

Reflections on the New and Old Charters

By Rev. Andrew J. Barakos, *Economos*

“This is not about religion or spiritual matters, this is about politics.”

Peter Haikalis, President of OCL, addressing an informational meeting at Holy Trinity Cathedral, Phoenix, AZ, May 2, 2004

I am very thankful to Mr. Haikalis for making the issue so crystal clear. Politics have no place in the Church for the sole reason that they are divisive to a community. How many friends have become foes over politics in our communities? I would have hoped that we would have learned from our mistakes and are thinking of the children to whom we serve as examples. Lawsuits are adversarial by nature and people naturally take sides. The lawsuit has stifled the free exchange of ideas that might have been possible if it wasn't filed. I have always believed it is most advantageous for us to effect change in the Church by working within the proper framework.

Christ is to be found in every aspect of our lives and in the life of the Church, whether in how it is administered or the manner in which the divine services are conducted. There is no “suspending of the rules” as we are never allowed to suspend the Gospel of Christ or to separate our life from the Holy Spirit.

For the sake of informing parishioners who have been attempting to discern the differences between the 1977 Charter and the 2003 Charter, I am providing these reflections. In attempting to respond to the misinformation being promulgated, I offer this as a start. These are my personal reflections as a priest of the Archdiocese who is entrusted with guiding his flock in a proper manner. I have not covered every difference between the Charters, but only the most notable items which are being misrepresented by the Orthodox Christian Laity (OCL) group. Underlining and bold type have been added to some citations for emphasis. I write this as an honest attempt to clarify the misinformation being promulgated.

What is the Charter of the Greek Orthodox Archdiocese of America?

“The Charter of the Archdiocese is **an ecclesiastical document** that in accordance with the Holy Scriptures, Sacred Tradition, and the Canons of the Church outlines the mission and function of the Archdiocese and defines the relationship between the Ecumenical Patriarchate and the Archdiocese. It includes the rights and privileges **granted** to the Archdiocese by the Patriarchate” (Archdiocese, Questions & Answers on the Charter).

The Charter is an ecclesiastical document and as such is a grant from our Mother Church. It is not up to the Greek Orthodox Archdiocese of America to determine its canonical jurisdiction; it is the privilege of the Ecumenical Patriarchate of Constantinople. This is stated in the Special Regulations and Uniform Parish Regulations (UPR):

“Except for questions of a **doctrinal** or **canonical** nature, the Clergy-Laity Congress shall concern itself with all matters affecting the life, growth and unity of the Church, her institutions, her finances, her administration, educational and philanthropic concerns, and her growing role in the religious life of the nations of the western hemisphere” (Chapter I, Article 1, Section 3).

While we might not agree with everything that has or has not been granted, the door to future changes was left open by the Patriarch in his letter which accompanied the 2003 Charter where he said:

“A primary aim in this task was the offering of the possibility to the whole body of the Archdiocese of a smooth ascension to the new steps, so that when the proper time comes and the adjustment to the new conditions is successfully achieved, the Mother Church will proceed to **offer other possible changes**, if the situation at that time shows that such changes are useful for a desirable further development and progress in Christ of the Holy Archdiocese of America.”

Differences between the 1977 Charter & the 2003 Charter

There is no difference between the term “Eparchy” and being a “province”

Article 1: Preamble and Canonical Jurisdiction: 2003 Charter

- In the 1977 Charter the Greek Orthodox Archdiocese was defined as “a province within the territorial jurisdiction...of the Most Holy Ecumenical Patriarchal Throne of Constantinople...”

In the original Greek the word used was “Επαρχια” (1977 Charter).

Eparchy = *the government of a province*. (Greek–English Lexicon, Liddel & Scott)

- In the 2003 Charter the word “Eparchy” is used to replace the expression “province within the territorial jurisdiction.” The Greek Orthodox Archdiocese has always been under the governance of the Patriarchate. We are still a province within the territorial jurisdiction of our Mother Church.
- Mr. Haikalis (the President of the OCL), however, used the introduction of the word “Eparchy” into the 2003 Charter as a change that is detrimental to the life of the Orthodox Church in America. This is an act of misinformation.

The Church has always been and shall remain Hierarchical

- “The Holy Archdiocese...being by law a religious corporation under the name ...” (1977).
- The new Charter states: “The Archdiocese, being Hierarchical, as an Eparchy of the Ecumenical Throne.”
- It seems to me the new Charter is clear in what has always been known to be true. The Orthodox Church should not be defined according to our secular situation, (“being by law a religious corporation under the name” [1977]), but as a Church headed by its Clergy who are under the auspices of a Mother Church in Constantinople.
- “In fact, the unity of the Holy Archdiocese of America is primarily a spiritual reality that derives primarily from the sense of unity that the faithful feel for their brothers and sisters, for their shepherds and for the entire Church of Christ, rather than from legal ordinances” (Patriarch Bartholomew).
- Under Definition of Terms (UPR 1996) **SYNOD OF BISHOPS** = The hierarchical legislative body of the Archdiocese.

The Charter is not above Scripture & Sacred Tradition, but is a means of applying that faith to our life in America

“The Charter of the Greek Orthodox Archdiocese of North and South America provides for the promulgation (establishment) of Regulations to implement the governance of the Archdiocese” (Preamble 1996 UPR). This is a legal definition that must also be in harmony with our Faith and Doctrine. The new Charter makes it clear that the Charter is more than a legal document; it is also an ecclesial one.

- The Archdiocese is governed by: (Article I, Preamble, 1977 Charter)
 - Holy Canons
 - This Charter
 - Regulations promulgated

The Archdiocese...is governed by: (Article I, Preamble & Canonical Jurisdiction, b, 2003 Charter)

- Holy Scripture
- Sacred Tradition
- The Holy Canons
- This Charter
- Regulations promulgated

Holy Scripture and **Sacred Tradition** are added before mentioning the Canons because Holy Scripture and Sacred Tradition preceded the Canons and are foundational to the Canons. The Scriptures as interpreted by Sacred Tradition define how the Orthodox Church is governed. The new Charter is an attempt to remain more faithful in this respect.

For instance, the double commemoration of the Archbishop and the Diocesan Bishop (1977 Charter) is not according to the Canons. The new Charter reflects the single commemoration of one Bishop, the Metropolitan of the particular Metropolis.

The new Charter shows a maturing in scope of mission, including the evangelizing of America

The OCL scare tactics of creating the fear that somehow the future of the Greek Orthodox Archdiocese is being taken out of our hands is simply untrue. As the hierarchs met in 1994 and expressed the desire for administrative unity as a future goal, many noted it will happen when the time is right. The road that needs to be paved for administrative unity to be the product of natural evolution is the evangelization of America. In addition, our more ethnically Greek communities must not see the use of English in the services as a threat to losing Greek culture. Communities can transition to more English in the Liturgy and at the same time utilize the Greek schools, folk dance groups and festivals as means of passing on Greek culture. The Liturgy should not be used as a classroom for Greek.

- “The purpose of the Archdiocese is to administer the life of the Church in the Americas...sanctifying the faithful ...” (1977). This is a very limited scope.
- There is no reference to the evangelical mission of the Church under the 1977 Charter. The Archdiocese no longer is just to focus on its faithful, but is to reach out and make new believers. Does that mean we were not evangelical? No, however, it shows a progression in the life of the Church in America, whereby to “proclaim the Gospel of Christ, to teach and spread the Orthodox Christian faith . . .serves as a beacon, carrier and witness of the message of Christ to all persons who live in the United States...” (2003, Article II: Mission of the Archdiocese.). This is now firmly stated; there should be no doubt why the Orthodox Church is in America.

The legislative functions of the Clergy–Laity Congress and the Archdiocesan Council

I started hearing this phrase at the 2002 Clergy-Laity Congress in Los Angeles: “The Clergy-Laity Congress is the highest legislative body of the Archdiocese.” However, the UPR only states:

“Except for questions of a doctrinal or canonical nature, the Clergy-Laity Congress shall concern itself with all matters affecting the life, growth and unity of the Church, her institutions, her finances, her administration, educational and philanthropic concerns, and her growing role in the religious life of the nations of the western hemisphere” (Chapter I, Section 3, Archdiocesan Clergy-Laity Congress).

There is no mention of any legislative authority in this definition. The expression is found in the 1996 Uniform Parish Regulations under “definition of terms.” This section is rarely read, but to my surprise there are actually two legislative bodies.

1. **SYNOD OF BISHOPS** = The **hierarchical legislative body** of the Archdiocese. This exact expression is not found in the 1977 Charter, but under Article V, Administration of the Archdiocese, it is clear who is the highest ecclesiastical authority.

“The Archbishop presides over and administers the Archdiocese, exercising the said highest ecclesiastical authority with the Synod of Bishops and is responsible therefore to the Ecumenical Patriarchate” (1977).

2. **ARCHDIOCESAN CLERGY-LAITY CONGRESS** = The highest **legislative body** of the Archdiocese. It must be remembered that the authority of a Clergy-Laity Congress is limited to administrative issues. It cannot legislate an ecclesial matter, and is always under the authority of the Eparchial Synod.

On the very highest ecclesial authority – the distribution of authority is more equal

The new Charter provides for a more even distribution of authority among the Metropolitans and the Archbishop.

The 1977 Charter states:

- “The Archbishop presides over and administers the Archdiocese, exercising the said **highest ecclesiastical authority** with the Synod of Bishops and is responsible therefore to the Ecumenical Patriarchate.”
- The 2003 Charter states: “Comprised of the Archbishop as President and the Metropolitans as its members, the Eparchial Synod constitutes the **ecclesiastical instrument of governance of the Archdiocese**” (Article 4).
- Another fear tactic used by OCL is that our hierarchs are ruling like monarchs. In comparing these two sections of the Charters it seems they are no longer the “highest ecclesial authority” but have been reduced to the “ecclesiastical instrument of governance of the Archdiocese.” Is there a change? I don’t think so. The Patriarchate has always been the highest ecclesial authority for the Archdiocese. This change, in my opinion, only is more precise in the relationship between the Archdiocese and the Patriarchate. The old Charter centralized the power in the office of the Archbishop. The new Charter is more conciliar in spirit

The entire Archdiocese has been elevated

Having elevated the Bishops to Metropolitans and the Dioceses to Metropolises makes them all equal and the Archbishop the first among equals. This is a step toward the future. Despite former

Archbishop Spyridon's statements that this will hamper progress and tax the Metropolises finances, I believe the opposite it true. Having a National Youth Office in New York is a good thing, but having a Director of Youth who is available to a local region is even better.

“... the very Archdiocese of America in her entirety is being elevated since from now on she is no longer comprised of Dioceses but of Holy Metropolises, and since the Archbishop of America becomes President of a Synod of Metropolitans and not of Bishops, as was the case until now, while he continues to retain precedence (προβάδισμα) over the Metropolitans of the Archdiocese” (Patriarch Bartholemew).

The Clergy-Laity Congress retains its authority

The **Clergy-Laity Congress** has retained its “authority” proper to its function and is given greater powers.

A.) Under the 1977 Charter there is one sentence about what the Clergy-Laity Congress does: “It (CLC) is concerned with all matters, other than doctrinal or canonical, which affect the life of the Church including its unity, uniform administration, education and financial programs” (Article XI).

B.) Under the 2003 Charter note that the CLC is concerned with:

- All other matters that affect the life, mission, growth and unity of the Archdiocese of America
- Especially the uniform administration of the Archdiocesan District, the Metropolises and **Parishes**.
- The educational programs, financial programs and philanthropic concerns of the Archdiocese
- A more active participation of the Archdiocese in the life of the United States of America
- THE CONGRESS MAKES SUCH DECISIONS AS IT DEEMS APPROPRIATE.
- Decisions submitted by the Congress to the Patriarchate are deemed approved if no response is received within 90 days.

I would interpret the last two sentences as empowering the Congress with a tremendous amount of freedom to govern itself.

The Archdiocesan Council retains its powers

Since 1996, the UPR has defined the Archdiocesan Council as follows:

- “The Archdiocesan Council is **the advisory and consultative body to the Archbishop**. It interprets and implements the decision of the Clergy-Laity Congress and these Regulations, administers the temporal and financial affairs of the Archdiocese and possesses interim legislative authority between Clergy-Laity Congresses” (Special Regulations Article II, Section 1).
- There is no mention of the Archdiocesan Council's advisory and consultative role in the 1977 Charter. It only says: “It is concerned with matters and problems that affect the life and growth of the church and takes such decisions thereon as are required” (Article XV).
- The 2003 Charter states: “Except for dogmatic and canonical matters, which are within the competence of the Ecumenical Patriarchate, the Archdiocesan Council is concerned with matters and issues that affect the life, growth and unity of the Holy Archdiocese of America, and makes

such decisions thereon as it deems necessary. The Archdiocesan Council functions as the advisory and consultative body to the Archbishop **and to the Eparchial Synod**” (Article 17, Section C).

The advisory and consultative role of the Archdiocesan Council is now included in the text of the 2003 Charter and is **extended** to encompass the Eparchial Synod, thus **EXPANDING** the role of the Council.

- a.) The 1977 Charter states: “In the event that **legislation becomes necessary** between Archdiocesan Clergy-Laity Congresses, the Archdiocesan Council shall **exercise such interim legislative authority** when so convened by the Archbishop...”
- b.) The 2003 Charter states: “In the event that **action becomes necessary** between Congresses, the Archdiocesan Council shall **exercise the authority of the Congress** when so convened by the Archbishop and advised as to the purpose and necessity therefore.”

The Archdiocesan Council retains its authority to act between Congresses. Exchanging the word “legislate” with “exercise authority” is more in keeping when speaking of how a Church functions and provides for a broader understanding of its role.

The 2003 Charter gives the following authority to the Archdiocesan Council:

- Matters and issues that affect the life, growth and unity of the Archdiocese
- Makes such decisions as it deems necessary
- Advisory and consultative body to the Archbishop and the Eparchial Synod
- Together with the Eparchial Synod, is concerned with the interpretation and implementation of the decisions of the Congress as well as the Regulations adopted pursuant to this Charter.

The election of the Archbishop & Metropolitans

- The Eparchial Synod as well as the Archdiocesan Council have an advisory opinion regarding **the election of the Archbishop**. The 1977 Charter stops here.
- The 2003 Charter adds the following:
“This opinion will be submitted in writing to the Holy Synod in a timely fashion or it may be submitted by a special delegation so that it may be duly evaluated on the basis of meritocratic criteria.”

Meritocratic = the talented are chosen and moved ahead on the basis of their achievement.

The establishment of new institutions

- “The establishment of new institutions requires the approval of the Synod of Bishops and the Archdiocesan Council” (1977 Charter).
- “The establishment of new institutions, including, but not limited to, educational, recreational, charitable, retirement homes and the like, as well as the dissolution of such institutions, requires **prior approval of the Eparchial Synod** and the **consent of the Archdiocesan Council** or the Local Council, as may be applicable” (Article 20, 2003 Charter).

Prior approval of the Eparchial Synod is needed, together with the consent of the Archdiocesan Council. Without consent can there be approval? I do not think so. Since the members of the Eparchial Synod are also members of the Archdiocesan Council, the cooperation of both working together is retained.

The designation and boundaries of the Metropolises

- “The Archdiocese is comprised of dioceses, the number, diocesan sees and boundaries of which are designated by the Archdiocesan Council subject to approval and ratification by the Ecumenical Patriarchate” (1977 Charter).

There is no mention of the Synod in the 1977 Charter.

- The 2003 Charter states: “It is comprised of the New York based Direct Archdiocesan District (“Archdiocesan District”), and Metropolises, the number, seat, and boundaries of which are **designated by the Sacred Eparchial Synod** of the Archdiocese (“Eparchial Synod”), **in consultation** with the Archdiocesan Council (“Archdiocesan Council”), and are **submitted for evaluation** and **decision** to the **Ecumenical Patriarchate**.”
- The Eparchial Synod is the “*ecclesiastical instrument of governance of the Archdiocese*” and as such is empowered to designate the canonical boundaries. This is a function of the ecclesial governing instrument. The Archdiocesan Council is not left out of the designating process but is a required voice in the process.
- According to the UPR, “The Archdiocesan Council is **the advisory and consultative body to the Archbishop**. It interprets and implements the decision of the Clergy-Laity Congress and these Regulations, administers the temporal and financial affairs of the Archdiocese and possesses interim legislative authority between Clergy-Laity Congresses.” (Special Regulations Article II, Section 1). Was it correct to give to an advisory and consultative body the authority to designate the boundaries of the dioceses under the 1977 Charter? The 2003 Charter corrects this. You cannot take away something you do not possess.

Revisions to the Charter

The 1977 Charter states:

- “The charter **MAY** be revised upon the request of the Archdiocesan Clergy-Laity Congress as the need therefore arises. Revisions thereto shall be submitted to the Ecumenical Patriarchate for approval and ratification.”

I do not know how many times I have seen in OCL literature the word MAY replaced with MUST. Many heresies are about the interpretation of one word. The Jehovah’s Witnesses replace words in scripture because the original words in Greek do not support their theology. They change the word so that the two agree. The OCL is sponsoring a Lawsuit based upon one word. It is not surprising then that the word MUST has been repeated so many times that soon people begin to believe the lie.

- You will note that the word "may" is used rather than "may only" or "must" which would require that the Clergy-Laity Congress be the only method for change. Mandatory language was not used. In addition, the Ecumenical Patriarchate has the final authority in the matter, regardless of what a Clergy-Laity Congress or any other body may propose.
- The 1977 Charter states: “This Charter was prepared by the Archdiocesan Council under its interim legislative authority between Archdiocesan Clergy-Laity Congresses. It was submitted to the Ecumenical Patriarchate which has studied it, **modified it**, and **granted it** in its present form to the Archdiocese...”

It was neither prepared nor proposed by a Congress. It was prepared by three laypersons: Evan Chriss, Bill Foussianes, and Peter Kourides. There is no mention of the need for a Clergy-Laity Congress to approve it. Even if “approved” in 1978 at the Clergy-Laity Congress, according to this article, its implementation **does not require the approval** of a Clergy-Laity Congress.

- Elenie Huszagh, a member of the Charter revision commission, states the following took place at the 2002 Clergy-Laity Congress in Los Angeles with regard to the Charter:

“A motion was made and unanimously passed that the ‘Clergy-Laity Congress respectfully submits a request to our Ecumenical Patriarchate that it grant to this holy Archdiocese the proposed Charter with such modifications as will reflect the major concerns expressed by the Archdiocesan Council, the parishes and the Clergy-Laity Congress’. This was in fact a vote accepting the proposed Charter.”

The actual transcript of the amended motion states:

“This 36th Biennial Clergy-Laity Congress of the Greek Orthodox Archdiocese of America respectfully submits a request to our Ecumenical Patriarchate that it grant to this Holy Archdiocese the proposed charter, with such modifications as reflect the major concerns expressed by the Archdiocesan Council, the parishes, and this Clergy-Laity Congress, including the four points specifically articulated by Dr. Collis and the Synthesis prepared by the Archdiocese.”

“The motion is adopted.”

The four points made by Dr. John Collis:

- Continuation of laity and clergy involvement in the administration of the church
-By what is said above, this remains true
- Future Archbishops must have 5 years of prior experience in this country
-Article 13 of the 2003 Charter agrees
- Future Archbishops must be selected from 3 candidates proposed by our Synod
-The Eparchial Synod and Archdiocesan Council are granted an advisory opinion (Article 13)
- New Bishops for our church in America must be selected by our Bishops
-This was granted in Article 14

I pray that the communities of our Archdiocese may exchange information, reflect upon all the good that has been given to us, and not divide over a political issue. The evangelizing of America cannot begin until our own Orthodox faithful are convicted in their faith. Efforts must be made to strengthen our God-given unity that comes from the Holy Spirit. The worst thing we can do is divide over a political issue. It is a road that historically has proven to divide communities and drive people away from our communities. It also damages the innocence of our children who seek a community that is loving and united. For the sake of our children, let us not create obstacles that prevent them from coming to our Lord and Savior Jesus Christ.

Rev. Andrew J. Barakos
Assumption Greek Orthodox Church, Scottsdale, AZ
www.assumptionaz.org
priest@assumptionaz.org
(480) 991-3009

