

THE CANONICAL STRUCTURE, THE ACT OF CHURCH AND THE ECCLESIOLOGICAL INTERPRETATION OF SYNODALITY IN THE PATRIARCHATE OF JERUSALEM

Dear President, Professor and respected participants,

it is with great pleasure that I have come to this Conference, transmitting the wishes and blessings of beatitude the Patriarch of Jerusalem and all Palestine Theophilos the Third, to the works of our Conference be prospered and crowned with success for the glorification of the triune God. I would like to thank Ms. President and all members of the coordinating Committee for the courteous reception and generous hospitality.

It is a common finding that after the completion of second Vatican Synod, the relations between the Orthodox and the Roman Catholic Church "*have been introduced in a totally new era*". My short speech will follow the series of specific questions, which were allotted by the Organizing Committee.

1) The historical evolution of the practice of *Synodality*.

In fact, the whole ecclesiastical Synodality of Christianity begins historically from the Synod of Jerusalem (49 AD). Nevertheless, the continuity and functioning not only of Synodality but also that of the sameness of existence of the Patriarchate of Jerusalem can be interpreted only as a miracle, if we take into account the continuous (direct or indirect) invectives and persecutions, that it has suffered over the centuries, particularly by Arabs and Ottomans.

The 4th Ecumenical Synod (451) uplifted the Church of Jerusalem to a Patriarchate. With the conquest of the Holy land by Ottomans, the pious and righteous caliph, Omar ibn al Khattab, a companion of Muhammad, with a special Decree (638 AD) bestowed the property of ethnarch and the spiritual leader of all of the Palestine's Christians to the Patriarch Sofronios of "*Royal nation*" (that is of Rums). With the Crusades, the Latin Church was imposed forcibly on the Orthodox Clergy. Indeed, the Crusaders, wanting to gain over Armenians and Jacobites, ceded them churches and monasteries¹.

The current existing and operating synodical system of the Jerusalem Patriarchate, without leaving from the basic structures of catholic Synodality of Ecumenical Synods, is based on the Law of Greek Orthodox Patriarchate of Jerusalem (1958), which has been legalized by the Government of Jordan.

The State of Jordan is the ecclesiastical jurisdiction of the Patriarchate of Jerusalem, according to the 4th Ecumenical Synod (one thousand Orthodox people numbered there today). By the 7th century AD, the Patriarchate was in the possession of the Ottomans, governed by the law of 1875, which was canceled

by the Depositary Government of England, which in 1948 gave the Jerusalem to Israel. The law of 1958, which is a law of Jordan (but not of Israel, for the last acknowledges just posterior the elected Patriarch), drafted by the Patriarch Benedict, when Jordan still held Jerusalem. In 1967, Israel occupied regions of Jordan including Jerusalem.

The Holy Synod of the Patriarchate of Jerusalem (composed of eighteen members) consists of a) the Patriarch as President, b) Metropolitans, c) titular Bishops (which the Patriarch selects), and d) Archimandrites (deans) which are appointed by a Patriarch.

2) The application of regulations.

Synods of the Patriarchate of Jerusalem are convened often by the Patriarch (every Monday and Thursday every week in addition to contingency meetings) and with the required at least two thirds of the possible number of eighteen members. Bishops are expressed freely and operate a direct communication among each other, since all of them live as monks inside the same patriarchal area. All decisions which are taken either unanimously or by the majority are implemented.

3) How do the life of the Church and the Synodal act inspire each other? How is a local church represented in the Synod? How is the program agenda determined? What are the righteous statuses and the binding nature of its decisions? Do other Christian communities of the region involve in the synodical consultations?

In the Patriarchate of Jerusalem, the Holy Synod includes, a part of the bishops, and the Abbots (Archimandrites), since it functions as a Greek-Orthodox Monastery (Holy Common or Commonwealth of Holy Sepulcher) or the Holy Sepulcher Brotherhood. Parochial Local Councils, which are composed of laymen, are represented indirectly in the Holy Synod by the bishops or Archimandrites/Abbots of their territories and directly to the election of a Patriarch.

The Patriarch convenes the Holy Synod and sets the agenda by Archbishop Supreme Secretary.

As known, the decisions of an Ecumenical Synod are bound on the canonical status of all of the Churches. Granting to the 7th Ecumenical Synod, the legal position of a Synod stems from its correspondence with the former. But, for local Synods or local councils, their decisions are not bound with the whole climate of every Patriarchate. For this reason, and other Christian communities of the region are not involved or affected by the synodical consultations (neither outsiders nor as observers).

4) Are there contemporary theological interpretations of Synodality in the Patriarchate of Jerusalem? Are there some theological or officially canonical texts, which could be of interest of others apart from the Patriarchate of Jerusalem?

Officially, there are no other contemporary theological interpretations of Synodality in the Patriarchate of Jerusalem, because the law of 1948 is applied as a status quo, as a result of difficult political equilibria of the region. However, after these consultations and decisions among all the members concerned, we might develop further in the future the so-called "*Presidency of many*", according to Saint John Chrysostom², always in the spirit of catholic consciousness of the Church, i.e. the assent of the "*people of God*" (see Newsletter of Patriarchs of 1848)³, and the non-abuse of an institutionalized and bureaucratic Synodality, according to Saint Gregory the Theologian. Because, in such a case, the Synod will become an institution (as a secular magnitude) above the local Churches (vid. *Konziliarismus*).

5) Do the relations between Church and state influence the work of the Synod?

Historically, the sacred Rules of Ecumenical Synods influenced, slowly but surely, the ethos, political legislation and in general the cultural psychology of people. This could happen, especially in the old era, when the Byzantine Empire was uniform and ecumenical. Today, due to multiculturalism and globalization, as well as the existence of individual States, the decisions of an Ecumenical Synod of the Christian Church shrink.

In accordance with the 1958 Law, the Patriarch of Jerusalem represents the Orthodox Community in each Government in all cases, primarily of Jordan⁴.

On the other hand, of course, always, according to Church history, each time the State affects the Church indirectly, impliedly and implicitly, and consequently the decisions of Her Synods, although not in terms of fundamental dogmas. Problems spring up constantly in the Jerusalem Patriarchate either from other Christian denominations as to certain rights on sacred sites and historical monuments, or from global or nationalistic aspirations or geopolitical circumstances.

If certain political and psychological considerations are ever removed, which in this life cannot be eliminated completely, but, at least, be reduced, I think that we can reach the early Christian loving unity.

6) What is the role of Synodality beyond the level of the local Church?

The Synodality, according to the Orthodox East self-consciousness, is identified with the Church⁵. In other words, the Church already from the beginning of its

constitution is a "Synodal society"; this is due to catholicity, i.e. qualitative and not just geographic ecumenicity, of the latter. The synodical Primus (Πρώτος), in an administrative sense, who is defined by the size of the geographical area that he pastures, does not identify with the considered by Christ to be "first", i.e. the socially, economically and politically minimum, faint, powerless, petty, least or small. One should not use the honorary primacy in terms of exploitation or to pervert it to managerial or executive one, since all the bishops bear the same degree of the priesthood.

Although Synodality ontologically should not, in accordance with the Orthodox Patristic self-consciousness, be understood as communication only of Bishops of local Churches, but as a communion of all of the members of the One Holy Catholic Church, in practice, Synodality of the Church of Jerusalem as all of the individual Churches, works mainly through the Churches especially via Patriarchs and Archbishops or their representatives⁶.

7) How does the responsibility of Primus appear in practice and theology of Synodality?

On this question it is enough, I think, to mention only two historical examples: a) the deposition of Patriarch's Cyril the Second by the Synod of Holy Sepulcher Brotherhood (1872), because this Patriarch has not condemned the Bulgarian Schism and the ethnic-scholasticism of pan-Slavism, and b) the deposition of Patriarch Irenaeus (6/5/2005).

Although the honorary⁷ role (even if some Orthodox people do not embrace the "null value") of the *Primus*, i.e. the Patriarch, is lifelong and compelling⁸, the Holy Synod (with the two thirty of members of the Synod and with the two thirty of married priests) may cease him, if he is indifferent as to the Orthodox doctrines⁹ or suffering from physical or mental illness. Likewise, the rights of the Primus are limited by the Mixed Council as well as by the Parochial Local Councils.

The Mixed Council consists of the Patriarch, five Jordanians clergy that are appointed by the Holy Synod, eight laymen Jordanians who Orthodox people of Jordan elect, and a laic Vice President, who the lay members elect. The Parochial Local Councils recommended by the Patriarch for the financial management of each local Church. However, the Patriarch has jurisdiction to replace any of the members of the Holy Synod.

Throughout the Orthodox Christian (Eastern) Tradition, the relationship between Primus and the Holy Synod seems to be working dialectically. Basically, this is the ancient philosophical problem of integration between multiplicity and unit, which promises to ensure unity. However, theologically, how is this unity realized? As "organic unity" or as "conciliar fellowship"; the "conciliar fellowship" has prevailed, that it is "unity in diversity" (*Unitas multiplex*). Again,

however, it is asked: how do we understand this diversity? As "*reconciled diversity*" or as "*unity in solidarity*"? The Orthodox answer is that "the Church operates as a body in which the different parts have different roles to play and different gifts to bring, but there is an 'organic' (viz ontological) unity about the whole". The organic unity, which is not a self-same identity, is based on in Christ "with one accord" (*ομοθυμαδόν*), which means one "heart", one "mind", one Belief, a sharing in the common root, Christ, and on other hand the freedom of the variety of Charismas.

But, where exactly is this unity found and, by extension, the unit? On the one substance (existence) or the essence of the Trinity? If, uncritically, we support, via Personalism, the first (arguing with passages for example from St. Ignatius and Cyprian and Tatian), we will be led person-centrally (not Christ-centrally) into an authoritarian monarchical system (q.v. Eusebius of Caesarea, who was a follower of Origen) or into multiple monarchies. If, again, uncritically we support the second (arguing with passages for instance from Saint John Chrysostom and Isidor of Pelusium), we will be led to the scholastic¹⁰ Essentialism (see crypto-Sabellianism). In the Orthodox Church, the hypostasis of God the father expresses the one divinity, but it is not identical with the common Divine essence. The so-called monarchy of God the father is not mentioned in the hypostasis of God the father, but, as Gregory, the Theologian supports, "*comprises the sameness of the value or honor of nature*"¹¹.

For us, the sound (Orthodox) answer lies in the middle, i.e. in inter-rotation (*Interactionism*), which is found in the sacrament of the Holy Eucharist, and which rightly the 34th Apostolic Canon puts forward [see 9th Canon of Synod of Antioch (327 AD)]: "*without the opinion of Prime anything not done ... and he does not anything without the opinion of all*", given the fact that in the Christian God, neither the essence of his substances nor the substances of his essence precede. And the three substances, according to Great Athanasios, do not just occupy common divine nature, but the same (see *homoousians*), so they are of equal fame and in equal honor. Ad extra, the one deity (*monotheism*) we reduce to the monarchy of God Father, but ad intra to Holy Trinity, for "*and the three ones to be worshipped*"¹²; namely, we do not number "*first and second and third*"¹³, like Neoplatonists and Gnostics, as Great Basil writes. Moreover, according to Eastern Fathers, the believers/laymen do not partake (*deify*) of God or Christ via Bishop, because in this way the only and eternal mediator Christ ceases, and Bishop occupies his position. The Bishop then from "*type of Christ*" becomes he himself God-man, in contrast to what the Chrysostom teaches: "*Sheep and shepherds we are and we are called with regard to our human condition, but with regard to Christ everybody are sheep. Because both pastors and spiritual flock are shepherded by the one above shepherd*"¹⁴. This puts us at any time before a delicate balance, which depends on the synergy between the divine and human (individually and collectively) factor. Therefore, and in Theology, Christ is head as well as

body, Lord as well as deacon, Shepherd as well as sheep. Thereafter, only the one living Sancta Ecclesia as a whole may represent God as an image of the Holy Trinity.

8) Are there peculiarities to the implementation of Synodality of Patriarchate of Jerusalem?

Although the characteristics of the Synodal system of the Church of Jerusalem kept untouched, in accordance with the catholic elements of One, Holy and Catholic Church, certain peculiarities of the Patriarchate of Jerusalem undergo, mainly with regard to a) that in the Holy Synod, in addition of Metropolitans, participate both titular bishops and Archimandrites, b) that the whole operation of the Patriarchate possesses monastic structure and character (indeed all the monastic Holy Sepulcher Brotherhood should have acquired the Jordanian nationality), c) that the Patriarch should be of Jordan nationality and know the Arabic language very well, d) that for the election of the Patriarch, Council Designation of Candidates establishes under a *Suffragan*. The Council Designation of Candidates consists of Holy Synod plus bishops plus married priests, who are elected by the Local Parochial Councils, e) that the time of meeting of the Holy Synod is determined by the Patriarch, and f) that Patriarch has to be recognized de jure by the Minister of the Interior and the Prime Minister of the Jordanian State, and de facto by the Arabian, the Greek, and Jewish communities.

All of the above peculiarities, the ones that have resulted from historical, political, cultural and social reasons, have contributed to a specific configuration of the 1958 Law, which, in general lines, on the one hand gives administrative and economic authority to the Patriarch, on the other hand requires the ratification of the State of Jordan.

Thank you

Prof. Spyridon Tsitsigkos, Athens

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- ¹ *Diary of Holy Sepulcher Brotherhood*, 2017, in Jerusalem, pp. 12 ff.
- ² John Chrysostom, *De laudibus sancti Pauli apostoli* 7, MPG 50, 509.
- ³ A. Alivizatos, *The consciousness of the Church* (in Greek), in Athens 1954, pp. 33 ff. Cf. J. Karmiris, *The dogmatic and symbolic monuments of the Orthodox Catholic Church*, Vol. II, p. 920: «Παρ' ἡμῖν οὔτε Πατριάρχαι, οὔτε Σύνοδοι ἠδυνήθησάν ποτε εἰσαγαγεῖν νέα, διότι ὁ ὑπερασπιστὴς τῆς θρησκείας ἐστὶν αὐτὸ τὸ σῶμα τῆς Ἐκκλησίας, ἦτοι αὐτὸς ὁ λαός...» (*Εγκύκλιος τῶν Πατριαρχῶν*, 6 Μαΐου 1848).
- ⁴ *Law of the Greek Orthodox Patriarchate of Jerusalem*, in Jerusalem 1958, p. 6.
- ⁵ John Chrysostom, *Expositiones in Psalmos*, MPG 55, 493.
- ⁶ *Law of the Greek Orthodox Patriarchate ...*, v.a., p. 4.
- ⁷ See III Canon of II Ecumenical Synod, 28th of IV Ecumenical Synod, and 36th of Quinisext Ecumenical Synod.
- ⁸ See 14 and 15 Canons of *First Second Synod*, that are based on 34 Canon of Apostles, 9 of Synod of Antioch, and 23 and 34 of Synod of Cartagena (419).
- ⁹ See 15 Canon of *First Second Synod*.
- ¹⁰ *De Deo Uno* cannot precede the *De Deo Trino* (Karl Rahner), as was the case in the medieval dogmatic manuals.
- ¹¹ *Oration 29,2* (p. 75.1), MPG 36, 76A.
- ¹² Cyr. Trin. 10 (6³. 16B), MPG 77, 1144C.
- ¹³ Great Basil, *De spiritu sancto*, 45 (3.38A), MPG 32, 149B.
- ¹⁴ John Chrysostom, *In ascensionem*, orat. 2, 12, MPG 52, 784.