

# PRIMACY AND SYNODALITY ACCORDING TO THE COMMON TRADITION OF THE CHURCH IN THE FIRST MILLENNIUM

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## Abstract

After a brief account of the origin of the various types of synods and councils in the early Church, the author examines the apostolic canon thirty-four, which is considered the basic principle of synodality, especially in the East. The author then illustrates the affirmation of the synodal principle and the development of primate authorities at various levels: Metropolitan, Patriarch, and Bishop of Rome, mainly based on the canons of the first seven ecumenical councils of the undivided Church. The last part is devoted to the relationship between primacy and synodality, showing that a good functioning of both is necessary for unity and harmony in the Churches.

**Keywords:** Bishop of Rome, ecumenical councils, primacy, patriarchate, synodality.

## Introduction

Primacy and synodality are two institutions that are closely related and coexist for the smooth governance of the Church. When primacy is excessively strengthened and consolidated and gradually takes over all power, as in an absolute monarchy, synodality steadily diminishes and even disappears. On the other hand, the functioning of synods is impossible without primates to convene, direct, and lead the synodal assemblies at various levels. Therefore, to ensure the smooth governance of the Church, the primate and synod should work together in a balanced and harmonious manner. This article is

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an attempt to evaluate the origin, development, and functioning of primacy and synodality at different levels according to the common tradition of the Church in the first millennium, based mainly on the doctrine and canons of the first seven ecumenical councils.

### 1. Synods in the Early Church

The origin and development of synods and councils can be traced back to apostolic praxis as described in the *Acts of the Apostles*. Many see the application of the principle of synodality, especially in connection with the election of Matthias (*Acts* 1:15-26), the election of seven deacons (*Acts* 6:1-6) and the synod of Jerusalem (*Acts* 15), since these decisions were made “in agreement with the whole Church” or jointly.<sup>1</sup> Although the terms synod and council did not exist at that time, all the constitutive elements of a true synod can be traced in the Jerusalem synod: preliminary discussions with the people of God, synodal assembly of apostles and elders, discussion and decision on the question of the observance of the Mosaic Law by the gentile Christians, the proclamation of the decision to the people of God in Jerusalem and its acceptance, and official synodal letter communicating the decision to the other local Churches and their acceptance of it.<sup>2</sup>

In the early Church, bishops were always aware that together they formed a community or college, just as the apostolic college was. Because of this collegial consciousness, collegial structures and synodal convocations developed spontaneously in the early Church, following the example of the apostolic synod of Jerusalem, under the providence of God, especially when the Church was faced with serious problems that could not be solved by a single bishop. Thus, the bishops of a region gathered, usually under the leadership of the bishop of the metropolitan city, solved the problems in a collegial manner and promulgated norms for common action.

The first synods were held between 170 and 180 against the heresy of Montanism in Asia Minor. Eusebius speaks of assemblies in many

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<sup>1</sup> Cf. P. Trembelas, *Dogmatique de l’Eglise orthodoxe*, vol. 2, Burges 1967, 398-399; P. Duprey, “The Synodical Structure of the Church in Eastern Theology,” in *One in Christ* 7 (1971) 152-153; D. Salachas, “Il principio della struttura sinodale delle Chiese orientali nella legislazione canonica antica,” in *Nicolaus* 2 (1978) 227-228; J. Forget, “Conciles,” *Dictionnaire de Théologie Catholique*, Tome III, Paris 1908, 637.

<sup>2</sup> For details, see P. Pallath, “Apostolic Synod of Jerusalem as the Model and Inspiration of Synodality,” in *Christian Orient*, vol. 46/1 (2023) 9-26.

places throughout Asia that examined the new doctrines of the Montanists, declared them null and void, rejected them as heresy, condemned these persons, and expelled them from communion with the Church.<sup>3</sup> Eusebius also speaks of synods in many Churches and the exchange of synodal letters between bishops on the question of the celebration of Easter:

Hence there were synods and convocations of the bishops on this question; and all unanimously drew up an ecclesiastical decree, which they communicated to all Churches in all places, that the mystery of our Lord's resurrection should be celebrated on no other day than the Lord's day; and that on this day alone we should observe the close of paschal fasts. There is an epistle extant even now, of those who were assembled at the time; among whom presided Theophilus, bishop of the Church in Cesarea, and Narcissus, bishop of Jerusalem. There is also another epistle extant on the same question, bearing the name of Victor. An epistle, also of the bishops in Pontus, among whom Palmas, as the most ancient, presided; also of the Churches of Gaul, over whom Iranaeus presided. Moreover, one from those in Osrhoene, and the cities there. And a particular epistle from Bacchylus, bishop of the Corinthians; and epistles of many others, who, advancing one and the same doctrine, also passed the same vote. And this, their unanimous determination, was the one already mentioned.<sup>4</sup>

From this description, it is evident that in connection with the Easter question, there were synods and assemblies in Italy under Pope Victor of Rome, in Palestine under Theophilus of Cesarea and Narcissus of Jerusalem, in Pontus under Palmas, in Gaul under Irenaeus, in Corinth under Bacchylus and in many other places (AD 189-199).

Orthodox Metropolitan John Zizioulas, relying on the *Ecclesiastical History* of Eusebius, points out the nature and structure of the early councils and synods:

- (a) These first councils were strictly regional, usually covering an area of an *eparchia* of the Roman Empire, (b) the chairmanship of the

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<sup>3</sup> Eusebius Pamphilus, *Historia Ecclesiastica*, Book V, chapter 16; *Sources Chrétiennes* 41, 46-52; English translation in C. F. Cruse, *Eusebius' Ecclesiastical History*, London 1851, 183.

<sup>4</sup> Eusebius Pamphilus, *Historia Ecclesiastica*, Book V, chapter 23; *Sources Chrétiennes* 41, 66-67; English translation in C. F. Cruse, *Eusebius' Ecclesiastical History*, 195.

council was in some places given to the bishop of the metropolitan city, but in other places (e.g., in Pontus) to the oldest of the bishops, (c) the importance was attached to the great number of participants as well as to the achievement of unanimity in the decisions taken by the council, and (d) the motive as well as the ultimate purpose of convocation of the council was related to the eucharistic communion. It should be also noted that conciliar activity was accompanied by a rich exchange of letters between bishops.<sup>5</sup>

Several synods took place in the third and fourth centuries. Around the year 230, there were two synods against Origen, and in the middle of the century, Roman and African synods on the question of *lapsi* and Novasianism. There were also synods in Iconium (230-235) and in Antioch in 264 and 265. In the first half of the fourth century synods in Elvira (306), Rome (313), Arles (314), Ancyra (314), Neocaesaria (between 314 and 325), and Antioch (324) dealt with the questions of *lapsi* and Donatism.<sup>6</sup>

In short, synods became the way of life of the Church, both in the East and in the West in the second century. Even before the first council of Nicaea, local Churches were grouped into provinces and held synods. The bishop of the metropolitan city, which was usually considered the head of the province, convened the synods, presided over them, and established relations with the bishops of the other

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<sup>5</sup> J. D. Zizioulas, "The Development of Conciliar Structures to the Time of First Ecumenical Council," in *Councils and Ecumenical Movement* (WCC Studies 5), Geneva 1968, 42.

<sup>6</sup> For the origin and development of synodal structure and for a short account of different synods before the Council of Nicaea, cf. C. J. Hefele, *Histoire des conciles*, Tome I (première partie), Paris 1907, 125-385; H. Grotz, *Die Hauptkirchen des Ostens von den Anfängen bis zum Konzil von Nikaia (325)*, *Orientalia Christiana Analecta (OCA)* 169, Rome 1964, 133-162; W. De Vries, "Die kollegiale Struktur der Kirche in den ersten Jahrhunderten," *Una Sancta* 19 (1964) 299-304; "Primat und Kollegialität auf den Synoden vor Nikaia," in *Konziliarität und Kollegialität*, Innsbruck-Wien-München 1975, 155-156; E. Lanne, "Églises locales et patriarchats à l'époque des grands conciles," *Irénikon* 34 (1961) 293-300; J. Hajjar, "La collegialità episcopale nella tradizione orientale," in G. Barauna, *La Chiesa del Vaticano II*, Firenze 1965, 812-817; G. Dejaifve, "La collegialità episcopale nella tradizione Latina," in G. Barauna, *La Chiesa del Vaticano II*, Firenze 1965, 834-836; J. A. Fischer, "Die ersten Synoden," in W. Brandmüller, *Synodale Strukturen der Kirche*, Donauwörth 1977, 27-60; H. Marot, "Conciles anténicéens et conciles œcuméniques," in *Le concile et les conciles*, Chevetogne 1960, 19-43; J. D. Zizioulas, "The Development of Conciliar Structures," 34-48.

metropolitan cities.<sup>7</sup> Since the beginnings of Christianity, synods were understood as an expression of communion and collegiality among the bishops and as a service to the unity of the Church, during which questions of faith and discipline were resolved.

In the course of time, in addition to provincial or metropolitan synods, regional or national synods, general synods, patriarchal synods, particular councils, and ecumenical councils came into being. The functioning of all these synods and councils is regulated by important general synods and ecumenical councils of the first millennium. Since I have dealt with the origin, development, and competence of these synods and councils in other works, this article will deal only with the principle of primacy in relation to synodality, also to avoid repetition.<sup>8</sup>

To understand the ancient canons dealing with primacy and synodality in the first millennium, one must understand the political and administrative situation of the Roman Empire. In the third century, the distinction between the western and eastern halves of the Roman Empire was solidified under Emperor Diocletian (284-305),<sup>9</sup> who reorganized the eparchies and established 'dioceses' for administrative reasons. The Church in the western part of the Empire came to be known as the Western or Latin Church, whose main centre was in Rome and whose territory included the entire Western Roman Empire, while the various churches that developed in the eastern part of the Roman Empire were called Eastern Churches. The ecclesiastical administrative divisions corresponded to those of the Roman Empire as established by Emperor Diocletian. Thus, a parish denoted a local church headed by a bishop, an eparchy was comparable to a province, while a diocese indicated large administrative districts encompassing several provinces and, in some cases, even more than one nation.<sup>10</sup>

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<sup>7</sup> Cf. C. Vogel, "Unité de l'Église et pluralité des formes historiques d'organisation ecclésiastique du IIIe au Ve siècle" (*Unam sanctam* 39), Paris 1962, 601-616; E. Lanne, "Églises locales et patriarcats," 294-295; H. M. Biedermann, "Die Synodalität. Prinzip der Verfassung und Leitung der Orthodoxen Kirchen und Kirche," in L. Hein (ed.), *Die Einheit der Kirche*, Wiesbaden 1977, 298.

<sup>8</sup> See especially P. Pallath, *Local Episcopal Bodies in East and West*, Kottayam 1997, 15-90. This book is also available on [www.academia.edu](http://www.academia.edu).

<sup>9</sup> Cf. T. D. Barnes, *Constantine and Eusebius*, Harvard 2006, 6-7; *The Cambridge History of Christianity, Volume 1: Origins to Constantine*, edited by Margaret M. Mitchell and Frances M. Young, Cambridge 2006, 518.

<sup>10</sup> Cf. D. Salachas, *Il Diritto canonico delle Chiese orientali nel primo millennio*, Roma-Bologna 1997, 54 & 68.

## 2. Apostolic Canon Thirty-Four as the Basic Principle Regulating Primacy and Synodality

The first and fundamental affirmation of the conciliar or synodal principle is found in the thirty-fourth canon of the collection, known as the “Apostolic Canons” or Canons of the Holy Apostles. The collection was first found as the last chapter of the eighth book of the *Apostolic Constitutions*. Although the canons that make up the collection date from different times, most of them are older than 300 AD. Of course, these canons are not of direct apostolic origin, but they are nevertheless called “apostolic” because they were formulated in accordance with the apostolic tradition, were maintained and written down by persons who were temporally close to the apostles, and were guardians and continuators of the apostolic tradition not only in matters of faith but also in matters of ecclesiastical discipline and law.<sup>11</sup> Although the apostolic canons belong to the apocryphal writings of that time, they practically formed the canon law of the Church before the first ecumenical council.<sup>12</sup>

The Western Church generally regarded the collection of Apostolic Canons as apocryphal, although many of these canons, translated into Latin by Dionysius Exiguus around 500 AD, circulated in the West and were gradually accepted.<sup>13</sup> Obviously, the apostolic canon thirty-four was well known in the West.<sup>14</sup> The Eastern Churches

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<sup>11</sup> *Les canons des synodes particuliers* (Pontificia Commissione per la Redazione del Codice di Diritto Canonico Orientale, *Fonti*, Fasc. IX, T. I, 2), P. P. Joannou (ed.), Grottaferrata 1962, 1-2; C. J. Héféfé, *Histoire des conciles*, Tome I, Paris 1869, 609-615; P. Schaff, *History of the Christian Church, Volume II: Ante-Nicene Christianity*, A.D. 100-325, Grand Rapids 1885, 120-121; N. Milash, *Das Kirchenrecht der Morgenländischen Kirche: Nach den allgemeinen Kirchenrechtsquellen und nach den in den autokephalien Kirchen geltenden Spezialgesetzen*, Mostar 1905, 159; D. Salachas, *Il Diritto canonico delle Chiese orientali nel primo millennio*, 16.

<sup>12</sup> Cf. D. Salachas, *Il Diritto canonico delle Chiese orientali nel primo millennio*, 16-17; J. Meyendorff, *Byzantine Theology: Historical Trends and Doctrinal Themes*, New York 1974, 80.

<sup>13</sup> Cf. *Les canons des synodes particuliers*, 2; *The Seven Ecumenical Councils of the Undivided Church (A Select Library of Nicene and Post-Nicene Fathers of the Christian Church, Second Series, Volume XIV)*, edited by H. R. Percival, Grand Rapids 1988, 592-593; P. Duprey, “The Synodical Structure,” 153; J. Gaudemet, *Les sources du droit de l'Église en occident du IIe au VIIe siècle*, Cerf 1985, 24-25; C. Gallagher, “Sacri Canones nel Decretum di Graziano,” in *Ius in vita et missione Edclesiae*, Citta del Vaticano 1994, 766.

<sup>14</sup> *Decretum Gratiani*, pars II, causa IX, questio III, C.V., in *Corpus Iuris Canonici I* (editio secunda, A. Friedberg et A. L. Richter, edd.) Graz 1959, col. 607.

never hesitated to recognize the ancient tradition of the Apostolic Canons. The authority of the eighty-five canons was finalized at the council of Trullo (Quinisext AD 692) and in its enumeration of accepted canons, these canons predating those of the ecumenical council of Nicaea. The second canon of Trullo begins as follows: "It is the most noble and serious resolve of this holy council that the eighty-five canons which have come down to us under the name of the holy and glorious Apostles, received and confirmed by the holy and blessed Fathers before us, should henceforth remain firm and secure, for the healing of souls and curing of passions [...]".<sup>15</sup> Therefore, the Apostolic Canons are recognized on an equal footing with the canons of the ecumenical councils in the East, especially by the Byzantine Churches.<sup>16</sup>

Despite the various questions regarding the collection in which such a canon was inserted, it can be stated that canon 34 outlines a very precise norm of action for all those who have responsibility for local Churches and indicates the consequences of a spiritual order that result from observing and applying this canon.<sup>17</sup> Canon 34 reads as follows:

Let the bishops of each people (nation) know who is first (protos) among them, and regard him as their head, and do nothing of importance without his consent. Let each one deal only with what concerns his own parish (= today eparchy or diocese) and the territories dependent on it, but let the first do nothing without the consent of all. In this way harmony will prevail and God will be glorified through Christ in the Holy Spirit.<sup>18</sup>

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<sup>15</sup> Trullo, canon 2: Greek, Latin and English text in G. Nedungatt and M. Featherstone (eds.), *The Council in Trullo Revisited (Kanonika 6)*, Roma 1995, 64-65; Greek, Latin and French versions in *Les canons des conciles œcuméniques* (Pontificia Commissione per la Redazione del Codice di Diritto Canonico Orientale, Fonti. Fasc. IX, T I, 1), P. P. Joannou (ed.), Grottaferrata 1962, 120-121; Latin text also in Mansi XI, 939.

<sup>16</sup> The Council in Trullo was also accepted as the basis for the Eastern Code, together with the seven ecumenical councils. Pope John Paul II has mentioned the Council in Trullo in *Sacri canones*, by which he promulgated the Code. See *Acta Apostolicae Sedis* 82 (1990) 1034.

<sup>17</sup> Cf. D. Salachas, "Il principio della struttura sinodale," 230.

<sup>18</sup> This English translation is based on *The Seven Ecumenical Councils of the Undivided Church*, 596; this canon can be found also in Mansi I, 35; *Les canons des synodes particuliers*, 24.

In a few simple words, this canon affirms the conciliar or synodal power in the Church as a whole, and defines in particular the rights, obligations, and mutual relations of the holders of this power, namely the bishops within the local Church.<sup>19</sup>

### 2.1. Position of the Head or *Protos*

The canon recognizes the need for a head or *protos* in each nation or province to coordinate episcopal action. According to the canon, it is necessary for the bishops of each province or nation to know who is the first among them to be considered their head, namely, the metropolitan.<sup>20</sup> They should do “nothing of importance without his consent,” that is, initiatives and decisions that affect the entire province or nation.<sup>21</sup> Therefore, the norm is that the bishops are to do nothing pertaining to the common affairs of the province or nation without the consent of the metropolitan; likewise, in matters pertaining to the whole province, the metropolitan is to decide nothing on his own without the consensus of the bishops of the province. In other words, true co-responsibility and a just balance between the bishops and the metropolitan are realized in the synodal system of a local Church.

The convocation of the synod and the passing of resolutions in the presence and with the consent of the *protos* – the bishops are to “do nothing of importance without his consent” – does not mean that the resolutions of a local synod, passed by majority vote, are subject to the approval or disapproval of the *protos*, but that the subjects of general interest in a metropolitan province, and especially the election of bishops, are deliberated and decided together in the synod, always presided over by the senior bishop of the metropolis. It is not possible for the bishops to convene a synod, hold a discussion, or make a decision without the *protos*, nor for the *protos* to decide or act without the synod on matters that affect the entire province.<sup>22</sup>

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<sup>19</sup> R. Poptodorov, “Protos and Conciliarity,” *Kanon* 9 (1989) 212.

<sup>20</sup> Balsamon in his commentary indicates that the “head” is the consecrating bishop. Cf. Balsamon, *Patrologia PG* 137, col. 106. From the canons of other synods it is clear that the consecrating bishop is the metropolitan, the head of the province. See c. 9 of Antioch, c. 4 of Nicaea I, c. 6 of Sardica and cc. 34 and 56 of Carthage.

<sup>21</sup> See the commentary of Zonarus in *PG* 137, col. 107; E. Lanne, “Un esempio classico: il sinodo come stile di vita nella Chiesa ortodossa d’oriente,” in A. Mondadori (ed.), *Crisi del potere nella Chiesa e risveglio comunitario*, Verona 1969, 246.

<sup>22</sup> P. Rodopoulos, “Ecclesiological Review of the Thirty-Fourth Apostolic Canon,” 94; cf. also R. Poptodorov, “Protos and Conciliarity,” 212-213.



## 2.2. Synodal Principle

In all matters beyond the immediate territorial jurisdiction of a bishop, the decision is to be collegial, so that he who is first or head among the bishops does not act without the others, and the others do not act without him. This is the norm and criterion for the action of the bishops. The heads of the local Churches, namely the bishops, must gather to deal together with those questions that go beyond the immediate interest of a local ecclesial community, namely the diocese. Therefore, any question of general interest, such as discipline, doctrine, or liturgy, must be discussed and decided in the assembly of bishops. None of the bishops, not even the head or *protos*, can decide alone on questions that concern the whole province.<sup>23</sup>

What concerns all must be decided collegially by all. Thus, "by the provisions of the thirty-fourth apostolic canon, a balance is established in the relations of the bishops with the metropolitan; mutual respect for them is maintained, and at the same time the co-responsibility of all the bishops for the administration and pastoral care of the whole Church is emphasized".<sup>24</sup> Only on the basis of common consent, unanimity, and unity of action of the regional bishops, namely the synod of bishops together with the *protos* and vice versa the regional *protos* together with the synod of bishops, can the supreme and truly conciliar power be exercised.<sup>25</sup>

## 2.3. Internal Autonomy of Each Eparchy or Diocese

Canon thirty-four does not impede the autonomy of each bishop in his own territory: "Let each one deal only with what concerns his own parish (= today eparchy or diocese) and the territories dependent on it." Thus, each bishop is free to attend to the affairs of

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<sup>23</sup> Cf. The commentary of Balsamon, PG 137, col. 106-107; P. Duprey, "The Synodical Structure," 154; D. Salachas, "Il principio della struttura sinodale," 230; "L'istituzione patriarcale e sinodale nelle Chiese orientali cattoliche," *Euntes Docente* 43 (1990) 247; J. D. Zizioulas, *Being as Communion: Studies in the Personhood and the Church*, London 1985, 135-136; D. Papandreou, "Die Stellung des Ersten in der orthodoxen Kirche," *Kanon* 9 (1989) 13-14; A. Schmemmann, "La notion de primauté dans l'ecclésiologie orthodoxe," in *La primauté de Pierre dans l'Église orthodoxe*, Neuchâtel 1960, 138-139; L. Waldmüller, "Das Konzil im Verständnis der Ostkirche," in W. Brandmüller (ed.), *Synodale Strukturen der Kirche*, Donauwörth 1977, 142-143; R. Metz, "L'institution synodale d'après les canones locaux," *Kanon* 11 (1974) 158.

<sup>24</sup> P. Rodopoulos, "Ecclesiological Review of the Thirty-Fourth Apostolic Canon," *Kanon* 4 (1980) 93.

<sup>25</sup> R. Poptodorov, "Protos and Conciliarity," 212.

his own eparchy or diocese and the territories belonging to it. He can decide, without the consent of the metropolitan and the other bishops, on all matters that concern his diocese alone. Thus, matters concerning a local Church or eparchy fall within the competence of each bishop, for which he is dependent neither on the synod nor on the head: the Apostolic Canon guarantees above all the internal autonomy of the diocese or eparchy in its internal affairs; its external action, on the other hand, is the responsibility of the synod. The relationship of the head of the synod to the other members is defined in canon thirty-four as one of interdependence, so that the balance between the local Church and the supra-episcopal structure is maintained. This metropolitan system protects the Church from a false pyramidal type of hierarchical structure. The idea of the synodal head is not aimed at subjecting the local Church to a supra-episcopal structure, but, on the contrary, prevents such a pretence or claim. He is not the one who stands at the top of a pyramid, but the bishop of a Church and must serve the communion of local Churches.<sup>26</sup> In short, the synod or the metropolitan should not be empowered to intervene in the internal affairs of a diocese unless those affairs affect the life of the other local Churches in a substantial and direct way.<sup>27</sup>

#### **2.4. Glorification of God as the Ultimate End of Synodal Action**

The conclusion of the canon reads: "In this way, harmony will prevail and God will be glorified through Christ in the Holy Spirit." There is a profound relationship between the collegial action of bishops in harmony and the glorification of God. The synodal life of the Church is therefore a witness to the Holy Trinity, which is the perfect communion. From the principle of synodal collegial action comes a consequence of the spiritual order: the communal manner of the bishops' action in harmony reflects the communion and love that exist in the Most Holy Trinity and becomes an example for the clergy and the Christian faithful; by the same fact, synodal action is an act of glorification of the Trinity.<sup>28</sup> Therefore, synods or councils cannot

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<sup>26</sup> Cf. P. Rodopoulos, "Ecclesiological Review of the Thirty-Fourth Apostolic Canon," 95-98; D. Papandreou, "Die Stellung des Ersten," 13-14; D. Salachas, "Il principio della struttura sinodale," 232.

<sup>27</sup> Cf. J. D. Zizioulas, "The Institution of Episcopal Conferences: An Orthodox Perspective," in *The Jurist* 48 (1988) 378.

<sup>28</sup> Cf. The commentary of Zonarus in *PG* 137, col. 107; D. Salachas, "Il principio della struttura sinodale," 230; "L'istituzione patriarcale e sinodale," 247-248; E. Lanne, "Un esempio classico: il sinodo come stile di vita," 247; R. Metz, "L'institution synodale d'après les canones locaux," 158.

be considered primarily as means of power, domination, and governance, but are expressions of the profound communion or *koinonia* of the bishops of a Church, and thus an act of glorifying God. This canon reminds us of the fundamental principle upheld throughout the Church, namely, that organizational structures and canonical institutions are at the service of communion and their purpose is nothing other than the realization of the Church's highest end, namely, the *salus animarum* and the glorification of God.<sup>29</sup>

The synodal action as an expression of love and communion for the glory of God is also based on the teaching of Christ. After washing the disciples' feet, Jesus gave the new commandment of love, which is the distinguishing mark of his disciples: "I give you a new commandment, that you love one another. Just as I have loved you, you also should love one another. By this everyone will know that you are my disciples, if you have love for one another" (*Jn* 13: 34-35). After declaring that the disciples are "the light of the world", following the example of a lighted lamp on a lampstand that gives light to all in the house (*Mt* 5: 14-15) Christ stated: "In the same way, let your light shine before others, so that they may see your good works and give glory to your Father in heaven" (*Mt* 5: 16).

In summary, the apostolic canon thirty-four is the fundamental basis and cornerstone of the synodal governance and organization of the Eastern Churches in particular and has greatly influenced the Eastern theology of the Church. This canon enjoys outstanding importance, especially in Orthodox thought, and serves as the basis for the principle of conciliarity or synodality and remains one of the fundamental norms of ecclesial life to this day.<sup>30</sup>

When the apostolic canon thirty-four was formulated, there was only the metropolitan level of ecclesiastical organization, and therefore

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<sup>29</sup> Cf. P. Pallath, "Liturgy Makes the Church: Towards a Catholic Sacramental Ecclesiology," in P. Pallath (ed.), *Church and Its Most Basic Element*, Rome 1995, 89.

<sup>30</sup> Cf. E. Lanne, "Un esempio classico: il sinodo come stile di vita," 245-247; S. Harkianakis, "Über die gegenwärtige Situation der orthodoxen Kirchen," *Kyrios* 6 (1966) 229-230; J. Meyendorff, *Orthodoxie et catholicité*, Paris 1965, 149; A. Schmemmann, "La notion de primauté," 138-139; J. D., Zizioulas, *Being as Communion*, 135; P. L'Huillier, "Collégialité et primauté, Réflexions d'un orthodoxe sur les problèmes historiques," in *La collégialité épiscopale (Unam Sanctam 52)*, Paris 1965, 331-334; Y. Congar, "Autonomie et pouvoir central dans l'Église vus par la théologie catholique," *Kanon* 4 (1980) 140-141; R. Poptodorov, "Protos and Conciliarity," 212-213; P. Rodopoulos, "Ecclesiological Review of the Thirty-Fourth Apostolic Canon," 92-99.

the canon considered only synodality and primacy at that level and regulated the relations between metropolitan, bishops and provincial synod. However, the principles established by the canon also apply to primacy and synodality at all levels, as it regulates the relationship between diocesan or eparchial bishops and collegial structures, primacy and synodality. It strikes a balance between the autonomy of diocesan bishops within the diocese and the authority of councils or synods for the common good of the whole Church at the provincial, regional, or national level.<sup>31</sup>

### 3. Primacy according to the Common Tradition of the Church

Primacy has always been a fundamental institutional concept of authority in the organisation and function of the body of the Church. In apostolic times this authority was exercised by the apostles, and in post-apostolic times by their disciples. Then, gradually, certain sees became important because of their apostolic origin, evangelization of other nations as mother Churches, favourable geographical location, political and cultural importance, and flourishing ecclesiastical life, and the bishops of these sees exercised the primatial function. This led to the emergence of ecclesiastical structures such as the metropolitan system and, later, the patriarchates.<sup>32</sup>

The synodal institution is inseparable from the primatial function of the Church, and the primatial authority is inseparable from the synod. An examination of the canons of the ecumenical councils shows, in addition to the affirmation of the synodal principle, the

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<sup>31</sup> The canon provides a valid criterion for synodal action that could even resolve the much-debated question in the Latin Church about the autonomy of diocesan bishops and the authority of the episcopal conference. Thus, the principle formulated in this canon applies to the universal Catholic Church, which is a communion of Churches.

<sup>32</sup> Cf. V. Phidas, "Primus inter Pares," *Kanon* 9 (1989) 181-182; R. Poptodorov, "Protos and Conciliarity," 207-214; J. Meyendorff, "Ecclesiastical Organizations in the History of Orthodoxy," *St Vladimir Theological Quarterly* 4 (1960) 2-8; W. De Vries, "Entstehung und Entwicklung der autonomen Ostkirchen im ersten Jahrtausend," *Kanon* 4 (1980) 45-46; G. Greshake, "Die Stellung des Protos in der Sicht der Römisch-katholischen dogmatischen Theologie," *Kanon* 9 (1989) 23-24; C. Vogel, "Unité de l'Eglise et pluralité d'organisation," 618. According to F. Dvornik the principle of adaptation to the political division of the empire played the most important role in the emergence of the great sees in the East. Cf. *The Idea of Apostolicity in Byzantium and the Legend of the Apostle Andrew*, Cambridge-Massachusetts 1958, 47-50; cf. also, H. Grotz, *Die Hauptkirchen des Ostens*, 35-82; J. Hoeck, *Primum Regnum Dei, Die Patriarchalstruktur der Kirche als Angelpunkt der Wiedervereinigung*, München 1975, 44-45.

existence of primatial power at various levels, namely metropolitan at the provincial level, patriarch at the patriarchal level, and bishop of Rome at the universal level.

### 3.1. Primacy at the Provincial Level: Metropolitan

As the civil administrative division in the Roman Empire became also the ecclesiastical administrative division, the bishop of the metropolis, who became the head of the entire province, began to be called metropolitan.<sup>33</sup> Many canons dealing with the synodal system also emphasize the importance and role of the metropolitan for the proper functioning of the synod. The sixth canon of the first ecumenical council of Nicaea (325) determines the role of the metropolitan in the election of bishops in the province:

[...] In general, the following principle is evident: if anyone is made bishop without the consent of the metropolitan, this great synod determines that such a one shall not be a bishop. If however two or three by reason of personal rivalry dissent from the common vote of all, provided it is reasonable and in accordance with the church's canon, the vote of the majority shall prevail.<sup>34</sup>

The canon recognizes the special role of the metropolitan and the synodal participation of the other bishops of the same province in the election of bishops. As we have already seen, the thirty-fourth apostolic canon established the basic principles regarding the role of the first or the head in his own territory and collegial action. The ninth canon of the synod of Antioch (341) substantially reiterates the thirty-fourth apostolic canon and states more clearly the conciliar principle and the primatial role of the metropolitan.<sup>35</sup> The canon reads as follows:

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<sup>33</sup> Cf. C. J. Hefele, *Histoire des conciles*, I, 1, 540-542; J. Meyendorff, "Ecclesiastical Organization," 7; *Orthodoxie et catholicité*, 28-29; P. L'Huillier, "Collégialité et primauté," 332-333; V. Parlato, *L'ufficio patriarcale nelle Chiese orientali dal IV al X secolo*, Padova 1969, 10; V. Phidas, "Primus Inter Pares," 181-182; D. Papandreu, "Die Stellung des Ersten" 13; J. Hajjar, "La collegialità episcopale nella tradizione orientale," 819; B. Kurtscheid, *Historia iuris canonici, Historia institutorum*, Romae 1951, 41-42; F. Dvornik, *The Idea of Apostolicity in Byzantium*, 5-6; H. Grotz, *Die Hauptkirchen des Ostens*, 89.

<sup>34</sup> Nicaea I, canon 6: *Decrees of the Ecumenical Councils*, vol. I, 9; *Conciliorum oecumenicorum decreta*, a cura di Giuseppe Alberigo e altri (edizione bilingue), Bologna 2002, 8-9; *Les canons des conciles œcuméniques*, 28-29.

<sup>35</sup> The synod was convoked by Roman Emperor Constantius II (337-361) and was most probably presided over by Bishop Flaccillus of Antioch. In the Synod 97

It behooves the bishops of every province to acknowledge the bishop who presides in the metropolis, and who has to take thought for the whole province, because all men of business come together from every quarter to the metropolis. Wherefore it is decreed that he has precedence in rank, and that the other bishops do nothing extraordinary without him, (according to the ancient canon which prevailed from the times of our Fathers) or such things only as pertain to their own particular parishes and the districts subject to them. For each bishop has authority over his own parish, both to manage it with the piety which is incumbent on every one, and to make provision for the whole district which is dependent on his city; to ordain presbyters and deacons and to settle everything with judgment. But let him undertake nothing further without the bishop of the metropolis; neither the latter without the consent of others.<sup>36</sup>

The canon specifies that the first or head referred to in the apostolic canon is the bishop who presides in the metropolis, namely the metropolitan, who precedes in rank. However, it clearly refers to each bishop's liturgical, administrative, and judicial autonomy in his own diocese. Later ecumenical councils, such as Constantinople I (c. 2), Chalcedon (c. 19), and Nicaea II (cc. 3 and 6), as well as the council of Trullo (c. 39), confirmed the special role and position of the metropolitan in the province.

As stated above, since the metropolitan is the first bishop and head of the province, he has a special role in the synodal election and consecration of the bishops of his province. It is his right to confirm the procedure (Nicaea I c.4: Nicaea II c.3). It is not possible to appoint someone as bishop without the consent of the metropolitan (Nicaea I, c. 6). According to the synod of Antioch, a bishop should not be consecrated without a synod and the presence of the metropolitan of the province. The metropolitan must convoke the synod of election by an official letter (Antioch c.19). As we shall see below, even the council of Chalcedon, which reserved the right to consecrate the metropolitans of Pontus, Asia, and Thrace to the patriarch of Constantinople, confirmed that “each metropolitan of the aforesaid

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Eastern bishops participated; most of them belonged to the patriarchate of Antioch. Cf. See my article, “Eastern Canon Law throughout the Centuries,” in P. Pallath (ed.), *Code of Eastern Canon Law*, Kottayam 2021, 30-31.

<sup>36</sup> *The Seven Ecumenical Councils of the Undivided Church*, 112; Mansi II, 1311; *Les canons des synodes particuliers*, 110-111.

dioceses along with the bishops of the province ordain the bishops of the province" (c. 28).<sup>37</sup> In short, for the election of a bishop in a province, the metropolitan was obliged to convene all the bishops of the province, preside over the synod and oversee the faithful observance of the traditions and canonical discipline of the Church, and finally, together with other bishops of the province, consecrate the newly elected bishop.<sup>38</sup>

As with the elective synods, the metropolitan obviously played an important role in convening the general synods of the province. The metropolitan convoked the synod, determined the place of its meeting, and saw to its proper functioning in accordance with the tradition and canons of the ecumenical councils.<sup>39</sup> He presided over the synod's proceedings and promulgated its decisions on behalf of all the bishops of the province.<sup>40</sup> The metropolitan's responsibility for convening synods is made very clear in canon 6 of Nicaea II, which prescribes canonical penalties for a metropolitan who fails to convene the synod at least once a year.<sup>41</sup> In short, the metropolitan's leadership undoubtedly maintained agreement, harmony, and unanimity among the bishops of the province.<sup>42</sup>

### 3.2. Primacy at the Supra-Provincial Level: Patriarch

Along with the development of the synodal structure and the metropolitan system, some important sees with supra-metropolitan prerogatives emerged, which later became patriarchates. In addition to all the powers and functions of a metropolitan in relation to his province, the supra-metropolitan or patriarch possessed certain powers over other provinces and metropolitans. He consecrated metropolitans and generally had the right to supervise dogmatic and

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<sup>37</sup> Chalcedon, canon 28: *Decrees of the Ecumenical Councils*, vol. I, 100; *Conciliorum oecumenicorum decreta*, 100; *Les canons des conciles œcuméniques*, 92-93.

<sup>38</sup> Cf. F. X. Wernz-P. Vidal, *Ius Canonikum II*, Tomus II, *De Personis*, Romae 1928, 548; D. Salachas, "Il principio della struttura sinodale" 233; E. Eid, *La figure juridique du patriarche*, Rome 1963, 40; M. J. Le Guillou, "L'expérience orientale de la collégialité épiscopale et ses requêtes" (*Unam Sanctam* 52), Paris 1965, 170; I. Ortiz de Urbina, *Nicée et Consantinople*, Paris 1963, 100.

<sup>39</sup> Cf. Apostolic Canons 37; Nicaea I c. 5; Chalcedon c. 19; council of Antioch c. 20; council in Trullo c.8; council of Carthage (419) c. 76.

<sup>40</sup> Cf. R. Poptodorov, "Protos and Conciliarity," 210.

<sup>41</sup> Nicaea II, canon 6: *Decrees of the Ecumenical Councils*, vol. I, 133-134; *Conciliorum oecumenicorum decreta*, 144; *Les canones des conciles œcuméniques*, 258-259.

<sup>42</sup> J. Hajjar, "The Synod in the Eastern Church," *Concilium* 8 (1965) 31.

canonical matters within his patriarchate.<sup>43</sup> In the sixth canon of Nicaea, the first ecumenical council of the Church, the supra-metropolitan prerogatives of Rome, Alexandria and Antioch over certain other provinces were recognised and regulated as follows:

The ancient custom of Egypt, Libya and Pentapolis shall be maintained, according to which the bishop of Alexandria has authority over all these places, since a similar custom exists with reference to the bishop of Rome. Similarly in Antioch and the other provinces the prerogatives of the churches are to be preserved [...].<sup>44</sup>

The council officially confirmed an existing hierarchy of power that had probably developed because of the special relationship of these Churches to an apostle, the fame and holiness of one of their bishops, their special status as mother Churches, and the prominent position of their cities in the civil administration of the empire. The council of Nicaea, therefore, did not introduce or create the patriarchal rank, but found this rank to be an institution of ancient customary law and authentically recognized and confirmed it as such.<sup>45</sup> The seventh

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<sup>43</sup> T. Kane, *The Jurisdiction of Patriarchs of the Major Sees in Antiquity and in the Middle Ages*, Washington 1949, 40-56.

<sup>44</sup> Nicaea I, canon 6: *Decrees of the Ecumenical Councils*, vol. 1, 8-9; *Conciliarum oecumenicorum decreta*, 8-9; *Les canons des conciles œcuméniques*, 28-29.

<sup>45</sup> Cf. W. De Vries, "The Origin of the Eastern Patriarchates and Their Relationship to the Power of the Pope" *One in Christ*, vol. II (1966) 54; *Rom und die Patriarchate des Ostens*, Freiburg-München 1963, 7-8; "La S. Sede ed i patriarchati cattolici d'Oriente," *Orientalia Christiana Periodica (OCP)* 27 (1961) 314; "Die Entstehung der Patriarchate des Ostens und ihr Verhältnis zur papstlichen Voligewalt," *Scholastik* 37 (1962) 344-345; L. Örsy, "The Development of the Concept of 'Protos' in the Ancient Church," *Kanon* 9 (1989) 86-87; L'Huillier, "Collégialité et primauté," 334-335; V. Parlato, *L'ufficio patriarcale*, 11-12; H. Marot, "The Primacy and Decentralisation of the Early Church," *Concilium* 1 (1965) 10; "Note sur le pentarchie," *Irénikon* 32 (1959) 436; V. T. Istavridis, "Prerogatives of the Byzantine Patriarchate in Relation with the Other Oriental Patriarchs," in *I patriarchati orientali nel primo millennio (OCA 181)*, Roma 1968, 40; M. J. Le Guillou, "L'expérience orientale de la collégialité épiscopale," 171; G. Alberigo, *Storia dei concili ecumenici*, Queriniana-Brescia 1990, 38-39; F. Dvornik, *Byzantium and the Roman Primacy*, New York 1966, 32; J. E. Lynch, "The Eastern Churches: Historical Background," *The Jurist* 51 (1991) 9; T. Kane, *The Jurisdiction of Patriarchs*, 7-8. For the large powers and prerogatives of the see of Alexandria before the council of Nicaea: I. Ortiz de Urbina, *Nicée et Constantinople*, 102; "Diritti del vescovo Alessandrino prima del concilio di Calcedonia," in *I patriarchati orientali nel primo millennio (OCA 181)*, Roma 1968, 71-85; H. Grotz, *Die Hauptkirchen des Ostens*, 164-170. For the prerogatives of Antioch before the council of Nicaea: L. Laham, "Le patriarcat d'Antioche au premier millénaire,"



canon of the same council recognized the special position of Jerusalem and conferred on its bishop the dignity that belongs to the metropolitan according to ancient custom and tradition; later Jerusalem would become the fifth patriarchate.<sup>46</sup>

The council of Constantinople (381), in its second canon, recognized and confirmed the primacy of the great sees of Alexandria and Antioch, and established that the heads of dioceses (as they existed in the Roman Empire) should not invade the churches beyond their own borders.<sup>47</sup> The third canon of the same council affirmed the supra-metropolitan prerogatives of Constantinople and granted it the rights of honour after the bishop of Rome. The canon states:

Because it is new Rome, the bishop of Constantinople is to enjoy the privileges of honour after the bishop of Rome.<sup>48</sup>

This canon is to be understood in the particular historical context of the time. The Roman Emperor Constantine I (324-337) ended many years of persecution of Christians and, with the Edict of Milan in February 313, legalized Christianity in the empire so that Christians could follow their faith without oppression.<sup>49</sup> He established a new imperial residence in Byzantium and renamed the city Constantinople (modern Istanbul) after his own name, which later became known as "New Rome."<sup>50</sup> Constantinople became the capital

in *I patriarchati orientali nel primo millennio* (OCA 181), Roma 1968, 117-121; H. Grotz, *Die Hauptkirchen des Ostens*, 170-188.

<sup>46</sup> Nicaea I, canon 7: *Decrees of the Ecumenical Councils*, vol. 1, 9; *Conciliarum oecumenicorum decreta*, 9; *Les canones des conciles œcuméniques*, 29. For the special position of Jerusalem, cf. E. Lanne, "Eglises locales et patriarchats," 308; P. P. Joannou, "Pape, concile et patriarches dans la tradition canonique de l'église orientale jusque' au IXe s.," in *Les canons des synodes particuliers*, 542; H. Marot, "Note sur la pentarchie," 437.

<sup>47</sup> Constantinople I, canon 2: *Decrees of the Ecumenical Councils*, vol. 1, 31-32; *Conciliarum oecumenicorum decreta*, 31-32; *Les canons des conciles œcuméniques*, 46-47.

<sup>48</sup> Constantinople I, canon 3: *Decrees of the Ecumenical Councils*, vol. 1, 32; *Conciliarum oecumenicorum decreta*, 32; *Les canones des conciles œcuméniques*, 47-48. For the historical background and interpretation of the canon cf. H. Kreilkamp, *The Origin of the Patriarchate of Constantinople and First Roman Recognition of its Patriarchal Jurisdiction*, Washington 1964, 40-63.

<sup>49</sup> Cf. P. Southern, *The Roman Empire from Severus to Constantine*, London 2001, 162-167; *The Cambridge History of Christianity, Volume 1*, 538-548; P. Schaff, *History of the Christian Church, Volume III: Nicene and Post-Nicene Christianity, A.D. 311-600*, (fifth edition), Grand Rapids 1893, 10-22.

<sup>50</sup> The ancient Greek city of *Byzantion* or *Byzantium* was founded by the Megarians in the sixth century BC. The centre of the city was the Acropolis (today

of the Roman Empire in 330; the Eastern Roman Empire was also called the Byzantine Empire because its capital was located in the city formerly known as Byzantium.<sup>51</sup> With the rise of Constantinople, Rome gradually lost its prestige and importance as the capital of the Roman Empire. It was against this historical background that the council of Constantinople issued the canon quoted above. With the promulgation of this canon, Constantinople became the first seat among the Eastern Churches, and Alexandria and Antioch the second and third, respectively. It is of great interest that the Council placed Constantinople second only for political reasons. Constantinople had no other reason to have these privileges except that it was the "New Rome."<sup>52</sup>

Under Emperor Theodosius I (379-395), Christianity became the official state religion of the empire, and other religious practices were banned.<sup>53</sup> Over time, the Western Roman Empire declined, and the Eastern Empire, with its capital at Constantinople, gained strength and importance. The city of Constantinople definitively became the imperial residence and political capital of the Roman Empire. As a result of this change, the city and the Church of Constantinople also gained a very honourable position. In this context, the council of Chalcedon (451) definitively fixed the prerogatives of the four great Eastern patriarchal sees. Canon 28 of the council again emphasised the special position of Constantinople, confirmed its second place, and equated its privileges with those of ancient Rome as follows:

Following in every way the decrees of the holy fathers and recognizing the canon which has recently been read out – the canon of the 150 most devout bishops who assembled in the time of great Theodosius of pious memory, then emperor, in imperial Constantinople, new Rome

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Topkapi Saray), where the temples of Aphrodite, Artemis and the Sun rose. E. J. Farrugia (ed.), *Encyclopedic Dictionary of the Christian East*, Rome 2015, 353-354.

<sup>51</sup> P. Schaff, *History of the Christian Church, Volume III*, 23-34; <https://brewminate.com/a-history-of-the-byzantine-empire-rome-in-the-east/>, visited on 5 March 2023.

<sup>52</sup> Until 381 Constantinople was a suffragan see under the metropolitan of Heraclia of Thrace. Alexandria and Antioch did not oppose this change, since they too recognized the new situation of this Church and it was in accordance with the will of the emperor. Moreover, it was an accepted principle at that time that the importance of a Church corresponded to the political importance of the city. Cf. W. De Vries, *Rom und die Patriarchate des Ostens*, 10.

<sup>53</sup> P. Schaff, *History of the Christian Church, Volume III*, 40-43; *Storia della Chiesa III: Dalla pace costantiniana alla morte di Teodosio* (autori vari), Torino 1961, 638-641.

- we issue the same decree and resolution concerning prerogatives of the same holy church of the same Constantinople, new Rome. The fathers rightly accorded prerogatives to the see of older Rome, since that is an imperial city; and moved by the same purpose 150 most devout bishops apportioned equal prerogatives to the most holy see of new Rome, reasonably judging that the city which is honoured by the imperial power and senate and enjoying privileges equalling older imperial Rome, should also be elevated to her level in ecclesiastical affairs and take second place after her. The metropolitans of the dioceses of Pontus, Asia and Thrace, but only these, as well as the bishops of these dioceses who work among non-Greeks, are to be ordained by the aforesaid most holy see of the most holy church in Constantinople. That is, each metropolitan of the aforesaid dioceses along with the bishops of the province ordain the bishops of the province, as has been declared in the divine canons; but the metropolitans of the aforesaid dioceses, as has been said, are to be ordained by the archbishop of Constantinople, once agreement has been reached by vote in the usual way and has been reported to him.<sup>54</sup>

The council issued this canon as a confirmation of the canon of "150 most devote bishops" assembled at the council of Constantinople, namely the third canon cited above. As the said canon states, the main reason for Constantinople's second position is its political importance, since it is honoured by the imperial power and the Senate in the same way as ancient Rome was honoured before. The most important innovation of this canon is that it reserved the consecration of the metropolitans of the three quasi-autonomous provinces of Pontus, Asia, and Thrace to the patriarch of Constantinople, thus transforming the honorary primacy recognised by the council of Constantinople into a kind of primacy of power and authority over them.<sup>55</sup> In addition, canons 9 and 17 allowed that

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<sup>54</sup> Chalcedon, canon 28: *Decrees of the Ecumenical Councils*, vol. I, 99-100; *Conciliarum oecumenicorum decreta*, 99-100; *Les canons des conciles œcuméniques*, 90-93.

<sup>55</sup> V. Parlato, *L'ufficio patriarcale*, 17-18; P. P. Joannou, "Pape, concile et patriarches," 543-544; W. De Vries, "Entstehung und Entwicklung der autonomen Ostkirchen," 55; J. E. Anastasiou, "Can All the Ancient Canons be Valid Today?," *Kanon* 1 (1973) 36; H. Marot, "Note sur la Pentarchie" 437; C. Vogel, "Unité de l'Eglise et pluralité d'organisation," 621-622; V. T. Istavridis, "Prerogatives of the Byzantine Patriarchate," 47; C. De Clercq, "Patriarche en droit oriental," in *Dictionnaire de Droit Canonique*, vol. 6, Paris 1957, 1255; G. Alberigo, *Storia dei concili ecumenici*, 105; T. Camelot, *Ephèse et Chalcédoine, Histoire des conciles œcuméniques* vol. 2, Paris 1961, 164; J. Meyendorff, *Orthodoxie et catholicité*, 70; F. Dvornik, *The Idea of Apostolicity in Byzantium*, 92; C. D. Cobham, *The Patriarchs of Constantinople*, Cambridge 1911, 28-

complaints against metropolitans could be brought either before the head of the “diocese” or before the imperial see of Constantinople.<sup>56</sup>

At the council of Chalcedon, the See of Jerusalem also obtained its autonomy and became the fifth patriarchate. Jerusalem received the Three Palestine provinces that had been taken from the Church of Antioch.<sup>57</sup> The council in Trullo (691), in canon 36, reaffirmed the second position of Constantinople and repeated the order of precedence of the five patriarchates.<sup>58</sup> Thus developed the five supra-metropolitan primatial powers within the Roman Empire: Rome, Constantinople, Alexandria, Antioch, and Jerusalem.

In addition, two other *catholicates* or patriarchates developed outside the Roman Empire, in Persia and Armenia, respectively. The Persian Church became a fully autonomous catholicate under the primacy of the bishop of Seleucia-Ctesiphon, the capital of the Persian Empire, at the beginning of the fifth century.<sup>59</sup> Armenia embraced Christianity thanks to the missionary work of St Gregory the Illuminator in the fourth century, and the Armenian Church also

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29; H. Fuhrmann, “Studien zur Geschichte mittelalterlicher Patriarchate,” *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanonistische Abteilung* 39 (1953) 129.

<sup>56</sup> *Decrees of the Ecumenical Councils*, vol. I, 91 and 95; *Conciliorum oecumenicorum decreta*, 91 et 94; *Les canons des conciles œcuméniques*, 76-77 et 82-83.

<sup>57</sup> The promotion of the see of Jerusalem to the rank of patriarchate is not treated in the canons of the council. The Fathers in the fourth and last session ratified an accord between Maximus of Antioch and Juvenal of Jerusalem. “Maximus reverendissimus episcopus antiochiae Syriae dixit. Placuit mihi reverend. episcopo Juvenali, propter multam contentionem per consensum ut sedes quidem Antiochensium maximae civitatis beati Petri habeat duas Phoenicias et Arabiam, sedes autem Hierosolimorum habeat tres Palestinas. Et rogamus ex decreto vestrae magnificentiae et sancti concilii, haec scripto firmari. Juvenalis sanctissimus Hierosolimorum civitatis episcopus dixit: Haec etiam mihi complacuerit ut sancta quidem Christi resurrectio tres Palestinas habeat, sedes autem antiochiensis duas Phoenicias et Arabiam”. Chalcedon, *Actio VII*, Mansi VII, 179; E. Schwartz, *Acta conciliorum oecumenicorum*, tomus II: *Concilium universale Chalcedonense*, vol 3, Berlin-Leipzig 1932, 4-5.

<sup>58</sup> G. Nedungatt and M. Featherstone (eds.), *The Council in Trullo Revisited*, 114; *Les canons des conciles œcuméniques*, 170.

<sup>59</sup> J. B. Chabot, *Synodicon orientale ou recueil des synodes nestoriens*, Paris 1902, 259-260 & 296; W. F. Macomber, “The Authority of the Catholicate Patriarch of Seleucia-Ctesiphon,” in *I patriarchati orientali nell primo millennio* (OCA 181), Roma 1968, 179-200; Congregation for the Eastern Churches, *The Catholic East*, Vatican City 2019, 254-255; W. De Vries, *Rom und die Patriarchate des Ostens*, 8-9; “Entstehung und Entwicklung der autonomen Ostkirchen,” 52-53; *Oriente cristiano ieri e oggi*, Roma 1949, 34-35; E. Lanne, “Eglises locales et patriarchats,” 304-308; Cf. G. P. Badger, *The Nestorians and Their Rituals*, vol. I, London 1987, 137-142.

became an autonomous *catholicate* in the fifth century.<sup>60</sup> According to some scholars, the Persian Church gradually embraced Nestorianism<sup>61</sup> and the Armenian Church Monophysitism.<sup>62</sup> Therefore, in practice the Catholic Church consisted of the five patriarchates within the Roman Empire.

Emperor Justinian (482-565 AD) gave state sanction to the dogmas and canons of the first four ecumenical councils, making them part of imperial doctrine and state law valid throughout the Roman Empire.<sup>63</sup> He also incorporated into state law the division of the Church in the Empire into five patriarchates and recognized the order of precedence of the five patriarchs according to the third canon of Constantinople and the twenty-eighth canon of Chalcedon.<sup>64</sup> It was at this time that the Byzantine theory of pentarchy arose, according to which the Church of God was governed by five patriarchs.<sup>65</sup> Thus, in their historical origin, the patriarchal and synodal institutions are neither a concession of the Roman Pontiff nor a sharing of his power, but the result of spontaneous action of the bishops and an institution of ancient

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<sup>60</sup> Cf. G. Amadouni, "L'autocephalie du catholicat Armenien," in *I patriarcati orientali nell primo millennio* (OCA 181), Roma 1968, 165-175; Congregation for the Eastern Churches, *The Catholic East*, 285-287; W. De Vries, *Rom und die Patriarchate des Ostens*, 11-12; "Entstehung und Entwicklung der autonomen Ostkirchen," 53-54; A. A. King, *The Rites of Eastern Christendom*, vol. 2, Rome 1948, 522-528.

<sup>61</sup> Cf. Congregation for the Eastern Churches, *The Catholic East*; 255; W. De Vries, "Entstehung und Entwicklung der autonomen Ostkirchen," 64-65; *Oriente Cristiano ieri e oggi*, 41-42; R. Roberson, *The Eastern Christian Churches* (seventh edition), Rome 2008, 13; 1; C. De Clercq, "Patriarche en droit oriental" 1256; A. A. King, *The Rites of Eastern Christendom*, 256 & 259-264; A. Atiya, *A History of Eastern Christianity*, New York-London 1968, 252-253.

<sup>62</sup> W. De Vries, "Entstehung und Entwicklung der autonomen Ostkirchen," 65-66; *Oriente Cristiano ieri e oggi*, 46-47; C. De Clercq, "Patriarche en droit oriental," 1256; A. A. King, *The Rites of Eastern Christendom*, 529-532; A. Atiya, *Eastern Christianity*, 326-328.

<sup>63</sup> "Sancimus igitur, ut legum vicem obtineant sacri ecclesiastici canones, qui a sanctis quatuor synodis expositi vel confirmati sunt, hoc est a Nicaena trecentorum decem et octo, et Constantinopolitana centum quinquaginta sanctorum patrum, et Ephesina prima, in qua Nestorius condemnatus est, et Chalcedonesi, in qua Eutiches cum Nestorio anthamate percussus est. Praedictorum enim sacrarum synodorum et dogmata ut divinas scripturas suscipimus, et canones tamquam leges custodimus". Emperor Justinian, *Novellae* 131, caput 1 (*Corpus Iuris Civilis*, pars III), in Fratres Kriegelli (edd.), Lipsiae 1858, 593.

<sup>64</sup> Cf. Emperor Justinian, *Novellae* 123, caput 3 et 131, caput 2, in Fratres Kriegelli (edd.), 542 and 593.

<sup>65</sup> Cf. D. Salachas, "L'istituzione patriarcale e sinodale," 238-239.

tradition and custom sanctioned by the ecumenical councils celebrated jointly by East and West.<sup>66</sup> As W. De Vries affirms: "it would *a priori* be unhistorical if one wished to explain the patriarchs' powers as a granting of privileges by Rome, that is, as an exceptional transmission of series of faculties which of themselves necessarily pertain to the central power of Rome."<sup>67</sup> Prof. Hans Joachim Schulz provides the following explanation regarding the origin of patriarchal power:

Theologically the *origin of the rights of the patriarchates* is to be explained by the fact that the bishops of large territories renounced some of their rights in favor of the most prominent local Church for the sake of better and more uniform administration. The patriarchal rights are then to be considered as flowing from the rights of the college of bishops of the respective territory. The concentration of these rights in the person of the patriarch became a legitimate tradition, the regulation of which was determined by the councils for the whole Church.<sup>68</sup>

Although the bishops of Rome were reluctant to accept the twenty-eighth canon of Chalcedon at that time, they treated the four patriarchs of the East in practice according to the order of precedence established by the same council.<sup>69</sup> The seventh ecumenical council, Nicaea II, with the approval of the papal legates, gave general sanction to the canons of the "six holy universal synods" and "the synods assembled locally for promulgation of such decrees."<sup>70</sup> At the Fourth council of Constantinople (869), considered ecumenical by the

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<sup>66</sup> W. De Vries, "The Origin of Eastern Patriarchs," 50-59; "La S. Sede ed i patriarcati," 313-326; *Rom und die Patriarchate des Ostens*, 13-18; "Entstehung und Entwicklung der autonomen Ostkirchen," 45-54; "Die Patriarchate des Ostens: bestimmende Faktoren," 15-35. Cf. also K. Mörsdorf, "L'atonomia della Chiesa locale," 181-182; D. Salachas, "L'istituzione patriarcale e sinodale," 240-243; *Istituzioni di diritto canonico delle Chiese cattoliche orientali*, Roma-Bologna 1993, 140; H. J. Schulz, "The Dialogue with the Orthodox," *Concilium* 4 (1965) 68-69; H. Marot, "The Primacy and Decentralisation," 14; L. Waldmüller, "Das Konzil im Verständnis der Ostkirche," 145-146; M. J. Le Guillou, "L'expérience orientale de la collégialité épiscopale," 174.

<sup>67</sup> W. De Vries, "The Origin of Eastern Patriarchates," 55.

<sup>68</sup> H. J. Schulz, "The Dialogue with the Orthodox," 68.

<sup>69</sup> Cf. W. De Vries, "College of Patriarchs," in *Concilium* 8 (1965) 35; *Rom und die Patriarchate des Ostens*, 17; "Die Entstehung der Patriarchate des Ostens," 354-355.

<sup>70</sup> Nicaea II (787), canon 1: *Decrees of the Ecumenical Councils*, vol. I, 138-139 *Conciliorum oecumenicorum decreta*, 138-139; *Les canons des conciles œcuméniques*, 245-248.

Latin Church, the bishop of Rome finally recognized the four Eastern patriarchs according to the order of precedence in the East. After the council established the obligation of the secular powers to consider the patriarchs worthy of all honour and veneration, it states:

This applies in the first place to the most holy pope of the old Rome, secondly to the patriarch of Constantinople, and then to the patriarchs of Alexandria, Antioch and Jerusalem [...].<sup>71</sup>

Later, at the Fourth Lateran Council (1215), the same order of precedence was accepted when Constantinople was under the Latin patriarch.<sup>72</sup> At the council of Florence, the legitimacy of the Eastern patriarchs was again recognized and the order established at the council of Chalcedon was confirmed.<sup>73</sup>

The five great patriarchates of Rome, Constantinople, Alexandria, Antioch, and Jerusalem came into being under divine providence, the patriarchal rank being an institution according to ancient custom and tradition. The ecumenical councils of the first millennium, the supreme authority of the Church at that time, did not create patriarchates, but found the patriarchal rank to already exist and, therefore, only recognized and honoured it.

### 3.3. Primacy at the Universal Level: The Bishop of Rome

The canons of the first seven ecumenical councils, which we have already examined, clearly affirm the unique position and special prerogatives of the bishop of Rome and consider him the first patriarch, namely the patriarch of the West. Canon 6 of Nicaea I, already cited above, affirms that "the bishop of Alexandria has authority over all these places, since a similar custom exists with reference to the bishop of Rome." The council that confirmed the prerogatives of Alexandria (and Antioch) did so in accordance with the customary practice of the Roman See. In fact, Rome was taken as the model for such autonomous demarcations. This means that Rome enjoyed these prerogatives since very ancient times. According to Cardinal Duprey, this canon is an explicit testimony to the immense and extraordinary authority that the bishop of Rome possessed in the

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<sup>71</sup> Constantinople IV (869-870), canon 21: *Decrees of the Ecumenical Councils*, vol. I, 182; *Conciliorum oecumenicorum decreta*, 182; *Les canons des conciles œcuméniques*, 331.

<sup>72</sup> Lateran IV, constitution 5: *Decrees of the Ecumenical Councils*, vol. I, 236; *Conciliorum oecumenicorum decreta*, 236.

<sup>73</sup> Florence, Session VI (6 July 1439), definition: *Decrees of the Ecumenical Councils*, vol. I, 528; *Conciliorum oecumenicorum decreta*, 527.

Christian world at the beginning of the fourth century.<sup>74</sup> However, this text, which establishes a parallel between Alexandria and Rome, describes regional primacy. It was not about universal primacy, because the council did not speak of a universal primacy of Alexandria, but affirmed that Alexandria had a regional primacy because the bishop of Rome also had a regional primacy.<sup>75</sup> As Ladislav Örsy noted, "It is certain that at the time of Council of Nicaea, Rome enjoyed special reverence as the see of Peter and Paul. It was considered also as a qualified witness for the tradition inherited from the apostles, but no administrative structures developed that would have embraced the whole Church, other than the ecumenical councils."<sup>76</sup>

The third canon of the council of Constantinople I (381), quoted above, affirmed the second position of the See of Constantinople, even though its bishop was not considered the first. The change brought about by this canon did not directly affect Rome in any way, but only the sees of Alexandria and Antioch. Originally, it was an Eastern council, and the intention of the Fathers was to reorganize the ecclesiastical affairs of the Eastern dioceses and to regulate them only.<sup>77</sup> The canons decided by the Fathers were to apply only to the

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<sup>74</sup> P. Duprey, "The Synodical Structure," 166; cf. also J. Meyendorff, *Orthodoxie et catholicité*, 55 and 58-59; O. Kéramé, "Les chaires apostoliques et rôle des patriarchats," 265. For an evaluation of the privileges and authority of Rome in the West at the time of the council of Nicaea: P. Batifol, *Cathedra Petri, études d'histoire ancienne de l'Eglise*, Paris 1938, 41-59; J. F. McCue, "The Roman Primacy in the Patristic Era," in P. C. Empie and T. A. Murphy (eds.), *Papal Primacy and the Universal Church*, (USA, no specific place) 1974, 43-72.

<sup>75</sup> J. Meyendorff, *Catholicity and the Church*, New York 1983, 127-128; H. Marot, "The Primacy and Decentralisation," 10; cf. also B. Kurtscheid, *Historia iuris canonici*, 126-127; I. Ortiz de Urbina, *Nicée et Constantinople*, 102. The Roman see exercised primacy over the whole of Italy: F. Dvornik, *The Idea of Apostolicity in Byzantium*, 23-29.

<sup>76</sup> Cf. L. Örsy, "The Development of the Concept of Protos," 89.

<sup>77</sup> Only the four patriarchates of East participated in this council. Later the dogmas of this council were also accepted by the Pope and its ecumenicity finally determined in the council of Chalcedon. Cf. I. Ortiz De Urbina, *Nicée et Constantinople*, 223-242. The council's dogmatic authority in the Western Church was made clear by the words of Pope Gregory I: "Sicut Sancti Evangelii quatuor libros, sic quatuor concilia suscipere et venerari me fateor [...]" Gregory I, *Epistola* 25; in *PL* 77, 478. For the acceptance of this council in the West: Y. Congar, "La primauté des quatre premiers conciles œcuméniques" in *Le concile et les conciles*, Chevetogne 1960, 75-94. But the Popes held that canon 3 was never brought to the knowledge of the Apostolic See: cf. Pope Leo I, *Epistola* 106, *Ad Anatolium*, in *PL* 54, 1007, also in Mansi VI, 203; Gregory I, *Epistola* 34, in *PL* 77, 893. At that time there was no reason to bring the canons to the knowledge of Rome, since this council was an Eastern council only



East, and the elevation of the bishop of Constantinople to such a high rank was a measure that primarily affected the status of the bishops of the Eastern Church capitals. Therefore, this measure affected only the East and had no bearing on the precedence of Rome.<sup>78</sup> As Orthodox theologian John Meyendorff acknowledges, "the increasing importance of Constantinople was not in competition with the Bishop of ancient Rome, whose primacy was uncontested; it was directed against Alexandria, which still claimed to be second in importance to Rome both in ecclesiastical and civil affairs."<sup>79</sup>

According to Orthodox Historian Professor Vasil T. Istavridis, "canon three of Constantinople in 381 should not by no means be accepted as diminishing the primacy of Rome. On the contrary, this primacy is clearly stated as a basis for comparison, as the same thing has already happened in I Nicaea, canon six for Alexandria. This canon was rather a decision taken against the See of Alexandria, which thus moved to the third position in ecclesiastical precedence."<sup>80</sup> Cardinal Duprey confirmed:

This canon attributes an honour to Constantinople because of a new prerogative which this Church enjoys: and consequently this Church an authority which comes second to that of the Bishop of Rome. The reason given, that he has this honour because he is the bishop of the capital, is a new one. But even so he is still not the first bishop, which would suggest that recognition of the prerogatives of the Church of Rome and of the authority of its bishop is not merely based on its importance as the old capital.<sup>81</sup>

However, it does not appear from this canon that the bishop of Rome had any authority over other patriarchal Churches. "It would be a poor construction to hold that by the use of the short and subordinate clause 'after the see of Rome,' the council intended to make a precise and firm statement about the extent of the authority of the bishop of Rome."<sup>82</sup>

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and the Fathers intended to legislate only for the East. However, there is ample evidence that the canon three was also known in the West. See F. Dvornik, *The Idea of Apostolicity in Byzantium*, 56.

<sup>78</sup> Cf. F. Dvornik, *The Idea of Apostolicity in Byzantium*, 51-55.

<sup>79</sup> J. Meyendorff, *Orthodoxie et catholicité*, 31; "Ecclesiastical Organization," 9.

<sup>80</sup> V. T. Istavridis, "Prerogatives of the Byzantine Patriarchate," 44.

<sup>81</sup> P. Duprey, "The Synodical Structure," 167.

<sup>82</sup> Cf. L. Örsy, "The Development of the Concept of "Protos," 89.

The Council of Chalcedon (451), in canon 28 quoted above, stated that the see of Constantinople, honoured by the imperial power and the senate, enjoyed privileges equal to those of the older imperial Rome, and determined that Constantinople should be raised to the level of ancient Rome in ecclesiastical matters and take second place after it. This canon was renewed and confirmed by the Council of Trullo through canon 36.<sup>83</sup> Again, these canons do not deny the great privileges and unique position of the Roman See, but only attempt to equate the privileges of Constantinople with those of the See of Rome on the basis of the principle of political accommodation.

Since the Roman legates opposed canon 28 of Chalcedon, the Roman Emperor Marcian (450-457) and Anatolius, patriarch of Constantinople (from 449 to 458), sought approval of the council from Pope Leo I (440-461). Because the heretics misinterpreted his withdrawal of approval, the Pope ratified the council's doctrinal decrees on 21 March 453.<sup>84</sup> However, he rejected canon 28 on the grounds that it contradicted the legislation of the Council of Nicaea, which had granted second and third rank to Alexandria and Antioch.<sup>85</sup> Pope Leo I thus rejected canon 28 not because it diminished the rights of the Roman See, but because it reversed the hierarchy of the great sees established by tradition and recognized by the sixth canon of Nicaea, and because it asserted privileges only for political reasons.<sup>86</sup>

The Fathers who promulgated this canon did not want to diminish the authority of the Roman See in any way, which they explicitly acknowledged in their letter to Pope Leo I.<sup>87</sup> Both Patriarch Anatolius and Emperor Marcian recognized the first position and primacy of

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<sup>83</sup> Trullo, canon 36: *Les canons des conciles œcuméniques*, 170; G. Nedungatt and M. Featherstone (eds.), *The Council in Trullo Revisited*, 114.

<sup>84</sup> Pope Leo I, *Epistola* 114, in *PL* 54, 1029, also in Mansi VI, 226.

<sup>85</sup> For a detailed analysis of the position of the Popes see A. Wuyts, "Le 28<sup>e</sup> canon de Chalcedoine et le fondement du primauté romain," *OCP* 17 (1951) 265-282; F. Hofmann, "Der Kampf der Päpste um Konzil und Dogma von Chalkedon von Leo dem Grossen bis Hormisdas (451-519)," in *Das Konzil von Chalkedon*, Band II, Würzburg 1953, 13-94; F. Dvornik, *The Idea of Apostolicity in Byzantium*, 81-105.

<sup>86</sup> Cf. Pope Leo, *Epistola* 104, *Ad Marcianum*, *PL* 54, 995.

<sup>87</sup> See *Epistola Sanctae Synodi Chalcedonesis ad Sanctissimum Papam Romanae Ecclesiae Leonem*, in *PL* 54, 955-959; *Actio Decima Sexta Chalcedonesis Concilii*, in Mansi VII, 451-454; E. Hermann, "Chalkedon und die Ausgestaltung des konstantinopolitanischen Primats," in A. Grilmeier und H. Bacht, *Das Konzil von Chalkedon*, Band II, Würzburg 1953, 470-471; F. Dvornik, *The Idea of Apostolicity in Byzantium*, 92.

the Pope in their written requests to Pope Leo for approval of the canon.<sup>88</sup> Moreover, the Council of Chalcedon, which granted Constantinople authority over the three relatively autonomous dioceses of Pontus, Asia, and Thrace, claimed only second place after the See of Rome. This means that Rome, because of its political and religious importance (capital of the ancient Roman Empire, dual apostolicity of Peter and Paul), comes first and enjoys more power and prerogatives than Constantinople, which comes second. Therefore, canon 28 is a clear affirmation of the primacy of the bishop of Rome.<sup>89</sup> Likewise, the repeated requests of Patriarch Anatolius and Emperor Marcian to the Pope for approval or acceptance of canon 28 are themselves sufficient proof of the primacy of the Pope.

The scrutiny of the first seven ecumenical councils clearly proves that Rome was the first see and that it had unique privileges and prerogatives from time immemorial because of its political importance as the ancient capital of the Roman Empire and especially because of its double apostolicity of Petrine and Pauline origin. However, there is no canon that suggests that Rome had any ordinary jurisdiction over other patriarchates. Rather, many canons strongly affirmed the autonomy of individual Sees, and accepted non-interference in the affairs of other Churches as a basic principle.

### **3.3.1. Primacy of Pope as Head of the Patriarchs: The Theory of Pentarchy**

The theory of pentarchy is based on the administrative division of the Church in the Roman Empire into five patriarchates, which made the patriarchs holders of supreme power in the Church, except for the unique position of the bishop of Rome. As we have already seen, Emperor Justinian (527-565), who proclaimed the first position of the bishop of Rome in his *Novellae*, legalised the order of the patriarchs by placing the bishop of Constantinople second in the enumeration of the patriarchs of the West and the East.<sup>90</sup> According to Justinian,

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<sup>88</sup> See *Epistola Marciani imperatoris ad Leonem Papam*, in PL 54, 972-973; *Epistola Anatoli episcopi Constantinopolis ad S. Leonem Archiepiscopum Romae*, in PL 54, 980-983; also *Epistola (128) Anatoli ad Leonem*, in PL 54, 1082-1083; cf. J. Meyendorff, *Orthodoxie et catholicité*, 71; W. De Vries, "Die Struktur der Kirche gemäss dem Konzil von Chalcedon (451)," *OCP* 35 (1969) 98-111.

<sup>89</sup> Cf. P. P. Joannou, "Pape, concile et patriarches," 546.

<sup>90</sup> Emperor Justinian, *Novellae* 123, cap. 3 & 131, cap. 2; cf. PG 86, 982.

the five patriarchates subsumed the entire Catholic Church.<sup>91</sup> Thus arose the theory of pentarchy, which held that the Church of God was governed by five patriarchs in accordance with God's plan and as recognized by the ecumenical councils.<sup>92</sup> The Orientals held that the five patriarchates are of divine origin; their patriarchs are pre-eminently successors of the apostles, the five senses of the Church, and the five pinnacles of ecclesiastical authority.<sup>93</sup>

According to ancient canonical tradition, the five preeminent thrones were considered the five administrative heads of the Church, and the system of the pentarchy of patriarchal sees was considered the highest administrative authority of the universal Church. The five patriarchs formed one unit, a supreme governing body headed by the bishop of Rome. By establishing the pentarchy, the five patriarchs became the administrative heads of the five ecclesiastical administrative bodies throughout the Christian world. Each of the patriarchates had its own autonomy and the right to self-government with respect to matters within its territory.<sup>94</sup> As we have seen, the metropolitan was the first among the bishops of the province, the patriarch in his patriarchate, and the Pope was the first among the five patriarchs, namely in the universal Church. The first patriarch did not exercise any direct or ordinary jurisdiction except within the boundaries of his own patriarchate, but he had the responsibility of

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<sup>91</sup> Emperor Justinian, *Novellae* 109, preface; see also caput 1 and 2 of the same *Novellae*; also, Justinian's dogmatic writings, PG 86, 1044. For more about pentarchy according to Emperor Justinian, P. O'Connell, *The Ecclesiology of St Nicephorus I* (758-828) *Patriarch of Constantinople, Pentarchy and Primacy* (OCA 194), Roma 1972, 30-33.

<sup>92</sup> Cf. P. P. Joannou, "Pape, concile et patriarches," 547; E. Herman, "Chalkedon und die Ausgestaltung," 477. For details about Pentarchy, V. Peri, "La pentarchia: istituzione ecclesiale (IV-VII sec.) e teoria canonico-teologica," in *Bisanzio, Roma e l'Italia nell'alto medioevo*, vol. XXXIV, tomo primo, Spoleto 1988, 209-311.

<sup>93</sup> Cf. The introductory speech of Anastasius the Librarian at the Fourth Council of Constantinople (869), in Mansi XVI, 7; Theodore the Studite, *Epistola* 129, in PG 99, 1418; The speech of the metropolitan of Smyrna at the Fourth Council of Constantinople, *Actio* VI, in Mansi XVI, 82.

<sup>94</sup> Cf. V. Phidas, "Primus Inter Pares," 183; W. De Vries, "College of Patriarchs," 39. For more about pentarchy, V. Parlato, *L'ufficio patriarcale*, 51-55; M. Gordillo, *Compendium theologiae orientalis*, Romae 1950, 54-57; *Theologia orientalium cum latinorum comparata* (OCA 158), Rome 1960, 122-124; E. Lanne, "Eglises locales et patriarchats" 316-316; H. Marot, "Note sur le pentarchie" 436-442; L. Waldmüller, "Das Konzil im Verständnis der Ostkirche," 146-147; E. Herman, "Chalkedon und die Ausgestaltung," 477-480; J. Hoeck, *Primum Regnum Dei, Die Patriarchalstruktur*, 63.

coordinating the body of the five patriarchs in solving problems concerning the true faith and ecclesiastical order.<sup>95</sup>

The ecumenical council was the highest expression of consensus among the Churches and the highest authority of the universal Church. But, the participation of the five patriarchs was an important condition and criterion for the ecumenicity of a council and the authenticity of its doctrine and canons.<sup>96</sup> The consent of the bishop of Rome or his participation as the first among the patriarchs (through the legates or his later reception of the council) was a constitutive and indispensable condition for ecumenicity, universality, and infallibility of doctrine.<sup>97</sup> In short, the theory of pentarchy, as it was held in the first millennium, in no way excluded the primacy of Pope. The Pope was always considered the head of the patriarchs and defender of orthodoxy with special privileges and prerogatives.<sup>98</sup>

All of the first seven ecumenical councils were convened and presided over by the respective emperor or empress of the East, either directly or through their officials, and the decrees and canons were promulgated by them. The bishop of Rome was not personally

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<sup>95</sup> Cf. V. Phidas, "Primus Inter Pares," 184-185.

<sup>96</sup> Cf. Inaugural Discourse of Anastasius the Librarian at the Fourth Council of Constantinople, Mansi XVI, 7: Theodore the Studite, *Epistolarum Lib.* II, 72, PG 99, col. 1306 and Epistola 129, PG 99, 1418-1419; Maximus the Confessor, *Disputatio cum Pyrrho*, PG 91, 351-354; John Damascene, *Adversus Constatinum Cabalinum*, PG 95, 331; Y. Congar, "Le pape come patriarce d'occident: approche d'une réalité trop négligée", *Istina* 28:4 (1983) 378; "Church Structures and Councils in the Relations between East and West," *One in Christ* 11 (1975) 245-246; P. O'Connel, *The Ecclesiology of St Nicephorus I*, 120-159; V. Peri, "La synergie entre le pape et le concile oecuménique, note d'histoire sur l'ecclésiologie traditionnelle de l'Eglise indivise," *Irénikon* 56 (1983) 174; *I concili e le Chiese, Ricerca storica sulla tradizione d'universalità dei sinodi ecumenici*, Rome 1965, 32-34; W. De Vries, "Die Struktur der Kirche gemäss dem II Konzil von Nikäa," 70-71.

<sup>97</sup> The Patriarch Nicephorus of Constantinople, "Apologeticus pro Sacris imaginis," PG 100, 598-599. For a detailed analysis of the concept of primacy according to Nicephorus: P. O'Connel, *The Ecclesiology of St Nicephorus I*, 160-194; the concept of Maximus the Confessor, PG 91, col. 137 and 144; The Speech of John the Deacon at the Second Council of Nicaea (787), Mansi XIII, 207-210; cf. also J.-M. R. Tillard, *L'évêque de Rome*, Paris 1982, 228-232; Y. Congar, "Church Structures and Councils," 248-250; "Le pape come patriarce d'occident," 378; V. Peri, "La synergie entre le pape et le concile oecuménique," 170 and 172-178; *I concili e le Chiese*, 29-32.

<sup>98</sup> Cf. W. De Vries, "The College of Patriarchs," 40; H. Marot, "Note sur le pentarchie," 439; V. Phidas, "Primus Inter Pares," 185; V. Parlato, *L'ufficio patriarcale*, 54-55; J.-M. R. Tillard, *L'évêque de Rome*, 228-232; F. Dvornik, *Byzantium and the Roman Primacy*, 103-104.

present at any of the first seven ecumenical councils. His consent or approval was considered as necessary as that of the other major patriarchal sees, especially Constantinople, Alexandria, Antioch, and Jerusalem, to ensure the ecumenicity of the council, which was based on the principle of unanimity.<sup>99</sup> A study by the World Council of Churches on the importance of the conciliar process in the early Church for the ecumenical movement confirms this:

The classical Ecumenical Councils met in the period of the Roman Empire. The Christian emperor called them together, often led their deliberations, approved their results, and gave them juridical status. This can be explained from the historical situation. The fourth century considered it self-evident that the emperor, who had become a Christian, should assume responsibility for the Church [...].<sup>100</sup>

In a sense, the first seven ecumenical councils can also be called imperial councils. At that time, oecumene (*οἰκουμένη*, *oikouménē*) referred only to the Roman Empire, and therefore the ecumenical councils were assemblies of the bishops of the same empire; bishops outside the empire, namely those of the catholicates of Armenia and Persia, were not convened.

### 3.3.2. Primacy of Rome and the Canonical Autonomy of Eastern Patriarchates

Wilhelm De Vries, who has conducted many rigorous scholarly studies on the origins of the patriarchs and their relationship with Rome, identifies the canonical autonomy of the patriarchs in the first millennium as follows:

1) The East freely elected its own patriarchs and bishops as well as organized its own dioceses, either establishing new ones or raising their rank; 2) the East itself regulated its liturgy and canonical legislation; 3) the East itself regulated the discipline of the clergy and laity.<sup>101</sup>

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<sup>99</sup> Cf. N. P. Tanner, *The Councils of the Church: A Short History*, New York 2001, 19-20; *Decrees of the Ecumenical Councils*, vol. 1, 1-2, 21, 37, 75, 105, 131; *Conciliorum oecumenicorum decreta*, 1-2, 20-21, 37-38, 75-76, 105-106, 123, 131-132; A. Fortescue, *The Orthodox Eastern Church*, London 1916, 75-81; P. Pallath, "Eastern Canon Law throughout the Centuries," 24-27.

<sup>100</sup> World Council of Churches, *Councils and the Ecumenical Movement* (Studies No. 5), Geneva 1968, 12.

<sup>101</sup> W. De Vries, "La S. Sede ed i patriarchati cattolici d'Oriente," 318 (my own translation). He expressed almost the same idea also in other works: "The Origin of

Many other scholars who have scientifically studied the relations between the Eastern Patriarchates and Rome in the first millennium have come to the same conclusions regarding the canonical autonomy of the Eastern Patriarchates.<sup>102</sup>

The synod of each patriarchal Church elected the patriarch and bishops without any interference from the bishop of Rome. During the entire first millennium, there was not a single case in which a patriarch, metropolitan, or bishop was appointed directly by the bishop of Rome. The role of the bishop of Rome in the election of patriarchs usually consisted in a letter of reply to the synodal letter by which the elected person informed him of the event of the election. The bishop of Rome expressed his joy at the election, congratulated the elected one, and in this way recognised the legitimacy of the election; thus, the new Patriarch entered into communion with the Pope without the need for any further legal act.<sup>103</sup> Accordingly, one

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the Eastern Patriarchates," 66; *Rom und die Patriarchate des Ostens*, 19-22; "Die Entstehung der Patriarchate des Ostens," 339-366. The German Jesuit priest Wilhelm De Vries was professor of Church history at the Pontifical Oriental Institute in Rome.

<sup>102</sup> I. Žužek, "Animadversiones quaedam in decretum de Ecclesiis orientalibus catholicis concilii Vaticani II," *Periodica* 55 (1966) 276-278; "Oriental Canon Law: Survey of Recent Developments," *Concilium* 5 (1965), 70 & 72; C. Gallagher, "The Concept of 'Protos' in the Eastern Catholic Churches," *Kanon* 9 (1989) 105-106; H. Marot, "The Primacy and the Decentralization of the Early Church," *Concilium* 1 (1965) 13-14; H. J. Schulz, "Dialogue with the Orthodox," *Concilium* 4 (1965) 68-69; V. Parlato, *L'ufficio patriarcale*, 65-68; O. Kéramé, "Les chaires apostoliques et rôle des patriarchats" (*Unam Sanctam* 39), Paris 1962, 266-268; L. Laham, "Le patriarcat d'Antioche au premier millénaire," in *I patriarchati orientali nell primo millennio*, Roma 1968, 122-128; W. F. Macomber, "The Authority of the Catholicos-Patriarch of Seleucia-Ctesiphon," 181-196; M. J. Le Guillou, "L'expérience orientale de la collégialité épiscopale," 174; M. M. Wojnar, "Decree on Oriental Catholic Churches," *The Jurist* 25 (1965) 196-200; J. Chiramel, *The Patriarchal Churches in the Oriental Code*, Albany 1992, 32-76; K. Medawar, "De la sauvegarde des droits de l'Eglise orientale," *Proche-Orient Chrétien* 9 (1959) 224; J. Hoeck, *Primum Regnum Dei, Die Patriarchalstruktur*, 276-278.

<sup>103</sup> Cardinal Acacius Coussa describes the procedure as follows: "Ab exordiis usque ad annum 1837 quo S. C. de P. F. decretum de hac re edidit, Patriarchae legitime electi plenam potestatem patriarchalem exercebant, nulla, ex parte confirmationis pontificae existente delimitatione. Unde ne fieri potest quaestio de eorum actum validitate. De pacifice et canonice paracta electione Romani Pontifices gaudium exprimebant, quod synodi electoralis Patres peragerant agnoscebant, et cum electo gratulabantur". *Epitome paelectionum de iure ecclesiastico orientali*, vol. I, Rome 1948, 248 (n. 237). For similar letters of Popes expressing communion, see *Acta Romanorum Pontificum: A s. Clemente I (an c. 90) ad Coelestinum III (1198)*, collect A. Tamntu, (*Fonti*, Series III, vol. 1), Typis Polyglottis Vaticanis 1943, nn. 57, 59, 71, 103, 131, 140, 149, 151, 163, 223, 369.

became patriarch by election and not by confirmation by the Pope. It is noteworthy that the elected one notified not only the Pope but also other patriarchs of his elevation to the patriarchal office and asked for their communion.<sup>104</sup> The expression of mutual communion, especially with the bishop of Rome, was crucial because it guaranteed the orthodoxy of faith and validity of the canonical election. The Pope could refuse communion to those elected, but only if the invalidity of the election or the lack of Catholic faith was proved.<sup>105</sup>

The metropolitans and the other bishops of the patriarchates remained in communion with the bishop of Rome and thus with the universal Church through their patriarchs. Only the patriarchs communicated their election to the bishop of Rome and received from him a response that ensured their belonging to the Catholic communion. Therefore, one of the main functions of the patriarchs was to secure the communion of all the bishops of their patriarchates with the bishop of Rome.<sup>106</sup>

In the first millennium, the first patriarch of Rome did not interfere with the legislative, judicial, and electoral autonomy of the other patriarchates. In other words, the bishop of Rome, the first among the patriarchs, exercised patriarchal authority only in the Western Church and not in the Eastern patriarchates, limiting himself to fulfilling the functions of universal primatial authority in the East.

### **3.3.3. Universal Primacy of Pope as the Guarantee of Communion and Unity of Faith**

In the first millennium, the function of the Pope was to be the touchstone and ultimate criterion for the universal or Catholic communion of the Church. "The basic function of the Pope was not the performance of given official actions, but simply being present as the fundamental point of orientation and unity in the network of communion between the several Churches [...]. His essential office is

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<sup>104</sup> Cf. W. De Vries, *La S. Sede ed i patriarcati*, 319; *Rom und die Patriarchate des Ostens*, 18; "The Origin of Eastern Patriarchates," 55-59; V. Parlato, *L'ufficio patriarcale*, 67 and 103-107; H. J. Schulz, "The Dialogue with the Orthodox," 69; H. Marot, "The Primacy and the Decentralisation" 14; M. M. Wojnar, "Decree on the Oriental Catholic Churches," 199.

<sup>105</sup> For examples of denial of communion see *Acta Romanorum Pontificum*, nn. 176, 177, 226, 290, 308, 316. Cf. also W. De Vries, *La S. Sede ed i patriarcati*, 320; *Rom und die Patriarchate des Ostens*, 20.

<sup>106</sup> Cf. W. De Vries, "The College of Patriarchs," 37.



bishop of Rome, the primatial diocese of the Catholic world. As bishop of Rome, the Pope is in the episcopal college holding the first place among all the bishops".<sup>107</sup> Cardinal Yves Congar confirms that the role of the Pope in the network of communions was to be the indispensable guarantor of ecclesial communion and the unity of the faith, judging cases that challenged them, according to tradition and the canons that governed the life of the Churches. In this sense, one could speak of a "power in" the Church, as opposed to a "power over" the Church. It is obvious that the central power, the Roman See, has the charism and the authority to fulfil its particular task, namely to moderate the communion of the Churches and to ensure the preservation of the apostolic tradition and the confession of true faith.<sup>108</sup> This view is also shared by many other theologians who see the bishop of Rome as the guardian par excellence of the Christian tradition, the supreme judge of the faith, and the link of the unity and communion of the Churches.<sup>109</sup>

Even in the first millennium, the bishop of Rome, as guarantor of faith and unity, had the right and duty to intervene in the internal life of the other Churches and the universal Church in order to protect the integrity of the faith and the unity of the Catholic

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<sup>107</sup> L. Hertling, *Communio: Church and Papacy*, 10-11; for detailed analysis, pages 52-76.

<sup>108</sup> Cf. Y. Congar, "De la communion des Eglises à une ecclésiologie de l'Eglise universelle," in *L'Episcopat et l'Eglise universelle (Unam Sanctam 39)*, Paris 1962, 234-235; *Ministères et communion ecclésiale*, Paris 1971, 98-99; "La Chiesa è apostolica," in J. Feiner e M. Löhrer, *Mysterium salutis VII*, Brescia 1972, 706; "Autonomie et pouvoir central," 137 et 142-143.

<sup>109</sup> P. P. Joannou, "Pape, concile et patriarches" 526 and 520-540; E. Lanne, "L'Eglise locale et l'Eglise universelle," in *Irénikon* 43 (1970) 498; "Il Servizio di comunione tra le Chiese cattoliche romane," in *Concilium* 8 (1975) 128-129. G. Greshake, "Die Stellung des Protos," 25; G. Alberigo, "Per un papato rinnovato a servizio della Chiesa," *Concilium* 8 (1975) 24 & 28-38; W. Kasper, "Ciò che permane e ciò che muta nel ministero petrino," *Concilium* 8 (1975) 57-58; J. J. Von Allmen, "Ministero papale ministero di unità," in *Concilium* 8 (1975) 138; P. Batiffol, *Cathedra Petri*, 28; G. Dejaive, "Puet-on concilier le collège épiscopal et primauté?," in *La Collégialité Episcopale (Unam Sanctam 52)*, Paris 1965, 295-300; V. Peri, "La synergie entre le pape et le concile oecuménique," 180-181; G. Thils, "Papauté et épiscopat, harmonie et complémentarité," in R. Bäumer & H. Dolch (eds.), *Volk Gottes*, Freiburg-Basel-Wien 1967, 55-63; J.-M. R. Tillard, *Eglise d'Eglises: l'ecclésiologie de communion*, Paris 1987. 324 et 328; *L'évêque de Rome*, 203-235; "Presence of Peter in the Ministry of the Bishop of Rome", *One in Christ* 2 (1991) 101-105.

Communion.<sup>110</sup> The primacy of the Pope as guarantor of the faith is evident in the practice of appealing to Rome in some cases of disputes, even from the East. By his decision, the bishop of Rome intervened in the affairs of other Churches when such appeals were made.<sup>111</sup> The bishop of Rome also intervened in cases of serious disturbances or serious canonical and liturgical disorders in order to restore peace, unity and harmony in the Church.<sup>112</sup> In short, the Pope was the defender and guarantor of the faith and unity as well as *bonum commune* of the Church, its *summus iudex* and arbiter, the indispensable condition for the ecumenicity of the councils and the authenticity of their doctrinal decisions. As guarantor of the true faith and Catholic communion, the bishop of Rome intervened in the affairs of the Eastern patriarchates only when it was necessary to protect the true faith and morals, or to restore peace and harmony in the case of serious canonical disorders, or to make his decision when appeals were made to Rome.

### 3.3.4. Recognition of Universal Primacy of Rome in Orthodox Ecclesiology

The first position or primacy of the bishop of Rome was established by the ecumenical councils of the undivided Church and, therefore, can only be accepted by the Orthodox Churches. In fact, the aforementioned Churches also generally accept the primacy of the bishop of Rome as a ministry of unity, communion, and

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<sup>110</sup> Cf. Y. Congar, "De la communion des Eglises," 234; "Le pape come patriarche d'occident" 379; V. Parlato, *L'ufficio patriarcale*, 44-51; J.-M. R. Tillard, *L'évêque de Rome*, 207-235.

<sup>111</sup> L. Hertling, *Communio, Church and Papacy*, 70-76; P. L'Huilier, "Collégialité et primauté," 341; P. P. Joannou, "Pape concile et patriarches," 521; Y. Congar, "Church Structures and Councils," 230; C. Vogel, "Unité de l'Eglise et pluralité d'organisation," 633-635; I. Ortiz de Urbina, *Nicée et Constantinople*, 216. Examples of appeals from the Eastern Churches: St. John Chrysostom (*Acta Romanorum Pontificum* [=ARP], nn. 27-28 & Appendix 3), Flavian of Constantinople (ARP, no. 89 & Appendix 11-12), Eutichus (ARP, Appendix 10), Eusebius Doryleor (ARP, Appendix 13); Theodoretus the Syrian (ARP, Appendix 14); Patriarch Ignatius, adversary of Photius (ARP, Appendix 38). For more information about appeals of Orientals to the bishop of Rome: H. Leclercq, "Notes pour l'histoire du droit d'appel," 1238-1259; P. Batiffol, *Cathedra petri*, 215-248; A. Fortescue, *The Orthodox Eastern Church*, 67-73.

<sup>112</sup> For examples of the intervention of the bishop of Rome in cases of canonical disorder, *Acta Romanorum Pontificum*, nn. 11, 121, 136, 161-162, 167, 175, 217, 240, 290, 311-312, 320-322, etc. Cf. also W. De Vries, *La S. Sede ed i patriarchati*, 324-325; *Rom und die Patriarchate des Ostens*, 21-22.

reconciliation at the heart of the universal ecclesial communion of the Church, but they reject the primacy of the supreme power and universal jurisdiction of the bishop of Rome. About the universal primacy of Rome, the Orthodox theologian Alexander Schmemmann explicitly states:

[...] An age-long anti-Roman prejudice has led some Orthodox canonists simply to deny the existence of such primacy in the past or the need for it in the present. But an objective study of the canonical tradition cannot fail to establish beyond any doubt that, along with local 'centres of agreement' or primacies, the Church had also known a universal primacy. The ecclesiological error of Rome lies not in the affirmation of her universal primacy. Rather the error lies in the identification of this primacy with 'supreme power' which transforms Rome into the *principium radix et origo*<sup>113</sup> of the unity of the Church and of the Church herself. This ecclesiological distortion, however, must not force us into a simple rejection of universal primacy. On the contrary it ought to encourage its genuinely Orthodox interpretation.<sup>114</sup>

According to him "the essence and purpose of universal primacy is to express and preserve the unity of the Churches in faith and life, to express and preserve the unanimity of all Churches; to keep them from isolating themselves into ecclesiastical provincialism, loosing the Catholic ties, separating themselves from the unity of life. It means ultimately to assume the care, the *sollicitudo* of the Churches, so that each one of them can abide in that fullness which is always the *whole* Catholic tradition and not any 'part' of it."<sup>115</sup> In general, the Orthodox Churches accept the primacy of the bishop of Rome as the elder brother and *primus inter pares* within the College of Bishops, presiding in love with a universal responsibility and an all-encompassing pastoral concern, but they affirm that they do not accept a Roman Pontiff endowed with a universal supreme ordinary jurisdiction and placed above the College of Bishops with the

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<sup>113</sup> Here he provides reference as follows: *Encycl. S. Offic. Ad Episcopos Angliae*, 16 Sept. 1864, in *Denzinger Banwart*, ed. 10, n. 1686.

<sup>114</sup> A. Schmemmann, "La notion de primauté," 141; English translation: "The Idea of Primacy in Orthodox Ecclesiology," in *The Primacy of Peter*, London 1963, 48. For almost same idea about universal primacy, cf. P. L'Huillier, "Collégialité et primauté," 338; M. J. Le Guillou, "L'expérience orientale de la collégialité épiscopale," 175.

<sup>115</sup> A. Schmemmann, "La notion de primauté," 142-143; "The Idea of Primacy," 49.

authority to confirm or approve even the decisions of ecumenical councils.<sup>116</sup>

#### 4. Relationship between Primacy and Synodality

The examination of the ancient canons clearly demonstrates the primatial authority at the various levels of ecclesiastical organization, which gives the bishops of some Churches special powers over the other Churches. However, primatial authority in no way impedes the synodal governance of the Churches but rather guarantees their smooth functioning. In fact, the synods cannot function properly if there is no one to convene them and ensure their functioning according to the discipline of the Church. Therefore, primacy is not a contradiction to the conciliar principle, but a necessity of conciliarity. In fact, without primacy, neither councils nor synods are possible. According to Orthodox theologian Nicholas Afanassieff, the conciliar principle cannot be set off against primacy. The council does not exclude primacy but presupposes it. Councils cannot assemble automatically, but must be convened by the head of the province - provincial synod; head of the patriarchate - patriarchal synod; head of the universal Church - ecumenical synod. If there had been no heads in the autocephalous Churches, there could have been no councils; otherwise, anarchy would have prevailed, since every bishop would have thought he had the right to convene councils. Therefore, the conciliar institution presupposes the permanent heads at the various levels of ecclesiastical life.<sup>117</sup> With regard to the relationship between primacy and conciliarity, Cardinal Duprey writes:

The authority is the same, whether exercised by all or by the one who is their head. Now this authority exists for a function, which

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<sup>116</sup> Cf. K. Ware, "Primacy, collegiality and the People of God," in *Eastern Ecclesiastical Review* 3 (1970) 18-27; N. Arseniev, "The Second Vatican Council's Constitution 'De Ecclesia'", in *St. Vladimir's Seminary Quarterly* 9 (1965) 21-22; J. Meyendorff, "Vatican II: A Preliminary Reaction," in *St. Vladimir's Seminary Quarterly* 32-33; *L'Eglise orthodoxe hier et aujourd'hui*, Paris 1969, 171-172; *Orthodoxie et catholicité*, 149; S. Harkianakis, "Può avere un senso un servizio di Pietro nella Chiesa? Risposta greco-ortodosso," in *Concilium* 4 (1971) 153-160; Evdokimov, "Può avere un senso un servizio di Pietro nella Chiesa? Risposta Russo-ortodossa," in *Concilium* 4 (1971) 161-166; J. H. Erickson, "Common Comprehension of Christians concerning Autonomy and Central Power in the Church in View of Orthodox Theology," *Kanon* 4 (1980) 105-111; M. J. Le Guillou, "L'expérience orientale de la collégialité épiscopale" 174-181.

<sup>117</sup> Cf. N. Afanassieff, "L'Eglise qui préside dans l'amour," in *La primauté de Pierre dans l'Eglise orthodoxe*, Neuchtel 1960, 19-20.

is to safeguard and give expression to the conciliar principle, which is communion between the Churches, by preventing local Churches becoming isolated. It exists to maintain the bonds of Catholicity and to safeguard the fullness of life within each Church. The purpose of this authority is that each and every Church should live with and through the others, for it is this vital interpenetration that constitutes the mystery of the Body of Christ, which is the fullness of him who fills all in all.<sup>118</sup>

The Agreed Orthodox-Catholic Statement on Conciliarity and Primacy in the Church, issued in 1989 by the Orthodox-Roman Catholic Consultation in the United States of America clearly expresses the relationship between conciliarity and primacy:

Primacy - whether that of a metropolitan within his province, or that of a patriarch or presiding hierarch within a larger region - is a service of leadership that has taken many forms throughout Christian history, but that always should be seen as complementary to the function of the synods. It is the primate (*protos*) who convenes the synod, presides over its activities, and seeks, together with his colleagues, to assure its continuity in faith and discipline with the apostolic Church; yet it is the synod which, together with the primate, gives voice and definition to the apostolic tradition. It is also the synod which, in most Churches, elects the primate, and assists him in his leadership. and holds him to account for his ministry in the name of the whole Church (*Apostolic canons* 34).<sup>119</sup>

Thus, according to the genuine common tradition of the Church, primacy at various levels does not destroy dynamism and synodal vitality in the Church. Rather, it can be said that the authority of the head or *protos* is a primacy of *diakonia*, a primacy of service to the function of synodality. It is the unfolding of a function that protects synodal life, expresses communion among local Churches and their bishops, prevents the isolation of local Churches, strengthens Catholic communion, and is a guarantee of the fullness of ecclesial life at the heart of each local Church. This authority is destined to

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<sup>118</sup> P. Duprey, "The Synodical Structure," 167. Cf. also "Brief Reflections on the Title *Primus Inter Pares*," *One in Christ* 10 (1974) 10-12; A. Schmemmann, "La notion de primauté," 143; N. Afanassieff, "L'Eglise qui préside dans l'amour," 19-21.

<sup>119</sup> "Agreed Orthodox-Catholic Statement on Conciliarity and Primacy," in *Sobornost* 12 (1990) 88-89. The Consultation brings together Orthodox theologians appointed by the Standing Conference of Canonical Orthodox Churches and Catholic theologians appointed by the National Conference of Catholic Bishops.

make possible the presence of all in each Church and the presence of each in all. The *protos*, therefore, has a power in the structure of the community that makes possible the effective activity of synods.<sup>120</sup>

According to the common tradition of the Church, there is a fundamental and essential equality of all bishops in the episcopal consecration. Therefore, the *protos* or head, whether metropolitan or patriarch, is a bishop canonically elected and consecrated for a determined see, and he also has a diocese or eparchy in which he officiates like all other bishops.<sup>121</sup>

All bishops are successors of the apostles and share equally in the high priesthood of Christ. Therefore, all bishops are equal with regard to their priesthood. Some of them have primacy and special prerogatives because they were canonically elected and consecrated to certain sees that were respected by all of Christendom because of their special importance due to their apostolic origin, their cultural and political preeminence, or their high status as mother Churches. Accordingly, these bishops (*protos*) are the first among equals (*primi inter pares*) and have the prominent position of first brother in relation to the other bishops of the province or patriarchate. This position does not change the nature of episcopal status, nor does it confer on primates higher priestly rights or prerogatives deriving from their priesthood.<sup>122</sup> However, these primates do enjoy some special powers and prerogatives, though they do not emanate from their priesthood, over other bishops, as they have been sanctioned by the ecumenical councils, canon law, authentic traditions and legitimate customs. In summary, the office of primate is a service, namely a ministry of unity and communion.

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<sup>120</sup> Cf. D. Salachas, "Il principio della struttura sinodale," 242; "L'istituzione patriarcale e sinodale," 248-249.

<sup>121</sup> Cf. K. Mörsdorf, "Die hierarchische Struktur der Kirchenverfassung", *Seminarium* 2 (1966) 407; Y. Congar, "Le pape comme patriarche d'occident," 387. The Pope is also a bishop from the point of view of sacrament, in spite of the fact that he is successor of St Peter. Pope Francis, *Episcopalis communio* (apostolic constitution), Vatican City 2018, no. 10; cf. also E. Lanne, "L'Eglise locale et l'Eglise universelle," 498-499; K. Rahner und J. Ratzinger, *Episcopat und Primat*, Freiburg-Wasel-Wien 1961, 28-29; J. D. Zizioulas, *Being as communion*, 252; D. Salachas, "L'istituzione patriarcale e sinodale," 244-245.

<sup>122</sup> Cf. P. Rodopoulos, "Ecclesiological Review of the Thirty-Fourth Apostolic Canon," 95-99; cf. also P. Duprey, "The Synodical Structure," 174-175; "Brief Reflections on the Title "Primus Inter Pares," 6-7.

## **Conclusion**

In this study, a brief investigation has been carried out on the origin, development and canonical recognition of the principles of synodality and primacy in the first millennium. According to the common tradition of the Church, synodality manifested itself in various forms: provincial synods, patriarchal or general synods, and ecumenical councils. Corresponding to the three levels of synodality, the primacy has also been consolidated on three levels: metropolitan, patriarch, and the Pope of Rome. The proper functioning of primacy and synodality in balance brings about unity, harmony, and communion in the Churches and renders glory to the Most Holy Trinity, the mystery of perfect communion and ontological synodality.