

Chalcedon Canon 28:
Its Continuing Significance For Discussion of Primacy in the Church

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A vote [*psiphos*] of the same holy council
taken in favor of the prerogatives [*presbeia*] of the throne
of the most holy Church of Constantinople.

Following in every detail the decrees of the holy fathers, and taking cognizance of the canon just read of the 150 bishops dearly beloved of God who gathered under Theodosius the Great, emperor of pious memory, in the imperial city of Constantinople, New Rome, we ourselves have also decreed and voted the same things concerning the prerogatives of the most holy Church of the same Constantinople, New Rome. For the fathers rightly acknowledged [*apodedōkasi*] the prerogatives of the throne of the Elder Rome because it was the Imperial City, and moved by the same consideration the 150 bishops beloved of God awarded [*apeneiman*] the same prerogatives to the most holy throne of the New Rome, rightly judging that the city which is honored by the imperial authority and the senate and enjoys the same [civil] prerogatives as the imperial city of the Elder Rome, should also be magnified in ecclesiastical matters as she is, being second after [*deuteron met'ekinēn*] her.

Consequently [*kai hōste*], the metropolitans – and they alone - of the dioceses of Pontus, Asia and Thrace, as well as the bishops of the aforementioned dioceses who are among the barbarians, shall be ordained by the aforementioned most holy throne of the most holy Church of Constantinople. Each metropolitan of the aforementioned dioceses, along with his fellow-bishops of the province, ordains the bishops of the province, as has been provided for in the canons; but the metropolitans of the aforementioned dioceses, as has been stated, shall be ordained by the archbishop of Constantinople, after proper elections have been made according to custom and have been reported to him.

This text presents some delicate hermeneutical problems. Historians are obliged to wrestle with what it meant in its original historical context. Canonists and churchmen must also consider how it has been interpreted and applied over the centuries. For Orthodox Christians, this text is an integral part of the ancient canonical corpus that still serves as a common point of reference for the life of their churches. This is a living text. Reflection on it continues to shape church life in a multitude of ways.

As its rubric in the most ancient manuscripts indicates, what we commonly call canon 28 of the Council of Chalcedon is more precisely a vote concerning the *presbeia* – the prerogatives or primacies - of the see of Constantinople.¹ What is meant here by *presbeia*? The vote in question, taken during the council's final session, approved – over the strenuous objection of the Roman legates - a motion prepared the previous evening by a relatively small number of council fathers. Why did the legates, and thereafter successive popes, object to it? These questions point to one of the most fundamental but also most divisive issues in ecclesiology: What is the nature and basis of primacy?

If we were dealing here with a matter of merely historical interest, no doubt it would make sense to proceed in chronological fashion, examining in turn the circumstances leading to canon 28, the actual formulation of canon 28, and then interpretations and assessments of canon 28 from antiquity through the middle ages on down to modern times. Given, however, the passionate debate that Chalcedon canon 28 still provokes, not only between Orthodox and Catholics but also among the Orthodox themselves, it may be more useful to reverse this sequence and begin by reviewing some of the more conspicuous aspects of modern discussion of this text. Two tendencies can be noted: a tendency to dichotomize and a tendency to project later realities and preoccupations onto the church life of the fifth century.

Consider, for example, the self-presentations of the Catholic Church and of the Orthodox Churches in the 19th century. In the course of the century, two popes – Pius IX and Leo XIII – made overtures to the “dissident Orientals,” as the Eastern Orthodox usually were labeled. In his 1848 *Letter to the Easterners*, Pius IX acknowledged that these did indeed “serve Christ,” but he lamented that these “scattered sheep” were “aliens from this holy throne of the Apostle Peter” and exhorted them to “return within the enclosure of the fold of the Lord.” The pope addresses himself especially to those “who, accomplishing the holy ministry..., excel others in ecclesiastical honors,” but he studiously avoids referring to these personages as bishops, much less as brother bishops heading sister churches.² Clearly for him as for most Catholics of the period in question, Christian reunion was above all a matter of due submission to the Roman pontiff rather than of reconciliation of separated churches.

¹ For a thorough discussion of the text itself and of the circumstances of its drafting, see especially Archbishop Peter L’Huillier, *The Church of the Ancient Councils: The Disciplinary Work of the First Four Ecumenical Councils* (Crestwood, NY: St Vladimir’s Seminary Press, 1996) 267-96. Other recent treatments of Chalcedon canon 28 include André de Halleux’s irenic “Le décret chalcédonien sur les prerogatives de la Nouvelle Rome,” *Ephemerides Theologicae Lovanienses* 64 (1988) 287-323. Especially useful among older presentations are Emil Herman, “Chalkedon und die Ausgestaltung des konstantinopolitanischen Primats,” in A. Grillmeier and H. Bacht, *Das Konzil von Chalkedon 2* (Würzburg, 1954) 459-90, and A. Wuyts, “Le 28me canon de Chalcedoine et le fondement du Primat Romain,” *Orientalia Christiana Periodica* 17 (1951).265-82.

² Quoted in introduction to *Encyclical Epistle of the One Holy Catholic and Apostolic Church to the Faithful Everywhere, Being a Reply to the Epistle of Pius IX to the Easterners* (reprint South Canaan, PA: Orthodox Book Center, 1958) 3-4.

In the course of his letter, the pope referred to various ancient examples of what he considered appropriate Eastern recognition of papal primacy, including the famous cry of the assembled fathers of Chalcedon, "Peter has spoken through Leo!" In their own detailed response to this papal letter, the Patriarchs of Constantinople, Alexandria and Jerusalem together with their synods put forward their own very different understanding of the significance of Chalcedon. "His Holiness ought not overlook how, and after what examination, our fathers cried out as they did in praise of Leo." Before accepting Leo's Tome, its every detail was carefully scrutinized by the council fathers, thus offering "manifest proof that an ecumenical council is not only above the Pope but above any council of his...." As for the various prerogatives that the ancient canons ascribe to Rome, these were based on custom sanctioned by conciliar decisions, made - as Chalcedon canon 28 insists - "because it was the imperial city." In these conciliar decisions, "nothing is said of the pope's special monopoly of the apostolicity of St. Peter, still less of a vicarship in Rome's bishops and a universal Pastorate.... The reason assigned for the primacy [was] not 'Feed my sheep,' not 'On this rock I will build my Church,' but simply old custom and the fact that the city was the imperial city." The pope enjoins the Easterners to "cast away everything that has crept in among them since the separation," but in fact he is the innovator. It is actually the Orthodox who have "preserved the Catholic Church as an incorruptible bride for her Bridegroom," for it is they who uphold in all its integrity the faith of "the one, holy, catholic and apostolic Church of the Seven Ecumenical Councils" and maintain without alteration the practice of the early church, when "each local self-governing church, both in the East and West, was totally independent and self-administered" by "local synods." The Romans, by contrast, have abandoned conciliarity in favor of "monarchy" and "monopoly of the gifts of the Holy Spirit."³

This response of the Eastern patriarchs and bishops to the letter of Pius IX met with wide-spread favor in the Orthodox world. The Orthodox Church, apologists insisted, was conciliar as opposed to papal. It valued spiritual unity, in contrast to the Catholic Church, which insisted above all on institutional unity under the jurisdiction of the Roman pontiff. It recognized Christ as the true head of the Church, rather than the pope. It maintained, in its system of autocephalous churches - utterly independent yet united in faith - , the spirit of the early Church's pentarchy of patriarchates. In this way it was able to preserve ancient tradition intact, unlike the Roman Church with its myriad innovations. In this way also, it was able to consecrate the unique gifts of the various Orthodox nations unto the working out of God's design for the world.

The weakness of these arguments, however, became increasingly clear, even to the Orthodox, in the course of the 20th century. Like the pre-World War I system of sovereign nation states, on which in so many respects it was modeled, the system of autocephalous churches failed to meet the many challenges of the modern world

³ *Encyclical Epistle 11.*

– a world radically different from that of the ancient ecumenical councils, a world different even from that of Byzantium and the Turkokratia.

One of the most conspicuous signs of this failure has been periodic confrontation, this time within the Orthodox world, concerning the significance of Chalcedon canon 28. During the 18th and 19th centuries, effective leadership of the Orthodox Churches had passed to the Russian Church, even though it ranked only fifth in the order of precedence enshrined in the diptychs. The Church of Constantinople was still recognized as “first among equals,” but its hegemony, shrinking along with the Ottoman Empire as new nation-states and national churches emerged in the Balkans, found effective expression only among the ancient patriarchates. In the wake of World War I and the Russian Revolution, all this changed dramatically. The Russian Church faced liquidation at the hands of Russia’s new Soviet masters. Meanwhile the Church of Constantinople discovered new opportunities to express its leadership in Orthodox affairs, even as it lost its old power-base within the Ottoman Empire.

Particularly significant in this regard were initiatives taken by Meletios (Metaxakis), former archbishop of Cyprus and then archbishop of Athens, who served as patriarch of Constantinople from December 1921 to July 1923 and later went on to become patriarch of Alexandria. During his brief but busy tenure in Constantinople, he assembled a pan-Orthodox congress; took various ecumenical initiatives; and – particularly significant for our present purposes – introduced the canons of Chalcedon, and especially canon 28, as justification for a series of interventions on Europe and America. These included, most notably, transfer of the Greek Orthodox Archdiocese of North and South America from himself as archbishop of Athens to himself as patriarch of Constantinople, on the grounds that “the enactments of the canons and the traditional practice of the Church give to the most holy and apostolic patriarchal and ecumenical see the spiritual government of Orthodox communities outside of the regular boundaries of each of the Churches of God.”

During the interwar years Meletios’ successors in Constantinople continued to assert and demonstrate their see’s global leadership by intervening in anomalous ecclesial situations in the so-called “diaspora” and elsewhere. Actions included:

- appointment of a patriarchal exarch for the Greek Orthodox in Western Europe;
- establishment of a separate exarchate for émigré Russian Orthodox in Western Europe;
- granting the status of autonomy to the Orthodox Churches of Finland and Estonia, which had been part of the Russian Orthodox Church before World War I, after negotiations with the governments of those new states;

- granting the status of autocephaly to the Orthodox Church of Poland, which like the churches of Estonia and Finland had been part of the Russian Orthodox Church before World War I, again after negotiations with the new Polish government and not the affected church hierarchy;

- granting the status of autonomy to the Orthodox Church in the newly established republic of Czechoslovakia, in this case to the chagrin of the Serbian Orthodox Church, which hitherto had exercised jurisdiction in the affected area.

Following World War II, however, after the Soviet government at long last allowed the Russian Orthodox Church to reorganize, that church was quick to respond to what it regarded as Constantinople's unwarranted claims and actions. It asserted its own jurisdiction over Estonia (by that point re-annexed to the Soviet Union), and it took a dominant role in Czechoslovakia (by declaring it autocephalous) and in Poland (by re-declaring it autocephalous). It is not necessary here to review the Moscow's arguments or Constantinople's counter-arguments or to comment at length on the successive crises – over Moscow's 1970 grant of autocephaly to the Orthodox Church in America or Constantinople's reactivation of Estonian autonomy following the breakup of the Soviet Union – that have marred relations between these two churches ever since. It is enough to observe that, for the Orthodox, the question of how Chalcedon canon 28 is to be interpreted has enormous practical implications.⁴

Does Constantinople's interpretation of canon 28 accurately reflect its original intention or at least represent a legitimate extension of its meaning? Or does it serve simply as a pretext for unwarranted "neo-papalism," as the Russian Church has charged? A purely historical exploration of what this canon meant in its original context will not answer such questions any more than it will resolve modern differences between Catholic and Orthodox understandings of primacy, products as they are of very different historical circumstances. But such an exploration may be instructive nonetheless. It may help liberate us from misconceptions concerning the canon. This in turn may permit genuine progress towards establishment of a common Orthodox mind on the subject of primacy.

As already mentioned, at Chalcedon there was disagreement concerning what we call canon 28 - or, more properly, "a vote (*psiphos*) taken concerning the prerogatives (*presbeia*) of the throne of the most holy church of Constantinople." The vote in question, taken during the council's final session, met with strenuous objections on the part of the Roman legates to the council, and for many centuries Rome did not accept it. The reasons for Roman opposition have been analyzed

⁴ Joseph E. Olšr and Joseph Gill, "The Twenty-eighth Canon of Chalcedon in Dispute Between Constantinople and Moscow," in *Das Konzil von Chalkedon 3*, 765-83. Contemporary inter-Orthodox debate is also presented, from the Constantinopolitan perspective, by Metropolitan Maximos of Sardes, *The Oecumenical Patriarchate in the Orthodox Church: A Study in the History and Canons of the Church* (Thessaloniki: Patriarchal Institute for Patristic Studies, 1976) 132-233.

many times. It has become commonplace, first of all, to distinguish Eastern and Western approaches to church order rather sharply. In examining the Church's historical relationship to civil society, scholars frequently have contrasted a "principle of accommodation" or "political principle" in the East to a "principle of apostolicity" or "Petrine principle" in the West.⁵ In these assessments, the solemn preamble of Chalcedon canon 28, with its emphasis on the significance of imperial status for ecclesiastical primacy, is seen as offering a classic example of Eastern accommodation of church structures to socio-political realities, while the reaction of the Roman legates, subsequently pursued by Pope Leo and his successors, is seen as offering an example of the "Petrine" approach, according to which Rome's primacy is a consequence of its apostolic foundation and of its bishops' succession from Peter. Yet notwithstanding these differences of approach, the churches of East and West remained in communion for many centuries after Chalcedon. While these centuries were punctuated by a number of schisms and disputes, generally these arose because of dogmatic issues (e.g., imperially sponsored heresies such as monotheletism and iconoclasm). The question of Roman primacy was at most a subsidiary issue. To understand why this could be the case, it is important to keep in mind what all parties at the time of the council and for centuries thereafter took for granted.

The first and most obvious point is that all parties took for granted the happy coincidence of church and empire. As Christian apologists had recognized long before, the church's universal vocation ("go into all nations") and the Roman Empire's aspirations to universality neatly complemented each other. As Vittorio Peri has put it, "The ecumenism of the Church and that of the State were so intertwined culturally and so 'harmonized' between themselves that they became interdependent in the common consciousness and behavior of Christians."⁶ In this situation, relationships of filiation and dependence in the ecclesiastical sphere quite naturally corresponded closely to the prevailing patterns of government and public life. The gospel spread from major cities to outlying areas, from capitals to dependencies. To a high degree, therefore, the geopolitical importance of a city and the antiquity of its church's foundation coincided, reducing the potential for conflict between "accommodation" and "apostolicity," at least until the rise of Constantinople opened the question in a fresh way.

The empire provided the template, as it were, for the Church's evolving structures for communion and communication, and this was a template that took for granted the preeminent role of cities in the structuring of society. It was, in other words, a template that differed significantly from our own modern society or, for that matter, from many other societies that could be mentioned (warrior empires, seigneurial agrarian societies, nomadic or semi-nomadic cultures...). It did not begin by defining the outer limits or borders within which social controls would be

⁵ For example, the classic presentation of Francis Dvornik, *Byzance et la primauté romain* (Paris, 1958) and also Anton Michel, "Der Kampf um das politische oder petrinische Prinzip der Kirchenführung," in *Das Konzil von Chalkedon*, 491-562.

⁶ "First Millennium of Roman Tradition," *The Jurist* 52 (1992) 84.

uniformly exercised. Rather, it started with a number of urban centers, each with a keen sense of its own identity, whose effective force would be variously felt over a more or less extended hinterland. We therefore should avoid projecting our later notions of patriarchates, i.e. neatly defined and uniform autocephalous entities, each possessing something analogous to the modern state's internal and external sovereignty, onto the church of the Roman Empire, just as we should avoid projecting later notions of papal monarchy onto it. The church was an ordered communion of local churches, just as the empire itself was an ordered commonwealth of cities.

Of these local churches, some – depending on a variety of factors – might possess certain prerogatives, privileges, honors, rights and powers. But these *presbeia* – these primacies – were not uniform or held in equal measure. If one examines texts of this period, one cannot but be struck by the fluidity of terminology. Word like *presbeia*, *primatus*, *privilegia*, *timē*, *honorēs*, *potestas*, *proteia*, and *auctoritas* are used in various combinations and almost interchangeably. Often, though not always, context can indicate more precisely what is meant in a given case. In some cases *presbeia* may mean simply seniority or precedence, but in other cases it may mean the rights and prerogatives that go with seniority, i.e. an institutionalized position of responsibility. In some cases *timē* may mean “honor” as we so often understand that word today: a mark of public recognition without practical consequences (cf. the honorary degree or honorary citizenship). But more often, as Brian Daley has reminded us, “honor” in the ancient world suggests “the grateful recognition not only of political goodness but of political service,” recognition normally expressed “through bestowal of office: an institutionalized position of public responsibility.”⁷ Honor was inseparable from responsibility and from recognized capacity for making authoritative decisions. Thus when canon 3 of I Constantinople accorded the bishop of Constantinople the “primacy of honor,” the *presbeia tēs timēs*, “after the bishop of Rome,” it was not simply recognizing his moral leadership and prestige. It anticipated the major role that his see would play in the eastern part of the empire, above all in restraining the ambitions of Alexandria.

If I Constantinople canon 3 was rather vague about the content of *presbeia*, that was not the case with Chalcedon. At most critical points, it distinguished between the merely honorific on the one hand, and specific rights relating to jurisdiction and practical influence on the other. At the end of session 6, for example, when emperor and empress formally received the council's definition of faith, Marcian decided to honor the little city of Chalcedon and the church in which the council was meeting: “In honor of the holy martyr Euphemia and of your holinesses, we have decreed that the city of Chalcedon, in which the holy faith has been confirmed by this synod, shall have the rank (*presbeia*) of a metropolis; but we only wish to honor it with the name (*onomati monō...timēsantes*), and the proper

⁷ “Position and Patronage in the Early Church: The Original Meaning of ‘Primacy of Honor’,” *Journal of Theological Studies* NS 44 (1993) 529-53 at 531.

role of the metropolitan city of Nicomedia is to be preserved.”⁸ On the other hand, there was nothing merely honorific about the *presbeia* conferred on the throne of Constantinople by canon 28. The canon itself is very clear on this point: “the metropolitans – and they alone – of the dioceses of Pontus, Asia and Thrace, as well as the bishops of the aforementioned dioceses who are among the barbarians, shall be ordained by the aforesaid most holy throne of the most holy Church of Constantinople.”

As suggested earlier, the *presbeia* of the churches were not identical or uniform. Canon 28 gave Constantinople certain clearly specified – and clearly delimited – rights with regard to ordinations within the three civil dioceses of Pontus, Asia and Thrace. Two other canons (9 and 17) gave him certain less clearly defined rights in matters of judicial appeal. According to canon 9, “if a bishop or cleric has something against the metropolitan of the province in question, let him appeal either to the exarch of the diocese or to the see of the imperial city of Constantinople...” Similarly, according to canon 17, “if someone has been wrongly treated by his metropolitan, let him make an appeal either to the exarch of the diocese or to the see of Constantinople, as has been said earlier.” It is the subject of much debate whether these provisions are meant to apply, like the jurisdictional details of canon 28, only to the three minor civil dioceses of Pontus, Asia and Thrace, or whether they are intended to recognize Constantinople as an alternative court of appeal for the entire eastern part of the empire.⁹ The latter seems to me more likely. Certainly even for the period between 381 and 451, cases of appeal are on record not only from the three minor civil dioceses but also from the diocese of Orient, whose “exarch” would ultimately bear the title of patriarch of Antioch.¹⁰ It is important, however, to recognize why such appeals might be directed to Constantinople rather than to the “exarch of the diocese.” Exarchal structures, particularly in the three minor dioceses, were ill-defined and undependable, whereas in Constantinople, thanks to the continual flow of visiting bishops from all parts of the empire, a convenient court of appeal, in the form of the *synodos endēmousa*, could easily be convoked by the capital’s archbishop.¹¹

The point here is that Constantinople’s rather wide-ranging rights in matters of appeal were clearly distinguished from its rights in matters relating to ordination, which were much more limited both in geographic extent and in their nature. As Chalcedon canon 28 clearly specified, “the metropolitans – and they alone – of the dioceses of Pontus, Asia and Thrace...shall be ordained by the most holy throne of

⁸ Cited by Daley, 544.

⁹ For discussion of these canons see, among others, L’Huillier, *Church of the Ancient Councils*, 229-36 and 251-54.

¹⁰ See Patricia Karlin-Hayter, “Activity of the Bishop of Constantinople Outside his *Paroikia* between 381 and 451,” in *Kathegetria: Essays Presented to Joan Hussey...* (Camberley, Surrey: Porphyrogenitus, 1988) 179-210, who calls attention among other things to the importance of imperial rescript of 421, which authorized appeals to Constantinople from the entire eastern part of the empire, including Eastern Illyricum and Orient.

¹¹ On the *synodos endēmousa* see J. Hajjar, *Le Synode Permanent dans l’Eglise byzantine des origines au XIe siècle* (= *Orientalia Analecta* 164, Rome, 1962).

the most holy Church of Constantinople.” Similar distinctions were made with regard to the *presbeia* of other major sees. The Council of Sardica, for example, gave Rome specific but very wide rights in matters of appeal, but this did not mean that Rome enjoyed comparably wide rights in matters of ordination, and neither the canons of Sardica nor other canons directly addressed the question of Rome’s wider role within the communion of the churches. Quite simply, at the time of Chalcedon the prerogatives or *presbeia* of major sees still were not uniform or evenly distributed, and neither were the bases for these various prerogatives clearly defined. The patriarchal system of the age of Justinian had not yet fully emerged – and, *a fortiori*, the modern system of autocephalous churches.

Here we come to the main reason why Chalcedon canon 28, in some respects so clear, was also quite ambiguous and potentially misleading. As Archbishop Peter (L’Huillier) has observed, the canon “did not have the purpose of defining the primatial prerogatives of the see of old Rome but only those of the see of Constantinople.”¹² In this context, Rome’s *presbeia* were mentioned only as a point of reference and to provide a by-no-means perfect analogy. Much the same holds true for canon 6 of Nicea, to which Chalcedon canon 28 will allude. Here the exceptional situation obtaining in Egypt, where custom in effect made the archbishop of Alexandria the metropolitan over several provinces, was justified by reference to the similar situation of Rome in relation to the suburbicarian provinces of Italy. No reference to Rome’s apostolicity, or to any wider prerogatives it might have, was necessary. So also in Chalcedon canon 28, the analogy drawn between the prerogatives of Rome and Constantinople was not intended to minimize the importance of Rome’s apostolicity. (On other occasions, e.g. in their letter to Pope Leo, the council fathers could speak in much more deferential terms to the holder of the most venerable and preeminent apostolic see of Rome.) Even in the initial section of canon 28, the drafters of the text made a subtle difference between Rome and Constantinople even as they drew an analogy between them. The fathers of Nicea “rightly acknowledged [*apodedōkasi*] the prerogatives of the throne of the Elder Rome” whereas the fathers of I Constantinople “awarded [*apeneiman*] the same prerogatives to the most holy throne of New Rome...”¹³

But why was it necessary for the redactors of this text to develop its long and laborious initial section in the first place? The answer is quite simple. Consider the style of the opening formulation: “Following in every detail,” which so strikingly echoes the introduction to Chalcedon’s dogmatic *horos*. Here, just as with the dogmatic *horos*, the goal is to demonstrate the continuity of tradition, above all the

¹² *Church of the Ancient Councils*, 282.

¹³ The similarities but also the differences between Rome and Constantinople were brought out as well by the imperial commissioners in their “official” exegesis of the canon: “We declare that in conformity with the canons, the primatial rights [*ta proteia*] and exceptional honor [*tēn exaireton timēn*] of the dearly beloved-of-God Archbishop of Elder Rome have been preserved, but that it is necessary that the very venerable archbishop of the imperial city of Constantinople New Rome enjoy the same prerogatives of honor [*presbeia timēs*], and therefore that he should have authority to ordain the metropolitans in the dioceses of Asia, Pontus and Thrace.” And the text goes on to describe procedures for this in detail, calling attention to the restricted nature of the authority given to the archbishop of Constantinople by this measure.

council's fidelity to Nicea, while at the same time explaining this tradition and giving it contemporary application. The same concern can be seen in the curious restrictive clause in the dispositive second section of the canon: "the metropolitans – and they alone..." And then, "Each metropolitan of the aforementioned dioceses, along with his fellow-bishops of the province, ordains the bishops of the province, *as has been provided for in the canons.*" The allusion here is to Nicea canon 4, which along with canon 5 and the concluding sentences of aforementioned canon 6 deals entirely with the structure of the provincial church. Here, just as in the initial section of the text, it was necessary to demonstrate Chalcedon's fidelity to Nicea, in this case meaning that it was necessary to demonstrate that the supervision of provincial episcopal elections would remain in the hands of the provincial metropolitans, as provided for by Nicea, rather than pass to Constantinople.

A second question also arises. What is the meaning and application of the phrase "bishops of the aforementioned dioceses who are among the barbarians"? It is quite clear, first of all, that this did not mean unlimited authority over bishops among the barbarians wherever they may be – over all the "diaspora" we might say today. It did not mean authority over regions of the upper Nile, which not only were adjacent to Egypt but also were evangelized from there, or authority over regions to the east of the civil diocese of Orient, where similar considerations apply. In all those regions, supervision in matters relating to ordination and church order had long been in the hands of Alexandria and Antioch respectively, and so they remained after Chalcedon. In addition, given the obvious concern for consistency with earlier canons evident elsewhere in this *psiphos* of Chalcedon, it is highly unlikely that the council tried to modify the provisions of canon 2 of I Constantinople (the second ecumenical council), which had stated that "the churches of God in heathen nations must be governed according to the custom which has prevailed from the time of the Fathers."

Earlier I posed a question that frequently is asked when basic issues in ecclesiology are discussed: What is the nature and basis of primacy? From the foregoing, it is clear that when we are referring to the church of the Christian Roman Empire the question should be phrased slightly differently: What is nature and basis of primacies? Within the one church, bishops of the various local churches exercised a variety of responsibilities. Collectively they were responsible for maintaining the ecumenical well-being of the universal church, but they did not exercise this responsibility in identical ways. They were bishops of particular sees - sees with various characteristics, some large, some small, some distinguished by apostolic foundation, some by geopolitical circumstances, some by both, some by neither. But precisely because of the particular characteristics of their sees, some of these bishops had responsibilities that were more far-reaching than others - in matters of ordination or appeals, for example, or in matters that were less specific but no less vital, particularly when these related to definition of the faith. There were, in short, various levels and various kinds of primacy. But these various primacies, whether at local or regional or universal levels, were all intended to be of service in and for the Church understood as a communion in faith and love.

These various primacies were not simply honorific, a matter of high titles, chairmanship at meetings and the first seat at banquets. They could involve effective decision-making and juridical power. But the power of a primate was not absolute or something that could be wielded in arbitrary fashion, as though the primate were outside and above the collective episcopal college. The primary responsibility of those exercising a primatial role within the church was oversight, care, *sollicitudo, phrontis*, and through oversight the strengthening of their brother bishops. Their responsibility was to see to it that the canons were observed, that due process was maintained, that the faith was rightly taught, that no scandal bring the church into disrepute, etc. "Do not transgress the ancient landmarks which your fathers have established." (Prov. 22:28) This biblical injunction was on the lips of many churchmen at the time of Chalcedon. They understood themselves to be guardians of the tradition, and this included not only the symbol of faith but also the canons, not just the church's apostolic faith but also its received order. This concern is evident both with those responsible for the drafting of canon 28 and with the Roman legates and eventually Pope Leo, who complained precisely that it violated ancient canonical order and the accepted prerogatives of the churches.

But as the example of Chalcedon itself indicates, both in its dogmatic decree and in its canon 28, sometimes it may be necessary not just to safeguard the tradition but also, in view of changing circumstances, to explain it and give it contemporary application. When is such re-articulation of tradition appropriate? What distinguishes legitimate renewal from illegitimate innovation? On such questions, there obviously was disagreement at Chalcedon, and there has been disagreement since, over a host of issues. Can the conception and practice of papal primacy that developed in the West from the 11th century onward be regarded as a legitimate development, a natural evolution from common principles held by all in the early Church? Or is it, as the Orthodox so frequently have charged, a dangerous innovation, whereby the pope has effectively severed himself from the common fellowship with those who faithfully maintain the legitimate tradition? Or, on a different front, do Constantinople's 20th-century initiatives in the so-called "diaspora" represent a legitimate contemporary application of Chalcedon canon 28's provisions for "bishops...who are among the barbarians"? Or are they unwarranted intrusions into the internal life of other Orthodox Churches, the result of overweening ambition and self-interest which can only be destructive of Orthodox unity?

When seen in its historical context, Chalcedon canon 28 gives little support to Constantinople's modern claims to exclusive authority over the so-called "diaspora." It is alarming to find apologists for Constantinople invoking Chalcedon canon 28 so often but with so little attention to what it actually says. Such an approach, in my estimation, is unnecessary and - indeed - counterproductive. It suggests that Constantinople's leadership role within the communion of the Orthodox churches stands or falls on an idiosyncratic reading of Chalcedon canon 28. In fact, when correctly understood, Chalcedon canon 28 is very liberating. It shows how the

Orthodox Church can and does adapt to changing circumstances while at the same time remaining faithful to its canonical tradition. Chalcedon made a point of *not* overturning the canons of the preceding ecumenical councils. At the same time, however, its practical provisions did give considerable new authority to Constantinople, in certain very specific areas, in response to the needs of the time.

If we are not tied to an anachronistic interpretation of Chalcedon canon 28, the Orthodox churches - perhaps in the context of a future Great and Holy Council - have the possibility of responding effectively to the needs of our own time. Here I have in mind not only the need for administrative unity in America and other lands that have not been historically Orthodox. I also have in mind the need for unity on a global level. The manifest disunity of Orthodoxy whether in America or globally contradicts the most basic principles of Orthodox ecclesiology. The spiritual unity that we speak of so much requires some visible manifestation. Without unity that is real and tangible, we seriously compromise our mission to the world. We make unbelievable our proclamation of the Gospel, which is meant for all peoples of the world, not just for those of our own nationality or tribe. In this quest for tangible unity, the patriarchate of Constantinople can play a leading role. I hope that it will. But it cannot do so on the basis of specious claims concerning the ancient canons. Given what Fr John Meyendorff has called “the pragmatic realism” of the Orthodox Church on this point - her “dynamic and living ability... *to preserve* her own norms, her own principles of polity, her own divinely established eucharistic structures in the midst of contemporary realities” - such claims are unnecessary in any case.¹⁴ This “dynamic and living ability” of the Church was, I believe, clearly evident at the time of Chalcedon. It was less evident as the Orthodox churches moved fitfully towards a Great and Holy Council during the 20th century, but possibly it will again shine forth as Orthodoxy adjusts to the 21st century.

¹⁴ In “The Ecumenical Patriarchate, Yesterday and Today,” in *The Byzantine Legacy in the Orthodox Church* (Crestwood, NY: St. Vladimir’s Seminary Press, 1982) 241.