

NO BISHOP IS AN ISLAND:¹ THE COUNCIL OF NICAEA AND COLLABORATIVE DECISION-MAKING

John D Faris*

Abstract

This presentation examines the development of collaborative decision-making within the Catholic Church, rooted in the Council of Nicaea (325 CE). It highlights the evolution from pre-Nicene practices to formal governance structures based on collegiality, accountability, and shared responsibility. The Council of Nicaea formalized processes like the appointment of bishops (c. 4), management of excommunications and synods (c. 5), and the establishment of hierarchical jurisdictions (c. 6). These canons balanced collective and individual authority, fostering unity while incorporating diverse input among bishops. The council's metropolitan structure, inspired by Roman administrative models, was adapted to ecclesiastical needs. Modern governance, as reflected in the *Code of Canons for the Eastern Churches*, continues to emphasize consultation, consent, and collective discernment in areas like leadership elections, liturgical approvals, and disciplinary actions. This collaborative approach ensures decisions are transparent, accountable, and guided by communal wisdom and the Holy Spirit. The study underscores that no bishop governs in isolation, affirming the Church's synodal nature and unity in fulfilling its mission.

Keywords: Synodal Church, Metropolitan Structures, Council of Nicaea, Designation of a Bishop, Consultation or Consent, Election of Leadership.

¹ For further information on the role of the eparchial bishop in the context of the college of bishops, I recommend the insightful article of Pablo Gefaell, "The Eparchial Bishop, Shepherd of his Flock: Legal Implications" in *Harmonizing the Codes* (Bengaluru: Dharmaram Publications, 2016) 37-57.

* John D. Faris is a Chorbishop of the Syro-Maronite Church. Ordained in 1976, he obtained his doctorate from the Pontifical Oriental Institute. In addition to his responsibilities as Pastor of Saint Anthony Church in Glen Allen, Virginia, Chorbishop Faris is Assistant Professor at the Catholic University of America (Washington), and lecturer at Institute of Oriental Canon Law (Bangalore) and the Pontifical Oriental Institute (Rome). He has written and lectured extensively in the fields of Eastern canon law and ecumenism.

Introduction: A Realization of a Synodal Church

It is an honor, a joy, and a blessing for me to participate in this academic day celebrating the 25th anniversary of the Institute of Oriental Canon Law in Bengaluru. I thank Father Sebastian Payyappilly, CMI, for his kind invitation to make this presentation on such an august occasion. I extend my heartfelt congratulations to the Carmelites of Mary Immaculate and commend the Pontifical Oriental Institute in Rome and the Dicastery for the Eastern Churches for their invaluable support and collaboration in this endeavor. Finally, I congratulate the first director, my dear friend, Father Varghese Koluthara, CMI, and current director, Father Sebastian Payyappilly, CMI, the faculty members, students, and alumni for their dedicated contributions to this historically significant academic institution.

Today, the Church faces the challenge of more fully realizing its inherent synodal nature. This approach to governance involves moving beyond occasional gatherings or synods in order to cultivate a consistent "style" of being Church—one characterized by active participation, shared responsibility, and ongoing dialogue among all the baptized.²

A Synodal Church in the Third Millennium

In these times of reconsideration and renewal, it is beneficial to examine the origins and evolution of the decision-making processes embedded in the 1990 *Code of Canons of the Eastern Churches*.³ This very modest reflection aims to provide insights into the dynamics of decision-making within the Church, particularly at the level of bishops collaborating with one another. A key aspect of this renewal program is to encourage bishops to govern through collaboration, accountability, and alignment with the wider Church community. This approach strengthens unity and coherence in ecclesiastical governance while highlighting and upholding the principle of collegiality among bishops.

² The theme of the 2024 Synod was "For a Synodal Church: communion, participation and mission," thereby focusing on the unity and interconnectedness of all the Christian faithful (communion); stressing the importance of all the baptized having a voice and actively contributing to the life and mission of the Church (participation); and underscoring the purpose of synodality as an instrument utilized by the Church to evangelize and serve the world (mission).

³ Unless indicate otherwise, all citations and quotation of canons are taken from the *Code of Canons of the Easter Churches. Latin English Edition*. (Washington: Canon Law Society of America, 2024).

Some may assume that the processes we use to govern the Church are simply *in rerum cursu* – the natural course of events. However, this is not the case. Collegial governance of the Church was a deliberate choice, carefully adopted and refined over the centuries, an act of Divine Providence (cf. *Lumen gentium* 23) reflecting both tradition and intentional development.

A bishop entrusted with governing an eparchy acts as “a vicar and legate of Christ,” (c. 178) exercising executive, legislative, and judicial authority (cf. c. 985 §1). However, this responsibility is not carried out in isolation with complete autonomy. For the good of the Church and the Christian faithful, an eparchial bishop’s authority is defined and guided by the supreme authority of the Church. The current ecclesial structure fosters collaboration and accountability by involving other bishops in key decision-making processes concerning individual eparchies. This approach leads to more informed decisions, promotes good order, and strengthens unity within the broader framework of Church governance. The process of synodal renewal aims to further enhance this process, ensuring even greater participation and coherence in the mission of the Church.

This year we celebrate the 1700th anniversary of the first ecumenical council of Nicaea. Three canons from this fourth-century council were instrumental in shaping the Church's governance structures. Their emphasis on collaboration, accountability, and mutual oversight among bishops established principles that continue to underpin the Church's governance today.

In terms of methodology, this reflection will focus on the collaboration among bishops. It should be noted that this collaboration is not restricted to that of superior/subordinate but can be among equals in a mutual effort or independently confirming, modifying or rejecting the decision of another bishop.

Institutionalization of the Church

How did the Church, as a structured institution,⁴ develop from Jesus's ministry? Jesus used the term "Church" sparingly – the post-Pentecost

⁴ The term "church" (ἐκκλησία) appears in the Gospels only twice, and both instances are found in the Gospel of Matthew. The first is on the occasion of giving the keys to Peter: “And so I say to you, you are Peter, and upon this rock I will build my church, and the gates of the netherworld shall not prevail against it” (Matthew 16:18). The second gives guidance in the admonition of a one of the brethren: “If he refuses to listen to them, tell the church. If he refuses to listen even to the church, then treat him as you would a Gentile or a tax collector” (Matthew 18:17).

community referred to the entire initiative as the Way,⁵ which is interesting because the apostolic and persecuted Church functioned more as a *movement* than as an institution.

During his earthly ministry, Jesus offered limited explicit instructions for the future organization of the Church. Nevertheless, the Lord did emphasize key principles in the governance of the Church. In his final hours, he prayed for his followers' unity (John 17:21). He had entrusted a specific role to Peter, interpreted in Catholic teaching as a focus on maintaining that unity (Matthew 16:18). The apostles formed the initial core leadership, but their collective presence diminished as they dispersed to spread the Gospel, leaving space for the creation of a leadership structure. What we primarily find in the Gospels are not detailed organizational plans, but rather the "marching orders" of the Great Commission (Matthew 28:19-20) — go, make disciples, baptize, and teach — which set the direction for the Church's mission.

The *Acts of the Apostles*, often referred to as the "Gospel of the Holy Spirit," provides an account of the missionary journeys and activities of the apostles, particularly Peter and Paul. It highlights their efforts to preach the Gospel and organize early Christian communities. These endeavors were often carried out in response to immediate circumstances and challenges, effectively on an ad hoc basis. The Apostles and their followers continued to participate in the life of Temple⁶ and the synagogues,⁷ without a clear sense of the followers of Christ being a distinct institution. As a result, they devoted little attention to organizational matters. Nevertheless, at times the fledgling religious movement was faced with consequential situations for which decisions that had to be made. A critical occasion arose less than two decades after the resurrection.

The missionary efforts of Paul to the Gentiles gave rise to a critical theological and pastoral question: whether Gentile converts to Christianity needed to adhere to Jewish laws, particularly circumcision, to be part of the Christian community. The Council of

⁵ "The Way" is a term used by the early Christian community to identify itself (see Acts 9:2; 18:26; 19:9, 23; 22:4; 24:14, 22). The Essene community at Qumran used the same designation to describe its mode of life. It is significant to note that ἡ ὁδός, meaning "the way," is a foundational element of the term σὺνοδος, which translates to "a journey together" or "synod." This connection highlights the intrinsic nature of the synodal reform, which emphasizes the Church as a community journeying together in faith, discernment, and shared responsibility.

⁶ Acts 2:1; 3:11-12; 4:1-2; 5:12-16; 5:20-21.

⁷ Acts 13: 5, 14-15; 17:1-3, 10-11, 17; 18:4-5, 19; 19:8.

Jerusalem, held around 52 CE, was a pivotal meeting in the early Church, convened to address the matter.

The account in Acts highlights "much discussion" (Acts 15:7), indicating a process of open dialogue where arguments were weighed. James, as leader of the Jerusalem church, offered a proposal summarizing the consensus rather than issuing a personal decree. The final decision was communicated in a joint letter from "the apostles and elders, with the whole church" (Acts 15:22), underscoring its collective nature. The narrative emphasizes the guidance of the Holy Spirit, with Peter referencing God's gift of the Spirit to the Gentiles (Acts 15:8) and the decision framed as made by "the Holy Spirit and us" (Acts 15:28), affirming its divine inspiration.

The collegial nature of the Council of Jerusalem (apparently modeled after the Sanhedrin⁸) set an important trajectory for decision-making in the Church. It demonstrated that significant decisions should be made through communal discernment, involving diverse voices and perspectives, and under the guidance of the Holy Spirit. This model of decision-making would continue to shape the Church's approach to resolving doctrinal and practical issues in subsequent councils and synods throughout history.⁹

After the Council of Jerusalem, local church councils—often referred to as synods—played a significant role in shaping early Christian doctrine, discipline, and practice prior to the Council of Nicaea (325).¹⁰ These gatherings were typically convened by bishops in specific regions to address local issues and resolve disputes. Although these councils were not ecumenical in scope, their decisions frequently influenced broader theological and ecclesiastical developments. Importantly, these councils occurred during a time when the Church

⁸ The apostles and elders inherited a tradition of communal deliberation to discuss and resolve disputes through bodies like the Sanhedrin, the forum for Jewish theological disputes, legal cases, and issues concerning the community.

⁹ Hans Conzelmann, *History of Primitive Christianity* (Nashville: Abingdon Press, 1973) 82-90.

¹⁰ The Council of Carthage (220) dealt with the issue of baptisms administered by heretics and schismatics. The Council of Elvira (305) established strict canons concerning Christian conduct, clerical celibacy, and the treatment of apostates during persecution. The Council of Ancyra (314) provided guidelines for penance and reintegration of those who had denied the faith. The Council of Arles (314) dealt with the controversy regarding the validity of the sacraments administered by unworthy ministers.

faced persecution and did not focus on the institutional infrastructure that would later characterize its governance.

Development of Metropolitan Structures

Before examining the specific provisions of the Council of Nicaea, it is important to first consider the pre-Nicene development of metropolitan structures. Following the Church's emergence from the catacombs consequent to Constantine's decriminalization of Christianity and its eventual establishment as the state religion, the Church faced the necessity of organizing its structures. Naturally, it took inspiration from and when possible adapted to the existing civil administrative frameworks.

The Roman Empire was effectively divided into East and West in 285 CE by Emperor Diocletian. He implemented this division as part of his administrative reforms to make governing the vast empire more manageable. The division became more permanent after the death of Emperor Theodosius I in 395 CE. The division marked the beginning of the Eastern Roman Empire (Byzantine Empire) and the Western Roman Empire, with the former enduring until the fall of Constantinople in 1453 and the latter collapsing in 476.

Additionally, under the Diocletian structural reforms, the terms "province" and "diocese" took on specific meanings within this system. These reforms influenced both civil and ecclesiastical governance, including the later organization of the Church.

A province (*provincia*) was the smallest administrative division in the reorganized Roman Empire.¹¹ Each province was governed by a civil governor responsible for civil administration, tax collection, and local justice. In ecclesiastical terms, the province became the jurisdiction of a *metropolitan bishop*, with smaller local churches under the authority of the bishop.¹²

¹¹ Diocletian significantly increased the number of provinces by dividing larger territories into smaller administrative units to enhance governance, streamline taxation, and improve military oversight. By the end of his reforms, the number of provinces exceeded 100. An unintended consequence of this restructuring was that the smaller size of provinces facilitated more frequent interaction and closer contact among the Christian bishops within each province. Semi-annual gatherings of bishops would have been impossible prior to the reduction of territory.

¹² "The metropolitan represented a new intermediate authority between the bishop and higher hierarchical frameworks. The metropolitan played a significant role in episcopal elections, convening and presiding over provincial councils.... As the hierarchical superior of the bishops, the metropolitan could serve as

A diocese (*dioecesis*) was a larger administrative unit that grouped several provinces together. Each diocese was governed by a *vicarius*, who reported to the central government.

The history of the Late Empire was marked by constant change, with the fluidity of political structures and the influence of key individuals and events preventing these administrative frameworks from becoming entirely fixed or uniform. This instability meant that while the Church could draw inspiration from the Empire's organizational models, it had to adapt them creatively to suit its own needs. The Church's adoption of these frameworks was not a simple replication but a thoughtful reinterpretation, ensuring flexibility and resilience amidst the shifting realities of the time. This dynamic process allowed the Church to develop structures that, while influenced by secular models, could endure and evolve independently of the Empire's eventual decline.¹³

Council of Nicaea

Tradition holds that the Council of Nicaea opened on 20 May 325. Initially, the convocation was planned for Ancyra but was moved to Nicaea to provide greater accessibility for the participants. The council convened not in a church but most likely in the imperial palace, the only structure in the city capable of accommodating the large number of participants and their attendants.¹⁴

The Council of Nicaea marked a significant milestone in the evolution of the Church's decision-making processes. However, it was not a complete innovation. Rather, it provided an official endorsement and formalized existing practices that were already in operation, particularly in the East. By codifying these procedures, the council reinforced a collaborative yet hierarchical model of governance, ensuring greater consistency and unity across the provinces. This approach responded to the need for an institute that could provide a structured response to doctrinal and administrative challenges.

their judge and hear appeals on decisions they had rendered. He also authorized their absence by issuing *litterae formatae* (letters of authentication), assessed the necessity of creating new dioceses, and oversaw the management and alienation of Church property." Jean Gaudemet, *L'Eglise dans l'Empire Romain* (Paris: Sirey, 1958) [Abbreviated Gaudemet, *L'Eglise*] 381.

¹³ Gaudemet, *L'Eglise*, 379

¹⁴ See Ine Jacobs, "Hosting the Council in Nicaea: Material Needs and Solutions, in *The Cambridge Companion to the Council of Nicaea*, edited by Young Richard Kim (Cambridge: Cambridge University Press, 2021) [Abbreviated Kim, *Council of Nicaea*] 78-88.

The Council issued twenty canons, three of which – Canons 4, 5, and 6¹⁵ – specifically reflect these changes in episcopal collaboration.¹⁶ The Nicene reforms discussed below were not universally or uniformly implemented. The arrangement outlined in Canon 6 of the council was widely accepted as normative. However, while the metropolitan system (referenced in Canons 4 and 5) was quickly and broadly adopted in the East, its development in the West was more gradual.¹⁷

*Designation of a Bishop*¹⁸

Canon 4 – It is by all means desirable that a bishop should be appointed by all the bishops of the province. But if this is difficult because of some pressing necessity or the length of the journey involved, let at least three come together and perform the ordination, but only after the absent bishops have taken part in the vote and have given their written consent. But in each province the right of confirming the proceedings belongs to the metropolitan bishop.¹⁹

One notes that the canon does not mention the involvement of the clergy or laity. One author speculates that the silence is intentional:

...the fathers of Nicea do not speak about it because no doubt they did not want to introduce any modifications in the existing practice either by suppressing it or by making specific procedures apply to everyone. In effect, there was no one unique practice established by general custom;²⁰

Perhaps we can understand this canon better if we consider possible procedures that it did not sanction for the designation of bishops. The

¹⁵ The Council of Nicaea addressed the honorific status of the Bishop of Jerusalem in canon 7, but we shall not treat it in the study.

¹⁶ It would be left to the Council of Antioch (341 CE) to balance collaboration with autonomy. It protected the autonomy of the local church against intrusion on the part of another bishop. By clarifying boundaries, Antioch canon 18 indicated that bishops were expected to respect one another's role but were encouraged to work collaboratively.

¹⁷ Peter L'Huillier, *The Church of the Ancient Councils*. (Crestwood, NY: St Vladimir's Seminary Press, 1996) [Abbreviated L'Huillier, *Ancient Councils*] 39.

¹⁸ The term "designation" is used, because the canon refers not only to the episcopal election, but the entire process for becoming a bishop: the election, consecration, and installation. L'Huillier, *Ancient Councils*, 36-37.

¹⁹ All conciliar texts are taken from Norman P. Tanner, English editor, *Decrees of the Ecumenical Councils*. 2 vols. (London and Washington: Sheed & Ward and Georgetown University Press, 1990) [Abbreviated Tanner, *Decrees*] 1:7.

²⁰ L'Huillier, *Ancient Councils*, 40.

acta of the Council of Nicaea have not survived,²¹ leaving us without knowledge of the specific procedures that were considered and ultimately rejected. The local bishop²² is not generally directly appointed by the Bishop of Rome, a practice generally adopted in the Latin Church. Nor is the local bishop elected autonomously by the clergy and faithful of the local church. The canon does not grant the metropolitan the authority to independently decide on the appointment of a local bishop. All of these possibilities were set aside for a more collaborative approach in the designation of a bishop.

The initial part of the canon calls for the collaboration of all the bishops or, in the case of necessity or distance, a body of at least three bishops for the ordination of a bishop after all the bishops of the province have given their written consent.²³ The underlying principle reflects the council fathers of Nicaea's recognition of the value of collective input from all the bishops in order to avoid hasty elevations and the possible subsequent challenges.

The term "metropolitan bishop" (μητροπολίτης ἐπίσκοπος) appears for the first time in this canon. The arrangements outlined in the canon are based on the metropolitan structure, a geographic framework within a province that established the foundation for the future organizational structure of bishops. Further, the canon assumes a hierarchy among bishops rather than equality of power. In this system, the metropolitan bishop holds a position of authority over the other bishops within the province. This is evident in the metropolitan's "right of confirming the proceedings," which effectively grants them veto power over any candidate proposed for the episcopate.

This provision articulates a collaboration between the collective and the individual: while all bishops contribute to the process, the metropolitan's decisive role acts as a safeguard to preserve unity and ensure orthodoxy within the province.

²¹ David M. Gwynn, "Reconstructing the Council of Nicaea," in Kim, *Council of Nicaea*, 90.

²² A local bishop in terminology of the CCEO is an eparchial bishop [cf. c. 178] while the CIC employs the term diocesan bishop (cf. CIC c. 377 §1).

²³ Canon 4 establishes that the college of bishops responsible for the establishment of a new bishop comprises the bishops of the respective province. See L'Huillier, *Ancient Councils*, 38.

Excommunication and Semi-Annual Synods

Canon 5 – Concerning those, whether of the clergy or the laity, who have been excommunicated, the sentence is to be respected by the bishops of each province, according to the canon which forbids those expelled by some to be admitted by others. But let an inquiry to be held to ascertain whether anyone has been expelled from the community because of pettiness or quarrelsomeness or any such ill nature of the part of the bishop. Accordingly, in order that there may be proper opportunity for inquiry into the matter, it is agreed that there would be well for synods to be held each year in each province twice a year, so that these inquiries may be conducted by all the bishops assemble together, and in this way by general consent those who have offended against their own bishop may be recognized by all to be reasonably excommunicated, until all the bishops in common may decide to pronounce a more lenient sentence on these persons. These synods shall be held at the following times: one before Lent, so that, all pettiness being set aside, the gift offered to God may be unblemished; the second after the season of autumn.²⁴

Canon 5 of Nicaea focuses on two institutions: Sanctions and semi-annual provincial synods.

It was a fundamental principle of Church discipline that a sanction imposed by one bishop on a cleric or layperson under his authority should be recognized as valid by all the bishops. This principle was not first articulated at Nicaea.²⁵ While generally uncontested, it was often ignored when another bishop considered the penalty inappropriate. On the other hand, the Church, faced the persistent issue of arbitrariness—described in the canon as “pettiness, quarrelsomeness, or other ill-natured behavior on the part of a bishop.” The community did not want to leave any individual to be under the arbitrary authority of one bishop. To address this, the canon allowed for collective action by the bishops of a province to modify or overturn such penalties.²⁶

The canon also calls for the semi-annual convocation of synods. The competence of these semi-annual synods was not restricted to the

²⁴ Tanner, *Decrees*, 1:8.

²⁵ It may have been asserted at the Council of Elvira (305-306) in canon 54. See L’Huillier, *Ancient Councils*, 44.

²⁶ L’Huillier identifies this as the basis for appeal legislation that would be clarified and expanded in the fourth century. See his article, “La législation du conseil du Sardique sur le droit d’appel dans la tradition canonique byzantine,” *Messenger* 80 (1992) 201-230.

review of appeals. Convoled by the metropolitan bishop, these assemblies provided opportunities for the metropolitan to meet with suffragan bishops, over whom he exercised oversight. During the synod, the metropolitan could guide the religious and disciplinary life of the province and secure the approval of decisions that the bishops would subsequently implement. This provision of Nicaea does not appear to have been consistently implemented, as evidenced by repeated criticisms regarding the neglect of convening synods.²⁷

Superior Hierarchical Jurisdictions

Canon 6 – The ancient customs 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 other churches are to be preserved.

In general, the following principle is evident: if anyone is made a 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.

Some argue that the original purpose of this canon was to officially recognize the rights of the bishop of Alexandria. Rome and Antioch were mentioned only for the purpose of comparison.²⁸ its motivation arose from specific and temporary circumstances that eventually changed and faded from memory. Over time, the canon's provisions were interpreted in ways disconnected from this initial intent. Because the canon does not explicitly state the motivations behind its provisions, it became subject to reinterpretation over time. By the end of the fourth century, this reinterpretation was universally accepted. "In the East as well as in the West, we see in this canon the legal charter forming the basis for the existence of higher ecclesiastical jurisdictions."²⁹ This reinterpretation occurred alongside the evolution of the Church's institutional structures, which were undergoing significant development.³⁰ As these structures grew more

²⁷ Chalcedon (451) c. 20 deplored the lack of councils; Council in Trullo (692) c. 8 and Nicea II (787) c. 6 mandated at least one synod per year.

²⁸ L'Huillier, *Ancient Councils*, 46-47.

²⁹ L'Huillier, *Ancient Councils*, 51.

³⁰ The process was facilitated by the creation of ecclesiastical districts superior to metropolitan provinces. See. See cc. 2 and 6 of the Council of Constantinople (381 CE).

complex, the reinterpretation of the canon set a trajectory for the creation of jurisdictions that extended beyond the authority of metropolitan sees, the patriarchates, broader ecclesiastical jurisdictions aligned with the civil administrative divisions known as dioceses.³¹

This shift marked a pivotal moment in the Church's organizational history, shaping the governance and hierarchy that would define its future. Following the Council of Nicaea, canon 6 became increasingly regarded as the foundational basis for jurisdictions that were superior to metropolitan sees, contributing to the hierarchical organization of the Church.

The second section of the canon refines the process for appointing a bishop, as outlined in canon 4,³² addressing two key aspects. First, the canon affirms and expands the metropolitan's authority in the designation process. While canon 4 requires the metropolitan's confirmation of the proceedings, canon 6 grants the metropolitan the power to nullify *post factum* the process entirely, declaring that "such a one shall not be a bishop." This section further refines the requirements for elections within the Church and provides guidance on handling minority dissent. It emphasizes that if the motivations behind dissent are determined to be purely personal or self-serving, the decision of the majority should prevail. This principle ensures that communal decisions are not hindered by individual agendas that do not serve the greater good. However, the canon does not specify who is responsible for determining whether the dissent is legitimate or purely personal in nature. This silence leaves room for interpretation and could potentially lead to disputes about authority and procedure.

Collaborative Decision-Making in the Church Today

Of course, Nicaea is only a milestone; subsequent councils affirmed (see Antioch [341] cc. 9, 19, and 20) or developed (cf. Constantinople [381] cc. 2 and 3) the principles of Nicaea. Other councils took on

³¹ In this canon, one finds the beginning of the later patriarchal system which was finally formed in the sixth century into the "Pentarchy" of Rome, Constantinople, Alexandria, Antioch and Jerusalem. Andreas Weckwerth, "The Twenty Canons of the Council of Nicaea," in Kim, *Council of Nicaea*, 166. See also Gaudemet, *L'Eglise*, 389-396.

³² One author observes that the Nicene canons lack a systematic arrangement and suggests that their order may reflect the sequence in which they were discussed during the council. In other synods for which the *acta* are available, bishops would present a question for discussion, and the resulting decision would be recorded as a canon. Andreas Weckwerth, *op. cit.*, 161.

different issues. Let us now see how the provisions of the first ecumenical council find expression in the 1990 Eastern code.

The care of the Church by the College of Bishops, united with the Roman Pontiff, can be understood as a spectrum that comprises bishops in diverse roles and with varying degrees of authority. At each end of the spectrum is an individual bishop: the Roman Pontiff exercising authority over the entire Church (c. 43) and the eparchial bishop exercising authority over a particular church (c. 177 §1). At the intermediate level, governance is exercised for a *coetus Ecclesiarum* by a synod of bishops or council of hierarchs headed respectively by a patriarch or metropolitan.

The current episcopal structure of the Eastern Catholic Churches is as follows:

1. **Bishop of Rome:** The supreme authority in the Church, whose decisions are final and not subject to appeal (c. 45 §3).
2. **Patriarch or Major Archbishop with the Synod of Bishops:** A supra-metropolitan figure governing with his synod of bishops (cc. 56, 102, 151, 152).
3. **Metropolitan:**
 - A metropolitan, assisted by a council of hierarchs, who presides over a province within the territory of a patriarchal Church, exercising authority over the eparchies of that province (c. 133).
 - A metropolitan appointed outside the territory of a patriarchal Church (c. 138).
 - A metropolitan designated by an eparchial bishop outside the patriarchal Church's territory in cases where no province exists (c. 139).
4. **Eparchial Bishop:** Entrusted with the pastoral care of an eparchy, which he governs as a vicar and legate of Christ (c. 178).

There are various areas of governance where the decision-making process requires or permits the involvement of one bishop in the affairs of another eparchy. The institution of hierarchical decision-making should not be perceived merely as a system of checks and balances. Rather, it represents a nuanced and collaborative approach to governance that transcends the simplicity of a monarchical-style decision of an individual prone to arbitrariness. Instead, it is a system

rooted in discernment, aimed at fostering collective wisdom and accountability in critical areas such as the election of leadership, decision-making, and penal procedures.

Election of Leadership

The processes in the designation of leadership involve episcopal involvement at the level of the supreme authority and the Church *sui iuris*.

It is within the competence of the synod of bishops to elect a patriarch or major archbishop (cc. 63; 152). The patriarch, after his enthronement, must have ecclesiastical communion from the Roman Pontiff (cc. 76 §2 and 77). The major archbishop must obtain confirmation of his election prior to enthronement (c. 153).

The election of bishops is one of the roles of the synod of bishops (cc. 181-186). In order to be admitted to the College of Bishops (cc. 182 §3; 185) an episcopal candidate must have the *assent* of the Roman Pontiff. After a legitimate election by the synod of bishops, the episcopal candidate must receive a canonical provision from the patriarch before being promoted to the episcopate. One notes that the process of electing an eparchial bishop involves the Roman Pontiff, the patriarch and the synod of bishops.

Decisions Requiring Consultation or Consent

The Eastern code includes numerous instances where the consultation or consent of a superior or peer bishops is required for various actions. Here, I will highlight a few examples of varied situations to illustrate the collaborative approach.³³

Approval must be obtained from the synod of bishops for the publication of liturgical texts and their translations (c. 657 §§1-2)

The patriarch must obtain the consent of the synod of bishops and consult with the Apostolic See before erection, modification or suppression of a province or eparchy (c. 85 §1).

If a Church *sui iuris* considers the establishment of a diriment impediment, it is to consult with the eparchial bishops of other Churches *sui iuris* who might be affected and the Apostolic See (c. 792).

In a metropolitan Church *sui iuris*, the consent of two bishops of that Church is needed to suppress certain associations (c. 583 §2, 1°).

³³ For a more comprehensive list, see John D. Faris, "Chapter III. The Synod of Bishops of the Patriarchal Church," in Faris-Abbass, *Practical Commentary*, 1:314-316.

Intervention of a Metropolitan

If an eparchial bishop fails to conduct canonical visitations in a timely manner, the metropolitan can do so (c. 133 §1, 5°). Likewise, the metropolitan can make appointments of candidates proposed or elected to office or a finance officer if the eparchial bishop fails to do so (c. 133 §1, 6°).

If a metropolitan fails to appoint a finance officer and is warned, the patriarch is competent to make the appointment (c. 80, 1°).

Accountability

In the issue of sexual abuse, Pope Francis has outlined a framework for reporting and investigation that exempts no one.³⁴ For example, in the Eastern Catholic Churches, reports against a bishop or metropolitan are to be forwarded to the patriarch or major archbishop who is likewise to communicate the report to the Dicastery for the Eastern Churches (art. 9 §§1-3). In the case of bishop or metropolitan constituted outside the territory of the patriarchal Church, the report is to be submitted to the Dicastery for the Eastern Churches (which has the discretion to communicate it with the respective patriarch or major archbishop (art. 9 §4). A report against a patriarch, major archbishop or metropolitan of a Church *sui iuris* is to be submitted to the Dicastery for the Eastern Churches (art. 9 §5).

Recourse and Appeal

To promote fairness and prevent arbitrariness, the Church has implemented a system that permits decisions made by one authority to be reviewed and appealed to a higher authority.

A person who considers himself or herself aggrieved by a decree can make recourse against an administrative decree to the higher authority of the who issued the decree (c. 997 §1).³⁵

The ordinary remedy of law is an appeal (*appellatio*) (c. 1309), “a juridical act placed against a definitive sentence by which an

³⁴ Francis. *Vos estis lux mundi*. (Vatican City State: Libreria Editrice Vaticana, 2019), updated 2023. Accessed 7 January 2025.

https://www.vatican.va/content/francesco/en/motu_proprio/documents/20230325-motu-proprio-vos-estis-lux-mundi-aggiornato.html.

³⁵ There is no recourse against a decree of the Roman Pontiff or an ecumenical council (c. 996).

aggrieved party challenges the merits of the decision and requests its reformation from the superior judge."³⁶

In a contentious case and marriage nullity cases, the parties who consider themselves aggrieved, the promoter of justice and the defender of the bond can appeal the decision of the judge (c. 1309).

In the case of a penal trial, both the accused — even if acquitted — or the promoter of justice can appeal the decision of the judge (c. 1481).

Remission of Penalties

For the sake of justice and equity, the Church provides that individuals other than the hierarchy who initiated the trial or imposed an extra-judicial penalty have the authority to remit a penalty. Specifically, the local hierarchy where the offender resides may remit the penalty, provided that he consults with the hierarchy who initiated the trial or imposed the penalty (c. 1420 §1, 2°). This consultation ensures that "the offender has sincerely repented for the delict committed and that reparation of the scandal and damage has been provided" (c. 1424 §1).

However, certain factors may limit this faculty. The particular law of a Church *sui iuris* could restrict the faculty of remission, either for the hierarchy who initiated the trial or imposed the penalty, or for the local hierarchy of the offender's residence (c. 1420 §2). Additionally, the synod of bishops may enact particular laws reserving the remission of penalties to the patriarch or major archbishop (c. 1423 §1).³⁷

Conclusion: The Nicene Legacy of Collaborative Governance

The Council of Nicaea set a pivotal precedent for collaborative decision-making within the Catholic Church, embedding principles of collegiality, accountability, and shared responsibility in its governance system. By formalizing structures such as the metropolitan framework and refining processes like episcopal appointments and synodal oversight, the council established a governance model that balanced individual authority with collective discernment: the one and the many.

³⁶ William Daniel, "Chapter I. The Ordinary Contentious Trial," in *A Practical Commentary to the Code of Canons of the Eastern Churches*, edited by John D. Faris and Jobe (Montreal, Wilson & Lafleur, 2019) [Abbreviated Faris-Abbass, *Practical Commentary*] 2:2323

³⁷ For further information on this subject, see Frederick C. Easton, "Chapter I. Delicts and Penalties in General," in Faris-Abbass, *Practical Commentary*, 2:2544-2550.

The enduring relevance of these Nicene reforms is evident in the continued emphasis on synodal processes, mutual consultation, and hierarchical accountability as enshrined in the *Code of Canons for the Eastern Churches*. The Church's approach to leadership, disciplinary measures, recourse and appeals reflects a fundamental commitment to ensuring fairness, safeguarding against arbitrariness, and aligning decisions with communal wisdom under the guidance of the Holy Spirit.

As we reflect on the 1700th anniversary of the Council of Nicaea, we are reminded that no bishop governs in isolation. The Church's synodal nature calls for a unified yet diverse exercise of authority, where the College of Bishops, united with the Roman Pontiff, works collaboratively in order to fulfill its mission.