

# The Relationship between Bishops, Synods, and the Metropolitan-Bishop in the Orthodox Canonical Tradition

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Beginning with St. Basil the Great, Orthodox canonists maintain an eye both on the canons themselves and the practice of the Church. St. Basil said towards the end of his Third Canon that it is necessary “to know those things according to the strict rule and those things that are customary.” This two-fold task of a canonist reflects the nature of the canons themselves, which are literary expressions of what the Church considers to be normative. Various Church councils and fathers drafted the canons, which now form the *corpus canonum*, during the first millennium. The canons however are theological responses to particular problems and in no way comprehensively describe all aspects of Church life. The life of the Church was and is much more extensive. Consequently the vast reservoir of experience that the Church has needs to factor into any canonical activity.

Since the canons are fixed points of reference through their acceptance, they provide the starting point for canonical work. And, as with any text of late antiquity, they require careful reading and explanation. Additionally, because they emerge from within the Church (fathers, councils, etc.), they take their full meaning for the Church only when considered in a broad ecclesial context. All of the tools, the material, and the methods a canonist has at hand are formed and forged by the Church. In this way, the canons are understood as theological formulations and the canonist finds his work as a theologian.

This essay has as its subject the age-old question of primacy in the Church. I examine the relation between the metropolitan-bishop and bishops and the local synod. From the outset, I further admit that I am only looking at this question purely from the perspective of the canons. A broader treatment of this subject is intended and hinted at in various remarks throughout the paper. Such a treatment, I believe, needs to take into account not only the canons, but the liturgical life of the Church, as well as an exploration of the history of the Church in order to see how exactly primacy has been exercised over the centuries and in the diverse settings that the Orthodox Church has found itself sojourning.

Within the Orthodox Canonical tradition, two canons in particular delineate the fundamental tasks incumbent upon all Orthodox bishops and their relationships one to another, Apostolic Canon 34 and Antioch 9:

*Apostolic 34*

The bishops of every nation must acknowledge him who is first among them and account him as their head, and do nothing of consequence without his consent; but each may do those things only which concern his own parish and the country places which belong to it. But neither let him [who is the first] do anything without the consent of all. For thus there will be unity and God will be glorified through the Lord, in the Holy Spirit.<sup>1</sup>

*Antioch 9*

The bishops in every province must acknowledge the bishop who presides in the metropolis, and who has to show concern for the whole province; because all men of business come together from every quarter to the metropolis. Wherefore it is decreed that he have precedence in honor, and that the other bishops do nothing extraordinary without him, (according to the ancient canon which prevailed from [the times of] our Fathers) or such things only as pertain to their own particular parishes and the districts subject to them. For each bishop has authority over his own parish, to manage it with the piety which is incumbent on every one, and to make provision for the whole district which is dependent on his city; to ordain presbyters and deacons; and to settle everything with judgment. But let him undertake nothing further without the bishop of the metropolis; neither the latter without the consent of the others.<sup>2</sup>

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<sup>1</sup> For the sake of simplicity, canon texts will be taken or adapted exclusively from Philip Schaff and Henry Wace, *A Select Library of Nicene and Post-Nicene Fathers of the Christian Church*. Vol. XIV: “The Seven Ecumenical Councils of the Undivided Church. Their Canons and Dogmatic Decrees, together with the Canons of all the Local Synods which have Received Ecumenical Acceptance,” ed. Henry R. Percival (Grand Rapids, MI: Wm. B. Eerdmans Publishing Company, 1983), 596. Hereafter referred to as NPNF XIV.

<sup>2</sup> NPNF XIV, 112-113.

The text of these canons describes the authority of the bishop within his own district, which these canons call parishes (in the modern era alternately called dioceses, eparchies, districts, etc.), their synodal ministry, and their relationship with the first bishop of their local synod. Apostolic 34 frames the question in theological language, and, in relation to the duties of a bishop within his parish, says that a bishop may only do “those things which concern his own parish and the country places which belong to it.” This broad description implies wide latitude to a bishop in the exercise of his ministry within his diocese.

In language more akin to statutory, legal language, Antioch 9 elaborates this definition saying that each bishop has authority in his own district:

1. to manage it with the piety incumbent on everyone,
2. to make provision for the whole district which is dependent on his city;
3. to ordain presbyters and deacons;
4. to settle everything with judgment

A bishop, therefore, according to these canons, fulfills his episcopal ministry within his district by: living a life of piety<sup>3</sup>; doing all things in accordance with the Gospel teaching, the Orthodox faith, and Orthodox Tradition<sup>4</sup>; undertaking the necessary measures, financial, administrative, educational, etc., to assure the functioning of the Church within his diocese<sup>5</sup>; ordaining clergy<sup>6</sup>; and maintaining canonical order, reconciling disputes, considering marriage questions, receiving converts, among other things.<sup>7</sup> While not mentioned explicitly in these canons, it is presumed in the canons that the bishop will also celebrate the divine services.<sup>8</sup> Other canons of the Church speak about the exclusive ministry of bishops to find Churches, Chapels, monastic houses and, by logical extension, other ecclesiastical institutions within the diocese.<sup>9</sup>

The famous canon, I Nicea 8, restates the principle of episcopal authority within his diocese when, in the last line, the canon insists that

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<sup>3</sup> 1, see also II Nicea 2, 4.

<sup>4</sup> 1, but see also especially the words of II Nicea 2.

<sup>5</sup> 1, 2, 4, but see also Apostolic 40, 41; Antioch 24, 25; Chalcedon 26, II Nicea 11; Theophilus 10.

<sup>6</sup> 3.

<sup>7</sup> 4, but see also especially II Nicea 1.

<sup>8</sup> See especially Apostolic 3, 7, 8 and passim the *corpus canonum*.

<sup>9</sup> Chalcedon 4, 24; Trullo 49.

there should not be two bishops in one city. But the larger context that this canon provides reveals the reason why this is to be so. The chief subject of the canon in fact is not the number of bishops that can or cannot be in a city, but the reconciliation of the Cathars to the Church. The canon directs how they are to be received into “the Catholic and Apostolic Church” and what should be done with regard to fitting their clergy into the local hierarchy once they are received. First the bishop must be sure that the former Cathars will “accept and follow the dogmas of the Catholic and Apostolic Church, in particular that they will communicate with persons who have been twice married, and with those who having lapsed in persecution have had a period [of penance] laid upon them.”<sup>10</sup> The bishop is to receive this assurance in writing. Then the Cathars can be received into the Church, though the canon is not clear on exactly how this happens.

The canon goes on to deal with the thorny issue of how to reconcile the former clergy of the Cathars to local ecclesiastical settings. Presbyters, and presumably deacons and lower clergy, pose no real problem, though they require a laying on of hands by the Orthodox bishop before they can assume their position. Formerly Cathar bishops, though, present a more difficult problem. The fathers of the council were eminently wise and pastoral in their solution and allowed the local bishop a number of options. The formerly Cathar bishop could be given the rank of a presbyter, “unless it shall seem fit to the Bishop to admit him to partake in the honour of the title. Or, if this should not be satisfactory, then shall the bishop provide for him a place as Chorepiscopus, or presbyter.” Finally the canon says that this accommodation is done so as to prevent there being two bishops in the city.

In other words, the canon makes this most basic ecclesiological point in the context of the reconciliation of those outside the Church. This is not by accident, nor a mere afterthought as is often thought. Rather the principle of the one bishop in the one city exactly emerges out of his role as the one who maintains the one true faith. This principle, while not expressed in the canon, can only be culled out of it when considering this canon within the context of the Church’s teaching on the role of the episcopacy. From the earliest days of its existence, the Church has emphasized (and expressed it in diverse ways) the role of the bishop as one who is “rightly teaching the word of truth.” The pastoral epistles insist that the bishop be an “apt teacher” (I Tim 3.2) and that he “must hold firm to the sure word as taught, so that he may be able to give

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<sup>10</sup> Here and throughout the paragraph, NPNF XIV 19-20.

instruction in sound doctrine and also to confute those who contradict it.” (Tit 1.9) Out of this, his role as the one who maintains the true faith, springs everything else that the bishop must do, i.e., preaching, teaching, the administration of his diocese, ordinations, celebrating the services, finding Churches, monasteries, etc. To be sure, throughout the history of the Church, the exact contours of how the bishop has exercised his ministry has changed and developed. Nevertheless, his essential task remains the same.

The canons so far adduced are clear that episcopal authority is exercised within and only within the bishop’s own district.<sup>11</sup> Outside his district, the canons forbid the bishop from acting. In this regard, note that the canons go so far as to insist that a bishop cannot even preach in another district, decreeing the penalty of deposition if this takes place (Trullo 20). Obviously in the modern era this canon is not necessarily followed to the letter, but that does not mean that the spirit of the canon is not worth insisting on, namely, that a bishop cannot pass over to another’s territory and begin exercising pastoral ministry and that each bishop cannot also abdicate his responsibilities. Furthermore, in the exercise of this authority, his actions cannot be challenged as long as they are canonical, which here means not only in accordance to the text of the *corpus canonum*, but in accordance with the entire life of the Church. The bishop has no right to do as he pleases, but can only act from within the life, the teaching, and the revelation of the Church. Nothing in the canonical tradition exists to promote, encourage or protect behavior recognized by all as immodest, immoral, imprudent, or contrary to the scandalous word of the Cross, because all that the Church is, and consequently, the ecclesiastical good order that the canons protect, centers on fostering the “scandalous” behavior of the Cross, on the acquisition of this wisdom of God. And so in all situations, the Church must look not towards legal satisfaction measured by worldly legal principles, but must remember first and foremost the mission of the Church, to bring all to salvation in Christ. In the words of the canons themselves:

For the whole account is between God and him to whom the pastoral rule has been delivered, to lead back the wandering sheep and to cure that which is wounded by the serpent; and that he may neither cast them down into the precipices of despair, nor loosen the bridle towards dissolution or contempt of life; but in

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<sup>11</sup> Cf. Apostolic 14, 35; Ancyra 18, Antioch 13, 16, 21, 22; Sardica 1, 2, 3, 11, 12.

some way or other, either by means of sternness and astringency, or by greater softness and mild medicines, to resist this sickness and exert himself for the healing of the ulcer, now examining the fruits of his repentance and wisely managing the man who is called to higher illumination.<sup>12</sup>

Furthermore, this episcopal ministry is not absolute even within his diocese. It is conditioned by the Orthodox Christian faith and the Church's Tradition, and the synodal and hierarchical character of the Church. Hence, the bishop exercises his ministry "with the piety incumbent on everyone" within his diocese but no farther. As stated, he cannot exercise this ministry outside of his diocese, but he must even consider his actions *within* his diocese and be sure not to "do [anything] of consequence" or anything "extraordinary." These charges of Apostolic 34 and Antioch 9 point to the synodal and hierarchical nature of the Church and insist that anything of consequence, anything extraordinary, anything that impacts the life of the entire local Church, even if it is done by a bishop within his diocese and with the intent that the action is only for the diocese, is to be done only with the consent of the bishop who is first among the bishops of a nation (Apostolic 34).

Thus the principle of the hierarchical Church emerges. The bishop of the principal city of a given territory, the metropolitan-bishop, according to the canons, has as his ministry to show concern for the "whole province," which would have within it any number of bishops' districts. This concern that he must show as "first among them" has as its chief character the maintenance of unity of all of these bishops. Anything that would upset this unity falls under the ministry of concern that is to be exercised by the metropolitan. The canons direct the metropolitan to maintain the unity of these bishops two ways: overseeing the election and ordination of bishops, and presiding at meetings of the local synod. The first bishop presides at these meetings and is also charged by the canons with determining the place and time of the meeting and its agenda. Without his presence, synods cannot happen, episcopal elections may not take place; without his consent and confirmation, decisions cannot be taken, elections are null and void.<sup>13</sup>

In addition to these fundamental tasks assigned to the primate, the canons also enumerate further responsibilities. For example, the primate has the unique responsibility for initiating all investigations of

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<sup>12</sup> Trullo 102; NPNF XIV, 408.

<sup>13</sup> See I Nicea 4, 6; Antioch 16, 19, 20; Chalcedon 19; Carthage 13, 73, 76, 77, II Nicea 6.

charges against a bishop.<sup>14</sup> The canons also grant the primate the right of pastoral intervention in the life of a diocese, if the diocesan bishop is involved in canonical irregularity.<sup>15</sup> The canons require that bishops travelling outside of their diocese must first seek approval from the primate.<sup>16</sup> While not fully described in the canons, but emerging out of the basic principle of maintaining the unity of the local Church, the primate further has the task of representing the local Church and the local synod to other local Churches, their primates and synods.

The responsibility laid out in these canons does not however grant a metropolitan bishop absolute power over the local Church. Instead, the canons carefully balance his ministry of concern with the activity of the synod, which is the gathering of bishops of the same given territory in which the metropolitan presides. The canons insist that a bishop do nothing of consequence without the consent of the metropolitan, but *he* alone may not do anything of consequence without the knowledge of the synod. Thus, the principle of Church synodal becomes clearer. But note that the careful balance the canons establish is between the metropolitan and the synod. With regard to a bishop and the metropolitan, the canons tilt towards the metropolitan/primate. He has the ability to initiate and see things through their process, which is done in coordination with the synod. The synod has no authority to act on its own independent of its metropolitan. In case of a disagreement between a metropolitan and synod, a synod cannot initiate new action to circumvent the metropolitan, but it can introduce a stalemate wherein no activity occurs.

The regular meeting of the bishops of a local Church has a long tradition in the history of the Orthodox Church, having emerged out of occasional and extraordinary meetings of bishops. A biannual meeting is already spoken of in the earliest canonical texts of the fourth century<sup>17</sup>; this principle was regularly reiterated and insisted on by later councils.<sup>18</sup> Canon 8 of the Council in Trullo allows for a slight relaxation of this rule by admitting the possibility of only an annual synod meeting, but only for the extreme reason of “barbarian incursions or other intervening causes.” The holy fathers of these councils thought the necessity of regular synods so great that they considered a bishop’s unexcused

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<sup>14</sup> I Constantinople 6; Chalcedon 9; Carthage 19.

<sup>15</sup> II Nicea 11.

<sup>16</sup> Carthage 23.

<sup>17</sup> I Nicea 5, Apostolic 37, Antioch 20.

<sup>18</sup> Chalcedon 19, Trullo 8, II Nicea 6.

absence from one grounds for a fraternal rebuke from the other bishops.<sup>19</sup> And, if a primate fails to summon a synod at the prescribed times, he is liable to canonical sanction.<sup>20</sup>

The purpose of these synods are manifold, but generally can be summed up with the prudent pastoral management of the local Church. The canons specifically mention that the synods are to concern themselves with the examination of “decrees concerning religion and settl[ing] the ecclesiastical controversies”<sup>21</sup> or with the possibility that “an inquiry be held to ascertain whether anyone has been expelled from the community because of pettiness or quarrelsomeness.”<sup>22</sup> The nineteenth canon of Chalcedon puts it quite simply: the synods gather so that ecclesiastical matters can be put right. Within the scope of this oversight, the canonical tradition places the disciplining of bishops squarely within the activity of the synod.<sup>23</sup>

A dialogue exists in canon law not only between text and practice, but also between the different canonical texts. Engaging with this dialogue requires knowledge of the Church and knowledge of the texts themselves. This reading further prevents a fundamentalist approach that arrives at a canonical answer only through the text or phrase of a canon in isolation. The dialogue is livelier and the task of a canonist requires a more robust engagement with the tradition. Truly, the activity begins with a canon, but moves quickly on to other canons, passing even more quickly on to the life of the Church. The answer arrived at cannot narrowly be construed of as purely legal literature at this point, but rather a theological response to the question at hand.

The relationship between bishops, synods, and their metropolitans could easily devolve into discussions of power, authority, submission, penalty, or sanction if the discussion were left exclusively to a canon or even a group of canons. The life of the Church, the place where God meets man through the revelation of his mysteries, does not allow this. The concepts of episcopacy, synodality, and primacy are all to be worked out with the full engagement of the life of the Church where these words resonate with ministry, unity, and service. The communication here is merely a first step in this engagement, but certainly not the last.

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<sup>19</sup> Chalcedon 19.

<sup>20</sup> II Nicea 6.

<sup>21</sup> Apostolic 37.

<sup>22</sup> I Nicea 5.

<sup>23</sup> Apostolic 74, Antioch 13, 14, 15, 17, 18, 22; I Constantinople 6, Carthage 12, 19.