

5) the very interesting contacts of Alexis A. Kyrrou in Berlin in August 1940 in order to prevent or at least delay the Italian attack on Greece and the absolute pro-British attitude of the Greek Prime Minister Metaxas (pp. 187-193)

6) certain Greek omissions in 1940-41 when it was the right time to get binding promises from the allies (pp. 194-7)

7) Sir Anthony Eden's great errors (pp. 199-203)

8) unbelievable German acts in occupied Greece (pp. 204-212)

9) the western Great Powers' unworthy policy towards Greece in the Paris Conference of 1946.

10) the attitude of Greek so-called progressive politicians and journalists in the critical years 1946-9.

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Βαρνάβα Δ. Τζωρτζάτου, Μητροπολίτου Κίτρους, *Οἱ Βασικοὶ Θεσμοὶ Διοικήσεως τῶν Ὁρθοδόξων Πατριαρχείων, μετὰ Ἱστορικῶν Ἀνασκοπῶν*. (Varnavas D. Tzortzatos, Metropolitan of Kitrous, *The Fundamental Institutions of the Orthodox Patriarchates, with Historical Reviews*) Institute for Balkan Studies (no. 126), Athens 1972. Pp. 433.

The Metropolitan of Kitrous Mgr. Varnavas Tzortzatos has added yet another very erudite work to the corpus of ecclesiastical legal history with the publication of this lengthy study on the fundamental statutes governing the administration of the Orthodox Patriarchates.

This work supplements the first study by the same author that issued from the press in 1967 and which dealt with the constitutional legislation of the Church of Greece from the formation of the Greek Kingdom to the present (see my review in *Theologia*, Vol. XXXIX, pp. 285ff and in *Balkan Studies*, Vol. IX, No. 1, pp: 209ff). It thus makes available in convenient form to scholars of Orthodox ecclesiastical history the material concerning the charters of administration of the autocephalous Orthodox churches with which this volume deals at length. The material was painstakingly sifted and collected at the various patriarchates that the learned

cleric had visited. As he himself relates in the preface, he had the opportunity and the means to learn at first hand the organization of these patriarchates. Reliable translators, supervised and guided by the author, turned the relevant foreign texts into Greek, while the author himself put the finishing touches to the legal terminology and the turn of phrase of these texts. The work thus constitutes an invaluable source book for those who seek a fuller understanding of the charters that apply to their particular church, and makes readily available a handy reference for those who wish to make comparative studies of the charters governing each church. A comparative study within the framework of the existing constitutional legislation and canonical rules of the Orthodox patriarchates, and through this, to a wider framework of reference, thus becomes feasible.

The author further points out in the preface that "certain legal provisions vary from church to church and are modified from time to time, yet are still closely related to each other. Moreover, these depend upon the relationships existing from time to time between Church and State, and may have been influenced by a certain momentous event or an existing local condition that sometimes resulted in a modification of the canonical status. It goes without saying that a knowledge of these statutes which comprise a fundamental constitutional charter for the individual church is from many points of view extremely useful and in any event increases the degree of intimacy between the sister churches."

This very successful edition together with the previously equally well received study owes much to the fact that the learned Metropolitan, who possesses a doctorate in theology, deals also with exclusively legal studies resulting among others in the publication of the erudite work, *Concerning the decision of the Council of State on the Statute Dealing with the Age Limit of Senior Prelates*, which appeared in Athens in 1967, in which his legal training clearly emerges, and which work deals in a constructive and critical manner with the canonical problems involved in the jurisprudence of the Council of State.

With his theological and legal background, the Metropolitan is eminently suited to undertake such a difficult task which has materialized in this exceptionally commendable work in which he points out, again in the preface, "is intended to fill the generally existing gap and to help rectify the problems that emerge both in theory and in practice." In any event, the importance of the work emerges from a further citation from the preface wherein the learned prelate states that, "the significance

of the work assumes even greater stature today since there is no corresponding study extant in any of the Orthodox churches. There are furthermore greater ties existing between the Orthodox churches, and there has been greater interest recently in the study of Orthodox traditions and life."

Generally, the autocephalus parts of the Eastern Orthodox Churches have as basis the Canonical Law deriving from the Church of Christ as this was formalized by the Second Canon of the Council in Trullo and supplemented in some details and in certain instances by subsequent local synods. Moreover, the laws of certain countries underwent, in accordance with the circumstances, legislative modifications brought about by their respective governments in such a way that they were substantially influenced by the legislative enactments of these countries in the major sectors of their activities. This situation, due primarily to the Church State system which had been formulated historically within the framework of the Byzantine Empire, continues to exist among these autocephalus parts, as much under the system of Church and State established by law (such as in Greece), as much as under the system of separation of Church and State which is practiced in the contemporary socialist republics. Hence the autocephalus parts of the Eastern Orthodox Church, from the point of view of composition, activity and function in general, operate under charters which, independently of whether they were drafted by the church itself and subsequently assumed their legislative dress, or drawn up by the States themselves arbitrarily or in cooperation with the church, do not nevertheless cease to constitute a corpus of laws for those respective countries. It is understandable that in drafting these various charters, the local peculiarities together with the customs and traditions were borne in mind. Thus the autocephalus parts have a common canonical law, differentiating according to circumstances in the ecclesiastical statutes in such manner that it is oftentimes impossible to discern in what way one differs from the other.

The urgent need for information on the form of the legislative framework within which the Orthodox churches function so that the administrative machinery of each becomes readily accessible to scholars, is fulfilled by this exceptional work, at least as far as the Orthodox patriarchates are concerned. For this, we must be indebted to the Metropolitan of Kitrous who undertook to bring to completion this much needed book. It is to be hoped that the work will be translated not only into the languages of the autocephalus churches, but in other languages as well, so that

it can become a common possession of the Christian brotherhood that will be able the better to understand itself and its various parts.

The work deals with the basic statutes governing all the Orthodox patriarchates and in accordance with their ecclesiastical rank, that is, beginning with the most ancient sees (Constantinople, Alexandria, Antioch, Jerusalem) and continuing with the younger patriarchates (Russia, Serbia, Rumania, and Bulgaria). As the title of the book indicates, it does not include the basic statutes dealing with the administration of those autocephalus parts which have not been elevated to patriarchates. Consequently, no mention is made of those churches which are archbishoprics, such as the Churches of Cyprus, of Greece (which has been treated in a previous volume), Poland and Albania, as well as Iberia (Georgia) which was established in the fifth century as a special concession by the Patriarch of Antioch, was confirmed by the Sixth Ecumenical Synod, and was elevated to a patriarchate in 1010, only to be re-established in its initial form in 1917 after its abolishment by Tsarist Russia in 1811. It is to be hoped that the effort will be made to complete the study of material available so as to include the fundamental statutes governing all autocephalic parts of the Eastern Orthodox Church.

Accurate translations from the original of the fundamental statutes of the patriarchates have been inserted in the book in such a way as not to constitute a mere stereotyped collection of translations. Each original text dealing with the individual patriarchate (only that dealing with Constantinople is omitted for reasons we shall see) is preceded by "diligent research" as the author states in the preface, "giving a concise historical survey of its fundamental administrative institutes in sufficient detail from its very beginnings, and the gradual development of these statutes up to those presently in force." It should be noted that the historical surveys of the Patriarchates of Rumania and Bulgaria were undertaken respectively by the Rumanian Olimp Caciula and the Bulgar Apostol Mihailov, both theologians most learned in Greek. The Metropolitan of Kitrous added a relevant bibliography, further reflecting his objectivity and conscientious scholarship. The edition embodies several very detailed indexes which are so arranged as to make references easy to find. The author has also included extensive bibliographies, both Greek and foreign, for each patriarchate, as well as detailed footnotes throughout the entire work for ready reference to the legal and canonical sources that constitute the foundations for the historical development and the contemporary application of church law in such a way that the book becomes a thorough-

ly documented and scholarly study. It should be pointed out specially that the reader of this work becomes immediately absorbed by the clarity of phrasing and the beauty of style that the author uses so effectively. The language, in impeccable purist Greek, becomes in his hands a most malleable instrument of expression leaving no room for obscurantism, and is a joy to read.

The work includes, besides the preface to which reference has been already made, the basic statutes governing the individual patriarchates. The first section deals with the Ecumenical Patriarchate of Constantinople. But in this instance, the relevant documents are not included, and consequently the basic laws are described in detail for reasons which will be cited later in the review. Chapter I of the first section gives a historical review of these fundamental administrative statutes, and though the author describes this review as "concise," it nevertheless does not cease to be a basic source of information, since in its 15 pages are contained the story of the Ecumenical Patriarchate from its early beginnings to the present in such manner that the picture of its establishment, growth and function becomes very clear. The reader is fully informed of the structure of the Patriarchate both past and contemporary, the latter dating from 1923 when the form that it took was changed in the wake of the withdrawal of its political privileges. This information is supplemented by a complete bibliography. As the author points out, the church of Constantinople is administered on the basis of the holy canons, certain ecclesiastical provisions and customs, and some traditions which are still maintained and that derive from the previously existing General Statutes. Written statutes no longer exist, as the author rightfully points out, following the Treaty of Lausanne by which the political privileges ceased to exist, and consequently the older General Statutes also, with the result that this Patriarchate was limited solely to its ecclesiastical functions which it had acquired "from the indissoluble canonical provisions." The attempt to draw up a new charter undertaken by the Patriarch Photius in 1931 fell on fallow ground because the draft plan of the new charter which was in essence a plan to reorganize the body of the Holy Synod, though initially accepted, was not applied and fell into disuse.

Chapter II deals with the statutes and agencies of administration of the Ecumenical Patriarchate now in force. Since, as it has been pointed out, there is no written charter, the writer proceeds to describe the laws and agencies as they apply on the basis of the aforesaid canonical elements. He thus sets forth the responsibilities and the manner of election of the

Patriarch, of the Holy Synod and the synodical committees, the organic function of the synodical and patriarchal offices, the archbishoprics and metropolises, which are also listed, both those existing in Turkey and abroad, of the hierarchy and clergy in general. The author also makes note of the ecclesiastical titles which he describes as now purely honorary, refers to the monastic establishments in Turkey and overseas dependent upon the Patriarchate, to the manner of practicing the divine liturgy within the present-day churches of Turkey where any new churches are forbidden, to the social activities of the church, and to ecclesiastical and theological literary productions. It should be noted that the author describes the Ecumenical Patriarchate as a corporate body in the form of a free church within a religiously indifferent country, without however specifying whether it is a body corporate under private or public law, and in the latter case whether it falls within the local (Turkish) or international law. It is of course universally recognized that the Patriarchate is a corporate body under public law. But there exists a discrepancy following the Lausanne Treaty by which it lost its political privileges as to whether it is a corporate body subject to national (local) or international law. In my opinion it falls under international law for the primary reason that it exercises jurisdiction also beyond the confines of the Turkish State, since it controls archbishoprics in Europe, America and Australia, not to mention Greece. As for the latter, the author, when dealing with the jurisdiction of the Ecumenical Patriarchate, refers to the Metropolises of the New Countries, of which the administration through the Patriarchal and Synodical Act of 1928 (probably through an oversight this is referred to as a Tome), was surrendered to the autocephalus Church of Greece. These metropolises are placed in the same list with the semi-autonomous Church of Crete (though, I believe, that a "Church" does not exist in Crete, but rather a semi-autonomous ecclesiastical see) and the Metropolis of the Dodecanese Islands. Since Crete and the Dodecanese fall ecclesiastically directly under the Ecumenical Patriarchate, their listing with the New Countries leads us to conclude that the author concedes that the metropolises in them owe sovereignty to the Ecumenical Patriarchate but that they are in fact administered by the autocephalus Church of Greece. It is my firm belief that it is from this logical standpoint that the reputation, if not the very survival, of the centuries-old institution which the Ecumenical Patriarchate is today should be projected. It is certainly not in the interests of the Greek Church or people that we go along with the views of some parties that insist that it should

become a purely Turkish corporate body subject to the local laws. It is worth noting here that the Russian Exarchate of Western Europe has since 1971 rejoined the Ecumenical Patriarchate from which it had severed its ties in 1965, a fact which in all probability is not mentioned in this work because it was already written before the event took place.

The second section deals with the administrative statutes of the Patriarchate of Alexandria. Here likewise the initial chapter consists of a concise history of seven pages with a wealth of bibliographical notices in such a way that the reader becomes quickly informed of the historical growth and the present-day administrative state of the Patriarchate. The second chapter follows with the texts of the fundamental administrative statutes dealing with the organic law, the Patriarch, the First and Second Patriarcal and Synodical Provisions, on the synodical law, on the constitution of the metropolises and the election of metropolitans, on the behavior of the clergy, on hieratic deaconship which deals with the appointments of curates, superiors and representatives, on the duties of curates, on those embracing the church from other dogmas, on baptism, unction, marriage, extreme unction, on blessing with holy water and other services, on those married outside the church, on funerals, the divine sermon and benevolence, on honorary distinctions, on deacons, precentors, readers and sacristans, on the salaries of church personnel and the companionship and the dress of clergy, as well as on the financial management of the Patriarchate. The author states that he has omitted the regulations governing vital statistics and notarial acts, the drawing up of wills and testaments, on the theological seminary of "St. Athanasius," the cemetery in Old Cairo, on weddings and divorces, on the courts of the patriarchal throne of Alexandria (cases involving family and inheritance were tried in these), and on the Theological School of Alexandria, on the grounds that all these do not deal with the exclusively fundamental church regulations of this Patriarchate, and hence do not serve any end. The statutes which are inserted and are due for the most part to the Patriarch Meletius II (1926-1935), though not officially sanctioned by the State, are still in force without substantial changes, as the author says.

The third section deals with the Patriarchate of Antioch. Here, too, the first chapter contains a concise history in five pages wherein is emphasized the irregular manner by which, at the instigation of the Russian Holy Synod in 1899, the historical Patriarchate was converted from a Greek-speaking to an Arab-speaking see. It is from that date that difficulties arose in drawing up an administrative charter. The second chapter

begins with the basic statutes now in force. These were adopted by the general clerical-secular Orthodox congress at Damascus on the 18th and 19th of November 1955, presided over by the then Patriarch Alexander III. This basic charter contains in the beginning a section of general regulations describing the form and the see of the Antiochian Patriarchate (this is now situated in Damascus) as well as the metropolitan sees, nineteen in number, which belong to it. Then follows Chapter I dealing with the ranks of the clergy, II with the election of the Patriarch, Chapter III the rights and duties of the Patriarch, IV with the election of bishops, V with the rights and duties of bishops, VI the Holy Synod, VII the General Community Council, VIII with the rights and duties of clergy and deacons, IX with councils, offices and courts of which Article 91 deals with appeals against decisions handed down by the ecclesiastical courts of the first instance, and Article 92 the functions of the court of the first instance as well as the court of appeals, Chapter X with monasteries, XI with the wealth of the clergy and their heirs, XII with supplementary provisions, and finally Chapter XIII with transitory provisions.

The fourth section contains the basic statutes of administration of the Patriarchate of Jerusalem. The same order of presentation of information is followed here. Thus there is a concise history in nine pages in the opening chapter in which is described the struggle of the Greek Orthodox Patriarchate to maintain the privileges which it had for centuries held in the holy sites of Palestine through the Turkish, British and Jordanian administrations which were finally crowned with success when the presently existing Charter No. 27 of 1958 was granted by King Hussein I of Jordan. Article 2 of this charter defines the meaning of the terms "Patriarchate" and "Patriarch" of Jerusalem in the Greek Orthodox sense. The law consisting of 35 articles is included in its entirety in the second chapter which statute besides the first part contains preliminary provisions about which some comments have already been made. The second part deals with the duties of the Patriarch, the third treats of the Holy Synod, fourth the Mixed Councils (consisting of secular and clerical Jordanians), fifth the local community councils, sixth the election and appointment of the Patriarch, metropolitan and pastoral bishop, seventh the dismissal of the Patriarch and his locum tenens, eighth the Brotherhood of the Holy Sepulchre, and finally the ninth part with fiscal matters of the Patriarchate. In the latter part are also contained further provisions dealing with the functions of the Patriarchate.

The fifth section includes the basic statutes of administration of the



Russian Patriarchate. Here again the section begins with a concise history in eleven pages, written by A. Angelopoulos, in which the reader can follow the various phases through which the Russian church passed both in Imperial and post-Imperial times. As it is well known, this Patriarchate was abolished in 1721 by Tsar Peter the Great and was re-established in 1917 following which it went through many phases some of which were very crucial for the church. In the second chapter is included in its entirety the Charter of 1945 as this was subsequently modified. The charter consisting of only 48 articles with the Patriarch, the Holy Synod, which consists of both permanent and alternating members in accordance with Article 18, the bishoprics, and the parishes. Immediately following are the modifications dealing with the parishes as these were formulated in July 1961.

The sixth section deals with the Patriarchate of Serbia. The opening chapter contains the concise history in eight pages written by I. Tarnanides, in which the growth and development of the Serbian church is outlined as much in Serbia itself as well as within the framework of the present state of Yugoslavia. It should be noted that with the establishment of contemporary Yugoslavia, the Serbian church lost its former privileged position. This was due to the fears of the political authorities that the church would evade State control. The history points out the successful struggle of the church against the signing of the concordat between the Yugoslav government and the Vatican by which the latter would have received a privileged position in the country. It also refers to the various difficulties through which the Serbian church passed after 1945 in the wake of radical changes in the Yugoslav regime. The next chapter contains in its entirety the charter of the Serbian Patriarchate in force from May 6/19, 1947, consisting of 269 articles. More specifically, in this chapter are recorded the basic provisions, among which Article 1 defining the dogmatic and canonical unity with the sister Orthodox churches, Article 14 defining the 24 bishopric sees and Article 15 the six ecclesiastical provinces abroad. The second chapter deals with the organization of the principles, the various bodies and the agencies of the Serbian Orthodox Church including the Patriarch, the Holy Synod of the hierarchy and the permanent Holy Synod, then goes on with the High Ecclesiastical Court, the Patriarchal Council, the Patriarchal Governing Council, the provincial assembly, the provincial governing council, the episcopal bishop, the priests, the church and communal assembly, the church and communal governing council, the abbots and monastic brotherhood, the ecclesiasti-

cal offences and punishments, the church property, and lastly a section dealing with transitory provisions. Finally, decisions of the Holy Synod of the hierarchy concerning the charter are also included.

The seventh section deals with the Rumanian Patriarchate. It opens with a concise history in six pages written by the Rumanian theologian Olimp Caciula in which is covered the entire story of the Rumanian church. This church had undergone many phases and trials, especially in the reign of the first prince of Rumania Alexander Cuza when its freedom was curtailed. The historical survey is brought down to contemporary times when due to the changes in the regime of the country, there ensued a change in the position of the Rumanian church, a fact which in conjunction with new complications that it encountered, resulted in a modification of all the former ecclesiastical statutes which were finally voted upon and approved at the Holy Synod presided over by the Patriarch Justinian at the meetings of October 19 and 20, 1948 when a new charter was drawn up, and was finally ratified on February 23, 1949 by the national congress of Rumania.

The full text of this charter is included in the second chapter under the title "Charter on the organization and function of the Orthodox Church of Rumania" and initially deals with the general provisions which specify that the Rumanian church maintains the dogma, the canons and the worship of the Ecumenical Eastern Church (Article 2), and that the church falls under the jurisdiction of the Ministry of Religious Affairs (Article 4). There follow four parts, the first of which deals with the organization of the church, the second with the clergy in general, the third with the various institutions associated with the church, and the fourth with various provisions covering church property, buildings and the finances of the church in general, as well as some final provisions. Article 189 states that the salaries of the church servants and personnel including those employed in the various institutions, together with the expenditures for the provincial and patriarchal centers are paid for by the State.

The charter contains 207 articles and provides for four metropolises with twelve bishoprics of which five are archbishoprics and agencies of the church. Of these, assuming legislative duties are the Holy Synod (of the hierarchy and of the permanent synod), and the National Ecclesiastical Council, and assuming executive obligations are the National Church Council which at the same time acts as a supreme administrative agency, the Patriarch and the Patriarchal administration.

The eighth and last section concerns the Patriarchate of Bulgaria.

The historical survey written by the theologian Apostol Mihailov begins with the establishment of the Bulgarian Exarchate by the firman of the Sultan in 1870 (in stead of the Patriarchal Tome), omitting however the period up to the arbitrary declaration of the Bulgarian church as a patriarchate, thus causing a break with the Ecumenical Patriarchate. But this is put right with a footnote by the author Varnavas "for completion of the historical facts," who also inserts the relevent bibliography. In any case, the survey by Mihailov includes all the legislative fluctuations undergone by the church of Bulgaria at the hands of the government of the Bulgarian schism. There follows the charter of the Patriarchate now in force. This was drawn up by the Holy Synod of December 31, 1950, and consists of 242 articles. The charter is divided into three sections, the first dealing with the organization of the church, that is, on the election of the Patriarch and the bishops, on the Holy Synod and other administrative agencies, the second covers the duties of the church authorities, and the third treats with ecclesiastical courts together with a section on the finances of the church.

Such in brief is this welcome edition. The fact emerges that the Greek clergy has in its ranks writers of outstanding merit and qualifications who can undertake such erudite and scholarly works dealing with ecclesiastical jurisprudence. This fact should by no means go unnoticed.

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John O. Iatrides, *Revolt in Athens: The Greek Communist "Second Round," 1944-1945*. Princeton University Press, 1972.

The history of Greece in the last generation will owe a permanent debt to two American scholars, both of Greek descent: Professor D.G. Kousoulas, whose *Revolution and Defeat* was published in 1965, and Professor John O. Iatrides, whose *Revolt in Athens* has recently appeared. Both are works of genuine scholarship, based on original research and serious study. To set them side by side is necessarily to detect some contrasts between them.

Kousoulas covered the whole history of the Greek Communist Party (KKE) from its foundation in 1918 to the early 1960's. Iatrides has concentrated on the "second round" of the KKE's struggle with the