

Die Kaukasischen Kirchen

KANON XVIII

KANON

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Inhalt

Eva M. Synek, Wien

Der XVI. Kongress der Gesellschaft für das Recht der OstkirchenV

Eröffnungsansprache des Präsidenten der Gesellschaft

Univ. Prof. Dr. Dr. hc. Spyridon TroianosX

The Message of Blessing of his Holiness Karekin II, Supreme

Patriarch and Catholicos of all ArmeniansXII

Message of his Beatitude the Archbishop of Athens

and whole Greece Christodoulos to the 16th General Assembly of the
“Society for the Law of the Eastern Churches”.....XV

Tischrede des Präsidenten der Gesellschaft

Univ. Prof. Dr. Dr. hc. Spyridon Troianos beim Mittagessen in
EtchmiadzinXVII

Ansprache des Präsidenten der Gesellschaft

Univ. Prof. Dr. Dr. h.c. Spyridon Troianos während des Empfanges bei
Seiner Heiligkeit, Katholikos Karekin II.XVIII

Michel van Esbroeck, Louvain-la-Neuve †

On the Historical Background of the Early Sources concerning
the Churches in the Caucasian Mountains1

Sergej P. Karpov, Moscow

Orthodox Church of the Pontos (Byzantium and the Empire of Trebizond)17

Azat Bozoyan, Erevan

Le developement des lois ecclésiastiques en Armenie35

† Yeznik Petrossian, Erevan – Etchmiadzin

The Development of the Law of the Armenian Apostolic Church
during the 19th and 20th Century45

† Mesrob K. Krikorian, Vienna

Report on the Life and Situation of the Mother See of the
Catholicosate of all Armeniens50

† *Mesrob K. Krikorian, Vienna*

Conflict of Laws and Respective Rules within the Community
of the Oriental Orthodox Churches57

Nerses Sakayan, Wien

Der Beitrag von P. Joseph Katherdjian und der philologischen Schule
der Wiener Mechitharisten-Kongregation zur Kanonistik
der Armenischen Kirche78

Razmik Markosian, Erevan

Some Topical Issues concerning the State-Church
(Religious Communities) Relationship in Armenia105

Tamaz Papuashvili, Tbilisi

On the Relations between the State and Religious Organizations in Georgia ...107

Alexander Nalbandov, Tbilisi

Religion-based Intolerance: Manifestations and Measures to Overcome it121

BERICHT

DER XVI. KONGRESS DER GESELLSCHAFT FÜR DAS RECHT DER OSTKIRCHEN

Von Eva M. S y n e k, Wien

Nach dem 2001 zusammen mit der lateinischen Kirchenrechtsgesellschaft (der „Consociatio Internationalis Studio Iuris Canonici Promovendo“) in Budapest veranstalteten Tagung zum Themenschwerpunkt „Territorialität und Personalität“ hat im September 2003 in Armenien wieder ein ausschließlich ostkirchenrechtlicher Kongreß unserer Gesellschaft stattgefunden.

Armenien gehört hinsichtlich der Bevölkerung zu den ethnisch und religiös homogensten Staaten, die auf dem Boden der ehemaligen Sowjetunion (wieder)entstanden sind. Von den 3 Millionen Einwohnern Armeniens sind 95 % ethnisch Armenier. Über 90 % der Bevölkerung gehören nominell der Armenisch-Apostolischen Kirche an. Die größte konfessionelle Minderheit stellen die katholischen Armenier mit ca. 6 % der Bevölkerung dar. Über 1 % der Bevölkerung sind Yezidi, alle anderen Minderheiten zählen nur wenige Tausend Gläubige, wobei vor allem Pfingstler und Jehovas Zeugen missionarisch tätig sind.

Die durch eine Einladung der Armenisch-Apostolischen Kirche ermöglichte Tagung war, wie der Präsident der Gesellschaft, Univ.Prof. Spyridon Troianos bereits bei der Eröffnung betonte, in vielerlei Hinsicht eine Premiere: Erstmals hat eine Orientalische Orthodoxe Kirche die Gastgeberrolle übernommen. Erstmals standen - dem genius loci angemessen - Rechtsfragen der kaukasischen Kirchen im Mittelpunkt unserer wissenschaftlichen Arbeit. Erstmals durfte unsere Gesellschaft in einem Land der GUS zu Gast sein.

Erstmals hat auch ein Kongreß nicht einfach an einem einzigen Tagungsort stattgefunden. Ganz in der Tradition der Rechtsgeschichte der armenischen Kirche, deren Katholikosat im Laufe der Zeit bekanntlich an vielen verschiedenen Orten eine vorläufige Heimat gefunden hatte, bevor es in Edschmiazin dauerhaft sesshaft wurde, ist auch unser Kongreß auf Wanderschaft gegangen. Denn unsere Gastgeber waren geradezu rührend bemüht, uns in kürzester Zeit möglichst viel von den Schätzen ihres Landes zu zeigen.

Erste Station unserer Wanderschaft war für die meisten Kongreßteilnehmer - eine größere Gruppe aus Wien war allerdings bereits einige Tage vor dem formellen Kongreßbeginn als Vorhut in Yerevan bzw. Edschmiadzin eingetroffenen - am Montag, den 8. September Tsaghkazor in der Nähe des Sevansees: Wir begannen am Abend mit unserer bereits traditionellen Vesper - diesmal selbstverständlich im armenischen Ritus - in der neu renovierten Kirche des Kecharisklosters. Auf diese folgte die formelle Eröffnung im Nairi-Hotel, wo wir die folgenden Tage ein intensives Arbeitsprogramm absolvierten, wohnten und aßen.

Trotz der äußerst bedauerlichen, kurzfristigen Absage des Referats zu den georgischen Kirchenrechtsquellen ist uns die Zeit fast zu kurz geworden. Mit den in diesem Band dokumentierten grundlegenden Vorträgen und einführenden Statements wurde am Dienstag und Mittwoch ein erster Überblick zu den Quellen, historischen Entwicklungen und aktuellen Rechtsfragen der kaukasischen Kirchen, insbesondere natürlich der Armenisch-Apostolischen Kirche, geboten. Besonders hervorgehoben sei das von Michel van Esbroeck gehaltene Referat zu den alten Quellen der kaukasischen Kirchen: P. Michel ist kurz nach unserer Tagung verstorben. Vorher hat er noch als erster Referent sein druckfertiges Manuskript abgeliefert - fast so, als ob er wußte, daß ihm nicht mehr viel Zeit bleibt. Der Vortrag von Sergej P. Karpov zur pontischen Kirche mußte verlesen werden, weil die Aeroflot kurzfristig einen Flug storniert hatte und eine Umbuchung nicht mehr möglich war. An dieser Stelle sei besonders unserem neuen Vorstandsmitglied Konstantinos Pitsakis gedankt, der es durch seine Sachkompetenz möglich machte, daß auch in Abwesenheit des Referenten eine Diskussion stattfinden konnte. Azat Bozoyan bot eine präzise Einführung in die alten Rechtsquellen der Armenisch-Apostolischen Kirche, die von Bischof Yeznik Petrossian um einen Kurzbeitrag zur jüngeren Rechtsgeschichte im 19. und 20. Jh. ergänzt wurde. Das Koreferat für die Armenisch-Katholische Kirche hielt Jorge Yiguerimian.

Die vorbereiteten Beiträge ermunterten vielfach zu interessierten Rückfragen und gaben zu spannenden Diskussionen Anlaß, wobei die Wortmeldungen in einigen Fällen nahezu den Charakter von Koreferaten annahmen. Dies gilt insbesondere im Zusammenhang mit den Statements zu den aktuellen Fragen im Verhältnis von Kirche und Staat der Vertreter der für Kirchenfragen zuständigen armenischen und georgischen Behörden, Razmik Markosian und Tamaz Papuashvili. Der wichtige Diskussionsbeitrag zum Problemfeld „Religiöse Intoleranz“ von Alexander Nalbandov wurde von diesem dankenswerter Weise auch nachträglich in eine schriftliche Form gebracht. Weiters wurde uns für diesen Kanonband von P. Nerses Sakayan, der bedauerlicher Weise kurzfristig an der Kongreßteilnahme verhindert war, ein Manuskript zum Beitrag der Wiener Mechitharisten zur armenischen Kanonistik zur Verfügung gestellt.

Der Donnerstag Vormittag war - eine weitere Premiere unseres ersten armenischen Kongresses - insgesamt für die Vorstellung aktueller Forschungs-

projekte seitens der Mitglieder unserer Gesellschaft reserviert. Der weit gespannte Bogen der präsentierten Projekte kann einen guten Eindruck sowohl von den vielen Facetten unseres Faches als auch vom vielseitigen wissenschaftlichen Engagement der Mitglieder unserer Gesellschaft vermitteln: Er reicht von wichtigen Editionsprojekten und historischen Forschungsprojekten über die Erfassung der aktuellen religionsrechtlichen Entwicklungen in Mittel- und Osteuropa bis hin zu einer Synopse der beiden katholischen Codices. In den nächsten Jahren sollen armenische Kommentarliteratur, die Kanonesauslegung des wichtigen griechischen Kanonisten Aristenos und aus strafrechtlicher Sicht interessantes byzantinisches Bildmaterial publiziert werden. In Rahmen des am Institut für Recht und Religion der Universität Wien initiierten Projekts zu orthodoxen Kanonisten und Politikern der Donaumonarchie wird nicht nur der im Besitz der Wiener Universität befindliche Nachlaß des ersten Wiener Ordinarius für Orientalisches Kirchenrecht, Joseph von Zhishman, systematisch gesichtet. Auch die drei anderen aus der Habsburger Monarchie gebürtigen Kanonisten des 19. Jh. - Nikodim Milaš, Michael Potlis und Andrei von Şaguna - wollen sowohl hinsichtlich ihrer wissenschaftlichen als auch ihrer (kirchen)politischen Relevanz evaluiert werden.

Hinsichtlich der in Kooperation mit zahlreichen Wissenschaftlern mittel- und osteuropäischer Länder erarbeiteten, ebenfalls in Wien initiierten Buchreihe „Recht und Religion in Mittel- und Osteuropa“ hat unser Kongreß wichtige Anstöße für den Beginn der Arbeiten an den mittelfristig geplanten Bänden zu Armenien und Georgien gegeben. Die am Mittwoch geführten Debatten zur notwendig gewordenen neuen Verhältnisbestimmung von Staat und Kirche/n bzw. Religionsgemeinschaften in den beiden Ländern, das in Gesprächen und Reden immer wieder anklingende Problemfeld der neuen religiösen Bewegungen („Sekten“), aber auch vieles, was unsere Gastgeber „nebenbei“ beim Essen und während der Kaffeepausen zu den Initiativen der armenischen Kirche in den Bereichen Bildung, Medien und Soziales zu berichten wußten, lassen auf zwei besonders wichtige Bücher hoffen. Die für das armenische Volk charakteristische Identifikation mit der armenischen Kirche hat alle Verfolgungszeiten überdauert und auch nach dem Ende des Sowjetsystems ist die Bereitschaft, sich mit der Kirche als nationaler Einrichtung zu identifizieren, im allgemeinen recht hoch. Ungeachtet dessen stellen jedoch die durch die Unterdrückung in der Sowjetzeit bedingten massiven Verluste in der kirchlichen Infrastruktur eine nur schwer zu bewältigende Herausforderung für den Aufbau des kirchlichen Lebens dar. Die Anzahl der Priester und aktiven Kirchen war dramatisch zurückgegangen, das für die armenische Kirche wichtige Klosterleben ist praktisch zum Erliegen gekommen, außerhalb der Familie fand kein Religionsunterricht statt. Angesichts dieser Defizite zeugt die von Erzbischof Mesrob Krikorian für diesen Kanonband adaptierte kirchliche Statistik nicht nur von einem bewundernswerten Tempo bei der Erneuerung der seelsorglichen Infrastruktur. Die Armenisch-Apostolische Kirche hat angesichts der generell schwierigen sozialen Lage des Landes auch

zahlreiche wichtige karitative Projekte gestartet. Zugleich bemüht sie sich, deutliche Akzente im Bildungs- und Medienbereich (z.B. mittels eines eigenen TV-Senders) zu setzen.

Nach der an die Projektpräsentationen anschließenden Generalversammlung haben wir unsere Arbeit zu Gunsten eines attraktiven Exkursionsprogramms unterbrochen. Es hat uns zunächst zum Sevansee mit seinem berühmten Kloster, wo in nächster Nähe auch wieder ein Seminar der Armenisch-Apostolischen Kirche eröffnet werden konnte, geführt. Anschließend ging es über den kurvigen Sevanpaß in Richtung Norden zur nicht minder faszinierenden Klosteranlage von Haghartsin. Schließlich durften wir die Nacht und unseren nächsten Arbeitstag in einem der berühmtesten Hotels der Sowjetära in der Nähe von Dilijan verbringen. Dort kam es angeknüpft an Referate zum innerkonfessionellen Kollisionsrecht (Erzbischof Mesrob Krikorian, Spyros Troianos, Carl Gerold Fürst) nochmals zu einer sehr engagiert geführten Diskussion, in der es vor allem um die nicht nur zwischen den orthodoxen Kirchen und den westlichen Kirchen, sondern durchaus auch zwischen den orthodoxen Kirchen selbst konfliktische Frage kanonischer Territorien und überlappender Jurisdiktionsansprüche ging.

Am Samstag war es uns Dank des Engagements unserer Gastgeber möglich, nach dem etwas blaß gewordenen Sowjetcharme von Dilijan auch noch die aufblühende Hauptstadt Armeniens zu besichtigen. Die Busfahrt vom kühlen Norden Armeniens in das sommerlich warme Yerewan hat uns eindrucksvoll etwas von der landschaftlichen und klimatischen Vielfalt des Landes vor Augen geführt. In Yerewan selbst erwartete uns zunächst die nach den letzten Renovierungsarbeiten gerade neu eröffnete Handschriftensammlung Madenateran mit unvergleichlichen kulturellen Schätzen, die z. T. erst während der letzten Jahre aus aller Welt nach Armenien heimgekehrt sind. Besonders bestaunt haben wir natürlich eine Ausgabe des wohl berühmtesten armenischen Kanonisten, Mechithar Gosch. Im Anschluß an die Handschriftensammlung hat uns Bischof Yeznik, der uns liebevoll durch den ganzen Kongreß begleitet hat, in das von ihm geleitete Seminar für Spätberufene eingeladen: Hier können Priesteramtskandidaten der armenischen Kirche seit einigen Jahren das normaler Weise mehrjährige Studienprogramm in einem zweijährigen Intensivkurs absolvieren.

Fast allen Kongreßteilnehmern war schließlich auch noch die Teilnahme am krönenden Abschluß unserer Tagung am Sonntag in Edschmiazin möglich, wo wir nicht nur das Museum des Katholikosats besichtigen durften, sondern auch gerade rechtzeitig zum Festgottesdienst zu Kreuzerhöhung eingetroffen sind. Nach der feierlichen Liturgie wurden wir mit einer Einladung Seiner Heiligkeit, Katholikos Karekin II. zum Mittagessen und einer anschließenden Privataudienz überrascht. Dabei hatte sich der Katholikos bereits für die Eröffnung unseres Kongresses Zeit genommen und war eigens zu uns nach Tsaghkazor gereist.

Hier und in vielen anderen Zusammenhängen hat sich das außerordentlich engagierte Bemühen unserer Gastgeber gezeigt, unseren Kongreß für alle Teilnehmer zu einem unvergeßlichen Erlebnis werden zu lassen. Neben Seiner Heiligkeit Karekin II. gilt unser besonderer Dank dem langjährigen Vorstandsmitglied unserer Gesellschaft, Seiner Eminenz Erzbischof Mesrob Krikorian, dem Initiator dieser Tagung und ganz besonders Bischof Yeznik Petrossian, der mit seinem Team vom Inter-Church-Department vor Ort die Organisation übernommen hat. Bei den Schlußansprachen hat er vom Präsidenten der Gesellschaft den Titel des „Konferenzschutzens“ verliehen bekommen. Mit sicherer Hand und höchstem persönlichen Engagement hat er Gratisvisa, Hotels, Mahlzeiten, Ausflüge und diverse Umzüge organisiert.

Weiters gilt unser Dank den Dolmetscherinnen: Bärbel Simons-Fischer und Roswitha Ginglas-Poulet haben uns in bewährt kompetenter Weise durch die Tagung begleitet. Die oft notwendige Unterstützung für Armenisch wurde ehrenamtlich geleistet: So hat Erzbischof Mesrob bei den Diskussionen und Ansprachen oft simultan ins Englische und/oder Deutsche übersetzt und Hasmik Baroian-Haftvani alle im Konferenzalltag auftauchenden Kommunikationsprobleme mit Hotelangestellten oder bei etwaigen Einkäufen perfekt gelöst.

**Eröffnungsansprache des Präsidenten der Gesellschaft
Univ. Prof. Dr.Dr. h.c. Spyridon Troianos**

Eure Heiligkeit,
Eminenz(en),
Exzellenz(en),
Hochwürdige Herren,
sehr verehrte Damen und Herren,
liebe Kolleginnen und Kollegen!

Es ist mir eine ganz besonders große Freude und Ehre, diesen Kongreß für eröffnet zu erklären.

Dieser Kongreß ist der 18. Kongreß unserer Gesellschaft.

Er ist aber auch in vielerlei Hinsicht ein „erster“ Kongreß.

Ich darf heute nicht „nur“ den ersten Kongreß unserer Gesellschaft in Armenien eröffnen, einem Land von besonderer Schönheit und einem besonders reichen, von seiner christlichen Tradition geprägten kulturellen Erbe.

Dieser Kongreß ist auch der erste, bei dem – dem Tagungsort angemessen – die kaukasischen Kirchentraditionen im Mittelpunkt unserer Arbeit stehen werden.

Vor allem ist er aber – nach all den zahlreichen Tagungen, zu denen orthodoxe, katholische oder staatliche Institutionen eingeladen haben – auch der erste Kongreß unserer Gesellschaft, für den eine orientalisch-orthodoxe Kirche die Gastgeberrolle übernommen hat.

Dafür sind wir der Armenisch-apostolischen Kirche, die seit der Gründung unserer Gesellschaft in der ökumenischen Aufbruchsstimmung nach dem II. Vatikanum durch den heutigen Erzbischof Mesrob Krikorian einen Repräsentanten in ihrem Vorstand stellt, sehr dankbar.

Ihrem langjährigen Engagement, sehr verehrter Herr Erzbischof, ist es zu verdanken, daß die Spezifika der armenischen Kirchentradition auf unseren Kongressen auch bisher schon immer wieder mit wichtigen Referaten präsent waren.

Daß diese gute Tradition unserer Gesellschaft nunmehr dank der Einladung Eurer Heiligkeit ihre Krönung in einem eigenen armenischen Kongreß findet, wird hoffentlich zu einer weiteren Intensivierung der bisher bereits sehr guten Beziehungen unserer Gesellschaft zur armenischen Kirche führen.

Eure Heiligkeit, haben Sie ganz herzlichen Dank, daß Sie unseren ersten armenischen Kongreß möglich gemacht haben!

Ganz herzlichen Dank auch allen jenen, die die Vorbereitungsarbeit mitgetragen und die Finanzierung gewährleistet haben. In diesem Zusammenhang ist es mir ein besonderes Anliegen, das österreichische Bildungsministerium, das österreichische Außenministerium und die deutsche Bischofskonferenz zu nennen, ohne deren großzügige finanzielle Unterstützung dieser Kongreß nicht möglich

gewesen wäre. Für organisatorische Mühen gilt unser aller Dank dem von Bischof Yeznik geleiteten Inter Church Department, wo sich in den letzten Monaten besonders Frau Gayane und Diakon Vazghen als hilfreiche Kooperationspartner in technischen Fragen erwiesen haben. Aber ohne die unermüdlichen Bemühungen der Generalsekretärin unserer Gesellschaft Frau Dr. habil. Eva Maria Synek, um die Organisationsarbeiten zu koordinieren, wäre dieser Kongreß sicher nicht zustande gekommen.

In der Freude dieses Abends gibt es freilich auch einen Wehrmutstropfen. Nicht alle, die heute gerne bei uns gewesen wären, konnten auch tatsächlich kommen. Von den vielen Mitgliedern unserer Gesellschaft, die dem Kongreß ihre Glück- und Segenswünsche mit auf den Weg gegeben haben, seien hier insbesondere benannt:

Seine Allheiligkeit, der Ökumenische Patriarch Bartholomaios, der unserer Gesellschaft von Anfang an sehr verbunden ist, konnte zwar aus verständlichen Gründen nicht kommen, begleitet den Kongreß aber mit seinen besten Wünschen. Er hatte unseren Ehrenpräsidenten, Seine Eminenz, Metropolit Panteleimon Rodopoulos als Delegaten vorgesehen. Daß auch dieser nicht teilnehmen kann, ist ein besonderes, durch Terminkollisionen verursachtes Pech: Metropolit Panteleimon hat in einer gleichzeitig mit unserem Kongreß tagenden Dialogkommission den Vorsitz zu führen.

Die Grußadresse von Seiner Seligkeit, dem Erzbischof Christodoulos von Athen, der aus ebenfalls verständlichen Gründen fernbleiben mußte, wird Ihnen anschließend der Vizepräsident unserer Gesellschaft Professor Richard Potz vorlesen.

Seine Eminenz Metropolit Johannes von Nikaia (Rinne), der diesen Sommer seinen 80. Geburtstag gefeiert hat, und Seine Eminenz der Präfekt der römischen Kongregation pro Ecclesiis Orientalibus, Ignatius Moussa Kardinal Daoud (emeritierter Patriarch von Antiocheia) bedauern ebenfalls, heute nicht persönlich mit uns sein zu können und schicken ihre besten Wünsche.

Schließlich habe ich mich ganz besonders über die Grüße gefreut, die uns Professor Friedrich Heyer geschickt hat. Er ist heuer 95 Jahre alt geworden und hat sich für die weite Reise nun doch nicht mehr ganz fit genug gefühlt. Um so bewundernswerter ist es, daß seine ungebrochene Schaffenskraft gerade erst wieder für ein 600seitiges Buch (zu den orthodoxen Kirchen der Ukraine) gereicht hat.

Darf ich aber nun Eure Heiligkeit um Ihr Wort bitten!

The Message of Blessing of his Holiness Karekin II, Supreme Patriarch and Catholicos of all Armenians

Honorable participants of the symposium,

We greet this representative assembly held in Armenia, which is your expression of love towards the Church, and which has been convened with the single concern of guarding Christian values and traditions, and for the strengthening and prosperity of the Holy Church of Christ. These issues are important especially in our complex region, which in a chronological sense, is the starting point of the Christian world; and in a geographical sense, is its frontier zone. As to the second criteria, the preservation of Christian values assumes greater importance in this area. In a geo-political sense, greater attention by the state is required for the care of its bordering regions, for the purpose of maintaining security and defense. Likewise, from the viewpoint of faith and within the spiritual context, the frontiers of spirituality, such as Transcaucasia - and particularly Armenia and Artsakh, need greater care and attention.

The Armenian Church, born from the preaching of the Apostles Saint Thaddeus and Saint Bartholomew, and always remaining faithful to apostolic traditions and canons throughout the centuries, has organized her life in the apostolic spirit, according to the demands of the times. The Christian life of the Armenians has been centered around the Armenian Church, and from the Altars of Light of the Armenian Church, the graces of love, hope and faith have shone forth. 150 years following the proclamation Christianity as the state religion in Armenia, having the belief in Christ as the color of their skin and sacred mystery of existence, our people in the year 451, on the field of Avarayr, fought the first battle for freedom of conscience and faith.

In the religious sphere, the basic legal principals today are: freedom of conscience and faith, tolerance for followers of other faiths, and the separation of secular and spiritual authority with regards to state and church. Today Europe presents these basic statements to the world and also to us as achievements of modern civilization. These principals, however, dawned together with Christianity. And we accept them not as foreign concepts, but as our own; not as a contemporary discovery, rather as truths which have endured the test of two millennia. What is Christ's message of love, even towards the enemy, if not a call and invitation to tolerance? What is the meaning of the words, "Render to Caesar what is Caesar's, and to God what is God's", if not the differentiation of civil and spiritual authorities in their jurisdictions? Since the year 301, the proclamation of Christianity as the state religion of Armenia, a peace-loving and tolerant spirit has guided the Armenian people. This spirit was recorded in the year 1773, in the work "Snare of Glories", Shahamirian's future constitution for the Armenian state. Wherein it is first defined, that "For us the order of the worship of God of the Armenian Holy Church is honored, the one bequeathed to us from our Holy

Apostles Thaddeus and Bartholomew, passed down to us to this day by succession, whose inheritance to us is the Armenian Supreme Pontifical See, the Light-built Church of Holy Etchmiadzin in Vagharshapat, headed by the immaculate Armenian Pontiff". Later he adds, "Each human being living on Armenian soil, whatever present practice he has in worshiping his God, will continue to remain faithful to the same manner of the worship of God, according to his faith. No one, whoever he is, has the right to prohibit him" – "Snare of Glories," 1773.

This principle, has lasted for centuries among us, and once again from the moment of the reestablishment of our independent statehood, was confirmed with legislation regarding "The freedom of conscience and religious organizations", one of whose unique attributes is the provision that not only the right of freedom of national minorities to adhere to the tenets of their traditional faith is stressed, but also the process of the registration of their religious organizations has been simplified. We find it necessary to underline that in the development of this legislation, the Armenian Church has had her active participation. However, as in all churches, the Armenian Church also, cannot be unconcerned that the state and the public remain indifferent with regards to faith. One form of the freedom of conscience which is unacceptable for the Church, is when heathen multi-theism, defeated through the progress of humanity, today is being transmitted from the individual to society through the uncontrolled penetration of sects. Freedom of beliefs does not mean that society should be indifferent to the issue of who its members are worshiping - God or satan; and which norms are leading the life of society. Freedom of conscience cannot be redefined as freedom from conscience. The separation of the state from the Church cannot be turned into the estrangement of the state and its citizens from God. Tolerance for people of other faiths should not make a societal norm of renunciation and conversion. The secular nature of education does not mean that the state school can shape beings void of spirit, keeping the young tender generation uninformed of their ancestral beliefs, a sphere in which their national world perspective and entire culture was shaped and developed - a culture whose instructional inclusion in the scholastic programs is only a formality, since it is impossible to sense and to understand it without the knowledge of the national faith.

These days, there is much discussion regarding Christian values. Whatever one seeks, it among these values, with the exception of the emphasis of faith. Regretfully, today human values are frequently being accepted in their non-spiritual version, and the issue of faith in all inquiries seems to be secondary. It is our wish today that during this important convocation, the discussions taking place stand out by a greater concern for our faith and Christian values. The foundation and the constituent factors for all humanity are national values, without which it is an empty pastime to discuss universal or internationally recognized issues, including freedom of conscience.

Praying to God, we wish good progress to the endeavors of the symposium, and we bring our Pontifical blessings to you, the honored participants. May the grace, love and peace of God be with you. Amen.

**Message of his Beatitude the Archbishop of Athens and whole Greece
Christodoulos to the 16th General Assembly of the „Society for the Law of the
Eastern Churches“**

My beloved in Christ,

It is a great pleasure to address You, the members of the 16th General Assembly of the “Society for the Law of the Eastern Churches”, this opportunity of communicating with You, even by means of a written message, provides me with spiritual contentment and honor. It is important the very fact that jurists, specializing on Canon and Church Law, gather together in order to confer, to express and exchange opinions on important matters that promote science and trace out new lines at the course of our Churches. The background of the “Society for the Law of the Eastern Churches”, with so many conferences and lectures in various cities each time, proves its high level in the legal (and juristic in general) field.

It is also a nice chance the fact that this year the 16th general assembly of Your Corporation takes place in a beautiful, historic and beloved to Us country, Armenia. A country with proud people, deep faith, linguistic and spiritual coherence, great spiritual personalities, saints, artistic creation, spiritual and exalted sights. From the great historian Moses Khoren, Apostle Thaddeus, Saint Gregory the Illuminator, till Mesrop, that great teacher of the Armenian Church, and so many others through the centuries, Armenia offered civilization, spirituality, faith to the true values of life. Especially we, the Greeks, can never allow to be forgotten the horrible slaughters, the tortures, the exiles and the various suffering of these people, our Armenian friends. Apostle Paul’s advice “cry with those who cry” (Rom. 12,15) is in force and will always be in force to us for our Armenian brothers, for whom we pray and wish them prosperity and happiness.

Furthermore, bearing the honor of being a member of the “Society for the Law of the Eastern Churches”, I would like to praise the energetic and prominent scientist of Church Law, the most erudite Prof. Spyridon Troianos, the President of the Corporation, for all that he offers through his wisdom and experience. I would like also, to elucidate to you the following thoughts.

The Church, following immediately after its establishment the mandates of Our Lord Jesus Christ, formed under the influence of, on the one hand the Old Testament’s Tradition and on the other the Roman Law, its legal frame. The Holy Fathers of the first Christian centuries, most of them jurists - I only mention Basil the Great, John Chrysostome and Gregory of Nyssa from the Fathers of the East - established the birth of that legal field known as Canon Law. Basil the Great especially, due to his opera “Regulae Brevius Tractatae” (ΟΡΟΙ ΚΑΤ’ ΕΠΙΤΟΜΗΝ) and “Regulae Fusius Tractatae” (ΟΡΟΙ ΚΑΤΑ ΠΛΑΤΟΣ), as well as his 92 Canons - who were collected from his various opera - is regarded the

greatest canonologist of all Christian centuries. It is worth at this very assembly Basil's great influence upon Armenia, as far as the foundation and establishment of monastic life is concerned, to be honorary presented.

This by all means unified branch of Church and Canon Law followed different routes in the East and the West Roman State; not because of some exterior factors - like for example the prevalence of Latin in the West and Greek in the East - but due to the fact that the evolution took place in a different each time legal environment. In consequence, the science of Canon Law in the East was forced to submit to the assimilation of the (Holy) Canons to the (regimental) Laws imposed by Justinian at the 6th century and within this frame to strive for the obtainment of vital space.

The legal life of the Eastern Church was sealed by the great compilations that resulted due to this strife. These compilations sustained the commentaries of the great theoretic canonologists, especially those of the 12th century, the famous Alexis Aristinos, John Zonaras and Theodore Balsamon, whose projects form up to date the core of the legal science of the Eastern Church. On the other hand, the Holy Canons of the Ecumenical and Local Councils, as well as these of the Fathers of the Church - that were officially ratified by the Trullo Council of 691 AD at Constantinople - stand as the eternal and stable beacons that guide to the unity of the Church and the proper spiritual life.

The "Society for the Law of the Eastern Churches", that covers the fourth decade of its life, was established for inter-confession research at all the levels of the Eastern Canon Law, so that on the basis of thorough knowledge to grant the efficacious adaptation of this Canon Law all over the Orthodox world. The Orthodox world sustained by its authentic Church tradition has a great task to accomplish both at East and West. When the people stagger morally and temporal spiritual foundations are shaken by sects and historical distortions, then there is a great need for the creative presence of the Christian Faith and Law. Without atrocities and fanaticism, without racist beliefs, without any worship of the past or fickle futurism a sacred duty propounds for all of You, the scientists and at the same time the people of God and His Church, to study deeply your subjects and to scrutinize them under the light of Law and Theology. It is my certain hope that You will act likewise.

With these thoughts I greet Your assembly wishing wholeheartedly success to Your conference. I am waiting for Your conclusions with great interest. May God be with You!

**An Seine Eminenz Erzbischof Mesrob Krikorian gerichtete Tischrede des
Präsidenten der Gesellschaft, Univ.Prof. Dr. Dr. hc. Spyridon Troianos beim
Mittagessen in Etschmiadzin**

Durch Ihren Vorschlag den Kongreß unserer Gesellschaft in Armenien abzuhalten, haben Sie, verehrter, lieber Herr Erzbischof, uns die Gelegenheit gewährt, dieses Land mit einer sehr reichen kulturellen Tradition kennenzulernen. Als Byzantinist darf ich in diesem Zusammenhang natürlich auch die engen Beziehungen zwischen Armenien und Byzanz nicht unerwähnt lassen; Armenien hat dem byzantinischen Reich immerhin einen Kaiser und mehrere hohe Amtsträger geliefert. Darüber hinaus haben die hier anwesenden Griechen und Serben oft Gelegenheit gehabt, die engen Beziehungen und den gegenseitigen Einfluß auch auf gastronomischer Ebene festzustellen und hochzuschätzen.

Armenien ist freilich nicht nur ob seiner kulturellen Traditionen ein sehr interessantes Land. Wir durften es vor allem auch als Land großer natürlicher Schönheit kennenlernen. Die meisten von uns würden gerne wiederkommen, um - außerhalb des dichtgedrängten Programmes einer wissenschaftlichen Tagung - diese noch intensiver zu genießen.

Was unseren Kongreß betrifft, war es für die Mitglieder unserer Gesellschaft von großer Bedeutung, die Struktur der Armenisch-Apostolischen Kirche, ihre Geschichte und ihre Rechtsquellen besser kennenzulernen, wird doch in den kommenden Jahren Armenien als unabhängiger Staat innerhalb der europäischen Staatenfamilie eine größere Rolle als bisher spielen und folglich auch die Kirche Armeniens innerhalb der europäischen Kirchengemeinschaft.

Erlauben Sie mir, Eminenz, Sie zu bitten, Seiner Heiligkeit, dem hier - wie Sie eben zutreffend sagten - „geistig anwesenden Katholikos“, den Dank unserer Gesellschaft für seinen Segen, die freundliche Aufnahme und die Gastfreundschaft zu übermitteln. Ihnen persönlich möchten wir für Ihre Initiative und Ihre Hilfe bei der Organisation des Kongresses danken - und nicht zuletzt auch unserem Schutzengel, dem Bischof Yeznik, der immer dann anwesend war, wenn es irgendwelche Probleme zu lösen gab.

In diesem Sinne möchte ich das Glas auf die Armenische Apostolische Kirche, auf das Wohl des armenischen Volkes und auf das persönliche Wohlergehen Seiner Heiligkeit, des Katholikos und Eurer Eminenz erheben.

**Ansprache des Präsidenten der Gesellschaft Univ. Prof. Dr. Dr.h.c. Spyridon
Troianos während des Empfanges bei Seiner Heiligkeit,
Katholikos Karekin II.**

Eure Heiligkeit!

Der Segen Eurer Heiligkeit zum Vorschlag des Herrn Erzbischof Krikorian, diesen Kongreß unserer Gesellschaft in Armenien zu abzuhalten, ermöglichte den Mitgliedern der Gesellschaft das Kennenlernen eines Landes mit einer sehr reichen kulturellen Tradition und einem tiefen christlichen Glauben.

Unser Kongreß hat sich insbesondere mit der Struktur und den Rechtsquellen der Armenisch-Apostolischen Kirche sowie ihrer gesellschaftlichen Verankerung und rechtlichen Stellung im heutigen Armenien befaßt. Dabei wurde uns bestätigt, dass die Arbeiten zur Erstellung einer neuen Verfassung der Armenischen Kirche inzwischen weit fortgeschritten sind, ja kurz vor dem Abschluß stehen. Es versteht sich von selbst, dass die Mitglieder unserer Gesellschaft Eurer Heiligkeit zur Verfügung stehen, sollten sie bei der Endredaktion der neuen Verfassung einen Beitrag leisten können, ist doch die legistische Kompetenz von Kanonisten und Juristen – trotz mancher Reserven von theologischer Seite – bei einem solchen Vorhaben nicht zu unterschätzen.

Wie wir alle wissen, befindet sich der vor vielen Jahren begonnene Dialog zwischen der Kirchenfamilie der Orthodoxen Kirchen und der Kirchenfamilie der Orientalischen Orthodoxen Kirchen in einer weit fortgeschrittenen Phase und die volle Gemeinschaft scheint sehr nahe. Im weiteren Aufeinanderzugehen unserer Kirchen kann die Armenisch-Apostolische Kirche eine entscheidende Rolle spielen.

In diesem Sinne möchte ich die besten Wünsche unserer Gesellschaft für die Aufgaben der Armenisch-Apostolischen Kirche, insbesondere für ihr ökumenisches Engagement, aussprechen und Eurer Heiligkeit noch viele fruchtbare Jahre für das Wohl Ihrer Herde wünschen.

KONGRESSBEITRÄGE

ON THE HISTORICAL BACKGROUND OF THE EARLY SOURCES CONCERNING THE CHURCHES IN THE CAUCASIAN MOUNTAINS

Michel van Esbroeck, Louvain-la-Neuve †

The analysis of old Legends about the foundation of different Churches is always complicated. Two approaches have to be avoided: on the one hand, one should not consider everything in the tales as a journalistic description. Have all Armenians really been present at the river Arsaniās where Gregory the Illuminator baptized 150.000 (*Aa* § 833) of them? After all had he suffered so many tortures from the hand of King Tiridates, and then did he really live for 13 or 15 years in a pit? Did King Mirian in Georgia have a vision ordering him to convert the Georgian people to Christianity while he was hunting in the mountain forest? And did both conversions to Christianity happen during the rule of Constantine or even before?

On the other hand, completely refusing the words of the legend is even less suitable. It would lead to a blank spot on the map of history, despite the existence of abundant source-material. People who wrote the legend knew very well why they spoke in a way, that sometimes seems to us somewhat esoteric. Why did they speak through in so many images? Their sense has to be understood not only with reference to the Old and the New Testament, but even to old apocryphal histories, which eventually can be pursued back to the 2nd century. Other texts, which seem at first glance to have no connection whatsoever to history, have to be seen in context with the rivalry between pro- or anti-chalcedonian interests. The sequence of those tales may allow to establish a relative chronology, where some elements irreversibly precede other ones. If an absolute date can be given to one of those tales, the whole sequence may be approximately be dated. For instance the literary report on finding of the relics of John the Baptist was made under the patronage of emperor Marcian. Its relationship with several legends of Longinus gives the clue to the introduction of Eliaz, companion of Longinos, in the Life of Nino. Another example may be given concerning the tortures endured by Gregory the Illuminator: it is impossible to accept the pompous style of reporting his fourteen vexations without looking at the political new cult of Gregory the Wonderworker, inaugurated around 484 by Peter the Fuller according to the *Henotic* politics of emperor Zeno in Neocaesarea. The Georgian still existing *Passion* of the

Wonderworker has been published only in 1999¹. The text is not only relevant for the understanding of the Armenian legend of Gregory the Illuminator but equally important for the comprehension of the Georgian *Henotic* period. Many other texts, which firstly seem to be independent of the basic *Conversion Legend* must be taken into account to realize the meaning of many passages in the main tradition.

This methodological remark covers a still more important issue: searching for the original significance of images, which were valuable in the antiquity, does not implicate that the legend lacks any historical relevance. On the contrary, the right grasping of an image in its own context brings exactly the true message to justify the legitimate claim to authentic affiliation to the universal Christian Church. And in this perspective, both the Armenian church and the Georgian one have good reason to rely on the very old material included in a somewhat mythical context. In fact, there are two different sources, one for the Armenian church and the other one for that of Georgia. On one hand the *History of the Armenians* attributed to Agathangelos, and on the other *The Life of Georgia* and the connected texts about saint Nino, the *Conversion of Georgia*.

Both books have given birth to a very large bibliography, still growing every year. It is highly interesting to study how the opinions changed in the last century. Only later it will be possible to identify not only the historical context of sensational scenery; but also to trace the original source of some Christian topics on earlier conversions of peoples. A strong reason for creating the fresco of the conversion will be found in the political adjustments under the power of the Sassanian dynasty. The conflicts between Iranians and Byzantines led the Caucasian Christianity and Byzance to be suspected of cooperation with the enemy. The political weight of Iran cannot be stressed enough. During the reign of Yezdegerd II who reigned from 442 to 457, strong antichristian politics developed. Two hundred years before, Shapur I found another solution to avoid the religious implications in the political struggle between Rome and Ctesiphon. He gave Mani a free hand to instore a new universal religion based on a syncretism, in which several elements from the Iranian culture were embedded and many others from Christian and Greek philosophic currents from the schools of Marcion and Bardesane. Today, all experts accept the traces of that missionary campaign in both Armenia and Georgia.

Working on this paper, I realized that for 32 years, when I published the carshuni version of the Agathangelos², no less than thirty of my publications are directly connected to our present subject³. Looking at the huge proliferation of

¹ M. van ESBROECK, Le martyre géorgien de Grégoire le Thaumaturge et sa date: Le Muséeon 112 (1999) 129-185.

² M. van ESBROECK, Un nouveau témoin du livre d'Agathange: Revue des Études Arméniennes 8 (1971) 13-171.

³ I quote them in chronological order: (1) Témoignages littéraires sur les sépultures de S. Grégoire l'Illuminateur: Analecta Bollandiana 89 (1971) 387-418. (2) Le roi

recent studies, it seems that on the topic of the Conversion of the Caucasus, there are at least five reports of outstanding importance to appreciate the present

Sanatrouk et l'apôtre Thaddée: *Revue des Études Arméniennes* 9 (1972) 241-283. (3) Le résumé syriaque de l'Agathange: *Analecta Bollandiana* 95 (1977) 291-358. (4) Le résumé syriaque de l'Agathange et sa portée pour l'histoire du développement de la légende: *Handes Amsoreay* 90 (1976) col. 493-510. (5) Legends about Constantine in Armenian: T. SAMUELIAN (ed.), *Classical Armenian Culture*, University of Pennsylvania 1979, 79-101. (6) Agathangelosi bnagri Patmoutiunic': *Patma-banasirakan Handes* 105 (1984) 28-34. (7) Le "De Fide" attribué à Hippolyte et ses rapports avec la Didascalie de Grégoire l'Illuminateur dans l'Agathange: *Analecta Bollandiana* 102 (1984) 321-328. (8) Témoignages littéraires sur la Mayr Ekeghec'i ou de l'origine de Zouart'noc': G. IENI - G. ULUHOGLIAN (ed.), *Terzo Simposio internazionale di Arte Armena*, Venise 1984, 615-627. (9) art. Agathangelos: *Reallexikon für Antike und Christentum*, suppl.1/2, Stuttgart 1985, 239-248. (10) art. Albanien, *ibid.*, 257-266. (11) La Vision de Vakhtang Gorgasali et sa signification: E. KHINTIBIDZE (ed.), *Proceedings of the first international Symposium in Kartvelian Studies*, Tbilissi 1988, 181-191. (12) L'apôtre Thaddée et le roi Sanatruk: M. NORDIO - B. ZEKIYAN (ed.), *Atti del II Simposio internazionale Armenia-Assiria*, Venise 1984, 83-106. (13) Saint Grégoire d'Arménie et sa Didascalie: *Le Muséon* 102 (1989) 131-145. (14) Peter the Iberian and Dionysius the Areopagite: Honigmann's thesis revisited: *Orientalia Christiana Periodica* 59 (1993) 217-227. (15) Pierre l'Ibère et Denys l'Aréopagite: E. KHINTIBIDZE (ed.), *Proceedings of the second International Symposium in Kartvelian Studies*, Tbilissi 1993, 167-177. (16) Invention des reliques comme attribut impérial: la tunique du Christ à Moscou et son symbolisme: *Roma fuori di Roma*: P. CATALANO (ed.), *Istituzioni e immagini* (Roma 1885), Roma 1994, 225-243. (17) La portée politico-religieuse des visions pour la conversion des peuples: *Revue de l'Institut Catholique de Paris* 53 (1955) 87-104. (18) Von welcher Kirche hängt die georgische Kirche geschichtlich ab?: *Mitteilungen der Berliner Georgischen Gesellschaft* 5 (1996) 195-218. (19) Les trois formes de l'antichalcédonisme de 451 à 553 et ses répercussions dans le Caucase: A. MURAVIEV - D. AFINOGENOV (ed.), *Traditions and Heritage of the Christian East*, Moscow 1996, 382-398. (20) Lazique, Mingrélie, Svanéthie et Aphkhazie du IVe au IXe siècle, dans *Il Caucaso: Cerniera fra culture dal Mediterraneo alla Persia*, 1, Spoleto 1996, 195-218. (21) L'opposition entre Pierre l'Ibère et Pierre le Foulon (482-491): *Caucasica, The Journal of Caucasian Studies* 1 (1998) 60-67. (22) Les trois croix dans le Kartlis Mokcevey: *Caucasica* 2 (1998) 70-76. (23) Die Legenden in der Geschichtschreibung: Br. SCHRÄDE - Th. AHBE (ed.), *Georgien im Spiegel seiner Kultur und Geschichte*, Berlin 1998, 84-87. (24) La place de Jérusalem dans la conversion de la Géorgie: T. MGALOBILISHVILI (ed.), *Ancient Christianity in the Caucasus*, Richmond 1998, 59-74. (25) Le martyre de Grégoire le Thaumaturge, 1999 quoted in footnote 1. (26) Vakhtang Gorgasali et l'évêque Mikael de Mtskheta: E. KHINTIBIDZE (ed.), *Proceeding of the third international Symposium on Kartvelian Studies*, Tbilissi, 1999, 9-23. (27) Le dossier de sainte Nino et sa composante copte: G. SHURGAIA (ed.), *Santa Nino e la Georgia*. *Atti del I Convegno Internazionale di Studi Georgiani*, Roma 30 Gennaio 1999, 99-123. (28) Die Stellung der Märtyrerin Rhipsimè in der Geschichte der Bekehrung des Kaukasus: W. SEIBT (ed.), *Die Christianisierung des Kaukasus* (Denkschriften der ÖAkDW 296), Wien, 2002, 171-179. (29) L'écorchement rituel aghouanais: *Christjanskij Vostok* 3(2002) 389-402. (30) Sahakdoukht à Jérusalem et à Edesse: Publication of the Symposium in honour of the 80th anniversary of the fondation of the University Ivane Dzhavakhichvili in Tbilissi (forthcoming.).

viewpoint of the research. Those of (1) Bernard Outtier that was given at Spoleto in April 1995, (2) the very dense paper I delivered in Rome in January 1999 concerning Georgia which has been published in 2000, and (3) the still unpublished paper which I read in Halle in 2000 regarding Armenia; (4) The panoramic view given by Jean-Pierre Mahé in Vienna and published in Vienna in 2002 and (5) the detailed report on the conversion of Armenia by Erich von Kettenhofen which shall be published in *Handes Amsoreay* in the issue of 2003⁴. A student eager to verify all the materials included surely should be able to write a personal report on the present perception of the available sources. He should be able to describe the first steps of the three churches of Armenia, Georgia and Aghuania. I regret not to have been able to find some original recent studies written in Armenian and in Georgian. I know some of them only through other publications.

A scientific study of the Armenian Book of Agathangelos, that has been for a long time the Bible of the Conversion of Armenia, started with the knowledge that the Armenian text is not the oldest one of the many versions of that legend⁵. (1) in 1906 Nicolas Marr published an Arabic version, where Gregory the Illuminator baptizes Georgians, Armenians, Abkhasian and Albanians at the same time. N. Marr however was inclined to date this new redaction in the province of Tao-Klardjethi during the 8th century, where Georgians and Armenians met one another. I think that most of the specialists agree today that this relation is a product of the closest collaboration between the three nations during the period of the Council of Babgen in Dwin in 506. (2) More decisive was the discovery of a Greek Life of Gregory by my teacher Gérard Garitte. His edition was published in 1946. His commentary clearly shows that the present official Armenian text is not at all the most ancient form of the legend. Let us for instance remember that only there, Gregor's wife Julitta is mentioned, and that no connection appears between Gregory and the Arsacid dynasty. Gregory is a Cappadocian believer, who becomes the Christian teacher of the Armenian people. At the same time, Garitte proved that his Greek short text is a translation from an older Armenian Legend, which was lost. In the classical Armenian Agathangelos, the strong relationship with Koriwn, which had primarily been described by Basil Sarkisean in 1890, must be interpreted as based on Koriwn. Such interdependence was impossible before the end of the 5th century. The kinship of Tiridates with Gregory himself in the Armenian Agathangelos appeared to be a late speculation. It follows that in the mind of the Sassanian Dynasty Christianity in Armenia did not grow on the basis

⁴ (1) B. OUTTIER, *La Christianisation du Caucase*, in n°(20) above, 553-568. (2) n°(27) above. (3) Was wissen wir über Grigor Lousaworitsch? (4) *Die Bekehrung Transkaukasiens: eine Historiographie mit doppeltem Boden*, in (28) above, 107-124. (5) *Die Anfänge des Christentums in Armenien*.

⁵ R. W. THOMSON, *A Bibliography of Classical Armenian Literature to 1500 AD*, Turnhout 1995, 90-92, gives the precise reference to all the editions and translations of the Agathangelos.

of a religion of Byzantine origin. (3) In 1971 a Syriac and also a Carshuni résumé of the Agathangelos appeared for the first time. However, it ends with mentioning emperor Heraclius renewing the church of Thordan where Gregory according to the history of Faustus (the Buzandaran) had been buried. Unlike the primitive Greek Agathangelos, the Syriac résumé possesses a Teaching (Didascalia), which is much shorter than in the long Armenian official text. That long patristic text has been well translated and commented by Robert Thomson⁶. G. Garitte observed that the treatise *De Fide* of Hippolytus of Bostra, which is preserved in Georgian, had 80% of its contents quoted in a quite different order in the great Armenian Didascalia⁷. A comparison of both *didascalai* shows that the Armenian Didascalia is a construction on the shorter Didascalia, to which the Georgian *De fide* has been added from a lost Armenian version. Now just the 18% of the same Treatise, which were not used in the Didascalia, are quoted in the *Root of the faith*, which is attributed to Komitas and in the Creed at the end of the Armenian Agathangelos. Thanks to this analysis, it can be asserted that it was Komitas who wrote the great Didascalia. In 618 the same Komitas founded the three churches located at Etchmiadzin⁸. To the location of the baptism of the Armenians, new places are added in the Syriac résumé, according to the flight of chalcedonian Catholicos John of Bagaran near Erzerum, from 604 to 610, before being exiled in Hamadan. Finally, one of the first reports by the same Syriac Agathangelos is quoted in the History of Movses Khorenatsi: Gregory the Illuminator has been conceived on the very place of the battle of Avarayr at Artaz, where Thaddaeus previously had been executed. The rarity of that mystic coincidence in the Syriac résumé gives the clue how Movses Khorenatsi was able to attribute that legend to "Agathangelos". This short survey about the Agathangelos is just a breve contribution to the intricate historical implications of the great Legend.

Owing to the lack of time, I shall try to condense the logical sequence of several inquiries into the of the identity problem of King Tiridates and Gregory the Illuminator. Father Paul Ananian published a excellent study on the date of the consecration of Gregory in the year 314⁹. However, this date is based on the mention of a council of twenty bishops who gathered in Caesarea according to the oldest Greek preserved version of the Life of Gregory. J. Lebon recognized that this council had taken place according to one Armenian manuscript of the *Kanonagirk' Hayoc'*. The critical edition of Hakobyan does not change this fact. Later, Hubert Kaufhold remarked that Edward Schwartz already noted in 1936 that that Council of Caesarea depends on a very old mistake, *homoiooteleuton* in a

⁶ R. W. THOMSON, *The Teaching of Saint Gregory: An Early Armenian Catechism*, Cambridge Mass. 1970.

⁷ G. GARITTE, *Le traité géorgien "Sur la foi" attribué à Hippolyte: Le Muséon* 78 (1955) 119-172.

⁸ ESBROECK, footnote 3, n° (7) and (13).

⁹ P. ANANIAN, *La data e le circostanze della consecrazione di S. Gregorio Illuminatore: Le Muséon* 74 (1961) 43-73 and 317-360.

greek uncial codex with short columns¹⁰. The six letters „KAI NEO” disappeared by jumping from KAI to KAI. But the original six letters must be introduced in front of the name of Caesarea. As a result, the council of twenty bishops did not take place in Caesarea, but in the habitual Neocaesarea [according to most canonical collections]. As a result, the old Syriac and the Latin translations depend of that error. There are several elements of the Lives of Gregory the Illuminator, which stress the importance of Neocaesarea: It was there that the cappadocian Gregory married Julitta, later he called his two sons in the same city as his successors as bishops, and it was there, too that the King searched for Gregory, who he refused to go himself to take part in the council of Nicaea in 325. The council of Neocaesarea cannot be dated exactly. All that is known is that it took place between 314 and 319. The presence of Leontios of Caesarea at that Council is normal, for Neocaesarea depends on Caesarea, and the consecration of Gregory can very well have occurred under such circumstances. The subsequent introduction of Caesarea helped the official interpreters of the Armenian Church to unify the tradition from the South - Ashtishat and the Baptism - with those of the North - Thordan as the place for burying Gregor, according to the Buzandaran. Nevertheless, a strong tradition gives a finding of the relics of Gregory by Garnik under emperor Zeno¹¹. Most probably this unexpected relic might been seen in relation to the new cult of the Wonderworker introduced by Peter the Fuller in Neocaesarea around 482. The historical Gregory has nothing in common with the parent of an Arsacid king of Persia, as one may read in the official Armenian Agathangelos.

No less difficulty appears when searching at the identity of Tiridates. The majority of the historians consider him to be the converted king Tiridates III 287-298. The Tiridates IV who has been postulated by R. Hewsen from 298-330 is attested by none historical source¹². The theory was that a reign from 287 to 330 were considered to be too long. But even Tiridates III cannot be attested without the legendary sources and Movses Khorenatsi. The Trdad of the Paikuli inscription cannot have had that aim¹³. The only Tiridates who surely is historical is Tiridates II, from 216/7 to 252. That was the reason for Nerses Akinian to propose the year 219 for the consecration of Gregory Illuminator¹⁴. King Tiridates II must have admitted Manichean missionaries in the time of Shapur I. And if he converted to Manichaeism, the claim of the first converted king with the name of Tiridates had to be renewed in the Agathangelos, giving evidence that he really

¹⁰ H. KAUFHOLD, Die Rechtsammlung des Gabriel von Basra und ihr Verhältnis zu den anderen juristischen Sammelwerken der Nestorianer, Berlin 1976, 11-15.

¹¹ ESBROECK, footnote 3, n°(1).

¹² R. H. HEWSEN, The Successors of Tiridates the Great: *Revue des Études Arméniennes* 6 (1969) 99-26.

¹³ E. KETTENHOFEN, *Tirdād und die Inschrift von Paikuli*, Wiesbaden 1995.

¹⁴ N. AKINIAN, Die Reihenfolge der Bischöfe Armeniens des 3. und 4. Jahrhunderts (219-439): *Analecta Bollandiana* 67 (1949) 74-86.

was a Christian king of Armenia. Let us refer to the essential analyses, written by H. Drijvers and E. Kettenhofen concerning the legend of Thaddaeus, who still is regarded to be the first apostle of Armenia¹⁵. There is no doubt that Eusebius of Caesarea, bases his transmission of the Act of Addai on a Syriac source. This one is but a Christian answer to a Manichean missionary activity, the name of Addai being very well attested in the presently recovered sources of Manichaeism. The equation with Thaddaeus is an answer to a previous propaganda. But as Kettenhofen observes, the Manichean missionaries used to work where Christian communities had settled. It is really rather a hint to accept that Christianity already existed in Armenia.

According to what I said before, Armenia could mention a source to the intricate problem of the conversion. It has never been mentioned. Just at the beginning of this paper, I mentioned the curious detail of 150.000 people who converted and were baptized in the river Arsanius or Euphrates¹⁶. Another source offers the same figure in the legend of the baptism of a pagan group, and that legend is really connected with the role of Tiridates in the story of the feast of the roses, the Vardavar¹⁷. It is the story of the conversion of the city of Illyrikon, with all its population, by the apostle Paul. This legend occurs in three redactions: the Ethiopian has been published by Wallis Budge in the Chapters XV and XVI of the Acts of Paul¹⁸. There, when Paul baptizes the first group of the pagans, they are 150.000. And in the Arabic version of the same legend in two quite different redactions of the eighth book of the Octateuch of Clement, this figure becomes 180.000 or even 185.000¹⁹. Now that legend leaves the King of the Illyrikon nameless. The big pagan Deity, which is obliterated there, becomes in the Armenian tradition of the Vardavar Aphrodites or Anahit. Even in the old Ethiopian Legend that name is not given. In any case, the complex of the feast of the Roses has been strongly utilized just in the middle of the 5th century in the context of the Henotic version of the Transitus Mariae, just in the time when Peter the Fuller made several liturgical reforms that can be traced in all oriental traditions²⁰. The episode of Peter and Paul in the Illyrikon is directly connected with the tomb of Clemens in Chersonese, but comes primarily from the lost Acts

¹⁵ See footnote 4, n°(5).

¹⁶ See above Armenian Agthangelos, § 833.

¹⁷ Cf. F. CONYBEARE, *Rituale Armenorum*, Oxford 1905, 510 and Ch. RENOUX, *Les fêtes et les saints de l'Église arménienne: Revue des Études Arméniennes* 14 (1980) 289.

¹⁸ E. Wallis BUDGE, *The Contendings of the Apostles*, London 1899, 569-578.

¹⁹ In the carshuni ms. Mingana 70, fol.177^a and in the Vat.arab. 165, fol. 94^v. Similar figures also occur in the variants in the Agathangelos.

²⁰ On this topic, I have to announce my forthcoming "Bemerkungen zur syrischen Transitusliteratur" given in Bamberg 2002, and "The Three Marian Feasts according to the Syriac Church and How it Came that the Apostles founded them", given in Kottayam in 2002.

of Paul from the end of the 2nd century. This becomes clear by the mention of some archaic names like Apollonius of Tyana, Simon the Magician, and Hermes Trismegistes. These names seem to evoke the challenge of the lost life of Moiragenes on Apollonius of Tyana. The next biographer of Apollonius, Philostratus avoided the inclination of Moiragenes to multiply the miracles²¹. On the other hand, the primitive Clementine roman lies clearly embedded in the eight book of the Octateuch, without Arian interpolation as in the Greek and Latin extant Homilies and Recognitiones. To develop here the Vardavar tradition in the old Armenian literature would take too much time in this paper, where I am asked to speak about two other Caucasian Churches, whose traditions are rather autonomous in comparison with all that we have evoked until now.

Sofar we discussed the conversion of Armenia to Christianity. It has to me remembered that the conversion of Georgia has been included in the book of Agthangelos published by N. Marr in 1906. In this publication, four different peoples are mentioned. At least three times, so Gregory baptizes the crowds, and when he sends other bishops and priests abroad. The other nations are the Abkhazs, the Alans, the Albanians, the Georgians. They all are mentioned in the title of the edition by N. Marr²². The Arabic text is still very close to the old Greek version, but without many of the archaisms. There is no doubt that this strong claim of fulfilled executed baptism of every Caucasian nation was prior to the publication of the Armenian Agthangelos. Obviously there exist but one period, during which such a universal conception was possible. For instance old Christian Abkhazia accepted Christendom before the period mentioned. An Abkhazian bishop was already mentioned at the council of Nicea. That period during which such claim to universality was that of the Henoticon from 482 to 512. During that period, it was imperative that the council of Chalcedon should not be mentioned. On this point, all the Caucasian churches did agree with Constantinople. We will soon see, that this general understanding did not last for a very long time. On the other hand, Georgia had its own literary tradition about its conversion to Christianity, and it has nothing to do with the Armenian unity of 506. Even if young virgin Nino became one of the Rhipsimian nuns in the latest levels of the Agathangelos, and although she is associated with Rhipsime before her travel from Ephesus to Jerusalem in the *Conversion of Georgia*²³, the primitive relation

²¹ M. VIELBERG, Klemens in den Pseudoklementinischen Rekognitionen. Studien zur literarischen Form des Spätantiken Romans (= Texte und Untersuchungen 145), Berlin 2000, especially pp. 153-156. Of course the whole complex needs an edition of some hundred unpublished arabic pages. We hope to achieve the work as soon as possible.

²² G. GARITTE, Documents pour l'étude du livre d'Agathange, Vatican 1946, 221, observes that Abkhaz is the Arabic translation for Lazoi in the Greek parallel. In any case, the text must be anterior to the conversion of Tzathes, king of Lazica, to the Justinianian orthodoxy.

²³ Both Kartlis Cxovreba and Kartlis Mokceva are quoted hereby in the edition of I. ABULADZE, Jveli K'artuli agiograf'iuli literaturis jeglebi, 1, Tbilissi 1964, 81-163.

of Rufinus of Aquileia around 402 does not know anything about these later developments.

The relationship between Rufinus and his friend Bacurius is fundamental to understand the most celebrated report on the Conversion of the Georgians through the renowned anonymous *captiva*²⁴. Fr. V. Poggi has sketched the best portrait of Bacurius. Bacurius was a local king²⁵. He started as *tribunus sagittariorum* and was already present at the battle of Andrianopolis in 385. Rufinus was born in Concordia, today Sagittaria, one of the two places in the West where the arrows were made from the mines in the Noricum. The place is close to the river Vipacco, to-day not very far from the south of Gorizia, on the border between Italia and Slovenia. The name of the river was Frigidus, where in September 394 a huge battle took place between Theodosius I and Eugenius, the intellectual pagan would be emperor. The last one was sustained by the general Arbogastes. Theodosius won the battle after he prayed God in a very bad moment of the struggle. A storm blowing dust came from the mountain in the North, and Christianity was saved from the aggression. The pagan minded historian Zosimus wrote that Bacurius died in the battle and this was registered in the well-documented history of Ernst Stein. But this is not quite true. Bacurius lived as *dux Palaestinae* and *magister militum* almost till 397, and there is little doubt that Rufinus met him there after the battle of the Frigidus²⁶. These circumstances are important; for they exclude that Gelasius of Caesarea, the nephew of Cyril of Jerusalem, had already published a report on the *captiva*²⁷. A glance on the Greek rendering of Gelasius of Cyzicos one hundred years later shows how he transformed the role of Bacurius to avoid political claims from a region which at that time did not follow the religious politics of Byzantium²⁸. As a consequence, the efforts which were made to put the report of Rufinus even earlier than the death of Gelasius in 395 are still unsuccessful. In his description of the battle, Rufinus says that Bacurius should have been entitled to *Comes* and *Dux*. In the supplement of his Ecclesiastical History concerning the *captiva*, Rufinus refers to both titles which Bacurius should have received before Theodosius died on 17th January 395. Rufinus probably travelled to Jerusalem between 395 and 397. There Bacurius told him the story about the *captiva*.

²⁴ Its text has been very frequently reproduced. The standard edition is that of E. SCHWARTZ: Eusebius, Werke, 2. Kirchengeschichte, Leipzig 1908, 973-976 where the latin of Rufinus has been prepared by Th. MOMMSEN.

²⁵ V. POGGI, L'esorcismo del cilicio in Rufino: SHURGAIA, cf. note 3, n° (27), 38-41.

²⁶ E. STEIN, Histoire du bas-empire I (1959) 217, following Zosimus, IV, 57. I regret to have accepted the opinion of Stein in my report of Rome, note 4, n° (27), 119.

²⁷ That question was the object of many discussions in the thirties.

²⁸ Gelasius, Kirchengeschichte, ed. G. LOESCHKE and M. HEINEMANN, Leipzig 1918, 154.

There is no doubt that the *captiva* ought to be taken as the position of Peter the Iberian, who was made hostage in Constantinople at the age of 12 in 429. The *captiva* supposedly should help create a relationship between Georgia and Constantinople. Françoise Thélamon wrote in 1981 a study on Rufinus, where she described in forty pages the conversion of Georgia. She condenses perfectly the common opinion²⁹. On the one hand, the paragraph of Rufinus was really written in 402, while on the other hand, the very intricate Georgian report in the *Kartlis Mokcevai* and in the *Kartlis Cxovreba* goes back to the same story coming from the West to Georgia with several new facts which were issued only in the 8th or the 9th century. Nino is first mentioned by name in the History of the Armenians by Movses Khorenatsi.

Contrary to this view, F. Thélamon omitted two elements: The *first* one is to name Nino in the Vision of Vakhtang Gorgasali, whose oldest draft cannot have been much later than 502. The *second* is the Coptic tradition, where again the name Nino does not appear. Instead she is called Theognosta. That method of speech is quite characteristic of several legends in the Henotic period³⁰. According to the Coptic tradition³¹ the emperor who sends the first bishop into Georgia is Honorius, who became Aquileia's emperor in 395. The Coptic Story of the conversion of Iberia does not mention Mirian as the King who converted. But it relates clearly to a battle where the army of the enemies are blinded by obscurity. And this report is very close to that of the battle of the Frigidus four months before Theodosius died. Not surprisingly, the Coptic lecture put the record in the reign of Honorius, the Byzantine emperor of Aquileia.

The *Vision* of Vakhtang Gorgasali is embedded in a quite complicated compilation of stories. The chronology therein is so incoherent, that there is a strong temptation to think that nothing can be kept as sure from such a redaction³². However, the Vision of Vakhtang Gorgasali in its context has a strong connection with a special cult of Gregory the Wonderworker of Neocaesarea, and that cult might be dated from the years 476 onwards, - surely to the years 482-485 -, when Peter the Fuller, refugee in Amasea, promoted that curious cult. Two very different saints are just combined, meaning saint Gregory the Wonderworker, surely is the patron of Neocaesarea, and saint Gregory of Nazianz, contemporary of Julian the apostate. The extant Georgian report of those Gregorie's Martyrdom

²⁹ F. THÉLAMON, *Païens et chrétiens au IV^e siècle. L'apport de «l'Histoire Ecclésiastique» de Rufin d'Aquilée*, Paris 1981, 85-122, where the latin text is reproduced 87-90.

³⁰ M. van ESBROECK, *Le saint comme symbole*: S. HACKEL, *The Byzantine Saint*, Chester 1981, 128-140.

³¹ On all the extant coptic and arabic fragments of that live, I have a forthcoming article: Nino, Théognosta et Eustathe to appear in *Christjanskij Vostok*.

³² I made an accurate analyse of the four main parts of that text in Lazique, Mingrélie, Svanéthie. Cf. note 3, n°(20), 196-211.

makes this paradoxical fact absolutely clear³³. Still another source, the Life of Vakhtang, the Georgian king conquers three cities from Georgia into Byzantine land: Steri, Ekeletsi and Andziandzor. In Greek they are named Satala, Ekegheats and Neokaisarea, whose name Andziandzor is the Armenian wording for Nazianz. Vakhtang had a heavenly Vision of an event unknown to him and which he did not understand. The explanation can be found in the so-called Romance of Julian, which is extant in Syriac and Arabic at the end of the 4th century. These events of that Vision took place when the pious emperor Jovian made penance for the apostasy of the empire by the impious Julian. There, Jovian asks to receive his crown by the heaven itself, feeling unworthy to take it himself after the apostate. This event occurs also for Vakhtang in a dream, which will be confirmed by Peter and Samuel who saw the same scenery. The wording of the vision is the following: "Lo a women who was holy Nino herself appeared and said: *Stay up, for both kings of heaven and earth are coming to you!* He (Vakhtang) looked and firstly saw the shape of a town similar to that of Constantine. He drew nearer and saw two thrones. In the first one sat a young people with weapons and crown; in the second one he saw a old man sitting in a white garment, and on his head there was a crown not made of gold but of light, and at his feet sat Nino. Peter the priest hold the right hand of Vakhtang, and Samuel the left one, and Samuel said to him: *Prostrate yourself before the great prince of the heaven Gregory!* He went and prostrated himself. And Gregory said to him: *What a bad thing you did, you man, for you devastated my camp and the wild beasts ate my flock. If there were not those people who stand on your side, and owing to this woman who suffers for you in the presence of Mary, I would have revenge on you and your forefathers who worshipped a fire which burns and not the glitter that illuminates everything!* He gave him his hand and embraced him, stretched his hand to the crown of light and immediately stretched another similar to Vakhtang and said: *Give this to Peter!* And Peter extracted another from the same crown and gave it to Samuel. And Nino said to Vakhtang: *Now go to the emperor and accept your reward!* He (Vakhtang) went to the emperor, they embraced one another and he gave him a place on the throne and sat with him. And he gave him the seal of his hand, which was a glittering precious stone. And the emperor said to him: *If you like that I should give you the crown, you have to promise to him who stands over us that you will fight against his enemies, and you will receive the crown.* Vakhtang looked up and saw a cross and a crown lying on its arms. Looking at the cross, he freighted for it had a huge proportion and he said nothing. However Nino stood up, looked at Peter and Samuel, and they said with one tongue: *We warrant that he will win more than anyone, o invincible cross!* And the emperor stretched his hand, took the crown from the Cross and put it on the head of Vakhtang".³⁴

³³ See note 1.

³⁴ Kartlis Cxovreba, ed. S. QAUKHTSHISHVILI, t. 1, Tbilissi 1955, 167-168 and note 4, n°(11).

This vision of Vakhtang reproduces the penance of Jovian, who put the crown on the cross waiting to receive it by another power than his³⁵. The structure of three persons is that of the Vision of Gregory the Wonderworker receiving the right creed from the hands of John the Evangelist and Mary at the end of the 3rd century. That scenery is described in the Panegyric on the Thaumaturgus by Gregory of Nyssa which was pronounced around 380³⁶. Here Nino takes the role of Mary and Gregory himself that of John. The whole scenery cannot have been invented too long a time after the conversion of Vakhtang to the henotic politics of Zeno. Indeed Vakhtang first accepted the mazdean bishop Binkaran, and thereafter removed the bishop Mikael into the convent of the Acoimetoï, and placed Peter and Samuel on his see³⁷. The emperor in the Vakhtang's vision must be Constantine whose town appeared. If king Mirian had already got some role in the legend of the conversion, he surely should have been mentioned here. Only Nino here served as warrant. The *captiva* of Rufinus has here a name, but the king remained anonymous. Finally, there is an independent testimony from the Sicilian monk Nilos Doxopatres around 1142 AD. His work is somewhat like the *synekdemosis*, the ecclesiastical geography of Hierocles written under Justinian in 535. In his description of the churches, Nilos states that the Georgian church depends from the see of Amasea³⁸. Peter the Fuller took refuge in this city when Zeno pushed him from the see of Antioch in 476. He settled himself under the protection of the great saint Theodoros³⁹. Now both in the Georgian as in the Armenian Passion of Theodoros, there is an explicit mention that bishop Phaidimos of Amasea sent Gregory the Wonderworker to found the church of Neocaesarea⁴⁰. Of course, Gregory of Nyssa told us that fact already. But there was no special reason to record it in a Caucasian redaction of the Life of Theodoros. Both versions surely existed in Greek, so as many other Greek documents about the Henoticon movement, which were destroyed during the time of Justinian. One of those documents must have given Nilos Doxopatres the otherwise hardly known opinion that the Georgian church depended on the metropolis of Amasea. The claims of the Vision of Vakhtang Gorgasali are unmistakably written according to the remnant remark of Nilos. Their source is clearly embedded in the symbolic manner to justify the political legitimacy in the

³⁵ On this see M. van ESBROECK, *Le soi-disant royaume de Julien l'Apôstat*: H.J.W. DRIJVERS (ed.), IV^e Symposium Syriacum 1984, Rome 1987, 191-202.

³⁶ The Credo of Gregory the Wonderworker and Its Influence through Three Centuries: E. LIVINGSTONE (ed.), *Studia Patristica* 29, Leuven 1990, 255-266.

³⁷ See note 3, n°(26).

³⁸ F. N. FINCK, *Des Nilos Doxopatres Taxis tôn Patriarchikôn thronôn*, *Vagharshapat*, 1902, 30: Amasea of the Hellespont has five Episcopal sees including that of Iberia itself.

³⁹ G.C. HANSEN, *Theodoros Anagnostes*, *Kirchengeschichte*, Berlin 1971, 115.

⁴⁰ A. CHACHANOV, *Materialy po gruzinskoj agiologii*, Moscow 1910, 1-9 and M. van ESBROECK, *Alexandre à Amasée: un épisode peu remarqué*: *Le Muséon* 114 (2001) 141-151.

Syriac and Arabic so-called romance of Julian the Apostate, and to ask for the dogmatic rectitude according to the Vision of Gregory the Wonderworker in the Panegyric written down by Gregory of Nyssa around 380.

There are still two more topics about which I would like to say something with more details. As I related this in three articles already, I can resume the most important facts⁴¹. It is essential not to forget that the extant Georgian texts about mixing the Armenian tradition of the Rhipimians girls with that of Nino started in the period around the council of Dvin in 506, when the henotic politics included a common origin for the two churches. The *Kartlis Mokcevey* is clearly written after the restoration of Heraclius. In the time of Justinian, the strong chalcedonian politics provoked new changes in the legend about the conversion. The most visible is the delegation of Nino by Juvenal of Jerusalem, the tenant of the chalcedonian council. The *Kartlis Mokcevey*, where King Mirian is one of the exponent for the heritage of Nino, includes several topics which can only have started after the council of Chalcedon, even many years later. This is especially true for the legend of Elioz.

On the other hand, the theoretical calculation for the date of the Conversion, which has been given as 337 both by I. Dzhavakhishvili and C. Toumanoff, is unsustainable. The Coptic legend says quite clearly that the first bishop was sent, not by Constantine, but by Honorius. There is a parallel in the *Kartlis Cxovreba* itself: Mirian is given as a grand child to Tiridates and as the great father of Vakhtang. It was slightly difficult to stress more clearly that the emergence of Mirian's personality occurred following the traces of Tiridates, whose historical identity is so difficult to establish. On the basis of the different chronologies used in the six narrations about Nino, one could even suppose 370 for the official Conversion of Georgia. The presence of King Mirian was introduced in the *Kartlis Cxovreba* in a time when Tiridates was already identified as converted king of Armenia in 287. The sequence of the kings of Georgia is almost complicated to interpret. Much difficulty arises from the fact that two contemporary dynasties are mixed. And here, just as for Tiridates in Armenia and Abgar in Edessa, we have to think about a manichaean conversion. The very recent deciphered manichaean sources speak of a Habaza of Georgia who received an apostle from Mani⁴². B. Outtier already observed that Habaz could be Hamazasp. His place in the list of kings is referred to as the father of Rev Marthali. The title Marthali, the Just one, perfectly matches manichaean creed⁴³. Manana Sanadze made a basic study on the sequences of the old kings from Kartlos to Mirian⁴⁴. I follow her conclusions concerning four sovereigns: Amazasp from 230 to 265 fits perfectly the

⁴¹ Cf. note 3, n° (24), (27) and (28).

⁴² W. SUNDERMANN, *Mitteliranische manichäische Texte kirchengeschichtlichen Inhalts*, Berlin 1981, 24-25.,

⁴³ B. OUTTIER, cf. Note 4, (1).

⁴⁴ M. SANADZE, „K'art'lis Cxovreba“ da Sak'art'velos istoriis ujvelesi periodi, Tbilissi 2001.

manichaean mission under Shapur I (241-272); his son Rev Marthali 265-280; Miriani/Vache 260-335 and Bakur 335-355. As Bernard Outtier remarked, according to the tradition in the syriac Life of Peter the Iberian, Bakur should have been from 234-249: here he thought that the first Christian king mentioned as an ancestor of Peter the Iberian could have been the first manichaean king. Even in the opinion of Dzhavakhishvili, the real time of Nino surely is more close to 335-355 with Bakur than with Mirian from 260-335, where this last king only has to provide a role parallel to that of Tiridates by Constantine.

Having now registered the main sources which have to be considered for an objective approach to the history of the Conversion of Armenia and Georgia to Christianity, we still have to approach the third church of Caucasus, whose alphabet has been recovered in some Armenian late manuscripts⁴⁵, in rare stone inscriptions⁴⁶ and only some years ago in a palimpsest from Mount Sinai⁴⁷. Of course, the Arabic Agathangelos included them in the great Baptism by Gregor Illuminator. Jean-Pierre Mahé gave a short introduction in Vienna. Perhaps no report has better underlined how in every Caucasian Christianity two different levels exist, one in the apostolic age - Andrew in Georgia and Abgar and Thaddaeus in Armenia - and the second in the time of Constantine - Tiridates and Mirian⁴⁸. This rule appears still stronger in the case of Caucasian Aghouania. Only there the problem is also divided into two geographical areas. The oldest level, with its northeast Caucasian alphabet, concerns Tchogha or Derbent, and all the extant traces lie north from the river Kura. The southern Aghuania received another capital Partav and got completely armenized in the sixth century. So, our present historical documentation is completely Armenian.

As a consequence, it is almost impossible to know very much about the primitive church and the language of the north. A bishop Jeremia is attested both by Koriwn and by a latin notice on the bishops at the time of the council of Ephesus⁴⁹. Nevertheless, it is not exaggerated to say that, according to the Armenian sources, there are also two levels for the conversion of Aghuania. The *oldest one* is the story of Eghishai, who was first a companion of Thaddaeus but was then sent by him to Jerusalem, where he met James, the brother of the Lord

⁴⁵ A. SHANIDZE, Novootkrytyj alfabit kavkazskich Albancev i ego značenie dlja nauki: Eniunmkis Moambe 4, Tbilisi 1938, 1-68.

⁴⁶ An effort of deciphering by W. SCHULTZE, Die Sprache der Uden in Nord-Azerbajdžan, Wiesbaden 1982, 282-293. See also note 3, n°(10).

⁴⁷ Z. ALEKSIDZE - J.-P. MAHÉ, Découverte d'un texte albanien: une langue ancienne du Caucase retrouvée: Compte-rendu de l'Académie des Inscriptions et Belles-Lettres, Paris 1997, 517-532.

⁴⁸ J.-P. MAHÉ, cf. Note 4, (3) and M. van ESBROECK, Le meurtre rituel aghouanais: Christjanskij Vostok 3 (2001) 389-402, especially 399-402.

⁴⁹ P. PEETERS, Jérémie, évêque des Ibères: Analecta Bollandiana 51 (1933) 1-33.

and was ordained by him⁵⁰. The reason to let him make that travel is almost surely the claim of the Armenian Church to depend liturgically from Jerusalem⁵¹. He returned to Gis in the province of Uti south of the Kura. He founded there a church and was martyred in Zergoun and his relics were buried in Homenk'. There according to Movses Kaghankatovatsi, Stephanos of Urekan discovered them at an earlier but imprecise time⁵². The *second level* is in the time just after Gregory Illuminator. The sovereign, who made the change, is Urnayr, brother-in-law of Shapur, who received the baptism from Gregory Illuminator. The Aghuans postulazed Grigoris, the grand child of the Illuminator as their bishop. He installed Christianity in all the main towns of northern Aghuania, from Tchogay south of Derbent till modern Mingetchaur. There some capitals of columns have been found with inscriptions. Also Grigoris soon was martyred in Amaras⁵³. However, all those reports depend on Armenian sources. As B. Outtier noted, the sister language of Aghuanian, the Uidian language, contains religious words from Syriac and Georgian origin⁵⁴. However, already in the time of the Henotikon, king Vatchagan II renewed the church with canonical prescriptions where all the towns mentioned in those canons, with the exception of Kapaghay, are settled south from the Kura⁵⁵. In the time of Ter Abas in the middle of the 6th century, the capital was removed from Tchoghay to Partav south from the Kura owing to the invasions of the Khazars⁵⁶.

There is something systematic in the presentation of Eghishay. According to Kirakos of Gandzak, who wrote not very far from Uti around 1240, the relics of Eghishay remained in a pit with other victims till Vatchagan II that is in the time of the Henoticon⁵⁷. And nobody knew by whom Eghishai suffered his martyrdom. This report contradicts that of Movses Kaghankatovatsi, also it seems much more logical. An echo of that claim is available in a remark of Catholikos Abraham in the first decennia of the 7th century: he says that the Albanians were christianized earlier than the Georgians⁵⁸. Eghishay is symbolically referred to as the companion of Thaddaeus, who is explicitly connected with the martyrdom under Sanatrouk. Just as Thaddaeus sent Aggaeus farther away, here Eghishay is sent for further missions. The whole complex supposes that the legend of Artaz is already firmly fixed in Armenia. As we have seen, this cannot have happend before the

⁵⁰ Movses Kaghankatouatsi, Patmout'iun Aghouanic' ashxarhi, ed. V. ARAKHELEAN, Yerevan 1983, 9-11, chapt. 6.

⁵¹ B. OUTTIER, cf. note 4, n°(1), 556.

⁵² Movses Kaghankatouatsi, cf. note 49, 11-12, chapt.7.

⁵³ Ibid., p.31-40, chapt.14.

⁵⁴ B.OUTTIER, cf. note 4, n°(1), 557-560.

⁵⁵ Movses Kaghankatouatsi, cf. note 49, 89-94.

⁵⁶ Ibid., 122-126, 2, chapt.7.

⁵⁷ Kirakos Gandzaketsi, Patmout'iun Hayoc', ed. K. A. MELIK'-OHANDJANIAN, Yerevan 1961, 192-194.

⁵⁸ Girk' T'ght'oc'. Ed. Y. IZMIREANC', Tiflis 1901, 162.

last form of the Agathangelos at the end of the 6th century. Movses Kaghankatuatsi filled the white spot between the earlier mission of Eghishay and findings of the relics at the time of Vatchagan II. He uses the criteria of a legitimate autocephaly for the Aghuania of his time in the 10th century. But this is an internal Armenian presentation, and has little significance for the 5th century.

At the end of this paper, I feel guilty to have concentrated many important features in several traditions. I was asked to provide an overview of the three old nations that received Christianity in the Caucasus. I beg you pardon to have condensed the matter in so little time.

ORTHODOX CHURCH OF THE PONTOS (BYZANTIUM AND THE EMPIRE OF TREBIZOND)

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A general history of the church of Trebizond was written 70 years ago by the famous archbishop of Trebizond, later of Athens, Mgr. Chrysanthos (Philippidis)¹. A lot of time has passed since then, but his book, if not largely known due to its Greek language, remains a most detailed story, not to mention the numerous additions and corrections made upon it thereafter. In this small paper I will only be able to propose some general outlines of the development of the church institutions and especially of the juridical conditions and political circumstances of its existence taking into account new available source material.

The early Christian tradition links the beginning of the Evangelization of the Southern Black Sea Region, namely Trebizond, Amisus, Sinope and Amastris with the Holy Apostle St. Andrew. This perception remained in the literature of the Empire of Trebizond and its metropolitan and hagiographer John Lazaropoulos insisted on it, adding that Pagan superstitions prevailed there later and then appeared a new martyr and messenger of the true faith, St. Eugene.² Another version that can be traced back to the 3rd century and to Eusebius of Caesarea that did not deny the Black Sea voyages of St. Andrew but considered Pontos the Apostolic appurtenance of his brother St Peter³. After the apostles their disciples continued preaching there and, according to a later legend, one of them, St. Sosthenes, had been drowned in the sea by the roman prefect Nonnos⁴.

To the time of the Roman emperor Trajan (98-117) is attributed the martyr of the first purely Pontian saint Phokas. He was a bishop of Sinope who converted to

¹ CHRYSANTHOS, Ἡ Ἐκκλησίᾳ ἀΤραπεζοῦντος, in: Archeion Pontou (cited below as AP) 4-5 (1933; repr.:1973).

² J.O. ROSENQVIST, The Hagiographic Dossier of St Eugenios of Trebizond in Codex Athous Dionysiou 154. A Critical Edition with Introduction, Translation, Commentary and Indexes, Uppsala 1996, 208.92-101.

³ Cf. for details and literature: Andrei Pervozvannyj: Pravoslavnaya Enzyklopediya, t. 2, Moscow 2001, 370-376; A. JU. VINOGRADOV, Grecheskie zhiitiya apostola Andrey: problemy istochnikovedeniya I kriticheskoe izdanie tekstov. Autoref. kand. diss., Moscow, 2001. A. Bryer considered information of St. Andrew's visit to Trebizond no earlier than the 9th century: A. BRYER - D. WINFIELD, The Byzantine Monuments and Topography of the Pontos, Washington, 1985, t.1, 218. The idea of the baptism of the provinces of the Black Sea, including the empire of Trebizond, by St. Peter existed in medieval Western tradition. Cf., for ex.: Jean Germain, Évêque de Chalon, Le discours du voyage d'Oulremer au très victorieux roi Charles VII prononcé en 1452, éd. CH. SCHEFER: Revue de l'Orient Latin 3 (1895) 322.

⁴ Michel le Syrien, Chronique, éd. et trad. par J.B. CHABOT, vol. I, Paris 1899, 149.

Christianity a lot of Pagans, being also an old gardener acknowledged for extraordinary hospitality. He confessed his Faith openly, disclosed himself to persecutors, suffered, was killed for Christ and was buried in Amaseia. In the beginning of the 5th century Asterius of Amaseia dedicated to him a homily and the martyr became a saint protector of the mariners of Pontos, Aegean and Adriatic, was venerated in Constantinople and Rome by Scythians of the Cimmerian Bosphoros, who lived from the Azov Sea and Tanais down to the Phasis river and brought gifts to his shrine. Probably, the images of the two holy persons were put together, but it is also notable that elements of the ancient cult of the Dioscuri of the Mithridates' reign are present here⁵. A church and a monastery of St Phokas in Kordyla close to Trebizond are known of sources of the 11th - 15th centuries⁶. Another venerated saint of the 3rd century was Gregory of Neocaesarea, the thaumaturge and the metropolitan of the Pontos Polemoniacus whose diocese included the episcopacy of Trebizond.

From the 3rd century onwards begins the energetic missionary activity of the Christian preachers in Trebizond. During Diocletian (284-305) the most famous of them were the saints Eugenios, Valerianos and Akylas, the first of whom was acclaimed later as the saint patron of the Empire of Trebizond. All four, who overthrew the idol of Mithras and were combating its worshippers, were captured,

⁵ CH. VAN DE VORST, S. Phocas: *Analecta Bollandiana* 30 (1911) 252-295; Asterius of Amaseia, Homilies I-XIV. Text, Introduction and Notes, ed. C. DATEMA, Leiden 1970, 116-127. Comp.: N.A. OIKONOMIDES, "Άγιος Φωκάς ὁ Σινωπεύς: AP 17 (1953) 184-219; B. MARTIN-HISARD, *Continuité et changement dans le bassin Oriental du Pont Euxin (IVe -Ve s.): From Late Antiquity to Early Byzantium*. Proceedings of the Byzantinological Symposium in the 16th Int. EIRENE Conference, Praha 1985, 144. Exists a canon to St Phocas by Joseph Hymnographer from Syracuse (816-886): N.A. OIKONOMIDES, *Κανὼν Ἱωσήφ τοῦ Ὑμνογράφου εἰς ἅγιον Φωκᾶν πὸν Σινωπέα*: AP 18 (1953) 218-240; an encomium by St John Chrysostom and another one, of the 14th century compiled in Trebizond by Andreas Libadenos: O. LAMPSIDES, *Ἀνδρέου Λιβადηνοῦ Β' αὐ καὶ Ἔργα*, Athenai 1975, 117-128, 241-244. An encomium of St Phokas was similarly compiled by the famous patriarch of Constantinople Philotheos Coccinus: N. OIKONOMIDES, *Φιλοθέου πατριάρχου Κωνσταντινουπόλεως Εγκώμιον εἰς τὸν ἅγιον ιερομάρτυρα Φωκᾶν*: *Νέαν Αθηναίων* 4 (1963) 83-101. Some scholars assumed that there were two saints from Sinope bearing the name of St Phokas, one, a bishop martyred ca. 117, and the other, a gardener, who suffered during Diocletian: F. HALKIN, *Novum Auctarum Bibliothecae Hagiographicae Graecae*, Bruxelles 1984, 179. Most of the authors prefer to identify both saints. Cf., f. ex.: BRYER - WINFIELD, *The Byzantine Monuments*, 71. Probably, the initial cult of the two local saints gradually amalgamated already in early byzantine times, leaving, as a vestige, different dates of the saint's veneration: July, 22 and September, 22.

⁶ *Actes d'Iviron*, t. I, Paris 1985, 11; t. 2, Paris 1990, 86.15-16.

put to trial and executed by the Roman administrator Lysias⁷. But already Lysias and another Roman governor Agroikolaos had put to death Christians of the inner districts of Asia Minor – Sebasteia and Nikopolis. Lysias organized the trial in a town of Satala, next to the borders of Chaldia. Forty martyrs of Sebasteia, Forty five of Nikopolis, St. Eustratios of Araurak and Four his associates (saints Auxentios, Eugenios, Mardarios and Orestos)⁸, saint Orentios and his six brothers, killed in the various towns of Lazia and in Pityus, became victims of the mass reprisals against Christians. Their veneration and texts of their Vitae influenced the elaboration of the cult and the compilation of martyria of the Pontic saints, whose cult overshadowed the cult of other local martyrs. Still not far from Trebizond in the 13th century existed the church of St. Eustratios⁹. Another Christian martyr, St. Basiliskos was venerated in the town of Komana. The governor Agrippa put him to death. It is at the time of Agrippa, who replaced a less fervent Asclepiodotes that persecutions of Christians spread not only in towns, but in small villages as well. The martyrion of Basiliskos enlarges our knowledge of the late ancient toponymy of the Pontos. It cites the village of Humiala, the native place of the saint, as well as a small village known as Dakosara on the way from Amaseia to Komana, as the place where Basiliskos performed a miracle and contributed to the adoption of Christianity by the proprietress of the village Trojana and by some Roman soldiers, the proasteion of Komana Dioskora, where Basiliskos was sentenced and decapitated by Agrippa¹⁰.

According to the hagiographic texts, the persecutions were consequences of the decrees of Diocletian and Maximian prescribing all subjects of the Empire to make sacrifices to pagan gods and threatening heavy penalties on Christians¹¹. The Roman authorities were particularly worried by the fact that Christianizing affected the army, especially the so-called *limitanei* protecting the frontiers. Still the soldiers underwent at first less cruel penalties, as banishments to distant

⁷ The local tradition definitely called St. Eugene Witness, Herald and Teacher of the Faith who implanted it in the Pontos after St. Andrew (ROSENQVIST, The Hagiographic Dossier, 208.90-102).

⁸ F. HALKIN, Saints de Byzance et du Proche-Orient. Seize textes grecs inédits, Genève 1986, 133-144.

⁹ O. LAMPSIDES, "Ἅγιος Εὐστράτιος, 22, 55-58; B. MARTIN-HISARD, Les textes anonymes grec et arménien de la *Passion d'Eugène, Valérien, Canidios et Akylas* de Trébizonde: Revue des études arméniennes 15 (1981) 121-124; ROSENQVIST, The Hagiographic Dossier, 124.168-126.203, 364; BRYER - WINFIELD, The Byzantine Monuments, 166-169, 225, 325-326; B. MARTIN-HISARD, Trébizonde et le culte de Saint'Eugène (6e-11e s): Revue des études arméniennes 14 (1980) 324-330; J.O. ROSENQVIST, Some Remarks on the Passions of St. Eugenios of Trebizond and their Sources, in: *Analecta Bollandiana* 107 (1989) 39-64.

¹⁰ HALKIN, Saints de Byzance et du Proche-Orient, N VI, 66-70.

¹¹ MARTIN-HISARD, Trébizonde et le culte, 325.

fortresses, as, for example, Pityus¹². During the time of persecutions the population of the Pontos was divided in attitudes towards Christians. Among the people there were denunciators, and they disclosed to Lysias the holy martyrs of Trebizond¹³. Persecution of Christians of the Pontos continued under Licinius who ordered the bishop of Amaseia Basil (ca. 309) to be tortured to death and closed local churches¹⁴. But the epoch of persecutions then came to an end and the first known bishop of Trebizond Domnus was a participant of the First Ecumenical Council in Nicaea in 325¹⁵.

In the early medieval period the Pontos served as a place of deportation. The famous patriarch of Constantinople John Chrysostom was exiled to the small town of Komana where he passed his last years. A century later the bishop of Trebizond Anthimus (535-536) became the 22nd patriarch of Constantinople. It was a short repayment. The protection of the empress Theodora did not save him from deposition forced by pope Agapetus I for the patriarch's loyalty to the monophysites. But the official pretext was that he became the bishop of Constantinople with a violation of canon law, without an official procedure of transfer from Trebizond¹⁶.

Justinian's reign seems to be beneficial for the church of the Pontos where several ruined temples had been rebuilt, mainly in Trebizond and Amaseia¹⁷. Primarily Trebizond was a suffragan of Neocaesarea. In the 8th century, and probably even earlier, the bishop of Trebizond took care of the see of Phasis in the Caucasus, adding its name to his official title, as, for instance, he did signing the deeds of the 7th Ecumenical Council in 787¹⁸.

The bishopric of Trebizond between 867 and 886 was elevated to a metropolis. Kerasous became a metropolis from the mid 11th century¹⁹. A still higher position among the sees of the Ecumenical patriarchate belonged to another

¹² LAMPSIDES, Ἀγιος Εὐ γένιος, 57-58; MARTIN-HISARD, Les textes, 122-124.

¹³ LAMPSIDES, Ἀγιος Εὐ γένιος, 58-59; MARTIN-HISARD, Les textes, 124-126, 167-168; ROSENQVIST, The Hagiographic Dossier, 132.290-326.

¹⁴ Eusebius Werke, Bd.I/1: Über das Leben des Kaisers Konstantin, hrsg. F. WINKELMANN, Berlin 1975, 47.12-14; Theophanis Chronographia, rec. C. de BOOR, Leipzig 1883, t.1, 17.

¹⁵ CHRYSANTHOS, Η Εκκλησία, 186-188.

¹⁶ Cf.: J. DARROUZÈS, Le Traité des transferts. Édition critique et commentaires, in: Revue des études byzantines, 42 (1984), N 24, p. 177, 198; J. SPEIGL, Die Synode von 536 in Konstantinopel, in: Ostkirchliche Studien 43 (1994) 105-153; V. GRUMEL, Le Patriarcat Byzantin. Les Regestes des Actes du Patriarcat de Constantinople, vol. I, fasc. I: 381-715, Paris 1932 (reimpr.: 1972), N 233-237: 5-21/V 536.

¹⁷ Procopii Caesariensis Opera omnia, rec. J. HAURY, Lipsiae 1964, t.4, 99.

¹⁸ CHRYSANTHOS, Η Εκκλησία, 153-155.

¹⁹ H.-G. BECK, Kirche und theologische Literatur im Byzantinischen Reich, München 1977, 170; G. FEDALTO, Hierarchia Ecclesiastica Orientalis. I. Patriarchatus Constantinopolitanus, Padova 1988, 70.

ancient Pontic metropolis of Amaseia who retained an honorable 12th place in the *Notitiae episcopatum*. Most ancient cities of Sinope, Zela and Amisos were among its 6 episcopacies.

Athanasios the Daimonokatalitis was probably the first metropolitan of the see who got that title in the beginning of the reign of emperor Basil I (867-886). He was a monk, afterward abbot of the Monastery of St Phokas tou Diaplou east of Trebizond. Demon crusher and miracle maker, who healed in Constantinople the daughter of the emperor Theophilos, was consecrated as a bishop by the patriarch Methodios (843-847)²⁰. The metropolitan of Trebizond St Basil rebuilt the cathedral of Trebizond, dedicated to the Mother of God called "Golden Headed" in 913-914²¹. But the title of archbishop was not granted to the metropolitan of Trebizond and when he used it, it caused the protest of patriarch Nicolas I Mystikos (901-907, 912-925) who demanded that the *exarch* of Chaldia send the cleric for explications to Constantinople²².

The monasteries of the Pontos were of great importance and played a significant role in the spiritual and economic development of the region and, later, of the Empire of Trebizond. Just a few words about the most important of them. The legendary foundation of the abbey of John the Baptist of Vazelon is attributed to 270. In the 5th or 6th century it was destroyed by the Persians and renewed by Justinian I. It possessed large land property in different places throughout Matzouka and received donations from the different emperors of Trebizond as well as from the ottoman sultans later. Another large monastery of Our Lady of Soumela was founded in 376 by two monks from Athens - Barnabas and his nephew Sophronios who brought to the Pontos a miraculous icon of the Virgin believed to have been painted by the evangelist Lucas. The monastery was created with the support of the abbot of Vazelon²³.

In the famous monastery of St. Eugenios in the 9th century there were miraculous visions when the saint himself disclosed the date of his birthday, the 24th of June, which became a common great feast for the Pontians. It brought together pilgrims from different provinces, including Paipertes (Bayburt), where

²⁰ Cf.: A. I. PAPADOPOULOS-KERAMEUS, 'Αθανάσιος ὁ Δαιμονοκαταλύτης, in: *Viz.Vremennik* 12 (1906) 138-141; CHRYSANTHOS, 'Η Ἐκκλησία α, 152-153, 217-221; ROSENQVIST, *The Hagiographic Dossier*, 206-215; V. GRUMEL, *Le Patriarcat Byzantin. Les Regestes des Actes du Patriarcat de Constantinople*, vol.I, fasc.II-III: 715-1206, 2^e éd revue et corrigée par J. DARROUZÈS, Paris 1989, N 439-440.

²¹ A.I. PAPADOPOULOS-KERAMEUS, *K istorii Trapezunta*: *Viz. Vremennik* 12 (1906) 142-143; E. KYRIAKIDES, *Βιογραφία των εκ Τραπεζούντος και της περί αυτήν χώρας από της αλώσεως μέχρις ημών ακμασάντων λογίων*, Athenai 1897; CHRYSANTHOS, *Η Εκκλησία*, 211-212.

²² V. GRUMEL, *Le Patriarcat Byzantin. Les Régestes*, vol. I, fasc.2-3, N 617 [774]; Nicholas I Patriarch of Constantinople, *Letters. Greek text and English transl.* by R.J.H. JENKINS - L.G.WESTERINK, Washington 1973, N 74, p. 322.18-21.

²³ BECK, *Kirche*, 212.

the abbot of the monastery Anthony and his relatives had originated from. The metropolitan St. Athanasios the Demon crusher largely contributed to this joint saint's birthday festival. In the 9th-12th centuries the monastery flourished and possessed a large land property not only around Trebizond but also in Chaldia and Paipertes.

The destiny of monasteries depended a lot on the social and political situation and internal conflicts in the Empire of Trebizond. For example, the famous monastery of Soumela benefited a lot from numerous endowers of the clans of the local landlords, the Scholarioi, the Doranitoi a.o. But after the defeat of the archontes in the civil war and the confiscation of their property (1342-1361) it was included in the sphere of influence and in support of the emperors, a fact, testified to by a famous golden bull to Soumela of Alexios III, 1364²⁴.

From the early Byzantine period in Trebizond existed important home churches where worship was conducted even by bishops, as attested by the Vita of St George of Amastris of the 9th century²⁵.

Among the local saints of a later period, St. Theodore Gabras, martyred about 1098, possibly by the Seljuk emir of Erzerum and Dvin Abu'l Kasim Saltuk, was the most venerated hero and warrior who protected Pontos against the Danishmendids and the Seljuks in the late 11th century²⁶.

After the foundation of the Empire of Trebizond in 1204 its church, recognizing the jurisdiction of the Ecumenical patriarchate, claimed a greater independence on the territories controlled by the Grand Komnenoi from a patriarch whose residence was in Nicaea and who supported the Laskarids, rivals of the Pontic sovereigns²⁷. The formal recognition of the special rights of the metropolis of Trebizond occurred on the 1st of January 1260. Michael VIII Palaiologos claimed to include Trebizond in the orbit of his interests on the eve of the recapture of Constantinople from the Latins and to conclude an alliance with the able emperor of Trebizond Manuel I. Michael VIII proposed a matrimonial unit and conciliation with the "governor" of Trebizond. As a precondition of further negotiations Manuel insisted on granting of a broader autonomy to the local church. His aim was different from that of the Palaiologos: to consolidate his empire and assure its reconnaissance in the Greek world. Michael VIII decided to make a certain concession and induced the patriarch to assemble the synod and to adopt a special decision. In the chart itself the political motivation of the concessions is explained by the statement that they contribute to the benefit of the unification of the Romans and to the conclusion of a matrimonial alliance²⁸.

²⁴ A. BRYER, *The Pilgrim monastery of Soumela as an economic paradigm*: XX^e Congrès Int. des Études Byzantines. Pré-Actes. II. Tables rondes, Paris 2001, 90-91.

²⁵ V.G. VASILIEVSKIJ, *Trudy*, Petrograd 1915, XXXVII, 47.

²⁶ Cf.: S.P. KARPOV, *Srednevekovyj Pont*, NY 2001, 47-50.

²⁷ *Ibid.*, 85-125.

²⁸ J. OUDOT, *Patriarchatus Constantinopolitani acta selecta*, Roma 1941, 86.

During Manuel's rule the planned marriage never took place. There was an obvious obstacle: Michael insisted on the abolishment of the imperial title of the Grand Komnenoi rejected by Manuel.

Let's try to evaluate the sense and amplitude of the privileges. 1) In case of the death of the metropolitan the patriarch and his synod, taking into consideration difficulties and the dangers of the voyage from Trebizond to Nicaea, were permitted to conduct elections of his successor in Trebizond at a provincial synod. The patriarch could send there as his representative a bishop or simply a cleric. The newly elected metropolitan of Trebizond was permitted not to perform a voyage to the patriarch for his ordination but to be installed *in situ* by the patriarch's representative, if a bishop, or else by one of the local archpriests. The representative of the patriarch did not possess any right of veto and the elections were performed with the consent of secular powers according to canon law²⁹. 2) The elected metropolitan could ordinate bishops of his ecclesiastical territory, but was deprived of such a possibility without the authorization of the patriarch in regard of the metropolitans and archbishops who remained under the jurisdiction of the Ecumenical patriarchate³⁰.

Before the 4th Ecumenical Council (451) the metropolitans received ordination not from the patriarch but from the bishops of every ecclesiastical territory. The 28th rule of the 4th Ecumenical Council specified that provinces of Asia, Pontos and Thrace were subordinate to the Constantinopolitan see. Their metropolitans after their election had to receive ordination from the archbishop of Constantinople. The patriarch himself did not participate in the elections and was even not present there, but he confirmed the results of the voting and consecrated one of the three possible candidates. The eparchial council of the bishops of every metropolis performed the elections³¹. Still earlier than the 10th century appeared a custom that the patriarch not only consecrated the metropolitans but also took part in their election performed by a synod of bishops in Constantinople. The patriarch assembled it and its members did not necessarily originate from the ecclesiastical province of the elected metropolitan. In the tractate of Euthymios of Sardes "About the election of bishops" (late 8th/early 9th century) the practice of election of a metropolitan *exclusively* at a synod in the capital was considered quite legal³². The editor of the tractate J. Darrouzès considered elections in the province totally obsolete³³.

²⁹ Ibid., 86.

³⁰ Ibid., 88.

³¹ I.I. SOKOLOV, *Izbranie arkhierееv v Vizantii IX-XV vv. Istoriko-pravovoi ocherk*: Viz. Vremennik 22 (1915/16), 208-210; E.E. GOLUBINSKII, *Istoriya russkoi zerkvi*, Moscow 1901, t.1, part.1, 272-273.

³² J. DARROUZÈS, *Documents inédits d'ecclésiologie byzantine*, Paris 1966, 108.

³³ Ibid., 11.

Consequently the chart of 1260 makes deviations simultaneously from the 38 Rule and from the ecclesiastical practice of the epoch. It permitted the metropolitan of Trebizond to be elected at a synod of his diocese without an obligation to present himself for ordination in Constantinople whereas civil powers participated in elections, and the patriarch was deprived of his prerogative to choose one of the three candidates in case of a discord. Such a concession probably confirmed the previously existing local practice. They looked like a juridical extension of the rights and privileges of the see of Trebizond. But meantime the patriarch tried to affirm his prerogatives concerning other bishoprics of the Empire of Trebizond and to prevent a transformation of Trebizond into the center of an autocephalous church, such as in Bulgaria or Serbia. The concession was in fact a certain compromise of interests. The chart demonstrates equally that ecclesiastical privileges were used as a tool of the long lasting "Trapezuntine" policy of Michael VIII. But he was far not its inventor. The empire of Nicaea performed a similar policy in regard to other orthodox churches, granting to the archbishoprics of Serbia (in 1219), Bulgaria (in 1235) and of Kiev (1250) autocephaly or special rights on condition of strengthening their relations with Nicaea and with the community of orthodox states. The policy of granting ecclesiastical privileges to Trebizond is therefore not exclusion but rather a well thought-out course of action of the Ecumenical patriarchate and the emperors of Nicaea to provide through concessions the leading role of Nicaea as a true successor of Byzantium. The church of Trebizond acquired broader rights in the election of metropolitans than that of Kiev but did not achieve autocephaly like Serbia or Bulgaria.

That practice became gradually more and more limited after the restoration of Byzantium in 1261, but it was not officially abrogated. From the mid 14th century the metropolitans of Trebizond were again consecrated by the patriarch in Constantinople but they began to play a more active and important role in the affairs of the patriarchate occupying high positions in the sequence of bishops participating in the synods' activities. They frequently visited Constantinople. After March 1364 there arrived for his consecration Joseph (John) Lazaropoulos, elected earlier in Trebizond³⁴. He signs quite a number of the acts of the patriarchate as a participant of the synods' assemblies during his stay in Constantinople from spring 1364 till April 1365³⁵. Having abandoned his chair,

³⁴ Μιχαὴλ τοῦ Παναρέτου Περὶ τῶν Μεγάλων Κομνηνῶν, ekd. O. LAMPSIDES: AP 22 (1958) (below – PANARETOS), 75.24-25.

³⁵ F. MIKLOSICH - J. MÜLLER, *Acta et diplomata graeca medii aevi sacra et profana* (below – MM), t. I, Vindobonae 1860, № 194, 197, 199, 202-206, 209, 212, 228; J. DARROUZÈS, *Le Patriarcat Byzantin. Les Régestes des Actes du Patriarcat de Constantinople*, vol. I, fasc.V: 1310-1376, Paris 1977, N 2465, 2475, 2478-2482, 2484-2485, 2488-2489; PANARETOS, 75.30-32.

Joseph once again was looking for refuge in the Byzantine capital³⁶. In November-December 1369 in the same city his successor metropolitan Theodosios, who originated from Thessalonica, was a monk at the mount Athos for 20 years and became later an abbot of the renowned Mangana monastery was elected and received ordination. On the 13th of August 1370 Theodosios arrived at Trebizond and was installed³⁷. Obviously in those two cases there was a certain violation of the privilege of 1260. Yet the metropolitan Joseph himself preferred to go to Constantinople for his ordination and Theodosios, not a Trapezuntine cleric at all, was both elected and consecrated in Constantinople. We have no evidence of disapproval of such behavior. On the contrary, Theodosios was a highly respected clergyman. He is the only archpriest whose *curriculum vitae* is described by the local chronicler, Panaretos, and who is officially praised in a golden bull of the emperor of Trebizond Alexios III³⁸. Last, not least, he was the brother of Dionysios, a famous zealot and the founder of the Athonian monastery, which was named after him. The installation of Theodosios reveals once again links of the ruler of Trebizond with the Cantacuzenus family and with their policy. The phylo Cantacuzenus patriarch Philotheos Kokkinos performed the ordination and the consecration was by the abbot of the same Mangana monastery where Joseph-ex-emperor John VI Cantacuzenus had retired as a monk. In the beginning of the 15th century the patriarchs did not treat any more the election of the metropolitan of Trebizond as a special exclusion, insisting on their obligatory visit for consecration to Constantinople. The metropolitan Symeon, whose candidature was proposed by the emperor, did just that, for instance, in 1402³⁹. Symeon was installed in Trebizond on the 14th of July 1402.⁴⁰ Elections of the metropolitans of Trebizond in Constantinople continued in the 15th century.⁴¹ It seems that Alexios III agreed consciously to limit the privileges of the metropolis of 1260. But he and even more his successor Manuel III (1390-1417) aspired to secure elections of the candidates loyal to them both in the metropolis of Trebizond and in the adjacent bishoprics.

From the 14th century onwards the Empire of Trebizond was regarded as a center of support of Christianity on Ex-Byzantine territories under Turkic rule⁴². In July 1317 the elected metropolitan of Amaseia Kallistos, whose diocese was

³⁶ PANARETOS, 76.20-25.

³⁷ DARROUZÈS, Les régestes, t.I/5, N 2564; PANARETOS, 77.17-22.

³⁸ Actes de Dionysiou, ed. N. OIKONOMIDES, Paris 1968, 60.

³⁹ MM, T.2, P.541-543, DARROUZÈS, Les régestes, t. I/6: 1377-1410, Paris 1979, N 3236, 3258.

⁴⁰ A. BRYER, Some Trapezuntine Monastic Obits (1368-1563): *Revue des études Byzantines* 34 (1976) 137, N 35; DARROUZÈS, Les régestes, t. I/6, N 3258.

⁴¹ DARROUZÈS, Les régestes, t. I/7: 1411-1453, Paris 1991, № 3292: 15/ III 1415.

⁴² Cf.: D. KOROBEINIKOV, *Orthodox Communities in Eastern Anatolia in the Thirteenth and Fourteenth Centuries. Part 1: the Two Patriarchates: Constantinople and Antioch: Al-Masāq* 15/2 (2003) 197-214.

under the Ottomans and had suffered a lot from Muslims' raids got the permission of the emperor of Trebizond to have as his residence the bishopric of Limnia, a Trebizond stronghold⁴³. In the future Limnia became a permanent residence of the metropolitan of Amaseia and in 1384 it was the bishop of Limnia who acquired rights to govern the diocese of Amaseia⁴⁴. The appearance in the Empire of the Grand Komnenoi of a new metropolitan (in addition to those of Trebizond, Kerasous and Alania) contributed to their authority and permitted them to influence the orthodox population on the Turkic territories neighboring the Pontos. In summer of 1315 the patriarch and his synod conferred the bishop of Sinope to administer the metropolis of Sydae and Sylaiou and the archbishopric of Leontopolis⁴⁵. Sinope did not belong then to the Empire of Trebizond, but geographically it had better and closer relations with Trebizond than with any other place in the Byzantine world. Taking into consideration that the residence of the metropolitans of Neocaesarea had been in Oinaion since the 12th century, it becomes evident that from 1317 onwards practically all Pontic bishops resided on the territory of the Grand Komnenoi⁴⁶.

In late 1344/early 1345 the patriarch John XIV established on the eastern frontiers of the Empire of Trebizond an archbishopric of Soterioupolis with a division of the see of Alania. The reform was not a success. The patriarch himself was accused by a number of bishops in simony and in selling of bishoprics. Among the applicants was Laurentios of Alania and of Soterioupolis, who styled himself so in the old manner. In August, 1347 the new patriarch Isidore I again included Soterioupolis in the metropolis of Alania⁴⁷, probably following an early 12th century tradition⁴⁸. In any case the influence of the Empire of Trebizond on the Caucasian frontiers was strengthened. Plus, the metropolitans of Alania and of Zichia by the appointment of the patriarch were authorized to take arbitrary decisions in the quarrels of the Crimean bishops. Thus they controlled the ecclesiastic administration of the Crimea⁴⁹. The metropolitan of Alania possessed as well certain rights regarding the clergy of Tana (Azov). Sometimes he abused

⁴³ Das Register des Patriarchats von Konstantinopel. I Teil. Edition und Übersetzung der Urkunden aus den Jahren 1315-1331, hrsg. von H. HUNGER und O. KRESTEN, Wien 1981 (below- PRK, I), N 49, S. 326-343; DARROUZÈS, Les régestes, t. I/5, N 2079. D.A. KOROBEINIKOV, *Pontijskie mitropolii na musul'manskikh zeml'akh v XIV v.: Viz. Vremennik* 56 (1995) 158-160.

⁴⁴ MM, T.2, № 365, P.64-66; DARROUZÈS, Les régestes, t. I/6, N 2775.

⁴⁵ PRK, I, N 6, S. 146-151, N 24, S. 236-241; DARROUZÈS, Les régestes, t. I/5, N 2034, 2051.

⁴⁶ KOROBEINIKOV, *Pontijskie mitropolii*, 160.

⁴⁷ PRK, II, N 163, S.456-462; DARROUZÈS, Les régestes, t. I/5, N 2255, 2263, 2287, 2423; 2502 (MM, T.1. P. 477-478).

⁴⁸ GRUMEL, *Les régestes*, vol.I, fasc.II-III, N 976a; J. DARROUZÈS, *Remarques sur des créations d'évêchés byzantins: Revue des études Byzantines* 47 (1989) 234-235.

⁴⁹ PRK, I, N 52, S.342-343; DARROUZÈS, Les régestes, t. I/5, N 2082: 1317/18.

his prerogatives⁵⁰. Some property in Trebizond itself, in Athini and in Lazica equally belonged to him⁵¹. Through the metropolis of Alania the church of Trebizond could expand its influence over the Western Caucasus, Tana with the Azov Sea region and the Southern Crimea. That's why the emperors of Trebizond tried to take under their control the elections of the metropolitans of Alania. For instance, in 1400 Manuel III was authorized by the patriarch to perform his elections not in Constantinople, but in his temporary residence, Trebizond. He explained it by the difficulties of a voyage to Constantinople during the war with the Ottomans. He even afforded, contrary to the canon law rules, simony during elections, involving the metropolitan of Trebizond and the patriarchal exarch of the place Nathaniel. Through a hieromonk Gideon abbot of St. Sophia (most probably the convent in Trebizond) the patriarch Mathew I was offered 5 sommi of silver, later 3 more sommi. The latter declined it with indignation, notwithstanding the poverty of his see, as he stated. He cancelled the illegal elections and found the metropolitan of Trebizond and the exarch guilty. Nevertheless, respecting the claim of the emperor, the patriarch agreed in November 1401 to receive the elected metropolitan of Alania. He had to come in four months' time starting from March 1402 when the navigation began, and to present his justifications. The synod of the patriarch had to make a decision on his rights as an archpriest⁵².

Relations of the bishops of Trebizond with the Ecumenical patriarchs darkened equally owing to the opposition of the emperors and the metropolitans of Trebizond to the unionist policy of Michael VIII and, later, of John VIII⁵³. The church of Trebizond from the very beginning abstained from participation in negotiations about the union with the Roman catholic church and not one of the bishops of the empire of Trebizond signed in 1274 the document of the Constantinopolitan synod ratifying the conditions of the union: the acknowledgement of the primacy of the pope, the assumption of a possibility to appeal to the pontiff as the highest instance, obligation to pray for him at every service. Out of 144 metropolitans and archbishops of the patriarchate of Constantinople only 35 or 38 signed the Act of the Council. The metropolitan of

⁵⁰ MM, T. I, 356-363; DARROUZÈS, *Les régestes*, t. I/5, N 2308, 2369, 2379-2380, 2383, 2392-2393, 2423: 1350-1360. In his claims on properties in Tana the metropolitan of Alania made use of paiza given by the khan of the Golden Horde that was called in Greek *δαλείχιον*. J. DARROUZÈS transcribed it, probably erroneously, as "le baiser": *ibid.*, № 2392, p. 322.

⁵¹ DARROUZÈS, *Les régestes*, t. I/5, N 2423.

⁵² MM, T.2, p. 483-484, 541-543; DARROUZÈS, *Les régestes*, t. I/6, N 3121, 3198, 3236.

⁵³ S.P. KARPOV, *L'impero di Trebisonda, Venezia, Genova e Roma, 1204-1461. Rapporti politici, diplomatici e commerciali*, Roma 1986, 194-216.

Trebizond was not among them, as well as the patriarchs of Antioch and Alexandria⁵⁴.

On the other hand the Grand Komnenoi became themselves objects of condemnation by the patriarch for their perverse matrimonial conduct. For instance, in 1335 emperor Basil (1332-1340) married Eirene, a daughter of Andronikos III Palaiologos. No later than in early 1336 he had chosen as his mistress another Eirene, of Trebizond. Two children were born from her soon. Metropolitan Gregory of Trebizond (1333-1339) was evasive in his talks with the patriarch John XIV Kalekas in Constantinople but, possibly, permitted to dissolve the first wedding of his sovereign. When the case became evident and even caused troubles in Trebizond, the patriarch in 1339 or 1340 addressed the emperor and the metropolitan with letters of condemnation and accused Gregory of misconduct. Eirene of Trebizond was excommunicated, but the sovereign only threatened. Surely, the patriarch protected not only morality, but prerogatives of the house of Palaiologoi as well. In 1340 Basil died and in 1341 with the departure of both Eirenes from Trebizond the conflict seemed to be over⁵⁵. The church of Trebizond did not loosen its relations with the Ecumenical patriarchate remaining in canonical obedience to it. The metropolitans of Trebizond, beginning with Niphon (1351 -1364) supported Gregory Palamas and the hesychasts in their polemics with the adversaries⁵⁶. And in the 14th century the metropolitans of Trebizond obtained from the patriarchate the high title of panaghiotatoi that equaled them to the archbishops of the biggest and most important chairs, as, for instance, Thessalonica⁵⁷. Yet, the metropolitans of Trebizond never got the title of archbishops in the middle ages and their aspirations to acquire the title, leading to autocephaly, were energetically, as we can see, suppressed by the patriarchs.

In the 1370s against the background of an international conflict, involving Byzance, Venice and the Bulgarian despot Dobrotiza in a plot against Alexios III of Trebizond⁵⁸, there was a new temporary aggravation of church relations between Constantinople and Trebizond. Initially the difference derived from the arbitrary and illegal actions of a certain monk named Paul Tagaris. Ordained a priest by the patriarch of Antioch Michael, he received from him the rights of an exarch. Not being a bishop, Tagaris began in 1368-70 to ordain priest and even bishops on the canonical territory of a different, Constantinopolitan patriarchate,

⁵⁴ L. WADDING, *Annales minorum*, t. IV, 392; B. ROBERG, *Die Union zwischen der griechischen und der lateinischen Kirche auf dem II. Konzil von Lyon (1274)*, Bonn 1964, 123-125.

⁵⁵ Cf.: A. BRYER, *Peoples and settlement in Anatolia and the Caucasus, 800-1900*, London 1988, N VI, 347-352.

⁵⁶ Cf.: DARROUZÈS, *Les régestes*, t. I/5, N 2323-2324, 2326.

⁵⁷ CHRYSANTHOS, *Η Εκκλησία*, 174-175, 257.

⁵⁸ Cf.: S.P. KARPOV, *The Empire of Trebizond and Venice in 1374-76 (a chrysobull redated)*: AP 35 (1979) 290-298.

in the metropolis of Ikonion. The Ecumenical patriarch Philotheos Kokkinos (1364-1376) in 1370 condemned him, considered his ordinations illegal and ordered an investigation to be done⁵⁹. But dressing himself in bishop's chasuble, Tagaris styled himself patriarch of Jerusalem, participated (not disinterestedly) in the elections of a Georgian ruler. Being nominated by the same patriarch of Antioch bishop of Tebriz ca. 1371-75 Tagaris disposed as his own churches in the obedience of the patriarchate of Constantinople, for instance, in the metropolis of Amaseia, where he consecrated a bishop of Limnia. After the disclosure he escaped in 1376 via Trebizond to the Golden Horde and Hungary and then – to Rome where he adopted Catholicism and was consecrated an apostolic legate in the East and even the Latin patriarch of Constantinople. His behaviour in Anatolia and the Pontos caused a special investigation of clergymen appointed by the patriarchs Philotheos Kokkinos in 1370, 1371-72 and Neilos Kerameus (1380-1388). At least in 1394 a synod in Constantinople accepted the confession of the repenting Tagaris. He renounced the “mistakes of Latins” but denied accusations of his involvement in sorcery. The synod censured and defrocked him. Relations of the Grand Komnenoi with the Palaiologoi in the 1370s were unstable; the tensions of Alexios III with the archontes of Limnia still existed. On the other hand the tutelage of the patriarchate over the Christians under Turkic rule or in the frontier zone weakened. That's why the deals of Tagaris complicated the situation, not to mention that they aggravated controversies with the Latins⁶⁰. In Byzantium the role of Trebizond was considered important for the success of negotiations with the Roman Catholic Church. In July, 1367 ex-emperor John VI Cantacuzenus in his discourse with the papal legate Paul affirmed that in order to investigate the essence and the reason of the Greco-Roman dissensions concerning the matters of faith it was of vital necessity to assure the presence of eastern patriarchs, of the catholicos of Iberia, of the Bulgarian patriarch, of the archbishop of Serbia, of the metropolitans of Rus', of Trebizond, of Alania and of Zichia⁶¹.

More evidence of tensions between Byzantium and Trebizond is found in an act of the Patriarchate in 1382. The circumstances are not quite clear. The great protosyncellus hieromonk Myron was condemned and even imprisoned for his

⁵⁹ MM, T.I. P.537-538; DARROUZÈS, *Les régestes*, vol. I, fasc. 5, N 2598.

⁶⁰ MM, T.2. P. 64-66, 224-230; DARROUZÈS, *Les régestes*, t. I/5, NN 2449, 2598, 2639, 2642; t. I/6, N 2775, 2894, 2974. Cf.: KOROBENIKOV, *Pontijskie mitropolii*; D.M. NICOL, *The Confession of a bogus Patriarch: Paul Tagaris Palaiologos, Orthodox Patriarch of Jerusalem and Catholic Patriarch of Constantinople in the XIVth Century*; *Journal of Ecclesiastical History* 21 (1971) 289-299; H. HUNGER, *Die Generalbeichte eines byzantinischen Mönches im 14. Jahrhundert*; H. HUNGER - O. KRESTEN, *Studien zum Patriarchatsregister von Konstantinopel*, Wien 1997, Bd.2, 193-218.

⁶¹ J. MEYENDORFF, *Projets de Concile œcuménique en 1367. Un dialogue inédit entre Jean Cantacuzène et le légat Paul*; *Dumbarton Oaks Papers* 14 (1960) 173.127-138; Ioann Kantakuzin, *Beseda s papskim legatom. Dialog s iudeyem i dr. sochineniya*, ed. G.M. PROKHOROV, St. Petersburg 1997, 49-50.

actions in favour of the Emperor of Trebizond and harmful to the patriarchate. In 1382 he obtained absolution from the patriarch and authorization to return to Trebizond. He had however to sign an obligation "never to agree with the Emperor of Trebizond in what he would like to commit for the ruin of the Church", for the elevation of the metropolis to an archbishopric or a patriarchate and to oppose by all means his own election as a local metropolitan. Evidently the patriarchate was troubled by a desire of the emperor of Trebizond to assure autocephaly of the local church following the examples of Cyprus or Serbia or to create an archbishopric on the Pontos⁶².

Persistent aspirations of the Ecumenical patriarchate to strengthen its influence in the Pontos and adjacent metropolis of Neocaesarea, Koloneia, Keltzene, Alania and Soterioupolis can be traced possibly through the fact that there were nominations in Trebizond, of, besides metropolitans, the exarchs of the patriarchs. In 1391 the treasurer of the metropolis of Trebizond Theodore Panaretos was granted patriarchal prerogatives in Trebizond and all other named metropolitan sees. In 1389 the metropolitan of Trebizond Theognostos was in the Principality of Moscow collecting alms and having a mission from the patriarch⁶³. There is no clear evidence of his return or replacement before 1395⁶⁴. It is possible that Panaretos' appointment could have been stimulated by the necessity to govern the see in the absence of the metropolitan and to take care of the property belonging to the patriarchate. The nomination of a Trapezuntine cleric (his relations with the homonymous chronicler are uncertain) could testify not only his personal good relations with the patriarch, but the influence of the phylobyzantine group that existed among the Pontic clergy⁶⁵. Subsequently the exarchs could be appointed equally besides the ruling metropolitans. In 1395 the rights of the patriarchal exarch in Trebizond were conferred to hieromonk Cyril while metropolitan Anthony was active⁶⁶. In 1400-1401 letters concerning the order of elections of the metropolitan of Alania were addressed to the patriarchal exarch in Trebizond Nathaniel and he was blamed for permitting bribery⁶⁷.

The position of a particular bishopric in the hierarchical system of the patriarchate depended on many circumstances and was regulated by tradition (that allowed certain modifications) and was fixed in the *Notitiae episcopatum*. It can

⁶² MM, T.2. P.44-45; DARROUZÈS, *Les régestes*, t. I/6, N 2742; KOROBEINIKOV, *Pontijskie mitropolii*, 167-168.

⁶³ KARPOV, *Srednevekovyj Pont*, 181-182.

⁶⁴ A mention of Ilarion of Trebizond in a forged document of 1394 is unreliable: DARROUZÈS, *Les régestes*, t. I/6; N 2959.

⁶⁵ MM, T.II. P. 154-155; DARROUZÈS, *Les régestes*, t. I/6, N 2890; CHRYSANTHOS, *Η Εκκλησία*, 256-257.

⁶⁶ MM, T.II. P. 246; DARROUZÈS, *Les régestes*, t. I/6, N 2997; BRYER, *Some Trapezuntine Monastic Obits*, 132-133.

⁶⁷ MM, T.II. P. 483-484, 542; DARROUZÈS, *Les régestes*, t. I/6, N 3121, 3198.

be checked by the order of signing of acts of the synod and of other similar documentation by metropolitans and bishops⁶⁸. Real changes of significance of a certain see slowly affected the customary system and sometimes metropolitans who were absent from their diocese captured by enemies or lost occupied higher ranks than those who headed churches of entire states (Rus' or Serbia, for instance). I tried to examine those changes concerning Trebizond⁶⁹ and came to the following conclusions.

In the *Notitiae* compiled during the reign of Andronikos II Palaiologos (1282-1328) took place significant changes of the pre-established order, going back as a whole to the times of Leo VI the Wise (886-912). The metropolitan of Trebizond was removed from the 33rd to the 40th position. It occurred for the reason that quite a number of sees whose significance was long ago higher than their place previewed by the former *Notitiae* was elevated. For example, Thessalonica or Adrianople, the most important cities of the empire. Some other sees were moved down. Among them were those who lost old significance due to a foreign occupation (Ikonion, Amaseia or Corinth) and were lost as Byzantine cities. The replacement of Trebizond to my mind is owing to the kind of relations that existed between Byzantium and the Empire of Grand Komnenoi in the 13th / early 14th centuries and to the frequent absence of the metropolitan of Trebizond at the assemblies of the synod in Constantinople.

During Andronikos III (1328-1341) Trebizond again occupies its old 33rd place. It can be explained by the revision of the whole list with a return to the old sequence but also by a certain normalization of political and ecclesiastical relations of the two countries.

Major changes regarding Trebizond are marked by a *Notitia* of the late 14th century. Several manuscripts of it entitle the metropolitan of Trebizond ἔχει δὲ νῦν τὸν τόπον τοῦ Καισαρείας (Ἐφέσου)⁷⁰. It means that even in documents treating the purely theoretical status the metropolitan of Trebizond gets the privilege to occupy the first or (more rarely) second place of the whole list. It is a significant and unprecedented elevation of his importance. In a later document of the patriarch Joseph II regarding the monastery Alipiou on Mount Athos (May, 1428) the metropolitan of Trebizond is equally named the first, preceding

⁶⁸ BECK, Kirche, 148-156; GY. MORAVCSIK, Byzantinoturcica, Berlin 1959, Bd. I, 463-465; J. DARROUZÈS, Le Registre synodal du patriarchat byzantin au XIV^e siècle. Étude paléographique et diplomatique, Paris 1971, 338; S. VRYONIS, The Decline of medieval Hellenism in Asia Minor and the Process of Islamization from Eleventh through the Fifteenth Century, Berkeley 1971, 302-304. Main critical edition: J. DARROUZÈS, *Notitiae episcopatum ecclesiae Constantinopolitanae*. Texte critique, introduction et notes, Paris 1981.

⁶⁹ Cf.: S.P. KARPOV, Trapezund i Konstantinopol' v XIV v.: Viz.Vremennik 36 (1974) 95-98 and lists in DARROUZÈS, *Notitiae episcopatum*.

⁷⁰ J. DARROUZÈS, *Ekthesis Néa*. Manuel des *Pittakia* du XIV^e s.: Revue des études byzantines 27 (1969) 43.

metropolitans of Herakleia, Kyzikos, Neocaesarea, Peloponnesus. The editor F. Dölger assumed that the metropolitan received personal honours testifying besides to the growth of the significance of the see over which he presided⁷¹. But the document clearly states: τὸν τόπον ἐπέχοντες τοῦ Ἐφέσου⁷². This means that the metropolitan of Trebizond had rights only to take the place of the metropolitan of Ephesus, to become his locum tenens. J. Darrouzès noted that it was one of the privileges permitting temporarily or permanently to promote a metropolitan notwithstanding the previewed hierarchical sequence. This practice had occurred already in the 13th century, but had been rare before the 1400s⁷³.

The permanent character of the elevation of the metropolis of Trebizond in the list of episcopacies of the Ecumenical patriarchate is attested to by the Greek acts of the Council of Ferrara and Florence. Already before the beginning of the assembly quite a number of the archpriests of the Greek delegation received the right to be locum tenentes of the vacant prestigious sees. That was done in order to give a spirit of major importance of the membership of the future council. Among those who received high promotion was the metropolitan of Trebizond Dorotheos, locum tenens of the first (!) eparchy of Caesarea. In description of the solemn ceremony of the arrival of the Byzantine emperor John VIII, of the patriarch of Constantinople and of Greek clergy to Italy the metropolitan of Trebizond is again listed the first after the representatives of the patriarchs of the East, higher than the metropolitans of Kyzikos (locum tenens of the see of Ankyra) and Bessarion of Nicaea himself (locum tenens of the see of Sardes). The same order is observed at the procedure of signing the final Act of the Council with the exception that the metropolitans of Kyzikos and of Trebizond changed places⁷⁴.

The sequence attested to in the documents of the 15th century originated earlier, in the late 14th century, but due to a certain conservatism of the canon law it took official shape in the 1420s-1430s. But even then the elevation of a metropolis took place not by the means of revising the list, but by granting the title of a higher but practically vacant episcopacy. The system of «locum tenentes» did not always mean a transfer of administration of a see occupied by enemies or in decline. More frequently it was simply a way to lift a position of an important see, not modifying the tradition. The promotion of the metropolis of Trebizond was due to its reconnaissance as an outpost of the Ecumenical patriarchate in the Northeastern part of Asia Minor supporting orthodoxy on the Turkic dominated territories and playing an important international role.

Good relations of the Ecumenical patriarchate with the emperors and metropolitans of Trebizond were maintained throughout the 15th century up to the

⁷¹ F. DÖLGER, *Aus den Schatzkammern des heiligen Berges*, München 1948, 230.

⁷² *Ibid.*, 229.19-20; *Actes de Kutlumas*, ed. P. LEMERLE, Paris 1946, 155.19-20.

⁷³ DARROUZÈS, *Le Régistre*, 336.

⁷⁴ *Concilium Florentinum. Documenta et scriptores*, ser.B, vol. V, fasc.1: *Acta Graeca*, ed. R. GILL, Roma 1953, 12.20-23; fasc.2, 465.28-30.

dramatic fall of the empire in 1461. The patriarchs transferred the archpriests of Trebizond to the important sees in Greece. For example, even against his will Dosytheos of Trebizond was appointed the archbishop of Monemvasia in 1422⁷⁵. The patriarchs of Constantinople addressed the Grand Komnenoi with different messages. Gregory III Mammes (1443-1450) explained to John IV additions made by the Latins to the symbol of faith⁷⁶. George (Gennadios) Scholarios wrote to the same emperor about the polemics with the Latins on the procession of the Holy Ghost⁷⁷. The addressee was chosen not occasionally. The emperor of Trebizond and the local church maintained an antiunionist position.

We leave aside the history of the Roman Catholic Church institutions in the Empire of Trebizond treated elsewhere⁷⁸. I will just mention the close connections of the western ecclesiastical foundations with the trade of Italian merchants, with the missionary activity of the mendicant friars and with the Crusading policy of the Papacy. The first indirect evidence of the existence of a Franciscan monastery in Trebizond goes back to 1280⁷⁹. Most probably this is not the date of its foundation: already before, in 1279, existed a convent in Sebasteia, the survival of which is improbable without an outlet on the sea shore. A monk from Orvieto Andrea della Terza who lived there for many years and died in 1343 created the convent of the Dominican friars soon, after 1315⁸⁰.

Earlier than the 1330s a bishopric of the Roman Catholic Church was created in Trebizond. It was a permanent see and not a residence «in partibus infidelium». It existed to the fall of Trebizond in 1461, although many bishops of the late 14th/early 15th centuries were only titular clerics living elsewhere.

Last, but not least, many Armenians had settled in the Pontic region since antiquity. Wars, Seljuk and, later, Mongol invasion and destructions in Eastern Asia Minor and the Caucasus caused the flow of the Armenian population to the Pontos, especially from the 11th century onwards. Armenian trade between Persia and the Black Sea equally stimulated it. The Eastern Pontos, from Bayburt to Batumi, was called by the Armenians Hamshen and Armenian population, including the Armenian chalcedonians was settled around Bayburt (Baberd), in the

⁷⁵ V. LAURENT, La succession épiscopale du siège de Trébizonde au moyen âge (additions et corrections): AP 21 (1956) 92-94; IDEM, La liste épiscopale du synodicon de Monembasie: Echos d'Orient 32 (1930) N 170, p. 129-161.

⁷⁶ PG, 1866, t. 160, 205-248; DARROUZES, Les régestes, t. I/7, № 3404: 1445-1450.

⁷⁷ PG, 1866, t. 160, 665-714; SP. P. LAMPROS, Παλαιολόγεια και Πελοποννησιακά, Athenai 1912, t.2, 236-237; Oeuvres complètes de Gennade Scholarios, ed. L. PETIT - X.A. SIDERIDES - M. JUGIE, Paris 1935, t.4, 453-454.

⁷⁸ KARPOV, L' impero di Trebisonda, 193-228.

⁷⁹ G. GOLUBOVICH, Biblioteca Bio=bibliografica della Terra Santa e dell'Oriente Francese, vol. 2, Quaracchi 1913, 265; A. BRYER, Trebizond and Rome: AP 26 (1964) 296.

⁸⁰ См. подробнее: R. LOENERTZ, Les missions dominicaines en Orient et la Société des Frères Pègrinants: Archivum Fratrum Praedicatorum 3 (1933) 22-24.

estates of St. Eugene's monastery, a saint venerated by the "people from Paipertes"⁸¹, and elsewhere. In late 15th/early 16th century no less than 12-15% of the entire population of Trebizond were Armenians⁸². Probably they had their own quarter, but they lived also in Venetian and Genoese castles, adopting status, privileges and sometimes the faith of the Catholics. A Spanish voyager of the early 15th century Clavijo described the rituals and customs of the Armenian community of Trebizond⁸³. Armenians of the empire of Trebizond had their bishop, several churches and monasteries. One, of them, All Saviour of Kaymakli near Trebizond was a centre of pilgrimage and Armenian religious life until 1915⁸⁴. As usual, the Armenians tried to embellish the places where they lived. And their khachkars, their sculptural relief decorations can be discovered not only in Armenian, but also in famous Greek orthodox churches, as, for example, St. Sophia of Trebizond⁸⁵.

⁸¹ S.P.KARPOV, «Lyudi iz Paiperta»: ANTIAΩPON. K 75-letiyu ak. G.G. Litavrina, St Petersburg 2003, 66-73.

⁸² R. JENNINGS, Urban Population in Anatolia in the XVIth Century: a Study of Kayseri, Karaman, Amasya, Trabzon and Erzurum: *Int. Journal of Middle East Studies* 7/1 (1976), 43; H.W. LOWRY, *The Ottoman Tahrir Defters as a Source for Urban Demographic History: the Case Study of Trabzon (ca. 1486-1583)*, Los Angeles 1977 (PhD microfilm), 47-65.

⁸³ RUJ GONZÁLEZ DE CLAVIJO, *Embajada a Tamorlán*, Madrid 1999, cap. LXII.

⁸⁴ BRYER - WINFIELD, *The Byzantine Monuments*, t.1, 208-211.

⁸⁵ R.W. EDWARDS, *The Garrison Forts of the Pontos: a Case for the Diffusion of the Armenian Paradigm*: *Revue des études arméniens* 19 (1985) 226.

LE DEVELOPPEMENT DES LOIS ECCLESIASTIQUES EN ARMENIE

Azat Bozoyan, Erevan

Jusqu'au début du VI^e siècle, l'église Arménienne avait lié son organisation et sa doctrine avec les conciles œcuméniques, adoptant et canonisant les décisions des premiers conciles ecclésiastiques, notamment ceux de Nicée (325), de Constantinople (381), d'Ephèse (431) et de quelques conciles locaux. Les témoignages qui sont conservés dans la littérature Arménienne sur cette question sont très rares. Pour cette époque nous avons, comme sources, l'Histoire de l'Agathange, les Récits épiques (l'Histoire) de Fauste de Byzance, l'Histoire de Moïse de Khorène, la Vie de S. Machtoz de Korioun, les documents ecclésiastiques qui sont conservés dans le Livre des lettres, les décisions du Concile de Chahapivan et les canons des autres conciles. Les décisions de ceux-ci nous sont parvenues dans le recueil canonique ultérieur (Kanonagirk' Hayoc'), créé dans la première moitié du VIII^e siècle, par le catholicos Arménien Jean d'Odzun, et ces recueils ont été augmentés après lui. Pour cette époque sont conservés également quelques traités sur les premiers Conciles¹.

Sur la canonisation du concile de Nicée (325) et de ses canons, nous avons des témoignages dans les « Histoires » d'Agathange et de Moïse de Khorène. Il est à noter aussi que les décisions du concile de Nicée ont été apportées à l'Arménie par le fils et le successeur de Grégoire l'Illuminateur – Aristacès. Moïse de Khorène mentionne en particulier le concile de Constantinople (381), il ne lie pas celui-ci à un événement en parallèle en Arménie. Korioun et Moïse de Khorène parlent de concile d'Ephèse (431), mentionnant les décisions de celui-ci qui ont été apportées en Arménie par les disciples de S. Sahak et de S. Machtotz. Les autres sources, notamment l'Histoire des conciles de Jean d'Odzun² qui a écrit au VIII^e siècle, mentionnent tous les trois premiers conciles chacun à leur tour, ajoutant qu'après ces conciles, les catholicos ont convoqué des conciles nationaux où ont été canonisées les décisions de ces réunions ecclésiastiques œcuméniques, dont les documents ont atteint l'Arménie. Ces œuvres se sont établies selon la tradition suivante: après le concile de Nicée, Grégoire

¹ Cf. M. van ESBROECK, Zwei armenische Listen mit Konzilien bis zum Jahre 726, in: *Annuario historiae Conciliorum* 32 (2000) 264-302; M. van ESBROECK, Traité acéphale arménien sur les trois premiers Conciles et attribution probable à Jean Mayravanetsi: *Orientalia Christiana Periodica* 68 (2002) 89-174.

² Voir la traduction commentée de ce monument de M. van ESBROECK, Die sogenannte Konziliengeschichte des Johannes von Odzun (717-728): *Annuario historiae Conciliorum* 26 (1994) 31-60.

d'Illuminateur convoqua un concile et augmenta les 51 canons de ce concile. Après le concile de Constantinople, l'Histoire des conciles de Jean Odzun raconte que Nersès le Grand fit un concile en Arménie. Le troisième concile national se réunit après le concile d'Ephèse, à Ashtishat, au temps de S. Sahak et de S. Mesrop.

Mais il faut souligner que la signification du concile de Nicée a été extraordinaire pour l'église de l'Arménie. Tous les conciles, notamment les deux derniers qui ont eu lieu après celui de Nicée, sont considérés par les Arméniens comme la continuation de ce synode œcuménique. Les canons de Nicée furent immédiatement reçus partout et constituèrent la base de la législation ecclésiastique³. L'église arménienne a lié tous les principes de son organisation et de sa doctrine avec les décisions de ce concile. Dans toute la littérature arménienne, à partir des VI-VII siècles, nous trouvons des affirmations touchant le fait que dans l'église arménienne toutes les décisions de ce concile sont tendues obligatoires, et chaque déviation dogmatique et disciplinaire des résolutions de ce concile était considérée comme hérétique. Dans les documents ecclésiastiques, dans les inscriptions lapidaires et dans les colophons des manuscrits, nous trouvons souvent les anathèmes et les excommunications provenant des 318 pères de Nicée. Même si l'église arménienne adopte aussi les décisions des conciles de Constantinople et d'Ephèse, il désigne toujours leur dogmatique et leur credo de foi comme « nicéen ».

Selon la tradition du Moyen Age, comme nous l'avons vu, après le concile de Nicée, Grégoire l'Illuminateur, en 325, convoque le premier concile national. Cette tradition est entrée dans la littérature scientifique, et Abel Mchitharianc⁴ fixa dans son livre qu'en 325, Grégoire l'Illuminateur convoqua un concile à Valarchapat, où il augmenta le nombre des canons de Nicée⁴.

Au milieu du IV^e siècle, la tradition littéraire rapporte que Nersès le Grand fait de nouveaux canons des lois ecclésiastiques, mettant les nouveaux canons en pratique et édifiant de nombreux centres, léproseries, couvents et auberges en Arménie⁵. Selon la tradition, Nersès canonisa aussi en Arménie les décisions du concile de Constantinople⁶.

Dans la littérature arménienne, il y a bien des témoignages sur la confirmation des décisions du concile d'Ephèse (431). Dans l'Histoire de Moïse de Khorèn, nous

³ W. de VRIES, *Orient et Occident*, Paris 1974, 20.

⁴ A. MCHITHARIANC⁴ édita dans son livre trois groupes de canons qu'ils avons dans son titre le nom de Saint Grégoire. Cf. A. MCHITHARIANC⁴, *Histoire des Conciles de l'Eglise arménienne* (en arm.), Valarchapat 1874, 20-32. Seulement une de ces œuvres est entrée dans le recueil de Jean d'Odzun (V. HAKOBIAN, *Kanonagirk' Hajoc'* [Livre des Canons des Arméniens] I, Erevan 1964, 243-249).

⁵ Cf. M. KHORENE, III, 278-280; Fauste de Byzance, Venise 1933, 81-89.

⁶ Cf. ESBROECK, *Die sogenannte Konzilengeschichte*, 41.

trouvons qu'après le concile d'Ephèse les disciples de Sahak et de Mesrop ont apporté les canons de ce concile en Arménie⁷. Dans « L'Histoire des conciles » de Jean d'Odzun nous lisons que, tout de suite après le concile d'Ephèse, S. Sahak et S. Mesrop ont réuni un concile local à Achtichat⁸ où il ont confirmé les décisions d'Ephèse. Il faut souligner cependant que dans l'ouvrage de Jean d'Odzun, après chacun des trois conciles œcuméniques, des synodes ont été convoqués en Arménie pour confirmer les décisions des conciles œcuméniques, mais ce monument n'indique pas les lieux où ont été convoqués les conciles locaux⁹.

Dès le début du V^e siècle, notamment en 410, nous pouvons suivre une nouvelle introduction de canons et l'établissement de l'organisation ecclésiastique dans l'empire de Sassanide¹⁰. Dans la métropole de cet empire s'établit le catholicosat de Ctésiphon qui devint le centre du christianisme Perse¹¹. L'église arménienne qui n'adoptait pas la diophysitisme de cette organisation, jette à cette époque les premières pierres pour édifier une organisation ecclésiastique indépendante et autocéphale.

Du point de vue de l'étude de la codification canonique des Lois ecclésiastiques arméniennes, les canons du concile de Chahapivan ont une grande valeur. Ils ont été édités et analysés par le P. N. Akinian¹². Examinant les décisions de ce concile, le P. Mékhithariste a daté cette réunion 444, sixième année du roi de Perse – Yazdigird II (438-457)¹³. Les canons du concile de Chahapivan qui nous sont parvenus, nous donnent la possibilité de reconstruire ce recueil de lois qui était à la disposition des participants de ce concile. Selon la préface des canons de ce concile, les participants étaient: « ... Les partisans zélés des lois et de la sainteté. Ils disaient unanimement: Si

⁷ Cf. Moïse de Khorène, trad. J.-P. MAHÉ, Paris 1993.

⁸ Cf. M. van ESBROECK, Y a-t-il eu un concile d'Ashtichat en 435 ? : REArm, 27 (1999-2000) 393-398.

⁹ A. MCHITHARIANC, utilisant ces monuments dans son livre, indique aussi lieux de ces conciles nationaux de Valarchapat (325 ?), Achtichat (366 ?), Achtichat (435 ?). Cf. MCHITHARIANC, Histoire des Conciles, 18-56.

¹⁰ Voir les documents dans l'édition « Synodicon orientale », éd. et trad. de J.-B. CHABOT, Paris 1902.

¹¹ Cf. W. de VRIES, Antiochien und Seleucia-Ctésiphon. Patriarche und Catholicos: Mélanges Eugène Tisserant, vol. III, pt. 2 (Studi e Testi, vol. 233, Vatican 1964), 429-450; St. GERO, Barsauma of Nisibis and Persian Christianity in the Fifth Century (CSCO, v. 426/Subsidia 63), Louvain 1981 21-24 ; N. GARSOÏAN, L'Eglise Arménienne aux V-VI siècles problèmes et hypothèses: N. GARSOÏAN et J.-P. MAHÉ, Des Parthes au Califat. Quatre leçons sur la formation de l'identité Arménienne (Travaux et mémoires. Monographies 10), Paris 1997, 41.

¹² N. AKINIAN, Chahapivan, Wien 1956.

¹³ Cf. IDEM, 17-23.

vous confirmez de votre part l'ordre établie par saint Grégoire, Nersès, Sahak et Machtots, ainsi que d'autres bonnes lois issus de votre volonté, nous nous en chargeons de plein gré et volontiers »¹⁴. A partir de ce fragment, il faut supposer que, avant 444, dans l'établissement de la vie ecclésiastique de l'Arménie, les décisions qui nous ont parvenues du nom de Grégoire l'Illuminateur, de Nersès le Grand, de Sahak Partev, et de Mesrop Machtots jouaient un rôle important. Ils étaient les autorités ecclésiastiques de l'Arménie au temps où la tradition des matériaux des conciles œcuméniques fut établie. Il faut aussi supposer que le concile de Chahapivan avait à sa disposition les textes canoniques qui sont attribués aux auteurs mentionnés. Si nous supposons que les textes canoniques de Grégoire et de Sahak, qui nous ont parvenus dans le recueil de Jean d'Odzun, alors sous l'expression « l'ordre » de Nersès il faut comprendre les décisions qui sont attribuées à ce *catholicos* par Fauste de Byzance et Moïse de Khorène. Ce dernier assure que Nersès le Grand « convoqua un concile des évêques et de tous les laïcs, et confirma une constitution canonique ... »¹⁵. Il est remarquable que nous ne disposons d'aucune œuvre canonique attribuée directement à Mesrop Machtots, et la mention des canons de Chahapivan est unique.

En dehors des canons mentionnés, dans le titre du code de Chahapivan, nous lisons: « pour confirmation complète des canons des apôtres et de ceux de Nicée »¹⁶. Cela signifie qu'à côté des canons des Saints Pères de l'église Arménienne, les participants du concile de Chahapivan avaient aussi à leur disposition les canons des apôtres et des conciles œcuméniques, et tout le dossier canonique de l'église Byzantine. Les participants du concile adoptaient les canons de Chahapivan: « ... comme la plénitude de l'acceptation des canons apostoliques et nicéens »¹⁷. Les canons de Chahapivan, initiative nouvelle de l'église arménienne, sont manifestement destinés à compléter les précédents et à les mettre en correspondance avec les conditions locales.

Selon les témoignages qui sont conservés dans la littérature médiévale arménienne, les Mékhitaristes de Vienne Y. Gathrean, Y. Dashian et N. Akinean essayent de reconstruire la liste des œuvres canoniques qui sont canonisés déjà dans la première moitié du V^e siècle en Arménie. Les plus importants dans cette liste sont les canons des trois premiers conciles œcuméniques, les décisions des conciles de Nicée, de Constantinople et d'Éphèse. Nous savons avec certitude qu'après le concile d'Éphèse les disciples de Sahak et de Machtots ont apporté de Constantinople les décisions de ce concile et aussi un exemplaire correct de la Bible¹⁸. Ses textes sont

¹⁴ Cf. IDEM, 71.

¹⁵ Moïse de Khorène, II.

¹⁶ AKINEAN, Chahapivan, 72.

¹⁷ IDEM, 72.

¹⁸ Cf. Moïse de Khorène, III, 60-61.

canonisés en Arménie après avoir été traduits en arménien, dans un alphabet qui venait d'être créé. Néanmoins nous n'avons aucune mention des conciles locaux suivants. Ancyre (314), Césarée (318), Néocésarée (324), Gangra (qui eurent lieu entre les conciles œcuméniques de Nicée et de Constantinople), Antioche (341), Laodicée (jusqu'en 381), et Sardique (342). Dans le recueil de VIII^e siècle de Jean d'Odzoun, tous les titres de ces canons se trouvent entre les décisions canoniques de Nicée et de Constantinople. Il est intéressant aussi de voir mentionnés les canons de Laodicée et de Sardique.

Par l'œuvre de Koryoun et les décisions du concile de Chahapivan, nous savons avec précision que déjà dans les années 40 du V^e siècle « Les didascalia apostoliques » ou « Les canons apostoliques » ont été traduits du Syriaque en Arménien. Selon d'études de J. Dashian, ce groupe de canons a été traduit en arménien avant 430. Dans les sources arméniennes du V-VI siècles ce groupe des canons est mentionné plusieurs fois¹⁹. Nous ne savons pas exactement si les autres canons apostoliques qui sont dans le répertoire de Kanonagirk' de Jean d'Odzun, étaient déjà entrés dans le recueil canonique des V-VI siècles ou non.

À cette époque, en Arménie les titres canoniques qui sont connus comme les canons attribués à Athanase d'Alexandrie et de Basile de Césarée étaient probablement aussi en circulation. Ceux-ci sont les plus anciens canons de l'église œcuménique et déjà dans les années 60 du VI^e siècle, ils sont entrés dans les deux recueils du Patriarche de Constantinople Jean le Scholastique – la collection des XIV titres (Nomokanon) et celle du Syntagma en 60 titres²⁰. Les canons attribués à ces deux grands pères de l'église œcuménique ont probablement été traduits en Arménien dans les années 30 du V^e siècle avec les canons des conciles. Mais ces deux groupes de canons dans leur état actuel sont rédigés complètement en VIII^e siècle. Remarquons, que la première partie de la rédaction arménienne des canons d'Athanase d'Alexandrie dans la tradition grecque est attribuée à Timothée d'Alexandrie²¹. Les canons de Basile de Césarée ont complètement changé, mais nous conservons quelques documents en dehors du Kanonagirk' avec lesquels nous pouvons reconstruire l'état ancien de ces documents.

Dans les canons de Chahapivan sont mentionnés aussi quelques groupes de canons qui sont liés avec l'histoire de l'église arménienne, ce sont les canons de Grigor, de Nersès, de Sahak et de Mashtots. Nous savons aussi qu'au nom de Nersès le

¹⁹ Cf. Y. DASHIAN, Vardapetut'iwn Aiaik'eloc' anvawerakan kanonac' mateanê, Wien 1896.

²⁰ Sur ces deux recueils voir E. SCHWARTZ, Die Kanonenssammlungen der alten Reichskirche: Zeitschrift der Savigny-Stiftung für Rechtsgeschichte 56/Kanonistische Abteilung 25 (1936) 1-114 (ibidem, 1-3); J. MEYENDORFF, Byzantine Theology, London 1974, 79 ff.

²¹ Cf. HAKOBIAN, Kanonagirk' Hajoc', t. I, 603.

Grand et de Machtotz nous n'avons recueilli de monuments des lois ecclésiastiques, ni dans le recueil d'Odznetsi, ni dans la rédaction augmentée en 1098.

Nous pouvons restaurer du recueil juridique qui était en utilisation pendant le concile de Chahapivan. Ils sont probablement les suivants: 1. « Les canons apostoliques » (didascalia), 2. Les décisions des conciles œcuméniques (Nicée, Constantinople, Ephèse), 3. Les décisions des sept conciles locaux (Ancyra, Césarée, Neocésarée, Gangra, Antioche, Lavodicea, Sardica), 4. Les recueils des canons de St. Athanase d'Alexandrie et de Basile de Césarée, 5. Les canons des Saints de l'église Arménienne, notamment celui de Grégoire d'Illuminateur, de Nersès le Grand, de Sahak Partev et de Mesrop Machtotz.

Nous pouvons dater l'étape suivante du développement de la loi ecclésiastique arménienne dans les dernières années du V^e siècle. Les savants mékhitharistes arméniens de l'école de Vienne, le P. Jacob Dashian et le P. Nersès Akinean, suivant les études du P. Jacob Gathrean analysant « Les Didascalias apostoliques » et les décisions du concile de Chahapivan, sont arrivés à la conclusion que pendant le catholicosat de Jean Mandakouni (484-490) il y eut une nouvelle rédaction des monuments juridiques. La principale caractéristique de cette rédaction est que les canons sont augmentés par les citations bibliques. Cette caractéristique, ils (Dashian, Akinean) l'ont remarqué aussi dans les canons de Jean Mandakouni²² et dans ses homélies où sont utilisés les canons avec les citations bibliques. Probablement cette rédaction n'a pas changé au temps du catholicos Babgen d'Othmus qui, en 506, envoya deux lettres à l'église syrienne, mentionnant l'henoticon de l'empereur Zénon (482) et la politique antichalcédonienne de l'empereur Anastase I (491-518), à l'encontre l'église Perse nestorienne²³. Ces lettres attestent mention que l'Église arménienne se trouvant dans le territoire Perse est liée avec l'église byzantine contre l'église officielle de l'empire sassanide – contre les Nestoriens ou l'église de Perse. Dans ces lettres nous trouvons aussi la première mention de concile de Chalcédoine comme un concile qui continue et développe la doctrine de Nestor.

Bien que l'Arménie, dès 387, était été séparée en parties byzantine et persane, l'Église arménienne continue de se présenter comme une organisation intégrale, quoique que les Sassanides voulussent intégrer l'Église arménienne dans l'organisation ecclésiastique de l'Empire Perse, laquelle se constitue au début du V^e

²² Dans les canons de Jean Mandakouni n'est pas mentionne le concile de Chalcédoine, il y a seulement la mention des nestoriens. Aussi ce première groupe des canons où nous pouvons trouvé la revendication (exigence, demande) n'est pas séparée des fêtes de l'Annonciation et de la Naissance (voir: Kanonagirk' Hajoc', t. I, 499).

²³ Cf. Girk' T'lt'oc', 1901, 41-51.

siècle (vers 410)²⁴. La situation changea après le concile de Chalcédoine (451). Après ce concile, l'Église arménienne attendit le développement des événements dans l'empire byzantin jusqu'en 555. Dès l'époque de l'empereur Justin I (518-527) commencent les persécutions des chrétiens qui n'acceptent pas les décisions du concile de Chalcédoine. Seulement en 555, l'Église arménienne pendant le catholicosat de Nersès II, invita un concile à Dvin avec des Syriens orthodoxes (non chalcédoniens) et caractérisa le chalcédonisme comme une modification du nestorianisme. Ils refusèrent de reconnaître les décisions de ce concile tout comme les provinces ecclésiastiques d'Antioche et d'Alexandrie.

Du concile de Dvin (555) nous avons gardé aussi les décisions canoniques²⁵ et les lettres²⁶ provenant du catholicos Nersès de Bagrevand (548-557), l'initiateur de ce concile. A partir des lettres qui nous avons reçues de cette époque, nous voyons que l'Église arménienne suit le chemin d'une alliance avec les monophysites syriens (Julianistes ?)²⁷. Cette situation se prolongea jusqu'en 571 quand, après l'insurrection de Vardan contre l'empire Sassanide²⁸, le catholicos Jean Gabelenac'i trouva refuge à Constantinople où il devint l'allié de l'Église de Constantinople. C'est à la même époque qu'à Constantinople le patriarche Jean le Scholastique créa ses recueils des lois ecclésiastiques byzantines. Ces sont les recueils canoniques composés de 50 (ce recueil est perdu) et de 14 titres, où est recueilli tout l'héritage canonique de l'église orthodoxe²⁹. Par la suite, le recueil de 14 titres est devenu le principal recueil canonique de l'Église Byzantin et il a été traduit en géorgien et en slave³⁰.

²⁴ S. GERO, Barsauma of Nisibis, 2, n. 5, 21-24; cf. GARSOÏAN, 1984, 222; GARSOÏAN - MAHÉ, Des parthes au Califat, 41-42; N. GARSOÏAN, L'église arménienne et le grand schisme d'orient, Louvain 1999, 54.

²⁵ Cf. Kanonagirk' Hajoc', t. I, 475-490.

²⁶ Cf. Girk' T'it'oc', 52-77.

²⁷ Cf. ESBROECK, Die sogenannte Konziliengeschichte, 42. La conclusion sur ce concile de N. GARSOÏAN est assez bizzare. Il nous faut donc ajouter un élément de plus au tableau doctrinal que nous essayons d'ébaucher. Le concile de Chalcédonien ne devait être nommément et formellement condamné par l'Arménie qu'au début du VII^e siècle, au moment de sa rupture doctrinale avec l'Ibérie, et même à cette époque relativement tardive, la correspondance menant au schisme distinguait encore les chalcédoniens orthodoxes des Xuzik "nestoriens" (GARSOÏAN - MAHÉ, 1997, 53).

²⁸ Sur cette insurrection cf. Chronique de Michel le Syrien. Éd. et trad. par J.-B. CHABOT, t. II, Paris 1963, 305; Armeniaca (Mélanges d'Études arméniennes), Venise, 1969, 320-323.

²⁹ H.-G. BECK, Kirche und theologische Literatur im byzantinischen Reich, München 1959, 422-423; cf. SCHWARTZ, Die Kanonensammlungen, 1-7.

³⁰ Cf. SCHWARTZ, Die Kanonensammlungen, 2-3; H. LIETZMANN, Kirchenrechtliche Sammlungen: IDEM, Kleine Schriften I (Texte und Untersuchungen 67), Berlin 1958, 348-364.

À cette époque, l'Église byzantine, utilisant la situation politique qui se développait en faveur de l'empire, tenta d'imposer aux catholicos arméniens la christologie chalcédonienne, à l'encontre de l'orientation de base de l'Église arménienne. Bien que Jean Gabelenatsi, en 572, à Constantinople, se fût allié avec l'Église byzantine, la population de l'Arménie n'adopta pas les nouveautés rituelles et dogmatiques qu'avaient acceptées le catholicos et son milieu³¹. Pendant 571, au temps de la guerre byzantino-perse, l'Arménie n'eut pas le temps de prêter attention aux questions rituelles et canoniques. Après cette guerre, l'Arménie, de nouveau, fut partagée entre Byzance et Iran. L'empereur Maurice essaya de diviser l'Église Arménienne et à l'intérieur du limes byzantin, il fonda le catholicosat d'Avan, face au catholicosat de Dvin qui se trouvait dans le territoire Perse³². Suite à une longue lutte qui continua jusqu'au deuxième tiers du VII^e siècle, l'Église arménienne sut défendre son intégrité totale, malgré la perte définitive de l'Église Géorgienne (vers 608/9) et celle des Églises Albanaise et de Syunie pour un certain temps³³. En dépit de la politique ecclésiastique byzantine, l'Église arménienne, put canoniser ses positions christologiques et rituelles pendant le catholicosat de Comitas I Ale'ec'i (610-628). Celui-ci rédigea le recueil « Le Sceau de la foi », qui devint le principal outil majeur à l'encontre de la politique ecclésiastique byzantine³⁴. À cette époque, l'empire Sassanide avait reconnu l'orthodoxie de l'église arménienne vis-à-vis de l'église nestorienne dans les limites de l'empire Perse. Il est probable qu'alors l'église arménienne renouela encore une fois son recueil de canons.

Une nouvelle étape de la politique ecclésiastique commence en Arménie avec la deuxième moitié du règne de l'empereur Héraclius (610-641). Il put affermir son autorité dans le monde chrétien oriental, en reconquérant la croix. Presque toutes les églises anciennes célèbrent cette fête le 14 septembre³⁵. Il fit s'éloigner aussi du dogme de Chalcédoine, il fit proclamer le monothélisme comme dogme officiel. Il put ainsi conquérir la confiance de la population chrétienne de l'empire Sassanide, y compris l'Arménie. « Les six catholicos depuis Esdras (630-641) étaient officiellement chalcédoniens, moyennant le monothélisme et le monoénergisme »³⁶. Cette situation continua jusqu'au début du VIII^e siècle, le temps de catholicosat de Sahak III Dzorap'orec'i (677-703) qui, avec sa politique iconoclaste, tentait de trouver de

³¹ J.-P. MAHÉ, *L'Église arménienne de 611 à 1066: Histoire du christianisme des origines à nos jours*, t. IV: Évêques, moines et empereurs (610-1054) (sous la responsabilité de G. DAGRON, P. RICHE et A.V. VAUCHEZ), Desclée 1993, 461-462.

³² MAHÉ, 1993, 462.

³³ Ibid., 462-464.

³⁴ Ibid., 465-468.

³⁵ Ibid., 469.

³⁶ ESBROECK, *Kanonagirk'*, 2.

nouveaux chemins de réconciliation dans la lutte dogmatique de l'empire byzantin³⁷. Cette lutte dogmatique trouva sa régularisation finale pendant le règne de Léon III (717-741)³⁸. Toutefois, depuis le catholicosat de Sahak Dzorap'orec'i et jusqu'à la fin du catholicosat d'Elia Ardashichetsi (703-717) l'Église arménienne se trouvait sous l'influence de l'église de Constantinople. Cela est affirmé par une source monophysite comme « Saks jolovoc' » (Sur les conciles) de Jean d'Odzun³⁹. Par ailleurs, nous avons vu que l'Église arménienne dans son recueil de canons, conservait un groupe de canons attribués à Sahak Dzorap'orec'i⁴⁰.

Il est évident que pendant la domination arabe l'autocéphalie de l'église arménienne s'affirma de jour en jour contre l'expansion byzantine. À cette époque, pendant le catholicosat de Jean Odznec'i (717-728), eut lieu la principale codification des lois ecclésiastiques arménienne. Jean d'Odzun compléta les 15 (17-2) actes des canons, ajoutant encore 9 recueils, les derniers desquels sont les actes du concile de Manzikert (719 ?). Ces actes sont: 1) Les Canons deutéroapostoliques ou de Clément, 2) Les canons des Pères des apôtres, 3) Les décisions du concile de Chahapivan, 4) La lettre de l'évêque Sevantius, 5) Les actes des canons du catholicos Nersès (II de Bagrevand – A.B.) et l'évêque Nerchaphuh Mamikonean, 6) Les actes des canons d'Abraham Mamikonean, 8) Les actes des canons du catholicos Sahak le dernier (Dzoraporetzi) et 9) Les canons de Jean Philosophe (Odznetsi), catholicos de l'Arménie. Pendant le catholicosat de Jean d'Odzun les juristes et les docteurs arméniens ont réuni les monuments catholiques de l'Église. Ce recueil, sans doute, ne ressemble pas à tous les monuments qui sont conservés dans la littérature arménienne de leur époque. Jean d'Odzun laissait de côté quelques titres de canons. Entre ces canons nous pouvons mentionner les canons suivants qui sont conservés dans le recueil augmenté au XI^e siècle, notamment – les canons des conciles de Karin

³⁷ Cf. ESBROECK, La politique arménienne de Byzance de Justinian II jusqu'au Léon III : Etcmiadzin, (1997), No. 7-8 (en arm.).

³⁸ Cf. IDEM, Le discours du Catholicos Sahak III en 691 et quelques documents arméniens annexes au Quinieste: G. NEDUNGATT - M. FEATHERSTONE (ed.), The Council in Trullo Revisited (Kanonika 6), Roma 1995, 331-338.

³⁹ Cf. IDEM, Die sogenannte Konziliengeschichte, 44; Girk' T'it'oc', 222.

⁴⁰ Cf. Kanonagirk' Hajoc', t. II, 244-257. D'après la préface des actes les canons, ce synode eut lieu sur ordre « de Justinien », au temps du « catholicos Sahak ». Ch. RENOUX attribuait ces actes les canons au Sahak III Dzorap'orec'i (Le Lectionnaire de Jérusalem en Arménie: le C'as'oc'. I. Introduction et liste des manuscrits [PO 44/4, n°200], Turnhout, 1989, 431, n° 17). Ces canons nous pouvons attribuer aussi au temps de Justinien I, pendant du catholicosat de Sahak II (534-539). J.-P. MAHÉ suivent à l'avis de V. HAKOBIAN, se trouve que les actes de ce concile son fabriqué au X^e et XI^e siècles (voir: Histoire du Christianisme des origines à nos jours, t. IV, 1993, 470, n° 103).

(Thódosopolis) et ceux qui sont attribués à Nersès le Grand, à Komitas, à Makar, évêque de Jérusalem, etc.

Ainsi, dans la première moitié du VIII^e siècle, le catholicos de l'église Arménienne Jean d'Odzun créa le recueil de droit ecclésiastique que nous appelons « Kanonagirk' Hajots ». Avant cela, la codification des œuvres juridiques suit en Arménie un long chemin de près de 400 ans:

a) Probablement au début cette langue (jusqu'à la création de l'alphabet arménien, en 406) dans l'Église arménienne, on a utilisé les canons apostoliques et les décisions des conciles œcuméniques en grec et en syriaque.

b) Après la création de l'alphabet arménien, quand on a commencé dans l'Église les traductions des œuvres ecclésiastiques du syriaque et du grec, Sahak Partev et Mesrop Machtots, avec leurs disciples, se sont mis à traduire les canons de l'église œcuménique. Celles-ci figuraient au concile de Chahapivan (444/6 ?) et se sont fixées dans le procès-verbal de ce concile où étaient probablement déjà présents près de 17 groupes de canons œcuméniques ou locaux.

c) Pendant le catholicosat de Jean Mandakouni (478-490) on a entrepris un recueil et une rédaction complète de tous les monuments canoniques, en ajoutant au texte beaucoup de citations bibliques.

d) En 555, l'Église arménienne convoque un concile à Dvin pour préciser sa position officielle et son attitude envers les questions dogmatiques et rituelles de l'église œcuménique qui avaient été introduites après le concile de Chalcédoine (451). Dans le concile de Dvin le catholicos Nersès établit les décisions du concile de Dvin. Les titres canoniques introduits dans le Kanonagirk' sont canonisés encore une fois au temps de Komitas I Aghtsetsi (610-628). À cette époque il donna aussi force de loi au recueil dogmatique « Le sceau de la foi ».

e) Au commencement du catholicosat d'Ezr (630-641) jusqu'à Elias (703-717) les six catholicos arméniens s'étaient alliés avec l'église Byzantine. À cette époque l'Église arménienne a probablement suivi, dans son dogme et son rituel, le recueil des canons de l'église de Constantinople.

f) Jean d'Odzun revient à un antichalcédonisme ouvert, et dans le concile de Manazkert (719 ?) il canonisa le monument juridique de l'église arménienne - Kanonagirk' Hajots, en 24 titres. Ce recueil, après cela, fut augmenté quelques fois, mais l'Église arménienne resta fidèle à l'orientation juridique, dogmatique et rituelle, donnée par Jean Odznetsi.

THE DEVELOPMENT OF THE LAW OF THE ARMENIAN APOSTOLIC CHURCH DURING THE 19th AND 20th CENTURY

† Yeznik Petrossian, Erevan - Etchmiadzin

Armenia entered the 19th century in a very hard historical period. The majority of the territory of Armenia was divided between two powerful states: Ottoman Empire and Persia. The northern regions of Armenia were included in the Kingdom of Georgia, which were joined to the Russian Empire in 1801. North-eastern regions, together with principalities of Karabagh, joined to Russia in 1813, and after the Russian-Turkish and Russian-Persian wars, Eastern Armenia along with Holy Etchmiadzin, residence of the Catholicosate of All Armenians, and capital city of Yerevan passed under the jurisdiction of the Russian Empire in 1828.

So, beginning with the first decades of the 19th century Armenia and the Armenian Church were divided among three powerful states: Russia, Turkey and Persia. From the ecclesiastical hierarchical-administrative point of view the Armenian Church entered the 19th century in a complicated situation. Next to the Catholicosate of All Armenians (Holy Etchmiadzin) there acted the Catholicosates of Gandzasar, Aghthamar and Sis, as well as the Armenian Patriarchates of Jerusalem and Constantinople.

The whole territory of Artsakh was under the jurisdiction of the Catholicosate of Gandzasar. The Catholicosate, established in the 5th/6th century, became a Metropolitan See by the order of the Russian Empire, and its territories passed under the jurisdiction of the Catholicosate of All Armenians.

The Catholicosate of Aghthamar (1113-1895) had a small territory near the Lake Van with the dioceses of Aghthamar and Khlat. It was closed down during the period of Great Genocide.

The jurisdiction of the Catholicosate of Sis included Cilicia and nearby regions and had 14 dioceses. After the Great Genocide the Catholicosate first moved to Aleppo, which was one of the dioceses of the Catholicosate.

After the Genocide and the deportation of the Armenians from Cilicia in 1915-1920, the See of the Catholicos together with its people moved from place to place for 10 years and finally in 1930 it settled in Antelias, Lebanon. But the See had lost nearly all her dioceses, except the diocese of Aleppo, and was at the brink of extinction. In order to preserve this historical See, on the order of the Catholicos of All Armenians, the Patriarchate of Jerusalem temporarily ceded to the Catholicosate of the Great

House of Cilicia the dioceses of Damascus and Beirut, and the Patriarchate of Constantinople in turn ceded the diocese of Cyprus.

Today the jurisdiction of the Catholicosate of Cilicia includes the dioceses of Lebanon, Syria and Cyprus.

The Armenian Patriarchate of Jerusalem (from the 7th century) is proprietor of the Patriarchate of Jerusalem and the custody of the Armenian parts of the Holy Land. The Catholicosate of Aghthamar, Sis and the Patriarchates of Jerusalem and Constantinople (1446) were situated in the territory of the Ottoman Empire. The Patriarchate of Constantinople had a special role, significance and authority among them.

One of the central principles of the Canon Law of the Armenian Church is that the Catholicosate is a higher ecclesiastical authority than the Patriarchate. It suffices to mention that only the Catholicos and not the Patriarch has authority to ordain bishops and bless the Holy Myron. The Patriarch has the rank of an archbishop, while the Catholicos receives special consecration and has a higher rank than the Archbishop in the Armenian Church.

However, the Patriarchate of Constantinople had a special authority among the hierarchical sees acting in the territory of the Ottoman Empire, because the Armenian Patriarch of Constantinople was considered the Ethnarch of not only the Armenians living in the Ottoman Empire, but also the Ethnarch of nations, who belonged to the Oriental Orthodox Sister Churches (Copts, Syrians, etc). For this reason, from the administrative-political point of view, the hierarchs of other hierarchical sees, regardless of their rank, were subject to the Patriarch of Constantinople, and all the church territories beyond their legal borders with about 50 dioceses including those in Romania, Bulgaria, Greece, Iraq, etc., were under the jurisdiction of the Patriarchate of Constantinople.

The dioceses of the Mother See of Holy Etchmiadzin, which is the spiritual center of the Armenian Church, were situated in the territories of Russia, Persia, India. Its authority spread over all the Armenians living even beyond the boundaries of the above-mentioned countries and the Ottoman Empire. For this reason at the end of the 19th and at the beginning of the 20th century the Catholicosate of All Armenians established dioceses in Western Europe, Australia and America.

Such was the structure of the Armenian Church at the beginning of the 19th century. From the point of view of Canon Law it should be mentioned that in the first half of the 19th century the Armenian Church was guided by the Sacred Tradition. In the course of centuries codes of canon law were compiled, conciliar decisions and canonical decrees were made for catholicos, bishops and archimandrites, which

received power of law. However, now we do not have an actual, complete code of canon laws. Like at the beginning of the 19th century today also the Armenian Church is guided by traditional principles and the authority of catholicos, patriarchs and primates.

Nevertheless, it is important to point out that in the 19th century two significant canonical documents were made up, which had their mark on the Canon Law of the Armenian Church. The first one was compiled in Russia in 1836, by which the Armenian Church, situated in the territory of the Russian Empire, was guided having as its head the Catholicosate of All Armenians. That document¹ is known as "Polozhenie" and it was created at the initiative of the Russian Empire and the dignitaries of the Armenian Church, by which the Armenian Church became a juridical body and according to which the Armenian Church was acting in the territory of Russia. It was a very important step on the way of development of the Canon Law of the Armenian Church.

The first article of the Polozhenie stated that "The Armenian Gregorian Church in the Russian Empire, like other foreign confessions, is under the Emperor's merciful auspices"².

According to that statute the faithful of the Armenian Church were given perfect liberty for professing their faith and celebrating their ceremonies: "In the whole Russian Empire free profession of faith is permitted according to the rites of the Armenian Gregorian Church"³.

The Patriarch of Holy Etchmiadzin is the head of the Armenian Church. The Holy Synod, made up of 4 bishops and 4 archimandrites living in the monastery, is acting as an auxiliary to the Catholicos, and the Catholicos is the head of the Holy Synod.

In the Polozhenie the borders of activities, responsibilities and rights of the Patriarch of Holy Etchmiadzin, Holy Synod, the Primates of Dioceses, the consistories, the governing bodies, monasteries, married clergy, seminaries, etc. are clarified.

From the point of view of administrative divisions, the principle of the Archbishopric is created in the Armenian Church. The Armenian Church situated in the whole territory of Armenia, Georgia and Russia was divided into 6 archbishoprics.

¹ A. D. ERITSANTS, Catholicosate of Armenia and the Armenians of the Caucasus in the 19th century. Catholicosate of Hovhannes VIII of Karbi and "Polozhenie" Part 2, Tiflis 1895.

² Ibid., Appendix, p. 551, Part 2, Tiflis 1895.

³ Ibid.

The Archbishopric of Yerevan, the Primate of which is the Supreme Patriarch himself, the Archbishoprics of Nor Nakhijevan and Besarabia; Georgia, Artsakh, Shirvan and Astrakhan had their own bishoprics. For example, the Archbishopric of Yerevan included the Metropolitan See of Tathev, the bishoprics of Yerevan, Nakhijevan and Shirak; the Archbishopric of Georgia included the bishoprics of Gandzak, Tayk and Imeret.

Such a phenomenon is mentioned vaguely in the 13th century, when according to Metropolitan Stepanos Orbelian of Syunik, the Metropolitan See of Syunik included 12 chorepiscopates. However, it was for the first time that such a situation was created in the Armenian Church⁴.

The second important document⁵ was compiled at the initiative of the Ottoman Empire in 1862, which was called National Constitution and used to regulate the juridical norms of the population, who belonged to the Armenian Church and lived in the Ottoman Empire.

While the Polozhenie had simply a character of ecclesiastical law, the National Constitution was called to regulate both all the spiritual and national problems of the Armenians living in the Ottoman Empire.

As I have mentioned before the Patriarch was considered the Ethnarch. A General National Council was established (made up of 140 deputies, one seventh of which were clergymen, two seventh, that is 40 persons, were deputies from provinces and four seventh, that is 80 persons, were deputies from Constantinople).

During the sessions of that Council the Armenian nation was represented by the National Central Administration with its two Councils – religious and political, which regularly were summoned together and called Mixed Council. The Patriarch was the chairman of all the sessions. The National Constitution used to regulate not only the activity of the above-mentioned Councils, but also the activities of the Patriarchate's chancery, educational, juridical, monastic, regional, administrative activities, as well as those of hospitals, boards of trustees, dioceses and provincial administrations of the Patriarchate of Jerusalem.

The spirit of the National Constitution is truly expressed in the first three articles of its part called "Main Principle":

⁴ S. ORBELIAN (Archbishop of Syunik), *History of the Province of Sissakan*, Volume II, Paris 1859.

⁵ SARUKHAN, *The Armenian Problem and the National Constitution in Turkey*, Volume I, Tiflis 1912.

1. Any individual of the nation has responsibilities towards the nation. The nation in turn has responsibilities towards any individual. Again, any individual has rights towards the nation and vice versa. Thus, the nation and individuals are inter-related to each other with mutual responsibilities, so that the responsibilities of one are the rights of the other.

2. Individuals have responsibilities to share the expenses of the nation, each within the boundaries of his/her abilities, to handle willingly tasks required by the nation and to obey happily to its orders. These responsibilities of individuals are the rights of the nation.

3. The responsibility of the nation is to care about the moral, mental and spiritual necessities of individuals; to keep intact the confession and tradition of the Armenian Church; to preserve national educational institutions; to increase profits legally, and to save the income wisely; to improve the welfare of the people devoted to the nation and ensure a peaceful future for them; to care paternally about the needy people; to solve impartially the quarrels among the individuals, and eventually, with great commitment to contribute to the progress of the nation⁶.

Both, the Polozhenie and the National Constitution had a temporal character. The activity of the Polozhenie was stopped by the collapse of the Russian Empire, and the activity of the National Constitution by the Great Genocide.

However, those two documents had their mark on the administrative law of the Armenian Church. Thus, the statutes of the dioceses in Europe, America, Australia, which were established following the Genocide and on the account of mass migration, were based mainly on the principles of the National Constitution; according to which the main church leadership belongs to the national administration, and the participation of the clergy is symbolical, except for the statutes of the dioceses in the USA, where unlike the dioceses in Armenia and Russia, church affairs were carried out by leading clergymen.

⁶ Ibid., Appendix, pp. 22-24.

REPORT ON THE LIFE AND SITUATION OF THE MOTHER SEE OF THE CATHOLICOSATE OF ALL ARMENIANS¹

† Mesrob K. K r i k o r i a n, Vienna

A. The Congregation

At present the total number of in-house clergymen amounts to 58. Among them, seven are bishops or archbishops, 15 vardapets or monks, including the abbots of the monasteries subject to the Mother See, and 36 deacons. If we also consider the different dioceses and the clergymen serving in all the institutions subject to the Mother See, we reach a total of 142 ordained ecclesiastics in service across the Armenian territory. This number hierarchically breaks up as follows: 16 bishops/archbishops, 22 vardapets/monks and 100 married priests.

24 clergymen serve as chaplains in the army of the Armenian Republic. Their leader is monk Arshen Sanosian. Parallel to the spiritual service provided to the troops runs a similar moral support action for prisoners. Twenty members of the Etchmiadzin congregation are at present continuing their advanced theological education in Europe and the US.

B. Spiritual Life

The series of events commemorating the 1700th anniversary of the christianization of Armenia in 2001 gave new impetus to our national-religious life. The number of laymen working for the Church has soared immensely. No fewer than 900 such devoted people are now at the service of the Church.

We can also gladly note that in the wake of the 1700th anniversary commemorations the efforts on church building are continuing, even if not with the same intensity as in 2001. The places of worship are proliferating in Armenia.

This is evidenced by the different consecrations of churches, ceremonies of foundation stone laying and reconstruction work carried out in recent months on sacred monuments:

1. The reconsecration of the St. Cross Church at Aparan (5th of May 2002)
2. The consecration of the St. Mary Church at Arintch (1st of June)
3. The consecration of the St. Jacob Church at Gumri (21st August)

¹ Abridged from the official report of the Mother See of Holy Etchmiadzin (2002).

4. The consecration of the St. George Church at Marmarashen (4th November)
5. The benediction of the Church at Marmashen (5th August)
6. The benediction of the land of the prelacy church at Vanatzor (24th May)
- 7 The laying of the foundation stone of the Church at Artashat (29th October)
8. The laying of the foundation stone of the new congregational building at the Mother See.

Within the Patriarchal Diocese of Ararat a chapel was built on the premises of the Nayiri Health Centre in Erevan, and restoration work has been going on in the churches St. Sargis and St. Zoravar. In Erevan itself two churches were consecrated by bishop Navasard Kjoyan: the St. Mary Church at Nork (26th October) and the St. Jacob Church at Ararat (24th November). In the diocese of Kotayk the St. Vardan Church at Zar was consecrated by bishop Arakel Karamian (8th September). Within the diocese of Siunik, the churches St. Shoghakad at Bartzruni and St. Mary at Tzorastan were consecrated in September by bishop Abraham Mkrttchian. In 2002 within the diocese of Artzakh the following churches were consecrated: the newly built St. Mary Church at Askeran, the newly built Holy Martyrs Church at Aghavni, the renovated church St. Mary at Ashan, as well as the chapels of the police and the army.

The ecclesiastical meeting, convened on the occasion of the celebration of the holy Ghevondians priests, was devoted to the experience in spiritual life and was attended by all the prelates of Armenia and Artzakh as well by the priesthood.

On November 30, the day of the Apostles St. Thaddeus and St. Bartholomew, the traditional celebration took place at the Mother See and was attended by the teachers of the Sunday schools of all the Armenian dioceses.

Another expression of the intense religious life during 2002 can be found in the 81 letters of benediction and the 45 pastoral epistles that were issued, including the special one released on the occasion of the millennium celebrations of the manuscript "Book of Lamentation" by St. Gregor of Narek. Moreover His Holiness delivered speeches on different occasions of ecumenical meetings and scientific conference or other events.

C. Communal-Cultural Activities

Actively participating in the communal and cultural life of Armenia, the Mother See has received the visit of many communal organizations, cultural associations, academic and educational institutes, as well as representatives of

political parties. In his turn His Holiness has visited several cultural, scientific and educational organizations in Erevan and elsewhere. He has also attended and blessed a series of events organized on the occasion of the 1700th anniversary of the christianization of Armenia.

D. Publications and Christian Mission

His Holiness appointed Father Ghevond Mayilian as director of the CCME (Centre of Christian Mission and Education). The CCMF, which has its branches in all the dioceses of Armenia and Artzakh, continues its activities along the following lines:

1. Retraining the instructors teaching "Christian religion" and "History of the Armenian Church", as well as defining the syllabi of these courses to be implemented in public and Sunday schools. Retraining centres are functioning in Eghegnatzor, Goris, Alaverti and Artzakh.

2. In the case of Sunday schools, the CCME not only prepares their schedules and publishes the appropriate textbooks, but is also particularly involved in the regular running of 8 such schools in Etchmiadzin, where more than 2500 boys and girls study under more than 50 instructors.

3. By governmental decision the subject "History of the Armenian Church" is taught in the grades 4 to 10 in all public schools. The CCME has been instrumental in the preparation of the relevant textbooks, having the last word in the formulation of the text in order to avoid possible theological and/or doctrinal errors.

The textbooks for the grades 4 through 8 have already been published for an experimental period.

4. Cultural activities: two radio programmes, "The Bread of Life" and "Awetis", are regularly broadcast on Saturdays and Sundays over the national radio network. Moreover the Navasard choir, the ensemble of chamber music, the children's choir and the violonists' orchestra successfully develop their activities.

A painting workshop runs under the patronage of the CCME. The works of its participants have already been exhibited a few times. The CCME continues the publication of flyers and brochures concerning the main Christian holidays, the mysteries and rites of the Armenian Church. During the past months 20 such flyers have been published, each with a circulation of 70'000.

Beside the official monthly "Etchmiadzin", the bimonthly "Christian Armenia" and the two diocesan monthlies, 31 volumes with a total circulation of 65,600 were printed during 2002 at the press of the Mother See.

E. Ecumenical Activities

This Department fosters the ties of the Mother See with sister Churches, with the World Council of Churches, and other religious and ecumenical organizations.

Continuing its information campaign, it has published the brochures "Charta Ecumenica - a guide of the growing co-operation among the European Churches" and "Information Service".

It has now become a tradition to prepare information brochures about the country which sends an official delegation to visit the Mother See. On the occasion of such a visit by the Evangelical-Lutheran Church of Finland, a brochure was published in Armenian on that Church. Another publication devoted to the ecumenical dialogue is the Armenian translation of "Jesus Christ heals and reconciles: our Testimony in Europe".

The Department has also actively participated in ecumenical meetings organized in Armenia and abroad.

The first meeting of the mixed commission Anglican Church/Eastern Orthodox Churches took place at the Mother See from 5th to 20th November 2002. On the other hand, the youth conference "The Church and the Dialogue within the Easteuropean and ex-USSR countries" was organized in Dzaghkatzor by the Department and the "Round Table" of the World Council of Churches.

F. Religious and Educational Institutions

1. Gevorgian College

The rectorate of the Gevorgian College is composed of 4 clergymen and 2 laymen. The rector is senior priest Eghishe Sargsian. The teaching staff comprises 41 lecturers (11 ecclesiastics and 30 laymen), 18 of whom are holders of doctorates or aspiring for the title.

During the academic year 2002-2003, 31 pupils were newly registered, bringing their total number to 121. 31 are in the first class, 21 in the second, 27 in the third, 9 in the fourth, 13 in the fifth and 20 in the sixth class. This year the College is also offering a preparatory course which is being taken by 4 pupils: 3 from North Caucasus and one from Egypt.

In order to be acquainted more intimately with the educational problems and process of the College His Holiness has personally presided over the relevant meetings.

Six graduating sessions were organized last year during which 30 graduates have been examined.

It was very significant for this educational Centre to be recongnized by the Government of the Armenian Republic as an institute of higher learning. That status enables from now on our graduates to be accepted for post-graduate courses anywhere in the country or in the diaspora.

2. Vazgenian Seminary

The Vazgenian Seminary of Sevan closed its academic year 2001/2002 with 50 pupils, 8 of whom, having passed the 5th class, spent their last year at the Gevorgian College.

The teaching staff has remained unchanged at 27 instructors, 9 of whom ecclesiastics and 18 laymen who come from Erevan and Etchmiadzin on the days of their courses.

The laymen teaching here or at the Gevorgian College are well known professors working at the Erevan State University or other higher educational institutes.

The pupils of the Seminary participate in the religious and cultural life of the diocese of Gegharguniatz and the town of Sevan and contribute to the religious and sports periodicals.

3. The Seminary in Gumri

Among the educational institutes run by the Mother Sec, the Seminary of Gumri, founded in 1992, continues its services. Its rector is the prelate of the diocese, bishop Michael Atchapahian. The instructors come from the local academic institutions.

Any schoolboy having finished elementary education is eligible for admission. The 3-year schedule of the Seminary is entirely identical with that of the Gevorgian College, which allowed this year 3 graduates to be admitted into the 4th class of the College, after an entrance exam.

The Seminary has 29 pupils, 12 of whom in the first, 7 in the second and 10 in the third class.

4. Armenian Houses

In 2002, the technical schools called Armenian Houses (director: Father Khad Ghazarian), had the following numbers of youths: 1000 in Arabkir, 1300 in Nork, 700 in Malatia and 35 at the cartooning Centre.

253 people work for the Armenian Houses: 13 at the Headquarters, 73 in Arabkir, 90 in Nork, 67 in Malatia and 10 at the cartooning Centre.

Beside a Christian education, the Armenian Houses offer a wide range of courses in professional training, from Arts to handicrafts and to different technologies. Each Armenian House has a Christian Youth Association. The first issue of the Houses magazine "Zvartouk" was published at the end of 2002.

G. The Monasteries of the Mother See and the Cathedral St. Gregory the Illuminator

As you might already know, the Churches St. Hripsime, St. Gayane and Khor Virap, as well as the monasteries of Sevan and Geghard, and the newly built Erevan cathedral of St. Gregory the Illuminator are administered directly by the Mother See.

H. Contacts with the Armenian Authorities

The co-operation between the Mother See and the Armenian authorities continues in a proper way. These periodic contacts result in the joint organization of cultural events, elaboration of communal economic projects and the distribution of humanitarian help. As a result of the intense co-operation Church-State, certain monasteries, churches and monastery-owned real estate were restituted to the Mother See. Another expression of this co-operation was the commemoration at the Mother See of the 10th anniversary of the National Army. This event which took place on January 28, was attended, beside the minister of defense, by the entire army staff.

I. Social Work

On the social front the activities of the Mother See find their expression in the work of its office for social service, the Armenian office of the "Round Table", the Ecumenical Church Loan Fund (ECLOF), the soup kitchens and the Medical Centre St. Nerses the Great.

1. Medical Centre St. Nerses the Great

This Centre, renamed Centre for Plastic and Rehabilitation Surgery (CPRS), was founded in 1991 by the Armenian General Benevolent Union (AGBU), in the wake of the 1988 earthquake. The AGBU which at the beginning overtook the healing and rehabilitation of many earthquake victims in the US, found it more purposeful to proceed with the project in Armenia.

15 physicians from Armenia underwent a special training at the Yale University in the US, before undertaking their functions in the newly opened Medical Centre. AGBU also equipped the Centre with state-of-the-art medical equipment worth 1.5 million dollars. Beside the Armenian surgeons, operations are also being undertaken by visiting surgeons from the US who also hold retraining courses for the local staff.

2. Social Service

The Mother See also runs 6 soup kitchens in the districts of Malatia and Arabkir in Erevan, in Sevan, Hrazdan and Etchmiadzin, in each of which around 200 elderly people are fed every day. These soup kitchens are co-administered by local authorities and especially by the social security department. Several events of cultural and spiritual nature are organized in these soup kitchens.

The Armenian branch of the "Round Table", run by the World Council of Churches, plays a significant role on the social front. With the co-operation of the different Armenian dioceses, the Armenian Catholic and the Armenian Evangelical Churches, the communal organizations "Shen", "Siunik" and "Nvard", it has achieved 16 agricultural and 24 educational projects. On the agricultural level, one of the most important projects of the "Round Table" has been the loan with preferential rate provided to the rural families.

The Armenian branch of ECLOF has already realised 96 projects involving 1200 borrowers. This year 13 projects are being implemented with a total budget of 49,100 US \$, involving 106 borrowers.

"To God only wise, be glory through Jesus Christ forever. Amen." (Rom 16, 27).

CONFLICT OF LAWS AND RESPECTIVE RULES WITHIN THE COMMUNITY OF THE ORIENTAL ORTHODOX CHURCHES

† Mesrob K. K r i k o r i a n, Vienna

Introduction

The fundament of the unity and communion of the Oriental Orthodox Churches is their common faith or theology, based on the first three Ecumenical Councils (Nicaea 325, Constantinople 381 and Ephesus 431), the Nicene-constantinopolitan Creed and the Christology of "one united Nature" of the Incarnate Word of God. This fellowship of the Oriental Orthodox Churches (the Coptic Orthodox Church, the Ethiopian Orthodox Church, the Syrian Orthodox Church, the Malabar Church of India, the Armenian Apostolic Church and since 1991/92 the Orthodox Church of Eritrea) can be described as a "unity in diversity" (or versus: "diversity in unity"). In fact they possess not only various canonical regulations and customs, but also different constitutional principles and theological interpretations or traditions, not mentioning their national languages.

It is interesting therefore to raise the question: are there canonical or constitutional aspects or traditions in the Oriental Orthodox Churches which may disturb or even disrupt their unity and communion? We can with peaceful conscience exclude the second part of the question, since their fellowship is very strong, solid and stable and there is not any serious conflict or problem which could hinder or destroy it.

The Oriental Orthodox Churches can be classified into three main traditions:

- a) the Coptic Orthodox
- b) the Syrian Orthodox
- c) the Armenian Apostolic.

The other Churches may be attached to these traditions, but especially to the Coptic and Syrian Orthodox traditions. Consequently I shall concentrate my attention and research on these three Churches and examine their constitution, canons and regulations as well as some important customs.

1. The Coptic Orthodox Church

1. Constitution in Comparison

Comparing the constitutional system of the Coptic Orthodox Church with the constitution of the Armenian Church, we observe that it has essential differences.

In the Coptic Orthodox Church the highest legislative and judging authority is the Holy Synod, functioning under the presidency of the Pope-Patriarch. At the same time it is "the highest responsible body for the faith and doctrine. It can explain the corner-stones of the faith without going against what has been handed down and fixed"¹. The Synod also elects or chooses both the Pope and "the Interim Pontiff"/*Locum Tenens*² who acts and signs the important documents and invitations as long as the See of St. Mark is vacant until the election of the Pope.

The members of the Holy Synod are: the Pope-Patriarch as head or president, the Patriarchal Vicars, bishops and metropolitans, as well as abbots and chor-episcopoi³. The membership to the Synod "is lifelong for all the bishops and the other members, too"⁴.

The Patriarch enjoys great authority, but he is not the highest authority: all decisions of the Church are taken by the Holy Synod, which constitutes and conducts various committees, such as for monastic affairs, faith and education, diocesan and liturgical affairs, as well as for relations with other Churches⁵. The Secretariat of the Synod also plays an important role.

In the Armenian Church the constitutional system is entirely different. Whereas in the Coptic Church the authority is concentrated within the Holy Synod, in the Armenian structure the authority of the Church is shared by the Catholicos (of all Armenians), the Supreme Spiritual Council (corresponding to the Holy Synod of the Orthodox Churches), as well as by the Conference of Bishops and the National Ecclesiastical General Assembly. This Assembly represents the highest legislative and executive body and consequently it enjoys the highest authority in the Church. It is constituted by the delegates of all Armenian Dioceses of the whole world, under the presidency of the Catholicos of all Armenians or the *Locum Tenens*, plus the Catholicos of Cilicia, the Patriarchs of Jerusalem and Constantinople, as well as some delegates from the Brotherhoods of the Catholicosates and the Patriarchates. Approximately three-

¹ The Constitution and By-Laws of the Holy Synod for the Coptic Orthodox Church of Alexandria and the See of St. Mark (approved on June 2nd 1985), article No 10. See also "Pro Oriente Dialogue"/Booklet N° 9 on Authority and Jurisdiction, Vienna 1998, 35.

² The Constitution, *ibid.* articles N° 17 and 36, "Pro Oriente Booklet N° 9, 35-36.

³ The Constitution, art. N° 6, Booklet N° 9, 35.

⁴ The Constitution, art. N° 7, Booklet N° 9, 35.

⁵ The Constitution, articles N° 29-35, "Pro Oriente Dialogue" on Primacy, Booklet N° 4, Vienna 1993, 56.

quarters or two-thirds of the members of the General Assembly are laymen and women, and the rest are diocesan bishops or archbishops, as well as parish priests and maybe some deacons. The most important duties of the Assembly are: the election of the new catholicos, the approval of a new constitution or of constitutional changes and the control of the finance of the Catholicosate of all Armenians. Under the Ottoman dominion the Coptic Orthodox Church also had a Community or National Assembly, called "maglis milly", but now it is reduced to a consultative Board⁶. Although any "ordination in the (Coptic) Church is carried out according to the acclamation of the people and the consent of the bishop"⁷, apparently the role of the people is limited to consultation. In the Armenian Church the participation or the role of the laity in the elections and ordination of the catholicos, diocesan bishops and parish priests is absolutely decisive.

2. Election of the Patriarchs and Bishops

The Catholicos of all Armenians is the Head of the Church who governs all the important affairs, presides over the meetings of the main authoritative bodies, - General Assembly, Conference of Bishops, Supreme Spiritual Council and the Brotherhood of the Catholicosate, - confirms the Diocesan newly elected bishops and the By-laws, consecrates and promotes the bishops, as well as conducts the daily life of the Church, but more important current affairs and problems are discussed and decided at the periodically convened conferences of the Supreme Spiritual Council. The members of this Council are mostly bishops, about 15, 2 or 3 vardapets (ordained celibate master-teachers) and 3 learned laymen. Whereas in the Coptic Orthodox Church the Pope-Patriarch is chosen exclusively from among the monks⁸, in the Armenian Church the Catholicos is elected in the first place from among the bishops or archbishops at the end from a list of three candidates, though at least theoretically vardapets, celibate deacons and even laymen are allowed to put their names on the list of candidates or they can be proposed by some members of the National Ecclesiastical General Assembly. As an important difference can be regarded the canon or rule of the Coptic Orthodox Church according to which the candidate for the highest office of the Patriarch is to be elected by the Holy Synod and by "the representatives of the church-members"(!)⁹.

Article No. 13 of the Coptic Constitution attests: "The Holy Synod is concerned with the process of papal election and with those who let their names

⁶ Pro Oriente Booklet N° 4, 57.

⁷ Pro Oriente Booklet N° 9, 37.

⁸ P. VERGHESE (Paulos Mar Gregorios), *Koptisches Christentum. Die orthodoxen Kirchen Ägyptens und Äthiopiens* (Die Kirchen der Welt, Bd. 12), Stuttgart 1973, 46. This change of practice has taken place late in the 19th century as reaction to the political activity of some bishops!

⁹ VERGHESE, *ibid.*

stand and then with the consecration or enthronement ceremony. It also participates with the Pope in the ordination of bishops". Similarly the diocesan bishops are also elected "after the consent of the people" by the Holy Synod and afterwards the Pope approves the acclamation of the people. The Constitution repeatedly speaks of "consent" or "acclamation" of the people, but it is not clear how in fact the Synod gets the agreement of the people of a diocese. Anyhow in the article 60 of the Constitution we read as follows:

"A new bishop is chosen after the consent of the people and after they recommend and acclaim him, and also with the approval of His Holiness the Pope of this acclamation, on condition that he should fulfil the spiritual and personal conditions according to the teaching of the holy Scriptures and church rules. If the majority of the members of the Holy Synod objects this ordination, then it must be stopped."¹⁰

In the Armenian Church bishops for special missions or offices are assigned by the Catholicos. As "general bishops" they are named by the Pope-Patriarch of the Coptic Church but the diocesan bishops are elected by general assemblies of delegates who represent all parishes of the diocese according to their size or membership. Then the election has to be approved by the Catholicos; rejection of the approval of an election may be reasonable or acceptable chiefly on the ground of wrong theological convictions of the elected bishop. During the Soviet regime in Armenia (1920 Nov. – 1990 August or 1991 September, 21st), the free and "democratic" election of diocesan bishops was impossible, because of restrictions. Consequently the Catholicos (of all Armenians) was entitled to assign bishops for the dioceses in the Soviet Union. There is a type of diocesan bishop characteristic of the Armenian Church, called "Patriarchal Delegate", who is directly assigned by the Catholicos, but who carries out his mission without any limit of time, as long as no objection or mistrust has been brought against him. Such Patriarchal Delegates are entrusted to conduct and administer Armenian communities of the neighbouring countries; for instance the Bishop of Paris as "Patriarchal Delegate of Western Europe" is responsible for Holland and Belgium, whereas the Bishop of Vienna as "Patriarchal Delegate for Central Europe and Sweden" governs the Armenian Apostolic Communities of Austria, Scandinavia, Hungary as well as of the Czech and Slovak Republics.

3. The Ethiopian Orthodox Church

I have already mentioned that the canonical traditions of the Ethiopian Orthodox Tewahedo Church are fundamentally similar to those of the Coptic Orthodox Church, yet there are some typical features which I wish to describe here.

¹⁰ See also Pro Oriente Booklet N° 9, 37.

Also in the Ethiopian Church the Holy Synod "is the highest body responsible for the spiritual, administrative and juridical life of the Church"¹¹, or in other words, "in the Ethiopian Orthodox Tewahedo Church the supreme authority is vested in the Holy Synod"¹² whose members are bishops and archbishops, naturally under the presidency of the Patriarch. However, the decisions of the Synod are partly controlled or balanced by the National General Assembly (together with its National Executive Committee) and the Ecclesiastical Office of the Patriarchate, which in a way corresponds to the Supreme Spiritual Council of the Mother See in Holy Etchmiadzin. The National General Assembly includes "all archbishops, diocesan archpriests and representatives of clergy and laity...." and "makes decisions and recommendations on administrative and property matters of the Church. The decisions and recommendations find their application following the approval of the Holy Synod"¹³. In fact this system looks a little strange or ambiguous, but we hope it helps at least to a certain extent or in some cases to counterbalance the activity of the Synod. The Ecclesiastical Head office is a Council which under the presidency of the Patriarch governs the current administrative and spiritual affairs of the Church. Differently to the Coptic orthodox practice, the Ethiopian Patriarch is elected from among the Holy Synod members and by the members of the Synod, as well as by the administrators of the ancient cathedrals and monasteries and representatives of Parish Councils throughout the country¹⁴. Another administrative organ is the so called "Awraja", Parish General Assembly, a council between Diocesan GA and Local Parish GA, which is responsible for all "church matters" of a district and functions under the patronage of the authorities of the respective Diocese¹⁵. A bishop in the Ethiopian OTC "is elected by the Holy Synod and by the representatives of Parish Councils from the Diocese to which he is going to be assigned. He is consecrated by the Patriarch together with the other members of the Holy Synod"¹⁶.

4. Holy Orders

Like in other ancient churches, in the Oriental Orthodox Churches, too, the priesthood is threefold: Deacon, Priest and Bishop. The Patriarchs or the Catholicoi are chief-priests or chief-bishops and basically possess only the rank of bishop. In the Armenian Church the ordination is twofold: first, by imposition of right hand, and secondly, by consecration or ointment with sacred oil or myron. The priests, bishops and catholicoi are ordained and consecrated, whereas the

¹¹ Pro Oriente Booklet N° 4, 66.

¹² Pro Oriente Booklet N° 9, 81.

¹³ Pro Oriente Booklet N° 4, 67.

¹⁴ Pro Oriente Booklet N° 4, 66; Booklet N° 9, 86.

¹⁵ Pro Oriente Booklet N° 4, 67; Booklet N° 9, 82.

¹⁶ Pro Oriente Booklet N° 4, 67; Booklet N° 9, 86.

deacons are ordained only by imposition of hand. Can the rank of catholicos be regarded as "fourth stage" of priesthood?

If yes, as thinks the scholar and co-adjutor-catholicos (of the Cilician See) Babgen Güleserian¹⁷, then it contradicts or breaks the universal dominant canonical tradition of the Church. To my opinion, it is simply a beautiful solemn ceremony which in fact has been developed under the influence of anointing the Armenian Bagratid Kings after the 9th century¹⁸.

There are two more cases characteristic of the Armenian Church: first, the office of deaconess' survived only in the Armenian Church¹⁹, and secondly, ordained master-teachers, celibate priests or monks who especially possess the right of preaching and defending the faith of the Church. Already in the 16-17th century Roman Catholic authors had observed that the "Masters" or "Doctors" played an important role in the Armenian Church. For instance, the French Father Simon in his book "History of the Religions and Customs" writes:

"The title of Master or Doctor is so great amongst the Armenians, that they give it with the same ceremonies that they confer orders; and they say that that dignity imitates the title of our Lord, who was called *Rabbi* or Master. These are the Doctors who are consulted in points of Religion, and who decide in them. The Bishops being looked upon rather as persons proper for administering orders, than as Doctors. These are also the Doctors who preach in the churches and who are the judges of differences that happen between private persons."²⁰

From the very beginning, i.e. 4-5th century, existed this rank of vardapets/"masters" in the Armenian Church, but in the 14th century the greatest theological authority, Grigor of Tat'ew reformed the ordination and divided the same office in two grades: 1. Vardapet, 2. Higher (supreme) Vardapet. Further he constituted the first grade of vardapets in four "stages", and the second grade in ten "stages". The vardapets enjoyed great authority and reputation among the people and they were the defenders of the orthodoxy of the Church so much that they dared to criticize even the catholicos for their "errors"(!).

The last point to discuss in connection with the Holy Orders, is the problem of the *chorepiscopos* in the Syrian Orthodox Church of Antioch. In principle a chorepiscopos is a bishop who is or was responsible for a district of villages; in this sense it corresponds to the "awraja" of the Ethiopian Church. Now archpriests

¹⁷ B. GÜLESERIAN, Catechism of the Armenian Church (in Armenian), Jerusalem 1932, 96.

¹⁸ M. K. KRIKORIAN, The Development of Primacy of the Head of the Armenian Church, Wort und Wahrheit, Supplementary Issue N° 4, 86-88.

¹⁹ IDEM, An Almost Lost Tradition: the Deaconess in the Armenian Church: Kanon XVI, Mutter-Nonne-Diakonin, Frauenbilder im Recht der Ostkirchen, Egling 2000, 213-25.

²⁰ Father SIMON, The Critical History of the Religions and Customs of the Eastern Nations, translated from the French text by A. Lovell, London 1685, 129.

are the heads of such village-districts. The Coptic Orthodox Church too has chor-bishops, but in the Armenian Apostolic Church they have disappeared totally. In the Syrian Orthodox Jacobite Church the rank of chorepiscopus has survived as a title of honour and as such it is bestowed through ordination on married priests, but they are not authorized to administer a diocese or to carry out any ordination. However, I think this practice canonically is an erroneous development, because the bearers of all titles in all ancient Churches, connected with the rank of bishop, are celibate clergymen. Apparently in the Syrian Church the change has come about quite early, since presbyters are mentioned and designed as chorepiscopos, but it is not clear whether they were celibate or married. In recent times the Armenian Church also promulgated a canonical law which is incompatible with the tradition of the ancient Church: in 1923/24 she allowed the widowed priests to remarry. In all other Eastern Orthodox and Oriental Orthodox Churches, after ordination there cannot be any marriage.

5. The delicate Problem of Rebaptism

The Armenian Apostolic, the Syrian Orthodox and the Syrian Orthodox Malabar Churches normally recognize as authentic and valid the baptism of the Roman Catholic, Eastern Orthodox and Anglican as well as of Protestant (especially of the Evangelical Lutheran) Churches. The Coptic Orthodox Church and the Ethiopian Church until about 1979/80 used to (re)baptize those Protestants who wished to join their Church or get married in their Church. After 1980 the Copts began to rebaptize the Roman Catholic (and Byzantine Orthodox) Christians, whenever anybody wished or wishes to join their Church. "And even when Oriental Orthodox Churches are concerned, we ask for a written certificate to join our Church"²¹ asserts Amba Bishop of Damiette, Secretary General of the Coptic Orthodox Holy Synod. In connection with this problem I would like to quote a statement from a common declaration of the Oriental Orthodox Churches concerning pastoral practice of mixed marriages in the U.S.A.:

"The Coptic and Ethiopian jurisdictions, however, require that the non-Oriental Orthodox party, if a Protestant, be baptized in the Coptic or Ethiopian Orthodox Church prior to the marriage. The other Oriental Orthodox Churches require the non-Oriental Orthodox party to provide proper documentation of his or her baptism. In all cases, no mixed marriage can even be considered without the expressed written approval of the local bishop or hierarchy."²²

²¹ The Vienna Dialogue on Ecclesiology, Third Study Seminar, Pro Oriente Booklet N° 7, Vienna 1995, 123.

²² The Oriental Orthodox Churches in the United States, ed. by Robert F. TAFT, Washington D. C. 1986, 25.

In the past Christians used to rebaptize the heretics, because the Church did not recognize their baptism to be valid, as St. Cyprian says:

"Our assertion is that those who come to us from heresy are baptized by us, not re-baptized. They do not receive anything there; there is nothing there for them to receive."²³

The Coptic Orthodox Church baptizes Roman Catholic, Protestant or Orthodox Christians not because she seriously considers them heretical, but because the unity of the Church(es) has not been realized as yet. Repeatedly the Coptic theologians assert, "One Lord, one faith, one baptism"²⁴, suggesting that one baptism in and among Churches may exist when they are united in one faith²⁵. Differences of faith are mentioned and emphasized especially in connection with the Roman Catholic Church: "For us there are differences of faith with the Catholic Church. This is why there are dialogues. If we lift our anathemas in the near future, as I hope, then we can have full communion and recognition of all the sacraments"²⁶ declares Amba Bishoy.

During a "Pro Oriente"-Symposium on Ecclesiology in July 1994, he mentioned some differences, such as the practice of the Roman Catholic Church to permit anybody, lay or clergy, Christian or non-Christian to perform the sacrament of baptism in case of urgency²⁷, the acceptance or belief of the RC Church that there can be Salvation outside the Church²⁸, the problem of "Filioque"²⁹, the case of the Coptic Oriental Catholic Church³⁰, etc. However, in my opinion the differences of faith are not or could not be the right reason for the rebaptism, since until 1979/80 the Roman Catholic Christians were not rebaptized. I think the missionary spirit or the energetic activity of the Catholic Church in Egypt is the real motive. The remark of Amba Bishoy is quite clear and understandable: "The Coptic Catholics in Egypt tempt our people with money saying: we have the same faith"³¹.

Another reason of the Coptic rebaptism is surely the Muslim environment; the Sharia does not permit mixed marriage with Christians, anybody who wishes to marry a Muslim, has of course to sign a document and accept the Islamic religion³². The rebaptism in this case is a legislative enactment for self-defence

²³ Pro Oriente Booklet N° 7, 67-68; H. BETTENSON, *The Early Christian Fathers*, London 1969, 271.

²⁴ Eph 4,5.

²⁵ Pro Oriente Booklet N° 7, 67, 123, 173.

²⁶ Ibid., 173.

²⁷ Ibid., 67-69, 77.

²⁸ Ibid., 123.

²⁹ Ibid., 173.

³⁰ Ibid., 99-100, 123.

³¹ Ibid., 123.

³² Ibid., 170.

and to prevent conversions. In this sense the Coptic Orthodox Church can justify the practice of rebaptism, but properly speaking it is in conflict with the canonical tradition of the Church.

II. Conflict of Laws and respective Rules with the Syrian Orthodox Churches

I. Introduction

The union of the Armenian and Syrian Churches was endorsed in the middle of the 6th century (553-555) when the Armenians officially rejected the decisions of the Council of Chalcedon (451) and condemned the Chalcedonian Christology. In this rejection representatives of the Syrian Orthodox Church, in fact adherents of Julian of Halicarnassus (6th century), had their participation and influence. In about 551/552 several abbots of Syrian monasteries wrote a letter to Catholicos Nerses II of Ashtarak or Bagrewand (548-557) in which they condemned the Council of Chalcedon, the Tome of Leo, Apollinaris (Bishop of Laodicea, c. 374-392), Eutyches as well as Severos (Bishop of Antioch, 512-518), and asked to consecrate bishop "the humble monk Abdiso from the monastery of Sareba"³³. Most probably Abdiso was consecrated 553 in Armenia and in about 555 at the second session of the Second Synod of Dvin Syrians and Armenians jointly anathematized the Council of Chalcedon as nestorianizing and affirmed the Christology of "Mia Physis" (one united Nature of the Incarnate Word of God). On his return back home Abdiso has written several letters addressed to Catholicos Nerses of Bagrewand, warning him and the Armenians in general of the Nestorian heresy and condemning the leading figures of the Nestorian teaching – Diodore, Bishop of Tarus (c. 379-394), Theodore, Bishop of Mopsuestia (392-428), Nestorius, Bishop of Constantinople (428-31), and Theodoret, Bishop of Cyrrhus († c. 457), as well as Chalcedon (451), the Tomos of Pope Leo the Great, and Severos, Bishop of Antioch (512-518)³⁴. Naturally for some or many people the condemnation of Severos, who is regarded as "pillar", "main church-father" and "excellent preacher" of the Syrian Jacobite Church, may sound rather strange, but we have to look at the problem in context of internal struggles concerning the incorruptibility of the body of Jesus Christ. Abdiso was a supporter of Julian and consequently an adversary of Severos and Severians. In course of time the adherents of the two famed Bishops fell into extreme positions; the Severians

³³ Girk' T'lt'oc' (Book of Letters), Jerusalem ²1994, 172-75 (first edition Tiflis 1901, 52-54); E. TER-MINASIAN, *Die armenische Kirche in ihren Beziehungen zu den syrischen Kirchen*, Leipzig 1904 (Armenian translation: Etchmiadzin 1908, 90-115); M. ORMANIAN, *Azgapatum* (History of the Armenian Nation) I, reprint Etchmiadzin 2001, 622-28, 633-39, Paul/Boghos ANANIAN, *Recherches sur l'Histoire de l'Eglise arménienne* (in Armenian), Venice 1991, 74-99.

³⁴ Book of Letters, ed. of Jerusalem, 182, 185, 191-92.

were blamed for teaching corruptibility and theopaschitism, and the Julianians were considered as followers of the heresy of phantasm(a), i.e. the body of Christ was only apparition or semblance! In a letter addressed to Catholicos Nerses of Bagrewand, Bishop Abdiso³⁵ writes as follows:

"But other heretics also [are to be condemned], who maintain the evil teaching of Severos, and who say that the body of the Lord was corruptible on the Cross and subjected to corruptibility. And they dare to say 'When the body of the Lord suffered, it received corruptibility', and they do not listen to Peter that 'Nor his flesh (σάρξ) saw corruptibility' (διαφθοράν)."³⁶

From about 555 up to 726 the adherents of Julian had more influence in Armenia than the Severians, but at the beginning of the 8th century the Westsyrian Patriarch Athanasios and the Armenian Catholicos Yovhan of Ojun/Otzun (717-728) succeeded to achieve a union, first through correspondence and afterwards in a meeting (726) at the Synod of Manawazkert/Manazkert/Mantzikert (Armenia).

From the Armenian Church in the Council have participated, the Catholicos, 23 bishops and 3 vardapets, whereas from the Syrian side have come only 6 bishops of Edessa/ura, Harran, Germanikia/Marash/Npherkert/Maipherqat/Martyropolis, Kara and Samosat/Samosata. At this Synod Armenians and Syrians have discussed some ritual problems and the Incarnation of the Word of God with respective questions, but the main topic of the discussions and agreement was of course the delicate problem of the incorruptibility of the body of Jesus Christ. Although the documents in this respect are not very clear, but surely the participants of the Council have expressed and confessed a middle way, condemning both the extremist supporters of Julian as well as of Severos. Thus a reconciliation was effected which continued throughout the centuries up to today, in spite of several ritual differences³⁷.

2. The polemic Work of Dionysius Bar-Salibi against the Armenians

The Union enacted at the Synod of Manawazkert/Mantzikert (726) between the Westsyrians and Armenians naturally resulted in a fellowship of communion which remained and remains unbroken until our days. However, hot discussions and disputations continued through the centuries up to the Mongol invasions in the 13th century. It is worth to mention for instance the correspondence between the

³⁵ Book of Letters, *ibid.*, 183.

³⁶ Acts 2,31b.

³⁷ Concerning the Synod of Manazkert see TER-MINASIANS, *Die armenische Kirche* (Arm. Transl. 172-208); ORMANIAN, *Azgapatum* I, 975-82, W. SELB, *Orientalisches Kirchenrecht II, Die Geschichte des Kirchenrechts der Westsyrier*, Wien 1989, 192-93, 203.

Armenian Catholicos Georg III. of Lori (1067-1072)³⁸ and the Syrian Patriarch Johannan Bar-Susan (1064-1073)³⁹, the Book of Xosrovik/Khosrovik Thargmanic on the incorruptibility of the body of Jesus Christ⁴⁰, the letter of Grigor Magistros addressed most probably to Patriarch Bar-Susan⁴¹, the polemic work of Bar-Salibi⁴², and after all the letters of Catholicos Nerses Šnorhali (1166-1173) addressed to the Syrians⁴³. The Syrian-Armenian polemic discussions were especially intensive in the 11th century and the work of Bar-Salibi is an exemplary writing; therefore I shall concentrate my attention on his accusations and agreements, naturally taking into consideration other documents too.

Dionysius was a famous learned man, born in Malatia/Melitene, in historical Armenia. He has been Metropolitan of Marash in Cilicia which from about the middle of the 12th century fell under the dominion of Armenians. After 1156 he became the bishop of Mabbog in Syria, and from there he went to Amid where he passed away in 1171 (two years before the death of Nerses Šnorhali). Consequently he knew well the Armenians, their Church and customs and was in a good position to write about or against them. Apart from his polemic against Armenians, he has written similar works against the Jews, Muslims, Nestorians and Chalcedonians. He is also the author of biblical commentaries, of a commentary on the Nicene Creed, and of collections of canons⁴⁴.

Bar Salibi was an adherent of Severos and of course he defended the Severian teaching on (in)corruptibility of the body of Jesus Christ. Consequently the remark "heretic(al) Severos"⁴⁵ does not belong to his pen; apparently a supporter of Julian's teaching has manipulated the Manuscript. At the beginning of his work he tells about the Christianization of Armenia by the efforts of King Tiridates (298 - ca. 330) and of St. Gregory the Illuminator († 325), and represents

³⁸ Book of Letters, 1st edition, 335-57, 2nd ed., 624-56; TER-MINASIANS, *Die armenische Kirche*, 241-57.

³⁹ The Armenian translation of Johannan Bar-Susan by Aristakes Vardanian, Vienna 1923 („National Bibliothek“ N^o 101).

⁴⁰ Khosrovik Thargmanic' (8th century), *Literary Works* (in Armenian), study and text by G. YOVSEPHIAN, Etchmiadzin 1899.

⁴¹ The Letters of Grigor Magistros (in classical Armenian), study and text by K. KOSTANIANS, Alexandropol (Leninakan/Giumri), 1910, 148-64.

⁴² A. MINGANA, *The Work of Dionysius Barsalibi against the Armenians* (Woodbrooke Studies: Christian documents in Syriac, Arabic and Karshuni, editions and translations, vol. IV), Cambridge 1931. Paul ESSABALIAN, a member of the Mechitharist Congregation in Vienna, has translated this work from Syriac into Armenian: *The Polemic of Dionysius Bar-Salibi against the Armenians*, Vienna 1938.

⁴³ Nerses Šnorhali, *General Letters* (in classical Armenian), Jerusalem 1871, 205-206, 230-40, 275-89.

⁴⁴ Concerning the literary works of Dionysius see A. BAUMSTARK, *Geschichte der syrischen Literatur*, Bonn 1922, 295-98; W. WRIGHT, *A short History of Syriac Literature*, London 1894, 246-50, and SELB, *Die Geschichte des Kirchenrechts der Westsyrier*, 164-65.

⁴⁵ The Polemic of Dionysius, 47. My remarks and quotations belong to the Armenian translation from Syriac (Vienna 1938).

the Armenians as followers of orthodox/"rechtgläubig" church-fathers. Then he writes: "But when the Council of Chalcedon was assembled - which divided Christ in two natures, they (the Armenians) left the Chalcedonians and joined us."⁴⁶ Afterwards the first topic which Dionysius treats is the question of corruptibility or incorruptibility of the body of Jesus Christ. He asserts that "the body of Christ was corruptible from his birth until the Ressurrection"⁴⁷, whereas the Armenians believe that from the very moment of pregnancy the body of Christ became incorruptible and that he bore needs, passion and sufferings willingly and not out of necessity. In hymns of the Armenian Church we read:

"O Virgin Mary, in thy womb God,
Christ our Saviour dwelt incorruptibility,
we glorify thee."⁴⁸
"And thou wert born from the holy Virgin
with incorruptible body,
we glorify thee praising unceasingly."⁴⁹

Dionysius Bar Salibi mentions and criticizes numerous "errors" which not always are errors, but misunderstandings, misinterpretations and finally simple differences. Hereunder I shall present the main problems which at least partly are related with the canon law.

3. Unleavened Bread and pure Wine

One of the most disputed problems is the question of unleavened bread (eucharistic host) and of pure wine (without mixing water). All Christian Churches mix water with the wine of Eucharist, except the Armenian, and almost all Churches use leavened bread, except the Roman Catholic and the Armenian Apostolic Churches. The Ethiopians are the only who do not use grape-wine, but raisin wine: "The wine is prepared from dried raisins. These are soaked in water for three to five hours and the juice is squeezed out into vessels where it remains until transferred to the chalice at the time of the service"⁵⁰.

The Westsyrian is the only Church which in the eucharistic bread/host mixes not only leaven, but also salt and oil. Bar Salibi defends the Syrian custom, bringing forward philosophical arguments. He argues that the body of Adam, and likewise of Christ, had four elements: earth, water, fire and air, plus the soul! Similarly, he means, the flour of the bread symbolizes the earth, the water is the water, the salt symbolizes the fire and the leaven is the air, whereas the oil

⁴⁶ Ibid., 8; cf. MINGANA (= footnote 42), 8.

⁴⁷ Ibid., 9-10.

⁴⁸ Hymnal (in Arm.), Istanbul 1838, 23 (48).

⁴⁹ Hymnal, *ibid.*, 52. See also p. 279.

⁵⁰ The Oriental Orthodox Churches (see above footnote 22), 15.

symbolizes the soul⁵¹! Furthermore he presents moral interpretations, asserting that the salt symbolizes the love, the leaven figures the mind/intelligence, and the oil symbolizes the mercy of God, as well as hope⁵². In a further step, Dionysius presents a theological explanation for the use of leaven. He writes: "Again the leaven signifies the bodily growth of the Word of God; as the leaven augments and enlarges the flour, likewise the Word became grown up bodily, whereas in the essence/substance he remained perfect and had no need of growth. Again the leaven symbolizes the soul which joined the Word (= the Word took the soul on him), and the salt in the bread symbolizes the mind which the Word took in him at the time of Incarnation"⁵³. The conclusion is a disputable accusation: "*Every sacrifice shall be salted with salt*"⁵⁴. This sentence is binding for everybody, but those who celebrate Mass with unleavened bread without salt, they sacrifice a body which is incomplete (imperfect)"⁵⁵. In fact the use of salt and oil contradicts the tradition of the universal Church, and consequently the argument can be turned and returned to the Syrians who practise a custom which has no base and document in the canons or canonical regulations of the Ecumenical and Local Councils.

To the hot-tempered attacks of the Syrian church-fathers, the Armenian theologians have answered with two arguments:

- First, at the time when Jesus Christ established the sacrament of the Eucharist, it was "the first day of the feast of unleavened bread" and "the disciples came to Jesus, saying unto him, Where wilt thou that we prepare for thee to eat the Passover"⁵⁶? In the evening Jesus sat down with the twelve, "And as they were eating, Jesus took bread, and blessed it, and broke it, and gave it to his disciples, and said, Take, eat, this is my body"⁵⁷. Consequently it is quite clear that at the Last Supper when the Passover should be killed, the bread which Jesus broke and ate with his disciples was unleavened⁵⁸. Catholicos Yovhannes of Ojun mentions the ordinance of Passover by Moses⁵⁹ and quotes the words of the Prophet: "Whosoever eateth leavened

⁵¹ The Polemic of Dionysius, 41; cf. MINGANA (= footnote 42), 27.

⁵² Ibid., 41-42; cf. MINGANA, 27.

⁵³ Ibid., 42-43, cf. MINGANA, 27 f.

⁵⁴ Mk 9, 49b.

⁵⁵ The Polemic of Dionysius, 43. Similar arguments has written also Johannan Barsan in his Letter, see the Arm. Translation (Vienna 1923), 37-50.

⁵⁶ Mt 26, 17-19; Mk 14, 12-16; Lk 22, 7-13; 18, 28; 19, 14.

⁵⁷ Mt 26, 26; Mk 14, 22; Lk 22, 19.

⁵⁸ Catholicos Yovhannes of Ojun, Book of Letters, 2nd ed. Jerusalem, 470-71; Georg of Lori (11th century), Book of Letters, ibid., 625-35; Anania of Sanahin (11th century), Theological Texts/Studies (Armenian), edited by H. KYOSEYAN, Etchiazdin 2000, 300-302.

⁵⁹ Exodus 12, 14-20.

bread from the first until the seventh day that soul shall be cut off from Israel”⁶⁰. The same author asserts that the custom of unleavened bread is handed down from Gregor the Illuminator († 325), “who brought it from the (ancient) Law”⁶¹, i.e. that means either from the Law of Moses or more probably from the Canon Law of Caesarea where in 314 he was ordained as bishop.

- Second, the leaven is a different or “foreign” element or substance which may get mouldy or effect the bread to become mouldy. In this sense it is an element of “corruption” and consequently it can not be mixed in the bread which symbolizes and consubstantiates the incorruptible Body of Christ in Eucharist. Thus the problem becomes a theological argument, related with the dispute of incorruptibility of the Body of Jesus Christ⁶². Co-adjutor Catholicos Georg (1067-1072) blames the Syrians that with leaven, salt and oil they corrupt the bread (of Eucharist) which is sample/representation of the Body of the Incarnate Word of God⁶³. He asserts that the unleavened bread is the natural one, and that the leaven is evolution, alteration and corruption of the “nature”⁶⁴. Vardapet Anania of Sanahin (11th century) also introduces the same argument that the leavened bread can not bring remission of sins, because it is mixed with harmful and corrupted element; and hence it can not be the Body of Christ, since the Body of Christ, the true God, was far from evil and corruptibility⁶⁵. Then the author quotes the famed Syrian church-father St. Ephrem who in his Commentary on the Book of Kings writes; “The bread of Passover was the symbol of the incorruptible Body of our Lord, which took King David and ate, and those who were with him, so that it may be revealed that all would taste the incorruptible Body of our Lord”⁶⁶.

The same argument of incorruptibility refers to the problem of mixing (or not mixing) water in the wine. The Armenians use pure wine in the Eucharist, without mixing “foreign” element or water in it. They defend their old tradition also by an historic-chronological argument: they state that the Last Supper took place in a “large upper room” of a house and the sacrament of Communion was established there and not on the Cross where one of the soldiers with a spear pierced the side of Christ “and forthwith came there out blood and water”⁶⁷. The reconciling

⁶⁰ Ibid, 12, 15 and 19.

⁶¹ Yovhannes of Ojun, Literary Works (in classical Arm.), Venice 1953, 36, cf. Nerses Snorhali, General Letters, 133.

⁶² Yovhannes of Ojun, Book of Letters, *ibid.*, 468-71.

⁶³ Book of Letters, *ibid.*, 626.

⁶⁴ *Ibid.*, 632.

⁶⁵ Anani: of Sanahin, Theological Texts/Studies (Arm.), 301.

⁶⁶ *Ibid.*

⁶⁷ John 19,34.

solution of the problem comes from Nerses Šnorhali (1166-1173), a champion of ecumenical movement, who after defending the Armenian tradition concludes that after all whether you celebrate with leavened or unleavened bread, with pure wine or with wine mixed with water, it is the same; important is the purity of heart! And then he asserts: "Those who celebrate in saintly heart and in sound spirit, they will be glorified by God, and those who celebrate with impure thoughts and evil deeds, they will get sufferings, whether they celebrate with pure wine or with wine mixed with water"⁶⁸.

4. Celebration of Christmas

One of the most disputed questions between the Syrians and Armenians is the date of Christmas. The second century author Clemens of Alexandria tells us that the followers of the Gnostic sectarian Basilides celebrated Epiphany or the Baptism on the 6th (or 15th) of January⁶⁹. After a silent period, in the 4th century both in the East and the West appears the Feast of Epiphany (as Feast of the Birth of Jesus Christ) or of Christmas (in the West). In Jerusalem and Egypt until the 5th or 6th century Christmas and Epiphany were celebrated together. In Bethlehem on the eve of the 6th of January assembled the Christians in the Basilica erected by Empress Helena upon the grotto of Birth and celebrated Christmas (Birth) and the next day (6th of January) they celebrated Epiphany/Baptism in the river Jordan, at the same time baptizing new members of the Church. The Westsyrian Church, too, used to celebrate Christmas and Epiphany together, but in or after 386 they have begun to celebrate Christmas on the 25th of December and Epiphany (Baptism) on the 6th of January⁷⁰. In the West, properly speaking in Rome, already under Emperor Constantine Christians have celebrated Christmas on the 25th of December. Epiphany on the 6th of January was unknown to the Romans until 450 at the time of Pope Leo the Great, when it was introduced as Feast of the "Magicians" and later connected with the Miracle of Kana and the Baptism. (Epiphany on the 6th of January as the Day of Baptism appears in 385 at Milan and is documented in a sermon of Ambrosius)⁷¹.

According to historic-philological researches, Epiphany as Feast of the Birth of Jesus Christ has come up in Egypt under the influence or on the example of the pre-Christian Feast of the Virgin Core who bore Aion, the personification of Eternity. In Alexandria this Feast was connected with the Osiris-Day; on the eve of the 6th of January, in the night, the water of Nile obtained miraculous power (Reference to Baptism). On the same day, 5/6th of January, Dionysios, the Greek God of wine, appeared on the earth, wandered in his favourite places and changed

⁶⁸ Nerses Šnorhali, General Letters, 135.

⁶⁹ H. LIETZMANN, *Geschichte der Alten Kirche III*, Paperback Edition by Walter de Gruyter, Berlin-New York 1999, 321 (975).

⁷⁰ *Ibid.*, III, 321 (975)-22 (976).

⁷¹ *Ibid.*, III, 323 (977).

the water into wine (Reference to the Wedding of Kana)⁷². Similar roots has the date of 25th of December for Christmas: on the 22nd of December happens the winter-solstice and on the 25th of the feast of the "Unconquerable Sun"(!)⁷³.

The Armenians from the very beginning have followed the Egyptian style of celebrating Christmas and Epiphany on the same day - 5/6th of January. Surely they took it from Jerusalem (or Bethlehem), where already in the 4th century Armenian monks had settled down, who at the beginning of the 5th century translated from the Greek into Armenian the local Lectionary. Even after the 6th century when the date of Christmas was removed in Palestine also back to 25th of December, the Armenians as lovers of Tradition kept the 6th of January both for Christmas and Epiphany. Bar-Salibi and Bar-Susan criticize Armenians for their conservative attitude. Bar-Salibi writes:

"Until the time of Emperor Arcadius and St. John (Chrysostomos), Palestine and in northern parts celebrated (Christmas and Epiphany) together, but in the West they celebrated separately as in our days. When this beautiful custom, worthy of appreciation, came into the East, all nations accepted it, that means many celebrated these feasts separately [...] why you are being troubled and say that the Feast of Christmas and of Baptism coincide. Even if 1000 years pass away, the 25th of December will not be changed into the 6th of January."⁷⁴

The Westsyrrians insist upon the 6th month of pregnancy of Elisabeth and count the beginning of the Virgin Mary (Annunciation made by the angel Gabriel) from the 25th of March; until 25th of December it makes 276 days! The Armenians count 275 days, starting from April 7 until the 6th of January. Archbishop Stephanos of Siwnik' (7-8th century), in a letter addressed to a Syrian bishop in Antioch, explains that 30 years after the Birth, on the same day, i.e. 6th of January, happened the Baptism of Jesus by the hand of John, son of Zacharia. He also insists that the tradition or the style of the 6th of January has been handed down from the Apostle Jacob/James, "Brother of the Lord" and first bishop of Jerusalem⁷⁵. Nerses Šnorhali (12th century), investigates and presents the evidences of the Gospels and asserts that the style of celebrating Christmas and Epiphany on the same day, the 6th of January, is a tradition handed down by Gregory the Illuminator and as this remains unchangeable. Then Šnorhali concludes the dispute by expressing a reconciling argument: The differences in celebrating church-feasts do not effect any harm to the souls; it is more important to have sound and authentic faith and to glorify God⁷⁶.

⁷² Ibid., III, 324 (978)-329 (983).

⁷³ Ibid., III, 329 (983).

⁷⁴ Bar-Salibi (Arm. translation), 74; Bar-Susan (Arm. translation), 68-69.

⁷⁵ Book of Letters, 2nd ed., 497-503.

⁷⁶ General Letters, 94-96, 135-38.

5. The Custom of Burnt-offering

Another criticism of Bar-Salibi, which has been also repeatedly done by the Greeks and Latins, concerns the custom of burnt-offering or *matal* in Armenia. It is a very old and deeply rooted tradition among Armenians to sacrifice lamb and in some cases as thanksgiving to God for a fulfilled wish or oath, and at the same time as a charitable act, because sometimes the meat of the lamb is donated to a home of orphans or the aged. In fact the *matal* is a religious ceremony: first the priest blesses salt and gives in the mouth of the lamb, then the animal can be sacrificed and the meat be grilled. Usually it is offered to everybody who incidently is present in the courtyard of the church or monastery without necessarily being relative or friend. A "matal" may be offered anytime of the year, naturally except on fasting days. In the past it was popular to bring burnt-offering to God and to the needy on the Easter-day and apparently sometimes to sprinkle the blood of a lamb at the entry of the house as blessing! Bar-Salibi criticizes this usage⁷⁷ as a Jewish custom⁷⁸ and blames the Armenians that they are still attached to the Old (Testament), without knowing that instead of Moses has come Jesus, instead of Pentateuch the Gospel, instead of Saturday the Sunday (the Lord's Day), instead of ox and sheep⁷⁹ the true Lamb. Nerses Šnorhali refutes the accusations of Dionysius, quotes biblical evidences in favour of the Armenian tradition, asserts that the custom of "matal" has survived from the heathen pre-Christian period, and at the end he concludes:

"And we question our adversaries: although (the custom) is not established by St. Gregory (the Illuminator), but by later and not-famed (Catholicoi), what is harmful in the *matal* or in the Easter or in reading a Mass (Service) for the dead? Now, either you show us the harm for our souls of them and demonstrate your argument with biblical evidences – and we will be ready to remove it – or we assert the usefulness for the faithful, that not only it does not effect any harm, but it brings benefit to souls, and then you have to clear away from your mind the evil outrage."⁸⁰

6. Breaking of the Fast

Not only the Syrians, but also the Greeks and Latins have repeatedly criticised Armenians for breaking the Great Fast on Saturdays and Sundays. At the Council of Trullo (Cupola/Coupole) in 691, the participant Fathers have regarded it necessary and worth the trouble to compile a canon (No 56) against the

⁷⁷ The Polemic of Dionysius (Arm. translation), 50, 83.

⁷⁸ Ibid., 52.

⁷⁹ Ibid., 83-84.

⁸⁰ General Letters, 255-56.

Armenians who on Satur- and Sundays of the Lent (Quadragesima) do fasting, but they eat cheese and egg. It reads as follows:

“We have similarly learned that in the country of Armenia and elsewhere certain people eat eggs and cheese on Saturdays and Sundays of the holy Lent. We have therefore decided, that the Church of God spread all over the world, has to keep fasting, following the single discipline and abstain not only from every meat of animal(s), but also from eggs and cheese which are the fruit and product of what we retain from.”⁸¹

In the 8th century Catholicos Yovhannes of Ojun (717-728), who for the first time codified the Book of Canons of the Armenian Church, at the Council of Dvin in 720 decreed 32 canons to strengthen discipline and order in the Church, has dedicated two canons to this question discussed above. In Can. 6 the Fathers of the Synod prescribe that on Saturday and Sunday should be celebrated Holy Liturgy “according to the regulation ordered by the Holy Fathers in all their councils”⁸². Canon 7 explains and decides as follows:

“For fasting and breaking the Saturday and Sunday during the Lent, this will be let to the preference of each one, only praising God without compunction and adversity, without slandering his friend; whatever everyone wishes, should do chastely; both are acceptable before God and are in accordance to the tradition of the Church of Christ.”⁸³

The remark of the Synod to the Holy Fathers and their “Councils” may refer to the 5th Canon of the Apostles, the text of which is translated from Syriac. It asserts:

“The Apostles ordered and regulated in firmness that on Saturday in whole the world will be celebrated feast and Liturgy and all martyrs/saints will be remembered. On that day the priests shall celebrate (Holy) Mass and they will recite psalms joyfully, because it (the Saturday) is the forerunner of the coming of the Great King. It is proper that all saints meet God in joy.”⁸⁴

⁸¹ P.-P. JOANNOU, *Fonti-Fascicolo IX - Discipline Générale Antique (IV^e-IX^e s.)*, vol. I/1, *Les Canons des Conciles Oecuméniques*, Rome 1962, 193 (Canon 56). For Syrian accusation concerning fasting see Bar-Salibi, 20, 27-28; Bar-Susan, 59-62, 70-75.

⁸² *Literary Works of Yovhannes of Ojun* (in Armenian - Venice 1953), 36, 22-23; *Kanonagirk' Hayoc'/Corpus Canonum of the Armenians*, vol. I, ed. with introduction and notes by V. HAKOBIAN, Erevan 1964 (in Armenian), 518 (here instead of “Councils” is given “Peoples”!).

⁸³ *Corpus Canonum*, *ibid.*, 518-19.

⁸⁴ *Corpus Canonum*, I, *Apostolic Canons*, 30-31.

It is interesting that just this canon (translated from Syriac) has not survived in the Syriac text.⁸⁵ However in the "Canons of the Holy Apostles" we find a canon (No 64) which states:

"If there will be a clerical who fasts the holy Sunday or on Saturdays, except only the Holy Saturday (of Easter), he should be deposed, if it is a layman, he will be excommunicated."⁸⁶

The reconciling word comes again from Nerses Šnorhali: he accepts that some people, especially soldiers and princes, in fact eat fish and oil(-meals) and drink wine during the Lent, but he blames the "Franks" or Latin missionaries who in Cilicia have recommended the Armenians on Saturdays and Sundays of Quadragesima to eat milk-food (because it is product of the nourishment/food of animals)⁸⁷, and at the end he concludes:

"All clericals and most of the people abstain not only from milk-products and fish, which should not be remembered (used) during the Lent at all, but also from all fattening meals (of meat and fat) and wine, and if somebody insobriety fails to do so and then regrets, we order the utmost severe chastisement."⁸⁸

Before closing this section, I would like to provide some additional information concerning the rules of fasting in the Armenian Church and people. There are two special termini for fasting: first *com/tzom* (from Syriac *som/soma*) which means absolute fasting or not eating at all from evening to evening or from night to the evening of the next day, and secondly *pahk'* which literally means 'to keep'/to keep oneself away from meat and fat of animals. Usually the Church recommends *com* to the faithful during the Lent, but those who can not keep the rule, are permitted to fast, abstaining from all foods of animals. Only on Saturdays and Sundays of Quadragesima a "mild fasting" is allowed after the celebration of Liturgy, i.e. fish and milk-products but not meat at all!

⁸⁵ J. DASCHIAN, *Varadpetut'wn Arak'eloc'* (Teaching of the Apostles), Vienna 1896, 56-59; V. HAKOBIAN, *ibid.*, *Corpus Canonum*, 543.

⁸⁶ *Fonti-Fascicolo IX - Discipline Générale Antique (IV^e-IX^e)*, ed. by P.-P. JOANNOU, vol. I/2: *Les Canons des Synodes Particuliers*, Rome 1962, 41, cf. Canon 55 of Trullo (JOANNOU, *ibid.*, I/1, 192-93). The Armenian text can be found under "Canons of Clemens", can. 59, *Corpus Canonum*, I, 91.

⁸⁷ Nerses Šnorhali, *General Letters*, *ibid.*, 99-100.

⁸⁸ *Ibid.*, 100.

III. Conclusion and ecumenical reflections

Bar-Salibi in his polemic work against the Armenians registers many other supposed "errors" which partly are misunderstandings and partly secondary unimportant subjects! I tried in my study to search and research conflict of laws and respective rules within the Community of the Oriental Orthodox Churches and hopefully I could indicate some topics or aspects which may raise and in the past have raised, especially in connection with the Westsyrian Church, if not conflicts, at least disputes or polemic discussion. However the existent differences and contradictions of canon laws and customs have not disturbed and disrupted the unity of these Churches which remains unimpaired and intact since the 5th or 6th or 8th century. As already mentioned at the beginning of the present study, the unity or the communion of the Oriental Orthodox Churches is based upon their common faith which recognizes three Ecumenical Councils (Nicaea/325, Constantinople/381 and Ephesus/431), the Nicene-Constantinopolitan Creed and the Christology of "One [united] Nature of the Incarnate Word of God!" The main effective reason of the firmness of their unity, is the equality of the patriarchs in rank, i.e. absence of primacy and primacy-quarrels among the heads. To my opinion this fact is a great advantage and blessing for the Oriental Orthodox Churches. Walter Selb on the ground of his roman-catholic mentality thinks differently. He writes:

"Here also the recognized equality of rank of the Patriarch of Antioch and of the Catholicos of the Armenians hindered a far-reaching organizational Union!"⁸⁹

Summing up the main problems of conflict of laws within the family of the Oriental Orthodox Churches, I can mention: First, the practice of re-baptism in the Coptic Orthodox Church; secondly, the re-marriage of widowed priests in the Armenian Apostolic Church (since 1923), and thirdly, the practice of mixing salt and oil in the bread/host of Liturgy, as well as the ordination of married priests as chorepiscopos in the Syrian Orthodox Church⁹⁰.

I think it is a wonderful phenomenon that Churches, in spite of some differences and conflict of canons, can live together in unity of faith, hope and love. Perhaps the example of the Oriental Orthodox Churches could stimulate the thoughts and efforts of leaders of the ecumenical movement and help them to

⁸⁹ SELB, *Die Geschichte des Kirchenrechts der Westsyrier*, 192.

⁹⁰ The practice of ordaining married priests as chorepiscopos apparently is quite old, since in the title of the Rites of the Ordination we read: "The ordination of chorepiscopos, of the archpriest, the overseer of bishop's vicars and of abbots of monasteries of monks and religious women!" The reason of such a regulation is unknown to me.

solve the difficult problem of primacy which is regarded the main obstacle and stumbling-block on the way of the unity of Churches.

I would like to conclude my study quoting the reconciling words of Nerses Šnorhali concerning different customs and traditions. He writes:

"We surely know that nothing else is pleasant to God, but the right faith and the chastely life. Hence if such (different customs) are being practised in pure mind and not out of heretical belief, then they are traditions of nations and have nothing to do with superiority or inferiority of faith. Consequently when the head, which is the faith, joins the Head which is Christ, then the limbs or the traditions, will correct each other and be pleased with each other for the glory of Christ the God."⁹¹

In this sense the last word belongs to the Apostle Paul who in his first letter to Corinthians writes:

"Whether therefore ye eat or drink, or whatsoever ye do, do all to the glory of God.

Give none offence, neither to the Jews, nor to the Gentiles, nor to the Church of God: Even as I please all men in all things, not seeking mine own profit, but the profit of many, that they may be saved."⁹²

⁹¹ Nerses Šnorhali, *General Letters*, *ibid.*, 132-33.

⁹² 1 Cor 10, 31-33.

DER BEITRAG VON P. JOSEPH KATHERDJIAN UND DER
PHILOLOGISCHEN SCHULE DER WIENER MECHITHARISTEN-
KONGREGATION ZUR KANONISTIK DER ARMENISCHEN KIRCHE

Nerses S a k a y a n, Wien

Die Kanonistik der armenischen Kirche ist eine relativ junge Wissenschaft, der in der Armenologie erst seit der Mitte des 18. Jh. mehr Gewicht beigemessen wird. Diejenigen, die sich den alten armenischen Rechtsquellen zuwandten, waren Philologen, Rechtswissenschaftler, Soziologen oder Ethnologen mit oft mangelhaften theologischen Kenntnissen. Deshalb blieb auch die Kanonistik zumeist im Rahmen der Erforschung der Quellen und textkritischen Ausgaben der Rechtsbücher der armenischen Kirche.

Auch die kanonistischen Beiträge von Angehörigen der Wiener Mechitharisten Kongregation, die sich insgesamt große Verdienste um die armenische Kultur, Literatur und Philologie erworben hat, sind vor allem philologisch akzentuiert, zeichnen sich aber zugleich dadurch aus, dass ihre Verfasser auch eine gute historische und theologische Vorbildung mitbrachten.

Die wichtigsten Vertreter der großen „Wiener Schule“ waren P. Paul Hovnanian (1814-1884), P. Joseph Katherdjian (1820-1882), P. Alexander Baldjian (1802-1884), P. Jakobus Daschian (1866-1933), P. Nerses Akinian (1883-1963) und P. Hamasasp Voskian (1895-1968). Im Folgenden wird vor allem das kanonistische Oeuvre von P. Katherdjian und seine Weiterführung durch P. Daschian, P. Akinian und P. Voskian vorgestellt. Eine tiefergehende Aufarbeitung und kritische Würdigung der Kanonisten der Mechitharistenkongregation bleibt weiterhin ein Desiderat.

I. P. Paul Hovnanian (1802-1884) und P. Alexander Baldjian (1814-1884)

P. P. Hovnanian wurde im Jahre 1802 in Istanbul geboren, kam mit 12 Jahren nach Wien und wurde 1824 zum Priester geweiht. Er verfasste vor allem ein kirchengeschichtlich-kanonistisches Werk zur Geschichte der Konzilien¹. Die Studie sollte eine bis einschließlich zum Konzil von Trient reichende Fortsetzung finden, die aber nie erschienen ist².

Da P. Hovnanian altarmenisch schrieb, blieb sein Werk schwer zugänglich. In liturgisch-kanonistischen Artikeln nahm er Stellung zu Fragen wie „die tägliche

¹ P. P. HOVNANIAN, Geschichte der Konzilien der Kirche, die im Osten berufen wurden, Wien 1847 (armenisch).

² AMK, P. P. Hovnanian, IX.

Messe“³, „zur Anwendung der Priesterkrone“⁴ und handelte „über liturgische Schriften der Armenischen Kirche“⁵. In seinen „Bemerkungen zum 2. und 6. Kanon der kirchlichen Regelungen der Armenischen Katholiken“⁶ arbeitete er auch mit Handschriften der Bibliothek der Mechitharistenkongregation in Wien.

P. P. Baldjian wurde im Jahre 1814 in Konstantinopel geboren. Im Jahre 1827 kam er als Seminarist der Mechitharistenkongregation nach Wien. 1834 wurde er zum Priester, 1877 zum Erzbischof geweiht.

Seine beiden Werke - „Der Stuhl Petri“ und die „Geschichte der Katholischen Armenier“ - sind kirchenhistorisch-apologetischer Natur⁷. Im kanonistischen Kontext sind sie insofern zu erwähnen, als sie immer wieder auch zahlreiche Kanones der armenischen Kirche wie auch die Armenischen Nationalsynoden berücksichtigen.

II. P. Joseph Katherdjian (1820-1882)

1. Bio-Bibliographischer Überblick

P. Katherdjian wurde im Jahre 1820 in Istanbul geboren. Mit 11 Jahren kam er als Seminarist der Mechitharistenkongregation nach Wien. 1841 wurde er zum Priester geweiht.

Die erste Periode seines Wirkens ist reich an Übersetzungen aus dem Französischen, Griechischen und Lateinischen in klassisches Armenisch. In den Jahren 1849 und 1852 gab P. Katherdjian zwei Bände zur Weltgeschichte (bis zum Jahre 484 n. Chr.) mit besonderer Berücksichtigung der armenischen Geschichte heraus. Bereits in diesem Werk, das die Geschichte Armeniens

³ AMK, P. P. Hovnanian, II.

⁴ MS 2094.

⁵ AMK, P. P. Hovnanian, II.

⁶ Kanones über Weihen. AMK, P. P. Hovnanian, II.

⁷ P. A. BALDJIAN, Stuhl des Petrus des Apostelfürsten und Felsen der Kirche, Quelle des Rechts und Zentrum der Union, Wien 1853. Dieses Werk ist eine Übersetzung von F. W. ALLIES, The See of the St. Peter, the Rock of the Church, Wien 1853, mit einem Anhang (3 Kapitel): „Zeugnis der armenischen Kirche über den Primat Petri und der Päpste von Rom“ (armenisch); DERS., Geschichte der Katholischen Lehre bei den Armeniern und deren Union mit der Römischen Kirche am Konzil von Florenz, Wien 1878. (Dasselbe Werk wurde auch in lateinischer Sprache herausgegeben: Historia Doctrinae Catholicae inter Armenos unionisque eorum cum Ecclesia Romana in Concilio Florentino, Wien 1878.)

erstmal kritisch darstellt⁸, zeigen sich P. Katherdjians profunde kanonistische Kenntnis wie auch seine persönlichen Ansichten das Kanonische Recht betreffend überall dort, wo er über kirchliche hierarchische Strukturen und die kirchliche Disziplin schreibt⁹.

Seit 1853 war P. Katherdjian häufig mit Verwaltungs- und Schulaufgaben belastet. Man konnte ihn abwechselnd in Wien, Rom und Konstantinopel antreffen. Im Jahre 1864 erschien eine theologische Arbeit über „Die Grundunterschiede in Glaubensartikeln zwischen der katholischen Kirche und der Kirche von Etschmiadsin“. An weiteren Publikationen sind zu nennen: „De obitu Joannis apostoli narratio ex versione armeniaca saeculi V“ (1877) und „De Fidei symbolo quo Armenii utuntur observationes“ (1893, posthum). Wie das letztbenannte Werk, so wurden auch die Messbücher der Armenier erst aus dem Nachlaß herausgegeben (1897, durch P. J. Daschian). Die Weltgeschichte und eine armenische Literaturgeschichte blieben genauso unvollendet wie ausführliche Studien über die armenischen Martyrologien, Kanon- und Ritualbücher. P. Katherdjian erlitt im Jahre 1878 in Triest einen Schlaganfall und schied nach schwerem Leiden am 9. Jänner 1882 in Konstantinopel aus dem Leben¹⁰.

Der umfangreiche Nachlass umfasst sehr unterschiedliche Gebiete – von Stenographie der armenischen und der türkischen Sprache¹¹ über Philologie bis zu naturwissenschaftlichen Abhandlungen (Mathematik und Biologie). So finden sich im Nachlass eine „Widerlegung des Rundschreibens von T. Anthimus“¹², diverse Übersetzungen zeitgenössischer wissenschaftlicher Werke (darunter die „Naturgeschichte“ von A. Pkorny,¹³ „das Philosophiebuch“ von V. Buczynsky¹⁴, das kirchenrechtliche Lehrbuch von F. Walter¹⁵ und die Dogmatik von A. Togni¹⁶)

⁸ P. J. KATERDJIAN, Weltgeschichte, Bd. I, Wien 1849, Bd. II, Wien 1852 (armenisch).

⁹ Vgl. P. J. KATERDJIAN, Weltgeschichte, Bd. II, Wien 1852, 33 ff, 216 ff, 559 ff, 562 ff (armenisch).

¹⁰ P. N. AKINIAN, Das klassische Armenisch und die Schule der Wiener Mechitharisten, 384 f. DERS., P. J. Katherdjian, sein Leben und die literarische Tätigkeit: M. BODURIAN, Armenisches Lexikon, 432-434.

¹¹ Vgl. MSV. 1574.

¹² MSV. 1365.

¹³ A. PKORNY, Naturgeschichte der drei Reiche, Wien 1854: AMK Katherdjian, V, 5; VIII, 22.

¹⁴ Institutiones doctrinae religionis in quibus principia philosophica ad veritates religionis applicantur conscriptae a Vincentio Buczynsky, Viennae 1842: MSV 1546, 1547.

¹⁵ F. WALTER, Lehrbuch des Kirchenrechts aller Christlichen Konfessionen, Bonn 1846 (übersetzt in Zusammenarbeit von seinen Schülern im Jahr 1846): MSV 1342, 1343, 1344.

¹⁶ A. TOGNI, Instructio pro Sacris Ecclesiae Ministris doctrinae Specimen daturis seu brevis delineatio eorum, quae in examine pro Sacris Ordinibus et pro Cura animarum suscipienda frequentius proponuntur, Oeniponte, Typ. Wagnerianis 1856: MSV 1722. -

sowie alter Quellen¹⁷. Von P. Katherdjian sind folgende Werke verfasst: „Kurzer Katechismus“¹⁸, „Die Kirche Christi und die Sekten“¹⁹, „Schisma und Glaubensbekenntnis. Die Geschichte der monophysitischen Sekte in Armenien“²⁰, „Die Lehre der Menschwerdung bei den Armeniern (700-1177)“²¹.

Aus diesem vielseitigen Oeuvre, das in allen seinen Teilen durch Wissenschaftlichkeit und Tiefe des Denkens besticht, ist als Hauptwerk P. Katherdjian's textkritische Untersuchung des „Liber Canonum der Armenier“²² besonders hervorzuheben.

2. Die Textkritische Untersuchung des „Liber Canonum der Armenier“

Schon seit dem Jahre 1850 hatte P. Katherdjian den Plan, eine systematisch-textkritische Ausgabe der Sammlungen der armenischen Kanones nach dem Beispiel seiner textkritischen Ausgabe der (posthum erschienenen) armenischen Messbücher zu veröffentlichen. Im P. Daschians Vorwort zu den Messbüchern heißt es:

„Wir hoffen, dass es uns im Herrn gelingen möge, das zweite große Werk des Authors [P. Katherdjian], das armenische Liber Canonum zu veröffentlichen, dem die Hand eines Redakteurs gefehlt hat“.

Im selben Sinn äußerte sich im Jahre 1932 neuerlich P. Akinian:

„Dieses Werk [die Untersuchung des Liber Canonum], das neben der Ausgabe der Heiligen Messbücher das berühmteste seiner Werke sein sollte, möge auch so wie die heiligen Messbücher erscheinen, so am Grabe des Autors ein weiteres Monument errichtet werde, das von dem großen Namen erzählt“²³.

Bei diesen Ankündigungen ist es allerdings geblieben. Das Werk von P. Katherdjian ist bis heute nicht publiziert.

Weitere Übersetzungen im Nachlass: eine „Geschichte des Römischen Reiches“: MSV 1355; Narratio de rebus Armeniae (Eine armenisch-chalkedonensische Schrift vom Anfang des 8. Jahrhunderts, die nur in Griechisch erhalten ist. Die Übersetzung ist aus dem Griechischen): MSV 1567.

¹⁷ Feldzüge des Xenophon, Bücher I – VII: MSV 2361; Gregor von Nazianz, Rede für Julius Caesar: MSV 2370.

¹⁸ AMV, Katherdjian, I, 11.

¹⁹ AMV, Katherdjian, I, 13.

²⁰ AMV, Katherdjian, II, 3.

²¹ AMV, Katherdjian, III, 3.

²² AMK, Katherdjian, IX.

²³ Akinian: HA 1931.

3. Die Einführung P. Katherdjians zu seiner Untersuchung

Im Nachlass von P. Katherdjian sind außer einer Materialsammlung drei Redaktionen des geplanten Werkes vorhanden. Mit der dritten Redaktion war die Einführung zur Drucklegung der Arbeit fertiggestellt. Die Einführung ist eine philologische Untersuchung und eine systematische Abhandlung über die Entwicklung des armenischen Liber Canonum. Sie befasst sich mit dem Plan der Arbeit, mit Handschriften und sprachphilologischen Forschungen.

„Wir werden nicht nur die ‚Monumente‘ des kanonischen Rechtes von Armenien, wie wir sie gesammelt oder verstreut vorfinden, herausgeben sondern wir versuchen, auch die Geschichte desselben Rechtes zu erstellen, indem wir 1. die Handschriften, 2. Neueste Untersuchungen zur armenischen Sprache und 3. Die Geschichte des kanonischen Rechtes zu Rate ziehen“²⁴.

4. Der Text der Kanones in P. Katherdjians Untersuchung

Daraus ergibt sich auch der Aufbau seiner Untersuchung. Der Hauptteil der Arbeit besteht aus Kanones und Gesetzestexten mit kritischen Anmerkungen. Sie sind teilweise ins Lateinische oder Griechische übersetzt. Die nachfolgende grobe Einteilung bedürfte noch der Zuordnung zu einzelnen Kapiteln.

- A. Der älteste Liber Canonum in Armenien: Nikaia, Ankyra, Neokaisareia, Gangra*
- B. Der Liber Canonum in Armenien seit der ersten Hälfte des 5. Jh. - Die Nicaenischen Kanones*
- C. Der Liber Canonum in Armenien seit der zweiten Hälfte des 5. Jh. - Der Syrische Teil: „Die Lehre der Apostel“*
- D. Weitere Kanonische Monumente des 5. Jh. in Armenien*
- E. Kanonische Monumente. Zusätze im 6. Jh.: Konstantinopel, Ephesos, Serdika, Chalkedon, Basileios*
- I. Redaktion der Kanones im 8. - 9. Jh.*
- II. Drei Authentische Regionalsynoden: Antiocheia, Laodikeia, Antiocheia II*
- 10. Jh.*
- Ergänzungen zur Sammlung von Johannes Imasdasser (dem Philosophen) aus dem 8. - 12. Jh.*
- Schahapiwan*
- Karthago*
- Ankyra*

²⁴ AMK, Katherdjian, IX, 6, „Vorwort“.

Kaisareia
Neokaisareia
Gangra
Brief des Katholikos Gregor
Synode von Sis
Ephrem der Mönch
Brief des Katholikos Gregor zu König Hethum
Sis II
Atana
Mekhithar Gosch
Die Sammlung von Johannes Imasdasser
Syntagma Canonum (16. Jh.)
Archiv von Wagharschapat
Nachfolgeväter
Bischof Abraham
Katholikos Sahak
Vatschakan, König von Albanien [Kaukasus]
Katholikos Elia
Synode von Dwin
Regeln für Priester
Eznik
Anania
Apokryphe Kanones: Gregor der Theologe, Thaddäus, Philippus
Katholikos Nerses
Katholikos Sion
Makarius²⁵

Für P. Katherdjian war die Untersuchung des Liber Canonum von großer Bedeutung:

„Historische, patristische und liturgische Bücher wurden mit großem Eifer herausgegeben, nur die kanonischen Schriften haben bis jetzt diese Ehre nicht gehabt.“²⁶

Er war sich jedoch auch der Schwierigkeit eines solchen Unterfangens voll bewusst. Im Vorwort wird das Werk von Kardinal Mai erwähnt, der eine Auswahl (in lateinischer Übersetzung) herausgegeben hat²⁷. Die Schwierigkeit einer Kodifizierung, die sich allein schon durch den Mangel an textkritischen

²⁵ AMV, Katherdjian, X.

²⁶ AMV, Katherdjian, IX, 6.

²⁷ Canones Synodi Armeniorum. Scriptorum veterum nova collectio e Vaticanis codicibus edita ab Angelo Maio, t. X, 2, Rom 1838.

Ausgaben ergibt, wird hier dargestellt. Hinsichtlich des verwirrenden Zustandes der Texte wird Kard. Mai zitiert „*Ut aegre ab acutis etiam hujus disciplinae judicibus primitiva ab adjunctis discernantur*“²⁸

Tatsächlich war die Untersuchung durch P. Katherdjian, dessen Kenntnisse der altarmenischen Literatur und Theologie, der armenischen Tradition und der griechischen und syrischen Sprachen beste Voraussetzungen für das in Aussicht genommene Projekt darstellten, nicht nur eine hervorragende Leistung seiner Zeit. Sie blieb auch eine wichtige Quelle für die künftige Aufarbeitung des Materials durch P. Daschian, P. Akinian, P. Inklisian und P. Voskian. Gewisse Leistungen in Katherdjians Werk wurden selbst von der textkritischen Ausgabe von V. Hakobian²⁹ nicht übertroffen.

Wie P. Katherdjian in der Einführung beschreibt, dauerte es allein Jahre, bis er Zugang zu wichtigen Handschriften (in Ostarmenien, Westarmenien, Europa, Jerusalem) erhielt. Die Einsicht in einige Manuskripte wurde ihm überhaupt verwehrt. Ohne die älteste Handschrift des Liber Canonum in Neu Djoulfa zu kennen, erstellte Katherdjian eine präzise Zusammenstellung der Handschriftengruppen.

Alles in allem hat P. Katherdjian die Texte, deren historische und literarische Entwicklung sowie die verschiedenen armenischen Übersetzungen der Urtexte mit großer philologischer Kenntnis und akribischer Genauigkeit untersucht. Theologische und kirchengeschichtliche Elemente wurden bei seiner gewissenhaften Arbeit nicht außer Acht gelassen.

5. Das Übersetzungsprojekt

Parallel zur kritischen Textausgabe plante P. Katherdjians eine lateinische Übersetzung der Kanones zu erstellen. Er wollte dies - wie auch in seiner Einführung erwähnt - mit Hilfe von Prof. H. Petermann verwirklichen: „*Wir haben schon das Besprochene [den ersten Teil der Einführung] mit der Post (datiert 15/27. Mai 1868) zum Zweck der Übersetzung weggeschickt*“³⁰. Katherdjian schrieb an Prof. Petermann am 30. Januar 1868:

„Edelster Freund, seit 3 Jahren habe ich die Absicht die alten Kanones oder die Sammlung der Kanones der Armenier mit kritischen Anmerkungen und wichtigen Einführungen zum Druck vorzubereiten. Nun, da meine Arbeit fertig ist, denke ich an eine lateinische Übersetzung (in die wissenschaftliche Sprache von ganz Europa). Leider bin ich jener Sprache nicht so kundig,

²⁸ AMV, Katherdjian, IX, 6.

²⁹ Buch der Kanones der Armenier. Hg. v. V. HAKOBIAN, Yerevan 1964; 1971.

³⁰ AMK, Katherdjian, IX, 6. „Handschriften“.

dass ich etwas in Druck herausgeben kann. Nach langem Überlegen habe ich beschlossen Sie, meinen edlen Freund zu ersuchen, weil Sie all die Bedingungen für eine solche Übersetzung erfüllen, nämlich, gute Kenntnis der beiden Sprachen und zugleich typisch deutsche Präzision, was für dieses Buch wichtig ist. Weil der Inhalt meistens nicht ediert ist, wird das Werk für die Welt der Wissenschaft eine bleibende Bedeutung haben. Damit das Werk vollkommen ist, werden wir bei Reisen und anderen Mitteln nicht sparen. Ich meinerseits schlage Ihnen vor, das Recht zu haben, Ihren Namen als Übersetzer auf die Titelseite zu setzen und das Recht auf einen Teil des Ertrages; wobei Sie an den Ausgaben nicht teilnehmen müssen. Die Texte, wie sie sehen sind in der altarmenischen Sprache und die Anmerkungen und die Einführung in Neuarmenisch, wie jenes Heft der Geschichte der armenischen Literatur. Wenn das Altarmenische für Sie leichter ist, dann bin ich willig, auch jenes ins Altarmenische zu übersetzen, wenn das Ihr Wunsch ist. Wenn die Arbeit der Übersetzung fortgeschritten ist, hoffe ich von seiner Exzellenz [dem Generalabt] Erlaubnis zu bekommen, um zu kommen und Sie persönlich zu treffen und Ihnen vieles mitzuteilen. Ich bitte auch dieses, dass Sie vor dem Herausgeben des Werkes niemandem etwas darüber mitteilen. Liebster Freund, betrachten Sie dies nicht nur als einen Vorschlag, sondern als eine Bitte meinerseits und einen sehnlichsten Wunsch meinerseits (wenn Sie dies erlauben). Ich bitte Sie um eine Antwort Ihrerseits und verbleibe Ihr demütigster Diener [...]“³¹.

Prof. Petermann schrieb zurück am 16. März, 1868:

„Ehrwürdigster und lieber Herr, seitdem Sie mir den ersten Brief nach Berlin geschickt haben, weile ich in Jerusalem und denke, dass ich, so Gott es will, ein Jahr hier bleiben werde. Deswegen ist es, dass ich jenen Brief und auch den zweiten, den Sie geschickt haben, vor einigen Tagen empfangen habe [...] Das Buch, das Sie zum Druck vorbereitet haben, scheint auch mir für die Wissenschaftler in Europa sehr wünschenswert, und ich bin bereit, Ihnen zu helfen und eine lateinische oder deutsche Übersetzung zu erstellen, wie Sie es wünschen. Bezüglich der Anmerkungen: Ich denke nicht, dass es nötig ist, dass Sie jene ins Altarmenische übersetzen. Ich glaube, dass ich auch das Neuarmenische verstehen werde. Leider habe ich hier sehr viel Konsulararbeit zu erledigen und konnte bis jetzt nicht über etwas anderes nachdenken [...] Ich freue mich sehr, dass Sie vorhaben nach Jerusalem zu kommen und hoffe, dass Sie hier für längere Zeit bleiben werden. Ich grüße Sie mit Liebe und Ehrfurcht und verbleibe eurer Herrschaft [...]“³².

³¹ AMK, Katherdjian X, I.

³² AMK, Katherdjian X, I.

Zum Zweck der lateinischen Übersetzung bereitete P. Katherdjian auch eine italienische Übersetzung seiner Untersuchung vor. Wie er dabei vorging, sei hier exemplarisch an Hand eines Exzerptes aus der italienischen Übersetzung aufgezeigt:

1. Codici (Manoscritti)

Lo scopo (l'unico fine) del nostro lavoro si è di pubblicare i monumenti dell'antico diritto canonico dell'Armenia coll'ordine dovuto alla loro istoria e colla forbitezza che conviene a loro testo.

Tali documenti si trovano raccolti per la maggior parte nel libro dei Canonì volgarmente detto 'Kanonagirk' (Liber Canonum).

Se fosse stato reso di pubblica ragione colla stampa questo libro, sarebbe molto agevole a chi che sin di rilevare per mezzo di un semplice confronti, qual posto ed forma abbiano perso nel presente nostro lavoro i suddetti documenti, e quanto vi sia aggiunto o tolto. Ma siccome essi sono quasi tutti manoscritti e pochi se ne possono approfittare e pochissimi possederli, egli è ginocoforza, che volendo giustificare le differenza fra il nostro lavoro ed isoliti manoscritti, in cenno primo luogo del loro valore intrinseco. [...]

2. Lingua e Storia dei diritti canonici

Non havvi più dubbio, che esisteva un libro di canonì dal principio dell'ottavo secolo, ma il bisogno nonchè lo studio dei diritti canonici, nell'Armenia, non ebbero certamente il loro principio a tal epoca, anzi, esso sono più antichi e come vedremo più appresso, dopo quel tempo incominciarono a decadere a passi rapidi e cessarono alla fine quasi del tutto sin a una certa epoca.

Ove sono dunque i vecchi monumenti dei canonì? Ove converrà cercarli, se non in precipus nel libro di Giovanni Filosofo? Imperciocchè, come egli stesso lo dice, ciò chi ha trovato di differente da parecche ha unito nel suo libro. Non solo non ha tradotto nulla da o introdotto di novello nell'Armenia, ma neppure vi è un indizis compravante che abbia consultato i testi originali esistenti colà. Sutto il suo lavoro comprende unicamnete la collezione dei monumenti armeni esistenti avanti di lui, quindi già in uso in quell'epoca. In seguito a quale tutto ciò che aveva sin, allora un valore particolare, venendo allora „registrato al Patriarcato“ ebbe un valore ed autorità generale.

Quali monumenti e sotto che aspetto circolavano isolati e scompagnati avanti questa collezione, sarà l'oggetto delle ulteriori nostre ricerche. A tal effetto però se non ci fossero altri criterii, i manoscritti stessi nulla ci potrebbero aiutare. [...]

Già si dovrebbe sopporre, che i canonì di Nicea, i quali sia nell'Occidente come nell'Oriente, servirono di fondamento e base alle varie Collezioni dei canonì, anche nell'Armenia (la quale appena verso il principio del IV. secolo

fù interamente cristiana) formassero o soli o con qualche aggiunta il primo Codice canonico nel decorso di quel secolo; epoca in cui anche la santa Chiesa Romana, la madre di tutte, non aveva ammesso ancora altro codice, fuori di questi canoni, ai quali, sotto il titolo del Niceno, erano annessi i canoni Sardicensi.

Non è però una mera opposizione ciò che venne asserito. Lo confermano parecchi testimonii dei secoli, quarto e quinto, ambedue vergenti. „Il beato Aristace, dice un autore, il quale nella seconda metà del secolo IV. scrive in idioma greco la conversione dell'Armenia, assumendosi il nome di Agathangelo, veniva (da Nicea) in Armenia (I.) colla Fede licidissima (Symbolo), e coglie autentici ed a Dio piacentissimi Canoni Niceni, e queste tradizioni apportate presentava al Re (Tiridate) e al Santo Patriarcha. A questi luminosi canoni aggiungendo (altri) illuminava San Gregorio la sua provinci Armena.“ (Cap. CXXVII).

Lo ripete e commenta Mosè Corenense nella seconda metà del sec. V. dicendo Hist. Arm. Lib. II. c. 90: „Ritornando Aristace (I.) colla dottrina degna di fede e (II.) coi 20 capitoli canonici del Sinodo, raggiunge il padre (S. Gregorio) e il Re nella città di Valarsapata (capitale dell'Armenia). Se ne rallegrando S. Gregorio (III.) aggiunge da se alcuni pochi capitoli sopra i canoni del Sinodo per la maggior vigilanza della sua provincia.“ Faustus Byzantinus, un autore che verso il fine del secolo IV. continua l'istoria armena specialmente ecclesiastica, parimenti in idioma Greco, fa indubitabilmente allusione a questi ultimi canoni aggiunti, quando parlando di S. Nersete (nipotino di S. Gregorio) asserisce che esso abbia „riordinato varii statuti e canoni patrii“ (pag. 74-77).

Dunque il primo codice dei canoni, vigente fra gli Armeni, dietro i testimonii sullo dati, era composto della seguenti parti:

1. Fede Nicena o Symbolo Niceno.
2. XX Canoni Niceni.
3. Alcuni canoni adattati alle esigenze dell'Armenia.

Dove mai sono questi ultimi specificamente Armeni?

Non sarebbe di certo la pena entrare in esame in questo rigurado dei così detti „Canoni di S. Gregorio“, i quali sono già publicati in traduzione dal Em. Card. Mai, e di trovano in qualsiasi Codice dei Canoni Armeno. Padre Ciamcian stesso, pur troppo spesso credulo a simili epigrafi, s'addiabiata della genuinità di essi. Quanto a noi neppur tal dubbio sarebbe oggi di da giustificarsi. Si lusinga però il lodato nostro Cronista volendo credere che quei „pochi capitoli di canoni“ accennati dagli antichi autori, fossero andati dispersi fra i celebri canoni d'Isacco, il che, secondo lui, si conferma da un Memoriale inserito in quei canoni. Così Ciamcian, che non potrebbe aver ne anche sospetto della genuinità di questi stessi canoni d'Isacco. Ma siccome i sussidii literarii e le cognizioni degli monumenti canonici armeni sono al

punto di dichiarare come spurii sì i primi che i secondi, perciò resta a dire, che quei pochi capitoli attribuiti all'Illuminatore degli Armeni sono affatto andati persi senza veruna traccia.

Sarei molto tentato ad asserire che ne anche Mosè Corenense abbia mai avuto sotto occhi quei capitoli, di cui egli riferisce dietro il testimonio di Agatangelo ... già provata abbastanza (nel corso della sua opera) come un conoscitore dei concilii e del numero dei loro canoni. Ciò intanto sta fuor di dubbio, che questi stessi passi di Agatangelo e del Corenense d'una parte, e d'altro il passo sopra accennato di Fausto Byzantino abbiano provvocado di fabricare, in mancanza dei veri, due monumenti falsi, vole a dire uno quello dei XXX canoni di S. Gregorio, e l'altro, più tardi, quello dei XXXVIII avvero XLII di S. Nersete. In questi ultimi si è presa qualche casa da quei detti di S. Gregorio, come se volesse verificare la parola del sulladato storico Fausto.

Tutto questo però vien detto da noi riguardo ai certi canoni in specie, che fossero annessi a quei di Nicea come una aggiunta, non mai di qualsiasi canoni o statuti in generale. Chi potrebbe metter in dubbio, se l'apostolo dell'Armenia abbia statuite regole? [...]

II. Abbreviazione d'un Codice canonico Armeno di prima metà del V. Secolo

L'autore della presente Abbreviazione ha sotto occhi doppia versione armena dei canoni greci, una quella che si trova nella seguente Collezione e l'altra, che è più antica di quella. La presente Abbreviazione non è, che l'abbreviazione dell'ultima, abbenchè qualche volta, ben raramente però, si prenda una espressione dall'altra versione.

Quanto al testo greco, egli è ben certo, che i codici di cui son fatte entrambe le versioni armene, hanno avuto il medesimo contenuto in generale vale a dire i canoni di 6 sinodi (di Nicea, Ancyra, Neocaesarea, Gangra, Antiochia e Laodicea), ed anche nel medesimo ordine; La nostra Abbreviazione però presenta tutti come tanti canoni Nicensi. Ciò, come venne già provata, non è, nè ignoranza nè frode dalla parte dell'Interprete o dell'abbreviatore, ma proviene dal codice greco d'un altro genere.

Per mala sorte, da una traduzione, che è molto circospetta, esatta, e quindi incomparabilmente migliore dell'altra la quale troveremo in una Collezione da presentarsi più tardi, da una tale traduzione, dico, non abbiamo, che una Abbreviazione.

Magari questa stesso fosse rimasta inturbata. La troviamo troppo deteriorata nei nostri esemplari, e sovente stiamo dubitando a chi dare la colpa, all'Abbreviatore o all'amanuense, qualora ci vediamo imbarazzati, incontrando mutilazioni insopportabili, salti e trasposizioni.

Ciononostante vi è ben da distinguere tre mani di una maniera molto precisa. Prima la mano di colui o di coloro che modificano mentre trascrivono,

seconda, quella dell'abbreviatore, e terza, che merita più di attenzione, quella dell'interprete, di cui lavoro si vedo conservato, ora in un vocabolo, ora in una proposizione, e fortunatamente alle volte eziandio in interi canoni. Tutto ciò che sicuramente appartiene all'interpretazione antica tistingueremo con una particolare scrittura, quale frammento prezioso del codice di un nostro evo il più fiorito³³.

6. Das mit dem Kodifikationsprojekt verknüpfte Reformanliegen

P. Katherdjians Motive im Hintergrund des Kodifikationsprojektes waren nicht nur die Aufarbeitung altarmenischer Texte an sich, sondern deren Anwendung für eine Reform der armenischen Kirche. Im Vorwort zur geplanten Ausgabe des *Liber Canonum* schreibt er:

„Wie viele Menschen gibt es, die, nachdem sie ein bisschen in diesem (*Liber Canonum*) gestöbert haben, ihre Erwartungen als betrogen empfunden haben. Unsere Ohren sind voll von Behauptungen derer, die dieses Buch (der *Kanones*) für die armenische Literatur eher als einen Makel (eine Schande) als ein Reichum betrachtet haben und von ihm für die Rechtswissenschaft überhaupt keinen Beitrag erhofft haben [...]

Die Lage der Dinge erscheint uns jedoch nicht so hoffnungslos. Wenn wir anfangen, Rat und Beitrag auf diese Weise zu suchen, so scheint es uns, dass wir ein solches Buch vor uns sehen, das nicht nur zur alten kirchenrechtlichen Geschichte einen verächtlichen Beitrag leistet, sondern eher der christlichen Geschichte des alten Armenien, der moralischen und dogmatischen Theologie und der Liturgiewissenschaft als eine erstklassige Quelle dient [...]

Zu all dem ist das Vertrauen bei unseren sich außerhalb der katholischen Union befindlichen Brüdern, aus diesem [*Liber Canonum*] die Kraft für eine kirchliche Reform zu schöpfen, erloschen. In Wahrheit: Wozu ist das Buch der Gesetze tauglich, wenn es nicht von einer lebendigen Autorität hergeleitet (zur Tat umgesetzt) wird. Die Kirche von Etschmiadzin [*Armenisch Apostolische Kirche*] scheint nur mit solchen Gesetzen umzugehen, welche in ihrer gegenwärtigen Gewohnheit existieren. Sie fühlt keine Verantwortung bezüglich schriftlicher Gesetze. Es gibt keine kirchenrechtliche Schule und auch keine sich behauptende Autorität, die befiehlt oder ernstlich beaufsichtigt, damit es zwischen den Sätzen des Gesetzes und deren Anwendung eine Einheit gibt oder hergestellt wird. Es hat nie eine Zeit gegeben, in der die kirchenrechtliche Idee und deren Wert bei denen von Etschmiadzin so schweigsam war wie in der gegenwärtigen Zeit.

³³ AMV, Katherdjian, X.

Der Sachverhalt ist bei den Katholiken anders. Für diese besteht kein gänzlich verschiedenes nationales Kirchenrecht, wie es auch keine unabhängige nationale Kirche gibt. Die kirchliche Gesetzgebung, die im Osten angefangen und sich im Westen entwickelt hat und zur Reife gelangt ist, ist im Allgemeinen auch ihr [der katholischen Armenier] kirchliches Recht. Der armenisch katholische Klerus könnte das nicht ignorieren [...]

Also würde unserer vorliegenden Untersuchung zu viel Wert beigemessen, wenn dort eine ganze Gesetzgebung für die Gegenwart gesucht wird. Ein solches törichtes Unterfangen, das Tote lebendig zu machen, liegt uns fern – wer kann schon die Jahrhunderte rückgängig machen? Wir leben in der Kirche des lebendigen Gottes, wo alles von Kraft zu Kraft geht [kräftig gedeiht], indem sie [die Kirche] wie im Lehramt, so auch bezüglich der Reform von Tag zu Tag reicher wird [...]

Sowie es unlogisch ist, im kirchlichen Recht des Neuen unbewusst das Alte anzunehmen, so ist es auch unlogisch, ein östliches kanonisches Recht geltend zu machen, indem man das westliche missachtet [...]

Das kanonische Recht, wie es sich heute in der Hand der Kirche befindet, ist nicht ein so freier Gegenstand wie der Ritus. Die Notwendigkeit der Reform ist viel allgemeiner als die der einzelnen Riten. Das Fehlen der notwendigen Gesetze ist eine Unvollkommenheit und deren Schaffung nicht der Verlust oder die Aberkennung von einem Privileg [...]

Zu all dem ist die kirchliche Reform nicht so diktatorisch, dass sie überhaupt keine Unterscheidung der Formen zulässt. Es können je nach verschiedenen Orten verschiedene, jedoch gleichmächtige Gesetze bestehen. Die Weisheit der Kirche, sich je nach unterschiedlichen Situationen anzupassen, ist schöpferisch (vielseitig). Wenn Städte und Königreiche ihre legalen Eigentümlichkeiten haben können, können die alten christlichen Gemeinschaften des Ostens auch dasselbe tun. Wer kann jedoch diese allerfeinste Operation durchführen, uns die Grenze des Notwendigen und des Freien genau zu zeichnen, wenn nicht der Heilige Stuhl, der es seit einigen Jahren auf besondere Weise unternommen hat, dem östlichen kirchlichen Recht eine solide Form zu geben. Unsere Unsicherheiten sind viele, die Einheitlichkeit ist wenig, vielmals ist das Alte mit dem Neuen vermischt, vieles eigensinnig verändert, was nicht unbedingt oder notwendig war, wiederum (vieles) nicht verändert, wo eine Änderung notwendig wäre. Änderung von Material, wo es schwierig ist, zu unterscheiden, wo der Ritus beginnt, den man unterscheiden kann, und die Reform aufhört, die man unbedingt annehmen soll. Letzten Endes: Was ist Geburt von Schisma und was Frucht der echten kirchlichen Tradition [...]

Die Gruppe unserer Bischöfe hat den Auftrag vom Apostolischen Stuhl, sobald wie möglich eine nationale Synode abzuhalten³⁴, in der diese kirchlichen Fürsten (Autoritäten) nicht nur das behalten werden, was mit der

³⁴ Synode von Istanbul im Jahr 1869.

Zeit aufgrund ordentlicher Autorität aufgebaut worden ist, sondern sie werden, indem sie die praktischen Prinzipien des Apostolischen Stuhles befolgen, eher bauen als abbauen, solange etwas dem göttlichen Glauben und den heiligen Kanones nicht zuwider ist. Die Arbeiten der Synode können jedoch schwer fortschreiten, wenn ihr nicht wenigstens einige Untersuchungen vorliegen, die die Sachverhalte der alten und mittleren Zeiten darlegen, indem sie diese aus guten Quellen beziehen.

Infolgedessen beabsichtigt diese unsere vorliegende Untersuchung außer ihrer wissenschaftlichen Absicht eine praktische Anwendung. Diese besteht darin, dass alles Kanonische, das wir besitzen oder noch nicht, zeitgemäß erkannt wird von denen, die sich darauf vorbereiten unsere vielseitigen Unsicherheiten zu beseitigen und uns eine gewisse Gesetzgebung zu geben; eine Gesetzgebung, die bei den Katholiken nicht auf Papier bleiben kann, wenn eine höhere Anerkennung hinzukommt, wie es erwartet wird³⁵.

Viel von diesem kirchenreformerischen Anliegen ist bis heute von ungebrochener Aktualität.

III. Exkurs: Kodifikationen und Reformen in der Armenisch-Apostolischen und in der Armenisch-Katholischen Kirche

I. Kodifikation der Armenisch-Apostolischen Kirche

Seit Jahren strebt die Armenisch-Apostolische Kirche eine Kodifikation an³⁶. Es ergingen einschlägige Rundschreiben der Katholikoi³⁷, in zahlreichen Artikeln wurden unterschiedliche Ansichten publiziert³⁸. Vor allem gehen die Meinungen

³⁵ AMK, Katherdjian, IX, 6. „Vorwort“.

³⁶ M. K. KRIKORIAN, Canon Law Tradition of the Armenian Church. History and Actual System of the Ecclesiastical Right, in: H. ZAPP - A. WEISS - St. KORTA, Ius canonicum in oriente et occidente. FS C. G. Fürst (Adnotationes in ius canonicum 25), Frankfurt 2003, 275-296, hier bes. 289 ff.

³⁷ Enzyklika des Katholikos VAZKEN I. zur Schaffung der Konstitution der Armenisch Apostolischen Kirche (1994).

³⁸ Vgl. K. HOVSEPIAN, Über die Konstitution der Armenischen Kirche (Vortrag, gehalten vor dem Höchsten Rat, in Etschmiadsin, am 10. Mai, 1932): Etschmiadsin 51 (1994), Nr. IV-V, 32-36; N. ZAKARIAN, Die Wichtigkeit der Bischofssynode in der gegenwärtigen Wirklichkeit und deren Jurisdiktionsgrenzen: Etschmiadsin 59 (2003), Nr. X-XI, 80-84 (armenisch); B. AGHBASCHIAN, Die Wichtigkeit der neuen Konstitution der Armenischen Kirche (zur Enzyklika von Katholikos Vazken I.): Zartok 1994, 27 Mai, S. 2 (armenisch); V. KAPRIELIAN, Noch zwei Worte über das neue Gesetzbuch unserer Kirche: Nor Gyank 1997, 22 Mai, 17 (armenisch); Z. K. KRIKORIAN, Die Armenische Kirche und die kirchliche Erneuerung: Nor Gyank 26 (2004), Nr. 7, 29. Jänner, 10, 29 (armenisch); V. HOVSEPIAN, Über die Aussage des Patriarchen von Konstantopel zum Entwurf der Konstitution der Armenischen Kirche: Nor Or 79 (2001), Nr. 5, 3. Februar, 1,

bezüglich Fragen des hierarchisch-organisatorischen Aufbaues der Kirche weit auseinander. Häufig ist die Rede von Demokratie, Nationalem Rat, Wahlen und Vermögensverwaltung. So wichtig diese Fragen auch sind, ist freilich nicht zu übersehen, dass der traditionelle Liber Canonum der armenischen Kirche einen weit größeren Reichtum an theologischem und administrativem Material enthält. Es wäre also zu eng, den Liber Canonum wie auch jedes Kodifikationsprojekt ausschließlich unter dem Gesichtspunkt von Demokratie und Wahlen zu sehen. Es sei mir fern, das Anliegen der Katholikoi und der Armenisch-Apostolischen Kirche zu kritisieren. Doch scheint mir, dass bereits P. Katherdjian die Problematik³⁹ richtig diagnostiziert hat:

„Die Arbeiten der Synode können jedoch schwer fortschreiten, wenn ihr nicht wenigstens einige Untersuchungen vorliegen, die die Sachverhalte der alten und mittleren Zeiten darlegen, indem sie diese aus guten Quellen beziehen“⁴⁰.

Wenn also auch die Notwendigkeit einer Reform allgemein anerkannt ist, so fehlen doch die Mittel und in gewisser Weise auch die kanonistischen Voraussetzungen. So sind die verstreuten Quellen (historische Quellen, Akten und Bestimmungen von Synoden, Archivmaterial, lokale Gesetze, Gewohnheitsrecht) bis heute nicht ausreichend untersucht und es mangelt zu wichtigen Einzelfragen auch an Studien aus anderen theologischen Disziplinen (insbesondere Liturgik und Dogmatik). Bei P. Katherdjian hieß es:

8 (armenisch); DERS., Zwei Worte über kirchliche Konstitutionen: Masis 15 (1996), Nr. 49 (749), 13. Jänner, 12,13,14 (armenisch). [O.A.] Regelung eine national-kirchliche Synode zu halten. [O.A.] Das idealistische Erbe des verstorbenen Katholikos Vazken; I. W. AVAKIAN, Die Bedingungen für die Wahl des neuen Katholikos: Aztag 69 (1994), Nr. 191, 27. Oktober, 4 (armenisch); M. KRIKORIAN, Die Struktur der Armenischen Kirche und die administrative Organisation: Zartonk 57 (1994), Nr. 138, 26. Juni, 3 (armenisch); M. EBLIGHATIAN, Etschmiadsin und Antilias. Die Frage der Konstitution der Armenischen Kirche, Aleppo 1994 (armenisch); D. HAJIAN, Die größte Gefahr, die der Armenischen Kirche droht – sich von Demokratie entfernen: Haratsch 69 (1994), Nr. 18.479, 10. Dezember, 2 (armenisch); P. A. KLIDSCHIAN, Armenischer Kodex, Tiflis 1913 (armenisch); DERS., Entwurf der Konstitution der Armenischen Kirche, Alexandropol 1906 (armenisch); N. MELIK-THANKIAN, Das Recht der Armenischen Kirche, Bd. I, Schuschi 1903 (armenisch); R. BABAYAN, Kirche und Staat: Etschmiadsin 58 (2002), Nr. 6-7, S. 46-52 (armenisch); V. BOGHOSIAN, Die konstitutionelle Regelung der Beziehungen von Staat und Kirche: Etschmiadsin 58 (2002), Nr. 6-7, 53-58 (armenisch).

³⁹ Vgl. auch die Kritik des Priesters Giut: GIUT, Buchbesprechung – Kritik. Entwurf zur Kodifizierung der nationalen kirchlichen Konstitution der Armenier: Ararat 1917, 370-387 (armenisch).

⁴⁰ AMK, Katherdjian, IX, 6, Vorwort.

„Wenn wir anfangen, Rat und Beitrag auf diese Weise zu suchen, so scheint es uns, dass wir ein solches Buch [Liber Canonum] vor uns sehen, das nicht nur zur alten kirchenrechtlichen Geschichte einen verächtlichen Beitrag leistet, sondern eher der christlichen Geschichte des alten Armenien, der moralischen und dogmatischen Theologie und der Liturgiewissenschaft als eine erstklassige Quelle dient“.

Man könnte freilich auch umgekehrt die Wichtigkeit dieser theologischen Disziplinen für die Kanonistik betonen. Denn die armenische Kirche kann nicht im Rahmen der Reformen der Polojenie⁴¹, oder der „Nationalen Konstitution“⁴² bleiben. So stellt die Lösung insbesondere der folgenden Fragen die unentbehrliche Voraussetzung für eine Kodifikation dar:

- Beziehungen der Katholikate der armenischen Kirche zueinander
- Eigenrecht der Diasporaarmenier, Jurisdiktionsgrenzen
- Kompetenzen der Katholikoi und der Patriarchen
- Politisierung der armenischen Kirche
- Beteiligung und Mitbestimmungsrecht der Laien an Synoden und an der Kodifikation selbst

2. Kodifikation der Armenisch-Katholischen Kirche

Hinsichtlich der offiziellen Kodifikationsbemühungen der Armenisch-Katholischen Kirche lassen sich drei Etappen ausmachen.

- 1890 wurde auf der Synode von Chalkedon (Konstantinopel) im Zuge der Organisationsbemühungen der Armenisch-Katholischen Kirche auch ein erster Versuch unternommen, ein Gesetzbuch vorzubereiten. Damals wurden 928 Kanones entworfen.
- In der Zeit vom 8. - 21. Juli 1910 wurden diese dann unter der Leitung des armenisch-katholischen Katholikos-Patriarchen Poghos Petros (Paul Peter) XIII Tersian als Vorbereitung für die Synode von Rom (1911⁴³) revidiert. In zwei Briefen des Katholikos-Patriarchen wird über neue Regelungen gesprochen. In Konstantinopel (Sitz des Patriarchen) brachen damals Unruhen wegen der

⁴¹ 11. März, 1836, Sankt Petersburg. „Höchste Regelung über die Regierung der Angelegenheiten der Gregorianisch [Apostolischen] Armenischen Kirche in Russland“ (10 Kapitel, 141 Titel). - Vgl. A. FERRARI, *Alla frontiera dell'impero. Gli Armeni in Russia (1801-1917)*, Mailand 2000, 108-111; KRIKORIAN, *Canon Law*, 284-286.

⁴² Nationale Konstitution der Armenier in der Türkei (1860). - Vgl. KRIKORIAN, *Canon Law*, 286-288.

⁴³ Vgl. *Codex Canonum Ecclesiarum Orientalium*. Lateinisch-deutsche Ausgabe, Paderborn 2000, 51ff.

Einschränkung von Laienrechten aus. Am 1. Mai 1911 wurde ein Pastoralbrief des Patriarchen veröffentlicht, der ein neues Gesetzbuch für die Armenisch-Katholische Kirche andeutet. Dieser Pastoralbrief wurde zum Anlass von Auseinandersetzungen zwischen dem Patriarchen und einer Gruppe, die an der Nationalen Konstitution festhalten wollte. Der Streit dauerte Jahre.

- Die aktuelle Situation ist von der 1990 erfolgten Promulgation des CCEO als Rahmenrecht für alle katholischen Ostkirchen bestimmt. Die Patriarchalsynode von Bzommar (18.-23. Oktober 1991) reagierte mit der Ankündigung eines eigenen armenischen Gesetzbuches. Es wurde eine Kommission von drei Bischöfen gewählt⁴⁴. Die Arbeiten am armenischen Partikularrecht dauern an.

*IV. P. Jakobus Daschian (1866-1933)*⁴⁵

P. Jakobus Daschian wurde 1866 in Ardsath (Armenien) geboren. Im Jahr 1880 kam er nach Wien in das Seminar der Mechitharisten-Kongregation. 1889 wurde er zum Priester geweiht. Als solcher wirkte er sowohl in Wien als auch in Istanbul. Die Begegnung mit P. Katherdjian, den er in seinen letzten Jahren begleiten durfte, übte großen Einfluss auf seine spätere Arbeit aus.

Wie P. Katherdjian hinterließ auch P. Daschian zahlreiche gedruckte und ungedruckte Untersuchungen⁴⁶. Mit einer großen Begabung ausgestattet, gelangen

⁴⁴ Vgl. Bischof V. TEKEYAN, Das Kodex der Ostkirchen: Avedik 1991, Nov.-Dez., 179-188 (armenisch).

⁴⁵ P. N. AKINIAN, P. Jakobus Daschian: HA XLVII (1933) 2-31 (armenisch).

⁴⁶ P. J. DASCHIAN, Zur Abgar-Sage, Wien 1980 (Sonderdruck aus: Wiener Zeitschrift für die Kunde des Morgenlandes, Bd. 4, S. 17-34, 144-160, 177-198); DERS., Das Hochland Ulnia oder Zeitun, Kapan, Fornus, Hadschin und Kosanen, Wien 1890 (Sonderdruck aus: Mitteilungen der Geographischen Gesellschaft in Wien, Bd. 33, S. 424-458); DERS., Katalog der armenischen Handschriften der Kaiserlichen Bibliothek in Wien, Wien 1891 (armenisch); DERS., Untersuchungen zur Alexander-Biographie des Pseudo-Kalisthenes, Wien 1892 (armenisch); DERS., Das Leben und die Sentenzen des Philosophen Secundus des Schweigsamen in altarmenischer Übersetzung, Wien 1895 [Denkschriften der k.k. Akademie der Wissenschaften, Bd. 44, III]; DERS., Katalog der armenischen Handschriften der Mechitharisten-Bibliothek in Wien, Wien 1895/96 (armenisch); DERS., Ein Blick auf die armenische Paläographie. Untersuchung zur Schreibkunst der Armenier, Wien 1898 (armenisch). Sammlungen der Fabeln des Vardan nach N. Mar. Auskunft und Auszüge, Wien 1900 (armenisch); DERS., Untersuchung der klassisch armenischen Sprache (Armenologie). I. Teil, Schriftlose Zeit, Bogen I-IV, Wien 1920 (armenisch); DERS., Arsachakiden-Münzen. Teil A. Die Sammlung des Ritters Alexander Petrowicz, mit kurzer Geschichte der Parthisch-Armenier. Teil B. Die Vorarschakiden und die ältesten Arsachakiden und ihre bekannten Münzen. Historische Abhandlung, Wien 1917 (armenisch); DERS., Die Armenische Population vom Schwarzen Meer bis nach Karin. Ein flüchtiger historisch-ethnographischer Blick, Wien 1921

ihm dank seiner systematischen Arbeitsweise hervorragende Leistungen auf dem Gebiet der armenischen Philologie. Diese ließen ihn zu einem der berühmtesten Vertreter der „Wiener Schule“ werden.

Insbesondere übernahm P. Jakobus Daschian die Ausgabe der „Lehre der Apostel“⁴⁷, doch hat er sich nicht nur in diesem seinem monographischen Hauptwerk, sondern auch in anderen Untersuchungen⁴⁸ mit dem Recht der armenischen Kirche befaßt. Für die Untersuchung und textkritische Ausgabe der „Lehre der Apostel“ hatte er mit seinen großen philologischen, theologischen und den umfangreichen Sprachkenntnissen (Arabisch, Assyrisch, Äthiopisch, Griechisch) die besten Voraussetzungen. Berühmt für seine Akribie in philologisch-wissenschaftlichen Abhandlungen, gelang es ihm eine hervorragende Studie herauszugeben. Auch eine deutsche Fassung wurde im Jahr 1894 vom Autor vorbereitet, jedoch nie gedruckt⁴⁹.

In seiner Untersuchung der „Lehre der Apostel“ brachte P. Daschian seine Anerkennung des Erbes von P. Katherdjian deutlich zum Ausdruck:

„Über die armenische Übersetzung [der „Lehre der Apostel“] haben wir in europäischen Quellen keine Anmerkung gefunden. Auch nicht in armenischen Untersuchungen [...]. Lediglich beim Ordnen der ungedruckten Schriften des verstorbenen P. J. Katherdjian, in der kostbaren Untersuchung desselben Autors, die ich eines Tages erschienen sehen möchte, habe ich kurze, aber treffende Anmerkungen bezüglich der Art der armenischen Übersetzung und deren Übersetzer gefunden. Obwohl der Autor sehr früh diesen Teil geschrieben hat (1868-1870), sind seine Untersuchungen auch heute kostbar. Am Ende unserer Untersuchung werden wir diese Teile wiedergeben, damit man sieht, wie der Autor zu seinen Schlüssen gekommen ist, nämlich

(armenisch). Dasselbe in Französisch (*La population arménienne de la région comprise entre la mer Noire et Karin (Erzeroum). Rapide coup d'oeil historique et ethnographique par le P. J. Vard. Dashian. Traduit de l'arménien par Frédéric Macler, Vienne 1922; DERS., Die Deportation der Armenier und insbesondere von Karin nach deutschen Dokumenten, Teil 1, Wien 1921 (armenisch). Weiters sind im Nachlass von P. Daschian historische, geographische, ethnographische, paläographische und naturwissenschaftliche Untersuchungen und religiös-geistliche Schriften zu finden.*

⁴⁷ P. J. DASCHIAN, *Das apokryphe Buch der Lehren der Apostel. Brief des Jakobus an Godratus und die Kanones des Thaddäus*, Wien 1896 (armenisch).

⁴⁸ P. J. DASCHIAN, *Agathangelos zum syrischen Bischof Georg und Untersuchung der Schriften von Agathangelos*, Wien 1891 (armenisch); DERS., *Kleine literarische Untersuchungen*, Bd. 1, Wien 1895; Bd. 2, Wien 1901 (armenisch); DERS. (Hrsg.), *Die armenischen Messbücher*, Wien 1897 (armenisch); DERS., *Die Anfänge der Kirche in Edessa und die Abgarsage*: HA 1889, 47-51, 63-67 (armenisch).

⁴⁹ Vgl. AKINIAN, P. J. Daschian, 10.

- a) die armenische Übersetzung ist wahrscheinlich von demselben Übersetzer, der auch das Werk des Labubna übersetzt hat.
- b) wurde in der zweiten Hälfte des 5. Jahrhunderts in die erste Redaktion des armenischen Liber Canonum aufgenommen, hat jedoch hier viele inhaltliche und sprachliche Änderungen durchgemacht.
- c) dieses Werk hat der Synode von Schahapiwan als Vorlage gedient. Und schließlich
- d) hat enge Beziehungen mit anderen apokryphen Werken wie Lapupna usw. Im zweiten Teil unserer Anmerkungen, wenn wir über die armenische Übersetzung reden, werden wir auch über diese Themen detaillierter reden, die der große Wissenschaftler [P. Katherdjian] kurz angemerkt hat, und wir werden sehen, dass die Schlüsse, die er zieht, richtig sind⁵⁰.

Seine eigenes wissenschaftliches Anliegen formulierte P. Daschian folgendermaßen:

„Obwohl in dieser Hinsicht [Kirchliche Bücher] einige wichtige Untersuchungen durchgeführt wurden, ist jedoch der größte Teil unserer kirchlich-historischen Literatur noch in Dunkelheit und oft mit einem märchenhaften Schleier bedeckt. Aber es ist wichtig zu wissen, durch welche Epochen die armenische Kirche durchgegangen und zur gegenwärtigen Lage gelangt ist. Wie ihre rituellen Bücher, die Missalen, das Brevier, die Rituale und vor allem das Liber Canonum, wann und wo entstanden sind, sich mit der Zeit entwickelt und welche Änderungen sie im Laufe der Jahrhunderte durchgemacht haben. Am wichtigsten ist es, die Geschichte des Liber Canonum zu schreiben und alle Änderungen zu notieren. Und dies nicht nur zur Kenntnis der Geschichte der armenischen Kirche allein, sondern der ganzen Geschichte. Denn es ist allgemein bekannt, welchen Einfluss die armenische Kirche und ihre Reformen in Bereichen der nationalen Geschichte gehabt haben [...]

Das Ziel unserer folgenden Anmerkungen ist es, den ersten Teil des Liber Canonum der armenischen Kirche zu untersuchen, indem wir seine Herkunft, die Änderungen und seinen Einfluss auf die armenische Literatur und speziell die kirchliche Literatur erforschen. Infolgedessen ist unser Projekt nur literarisch, obwohl im Laufe der Untersuchung auch viele Fragen berührt werden, die das Alter und die Herkunft der bei uns herrschenden Disziplinen und Traditionen bestimmen⁵¹.

⁵⁰ DASCHIAN, Die Lehre der Apostel, 17 f.

⁵¹ Ebd., 1 f.

*V. P. Nerses Akinian (1883-1963)*⁵²

P. Nerses Akinian wurde 1883 in Artwin geboren, kam 1895 nach Wien und wurde 1907 zum Priester geweiht. Seine Kenntnis der armenischen Literatur, Theologie, Geschichte und Kunst ermöglichten ihm in seinen Untersuchungen eine angemessene Behandlung von Rechtsfragen in ihrem historischen Kontext. Damit leistete er einen umfangreichen Beitrag zur armenischen Kanonistik und Rechtsgeschichte.

Unter seinen zahlreichen philologischen Untersuchungen finden sich unter anderem auch textkritische Untersuchungen zum Buch der Kanones der armenischen Kirche. Akinians Verdienst besteht hier in der umfangreichen Aufarbeitung des bestehenden Materials⁵³, insbesondere im Aufzeigen und in der Bearbeitung zahlreicher kirchengeschichtlicher und liturgischer Fragen im Zusammenhang mit der Kanonistik.

Wie P. Daschian schätzte auch Akinian das Erbe P. Katherdjians, dessen Arbeit er selber fortsetzte. Außer seinen kirchenrechtlichen Monographien hat P. Akinian einige kleinere Abhandlungen zu einzelnen Fragen des Kirchenrechts veröffentlicht⁵⁴.

Besonder zu würdigen sind aber vor allem drei textkritische Ausgaben:

⁵² P. V. INGLISIAN, P. Nerses Akinian. Zum Anlass des 50jährigen Jubiläums seiner literarischen Tätigkeit, Wien 1954 (armenisch); P. P. DER-BESDROSSIAN, P. Nerses Akinian: HA LXXVII (1963), Nr. 10-12, 449-468 (armenisch).

⁵³ Vgl. insbesondere: P. N. AKINIAN, Des Patriarchen Makarius II von Jerusalem Brief an Vrtanes Erzbischof von Siunik über die Kirchliche Disziplin. Beitrag zur Kirchengeschichte des 6. Jahrhunderts. Text und Untersuchung, Wien 1939 (armenisch); DERS., Die Kanones der Synode von Schahapiwan. Text und Untersuchung, Wien 1953 (armenisch); DERS., Die Vision des Katholikos Sahak. Eine Literar-Historische Untersuchung, Wien 1948 (armenisch); DERS., Ein Überblick über die Rechtsgeschichte der Armenier. Die neuen Untersuchungen von Karst: HA XXI (1907) 339-344, 358-362; XXII (1908) 37-44, 215-219 (armenisch); DERS., Katholikos Kürion von Georgien. Geschichte der armenisch-georgischen Beziehungen im 7. Jh. Historische Untersuchung, Wien 1910 (armenisch); DERS., Literarische Untersuchungen. Untersuchung und Text. Bd. 6, Wien 1964 (armenisch); DERS., Mechithar Gosch: Akos I (1944) 1-3 (armenisch); DERS., Untersuchung zur Vision des hl. Sahak: HA LI (1937) 48-87 (armenisch); DERS., Untersuchungen zu den so genannten Kanones des Hl. Sahak und das armenische Kirchenjahr am Anfang des 7. Jahrhunderts. Band I, Wien 1950 (armenisch).

⁵⁴ P. N. AKINIAN, Movses Khorenatsi und das zweite Konzil: HA XVIII (1904) 38-46 (armenisch); DERS., Das Konzil von Ephesus: HA XLV (1931) 359-362 (armenisch); DERS., Joseph, Lehrer der Disziplinen, der eigentliche Autor des „armenischen Rechtsbuches“: Akos I (1944) 97-110; II (1945) 105-113; III (1946) 82-91 (armenisch).

- *Die Kanones der Synode von Schahapiwan*. Text und Untersuchung, Wien 1950

Als erste nationale Synode ist die Synode von Schahapiwan (444) für die armenische Kirche von größter Wichtigkeit. In Bezug auf Katherdjians Werk schrieb Akinian:

„Bis zum 19. Jahrhundert sind diese Kanones keiner Untersuchung würdig gewesen. Das erstmal nahm sie P. J. Katherdjian ernsthaft in Angriff in seiner nicht gedruckten und unvollendeten Untersuchung des Liber Canonum der Armenier, und zeigte nicht nur ihre Echtheit auf, sondern auch die innere Beziehung zu ältesten Teilen des Liber Canonum. Wir werden später noch die Gelegenheit haben, mit gewissen Teilen seiner Untersuchung Bekanntschaft zu machen“⁵⁵.

- *Des Patriarchen Makarius II von Jerusalem Brief an Vrthanes Erzbischof von Siunik über die Kirchlichen Disziplinen*. Beitrag zur Kirchengeschichte des 6. Jahrhunderts. Text und Untersuchung (Wien 1939)

Der Brief des Makarius ist in der Redaktion des 11. Jh. des Liber Canonum der armenischen Kirche zu finden. Akinians Studie befasst sich ausführlich mit der Entstehung, der Übersetzung und der Anwendung des Briefes in der armenischen Tradition und im Liber Canonum. Der Text des Briefes wurde anhand der ältesten erhaltenen handschriftlichen Belege ediert.

- *Untersuchungen zu den so genannten Kanones des Hl. Sahak und das armenische Kirchenjahr am Anfang des 7. Jahrhunderts*. Band I, Wien 1950 (armenisch)

Die Arbeit befasst sich mit den Kanones, die dem Katholikos Sahak († 439) zugeschrieben werden. Jedoch war sie die erste armenische Sammlung der Kanones, zusammengestellt im Jahre 436. Die Sammlung der Kanones in Armenien des 5. Jahrhunderts beinhaltete Kanones von den Konzilien von Nicäa, Ephesus, Kanones von lokalen Synoden und kanonische Briefe des Basilios⁵⁶.

⁵⁵ P. N. AKINIAN, *Die Kanones der Synode von Schahapiwan*, 10. Vgl. auch ebd., 19; 37; 61 ff. Akinian bringt in seiner Edition auch ein längeres Exzerpt aus Katherdjians Untersuchung (vgl. ebd., 61-66)

⁵⁶ Vgl. P. N. AKINIAN, *Untersuchungen zu den sogenannten Kanones des Hl. Sahak und das armenische Kirchenjahr am Anfang des 7. Jahrhunderts*, Band I, Wien 1950 (armenisch), Vgl. auch F. C. CONYBEARE, *The Armenian Canons of St. Sahak Catholicos of Armenia*.

Im Bezug auf Katherdjians Werk schreibt P. Akinian Folgendes:

„P. J. Katherdjian war der Erste, der die Zeit der Entstehung dieser Schrift untersucht hat. Er konnte das Ergebnis seiner Untersuchungen nicht herausgeben, aber er hat in seinem wunderbaren Werk ‚die armenischen Messbücher‘ die Möglichkeit, seine Ansicht über die Zeit, in der jene Schriften entstanden sind, auszudrücken [...] Katherdjian hat seine Gründe in seinem handschriftlichen Nachlass bezüglich des Liber Canonum, den ich in zwei Fassungen vor mir liegen habe, schriftlich niedergelegt“⁵⁷.

VI. P. Hamasasp Voskian

P. Voskian wurde am 1. Juli 1895 in Khendadsor (Armenien) geboren. Mit 12 Jahren kam er als Seminarist der Mechitharisten-Kongregation nach Wien. 1919 empfing er die Priesterweihe. Neben anderen wissenschaftlichen Werken⁵⁸ liegt P. Voskians Hauptverdienst im elfbändigen Werk über die Klöster in Armenien, wo auch umfangreiches Quellenmaterial für das Kirchenrecht vorhanden ist⁵⁹.

Von P. Voskian stammt neben einer Untersuchung zu Mechithar Gosch⁶⁰ vor allem eine Untersuchung der altarmenischen Übersetzung der Kanones der Synode von Serdika⁶¹. Im Vorwort zu dieser Arbeit schreibt Voskian:

„Dieses Bändchen ist ein Teil unserer riesigen Arbeit ‚Liber Canonum der Armenier‘ (Text mit handschriftlichen Vergleichen) mit lateinischer Übersetzung und ausführlicher Untersuchung (vgl. Handes Amsorya 1923, S. 480), die wegen politisch ungünstiger Bedingungen und anderer ernster

⁵⁷ Ebd., 21-24.

⁵⁸ P. H. VOSKIAN, Katalog der Armenischen Handschriften des Klosters Bzommar, Bd. II, Wien 1971 (in Zusammenarbeit mit P. N. AKINIAN); DERS., Katalog der armenischen Handschriften der Mechitharisten-Bibliothek in Wien, Bd. II, Wien 1964.

⁵⁹ P. H. VOSKIAN, Die Klöster von Artsach, Wien 1953; DERS., Die Klöster von Bartsr Hayk, Wien 1951; DERS., Die Klöster von Gugark, Wien 1960; DERS., Karin und der Kariner und die Klöster von Karin, Wien 1950; DERS., Die Klöster von Kilikien, Wien 1937; DERS., Die Klöster von Sebastia, Wien 1946; DERS., Die Klöster von Sebastia, Kharbert, Tiarpekir und den Provinzen von Trapezunt, Wien 1962; DERS., Die Klöster von Vaspurakan-Van, Bd. I, Wien 1940, Bd. II, Wien 1942, Bd. III, Wien 1948; DERS., Die Klöster von Taron-Turuberan, Wien 1953. Weiters befinden sich in seinem Nachlass: Die Klöster von Ayarat; Die Klöster von Caesarea und in anderen Orten: AMK, Voskian, I.

⁶⁰ P. H. VOSKIAN, Literarische Untersuchungen, Wien 1926, 192; DERS., Eine Handschrift der Kanones in Plovdiv: HA XLIV (1930) 196-200.

⁶¹ P. H. VOSKIAN, Die altarmenische Übersetzung der Kanones der Synode von Sardika. Text und Untersuchung, Wien 1945 (armenisch).

Beschäftigungen nicht zur wünschenswerten Vollkommenheit zum Herausgeben bereit gestellt werden konnte⁶².

Da die altarmenische Übersetzung der Kanones von Serdika Unklarheiten aufweist, verglich sie Voskian mit der Übersetzung von P. J. Katherdjian⁶³.

In seinem Nachlass finden wir schließlich eine umfangreiche, aber unvollständige textkritische Aufarbeitung des Liber Canonum mit den folgenden Kanones⁶⁴:

Kanones der Jünger Christi
Kanones des Thaddäus
Brief des Jakobus and Kodratus
Die Apostolischen Kanones
Kanones des Apostels Philippus
Kanones der Nachfolgeväter
Ankyra
Nikaia
Nikaia II
Gregor des Apostels von Armenien
Athanasios
Brief des Makarios
Konzil von Konstantinopel [I]
Gregor des Theologen
Basileios
Brief des Basileios
Ephraem
Kaisereia
Neokaisareia
Gangra
Antiocheia
Epiphanos
Ephesos
Kyrill von Alexandrien
Katholikos Sahak
Katholikos Johannes Mandakuni
Bischof Abraham
Katholikos Sahak der Letztere

⁶² Ebd., I.

⁶³ Ebd., 22. Für einen synoptischen Vergleich der Übersetzungen siehe S. 38-93. Eine armenische Übersetzung der Kanones, die nur in lateinischer Sprache vorhanden sind (von P. Katherdjian), S. 94 ff.

⁶⁴ AMK, Voskian, VI.

Johannes Imasdasser
Katholikos Sion
König Vatschakan
Synode von Dwin
Elise
Patriarch Johannes von Konstantinopel
Agathangelos
Priester Mesrop
Katholikos Nerses
Katholikos Johannes Mandakuni
Epiphaios
Synode von Theotosopolis
Synode von Karin
Simeon Katholikos von Albanien (Kaukasus)
Nektarius Bischof von Rom
Katholikos Nerses Bruder von Katholikos Grigor
Kanones für Priester
Priester Eznik
Priester Anania
Katholikos Nerses (über die Verwandtschaft)
Bischof Sevandus
Antiochien II
Katholikos Konstantin
Sis
Synode von Jerusalem
Nachfolgeväter
Synode von Manzikert
Synode von Gangra
Synode von Dsak
Synode von Aschtischat
Jakob von Krim

P. Voskian wollte das Erbe des P. Katherdjian wach halten und die textkritische Ausgabe des Buches der Kanones vollenden, doch blieb letzteres auch diesem großen Philologen untersagt. So wartet das unverändert aktuell gebliebene Erbe P. Katherdjians, das ein ganzes Jahrhundert lang die Wiener philologische Schule geprägt hat, immer noch auf die „Hand des Redakteurs“.

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AMK	Archiv der Mechitharistenkongregation in Wien
HA	Handes Amsorya
MSV	Handschriften der Mechitharistenkongregation in Wien

SOME TOPICAL ISSUES CONCERNING THE STATE-CHURCH (RELIGIOUS COMMUNITIES) RELATIONSHIP IN ARMENIA

Razmik Markosian, Erevan

The state-church relations are very complex and multi-faceted ones and are deeply rooted in history. Their accurate apprehension, analysis and assessment will considerably facilitate the resolution of the existing problems and the design of strategic policy guidelines.

Throughout the history of the Armenian statehood, the state-church relations have at all times been dependent from the place, which was held by the state in the social-political and community life of the country.

Notwithstanding the fact that the state-church relations are deeply rooted in history by their character and content, they should be seen, in the light of the latest developments, from a new point of view, namely that of fundamental human rights and freedoms.

Though the Armenian Constitution and the law of the Republic of Armenia "On the Freedom of Belief and Religious Organisations" contain some legal standards regulating the relations of the State with the Church (religious communities), nevertheless they fail to provide for a comprehensive and complex solution to the basic problems, which have emerged recently.

The existing problems can be grouped under two main categories: a) the relations of the State with the Armenian Apostolic Church and b) the relations of the State with various religious communities and groups.

With respect to the relations with the AAC, our most pressing task is the conclusion of the agreement bearing on the main priorities set out in the Memorandum of Intent signed on March 19, 2000 at the Holy See of Etchmiadzin. The agreement was meant to include the integrity of the field of GOA-AAC relationship conducive to the development of the Armenian statehood, outline the scope of tax privileges, clarify the basic issues concerning AAC's property, lay down guidelines for the organisation of state protocol events attended by the servants of the Armenian Apostolic Church, provide for the involvement of the Church in activities of national importance in the fields of public welfare, education, culture and health care, enhance the role of the Church in the spiritual life of servicemen.

Although the absence of such an agreement (for example, the agreement on introducing the History of the Armenian Apostolic Church as a general subject in public schools) does not prevent from arriving at various understandings on specific issues and implementing targeted programs, nevertheless a complex solution to the above-mentioned issues would considerably facilitate the

regulation of basic problems existing in the GOA-AAC relationship and strengthen the role of the latter.

As for the relation of the state with various Christian groups, it has to be noted that the Armenian state has not had such an experience since the official adoption of Christianity. At present, there is a political will on the part of the Armenian authorities, which was reflected in the passing of a number of legal acts, such as the Armenian Constitution, the international agreements entered into by the Republic of Armenia, the European Convention on Fundamental Human Rights and Freedoms in particular, which create a sound framework for instituting such relations. The lack of experience in sustained relationship between the State and the Church has been a major hindrance on the way to the creation of natural pre-requisites conducive to the setting up of an appropriate legal framework

Along with this, it should be noted that different religious organisations exercise different influence on the people and the statehood-building process, which is the underlying factor behind the differentiated approach to individual religious organisations operating in Armenia. And whereas the sovereign authority belongs to the people in Armenia, the latter shapes its relations with religious organisations based on the intensity and individual properties of such influence, namely the extent to which these organisations are admissible to the society (the number of adherents), the part they take in implementing national programs and enhancing public welfare, their compliance with domestic laws etc. These differentiated approach is required not only by the adherents of the Armenian Apostolic Church, who make up an overwhelming majority in Armenia, but also on the part of other Christian communities, which have started their activities relatively earlier and have made a significant contribution to the public life (for instance, the Catholic and Orthodox Churches).

So far, the problems formulated by religious organisations have not been addressed in a complex manner in Armenia. As a matter of fact, they are handled on the basis of precedence or in accordance with the general practice (say the granting of tax privileges to the programs implemented by them).

The above makes it necessary to reform the legislative framework streamlining religious activities in Armenia.

ON THE RELATIONS BETWEEN THE STATE AND RELIGIOUS ORGANIZATIONS IN GEORGIA

Tamaz P a p u a s h v i l i, Tbilisi

In Georgia that is working toward civic society based on democratic principles, freedom of conscience is one of the key issues. The principles of the freedom of conscience have found their reflection in Arts 9, 14, 19, and 38 of the constitution. But for real protection of the freedom of conscience it is necessary to pass a law, which will define the legal status of the religious organizations, order of registration, their rights and responsibilities. It will guide economic, educational, humanitarian and other activities and provide legal interpretations of such terms as "church", "religious association" etc.

Today, the Christian Orthodox Church is not the only one in Georgia. There are also Catholic, Lutheran, Armenian Apostolic Churches as well as mosques, synagogues, and yezid communities. Recently, Baptists, Pentecostals, Adventists, and Jehovah's Witnesses appeared in the State. There are also different religious organizations, which were excommunicated from the Orthodox Church in the past: Molokans, Dukhobors, Old Believers. The system of religious control fell apart together with the Soviet Union, giving space to new religious organizations: the Salvation Army, the Society for Krishna Consciousness, the Bahai, and the New Apostolic Church. In the last decade several churches detached themselves from the Christian Orthodox Church of Georgia: the Gldani Orthodox Eparchy, the Christian Orthodox Church in Georgia, also known as the Boston Group.

The Christian Orthodox Church of Georgia is the only religious organization recognized by Article 9 of the Constitution. As I have already mentioned, there are many other religious associations active in Georgia. Therefore in society was all-out discussion on the agreement between State and Orthodox Church of Georgia and on the adoption of the law on other religious organizations. In the absence of such a law none of the religious organizations is able to register to acquire a legal status. At the same time, absolute freedom of legislative control, replacing strict Soviet supervision system over the religious organizations within a historically short time, deluded some people, who wrongly interpreted the meaning of democratic reforms. The absence of legislative control over the relations among religious organizations sometimes stimulate conflicts. Ideological contradictions among religions are natural and speak of their viability. But in certain cases they develop into extremist clashes.

A former clergyman of the Orthodox Church Basili Mkalavishvili who had been defrocked in 1995 is well known as an inspirer of several actions against the Jehovah's Witnesses, Baptists and Pentecostals, violating human rights. Criminal proceedings were instituted against him and some of his supporters.

1. Problem of the freedom of conscience

Recently, tension in the religious sphere has been mounting mainly because a part of the Christian Orthodox believers is set against the Jehovah's Witnesses. On 22 February, 2001, after long examination in district and regional courts, the Supreme Court of Georgia finally satisfied the claim of a member of the Georgian parliament Guram Sharadze by annulling registration of two NGOs set up by the Jehovah's Witnesses (the Union of the Jehovah's Witnesses and a representation in Georgia of the Watchtower Bible and Tract Society in Pennsylvania). They were registered in 1998 by the Isani district court of Tbilisi. It should be said that they were registered as NGOs because in the absence of a law on religious organizations this was the only possibility left for them to become a legal person.

MP Sharadze is convinced that the religious communities should not be registered as NGOs. The radically minded Christian Orthodox believers interpreted the court decision as condemnation of the Jehovah's Witnesses as an anti-State, anti-national and anti-Orthodox organization. This is how the Jehovah's Witnesses explain why a part of the local population started treating them badly. It was before the court session, that they gathered 133,375 signatures under a petition to the State Chancellery demanding that it shield them against Basili Mkalavishvili. It was Basili Mkalavishvili who had set up, in one of the Tbilisi districts, a religious organization he called Gldani Orthodox Eparchy with the aim of banning all sects and making Christian Orthodoxy a State religion. In recent years the former priest and his followers organized not less than 100 extremist acts in all corners of Georgia against the Jehovah's Witnesses.

It should be said that he attacks other religious communities as well. One of his attacks that resounded all over the world was aimed at Baptists during which books (including numerous copies of the Gospels) that belonged to the Georgian office of the Bible Society perished in fire.

Mkalavishvili attracted attention to himself once more when he staged a fight in the Amirani cinema in Tbilisi that the Charismatic Church (a trend in the Pentecostals) used for a meeting. Basili Mkalavishvili told the press that this was his method of warning directors of other cinemas and clubs not "to let sects use their premises for preaching against our motherland and Orthodox Christianity".

In fact, the Christian Orthodox Church of Georgia is very much annoyed with its former priest. Catholicos-Patriarch Ilia II blessed a Union of Orthodox Christians designed to protect the religious minorities of which the Jehovah's Witnesses are one. The union members regard what Mkalavishvili is doing as acts of deliberate spiritual sabotage designed to earn the persecuted a crown of thorns. At a press conference the spokesman of the Patriarchate of the Christian Orthodox Church priest David Sharashenidze said that both the former priest and the Jehovah's Witnesses are out to discredit Christian Orthodoxy. These efforts may escalate violence and tension. As a result Georgia might earn a reputation of a

country of religious intolerance. Despite the fact that Mkalavishvili was excommunicated and is a sect member himself, he enjoys support from many Orthodox believers and even certain members of the clergy who look at him as the most active defender of the faith. They tend to forget that at no time force has provided a solution to any serious problem - least of all in the religious sphere. World history has proved many times that faith grows stronger under pressure. Christianity became one of the world religions due to, among other things, the four centuries of persecution in the Roman Empire. One can say that Mkalavishvili and his followers are playing into the hands of the religious organizations they persecute.

On 30 March 2001 the parliament issued Decision No. 827-11, On Manifestations of Religious Extremism, in which it instructed the law enforcement bodies, the ombudsman and the Human Rights Committee of the parliament to take measures to prevent religious violence. Despite this, the situation soon became ridiculous: on 10 March 2002 some of Mkalavishvili's followers took several policemen prisoner and herded them into a backyard of a church under construction. Later, the press service of the Gidani Eparchy issued a Statement saying that the policemen had been involved in a planned attack on their leader scheduled for the conference "The Situation in the Field of Freedom of Conscience" which had taken place a day earlier in the ombudsman office. Those present at the conference condemned more than 100 violations of the freedom of conscience in Georgia and described the leader of the Gldani Eparchy as the main culprit: together with his comrades-in-arms he had openly provoked hostile actions against all sorts of religious associations and other violations of their legal rights. Some of those present at the conference said in so many words that these actions were fraught with "danger of escalation of religious terrorism". It was also pointed out that Mkalavishvili had violated Georgian laws.

Guram Galogre, public prosecutor of the Gldani-Nadzaladevi District of Tbilisi in which the incident with the policemen had taken place opened criminal proceedings. He demanded three months in custody for Basili Mkalavishvili as a measure of restraint. The court limited restraint to three months under police surveillance. The journalist community was convinced that mild treatment was caused by an aggressive crowd that gathered at the court and threatened to capture the president's residence by storm had the leader been detained. The people were obviously unable to carry out the threat, yet mass clashes with police were possible. In his interview to the "Resonansi" newspaper given on 2 April 2002 Mkalavishvili said: "Blood will be shed. My spiritual children will never abandon me". He went even further by saying that he would prefer to be put in prison so that to provoke clashes with the police, which would inevitably produce victims. Under the burden of this, he insisted, the president would have to resign.

This man obviously does not limit himself to religion - he is pursuing clear political aims. In any case, he continued fighting the sects. While he remained

under police surveillance, his cronies attacked a meeting of the Jehovah's Witnesses in the village of Ponichala, not far from the capital. In one of his interviews Mkalavishvili declared that the U.S. State Department, which had spoken critically of him in one of its annual human rights reports, was defending the rights of the "criminal sects" and that he would never stop fighting for the State status of Christian Orthodoxy in Georgia and would never abandon his struggle against the sects. His followers were very much inspired by the fact that Mkalavishvili's defense lawyers managed to lift police surveillance because of a legal error the judge had made when passing the sentence. Mkalavishvili's followers openly stated that struggle for the triumph of Christian Orthodoxy had reached a new stage.

It should be added that those who identify the faith with ethnic affiliation extend their support to the excommunicated priest. This is quite natural: for many centuries, Christian Orthodoxy has been really playing an important role in the history and cultural development of Georgia. This should not be taken to mean that laws can be violated or that religious extremism disguised as Christian Orthodoxy can be tolerated. Still, Mkalavishvili has numerous supporters. Members of the Dzhvari (The Cross) organization in the city of Rustavi warned that if Mkalavishvili were found guilty they would share criminal responsibility with him. They take an active part in everything that the Gldani Eparchy does, and contributed, among other things, to acts against sects. Zurab Gagnidze, leader of the National Ideology Party, has pointed out that Christian Orthodox leaders in Georgia have been bellicose people at all times. He even suggested that as the defender of the faith Mkalavishvili should be made Patriarch. Member of parliament Levan Pirveli, in his turn, demanded that Mkalavishvili be replaced with the Jehovah's Witnesses on the dock.

According to ombudsman Nana Devdariani, those who support religious radicalism know little about genuine Orthodox faith: they observe the ritual, yet their souls are closed to tolerance and rejection of violence. She has clearly stated that a democratic State cannot live according to religious legislation because it lives according to its constitution. She also said Mkalavishvili's actions lay within the Criminal Code. This speech that the ombudsman delivered in the parliament invited critical salvoes.

This situation forced two religious organizations to lodge their complaints in courts. The Jehovah's Witnesses sent 32 complaints to the European Court of Human Rights in Strasbourg when the registration of its NGOs had been annulled while Mkalavishvili continued his persecutions. The Court united the complaints into one file and treated the case as a priority on the strength of information the Jehovah's Witnesses were disseminating. The experts recalled the case of the Greek citizen Minos Kokkinakis, member of the Jehovah's Witnesses sect, who was the first to receive a court sentence on the strength of a Greek law that treated proselytism as a crime. The case resounded all over the world when he lodged a

complaint with the European Court of Human Rights. The latter ruled in 1993 that the Greek government had violated the freedom of conscience and that Minos Kokkinakis was to be paid \$14,400 by way of damages.

Another case was initiated by Savardi, the Union of Catholics of Western Georgia that lodged a complaint against the president of Georgia to the city court of Kutaisi and demanded that he decree to return to them the church built in 1862. Until 1939, when it was closed down, it remained a Catholic church. In 1989, when Soviet power was nearing its end, the building was transferred to a Christian Orthodox community. There is an opinion shared by many lawyers that in a democratic country property claims should be examined by courts. The president has no right to dispose of property that does not belong to the State.

Numerous violations of human rights in the religious sphere forced leaders of the Catholic, Jewish, Muslim, Lutheran, and Baptist communities to send an open letter to the republic's president on 5 February 2002 in which they asked him to take urgent measures to stem violence. Members of some of the public and human rights organizations supported this demand.

On 10 July 2002, on their request President Shevardnadze received leaders of some of the religious organizations: The Archbishop of the Christian Orthodox Church of Georgia Daniel (Datuashvili), the Archbishop of the Armenian Apostolic Church in Georgia Gevork (Seraidarian), the akhund of the Tbilisi mosque Ali Aliev, the acting Chief Rabbi of Georgia Avimelekh Rozenblatt, the Bishop of the Lutheran Church in Georgia Gert Hummel, the apostolic administrator of the Catholic Church in Georgia Bishop Giuseppe Pazotto, and the President-Bishop of the Union of Baptists of Georgia Malkhaz Songulashvili. The participants handed the president their joint Statement, which said, in particular, that the Transcaucasus had approached a turning point in its history. This created many problems fraught with deliberately fanned hot spots. They also expressed their regret that religion had been exploited to build up tension and stated that their mutual respect remained as firm as ever. The church figures condemned fanaticism, hatred, and violence of all sorts and pledged, "to carry out their activities without the slightest trace of proselytism". They deemed it necessary to emphasize that so far the Transcaucasus had not known religious wars and had always preserved peace and good-neighborly relations among cultures and religions. The religious leaders voiced their conviction that the country needed laws to regulate the relations in the religious sphere and to guarantee freedom of conscience.

They also discussed certain other aspects such as involvement of their communities in all sorts of charity projects, which was especially important for the country living in a socioeconomic crisis, and expressed their conviction that Georgia needed conditions conducive to humanitarian actions.

The world community could not pass over in silence the facts of violation of the freedom of conscience in Georgia: the European Association of Jehovah's

Witnesses for Protection of Religious Freedom, Amnesty International, and the Human Rights Watch voiced their concern. Back in 2001 the embassies of the United States and Great Britain in Georgia issued a joint Statement in which they expressed their indignation about the facts of violence. In its annual report on the freedom of conscience in the world the U.S. State Department gave much space to the situation in Georgia. It said that although the Georgian constitution declared the freedom of conscience and separation of the church from the State, in recent years certain policemen in some of the regions interfered with activities of foreign missionaries, the authorities failed to pay adequate attention to the protection of rights of religious minorities, while local administrations sometimes infringe on the rights of the Jehovah's Witnesses, Baptists, and Krishnaites. The report pointed out that certain nationalistic-minded politicians were lobbying a law that would ensure priority of the Christian Orthodox Church of Georgia, it mentioned conflicts over buildings that involved the Catholic and Armenian churches (the Armenian Church claims two church buildings in Tbilisi that, according to Georgian historians, had been built by the Christian Orthodox Church). The report also mentioned that in 1999 and 2000 Tbilisi and Batumi received one Catholic church each.

The report gave much space to Abkhazia where Georgian influence was strongly felt and where the rights of the Jehovah's Witnesses were gravely violated. It should be said here that back in 1995 the government of Vladislav Ardzinba banned this religious community.

In view of the fact that in 1998 the United States adopted the International Religious Freedom Act, the problem of human rights in the religious sphere acquired special importance in Georgia. This document allows the U.S. President to apply sanctions to the countries that infringe on freedom of religion. In such cases, the United States will not limit itself to diplomatic measures - it may apply economic sanctions, stop investments and humanitarian aid. Those of the American firms that will continue cooperation with the offenders in violation of the sanctions will be deprived of support from the American government (they may be deprived of State orders and of their export licenses).

On 24 April 2002 the Congress heard a report by Senator Gordon H. Smith about the religious situation in Georgia. President Bush attended the sitting. The congressman said that the Orthodox Christians were irritated with members of the nontraditional religions and set up a group to attack them. He added that the Jehovah's Witnesses were the most frequent victims and that the police preferred to keep away from what they did or even encouraged them. The congressman mentioned Mkalavishvili as the man behind the actions against the Jehovah's Witnesses, Pentecostals and Baptists and expressed his apprehension that his supporters might be encouraged by the State's failure to promptly punish him.

In the wake of the report, in a letter to the president of Georgia 15 US Congress members expressed a hope that he would act so that to prevent violence

and religious persecutions. Eduard Shevardnadze replied with a letter in which he shared the congressmen's concern and confirmed his conviction that acts of violence should be punished. He explained that religious intolerance in his country was caused by the fact that for many centuries the Christian Orthodox Church had been doing a lot to preserve the Georgian statehood and the nation itself. He also pointed out that Muslims, followers of the Armenian Church, Catholics and Jews have been living side by side, without serious problems, with Orthodox Christians in Georgia. When new creeds arrived in the country, part of the population was taken unawares and developed negative attitudes to the newcomers. The president agreed that these people were wrong and warned that it would take some time to reverse the trend.

When commenting on the letter of 15 American congressmen to the president of Georgia, Mkalavishvili said that its authors were encouraging "criminal activities of criminal sects".

The "Sakartvelos respublika" newspaper published a letter by the president in which Shevardnadze condemned extremism and religious violence. He said that those who resorted to violence in the interests of Christian Orthodoxy were making a grave mistake because they undermined respect for their own faith. On 17 May 2002 the president of Georgia issued Decree No. 240, On the Measures to Step Up Protection of Human Rights in Georgia, which pointed out that human rights and their protection were one of the highest priorities. Human rights in Georgia are still not completely guaranteed despite the fact that the country has got a constitution, all necessary laws that meet all international legal standards, and the Constitutional Court which plays a key role in the human rights sphere. Decree No. 240 is related to the human rights issue in general and it also pays special attention to freedom of conscience. The Public Prosecutor's Office, the Ministry of Justice and the Ministry of the Interior were instructed to take measures designed to protect freedom of conscience and confession and to conduct timely investigations of violations of the rights of religious minorities, to send all relevant cases to court, to teach personnel to work "in the sphere of human rights and freedom of conscience". The decree also instructed the republic's Council of Justice to pay particular attention to the cases of violence and insults of dignity in the religious sphere that should reach courts without unnecessary delays.

Georgia wants to join the European structures while the European Union treats religious freedom as an absolute priority. In 2000, the European Parliament passed a resolution that said that the EU members should guide themselves by the recommendations of the Council of Europe (Nos. 1202 and 1396 of 1999), which declared tolerance. In addition, on 25 September 2001 the Council of Europe passed Resolution No. 1257 that expressed concern over the facts of persecution of the religious minorities in Georgia while the European Commission against Racism and Intolerance radically condemned the situation in Georgia.

On 18-19 March 2002 the U.N. Committee for Human Rights discussed the problem of human rights in Georgia and observation of freedom of conscience as its part. Its members said that the republican authorities should display tolerance so that to avoid extremism and discrimination for religious reasons.

On 18-19 July 2002 a conference called "Cooperation for the Sake of Peace in the Caucasus" attended by a delegation of the Christian Orthodox Church of Georgia headed by Catholicos-Patriarch Ilia II, delegations of the Russian Christian Orthodox Church, Spiritual Administrations of the Muslims of the Caucasus, Turkey, Kuwait, Iran, and other countries. In his opening speech President Shevardnadze spoke about the special role the Orthodox Church had played in Georgia's history and its great contribution to its statehood and culture. He also pointed out that religious antagonism was alien to Georgia and that the present religious confrontation was one of the manifestations of a complex and contradictory globalization process. The president emphasized that the State would protect the constitutional principles in all cases of their violations by any of the religious organizations.

The conference discussed the situation in the Caucasus and examined the religions' potential in conflict settlement. It adopted a communique and an address to the region's nations and governments in which it said, in particular, that while belonging to various ethnic groups and following various religions the conference participants agreed about their duty to preserve peace and harmony. They pointed out that the Caucasian nations were exposed to ethnic conflicts, they were victims of separatism and xenophobia, alienation and mutual enmity. The conflicts in Karabakh, Abkhazia, Ossetia, Ingushetia, Chechnia and elsewhere, which for many years have been causing sorrow and sufferings of millions, were born by domestic and foreign factors. Today, the conference said, they proved an obstacle to natural processes and progress in the region. The participants were convinced that the road to a happy future of the Caucasus lied through cooperation between nations and religions, good-neighborly relations and territorial integrity. Any other road would plunge the Caucasus into an abyss of bloodshed and a destruction of the sacred gift of life. The conference's address expressed a conviction that the State leaders would overcome all contradictions that existed between their countries and would work out mutually acceptable solutions. The conference was a signal event in the religious life of Georgia and the Caucasus in general, though it, naturally, could not settle specific problems.

I am convinced that religious tension in Georgia is caused by the social hardships the country encountered in the last decade of the 20th century. Experts believe that the change of faith is a form of spontaneous protest on the part of Orthodox believers. There are others who think that the humanitarian aid extended by all sorts of religious organizations played its role.

The Constitution and the laws of Georgia guarantee freedom of conscience. In actual life this freedom is frequently violated: members of religious

organizations are persecuted, threats, moral and physical insults are hurled at them. Regrettably, the law enforcement bodies have not yet learned how to adequately respond to this, which creates an impression among the public that the police connive with Mkalavishvili and his group or even cooperate with him in some latent way. Human rights activists insist that it is the police passivity that encourages Mkalavishvili and his cronies. As a result, many of the religious organizations lay the blame for persecutions on the State rather than the Christian Orthodox Church. This cannot but undermine the republic's international prestige.

II. Creation of Legislation

To improve the situation, the country needs an adequate legal basis, which will ensure adherence to the constitutional principle of the freedom of conscience that is expected to breed tolerance. The first draft law "On Religious Beliefs and Religious Organizations" was published on 5 May 1994. Today the process of creation of the corresponding legal basis has not ended yet because of certain difficulties.

There are people who think that the Georgian State has not yet determined its attitude to the Orthodox Church. This is not true. The State considers the Church as one of the largest religious organizations though this is not enough to grant it priority or a State status. In Germany, Italy, Spain, and other States of the European Union there are agreements between the State and different religious organizations as a form of their relationships. Indeed, during many centuries Christianity of varied trends was a state-religion in all European countries. Today there are remaining elements of state-churches only in some European countries like Denmark and Greece.

The Georgian society is of various opinions about the agreement between the Georgian State and the Orthodox Church. It has a "constitutional agreement" status despite that there is no such term in international jurisprudence. In this status of the agreement it takes precedence over ordinary law. Those who want such an agreement point out that the Christian Orthodox Church was an important factor in the past and that today it is the only religious association, the Pontiff of which has been living in Georgia throughout its history as a Christian country.

It was important to take into account the position of other religious organizations. Some of the confessions (Catholic, Lutheran, Armenian Apostolic, and Baptist churches) supported the idea of the agreement between the State and the Orthodox Church that it would not infringe the rights of other religious organizations. In their opinion, there should also be the possibility to draw up agreements between the State and other religious organizations. They also think that the country needs a law that would regulate the relations in the religious sphere.

The agreement is a fundamentally new element in the history of Christian Orthodoxy. This explains why the Church lawyers suggested a new legal term, constitutional agreement. There is no such term in legal practices. Georgian legislation recognized a constitution and constitutional laws, international agreements and domestic laws. The new term required an exact determination, a status and a place among other legal documents. This placed the constitutional agreement higher than the domestic laws, from which it follows that some of them required additions and amendments.

The constitutional agreement "On the relations between the State and the Christian Orthodox Church of Georgia" was signed in Svetitshoveli Cathedral on 14 October 2002. The Parliament of Georgia discussed it and confirmed it by 203 votes. Only one MP, Mikhail Naneishvili had objections to the agreement.

In general, the concluded agreement answers to the key problem: the Church is the only public institute with its own legal system dating from the first millennium of Christianity (the Scripture and the Holy Tradition, the canons and rules of the Apostles, decisions of the ecumenical and local councils, the Synod and patriarchal decrees) which a true Christian should follow in his personal and public life within the Church. All members of the Church have to respect these rules but at the same time they have an obligation to respect the laws of the corresponding State. Therefore the agreement answers the question: how does the Church law harmonize with the laws of Georgia as a secular State? How can the State recognize the right of the Church, separated from the State, to its own legislation? Before the agreement was concluded, Georgian legislation had no efficient regulatory mechanisms. At the same time, it should be noted that the differences between the two legal systems are considerable.

In the preamble of the agreement "The constitutional agreement on the relations between the State and the Christian Orthodox Church of Georgia" it had been declared that the Autocephalous Orthodox Church of Georgia is an Apostolic See and inseparable part of the World Orthodox Church. It is Autocephalous since the 5th century and its spiritual-administrative center and See is the City of Mtskheta. The Patriarch's other Cathedras are Tbilisi and Bichvinta. Orthodox Christianity historically was the state-religion in Georgia, which has formed the centuries-old Georgian culture, national worldview and values. The vast majority of the Georgian population is Orthodox. Therefore the Constitution of Georgia acknowledges exclusively the role of the Apostolic Autocephalous Orthodox Church in the history of the Nation and asserts its sovereignty from the State.

In the Article 1 of the agreement, the juridical status of the Church has been determined. The State and the Church confirm their readiness for cooperation for the well being of the population of the country in accordance with the principle of reciprocal sovereignty. They are able to conclude agreements also in other fields of their mutual interests. The Church is a historically established subject of common law, recognized by the State and vested juridical person of common law,

which carries out its functions in accordance with the Church (Canon) Law, the Agreement, the Georgian Constitution and the Georgian legislation. The Council of the Church, the Georgian Catholicos-Patriarch and the Holy Synod represent the Georgian Church without any special warrants; in legal affairs, only the Georgian Catholicos-Patriarch will confer warrants. The Georgian Catholicos-Patriarch enjoys immunity. Moreover, in this Art. the Great Church Feasts as well as Sundays, as a rule, are declared Holidays.

The State protects the secret of confession by a separate article. A Spiritual pastor as a confessor is bound not to disclose information that became known to him, or what he knows as a clergyman. In accordance with Georgian legislation, the State recognizes marriage performed by the Church. But in legal affairs, the State registration data of marriages are used. For this purpose it is necessary to create a corresponding commission, which will elaborate modifications in the functioning law.

Clergymen are excluded from military service. But based on an agreement with the Church, the State provides for the establishment of pastoral assistance in the detention facilities and military units. Appropriate legislation should be created to this end. Moreover, the State and the Church are competent to implement joint programmes for social protection of the population.

A separate article determines the Church activity in the sphere of education. Teaching of the subject of the Orthodox Faith is an optional part of curriculum in the educational institutions. Approval and changing of curricula, appointments and dismissals of teachers take place upon submission by the Church. The State and the Church, in accordance with Georgian legislation and on an equal basis, recognize documents, degrees and titles issued by educational institutions. The State and the Church are fully vested to carry out joint educational programs in the educational system. The State supports educational institutions of the Church.

In the economic sphere the agreement declares that law protects the property of the Church as well as other State rights of the Church. The Church may own any property that is not prohibited by Georgian legislation. The property, which is not used for the purposes of Divine Worship, is owned and managed by the Church in accordance with standards of Canon Law and current Georgian legislation. But the Church is not involved in directly manufacture activity. The sources of financing for the Church are donations, production activities, investments, aid and any other profits, which are not prohibited by current legislation. Moreover, production, import, distribution of items used for the Divine Service shall be tax exempt. Donations received for the same purpose are also tax exempt. Non-profit state and property is tax exempt, as well.

One of the problems solved by the agreement is using of the spiritual terms by commercial organizations. With consent of the Church, the State issues permits (licenses) for official symbols and terminology of the Church to be used, also permits for production, import and distribution of articles of the Church worship.

Georgia is interested in the development of tourism. The old churches are an important part of tourism. The State recognizes all Orthodox Churches, Monasteries (functioning and non-functioning), their ruins and land where they are situated as the property of the Church. Measures for protection of these buildings, rules of use are defined by the relevant State agency in accordance with legislation and upon agreement with the Church. The Church and the State jointly take steps in order to protect Churches and monuments of historical, cultural, archeological and architectural value.

In order to protect Church valuables, the State, upon agreement with the Church and in accordance with the current legislation, approves special regulations limiting the usage of such objects in museums. The State also carries out measures in the field of reparation, restoration and conservation of Churches with mentioned valuables. The State also overlooks artwork projects in such Churches. This is the most important problem, which draw out discussion in society.

Very important is Article 11 by which the State confirms the fact of material and moral damage inflicted upon the Church when it lost the independence during the 19th/20th century (especially between 1921-90). As the owner of the confiscated property, the State undertakes measures to partly compensate material losses. In order to study the above-mentioned issue, forms of compensation, amount, time limits for the transmission of property and land and for the clarification of other details, a special commission has been set up on an equal basis, that will prepare a draft normative act.

The Constitutional Agreement declares that introduction of amendments and addenda shall take place upon agreements between parties, signature of both parties and approval of the Holy Synod and the Parliament. It is the President and the Catholicos-Patriarch of Georgia, who sign the agreement.

But signing of the agreement is just a first step to the creation of legislation in the religious sphere. It is necessary to provide rights of other religious organizations acting in Georgia. The fact that many States have special relations with dominating or traditional religions registered in their constitutions cannot change the international standards. Such relations should not cause discrimination of the religious communities not belonging to the traditional religions or church structures. This would give rise to social tensions either inside the country or in its relationships with other States.

The principle of the freedom of conscience cannot be altered according to the history of the State, type of society, and its culture. The very idea of a complete equality of rights appeared in the European society when it had reached a new understanding of the world as a whole and the rights of each individual in particular. All people have equal rights irrespective of their origin, race, social, class, ethnic and cultural affiliation, world outlook, confession or religion.

Therefore the Ministry of Justice is currently preparing a draft law "On the Freedom of Conscience and Religious Organizations". On the whole, this document reflects the principles of democracy and the international standards. Still, it is being criticized not only by radically minded Orthodox believers, but also by the NGOs.

The above-mentioned Mkalavishvili described the draft on religious organizations prepared by the Ministry of Justice as "an anti-Orthodox and anti-Georgian document because it legalized the sects". He staged a protest action at the embassy of the United States in Tbilisi and accused the officials of the Ministry of Justice of drafting the law on an order from Washington. He even publicly burned down a copy of the bill. He also said, that "Georgia was being transferred from the Russian empire to the American empire". He was convinced that this explained why the U.S. extended its benevolence and help to Georgia; he insisted that the bill on religious organizations that did not protect Christian Orthodoxy and legalized the sects appeared due to American influence. The former priest announced a series of actions across the country in support of the idea of making Christian Orthodoxy a state-religion. He also expressed his firm conviction that it was the religious factor that caused an earthquake in Tbilisi and added that the government responsible for the bill would be held responsible for any earthquake in future.

The Orthodox believers are convinced that the draft is of an ecumenical nature and as such it ignores the interests of the Christian Orthodox Church and is anti-Orthodox and anti-State. They think that a similar law should take account of the ecclesiastical law and do not exclude acts of protest if the parliament starts its discussion.

Public and nongovernmental organizations do not regard this law as absolutely indispensable - they point out that already existing laws and the Civil Code make it possible to address all problems. They even say that the authorities need a new law to control all religious organizations.

This is a debatable thesis because any serious control over religious organizations is possible within a corresponding social and political order. Today Georgia cannot use the law as an instrument of control.

This complexity of the creation of the law in the sphere of religion is reflected in the situation created in Georgia in September 2003, when the Secretary of the Department of Relations with States of the Holy See Secretariat of the State, Archbishop Jan-Lui Torani arrived in Tbilisi, with the purpose of signing the agreement among Georgia and Holy See.

Despite the fact that representatives of the Ministry of Foreign Affairs of Georgia declared that the agreement deals with the relations among the States of Georgia and the Vatican and has not religious character, on the special briefing, the Catholicos-Patriarch of Georgia Ilia II, declared his negative position on the agreement. "The Orthodox Church of Georgia strongly objects of signing

agreement with Vatican, which will let the Catholic Church to take up the same position as the Orthodox Church", representatives of the Patriarchate said. The parliamentary secretary of the Patriarchate of the Georgian Orthodox Church declared that among orthodox States, only Romania signed such an agreement with the Vatican. He said, that he could not understand, why the text of the agreement was classified as a secret and why the citizens of Georgia could not read it. When the Constitutional Agreement between the State of Georgia and the Apostolic Autocephalous Orthodox Church of Georgia was being prepared, representatives of all religions participated in this process. He said that the secrecy of the agreement would violate the rights of Orthodox believers in Georgia.

The same position took up MP Guram Sharadze. In his opinion, the Vatican is a religious State and its main function is to protect Catholicism. This country is not interested in Georgian economics.

The students of the different Georgian universities and institutes organized a political action in front of the Parliament of Georgia. They said that they would not allow signing the agreement. Later the State Minister of Georgia, Avtandil Jorbenadze, met with demonstrators and assured them, that the agreement would not be signed.

In his weekly interview for the Georgian radio the President of Georgia said that the agreement among the State of Georgia and the Holy See failed, but the dialogue would go on because "Orthodox believers and Catholics, we both are Christians". He declared that the Parliament of Georgia has to pass a law on religion.

It is too early to predict the MPs' position when the Parliament of Georgia begins discussion on this draft law. But one thing is clear: freedom of conscience should be ensured in Georgia and it will make possible to use the potential of all religious organizations in the interests of the whole society.

RELIGION-BASED INTOLERANCE: MANIFESTATIONS AND MEASURES TO OVERCOME IT

Alexander Nalbandov, Tbilisi

For ages there were no signs of religious intolerance in Georgia. On the contrary, in the capital of Georgia temples of different religions co-exist peacefully, in the vicinity of each other. Not only orthodox believers live in Georgia. Hundreds thousands of Muslims, followers of the Armenian Church, Catholics, the Israelites permanently reside in our country and neither orthodox believers, nor the Georgian state have never had noticeable problems to solve with them.

At present some problems have arisen relating with activities of certain non-traditional confessions, religious groups. This is a rather new phenomenon for our country, and some things in this respect proved to be unexpected. It is obvious now that the activities in question have become unacceptable for a significant part of Georgian society. As a result we come across a series of unpleasant incidents, which are linked closely to religious motives.

In order to have a clear idea of reasons for intolerance directed against religious minority groups, it is expedient to describe the background of these events.

The matter is that for ages the Georgian Orthodox Church has played a specific role in the sense of preservation of our country's statehood and of the Georgian nation itself. This attitude is reflected in the Constitution of our country¹. That is why public in general has very strong sentiments as to Georgian Orthodox Church deeming it as a keystone of the independent Georgian state, an instrument to protect its historical and cultural heritage and traditions. As a result, a significant part of our society expresses a negative approach towards the activities of non-traditional religious groups, because, in their opinion, these groups are seeking to undermine the main foundations of our state. Obviously, such an approach is erroneous. We need to have such mentality changed, and we are sure this is the matter of time. In our opinion, this is the most important prerequisite to put an end to religion-based extremism, in order to restore traditions of tolerance we mentioned above.

On the other hand, it seems to be obvious that the activities of various religious groups, including both traditional and non-traditional ones, are to be

¹ The Constitution of Georgia (Article 9) states that the State recognises the special role of the Georgian Orthodox Church in the history of Georgia, but simultaneously declares complete freedom of religious belief and confessions and the independence of the Church from the State.

legally regulated by passing a specific law. Steps made in this regard are being discussed below.

When talking about the current situation, we would like to quote first the former President of Georgia to emphasize his attitude towards the issues of religious tolerance:

"I must say that the issue of religious minorities has been the focus of serious concern among our people and the government. Respect for all religious faiths has always been an inseparable part of Georgia's historical heritage. /.../ Yet in the process of building a new democratic society, Georgia has encountered problems involving the members of minority faiths. The relations with Jehovah's Witnesses have become particularly complicated. /.../

In Georgia, I regret to say, the strong sentiments of some groups against Jehovah's Witnesses have on several occasions sparked violent confrontations. Particularly outrageous manifestations of such hostile behavior were the assaults by the defrocked Orthodox priest and his followers on the Jehovah's Witnesses. I strongly condemned this act and called for the punishment of the perpetrators to the fullest extent of the law. /.../

The Georgian Orthodox Church has made a public statement qualifying the acts of violence against Jehovah's Witnesses as an attempt to discredit the Orthodox Church.

In seeking solution to these problems, the Government is currently considering urgent steps to guarantee the equality and freedom of all religions before the law. Promotion of the interfaith dialogue has been widely discussed at the Government meetings as well as at the committee hearings of the Parliament. Intensive work is underway on drafting the Law on Religion. /.../

All acts of harassment and physical violence will be prosecuted and the perpetrators will be held accountable before the law".

In his letter to the Members of the US Commission on Security and Cooperation in Europe, the former President of Georgia has reiterated his attitudes in this respect:

"I strongly condemn any form of religious extremism and religion-based violence. They are absolutely inadmissible and should not go unpunished in any society that calls itself democratic, let alone civilized. Georgia has always been a tolerant country and it is imperative that this tradition must be continued in the future.

I am fully aware that no valid arguments can be advanced to justify acts of violence committed against religious minorities. Any act of this kind is a crime under Georgia's criminal legislation and persons committing them ought to be held responsible. The same is true of law enforcement officials who refuse to perform their duties and look on as angry crowds resort to violence.

Let me assure you that I am fully determined to eliminate any further manifestations of religious extremism. As a matter of fact some appropriate steps have been taken to properly investigate all cases, bring perpetrators to justice and punish them in accordance with the existing law".

On March 30, 2001 the Parliament of Georgia adopted its Resolution on manifestations of religious extremism, in which

"The Parliament of Georgia resolves:

The law enforcement bodies of Georgia should act in full conformity with the Constitution of Georgia and eliminate any manifestations of religious extremism;

The Public Defender of Georgia should pay particular attention to the manifestations of religion-based crimes and make sure that the religious freedoms of Georgian citizens guaranteed by the Constitution of Georgia, are protected;

The Parliamentary Committees on the Rule of Law and Administrative Reforms, on Human Rights and Petitions, on Civil Society Building and Integration should elaborate appropriate legislative proposals to regulate the activities of various religious groups;

The Parliamentary Committee on Human Rights and Petitions and the Committee on Civil Society Building and Integration are responsible to report, on a regular basis, on the implementation of this Resolution".

In January 2002 the President of Georgia issued an Ordinance entitled "On Measures to be Implemented in Connection with the Public Defender's Six-Month report 2001". According to this document, the Ministry of Justice of Georgia was tasked with elaborating a draft law on the freedom of conscious and religious organizations, in compliance with international obligations of our country in the field of human rights. This draft law has been elaborated and discussed publicly. It should be noted that attitudes towards the draft were and are quite contradictory, so it has been decided to continue the work over the document in question, with the assistance of international experts.

In February 2002 nine Georgian NGOs applied to the President of Georgia to take measures for putting the end to the manifestations of religion-based extremism. These NGOs proposed to arrange a special meeting, under the aegis of

the National Security Council of Georgia and with the participation of senior law enforcement officials, members of NGOs, various religious groups and media, to discuss the phenomenon of religion-based intolerance and related questions. The President's reply was, in our opinion, rapid and efficient - he asked the Public Defender of Georgia to arrange holding this meeting and tasked heads of law enforcement bodies with taking part in it. The meeting (or conference) was held in March 2002. A lot of senior officials participated in it - the Deputy Secretary of the National Security Council of Georgia on Human Rights Issues, the Public Defender, the Prosecutor-General, the Minister of Justice, and the Deputy Ministers of Internal Affairs and State Security. The Chairman of the Supreme Court of Georgia took part in this meeting, as well. Members of about 80 NGOs, a number of journalists that represented all television companies and most newspapers attended this meeting. Following the vivid discussion about the matters of the freedom of religion, NGOs that participated in the meeting adopted a statement, in which they urge the law enforcement bodies "to observe requirements of the law, take measures to prevent crimes and protect every person regardless of his/her national or religious background". They stated, "If efficient steps in this respect are not taken in the near future, they will have to apply to the President of Georgia to consider the matter of responsibility of the heads of law enforcement bodies".

A series of criminal proceedings were instituted following the facts of religious extremism that entailed mob violence against representatives of various religious minorities (not only Jehovah's Witnesses). In conformity with the decision that the Ministry of Internal Affairs and the Prosecutor-General's Office made, seven criminal cases were joined in a single case. The Prosecutor-General's Office has already investigated this case, and a conclusion to indict has been directed to the court.

According to the Prosecutor-General's Office of Georgia, the Tbilisi Prosecutor's Office joined several criminal cases initiated against the defrocked priest B. Mkalavishvili and his accomplices P. Ivanidze and others, and these persons have been brought to criminal responsibility because of committing the following crimes: beating and battery, coercion, illegal obstruction of performance of religious rites, destruction of books belonging to Baptists and Jehovah's Witnesses religious associations, etc.

In accordance with the decision of the Chairman of the Gldani-Nadzaladevi District Court (June 2003), the "dean of the Gldani Orthodox eparchy" Basil Mkalavishvili was found guilty of the destruction of others' property. The judge issued an order, pursuant to which Mr. Mkalavishvili is to undergo three-month preliminary imprisonment. Mr. Mkalavishvili pleads not guilty; he didn't attend the court trial.

Mr. Mkalavishvili's lawyers had appealed the judgment in question before the Tbilisi Regional Court, but the latter confirmed the decision made by the District Court. For the time being Mr. Mkalavishvili is hiding from justice; he is wanted by the authorities.

In conformity with the principle of separation of powers, in our country courts are independent. Neither the President of Georgia, nor other bodies or officials are allowed to influence the judgments they make in any way. But, in conformity with the Presidential Decree "On measures aimed at strengthening human rights protection in Georgia", the Council of Justice of Georgia, a consultative agency headed by the President of Georgia, was expected to attach particular attention to the consideration of court cases related to violence, torture or degrading treatment against religious minority groups, so that these cases were tried without any obstacles and undue delay.

On May 17, 2002 the President of Georgia issued the Decree we have already mentioned - "On measures aimed at strengthening human rights protection in Georgia". The President of Georgia, in particular, has tasked the Procuracy, the Ministry of Justice and the Ministry of Internal Affairs of Georgia with taking corresponding measures to: ensure the implementation of the freedom of thought, conscience, religion and belief; investigate and submit to the court each act of violence committed against religious minorities in order to have the perpetrators punished; hold trainings of personnel in the field of human rights, including the matter of inadmissibility of religion-based intolerance.

In the context of the last assignment, the joint project of the Service on Human Rights Issues of the Office of the National Security Council of Georgia and the NGO "Former political prisoners for human rights", entitled "Seminars at Police Stations and Monitoring of Pre-trial Detention Places", has to be noted. Forty-five-two local police stations were covered within the framework of this project. Together with other human rights issues, matters related to the protection of the freedom of religion have been discussed in the course of these seminars.

Strict control is established over the implementation of the assignments enlisted above. The Decree and a program statement made by the President and entitled "Human rights protection is a key priority for Georgian the state" were publicized and made available to law enforcement officials and those interested in the issues of human rights protection.

Early in February 2003 members of four Christian churches functioning in Georgia were going to arrange a joint prayer for peace and prosperity in Georgia. A group of religious extremists attacked participants of this meeting and physically abused many of them. The President of Georgia has strongly condemned this barbaric act and immediately tasked law enforcement bodies with investigating it, in order to reveal and prosecute those to blame.

Leaders of four Christian religious communities applied to the President of Georgia to attend their next joint prayer, and Mr. Shevardnadze expressed his consent to participate in it. The President of Georgia attended this prayer and made a special statement. The statement was widely publicized and had positive resonances in the international community. Proceeding from its contents, the President's statement can be regarded as an unambiguous message of tolerance on the part of the head of the State addressed to all groups represented in the Georgian society.

On March 4, 2003 the Presidential Decree #68 has been signed approving a Plan of Action on Strengthening Human Rights Protection of Minorities permanently residing in Georgia for 2003-2005. The main goals of this plan are to re-establish historical traditions of tolerance and peaceful coexistence of representatives of various ethnic or religious groups in Georgia, to promote and protect minorities' human rights and freedoms, to encourage civil integration in the Georgian society, to prevent any manifestations of intolerance, etc.

Among objectives to be reached within the Plan of Action, measures to address problems of religion-based intolerance should be particularly noted. According to the Plan, steps will be taken to:

- Eliminate all forms of religious extremism and promote a culture of tolerance
- Propagate religious tolerance through the press and electronic media
- Reveal and prosecute perpetrators of religious extremism
- Eliminate all forms of discrimination on religious basis

Specific compound strategies are elaborated to solve these problems.

It is necessary to note that together with the main executors - respective state bodies - representatives of NGOs and means of mass media are invited to participate in the implementation of the planned activities, as well. We believe that only following cooperative efforts made by both governmental bodies and civil society it will be possible to reach our aims in the field under review.

Recently an unpleasant incident linked to the Baptist church took place in the town of Akhalsopeli. The church was burned down. Immediately after this incident the Secretary of the National Security Council of Georgia Mr. Tedo Japaridze, the Deputy Secretary of the National Security Council of Georgia on Human Rights Issues Ms. Rusudan Beridze, the Ambassador of the United States of America to Georgia Mr. Miles, the Ambassador of Germany to Georgia Mr. Schramm, the Representative of the President of Georgia in the region, top officials representing local law enforcement bodies visited the spot. Upon their arrival to Akhalsopeli the Baptist Bishop M. Songulashvili held a public prayer for

peace there. The above visitors had several meetings with representatives of the local community who expressed their concern about the fact that they might be accused of burning the Baptist prayer house. They unanimously maintained that it was a pure accident. Nevertheless, relevant criminal proceedings have been initiated and now it is for investigation to reveal true reasons of the fire. It should be specially stressed that no signs of religion-based tensions or intolerance can be noted in this village.

To summarize, it is reasonable to note that lately public approaches towards the religion-based intolerance have began to change gradually. This is about a clearer understanding that such a phenomenon is absolutely impermissible and intolerable, especially within multiethnic society, in which representatives of many nationalities and religions have lived for ages. Several prominent public figures have publicized their statements condemning manifestations of religious extremism and calling up to restore the traditions of tolerance, which Georgia has always been famous and proud of.

