Ecumeny and Law, vol. 7 (2019), pp. 29—52
ISSN 2391-4327

https://doi.org/10.31261/EaL.2019.07.02

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The Regime of Synodality in the Eastern Church of the First Millennium and Its Canonical Basis

Abstract: The synodal form of organisation — sought and established for His Church by Her Founder, that is, by Our Lord Jesus Christ, and affirmed by His Apostles — was also expressly reaffirmed by the canonical legislation of the Eastern Church of the first millennium.

By adapting the form of administrative-territorial organisation of the Church to that of the Roman State — sanctioned by the canons of the Ecumenical Synods (cf. can. 4, 6 Sin. I Ec.; 2, 6 Sin. II Ec.; 9, 17, 28 Sin. IV Ec.; 36 Sin. VI Ec.) — in the life of the Eastern Church several types of synods appeared, starting with the eparchial (metropolitan) synod of a local Church and ending with the patriarchal synod, both still present in the autocephalous Churches of Eastern Orthodoxy.

Keywords: synodality, synodality regime, canonical bases

Introduction

First of all, let us mention the fact that the actuality and the importance of the topic of this article, that is, the regime of Synodality in the Eastern Church of the first millennium, were also proved and brought up to date by the Decisions of "the Holy and Great Synod of the Orthodox Church" assembled in Crete (Greece) in 2016.

Indeed, at the Crete Assembly on 16—26 May 2016, the Synod drafted and published a document on "The Relations of the Orthodox Church with the contemporary Christian world."

Among other things, in the said text the hierarchs of the Orthodox Church — chaired by His Holiness Bartholomew, Ecumenical Patriarch —

state that "the preservation of authentic faith is ensured only by the synodal system, that represents, always, within the Church, the highest authority in matters of faith and canonical rules (can. 6 Sin. II Ec.)."[1]

What it means is that only through the "synodal system" and, *ipso facto*, through the affirmation and application of the synodality regime that the apostolic faith formulated by the Fathers of the Ecumenical Synods is preserved, which is expressly confirmed by the text of the canonical legislation of the Eastern Orthodox Church in the first millennium, wherein it is stipulated that the matters "decided" by the Synods of the ecumenical Church, regarding the "faith, are not to be changed, […], but to be maintained firmly […]"[2] (can. 1 Sin. II Ec.), and, thus, "[…] let no one be allowed to reveal, or to write, or to make another faith (ἑτεραν ϖιστιν)" (can. 7 Sin. III Ec.).[3]

The same Fathers of the Third Ecumenical Council (Ephesus, 431) decided that, if "a metropolitan of a diocese" (province) join "the assembly of the apostates," or adhere to the heretical doctrines, this one "has no power in any way to do anything in opposition to the bishops of the province, since he is already cast forth from all ecclesiastical communion (ἐκκλησιαστυκῆς κοινονίας) […], and shall be degraded from his episcopal rank (τοῦ βαθμοῦ τοις ἐϖισκοϖης ἐκβληθῆναι)"[4] (can. 1 Sin. III Ec.).

Therefore, according to this ecumenical decision, if a metropolitan is deserting his synod, adhering to the heretical doctrines, he has to be deposed from his episcopal ranks.

Then, we would like to inform the reader of our paper that, for its elaboration, we went *ad fontes*, that is, both to the canonical ones, and to the ecclesiological and historical ones.

Finally, concerning the structure of our paper, the reader of the paper will easily realise that we made some subheadings in order to divide the text into self-contained parts.

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[1] The Holy and Great Synod: *The Relations of the Orthodox Church with the World of Christianity* (official document), apud https://basilica.ro/sfantul-si-marele-sinod-relatiile-ortodox-ortodox-cu-sambul-lumii-crestine-document-official (accessed 3.03.2019).

[2] Apud *The Syntagma of the Divine and Sacred Canons (Athenian Syntagma)*, ed. G. A. Rhalli, M. Potli, vol. II, Atena, 1852, pp. 192—193. See also the Romanian text in *Canons of the Orthodox Church. Notes and Comments* (*Canoanele Bisericii Ortodoxe. Note şi comentarii*), ed. I. N. Floca, Sibiu, 1992, p. 64.

[3] *Athenian Syntagma*..., vol. II, p. 200; *The Canons of the Orthodox Church* (*Canoanele Bisericii Ortodoxe*)..., p. 74.

[4] *Athenian Syntagma* ..., vol. II, pp. 192—193; *Select Library of the Nicene and Post-Nicene Fathers of the Christian Church*, ed. P. Schaff and. H. Wace, 2nd series, vol. 14, SAGE Software Albany, Oregon 1996, p. 563 (apud http://www.agape-biblia.org/orthodoxy/The%20Seven%20Ecumenical%20Councils.pdf); *The Canons of the Orthodox Church* (*Canoanele Bisericii Ortodoxe*)..., pp. 72—73.

1. The synodality including the whole body of the Church (clergymen and laity)

The Greek word συνοδικότης (synodality) — derived from the word συνοδος (synod) — is expressed in the Latin Church through 'conciliarity'[5], derived in turn from the Latin word *concilium*. However, the two terms, synod and *concilium*, are synonymous, even though the notion of *concilium* has a "much more institutional connotation"[6] than the Greek term, that is, the *synodos*, which expressly refers to the "Assemblies of bishops." But, the regime of the synodality is not confined only to the "assembly of the bishops," since it includes the whole body of the Church, namely clerics and laity, as even the Ecumenical Councils attested by their synodal letters sent "to the bishops, presbyters, deacons and all the people in every province and city."[7]

As one of the acclaimed theologians of the Orthodox Church remarked, in the ancient Church "believers were not passive objects of the holy work of the hierarchy, but active collaborators of it,"[8] hence the finding that, by the participation of the laity at the Synods of the Church of the first centuries, expression was actually given to the participation of the laity in the communion life of the Church.

The same Romanian Orthodox theologian also remarked that in the "Old Church" there was a "complementarity" between the "episcopal synodality" and the "Church communion," that is, the *pleroma* of the Church, concretely expressed by "the fact that representatives of the clergymen, monks and the faithful also participated in synods and their opinion was asked for before adopting the synodal definitions."[9]

Since "any approach to conciliarity is an essential tribute to a particular ecclesiology, whether explicit or not," we must therefore start "from a vision of the Church"[10] in which "Conciliarity" meaning "Synodality" is perceived both as the work of the Holy Spirit (cf. the Acts of the Apos-

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[5] Ş. Lupu: *Synodality and / or Conciliarity: an Expression of Church Unity and Catholicity* (*Sinodalitatea şi / sau conciliaritatea: expresie a unităţii şi catolicităţii Bisericii*). "Dialog teologic", IV, 7 (2001), pp. 31—49.

[6] M. Stavrou: *Linéaments d'une théologie orthodoxe de la conciliarité*. "Irenikon", 4 (2003), p. 472.

[7] Letter sent by the two hundred "Holy and Blessed Fathers" who met at Ephesus (431). In: *Select Library of the Nicene and Post-Nicene Fathers*…, p. 562.

[8] D. Stăniloae: *Theological Bases of the Hierarchy and its Synodality* (*Temeiurile teologice ale ierarhiei şi ale sinodalităţii ei*). "Studii Teologice", XXII, 3—4 (1970), p. 172.

[9] Ibidem, p. 173.

[10] M. Stavrou: *Linéaments d'une théologie*…, p. 473.

tles, XV, 1—29), and as a participation of the whole Church, as was the synodality expressed and lived by the Eastern Church from the apostolic age through the regime of its synodality,[11] which was neither reduced to the realities of the "eucharistic ecclesiology" (according to N. Afanasiev), nor to those of the "Sobornicity" (according to A. Klomiakov), as they refer eminently to spiritual-religious aspects, and not to the ecclesiological-canonic content of regime of the synodality.

From the early centuries of Christianity, the Church was aware that each *episcopus* (bishop) was *in Ecclesia* (in the Church), and that the respective *ecclesia* (local Church) was represented by the *episcope* (bishop) (cf. to St. Cyprian of Carthage † 256), hence the affirmation — by the Eastern canonical legislation from the 3rd and 4th centuries — "of the old canonical principle of the absolute ontological equality between all the bishops, each of them possessing in his local Church, through the grace of the Holy Spirit, the authority and power received from the Apostles."[12]

2. About the forms of government of the Church of collegial-synodal type, and their ecclesiological interpretations

Ecclesiologists and canonists of the Eastern Orthodox Church emphasised the fact that "the form of government, of collegial-synodal type, was sought and established, for His Church, by our Lord Jesus Christ,"[13] and not by any Center or Ecclesial Primate See, and that only the forms of administrative-territorial organisation — which the Church adopted for itself during the first millennium, as a natural consequence of the impact of the geo-political factor of that time — contributed to the hierarchisation of the episcopal Sees following the political criterion, that is, the political importance of the citadel where their hierarchs resided.

The administrative-territorial organisation of eparchial type, and, *ipso facto*, the metropolitan Synod, appeared at the end of the 3rd century, as a natural consequence of the adaptation process of administrative-territorial

[11] See N. V. Dură: *Le Concile des Apôtres, prototype de tous les conciles, modèle de la synodalité orthodoxe*. "La Lumière du Thabor", 49—50 (2003), pp. 61—84.

[12] M. Stavrou: *L'autorité ecclésiale dans le monde byzantine*. "Contacts", 202 (2003), p. 153.

[13] See N. V. Dură: *Le Régime de la synodalité selon la législation canonique, conciliaire, oecuménique, du I^er millénaire*, Ed. Ametist 92, Bucharest, 1999, pp. 120—128.

church organisation to the administrative-territorial system of the Roman Empire, in spite of the fact that, *in illo tempore*, the relations between the Roman State, the pagan, and the Church, were still antagonistic.[14]

About the process of accommodating or adapting the form of church organisation to the administrative territorial system of the Roman Empire, is expressly referred to — in the text of ecumenical canonical legislation — only from the period of the first ecumenical Synod (Nicaea, 325), in whose canons were expressly stated both the territorial principle and the principle of synodality (cf. can. 4, 6 Sin. I Ec.; 3 Sin. II Ec.; 1 and 8 Sin. III Ec.; 9, 17, 28 Sin. IV Ec.; 9 and 19 Antioch; 52 Carthage).

Some Orthodox ecclesiologists also found that "malgré les avancées récentes du dialogue œcuménique, […], l'Église romaine et les Églises d'Orient se trouvent, en ce début de troisième millénaire, encore séparées par plusieurs différends théologiques, les plus important étant sans nul doute un sérieux clivage ecclésiologique autour de l'interprétation de la primauté de l'évêque de Rome."[15]

Unfortunately, this ecclesiological cleavage, concerning the interpretation of the primacy of the apostolic bishop of Rome — between the two Churches, namely the Roman Catholic and the Eastern (Orthodox) — has been perpetuated and deepened, despite the fact that obvious efforts to overcome these divergences.

Certainly, an evident testimony in this regard is represented by the papers presented at the Scientific Symposium organised by the Pontifical Council for the Promotion of "Christian Unity" assembled in Rome in 2004, at the initiative of His Eminence Cardinal Walter Kasper, entitled "The Petronian Ministry. Catholics and Orthodox in dialogue."[16]

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[14] See N. V. Dură: *The Organization of the Ethiopian Church and its Canonical Basis* (*Organizarea Bisericii etiopiene şi bazele ei canonice)*, Ed. IMBOR, Bucharest, 1990; Idem: "*Scythia Mynor" (Dobrudja) and its Apostolic Church. The Archiepiscopal and Metropolitan See of Tomis* (*4th—14thcenturies*) (*„Scythia Mynor" (Dobrogea) şi Biserica ei apostolică. Scaunul arhiepiscopal şi mitropolitan al Tomisului (sec. IV—XIV)*), Ed. Didactică şi Pedagogică, Bucharest, 2006; Idem: *The Edict of Milan (313) and its Impact on the Relations between the State and the Church. Some Historical, Legal and Ecclesiological Considerations* (*Edictul de la Milan (313) şi impactul lui asupra relaţiilor dintre Stat şi Biserică. Câteva consideraţii istorice, juridice şi ecleziologice*). "Mitropolia Olteniei", 5—8 (2012), pp. 28—43; N. Dură, C.Mititelu: *Canonic Legislation and European Legal-Canonical Institutions in the First Millennium* (*Legislaţia canonică şi instituţiile juridico-canonice europene, din primul mileniu*), Ed. Universitară, Bucharest, 2014; Idem: *The State and the Church in IV—VI Centuries. The Roman Emperor and the Christian Religion*. In: *SGEM Conference on Political Sciences, Law, Finance, Economics & Tourism*, I (2014), Albena, pp. 923—930.

[15] M. Stavrou: *L'autorité ecclésiale*…, p. 148.

[16] The only Orthodox canonist invited to this scientific Symposium was the signatory of these lines, who presented the paper entitled "*Petrine Primacy": The Role of the Bishop*

In our opinion, the perception and interpretation of *pro-domo*, which each of the two "Sister" Churches (cf. Pope John Paul II) continues to express, are not intended to lead to a "convergence" of opinions, able to smooth the way to the fulfillment of the *pium desiderium* (the pious desire) for the restoration of the ecclesial unity lost in 1054, but will continue to have the gift of generating and feeding more and more the alienation of the two Churches and, *ipso facto*, the deepening of the ecclesiological cleavage between the two.

Undoubtedly, divergent interpretations, of an ecclesiological and canonical nature, can be clarified and homogenised only by returning to *ad fontes*, that is, to the canonical legislation of the first millennium, in which we find not only the foundations or canonical bases of the synodality regime, but also some of the "canonical fundamental principles" on the organisation and administration of the Church,[17] such as the territorial principle and the principle of synodality, the latter being stated by our Lord Jesus Christ Himself, and implemented by His Apostles, hence the Church's obligation to express it and apply it to the "structure of its synodal regime."[18]

Both "principles" were, in fact, expressly stated in the text of the canonical legislation of the Eastern Church (cf. can. 34 and 37 apost.; 4, 5 Sin. I Ec.; 8 Sin. III Ec.; 17, 19 Sin. IV Ec.; 1, 8 and 38 Sin. VI Ec.; 1, 6 and 7 Sin. VII Ec.; 20 Antioch; 6 Sardica; 40 Laodicea; 73, 76 Carthage etc.).

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of Rome according to the Canonical Legislation of the Ecumenical Councils of the First Millennium. An Ecclesiological-Canonical Evaluation. In: *The Petrine Ministry: Catholics and Orthodox in Dialogue: Academic Symposium held at the Pontifical Council for Promoting Christian Unity*, ed. Walter Kasper, New York, Newman Press, 2006, pp. 164—18. On the same subject, also see N. V. Dură: *Le „Primat pétrinien". Le rôle de l'Évèque de Rome selon la législation canonique des conciles oecuméniques du premier millénaire. Une évaluation canonique-ecclésiologique*. In: *Il Ministero petrino. Cattolici e ortodossi in dialogo*, ed. Walter Kasper (Città Nuova Editrice), Roma, 2004, pp. 171—201; Idem: *The Bishop of Rome and his Canonical Status. The Apostolic See of Rome and the Process of Restoring Ecumenical Christian Unity* (*Episcopul Romei şi statutul său canonic. Scaunul apostolic al Romei şi procesul de refacere a unității creştine ecumenice*). In: *Ortodoxia românească şi rolul ei în Mişcarea ecumenică. De la New Delhi la Porto Alegre 1961—2006*, Ed. Vasiliana '98, Iaşi, 2006, pp. 89—118.

[17] I. Ivan: *The Importance of the Fundamental Canonical Principles of Organization and Administration, for the Unity of the Church (Importanța principiilor fundamentale canonice de organizație şi administrație, pentru unitatea Bisericii)*. "Mitropolia Moldovei şi Sucevei", 3—4 (1969), pp. 155—165.

[18] N. V. Dură: *Le Régime de la synodalité…*, p. 119.

3. The synodal work of the Church taking the form of mixed Synods and autocephalous Churches

Theologians of the Orthodox Church also speak of the "theological foundations of the hierarchy and synodality"[19] and even of the "synodality of the hierarchy," which — according to their statement, "represents the communion of persons endowed with special service within the Church."[20]

The same theologians speak with justification about "the complementarity of the episcopal synodality […] with the communion of the faithful people," stating that the synodality of the hierarchy or "episcopal communion […] is framed in the wide church communion"[21] area, hence the natural conclusion that "only the close connection between the communion or episcopal synodality and the widespread communion of the Church makes it possible for the Church to be reflected in the Synod, and the communion between the local Churches themselves to be reflected in the communion between the local Synods."[22]

Certainly, just the lack of this "complementarity of the episcopal synodality," involving the participation of the other two constituent elements of the Church, namely the laity[23] and the monks,[24] to the synodal work of the Church in the form of mixed Synods[25] (clergymen, laity, and monks) might

[19] D. Stăniloae: *Theological Bases of the Hierarchy (Temeiurile teologice ale ierarhiei)*…, p. 165.

[20] Ibidem, p. 167.

[21] Ibidem, p. 171.

[22] Ibidem, p. 172.

[23] Regarding their canonical-legal status, see the voluminous treaty of our sadly departed professor, PhD. L. Stan: *Laymen in the Church* (*Mirenii în Biserică*), Sibiu, 1939.

[24] See N. V. Dură: *The Monks, the third Constituent Element of the Church* (*Monahii, al treilea element constitutiv al Bisericii*). "Biserica Ortodoxă Română", CXXI, 7—12 (2003), pp. 469—483; Idem: *Christianism in Pontic Dacia. The „Scythian Monks" (Daco-Roman) and their Contribution to the Advance of Ecumenical Unity and the Development of the European Christian Humanist Culture*. "Revue Roumaine d'Histoire", 1—4 (2003), pp. 5—18; Idem: *The 'Scythian Monks' (Daco-Roman) and their Contribution to the European Christian Humanist Culture*. In: *Dialogue of Civilizations*, ed. D. Muskhelishvili, New York, Nova Science Publishers, 2010, pp. 33—42.

[25] That these mixed Synods were a reality even after the era of the Ecumenical Synods is confirmed by the nomocanonic Byzantine legislation, which was picked up and applied throughout the whole Southeastern European space of the Orthodox Christian world (see N. V. Dură: *The Byzantine Nomocanons, Fundamental Sources of the Old Romanian Law*. In: *Exploration, Education and Progress in the Third Millennium*, I, 3 (2011), Galați University Press, Galați, pp. 25—48; C. Mititelu: *The Byzantine Law*

entitle some ecclesiologists to say that in the Orthodox Church we have to deal with "un crise de conciliarité,"[26] that is, 'a crisis of synodality'.

In some Orthodox ecclesiologists' opinion, this crisis of synodality is due only to the fact that the ecumenical Patriarchate recognised "two centuries ago" the establishment of "autocephalous Churches and the formation of national Churches."[27]

Undoubtedly, such statements ignore and hide not only the ecclesiological reality, but also the historical one,[28] as these Churches — established from the beginning in an ethnically[29] and geographically well-defined context (cf. can. 34 apost.; 9 Antioch) — merely reaffirmed their old status of autocephaly, as it was the case of the Church of Cyprus (cf. can. 8 Sin. III Ec.), the Georgian Church, the Tomitan Church, from the Roman province of Scythia Minor[30] (the Romanian Dobrudja of today), the patriarchal Sees of Ohrida and of Tarnovo, etc.

About this reality testify even the Byzantine canonists who asserted that, "if you find other Churches which are autocephalous, as the

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and its Reception in the Romanian Principalities. "Philosophical-Theological Reviewer", 4 (2014), pp. 33—43).

[26] M. Stavrou: *Linéaments d'une théologie…*, p. 470.

[27] Ibidem, p. 471.

[28] See, for example, I. V. Dură: *Les „Tomes synodaux" émis par le Patriarcat œcuménique au XIX*e *et au XX*e *siècles pour octroyer l'autonomie ou l'autocéphalie à des Églises orthodoxes*. "Revue des Études Sud-Est Européennes", XXXII, 1—2 (1994), pp. 63—66.

[29] I. Ivan: *Ethnos — the Nation — Divine Basis and Fundamental Canonical Principle of Church Autocephaly* (*Etnosul — neamul — temei divin* şi *principiu fundamental canonic al autocefaliei bisericeşti)*. In: *Autocefalia: libertate şi demnitate*, Ed. Basilica, Bucharest, 2010, pp. 26—34.

[30] See N. V. Dură: "*Scythia Mynor" (Dobrudja) („Scythia Mynor" (Dobrogea))…*, pp. 16—56; 84—98; 122—132. It should also be noted that the hierarchs of this old Romanian, autocephalous Church, also corresponded with some Popes of Rome. Moreover, leading theologians in the area of this Tomitan autocephalous metropolis, such as Saint John Cassian and St. Dionysius Exiguus, were in direct contact with the bishops of Rome, and the latter one, namely "Father of Western Canon Law", was also a counselor to eight popes. See: I. Pulpea: *Bishop Valentinian of Tomis. His Correspondence with Pope Vigilius on "The Three Chapters" (Episcopul Valentinian de Tomis. Corespondenţa lui cu papa Vigiliu în chestiunea „Celor Trei Capitole")*. "Biserica Ortodoxă Română", LXV, 4—6 (1974), pp. 200—212; C. Mititelu: *Saint John Cassian The Founder of Occidental Monasticism*. "Christian Researches", VI (2011), pp. 32—49; Idem: *Dacian-Roman Cultural Personalities from Scythia Minor (4th—6th Centuries) and Their Contribution to the Affirmation and Promotion of a Humanistic-Christian Culture at European Level*. In: *New Approaches in Social and Humanistic Sciences*, Iaşi—London, 2018, ed. V. Manolachi, C. Rus, S. Rusnac, pp. 316—331; N. V. Dură: *Denis Exiguus (Le Petit) (465—545). Précisions et correctifs concernant sa vie et son oeuvre*. "Revista Española de Derecho Canonico", L (1993), pp. 279—290; Idem: *Dionysius Exiguus and the Popes of Rome (Dionisie Exiguul şi Papii Romei)*. "Biserica Ortodoxă Română", CXXI, 7—12 (2003), pp. 459—468.

Church of Bulgaria, of Cyprus, of Iberia (Georgia, n.n.), you need not be astonished."[31]

The Fathers of the Second Ecumenical Council (Constantinople, 381/382) had decided that "the Churches of God in heathen nations (ἐν τοῖς Βαρβαρικῖς ἔδνεεσι) must be governed according to the custom which prevailed from the times of the Fathers" (can. 2 Sin II Ec.).[32]

According to a such custom, which prevailed from the pre-Nicene epoch, as the Fathers of the First Ecumenical Council attested (cf. can. 6), it has to be also governed "the Church of Abyssinia,"[33] which remained under the canonical jurisdiction of the Patriarchate of Alexandria until 1959.[34]

All these autocephalous Churches established from the beginning among the "barbarians" or "heathen" nations, have certainly their own national Synod, and, *ipso facto*, their own synodal regime, affirming thus and their autocephalic status according to the ecumenical canonical legislation. In fact, even the local Churches found under the jurisdiction of the first patriarchal See of the former Byzantine Empire, that is, the Constantinople See, continued to reaffirm, whenever the geo-political conditions were in their favour, both their old autocephalous status[35] and their regime of synodality.

The local autocephalous Churches, established in an ethnically and geographically well-defined framework, had a synodical leadership since the Apostolic Age, as confirmed by the Epistles addressed by the Holy Apostles to the Christian communities that they had set up, namely the Romans, Corinthians, Galatians, Ephesians, etc.

As for the "old" autocephaly of the national Churches, constituted in an ethnical and geographical context, and, *ipso facto*, about their synodal

[31] Balsamon, Commentary of the Canon 2 of the Ecumenical Council of Constantinople (381/382). In: *Athenian Syntagma*…, vol. II, p. 171.

[32] *Athenian Syntagma*…, vol. II, p. 170.

[33] Commentary of the canon 2 of the second Ecumenical Council. In: *Select Library of the Nicene and Post-Nicene Fathers*…, p. 468.

[34] N. V. Dură: *The Organization of the Ethiopian Church*…, p. 9 ff.

[35] See, L. Stan: *The Origin of Autocephaly and Autonomy (Obârşia autocefaliei şi autonomiei)*. "Mitropolia Olteniei", XIII, 1—4 (1961), pp. 80—113; I. Ivan: *Relations between the Local Autocephalous Orthodox Churches and with the Ecumenical Patriarchate according to Canons and History (Raporturile Bisericilor ortodoxe autocefale locale între ele şi faţă de Patriarhia ecumenică după canoane şi istorie)*. "Mitropolia Moldovei şi Sucevei", XLIX, 7—8 (1973), pp. 465—478; V. Muntean: *Les relations byzantino-roumaines au Moyen Âge. Nouvelles precisions*. "Études byzantines et post-byzantines", IV (2001), pp. 167—180; M. Păcurariu: *Some Considerations on the Age of „Autocephaly" of the Romanian Orthodox* Church (*Câteva consideraţii cu privire la vechimea „autocefaliei" Bisericii Ortodoxe Române)*. In: *Autocefalia: libertate şi demnitate*, Ed. Basilica, Bucharest, 2010, pp. 101—112.

system, the historical (ecclesiastical and secular) sources of the States, in which they exist to this day, give us conclusive testimonies.[36]

To prove that this was, indeed, the reality during the ecumenical Synods also, it is enough to return *ad fontes*, that is, to the canonical legislation of the Eastern Church of the first millennium (cf. can. 34 apost.; 9 Antioch, 8 Sin. III Ec. etc.), as we did in our article, in order to present just the fact that the synodality regime within the Orthodox Churches of the first millennium was an peremptory evidence, and it has a solid canonical basis.

4. The existence of several types of synods in the Eastern Orthodox Church of the first millennium

The text of the canonical legislation of the Eastern Orthodox Church gives us not only the possibility to underline the fact that its synodal regime has a solid canonical basis, but also to remark the existence of several types or kinds of synods[37] which emerged as a natural consequence of the process of adapting or accommodating the form of administrative-territorial organisation of the Church to that of the Roman state.

The first type of synod — mentioned explicitly in the text of the canonical legislation of the Eastern Church of the first millennium — is the "national Synod," which gathered the "τούς εϖισκόϖους ἕκάστου ἔθνους" (the bishops of every nation) (can. 34 apost.). However, later on, some canonists of Eastern Orthodox Church replaced the notion of ἐθνος (nation) — stipulated in the text of the apostolic can 34 — with that of χώρα" (territory).[38]

This notion χώρα ('territory') was expressly mentioned in the text of the can. 9 of the Council of Antioch (341), in which the Fathers of this Synod underlined the fact that "ἕκαστον ἐϖίσκοϖον ἐζουσίαν ἔχεω τῆς ἑαυτοῦ ϖαροκίας" (any bishop has power over his bishopric), that is, over

[36] See N. V. Dură: *Forms and Manifestations of the Autocephaly of the Romanian Orthodox Church. Historical, Ecclesiological and Canonical Testimonies (Forme şi stări de manifestare ale autocefaliei Bisericii Ortodoxe Române. Mărturii istorice, ecleziologice şi canonice)*. In: *Autocefalia: libertate şi demnitate*, Ed. Basilica, Bucharest, 2010, pp. 113—155.

[37] N. V. Dură: *Le Régime de la synodalité*..., pp. 411—468; Idem: *Le Régime de la synodalité dans les huit premières siècles. Les types des synods*. "L'Année Canonique (Hors Série)", I (1992), pp. 267—283.

[38] For instance, Zonara is one of them (See *Athenian Syntagma*..., vol. III, p. 141).

"ϖάης τῆς Χώρα τῆς ὑϖὸ τὴν ἑαυτοῦ ϖόλιν […]"[39] (the whole territory found under the jurisdiction of his city…) (can. 9 of the Synod of Antioch).

But, the replacement of the word ἐθνος (nation) with the word χώρα (territory) in some Greek canonical collections of our days[40] was not due to an error or to an ignorance, but with a precise goal, that is, to ignore or to hide an ecclesiological-canonical reality, namely, the state of the autocephaly of the ancient local Churches, which were established based on the ethnical or national criterion just from the apostolic epoch (cf. II Cor. 1, 1; Galat. 1, 1; I Tes. 1, 1; can. 34 apost.).

It is, however, gratifying to note that the Latin Canon Code — in force since 1983[41] — expressly refers to both the *coetus episcoporum alicuis nationis* (the assembly of all the bishops of a nation) (can. 447), and the *praesules omnium Ecclesianum particularium eiusdem nationis* (the primates of all the particular Churches of the same nation) (can. 448 § 1), therefore, in the words written in the text of the apostolic can. 34.

It should be also remarked the fact that the reference to the "Assembly of the bishops of the same nation's Churches" — of the two canons of "the Canon Code of the Latin Church" (according to can. 1) — is, in fact, a citation "almost verbatim from Christus Dominus 38, 1, …"[42]

The second type of Synod — stipulated by the canonical legislation of the Eastern Church in the first millennium — is "the Synod of the neighbouring bishops" (cf. can. 4 Sin. I Ec.; 12, 14 Antioch; 3, 4, 5, 6 Sardica).

This type of synod is frequently found mainly in the geographical area of the Churches established among others by the "τὰ ἔθνη βάρβαρα"[43] (barbaric people), where, due to an insufficient number of bishops, the respective Churches continued to be governed "according to the old custom passed on by the Fathers,"[44] who often called for the presence of neighbouring bishops to reach a decision *synodaliter* and *collegialiter*.

The third type of Synod is the "provincial" (eparchial) one, mentioned for the first time in the canons of the first ecumenical Synod (cf. can. 4 and 5).

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[39] *Athenian Syntagma*…, vol. III, p. 141.

[40] One of these Collections was published in Thessaloniki, in the end of the last century (See I. V. Dură: *Les „Tomes synodaux" émis par le Patriarcat œcuménique*…, pp. 63—66).

[41] N. V. Dură: *The New Canon Code of the Catholic Church. Remarks of Catholic Canonists and Ecclesiologists (Noul Cod canonic al Bisericii Catolice. Reflecţii ale canoniştilor şi ecleziologilor catolici)*. "Ortodoxia", XXXV, 4 (1983), pp. 621—625.

[42] J. G. Johnson: Commentary on the Canons 447 and 448. In: *New Commentary on the Code of Canon Law*. Ed. by J. P. Beal et al. Ed. Paulist Press, New York, 2000, p. 590.

[43] See N. V. Dură: *Le Régime de la synodalité*…, p. 419.

[44] *Pidalion* (*The Rudder*), ed. Agapie and Nicodim, Athens, 1990, p. 157.

According to the can. 4 of the First Ecumenical Council, the ratification of the election and of the ordination of a bishop — within a diocese (ἐπαρχίας) — belonged to the "τῷ μητροπολίτη,"[45] that is, to the metropolitan of the province, who was head of the eparchial (provincial) Synod.

In their comments, the Byzantine canonists of the 12th century (Zonara, Balsamon, and Aristen) attested explicitly that both the election and the ordination of a bishop were ratified by "the metropolitan of province."[46]

Some western canonists remarked, however, the fact that "the Greek Commentators, Balsamon and others, […], followed the example of the Seventh and [so-called] Eighth (Ecumenical Councils) in affirming that this fourth canon of Nicaea takes away from the people the right previously possessed of voting in the choice of bishops and makes the election depend entirely on the decision of the bishops of the province […]; with it also the people have been removed from episcopal elections, but this did not happen till later, about the eleventh century," when in the Latin Church too, "it was not the people only who were removed, but the bishops of the province as well, and the election was conducted entirely by the clergy of the Cathedral Church."[47]

We should also notice the fact that, according to the provision of canon 5 of the same Ecumenical Council (Nicaea, 325), the metropolitan Synod has to be meet "twice every year…"[48] This type of synod would, in fact, be confirmed by both canon 2 of the Second Ecumenical Synod, and by canons 9 and 17 of the Fourth Cumenical Synod.

The fourth type of Synod is the "exarchal Synod," which — in the East — was confirmed by the legislation of the Second Ecumenical Synod (Constantinople, 381/382) by canons 2 and 6.

In can. 2, the Fathers of this ecumenical Council speak about τοὺς διοίκησιν ἐπισκόπους, that is, about the bishop who had their Sees in the metropole of a territorial unity called διοίκησις (exarchate), and which included more eparchies (provinces), hence the fact that this kind of Synod — established in a geographical space of the Roman administrative-territorial unit led by an *exarchus* — was called μείξον σινόδος τῆς διοικὴσεως ἐκείνης ἐπισκόπων (a greater synod of the bishops of that exarchate) (can. 6 Sin. II ec.).

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[45] *Athenian Syntagma*…, vol. II, p. 122.

[46] See the Comments made by the Byzantine canonists to can. 4 of the first Ecumenical Council. In: *Athenian Syntagma*…, vol. II, p. 170—172.

[47] Commentary to the Canon 4 of the Council of Nicaea, apud *Select Library of the Nicene and Post-Nicene Fathers*…, p. 75.

[48] *Athenian Syntagma*…, vol. II, pp. 124—125.

As the canonist Van Espen pointed out, "it is evident from the context of this canon that '*diocese*' here does not signify the district or territory assigned to any one bishop, as we today use the word; but for a countryside which not only contained many episcopal districts, as today do ecclesiastical provinces, but which contained also many provinces, and this was the meaning of the word at the time of this Council's session."[49]

This is indeed the authentic interpretation of the can. 6 of the Second Ecumenical Council (Constantinople, 381) concerning the type of the exarchal Synod. In fact, in the canons of the Second Ecumenical Synod, the new administrative-territorial unit was explicitly called διοίκησις/εως, a term derived from the verb διοίκέω-ῶ ('to administer, to govern'), which "within the nomenclature of the state administrative units" had the meaning "of superior political leadership."[50]

The administrative-territorial unit of the Roman Empire, which contained many provinces (*provinciae*), was called in Greek *exarchate*, led by a ἔξαρχος/ου ('chief, executive'). The head of the administrative-territorial church unit established in a such geographic area of the state, was also called exarch.

The term *exarchus* (exarch) — which is of "military origin" and originally designated "holding a supreme authority"[51] — was introduced in ecclesiological language with the formal adaptation of the Church to the administrative-territorial organisation of διοίκησις/εως (exarchate) by the Second Ecumenical Synod (Constantinople, 381/382).

This form of administrative-territorial church organisation, of exarchal type, confirmed by the Second Ecumenical Synod (cf. can. 2 and 6) and the Fourth Ecumenical Synod (cf. can. 9, 17, 28), was, however, preceded by a pre-exarchal type of organisation (cf. can. 6 Sardica; 12 Laodicea etc.). In fact, even in the text of can. 2 of the Second Ecumenical Synod, reference was made to the "τοῦς ὑπερ διοίκησιν ἐπισκοπους"[52] (the bishops in charge of the dioceses). But, neither the Churches nor the place where these exarchs had their Sees were mentioned, only the five diocesan Sees (exarchal), namely: Alexandria, Antioch, Caesarea of Cappadocia, Pontus and Heraclea, which had already known a pre-exarchal type of organisation even in the epoch of the First Ecumenical Council (Nicaea, 325).

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[49] Van Espen: Commentary of the Canon 6 of Nicaea (325). In: *Select Library of the Nicene and Post-Nicene Fathers*…, p. 483.

[50] Commentary on Canon 2 of the Second Ecumenical Synod. In: *The Canons of the Orthodox Church*…, p. 67 n.1.

[51] M. Stavrou: *L'autorité ecclésiale*…, p. 156.

[52] Canon 2 of the Second Ecumenical Synod. In: *Athenian Syntagma*…, vol. II, p. 169.

In the same can. 2 of the Second Ecumenical Synod, it stipulated "that the issues pertaining to each diocese will be governed by the synod of the respective diocese, according to the judgments of Nicaea,"[53] and the exarchs, that is, τοῦς ὑπερ διοίκησιν ἐπισκοπους, "are not to cross beyond the boundaries of their Churches (ταῖς ὑπερορίοις ἐκκλησίαις)" (can. 2 Sin. II Ec.).[54]

In other words, the ecclesiastical provinces, that is, the ἐπαρχιαις (eparchies), continued to exercise their autonomy through their representative organ, that is, the eparchial Synod, although the "dioecesis" (the exarchate) had become — from an institutional and organizational point of view — "the superior church leadership,"[55] and the exarchal Synod had become an appeal body.

The Fathers of the Second Ecumenical Synod,[56] indeed, stipulated that those who intended to pursue any judicial action "against the bishop, […] shall first present their accusations to all the bishops of the diocese (eparchy) and before them to prove the accusations in those matters. And should the bishops of the eparchy not be able to mend the accusations against the bishop, then they should go to the greater Synod of the bishops of that exarchat […]" (can. 6 Sin. II Ec.).

Thus, from the Synod of the diocese (eparchy) — which was the first court of the bishops — one could take the matter to the judgment of the Synod of the exarchate, which was perceived and defined — by the Fathers of the Second Ecumenical Synod — as μείξον συνόδος (the greater Synod), consisting of "τῶν τῆς διοικήσεως ἐκείνης ἐπισκόπωυ"[57] (the bishops of the respective exarchate (diocese)) (can. 6 Sin. II Ec.).

By this appeal to the judgment of the "Greater Synod," that is, the exarchal one, the local, eparchial Churches — constituted within the administrative-territorial units of the Roman State according to the provision of principle of the Fathers of the First Ecumenical Synod (cf. can. 4, 6, 7) — were losing, however, their old status of autocephaly[58] in favour of

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[53] Commentary on Canon 2 of the Second Ecumenical Synod. In: *The Canons of the Orthodox Church*..., p. 66.

[54] Apud *Athenian Syntagma*..., vol. II, p. 169.

[55] Commentary on Canon 2 of the Second Ecumenical Synod. In: *The Canons of the Orthodox Church*..., p. 67 n. 1.

[56] Regarding this Synod and the importance of its canons concerning the administrative-territorial organization of the Church, see N. V. Dură: *Canonical Legislation of the II Ecumenical Synod and its Importance for the Organization and Discipline of the Church (Legislația canonică a Sinodului II ecumenic şi importanța sa pentru organizarea şi disciplina Bisericii)*. "Glasul Bisericii", XL, 6—8 (1981), pp. 630—671.

[57] *Athenian Syntagma*..., vol. II, p. 181.

[58] Regarding their autocephaly status, see L. Stan: *About Autocephaly (Despre autocefalie)*. "Ortodoxia", VIII 3 (1956), pp. 369—396; Idem: *Autocephaly and Autonomy in the*

the new units, that is, the "dioceses" (exarchates), maintaining only their autonomy. Anyhow, the fact that the Churches organised in eparchies had enjoyed their status of autocephaly *ab antiquo* was also confirmed by the Byzantine canonists, who noticed that "in ancient times, all metropolitans of the dioceses were autocephalous (αὐτοκέφαλοι), and they were ordained by their own Synods (ὑπό τῶν οἰκείον συνόδων)."[59]

The fifth type of synod is the "Patriarchal Synod," which appeared at the same time with the dignity of Patriarch, namely at the Fourth Ecumenical Synod. Indeed, the Holy Fathers of the Fourth Ecumenical Synod (Chalcedon, 451) recognised the dignity of Patriarch for the "Old Rome" See[60] (cf. can. 3 Sin. II Ec.; 29 Sin. IV Ec.), and, in the canon 28, "promulgated in the absence of the Roman representatives," attributed "the privilege of ordaining the metropolitans of three civil 'dioceses', namely Thrace, Pontus, and Asia, to the Archbishop of Constantinople."[61]

As a result of this decision, "the former system of the exarchates was, thus, suppressed," and "the Patriarchate of Constantinople was endowed — an Orthodox ecclesiologist specified — with a judicial power that stretched over Thrace and the entire Asia Minor"[62]; which led — according to Michel Stavrou — "to the increase of his prestige as an archbishop whose See was in the capital of the ecumenical empire, i.e. (virtual) universal."[63]

However, it should be remarked that, in the text of the can. 28 of the Fourth Ecumenical Council, the *proedros* of the Constantinopolitan Church is not called "patriarch," but "archbishop of Constantinople," whom he in fact until then was.

Orthodox Church (Autocefalia şi autonomia în Biserica Ortodoxă). "Mitropolia Moldovei şi Sucevei", XXXVIII (1962), pp. 567—579.

[59] T. Balsamon: Commentary on Canon 2 of the Second Ecumenical Synod. In: *Athenian Syntagma*…, vol. II, p. 171.

[60] See N. V. Dură: *Le Régime de la synodalité*…, p. 104; Idem: *Patriarch and Patriarchate. Patriarchate, one of the old European Institutions* (*Patriarh şi Patriarhie. Patriarhia, una din vechile Instituţii europene*). "Biserica Ortodoxă Română", CIII, 1—3 (2005), pp. 414—432; Idem: *From the Judicial-Canonical Institution of the Pentarchy to Renouncing the Title of "Patriarch of the West" (De la instituţia juridico-canonică a Pentarhiei la renunţarea titlului de „Patriarh al Occidentului")*. In: *Autocefalia, libertate şi demnitate*, Ed. Basilica, Bucharest, 2010, pp. 455—479; Idem: *The Legal and Canonical Institution of the Patriarchate and its Ecclesiological Implications. From the Diarchic Type of Leadership to the Pentarchic, and then Tetrarchic (Instituţia juridico-canonică a Patriarhatului şi implicaţiile ei ecleziologice. De la sistemul de conducere de tip diarhic la cel pentarhic, şi apoi la cel tetrarhic)*. "Revista de Teologie Sfântul Apostol Andrei", XV, 1 (2011), pp. 21—51.

[61] M. Stavrou: *L'autorité ecclésiale*…, p. 157.

[62] Ibidem

[63] Ibidem, p. 158.

Moreover, it has to be taken also into account the fact that only in 458/459 Archbishop Gennadius of Constantinople (458—471) called himself "the patriarch of Constantinople,"[64] and in the legislation of the Eastern Roman Empire the dignity of Patriarch is mentioned only in the year 565. Indeed, in this year Emperor Justinian promulgated "in the name of Lord Jesus Christ, our God"[65] a "Novella," that is, a "New Constitution" (imperial), in the text of which there was — among other things — a deliberate mention of "patriarchs," the only ones entitled to "assemble all the bishops" in the patriarchal Synod, the same way "the bishops appointed by the metropolitan were to meet in the Synod of the eparchy (diocese), which was to meet once a year,"[66] although the canons published until the time of Justinian (cf. can. 37, 5 Sin. I Ec.; 19 Sin. IV Ec.) had stipulated the obligation of the metropolitan Synods to meet "twice a year" (cf. can. 5 Sin. I Ec.; 2, 6 Sin. II Ec.; 11, 13, 19 Sin. IV Ec.).

The provision of the constitutional law of Emperor Justinian on the meeting of eparchial Synods only once a year would be reiterated both by the Sixth Ecumenical Synod (Constantinople, 691/692), in can. 8, and by the Seventh Ecumenical Synod (Nicaea, 787) in can. 6. In fact, the same Basileus, Justinian (527—565) — the last Roman emperor and the first Byzantine Emperor — expressly demanded "the governors of the provinces […] to convince the metropolitans and the bishops to assemble the mentioned synods […]," [67] that is, the metropolitan Synods.

Regarding the title of patriarch, we also recall the fact that Emperor Justinian — who proved to be a real *defensor et protector Ecclesiae*[68] — recognised only five "primate" patriarchal Sees, namely, Rome, Constantinople, Alexandria, Antioch, and Jerusalem, a reality that would be legitimated — from a canonical point of view — by the Fourth Ecumenical Synod in can. 36, which consecrated the pentarchic system of leadership in the Ecumenical, Catholic, or Universal Church of the Roman Empire.

Concerning the title of ecumenical patriarch, the patriarch of Constantinople claimed it for him after the age of Emperor Justinian, more precisely in 595. However, it should be noted and remembered that in the canonical legislation of the Eastern Church the dignity and title of "Patri-

[64] *Encyclical Sent to all Metropolitans regarding Simoniacal Ordinations (Enciclică trimisă tuturor mitropoliților referitor la hirotoniile simoniace)*. In: P. G. (Migne): LXXXV, 1613—1617.

[65] Novela 137, apud *The Novels of Justinian. A Complete Annotated English Translation*, vol. 2, ed. by D. J. D. Miller, P. Sarris, Cambridge University Press, 2018, p. 913.

[66] Novela 137, 4, apud *The Novels*..., p. 918.

[67] Novela 137, 13, 6, apud *The Novels*..., p. 919.

[68] C. Mititelu: *The Christian Emperors of "Old Rome" and "New Rome" — "Defensores et Protectores Ecclesiae" (Defenders and Protectors of the Church)*. "Bulletin of the Georgian National Academy of Sciences", XII, 4 (2018), pp. 202—211.

arch" only appear mentioned for the first time in canons 7 and 36 of the Sixth Ecumenical Synod, in which it was also provided the hierarchical, enumerative, order of the main patriarchal Sees of the ecumenical Church, that is, Rome, Constantinople, Alexandria, Antioch, and Jerusalem.[69] In all these patriarchal centres, as well as in those outside the boundaries of the Roman Empire, such as the Patriarchate of Georgia,[70] the old regime of synodality continued to function, but this time it was also expressed by Patriarchal Synods.

Nevertheless, one must not ignore or obscure the fact that "the canonical status of the patriarchal Synod was to be for the first time well specified in canon 17 of the Fourth Synod of Constantinople (869—870),"[71] in which an explicit reference was made to the Synod convened by the "patriarch," that is, the patriarchal Synod, during which "some metropolitans […] did not obey the summons (to this synod) by the patriarch, proving thus a 'contempt' for the *antique consuetude* (old custom) and *canonica traditione* (canonical tradition)."[72]

In the same canon of this Constantinopolitan Synod, assembled in the years 869—870, the canonical status of the patriarchal Synod in relation to the metropolitan one was stated in the following terms: "the Synods assembled by the Patriarchal See have a higher motivation for its existence and utility than those of the metropolitans," due to the fact that "via a Synod presided over by a metropolitan only a diocese is administered," while "via a synod presided over by a patriarch an entire *dioecesis* (patriarchat, n.n.) is administered, thus general utility (*communis utilitas*) is realised; that is why — stated the Fathers of this Synod, also attended by representatives of the apostolic See of Rome — it is better to place the particular good after the general when the superiors (*majoribus*) launch a summons to such a Synod,"[73] that is patriarchal.

Such a patriarchal Synod — with the same canonical status stipulated in canon 17 of the Constantinople Synod in the years 869—870[74]

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[69] Regarding the old canonical enumerative order of the Patriarchal Sees — established by the Byzantines — see Nil Doxapatriu: *The Order of the Patriarchal Sees (Ordinea Scaunelor patriarhale)*, II, translated by C. Erbiceanu. "Biserica Ortodoxă Română", XXX (1906—1907), pp. 1339—1354.

[70] G. Kvesitadze, N. V. Dură: *The Roots of the Georgian and Romanian Science and Culture*, Ed. Academiei Oamenilor de Ştiinţă din România, Bucharest, 2017, p. 19 sq.

[71] N. V. Dură: *Le Régime de la synodalité…*, p. 463.

[72] *Les conciles œcuméniques. Les décrets de Nicée I à Latran V.* Tome II—1. Texte établi par G. Alberigo et al., Ed. Française sous la direction de A. Duval et. al., Ed. Cerf. Paris, 1994, p. 393 (179).

[73] Ibidem.

[74] Initially, this Synod was entitled as "Ecumenical Synod," and kept this title until the beginning of the second millennium in the East, too.

— still works nowadays within each autocephalous Church organised as a "Patriarchy." Indeed, each of these local "autocephalous"[75] Churches, "organized as a Patriarchate,"[76] has a "synodal leadership,"[77] chaired by the "Patriarch," who is the "Primate" among the "hierarchs"[78] of that Church, chosen "by the Holy Synod,"[79] which is its "highest authority."[80]

In lieu of conclusions

From the hermeneutical analysis of the text of the canonical legislation of the Eastern Church, the informed reader could first find out that in the *pars Orientis* of the Roman Empire, from *illo tempore*, the synodality regime was an indisputable reality, which functioned in accordance with the provisions of its canonical legislation of the first millennium.

At the same time, one could notice that all types of Synods — stipulated by its canonical legislation — are, in fact, "the expression of the same synodal principle affirmed at different levels of ecclesiastical organization, and, *ipso facto*, that of *koinonia* (ecclesial communion),"[81] and that the various types of synods — provided by this legislation — were primarily due to the accommodation or adaptation of the Eastern Church to the administrative-territorial organisation of the Roman State.

Finally, the reader of our consideration could realise that the regime of synodality — stipulated by the canonical Eastern legislation of the first millennium — was and still is an obvious reality in the life of the local Orthodox Churches, which underlines the fact that the Orthodox Church was organised, functioned and is being led in the spirit of the old canonical custom, of its canonical Tradition and of its canonical ecumenical norms of the first millennium.

In fact, both the historical and the canonical testimonies confirm to us the fact that the Eastern Church "retained its apostolic and traditional

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[75] *Statute for the Organization and Functioning of the Romanian Orthodox Church* (*Statutul pentru organizarea şi funcţionarea Bisericii Ortodoxe Române*), Art. 2 par. 2, Ed. Imbor, Bucharest, 2008, p. 13.

[76] Ibidem, Art. 6 par. 1, p. 14.

[77] Ibidem, Art. 3 par. 1.

[78] Ibidem, Art. 24, p. 26.

[79] Ibidem, Art. 126 par. 1, p. 89.

[80] Ibidem, Art. 11, p. 19.

[81] N. V. Dură: *Le Régime de la synodalité*..., p. 468.

authenticity precisely due to the synodality regime,"[82] which — over time — was actually reaffirmed in the area of all three administrative-territorial church units, that is, eparchies, exarchates, and patriarchates, and from the 6th century on only through the metropolitan Synod and the patriarchal Synod, which is expressly mentioned not only by the canonical legislation, but also by the state (imperial) legislation, as confirmed by the Novels of Justinian Emperor, whose imperial legislation was also received in the Danubian-Pontic-Carpathian area,[83] namely, in Romania's geographic area of today, which, *in illo tempore*, was partially reintegrated in the space of the Eastern Roman Empire.

[82] E. Eid: *La Synodalité dans la Tradition orientale*. "Ephemerides Juris Canonici", XLVIII, 1—2 (1992), p. 23.

[83] See C. Mititelu: *The Byzantine Law and Its Reception in the Printed Rules in Wallachia of the 17th Century* (*Dreptul bizantin şi receptarea lui în Pravilele tipărite, în Ţările Române, din secolul al XVII-lea*), Ed. Universitară, Bucharest, 2014; Idem: *The Legislation of Emperor Justinian (527—565) and its Reception in the Carpathian-Danubian-Pontic Space*. "Analecta Cracoviensia", 48 (2016), pp. 383—397; Idem: *"Corpus Juris Civilis" and "Corpus Juris Canonici". Legal and Canonical Considerations*. "Teologia", XVIII, 4 (61), 2014, pp. 127—137.

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Dură N. V.: *Le Concile des Apôtres, prototype de tous les conciles, modèle de la synodalité orthodoxe*. "La Lumière du Thabor", 49—50 (2003), pp. 61—84.

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Nicolae Dură

L'ordre synodal dans l'Église d'Orient du premier millénaire et ses fondements canoniques

Résumé

La forme synodale de l'organisation qui a été voulue et établie pour son Église par son fondateur, notre Seigneur Jésus-Christ, et qui a été confirmée par ses apôtres — a également été clairement mise en évidence par la législation canonique de l'Église d'Orient du premier millénaire. En adaptant la forme de l'organisation administrative et territoriale de l'Église à l'organisation de l'État romain — établies par les canons des Synodes œcuméniques (cf. can.4, 6 Sin. I Ec; 2, 6 Sin. II Ec; 9, 17, 28 Sin. IV Ec.; 36 Sin. VI Ec.) — plusieurs types de synodes sont apparus dans la vie de l'Église d'Orient, à partir du synode éparchial (métropolitain) de l'Église locale et se terminant par le synode patriarcal. Les deux synodes sont toujours présents dans les Églises orthodoxes autocéphales.

Mots clés: synodalité, ordre synodal, fondements canoniques

Nicolae Dură

L'ordine sinodale nella Chiesa d'Oriente del Primo Millennio e le sue basi canoniche

Sommario

La forma sinodale dell'organizzazione voluta e istituita per la sua Chiesa dal suo Fondatore, il nostro Signore Gesù Cristo, e confermata dai Suoi Apostoli, fu chiaramente sottolineata anche dalla legislazione canonica della Chiesa d'Oriente del Primo Millennio. Adattando la forma dell'organizzazione amministrativa e territoriale della Chiesa all'organizzazione dello Stato romano — stabilita dai canoni dei Sinodi ecumenici (cfr. can. 4, 6 Sin. I Ec; 2, 6 Sin. II Ec; 9, 17, 28 Sin. IV Ec. ; 36 Sin. VI Ec.) — diversi tipi di sinodi sono apparsi nella vita della Chiesa d'Oriente, che vanno dal sinodo eparchiale (metropolitano) della Chiesa locale e terminano con il sinodo patriarcale. Entrambi i sinodi sono sempre presenti nelle Chiese ortodosse autocefale.

Parole chiave: sinodalità, ordine sinodale, fondamenti canonici