After reaffirming the faith of Nicaea, the council of Constantinople turned to Church Order. Its legislation in this matter was based on that of Nicaea, but it attempted to bring about not so much a restoration of what had been decreed in 325, but rather a distinct development of the constitution of the eastern church.

**Restoring Order to the Church**

Before Nicaea, the church had very little in the way of formally enacted law. That is not to say that the church at that time enjoyed a state of anarchy. She operated, in fact, with customary law. Many traditional usages and institutions were in force, among the latter being episcopal synods and the superior authority of certain sees. During the first quarter of the 4th century, the church’s customary law had been placed under stress which it could not cope with, thanks to the turmoil of the Arian crisis and also to the unprecedented intervention of the newly converted emperor in the affairs of the church.

The council of Nicaea, therefore, took in hand a legislative programme the aim of which was to clarify and define the traditional church order and to prevent further outbreaks of turbulence. The units of church organization were to be the provinces (corresponding in principle to the provinces of the Roman empire). Canons 5 and 6 of Nicaea dealt with the provincial synod (meeting of all the bishops of the province) and with the powers of the metropolitan bishop (bishop of the capital city of the province). Next, in canon 6, by way of exception to the normal organization based on the province, certain ‘ancient usages’ were expressly sanctioned. The bishop of Alexandria had ‘power’ over the whole of Egypt, Libya and the Pentapolis —his position there being compared to that of the bishop of Rome in central and southern Italy—and the churches of Antioch ‘and the other provinces’ were to keep their ‘prerogatives’, which the canon did not specify. Finally, according to canon 7, the bishop of Aelia (i.e. Jerusalem) was to receive the honour which was his by force of custom and ancient tradition,

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but without prejudice to the authority of the local metropolitan, who was the bishop of Caesarea.22

The return of the Arian troubles after Nicaea and the almost continuous intervention of the emperors had once again brought the church in the east to the point of chaos. The legislation of Nicaea proved unequal to the strains placed upon it, though subsequent councils tried to amend and adapt it. The council of 381 therefore attempted a large scale reform of church organization.

Events had shown that it was necessary to have working institutions of government above the level of the province. The council of Constantinople looked to the ‘dioceses’, the major divisions of the empire, each consisting of a number of provinces. In 381 the eastern part of the empire consisted of five of these dioceses: Egypt, ‘the Orient’ (Oriens) which took in Syria and the surrounding provinces, Pontus in eastern Asia Minor, Asia in western Asia Minor, and Thrace on the western side of the Bosporus. As already noted, the eastern half of the diocese of Illyricum had changed hands several times between western and eastern emperors. It was eventually to form a distinct diocese in the eastern part of the empire.

According to canon 2 of Constantinople, the bishops of each diocese were to form a unity. Each diocese was to manage its own affairs, and interference from outside was expressly forbidden. Within the diocese, the various provinces were to be administered by the provincial synods. Special arrangements were allowed for the new churches outside the empire.23

This is still far from giving the church a ‘patriarchal constitution’ such as we find in the legislation of the council of Chalcedon (451). For one thing, the term ‘patriarch’ had not yet settled into the meaning which it was ultimately to receive. Then again, canon 2 of Constantinople did not recognize or set up patriarchs or primates for each of the major divisions of the church. The bishop of Alexandria was already a patriarch in the strict sense of the word: according to canon 2, he ‘administered’ Egypt. However, the three dioceses of Pontus, Asia and Thrace were simply to be administered by their respective episcopal bodies. There was no provision for or mention of a paramount bishop in each of these dioceses, even though in fact the bishop of Ephesus had long enjoyed a traditional primacy in Asia, and the bishop of Caesarea in Cappadocia had more recently acquired a leading role in Pontus. Even in the diocese of Oriens, ‘the bishops of Oriens’ were to administer its affairs, saving always the ‘prerogatives’ accorded to the bishop of Antioch by the council of Nicaea. Jerusalem was not mentioned.

In fact, the church order set out in canon 2 of Constantinople remained only a paper constitution. It had a fatal weakness, in that it did not set up any organs of government by which the bishops of each diocese could administer its affairs. A vacuum remained. The actual course of development was the emergence of other patriarchates alongside that of Alexandria. In the process the territorial unit of the diocese was abandoned.

Shortly after 381, the bishop of Constantinople began to acquire jurisdiction over his neighbours, the bishops of Thrace, Asia and Pontus. These three dioceses close to the Great City were eventually recognized at Chalcedon as forming the territory of the patriarchate of Constantinople. In the diocese of Oriens, the bishop of Antioch was recognized as patriarch, though with somewhat lesser powers than his brother of Alexandria. The principle that each diocese was to form an autonomous unit was twice overridden at the expense of Antioch. Between 381 and 451, the patriarch of Antioch lost Cyprus, which became an autocephalous church at the council of Ephesus, and also Palestine and Arabia, which became the patriarchate of Jerusalem at the council of Chalcedon. All these territories meanwhile continued to belong to the civil diocese of Oriens.

**New Rome**

Having expressed the principle of the autonomy of the episcopal body in each diocese, the council of Constantinople went on to state in canon 3: ‘However, the bishop of Constantinople is to have the prerogatives of honour after the bishop of Rome, because that [city] is New Rome’.24

Previously in these pages I have taken the opportunity of outlining the course by which Byzantium, refounded as Constantinople, became a new or second Rome.25 The legislation of 381 is an important stage in that development. It shows the intention that Constantinople should be the equal (or near-equal) of Rome not only in things political but in things ecclesiastical as well. Other steps taken about this time demonstrate the same intention, especially attempts to show Constantinople as an apostolic church: thus the building of the church of the Apostles; the translation to Constantinople of the relics of St Timothy in 356 and of Sts Andrew and Luke in 357; eventually the tradition that the church of Byzantium had been founded by St Andrew, the elder brother of St Peter and the first Apostle to be called by Jesus.

In order to understand it, canon 3 of Constantinople needs to be read closely and compared with canons 6 and 7 of Nicaea. At Nicaea, as seen above, the ‘power’ (ἐξουσία) of the bishop of Rome in Italy provided a

precedent for the ‘power’ of the bishop of Alexandria in Egypt, Libya and the Pentapolis. Now at Constantinople, the ‘prerogatives of honour’ (τὰ πρεσβεία τῆς τιμῆς) of the bishop of Rome provided a precedent for those which the bishop of Constantinople was to enjoy seeing that his city was New Rome.

What were these ‘prerogatives of honour’ and how widely did they extend? The second question can be answered with greater certitude. The ‘prerogatives of honour’ of the bishop of Constantinople were not to be limited by the boundaries of the dioceses which constituted the administrative units of the church according to what had just been laid down in canon 2. That is part of the force of the strong ‘however’ (μέντοι) which introduces canon 3 and links it to the preceding canon. So the ‘prerogatives of honour’ of the bishop of Constantinople were to extend throughout the eastern church, being limited only by those of the superior prerogatives of the bishop of Rome (for Constantinople was still to rank ‘after’ Rome).

But what were the ‘prerogatives of honour’ which the bishop of Constantinople was to enjoy after the bishop of Rome? It seems that in the intention of the council of 381, they were not to be powers of regular government. Again, this appears from the ‘however’ which introduces canon 3 and refers back to the preceding canon. There it was stated that the bishops of each diocese were to ‘administer’ (οἴκονομεῖν) the affairs of that diocese. So the ‘prerogatives of honour’ of the bishop of Constantinople were to be without prejudice to the right of the bishops of each diocese to manage their own affairs without interference from outside. Here there is perhaps a parallel with the ‘attendance of honour’ (ἡ ἀκολουθία τῆς τιμῆς) which, according to canon 7 of Nicaea, the bishop of Jerusalem was to enjoy, without prejudice, however, to the rights of the metropolitan bishop of Caesarea.

The phrase τὰ πρεσβεία τῆς τιμῆς, which I have rendered literally as ‘the prerogatives of honour’, is usually translated into English as ‘primacy of honour’. It is thus taken to imply a merely honorary precedence with no effective authority. This may not do full justice to the intentions of the council. In current usage, let it be noted, τιμή could mean an ‘office’ as well as the honour attaching to that office.

The council certainly meant to give what it felt to be due honour to the bishop of Constantinople-New Rome. The fathers may also have foreseen some need to provide the eastern church as a whole with a chief bishop holding an acknowledged but undefined authority to which there could be recourse if the machinery of regular government at the level of province and diocese broke down. It is a fact that in the years after 381, the bishop of Constantinople did intervene in the affairs of eastern episcopal bodies. He did so notably in Thrace, Asia and Pontus, the regions which came to be
recognized as his patriarchate. But not only there. More than once, he inter­
vened in the affairs of the patriarchate of Antioch. In other words, the
bishop of Constantinople after 381 seems to have exercised on occasions,
though not in a regular and continuous manner, a supreme authority over
the eastern church in general, as well as a more regular jurisdiction in
Thrace, Asia and Pontus. I believe that canon 3 of our council pointed the
way to this development.

New Rome and Old Rome

The provisions of canon 3 of the council of Constantinople changed what
was considered to be the settled order of precedence among the great sees.
By attributing second place after Rome to Constantinople, the new canon
relegated Alexandria to third place and Antioch to fourth. This was felt as a
humiliation, especially in Alexandria (although Timothy of Alexandria
signed the canons of the council), and relations among the eastern patriar­
chates were embittered.

Was canon 3 also prejudicial to the interests of Rome? Leo the Great
refused to accept it, just as he refused to accept the similar ‘canon 28’ of
Chalcedon. The council fathers may have anticipated that their canon 3
would not be welcome in Rome—which may explain why the signature of
the bishop of Thessalonica is not to be found on the official list. In fact, a
mood of defiance towards Rome had shown itself in some quarters at the
council over the question of the succession to Meletius at Antioch. Fur­
thermore, those bishops who sympathized with Gregory Nazianzen had no
reason to feel particularly friendly towards Pope Damasus. So, if the pro­
ceedings of the council proved displeasing to Rome, there were many who
would not be sorry. On the other hand, it would be going too far to suggest
that canon 3 was drawn up precisely in order to offend the Pope.

The elevation of Constantinople, and in particular the argument on
which it was grounded—'because that is New Rome'—have sometimes been
seen as an attempt to humiliate the elder Rome by suggesting that her
ecclesiastical importance was based solely or mainly on her civil rank and
was already diminishing with that. This might be a just interpretation of the
mind of those who drew up ‘canon 28’ of Chalcedon. It does not, however,
adequately represent the intentions of those who framed this canon. For

26. See the documents listed in V. Grumel, *Regestes des Actes du Patriarcat de Constan­
27. This was almost certainly a factor in the attack on John Chrysostom by Theophilus, and
perhaps also in the attacks on Nestorius and Flavian by Cyril and Dioscorus; see N.H. Baynes,
‘Alexandria and Constantinople: A Study in Ecclesiastical Diplomacy’, in *Byzantine Studies
them the notion of ‘New Rome’ was bigger than ‘civil capital of the empire’ and included the note of apostolicity. It cannot be too much emphasized that the fathers of 381 meant to elevate Constantinople precisely by identifying her with Rome.

Canon 3 did not seek to diminish the prestige of Rome in enhancing that of Constantinople. Indeed it testified to the ‘prerogatives of honour’ of the bishop of Rome. Further, it safeguarded his primacy, by placing the bishop of Constantinople after him—which, as the Byzantine canonical tradition itself taught, did not indicate merely that the see of Constantinople was younger in time than that of Rome, but expressed a certain ‘inferiority’. Canon 3 did not even forbid appeals to Rome from the east, and in fact throughout the 5th century eastern churchmen did have recourse to Rome in various crises.

All the same, the popes would not have found acceptable what was really the drift, though not the declared intention, of canon 3 of Constantinople. This was to create in effect an eastern papacy. An eastern papacy was in the logic of events. People had only quite recently learnt to think of an ‘eastern church’. And even when they did think in such terms, they would not necessarily have wanted it to be practically independent of the west. However, the middle decades of the 4th century had witnessed precisely this development. It was then that St Basil, Meletius and other eastern catholic leaders appealed in vain for help from Rome and the west in their difficulties with an Arian government and schism in their own ranks, and decided that the eastern church must be able to look after itself and be fully self sufficient.

A pope of their own on the Bosphorus, the counterpart and near-equal of the pope on the Tiber, a bishop of New Rome in the fullest sense of the word. That may not have been the intention, clearly seen and fully willed, of the fathers at Constantinople in 381, but that in many ways is what they got. It could, no doubt, be argued that an ‘eastern papacy’ was in the best interests of the eastern church herself. However, it set a problem for Rome and for the church as a whole. At any rate, it made visible and permanent the division of the church between east and west.

Promulgation

The council had nothing to say about what was the chief aggravating factor in the Arian troubles, viz. imperial intervention in the affairs of the church. In fact, it gave the emperor the last word in its own proceedings.

29. Thus Zonaras (c. 1190); PG cxxvii. 324 f.
30. See my article ‘East and West in the Church: In the Beginning’, Prudentia, viii (1976), pp.91-98.
In their concluding address the bishops thanked God for having made Theodosius emperor in order to bring about the peace of the churches and defend the sound faith. It was necessary to inform the emperor of what the holy synod had done. They had assembled at Constantinople at his invitation, confirmed agreement among themselves, confessed the true faith of the fathers of Nicaea and anathematized the opposing errors. Finally, for the good order of the churches, they had passed canons which they presented to the emperor, begging him to confirm the sentence of the council. The address concluded with prayers for peace and for a long reign for Theodosius.

The emperor confirmed the work of the council by his constitution Episcopis Tradi of 30 July, 381. Theodosius ordered that the churches throughout his domains were to be handed over to the bishops who held the orthodox faith in the Trinity and who were in communion with certain named bishops: Nectarius of Constantinople; Timothy of Alexandria; Pelagius of Laodicea and Diodore of Tarsus (in the diocese of Oriens); Amphilochius of Iconium and Optimus of Antioch in Pisidia (in the diocese of Asia); Helladius of Caesarea in Cappadocia, Otreius of Melitene and Gregory of Nyssa (in the diocese of Pontus); Terennius of Scythia and Marmarius of Marcianopolis (both in remote frontier provinces of the diocese of Thrace).

In this document, the organization envisaged for the eastern churches by canons 2 and 3 of Constantinople is put into effect: the bishops are grouped into dioceses, and Constantinople is given precedence. It will be remembered that Antioch in Syria was at that time without a bishop, and that the bishop of Ephesus was unorthodox on the doctrine of the Holy Spirit. Hence, in the dioceses of Oriens and Asia, the bishops named were not those of the leading sees, but others known for their orthodoxy if not for the importance of their cities. It is significant that the bishop of Heraclea, the leading see of Thrace before the rise of Constantinople, is not mentioned. From the outset, it would seem, the bishop of Constantinople was, in effect, the primate of Thrace, to which he would proceed to add Asia and Pontus as well.

This year we are really celebrating the sixteenth centenary of the Ecumenical Patriarchate of Constantinople.
