

THE HOLY AND GREAT COUNCIL OF THE ORTHODOXY ACCORDING TO REV. PROF. LIVIU STAN

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ABSTRACT. Synodality is the fundamental feature of the Orthodox Church. Reverend Prof. Liviu Stan defined the synod principle as the order of Church management through councils, both by hierarchical councils and through joint councils. The highest manifestation of Church synodality is the ecumenical council which, paradoxically, is not legally necessary and has not been institutionalized by the Church, so it has the character of charism. The special property of Ecumenical Council was established only by its so-called “reception” of the whole Church, reception which has also acquired the charism of infallibility. The meeting of a Holy and Great Council of the Orthodox is the natural expression that shows synodality in the Orthodox Church, which must operate at all times and in all places. It becomes officially recognized only by the reception process, which is spontaneous and quiet, and cannot be estimated over linear time. The opinions during the reception process cannot be hurried or stopped, compelled or ignored. The decisions of a Holy and Great Panorthodox Council can be perceived as a whole, can be perceived only in part, or may be corrected at a later meeting.

Keywords: Church, Orthodoxy, synodality, ecumenical council, charisma, infallibility, reception, general consensus.

Church Synodality

Synodality is the fundamental feature of the Orthodox Church, so almost any theologian wrote, directly or indirectly, about synodality. The Romanian Orthodox Church remarked, in this respect, the great canonist Fr. Prof. Liviu Stan¹, who wrote in his numerous studies on the synod principle, basically

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¹ Rev. Prof. Liviu Stan was born July 11, 1910, in Socet, Hunedoara County, the son of Rev. Ioan and Maria Stan. Between 1916-1928 he attended school in Hunedoara, Deva and Lugoj. Between 1928-1932 he studied at the Faculty of Orthodox Theology in Cernăuți. Between 1930-1932, in parallel with Theology, he also attended the Lay Faculty in Cernăuți, which he did not finish. He came back to Sibiu, and Metropolitan Nicolae Bălan offered him scholarships abroad, in Athens,

defined as the order of Church management through councils, both as hierarchical councils and as joint councils². In his work he has sought to emphasize the conciliar teaching and practice of the Church as desired by Christ The Savior and as it had been instituted by The Holy Apostles.

According to Rev. Prof. Liviu Stan, the power that sustains the whole Church is and remains synodality as the most obvious expression of communion, either at the ultimate level through the *ecumenical council* or locally, integrating it in the Great Synod through different kinds of local councils, mixed or hierarchical ones.

Synodality is based on the principle of communion, which is found at all levels of existence, starting from the Triune God to the last creature that cannot live in solitude. Model and source of all communion is The Holy Trinity, namely, that perfect communion of Trinitarian Persons found in infinite mutual love, self-experience and continually given to the entire creation.

The Ecumenical Council

The highest manifestation of Church synodality is the *ecumenical council*, so Rev. Prof. Liviu Stan revealed abundantly in several studies, its meaning and canonical value in Church life. Further on I just want to point out the fundamental ideas or answers to essential questions about this subject, which we find in the canonical thinking of this great canonist.

Thus, on *what the ecumenical council means*, Rev. Prof. Liviu Stan writes: "The Ecumenical Councils were one of the best forms of expression of the whole community, the Church achieved consensus on matters of faith.... These

Warsaw, Rome and München. He graduated from his theological studies with the well-known PhD thesis "*Mirenii în Biserică*" [Laymen in the Church]. In 1937 Liviu Stan was appointed professor at Andrei Șaguna's Theological Academy in Sibiu. In 1949 Rev. Prof. Liviu Stan got a transfer to the Theology Faculty in Bucharest. As acknowledgement and reward for his contribution to Canon Law, in 1968, he was awarded the title of *Doctor Honoris Causa* in the Theology Faculty of Thessaloniki. Rev. Prof. Liviu Stan prematurely left this world in 1973, when he was only 63 years old, being buried in Lugoj.

² Rev. PhD Prof. Liviu Stan, "Despre principiile canonice fundamentale ale Ortodoxiei" [On the Fundamental Canonical Principles of Orthodoxy], in *Biserica și Dreptul. Studii de drept canonic ortodox* [The Church and the Law. Studies on Orthodox Canon Law], vol. III (Sibiu: Andreiana Publishing House, 2012), 19. A speech held by Rev. PhD Prof. Liviu Stan at the ceremony awarding the *Doctor Honoris Causa* title by the Thessaloniki University (Greece), the Greek text was published in the magazine *Θεολογία* 39, no. 1-2 (January-June 1968): 5-18, it was translated into Romanian in 2010 by PhD Deacon Ștefan L. Toma, revised by Rev. PhD Associate Professor Irime Marga, and published for the first time in Romania in the vol. *Autocefalia, libertate și demnitate* [Autocephalia, Freedom and Dignity] (Bucharest: Basilica, Romanian Patriarchy Publishing House, 2010), 18-26.

councils were, for that period, the highest and most comprehensive manifestations of ecclesiastical authority. But the Church did not lack, before the era of the Ecumenical Councils, or between the Ecumenical Councils or after, their needed authority, even one with nothing less than that represented by the Ecumenical Councils...

Lack of an Ecumenical Council, or failure to meet an Ecumenical Council, does not make the Church miss her supreme authority, namely, miss its quality of owning all means which it was endowed with by The Savior. And just as the Church used various means to accomplish its unanimous consensus in order to express its infallibility, the same way it has resorted, even today, to means it has found more suitable to express its full authority to solve problems of any kind, which would require decisions and appropriate guidance”³.

Therefore, the ecumenical councils paradox consists precisely in the fact that even though they are the highest expression of exercising ecclesiastical authority, still, they have the character of necessity and have not been institutionalized by the Church.

Specifically, “the Church has not dated and institutionalized any of the forms that it used to express its general consensus on matters required by such work. This means that it has not even dated and institutionalized the Ecumenical Council, although it dated other councils, and of course, it institutionalized them, setting specific rules or, at least, sufficiently clear with regard to all aspects of their work.

It is well known that none of the ecumenical councils brought any decision that was to define the character itself of the ecumenical council, to establish rules for its institutionalization, showing, even in a more general way, but sufficient, who is entitled to summoning it, who has the right to be part of it, who has a deliberative vote and who possibly has only a consultative vote at such a council; what problems can be included on its agenda, how to make decisions in the ecumenical council, how they are approved and how are these decisions enforceably invested, how they are applied in practice and especially what happens with the decisions of those councils met as ecumenical that are not accepted by the whole Church, or, in other words, that are not enshrined with the «reception» of the whole Church.

In relation to all these matters, only the practice of the ecumenical councils, and some ways in which it has spoken in other forms that have been

³ Rev. Prof. Dr. Liviu Stan, “Importanța vechilor Sinoade Ecumenice și problema unui viitor Sinod Ecumenic” [The Importance of the Old Ecumenical Councils and the Problem of a Future Ecumenical Council], in *Biserica și Dreptul. Studii de drept canonic ortodox* [The Church and The Law. Studies on Orthodox Canon Law], vol. V (Sibiu: Andreiana Publishing House, 2014), 48-49, initially published in the magazine *Studii Teologice* [Theological Studies], no. 3-4 (1972): 190-211.

used for ordaining the Church affairs, give us some answers whose validity is based on what is called *customary law*.

However, the rules established, based on customary law regarding ecumenical councils do not mention, in any case, anything about the exclusive or even legitimate right of Kings, and even less, of any such right of popes, to call, chair or approve decisions of any kind at ecumenical councils. Similarly, they say nothing about the exclusive right of bishops to be called unanimously, and only them, to the ecumenical councils, and to be the only ones that have a deliberative vote in them"⁴.

What is the character of ecumenical councils?

Rev. Prof. Liviu Stan answers:

“Not being dated, nor institutionalized in any other way, ecumenical councils are very exceptional forms for the work of the Church, whose practice reveals the truth that they have the character of *charisms*, which by their very nature could not be subject to institutionalization. Therefore, as the charisms are not means of current work and available to ecclesiastical authorities, but only exceptional gifts of the Holy Spirit, it is understood that any such attempt of ecclesiastical authorities to gather a new Ecumenical Council, will not be possible unless the desire and effort of the ecclesiastical authority will be blessed by doubling it by the Holy Spirit in the form of charisma, so there can be said, as was said in the Apostle Synod and The Ecumenical Councils: «for it seemed good to the Holy Spirit, and to us», and not vice versa: «for it seemed to us and to the Holy Spirit»⁵.

Another important question concerns *the relation between the Ecumenical Council and the charism of infallibility*, relation that Rev. Prof. Liviu Stan conclusively explains:

“The church was infallible and expressed the infallibility ahead of any ecumenical council meeting, and between ecumenical councils and the time after the last ecumenical council, and that characteristic, to be and to remain infallible, is not conditioned by the meeting or not meeting of any ecumenical council.

Infallibility is the nature of the Church, while an ecumenical council is only one of the forms that Church infallibility is brought to expression by. It is not the only form adopted for this purpose and does not have the character of necessity, in the sense that without it, The Church would reshape or Church infallibility would diminish.

⁴ Ibid., 46-47.

⁵ Ibid., 47-48.

The continuous means through which the Church has always manifested infallibility is the whole Church consensus, namely setting the entire body of the Church, the mystic body of Christ, to agreement on any matter concerning the preservation, protection and definition of revealed truth (...).

It is not only surprising but also incomprehensible that the Ecumenical Council manifests just as one of the means by which the Church has achieved consensus. However, this is real, and nothing founded can be objected to this meaning that the Ecumenical Council must be given⁶.

From here arises another fundamental problem, *namely the problem of the ecumenical councils reception*, by which they acquire the character of infallibility. Here Rev. Prof. Liviu Stan wrote an exceptional study⁷, which clearly explains that ecumenical councils are not ecumenical and infallible a priori, that is at their gathering, but only a posteriori, after they occurred and were perceived through the unanimous consent of the Church. Therefore reception is a fundamental process in the manifestation of Church synodality without which any council may be questioned. Thus, Rev. Prof. Liviu Stan writes:

“In the past of the Church, and more specifically, all the while the Church was not divided by the Great Schism of 1054, 12-15 synods took place, that their organizers would have wanted ecumenical, but out of which the Church has retained only seven, in other words “reception” has established only 7 of them as ecumenical.

It is clear, therefore, that the “reception” is a fact that cannot be erased from the annals of Church history. Being a fact that can neither be challenged nor despised, it has to be explained, be clear, because it is not any fact, but one of paramount importance for the Christian conscience, for its main component, faith, for appreciating the value of such a fact of faith and for Christian conscience guiding over a problem which arises even today ...”⁸.

How did synod reception occur?

“Church life history has shown that all the mentioned “receptions” occurred spontaneously in a longer or shorter time, but not in organized forms or legal ordinances, and in any case into a common plebiscite, but in another a plebiscite, which has its roots in the work of the Holy Spirit Who dwells in the

⁶ Ibid., 44-45.

⁷ Rev. Ph.D. Prof. Liviu Stan, “Despre ‘recepția’ de către Biserică a hotărârilor Sinoadelor Ecumenice” [On the Church Reception of Ecumenical Council Decisions], in *Biserica și Dreptul. Studii de drept canonic ortodox* [The Church and The Law. Studies on Orthodox Canon Law], vol. II, (Sibiu: Andreiana, 2014), 65-77, initially published in *Studii Teologice* XVII, no. 7-8 (September-October, 1965): 395-401.

⁸ Ibid., 67.

Church and permanently assists, giving powers to preserve the true faith and keeping it away from any mistake in this matter”⁹.

Following the outlined above facts regarding the Ecumenical Council, one can draw *six conclusions*, namely:

1) First, the very ecumenical councils, from the ecumenical unity era of the Church, accepted as such by almost all Christendom, *do not define themselves*.

2) Secondly, none of the councils *has prescribed or established rules for the institutionalization of the ecumenical council*.

3) Third, they *do not have a necessity character* in the ontological sense, and that is derived from their *charismatic* nature.

4) Fourth, ecumenical councils *were only expressions of the general consensus of the Church*, and not the first means or the main manifestation of this consensus, following it as a secondary form, or as a second form successively, the so-called “consensus ecclesiae dispersae”.

5) Fifth, the main characteristic of an ecumenical council given to some of the Church councils convened and met under this name, has been established *only by their so-called “reception” from the part of the whole Church*.

6) Finally, although they were not and are not indispensable for the Church in the ontological sense, however, in the sense of charisms, *they are possible any time*.

The Holy and Great Panorthodox Council

Based on this clear vision of the ecumenical council, Rev. Prof. Liviu Stan writes about the Holy and Great Panorthodox Council, the long awaited one since his time. Central ideas in this respect are formulated as answers to the following questions:

Who are the rightful members of the Panorthodox Council?

Rev. Prof. Liviu Stan answers that, based on the doctrine of faith of our Church and on its ecumenical practice, rightful members of a Panorthodox Council are only the Orthodox Bishops, namely, those who profess the true faith as it is contained in the Holy Scripture and the Holy Tradition and as defined by the seven Ecumenical Councils which expressed the true faith of the whole Church... Therefore, those Bishops, who, although they have the apostolic succession, however do not profess the true faith, or are in a schismatic position to the Church, are not rightful members of a Panorthodox Council¹⁰.

⁹ Ibid., 70.

¹⁰ Rev. PhD Prof. Liviu Stan, “Cu privire la un viitor Sinod Ecumenic” [On a Future Ecumenical Council], in *Biserica și Dreptul. Studii de drept canonic ortodox* [The Church and The Law. Studies on Orthodox Canon Law], vol. VII (Sibiu: Andreiana and ASTRA Museum, 2016), 419-420, initially published in *Orthodoxia* [Orthodoxy], no. 3-4 (1952): 583-603.

Who can convene a Panorthodox Council?

Rev. Prof. Liviu Stan writes that all invitations to the Ecumenical Councils were made in the past by the Roman Byzantine emperors at the request or with the consent of the main hierarchical Seats of the Church. Today there can be no question of convening a panorthodox synod by any political chief. Thus, the task to convene a Panorthodox Council, from the Byzantine Empire extinction, remained entirely on the shoulders of the college and council chiefs in the most important Seats in the church hierarchy, the Apostolic Seats, led by the patriarchal throne of Constantinople¹¹. However, as in relation to judicial review there is no primacy of this Seat, it goes without saying that the task and the right to convene a pan-Orthodox synod does not only belong to college chiefs of the four Eastern Patriarchies (Constantinople, Alexandria, Antioch and Jerusalem), but to the college or council composed of heads of all Autocephalous Orthodox Churches today¹². Only by the mandate of this college can either of the Heads of the Autocephalous Orthodox Churches receive, specifically to a given case, the task and justification to convene an ecumenical council, but not in his own name but on behalf of all other Primates of the particular Churches.

If it is to confer this honor and this important task to any of the Apostolic Seats or to any of the Primates of historical Patriarchates, then, of course, these would have honorific priority as compared to the other Primates of the Autocephalous Churches and among them, first, the Patriarch of Constantinople. But as the old honorific hierarchy – not the judicial one – of the hierarchical Seats in the Church, was made on political considerations, which today cannot be considered, based on what no longer exists, we consider that this matter might proceed by reversing tradition founded on a certain system of relations between the Church and the State that existed in the Byzantine empire, and even replace it by a judgment based on that reality, which is, that in terms of importance, dignity and even sacrifice and suffering, the highest veneration or honor belongs to the Jerusalem Seat, the Holy City Patriarchal Chair where the Son of God¹³ taught, sacrificed Himself and saved mankind. One cannot question, based on the dogmatic teaching of the Orthodox Church and in the spirit of its canonical institutions, whether any privilege, much less by any canon law, might belong to a single Primate of the Orthodox Church to call a pan-Orthodox synod or take other decisions by his own power, in connection with such a council. He who would be tempted to accept such a sentence, that one learns, together with the Roman Catholics, about a jurisdictional primacy in the Church, which is a heresy¹⁴.

¹¹ Ibid., 420.

¹² Ibid., 420-421.

¹³ Ibid., 421-422.

¹⁴ Ibid., 422.

Who can participate in a Panorthodox Synod?

Rev. Prof. Liviu Stan has the opinion that in all ecumenical councils there participated, besides bishops, as rightful members, also *a large number of guests*, clergy of other ranks, officials, scholars of the time, believers and monks.

Moreover, signing the decisions of the ecumenical councils was not only performed by the bishops, but also by other priests, some being the representatives of absent bishops, among those invited, and some signing in their own personal name, and sometimes even by some monks.

That some ecumenical councils are given their name according to the number of bishops who took part in the works or have signed their decisions, only shows that they were the principal members of the ecumenical councils and through them the hierarchical principle was given expression, to decisions taken by the *universal vote* of the entire body of participants in those councils¹⁵.

To define truths of faith and determine decisions of the ecumenical councils, belonging to superior hierarchical ranks was not decisive but the education and wisdom of the ecumenical council members was. It is enough to quote the case of deacon Athanasius (later St. Athanasius the Great), present in the First Ecumenical Council¹⁶.

Is there any difference between a Panorthodox Synod and the Ecumenical Council?

The answer given by Rev. Prof. Liviu Stan is that by the Panorthodox Synod one must understand only a limited hierarchical council or board, of chiefs or representatives of the Autocephalous Orthodox Churches and by the ecumenical council one must understand the general council of the Orthodox Church, composed of all its rightful members, namely, of all Orthodox Bishops in apostolic succession¹⁷.

What value judgments may have a Panorthodox Synod?

As the councils old practice shows, they took two kinds of decisions, namely, dogmatic decisions and canonical decisions¹⁸.

¹⁵ Rev. PhD Prof. Liviu Stan, "Importanța vechilor Sinoade Ecumenice și problema unui viitor Sinod Ecumenic" [The Importance of the Old Ecumenical Councils and the Problem of a Future Ecumenical Council], in *Biserica și Dreptul. Studii de drept canonic ortodox* [The Church and The Law. Studies on Orthodox Canon Law], vol. V (Sibiu: Andreiana, 2014), 76.

¹⁶ Ibid.

¹⁷ Pr. Prof. Dr. Liviu Stan, "Cu privire la un viitor Sinod Ecumenic" [On a Future Ecumenical Council], in *Biserica și Dreptul. Studii de drept canonic ortodox* [The Church and The Law. Studies on Orthodox Canon Law], vol. VII (Sibiu: Andreiana and ASTRA Museum, 2016), 422.

¹⁸ Ibid., 423.

Canonical decisions of an ecumenical council are valid in themselves, namely by their actual making. "However, dogmatic decisions of an ecumenical council are not valid in themselves, but they generally become valid only after the entire Church - *without any plebiscite, but tacitly and spontaneously* - accepts them, the Church having, on its whole, the quality of infallibly preserving the teaching of faith, for the Church, only in its entirety, as a mysterious body of Christ, enjoys the full and truthful assistance of the Holy Spirit, being able, likewise, tacitly or spontaneously, not only to reject, but also not accept, namely refute dogmatic decisions of any council"¹⁹. In other words, the ratification of dogmatic decisions is to be made by «*consensus ecclesiae dispersae*», namely, by particular councils and by the whole Church consensus, for it is clear that the authority of the Panorthodox Council is derived from "consensus ecclesiae" and that, by this consensus, it is generally meant that the infallibility of its decisions might be checked.

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As a conclusion, the canonical concept of Rev. Prof. Liviu Stan on the Holy and Great Panorthodox Council can be summarized in the following ideas:

1) The meeting of a Holy and Great Panorthodox Council is the natural expression of synodality in the Orthodox Church, which is to act at all times and in all places.

2) A Panorthodox Holy and Great Council shall be convened by consensus of all local Orthodox Churches.

3) In a Holy and Great Panorthodox Council not only orthodox bishops are entitled to participate but also theologians invited from among the clergy (priests and deacons), monks or laymen.

4) A Holy and Great Panorthodox Council is entitled to make both dogmatic and canonical decisions by universal unanimous vote, and not of a majority, of all council participants, rightful members or guests.

5) Canonical decisions of the Holy and Great Panorthodox Council must be received by local Church councils. Dogmatic decisions of a Holy and Great Panorthodox Council must be received by local Church councils and, through them, by the whole Church through that "consensus ecclesiae dispersae". Reception by the general consensus of a Pan-Orthodox Synod loads him with the charism of infallibility.

6) Sincere praise or fair criticism against a Panorthodox Synod belong, naturally, to the reception process.

7) Local churches missing from a Holy and Great Panorthodox Council might affect or not this council reception by the whole Church. No Ecumenical Council had representatives from all local churches. The last word is held only

¹⁹ Ibid.

by “consensus ecclesiae dispersae”, belonging even to absent churches, that the council can be accepted or rejected.

8) The process of reception has a spontaneous and tacit character, that time cannot estimate, therefore the rush of *for* or *against* decisions may distort the value of those decisions. Similarly, opinions issued within the reception process can be neither ignored, nor imposed or constrained.

9) Decisions of a Holy and Great Panorthodox Council may be perceived as a whole, they may be perceived only in part, or may be corrected at a later meeting.

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