

CHURCH AND STATE IN MODERN GREECE

A REVIEW ARTICLE

*A PROPOS OF VARNAVAS D. TZORTZATOS,
THE STATUTORY LEGISLATION OF THE CHURCH OF GREECE
FROM THE TIME OF THE ESTABLISHMENT OF THE GREEK KINGDOM**

I

1. The study of the Ecclesiastical Law of Modern Greece is particularly difficult, this being due among other causes to the fact that its sources are sometimes inaccessible. This difficulty has been recently solved by the publication of a collection containing the statutory texts and the laws relating to the Church from the time of the establishment of the Kingdom of Greece up to the present. The author of this remarkable work is Metropolitan Varnavas of Kitros, a most distinguished prelate and scholar. He has participated himself in various legislative commissions on ecclesiastical affairs and is thus in position to evaluate and systematically arrange the material which constitutes, so to say, the history of the ecclesiastical legislation of Greece. The collection is intended as a main source for the comparative study of the historical development of Greek statutory legislation and will of course make accessible this subject to scholars, in the present and in the future. In view of this, we should record our gratitude to him. He follows a great tradition created by prelates both past and present, who have been occupied not only with the theological and generally the strictly dogmatic concerns of the Church, but have also extended their interest to the legislation connected with it.

2. The collection is of course not a scholarly work in the sense of the old canonic publications, which were interpretative commentaries to the legislation, but in that of a systematic arrangement, that is a thorough evaluation of the sources of the recent ecclesiastical law of the Church of Greece. A number of texts in the collection come from Oecumenical Patriarchate sources in the form of Patriarchal and Synodical Tomes, Acts, Encyclicals

* Βαρνάβα Δ. Τζωρτζάτου, 'Η Καταστατική νομοθεσία της 'Εκκλησίας της 'Ελλάδος από της συστάσεως του 'Ελληνικού Βασιλείου. Athens, 1967, pp. 630.

and Letters; some texts come from the Church of Greece as Synodical Acts and Letters, while others derive from the Greek State in the form of Constitutional provisions and Statutory Laws of all kinds: Laws, Decrees (Royal, Legislative and Emergency), Codified Laws and the Acts and Letters of the Cabinet Council. To these texts must be added the various drafts of statutory laws, drawn up at times by committees officially appointed, formed of members of the clergy and the laity or of prelates. Some of these drafts proposed by the committees are already very difficult to find as it is stressed by the author on page 8 of the foreword. As an example of this we may note the draft of the Legislative Committee of 1914 and that of 1926; this was intended for the Orthodox Church of the New Territories, which include those annexed to Greece after the two Balkan wars and the First World War, namely Epirus, Macedonia, Western Thrace and the islands of the Archipelago. Generally speaking these drafts, as the author stresses again, "do not only reflect the successive attempts put forward to improve the statutory organization of the Church, but they also shed light on the spirit and the needs of each period, while providing useful elements for the relevant legislation work in the future."

The main body of the work is preceded by a foreword and a brief chronological table containing the main sources of the texts in the collection, a more specialized bibliography being given in each part at the end of the book; a general and detailed alphabetical index with a vocabulary of names has been added, facilitating thus the use of the legislative material contained in the collection. Last come a special index on the chief themes contained in the third and fourth parts (pp. 621-622) about which we shall speak later, and a table of contents.

3. The collection contains the statutory legislation of the Greek State and the statutory texts referring to the Church of Greece. When speaking of the Church of Greece, we mean the Church formed from a) the Autocephalous Church of Greece as it was constituted canonically in 1850 and enlarged later through its union with the Oecumenical Patriarchate Dioceses of the Ionian islands in 1866, of South Eastern Epirus and Thessaly in 1881. b) the Dioceses of the annexed New Territories ceded to it in 1928 by the Oecumenical Patriarchate, which nevertheless reserved its spiritual control over them. Thus, the contents of the collection do not refer to the ecclesiastical legislation in the ecclesiastical districts of the Greek state that are outside of the jurisdiction both spiritual and administrative, of the Church of Greece, in the sense we have defined it.

4. In fact, there are today in Greece ecclesiastical districts that do not belong to the Church of Greece. These are the island of Crete, those of the Dodecanese, and Mount Athos. This of course, has the following historical explanation: When the Greek State was founded, the Metropolitan, Episcopal, and Archepiscopal dioceses that were within its limits (that is in the Peloponesus, Mainland Greece, Euboea and the islands of the Cyclades) belonged to the Oecumenical Patriarchate; these formed, at first in 1833 against Canon Law, then (in 1850) canonically as we shall see below, the Autocephalous Church of Greece. From that time on, the gradual enlargement of the Greek State had as a result the corresponding growth of the Autocephalous Church of Greece, through the addition of the Metropolitan, Episcopal and Archepiscopal Dioceses of the Oecumenical Patriarchate in the districts annexed to the Greek State. These unions took place for the most part in accordance with Canon Law, by means of Patriarchal and Synodical Acts, which were ratified afterwards by corresponding laws of the Greek State. Thus the Metropolitan, Episcopal and Archepiscopal Dioceses of the following territories were united with the Autocephalous Church of Greece: a) those of the Ionian Islands, shortly after the concession of this district by England to Greece in 1864, their union being ratified by Patriarchal and Synodical Act on the 9th of July of 1866; b) those of Thessaly and Arta (in Epirus) with part of the diocese of Ioannina (shortly after the handing over to Greece of these territories under the Treaty of Berlin in 1881) through a Patriarchal and Synodical Act in May 1882. After 1881 the enlargement of the Greek State had no effect on the limits of the jurisdiction of the Autocephalous Church of Greece. Thus, the new territories annexed to Greece under the treaties of Athens and Bucharest after the two Balkan Wars of 1912-1913 (Southern Epirus, Macedonia with the Athos Peninsula, the islands of Lesbos, Chios, Samos and Crete), Western Thrace acquired after the First World War under the treaty of Neuilly (1919) and the islands of the Dodecanese after the Second World War under the treaty of Paris (1946), continued to constitute ecclesiastical districts of the Oecumenical Patriarchate. Later, in 1928, the administrative control over the districts of Epirus, Macedonia, Western Thrace and the Archipelago Islands was ceded to the Autocephalous Church of Greece by a Patriarchal and Synodical Act reserving over them the Patriarchate's supreme canonical right, although these districts came from then on to form part of the Church of Greece. This Patriarchal Act was ratified by Law No 3615 of July 11, 1928, "On Ecclesiastical Administration over the Dioceses of the Oecumenical Patriarchate in the new territories of Greece." The districts of Crete, the Dodecanese and Mount Athos still con-

inue to be out of the jurisdiction of the Church of Greece, and under that of the Oecumenical Patriarchate, but under the following special sense: The four Dioceses of the Dodecanese belong directly to the Oecumenical Patriarchate, fully depending from it. The seven Dioceses of Crete have a semi-autonomous regime being governed by a local Holy Synod, on the basis of a Statutory Bill of December 20, 1900, modified later by Law No 4149/1961.

The Athos peninsula has a particular ecclesiastical and political system provided for by Article 103 of the Greek Constitution, in force since 1952. It is governed by the representatives of the 20 monasteries, on the basis of a Statute that they elaborate together with the representative of the Greek State in Karyes, the Mount Athos capital; the Statute is afterwards ratified by the Oecumenical Patriarchate and the Greek Parliament. Thus we may conclude that the greater part of the ecclesiastical districts of Greece belongs today, even if in varying degrees of administrative and spiritual dependence, to the Oecumenical Patriarchate.

The present collection deals as completely as possible with the ecclesiastical legislation only of the modern Greek State as it has existed since its foundation, and consequently, with the more recent period of Greek Ecclesiastical Law. Its older period consists of the ecclesiastical legislation of the Roman and especially the Byzantine emperors, in the codifications of the emperors Theodosius and Justinian, and the legislations of later emperors as well. Among the latter, the most important, from the standpoint of ecclesiastical law, is that of emperor Leo the Wise, known as "Basilica."

So to summarise, this collection refers only to the legislation of the Modern Greek State in so far as it has a bearing on the Church of Greece. This, however, is of no particularly great importance because the Church of Greece is from the point of view of ecclesiastical government the chief ecclesiastical organization of Greece, since after it became an Autocephalus Church, the Oecumenical Patriarchate ceded to it the administrative control over the Dioceses of the new territories.

5. After the outbreak of the Greek War of Independence in 1821, communication was severed between the Dioceses of the revolted areas of Greece and the Dioceses of the Oecumenical Patriarchate. This was due partly to the military activity which made it quite impossible for the prelates to travel from Greece to Constantinople, while on the other hand both the Patriarchate and the Prelates of all districts were closely watched by the Turks. As a result, Patriarch Gregory V was strangled, being held responsible for the War of Independence. These were the reasons for which the prelates of the areas affected

by the War were forced to carry on Church government independently of the counsel (which at that time could not be obtained) of the Synod of the Oecumenical Patriarchate, to which they belonged.

This situation lasted for nine whole years, that is up to 1830, in which year, after great sacrifices and vast disasters, Greece was proclaimed an independent state, composed though of only certain of the areas which had been fighting for Independence. The part played in it by the clergy was significant and for that reason the prelates of the independent regions displayed clearly their will to legitimate the independent ecclesiastical government that had been created by force of circumstances. This could be achieved by means of a decisive breaking away from the Oecumenical Patriarchate of the Metropolitan dioceses and Archbishoprics belonging to the independent area of Greece, and which would form a separate independent Church.

The justification for it was that after so many years of independent action it appeared difficult for these Dioceses to be reattached to the Oecumenical Patriarchate, having its See in a foreign country. This trend was enforced by two factors. One was ecclesiastical: An ambitious and learned clergyman, Theoklitos Pharmakidis, proclaimed the need for the foundation of a new Church which would be formed by the above mentioned Metropolises without the opinion of the Oecumenical Patriarchate. The other factor was political, namely, Georg Ludwig von Maurer, a Bavarian jurist, member of the triumviral Bavarian Regency instituted to govern until the coming of age of the young King Otho, Prince of Bavaria. Von Maurer was entrusted with the legal constitution of the newly born and unorganized Greek State. He was a Protestant educated in Paris, a Catholic centre at the time. He had thus an excellent knowledge of the history and the constant ambition of the Roman Catholic Church to subdue worldly power, and for that reason was afraid lest the new State should come under the influence of the Church and be overcome by it; this would have unfortunate results even from a national standpoint, he thought. Since the Oecumenical Patriarch, the chief of the Orthodox Church, had his See in the capital of Turkey, Constantinople (where it is still), Maurer feared, agreeing as to that with Pharmakidis, that Greece would suffer the influence of Turkey, a deadly opponent against whom Greece could claim her national rights and carry out her aspirations. For this reason he wished to sever the Church of the new Greek State from the Oecumenical Patriarchate and create a new permanent collective organ for its administration. He wanted to place by these means the Church under the authority of the King of the Hellenes.

Maurer was completely ignorant of the history of the Orthodox Church,

in that he was not conscious of the democratic character of its structure and its independence from the inclinations of temporal authority. This ignorance was the fundamental cause for the error into which he fell, led astray as he was by an unfortunate precedent from the history of the Russian Orthodox Church. This was unconnected however with the ecclesiastical and canonical history of the Orthodox Church in general. It happened that the Tsar, Peter the Great, had abolished the Patriarchate of the Russian Provinces for reasons irrelevant to those brought forward by Maurer and Pharakidis. The Tsar had established instead a Permanent Holy Synod, an institution totally unknown to the Canon Law of the Orthodox Church; in this way the Church of Russia was under his own authority. Maurer had not taken into consideration the sensible advice of a learned and moderate clergyman, *Economos ex Economon*. In such atmosphere of ecclesiastical turmoil the Prelacy of the newly-formed Greek State was convoked in Naulpia, in the Peloponesus, and proclaimed, in the middle of August 1833, without the consent of the Oecumenical Patriarchate, the independence of the Church of Greece. A few days later the Royal Decree of the 23rd of July/1st of August 1833, was promulgated, concerning the "Proclamation of the Independence of the Greek Church." Under this decree the Church of Greece took on its own legal existence which was also ratified by article 2 of the Constitution of 1844, passed in the National Assembly on the 3rd of September of that same year. This new development naturally created a tense atmosphere in the relations with the Oecumenical Patriarchate, which in the end were broken off.

6. In the above mentioned Decree it was laid down that the Church of Greece would be governed by a Permanent Holy Synod which would be under the authority of the King. This Holy Synod would be composed of five members appointed by the Government, and its meetings would be held in the presence of a Royal Overseer and a Secretary, both appointed by the King. As for the prelates, they would be appointed by the Government on the recommendation of the Holy Synod. This self-proclamation of the Church of Greece as Autocephalous, to which it proceeded with no right whatever, was contrary to the Sacred Canons of the Orthodox Church, both as to the way in which it was founded, and to the way in which it was governed and organized as well. The disrespect shown thus to the Mother-Church, which had protected and guided the Greek nation during centuries of Ottoman rule, had serious consequences in a national point of view. In fact, at that time the greater part of the Greek people still lived under Turkish rule, the

free Greeks being a minority of the occupied nation. As a result, the Oecumenical Patriarchate whose prestige had been seriously damaged by the action of the free Greeks, was not any more able to exercise its ecclesiastical and national jurisdiction over the Greek people. On the other hand, it lost part of the splendour it had in the eyes of the non-Greek Orthodox who belonged to it. Later, everybody came to realize this, not excepting the instigator of the whole affair, Theoklitos Pharmakidis, who was much distressed when he learnt that a Bulgarian Bishop celebrating the Holy Liturgy, had not made mention in the Liturgy of the name of the Oecumenical Patriarch, as he should have done.

7. This situation of severed relations between the newly-founded Church of Greece and the Oecumenical Patriarchate lasted until 1850. In that year they were restored after the efforts of the uncanonically founded Church of Greece and the initiative shown by the Greek Government, which on the occasion of the death of the Greek ambassador in Constantinople asked the Oecumenical Patriarch to conduct the funeral service. Following this event, the Oecumenical Patriarchate issued a Patriarchal and Synodical Tome by which it emancipated the Church of Greece, recognizing it canonically and promoting it to being Autocephalous. Specifically, the Holy Synod of the Kingdom, as the Synod of the Church of Greece was called, formulated an Act on the 30th of May 1850 which was submitted to the Greek Government through the Minister of Ecclesiastical Affairs. In the Act the Greek Government was requested to proceed with the official announcement to the "Great Church of Christ in Constantinople" of the constitution of this Church. It regarded this official announcement as "canonical and necessary for the preservation of the spiritual and dogmatic unity with the Orthodox Oecumenical Church." It also requested that the Government "would ask the approval of this legislation by the Great Church of Christ" (the Oecumenical Patriarchate), and through it that of the Blessed Patriarchs of Alexandria, Antioch and Jerusalem, as well as the personal blessing of His Holiness the Oecumenical Patriarch. Following this, on the same day (30th of May 1850) the Cabinet Council addressed a document to the Oecumenical Patriarchate which contained a petition for acceptance of the Church of Greece "as a Sister in Christ" and its communication to the other Patriarchs, so that they too would accept "our Holy Synod as a Sister in Christ, equal in faith and dignity." So when we speak of the Autocephalous Church of Greece we do not mean the one established in 1833 against Canon Law (in spite of those maintaining the contrary) but that which was canonically emancipated in 1850. The author of

this work holds this view as is seen both in the prologue to the third part (p. 71) and throughout the general arrangement of the material.

II

8. Metropolitan Varnavas divides his work into four parts. The first part is presented under the title of "Ecclesiastical Statutory Acts." In this, after a brief explanatory prologue, he cites the statutory texts of the Greek Church up to the present. These consist of the texts which have already been mentioned, through which it was founded in 1850, enlarged in 1866 and 1881, and completed in 1928 in accordance with the Canons of the Orthodox Church, starting with the Bill of 1850. The texts are Patriarchal and Synodical Acts of the Oecumenical Patriarchate. By this arrangement of the texts, it is recognized and rightly so, that only the relevant decisions of the Mother Church, that is to say of the Oecumenical Patriarchate, have the force of Statutory Acts according to the Canons of the Church. The Patriarchal and Synodical Tome concerning the independence of the Church of Greece was accompanied by an Encyclical of the then Oecumenical Patriarch Anthimos addressed to the Prelacy of the Church of Greece and to all Orthodox Christians in Greece. This was conveyed to the Holy Synod of the Kingdom of Greece by a special document of the 1st July 1850 and a reply, one of warm gratitude, was made on the sixth September. The Oecumenical Patriarchate replied back again on the 24th December 1850. Also on the 28th June, by a special Patriarchal Letter, the Patriarchal and Synodical Tome together with the Encyclical were conveyed to the Greek Government. To this the Greek Government sent a document of thanks on the 6th September and this was acknowledged on the 24th December. All the relevant correspondence is cited in the collection under consideration and a brief explanation is added in a footnote to the text of the Patriarchal and Synodical Tome which constituted an event of great importance. King Otho having received the first Holy Synod to be appointed in accordance with the Tome, declared, "I consider that the revival of canonical relations between the Church of Greece and other Greek Churches of the same faith to be one of the most spectacular events of my reign."

A Patriarchal and Synodical Act, (cited on p. 52) was put forward by the Oecumenical Patriarchate on the 4th December 1928. By means of this, the administration of the Dioceses of the New Territories was granted to the Autocephalous Church of Greece. In this connection we must observe the following points: a) Under this Act, the supreme canonical right of the Oecumenical Patriarchate over these Dioceses was maintained, and consequent-

ly these Dioceses continue to belong to the Oecumenical Patriarchate. b) The Metropolitans of these Dioceses belong in equal proportion to the Holy Synod of the Church of Greece, the Governing Council of the General Ecclesiastical Treasury and the Supervisory Council of Ecclesiastical Education. c) In the same way these Metropolitans take part with equal rights in the General Synods of the Hierarchy of the Church of Greece. d) These Metropolitans are elected after a list has been drawn up by the Holy Synod of the Church of Greece and approved by the Oecumenical Patriarchate, who has the right to nominate his own candidates. e) They have the right to appeal before the Oecumenical Patriarchate, in cases where the penalty is suspension or unfrocking or any other penalty imposed by the Ecclesiastical Courts of the Church of Greece. f) Every vacancy or filling of a vacancy is to be announced to the Oecumenical Patriarchate; generally he is to be kept informed of every movement in these Dioceses. He is also notified of the election of a Metropolitan by a special letter from the Metropolitan elected. g) The above Metropolitans mention the name of the Patriarch in the Liturgy. h) The canonical rights over the monasteries in Greece which belong to the Oecumenical Patriarchate are preserved unchanged. By the provisions of this Patriarchal and Synodical Act there emerges the fact that the Oecumenical Patriarchate having rights of jurisdiction outside Turkey where it has its See, is a juristic person of International Public Law.

9. In the second part of the collection are included the dispositions relevant to the Church of Greece that are included in the text of the various Constitutions of Greece that were once in force or have remained merely as drafts. These Constitutions are: the Temporary Constitution of Greece of the First National Assembly of 1822 held in Epidaurus; the Constitution known as "Law of Epidaurus," drawn up by the Second National Assembly of 13-4-1823 held in Astros; that known as the "Political Constitution" of Greece of the Third National Assembly of 1-5-1827 held in Troizen; that instituted by the "Royal Act" of the Fourth National Assembly of 15-3-1832 held in Nauplion; that passed by the National Assembly of the Greeks of the 3rd September, held in Athens on 18-3-1844; that of the Second National Assembly of the Greeks held in Athens on 31-10-1864; that of the Second Revisionary Parliament of the Greeks on the 1-6-1911; the Constitution drafted by a Commission of Thirty Members and submitted on 22-9-1926; the Constitution of the Greek Democracy of the 3-6-1927, and last that which is in force since 1-1-1952.

In all these Constitutions the first articles are referred to the Church

of Greece, in addition to which, all, except that of 1927, are promulgated in "the name of the Holy Trinity of one Substance," a fact which demonstrates the religious nature of the Greek people and its ties with the Orthodox Church. By Article number 1 of the Constitution now in force the Orthodox Church is recognized as dominant, and any proselytism to her disadvantage is forbidden. By Article number 2 of the Constitution the following four points are established: a) that the Church of Greece is obliged to constantly maintain the Holy Apostolic and Synodic Canons and the Holy Tradition. By this stipulation the maintainance of the Canon Law of the Orthodox Church in general is imposed on the Church of Greece; the Orthodox Canon Law has its foundations in the second Canon of the Fifth-and-Sixth Oecumenical Synod (*in Trullo*), which met in the royal palace in Constantinople in 692. Through this Canon it was ordained that from this time onwards the following Canons would be in force as regulations of the Church: 1) the Apostolic, 2) those laid by the preceding four Oecumenical Synods, 3) the Canons laid by Local Synods and which are specifically referred to in the above second Canon of the Fifth-and-Sixth Oecumenical Synod, 5) those prescribed by the Fathers of the Christian Church which are referred to in the same Canon. In this way the Article number 2 of the Constitution is of course the source of the Ecclesiastical Law of the Church of Greece in a broad sense; b) that the Church of Greece is obliged to be inseparably united in regard to dogma with the Great Church of Christ in Constantinople and all the Orthodox Churches as well. By this stipulation dogmatic unity with all the Orthodox Churches is imposed on the Church of Greece — Churches whose recognized head is the Oecumenical Patriarchate; c) that it is Autocephalous. This stipulation has been included in every Constitution, as has been said, from 1844 and onwards; d) that the Church of Greece is governed by a Holy Synod of prelates. This stipulation does not impose the type of the governing Synod. To avoid misunderstanding, it should be noted that Article No 1 proclaims the freedom of every known (but not secret) religion and sets down as the concern of the law the unhindered practice of worship. Article No 2 protects the inviolable freedom of the religious conscience.

In connection with this article, similarly expressed in all the Constitutions since 1844, a question arose with regard to the power of this particular Article to protect constitutionally the Canons referred to in it, or whether only a certain part of them. This question is touched upon in the brief prologue to the second part of our collection. Indeed, the matter still causes considerable discussion among the scholars. The theologians on the one hand declared their unanimous support for the constitutional protection of all the Canons

as is expressly laid down in the relevant portion of Article No 2, of the Constitution. The jurists, formerly at the majority but now unanimously, came down on the other side, that is to say, that not all of the Canons are constitutionally protected, but only those dealing with dogma and worship, and certainly not those applying to Church government. The Supreme Court (*Areios Pagos*) avoided making a decision. On the other hand the Legal Council of the State, despite the opposing point of view of the then (1900) Public Prosecutor, Tzivanopoulos of the Supreme Court, came out on the side of the jurists. This point of view was firmly adopted by the Council of State, and in a very recent instance, on the occasion of the publication of the Decree No 4589/1966, laying down the age limit for bishops (of which we shall speak later) the Council of State dismissed the petition submitted to it for the annulment of the said decree by the bishops having attained the age limit newly prescribed. To support their action they had brought forward the argument that the decree in question was contrary to the Canons of the Church and was as such unconstitutional. To our opinion this viewpoint appears to be correct, because it is not possible the Canons of the Church concerning its administration (Church property, etc.) to be superior to the laws of the State and in this way to hinder sometimes its social and economic policy.

The author of our collection (p. 59) takes the side of the necessity of the clarification of the correct meaning of the Canons of the Church which are to be protected by the Constitution. By presenting his point of view he is attempting to bring up again the subject for discussion, since from the scholarly (legal) standpoint and from that of jurisprudence the matter is considered as closed. The bibliography appended to this part is, it must be said, more or less favourably disposed to the same point of view.

10. In the third part, there is a brief informative prologue in which the non-canonical action of 1850 is criticized, and then follows the statutory legislation of the Modern Greek State from the time of its establishment. This is the legislation which had its beginning in the above mentioned Law of 23 July-1st August 1833, when the Autocephalous Church of Greece was established by a simple legislative (state) act. Following it, the author appends the text of the decrees which supplemented this law, concerning the proceedings of the Synod and the temporary division of the Bishoprics of the Kingdom. These precede various other modifying or supplementary Acts and Decrees promulgated up to the time of the establishment of the Church of Greece according to Canon Law which, as we mentioned, took place in 1850. In this section also are included all the laws which, at various times, were

published by the Greek State for the regulation of Church affairs. It should however be noted that the promulgation of the majority of these laws was due to the recommendation of the Church of Greece for the better service of her interests.

In fact in Greece the Church has always had privileged treatment, because of the strong bonds between the Greek people and the Orthodox Church, which were welded throughout the centuries, especially during those of Turkish Rule. A proof of this privilege, which is in other words a protection of the Church, is the fact that the State has guaranteed the functioning of the Church by Law. These laws, except those already cited, are as follows:

i. Law No 200 of 9-10th July 1852, "Concerning Bishops and Bishoprics, as well as the clergy of their Dioceses." Through this it was established that the number of Bishoprics should be twenty four; the duties of the Bishops were laid down and their assertion before the King when they assumed their functions; also matters concerning their transfer after approval of the Synod, substitution, penances, ordination, stipend and so on were laid down together with matters concerning the clergy under them.

ii. Law No 201 of the 9th-24th July 1852, the "Statutory Law of the Holy Synod of the Church of Greece," which ratified the Patriarchal and Synodical Tome of 1850. By this law, which was later extended to apply to those Dioceses of the Oecumenical Patriarchate which were joined to the Autocephalous Church of Greece, the centralizing administrative system laid down by the Law of 1833 was preserved together with the submission of the Church to the State. By this law the number of the members of the Holy Synod was maintained, while its composition was changed. It was now comprised only of Bishops and had as its permanent chairman the Metropolitan of Athens of the time. The institution of the Royal Overseer was maintained, and he continued to exert a great influence, since without his presence or his signature no decision of the Holy Synod was valid. Also all the correspondence of the Holy Synod to State or foreign Authorities had to go through the Ministry of Ecclesiastical Affairs, under pain of nullity.

iii. This Law was in force until 1923 when it was abolished by a Decision of the Revolution under No 35422/14th December 1923. This Decision as well as the titles of the laws that supplemented or modified this Law during the years 1853-1923 (22 in all) are cited in a footnote to this Law (pp. 116 ff.). In the sequel we have the Legislative Order of 22nd January 1900 concerning the number of Bishops (pp. 120 ff.).

iv. The Law of 31st December 1933, "Statutory Law of the Autocephalous Church of Greece." By this Law the Permanent Holy Synod was abolished and a temporary Synod of the Hierarchy was appointed to meet once a year, or extraordinarily if there was particular necessity. The selection of Bishops from the Synod of the Hierarchy was approved as well as the appointment of Assistant Bishops. Ecclesiastical law courts of second Instance (Appeal) formed by Bishops were instituted, and the power of the Royal Overseer was weakened, since the decisions of the Holy Synod were now valid even if taken in his absence, as long as he was invited to the meetings of the Synod. The power of the Archbishop on the other hand (the Metropolitan of Athens had already been granted this title) as Chairman of the Holy Synod was strengthened. Now he would direct the affairs of the Church without the cooperation of the Synod of the Hierarchy, as this met merely once a year. Generally, this Law was intended to put an end to the centralizing system of Church administration, and to the intervention of the State in Church affairs. The Holy Synod were permitted to correspond directly with the State Authorities, and the number of Dioceses was raised to thirty two. From that time on all the Bishops would hold the title of Metropolitan; finally the conditions with regard to the transfer and resignation of Bishops were established, and also stipulations as to the prerequisites for eligibility and admittance to the list of candidates to be presented for election as Bishops were made as well as for the election of the Archbishop.

v. An Order in the Council of the 26th September 1925 "Concerning the establishment of a Permanent Holy Synod and concerning the supplementation and modification of the Statutory Law of 31st December 1923 of the Autocephalous Church of Greece." By reason of the fact that the Holy Synod was not in session the whole year and the Archbishop only was in control of the Church, the institution of a Permanent Holy Synod (now consisting of seven members) was readopted. This formed the only Second Instance Court (of Appeal), and the collective organ for the election of the Archbishop.

vi. Law No 5187/20th July-4th August 1931, "The Statutory Law of the Autocephalous Church of Greece." This abolished the former Law by sanctioning new requirements for the transfer of Bishops, and abolishing the institution of Assistant Bishops. This law also proclaimed the Archbishopric of Athens as well as all the Metropolitan Dioceses, juristic persons of Public Law.

vii. Law No 5438/29th April-6th May 1932, "Concerning the modifi-

cation and supplementation of Law No 5187." This Law increased the number of the members of the Holy Synod to twelve (thirteen with the Archbishop). This was however substituted by another Law of 25th May-17th August 1932, "Concerning the codification of the provisions relevant to the Statutory Law of the Autocephalous Church of Greece." This law encompassed those of the Dioceses belonging to Oecumenical Patriarchate which had meanwhile come under the administrative control of the Autocephalous Church of Greece.

viii. Various Laws supplementing or modifying the previous Law (11 in all). These are cited according to their titles in a footnote on pp. 204-205 of the collection.

ix. Various Emergency Laws as follows: 1) Emergency Law 1363/15th August-13th September 1938, "Concerning the stipulations in Articles 1 and 2 of the Constitution in force (1864-1911)." By this Law cases concerning the meaning and circumstances of proselytism were clarified more precisely, and measures of a punitive nature were taken on this matter. 2) Emergency Law 1457 of 1-11-1938, "Concerning the supplementation of Article 12 of the Codified Law (as above) 5438 etc.," which determined more specifically the matters concerning the procedure for the election of the Archbishop. 3) Emergency Law 1493 of 3-12-1938, "Concerning the election of the Archbishop of Athens and the Metropolitans of the Kingdom," which prescribed the qualifications of candidates and the procedure, as well as how the election of the Archbishop of Athens was to take place. This Law was brought forward after the Official Minutes of the proceedings of the election of Damascenos of Corinth as Archbishop had been invalidated by a Decision of the Council of State under No 936/1938. On the basis of this Law Chrysanthos of Trebizond was elected Archbishop, but during the German occupation (1941) he was removed from this position and was replaced by Damascenos, who later, after the liberation of Greece, at the end of 1944, became for some time the Regent. 4) Emergency Law No 1672 of 29-3-1939, by which the Emergency Law 1363/1938 referred to above, was modified and supplemented concerning the enforcement of the prohibition about proselytism.

x. Emergency Law 2170 of 4-1-40, "Concerning the Statutory Law of the Church of Greece." This Law was published in accordance with the opinion of the Holy Synod and was comprised of the stipulations of the laws already published before it, concerned with the organization of the Church of Greece, which have already been mentioned above.

xi. Various supplementary or modifying Laws (eighteen in all) up to 1943, cited in the collection in a footnote to pp. 266 and 267.

xii. Law 671 of 27-9-1943, "Concerning the Statute of the Church of Greece." This Law was ratified by Act No 184 of the Ministerial Council on the 26th March 1946, "Concerning the ratification of Laws issued during the German Occupation" etc. This Law basically remains in force even today, that is as far as its stipulations were not modified by the laws published after this. These (forty in all up to 1966) are cited according to their titles on a footnote on pp. 308-311. Law 671 maintained the legislation already in existence, and recognized as the supreme Ecclesiastical Authority of the Church of Greece, the Holy Synod of the Hierarchy. The permanent Holy Synod, composed of thirteen members, was maintained as a representative of the former. The Archbishop of Athens and of all Greece was appointed as Chairman of both these Synods. The Law laid down more fully the duties and competence of each of these Synods, the procedure, and the qualifications required for the election of the Archbishop and the Metropolitans, as well as their duties. All this was done in such a way that a greater emancipation of the Church from the State was brought about. The institution of Assistant Bishops was restored and the offices of the Holy Synod and the Holy Metropolitan Sees were organized. The administrative division of the Church into Dioceses, both of those under the Autocephalous Church of Greece and of those belonging to the Oecumenical Patriarchate was laid down. Care was taken for the clergy in general together with the holy vessels of the churches. Also the question of the discipline of the clergy was dealt with, and it was laid down which Metropolitan Sees were to be filled by transfer.

xiii. Of the Laws which modified the Statutory Law mentioned above, the following are the most important:

1. Law No 3952 of 29-4-1959, which stated that the qualifications required and the procedure for the election of the Archbishop and the Metropolitans would be fixed by Royal Degrees.

2. The Decree of 7-12-1959, which was modified by Act No 76 of 28-4-1960 of the Cabinet Council, "Concerning the composition, convocation, functioning and competence of the Holy Synod etc." By this Decree a new Metropolitan See was created, that of Piraeus and it was laid down that only the Metropolitan Dioceses of Piraeus and Thessaloniki should be filled by transfer.

3. Law No 4326 of 27-9-1963, which, deviating from what was in force at the time, laid down that the system of transfer was abolished for all Bishops and the Metropolitan Sees were to be filled through a list of eligible candidates drawn up by the Hierarchy of the Church of Greece.

4. Act No 184 of 21-10-65, "Concerning the way in which the vacant Metropolitan Sees and their parishes would be filled as well as that in which the Statute of the Church of Greece should be voted." Through this same Act an exception was made, permitting the filling by transfer of the Metropolitan Sees of Piraeus, Serres and Nigrita, and the filling of the rest of the Metropolitan Sees which had been vacant for a long time by election from the Hierarchy, was decided upon; it was to take place in the shortest possible time through ordinations which should take place every day in accordance with the order appointed for it. Further, there was laid down the filling of vacant parishes in the border areas, by exception, on the grounds of less qualifications, and the Committee which was to draw up the new Statute of the Church of Greece. The application of this Act was suspended by the Decision No 181 of 13-11-1965 of the Committee of Suspensions of the Council of State after a petition submitted to it by a Bishop. However, the Hierarchy proceeded to fill the three Metropolitan Sees mentioned above, by transfer, and the remaining fifteen by election, in spite of the decision of the Council of State and the reaction of the Government.

5. There followed the Order in Council No 4562 of 15-10-66, "Concerning the modification and supplementation of the stipulations relating to the personnel attached to the Holy Synod, to the Archbishopate and to other ecclesiastical organizations etc.," before the Decree No 4589 10-11-66 was published which invalidated, since it first was enforced, the Act mentioned above under No 184/1965, and considered void, the transfers and elections of the Metropolitans which occurred as above. It foresaw nevertheless the ratification through special Royal Decrees, of the transfers and elections which had taken place, following the agreement of the Hierarchy convened for this purpose. It set up the new Metropolitan Dioceses of Nicaea (Piraeus) and Langada (Thessaloniki), and fixed the age limit for the Prelates (except the Archbishop). It clarified the manner of removing the Bishops from their Sees, following the inability, illness or old age of the said Bishops, and their stipends in general. It established their fees from every service, which was to go under a special account of the Security Treasury of the Greek Clergy. It laid down regulations concerning their inheritance and introduced a cen-

sus of the financial administration of the Dioceses and monasteries. It appointed a new Committee to draw up the Statute of the Church of Greece and took care for the disposal of the superfluous number of parish priests in town centres, by appointing them according to the more pressing needs of the Church.

6. The Emergency Law No 3 of 10-5-1967, "Concerning modification and supplementation of certain stipulations of Law No 671/1943." By this Law which is now in force, together with the stipulations of Law No 671/1943 not invalidated by this and those previous to it, a Permanent Holy Synod with eight members was appointed with the Archbishop (a ninth member) as Chairman. This was made up, in accordance with the merit, of members appointed by the following Decree: No 291 of 11-5-1967. This Synod now appoints the Archbishop and the Metropolitans. With regard to these latter it puts forward three of the eligible candidates, who are all members of the Clergy of the Greek Orthodox Church and have the qualifications required by the Holy Canons, and of these three the King chooses one. The age limit of eighty was extended to include the Archbishop as well. The position of Governmental Overseer was abolished, but his duties were transferred to the General Director of Religious Affairs of the Ministry of National Education and Religious Affairs.

11. In the fourth part of the collection are included the drafts of the Statutes drawn up by the Committees of the years 1914, 1959, 1962 and 1964, as well as the draft Statute of the New Territories drawn up by power of the Governmental Decree of 17-8-1925. In this section there is a new prologue and appendix of certain Letters and Encyclicals concerning the drafts mentioned above. The study of these draft Statutes may prove useful because of the various observations relevant to Canon Law which are contained in it, and might be used in future legislations of this kind. Throughout the whole work the history of the contemporary Church of Greece is strikingly presented. By means of the development of its history, one may understand the system in operation at the present time by which the relations between the Greek State and the Church of Greece are governed; it is the system of the "Ruling State" over the Church. This system is mild State Government of Church affairs, as opposed to strict State Government during the Byzantine times.

12. It would be superfluous for us to repeat our evaluation of the collection

that we have analysed. In the stead of it, we would like to express once again our gratitude to the Metropolitan Varnavas and the hope that all those who are interested in the study of Modern Greek history would profit from it.

University of Thessaloniki

CONSTANTINOS ANAST. VAVOUSKOS