

„OVIDIUS” UNIVERSITY OF CONSTANȚA

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DOMAIN OF RESEARCH: THEOLOGY

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**THE CANONS OF THE PHOTIAN SYNODS.
CONSIDERATIONS AND EVALUATION.**

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Given that the subject of our thesis is entitled “*The Canons of the Photian Synods*” it was naturally necessary, from the very beginning, to clarify some aspects concerning life, the canonical and nomocanonical work and, of course, the pastoral-canonical activity of the “Great Photius,” the Patriarch of Constantinople, who had an intricate role in the affirmation of the synod regime as an expression of the preservation of ecumenical ecclesial unity.

Unfortunately, within the Romanian literature (theological, canonical, literary, historical, etc.) only some of the aspects of the life and activity of Patriarch Photius are known, as well as those concerning his works with canonical and nomocanonical content. Indeed, only the life of Saint Photius¹, a few letters² and a single work of the Patriarch were translated into Romanian: The *Mystagogy of the Holy Spirit*³. These translations were supplemented by three to four doctoral papers and some wonderful articles by Romanian researchers: T. Bodogae⁴, Milan Şesan⁵, Dumitru I. Găină⁶, Ionuţ - Alexandru

¹ Vezi, Asterios Gerostergios, Sfântul Fotie cel Mare, trad. din limba engleză de Marius Popescu, Ed. Sofia Bucureşti 2005; ***, Viaţa şi nevoinţele celui între sfinţi părintelui nostru Fotie cel mare, Patriarhul Constantinopolului, trad. Constantin Făgeţeanu după ediţia: The Lives of the Pillars of Orthodoxy, published by Holy Apostles Convent and Dormition Skete, Buena Vista, Colorado, USA, 1990, Ed. Cartea Ortodoxă, Ed. Egumenită; J. Nicolas Jager, Istoria lui Fotie, Patriarhul Constantinopolului, urzitorul schismei Greceşti, Baia Mare: Tipografia Michali Molnari, 1892.

² Vezi, Enciclica lui Fotie către patriarhii orientali (867), în ST., I, NR. 2. (1930) traducere adnotată de Prof. T. M. Popescu; O epistolă a patriarhului Fotie şi semnificaţia ei, trad. Pr. Prof. dr. T. Bodogae, Mitropolia Banatului, anul XXXII (1982), nr.10-12, p. 613-623

³ Vezi, Fotie al Constantinopolului, *Mistagogia Duhului Sfânt. Exegeze la Evanghelii*, Ediţie bilingvă, tradusă de Oana Coman, Ed. Polirom, Iaşi, 2013.

⁴ Vezi, Pr. T. Bodogae, *O epistolă a Patriarhului Fotie...*, pp. 613-623.

⁵ Vezi, Milan Şesan, *Patriarhul Fotie şi Roma*, în MA. Anul V, Nr 7-8, Iulie-August. 1960; Vezi şi Liviu Stan, *Ontologia Juris*, Sibiu, 1943, Seria Teologică Nr. 25.

⁶ Vezi, Magistrand Dumitru I. Găină, *Din activitatea canonică a patriarhului Fotie* în O. Anul XIX Nr 4 Octombrie-Decembrie 1987.

Tudorie⁷, Constantin Voicu⁸, Lucian D. Colda⁹, T. M. Popescu, Petre Vintilescu¹⁰, Dr. Sebastian Cârstea¹¹, Constantin Cavarinos¹² and Virgil Cerceș¹³.

If we are to take a retrospective look over the bibliography written in Romanian, we cannot help but notice the lack of extensive research in the field of Canonical Law concerning the canonical and *nomocanonical* activity of the Great Photius, the Patriarch of Constantinople, or *the photian Synods and their canons*. Therefore, the subject of our PhD thesis is a first in the Romanian canonical literature. Our scientific contribution does not consist merely in the writing of a pioneering work in the field of Canon Law - by the description in the Romanian theological field of the *photian Synods and their canons* - but also in the way we carefully and responsibly researched and translated texts from the canonical writing of the Great Photius.

The topic we have chosen addresses current issues, in the context of the request of Bishop Ciprian de Oreoi, President of the Holy Synod in 2005, who proposed that, starting with the “*The Holy and Great Synod (Crete, 2016)*”¹⁴, legal procedures to complete his approach be initiated by the Synod Fathers, so that the Fourth Synod of Constantinople (879-880), assembled by the Great Photius, the Patriarch of Constantinople, would be counted among the Ecumenical Synods¹⁵.

⁷ Fotie al Constantinopolului, *Mistagogia Duhului Sfânt*..., p. 23.

⁸ Constantin Voicu, *Patrologie și Literatură Patristică*, vol. III, Ed. Basilica, București, 2010, p. 199.

⁹ Vezi, Lucian D. Colda, *Patriarhul Fotie cel Mare al Constantinopolului: contribuții la dezvoltarea Teologiei. O analiză a mariologiei din perspectiva hristologic-antropologică a învățaturii despre păcatul strămoșesc*, Ed. Reîntregirea, Alba Iulia, 2012; Lucian D. Colda, *Figuri, concepte și evenimente din istoria Bisericii: Patriarhul Fotie al Constantinopolului și disputele cu latinii*, în: OT, 3/2000, pp. 152-173; L.D. Colda, *Între Roma și Constantinopol: Sfântul Fotie, Patriarhul Constantinopolului - o viață, o istorie, un destin*, în: Revista Teologică, 3/2006, pp. 138-152 și în: TR, 17-20/2001, pp. 5-6; L. D. Colda, *Constantinopolul și ortodoxia credinței: Sfântul Fotie cel Mare al Constantinopolului – martorul de neașteptat al conceptului de primat roman în Răsărit? Câteva considerații asupra unei controverse*, în: Îndrumător Bisericesc, Nr. 155, Sibiu, 2007, pp. 233-238.

¹⁰ Vezi, Petre Vintilescu, *Binația Liturghiei*, în ST, anul II, 1950; *Sinodul de la Constantinopol din 879-880 și actualitatea hotărârilor tale* în S. T. SN, 34 (1982), 174-185; *Schismă între patriarhii Fotie și Ignatie?* Cernăuți: Tiparul Glasiul Bucovinei, 1936 *Patriarhul Fotie și Roma*, M A, 5 (1960), 535-559.

¹¹ Vezi, Sebastian Cârstea, *Disputa dintre Roma și Constantinopol pentru Biserica Bulgară*, în. Revista Teologică, nr. 1/2008, pp. 123-149.

¹² Vezi, Constantin Cavarinos, *Sfântul Fotie cel Mare, filosof și teolog*, Ed. Doxologia, București, 2014.

¹³ Vezi, Virgil Cerceș, *Patriarhul Fotie al Constantinopolului (858-867 SI 877-886) și actualitatea ecumenică a operei sale*, lucrare de doctorat prezentată la Universitatea Babeș-Bolyai Cluj-Napoca Facultatea de Teologie Ortodoxă, 193.231.20.119/doctorat/teza/fisier/2757 accesată la 12.03.2018; Virgil Cerceș, *Sfântul Fotie, Patriarhul Constantinopolului. Nașterea, copilăria și ascensiunea sa la curtea imperială / Saint Photius, the Patriarch of Constantinople...* ORTH., Vol. 60 (LX), 2015, No. 1, pp. 5-19.

¹⁴ Documentele oficiale ale Sfântului și Marelui Sinod în limba română, <http://basilica.ro/documentele-oficiale-ale-sfantului-si-marelui-sinod-in-limba-romana/> accesat pe data de 17. 06. 2018.

¹⁵ Cf. Bishop Cyprian of Oreoi, Acting President of the Holy Synod, *Panegyric on the Occasion of the Synaxis of the Three Holy New Hierarchs Saint Photios the Great and the Eighth O Ecumenical Synod, Patristic Conciliarity and Papism*, <http://www.hsir.org/pdfs/2011/11/25/E20111125aOreon> accesat pe data de 12 iunie 2015; Vezi, *** *Sfântul și Marele Sinod (Creta, 2016). Între providență și eșec*, Ed. Astradrom, Oradea, 2016, pp. 20-40; *** «'Αγία καὶ Μεγάλη Σύνοδος» Μεγάλη προετοιμασία χωρίς προσδοκίες (Οἱ εἰσηγήσεις καὶ τὰ πορίσματα τῆς θεολογικῆς καὶ ἐπιστημονικῆς ἡμερίδας τῆς 23^{ης} Μαρτίου 2016) Τομος Α' - Β, Εκδ. Αγαθός Λόγος, Αθηνά, 2016, pp. 5-30.

Our research is also justified by the current challenges that Church life faces: the unequal reception of *the Holy and Great Synod (Crete, 2016)*¹⁶, the difficulties of the contemporary Orthodox Churches of interrelation, the lack of inter-Orthodox solidarity¹⁷ and the lack of unity between a certain part of the clergy and their canonical hierarchy. All of these have prompted us to seek answers to these pressing issues in the administration and church jurisdiction of this great Holy Father of the Church.

The synodal institution has its source in synodality and synodal praxis of the first apostolic communities¹⁸. There is a close connection between the Synodal Institution and the Eucharist,¹⁹ as the text of Fifth Canon of the First Ecumenical Synod (325)²⁰, so undoubtedly proves, the Synod which constitutes the first proof of the institutionalization of universal (ecumenical) synods.

What is more, the Fifth Canon of the First Ecumenical Synod also proposes the organization of two synods within the local church each year, one before Easter and another in the autumn, with the purpose of examining excommunication by all the bishops of the diocese, and if all the bishops reached a common sense, that the excommunicated person did not listen to his bishop, this excommunicated person would be rightfully considered by all to be excluded from the Holy Eucharist..

¹⁶ KSLCatalin, *Patriarhia Antiohiei nu recunoaște Marele Sinod Ortodox din Creta*. accesat pe data de 17 iunie 2018. <https://marturieathonita.ro/comunicat-patriarhia-antiohiei-nu-recunoaste-marele-sinod-ortodox-din-creta/> vezi și <https://www.atitudini.com/2016/page/15/> Vezi, *Hotărârea Sfântului Sinod al Bisericii Ortodoxe Ruse cu privire la Documentele adoptate la Sfântul și Marele Sinod al Bisericii Ortodoxe din Creta – adoptată în ședința din 29 noiembrie–2decembrie*, <https://poruncaubirii.agaton.ro/articol/1987/pozi%C8%9Bia-oficial%C4%83-asf%C3%A2ntului-sinod-al-bisericii-ortodoxe-ruse-cu-privire-la-sf%C3%A2ntul-%C8%99i-marele-sinod-al-bisericii-ortodoxe-din-creta> accesat la 12 . 06. 2018.

¹⁷ Vezi, Secretarul Sinodului, Pr. Vadim CHEIBAȘ, *Declarația Sinodului Bisericii Ortodoxe din Moldova privind raporturile dintre BOM și MB sub aspect canonic-juridic*, <http://episcopia-ungheni.md/ro/anunturi/declaratia-sinodului-bisericii-ortodoxe-din-moldova-privind-%E2%80%8Braporturile-dintre-bom-si-mb-sub-aspect-canonic-juridic/>; Filaret al Ucrainei: *Dacă Patriarhia Constantinopolului va recunoaște Patriarhia de la Kiev, cea Rusă își va înceta existența în Ucraina*, <https://www.timpul.md/articol/filaret-al-ucrainei-daca-patriarhia-constantinopolului-va-recunoate-patriarhia-de-la-kiev-cea-rusa-ii-va-inceta-existena-in-ucraina-73312.html>; *UCRAINA DECLANȘEAZĂ „SCHISMA” ÎMPOTRIVA PATRIARHIEI MOSCOVEI*, <https://karadeniz-press.ro/ucraina-declanseaza-schisma-impotriva-patriarhiei-moscovei/> *Sfântul Sinod al Patriarhiei Ecumenice a decis să analizeze cererea premierului Fostei Republici Iugoslave a Macedoniei privind restabilirea canonicității Bisericii din această țară*, <http://basilica.ro/canonicitatea-bisericii-din-macedonia-va-fi-analizata-de-patriarhia-ecumenica/> accesat pe data de 17. 06. 2018.

¹⁸ Vezi, N. V. Dură, *La synodalité, l'une des anciennes institutions de l'Europe*, în *Analele Universității Ovidius. Seria: Drept și Științe Administrative*, nr. 1, 2007, p. 8-19.

¹⁹ Idem, *Precizări privind unele noțiuni ale Dreptului canonic (depunere, caterisire, excomunicare, afurisire și anatema) în lumina învățăturii ortodoxe. Studiu canonic*, partea I, în *Ortodoxia*, XXXIX (1987), nr. 2, p. 84-135; partea a II-a în *Ortodoxia*, XXXIX (1987), nr. 3, p. 105-143; Idem, *Considerații canonic-ecclesiologice privind Documentul de la Lima (B.E.M.)*, în *Ortodoxia*, XXXVIII (1986), nr. 2, p. 119-147; Idem, „Povățuiri” și „Învățăături”, cu conținut liturgico-canonic, privind Sfânta Euharistie. *Considerații ecclesiologice-canonic*, în vol. *Dimensiunea penitențială și euharistică a vieții creștine*, coord. G. Petraru și L. Petcu, Ed. Doxologia, Iași, 2014, p. 63-109; Idem, *Rânduiești și norme canonice privind administrarea Sfintei Euharistii*, în vol. *Spovedania și Euharistia izvoare ale vieții creștine*, II, Ed. Basilica, București, 2014, p. 465-484; C. Mititelu, *Rânduiești și norme canonice privind Sfânta Euharistie. Considerații de doctrină canonică*, în vol. *Dimensiunea penitențială și euharistică a vieții creștine*, coord. G. Petraru și L. Petcu, Ed. Doxologia, Iași, 2014, p. 271-293.

²⁰ Dr. N. Milaș, *Canoanele Bisericii Ortodoxe însoțite de comentarii*, vol. I, partea II, rad. rom. de Uros Kovincici și Dr. Nicolae Popovici, ed. Tipografia Diocezană, Arad, 1931, p. 28.

Towards the end, the canon stipulates that although the excommunication of a member of the Eucharistic body must be recognized by other bishops, this decision must be subject to the authority of the local synod, and if the other bishops approve, then the decision of excommunication is also recognized by the other local Churches. This final part of the canon clearly suggests the authority of the Synod.

Therefore, since the first Ecumenical Synod, the bishop was the most powerful of the Holy Eucharist, but also the first in line, through which every local Church crossed its jurisdiction to preserve their unity, dogmatic, canonical and religious function, with the other local Churches. The local synod chose its Protos, who represents it as a local church. This chosen bishop expresses both the unity of the local Church in itself and the unity with the other local Churches within the Universal Church (*the One, Holy, Catholic and Apostolic Church*).

Patriarch Photius, at the tenth synod of Constantinople (879/880), by promulgating the 13-15 canons²¹ takes a step forward in strengthening the Synodal Institution, which he binds more solidly to the ecclesiology of the Church, corroborating, in the text of the Fifth Canon²², *synodality with the revealed truth*, because in the photian conception they cannot exist without each other, being interdependent. The Patriarch thus removes the canonical condemnation stipulated by the Thirty-first apostolic canon²³, Schism, arising from the fact that the bishop preached a heresy publicly. Although the schism „σχίσμα” attacks two fundamental principles of the Church (the principle of unity and hierarchical authority), the Great Photius makes a difference between the schism caused by a heresy and the other types of schisms caused by other undeserved reasons, such as pride, revenge, bigotry or ignorance, etc.

The question that remains to be addressed is how a cleric can appreciate if his bishop or archbishop has preached a heresy to interrupt liturgical communion. The answer is found in the dogmatic decisions of the seven ecumenical synods²⁴ and in the synodal legislation: 74 ap.; 5 I; 6 II; 9 IV; 14, 15, 17, 20 Antioch; First Local Synod of C-pol in 394; which states that the dismissal of a bishop or a patriarch is made only by a Synod, as it is the only competent forum to judge such a crime²⁵.

We can clearly state **the connection between synodality and dogma, the revealed truth of the Church, between the Protos and the other bishops, given among all the bishops there is a relationship of interdependence**, a relationship that cancels the ecclesiastical ladder type of organization supported by Pope Nicholas I who claimed the papal primacy and jurisdiction, based on legislation other than Orthodox, which was found in the *Pseudo-Isidorian Decrees*.

²¹ ****Canoanele Bisericii Ortodoxe* - ediție bilingvă, trad. Răzvan Perșa, Ed. Basilica a Patriarhiei Române, Vol. II: *Canoanele Sinoadelor Locale*, București, 2018, pp. 270-272.

²² Ibidem, p. 272.

²³ Dr. N. Milaș, *Canonele Bisericii Ortodoxe*, vol. I, Partea I..., pp.231 – 234.

²⁴ Pr. Sorin Șelaru, *Hotărârile dogmatice ale celor șapte sinoade ecumenice*, Ed. Basilica, București, 2018, p. 272.

²⁵ Vezi, C. Dron, *Canoanele. Text și interpretare*, vol. I, Tipografia Cărilor Bisericești, București, 1932, pp. 93-94

To this tendency of Pope Nicholas I, to submit and challenge the Synodal Institution, the Ignatian schismatics joined by:

- contesting the synodal decision of two endemic synods: the Ninth Local Synod or I-II, 859-861 and the Synod of 867;
- non-recognition as the canonical Patriarch of the Great Photius;
- the recognition as patriarch of old Ignatius, the deposed;
- the commission of the Holy Eucharist in the chapel without the blessing of their canonical bishops;²⁶
- the omission of Photius, the canonical Patriarch of Constantinople, during sacred service.

Individually, no clergy or layman can be in a relationship with the unity of the Universal Church other than as a member of a local Church, the bishop of that Church being their representative and that of the local Church to which he belongs. Consequently, the Ignatian group, by refusing to obey the bishop which had been synodally voted to be a *protos* of the church of Constantinople, perpetuated an attitude meant to lead to the breakdown of the Church, at the same time making it impossible to express the unity of the Church in itself. The harmony between the bishop and his clergy, the liturgical communion, and the dogmatic unity of all the members of a local Church are the only ones to reflect, then and now, the union of the Christian community in a body (Ephesians 5: 25-33). In their absence the local church was unable get recognition for its ability to communicate *de facto* and *de jure* with the other local Churches within the unity of the Universal Church.

Following the challenges and attacks on the Synodal Institution, both from inside and outside, Patriarch Photius decided to organize another Synod (the Ninth Local Synod or I-II, 859-861), the only one to provide a final decision on new challenges from a historical and ecclesiological point of view. The political power reacts as well to these challenges by modifying the Byzantine legislation, naming (in Chapter 2 of Title 3 of the legal paper - *Εἰσαγωγή τοῦ νόμου*²⁷) the Ignatian group as being a heresy, „*αἵρεσις*”, although its members did not share or preach any doctrine contrary to the Orthodox doctrine.

Therefore, we find the Photian period to be the most representative in the study of this phenomenon of the lack of inter-Orthodox unity²⁸. And our **choice** of such a theme regarding the canons of the photographic synods was, of course, also due to the fact that we still do not have a detailed

²⁶ Cf. *** *Canoanele Bisericii Ortodoxe* - ediție bilingvă, vol. II..., pp. 269-270.

²⁷ Γεωργίου Α.Πουλῆ, *Νομοθετικά Κείμενα Ἐκκλησιαστικοῦ Δικαίου*, Ed. Σάκκουλα, Αθήνα-Θεσσαλονίκη, 2002, p. 558.

²⁸ Cf. Magistrand Dumitru I. Găină, *Din activitatea canonică a patriarhului Fotie...*, pp. 347-364. „unii prezbiteri nu mai trăiau în dependență de episcopul lor, ci, în mod arbitrar, ei se desfaceau de el, își înființau comunități bisericești separate și ridicau paraclise în care liturghiseau și botezau fără învoirea episcopului. (...). Alți clerici, dizidenți, sub diverse pretexte sau învinuiri, încetau de a mai pomeni numele episcopilor lor la sfintele slujbe. Și aceștia produceau în Biserică schismă și dezbinare”.

canonical study of all the synods and the canons promulgated in their sessions. In fact, not so few were the cases where the misinterpretation of the canons of the Ninth local Synod of Constantinople (859-861), also called the Synod (I-II), led to regrettable confusions. That is why **the leading idea** of this research is to highlight the historical and canonical framework of the formation of these canons in the photian synods, towards their better understanding, after a linguistic, logical, historical and systematic interpretation.

The collections of canons that have been made and used in the Church, circulating in different periods of time and in different places²⁹, can be mentioned as follows: The Canons also called apostolic³⁰; The Didacus of the Twelve Apostles³¹; The canons of Hippolytus³²; Apostolic Constitutions³³; Didascalia³⁴; Orders of the Holy Apostles³⁵; Acoluthia ton cannonon³⁶; Synopsis of Stefan Efeseanul³⁷; Collection in 60 chapters³⁸, The Nomocanon in 50 titles³⁹; Syntax in 14 titles⁴⁰; The Nomocanon in 14 titles (883), assigned to the Great Photius⁴¹; The Nomocanon of Gregory Doxapatriu⁴²; The Nomocan of

²⁹ Vezi, N. V. Dură, *Cele mai vechi izvoare scrise ale Dreptului ecleziastic etiopian*, în Biserica Ortodoxă Română, C (1982), nr. 5-6, p. 572-586; Idem, *Străromânul Dionisie Exiguul și opera sa canonică. O evaluare canonică a contribuției sale la dezvoltarea Dreptului bisericesc*, în Ortodoxia, XLI (1989), nr. 4, p. 37-61; Idem, *Denis Exiguus (Le Petit) (465-545). Précisions et correctifs concernant sa vie et son oeuvre*, în Revista Española de Derecho Canonico (Universidad Pontificia de Salamanca), L (1993), p. 279-290; Idem, *Colecții canonice, apusene, din primul mileniu*, în Analele Universității Ovidius. Seria: Drept și Științe Administrative, nr. 1, 2003, p.19-33; N. V. Dură, C. Mititelu, *L'École roumaine du Droit canonique et sa contribution au développement du Droit canonique de l'Eglise Orthodoxe Œcuménique*, în vol. **Simpozionul internațional: Tradiție și continuitate în teologia tomitană. Două decenii de învățământ teologic universitar la Constanța (1992- 2012)**, Ed. Arhiepiscopiei Tomisului, Constanța, 2012, p. 37-60; C. Mititelu, *"Corpus Juris Civilis" and "Corpus Juris Canonici". Legal and Canonical Considerations*, în Teologia, anul XVIII, nr. 4 (61), 2014, p. 127-137.

³⁰ V. Pocitan, *Compendiu de Drept Bisericesc*, Tipografia de Lux Adolf I. Feldman, București, 1898, p. 25; N. V. Dură, *Le Concile des Apôtres, prototype de tous les conciles, modèle de la synodalité orthodoxe*, în La Lumière du Thabor (Revue Internationale de Théologie Orthodoxe), nr. 49-50, Paris, 2003, p. 61-84.

³¹ Nicolae V. Dură, *Didascalia, versiune etiopiană*, în Studii Teologice XXVII (1975), nr. 5 – 6, p. 436..

³² N. Floca, *Drept Canonic Ortodox, legislație și administrație bisericea*, vol. I, IBMBOR, București, 1990, p. 93.

³³ Cf. Valerian Șesan, *Curs de Drept Bisericesc Universal*, Ed. a IV – a, Tipografia „Mitropolitului Silvestru”, Cernăuți, 1942, p. 38.

³⁴ Cf. Nicolae V. Dură, *Didascalia...*, p. 441.

³⁵ Cf. N. Floca, *Drept canonic ortodox...*vol I, p. 94.

³⁶ Cf. N. Popovici, *Compendiu de Drept Bisericesc...*, p. 53.

³⁷ Cf. Valerian Șesan, *Curs de Drept Bisericesc...*, pp. 39 – 40.

³⁸ W. Hartmann and K. Pennington, *The History of Byzantine and Eastern Canonical Collections 381-883*, Ed. Durham theses, Durham University, 2010, p.118.

³⁹ Σπ. Ν. Τρωιάδος, *Οι Πηγές του Βυζαντινού Δικαίου*, том Β', Εκδ. Κομοτηνή, 1999, p. 85.

⁴⁰ Cf. K. Πάλλη και Μ. Ποτλή, *Σύνταγμα των Θείων...*, pp. 94-95. Cuprinde canoane apostolice 85, canoane sinodale 366, canoane ale sfinților Părinți 158, total avea 609 de canoane.

⁴¹ Cf. Ibidem, p. 86. Vezi și, N.V. Dură, *Le Régime de la synodalité selon la législation canonique, conciliaire, oecuménique, du I^{er} millénaire*, Ed. Ametist 92, București, 1999, pp. 345-360. Wagschal, David, Fer., *The History of Byzantine and Eastern Canonical Collections 381-883*, Ed. Durham theses, Durham University, 2010., pp. 42, 52.

⁴² N. Floca, *Drept canonic ortodox...*vol I, p. 98.

Arsenie Antorian⁴³; The Nomocan of Matei Vlastare: “The Alphabetical Syntax”⁴⁴; The Holy Nomocan⁴⁵; The Nomocan of Cotelerius⁴⁶; The Nomocan of Manuil Malaxos Malaxos⁴⁷.

In order to give the reader the opportunity to get acquainted with the content of our PhD Thesis, we will present – ever so briefly - the five Chapters of the research.

In the first chapter, entitled “*Patriarch Photius - biographical references*,” we will try to shed light on the life of this great Holy Father of the Church so as to highlight all aspects of his church life and activity.

Given that literature does not always allow us to present the life of St. Photius in a succinct manner, we will try to present these *biographical references* as accurately as possible, introducing all information about the life of the Great Photius, to which we add Photius' conception of education, which was the basis of his teaching activity, selectively presenting texts from his works, from which one could easily apprehend his moral outlook and his passion for Greek culture and philosophy. Then we will provide a description of the Byzantine education system, clarifying through historical sources, the phases in the functioning of the Magnaura School in Constantinople and finishing this introductory part with some considerations on the photian work, analysing it from a general perspective.

In the second chapter, entitled the “*The Ninth local Synod of Constantinople (859-861), also called the First and Second Synod*”, coherently pursuing the proposed theme, we thoroughly researched, from the standpoint of the canonical law, the events preceding this first synod of the Great Photius. We considered it necessary to investigate these events in order to clarify the principles and reasons underlying its organization.

We essentially tried to provide some answers to some vital questions, necessary to the understanding of the *Ninth local Synod of Constantinople (859-861)*:

- Did Patriarch Ignatius resign from the patriarchal seat or not?
- Was Professor Photius involved in the *political-religious* games in Constantinople or not?
- Was Professor Photius' rapid climb on the patriarchal seat canonical or not?
- Was the canonical separation and interruption of the communion of the Ignatian group from their canonical patriarch Photius contrary to the canonical norms of the Church?
- Was the involvement of Pope Nicholas I in the dispute between Photius and Ignatius legitimate or not?

⁴³ Cf. N. Popovici, *Compendiu de Drept Bisericesc...*, p. 61.

⁴⁴ Cf. Dr. N. Milaș, *Canonele Bisericii Ortodoxe*, vol. I, Partea I., p.152.

⁴⁵ N. Floca, *Drept canonic ortodox...*vol I, p. 99.

⁴⁶ *** Fontanele și codicii dreptului bisericesc ortodox cu unu apendice care conține învățătura celor 12 Apostoli, traducere din textul grecesc de Constantin Popovici Jr., Editura autorului – Tipografia Arhiepiscopală, Cernăuți, 1886, p. 33.

⁴⁷ N. Floca, *Drept canonic ortodox...*vol I, p. 99.

From this period, before the Synod, we found a rich correspondence between the Christian Orient and the West of the Roman Empire. Correspondence which clarifies for the reader the principles underlying the synod meetings. Naturally, in our endeavour at a presentation of these epistles, we used both the modern Greek translation of the epistles by Eleftherios Meretakis⁴⁸, as well as the Romanian translation of some parts of the mentioned epistles by Caliochia Papacioc⁴⁹. We also used Latin Patrology Volume 119, as well as anywhere we have found the epistles of Pope Nicholas I. In order to bring to light the main ideas of these epistles, we have gone through other works such as those of the renowned scholars: Daniel Stiernon⁵⁰, Paul Menevisoglu⁵¹, St. d'Aristarchi, Fr. Dvornik, C. Johan Meijer⁵², etc.

Regarding the literature studied for this chapter, we would like to underline that it has an interdisciplinary and multidisciplinary content (theological, canonical and historical), literature without which we could not have structured the ideas of force that will form the basis of the overall vision of the synod (beyond the confusion concerning his convocation or unfolding from uncertain sources resulting from concerted interreligious struggles of various reasons). Throughout the historical interpretation (necessary in the process of constituting the facts of the synod sessions) we will conduct both an analysis of the synod's acts and a critical but honest research of the specialized literature. Historical reconstitution and its place in a narrative will be made by comparing several sources, overcoming the different reasons underlying their making.

In the third chapter, entitled *The Constantinopolitan Synod of 867*, our focus is directed to presenting (in the first subchapter, *The Pre-events of the Constantinopolitan Synod of 867*) the main reasons underlying the conflict between Photius, the Patriarch of Constantinople and Nicholas I, Pope of Rome, a conflict which ended with mutual confinement in two synods, one organized in Rome by the Pope in 863 and the other in 867 by the Great Photius in Constantinople.

A first mission of patriarch Photius - of this kind - was the Christianization of the Varego-Russian tribes and the Khazar from the northern Black Sea. In order to get a better understanding of this reality, we also researched the Russian-language literature. Therefore, we asked for the support of Russian clergy studying in Thessaloniki, with whom we interacted during study of the Greek language at the Holy Theodora Monastery. With their help we found the web addresses from where we were able to download the full collection of Russian chronicles, and where we identified fragments that provided valuable insight

⁴⁸ Φώτιος Πατριάρχης Κωνσταντιπόλεως, *Επιστολαί (Α'-Π')*, τομ. 13, Μετά. Ελευθέριος Γ. Μερετάκης, Εκδ. Το Βυζάντιον, Θεσσαλονίκη, Δεκέμβριος 2007

⁴⁹ Sf. Nectarie, *Istoria schismei. De ce Papa și supușii lui s-au despărțit de Biserica lui Hristos*, trad. Caliochia Papacioc, Ed. Evanghelismos, București, 2011.

⁵⁰ Daniel, Stiernon, *Constantinople IV (869-870)*, Editions de l'Orante, Paris, 1967.

⁵¹ Παύλου Μενεβίσογλου, *Ιστορική Εισαγωγήεις τους κανόνας της Ορθοδόξου Εκκλησίας*, Stockholm 1990, Tipărită în Atena, Grecia.

⁵² Johan A. Meijer C. Ss. R, *A Successful Council of Union. A theological analysis of the Photian Synod of 879-880*, Patriarchal Institute for Patristic Studies, Thessaloniki, 1975.

about the Russians' rebirth, texts which we had translated in order to finalize our research. After reading these sources, we systematized the information and formulated our own hypotheses about the Christianization of the Varego-Russian tribes and the Khazar.

Another mission of Patriarch Photius, which we described in this subchapter, was the opening of Constantinople to Armenians, who had in their liturgical cult some non-canonical practices, which the Fathers of the Sixth ecumenical Synod condemned (trulan 691/692)⁵³. We have to mention here that the main work to help us structure our own ideas on this subject was the French paper of Dorfmannn-Lazarev and subsequently other scientific research that dealt with the same subject⁵⁴.

The last missionary activity, initiated and led by Patriarch Photius, was the mission of Bulgarian and Slavic Christianization.

Our extended research of these events preceding the Synod was accomplished by the fact that, in our opinion: - the extraordinary dimension of Patriarch Photius's missionary activity, and - the refusal of the Roman Empire with its capital in Constantinople to transfer Illyricum under the ecclesiastical jurisdiction of Pope Nicholas I; led to the organization of the Synod of Rome in 863. And the final decisions of the Synod of Rome, the excommunication of Patriarch Photius and the non-recognition of the Seventh Ecumenical Synod⁵⁵, led to the organization of the Constantinople Synod in 867. This intersection of religious and political interests in the feeding of the Romano-Constantinopolitan conflict, as demonstrated by the letter sent to Pope Nicholas I by Photius, where he states that the assignment of the dioceses, which the Pope claimed, did not rest in the powers of the patriarch of Constantinople but rather in the hands of Emperor Michael III (Ep. 290)⁵⁶.

Therefore, after describing the events behind the convocation of the Synod, we will continue with a brief description of the correspondence between Pope Nicholas I and Constantinople (i.e. a number of nine letters) of essential letters, in our opinion, in order to build a picture of the organizational grounds of the Synod.

⁵³ Vezi, N. V. Dură, *The Ecumenicity of the Council in Trullo: Witnesses of the Canonical Tradition in the East and the West*, în *The Council in Trullo Revisited*, coord. G. Nedungatt, M. Featherstone, Roma, 1995 (Kanonika nr. 6), p. 229-262.

⁵⁴ I. Dorfmannn- Lazarev, *Arméniens et Byzantins à l 'Epoque de Photius: deux Débats théologique après la Triomphe de l Orthodoxie*, Lovanii 2004; Θεοδώρου Ζήση Πρωτοπρεσβυτέρου Καθηγητού Α.Π.Θ „Ο Μ. Φώτιος και η ένωση των Αρμενίων με την Ορθόδοξη Εκκλησία”, în Πρακτικά ΙΕ΄ Θεολογικού Συνεδρίου με θέμα: «Μέγας Φώτιος», Θεσσαλονίκη, 1995, pp. 580- 603. Sirarpie Der Nersessian, *Armenia and the Byzantine Empire. A Brief Study in Armenian Art and Civilization*. Preface by Henri Grégoire, Cambridge, Harvard University Press, 1945. W. St. Clair-Tisdall, M.A., C.M.S., *The Conversion of Armenia to the Christian Faith*, Religious Tract Society, Contributor University of California Libraries, London, 1897.

⁵⁵ PL 119, 1075B.

⁵⁶ Laourdas, B. /Westerink, L. G., *Photii Patriarchae Constantinopolitani Epistulae et Amphilochia* 2 (Leipzig 1983/1985); pp. 390-392.

In the following subchapters we will present, on the basis of first-hand documents, the themes, sessions and decisions of this Synod.

In the fourth chapter, entitled *The Tenth Synod of Constantinople (879/880)*, we will present (in seven subchapters) the last synod which was held in Constantinople in the second Patriarchal period of the Great Photius (877-886). Synod which restored the communion between the Patriarchate of Constantinople and Rome, represented by Pope John VIII, declaring void the decisions of the anti-photian synod of 869-870. This reconciliation was also demonstrated by the letter of Pope John VIII on August 16, 879 addressed to the Ignatian leaders (Mitrofan of Smyrna, Stelian of Neocezareia, etc.) who still did not recognize Photius as a canonical Patriarch⁵⁷.

Therefore, in this chapter, on the basis of our research, we will present the latest information on the events preceding the Synod, describe its organizational procedures, examining all hypotheses and analyses in the theological and canonical, Greek and Western space, represented by the studies of the researchers: Daniel Stiernon, Paul Menevisoglu, St. d'Aristarchi, Fr. Dvornik, C. Johan Meijer, Emile Aman, Henry Chadwick, Vl. I. Fidas, Joseph Hefele etc.

Further study of the Synod acts and Researcher Studies mentioned above helped us to make a meaningful analysis of the subject, presenting in a rigorous way all the information related to the conduct of the Synod sessions, decisions and denominations.

In the Fifth chapter, entitled *Canons of the Photian Synods and Their Issues*, we direct our focus to the commentary of the text of the Photian canons, based on Romanian translations of the canons and on the comments and interpretations of the three great Byzantine commentators: Alexis Aristen, Ioanis Zonara and Teodor Balsamon (who have managed between 1169-1177 to comment upon the entire Nomocanon of Photius)⁵⁸.

During the comments made to the photian canons, we will add in the notes section the interpretations made by the Byzantine reviewers: Alexie Aristen, Ioanis Zonara and Teodor Balsamon; for the reader to follow every interpretation in such a way that the path to a better understanding of the canons can be traced logically and clearly.

In the following subchapter, entitled *B. Canons of the Photian Synod and Their Issues*, we critically and objectively attempt to present the main subjects of the photian canons, such as *Monasticism in the text of the photian canons and the historical framework of their formation*. Due to the interdisciplinary approach, in which we critically and objectively analysed every aspect of this topic, we could also make some considerations and assessments of the reason why the legislator approached this

⁵⁷ MGH, *Epistolae*: V, ed. Ernst Dümmler (Berlin, 1928); VI, ed. id. (Berlin, 1925); VIII, ed. Ernst Perels (Berlin, 1939), Ep. VII, pp. 186-187

⁵⁸ Cf. I. S. Berdnikov, *Curs de Drept Bisericesc*, trad. Silvestru Bălănescu, Ed. Tipografia Cărților Bisericești, 1892, p. 51.

issue. We described the evolution of the main topic of the theme (the Monastic Institution), while at the same time succeeding in uniting the narrative thread and the general system of Byzantine law, so that we succeed in giving coherence and significance to state and church laws, adding also their historical interpretation.

From the very beginning of his patriarchate, the “Great Photius” undertook new strategies for the organization and proper functioning of monastic life. The 17 canons at the Ninth local Synod of Constantinople (859-861) make this an undisputed reality. Moreover, from the texts of these canons we made a presentation of the vision of Patriarch Photius on the way in which he wanted to reorganize the monastic life, later to highlight other strategies he has applied for the good functioning of these communities, i.e.:

1. Creation or sanctification of monasteries and churches;
2. The initiative to re-establish the spiritual bonds between the Patriarchal Seat and the monks or priors from the Byzantine monastic centres through a very rich correspondence;
3. Replacement from office of dissidents and bishops;
4. The enactment of a civil law entitling the Ecumenical Patriarchate to establish patriarchal churches, as well as the amendment or updating of the canonical laws on monasticism and the rights and duties of the builders to the monasteries they helped build.

Nevertheless, the conclusions we have drawn from the examination of the canonical legislation of Patriarch Photius' period actually point out the influence of this “Great” Patriarch of Constantinople on canon law and Byzantine law as well as his good knowledge of civil law and church, and in particular of Orthodox tradition and canonical doctrine.

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