

# AUTONOMY AND ORTHODOX DIASPORA FROM THE POINT OF VIEW OF THE DOCUMENTS ADOPTED BY THE HOLY AND GREAT COUNCIL

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**ABSTRACT.** Since the beginning of the debates on the topics which could be discussed at the Orthodox Church's Synod, autocephaly, autonomy, the Orthodox diaspora and the diptychs were part of the proposed themes. Their analysis during the preparatory process highlighted the fact that Orthodox Churches cannot reach a consensus regarding two of them: autocephaly and diptychs. Under these conditions, the Synaxis of the Orthodox Church's primates, convened in Constantinople in 2014, decided to withdraw them from the agenda. Out of the four above-mentioned themes only *Autonomy and the Means by Which it is Proclaimed* and *The Orthodox Diaspora* were kept for debate and approval. In this paper I will briefly analyse these two documents, emphasising the contribution of the Synod to the clarification of the topics, highlighting some fundamental elements, and aspects that are as yet unresolved.

**Keywords:** autonomy, diaspora, Holy and Great Council, Canon Law, canons, synodality, diptychs.

## I. Church autonomy and the clarifications brought by the Holy and Great Council's document

Observing the structure and content of this document, at a first glance we might ask ourselves about the usefulness of adopting it at a pan-Orthodox level, considering that it deals with a problem which, in principle, concerns the internal life of the autocephalous Churches. However, at an in-depth analysis, we notice that it contains certain elements which have implications for the life of the whole Church. For a more thorough understanding of the themes, I will present in the following paragraphs a few fundamental aspects about the

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institution of autonomy, after which I will highlight the way in which the Holy and Great Council puts it in a conceptual framework and which are the implications of adopting this document for the life of the Church<sup>1</sup>.

***a. Church autonomy and the issue of recognizing the ecclesial maturity of a regional canonical entity***

The institution of autonomy was present in the life of Christian communities since the apostolic times. The full responsibility of local Churches, emphasized since the Acts of the Apostles, epistles and apostolic writings, was always linked with the principle of co-responsibility of the whole ecclesial body<sup>2</sup>. Thus, autonomy was framed in synodality, and synodality consolidated autonomy<sup>3</sup>. Each local Church, regardless of its size, is the complete manifestation of the Church, and a regional Church's primate has the role of communion vector<sup>4</sup>.

In the 4<sup>th</sup> and 5<sup>th</sup> centuries, capitalizing the political organization of the Empire, the Church structured a metropolitan system to which it granted all elements of autonomy<sup>5</sup>. Following the evolution of stately organization, the church's institutional structures moulded on the civil model, so that by the end of the 4<sup>th</sup> century it reached a supra-metropolitan organization. This organization underlined the distinction between basic, episcopal autonomy, metropolitan autonomy and supra-metropolitan autonomy, which was consolidated between the 4<sup>th</sup> and 9<sup>th</sup> centuries in the form which later was named Pentarchy.

It is interesting to note that in this whole system of autonomies, the canonical tradition invests with extended autonomy only the metropolitan system, while the episcopal and supra-metropolitan autonomies are always correlated with the jurisdictional competencies manifested at the provincial level. An eloquent example to this end is the 8<sup>th</sup> Canon of the Third Ecumenical Synod of Ephesus. Although it is considered by some canonists as the text which proclaims the autocephaly of Cyprus<sup>6</sup>, in fact it only guarantees a metropolitan province

<sup>1</sup> See Viorel Ioniță, *Hotărârile întrunirilor panortodoxe din 1923 până în 2009* (București: Ed. Basilica, 2013), 166.

<sup>2</sup> For more details on the concept of church autonomy, see Liviu Stan, "Despre autonomia bisericească", *Studii Teologice*, no. 10 (1958): 376-393.

<sup>3</sup> A remarkable study on this theme, which also analyses the rapport between autonomy and jurisdictional authority is: J. H. Erickson, "Common Comprehension of Christians concerning Autonomy and Central Power in the Church in View of Orthodox Theology", *Kanon*, no. 4 (1980): 100-112.

<sup>4</sup> See Kallistos Ware, "L'exercice de l'autorité dans l'église orthodoxe (II)", *Irinikon*, no. 55 (1982): 25-34.

<sup>5</sup> C. Vogel, "Communion et Eglise locale aux premiers siècles, Primauté et synodalité durant la période anténicéenne", *L'Année canonique*, no. 25 (1981): 170-171.

<sup>6</sup> See G. Papatthomas, *L'Eglise autocephale de Cypre dans l'Europe Unie* (Katerini: Ed. Pectasis, Katerini, 1998), 53-81.

the right to self-govern against innovative claims manifested by the church authority at a superior civil-administrative level<sup>7</sup>.

It is known that with the imperial reorganization, episcopal sees, with respectable tradition and confirmed moral authority through endurance from facing up to doctrinal dissident movements and persecutions, end up having authority over multiple dioceses. Simultaneously, even if some sees were revered by the Church for their distinguished role in resisting persecutions and keeping the faith, the metropolitan province's authority continued to be consolidated. Canon 7 of the First Ecumenical Synod honours the bishop of Jerusalem, which would be soon put in the Pentarchy. Nevertheless, from an administrative point of view, this does not affect the metropolitan canonical order.

Regional authority imposed itself in the Church also because each province capital offered communication and transport facilities as it was the centre of social life and, implicitly, of church life. The Protopresbyter (*Protos*) exercised in this context the function of communion vector. The canonical tradition displays him as also having concrete competencies. The other bishops referred to him for all aspects which exceeded the internal life of the diocese, and the protopresbyter did not undertake anything without everyone's consent, as it is stated in the 34<sup>th</sup> apostolic canon in which the term ὁμόνοια designates *oneness of mind, unanimity, concord*.<sup>8</sup> The other competencies went to the first bishop of a region. These were: convening synods (20 Antioch), chairing elections and consecrating the elected one (4, I; 28, IV; 19 Antioch), the right of direct intervention when a bishop did not fulfil his duties of administering the patrimony (the right of devolution)(11, VII; 52, 55 Carthage), and also represented prerogatives of a real autonomy. As the metropolitan was not the holder of a direct jurisdiction in the suffragan dioceses (35 ap.; 2, II; 20, VI) he manifested himself as the example of overcoming local egoism and fitting the diocese's church life in the framework of the regional church life.

The gradual consolidation of supra-metropolitan prerogatives through highlighting the thrones of Rome, Alexandria, Antioch and then Jerusalem, did not diminish provincial autonomy. The primate of the Church structured at this

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<sup>7</sup> Although we notice that in the context of the Third Ecumenical Synod it concerns a deliberation on this issue after the arguments of the parties, the Synod solely guarantees the prerogatives which were already in effect. Through this canon, the Church of Cyprus does not acquire a different statute from the previous one, but the existing one is confirmed and it allows the metropolitans to take a copy of this decision in order to defend their complete autonomy. See also: J. Erikson, "Autocephaly in Orthodox Canonical Literature to the Thirteenth Century", *St. Vladimir's Theological Quarterly*, no. 1-2 (1971): 31.

<sup>8</sup> George Lampe, *A Greek Patristic Lexicon* (Oxford, 1961), 958. Cf. H. G. Liddell and R. Scott, *A Greek-English Lexicon* (Cambridge, 1996).

level did not have direct jurisdictional competencies, but only the right of consecrating the primate of the metropolitan Church, chosen by the bishops of that diocese<sup>9</sup>.

Beginning with the middle of the 5<sup>th</sup> century, through the 28<sup>th</sup> canon of Chalcedon, five supra-metropolitan centres: Rome, Constantinople, Alexandria, Antioch and Jerusalem, are emphasized so that later the Pentarchy would be considered a gift of God, associated with the five senses which were applied to the Ecclesial body of the Empire<sup>10</sup>. Some consider that this association targeted precisely limiting the claims of acquiring patriarchal status. As long as the unitary political elements encased what today we might call the *autocephalous Church*, no major issues arose<sup>11</sup>. However, when the pressure of imperial politics tried to dilute through disciplinary means the autonomy of some churches which were emancipated, it even led to pushing them towards heretical doctrines. Some see the adoption of even distinct doctrinal stances by the Persian and Armenian Churches as a form of emancipation and a wish to distance themselves from worldly power<sup>12</sup>. In other cases, the return of church entities to Orthodox doctrine was negotiated in exchange for the recognition of their full church autonomy. The most representative case is that of the Church of Georgia<sup>13</sup>.

The canonical tradition also speaks of the so-called autocephalous archbishoprics which were merely dioceses taken out from the regional metropolitan system<sup>14</sup>, and which directly belonged to the Patriarchy. So, they were entitled to an extended autonomy, similar to what today we call autonomous churches.

After the fall of the Byzantine Empire full autonomy, later called autocephaly, was more clearly specified as a form of the wider *autonomy circumscribed by geo-political influences*. In the context in which the stately entities exercised political pressure over the ecclesial entities, the natural need of recognizing the ecclesial entity's autocephaly arose. This manifested in an independent state in order to do away with the suspicions of another's state interference in the internal issues

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<sup>9</sup> For more details see: P. L'Huillier, "Le décret du concile de Chalcédoine sur les prérogatives du siège de la très sainte église de Constantinople", *Messenger de l'Exarchat du Patriarcat russe en Europe Occidentale*, no. 27 (1979): 33–69

<sup>10</sup> See V. Lombino, "Pentarchia", in *Nuovo Dizionario patristico e di antichità cristiane*, ed. Angelo Di Berardino (Genova-Milano: Casa Editrice Marietti, 2008), 4023-4028.

<sup>11</sup> For a broader approach of Constantinople's influence over church organization and of the Christian east in general, see Alain Ducellier, ed., *Byzance et le monde orthodoxe*, 2<sup>e</sup> édition (Paris: Armand Colin, 1996).

<sup>12</sup> R. Janin, "Les Arméniens. L'église arménienne", *Échos d'Orient* 18, no. 110 (1916): 6.

<sup>13</sup> For more details see J. Kshutashvili, "Organizarea bisericii georgiene si bazele ei canonice" (PhD Thesis, Constanța: "Ovidius" University, 2007).

<sup>14</sup> For more details see *ibid.*

through the medium of the Church. This is how modern autocephalous Churches were born, on the ruins of great empires.

Thus we can ascertain that in the course of time, extended church autonomy developed as a form of recognizing the self-governing capacity of a regional Church, which was however limited by geo-political interests which avoided granting it the status of autocephaly. Generally, these situations created convulsions which generated schisms and jurisdictional conflicts. For this reason, addressing the theme of church autonomy exceeds the interests of the autocephalous Church and the Holy and Great Council's document on this issue is completely justified.

***b. The main characteristics of church autonomy from the point of view of the document adopted by the Holy and Great Council***

The conciliar document designates autonomy as expressing the statute of relative independence of a certain Church within the autocephalous Church (1). Beginning from this formulation, we need to understand that the notions of relative and absolute independence must not be regarded from a secular juridical perspective, but in the sense that autonomous Churches have their own organization within the autocephalous Church, with autocephaly as the highest form of autonomy<sup>15</sup>.

The text shows that autonomy is granted after a justified request on behalf of the local Church (2a). The autocephalous Church has the aptitude to analyse this request in a Synod and decide whether or not to grant autonomy. The Synod of the autocephalous Church has the obligation to specify through the autonomy *Tomos* the geographical limits and relations which the autonomous Church has with the autocephalous Church (2b). The canonical act of proclaiming autonomy is communicated to the sister Orthodox Churches by the primate of the autocephalous Church (2c). The statute of integration of the autonomous Church in the autocephalous Church is strengthened also by the fact that its inter-Orthodox, inter-Christian and interreligious relations are accomplished through the medium of the autocephalous Church (2d). Furthermore, the primate of the autonomous Church commemorates only the name of the primate of the autocephalous Church to which it belongs (3a), from him also receiving the Holy and Great Myron (3c).

The document does not explicitly condition awarding the statute of autonomous Church by the possibility of constituting a local synod, but allows for this to be understood through the recognition of the autonomous Church's right of electing, enthroning and judging its bishops. Only in the case in which

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<sup>15</sup> Stan, "Despre autocefalie", 388.

the autonomous Church would be incapable of assuming this responsibility, can the autocephalous Church to which it reports assist (3d).

In this document there are certain stipulations which underline the interest of the text at a pan-orthodox level. These consolidate the role of mediator for the Ecumenical Patriarchy, in case of certain jurisdictional conflicts in which the institution of autonomy is involved or in case of organizing church life in the Orthodox diaspora.

Paragraph 2f states:

In the event that two autocephalous Churches grant autonomous status within the same geographical ecclesial region, prompting contestation over the status of each autonomous Church, the parties involved appeal—together or separately—to the Ecumenical Patriarch *so that he may find a canonical solution to the matter* in accordance with prevailing pan-Orthodox practice.

This wording draws attention to the apparition of jurisdictional conflicts and tries to find a canonical solution in order to relieve the relations between autocephalous Churches and reinstatement of canonical orderliness. The mediator role is awarded in these situations to the primate. It is evident that in the synodal system of church organization, the primate function cannot be devoid of canonical value. The primate, as one amongst equals, has a canonical function of harmony and consensus vector<sup>16</sup>. Even if the wording of this paragraph seems to award the Ecumenical Patriarchy canonical capacity of identifying in a unilateral way the canonical solution with regard to the said issue, considering that its ending refers to the *prevailing pan-Orthodox practice*, it is evident that the canonical solution can only be identified consensually. The resolution of dissensions between the autocephalous Churches through consensus, being in fact the *prevailing pan-Orthodox practice* by which all bishops have to abide, as the 34<sup>th</sup> apostolic canon attests.

The primate function is valued in paragraph 2e, this time in relation to the management of church organization at the level of the Orthodox diaspora:

Autonomous Churches are not established in the region of the Orthodox Diaspora, except by pan-Orthodox consensus, upheld by the Ecumenical Patriarch in accordance with prevailing pan-Orthodox practice.

This phrasing is of particular importance because, having in mind the previous mention according to which the autocephalous Church has the exclusive competency of according autonomy to an ecclesial region, the sister Orthodox

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<sup>16</sup> For more details on the canonical function of the primate see Patriciu Vlaicu, "Autorité et coresponsabilité dans la fonction canonique du primat – les enseignements des quatre premiers siècles et les défis actuels de l'Eglise", in *La primauté et les Primats* (Paris: Cerf, 2015), 109-124.

Churches implicitly assume that no autocephalous Church has jurisdiction over the diaspora. Regardless, for the first throne in the Orthodox Church, that which also has the responsibility of cultivating communion, is recognized the competency of reception vector for the consensus of the autocephalous Churches with regard to the proclamation of autonomy for an ecclesial region of the Orthodox diaspora.

It is for the first time when a pan-Orthodox document, approved in the preparatory phase by all autocephalous Churches, expresses with one voice the possibility of organizing autonomous churches in the diaspora. It is a first step towards creating local Churches in the *Orthodox diaspora*. Simultaneously, considering that the document implicitly affirms that no autocephalous Church is entitled to a general jurisdiction in the *Orthodox diaspora*, we cannot refrain from asking ourselves how would that Church be articulated in the communion of the Orthodox Church. To which autocephalous Church would it belong, or how could an autonomous Church which is not automatically integrated in an autocephalous Church manifest itself?

As a conclusion to this first section of our analysis, we can underline the fact that the document of the Holy and Great Council clarifies the way in which Church autonomy is integrated in the institution of autocephaly and presents it as a freestanding form of organization in an ecclesial and socio-cultural context in which such a structuring supports the mission of the Church.

Church autonomy has to be organized by respecting canonical tradition, and the disagreements between autocephalous Churches with regard to this institution's mode of manifestation in a certain region must be resolved through consensus. The Ecumenical Patriarchy only has a role of mediation and communion vector. For the first time the possibility of organizing local autonomous churches in the Diaspora is evoked, under the conditions of receiving consensus with the support of the Ecumenical Patriarchy.

## **II. The issue of the Orthodox diaspora from the point of view of the Holy and Great Council's document**

With the population movements of the beginning of the 20<sup>th</sup> century, the Orthodox Church consolidated its presence outside of traditional canonical territories. Thus, a new canonical entity emerged, the *Orthodox diaspora*, which was perceived from the beginning as an atypical form of ecclesial manifestation, for which the Church must find appropriate solutions both from a canonical and pastoral-missionary point of view. Even since the 1960's the presence of Orthodox communities outside of the traditional canonical territories of the autocephalous Churches attracted the attention of canonists

and ecclesiologists, and the subject was considered particularly sensitive, and in need of anchoring in the canonical tradition and of communal understanding in the Orthodox Church.

In addressing this issue, after a few terminological clarifications, I will underline the challenges and opportunities brought by what we define as the Orthodox diaspora, and I will highlight the application of organizational economy to the pastoral-missionary reality of the diaspora. Finally I will underline a few perspectives opened by the conciliar document.

### ***a. Terminological clarifications***

The notion of diaspora originates from the Hebrew term *galout*, which is linked in its classical sense to the notion by which the Jewish people outside of Palestine were designated (Jacob 1,1; 1 Peter 1,1). Besides this etymology, throughout time, some population movement analysts considered that at the origin of the term<sup>17</sup> employed in modern languages stands the Greek verb *speiro* with the prefix *dia*, which means dispersal. Through this word we understand a people dispersed beyond its traditional territory, which is characterised by maintaining an identity separate from the socio-cultural context to which it emigrated<sup>18</sup>.

Sociologists also use the term in its plural form, speaking of *diasporas*, incorporating in this notion not only the ethnic diaspora, but also other forms of manifestation of identity groups beyond their traditional display environment<sup>19</sup>. So, we can speak of an ethnic, confessional or ethno-confessional diaspora<sup>20</sup>.

Amongst these forms of diaspora one can integrate the Orthodox *diaspora*, defined as the “community of Orthodox Christians which live outside of the originating territorial Churches and in any case, outside all territorial Orthodox Churches”<sup>21</sup>.

It is evident that the diaspora was constituted in time, beginning with ethnic migrations, but an *Orthodox diaspora* emerged which consists of persons

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<sup>17</sup> Lisa Anteby-Yemini et William Berthomière, “Les diasporas: retour sur un concept”, *Bulletin du Centre de recherche français à Jérusalem*, no. 16 (2005): 139.

<sup>18</sup> M. Eliade, *La nostalgie des origines* (Paris: Gallimard, 1971), 85-89.

<sup>19</sup> For more details on the “various diasporas” see Alain Medam, “Diaspora / Diasporas. Archétype et typologie”, *Revue Européenne des Migrations Internationales* 9, no. 1 (1993), 63-64.

<sup>20</sup> The Unitarians emigrated because of religious persecutions. For more details on the Unitarians see Michel Baron, *Les unitariens* (Paris: Harmattan, 2004).

<sup>21</sup> See: G.D. Papathomas, *Le Corpus Canonum de l'Eglise Orthodoxe, (1er-9e siècles) Le texte des Saints Canons ecclésiastiques* (Editions Pektasis, 2015), 1073.



who do not consider themselves as members of the ethnic diaspora<sup>22</sup>, a scattering of the Orthodox faith amongst the persons originating from those respective countries.

If the confessional element is that which grants the Orthodox diaspora's identity, the ethno-cultural element cannot be neglected. It underlines the language and tradition peculiarities. However, in the Orthodox diaspora, two types of referring to the confessional and ethnic elements are identified. For the first generation of emigrants, the ethno-cultural element is prevalent, the faithful calling themselves *Romanian, Greek, Serbian-Orthodox*. Beginning with the second generation a large part call themselves *Orthodox-Russians, Serbians, Greeks, Romanians*. This dynamic is common in the context of integrating the immigrants in the host-societies, and marks the passing from belonging to an ethno-confessional diaspora to a confessional presence marked by ethno-cultural values.

### ***b. The Orthodox diaspora, challenge and opportunity***

Some considered that the *Orthodox diaspora* reveals the incapacity of our Church to live a coherent relationship to canonicity<sup>23</sup>. In support of this position the anomaly of situating multiple bishops in one city is highlighted. It is taken as a sign of a chronic canonical disorder.

Others consider that organizing the Church's mission while considering cultural particularities is nothing else than endowing the Church with the necessary means for a complex mission in a complex pastoral environment<sup>24</sup>.

Even if the opinions contradict with regard to the nature of the diaspora issue, it is certain that the *Orthodox diaspora* offered and offers a framework in which Orthodoxy is lived in a context of pan-Orthodox interaction.

In the *Orthodox diaspora*, faithful of various origins can understand the different traditions of their young coreligionists who are settling down in their host countries, make friendships and appreciate Orthodox youths of other origins.

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<sup>22</sup> In Western Europe there are more than 100 parishes which are primarily constituted of Orthodox faithful originating from the said countries or from a third-fourth generation of immigrants. See Pnevmatikakis, "La territorialité de l'Église orthodoxe en France, entre exclusivisme juridictionnel et catholicité locale", *Carnets de géographes* [En ligne], 6 (2013), <http://cdg.revues.org/918>, accessed Mai 18, 2017, doi: 10.4000/cdg.918.

<sup>23</sup> G.D. Papatomas, "La relation d'opposition entre Eglise établie localement et Diaspora ecclésiale – L'unité ecclésiologique face à la co-territorialité et à la multi-juridiction", *L'Année canonique* 46 (2004): 85.

<sup>24</sup> An analysis of the link between territorial and personal mission is done by: Lewis J. Patsavos, "Territoriality and Personality in Canon Law and Ecclesiastical Law: Canon Law Faces the Third Millennium", in Peter Erdo, *Proceedings of the 11th International Congress of the Society for the Law of the Eastern Churches* (Budapest: Pazmany Peter Catholic Univ., 2002).

The elderly steadfast in the culture and traditions of their originating countries end up cherishing different traditions.

Certainly, the diaspora is a complex reality and sometimes difficult to manage, but it offers an auspicious framework for ample debates. In this diaspora, personalities of the Orthodox Church confessed the values of Orthodoxy in front of other Christians. This way, the particularities of Orthodoxy were better understood by the others, and Orthodoxy itself was confronted with other ways of living the Gospel.

Considering all of the above, we can say the Orthodox diaspora is not only a medium which evokes complex issues, but also a providential aspect which, if assumed coherently, can be capitalized<sup>25</sup> upon.

If during the preparatory period of the Holy and Great Council there was the wish that the provisory organisation would not exceed the moment of its convening, in the fourth pre-conciliar conference it was decided that the structures created for manifesting unity in the Orthodox diaspora must be organized on a long-term basis, advancing towards a greater canonical coherency.

### ***c. The Orthodox diaspora's organization, application of canonical economy at an organizational level***

The document adopted by the Holy and Great Council underlines the determination of all autocephalous Orthodox Churches of organizing the *diaspora* according to the ecclesiology, tradition and practice of the Orthodox Church<sup>26</sup>. This wish is displayed as a long-term project originating from the discovery formulated in paragraph 1 b which states that in the current phase organizational economy is applied, creating, in a first stage<sup>27</sup>, 13 regions of the *Orthodox diaspora*, enumerated in paragraph 3: Canada; the United States of America; Latin America; Australia; New Zealand and Oceania; the United Kingdom of Great Britain and Northern Ireland; France; Belgium, the Netherlands and Luxembourg; Austria; Italy and Malta; Switzerland and Lichtenstein; Germany; the Scandinavian Countries (excluding Finland).

Paragraph 1b points out that the *Orthodox diaspora* is constituted as a form of organizational economy while according to strict canonical order there would be "only one bishop in a city". This specification directly refers canon 8

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<sup>25</sup> See Chronique, "A propos de la diaspora orthodoxe", in *Contacts* 20, no. 61 (1968): 77.

<sup>26</sup> N. Lossky, "La présence orthodoxe dans la diaspora et ses implications ecclésiologiques, de même que celles des Églises orientales catholiques", *Irénikon* 65, no. 3 (1992): 358.

<sup>27</sup> We notice that amongst these regions the Far East is not included, and for this reason the text refers, in a first stage, to the organization of the diaspora.

of the First Ecumenical Synod, which points out that in order not to have two bishops in a city, the Cathar bishops received to Orthodoxy need to be placed as chorbishops or priests, if in the said city there was already an Orthodox bishop.

Starting from this affirmation, we ask ourselves if the *monobishopric*, through itself, has the capacity of solving in a strict canonical manner the issue of the Orthodox diaspora. It is obvious that overlapping ethnic jurisdiction in the diaspora raises serious canonical issues<sup>28</sup>. But is this issue understood in all of its complexity? We can speak of canonical normality only evocating the mono-episcopate, without speaking of the relationship with the canonical reality of the local Church? Is it not also an issue of canonical disorder when we do have a mono-episcopate but it is not framed in the canonical reality of the *local Church*? If in Latin America there would be only one bishop, member of the Holy Synod of the Serbian Orthodox Church, and Orthodox faithful of various origins, in order to be integrated into the Orthodox Church they would need to be integrated into the Church of Serbia. Would this be canonical normality? Certainly not. Canonical normality is when the people of a region are organized in a local Church and consider themselves first and foremost as being Orthodox<sup>29</sup>, and the local bishop fully embraces canonical responsibility, without being integrated into a jurisdiction situated thousands of kilometres away, marked by ethnic and cultural-linguistic specifics, which is entirely different from that in which he serves.

We notice that the document regarding the *Orthodox diaspora* avoids using the notion of *local Church*, and leaves the impression that the problem can be solved through an underlining of the role played by the Ecumenical Patriarchy in the issue of the diaspora.

In this phase of manifesting synodality at a pan-Orthodox level, the issue of the diaspora was not resolved. The Church was satisfied to affirm the need of common testimony in order that the diaspora is not a place of dissension, but a medium of complementary manifestation of all charisms which nations can highlight. Although regarding the organization of the diaspora some consider that the situation is in fact a major disorder, others underline that current organization of the diaspora is the only one which can offer reasonable pastoral solutions.

Respect towards the specificity of pastoral care in distinct ethno-cultural contexts is not singular in the history of the Church. Ever since the first centuries, valuing the ethnic component was a means for mission. The presence of some

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<sup>28</sup> P. L'Huillier P., "L'Unité de l'Église au plan local dans la diaspora", *Contacts* 30, no. 104 (1978): 403.

<sup>29</sup> G.D. Papathomas, (2004) "La relation d'opposition entre Église établie localement et Diaspora ecclésiale - L'unité ecclésiologique face à la co-territorialité et à la multi-jurisdiction", *L'Année canonique* 46 (2004): 83.

bishops with a jurisdiction based on the ethnic element is confirmed in the synodal acts. At the Synod of Nicaea of 325, Teophilus, the bishop of the Goths participated<sup>30</sup>. In Spain the synods of the Visigoths are mentioned<sup>31</sup>. The same type of organization was found with the Gauls<sup>32</sup>. The Blessed Augustine speaks of general, national and provincial synods. This way he affirms that national synods reunited the bishops of a kingdom or of a people and that they are presided by primates or patriarchs, the notion of *patriarch* itself being linked with that of nation<sup>33</sup>. The conversion of the Franks and Visigoths to the Christian faith and the conversion of their leaders gave birth to an organization which took into consideration the ethno-cultural element. In this sense, the Spanish Visigoths' regime is representative. They had synods which regulated in an autonomous manner, without Roman interference, in the life of these communities.

In the Orient we also have atypical situations which structure mission amongst migratory people, doubling the territorial principle with the pastoral availability for peoples. In the dioceses of Asia, Pontus and Thracia, in order to ensure missions among the barbaric peoples, the Church decided to grant them a distinct pastoral solicitude, as canons 2 from the Second Ecumenical Synod and 29 from the Fourth Ecumenical Synod testify.

Canon 2 of the Second Ecumenical Council indicates that God's Churches which are among the barbaric nations must be led after the "custom established by our fathers". Ortiz of Urbina, speaking of this canon and about the barbaric churches situated outside of the Empire underlines that they were linked to the mother Churches which evangelized them<sup>34</sup>. The Ethiopian Church was linked to that of Alexandria, the Persian Church to that of Antioch.

Canon 28 Chalcedon underlines the way in which barbaric communities were retreated from metropolitan territorial jurisdictions, finding themselves under the direct authority of the patriarch who consecrated their bishops. In canon 39 Trullo we have another example which speaks of the canonical solution identified with the occasion of Cypriot's dislocation to another territory. The people thus moved gains the character of distinct Church from that of the territory in which it was moved and does not request for the immigrants to be integrated in the local Church where they ended up. Rather, it grants to the Church of the emigrant people, which had a richer tradition, the right to consecrate the bishop of the territory to which they emigrated.

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<sup>30</sup> See Charles Joseph Hefele, *Histoire des Conciles* (Paris, 1869), 261.

<sup>31</sup> See "Spanish Abbots and the Visigothic Councils of Toledo", in *Spanish and Portuguese Monastic History 600-1300*, Variorum Reprints, V, (London, 1987), 142.

<sup>32</sup> Prof. Brigitte Basdevant-Gaudemet, "Les Evêques, les papes et les princes dans la vie conciliaire de France du IVe au XIIe siècle", *R.H.D.*, 69 (1991).

<sup>33</sup> See Abbé D. Bouix, *Du Concile Provincial* (Paris: Jacques Lecoffre et Cie, Editeurs, 1850), 10.

<sup>34</sup> Ortiz de Urbina, *Nicée et Constantinople* (Paris, 1963), 214-215.

Through these examples, I do not wish to justify the canonical normality of extraterritorial jurisdiction. But I only find that the Church has always found organizational solutions in order to sustain pastoral care in exceptional circumstances and did not subordinate pastoral care to an absolute territorial principle<sup>35</sup>. Thus, the Church knew how to integrate exceptions and qualified them in relation to canonical normality, so long as the exception did not infringe upon doctrine and proved itself necessary from a pastoral or missionary point of view.

In continuity with the previously mentioned canons, in full canonicity, the Holy and Great Council took the organization of the 13 regions of the Orthodox diaspora upon itself and decided to constitute the gathering of bishops who carry out their mission in these distinct pastoral contexts. Hence, the Church takes into consideration the need for unitary manifestation in the diaspora and assigns to the gathering of the bishops the mission of manifesting the unity of Orthodoxy and developing communal actions for all Orthodox living in each region, in order to answer the pastoral needs and to represent Orthodoxy before other confessions and to the whole society of the said regions.

The last paragraph of the document regarding the diaspora underlines the fact that autocephalous Churches commit not to laden the regulatory process in a canonical manner of the issue of the diaspora and that they will do everything in their power to facilitate the work of the bishop's gathering and to establish the normality of canonical order in the diaspora. The text exemplifies to this end the commitment which the autocephalous Orthodox Churches make in order not to give hierarchs already existing canonical titles. This affirmation, canonically and deontologically correct, has a very complex charge. It is the conclusion of ample debates on the titles of diaspora bishops, which materialized in meaningful formal gestures. If we consult the list of current bishops, we notice that the bishops of the Ecumenical Patriarchy, who are active in the diaspora, are named after the country where they reside, and the bishops of other jurisdictions are qualified as being *in the said countries*. From reading these lists from the official page of the Council we could understand that the autocephalous Churches agreed upon this position expressed by the ecumenical Patriarchy. If we however consult the signed documents, we notice that some bishops from the Orthodox diaspora noted the modification of their title when they signed the documents and found the "material error" correcting the title by hand. Even if this aspect could be considered by some as a small detail, it is meaningful and would deserve its own analysis

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<sup>35</sup> For more details on the link between canonical principles and pastoral realities, see Patriciu Vlaicu, "Les principes d'organisation ecclésiale face aux réalités contemporaines - Territorialité et responsabilité pastorale", *Année Canonique* 49 (2007): 181-190.

in an exclusive study dedicated to bishops' titles in direct relationship to those from the Orthodox diaspora. At this level of our analysis we only underline a few incoherencies which still need to be clarified.

If the Orthodox bishop of the Ecumenical Patriarchy is the Metropolitan of France, would it not mean that he is the bishop of a local Church, with complete jurisdiction? If it is so, how does this title reconcile with the affirmations of the documents regarding autonomy, which indicate that in the diaspora there is no exclusive and direct jurisdiction of a local Church (2e) and with the document regarding the Orthodox diaspora which shows that bishops named with the said title are in the jurisdiction of the Patriarchy of Constantinople (2b)? This statute of the Orthodox diaspora, as being in the pastoral care of the whole Church, without a specific jurisdictional competence recognized to any Church is highlighted also by article 13 of the document regarding the regulation of episcopal gatherings, which gives to the *Synaxis of the Primates* the competency of deciding regarding modifying territorial circumscriptions of the Orthodox diaspora<sup>36</sup>.

We notice that the document regarding the Orthodox diaspora uses very often the expressions "canonical normality", "in a canonical manner", "established pan-Orthodox practice". Resolving in a canonical manner an issue with which the Church is confronted does not only mean to refer to certain canons, but to resolve the problems in accordance with the canonical conscience of the Church, considering the context and means which the Church has at its disposal.

Who has the competency of synthetizing the canonical conscience of the Church? If each Church identifies in a unilateral way "canonical" solutions, there is the risk of those solutions being marked by subjectivism. For this reason, the canonical tradition highlights the Synod as competent court in order to resolve all problems with which the Church is confronted, as the 37<sup>th</sup> apostolic canon indicates. In synodality all difficulties can be overcome and precisely the degradation of conciliar conscience leads to loss of sensibility towards canonicity. The 19<sup>th</sup> canon of Chalcedon shows that disorders in the Church are not eliminated precisely because the rhythmicity of conciliar reunions was lost. Therefore, the best method of rediscovering canonical normality is exactly organizing synodality in the necessary rhythm in order to solve the problems with which the Church is being confronted. For local or regional problems, the answer must be given by local or regional synods. For problems which pertain to the whole Church, answers must be given by the general synods to which the Holy and Great Council of the Orthodox Church belongs.

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<sup>36</sup> Article 13. "The formation of a new Episcopal Assembly, the partition or abolition of an existing Episcopal Assembly, or the merger of two or more of these Assemblies, occurs following the decision of the Synaxis of the Primates of the Orthodox Churches, at the request of a particular Church, or the request of the Chairman of a particular Episcopal Assembly to the Ecumenical Patriarch."

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