

**A THEOLOGICAL, CANONICAL AND ECCLESIOLOGICAL COMPARISON  
OF THE ARCHDIOCESAN CHARTERS OF 1977 AND 2003**

**by Metropolitan Maximos of Pittsburgh**

As a result of the controversy regarding the two Archdiocesan Charters, those of 1977 and 2003, I have decided to offer a few historical introductory remarks, and make a theological, canonical and ecclesiological comparison of the two Charters, to benefit my readers. For this, I have also consulted with Elenie Huszagh, Esquire, one of the original Charter Committee members, and, certainly, the most knowledgeable one.

My findings follow.

**PRELIMINARY REMARKS:**

**A BRIEF HISTORICAL NOTE REGARDING THE TWO RECENT CHARTERS, 1977 AND 2003**

The 1977 Charter was **granted** (see **Article XXIII**) to the Archdiocese by the Ecumenical Patriarchate on November 29, 1977. On July 5, 1978, during the 24th Archdiocesan Clergy-Laity Congress in Detroit, Michigan, the Archdiocese expressed its thanks to the Mother Church for granting this Charter. It so happened that I was a witness to this event; I was a newly ordained bishop (on June 18 of the same year), and the Ecumenical Officer of the Archdiocese. In that capacity, I appreciated everything the new Charter had to say regarding the Bishops and their Synod, and the other Orthodox Jurisdictions and other Christian communities in the Western Hemisphere.

The Charter of 1977 originated with Archbishop Iakovos' desire to have a new Charter. His Eminence the Archbishop realized that it was time for a revision of the existing Charter, in view of the contemplated creation of diocesan, out of auxiliary, bishops, and, as a result, the contemplated creation of the Synod of Bishops to help him govern the ecclesiastical affairs of the Archdiocese. The Archbishop singled out a group of members of the Archdiocesan Council, who, with the help of the Holy Cross Faculty (namely, Dr. Lewis Patsavos, Professor of Ecclesiastical Law, and Fr. Stanley Harakas, Professor of Christian and Philosophical Ethics, translator), were able to put a text together, and take it back and forth to the Ecumenical Patriarchate for approval. After sustained negotiations, especially regarding some of the articles which the Ecumenical Patriarchate was resisting, such as that of the commemorations of the Bishops and the role of the Synod of Bishops (both of them suffered the consequences of serious "modifications by the Charter herein"), a negotiated text was finalized and granted to the Archdiocese, as indicated above.

This Charter served us well for a time, in spite of its canonical shortcomings and imperfections, until His Eminence, Archbishop Iakovos, decided to ask for a new Charter to meet the changing needs of the Archdiocese. Since March 15, 1979, the Ecumenical Patriarchate had elevated the auxiliary to "residential" (that is diocesan, or full bishops) and the former Archdiocesan Districts to the status of Dioceses, with the name of their sees given to them. After the 1977 Charter was tested, it proved somewhat inadequate in facing the new needs of our Church in the Western Hemisphere; and Archbishop Iakovos wanted to remedy this situation. Consequently, in the Spring of 1995, he appointed a small group of Archdiocesan Council members: Basil Foussianes, Evan Chriss, Andy Vance (of blessed memory), Elenie Huszagh, and Fr. Nicholas Triantafilou, who under the chairmanship of Senior Bishop Iakovos of Chicago constituted the *ad hoc* Charter Review Committee. The committee met repeatedly, and thoroughly reviewed the Charter. The committee was asked to submit its text to the Synod of Bishops and the Council for further action. For some unknown reason, this text never reached the Synod and the Council. Instead, the committee basically discontinued this Charter Review.

Subsequently, Archbishop Iakovos appointed a new Charter Revision Committee of three like-minded lawyers--at least two of them had previously served on the 1977 Charter committee, and all of them on the Charter Review Committee--members of the Archdiocesan Council, and three Synodal Bishops: Iakovos of Chicago,

chairman; Anthony of San Francisco; and myself. The new Charter Revision Committee thus constituted was not a functional one. Not only in my estimation, but also in the estimation of many others, these lawyers were not aware of Orthodox Ecclesiology and Canon Law. Allegedly, they had low esteem for the Church's hierarchy. The proof of this was that one of them gave a very discouraging and pessimistic report to the Archdiocesan Council upon the return of the joint Charter Committee from Constantinople. One of the Bishops replied that the only thing that the Committee was able to establish was a list of sixteen topics which had to be addressed regarding the revision of the 1977 Charter. The Bishops persisted as members on the Committee, but the lawyers resisted. The Bishops returned to the Ecumenical Patriarchate for one more meeting; but, the lawyers refused to return.

In the meantime, many new developments took place at the Archdiocese. The most important of them were the change of name (from "Archdiocese of North and South America" to "Archdiocese of America"), the change of boundaries, and the creation of new Metropolises out of the former Archdiocese of North and South America (Metropolis of Canada, Buenos Aires, and Panama). The former Archdiocese of North and South America, which included the entire Western Hemisphere, was now limited to the United States only. Also, the institution of auxiliary bishops had to be distinguished from that of ruling bishops (now Metropolitan). Furthermore, Monasticism appeared, and presented a new challenge to the Archdiocese.

Following the resignation of Archbishop Iakovos (July 29, 1996), Archbishop Spyridon was elected with the new title of "Archbishop of America." He was given the mandate to revise the Charter. The Committee was fully restructured under Archbishop Spyridon in New Orleans (1998). All the original members were replaced. It only met once, and produced a letter asking the Ecumenical Patriarchate for direction, as to what it wanted the Charter Committee to do. Unfortunately, this Committee never met again under the tenure of Archbishop Spyridon, who resigned on July 15, 1999.

His Eminence, Archbishop Demetrios (enthroned on September 15, 1999), was also given the mandate by the Ecumenical Patriarchate to make an urgent priority of the new Charter, which he did. Soon after his enthronement, he appointed an eight member committee (October 1999), which included the three Bishops of the original Charter Committee under Archbishop Iakovos, Dr. Patsavos, Archdiocesan lawyers Eleni Huszagh and Manuel Demos, Fr. Demetrios Constantelos, and the APC president representing the Archdiocesan priests. The Committee met repeatedly for many hours.

They presented a suggested draft to the Holy Eparchial Synod, which held an extensive Synodal meeting on April 11, 2000. Two representatives from each Diocese were invited to a joint meeting at the Archdiocese on Tuesday of Bright Week, May 3, 2000, at the Archdiocese, along with the Synod of Bishops, the Charter Committee, and the Diocesan representatives. The revised draft of the proposed Charter, with input from the Diocesan representatives (draft # 7), was then sent to the Ecumenical Patriarchate to begin negotiations.

A new draft from the Ecumenical Patriarchate was counter-proposed (February 20, 2001); the Archdiocesan Committee counter-proposed a new Draft to the Patriarchate's counter-proposal. Four meetings followed at the Ecumenical Patriarchate, with intense negotiations between the Archdiocesan Charter Committee and its counter-part committee from the Ecumenical Patriarchate. At the conclusion of the fourth meeting, on June 20, 2001, both groups, the Patriarchal and ours, were invited to sign the agreed document [please note that, since the final text was not yet ready, it was decided that the two leaders on each side would assume the responsibility of signing the final agreed upon text]. This document represents our work (that of the American delegation) to the greatest possible extent.

The July 2002 Clergy-Laity Congress was given the opportunity to discuss the agreed upon draft of the new Charter. After lengthy discussions, a motion was made to submit "a request to the Ecumenical Patriarchate that it grants to this Holy Archdiocese the proposed Charter with such modifications as will reflect the major concerns expressed by the Archdiocesan Council, the Parishes and by this Clergy-Laity Congress." The motion

passed, which means that there was input by the Congress, as provided by the 1977 Charter. The Ecumenical Patriarchate acted upon this motion, and granted us the Charter with only one of the 35 suggestions for modifications (the suggestion that from now on the Clergy-Laity Congress meets “at least triennially”).

The agreed statement was to be signed by both sides (i. e., the two sub-committees of the Joint Charter Committee, the Ecumenical Patriarchate's under the presidency of Metropolitan Chrysostom of Ephesos and that of our Archdiocese under the presidency of our Archbishop Demetrios) this was the foundation of the final Charter text, which the Ecumenical Patriarchate issued as the 2003 Charter, and **granted** to our Archdiocese on January 18, 2003, under the Protocol Number 1048/2002 for immediate implementation (see **Article 24**).

Let us now deal with the two charters, giving an analysis of their content, and examining their strengths and weaknesses in the light of Orthodox Ecclesiology, Canon Law, and Theology.

**I. THE CHARTER OF 1977:**  
**AN ANALYSIS OF ITS CONTENTS IN COMPARISON WITH THE 2003 CHARTER;**  
**ADVANTAGES AND DISADVANTAGES OF THE 1977 CHARTER**

Granted to the Archdiocese in 1977, and received immediately, with thanks expressed to the Ecumenical Patriarchate by the Clergy-Laity Congress of Detroit, Michigan, in July, 1978, the 1977 Charter had many advantages, but it also had some disadvantages. For us to be able to appreciate both the advantages and the disadvantages, it is necessary to make a comparative analysis of the texts of both the 1977 and the 2003 Charters. We begin with putting the emphasis on the first one, the Charter of 1977, which we compare with the new Charter of 2003.

**A. A COMPARATIVE ANALYSIS OF THE 1977 CHARTER**

In analyzing the 1977 Charter in light of the new text of the 2003 Charter, it is imperative for us to see at the outset how this Charter treats the office of the bishop in the church and the Synod of Bishops. Thus, we will discuss the articles out of sequence, beginning with the article on the bishops. Also, not every article will be analyzed, but only the controversial ones. Please note that the articles of the 1977 Charter are designated with Roman numerals, and those of the 2003 Charter are designated with Arabic numbers.

**I. The Office of the Bishop (Article VIII)**

The 1977 Charter says: “After enthronement, the bishops have the rights and responsibilities of a bishop in accordance with the holy canons and ancient practice of the church, as modified herein by this charter.”

There are two problems with this article: one, the beginning, “After enthronement,” is a mistranslation. The original says that the bishops **now** have all the rights and responsibilities of a bishop, according to the age-old doctrine and practice of the church, “including the exclusive right of the bishop to sit on his throne behind the altar (*Synthronon*).” The meaning of this is lost in the English text, thus taking away the authority and responsibility of the local bishop, who has the exclusive right to preside over the Eucharist of the Local [his] Church. Next, the Charter in principle limits the rights and responsibilities of the bishop, by “modifying” them “herein according to this Charter.” No wonder one of the then young theologians and a dedicated priest stood up at the Clergy-Laity Congress of 1978 in Detroit and asked the question: “Do you mean that this instrument will modify a tradition of

nearly 2000 years?” He received no response!

I am afraid that this was one of the most serious shortcomings of the 1977 Charter: it did not take very seriously the office of the bishop, in spite of the nice statements regarding the bishop from the old canons and the perennial teaching of the church. A tradition of 2000 years was about to be “modified” by the Charter of 1977. Thus, the ruling bishops were to be treated basically as “auxiliary” bishops, as is also evidenced by **Article IX, Order of Commemoration**. The ruling bishops, as proclaimed in **Article VIII**, commemorate not the Patriarch, as they should, but the Archbishop, as if they were “auxiliary” bishops.

These errors have been corrected by the Charter of 2003, which restores the ruling bishops [Metropolitans] to their appropriate place in the life of the Church (**Articles 7 and 8**).

## **2. The Synod of Bishops (Article VI)**

Because the Synod of Bishops was comprised of basically “auxiliary” bishops, it did not have the authority the article says it had; that is, the authority and responsibility given to the provincial synod by the holy canons. Actually, this canonical synod was “modified herein by this charter.” This means that it was not the synod described by the holy canons, but a reduced synod; it became a synod almost in name only. It was to be a consultative body to the Archbishop, the only hierarch to have real ecclesiastical authority. All this was corrected in the parallel **Article 5** of the Charter of 2003.

According to this **Article 5** of the 2003 Charter, “The [Holy] Eparchial Synod has all the authority and responsibility that the holy canons and this charter ascribe to the ‘Eparchial Synod.’ All legal issues which affect the Archdiocese as a whole and its Metropolises are within the exclusive jurisdiction of the Eparchial Synod.” I am certain that this is what the **Preamble (Article 1)** of the 2003 Charter is referring to when it states that the Archdiocese is “**Hierarchical**”: i.e., among other things, that all matters of Church governance that are within the Holy Canons and this Charter are not in the purview of the Civil Courts.

## **3. The Archdiocesan Clergy-Laity Congress (Article XI)**

Regarding the frequency of meetings, the 1977 Charter specifies that the Congress meets biennially. The 2003 Charter says it meets “at least triennially.” The Regulations to be adopted will resolve this discrepancy.

Regarding the nature of the Congress, both Charters avoid saying anything about the Congress being “the highest legislative authority in the Archdiocese,” a specification which is already made in the Regulations to be adopted [I have seen the draft of the *Definitions of terms*, which will eventually be an integral part of the Regulations; this draft defines “the Archdiocesan Clergy-Laity Congress, or Congress,” as “*the highest legislative body of the Archdiocese*” ]. However, both Charters (**Articles V and 5 a**) provide that “it is concerned with all matters other than doctrinal and canonical, which affect the life of the Church including its unity, uniform administration, education and financial progress” (**Article V**); or, in **Article 5** of the New Charter: “Except for dogmatic or canonical matters, [the Congress is] concerned with all other matters which affect the life, mission, education, growth and unity of the Archdiocese of America, and especially the uniform administration of the Archdiocesan District, the Metropolises and Parishes, the educational programs and philanthropic concerns of the Archdiocese, and the more active participation of the Archdiocese in the life of the United States of America. The Congress makes such decisions as it deems appropriate.” It is obvious that the new Charter does better justice to the Congress as the “highest legislative authority” and highlights its representative role in the life of the United States of America on behalf of the Archdiocese.

#### **4. The Diocesan Clergy-Laity Assembly (Article XII)**

Regarding the frequency of meetings, the 1977 Charter specifies that the Assembly meets annually. This was lost in the 2003 Charter. It is hoped that it will be recovered in the Regulations, which are still to be published. The proposed draft of these Regulations has already made this correction (I have seen the text), by stating that the Assembly “meets annually.”

#### **5. The Archdiocesan Council (Article XV) and the Diocesan Council (Article XVI)**

In the 1977 Charter, the Archdiocesan Council, comprised of clergy and laity, is given the power to be the “interim legislative authority” between Congresses. This means that the Congress is the “[highest] legislative authority.”

The Charter of 2003 specifies that the Archdiocesan Council functions as “the advisory and consultative body to the Archbishop *and to the Eparchial Synod*” (**Article 17**), in a similar way in which the Diocesan Council serves as “a consultative and advisory body to the bishop” (**Article XVI**). The 2003 Charter repeats the statement: “The Local Council ... is the consultative and advisory body to its respective hierarch” (**Article 18**).

In other words, the Charter of 2003 establishes consistency between the Archdiocesan and the Local Councils, in calling the Archdiocesan Council an “advisory and consultative body,” as well.

#### **6. Regulations (Article XXI)**

The 1977 Charter provided for appropriate Regulations to implement the Charter and govern the Archdiocese. There was no specification with regard to how these Regulations would originate and who would be responsible for each of them. In contrast, the 2003 Charter provides all the specifications needed for the Regulations (see text of **Article 22**).

#### **7. Revision (Article XXIV)**

According to the 1977 Charter, revisions may originate at the Archdiocesan Congress, and they are submitted to the Ecumenical Patriarchate for “approval and ratification.” This also means that the Ecumenical Patriarchate **may reject** all those revisions which do not meet with their approval. [Please note: this is specifically the case of the proposed 35 modifications of the recent, 2002 Los Angeles Congress, out of which the Ecumenical Patriarchate accepted only one.]

Unlike this article, the parallel article of the 2003 Charter (**Article 25**), also involves the Synod, besides the Congress, which is the right thing to do given the hierarchical structure of the Holy Orthodox Church. However, as clergy and laity are given the opportunity to work together, this is a fine example of the *Syndiakonia* (shared service) of clergy and laity, something that some people erroneously feel is lost in the new Charter. Completely to the contrary, this concept is much stronger in the new Charter than it was in the old.

#### **8. Implementation (Article XIII)**

In the 1977 Charter, no role is given to the Synod regarding the preparation and implementation of the Charter, whereas the role of the Archdiocesan Congress is well delineated. The article twice uses the term of **granting** the Charter to the Archdiocese by the Ecumenical Patriarchate. The equivalent article of the 2003 Charter also speaks of **granting**, only once.

The two articles have different ways of speaking of the implementation: the 1977 Charter speaks of three months after the granting by the Ecumenical Patriarchate, whereas the Charter of 2003 (**Article 24**) speaks of immediate implementation.

In neither of the two Charters is provision made for a **reception** of the Charter by the Archdiocese. However, it is understood that this reception takes place immediately after the signing and granting of the Charter.

In spite of the many strengths of the 1977 Charter, there are weaknesses too, as we have already implied above. Some of these weaknesses have been corrected by the 2003 Charter. Let us now review in somewhat detailed manner some of these strengths and weaknesses in the 1977 Charter.

## **B. STRENGTHS AND WEAKNESSES OF THE 1977 CHARTER**

### **a) Strengths**

1. The 1977 Charter is generally concise and to the point, although, in certain areas, it has the tendency to be vague.

2. Rightly so, it affirms a strong participation of the laity (Congress, Council) in the life of the Archdiocese; but, at the same time, this happens at the expense of the clergy, and, specifically, the Hierarchy of the Church. We are a **hierarchical Church, not a Protestant denomination**. The role of the Hierarchy (Bishops, Holy Synod) is not always fully recognized by the 1977 Charter.

3. The 1977 Charter specifies that at least five (5) years of experience and fruitful service to the Archdiocese is needed as a requirement for candidacy in the election of the bishops (**Article XIV**). Note that this requirement, kept in our American text to the very end, was, at the last moment, lost in the new Charter of 2003 (**Article 13 b**); let us hope that it will be restored in the Regulations for the election of bishops or Metropolitans. According to a high standing officer in the Archdiocese, the proposed new Regulations regarding the Local Church (Metropolis) may make this correction. Otherwise, the term of the five (5) years requirement has to be restored in a future revision of the present Charter.

### **b) Weaknesses**

1. Most of the articles (except for **Articles XXII** and **XXIII**) are very vague, and need amplification and explanation. The 2003 Charter addressed this deficiency.

2. At least in one case, one of the articles (**Article XX**) is out of sequence. The logical order had to be restored.

3. Additions were needed, to address the new needs: for example, Auxiliary Bishops and Monasticism.

4. Articles which were obsolete had to be corrected, like those which speak of the Archdiocese of North and South America, and the former dioceses of Canada, Buenos Aires, and Central America, as being part of the Archdiocese.

5. From a canonical and theological point of view, some of the articles needed correction and clarification. Thus, the Charter of 2003 corrected the following articles which needed canonical, theological, and ecclesiological

correction:

-**Article IV**, which excluded the Holy Eparchial Synod (that is, the workers, those who actually have the responsibility for the work to be done) from having anything to do with the boundaries and number of the Metropolises.

-**Article VI**, where the Synod of Bishops was not taken seriously, as the traditional synodal system was “modified by the charter herein.”

-**Article VI**, regarding the rights and responsibilities of the bishops, which were “modified herein by this charter.”

-**Article VI (English translation)**, which mistranslated the *Synthronon*, and rendered it as “*enthronement*.”

-**Article IX**, regarding the Order of Commemoration, which reduced the ruling bishops (now Metropolitans) to “auxiliary” bishops. A “double commemoration” is never acceptable in consistent Orthodox Ecclesiology, for it indicates that two bishops preside over the one Eucharist of the Local Church [Please note that, as you may know, according to Orthodox Ecclesiology, this is the place where the One, Holy, Catholic and Apostolic Church of the Creed is to be found].

-**Article XVII**, regarding hierarchical vacancies, which needed simplification and specification according to the Holy Canons of the Church.

-**Article XVII**, which also excluded the Synod from the appointment of the *Locum tenens* for the Offices of the Archbishop and the Local Bishop (now Metropolitan).

All of these deficiencies and weaknesses were addressed by the new Charter of 2003 in its equivalent, corresponding articles.

## **II. THE CHARTER OF 2003:** **ITS STRENGTHS AND WEAKNESSES**

As I was comparing the two Charters, I was compelled to face most of the strengths and weaknesses of both. The primary corrections of the old, 1977 Charter by the new, 2003 Charter, have been mainly described above. However, it is important to summarize and even repeat some of these strengths and weaknesses of the new, 2003 Charter, so that we may determine the appropriate course of action to take in the future.

### **A. Strengths**

1. In almost every article, the detailed text of the new Charter of 2003 is more explicit, amplified, and clearer than the 1977 Charter.

2. Especially helpful are the clarifications given in the Preamble, Canonical Jurisdiction and Mission of the Archdiocese (**Articles 1 and 2**). The specification that the Archdiocese is **hierarchical** was long overdue. We are the Orthodox Church of Christ, much more Episcopal than the “Episcopalian.” We are an Apostolic Church with Apostolic succession, which includes our hierarchy. Certainly, **we are not a Protestant denomination**, where everything is “leveled,” and everyone (including the bishops!) has only a single vote, and everything is done by vote!

3. The Organization of the Archdiocese now includes the Holy Eparchial Synod in addition to the Archdiocesan Council (**Article 3**).

4. The Holy Eparchial Synod is now part of the Governance of the Archdiocese, in restoration of the Synod's inalienable canonical rights, and according to Orthodox Ecclesiology and Conciliarity (**Article 4**).

5. Without taking anything away from the Archdiocesan Congress, which is the highest legislative authority of the Archdiocese, the Holy Eparchial Synod has now taken its rightful place in the life of the Archdiocese, being established as the highest *ecclesiastical* authority according to the Holy Canons of Holy Orthodoxy (**Article 5**).

6. The rights and responsibilities of the Archbishop are increased by three. From 10 items in the 1977 Charter, there is a list of 13 items in the present Charter (**Article 6**).

7. The position of the Bishop, who is now called Metropolitan, is both strengthened, clarified, and enhanced, without weakening the unity of the Archdiocese or the office of the Archbishop. The *Synthronon* is properly translated and interpreted, as the exclusive right of the Metropolitan to occupy his throne behind the altar (**Article 7**).

8. The order of commemoration is finally restored to what it should be from the point of view of Orthodox Canon Law and Ecclesiology (**Article 8**).

9. The amplification of the article on Spiritual Courts (**Article 9**) is a very welcome addition.

10. The Clergy-Laity Congress, which includes the Synod, still remains the highest legislative authority of the Archdiocese (**Article 10**).

11. The specification that the decisions of the Clergy-Laity Congress should be ratified within 90 days by the Ecumenical Patriarchate, otherwise they will be considered as ratified, is of paramount importance. We cannot complain anymore that the Ecumenical Patriarchate takes too much time in approving them, or that it does not approve them, for they will be automatically approved after 90 days! (**Article 10 c**).

12. The extra specifications regarding the *Locum Tenentes* is both more canonical and helpful (**Article 12**).

13. The article on the election of the Archbishop is expanded, and gives extra specifications with regard to the role of the Holy Eparchial Synod and the Archdiocesan Council in the election process. The specification that the candidate should have served “no less that five years” within the Archdiocese (which was not present in the 1977 Charter) is, indeed, very important (**Article 13**).

14. The amplification of the article regarding the election of the Metropolitans is also very significant. The addition that the election process should be completed “no later than forty (40) days thereafter” is of paramount importance (**Article 14 b**).

15. The article on Auxiliary Bishops, which was completely missing from the 1977 Charter, is also a very welcome addition (**Article 15**). It was granted at our request by the Mother Church.

16. Specifications regarding the assignment and transfer of clergy, which was vague in the 1977 Charter, are very clear and helpful in the present Charter (**Article 16**).

17. The role of the Archdiocesan Council is now specified as being an “advisory and consultative body to the Archbishop *and to the Eparchial Synod*” (**Article 17 c**). This was completely absent from the 1977 Charter; however, it is in complete agreement with Orthodox Canon Law and Ecclesiology and consistent with the concept of the *Syndiakonia* (serving together) of clergy (Hierarchy) and laity.

18. The extra specification that Council and Synod work hand in hand to interpret and implement the decisions of the Congress (**Article 17 d**), missing in the 1977 Charter, is yet another concrete example of the *Syndiakonia*.

19. As with the Charter of 1977 (**Article XV**), the new Charter also provides for the Council to exercise interim legislative authority between Congresses (**Article 17 e**).

20. The article on Local Councils (**Article 18**) is a great improvement over **Article XVI** of the 1977 Charter on Diocesan Councils. As per the old Charter (1977), it continues to be “the consultative and advisory body to its respective Hierarchy” (**Article 18 a**). However, the new text, in 4 paragraphs instead of one in the previous Charter, is much more explicit with regard to its significant role.

21. The article on Education is a very welcome expansion of the role of the Archdiocese in Religious and Greek education (**Article 19**).

22. The elaboration of the new Charter of 2003 regarding Ministries and Institutions (**Article 20**) is also a fine elaboration. Of great importance to the work of the Metropolises and the Direct Archdiocesan District are the additions regarding the role of the Synod and the Council (**20 b**), the announcement of Regulations to come (**20 c**) and the role of the Local Church (**20 a**).

23. The article on Monasticism is obviously missing from the Charter of 1977, because, unlike the time of the 2003 Charter, at the time of the composition of the previous Charter there was no Monasticism in the Archdiocese (**Article 21**).

24. The article on Regulations (**Article 22**) is a very welcome addition. Specifications, completely absent from the previous Charter of 1977, are given in this new Charter regarding who in the life of the Archdiocese is responsible for producing these Regulations. It is hoped that these Regulations will provide for the completion, or, where needed, correction of deficiencies and mistakes found in the new Charter. This was not the case with respect to the previous Charters.

25. The only article in the new Charter which is shorter than its parallel in the 1977 Charter is the article on Implementation (**Article 24**). According to this article, the new Charter of 2003 is **also granted**, as the previous one, by the Ecumenical Patriarchate, and is “effective immediately.” This, the immediate implementation, does not come to me as a surprise, because it makes it very clear that it is the Patriarchate's responsibility, both as to its authority to grant to us the appropriate Charter, as it has always done, and to determine its effective date.

26. Regarding the Revision of the Charter, the new Charter of 2003 provides for more *Syndiakonia* between clergy (Hierarchy) and laity, as the 2003 Charter establishes a role for the Synod, the Council, and the Congress in this revision, a structure which was absent in the 1977 Charter.

## **B. Weaknesses**

To speak of “weaknesses” or, even, “deficiencies” of the new Charter of 2003, may sound blasphemous to some people. However, one should realize that nothing human is perfect, including the fine Charter that the Mother Church has granted us, and which is the product of hard work and synergy between the Archdiocese and the Mother Church, as indicated above. Thus, people in the Ecumenical Patriarchate, including the chairman of the Patriarchal Charter Committee and even the Ecumenical Patriarch himself recognized this human reality. So, here are some of the points in the new Charter of 2003, which, according to my estimation, are weak, and in need of further improvement and clarification.

1. In **Article 7**, regarding the Rights and Responsibilities of the Metropolitans, a weakness is found in (added) **number 8**, regarding the *Pheme* (Bishop's anthem) of the Metropolitans. While the Dioceses have been elevated to the status of a Metropolis, five of the Metropolitans, who were elevated *ad personam* to the status of a Patriarchal Metropolitan, have been reduced to local Metropolitans, thus losing the status of *Hypertimia* (supreme honor) and *exarchia* (exarchy). There was, I believe, a better way to do this, by allowing these five Metropolitans to carry their elevation to the end of their lives, and to not seem as suffering a demotion. Special transitional regulations (*metabatikai diataxeis*) were provided for this in an early draft; unfortunately, they were dropped in the process.

2. In **Article 7 c**, the new Charter provides for two “permits” to be granted to the Metropolitans by the Archbishop: one to ordain deacons and priests by authorization of the Holy Eparchial Synod, and one “for their canonical (annual) or extraordinary absence outside the United States.” There is, hopefully, a better way of both expressing confidence in and honoring the office of the Metropolitan, by entrusting directly to him the ordinations after Synodal sanction, and by letting him announce (instead of asking for a “permit”) his annual vacation (if he takes one!) and his “extraordinary absence outside the United States” (if he is to take one!).

3. In the article on Commemorations (**Article 8**), the specification that the Metropolitans should commemorate their Archbishop along with their Patriarch sounds superfluous to the Metropolitans, since it is taken for granted that they always do so. It is inconceivable to do otherwise; so, why state the obvious?

4. In the same article on Commemorations, mention is made that the Auxiliary Bishops “commemorate their respective Hierarchy.” Hopefully, this is a hint that the other Hierarchs besides the Archbishop, that is, the Metropolitans, and, eventually, the older ones, will also be assigned Auxiliary Bishops, in order to enhance the Episcopal Ministry of our Archdiocese and train younger clergymen as Auxiliary Bishops so that in due time they may take the place of the older ones.

5. The added specification that the Archdiocesan Congress meets “at least triennially” (**Article 10 a**) is a welcome addition. It was not present in the agreed text, sent to the Archdiocesan parishes on February 20, 2002.

However, this is the only one of the 35 suggestions for modifications given by the Clergy-Laity Congress of Los Angeles, in July 2002, and honored by the Ecumenical Patriarchate by adding it to the agreed text of the proposed Charter. Besides, such specification could always be part of the Regulations to be published.

6. In a similar way, **Article 11**, on Local Clergy-laity Assemblies, does not provide for the frequency of their meetings. The older Charter (1977) provided for annual meetings. Many Metropolises, including that of Pittsburgh, are committed to annual meetings. The Regulations to be published (draft is available) resolve this discrepancy, by specifying that the Local Assembly (former Diocesan Clergy-Laity Assembly) “meets annually.”

7. In the article on the Election of the Metropolitan (**Article 14**), the specification of the old Charter (1977) that one of the candidate's requirements was to have served the Archdiocese for “at least five (5) years, was dropped. Many of us feel that the new text, according to which the candidate “shall have had a period of sufficient service in the Archdiocese” (**Article 14 b**) is imprecise and vague. It is our hope that the Regulations will correct this imprecision, and, will eventually restore the previous text (**Charter of 1977** and the immediate American text which led to the **agreed draft of the Charter of June 20, 2001**), in specifying that the candidate for episcopacy “should have had at least five (5) years of successful service in the Archdiocese.” In my humble estimation and that of many on this side of the globe, this was a better text.

8. Finally, in **Article 13**, regarding the election of the Archbishop, along with the welcome addition that the candidate for the office of the Archbishop should “have had a successful service in the Archdiocese **of no less than five (5) years** [the emphasis is mine], or to have proven, direct, substantive and broad knowledge in the life and status of the Church in America,” is a fine specification, except that **or** should be replaced with **and**. Thank God, in this text, the American delegation was able to restore the five (5) years of service as a pre-condition for the office of the Archbishop, a pre-condition which we lost in the case of the Metropolitan and Auxiliary Bishops.

### **CONCLUDING REMARKS, AND THE ROAD AHEAD**

In spite of its apparent deficiencies, the Charter of 1977 was a decent text for the time it was produced; but, by now, this Charter is outdated on more than one count, as shown above.

Some of the statements in the 1977 Charter are no longer relevant or even correct. Obvious examples are the name, and the boundaries of the present Archdiocese: we are not the Archdiocese of North and South America for Canada, South and Central America are not part of our jurisdiction. If you ask how this happened, many of us have the same question. The answer is that the Mother Church decided to make the change, in spite of the Article in the 1977 Charter which provides for input from the Archdiocesan Council (**Article IV**). It is to be noted that in this case, the Charter of 2003 strengthens the Council's position, by involving not only the Archdiocesan Council, but also the Holy Eparchial Synod, where such changes originate (**Article 3 a**). Let us note that this is yet another case of the *Syndiakonia*. If we question whether or not the Ecumenical Patriarchate has the right to make these changes, the answer is an emphatic **yes**, provided that it does so in consultation with the Archdiocese, as indicated in both **Article IV** and **Article 3 a**, respectively, of the recent Charters.

This, the Charter of 2003, as the previous ones, has been **granted** to us by the Ecumenical Patriarchate. It has already been received on January 18, 2003; we function according to it. The Charter will be given the same opportunity to prove its efficiency in leading our Archdiocese in its work and mission in America during this third millennium of our Christian era. There is no rush for revision! However, in due time, the occasion for revision will be afforded to us, as with the previous Charters (**Article 25** of the new Charter). The only thing which remains to be done at the next Clergy-Laity Congress in New York City at the end of July, 2004, is for the Archdiocese to express its thanks to the Mother Church for granting us the 2003 Charter, and to review and adopt the Regulations necessary to implement it.

As for now, we do have a good Charter, for which we have worked very hard. As indicated above, those entitled to provide input to the Patriarchate, have done so. The Mother Church has granted us a Charter. It was

received the day it was signed by the Ecumenical Patriarchate, for the Charter of 2003 provides for an “immediate implementation.” We have already received the 2003 Charter with thanksgiving. In the recent past, from 1977 to this Charter, we suffered those “modifications” of our canonical tradition of nearly 2000 years. We can now afford some imperfections in the present Charter, with the hope that they will be corrected in the near future, as indicated above.

It should be said that His All Holiness, Ecumenical Patriarch Bartholomew, promised our American Delegation at the Ecumenical Patriarchate that in due time, the Mother Church will grant us the remaining two requests, that is: 1) to fully elect our Metropolitans and Auxiliary Bishops here without asking for confirmation from the Ecumenical Patriarchate, according to present practice; and 2) to establish our *triprosopon* (three-nominee list) for the Archbishop, and submit it to the Ecumenical Patriarchate for the election. However, the Patriarch said, “For the time being and for reasons which cannot be publicized, the Mother Church cannot grant these two requests,” as she did with the elevation of our Dioceses to Metropolises. Hopefully, the Mother Church will be able soon to grant us the other two requests, and also a new request to eventually revise the present, otherwise acceptable Charter of 2003.

The Charter of 1977 is outdated and obsolete. We do have a new Charter, that of 2003, to lead us into the new millennium. The new situation in the life of our Church in America demands this new Charter to meet our needs. We now do have this Charter. Let us be thankful to God, and express our thanks to the Mother Church for granting it to us.

Also, many thanks belong to our Archbishop Demetrios for his hard work, indeed, and for the work of the Archdiocesan Charter Committee, including that of our Holy Eparchial Synod. But, of course, without our Ecumenical Patriarchate granting us the new Charter of 2003, we could not have had this Charter. It is now our privilege and responsibility to officially express our thanks to the Mother Church, and honor her for granting us the fine Charter of 2003.

Given in Pittsburgh, Pa., on this 9th day of October, of the year of the Lord 2003.

**+METROPOLITAN MAXIMOS OF PITTSBURGH**