-58; A. WUYTS, “Le 28<sup>e</sup> canon de Chalcedoine et le fondement du primat romain”, in: *Orientalia Christiana Periodica* 17 (1951), pp. 265-282; T.O. MARTIN, “The Twenty-Eight Canon of Chalcedon. A Background Note”, in: A. GRILLMEIER, A. BACHT (ed.), *Das Konzil von Chalcedon. Geschichte und Gegenwart*, vol. II, Würzburg, 1953, pp. 433-458; † PIERRE L’HUILIER, “Un aspect estompé du 28<sup>e</sup> canon de Chalcedoine”, pp. 12-22; J.H. ERICKSON, “El canon 28 de Calcedonia: su permanente significado para el debate sobre el primado en la Iglesia”, in: J.R. VILLAR (ed.), *Iglesia, ministerio episcopal y ministerio petrino*, Madrid, 2004, pp. 241-260. For a detailed analysis of the circumstances surrounding the drafting of canon 28 of the Council of Chalcedon, see: † PIERRE L’HUILIER, *The Church of the Ancient Councils: the disciplinary work of the first four ecumenical councils*, Crestwood – New York, 1996, pp. 267-290.

<sup>54</sup> For further details, see the pertinent and thorough analysis of † PIERRE L’HUILIER, “Le décret du Concile de Chalcedoine sur les prérogatives du siège de la très sainte Église de Constantinople”, in: *Messenger de l’Exarchat du Patriarcat russe en Europe occidentale* 27 (1979), pp. 33-69.

<sup>55</sup> „and if any city has been renewed by imperial authority, or will be renewed in the future, then the political and civil rules shall be followed by church parishes”, G. A. RALLI, M. POTLI (éd.), *Σύνταγμα τῶν θείων καὶ ἱερῶν κανόνων*, vol. II, p. 263; P.-P. JOANNOU (ed.), *Discipline générale antique (IV<sup>e</sup> –IX<sup>e</sup> s.)*, vol.I-1, p.83.

<sup>56</sup> J. D. MANSI, *Sacrorum Conciliorum. Nova et amplissima Collectio*, t. 7, Florence, 1762, col. 443. See also: J. F. LOUGLIN, “The Sixth Nicene Canon and the Papacy”, in: *American Catholic Quarterly Review*, V (1980), pp. 220-239.

<sup>57</sup> C. J. HEFELE, *Histoire des conciles d’après des documents originaux*, t. 1, part 1, pp. 566-569.

*Precedence vs Primacy in the Church: A Canon Law Approach*

In recent studies, Western scholars assert that by interpolating this formula, what was actually pursued was a regional primacy, not a universal one<sup>58</sup>.

Also in the 5<sup>th</sup> century, pope Leon I (440-451), in his epistle “*Quanta fraternitati*” of 445 AD, addressed to his vicar Anastasios of Thessaloniki, first employed the phrase “*plenitudo potestatis*” (“*fullness of power*”) to identify the authority of the Bishop of Rome in relation to his vicar who, as his delegate, only enjoyed “*pars sollicitudinis*”<sup>59</sup>.

We note that the phrase “*plenitudo potestatis*” is used to describe the relationship between the Bishop of Rome and his vicar, not to claim any primacy of authority of the Bishop of Rome over the other bishops in the world<sup>60</sup>.

In late 5<sup>th</sup> century, pope Gelasius (492-496), in his dispute with the Byzantine emperor Anastasius, claimed that the Church of Rome’s authority exceeded the authority of the Councils. Later, the collections of canons of late 5<sup>th</sup> century-early 6<sup>th</sup> century, the pseudo-decretal of pope Gelasius “*Decretum Gelasianum de libris recipiendis et non recipiendis*”, as well as Symmachus’ apocrypha, claimed increasingly many authority prerogatives for the Bishop of Rome<sup>61</sup>. The best-known among them is the addition “*Prima sedes a nemine iudicatur*”<sup>62</sup>.

From the 6<sup>th</sup> century onwards the Church of Constantinople, aiming to continue its expansion, undertook firm measures to centralize and uphold its authority. The Constantinopolitan see proceeded to extend its authority over the main episcopal sees of the times. In this context, the Patriarchate of Constantinople even attempted a campaign against the Church of Rome,

<sup>58</sup> Cf. I. ORTIZ DE URBINA, *Nicée et Constantinople*, Paris, 1963, pp. 99-105.

<sup>59</sup> PL 54, 671: „*Vices enim nostras ita tuae credidimus potestatis, ut in partem sis vocatus sollicitudinis, non in plenitudinem potestati*”.

<sup>60</sup> J. RIVIÈRE, “*In partem sollicitudinis: évolution d’une formule pontificale*”, in: *Revue des Sciences Religieuses*, V (1925), p. 213. See also: W. ULLMANN, “*Leon I and the Theme of Papal Primacy*”, in: *The Journal of Theological Studies*, XI (1960), pp. 25-51.

<sup>61</sup> G. LE BRAS, “*Un moment décisif dans l’histoire de l’Église et du droit canon: la renaissance gélasienne*”, in: *Revue historique du droit français et étranger*, IX (1930), pp. 506-524 ; V. GROSSI, “*Il Decretum Gelasianum. Nota in: margine all’autorità della Chiesa di Roma alla fine del sec. V*”, in: *Augustinianum*, XLI (2001), pp. 231-256.

<sup>62</sup> Cf. S. VACCA, *Prima sedes a nemine iudicatur: genesi e sviluppo storico dell’assioma fino al Decreto di Graziano*, Roma, 1993, pp. 50-78.

but had to renounce it in order to focus on the episcopal sees in the Eastern Roman Empire<sup>63</sup>.

On the other hand in the 6<sup>th</sup> century also, when the Muslim invasion had reduced the Churches of Alexandria, Antioch and Jerusalem to ethnic-confessional minorities<sup>64</sup>, they gradually passed under the authority of the Church of Constantinople, so that at the beginning of the second millennium, these Churches' patriarchs had become mere officials of the Constantinopolitan patriarchal administrative apparatus. The best-known case in point is Theodore Balsamon (Θεόδωρος Βαλσαμών) who, although elected patriarch of Antioch in 1193 AD, spent his entire life working in the Constantinopolitan patriarchal administration. More precisely Theodore Balsamon, for a long time a nomophylax (νομοφύλαξ – “guardian of the laws”) in Constantinople, was elected in 1193 AD as patriarch of Antioch; however, as Antioch was under Arab occupation at the time, he remained in Constantinople, where he died in 1195 AD.

This explosive expansion, followed by strong centralization, produced some side effects: the bishop of Constantinople assumed the title of “*ecumenical patriarch*” (οἰκομενικός<sup>65</sup> πατριάρχης), as well as some

<sup>63</sup> Cf. M.V. ANASTOS, *Aspects of the Mind. Political Theory, Theology, and Ecclesiastical Relations with the See of Rome*, (ed. S. VRYONIS, N. GOODHUE), Aldershot, 2001. See also: V. MONACHINO, *Le origini del Patriarcato di Constantinopoli e il canone 28 di Calcedonia*, Geneva, 1998, pp. 27-32; V. GRUMEL, “L’annexion de l’Illyricum oriental, de la Sicile et de la Calabre au Patriarcat de Constantinople. Le témoignage de Théophane le Chronographe”, in: *Recherches de Science Religieuse*, XL (1952), pp. 191-200; S. VAILHÉ, “Annexion de l’Illyricum au Patriarcat œcuménique”, in: *Echos d’Orient*, XIV (1911), pp. 29-36.

<sup>64</sup> Cf. Y. ROTMAN, “Byzance face à l’islam arabe, VII<sup>e</sup>-X<sup>e</sup> siècle. D’un droit territorial à l’identité par la foi”, in: *Annales. Histoire, Sciences Sociales*, LX (2005) 4, pp. 767-788.

<sup>65</sup> “L’adjectif οἰκομενικός est un dérivé du participe substantivé ἡ οἰκομένη, qui provient lui-même de l’expression ἡ οἰκομένη γῆ et qui signifie d’une manière elliptique la terre habitée par les hommes. À l’époque classique, ce participe substantivé, qui apparaît déjà chez Hérodote, s’applique indifféremment à l’ensemble du monde grec et barbare, et il conserve généralement un sens concret. Mais, à partir du IV<sup>e</sup> siècle et des conquêtes d’Alexandre, le terme désigne nécessairement l’univers hellénisé et il prend de plus en plus une acception politique. Cette acception devait se cristalliser dans la κοινή et à l’époque romaine. À cette époque, sous l’influence du latin: qui donne toujours aux mots grecs un sens concret, le substantif οἰκομένη signifie très précisément le monde civilisé par excellence, c’est-à-dire l’empire romain. [...] Ce sens apparaît dans la langue courante au I<sup>er</sup> siècle de notre ère et singulière-

*Precedence vs Primacy in the Church: A Canon Law Approach*

“exclusive patriarchal prerogatives”. In 588 AD, the archbishop of Constantinople John IV Nesteutes/The Faster (582-595), assumed the title of “ecumenical patriarch” as his personal title, even though at the time it was also used by other bishops as well. However this title was introduced into the official protocol only in the 9<sup>th</sup> century by patriarch Photios (858-867, 877- 886). Since the times of Michael Cerularius (1043-1059), this title began to be inscribed on the official seals of the Church of Constantinople, and patriarch Manuel I (1217- 1222) was the first to employ it in signing documents<sup>66</sup>.

Regarding the exclusive patriarchal prerogatives, we note that originally, the patriarchs of Constantinople, based on the church tradition and the common practices, legitimized the patriarchal stavropegial rights, that is the right of the patriarch of Constantinople to have stavropegial monasteries<sup>67</sup>, that is monasteries exempt from the authority of the bishop

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ment dans les écrits du Nouveau Testament ; il se développe plus particulièrement au Bas-Empire et il atteint sa plénitude juridique au VI<sup>e</sup> siècle, au moment de la reconquête justinienne qui reprend consciemment l'idée de l'empire romain: universel. C'est précisément dans la perspective de cet empire universel qu'apparaît le dérivé οἰκομενικός du substantif οἰκομένη. Car, à la différence de ce dernier, qui remonte à l'Antiquité, l'adjectif οἰκομενικός n'est pas antérieur au III<sup>e</sup> siècle de notre ère, et son apparition tardive dans des textes dépourvus de caractère littéraire souligne les développements de la notion politique de l'οἰκομένη impériale”. A. TUILLIER, “Le sens de l'adjectif «œcuménique» dans la tradition patristique et dans la tradition byzantine”, in: *Nouvelle Revue Théologique*, XCVI (1964), p. 261. It is, therefore, quite obvious that, at the time when the patriarch of Constantinople was appropriated the epithet of “ecumenical” (οἰκομενικός), this term had a clear and very narrow meaning, because it indicated only that *oecumene* (οἰκομενή) of that time, that is, only the Roman Empire of the East.

<sup>66</sup> Cf. S. VAILHÉ, “Le titre de patriarche œcuménique avant Saint Grégoire le Grand”, in: *Echos d'Orient* 11 (1908), pp. 65-69; “Saint Grégoire le Grand et le titre de patriarche œcuménique”, in: *Echos d'Orient*, XI (1908), pp. 161-171; V. LAURENT, “Le titre de Patriarche œcuménique et Michel Cérulaire: à propos de deux de ses sceaux inédites”, in: *Studi e testi*, III (1946), pp. 373-386; “Le titre de patriarche œcuménique et la signature patriarcale”, in: *Revue des Etudes Byzantines*, VI (1948), pp. 5-26; A. TUILLIER, “Le titre de patriarche œcuménique et le schisme entre les Eglises”, in: *Messenger de l'Exarchat du Patriarche russe en Europe occidentale*, LX (1967), pp. 215-229; “Le titre de patriarche œcuménique à l'époque de Michel Cérulaire”, in: *Studia Patristica*, XI (1972), pp. 247-258; V. GRUMEL, “Le titre de patriarche œcuménique sur les sceaux byzantins”, in: *Revue des études grecques*, LVIII (1945), pp. 212-218.

<sup>67</sup> † Maxime DE SARDES, *Le Patriarcat œcuménique dans l'Eglise orthodoxe* (traduit du grec par J. TOURAILLE), Paris 1975, pp. 306-309.

of their eparchies, and instead placed under the direct authority of the patriarch<sup>68</sup>. Later, this “patriarchal prerogative” was gradually extended so that in late 10<sup>th</sup> century, the Patriarch of Constantinople could delegate the management of particular monasteries or monastic centres even to laypersons – by the institution of the so-called “charistikion”<sup>69</sup>.

Four centuries later, this prerogative had become so widely established that the Patriarch of Constantinople’s authority extended not only over monasteries but also over possessions, villages and even patriarchal castles located outside the territory of his eparchy. Also during this era of expansion, the Patriarchate of Constantinople began to restrict the right to consecrate the Holy Chrism, unjustly presenting itself as the only churchly authority entitled to consecrate and distribute the Holy Chrism<sup>70</sup>.

The facts presented above show that, although the Orthodox canonical doctrine clearly established the manner of setting *precedence* in the order provided by the Diptychs, the Ecumenical Patriarchate has assumed from the 6<sup>th</sup> century onwards, a “special position” within the Church, which unjustly entails indirect claims of a jurisdictional pre-eminence for the Ecumenical Patriarch, without any biblical or canonical grounds<sup>71</sup>.

<sup>68</sup> Cf. E. BİRDAŞ, “Stavropighia în dreptul bisericesc”, in: *Glasul Bisericii*, XIV (1955) 3-4, pp. 168-198; S.W. BECKET, “The Stauropigial Monastery”, in: *Orientalia Christiana Periodica*, LXVI (2000), pp. 147-167.

<sup>69</sup> Cf. M. PAİZİ – APOSTOLOPOULOU, “Du charisticariat et des droits patriarchaux à l’exarchie patriarcale. Survivances et transformations des institutions byzantines”, in: *Επετηρίς του Κέντρου της Ιστορίας του Ελληνικού Δικαίου*, XXXVII (2003), pp. 113-120; S.A. VARNALIDIS (Σ.Α. ΒΑΡΝΑΛΙΔΗΣ), *Ο θεσμός της χαριστικής (δωρεάς) των μοναστηριών εις τους Βυζαντινούς*, Salonic, 1985; H. AHRWEILER, “Charisticariat et autres formes d’attribution de fondations pieuses au X<sup>e</sup> et XI<sup>e</sup> siècles”, in: *Recueil des travaux de l’Institut d’études byzantines*, X (1967), pp. 1-27; J. DARROUZÈS, “Dossier sur le charisticariat”, in: P. WIRTH (ed.), *Polychronion. Festschrift für Franz Dölger zum 75. Geburtstag*, Heidelberg, 1966, pp. 150-165.

<sup>70</sup> Cf. V. PARLATO, “La politica di accentramento effettuata dal Patriarcato di Costantinopoli e conseguente lesione dell’autonomia degli altri patriarcati orientali nel IX secolo”, in: *Kanon*, V (1981), pp. 79-84.

<sup>71</sup> M. LAROCHE, *La papauté orthodoxe. Les origines historiques du papisme du Patriarcat de Constantinople et sa guerre ecclésiologique avec le Patriarcat de Moscou*, Paris, 2004, pp. 2-147. See also L.J. PATSAVOS, “The Primacy of the See of Constantinople in Theory and Practice”, in: *Greek Orthodox Theological Review*, XXXVII (1992), pp. 233-258; E.G. FARRUGIA, “The primacy and the patriarchs of the first millennium: some recent interpretations”, in: *Ostkirchliche Studien*, LVII (2008), pp. 268-295.



**c. The term *primate* and its ecclesiological connotations**

The term “*primate*” (*primatus*), as an ecclesiological notion, was introduced in the Church only in mid-9<sup>th</sup> century, when under the name of Isidore Mercator (in some manuscripts, Peccator) was issued at Tours a collection of forged canons, known as the *Pseudo-Isidorian Decretals* or the *False Decretals*<sup>72</sup>, by which the Bishop of Rome was granted super-episcopal rights and powers<sup>73</sup>. More precisely, in order to provide Gallican bishops with greater independence from their metropolitans and from the lay authority (especially the pressure of the French monarchy), the author of this collection of decretals, falsely ascribed to the popes of the first centuries, extended the authority of the Bishop of Rome over all the bishops throughout the world, investing him with the power of supreme appellate instance in the Church and granting him many personal power prerogatives<sup>74</sup>.

A major contribution in this ecclesiological innovation belonged to *Epistola Vigilii adhuc pseudopape ad Eutherium* whose final paragraph reiterated the antithesis *plenitudo potestas / pars sollicitudinis* in order to

<sup>72</sup> The collection *Decretales Pseudo-Isidorianae* includes over 700 pages and contains, beside canons issued by councils, more than one hundred forged *decretals* falsely ascribed to the bishops of Rome during the first centuries, as well as a number of letters from church leaders, and decisions of councils. The best edition of this collection is that published by Paul Hinschius in: the 19<sup>th</sup> century (cf. P. HINSCHIUS, *Decretales Pseudo-Isidorianae et Capitula Angilramni*, Leipzig, 1863).

<sup>73</sup> W. SMITH – S. CHEETHAM (ed.), *A Dictionary of Christian Antiquities*, vol. 2, Toronto, 1880, pp. 1708-1709.

<sup>74</sup> A. MARCHETTO, *Episcopato e primato pontificio nelle decretali pseudo-isidoriane. Ricerca storico-giuridica*, Roma, 1971; “In partem sollicitudinis ... non in plenitudinem potestatis: evoluzione din una formula di rapporto primato-episcopato”, in: R. J. CASTILLO LARA (ed.), *Studia in Honorem Eminentissimi Cardinalis Alphonsi M. Stickler*, Roma, 1992, pp. 269-298; “Convocazione e conferma dei sinodi, da parte del vescovo di Roma, nelle Decretali Pseudo-Isidoriane”, in: *Annuarium Historiae Conciliorum*, LX (2008), nr. 1, pp. 111-130; “Diritto di appello a Roma nelle Decretali Pseudo-Isidoriane”, in: O. MÜNSCH (ed.), *Scientia veritatis. Festschrift für Hubert Mordek zum 65*, Ostfildern, 2004, pp. 191-206. See also: B. E. FERME, “The Roman Primacy and the Canonical Collections of the First Millennium”, in: J. EHRET (ed.), *Primato pontificio ed episcopato, dal primo millennio al Concilio Ecumenico Vaticano II. Studi in onore dell'Arcivescovo Agostino Marchetto*, Città del Vaticano, 2013, pp. 137-164; C. TAMMARO, “Brevi riflessioni sul primato della «Sedes Petri» nella legislazione canonica alto-medievale”, in: *Revista española de derecho canonico*, LXVIII (2011), pp. 801-812.

contrast the limited competence of bishops and the universal competence of the Bishop of Rome, as follows:

“Nulli vel tenuiter sentienti, vel pleniter sapienti dubium este, quod Ecclesia Romana fundamentum et forma sit Ecclesiarum, a quo omnes Ecclesias principium sumpsisse nemo recte credentium ignorat. Quoniam licet omnium apostolorum par esset electio, beato tamen Petro concessum est ut caeteris praeemineret; unde et Cephas vocatur, quia caput est et principium omnium apostolorum: et quod in capite praecessit, in membris sequi necesse est. Quam obrem sancta Romana Ecclesia ejus merito Domini voce consecrata et sanctorum Patrum auctoritate roborata, primam tenet omnium Ecclesiarum; ad quam tam summa episcoporum negotia, et judicia, atque querelae, quam et majores Ecclesiarum questiones quasi ad caput semper referenda sunt. Nam et qui se scit aliis esse praepositum, non moleste ferat aliquem esse sibi praelatum. Ipsa namque Ecclesia quae prima est, ita reliquis Ecclesiis vices suas credidit largiendas, ut in partem sint vocatae sollicitudinis, non in plenitudinem potestatis. Unde omnium appellantium apostolicam sedem episcoporum judicia, et cunctarum majorum negotia causarum, eidem sanctae sedi reservata esse liquet: praesertim cum in his omnibus ejus semper sit expectandum consultum; cujus tramite si quis obviare tentaverit sacerdotum, causas se non sine honoris sui periculo apud eandem sanctam sedem noverit redditurum”<sup>75</sup>.

According to this text, the Church of Rome is the foundation of the other Churches, and enjoys primacy over all of them. In this capacity, the Church of Rome has direct jurisdiction over the bishops, and the important matters are submitted to it. However, the Church of Rome concedes some attributions to the other Churches “ut in partem sint vocatae sollicitudinis, non in plenitudinem potestatis”. Consequently, that “pars sollicitudinis” is no longer the effect of a temporary, limited delegation from the pope to one of his vicar bishops, but defines the subordinate status of the Churches in relation to the Church of Rome. Obviously, two levels of authority are created: one for the Church of Rome which enjoys full power, and the other for the rest of the Churches whose power is limited.

<sup>75</sup> PL 69, 19.

*Precedence vs Primacy in the Church: A Canon Law Approach*

To sum up, we may say that during the first Christian millennium, the first two Churches in the order of precedence set by the Diptychs – the Church of Rome and the Church of Constantinople, by pursuing a sustained activity for the centralization of church administration in the West and the East, respectively, and by imposing their authority over the other episcopal sees that were struggling, succeeded in becoming quasi-unique ecclesiastical centres in the West and in the East, respectively. Moreover, the Church of Rome has developed a theory of primacy to which the Eastern Church does not subscribe: according to this theory, based on the so-called „personal succession”, the Bishop of Rome has complete and immediate authority over all bishops.

In conclusion, starting from the second half of the first Christian millennium, the prerogatives of the Bishop of Rome, by means of an ecclesiological innovation based on apocryphal or forged documents, were significantly altered: gradually the notion of *protos-hierarch* (*πρῶτος-primus*), as defined by the holy canons and understood theologically as “*the first-born brother among the bishops*”, was replaced by the notion of *primate* (*primatus*), that is the supreme head of the Church exerting full authority over the bishops, and thus placed above them all<sup>76</sup>.

**V. Conclusions**

In light of these historical facts and canonical stipulations, *synodality* appears as a faithful image, or icon, of the apostolic communion, whereby the *first* among a synod’s bishops cannot be perceived as one above all the others (*unus super omnes*), but only as one among equals (*unus inter pares*), even though he stands *first* among them. Therefore, in the Church there cannot be any bishops enjoying authority over other Churches or other bishops. Thus *synodality* cannot be subordinated to any individual primate’s authority: that of a patriarch or a pope, but it can only be presided over, or supervised and managed, by the first-standing (*protos-hierarch – πρῶτος – primus*) among the bishops, regardless of his administrative rank. On the other hand, we must also note that according to the Orthodox canonical doctrine, the main duty of both the synod of bishops and of the

<sup>76</sup> On this matter, see the excellent book P. DENTIN, *Les privilèges des papes devant l’Écriture et l’histoire*, Paris, 1992.

first among bishops presiding over it, is to assert and maintain unimpaired the unity of apostolic ecclesial faith. Thus the first among bishops and the entire Orthodox episcopacy must “rightly teach the word of the truth” of God (II Timothy 2, 15), and ecclesial recognition throughout the Church worldwide, of a *protos-hierarch* or a *synod of bishops* depends first and foremost on the orthodoxy of the faith he confesses. Consequently, when a bishop or the first among the bishops ceases to confess the Orthodox faith, he is *ipso facto* excluded from the synodal communion of the Orthodox bishops. This is why, after 1054, the Bishop of Rome has ceased to be remembered liturgically-eucharistically as the first among the Orthodox bishops of the Church. It is thus clear that without ecclesial dogmatic unity, neither *synodality* nor a bishop’s *precedence* can be acknowledged at any level, including that of the *Church worldwide*.

To conclude, according to the Orthodox canonical doctrine, *synodality* and *precedence* are *complementary* and *inseparable*. From the Orthodox standpoint, the ecclesial authority enjoyed by the first among bishops (*the protos-hierarch*) has to be acknowledged, confirmed and endorsed by the *synod of bishops* he presides over, and which he represents. Consequently, within the *ecclesial communion* unity of faith and collective responsibility in decision-making are inseparable and mutually presupposed and asserted in the relationship between *synodality* and *precedence*.

Therefore, *individual episcopal authority* cannot be exterior, or superior, to the *synodal episcopal authority*. An *individual episcopal precedence* not included in a synod of bishops, or situated above a synod of bishops, no longer constitutes an ecclesial *precedence* of apostolic, synodal type modelled after the Holy Trinity, but it is an individual autarchic authority of a primate, who instead of coordinating the bishops, subordinates them thus achieving a unity of the imperial political type. Also, the distortion of the relationship between *synodality* and *precedence* within the Church by promoting the individual authority specific to primacy, results in abolishing the autocephaly of Churches at local level, thus depriving them of complete ecclesial independence. An immediate effect entailed by such ecclesiological outlook, is the alteration of the understanding of ecclesial communion: the *unity of faith* and *joint responsibility of bishops in decision-making*, are replaced by the individual episcopal authority of a primate, as sole agent of ecclesial communion.