



THE SYNODAL STRUCTURE OF THE ORTHODOX CHURCH

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THEOLOGICAL BASIS[1]

Basic to the ecclesiology of the Orthodox Church is the concept of conciliarity. The Church is, in fact, at her core always synod, the literal meaning of the word "Ekklesia." The concept of conciliarity, i.e., the conciliar or synodal approach to managing the Church's affairs, is not confined solely to convening various types of synods, but also includes every expression of ecclesiastical life. Through conciliarity, the nature of the Church as theanthropic communion in Christ is expressed. This is why any ecclesiastical practice which is not a result of conciliarity is a deviation from Orthodox ecclesiology.

Besides the convening of synods, the synodal expression of ecclesiastical life is to be found in every act of communion among all members of the Church's body. It is expressed first and foremost by the heads of the autocephalous churches, who thereby witness to the communion among them. It is also manifested in every act of communion between a metropolitan and the other bishops in his province, between a bishop and his presbytery, between a presbyter and the laity who comprise his parish, and finally among the members of the laity themselves. At all levels the Church functions as synod, i.e., as a community of persons freely gathered in Christ and by him, so that each may offer his gift for the building up of the Body in love.

Conciliarity, as a way of life of the Church, seeks to fashion ecclesiastical life in such a way as to express faithfully her essence and ethos. The Church's synodal way of life, which reaches its highest expression in the episcopal synods, gives witness to the synergy of God and human beings for the realization of salvation and the endurance of truth. Synods experience the mystery of synergy intensely and establish their work upon this mystery. The experience of those who participate in synods is that they cooperate with God in the formulation and safekeeping of the Church's truth. If the Spirit does not blow, human effort and industry alone cannot advance the mystery of divine truth, as reflected in canon 66 of Carthage: "When all things had been considered and treated of which seem to conduce to the advantage of the church, the Spirit of God suggesting and admonishing us, we determined to act leniently and pacifically with the before-mentioned men. . . ."[2]

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HISTORICAL DEVELOPMENT

The Church throughout history has made use of a variety of synodal structures, depending upon the historical circumstances experienced at the time. These synodal structures took the form of regional, general, provincial and ecumenical synods, as well as synods comprising the hierarchy of a patriarchate or autocephalous Church. Furthermore, there have also been synods with a limited number of members from several patriarchates and autocephalous Churches. This latter type of synod was known as an "endemousa," or permanent, synod.[3] It is true that at times the synodal structure of the Church has been expressed with exactness, as with the provincial synods, and at times with leniency, as with the permanent ("endemousa") synods. Yet, the conviction, particularly in the East, that the Church's synodal structure is a constitutive principle, which is of divine origin, essential and irreplaceable, has been unwavering.[4]

From the early centuries of the Church's existence, the need for the synod was evident in the election and consecration of bishops. The sacrament of holy orders, then, is basically its ecclesiological and dogmatic foundation. Consequently, the synod is essentially the institution which gives expression to the fullness of each local Church. The consecration of a bishop is the event that gives testimony to the fact that the person elected and consecrated is appointed by God. Furthermore, it is through this election and consecration that his Church is one with all Churches which constitute the body of Christ.[5]

In the early Church, the synod was by its very nature a gathering of bishops which met more or less regularly. It was not a permanent institution. As an institution which met regularly or extraordinarily as conditions might warrant, the essential condition of its function was the orthodoxy of each bishop and his Church. It was the bishop's status as spiritual head of his Church which entitled him to take part in the synod. The synod thus became the expression of unity and unanimity in the Church.[6]

Beginning with the fourth century, although not everywhere at the same time, there appears the permanent or "endemousa" synod. Its characteristic feature consisted in the fact that it could easily be convened by the Patriarch of Constantinople, who summoned the bishops staying in the capital at the time ("endemountes") whenever the seriousness of the issue demanded. The "endemousa" synod presided over by the patriarch was permanent in the sense that the Church considered herself in a state of permanent synodal consultation whenever acting in unanimity for the common good.[7]

The "endemousa" synod grew steadily in importance and eventually became a permanent institution in the Orthodox Church. Its preoccupation with doctrinal issues, legislative affairs and disciplinary matters far exceeded the traditional but limited role of the provincial synod. Furthermore, it did not require the elaborate preparations of an ecumenical synod. It has thus remained the most representative and enduring synodal structure within Eastern Orthodoxy. Its status and competence in each of the local Churches are clearly determined by statutes as well as by traditional practice.[8]

It should be noted that the statutes of the various local Churches here under investigation are only of very recent date. They are, for the most part, the result of the attempt by these Churches to cast the living practice of the Church into clearly defined procedures. This was necessary in view of the relations existing between church and state at the time of their adoption. It is evident that diversity of practice exists wherever local variations prevailed, or where the will of the state has been imposed. Nevertheless, this has not hampered communication among the local Churches. This is evidenced by their representation at synods convened from time to time to deal with the problems besetting the Church as a whole.

Additionally, during times of crisis and uncertainty, it was the Church of Constantinople which provided a coordinating role and even resolved conflicts upon appeal. This is not to overlook the fact that occasionally, as in the election of the primates of other sees, instances of arbitrary intervention are not lacking. However, they are outweighed by the many examples of genuine solicitude for the stability and progress of all the local Churches. This role of the Patriarchate of Constantinople to hear appeals and to intervene in times of crisis can be cited again and again since the time of the Second, and especially the Fourth, Ecumenical Councils.[9]

Following, then, is a description of the governing synods within several of the autocephalous Churches and patriarchates today, with special reference to the role of the presiding hierarch (primate).[10]

ECUMENICAL PATRIARCHATE

As a patriarchate, the Church of Constantinople dates back to the Second Ecumenical Council. It was the 3rd canon of this council which accorded her first place among all other patriarchates of the East. This honorary precedence of the see of Constantinople among the Orthodox Churches continues to the present day, despite the vicissitudes of time.[11] This explains why she is listed first among the local Churches to be investigated in the present study.

The Church of Constantinople situated in Turkey has been administered since 1923 without a formal written regulation. Her statutory charter previously consisted of the so-called general or national regulations of the Ecumenical Patriarchate, ratified in 1862 by the Turkish government and thereby given the force of law. With the Treaty of Lausanne (1923), which guaranteed protection of the rights of Christian minorities in Turkey, came also the restriction of privileges recognized earlier to the patriarchate. This new situation had as a result the abolition of the general regulations. The basis upon which the patriarchate is administered today includes the holy canons, ecclesiastical decrees, ecclesiastical custom, and several privileges retained to this day from the general regulations, applied in such a way as to address effectively the situation at hand.[12]

According to current practice, the patriarch is elected by the "*endemousa*" synod, which is made up of the active metropolitans residing in Constantinople. Also taken into account in the election process is the corresponding opinion ("*sympsefon*") of the hierarchy attached to the see of Constantinople and living abroad. As Archbishop of Constantinople, the patriarch has direct pastoral jurisdiction over the Archdiocese of Constantinople, which includes the communities of Istanbul, Galata and Katastenon. He is assisted by several auxiliary bishops, and also by metropolitans, who may or may not be members of Holy Synod. Both the former and the latter may serve in the capacity of archieratical pastor or overseer of a parish or district.[13]

The permanent Holy Synod consists of twelve members and is presided over by the patriarch. Members include active metropolitans whose sees belong to the patriarchate and are situated in Turkey. The term of service on the Holy Synod is one year, half the membership being replaced every six months. With the exception of several metropolitanates so designated, their official listing does not constitute the basis for the composition of the Holy Synod. Rather, it is for the most part the seniority of episcopal ordination which determines this.[14] With the abolition of the mixed council in 1923, direct lay participation in the administration of the patriarchate is lacking.[15]

PATRIARCHATE OF ALEXANDRIA

The Patriarchate of Alexandria occupies the second place among the venerable Orthodox patriarchates in accordance with the same canon 3 of the Second Ecumenical Council. Since the end of the last century, this patriarchate has been administered by a series of regulations, periodically revised in response to the need at the time. The outstanding feature of the original regulation, which is inherent in all subsequent regulations, is the establishment of a synodal system of administration. This replaced the supreme administrative authority formerly exercised by the patriarch in monarchical fashion. This was at a time when the number of faithful was so small as to deprive most of the metropolitans of their flocks. An equally outstanding feature of the original regulation, similarly prominent hitherto, is the election of the patriarch by both clergy and laity.[16]

The patriarchal synod consists of all the metropolitans of the see of Alexandria and is presided over by the patriarch. This composition constitutes a complete synod, which is in contrast to the gathering of metropolitans when the patriarchal see is vacant. The latter body is limited exclusively to conducting the election of a new patriarch, as well as to expediting matters of extreme urgency.[17]

The Holy Synod is made up of at least seven metropolitans. In the event that number cannot be reached for the election of a new patriarch, the missing number is filled by hierarchs from the Churches of

Constantinople, Antioch, Jerusalem, Cyprus and Greece. There should be no more than one hierarch from any one of these Churches.[18]

The relations of patriarch and metropolitans within the synod are governed by the spirit of canon 34 of the Holy Apostles.[19] Accordingly, the bishops of an autocephalous Church should acknowledge the first among them and consider him the head. Neither ought they without the patriarch, nor he without the opinion of all, do anything pertaining to the common affairs of the Church. The jurisdiction of a complete (i.e., patriarchal) synod, in conformity with the canons,[20] covers matters of an administrative, canonical and judiciary nature.

The synod is usually convened twice yearly, in the spring and fall. It is necessarily convened at least once yearly. It may also meet in extraordinary session whenever the patriarch deems necessary.[21]

The patriarch has the right to suspend publication of any synodical decree whose formulation in his judgment is incomplete. He must, however, justify his action at the next meeting of the synod. If the synod insists upon its publication, it then becomes obligatory for the patriarch to conform to the decision of the synod.[22]

PATRIARCHATE OF ANTIOCH

The Patriarchate of Antioch, third in rank among the venerable Orthodox patriarchates, has upheld for centuries the traditional synodal system of administration by convening regular and extraordinary synods of her hierarchs. Nevertheless, in the first half of the 17th century the synod of bishops nearly became perfunctory. At that time the patriarch administered the Church almost monarchically, selecting bishops and even predetermining his successor.[23] The basic regulation which eventually evolved foresaw the election of the patriarch by an assembly of clergy and laity, as well as the composition of a Holy Synod and a mixed council made up of members of the synod and laypersons.[24]

The Holy Synod consists of the patriarch as president and of the active metropolitans of the patriarchal throne as members. It meets yearly or extraordinarily whenever the patriarch deems necessary or whenever requested by at least five metropolitans. The Holy Synod does not constitute a quorum unless there is an absolute majority of its members. Only members present have the right to vote and decisions are reached by a majority of those present. Bishops may be present at sessions of the Holy Synod only to make informational reports. They do not have the right to vote. In the event of a tie, the vote of the patriarch prevails.[25]

The patriarch is obliged to publish any law, regulation, or decision ratified by the Holy Synod within a month of its last meeting. In the event he does not, this obligation is undertaken by the metropolitan

first in rank according to seniority. The patriarch has the right to request the revision of any decision of the Holy Synod. However, the revision is defeated if an absolute majority vote favors retaining the original decision.[26]

In the absence of a convocation during the appointed time, the Holy Synod convenes on its own authority. In the event the patriarch does not preside, this responsibility is undertaken by the member of the Synod who is first in rank according to seniority. The competencies of the Holy Synod include election of the patriarch, metropolitans and bishops, vigilance regarding preservation of the purity of the faith, and appropriate measures against violations of ecclesiastical order.[27]

In addition to the Holy Synod there is the general community council.[28] It is composed of the entire Holy Synod and of lay representatives from each of the metropolitanates. It is a permanent body presided over by the patriarch, which meets regularly twice a year. It is competent for legislation dealing with financial, administrative, social, judiciary, intellectual and educational matters of the patriarchate.[29] In the election of the patriarch, it is responsible for selecting three candidates, of which the Holy Synod elects one as patriarch.

PATRIARCHATE OF JERUSALEM

The Church of Jerusalem was elevated to a patriarchate by the Fourth Ecumenical Council[30] (451), and ranks fourth among the ancient patriarchates.[31] This venerable institution follows a monastic system of organization; the Greek Orthodox Patriarch of Jerusalem functions as abbot of the Brotherhood of the Holy Sepulcher. It is, therefore, understandable that the preservation and protection of the holy shrines have traditionally constituted one of this patriarchate's chief concerns.

As a result of its concentrated efforts on behalf of the holy shrines, the patriarchate did not concern itself with the drafting of a regulation until quite late. It was not until the second half of the 17th century that the first attempt to provide a regulation was realized. In the meantime, the patriarchate functioned as a monastic brotherhood under the patriarch-abbot and the semblance of a synod. The bases of its organization were the holy canons and a variety of traditional decrees related to its monastic character and to the needs of the holy shrines.[32]

Under its current statutory charter, the patriarchate has both a synod and mixed council. The Holy Synod is composed of the patriarch who presides, metropolitans, provincial bishops, as well as titular bishops and archimandrites appointed by the patriarch. The membership of the Holy Synod, including the patriarch, must not exceed eighteen. The patriarch in synod may replace any member of the Holy Synod, if in his judgment this would benefit the patriarchate. Furthermore, the patriarch, or in his

absence any member of the Holy Synod appointed by him, presides over all meetings of the Synod. All actions of the patriarch in synod and all matters brought before him are decided by a majority vote of the Synod. A tie vote is broken by the vote of the patriarch.[33]

The mixed council, also presided over by the patriarch, allows for lay input in the decision-making process of the patriarchate. It is made up of both lay and clergy representatives. A layperson serves as vice-president. In the absence of the patriarch, a clergy member of the council appointed by him serves as president.[34] Local community councils appointed by the mixed council participate in the election of the patriarch through duly elected married priests, not to exceed twelve. Together with the Holy Synod and the remaining bishops of the patriarchate, they constitute the council convened to nominate candidates for the patriarchal throne of Jerusalem. Following the approval of the list of candidates by the prime minister, a general council is made up of the Holy Synod, the archimandrites and

"protosyngelloi"[35] who live in the monasteries of Jerusalem, as well as the married priests who represent the local community councils. Of the three candidates elected by the general council, the members of the Holy Synod elect the patriarch. In the event of a vacant see, the patriarch in synod appoints a metropolitan or provincial bishop to fill the vacancy.[36]

PATRIARCHATE OF RUSSIA

Fifth in rank among the autocephalous Churches is the Church of Russia, having herself been elevated to the status of patriarchate in 1589. With the ascension to the throne of Peter the Great as czar came the abolition of the patriarchate and its replacement by the so called "governing synod" (1721), exercising highest administrative authority. In reality, this arrangement proved detrimental to the Church, which became subservient to the state. This state of affairs lasted until October of 1917, when the patriarchate was restored, although at a time when the state was hostile to the Church. Attempts were made in the meantime to secure the Church's right to exist within the framework of an acceptable statutory charter. The present administrative structure is the result. Although aspects of the current statutes are less favorable to the Church's welfare than earlier stages of their development, they nevertheless serve as the basis upon which the Patriarchate of Russia is administered today.[37]

The highest authority in legislative, administrative and judiciary matters affecting the patriarchate is exercised by a local synod, convened periodically, and made up of bishops, other clergy and the laity. Based upon canon 34 of the Holy Apostles, the patriarch as primate administers the Church together with the Holy Synod. When the need exists to resolve important ecclesiastical matters, he may with the approval of the government convene a synod of the hierarchy over which he presides. In

the event it is considered necessary to know the mind of the other clergy and the laity, he may, if possible, convene a local synod over which he also presides.[38]

The Holy Synod is made up of the patriarch, who presides, and six member hierarchs who administer dioceses. Of the members of the Holy Synod, three are permanent and three are temporary. When the patriarchal throne becomes vacant, the Holy Synod under the presidency of a "locum tenens" calls for a synod to elect a new patriarch. The synod which elects the new patriarch is presided over by the "locum tenens." Each diocese is headed by a hierarch appointed upon the decision of the patriarch and bearing the title of the city, which is the see of his province.[39]

PATRIARCHATE OF SERBIA

As with the other Slavic Churches, the Orthodox Church of Serbia was Christianized by the Patriarchate of Constantinople. It first emerged as a unified and uniformly administered Church in the early 13th century. From the time of the Ottoman conquest up until the 20th century, however, it experienced periods of administrative disjunction due, among other things, to its territorial losses. With the eventual reunification of the metropolitanates comprising the Serbian Church came the desire for the restoration of a unified ecclesiastical administrative center. In 1920, the holy synod of the hierarchy moved to reestablish the patriarchate, a move subsequently recognized by the Ecumenical Patriarchate. The state, nevertheless, in the person of the king reserved to itself the right to ratify the election of both bishops and patriarch. Relations with the state changed drastically following the Communist takeover of the government in 1945. The present statutory charter by which the Patriarchate of Serbia is administered today reflects these changes.[40]

Within the Patriarchate of Serbia ecclesiastical authority is exercised, among others, by the patriarch, Holy Synod of the hierarchy, permanent Holy Synod, high ecclesiastical court, patriarchal assembly and patriarchal administrative council. The patriarch is elected from among those provincial bishops of the Serbian Church who have administered their dioceses for at least 5 years. The election takes place by an electoral body from among 3 candidates. The latter are proposed in synodal session at which a minimum of two-thirds of the provincial bishops must be present. The meeting is presided over by the senior member of the synod. Besides the entire body of the hierarchy, the electoral body is expanded to include the dean of the Orthodox School of Theology in Belgrade, directors of ecclesiastical seminaries, a number of clerics holding ecclesiastical administrative posts, several abbots of specifically named monasteries, and the entire membership of the patriarchal administrative council. Included in the electoral body for the election of the patriarch are also laypersons.[41]

The Holy Synod of the hierarchy is made up of all the provincial bishops and is presided over by the patriarch. It constitutes the higher ecclesiastical legislative authority in matters of faith, worship, discipline and internal organization, as well as the highest judiciary authority within the sphere of its competencies. The permanent Holy Synod is made up of the patriarch, who presides, and four provincial bishops. Its members are elected by the holy synod of the hierarchy for two years, two each year. Its meetings are conducted with limited representation (only two members in attendance, besides the patriarch, who presides) and with broader representation (all members in attendance). The permanent Holy Synod is the highest executive (administrative and supervisory) authority, as well as the highest judiciary authority within the sphere of its competencies. Upon its decision, the holy synod of the hierarchy meets both in regular and extraordinary session.[42]

Except for the election of a bishop, the holy synod of the hierarchy makes valid decisions providing more than half its members are present. Both the Holy Synod of the hierarchy and the permanent Holy Synod reach their decisions unanimously or by majority vote. A tie is broken by the vote of the patriarch. Whenever temporarily hindered from fulfilling his responsibilities as chairman of either synod, the patriarch authorizes the senior member of the synod to replace him. In the event of a lengthy incapacity or of a vacant patriarchal see, the duties of the patriarch are assumed by the permanent Holy Synod, the patriarch's role in both the permanent synod and the synod of the hierarchy being fulfilled by the senior member of the former. In such instances, it is usually not permitted for ecclesiastical laws, regulations or decisions to be issued. If, on the contrary, such legislation is deemed necessary, it must subsequently be brought to the attention of the new patriarch for information and approval. Lacking approval by the patriarch, the matter comes before the holy synod of the hierarchy for discussion and ultimate decision. Both synods may during their meetings invite other clerics or laypersons for their specialized opinions.[43]

PATRIARCHATE OF RUMANIA

The Orthodox Church of Rumania developed from the onetime metropolitanates of Hungrovlachia and Moldavia established in the 14th century. It, too, was originally under the authority of the Patriarchate of Constantinople, from which it eventually was granted its autocephalous status in 1885. During the centuries from its origins to its full maturity as an autocephalous Church, it experienced both privileges and the arbitrary intervention into its affairs by the state. Both trends are reflected in the legislation which evolved prior to 1925, when the Church of Rumania was elevated to patriarchate. Nevertheless, the frequent changes and improvements in this legislation are indications of the concern for the Church's general well-being. The same concern prompted further legislative activity on the part of both state and Church following the First World War.

Following the Second World War, and in view of the new established order in Rumania, it was necessary for the Church under the leadership of Patriarch Justinian to make broad revisions in its statutory charter. It is this revised charter which constitutes the basis for the administration

of the Patriarchate of Rumania today.[44]

The central organization of the Church of Rumania is provided by the Holy Synod, the national ecclesiastical assembly, the national ecclesiastical council and the patriarchal administration. The Holy Synod exercises highest authority in all spiritual and canonical matters, as well as in those ecclesiastical matters within its competence. It is composed of the patriarch, who presides, and of all active metropolitans, bishops and vicar (auxiliary) bishops of the patriarchate. Allowance is made for the presidency to be assumed by one of the metropolitans, according to protocol, in the absence of the patriarch. Meetings are held regularly once each year and exceptionally whenever the need arises. Both the convocation and agenda are announced by the presiding hierarch fourteen days in advance with the notification also of the ministry of religious affairs. Both the beginning and termination of its sessions are decided by the ministry of religious affairs. A quorum is reached when at least 12 of its members are present. A majority vote of those present assures the validity of its decisions. The minister of religious affairs may be present and take part in the discussions. Finally, the Holy Synod may invite representatives of the clergy, the monasteries and the theological institutions to its meetings.[45]

The permanent synod convenes in the interim between meetings of the Holy Synod. The statutory charter foresees instances for which the permanent synod is incompetent, as well as those for which decisions reached are subject to the subsequent approval of the Holy Synod. It is composed of the patriarch, who presides, and all active metropolitans. In the absence of the patriarch, one of the metropolitans presides according to protocol. It meets upon the invitation of its presiding hierarch as often as the need arises. A majority vote of its members assures the validity of its decisions. It, too, may invite to its meetings representatives of the clergy, the monasteries and the theological institutions.[46]

The national ecclesiastical assembly, made up of one clergy and two lay representatives from each province, as well as the members of the Holy Synod, is the central representative body of the Orthodox Church of Rumania for financial and administrative matters. It is also responsible for all other matters for which the Holy Synod is not competent. The national ecclesiastical council is the highest administrative body for matters of the entire Church, while at the same time it is the executive body of the Holy Synod and of the national ecclesiastical assembly. It is made up of nine members, three clerics and six laypersons, elected by the national ecclesiastical assembly.[47]

The Patriarch is at the same time Archbishop of Bucharest, Metropolitan of Hungrovlachia and Primate of the hierarchy of the Church of Rumania. He is assisted in the exercise of the duties of his office by two vicar bishops, six administrative advisors, the chief secretariat of the patriarchate and the board of review and supervision.

Bishops and metropolitans are elected from among the hierarchy in general or from among those priests who meet the qualifications

established by the charter. The patriarch is elected from among the active bishops, archbishops and metropolitans. All are elected in secret ballot by an electoral assembly made up of the members of the national ecclesiastical assembly and of the provincial assembly of the vacant province. Other members participating in the electoral assembly are as follows: the president of the ministerial council and the minister of religious affairs or their representatives, a plenipotentiary representative of the national ecclesiastical assembly and the rectors of the theological institutions of university status. The electoral assembly is summoned within three months at the latest to fill any vacant see. A quorum of the electoral assembly exists when a majority of its members is present and its decisions are valid when reached by an absolute majority. It is presided over by the metropolitan in the election of bishops and archbishops of those provinces with the right to vote, by the patriarch in the election of metropolitans, and by the patriarchal "locum tenens" in the election of the patriarch. Electors write the name of the person of their choice for the office to be filled on ballots. An absolute majority determines the outcome of the election. In the absence of an absolute vote, a run-off election between the two persons with the most votes determines the outcome. In the event of a tie vote, the outcome is determined by lots. The canonical investigation of those elected is undertaken by the Holy Synod. Ratification of the election is by decree of the presidency of the national ecclesiastical assembly issued at the request of the government per recommendation of the ministry of religious affairs. The letters of installation of bishops are issued by the metropolitan, of metropolitans by the patriarch, and of the patriarch by the Holy Synod. In the event an election is not ratified either by the Holy Synod or by the presidency of the national ecclesiastical assembly, a new election is mandated within a time limit determined by the Holy Synod.[48]

PATRIARCHATE OF BULGARIA

The Orthodox Church of Bulgaria has from the beginning of its existence up until the latter half of the 19th century been under the supervision and direction of the Ecumenical Patriarchate. Since the establishment of a Bulgarian Exarchate by the Ottoman Government in 1870, however, she has undertaken the task of organizing her own internal affairs independently. This activity brought about a rupture in her relations with the Ecumenical Patriarchate and the other Orthodox Churches. The rupture was eventually healed and the Church of Bulgaria was recognized as an autocephalous Church. She ultimately proclaimed herself a patriarchate in 1953, an act not seen favorably at the time by the other Orthodox Churches. In the early stages of her organizational development, an active role was recognized to the laity, which eventually became less pronounced. The statutory charter by which she has been administered since her elevation to patriarchate reflects the Church-state relations which have evolved as a result of the Communist regime which governed until recently.[49]

The Holy Synod, which exercises the highest spiritual authority in the Orthodox Church of Bulgaria, is made up of the patriarch and all bishops with metropolitanates. It functions in both full and limited capacity, as a synod of the hierarchy in the former case and as a permanent synod in

the latter. All bishops with metropolitanates are under the direct jurisdiction and supervision of the Holy Synod, from which they receive their hierarchical office and to which they are accountable directly. Legislative authority is exercised by the clergy-laity assembly, which is composed of the bishops, other clergy and laypersons. The highest judiciary and administrative authority is exercised by the Holy Synod.[50]

The patriarch is elected by the patriarchal clergy-laity assembly composed of all the bishops, as well as clergy and lay representatives from each province and a variety of ecclesiastical and other bodies. All electors must be members of the Orthodox Church of Bulgaria. At least seven days before the designated day for the election of the patriarch, the holy synod of the hierarchy elects three metropolitans by secret ballot and absolute majority as candidates for the patriarchal throne. Following the election of the three candidates, the director of religious affairs is notified in writing in order for him to respond regarding the government's confidence in the candidates. The Holy Synod through its acting president convenes the patriarchal clergy-laity assembly on the assigned Sunday for the election of the patriarch. After it has been determined that at least three-fourths of the assembly's membership is present, the election process begins following prayer. In the event three-fourths of the membership are not present, the election process is interrupted for one hour, following which it resumes again regardless of the number of members present. The candidate who receives two-thirds of the votes cast by secret ballot is declared patriarch.[51]

The president of both the Holy Synod of the hierarchy and the permanent Synod is the patriarch, or in his absence, one of the synodal members appointed by him. The permanent Synod is made up of the patriarch and four metropolitans who have administered their provinces for at least two years. Its members are elected by the hierarchy for four years. No bishop may refuse to participate in the meetings of the Holy Synod, except for reasons of health or inability confirmed by the hierarchy. The penalty for doing so is suspension.[52] Only members of the Holy Synod of the hierarchy and permanent Synod may participate in their meetings.[53]

Among the other competencies, the Holy Synod of the hierarchy draws up a list of candidates for the office of metropolitan when the see of a province is vacant. The "locum tenens" together with the metropolitan council forwards a copy of the list to all the electors of the province (clergy and laity) whom he invites to the capital of the province in order to take part in the election of the metropolitan. A supervising committee oversees the election. Following prayer, the electors proceed with the election by secret ballot. Each ballot cast contains two names from the official list of candidates. Those candidates receiving an absolute majority are declared the officially elected candidates of both the clergy and the laity of the province to fill the vacant see. On the first Sunday following the approval of the provincial election, the Holy Synod proceeds with the final election of one of the two candidates in the church and in the presence of the people. The newly elected metropolitan assumes his ministry, which is for life, from the day on which the Holy Synod officially announces his election. According to the

canons, a vacant see may not remain without a canonical bishop for more than three months.[54] A bishop is not ordained without a province and transfer from one province to another is prohibited.[55] Nevertheless, the Holy Synod may by exception ordain a bishop as auxiliary to the patriarch or as auxiliary to an elderly or ailing metropolitan or for exceptional needs of the Church.[56]

Executive authority belongs to the patriarch or his representative. Nevertheless, the patriarch does not have the right to reach decisions affecting the whole Church without consulting with the Holy Synod, nor does the Holy Synod have that right without consulting with the patriarch or his representative.[57] In the event the patriarch or any other hierarch should violate the duties and responsibilities of his office, he is accountable to the holy synod of the hierarchy. The meetings of both the Holy Synod of the hierarchy and the permanent Synod are legitimate only if presided over by the patriarch or his representative and with the presence of at least half of their membership. The Holy Synod of the hierarchy meets regularly each year in June and November, and exceptionally whenever deemed necessary by the patriarch or permanent Synod or when requested by half the metropolitans. The permanent Synod meets continually and determines its own recesses. Decisions are reached by an absolute majority of members present. A tie vote is broken by the vote of the president. Abstention is not permitted. A dissenting opinion is permitted providing it is declared and justified orally during the meeting and submitted in writing within three days subsequently. Each member has the right of initiative during meetings.

A member guilty of violating synodal procedure is admonished as follows: admonition in private by the president; if ignored, admonition is repeated in synod; as a final resort, the president proposes an appropriate penalty to the Holy Synod. In the event the patriarch as president of the Holy Synod is guilty of violating the statutory charter generally, the Holy Synod in the person of its senior member respectfully issues a reminder. If the reminder goes unheeded, it is repeated in synod. If even then there is no correction, the Holy Synod takes the appropriate measures as defined by the canons regarding degradation.[58]

CHURCH OF GREECE

Owing to the privileged status still accorded to the Orthodox Church of Greece by the Greek Constitution, in contrast to the status of the other autocephalous Orthodox Churches in the lands in which they exist, an investigation of her administrative structure closes this part of the present study. In a sense, it provides a logical balance to the investigation of the administrative structure of the Ecumenical Patriarchate with which this study began. This is so because of the mother-daughter relationship existing between the Churches of Constantinople and Greece, a relationship which dates back to the first

half of the 8th century.[59] It is in deference to this relationship and to the respect thereby fostered by the Church of Greece towards her mother Church, that the former retains only the title of an autocephalous Church whose primate is an archbishop. Territorially a part of the Church of Constantinople until 1821 essentially, thereafter only formally until 1850, the Church of Greece understandably modeled her administrative structure after that of her mother Church. There have, of course, been many adjustments and revisions since the original statutory charter by which the Church of Greece administered her ecclesiastical affairs in the spirit of the canons. The charter of 1977 is a recent phase in this development.

The highest ecclesiastical authority of the Church of Greece is the Holy Synod of the hierarchy, composed of the Archbishop of Athens and All Greece as president, and all the bishops who administer metropolitanates. Her permanent administrative body is the permanent Holy Synod. Both bodies are located in Athens. The vice-president of the Holy Synod of the hierarchy is its senior ranking member. In the absence of the president, the vice-president presides; in the absence of the latter, the member hierarch next in rank of seniority. The Holy Synod meets by right in regular session on the 1st of October each year. It may meet exceptionally whenever convened by the president either upon his own initiative, or following a previous decision of the permanent synod, or per request of at least one-third of the active metropolitans.

Further regulations determine procedure regarding convocation of the Holy Synod according to the latter two instances. In any event, the president is canonically accountable if he fails to convene the Holy Synod in conformity with the above. Additional regulations determine the agenda, i.e., who sets it and how it is covered. Bishops present during the meetings may not depart without serious cause before the necessary decisions have been reached. Such departure, as well as an unjustified absence, constitute a canonical offense. A quorum exists if more than half the member metropolitans are present. Decisions are reached by a majority vote of those present. A tie vote in an open ballot is broken by the vote of the president. Decisions on matters considered to be of profound importance by the Holy Synod (inflicting major excommunication, exercising condescension and leniency) require at least a two-thirds majority vote of the entire membership of the hierarchy.[60]

The permanent synod of the Church of Greece is composed of the Archbishop of Athens as president, and 12 member hierarchs, of whom 6 are active metropolitans of the autocephalous Church of Greece chosen alternately by seniority, and 6 are active metropolitans from the "new provinces" chosen in the same way.[61] A quorum exists if half its members plus one are present. Decisions are reached by majority vote. A tie vote is broken by the vote of the president. In the absence of the president, the highest ranking member hierarch present, according to seniority, presides, as mandated by the canons. The synodal period is annual, beginning on the 1st of September of one year and ending on the 31st of August of the next. As the permanent administrative body of the Church, its competencies include overseeing the careful execution of

all decisions of the Holy Synod of the hierarchy. In the interim between meetings of the Holy Synod, the permanent synod exercises all ecclesiastical-administrative authority according to the canons, traditions and legal norms.[62]

Upon the vacancy of the archiépiscopal throne of Athens, the responsibilities of "locum tenens" are fulfilled by the highest ranking active metropolitan according to seniority. In the event this is not possible, the next in line of seniority assumes these responsibilities. Within five days of the vacancy, the permanent synod under the presidency of the "locum tenens" meets to announce the vacancy officially to the active metropolitans and to set the date for the Holy Synod to meet for the election of an archbishop. This extraordinary meeting of the Holy Synod takes place in the cathedral church of Athens within twenty days of the vacancy. Eligible for election are all active metropolitans who are Greek by birth, as well as those clergy of the Church of Greece who are registered in the list of eligible candidates for the episcopacy. The election takes place in only one session without recess in the presence of the minister of education and religious affairs. The session is presided over by the highest ranking hierarch present, according to seniority. A quorum exists if at least two-thirds of the active metropolitans are present.

Following are detailed regulations describing the procedure to be kept in the election of the archbishop. Elected is the candidate who receives an absolute majority of the votes cast. If an absolute majority is not reached, the same procedure is repeated without interruption. If an absolute majority is still not reached, the candidate receiving a relative majority of the votes cast is considered elected. In the event of a tie vote during the third ballot, the archbishop is selected by lots. Objections as to voting procedure, qualifications of candidates, validity of ballots, etc., are to be submitted immediately in writing. An irrevocable reply to these objections is provided at once by the minister of education and religious affairs, or, in his absence, by the elections committee.

The candidate elected officially accepts his election, whereas the permanent synod notifies the ministry of education and religious affairs on the same day in writing. Within five days a presidential decree of recognition and appointment is issued. Shortly thereafter, and in the presence of the president of the republic, the minister of education and religious affairs, and the permanent synod, the newly elected archbishop affirms fulfillment of his archiépiscopal responsibilities and obedience to the constitution and laws of the state. Following this affirmation the newly elected archbishop is enthroned.[63]

The election of bishops is carried out only by the Holy Synod of the hierarchy and always from the current list of eligible candidates for the episcopacy. The Holy Synod of the Ecumenical Patriarchate also has the right to propose the names of candidates who would be eligible for election to one of the metropolitanates of the "new provinces." There follows a detailed list of both general and specific qualifications required of all candidates. The statutory charter devotes several articles to the list of eligible candidates for the episcopacy, allowance also being made for members of the synod to contest the eligibility of candidates

registered. Consequently, one of the standard agenda items of the permanent synod is the ongoing evaluation of the list of eligible candidates.

When a metropolitanate becomes vacant, the president of the permanent synod appoints the senior hierarch from among the neighboring metropolitanates as "locum tenens." The "locum tenens" is responsible for administering the daily affairs of the metropolitanate and may not initiate substantive changes in its institutions. In the event of an urgent matter, the "locum tenens" must first receive the approval of the permanent synod before taking any action. The election of a metropolitan by the Holy Synod of the hierarchy must take place within six months of the vacancy at the latest. If during this period the Holy Synod does not convene for its regularly scheduled annual meeting, it meets in extraordinary session to fill the vacancy.

A vacancy is filled canonically by an election. It may, however, with a two-thirds majority vote of members of the Holy Synod who are present, be filled by transfer. Only those metropolitans with at least five years of active ministry can be considered eligible for transfer. Once transferred, they may not be transferred again. Their election is by secret ballot. A two-thirds majority vote assures the election of the candidate considered eligible for transfer. Following official announcement of the synodal decision regarding transfer, the metropolitan to be transferred declares his acceptance. In the event he does not accept, the election process is repeated.[64]

In order to fill a vacancy by election, members of the Holy Synod of the hierarchy elect by secret ballot three candidates from the list of eligible candidates for the episcopacy. Each elector is obliged to list three candidates on his ballot. The Holy Synod then elects one of the three candidates by secret ballot and by a relative majority. Also eligible for election besides those named in the official list are auxiliary bishops and titular metropolitans and bishops. In the event of a tie vote between metropolitans and bishops, the senior hierarch according to ordination is preferred; between presbyters and deacons, the presbyter is preferred; and between presbyters, the senior presbyter according to ordination is preferred. Following the government's notification of the election, acceptance and ordination of the candidate, a presidential decree of recognition and installation is issued. The newly elected metropolitan then officially makes an affirmation to fulfill his hierarchical responsibilities and is enthroned according to ecclesiastical order.[65]

EASTERN CHURCHES UNITED WITH ROME

For purposes of further inquiry and comparison, this investigative study will close with a brief survey of the Eastern Churches united with Rome. The object of this survey is to determine whether these Churches have preserved their synodal character and, if so, under what conditions.[66]

Among the Churches of the Byzantine rite, practice varied depending upon local needs and the degree of intervention on the part of the Church of Rome into the affairs of each Church. The Ruthenians, who entered into union with Rome at the Council of Brest-Litovsk in 1595,

were initially instructed by Pope Clement VIII as to the rights of their metropolitans. Several decades later, however, it was decreed that provincial synods be held every four years. In reality, these synods were closely supervised during their stages of preparation by the ecclesiastical authorities in Rome.

The Rumanians who united with Rome held relatively frequent diocesan synods from the very beginning. It was not until 1872 at Blaj, however, that their first truly provincial council was held. Before that time, legislation on matters of importance came from Rome. It was Rome as well which directed the preparations for the Council of Blaj.

Legislation for the Italian Greeks came directly from the See of Rome, as evidenced by the encyclicals of Clement VIII and Benedict XIV issued in their behalf. On the other hand, the Melkites have always claimed autonomy with regard to their patriarchal synods. Nevertheless, Rome has always reserved to itself the right to accept or reject these synods, as evidenced once again by the available papal documents which either contest or direct or flatly reject them.

A similar fate befell the other Eastern Churches as well. Their synods have either been planned and directed in Rome or presided over by a papal representative with extensive authority. Such was the case with several Maronite synods of the 16th century and again with the Synod of Mt Lebanon held in 1736.

During the papacy of Pius IX, the decision was reached to provide the non-Byzantine Eastern Churches with a legislative system similar to that of the Council of Trent. A synod of the Chaldean Christians in 1852 and one of the Syrians held the following year reflect these designs. In the case of the former, they did not openly refuse to accept a legislation imposed on them but rather chose to ignore it frequently in practice. The latter, on the other hand, sought to recover their traditional liturgical customs at a synod convened for this purpose several years later.

An attempt was made at Vatican Council I to unify the discipline of the Eastern Churches by entirely suppressing it in favor of Latin uniformity. Through the efforts of both the Chaldean and Melkite Patriarchs invited to attend, it was brought to the attention of the council that only a patriarchal or national synod could effectively initiate reform. Time, how-over, did not allow the council to deal with the issues raised.

Under the papacy of Leo XIII, collaboration and understanding with regard to the traditions of the Eastern Churches united with Rome increased decidedly. As far as synods were concerned, however, Rome continued to insist that they be presided over by a papal representative and that their decisions needed Roman approval before they could be promulgated.

With the announcement of an Oriental Code of Canon Law in 1929, an end came to the traditional legislative authority exercised by the local synods. Although these synods continued to provide the necessary details of the legislative system thus unified, it became apparent that they no longer functioned as they did originally. The annual provincial

synod now functions much the same as the episcopal conferences in the Roman Church: as consultative bodies without proper legislative authority.[67] The institution of the permanent synod, too, although prevalent, has very limited administrative and judiciary competence.

Vatican Council II, through its Decrees on Ecumenism and on the Eastern Churches, has given cause for optimism regarding the recovery of some of the traditional norms and institutions of the Eastern Churches united with Rome. Although some reservations are still expressed,[68] it remains to be seen whether the synod will ultimately be recognized as the essential institution it is in the life of the Eastern Church. Such recognition could in fact bring East and West one step closer in their quest for unity.

[1] See G. Kapsanis, *E poimantike diakania kata tous ierous kanonas* (Piraeus, 1976), 112-29.

[2] H. Percival, ed., *The Seven Ecumenical Councils*, Nicene and Post-Nicene Fathers, second series, vol. 14 (Grand Rapids, n.d.), 475. Although the Church at her core is always synod, her members sometimes fail to live in accordance with her synodal character. This is due to their spiritual immaturity and sinfulness. G. Kapsanis, *E poimantike diakonia*, 126-29. Kapsanis cites several specific examples when this happens. One thus becomes painfully aware of the need to harmonize ecclesiastical practice at all times with the Church's theological prototypes.

[3] For a discussion of all these, see Bishop Pierre (L'Huillier), "Synodos," *Threskeftike kai Ethike Engyklopaideia*, 1st ed., vol 11 (Athens, 1962), 574.

[4] Kapsanis 116.

[5] A. Schmemmann, "The Idea of Primacy in Orthodox Ecclesiology," *The Primacy of Peter in the Orthodox Church* (Gr. Britain: Faith Press, 1973), 41-45.

[6] Schmemmann, 52

[7] J. Hajjar, "The Synod in the Eastern Church," *Concilium 8, Pastoral Reform in Church Government* (New York: Paulist Press, 1965), 58

[8] Hajjar, 59. In his monograph, *Endemousa Synodos* (Athens, 1971), V. Pheidas shows the synod specifically convened to elect a bishop for the capital see of Constantinople to be the precedent for the "endemousa" synod. Such synods date back to the period just prior to the Second Ecumenical Council.

[9] See canon 3 of the Second Ecumenical Council and canons 9, 17 and 28 of the Fourth Ecumenical Council. For an historical account of the honorary preeminence of the Church of Constantinople in the East, see Metropolitan Máximos of Sardis, *The Ecumenical Patriarchate in the Orthodox Church*, trans. G. McLellan (Thessaloniki, 1976), 80-252.

[10] The main source of information regarding the administrative structure of the Orthodox Patriarchates today comes from B. Tzortzatos, *Oi vasikoi thesmoi dioikeseos ton Orthodoxon Patriarcheion* (Athens, 1972).

[11] See Maximos, 80-252.

[12] Tzortzatos, 28-29.

[13] Tzortzatos, 31-32.

[14] In more recent times, variations in practice have occurred with regard to length of term of service on the Holy Synod, to procedure for assuring full membership, and to number of members.

[15] Tzortzatos, 32

[16] Tzortzatos, 42-43.

[17] Tzortzatos, 68.

[18] Tzortzatos, 65.

[19] The bishops of every nation must acknowledge him who is first among them and account him as their head, and do nothing of consequence without his consent; but each may do those things only which concern his own parish, and the country places which belong to it. But neither let him (who is the first) do anything without the consent of all; for so there will be unanimity, and God will be glorified through the Lord in the Holy **Spirit,"** *The Seven Ecumenical Councils*, 596.

[20] Canons 37 of the Holy Apostles and 20 of Antioch.

[21] Tzortzatos, 68.

[22] Tzortzatos, 71.

[23] C. Papadopoulos, *Istoria tes Ekklesias Antiocheias* (Alexandria, 1951), 1033.

[24] Tzortzatos, 108.

[25] Tzortzatos, 126-27.

[26] Tzortzatos, 127-28.

[27] Tzortzatos, 128.

[28] The general community council, like similar bodies in the other patriarchates and autocephalous Churches, is more the result of political motivation than it is the spontaneous expression of ecclesiological consideration.

[29] Tzortzatos, 129-30.

[30] See the Acts of this council in Mansi, VII, 179.

[31] Cannon 36 of the Sixth Ecumenical Council.

[32] Tzortzatos, 141-2.

[33] Tzortzatos, 153-4.

[34] Tzortzatos, 156.

[35] In contemporary Greek practice, the protosyngellos is the chief administrative official of a diocese appointed by the bishop.

[36] Tzortzatos, 158-60.

[37] At the time of the original writing of this study, the political situation in the Soviet Union was very different from what it is today in Russia. One can only hope that current liberalizing trends in that country continue to bring with them harmonious church-state relations.

[38] Tzortzatos, 175.

[39] Tzortzatos, 176-77.

[40] What was asserted with regard to current church-state relations in Russia (see footnote 35), can also be said of Serbia and other formerly Communist states.

[41] Tzortzatos, 206.

[42] Tzortzatos, 210.

[43] Tzortzatos, 211-12.

[44] Tzortzatos, 271-76.

[45] Tzortzatos, 279-80.

[46] Tzortzatos, 281.

[47] Tzortzatos, 281-83.

[48] Tzortzatos, 306-7.

[49] Tzortzatos, 323-28.

[50] Tzortzatos, 330-31.

[51] Tzortzatos, 332-34.

[52] Canon 19 of the Fourth Ecumenical Council.

[53] Tzortzatos, 335.

[54] Canon 25 of the Fourth Ecumenical Council.

[55] Canons 15 and 16 of the First Ecumenical Council, 21 of Antioch, 1 and 2 of Sardica, and 48 of Carthage (419).

[56] Tzortzatos, 339-40.

[57] Canon 34 of the Holy Apostles.

[58] Tzortzatos, 355-56.

[59] M. Anastos, "The Transfer of Dlyricum to the Jurisdiction of the Patriarchate of Constantinople," *Sylloge Byzantina* (Rome, 1957).

[60] B. Tzortzatos, *Oi vasikoi thesmoi dioikeseos tes orthodoxou Ekklesias tes Ellados* (Athens, 1977), 62-65.

[61] The "new provinces" refer to the metropolitanates of the Ecumenical Patriarchate in northern Greece annexed to the Church of Greece in 1928 following the liberation of that territory from Turkey.

[62] Tzortzatos, *Ekklesias tes Ellados*, 65-67.

[63] Tzortzatos, *Oi vasikoi thesmoi*, 70-73.

[64] Tzortzatos, *Oi vasikoi thesmoi*, 73-78.

[65] Tzortzatos, *Oi vasikoi thesmoi*, 79.

[66] See Hajjar, "The Synod in the Eastern Church," 55-64, to which I am heavily indebted for the material in this paragraph. In this article, the reader will also find listed all the necessary sources from which the information given comes.

[67] The role of episcopal conferences in the Roman Church was much debated at Vatican II, and ultimately a compromise was reached. Accordingly, just as the provincial and plenary (national, regional) synods or councils had proper legislative authority but were obliged to have their decrees reviewed by the Roman See, so too the episcopal conferences were acknowledged as having true legislative authority (described as *vis juridice obligandi*). There were, however, two limitations not imposed on synods or councils: (a) a two-thirds vote is necessary; and (b) only matters or affairs acknowledged as belonging to their competence can be discussed. These areas were directly acknowledged by Vatican II and expanded in postconciliar documents of implementation by Pope Paul VI. Many of them, in fact, are mentioned in the 1983 Code of Canon Law, although in the course of its preparation several areas of competence originally enumerated were eliminated. The synod of bishops is of a very different nature. Although "representative of the Catholic episcopate" (Pope Paul VI) it is consultative and becomes legislative only by papal mandate. For a thorough account of all the above, see the collection of studies in Thomas J. Reeves, Ed., *Episcopal Conferences: Historical, Canonical and Theological Studies* (Washington, D.C.: Georgetown University Press, 1989).

[68] Hajjar, 63-64.