The Isagoge as a medieval source of the Eastern papism

There is a current opinion that the so-called ‘Eastern papism’ or the claim of Patriarch of Constantinople to power over the Universal Church developed as far back as the period of the patriarchal office of notorious Meletius Metaxakis (d. 1935). However, the roots of this view, which with time took shape as a quite systematized false doctrine, should be sought in as early as the Middle Ages. Among the first documents, which seriously put forward the idea of ‘Eastern primacy, is the 9th century Byzantine collection *Isagoge* (*Epanagoge*) translated as ‘Introduction’. In our days, in proving their case the proponents of ‘Eastern papism’ refer to the *Isagoge* (*Epanagoge*) as an indisputable authority. Let us consider what in fact this collection represents.

The *Isagoge* collection is a monument of the Byzantine judicial thinking developed under the founder of the Macedonian dynasty Basil I (d. 886). It is believed to be compiled by St. Photius, Patriarch of Constantinople, or, as L. Yu. Kostogryzova rightly clarifies, by a commission headed by Patriarch Photius [1]. This legal monument ranks among similar manuscripts written under the first emperors of the Macedonian dynasty (*Prochiron, Basilika)* written for radical reformation of the Byzantine law after theomachist emperors.

Eastern papism in the *Isagoge*

According to Academician I. P. Medvedev, the *Isagoge* ‘contains a unique public law section of a kind not found either in ancient sources or any Byzantine legal tradition pertinent to secular and religious power and its representatives, namely, the emperor and the patriarch’ [2]. Prof. Johannes Lokin also states that ‘The *Isagogue* occupies a unique place among later legal books’ adding that ‘its aim was not only to re-organize, purify and modernize the old law but also to re-define the respctive powers of the emperor and the patriarch in favour of the latter’. [3]

The *Isagoge* refers not to the patriarch in general but to the concrete Patriarch of Constantinople and elevates his power in the Church to unprecedented heights. This legal manuscript is referred to as if it were a normative understanding of the rights of the See of Constantinople in Byzantium stemming from the canons of the Council of Chalcedon. The doctrine on the exclusive place of the Patriarch of Constantinople in the Universal Church can be found in the following sectiona of the *Isagoge:*

‘Title III, 9. The throne of Constantinople as adorned by the royal power was proclaimed by the first conciliar resolutions; following them, the divine laws command that apprehensions arising at other

thrones shall be submitted to his consideration and judgement.

Title III, 10. Concern and care for all the metropolises and bishoprics, monasteries and churches as well as the court and commitment to court and acquittal belong to the local patriarch whereas the president of the court shall be permitted to both observe and rectify apprehensions experienced at other thrones and to finalize court trials'.

According to the *Isagoge*, the Patriarch of Constantinople and he alone is 'the animated image of Christ who by words and deeds presents the truth' (Title II, 1). By virtue of the *Isagoge* norms, the Patriarch of Constantinople alone had the right to interpret church resolutions and canons of Ecumenical Councils (Title III, 5). The *Isagoge* doctrine on the role of the Patriarch of Constantinople in the Universal Church not only correlates with the Western doctrine on papal primacy but also forestalls for a whole millennium the dogma of papal infallibility, that of 'the Eastern pope', of course. One cannot help dwelling on a very precise and remarkable evaluation of the elements of 'the Eastern papism' found in the *Isagoge* that has been made by such a serious researcher as Archpriest Valentin Asmus:

'There is a very important difference: the fact that in the *Epanagoge,* in place of the priesthood, by which Justinian implies the totality of the clergy and in the first place certainly that of the episcopate, instead of this single whole we find in the *Epanagoge*'s authors the person of the patriarch. The *Epanagoge* speaks of bishops as well, but whereas the patriarch is described in the loftiest tones as the animated image of Christ, who in himself shows the truth, nothing like that is spoken about bishops – they are nothing but administrators of small dioceses… Of course, there is no mention of the ideals of pentarchy (five heads, five powers) described by St. Theodore the Studite at a relatively recent time, in the beginning of the same 9th century' [4].

What is the reason for the appearance of clear features of 'Eastern primacy' in a 9th century Byzantine judicial collection? In the first place, there is no need to be confused. 'Here', Father Valentin Asmus continues, 'we deal with a version of the already matured papism. We should not be afraid of it or tempted by it because ages and ages ago the church history scholarship exposed this temptation, which did exist in Byzantium, especially in Late Byzantium. That is, in the struggle against Rome's claims there happened to a degree a certain slipping down to Roman attitude to the doctrine on the first hierarchy'

[5]. A similar example can be seen in the anti-Pelagian polemics of St. Augustine: ardently accusing the Pelagian heresy, the Bishop of Hippo himself failed to avoid the opposite extreme (for the sake of objectivity it should be pointed out that in his later works St. Augustine corrected his attitude).

Prof V. M. Gribovsky, a well-known expert in Byzantine studies and a jurist, pointed out that the

exorbitant extolment of the role of the Patriarch of Constantinople in the Church has been a result of the influence of Western papist ideas. Prof Gribovsky describes as Byzantine ‘westernization’ the movement that stood behind these ideas…, an ideal of papism transferred to the Byzantine soil. We speak of the papist aspirations of Patriarchs of Constantinople who solicited not only a relative independence but also the direct subjection of secular monarchs to themselves’ [6]. According to Prof Gribovsky, the *Isagoge* became only a temporary success of Eastern papists with whom Basil the Macedonian had to reckon in the unstable beginning of his rule. However, already this same emperor ‘held back the dissemination of the *Epanagoge* and restricted the power of the pontiff of Constantinople’ [7]. This political aspect appears to be especially important in defining the motives for including ‘Eastern papist’ theses in the *Isagoge*, considering its putting a patriarch, namely, the Patriarch of Constantinople, on an equal footing to the emperor. Renowned canonist N. S. Suvorov pin-pointed the parallel that developed at that time in the thinking of the Constantinopolitan highest clergy: ‘We are given an opportunity to observe, so to say, with our own eyes the significant historical concurrence: the rise of the Patriarch of Constantinople above other patriarchs going hand in hand with the instalment of the same patriarch next to the royal power’ [8].

Traced in the *Isagoge* is a transformation of the church and state legal conscience that darkens the traditional Orthodox understanding of the power of an emperor and that of a patriarch. In this understanding commonly accepted in Byzantium and in the whole Christendom, there is only one emperor for the entire Christian oikoumene. All other tsars, kings, princes are no more than local rulers, governors. The author of the *Isagoge* consciously puts next to the emperor of Constantinople as the sole ruler of the Christian empire the Patriarch of Constantinople as the sole judge and ruler of the Universal Church. However, this parallel is an absolute distortion of the classical Justinian’s symphony. The equal honor of rule and ministry is substituted by an equal honor of the rule and Patriarchal office of Constantinople. But while the doctrine of the special power of the emperor of the Romaioi in the Christian oikoumene is perfectly consonant with the church historical and patristic tradition, the doctrine on a special power of the Patriarch of Constantinople absolutely contradicts the very foundations of Orthodox ecclesiology.

The problem of the authorship of the *Isagoge*

As was mentioned above, in the historical science the fact is believed to prove that the true authorship of the *Isagoge* belongs to a commission that was headed by St. Photius of Constantinople. Certainly, it is flattering for the claims of the ‘pontiffs’ of Constantinople, but actually it is not an honest theological argument in favour of the sections of this text which are far from genuine Orthodoxy.

Thus, it is known that though a number of canonized popes of Rome defended the doctrine of papal power over the Universal Church, this doctrine was rejected by the plenitude of the Church, recognized

as heretic and for Orthodoxy has remained to be only a private opinion. But to define a church doctrine it is necessary to have not only one private opinion or even two or three, but the agreement of fathers. By the way, St. Photius himself says this about it: 'If 10 or even 20 fathers said so, while 600 and a countless number did not, who would insult the fathers if not those who, confining the devotion of those few fathers to few words and coming into conflict with Councils, prefer them to a countless assembly, or those who choose many fathers as their defenders?'[9] He is echoed by St. Augustine: 'A individual reasoning, even if this individual were orthodox and highly esteemed, should not be as authoritative for us as canonical Scriptures as much as it should be considered inadmissible for us to disapprove or reject something in their writings out of respect behoving such people if we happen to discover that they thought differently from that which expresses the truth grasped with God's help by others or us' [10].

The authority of the *Isagoge*

It is no wonder that Phanariots should give such an extraordinary importance to a text with so hypertrophic and absolutely papist powers of the throne of Constantinople. They believe the *Isagoge* to be the 'Byzantine imperial law' that remained significant in Byzantium as the active code already in the Cominian epoch (the 12th century). Apologists of the Eastern papism maintain that the *Isagoge* made no less than 'an enormous' impact on Byzantium, penetrating deep into the life of the Romaioi. To prove that they cite borrowings from the *Isagoge* made in later centuries. Today's gross interference of the Patriarchate of Constantinople in the canonical territory of the Orthodox Church of the Czech Lands and Slovakia, expressed in establishing an anti-canonical 'stauropegion' in the territory of this Autocephalous Church is justified by references to the *Isagoge* as well [11].

Certainly, there was an influence made by the *Isagoge* on minds but it was not enormous. Its text circulated in Byzantium, was translated into Slavonic languages, in particular, Russian, not fully though. It is accounted for by the fact that in the Church there was always a party that sought to diminish the role of the royal power in favour of the spiritual power, an example of which is Patriarch Nikon. It is also accounted for by the influence made by **Matthew Blastares**'s *Syntagma Canonum* – thus the *Isagogic* doctrine on the power of the patriarch and the emperor penetrated into the Slavic world through the Slavonic translation of the *Sintagma* made under Stefan Dušan. At the same time, we should not forget the authoritative remark made by Academician Medvedev about the unique place occupied by the collection section on the power of the emperor and the patriarch in the Byzantine legal tradition:

"The *Isagoge* is a monument of not ecclesial but secular law. Its specific vision of the powers of the See of Constantinople has not been reflected in the canonical compendium adopted by the Universal

Church, although many other resolutions of St. Photius's period did not find their way into this comendium (canons of the two Councils of Constantinople – those of 861 and 879). Furthermore, how could absurd claims of the patriarchs of Constantinople to establish stauropegia in other's canonical territory find their way into a church compendium? As outstanding Russian canonist Prof. Pavlov writes, 'We do not know from which source this peculiar resolution was included in the *Epanagoge*..., but it is no doubt that it stands here quite lonely, without any echo either in later legal acts or works of authorized canonists. Balsamon, otherwise a zealous proponent of the prerogatives of the throne of Constantinople, speaks of the right of stauropegion as a common privilege of all the five patriarchs, adding significantly, 'none of the patriarchs is given the power to send stauropegia to the region of another patriarch or take his clergy so that the rights of churches may not be mixed up'" [12].

Proponents of exaggerating the influence made by the *Isagoge* on the Byzantine legal conscience sometimes resort too to not quite accurate references to the works of researchers. The well-known propagandist of Eastern papism Metropolitan Maxim of Sardes maintained that according to G. A. Ostrogorsky, Emperor John Tsimischious 'often recognized the fundamental principles of its teaching' [13]. However in his study, Ostrogorsky simply indicates that Tsimischious repenting before the Church and humiliated in the beginning of his rule in the spirit of Canossa once had to make a speech so humble for a Byzantine emperor that it 'sounds like Photius's confession of the *Isagogic* doctrine' [14].

There are attempts to give weight to the *Isagoge* through a reference to the few scholars who believed that this compendium was widely used by the Byzantine active law. However, most of the researchers are certain that the *Isagoge* was either not promulgated at all to remain just a more or less widely circulated theological-legal treatise or, if issued at all, was in force for quite a short period of time and had an unclear status being replaced by the legislation adopted by Basil I's son Leo. The former include, for instance, the *Isagoge's* publisher Zachariae von Lingenthal [15], Heimbachach Sr. [16], Dölger [17], A. C. Pavlov [18]. The letter ones are Georg Mousourakis [19] and Academician I. P. Medvedev. The latter is categorical: "Clearly, because of our emphasis on the 'non-conformism' of all these ideas of Photius with his apparent desire to restrict the power of the emperor and to safeguard against encroachments on the church sphere, which is under the patriarch's jurisdiction, to enhance and emancipate the latter's power, the *Isagoge* had no chance from the very beginning to be granted the lasting status of an official legislative compendium supported by the state power and, in the person of Emperor Leo VI, the *Isagoge* altogether received its merciless auditor and censor" [20].

Prof V. M. Gribovsky too comes to the conclusion that the *Isagoge* fizzed for the reason that the vast claims of the Patriarch of Constantinople expressed in it were not only groundless in the religious-political view of the population but also were downright contrary to the very imperial power and ecclesial traditions [21]. Later, Gribovsky writes, this document 'was lost and overshadowed by other legal monuments of the same and consequent epochs' [22].

The *Isagoge* resolutions on the power of the patriarch were not included in the *Basilika* collection published by Leo VI, which indeed became the Empire's codex of laws in force for centuries. Metropolitan Maximos of Sardes seeks to counter the importance of this most serious argument on the grounds that 'it is not easy to determine whether the *Epinagoge's* provison on the patriarchal power was included in the *Basilika* considering that the full authentic text of this collection has not survived' [23]. It is a very weak argument not holding water. In the 12th century when the *Basilika* was certainly safe and sound, the emperor instructed Balsamon to check which of Justinian's *Novellae* 'was still a law in force; in other words, what was and was not contained in the *Basilika…* This clear and perfectly precise aim cannot leave any doubts: any legal norms not included in the *Basilika* were certainly null and void [24]. In his commentaries on the canons, Balsamon regularly refers to the *Basilika*, on one hand, and on the privileges of the throne of Constantinople, on the other. But he never justifies these privileges by such a quotation from the *Basilika* as to resemble the above cited extracts from the *Isagoge*; even on the contrary, he directly refutes the exorbitant papist ambitions in the spirit of the *Isagoge*. It is an explicit evidence of the absence of the *Isagoge* doctrine on the patriarch power from the *Basilika.* In addition, our knowledge about Leo VI and the history of his relationships with the church authorities exclude as well any probability that such passages were included in the collection of laws that he compiled. Generally, the argument 'such a document has not survived but it does not mean that it was not there' speaks much about the evidential base of the Phanariots' canon law.

Texts of the 14th century Patriarchs of Constantinople and the *Syntagma Canonicum* of Matthew Blastares

We can see texts written in the 14th century under the direct influence of the *Isagoge.* They are penned by the Patriarchs of Constantinople (Pholotheus and Antonios). The patriarch of Constantinople is sometimes called in them 'the vicar of Christ on earth' (a direct calque from the papal title!), sometimes 'the father approved by the Most High God for all Christians wherever dwelling on earth', sometimes 'the universal guardian and keeper of all souls' on whom 'everybody depend as the common father and teacher' [25]. The appearance at once of several references to the *Isagoge* in the 14th centuries indicates that it was put in active circulation precisely at that time by proponents of the elevation of the Patriarch of Constantinople's power above both the emperor and the primates of other Churches. Archpriest John Meyendorff, who studied the problem of references to the *Isagoge* in later church documents, asserts that 'references to the *Epanagoge* in the 14the century patriarchal documents may imply an attempt to make this document an official manifest of the Byzantine political ideology' [26]. It is not accidental that Father John Meyerndorff used the world 'attempt', for it is impossible to attempt what had already been approved

In the same 14th century, the *Isagoge*'s papist provisions found their way into the *Stigmata Canonicum*

of Matthew Blastares. T. V. Barsov alleges that it shows that the *Isagoge* was an active law [27]. However, it could by no means be a law in the 14th century. Indeed, it was already in the 12th century that Emperor Manuel Comnenus, 'in his novel on the judicial reform pointed to the need to use *Basilika* alone in the policy of court [28], while in the same century Balsamon, in his work to interpret canons, was instructed to extract from old legal norms only those contained in the *Basilika* because it was seen as the only legitimate codex.

In general, the presence in the *Sintagma Canonicum* of certain provisions from the *Isagoge* does not at all give the latter any ecclesial significance. What is the *Sintagma*? It is not resolutions of an Ecumenical or a Local Council adopted by the whole Church. As Archpriest John Meyerndorff aptly said, 'The *Sintagma* is just a 'juridical compilation of the 14th century' [29]. As Matthew Blastares was a hieromonk of the Patriarchate of Constantinople, it is no wonder that he reflected the tendencies that had developed by that historical moment in his patriarchate. Among these tendencies, as was mentioned above, was the desire to give the *Isagoge* the nature of an official document. For this reason, Blastares includes the *Isagoge* provisions in his compilation without any critical approach. It is very important to underscore that in his interpretations of the canons of Ecumenical Councils, which are of much greater interest then the insertions from the *Isagoge*, Matthew Blastares pushes a viewpoint on the powers of the Patriarch of Constantinople which is contrary to the one set forth in the *Isagoge,* in particular, the one concerning the power of court. Suffice it just to make a comparison.

In Chapter 8, Section *p*, Blastares cites the *Isagoge*: 'The throne of Constantinople… is declared as the first by Council's resolutions… Divine laws rule that apprehensions arising at other thrones shall be presented to its investigation and judgement… The presider of Constantinople is allowed… to observe and rectify apprehensions that happen at other thrones and to finalize the courts' [30].

In Chapter 7 (9) of Section *d*, Blastares gives an interpretation to Canon 17 of the 4th Ecumenical Council: 'And if any of the bishops consider himself to be offended by his Metropolitan, then he is allowed to go either to the Exarch of the region or the throne of Constantinople, that is, if he subject to it, for he is not installed to be the judge for all, because it is permitted by law that the Syrian metropolitans should be subject to the throne of Antioch, while the Palestinian ones to that of Jerusalem and the Egyptian ones to that of Alexandria' [31[. In fact, it is an interpretation made by Zonaras [32], so unpleasant for the Easter papism. Significantly, Blastares agrees with him. Considering that the author of the *Isagoge* proceeds from the same canon of the Fourth Ecumenical Council, which in this case is interpreted by Matthew Blastares in quite an anti-papist way, it is quite clear that Blastares has a view of the role of the Patriarch of Constantinople different from that of the *Isagoge*.

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So what is the ecclesial authority of the *Isagoge?* It either remained just a project or failed to survive its

publisher Basil I too, was unequivocally rejected by his son Leo VI and denied both the lasting status of a state legislation and an approval of church Councils – in no way it can be regarded as reflecting the doctrine of the Universal Church. At the most it can claim in the church context is to be considered an expression of private views of Patriarch Photius.

Archpriest Andrey Novikov

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[2] Medvedev I. P. *Pravovaya kultura Vizantiyskoy Imperii* [Legal culture of the Byzantine Empire], Sankt-Petersburg, 2017, p. 177.

[3] J. H. A. Lokin. *The Significance of Law and Legislation in the Law Books of the Ninth to Eleven Centuries. Law and Society in Byzantium, 9th-12th centuries,* ed. Angeliki E. Laiou Dieter Simon. Washington. D.C., 1994, p. 71.

[4] See, Asmus Valentin, archpriest. *Istoriya Tserkvi. Kurs lektsiy* [A history of the Church. A lecture course], available at: **http://www.pravosludm.narod.ru/lib/asmus/hist_church/15.html** (In Russian)

[5] Ibid.

[6] V. M. Gribovskiy. *Narod I vlast' v Vizantiyskom gosudarstve* [The people and power] Sankt-Petersburg, 1879, p. 118 (In Russian).

[7] Ibid., p. 371.

[8] N. S. Suvorov. *Vizantiyskiy papa: Iz istorii tserkovno-gosudarstvennykh otnosheniy v Vizantii* [From the history of church-state relations in Byzantium], Moscow, 1902, p. 134.

[9] Cit. in Daniil Sysoyev, priest. *Teologumeny v sovremennom bogoslovii* [Theologoumena in modern theology], available at **http://www.moskvam.ru/blessed_fire/08_2002/susoev.htm**

[10] Cit. in Seraphim (Rose), Hieromonk. *Mesto blazhennogo Avgustina v Pravoslavnoy Tserkvi. Prinoshenie pravoslavnogo amerikantsa: Sb. Trudov ottsa Serafima Platinskogo* [The place of St.

Augustine in the Orthodox Church. A contribution of an Orthodox American: Collection of works of Father Seraphim Platinsky], Moscow, 2003, p. 665 (In Russian).

[11] **https://www.ob-eparchie.cz/2020/02/28/list-z-ekumenickeho-patriarchatu-a...**

[12] A. S. Pavlov, *Teoriya vostochnogo papizma v noveishey russkoy literature kanonicheskogo prava* [A theory of Eastern papism in the modern Russian literature of canon law], available at **https://azbyka.ru/otechnik/Aleksej_Pavlov/teorija-vostochnogo-papizma-v-...** (In Russian)

[13] Maximos, Metropolitan of Sardes. *The Oecumenical Patriarchate in the Orthodox Church*, Thessaloniki, 1976, p. 151.

[14] G. A. Ostrogorskiy. *Istoriya vizantiyskogo gosudarstva* [A History of the Byzantine State], Moscow 2011, p. 369. (In Russian).

[15] Zachariae von Lingenthal K. E. *Geschichte des griechisch-römischen Rechts*. Berlin, 1892, p. 22.

[16] Allgemeine Encyclopädie der Wissenschaften und Künste. Griechenland. B. Griechenland im Mittelalter und in der Neuzeit. Leipzig, 1868, s. 305-307.

[17] Dölger F. *Byzanz*. München, 1952, s. 97.

[18] A. S. Pavlov, *Teoriya vostochnogo papizma v noveishei russkoy literature kanonichaskogo prava.*

[19] Mouzourakis believes that the *Isagoge* ‘did not acquired the power of law’ but was issued ‘with the aim just to present in the most intelligible form the part of the Code of Justinian which were the most suitable for the moment’ (Mousourakis G. *The historical and institutional context of Roman Law*. Bodmin, Cornwall, 2003, p. 405).

[20] Medvedev I. P. *Pravovaya kultura Vizantiyskoy Imperii,* pp/ 177-178.

[21] Gribovskiy V. Narod I vlast’ v Vizantiyskom gosudarstve, p. 344.

[22] Ibid., p. 371.

[23] Maximos, Metropolitan of Sardes. *The Oecumenical Patriarchate in the Orthodox Church,* p. 153.

[24] Lokin J. H. A. *The Significance of Law and Legislation in the Law Books of the Ninth to Eleven*

Centuries, p. 88.

[25] Meyendorff, John, archpriest. *Vizantiya i Moskovskaya Rus'. Ocherk po istorii tserkovnykh i kulturnykh svyazey v XIV veke* [Byzantium and the Moscow Rus'. An essay on the history of church and cultural relations in the 14th century], available at **http://vizantia.info/docs/150.htm#_ftnref256**. (In Russian)

[26] Ibid.

[27] Barsov T. V. *Konstantinopolskiy patriarch I yego vlast' nad Russkoy Tserkov'yu* [The Patriarch of Constantinople and his power over the Russian Church], Sankt-Petersburg, 1878, p. 199. (In Russian).

[28] Kostogryzova L. Yu. *Ochichsheniye drevnikh zakonov v Vizantii: Basilika,* p. 19.

[29] Meyendorff John, archpriest. *Vizantiya i Moskovskaya Rus'. Ocherk po istorii tserkovnykh i kulturnykh svyazey v XIV veke.*

[30] Matfey Vlastar', Hieromonk, *Alfavitnaya Sintagma* [Syntagma Canonicum], Moscow, 2006, p. 340 (In Russian).

[31] Ibid., p. 156.

[32] Tolkovaniye Zonary, see, Pravila Svytykh Vselenskikh Soborov s tolkovaniyami [Canons of the Holy Ecumenical Councils with interpretations], Moscow, 2011, pp. 214-215.

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