

Lora Gerd

Revisiting Byzantine Canon Law

The Reports of Archimandrite Antonin Kapustin (1850–1865)

Russia and the Balkans in the mid-19th century: between Byzantine heritage and modern policy

In 1850, the church of Greece was finally recognized by Constantinople as autocephalous: in December 1850 Archimandrite Misail (the future Metropolitan of Athens, 1861–1862) travelled to St.-Petersburg to receive confirmation of the autocephalous status of the Greek church by the Russian Synod. The new period in inter-confessional relations brought with it new questions concerning differences in the application of canon law and church practice. As a European Orthodox kingdom, Greece was interested in the experience of the church administration in Russia, the only independent Orthodox state at that time. The Russian experience was especially important given the subordination of the church to the state since the establishment of the Holy Synod in 1721. The adaptation of Orthodox (i. e. Byzantine) church law to state institutions and administration in Russia followed the example of the Protestant countries of Western Europe, and this was what the Greek government was intending to realize.

As part of his direct diplomatic mission, the head of the Greek delegation was to gather information about different issues: the ordaining of priests in Russia; the sources of income for the clergy; the real estates of the monasteries; the number of bishops; the financing of the bishoprics; state control over church affairs; mixed marriages; and, finally, the implementation of canon law in the Russian church.¹ The answer of the Russian Synod was delivered to the Greek Ambassador Konstantinos Zographos on February 1, 1851.² In the course of discussions over church law in Greece on September 19, 1851 Zographos gave Ober-procurator Nikolai Protasov a new list of questions concerning the administration of the Russian Synod and its relations with the Emperor. Finally, on August 4, 1852 the ober-procurator received from the Russian Ambassador in Athens Emmanuel Persiani the new project on the Greek Synod, confirmed by the government.³

1 Rossiiskij Gosudarstvennyj Istoricheskij Archiv (furtherafter RGIA), fund 797, op.20, 2 otd., 2 st., d. 45036, ff. 13–13v.

2 RGIA, fund 797, op. 20, 2 otd., 2 st., d. 45036, ff. 26–35.

3 RGIA, fund 797, op. 20, 2 otd., 2 st., d. 45036, ff. 71–78.

In September 1850 Archimandrite Antonin Kapustin, the new priest to the Russian embassy, arrived in Athens.⁴ During the first years of his service in Athens, Antonin busied himself mainly with observing the local church traditions and restoring the Russian St. Trinity church. He made acquaintance with the educated Greek clergymen Konstantinos Oikonomos and Neophytos Vamvas.⁵ Before the 1850s the discussion about church practice between Russia and the Greek world had just started. The first to examine these differences was the English deacon William Palmer, who visited Russia in the mid 1840s and later arrived in Constantinople, trying to negotiate a union of the Anglican and Orthodox churches.⁶ His attempts were not welcomed in Russia, and especially while in Constantinople he edited a brochure stressing the difference between the Russian and the Eastern Orthodox churches in adopting non-Orthodox Christians. Another serious discussion on canon law arose after the Crimean war, between 1857 and 1860.

Traditionally conservative and not inclined to introduce any changes, Eastern Orthodoxy in the 19th century faced a serious problem: the growing nationalism in the Balkans and the Middle East.⁷ Nationalism in its modern sense was unknown to the Byzantine world, where belonging to Orthodoxy was the main marker of identity and the usage of national languages was adopted *κατ' οἰκονομίαν* and regarded as a means of missionary work among non-Greek peoples. The domination of the Greek high clergy and the exceptional use of the Greek language in liturgy and education became a matter of controversy between the high church authorities and their vision of the Orthodox *Οἰκουμένη* on one side, and the ambitions of the new generation of educated people in the non-Greek provinces on the other. The splitting of Byzantium's heir, the Patriarchate of Constantinople, into autocephalous national churches in the 19th century was painful and created many controversies and discussions. The Greek high clergy of the Patriarchate was not ready to accept any other model of Orthodox polity than the universalist one with Constantinople at its head; practical reasons here were combined with extreme conservatism.⁸

4 Frazee (1969); on Antonin and his missions see Frary (2015). For the edition of his journals from the period 1850–1860 (his service in Athens) see Gerd/Vach (2013); Gerd/Vach (2015); Gerd/Vach (2017); Gerd (2018).

5 Oikonomos was the mouthpiece of conservatism in Greece in the 1830–1850s. See Sivinīs (1857); Destunis (1860); Sathas (1868) 731–736; Balanos (1957); Frary (2015) 138–147. The collected works of Oikonomos were edited by his son: Oikonomos (1862–1866). The edition of the correspondence of Oikonomos: Lappas/Stamouli (1989, 2002 u. 2021).

6 Whiler (2006) 105–111, 118–127.

7 For a general overview of Balkan nationalism see: Kitromilides (1994); Hroch (2005); Mishkova (2018); Norris (1999).

8 On the primacy of Constantinople and Rome see: Dvornik (1945); Dvornik (1979); Dvornik (1966); Gastgeber *et al.* (2021). About the Pentarchie theory (the five Apostolic Patriarchates) see Gahbauer (1993).

The Russian church authorities, for their part, were not interested in splitting the Orthodox world and they defended the universalist model from their own point of view. During the 19th century, Russia combined two approaches to the problem of primacy in the Orthodox church. Within the Orthodox world, in the frames of the former or actual Ottoman territories, they were ready to recognize the first place of Constantinople, in case the Patriarch respected the rights of the non-Greek nations. Regarding the whole world of Orthodoxy, Russia, however, applied another model, where it claimed first place itself as the only mighty Empire with an Orthodox Emperor. Obviously, the second model resonated Russia's universalist imperial claims for unification following the Byzantine example.

In 1854 the church politician, historian and writer Andrei Muraviev wrote a note entitled "Concerning the importance of the Patriarchal see of Constantinople for the unity of the Orthodox church".⁹ Here he opposed the independence of the Balkan nations. The primacy of Constantinople was important, he continued, not only vis-à-vis these nations, but also towards the other three ancient sees, of Jerusalem, Antioch and Alexandria. The unity of the Orthodox church in the East should be followed by future unification with the Western church. As for relations between Russia and the East, Muraviev found useful the appointment of a Russian representative at the Patriarchate, who could survey the course of events and influence, where possible, political affairs. The special place of Russia in the Orthodox world was for him obvious.

After the Crimean war, between 1856 and 1877, Russian imperial universalism developed in several main streams. The imperial Russocentric stream, based on the Uvarov triad, dominated. It looked back to the 16th century and revived theorie of the Third Rome, basing itself on the fact that Russia was the only Orthodox empire with a Christian Tsar. Next to it, a Grecophile line started, which coincided with the views of Constantinople, i. e. that the Second Rome and the Patriarchate should be the center of Orthodoxy, and Russia should agree to take her "daughter's" place. The Panslavist model, dominating in Russian political ideology in the 1850s to 1870s, aimed at the unification of all Slavonic Orthodox peoples under Russian guidance, was another variant of imperial universalism, though it could hardly be adjusted to the traditional supranational views.¹⁰

⁹ Archives of Foreign Policy of the Russian Empire, fund 151. Political Archive (1854) op. 482, d. 5297, ff. 1–16.

¹⁰ Vovchenko (2016).

Archimandrite Antonin Kapustin and Alexander Tolstoi: Byzantine canon law in modern Greece

Back to the period of the 1850s and early 1860s. Ober-procurator of the Russian Holy Synod at that time was Alexander Petrovich Tolstoi, who was personally interested in comparing the church practices of the Orthodox Orient with those of the Russian church. In the new political situation of the emergent Bulgarian question and the support of the Bulgarians by the Russian government, Tolstoi preferred to keep close to the Byzantine traditions and opposed any revolutionary methods. In the Greek-Bulgarian confrontation he was definitely on the side of the Greeks.

Much more flexible, Antonin Kapustin was, at least by the end of the 1850s, also a Grecophile, and respectful of the traditional church model.¹¹ The growing panhellenism that was ready to oppose panslavism and Russia saddened him, and at the same time prepared him for the extremely difficult and turbulent ecclesial situation in Constantinople, which he was to face a few years later. In fact, Antonin's ideas involved creating an Orthodox home by establishing closer contacts between the churches, spreading knowledge about the history and traditions of each among the others, and even undertaking some reforms in Russia in regard to the best examples of ecclesial practice in other churches. This was a kind of neo-byzantine universalist idea, where Russia, as the bigger Orthodox Empire, was meant to play the leading role.

A series of letters exchanged by Ober-procurator Tolstoi and Antonin in 1857–1859 are focused on the implementation of canon law in Greece and Russia. The correspondence started on the initiative of the ober-procurator, who addressed to Antonin a letter (dated June 17, 1857) with a list of questions concerning the difference between the practice of the Russian and the Greek church.¹² The first of them was about the re-baptism of Catholics by the Greeks – when was this practice adopted and for what reasons? The second question was close to the first: since when and why did the Greeks accept the clergymen of other Christian churches not only by re-ordination, but also by re-baptism? The third question was about the age of the ordination: 25 years for the deacons and 30 years for the priests – did the Greeks kept this rule strictly? The fourth: had priests in Greece to take an oath, and if yes, what was the difference between this oath and that taken in Russia? The fifth: whether marriages between second cousins in

¹¹ Soon after his arrival in Greece he was strongly impressed by the poverty and simple habits of the Greek high clergy. "Could you think that such poor Bishops have recently revolted in Constantinople against the introduction of a fixed salaries for the clergy? ... Could you imagine that such a poor clergy would revolt against the organization of the Russian hierarchy, would speak and write that the Mother (the Greek church) does not need to be taught by the Daughter (the Russian church), that the Greek church has its Πηδάλιον and does not need the Regulament?" (Antonin Kapustin to Konstantin S. Serbinovich, November 21, 1851: Gerd [2018] 49).

¹² Gerd (2018) 111–112.

Greece were possible (like in Russia). The sixth concerned lent and whether the laity and the clergy kept it strictly. The remaining two questions in this letter were related to liturgical practices. The questions, so cautiously pronounced by Tolstoi, reflected the dissatisfaction of part of the church in Russia with the Synod system and the rules set by the Spiritual regulation of Peter I.¹³ Certainly this can be said with regard to the question of the oath, a very painful subject for the Russian clergy, as this oath lowered the clergy to the level of state employees.

At the same time, Tolstoi was surely aware of church reforms in Greece under the Bavarian rule and the laicization of church life in Greece. Despite the tensions between Greece and Russia during the 19th century, it was the Russian Synod system which was to a great extent implemented in Greece, with the secularization of the monasteries and the church properties, attempts to introduce a salary for priests, etc. Parallel phenomena occurred at the same time in Constantinople in the frames of the Tanzimat, though with different effect and under different conditions. Looking back in history, many of the questions posed by Tolstoi were quite burning during the Byzantine period, and in the centuries of Ottoman rule. The prohibition of marriages up to the seventh degree of kinship was adopted in Byzantium relatively late,¹⁴ and up until the mid-18th century there was no general rule about the re-baptizing of Catholics – everything depended on region and period.

Antonin's answer followed on September 13, 1857.¹⁵ Surprisingly, he did not give any historical information about the existing practice of the Greek church. He does not mention the turbulent events in Constantinople on the occasion of the dethronement of Patriarch Paisios in 1752 and the second enthronement of Cyril V (1757), who was almost forced to sign the decree ordering obligatory re-baptism of Catholics in 1756. Formally speaking, the reforms of Peter I were undertaken before these events; moreover, in the official letters addressed to the Tsar in 1718 and to the Russian Synod in 1723 the church of Constantinople quite officially stated that the non-Orthodox should be accepted only by anointing with the Holy Myrrh and after renouncing their heresies. The same narrative was given in 1852 by Patriarch Konstantios of Constantinople in a letter to Andrei Muraviev. The Patriarch stressed that the decision was made under pressure during the turbulence among the Christians of the capital. In his answer to Tolstoi, Antonin explained only that the reason for rebaptism was the method of the sacrament – in the Orthodox tradition it was done by immersion and not by affusion, as in the West. Concerning the priests, he noted, the question was different, because their re-ordination was linked to the “heresy” of Rome, and not only to the form of the sacrament. The permission given by the Patriarchate of Constantinople to the Russian church was given κατ’ οἰκονομίαν, i. e. via condescension, the usual term explaining all

¹³ About the church reforms of Peter I and the relations with the Christian East see Pissis (2020) 237–388.

¹⁴ See Pitsakis (1985).

¹⁵ Gerd (2018) 115–118.

deviations from the rules. Finally, Antonin mentioned that he had discussed this issue with Konstantinos Oikonomos (who was known as being extremely conservative and rather strict on this point). Oikonomos explained this *oikovoμία* by means of political explanations and with reference to the weakness of the Eastern church. Just a few years later, in 1861, the church of Constantinople agreed (under some pressure from the side of Russian diplomacy) to accept the Syrian Uniates (Melkites) into Orthodoxy without the re-baptism and re-ordination of their priests.¹⁶

Concerning the age of candidates for ordination, he said that in general the rule was kept firmly, especially for priests. In the monasteries, sometimes deacons were ordained earlier than the age of 25. Antonin did not comment here that the deacon's degree in Greece was rather rare, so this could not influence church life. There was no oath for priests, he continued, but only for Bishops. The Byzantine tradition prohibiting marriages up to the 6th degree was still kept by the Greeks; however, Antonin commented, discussions in the Greek Synod took place over permission to marry already in the 6th degree. Lent was equally obligatory for clergy and laity, and was kept more or less strictly, especially by the simple people. Here he saw no difference with the Russian traditions.

Tolstoi took Antonin's answer about the differences between church practices quite seriously. He paid special attention to the remark of Konstantinos Oikonomos to the effect that, if the Greeks had been strong enough, they would have stopped the permission they had once given to the Russians, to accept the non-Orthodox clergy without re-baptism and re-ordination. Tolstoi, however, seemed dissatisfied by Antonin's answer. In his next letter he presented three historical evidences: the council of 1484 in Constantinople, which allowed the acceptance of Catholics without baptism, and the Moscow council of 1667 where, with the participation of the Eastern Patriarchs, the practice of re-baptizing Catholics was condemned.¹⁷ Tolstoi seemed unaware of the details of the Constantinople council of 1756, where such rebaptism was introduced by law.¹⁸

More detailed information was received from Antonin later, in his letter of May 9, 1859.¹⁹ Obviously, Antonin was not aware of the 18th-century Greek theology and canon law. He requested the canons of the Constantinople Council of 1756 from Gerasimos

¹⁶ Gerd (2021) 134–157.

¹⁷ January 21, 1858. Gerd (2018) 124–125.

¹⁸ The question of the adoption of the non-Orthodox and the possibility of serving the Liturgy with them became a matter of great attention for the Russian Holy Synod after the journeys of William Palmer to Russia and the Orthodox East in the 1840s. In Russia before Peter I and in the East there was no unified system for adopting the non-Orthodox. The difference in practice between the Russian and the Greek Churches could be an obstacle for closer contact and could even lead to conflicts. On the adoption of the non-Orthodox before Peter I, see Oparina (2017). In 1859 this issue was discussed by Grand Duke Konstantin Nikolaevich and Patriarch Kirillos II of Jerusalem. The Grand Duke argued that Catholics could be received without rebaptism, while the Patriarch was adamant in his refusal of this position. See Vach (2009).

¹⁹ Gerd (2018) 172–176.

Rallis, professor of canon law and one of the two editors of the corpus of Byzantine canon law.²⁰ Rallis sent him back to the essay Παντισμοῦ στηλίτευσις (Denunciation of Affusion) by Eustratios Argentis, which was used as a basis for the decision of 1756.²¹ Another source of information for Antonin was the “Collection of the Divine dogmas of faith” by Athanasios Parios,²² where the story was told in more detail. The Greeks of the 19th century rejected Palmer’s arguments for non-rebaptism of Catholics, continued Antonin, and therefore strictly observed ἀκρίβεια in regard to this question. The Russian practice was recognized by them for the great benefit it bestowed upon the church and because Russia was a great Orthodox power with a strong Tsar. This practice, however, was not applicable in the East, the Greek theologians stressed. “It may seem strange,” Antonin commented, “that the same consequence comes from different causes. About 50 years ago the οἰκονομία was regarded inappropriate, because Papism has lost its force, and now it is again inappropriate, because it is again strong! From this one can conclude that the Greeks *like* the rebaptism”.²³

Two years later, in his letter dated December 9, 1859, Antonin reported on a similar issue under discussion in the Greek Synod, concerning mixed marriages.²⁴ The Greek government was inclined to follow the example of Russia and allow them. The conservative clergy, however, was afraid to act against canon 72 of the Council of Troullos, strictly prohibiting the mixed marriages. Antonin supposed that these marriages would nevertheless be accepted in Greece, as happened in Russia. He wondered how to answer questions, and whether he should repeat the incorrect statement that in Russia the church was looking at them as pure civil law, or whether he should announce the appendix to the Regulations about the mixed marriages. Antonin had no information about the opinion of the Eastern Patriarchates concerning this Russian law of 1721. A special note was composed in St. Petersburg answering Antonin’s query. Without issuing a general official approval, the Eastern Patriarchs, however, accepted mixed marriages in Russia (for example, Patriarch Jeremy gave Peter I permission to allow marriages between Orthodox and Lutherans without the latter having to adopt Orthodoxy).²⁵

In October 1857 Antonin left for a journey to Palestine and Egypt. In December 1857, he addressed the ober-procurator back at Athens with a report.²⁶ He compared the two Ancient Patriarchates of the Orient, that of Jerusalem and that of Alexandria, with a ship in a thunderstorm and an oasis covered by sand respectively. Only thanks to the

²⁰ Rallis/Potlis (1852–1859).

²¹ Argentis (1756).

²² Athanasios Parios is known as a conservative theologian and critic of Adamantios Korais. Close to the Athos tradition of the Kollivadoi movement, he cooperated with Nikodemos Agioretis.

²³ Gerd (2013) 175.

²⁴ Gerd (2018) 186–187.

²⁵ February 16, 1860. Gerd (2018) 188–189.

²⁶ Archimandrite Antonin to Alexander P. Tolstoi, December 21, 1857. Gerd (2018) 119–123.

support from Constantinople, he stressed, did they survive till now. That is why, Antonin continued, it was important that Russia support the Great church without attempting to improve it. As for the church of Alexandria, Antonin supposed that the only way to save Orthodoxy in Egypt was to create an Arab Orthodox church. Here, as one may notice, the perspective of converting the Uniats and Copts to Orthodoxy and thus infusing them with Russian influence was combined with a rather modern idea of a national church – against all the traditionalism of Antonin's views.

The idea of supporting the church of Constantinople was immediately picked up by Tolstoi, who was constantly on the side of the Greeks and the Great church in the course of the Bulgarian question. Moreover, he shared with Antonin worries about the anti-Greek direction taken by Russian journalism at the end of the 1850s and asked him about the opinions among the free Greeks about the Greek Kingdom. In 1860 he wrote two texts on the Bulgarian question, which were criticized by Emperor Alexander II.²⁷ In his answer, dated February 2, 1859, Antonin commented that the Greeks showed less composure and impartiality on this question than the Bulgarians or the Russians. Though, he continued, they deserve more pity than enmity or persecution from Russian side.²⁸ As a whole, Antonin was rather pessimistic about the perspectives of the Greek-Bulgarian reconciliation.²⁹

In the same letter of February 2, 1859, instead of answering Tolstoi's question about rebaptism and marriages in careful detail, Antonin presented a large-scale program of reforms for the Russian church with regard to the example of the Greek one. Most of the issues of the reform concerned liturgical questions and church practice. He proposed that regular councils be held by different churches, with discussion of their traditions and practices. In fact, his project was rather conservative and more similar to the reforms of Patriarch Nikon in the 17th century than to Luther's reforms or the attempts to modernize Orthodoxy in the 20th century. Probably among the motivations of these projects were the reforms in the Church of Constantinople in 1859–1860.³⁰ At that moment, Antonin, like some of the Russian diplomats, expressed sympathies to these reforms and may have been influenced by the projects of reform in Russia. He hoped that in this atmosphere a reform of the Russian church could take place. The traditions and customs of other churches should be tolerated; all measures should be undertaken for cultivating mutual information about the church life in different parts of the Orthodox world. "The measure to avoid a great temptation is spreading in time the idea that the Orthodox faith tolerates the differences and peculiarities in church services,

²⁷ Gerd (2001).

²⁸ Gerd (2018) 136.

²⁹ Antonin expressed his worries about the Bulgarian movement in several reports from the end of the 1850s: To A. Tolstoi, October 29, 1859. Gerd (2018) 181–183.

³⁰ On the reforms in the church of Constantinople in the course of the Tanzimat in the Ottoman empire see Stamatopoulos (2003).

which do not affect the dogmatic side, and that the church is not limited by a certain general form. Only by such wise preparation we can expect the union of different Orthodox churches, the reconciliation of the Armenians and Copts, and finally, the desired unification of the Eastern and Western churches”.³¹ This ecumenical project, or rather dream, of Antonin’s was completely in line with the universalist ideas of a panorthodox house with Russia at its head, an important element of Russian imperial ideology in the 19th century. His ideas were, however, severely criticized by Metropolitan of Moscow Filaret Drozdov, the head of Russian church policy at that time.³²

Archimandrite Antonin in Constantinople: 1860–1865

In 1860 Antonin was appointed priest of the Russian church in Constantinople. Here he faced the next phase of the Greek-Bulgarian church question and tried to work toward the reconciliation of the opposing sides. The task was practically unsolvable. At the Easter liturgy in April 1860 the Patriarch was not commemorated in the Bulgarian St. Stefan church in Constantinople. This demonstration was a complete rupture and was followed by further complications in ecclesial relations. In October 1860 Antonin had a rather difficult discussion with Patriarch Joachim II, who bitterly blamed the anti-canonical pretensions of the Bulgarians. Antonin tried to appeal to historical examples, to the existence of the Patriarchate of Ohrid, which was also abolished in 1767 against the canons. “I know that the ‘Tyrnovo’ side of the Bulgarian question is weaker than the ‘Ohrid’ one”, commented Antonin in his report.³³ The Patriarch objected that the Great church did not have any written act recognizing the Archbishopric of the Justinian church of Achrida. The very fact of its abolishing was already a sign of recognition, remarked Antonin. In the 18th century it was joined to Constantinople voluntarily; now the same voluntary separation from Constantinople could occur. The following discussion hinged on the term “ἔθνος”, the most controversial item in Orthodox canon law of the 19th century. Antonin remarked that this term was differently interpreted by the Greek church (which recognized it as the Greek-Orthodox nation), by the Sublime Porte (which also identified it with the Greek millet), and by the Bulgarians, who recognized the existence of different ἔθνη within the Orthodox church. The discussion was finally deadlocked, and we know that this controversial item became the main subject at the Synod of 1872: the Bulgarians were accused of the “heresy of ethnophiletism”, a term

³¹ Antonin to Tolstoi, February 2, 1859. Gerd (2018) 137.

³² [Metropolitan Filaret of Moscow], “Concerning the letter of Archimandrit Antonin from February 2, 1859” (May 6, 1859). Gerd (2018) 158–171.

³³ Gerd (2013) 67.

unknown to Byzantine law, and on this basis the condemnation of the Bulgarian autocephalous was pronounced.³⁴

In his discussion with Patriarch Joachim II Antonin proposed that the Bulgarians could be offered the same model of church administration that had been given to the Ionian islands: of four Bishops, each functioned as the administrative for one year in turn.

Another series of discussions around canon law was initiated by the attempt to create a Bulgarian Unionist church in 1861. In order to legalize their actions (in fact of purely political origin), the unionist party appealed to the 3rd, 4th and 5th canons of the Serdica (Sofia) synod, when the supreme judgement in the Orthodox church was granted to the Bishop of Rome, and this Bishop in the present circumstances recognized the invalidity of the anathema pronounced by Constantinople over the Bulgarian union.³⁵ Antonin leaves this information without any comment. The manipulations of the Bulgarian Unionist party, however, had little effect: both the church of Constantinople and the church Russia severely opposed the Bulgarian union. The contest of Antonin's reports was sent to Metropolitan of Moscow Filaret Drozdov, who criticized it severely, especially the remarks on the canons of the Serdica council. Filaret referred to the commentaries of Nicodemus Agioritis (end of the 18th century) and the Byzantine lawyer and commentator Zonaras, who stressed that the Pope of Rome had the right of supreme judgment only in the provinces under his rule.

Discussions on the primacy in the Orthodox church in the 1880s to 1910s

In the period after 1880 the ideology of Panslavism in Russia shifted to imperial nationalism. Attempts to understand the Greek Orthodoxy as another equal tradition in the church were replaced by a Russocentric picture of the East Christian world where the non-Russian nations were to find their place in the strong fortress of Orthodoxy existing under Russian aegis. In the frames of the famous Uvarov triad (Orthodoxy, Autocracy, Nationality), a new bibliography on church history was written, combining deep research into primary sources with a definite ideological approach.³⁶ The question of primacy in the Orthodox church was again under discussion in the early 1890s, on the

³⁴ See Markova (1989).

³⁵ Antonin to Tolstoi, March 6, 1861. Gerd (2018) 87.

³⁶ Most famous here are the books by Nikolai Kapterev, which remain the basic literature on the relations between Russia and the Greek world in the 16th and 17th centuries: *Kharakter otnoshenii Rossii k Pravoslavnomu Vostoku v XVI I XVII stoletijach*; *Snošeniia Ierusalimskich patriarhov s russkim pravitel'stvom*; *Snošeniia Ierusalimskogo patriarha Dosifeia s russkim pravitel'stvom*. See a critical review of these in Chrissidis (2020) 72–98.

occasion of the celebration of the anniversary of Patriarch Photios of Constantinople. Tertii Filippov, a high official in Petersburg (State controller in 1889–1899), accused the Russian church of neglecting the historical date. Russia, he wrote in the journal *Grazhdanin*, should modestly agree to its “daughters” place in the East Christian world and recognize the Great church as its Mother. Filippov’s ideas met a severe critic in Ivan Troitskij, professor of Byzantine history at the Petersburg Theological Academy and advisor of Ober-procurator Konstantin Pobedonoscev. Filippov wanted to create a papacy that would be worse than Rome’s, Troitskij stressed. “The church of Constantinople received the first place in the Orthodox world because it was the church of an empire. If Constantine the Great had not moved the capital to Byzantium, it would have been subordinated to the metropolitan of Heraclion. If Peter the Great had not abolished the Patriarchate in Russia, the Russian Patriarch would surely have received the first place. Every independent state should have an autocephalos church: this happened in medieval Bulgaria and Serbia, and now it happens in the Balkans. Our age is the age of separate autocephalous churches,” Troitskij concluded.³⁷

In 1908 the Russian churches in Athens and Constantinople were subordinated to the Russian Synod by an official decision. A vicar bishopric of Kronstadt was created for surveying all Russian churches outside of Russia. Bishop Vladimir Putiata was delegated to Athens for an inspection. His trip was cancelled, as it met resistance from the Greek clergy. They stressed that a Russian bishop had no right to interfere in the affairs of another Orthodox church. Their arguments were based on the 28th canon of the Fourth Ecumenical synod to the effect that only the Patriarch of Constantinople could send bishops to barbarian, i. e. non-Orthodox states. So, the delegation of Bishop Vladimir, they said, violated this canon in both parts. It was a violation of the 15th canon of the First Ecumenical synod, and of canon 35 of the canons of the Apostles forbidding clerics to move to other dioceses and interfere in the affairs of nother churches.

Another trip of Bishop Vladimir to Constantinople was planned in 1910. This time the question of whether he could serve in the church of the Russian embassy was a matter of great discussion in the Russian Synod, where professors, specialists in Byzantine law, took part. Formally speaking, no permission from the Patriarch of Constantinople was needed, as the church of the embassy was subordinated to the Russian foreign ministry and enjoyed the rights of ex-territory. Only one of the members of this commission insisted on this point of view. This term, his opponents stressed, was unknown to Byzantine canon law, and so was inapplicable. Moreover, though Patriarch Joachim III was favorable to the visit of Bishop Vladimir, the rest of the Greek high clergy would suspect that the Russians were aiming to create their own exarchate in Constantinople, similar to the Bulgarian one. In the end, this trip was also cancelled.

The last attempt to revise the primacy hierarchy was undertaken during the First World War. In 1915 the troops of the Allies were ready to enter the Ottoman capital,

³⁷ Troitskij (1891).

and according to the treaty of March 1915 Russia was to receive Constantinople and the adjacent territory. On this occasion different notes were written, aiming to determine the new place of the Russian Church and the Patriarchate of Constantinople. The restoration of the Patriarchate in Russia was under discussion. The most extreme opinions were expressed in support of the subordination of the see of Constantinople to that of St. Petersburg (or Moscow). The historians of law, however, insisted on the preservation of the traditional model, though they proposed that the Russian Tsar could spend some time in Constantinople, as the Byzantine Emperors had. According to the traditionalists, Russia should recognize the primacy of the liberated Constantinople in Eastern Christianity. These political-ecclesial utopias were stopped by the events of the Russian revolution.³⁸

Conclusion

In the 1850s and the beginning of the 1860s, first steps were taken to create a new dialogue in the Orthodox church, aiming at the unification of church practice. In the turbulent political events of that time, these attempts remained superficial, only enough to satisfy the interest of a few learned persons among church authorities but without any practical consequences. At the same time as the six-volume edition of canon law by Rallis and Potlis was published in Athens, other discussions were taking place in the Greek press. Serious studies of canon law were undertaken in the second half of the 19th century in the church of Rome; surely scholarly interests here were combined with practical aims.³⁹ The problem of adjusting Byzantine Canon law to the church and everyday practice was burning in the Orthodox countries up to the beginning of the 20th century. In Russia, church reforms were prepared through consultation with well-known byzantologists (for example, Ivan Sokolov, who wrote an extended text on the 12 reasons for divorce in Byzantium for the “Presynodal presence” on the reforms in 1906).

During the 19th century the Orthodox church faced the problem of adjusting Byzantine canon law to the political situation and everyday life (the decline of the Ottoman Empire, the Tanzimat in Turkey, the foundation of independent states and churches in the Balkans, contact with non-Orthodox Christians from Central and Western Europe). Attempts were undertaken to adjust nationalism to the system of Byzantine law. The Russian policy in the Balkans and the Middle East on one hand supported the separatist national movements, and on the other hand aimed to consolidate the Orthodox world under its guidance. The church became more than it had been before a tool of political

³⁸ Lora Gerd (2019).

³⁹ See Cardinal Pitra's editions: *Spicilegium Solesmense* (Paris, 1852–1860), *Juris ecclesiastici Graecorum historia et monumenta* (Roma, 1864); *Analecta sacra spicilegio solesmensi parata* (1876–83).

influence, and canon law had to be interpreted according to the political requirements. The political concept of imperial nationalism caused a revision of the primacy in the Orthodox church: Russian imperial ambitions faced Pan-Hellenism.

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