

# THE ROLE OF THE *PROTOS* OR PRIMATE IN THE CHURCH OF GREECE

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It is an honour for me to appear before the VIII International Congress of the Society on Canon Law of the Eastern Churches in order to deliver my paper on the Primate's place within the Autocephalous Church of Greece, of which I happen to be a bishop. For this honour which has been extended me I wish to convey my heartfelt thanks to the Society's presidium.

In beginning, I ask that you lend me your attention for a short while so that I may briefly analyze my subject, by which I shall attempt to cast light upon and review the more general canonical question of the relation of the *Protos* or First Bishop to the Synod of the Church of Greece and to each individual bishop.

The canonical relations of the individual bishops of a local Church to the Bishop of the first (capital) city constituted, from the beginning, the object of canonical regulation, in order to avoid the creation of problems which could disrupt the life of the Church and especially her unity. Canons III and XXXIV of the Apostles, and Canon IX of the Local Council of Antioch, which refer to the interdependence of the bishops and to their mutual relations within the ecclesiological framework, are of basic significance in that they ascribe to the *Protos*, or primate, certain privileges of administrative superiority, of course always within the dimension of the ministry in Christ.

More specifically, Canon XXXIV of the Apostles and Canon IX of the Council of Antioch regulate the canonical relations of the bishops of each local Church or each Metropolitan district with the presiding Bishop of the Metropolis, whom it calls «*Protos*» and «Head». According to these regulations, the bishops who belong to an autocephalous Metropolitan eparchy and/or to an autocephalous local Church are obliged, for the sake of preserving the unity of the Church and canonical order, to recognize the presiding bishop of the Metropolis, i.e. of the

city largest in size or of the greatest significance, as the first among them and as the Head of their body, and must not undertake administrative or other actions pertaining to the more general and vital Church matters without his opinion or knowledge.

This of course means that in local affairs or in matters pertaining to the exercise of his sacred pastoral duties as bishop, teacher and administrator of his spiritual fold, i.e. his diocese, each bishop of course has the right to act freely—always within the framework of the sacred canons and ecclesiastical laws. No bishop may interfere in the administration of another diocese, save his own,<sup>1</sup> «rendering account only unto the Lord.» This, however does not imply an arbitrariness on the part of the bishop or a degrading of the Synodical system (συνοδικὸς θεσμός), but rather the autonomous and independent administrative spiritual and pastoral activities of the bishop, which, however, are supervised by the Synod to which the bishop belongs.

In other words, the independence of the local Church is recognized — but only in those matters in which the Synod or the First Bishop «have no right to interfere».<sup>2</sup> Like the XXXIVth Apostolic Canon, Canon IX of the Council of Antioch is quite explicit on this matter: «...Each bishop has authority over his own diocese (παροικία), both 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 judgement. But let him undertake nothing further without the bishop of the Metropolis; neither the latter without the consent of the others».<sup>3</sup>

Because the canon in question, as we have noted, aims at preserving the Church's unity in Christ and not at the adulteration of the ecclesiastical principle of the equality of the bishops in their priesthood and teaching, it adds that the «First» bishop must not ignore the existence of the other bishops and should not abuse his authority by proceeding to actions which betray arbitrariness, high-handedness, and a despotic spirit of imposing one's will upon his brothers and concelebrants. Thus through the interdependence, unity and cooperation

1. Cf. also Cyprian, V 55 (52) 21.

2. John Zizioulas (now Metropolitan of Pergamum), «The Synodical Institutions: Historical, Ecclesiological and Canonical Problems,» in *Volume in Honour of Metropolitan Barnabas of Kitros, on the occasion of the Completion of 25 years of Episcopacy*, Athens 1980, p. 177.

3. Rhalles and Potles, *The Constitution (Syntagma) of the Divine and Sacred Canons*, Vol. III, p. 141.

between the bishops and the First Bishop (Πρῶτος) their co-responsibility in facing the great and general problems of the Church is made manifest, and the need for the correct functioning of the synodical system through the participation in the synodical organ of all of the bishops without exception emphasized.<sup>4</sup>

Hence, in the Orthodox Church each bishop, by right of his ordination — and not by *missio canonica* as in the Roman Catholic Church — participates in Synods, presided over by the First Bishop, which deal with matters referring to the overall life of the Church. Whatsoever refers to the local Church however, e.g. ordinations of priests and deacons, belongs to the competency, and is the responsibility, of the local bishop. This competency can neither be limited nor replaced.<sup>5</sup>

As it has been observed, however, the institution of the Autocephalous Churches formed in more recent times does not constitute a super-local organizational structure of the Church, i.e. a super-diocese. «Autocephalous Churches, organized as a pyramid with a synodical institution exercising absolute authority over the local Churches, or with the primate exercising such authority over the councils, represent a dangerous distortion of the ecclesiological spirit of the canons.»<sup>6</sup> The authority of the Council or that of the First Bishop or Πρῶτος over the individual bishops cannot abrogate the primordial and inviolate jurisdiction of the bishop over the local Church, but ought to extend only to the supervision of episcopal actions and deeds, always on the basis of the sacred canons and the church laws. Any overstepping of these canonical bounds constitutes a dangerous alteration of Orthodox ecclesiology and surreptitiously introduces into the Church a secular spirit and administrative principles foreign to canonical order. Indeed, if we keep in mind that on the local level the synodical system is in general to this very day an institution, while the Universal Church, or Church at large, is not expressed institutionally, since an Ecumenical Council is recognized as such only *posteriori* and then acquires supreme

4. Anastasios Marinos, *Church/State Relations*, Athens 1984, p. 43.

5. The Greek Council of State, aligning itself with this correct canonical spirit, nullified, by its decision no. 365-367/1977, an act of the Standing Holy Synod by which a ten-year exclusion from participating in the work of the Standing Holy Synod and the Holy Synod of the Hierarchy was placed on those bishops who had participated in Archbishop Ieronymos' Meritorious (appointed) Synod. This Synodical measure was judged to be not only unlawful but also uncanonical. See An. Marinos, *Op. Cit.*, p. 41, note 22.

6. J. Zizioulas, *Op. Cit.*, pp. 177-178.

authority for the Church, it becomes evident how necessary it is to preserve inviolate from every alienating influence the functional structures of the synodical system in its initial phase, so to speak, so that it remains a strong instrument ensuring the unity and concord not only of the bishops but of the laity as well. Indeed, as Zonaras in his interpretation of the 34th Apostolic Canon observes: «it desires... that the bishops have concord and that they be united by the bond of love, and that they should be an example of love and concord to the clergy and people under them».<sup>7</sup>

Hence all the bishops, as successors of the Lord and the Apostles, possess the same priesthood in equal measure (τῆς αὐτῆς ἀξίας). United with one another through the mysteries or sacraments and especially through the Holy Eucharist, each individual bishop on the one hand deals self-sufficiently with matters pertaining to his diocese, while on the other hand with the rest of the bishops in synod, under the presidency of the First bishop, he deals with issues affecting the more general life of the Church. The distinction made between the Primate and the rest of the bishops is not one of higher or lower value or significance, but rather one of honour, and is of a practical nature. It is a primacy of *diakonia* and not of special episcopal privileges over and beyond his fellow bishops which he derives from his Archpriesthood.<sup>8</sup> The ministry in question reflects the concern of the canons to establish an organ to regulate authority and which, by functioning within a specific framework harmoniously combined with the collegiality of the bishops, directs the functioning of the synod or council towards the good ordering of ecclesiastical affairs.<sup>9</sup>

The Orthodox Church of Greece was proclaimed autocephalous in the year 1850 by a Patriarchal and Synodical Tome which also specified the basic principles of its canonical administration. According to this Tome, the Church of Greece is autocephalous, «having as its supreme head a standing synod composed of bishops summoned in rotation according to the seniority of their ordination, having as their president the incumbent Metropolitan of Athens, and administering

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7. Rhalles and Potles, *The Constitution...*, Vol. II, p. 46.

8. Metropolitan Panteleimon of Tyrholec and Serention, *An Ecclesiological Review of the 34th Apostolic Canon*, Thessaloniki 1979, p. 9.

9. *Ibid.*, pp. 10-11.

the Church in accordance with the sacred canons freely and unhindered by any secular intervention.»<sup>10</sup>

In analyzing this specification we observe that the Mother Church of Constantinople granted autocephaly to her daughter, the Church of Greece, under the following conditions which pertain to the latter's administration:

a) It recognized and stipulated as the Church of Greece's supreme governing body a Standing Synod of Bishops;

b) Without specifying the number of the Synod's members, it foresaw that the bishops who are to participate in the Synod are to be summoned in sequence according to the order of their seniority in ordination;

c) It recognised as Πρῶτος or Primate among the bishops of the Church in question the incumbent Metropolitan of Athens, whom it also named as President of the Synod.

d) It excluded all secular intervention in the administration of the Church, thus preserving her internal independence and self-administration.

We here underline the fact that the Tome foresaw that in this Synod, which thus became the supreme ecclesiastical head of the Church, not all the bishops were to participate simultaneously, but only certain of them, summoned each time on the basis of their seniority.<sup>11</sup> Such a periodical participation of the active bishops in the Synod should not be considered as seeking to exclude some of them from the conciliar actions of the Church, for a) all the bishops participate in the synod, although not simultaneously; b) the criterion by which they are summoned, invited and participate is an objective one: *viz.* the chronological order in which they were ordained to the episcopate. This ensures that each

10. Metropolitan Barnabas of Kitros, *The Constitutional Legislation of the Church of Greece*, Athens 1967, p. 21.

11. It should be pointed out that the Council of Ministers of Greece also in their letter to the Ecumenical Patriarch and the Patriarchal Synod of Constantinople, dated May 30, 1850 and referring to the established canonical synodical administration of the Church, of Greece as autocephalous, observed that His Majesty, the King, before proceeding to the restoration of canonical order in the Church, «having summoned to the seat of the Government all the bishops residing permanently or temporarily in Greece, i.e. the Metropolitans, Archbishops and Bishops, benignly heard their unanimous opinion to the effect that the standing administration of the Orthodox Church through a Synod such as that of our sister Orthodox Church in Russia is considered to be more competent and advantageous for the God-established Kingdom of Greece.» Metropolitan Barnabas, *Op. Cit.*, p. 30.

and every bishop without exception will participate in turn in the work of the Synod. Different from this, and hence clearly uncanonical is the meritorious (ἀριστιδίην) synthesis of the synod: i.e. the choosing of specific bishops from the catalogue of hierarchs with or without an objective criterion, or the composition of the synod by permanent members.<sup>12</sup>

These uncanonical ways of composing synods have resulted in *gerontism* (γεροντισμός): the creation of bishops superior in their ability to impose their views and authority upon others. They have also resulted in other tragic situations which have undermined the unity of the Church. Without a doubt, the constitutional charters of the Church of Greece from 1923 and on have clarified certain ambiguities in the Tome. For example, they are more specific in specifying that the «supreme head» of the Church of Greece is the Holy Synod of the Hierarchy, which is composed of all her diocesan bishops, and that this Synod's «representative» is the Standing Synod, smaller in membership than the Holy Synod of the Hierarchy. All bishops participate in the Standing Synod, being summoned yearly in rotation on the basis of the seniority of their ordination. With this clarification the real and practical difficulties of the simultaneous participation of all the bishops are solved without creating ecclesiological problems.

The Tome, by declaring that the Synod is the highest ecclesiastical authority in Greece, implied that it has certain privileges also. These are:

a) that the Synod, and not the Primate, i.e. the Metropolitan or Archbishop of Athens, is commemorated when the bishops celebrate the Holy Liturgy;

b) that it is the Synod which issues the canonical documents necessary for the ordination of bishops;

c) that the Synod had the right to refer to, and correspond with, the Ecumenical Patriarch and his Holy Synod, and to receive announcements and to enter into any type of collaboration with them;

d) that it is the Synod which maintains the bonds of unity with both the Mother Church of Constantinople and the other Holy Orthodox Churches, and

e) that the Synod regulates all things «pertaining to the internal administration of the Church.»<sup>13</sup>

Before its autocephaly was proclaimed, the Church of Greece

12. J. Zizioulas, *Op. Cit.*, p. 186.

13. Metropolitan Barnabas, *Op. Cit.*, p. 22f.

was administered by a five-member Church Council or Synod of bishops voted by the legislature and appointed by the government, as specified by the «Ruling» («hegemonic») or «Royal» decree of the Fifth National Assembly held in Navplion (15 March 1832).

After autocephaly, an article to the effect that, among other things, the Church of Greece is «autocephalous, that she exercises her sovereign rights independently of all other Churches and that she is administered by a Holy Synod of bishops»<sup>14</sup> has been included in all Greek Constitutions where they speak of religion.

More specifically, in Article 3 of the current Constitution, in force since 1975, the following is stated in regard to the question at hand: «...The Orthodox Church of Greece... is autocephalous and is administered by a Holy Synod of the active hierarchs, and by the Standing Holy Synod derived from it, composed as the Constitutional Charter of the Church of Greece specifies, observing the provisions of the Patriarchal Tome of June 29, 1850 and the Patriarchal Act of September 4, 1928».

From this provision it is apparent that in accordance with canonical order the Holy Synod of the Hierarchy is sanctioned as the supreme administrative organ of the Church of Greece by the current Greek Constitution as well. In the Holy Synod of the Hierarchy all diocesan bishops without exception participate. The principle of the equality of the bishops as members of the Synod is reconfirmed.<sup>15</sup> Consequently, the Autocephalous Church of Greece follows the synodical system in its administration — a system which functions on the principle of majority rule, as inspired by the Holy Spirit.

The place of the Πρῶτος or Primate within the synod is from the very beginning that of *primus inter pares*. His rights as president of both the Holy Synod of the Hierarchy and the Standing Holy Synod are described in nucleus already by the First Constitutional Law ΣΑ/1852. From that time on in the Constitutional Charters that the Church of

14. *Ibid.*, p. 63.

15. This was confirmed by the Council of State through its decision n. 960/78. At the same time this same council, through its decisions 3178/76 and 545-546/78, judged that the mention of the Patriarchal Tome by which autocephaly was granted to the Church does not add any augmented force to it as concerns its contents *in toto*, but only to those provisions of it that refer to the manner in which the Standing Holy Synod is constituted. A contrary view has been put forth with forceful argumentation by reliable scholars.

Greece has had, and especially in Regulation No. 1/1977, provisions relating to and specifically specifying the rights and duties of the *Protos* within the synod have been included. From the study of these provisions we observe that:

a) The *Protos* or Primate convokes the Standing Holy Synod and the Holy Synod of the Hierarchy in extraordinary session and communicates to the Synods' members the session's agenda.

Initially, and up to the year 1969, a decree had to be issued in order for the Holy Synod of the Hierarchy to be convoked. After 1969 the convocation of the Holy Synod of the Hierarchy in regular annual session takes place *ipso jure*, as foreseen by Article 6, paragr. 1 of the Church's Constitutional Charter; it is summoned extraordinarily by decision of the Standing Holy Synod, whose president is obligated to convoke it.

The term «*ipso jure*» («*αὐτοδικαίως*») from one point of view means that the convocation of the Holy Synod of the Hierarchy does not require any additional action on the part of an ecclesiastical or civil organ, its cancellation or postponement however, would require the passing of new legislation.<sup>16</sup> Another view-point considers «*ipso jure*» or «*αὐτοδικαίως*» as meaning that no decision on the part of any church or state organ is required for the summoning of the Holy Synod of the Hierarchy. Hence, should no letter of convocation or agenda of business be sent to its members, the Holy Synod of the Hierarchy still validly assembles and meets in its regular annual October session, provided that it have the necessary quorum, given that its venue is known (Article 1, Regulation 1/1977). The Holy Synod of the Hierarchy can also decide to discuss new matters not included in the business agenda (Article 6, paragr. 2, Constitutional Charter, and Article 3, paragr. 1, Regulation 1/1977). Thus in the case of the regular meeting of the Holy Synod of the Hierarchy its president's competency to convoke is purely formal and not necessary. The matters on the agenda of its business are drawn up by the Standing Holy Synod and the president simply communicates them to the members at least two months in advance.

Necessary for the convocation of an extraordinary meeting of the Holy Synod of the Hierarchy are either a) a decision taken by its president on his own initiative, b) a decision by the Standing Holy Sy-

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16. Sp. Troyannos, «Comparative Observations on the Constitutional Legislation of the Orthodox Autocephalous Churches», in *Theologia*, Vol. 50 (1979) p. 199.



nod, or c) a petition by at least 1/3 of the diocesan bishops addressed to the president, in which the matters for which they wish that the Holy Synod of the Hierarchy be summoned are stated. In situation b) the president is obliged to summon the Holy Synod of the Hierarchy through an act issued ten days after the decision was taken, and on a day no later than twenty days from the said date. In situation c) the president is obliged to bring the petition immediately before the Standing Holy Synod, which in turn «immediately» acts upon it, by either authorizing its president to convoke the Holy Synod of the Hierarchy within twenty days, or rejects the petition, giving its reasons for doing so. Should the petitioning bishops re-petition the president, the convocation of the Holy Synod of the Hierarchy becomes mandatory and must be convoked by the president within twenty days. If in situations b) and c) the president should neglect to summon the Holy Synod of the Hierarchy, he is subject to canonical sanctions (article 6, parag. 1, Constitutional Charter).

The matters of business on the agendas of the extraordinary sessions of the Holy Synod of the Hierarchy are drawn up by the president, if it is he who is summoning the Synod, or by the Standing Holy Synod, if the Holy Synod of the Hierarchy is being convoked by petition (see article, 6, parag. 2).

The Standing Holy Synod is called to regular or extraordinary session by its president. It meets in regular session four times a month (article 4, Regulation 2/1977) and in extraordinary session whenever its president so decides, or when seven of its members so petition (article 5, Regulation 2/1977).

One is impressed by the clear foresight of the Greek lawmaker and the Synodical organ which acts by his authorisation, to describe at this phase the privileges of the *Protos* or Primate in order to avoid any overstepping of authority. Such an action is justified by the bitter experience of the past in regard to the convocation of the Holy Synod of the Hierarchy and the Standing Holy Synod. It is clear that here we have a case of self-committal, for the president of the Preparatory Committee burdened with the task of drafting the Church's Constitutional Charters is always the incumbent Archbishop of Athens, while the commission itself is composed largely of clerics. Hence these regulations, which were approved and voted into law by the Greek Parliament, must be viewed and understood as expressing the Church's intention to insure through checks and balances the smooth functioning of the synodical system, and to limit the Primate's exercise of authority and com-

petency in such a way as to preserve the most fundamental principles of the synodical system—though one could observe that such a detailed limitation in the exercising of presidential authority pertaining to the convoking of the Synod betrays a type of a insecurity vis-à-vis the president's authority, which leads to a corresponding over-emphasis of the competencies of the collective synodical organ.<sup>17</sup>

b) He presides over the Holy Synod of the Hierarchy and the Standing Holy Synod. In his absence or in case of an impediment, he is replaced by the vice-president, who in the Holy Synod of the Hierarchy is that bishop who has the precedence of ordination to the episcopate. A different order of things was foreseen by Compulsory Law No. 2170/40, paragr. 3, which specified that the President of the Synod himself appointed, at the beginning of each synodical period, one of the members of the Synod—whomever he preferred—to be his substitute in the presidency and «in the exercise of all competencies related to it.» If his substitute were absent or hindered from attending, then he chose another. This strange ordinance however was abolished by Law 671/43 and ever since the vice-president is appointed according to the seniority of episcopal ordination.<sup>18</sup>

According to the canons, the presidency of the Synod belongs to the Primate. In fact, a synod without a primate is something inconceivable. The Third Apostolic Canon explicitly foresees that the other bishops gathered in synod can do nothing without their primate. Hence it is impossible, canonically speaking, to separate the competency of convoking the Synod from its presidency. He who convokes and he who presides over the synod must be one and the same person. The task of the primate is related to the expression of the Church's unity and hence inseparable from the act of convoking the Synod.<sup>19</sup> From this aspect,

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17. The President's right to convene the Holy Synod of the Hierarchy was abolished by article 3 of Law 671/1943 and was given to the Holy Synod. Article w of the Decree of 1959 stipulates that in case  $\frac{1}{2}$  of the membership of the Hierarchy sought the extraordinary convocation of the Holy Synod of the Hierarchy, the President was obliged within a three-day period to submit in writing to the Ministry of Education and Religions a petition for the issuance of a Royal Decree of Convocation. Cf. Metropolitan Barnabas, *Constitutional Legislation...*, pp. 269, 317.

18. *Ibid.*, pp. 77, 269.

19. J. Zizioulas, *Op. Cit.*, p. 188. Metropolitan Maximos of Sardis, *The Ecumenical Patriarchate in the Orthodox Church*, Thessaloniki 1972, p. 350. Metropolitan Bartholomaios of Philadelphia, «On the Future of the Holy and Great Synod of the Orthodox Church», in *Volume in honour of the Metropolitan Geron Meliton of Chalcedon*, 1977, pp. 147-157.

ecclesiastical legislation in Greece preserves appearances, since the Church's Constitutional Charter foresees that the president of the Holy Synod of the Hierarchy sends out the invitations to the bishops to participate in the Synod — though in reality this is merely a formality, since essentially it is the Synod in its entirety that decides the convocation, and its president is simply summoned to execute its decision.

According to the sacred canons, the convocation of the Synod by the *Protos* or Primate is equally inconceivable without the consent of the remaining bishops, as is evident from the 34th Apostolic Canon. All the bishops partake in the convocation of the Synod and the Primate simply serves as the mouth and expression of the bishops. In the Orthodox Church the Primate does not possess any monarchical privileges or authority which he exercises *ipso jure*. He expresses the communion of the Churches and not legal authority.<sup>20</sup> Thus, the Greek lawmaker conformed to this spirit when he decreed, as we have already seen, concerning the presiding over of the Synod in a way permeated by the principle that the local Churches must act in Synod as a unity and not disunitedly, and that the Primate is the basic factor of this unity.<sup>21</sup> Without the Primate, the Synod cannot function. Nor is a collegiate presidency conceivable. Communion (*κοινωνία*) is expressed through one person and is deeply related to the concept of the trinitarian life of God, where the communion of the three persons becomes unity only in one person: the hypostasis of the Father. This is also why the 34th Apostolic canon concludes with a reference to the Holy Trinity.<sup>22</sup>

These correct views were overlooked in 1959 when the majority of the members of the Holy Synod, differing with their president as to the need for proceeding to the election and ordination of new bishops — despite the fact that the Primate had adjourned the meeting and departed — remained and, without their president and in spite of his disapproval, continued to meet and make decisions. In the tumult that ensued many reliable scholars were involved and supported two diametrically opposing viewpoints. According to the one side, the Archbishop of Athens is not «*Protos*» or Primate in the sense mentioned in the 34th Apostolic Canon, since the Greek Constitution and the Church's Constitutional Charter «establish two collegiate organs, the Standing Holy Synod and

20. Metropolitan Maximos, *Op. Cit.*, pp. 351-352.

21. J. Zizioulas, *Op. Cit.*, p. 178.

22. «...and there will be unanimity, and God will be glorified through the Lord in the Holy Spirit, even the Father, the Son, and the Holy Spirit.»

the Holy Synod of the Hierarchy, with no other jurisdiction of the Archbishop save to preside over these, and indeed with the alternate possibility of having a substitute preside in cases of absence or impediment. Indeed, according to this view, should the president be absent or hindered from attending, the session is not cancelled but the Synod is presided over by him who has the seniority of ordination to the episcopate from among those present. This view is substantiated by ecclesiastical practice in that the Archbishop of Athens is not commemorated by the Metropolitans in the Holy Liturgy — as would be the case if he were «Protos» or Primate but, on the contrary, the Metropolitans — equal in every respect to the Archbishop, who acts as Metropolitan within the precincts of his diocesan area — commemorate, in accordance with article 30 of the Church's Constitutional Charter «the Holy Synod». On the other hand, the Metropolitans of the «New Territories» who are «spiritually» connected with the Ecumenical Patriarchate, commemorate both the Holy Synod and the Patriarch, because the latter for them is their spiritual, but not administrative, Primate.<sup>23</sup> «In the opposite viewpoint, maintained by my friend and old schoolmate, Mr. M. Bacopoulos, the presidents of collegiate bodies, sensing that the bodies would vote contrary to their [i.e. the presidents'] desires, could adjourn the sessions before the voting and thus avoid, either temporarily or even completely, distasteful decisions, thereby gaining the necessary time to influence the majority. I do not imagine that my friend would acquiesce to such an action on the part of the president of Parliament.»<sup>24</sup>

Others maintained that it is the inalienable right of the *Protos* not only to convene, but also to dissolve the session of the Synod, which in no way can convene and meet when the *Protos* does not so desire. Finally the Legal Council of State, the Nation's supreme legal and administrative council, decided that the decisions of the Synod taken after the Archbishop's departure lack legal validity. This view prevailed, and the entire issue ended with the upholding of the canonical order.<sup>25</sup>

c) He has one vote — as do the other members of the Synod — in accordance with the fixed principle of equality which characterizes all

23. See the opinion of Al. Vamvetsos in the Newspaper *Ethnos* (The Nation), 23 April 1959.

24. *Ibid.*

25. The Government then voted Law 3952/1959 and issued the Decree of 17 Dec. 1959 upstapning the Archbishop of Athens.

the bishops. As in the case of all collective organs, only in the event of a tie vote does the vote of the president prevail. This is by no means an indication of superiority but simply a practical solution to a fairly rare problem.

d) He directs the discussions in Synod. More specifically, he proposes a three-member Press Committee (article 4, paragr. 3, Regulation 1/77). He declares the opening and closing of the sessions, gives or takes away the floor (i.e. the right to speak), is responsible for the faithful observance and application of the Rules of Order of the Holy Synod of the Hierarchy and for the propriety of the deliberations, having the right to adjourn the session in order to preserve such propriety (article 9, paragr. 1, article 11, paragr. 1). The President of the Holy Synod can also interrupt the speaker should the latter deviate from the matter under discussion. He can order that whatever is said after the «floor» has been taken away from the speaker be stricken from the record. He calls the speaker back to order should the latter be out of order, and if necessary, can censure him or even bar him from one to three of the next sessions. He is the last to vote, and in the case of their absence has the right to represent more than one member of the Synod. In deviation from ordinary procedure, he can introduce to the Holy Synod of the Hierarchy regulations to be voted upon and can allow entrance to the meeting chamber of persons other than the Synodical members.

As concerns the Standing Holy Synod, its president, in conformity with article 10, Regulation 2/77, convenes the body by invitation, draws up the working agenda, directs the discussions and makes announcements.

e) He acts, by authorization of the Standing Holy Synod, during the interim period between sessions. Despite the fact that this ordinance was nullified by decision 961/78 of the Council of State, it continues to be in force, for at the end of each final monthly session, the Standing Holy Synod grants special authorization to its president to dispatch by himself routine business in the Synod's name.

This established procedure, in conjunction with the fact that the Synod is convoked only four times a month, circumvents in practice the Synodical institution's functioning in Greece, since during the greater part of the year the Church is governed by the Archbishop alone, acting «by authorization» of the Synod, which is summoned *posteriori* to approve business already finished and matters already completed, many of which cannot really be characterized as routine business but

rather are grave and important issues upon which synodical decisions and actions ought to have been taken.

The previous system whereby the the Standing Holy Synod was summoned twice weekly was more in harmony with canonical practice, and more in the interest of the Church and her synodical government. It eliminated any accusation against the Primate, who no longer had any cause to handle by himself and in absence of the Synod any crucial ecclesiastical business.

f) In the event of the demise or resignation of a diocesan bishop, he appoints as *Locum Tenens* of the vacated diocese a bishop of one of the bordering dioceses: viz. him who has the seniority of ordination (article 23, paragr. 1; Constitutional Charter).

g) He presides over the Ecclesiastical Court of the Second Instance, which deals with charges brought against bishops.

h) In conformity with article 28 of the Church's Constitutional Charter, he commemorates «all Orthodox bishops» while celebrating the Divine Liturgy.

i) Through a proposal in which he explicitly states his reasons, and which he submits to the Standing Holy Synod, he can provoke a decision whereby an active Metropolitan can be suspended for a period of six months if there are serious reasons pertaining to his person, or if such a suspension is in the interest of the Church, public welfare or social tranquility (Article 15, Law 1351/83).

This provision, which up to the present has never been applied, while not unconstitutional, has been judged as being uncanonical and «contrary to all those holy canons which deal with the bishop's position in the Church as the president of the Eucharistic Community. It strikes a blow at the Church's ecclesiological structure, and dynamites its foundations, and thus violates the Holy Canons, which have constitutional force.»<sup>26</sup> Of course it is a known fact that this provision was enacted for a specific reason and because of the Church's inability to confront a specific internal matter. Such ordinances however, betray a dangerous secularization, since the bishop is not simply an administrative organ but possesses an outstanding ecclesiological and charismatic position in the Church, something which Greek Laws have often overlooked.

Because of this deliberate misinterpretation of the bishop's place within Orthodox theology and his position as president of the Eucharis-

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26. An. Marinos, *Op. Cit.*, p. 90.

tic gathering, which «unites the Church of Christ in time and place», the Greek Lawmaker and the courts were influenced in supporting views or taking actions in conflict with Orthodox canonical ethos.<sup>27</sup> This is precisely what happened in the Greek State's recent interference in the inner affairs of the Church, not only by essentially confiscating monastic properties but also by attempting to order the internal affairs of the Church — not only in outright opposition to the Hierarchy's opinion, but also with the clear intent of limiting its canonical rights. In Greece, the Lawmaker understands the bishop as being the head of a public service, and not as a Church functionary, thereby ignoring fundamental Church institutions. Among other things, proof of this is the fact that all the above-mentioned competencies of the President of the Synod come under the supervision of the Council of State, which has the power to nullify any of his actions which might be called into question. This means that he is viewed as exercising public administration — the Church being considered to be a legal public entity, and all laws applying to such entities are applicable to the Church.

If this mentality does not change, and if the Church and her canonical institutions are not dealt with in the proper canonical way, many are the evils which will arise. The recent events in Church-State relations in Greece bring to the fore the question of separation of Church and State as a solution to the problem of the continuous interference on the part of the State in ecclesiastical affairs, to the Church's detriment. Unfortunately, such interventions on the State's part have brought only ills to both Church and State, despite the good disposition and intentions towards the Church of various past governments.

From all that we have said above, we are able to list the following conclusions:

1. The Synodical System is in force in the Orthodox Church of Greece, as it is in all the other Local Orthodox Churches. It deals with both general and important issues. The Synodical System is a canonical and traditional institution dating from Christian antiquity. In it participate all bishops without exception.

2. The role of the *Protos* or Primate is limited to ensuring the smooth and unhindered functioning of the synodical system, thereby guaranteeing Church unity. In the past, deviations from this princi-

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27. *Ibid.*, p. 27.

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ple have resulted in the creation of internal Church problems which were solved through State intervention.

3. None the less, the *Protos* in the Church of Greece up to now still maintains substantial influence over the bishops and acts in this direction in an indeterminate but decisive manner.