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# PhD THESIS

## Abstract

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**THE ARCHBISHOPRIC OF TOMIS AND  
THE ARCHBISHOPRIC OF  
JUSTINIANA PRIMA.**

**Juridical-canonical study.**

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In our days, the history of European institutions has become a scientific subject in the faculties of both history and law within prestigious universities of Europe. The two institutions, the Archbishopric of Tomis and the Archbishopric of Justiniana Prima, which are some of the oldest institutions, deserve to be better known and presented not only from the point of view of historians, but also from that of canonical and juridical researchers, even more so because they appeared and existed in the South-Eastern European area, where the indigenous Romanized population (mostly of Thracian origin) gave birth to the Romanian people.

Undoubtedly, talking about Europe and the European Union without a genuine and complete knowledge of its old institutions – from a historical, juridical and canonical point of view – means not only the lack of a sense of duty towards our ancestors, but also a great deficiency in the effort of asserting the European unity not only politically and economically, but also religiously and culturally. But such a spiritual, religious and cultural union can be reached only when we have succeeded in re-writing the history of some of the old institutions too, such as the Archbishopric of Tomis and the Archbishopric of Justiniana Prima, in the light of historical evidence as well as of their juridical and canonical bases of organization and functioning.

The present Doctoral Thesis, entitled *The Archbishopric of Tomis and the Archbishopric of Justiniana Prima. Juridical and canonical study*, offers the researchers from the field the very opportunity of knowing the ecclesiastical organization in the space where the Romanian people was born, from the beginnings of the spread of Christianity up to the age of Emperor Justinian the Great and of his descendants.

Presenting the ecclesiastical organization involves a deep knowledge of the canonical principles that were the bases on which the territorial ecclesiastical units were set up and functioned, and also of the imperial laws that concerned the Church, because, at that time, the Church and the State were the main institutions of the Roman Byzantine society. This is the reason why the historical sources and the archaeological evidence concerning the organizational structure of the Church, including its leadership, must be corroborated both with the canonical, ecumenical legislation from the first millennium<sup>1</sup>, and with the Roman Byzantine legislation.

Up to now, with the exception of some studies undertaken by canonical researchers, who made direct or indirect but succinct references to the two Archbishoprics, we have had

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<sup>1</sup> See N. V. Dură, *Le Régime de la synodalité selon la législation canonique, conciliaire, oecuménique, du I<sup>er</sup> millénaire*, Bucarest, 1999.

no studies or documented works about these institutions and about their juridical and canonical status, which should present them in an integrating approach, in the light of which we could achieve a comparative evaluation from an institutional, juridical and canonical point of view.

The major premise of the present paper was that there could not be any research into the forms of church organization without studying the historical context in which the institutions evolved and without understanding the canonical rules and the imperial laws according to which they functioned.

That is why, in order to achieve a thorough study of the two Archbishoprics, our scientific approach paid heed to these requirements and started from the study of the administrative-territorial organization of the empire, of the legislation of the Roman Empire concerning the organization of the Church, and of the canonical legislation on the forms of ecclesiastical organization, which we corroborated with the information provided by narrative sources and by archaeological and epigraphic evidence. In effect, this is the very aspect that gives uniqueness and importance to our approach – the fact that we have achieved a juridical and canonical study that makes use of historical sources too.

Tomis was the first See of an Archbishopric on the territory of our country and, beginning with the Emperor Constantine the Great, it became the centre of spread for Christianity not only in Dobrudja, but also in the south of Moldavia and in the east of Wallachia.

Justiniana Prima (in the vicinity of the present-day city of Niš, Serbia), built by Justinian, the second conqueror of the Danube Limes, was, for almost a century, the centre of the ecclesiastical organization from the Dacian Diocese, and also from the former Trajan Dacia (at least the southern part), which leads to the necessity of knowing its birth and its relations with the first Romanians south and north of the Danube.

A deeper acquaintance with the development of the two Archbishoprics means, in point of fact, a better knowledge of our ancestors' religious life, since the Romanian people came into being, *grosso modo*, on the territory under the jurisdiction of the two autocephalous ecclesiastical units.

Our main reason for choosing this subject was the wish to provide a better knowledge of the forms of ecclesiastical organization on the territory where the Romanian people came into being, by means of a juridical-canonical study concerning the institutional organization of the Archbishopric of Tomis and of the Archbishopric of Justiniana Prima.

Unfortunately, we could find little information and hardly any references in the juridical and canonical literature on the two old European ecclesiastical institutions, which explains the lack of an integrating outlook on them. Except for some studies, such as the one on the Archbishopric of Tomis, by Priest and Professor Nicolae V. Dură<sup>2</sup>, and a study on the Archbishopric of Justiniana Prima<sup>3</sup>, accomplished under the coordination of Priest and Professor Liviu Stan by one of his doctoral candidates, Priest Armand Munteanu, we lack almost entirely studies on the ecclesiastical geography of the regions where the two institutions existed. These information gaps do not allow historians to present in all truth the forms of organization and leadership of the two Archbishoprics, their peculiarities, and, most of all, their juridical and canonical status.

These information gaps are proved by an idea that circulates and is accredited both by historians and by Orthodox canonical researchers, who are not only Greeks or Slavs, but, which is much worse, also Romanians. For example, in *The History of Romanian Law*<sup>4</sup>, published under the signature of some prestigious names in the field of Romanian law, we find that the Church of Tomis and that of Justiniana Prima were under the jurisdiction of Constantinople. It is enough to refer to the form of the Church's organization at that time, to the canonical legislation (that of Ecumenical Synods I-IV) to realize that such allegations have no foundation, not only from a canonical, but also from a historical and ecclesiological point of view.

The Patriarchy of Constantinople emerged after the Fourth Ecumenical Synod. The Second Ecumenical Synod (Constantinople, 381) did not provide for the See of the New Rome canonical jurisdiction over any province of the Roman Empire, even less over several dioceses. In point of fact, in Theodosius the Great's Edict of 381<sup>5</sup>, the Church of Scythia appears distinct from that of Thrace, a situation that continues to the time of Sozomen (mid-5<sup>th</sup> century). Apart from this, there is no known Bishop of Tomis appointed in Constantinople.

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<sup>2</sup> See N. V. Dură: „*Scythia Minor*” (*Dobrogea*) și *Biserica ei Apostolică. Scaunul Arhiepiscopal și Mitropolitan al Tomisului* (sec. IV – XIV), Editura Didactică și Pedagogică, Bucharest, 2006.

<sup>3</sup> See A. A. Munteanu, *Arhiepiscopia Justiniana Prima și jurisdicția ei* in *Studii Teologice*, XIV (1962), no 7-8, pp. 441-470.

<sup>4</sup> V. Hanga (coord.), *Istoria dreptului românesc*, Editura Academiei R.S.R, Bucharest, 1980, p. 366.

<sup>5</sup> *Codex Theodosianus* XVI, 2, 45 <http://ancientrome.ru/ius/library/codex/theod/liber16.htm#2>

See and *Codex Theodosianus cum perpetuis commentariis*, Iacobi Gothofredi, Tomi Sexti, Pars I, Lipsiae, Sumptibus Mavr. Georgii Weidmanni, 1743.

As to the Archbishopric of Justiniana Prima, the Emperor's *Novella XI*<sup>6</sup> of 535, which establishes it, does not allude in any way to the See of Constantinople, but clearly states its autocephalous status. In fact, Emperor Justinian did not aim at subjecting the new Archbishopric to the canonical jurisdiction of the Constantinople Patriarchy, but at curbing the dissensions and pretences of the two centres of the Christian world of that time, that is Old Rome and New Rome (cf. can. 3 II ec.; 28 IV ec.), concerning the right of jurisdiction over Illyricum.

Therefore, this is one of the main reasons that made us research thoroughly into the historical and canonical documents, to corroborate canonical information with the data provided by the historiography of the time, and to reach some conclusions that fit historical and canonical reality.

That is why such an interdisciplinary study (canonical, juridical and historical) has the advantage of making the necessary corrections and of eliminating from the literature of the field information that borders not only on ignorance, but also on anachronistic mentalities.

Last but not least, our contribution aims at eliminating the hegemonic pretences expressed in the last years by the Constantinople Patriarchy, referring to the so-called right of jurisdiction over the Orthodox diaspora, and, at the same time, to the rearrangement of the order of Primatial Sees of the local, autocephalous churches within the diptychs of the ecumenical Orthodox Church. In fact, it is common knowledge that lately the Constantinople Patriarchy has requested insistently at the Chambesy-Geneva Councils that both the old autocephalous status of the local Churches and the establishment of new Patriarchates should be reconsidered and that they should be under the authority of only the four Greek Patriarchies (Constantinople, Alexandria, Antioch and Jerusalem), stipulated by the canonical legislation of the first millennium (cf. can. 6-7 I ec.; 2, 3 II ec.; 9, 17, 28 IV ec.; 36 trulan).

These succinctly exposed reasons give weight to the topicality of the subject matter of the present Doctoral Thesis, which approaches aspects of law, Church history and geography, and also pure history of the epoch under discussion.

Starting from these premises, we embarked upon the elaboration of the paper under the knowledgeable guidance of Priest and Professor Nicolae V. Dură, from the express wish of bringing new light on the two institutions from the geographical area in which our ancestors lived and worked.

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<sup>6</sup> *Les Nouvelles de L'Empereur Justinien*, Tome I, text latin-français, trad. par M. Berenger de Valence (Drôme), A Metz, Chez Lamort, Imprimeur, Rue Derrière le Palais 1811, p. 107-108.  
See and *Codex Justinianus*, trad. rom. H. Mihăescu in *Fontes Historiae Dacoromanae (Izvoarele Istoriei României) II*, Editura Academiei RSR, București 1970, p. 377-379..



Without any doubt, in order to achieve a careful research and a hermeneutical analysis of the juridical and canonical texts, corroborated with those provided by the lay and ecclesiastical historiography, we will be able to reach a trustworthy image, not only historical, of the two Archbishoprics, and also an image of their canonical organization.

A better acquaintance with the genesis and the development of their canonical organization will contribute to the filling up of a gap not only in the literature of the ecclesiastical field but also in that of history, still tributary to the analysis of some narrative information, not yet corroborated with the ecclesiastical realities of a certain epoch, even less with the state and church legislations, which best express the ideology and the mentalities of that epoch.

We believe that, had we paid heed to these considerations only, our motives for embarking on quite a difficult research enterprise would have been sufficient. Our efforts aimed not only at making the necessary corrections, at interpreting the historical documents as well as the state and church legislations, but also at meeting the requirements of our time concerning a better knowledge of the old institution of autocephaly and of the way of exercising canonical jurisdiction.

We asserted that the research work was difficult because our approach involved researching Greek and Latin texts with historical and juridical-canonical content, which we had to corroborate and evaluate in the spirit of the criteria imposed by present-day research.

The main goal of the present paper was not only to achieve better knowledge of the information provided by historical sources and by the juridical-canonical ones concerning the two old European institutions, the Archbishopric of Tomis and the Archbishopric of Justiniana Prima, but mostly that of contributing to the accomplishment of an image – as objective and as veridical as possible – of their institutional framework, concerning their organization and functioning, which involves not only research and evaluation of the texts of historical and juridical-canonical documents, but also an interdisciplinary approach (juridical, canonical and historical). In fact, in order to approach the subject matter, we were obliged to turn both to the information given by the Greek and Latin geographers, and to that provided by ecclesiastical geography, because without thorough knowledge of the geographic, state and ecclesiastical background against which these two archiepiscopal institutions appeared, we would be at a loss to understand the process of their canonical development.

In order to study the establishment and evolution of the ecclesiastical units based in Tomis and in Justiniana Prima (former Tauresium), we must first become acquainted with the administrative-territorial organization of the Roman Empire and the canonical rules of

organization for the Church, because the two big towns were part of the empire, and the ecclesiastical units roughly followed the rules of state organization. In fact, a knowledge of the relationships between State and Church, of the imperial laws concerning the Church, has the benefit of completing the image of the juridical-canonical context in which the two Archbishoprics were established and evolved.

It is also essential for our main goal to study the development of the administrative-territorial units within which the two Archbishoprics and the neighbouring ones existed, as well as the laws that concerned them.

As a form of organization of the administrative-territorial ecclesiastical units, autocephaly (from Gr. αὐτός – self, and κεφαλή – head) appeared in the history of Church as early as the apostolic times. As a canonical institutional form, it was confirmed by the canonical legislation from the 4<sup>th</sup> century (cf. Can. 4, 5, 6 I ec.; 2, 3, 6 II ec., etc), and in the 5-6<sup>th</sup> centuries it was confirmed by the imperial legislation too. According to the principle of autocephaly, stipulated by the canonical, ecumenical legislation of the first millennium, the hierarchy of an Orthodox Church, canonically organized in a synod, within a certain territory (with a geographical and ethnical configuration), exercises within that Church full ecclesiastical powers, independently of the hierarchy of any other Orthodox Church, similarly organized.

The present Doctoral Thesis is structured in three main parts, approached with the same research methodology. The fourth part represents a comparative study of the aspects that result from the established objectives, discussing the ideas that stand out in the research enterprise, analyzed in the previous parts. They are as follows:

1. The administrative-territorial ecclesiastical units from the first six centuries;
2. The Archbishopric of Tomis;
3. The Archbishopric of Justiniana Prima;
4. Juridical-canonical evaluation of the two institutions.

Each of the first three parts has three chapters, accompanied by the critical apparatus.

**Part I** of the paper starts from the fact that the Early Christian communities were organized in the missionary centres where the Holy Apostles activated (in general, the great metropolises of the empire), as well as in those established later around the sermons of their disciples. The Apostles left bishops as leaders of the communities. Each bishop had in his turn independent authority over a well-defined territory which was entrusted to him for spiritual guidance. Church unity was maintained by means of the connection between the bishops. The

bishops' equality has remained the obvious constitutive element of apostolic succession. This bishops' equality is the natural consequence of the state of equality in charism and power of the Holy Apostles. In the same way as no Holy Apostle was a super-apostle, there has never been and cannot be among bishops any super-bishop, no pope or patriarch of any primatial see, and no jurisdiction primate either.

That is why, in order to maintain Church unity, there was a rule, as early as apostolic times, that any new bishop should be ordained by three or at least two bishops (can. 1 ap.) and before being ordained he should say a profession of faith, proving that he is in communion with the whole bishopric of the Church, that is he has apostolic succession.

If we look at the organization of the Church<sup>7</sup> from the apostolic and post-apostolic times in its ensemble, we find out that the Church was organized in administrative-territorial ecclesiastical units, grouped around the bishop of the city. But because only beginning with Constantine the Great's epoch the Church openly adapts its form of organization to the administrative-territorial division of the Roman Empire, this ecclesiastical organization had, up to Diocletian, an ethnic character to a greater extent than a prevalently administrative one. In the first three centuries, the Churches were organized locally around the bishops of the metropolises, who were the patrons of the Councils (Synods) from the geographical space of the cities. That is the very reason why the apostolic canons emphasize the ethnic principle in Church organization. All these ecclesiastical units were autocephalous from an administrative point of view (cf. can. 34, 35, 37 apost. 2 III ec., 12 IV ec., etc.).

Diocletian's administrative-territorial reform, continued by Constantine the Great, divided the empire into provinces (over 100), dioceses (at first 12) and prefectures (4). This reorganization of the empire<sup>8</sup> was actually the basis of the Church's structure and forms of organization.

At the beginning of the 4<sup>th</sup> century, the First Ecumenical Council (Nicaea, 325) introduces the metropolitan form of organization (can. 4, 5), based on the administrative-

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<sup>7</sup> See D. Boroianu., *Dreptul bisericesc. Canoanele Sfintei Biserici Ortodoxe de Răsărit așezate pe probleme și pe interpretări*, vol. I, Anastasia, București 2007; C. Dron, *Canoanele. Text și interpretare*, vol. I; II, Tipografia Cărților Bisericești, București 1933; I. Floca, *Canoanele Bisericii Ortodoxe. Note și comentarii*, Sibiu, 2005; Idem, *Drept Canonic Ortodox. Legislație și administrație bisericească*, vol. I; II, EIBMBOR București 1990; ; P. L'Huillier, *Dreptul bisericesc la sinoadele ecumenice I-IV*, trad. Al. Stan, Editura Gnosis, București, 2000; N. Milaș, *Canoanele Bisericii Ortodoxe*, vol. I, II, trad. N. Popovici și Uroș Kovincici, Tipografia Diecezană, Arad 1930-1934; Idem: *Curs de Drept Oriental*, București, 1942; C. Popovici, *Dreptul canonic*, curs litografiat, Cernăuți 1896; G.A. Ralli, M. Potli, *Σύνταγμα τῶν θείων καὶ ἱερῶν κανόνων (Sintagma dumnezeieștilor și sfintelor canoane) – Sintagma Ateniană*, Atena, 6 tomuri, 1852 – 1859; Șesan, Dr. Valerian: *Curs de drept bisericesc universal*, Cernăuți, 1942; Vl. Phidas, *Drept canonic. O perspectivă ortodoxă*, trad. A. Dinu, Editura Trinitas, Iași, 2008.

<sup>8</sup> *Notitia Dignitatum* – apud A. H. M. Jones, *The Later Toman Empire 282-602. A social economic and administrative survey*, vol. I, Basil Blackwell Oxford, 1964.

territorial division resulting from Diocletian's reform. The metropolis was the ecclesiastical precinct from a civil province. This type of organization regulated the relations between the different administrative structures, especially those at the same level (metropolises) and those under their jurisdiction (dioceses), according to the provisions of Apostolic Canon 34. These high-rank units had full equality and were autocephalous. Metropolises remained basic units within Patriarchies too, some of them retaining their autocephalous status.

In order to regulate the aspects concerning the territorial units larger than a civil province from the life of the Church, the Holy Fathers of the First Ecumenical Council, by Apostolic Canon 6, made a separation of the great Seats, being guided in establishing this order by „the old customs” and by the political principle. They introduced the administrative practice according to which the Seat of Alexandria in Egypt and the Seat of Antioch in the East exercise a super-provincial jurisdiction over a number of metropolitan dioceses, the same as Rome in the West (Canon 6), retaining the centralizing tendency of the three Seats.

It is well known that there were attempts at adapting the forms of ecclesiastical organization to the larger territorial units of the state (diocese, prefecture), but they were not as successful as the correspondence metropolis-province. The exarchates (can. 2 II ec.) never acquired the same stability as the metropolises, and patriarchies could not be established within prefectures. In the „struggle” between the old tradition of organization (based on the importance of the three, then four, later five, main Seats) and that of adapting to the territorial division of the empire, the traditional order won, especially as, because of the barbarians, the institution of Patriarchy could not be established within the four Prefectures.

The “final” order was regulated by Canon 36 of the Council of Trullo for the five Seats from the important centres of the empire (Rome, Constantinople, Alexandria, Antioch, and Jerusalem), as it had been established by Justinian's legislation. Thus the pentarchy system contributed to maintaining the administrative organization within the canonical sphere by reflecting unity in diversity and by applying the principle of synodality, thus avoiding the eventual imperial-papist pretences of any of the primates of the local Churches.

There was also the title of archbishop in the Church, but it did not have extensive usage, and in the course of time it had multiple meanings. Three of these are better known: a honorary title given to the primates from an important ecclesiastical centre (first to the patriarchs, then to the exarchs); a title given to the primates of autocephalous Churches, as is the case of the Church from the Archbishopric of Justiniana Prima; a title awarded to exempt archbishops, that is primates who are not subject to the canonical jurisdiction of metropolitans, exarches or patriarchs, and were known as autocephalous archbishops.

**Part II** of the Doctoral Thesis is centred on the Archbishopric of Tomis, which also adopted the ecumenical ecclesiastical organization. If in the beginning Tomis was an autocephalous bishopric, it later became the ecclesiastical centre of the old province of Moesia Inferior, and starting with the First Ecumenical Council, autocephalous Metropolitan See of the province of Scythia Minor.

According to the Christian tradition, which is also reflected by the lay historiography, in Scythia Minor the seeds of the Gospel were brought by Holy Apostle Andrew<sup>9</sup>. Tomis had, in the beginning, as all the cities with Christian dwellers, an autocephalous bishopric. An increase in the number of Christians led to the establishment of parishes dependent on the Tomis community, then to the appointment of rural bishops (Gr. horepiskopos) (cf. Can. 13 Ancira, in 314; 8, 10 Antioch; 57 Laodicea; 89 Basil the Great, etc) for more distant centres, then to the establishment of new bishoprics. The historical and canonical reality justifies the assertion that there were bishops here before the end of the 3<sup>rd</sup> century. Some of their primates had their residence in cities, others were vagrants or even missionaries.

The Bishop of Tomis was first the leader, that is the primate, of the bishops from the old province of Moesia Inferior<sup>10</sup>, then, subsequent to Diocletian's reform, of the new province of Scythia Minor (cf. Can. 34, 37 ap.) and, among others, he presided over the provincial eparchial Synod. The primates from Tomis contributed to the spread of the Christian faith, both among the Greeks who lived in the cities from the left coast of Pontus Euxinus, and among the indigenous Dacian-Roman population. Among them there were bishops who had martyrs' death.

The First Ecumenical Synod of Nicaea, 325, decided to adapt the form of ecclesiastical organization to the administrative-territorial division of the Roman Empire (provinces). The province of Moesia Inferior had been divided into two, and the See of Tomis, capital of the Scythians' province (a well-defined geographical space of the Dacian-Romans from Scythia Minor) became *Metropolitan See*. Based on the canonical decisions (cf. Can. 4, 5, 6, First Ecumenical Synod), the Church of Tomis became an *autocephalous Metropolitan*, organized within the boundaries of the Roman province of Scythia Minor, and its bishop acquired the title of *Metropolitan*.

In Tomis, the Metropolitan institution appears with the Synod of Nicaea (325). But a simple logic of things shows that, from a canonical point of view, there cannot be autocephaly

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<sup>9</sup> Sabin Verzan, *Sfântul Apostol Andrei*, Sfânta Arhiepiscopie a Tomisului Constanța, Editura Diacon Coresi, București 1998.

<sup>10</sup> M. Zahariade, *Scythia Minor. A History of a Later Roman Province (284-681)*, Adolf M. Hakkert – Publisher, Amsterdam, 2006, p. 71.

with a mere bishop. The assertion that up to Emperor Anastasius there was only one bishop in Scythia is erroneous. The information that “support” it (the church histories of Theodoret of Cyrus<sup>11</sup> and of Sozomen<sup>12</sup>, written around the year 450, and Zeno’s Law of 480<sup>13</sup>) does not deny the existence of other bishops in an older epoch, even less of rural bishops (horepiskopos) for the time when they were drawn up or to which they refer. The barbarian invasions (the Huns) had become a serious matter towards the end of the 4<sup>th</sup> century. The “custom” for the Bishop of Tomis to lead the cities from the entire Scythia may date back to this time, when many cities were devastated by the Huns, as the Romans may have been concentrating on the defence of the capital, which was still a “big and rich” city, as Sozomen writes. But this information, as well as the other, does not lead us to the inexistence of other bishops. It rather suggests the autocephalous, centralized organization embodied by the Metropolitan of Tomis, due to the special conditions. In fact, archaeological evidence proves that in Scythia Minor there were at that time several cities (a little later there were about 15 cities). And as the custom of that time was, where there was a city, there was a bishop too.

The same situation (an only See over all Scythia Minor cities) appears for the See of Tomis in the documents from Emperor Justinian’s time (527-565) too, when we know about the certain existence of several Bishopric Sees. Documentary sources indicate the same conditions for the 5<sup>th</sup>-11<sup>th</sup> centuries, but the situation changed in time. So historical information must be analysed for different periods and corroborated with the legislative and canonical tradition. This analysis shows the existence of the Metropolitan of Tomis as far back as the epoch of the First Ecumenical Synod. There is the likelihood that, during the Hunnic rule, the bishops from the other *Scythian* cities (occupied by barbarians) should have been forced to retreat to shelters or their mission could have been similar to that of rural bishops (horepiskopos), since the bishop was considered an official representative of the empire. But public life and imperial administration also continued during the Hunnic attacks spanning almost one century, which brought about great damage to the province. The organization of ecclesiastical life was also affected, as many cities were destroyed and the connections between cities became much more difficult.

The age of Anastasius and Justinian was a period of return of prosperity for the provinces of Lower Danube, hence of Scythia Minor too. The ruined cities were rebuilt and,

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<sup>11</sup> Teodoret de Cirului, *Istoria bisericească* IV, 37, PSB 44, trad. V. Sibiescu, EIBMOBOR, București 1995, p. 197.

<sup>12</sup> Sozomen, *Istoria bisericească* VI, 21, trad. rom. H. Mihăescu în *Fontes Historiae Dacoromanae (Izvoarele Istoriei României)* II, Editura Academiei RSR, București 1970, p. 225 and Iosif Gheorghian, Tipo-Litografia „Cărților bisericești”, București 1897, p. 225 (236 trad. Iosif Gheorghian).

<sup>13</sup> *Codex Justinianus*, I, 3, 35 (36), trad. rom. H. Mihăescu în *Fontes Historiae Dacoromanae (Izvoarele Istoriei României)* II, Editura Academiei RSR, București 1970, p. 373.

according to Hierocles' *Synecdemus*<sup>14</sup>, there were 15 cities in the province (Tomis and 14 others). If at the end of the 5<sup>th</sup> century and at the beginning of the next, Zeno's law could not be applied in Scythia Minor because of the grave disruptions created by the invasions, the ecclesiastical organization stipulated by the law could be applied beginning with Anastasius' time. It was in fact a reverse, at a bigger scale, to the old 4<sup>th</sup>-century situation.

The importance of the Tomis See resulted in the bishop of the Metropolitan to be anointed *archbishop*, the title being a honorary name for the Sees of historical, administrative or missionary importance, awarded to some local Churches. Although the existence of the title of *archbishopric* is not denied for the See of Tomis, as it can be found in *Notitiae Episcopatum Ecclesiae Constantinopolitanae*<sup>15</sup>, nevertheless the period when it was awarded raised controversy among ecclesiastical authors.

The metropolitan bishop of Scythia Minor also enjoyed the honorary primate due to archbishops. But there was no way he could have been awarded the title of *autocephalous archbishop* (as it can be found in the List of patriarchies, metropolitans and autocephalous archbishoprics in canonical communion with the Constantinople Patriarchy<sup>16</sup>, in which Tomis is second after the Archbishopric of Odessos-Varna) towards the end of the 4<sup>th</sup> century, as some historians hold, but after the Avar-Slavic invasion, when the Metropolitan of Tomis ceased to exist. The autocephalous Archbishopric of Tomis, the same as the Odessos one, was different from the others, which belonged to one city only, by the fact that it took the functions of an old metropolitan.

During the barbarian rule, especially as the empire retained in many periods control over some territories (especially near the sea), the autocephalous Archbishopric of Tomis, together with the autocephalous Archbishopric of Odessos, contributed to the preservation of Christianity in the territories under the barbarians, and also to the spread of Christian faith among them. So the Archbishopric of Tomis also proved a Christian missionary vocation.

The consolidation of the defence lines and the economic revival of the empire resulted in Scythia's reaching the acme of its development under Emperor Justinian, due to its importance within the defence system of the Roman Empire.

In this new period of revival, the province of Scythia Minor had 15 cities. *Notitiae episcopatum Ecclesiae Constantinopolitanae* (no 3, similar to the List drawn up by Carl de

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<sup>14</sup> Hierocles, *Synecdemus*, *Corpus Scriptorum Historiae Byzantinae*, vol. III, edit. B. G. Niebuhrii C. F., Bonnae, MDCCCXL, p. 390-400, p. 391. Trad. rom. H. Mihăescu in *Fontes Historiae Dacoromanae*, II, p. 352-353.

<sup>15</sup> J. Darrouzes, *Notitiae Episcopatum Ecclesiae Constantinopolitanae, Texte Critique, Introduction et Notes*, Institut Français d'Etudes Byzantines, Paris 1981

<sup>16</sup> C. Porphyrogenitus, *Corpus Scriptorum Historiae Byzantinae*, vol. I (*De ceremon. aulae byzant.*), edit. B. G. Niebuhrii C. F., Bonnae, MDCCCXXIX, 791-797.

Boor) confirm the Metropolitan See of Tomis with 14 Suffragan Sees (positions 642-656). The number of bishoprics was identical to the number of cities from Hierocles' *Synecdemus*. Although we do not know from other sources the number and names of the bishoprics, we can easily infer that the situation from Scythia Minor must have been the same as that from the entire empire (applying Zeno's Law), at least for certain periods. If Zeno's Law, that stipulated the establishment of a bishopric in every city was strictly applied to Scythia Minor too, *Notitia* no 3 can be considered real (the author of the List also used Hierocles' *Synecdemus*, but many city names were distorted by copyists). In the nearby province of Moesia Inferior, this stipulation was observed (the episcopal centres from Moesia Inferior where the bishops who had signed the letter of 458 resided are in fact the cities from Darrouzes' List no 3 and from Heraclios' *Synecdemus*). That is why there is justification for the belief that Zeno's Law was also applied in Scythia Minor, albeit with much delay, in all likelihood.

The ties between Scythia Minor, which had a thriving religious life, and the neighbouring provinces were very close (the best known being the efforts of Teotim, Bishop of Tomis, to convert the "nomads from the Danube" to Christianity). The Byzantine Empire had within its boundaries some regions north of the Danube, the Danube Limes being a defensive strip with fortifications for the defence of the Danube. This situation, in existence especially in Constantine the Great's age, lasted, with some interruptions, up to the end of the 7<sup>th</sup> century. That is why we can speak of a jurisdiction for the Moldavian as well as for the Wallachian territory (the region neighbouring Dobrudja, as the rest of Wallachia had connections with the bishops from the cities south of the Danube of Moesia Inferior).

The hierarchs of Tomis, contemporaries of holy hierarchs well-known to Christians, had deeds very similar to theirs and were outstanding personalities of their time. Two of them, Bretanion and Teotim (Bretanion confronted Emperor Valens the same as Saint Basil the Great, and Teotim I was compared to Leon the Great for defending his herd in front of the Huns) were sanctified very early, and two others, Terentius (Gherontie) and Valentinian, were mentioned by the Emperors Theodosius the Great and Justinian the Great for their contribution to the defence of faith, during ecumenical councils.

**Part III** shows that the Archbishopric of Justiniana Prima, founded by Emperor Justinian, was from its beginnings and remained up to its disestablishment, autocephalous.

The great emperor resumed the policy of strengthening the Danube frontier and reinforced the Byzantine rule in the Balkans. Thessaloniki, the residence of the Prefecture of



Illyricum (before the invasion of the Huns the residence was in Sirmium) did no longer fit the strategy of the empire's new organization. He built a new residence, at (or near) his native locality, which he called Justiniana Prima. In order to honour his native place even more, he ordered that this new city should become the capital of the prefecture. And because religious matters followed civil ones, he ordered by Novela XI of April 14, 535, the establishment of the Archbishopric of Justiniana Prima, as the change of residence for the Illyricum prefecture brought about the change of the See. The new Archbishopric reflected the adaptation of the ecclesiastical geography to the imperial organization.

The primate of Justiniana Prima received on the establishment of the new ecclesiastical unit the official title of archbishop ("the primate should be not only a metropolitan, but an archbishop as well"). The territory over which his authority extended was made up of the provinces Dacia Mediteranea, Dacia Ripensis, Moesia Superior, Dardania, Prevalitania, Macedonia Inferior and the part of Panonia that includes the city of Bacensis. The provinces that constituted the new Archbishopric had Latin-speaking population.

We can assert that Justinian achieved a reorganization of the Illyricum Church: the bishoprics from the Greek-speaking provinces remained with the old centre of Thessaloniki (Diocese of Macedonia), and those from the Latin-speaking provinces (Diocese of Dacia) were separated and attached to the new ecclesiastical (and political) centre Justiniana Prima from Dacia Mediteranea.

The provisions of the establishment document, Emperor Justinian's *Novella XI*, and those from *Novella CXXXI*<sup>17</sup> resemble to a great extent the canonical regulations that establish autocephaly. They bring to light the idea that the Archbishopric of Justiniana Prima had full authority over all the Churches that entered its canonical jurisdiction. The Archbishop ordained metropolitans and bishops for the vacant Sees and looked after the good functioning of the ecclesiastical life and administration from the metropolises and bishoprics under his jurisdiction. Any breach with the Church discipline and good order occurring within his Archbishopric was to be investigated and judged only within its territory and with the knowledge of the archbishop. In his absence, but with his accord, the archbishop could be replaced in his tasks by his metropolitans or suffragan bishops. When the See remained vacant, by decease or deposition, the new archbishop was chosen, invested and chaired according to customary canonical rules, that is by the synod of all metropolitans and bishops from the Archbishopric. Any intervention of other Churches outside the Archbishopric of

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<sup>17</sup> C. Porphyrogenitus, *Corpus Scriptorum Historiae Byzantinae*, vol. I (*De ceremon. aulae byzant.*), edit. B. G. Niebuhrii C. F., Bonnae, MDCCCXXIX, 791-797.

Justiniana Prima, especially from the part of the Thessaloniki See, was severely reprobated by the emperor.

The emperor wanted to ensure total ecclesiastical independence of the new Archbishopric by giving it a higher rank. Objections came not from the Constantinople Patriarch, nor from the Archbishop of Thessaloniki, but from Pope Agapetus, who refused to recognize it. But later on Pope Vigilius admitted the existence of the new ecclesiastical territorial unit and the emperor ratified this in his *Novella CXXXI*.

According to Latin theologians' interpretation, the phrase *locum obtinere* (in the Greek text τόπον επέχειν) would suggest a state of dependence on the Roman hierarch. In fact, the Pope's agreement was formal, because the autocephaly of the Archbishopric of Justiniana Prima was obvious. Otherwise, the text of the *Novella* leaves no place for ambiguities and tendentious interpretations, on the contrary, it expressly asserts the full autocephaly of the Archbishopric of Justiniana Prima.

Therefore, we cannot accept the interpretation of Western, Roman-Catholic historians<sup>18</sup>, who speak about *papal vicariate*, on the basis of the interpretation given to the Latin form of the phrase from *Novella CXXXI*. The text says that the archbishop should obtain in the Prefecture of Illyricum the place of supreme church head that the patriarch of Roma has in his prefecture. If he had subjected it to the Pope, this would have meant losing autocephaly, but the law provisions are strikingly similar, as we mentioned above, to those from Apostolic Canon 34 and from Canons 4, 5 and 6 of the First Ecumenical Synod, as well as to those from Canon 2 of the Second Ecumenical Synod referring to the autocephalous organization of metropolises and dioceses. At the same time, the law would have expressly provided for the incumbency of the archbishop to be confirmed in his See by the Pope, but there are no provisions of this kind in it.

The jurisdiction of the Archbishopric of Justiniana Prima also extended over the territories north of the Danube, at least over those effectively controlled by Justinian's empire. There was an old tradition for spiritual shepherds (at least rural bishops, but most probably bishops too) from north of the Danube to be anointed and be dependent on the bishops of the southern eparchies, where there was also a Romanized population of Thracian origin. In fact, historical evidence confirm the fact that the Churches from Banat were in canonical relations with Moesia Prima, and those from Oltenia with Dacia Ripensis (those from Wallachia were

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<sup>18</sup> Duchense, Louis, *Églises séparées*, Ancienne Librairie Thorin et fils, Paris 1905; Pietri, Luce, *Histoire du Christianisme des origines à nos jours. Tome III. Les Eglises d'Orient et d'Occident*, Desclee, 1998; Ziller, Jacques, *Les origines chrétiennes dans les provinces danubiennes de L'Empire Romain*, Editeur E. De Boccard, Paris 1948.

had ties with Moesia Inferior and Scythia Minor). Many historians believe that the localities of Recidiva and Lederata, mentioned in *Novella XI*, might have been the residence of bishops, dependent on the metropolitans from the northern provinces of the Archbishopric of Justiniana Prima. Anyway, the See of Justiniana Prima exercised its canonical jurisdiction in the space north of the Danube as well.

Its autocephaly was observed. Archbishop Benenatus was deposed by his own synod, without any hierarch's intervention or impugment, and his return was not due to any patriarch. The relations of some hierarchs from the new archbishopric with the Pope were in connection with the position to "The Three Chapters", as was that of Metropolitan Valentinian of Tomis. Later on, Archbishop John of Justiniana Prima examined the appeal of Bishop Adrian of Thebes from the Metropolis of Larisa (although Pope Gregory the Great asked him for an acquittal, John did not withdraw his decision).

The invasion of the Avar-Slavs after the year 600, then of the Bulgarians after 680, affecting the population that lived between the Danube, the Balkans and the Black Sea, also had impact on the territory of the Archbishopric of Justiniana Prima. The capital was rampaged by the barbarians and, with it, the Archbishopric ceased to exist. The provinces under its jurisdiction passed to the Metropolitan of Thessaloniki, and from 731, following the order of Emperor Leo III the Isaurian to pass all Illyricum under the jurisdiction of the Byzantine emperor, the Church from these territories found itself under the canonical jurisdiction of the See from its capital. The juridical-canonical study of the Archbishoprics of Tomis and Justiniana Prima resulted in a series of important ideas:

1. Following the formal order expressed by the Holy Fathers of the First Ecumenical Synod, who adapted the ecclesiastical form of organization to the state one, the Church of Tomis became a Metropolis;
2. The Church of Tomis entered the category of autocephalous Archbishoprics;
3. The Archbishopric of Justiniana Prima was and remained autocephalous until its disestablishment at the beginning of the 7<sup>th</sup> century;
4. The Church of Illyricum was autocephalous until the year 731, when it passed under the canonical jurisdiction of the Constantinople Patriarchy;
5. The Church of Illyricum and the Archbishopric of Justiniana Prima had under their jurisdiction some territories north of the Danube as well, at least those under the rule of the Roman Empire;

6. Apart from the five patriarchies, there existed in the first millennium other autocephalous churches other than the Church of Cyprus (Justiniana Prima, Tomis, etc.)
7. The Church from the present-day territory of our country was not, in the period of the ecumenical councils, under the jurisdiction of Constantinople.

This succinct presentation of our paper, with interdisciplinary content (canonical, juridical and historical) proves that the canonical status of the two Archbishoprics is not known well enough yet and that the Project of the Doctoral Thesis brings an important contribution in this respect.

**KEYWORD:**

Tomis, Justiniana Prima, juridical and canonical institutions, autocephaly.

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