

# An Appeal for a Council of Union

*Michael McGuckian*

## **The One True Church**

“I believe in one, holy, catholic and apostolic Church,” we profess in the Creed. But where is the one true Church to be found? The Orthodox claim that theirs is the one true Church, as do the Roman Catholics. Which is correct? There cannot be two true Churches, so it would seem that, to be a member of the one true Church, one has to choose either to be an Orthodox or a Roman Catholic. I argue that it is not so, however, and I want to make the case that the question, as posed, does not have to be answered, for the one true Church is, in fact, the Orthodox Church and the Catholic Church together as one and, while they are divided neither the Orthodox Church nor the Catholic Church is fully the one true Church and that, therefore, until communion is restored between East and West, the one true Church is not visible as she is meant to be. The one true Church is structured according to the Sacred Canons of the Seven Ecumenical Councils, and according to these Canons, the one true Church is based on the pentarchy of the five sees of Rome, Constantinople, Alexandria, Antioch, and Jerusalem, of which Rome is universally recognized to be the first see. It follows, therefore, that in the current situation, neither the monarchy of Rome nor the tetrarchy of Constantinople, Alexandria, Antioch, and Jerusalem can be the one true Church on its own. The one true Church is, and can only be, the pentarchy of all five sees in communion.

## **The Problem is the Papal Monarchy**

We all know where the problem lies. There is no doubt that, as Patriarch Bartholomew has said, “the ministry of the pope has become the biggest and most scandalous stumbling block” to dialogue between Orthodox and Roman

Catholics,<sup>1</sup> and that “[i]n so saying, the Ecumenical Patriarch was expressing the unanimous Orthodox position on the matter.”<sup>2</sup> However, there are clear signs that the East is ready to seriously consider the possibility of reunion once again. Olivier Clément tells us that in the *Tomos Agapis*, ... “the patriarch ... stressed that it was not the mystery of Roman primacy that was questioned by the Orthodox, only some of its modern applications,” and that “Athenagoras I recognized the Petrine (and Pauline) mystery of the see of Rome, a charism always present, inhering, independently of all theorizing, in experiential practice.”<sup>3</sup> And Patriarch Bartholomew, quoting from “A Confession of the Heart,” delivered in St Peter’s Basilica, June 29, 1997, said that “[i]t is only when *the primacy of a kenotic ethos* prevails convincingly in the Church that we shall ... be able to re-establish our deeply desired unity in faith.”<sup>4</sup>

According to Olivier Clément, presenting the Orthodox reaction after the break of 1054, “[t]aking up the warnings of Christ in the Gospel, the East called on Peter to repent and weep so that he might rediscover his true place in the Church.”<sup>5</sup> Speaking on his own behalf, he says:

Our hope ... is the hope that Rome, when God wills it, and by an operation of grace unique to her, will return to the authentic conception of primacy as the servant of communion within a framework of genuine interdependence between her bishop and all other bishops, and also of real dialogue with the entire people of God.<sup>6</sup>

Clement sees that “[s]igns of “conversion” on Peter’s part have multiplied during the second half of the twentieth century”<sup>7</sup> and this is certainly true. In an address to the Ecumenical Patriarch, His Holiness Dimitrios I, Pope John Paul II admitted the possibility of a different form of the exercise of the primacy when he said that “the Bishop of Rome himself must fervently make his own Christ’s prayer for that conversion which is indispensable for ‘Peter’ to be able

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<sup>1</sup> Olivier Clément, *You Are Peter: An Orthodox Theologian’s Reflection on the Exercise of Papal Primacy*, trans. M. S. Laird, (New York London Manila: New City Press, 2003), 87.

<sup>2</sup> Maximos Vgenopoulos, *Primacy in the Church from Vatican I to Vatican II: An Orthodox Perspective* (DeKalb, Illinois: Northern Illinois University Press, 2013), 3.

<sup>3</sup> Clément, 84.

<sup>4</sup> His All-Holiness Ecumenical Patriarch Bartholomew, Foreword to Vgenopoulos, vii-viii. (Emphasis in the original.)

<sup>5</sup> Clément, 68.

<sup>6</sup> *Ibid.*, 75-76.

<sup>7</sup> *Ibid.*, 76.

to serve his brethren” (*Ut Unum Sint*, § 4). He also said: “I insistently pray the Holy Spirit to shine his light upon us, enlightening all the Pastors and theologians of our Churches, that we may seek—together, of course—the forms in which this ministry may accomplish a service of love recognized by all concerned” (*Ibid.*, § 95). Pope Francis, in his turn, has expressed himself as open to re-examining the exercise of the primacy, and in *Evangelii Gaudium* he said:

Since I am called to put into practice what I ask of others, I, too, must think about a conversion of the papacy. It is my duty, as the Bishop of Rome, to be open to suggestions, which can help make the exercise of my ministry more faithful to the meaning, which Jesus Christ wished to give it and to the present needs of evangelization. ... The papacy and the central structures of the universal Church also need to hear the call to pastoral conversion (EG 32).

Pope Francis has given an excellent description of what a new Petrine ministry might look like. In his address at the Ceremony Commemorating the 50th Anniversary of the Institution of the Synod of Bishops, he said this:

Synodality, as a constitutive element of the Church, offers us the most appropriate interpretive framework for understanding the hierarchical ministry itself. If we understand, as Saint John Chrysostom says, that “Church and Synod are synonymous,” inasmuch as the Church is nothing other than the “journeying together” of God’s flock along the paths of history towards the encounter with Christ the Lord, then we understand too that, within the Church, no one can be “raised up” higher than others. On the contrary, in the Church, it is necessary that each person “lower” himself or herself so as to serve our brothers and sisters along the way. Jesus founded the Church by setting at her head the Apostolic College, in which the Apostle Peter is the “rock” (cf. Mt 16:18), the one who must confirm his brethren in the faith (cf. Lk 22:32). But in this Church, as in an inverted pyramid, the top is located beneath the base. Consequently, those who exercise authority are called “ministers,” because, in the original meaning of the word, they are the least of all. ... I am persuaded that in a synodal Church, greater light can be shed on exercising the Petrine primacy. The Pope is not, by himself, above the Church, but within it as one of the baptized, and within the College of Bishops as a Bishop among Bishops, called at

the same time — as Successor of Peter — to lead the Church of Rome which presides in charity over all the Churches.<sup>8</sup>

It is certainly good that we should all pray for the Pope's conversion but, in the meantime, I would like to suggest a concrete step from the Orthodox side that would help him along the way. I wish to make the case that the only way of getting out of the impasse we find ourselves in is the calling of a Council of Union. Speaking of the criteria for the reception of a council as ecumenical, the Chieti Document (2016) stated that "the Seventh Ecumenical Council (Nicaea II, 787) gave a detailed description of the criteria as then understood: the agreement (*symphonia*) of the heads of the churches, the cooperation (*synergeia*) of the bishop of Rome, and the agreement of the other patriarchs (*symphronountes*)."<sup>9</sup> An Ecumenical Council, therefore, requires the participation of all the Patriarchs of the Pentarchy, so that as the Ravenna Document (2007) says, "the break between East and West [has] rendered impossible the holding of Ecumenical Councils in the strict sense of the term,"<sup>10</sup> and an Ecumenical Council "in the strict sense of the term" is precisely what we need now, for it is the only authority that can settle any matter definitively. An important bit of background to the discussion is to review how the papal monarchical claims have already been dealt with at the Ecumenical Councils.

### **The Emergence of the Papal Monarchy**

It is commonly assumed that the Popes began to claim monarchical authority over the whole Church during the Gregorian Reform in the 11<sup>th</sup> century, when the rupture with the East occurred. This is not the case, however, for the monarchical governing style of the papacy began much earlier. There are two excellent books that describe the origin and development of the papal monarchy,<sup>11</sup> and both of them highlight one particular moment in the story, just after Christianity became the official religion of the Roman Empire. It was then

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<sup>8</sup> Address at the Ceremony Commemorating the 50th Anniversary of the Institution of the Synod of Bishops, October 17, 2015.

<sup>9</sup> Chieti Document – Synodality and Primacy During the First Millennium: Towards a Common Understanding in Service to the Unity of the Church (2016), § 18.

<sup>10</sup> Ravenna Document - Ecclesiological and Canonical Consequences of the Sacramental Nature of the Church. Ecclesial Communion, Conciliarity and Authority (2007), § 39.

<sup>11</sup> Klaus Schatz, S.J., *Papal Primacy: From Its Origins to the Present* (The Liturgical Press: Collegeville, Minnesota, 1996) and Eamon Duffy, *Saints and Sinners: A History of the Popes* (New Haven and London: Yale University Press, 2014).

that the Roman senatorial nobility began to enter the government of the Church, and they brought their way of thinking with them. According to Eamonn Duffy, “[s]elf-consciously, the popes began to model their actions and their style as Christian leaders on the procedures of the Roman state.”<sup>12</sup> The first clear example of this was when the Bishop of Tarragona in Spain wrote to the Pope with a series of queries about the ordering of the day-to-day life of the Church. Pope Siricius (384-99)

replied in the form of a decretal, modeled directly on the imperial rescript, and, like the rescripts, providing authoritative rulings which were designed to establish legal precedents on the issues concerned. Siricius commended the Bishop for consulting Rome ‘as to the head of your body’ and instructed him to pass on the ‘salutary ordinances we have made’ to the bishops of all the surrounding provinces, for no ‘priest of the Lord is free to be ignorant of the statutes of the Apostolic See.’ Siricius quite clearly had no sense that he was inventing anything, as his references to the ‘general decrees’ of his predecessors show: it may be that this form of reply to inquiries had already become routine. Yet his letter is a symptom of the adoption by the popes of an idiom and a cast of mind, which would help to shape the whole mental world of Western Christendom. The apostolic stability of Rome, its testimony to ancient truth, would now be imagined not simply as the handing on of the ancient *paradosis*, the tradition, but specifically in the form of lawgiving. Law became a major preoccupation of the Roman church, and the Pope was seen as the Church’s supreme lawgiver.<sup>13</sup>

Schatz comments on Pope Siricius’ decretal in the same way:

The style ... is striking. It is no longer the kind of fraternal admonition ... that appears in earlier documents from the Roman bishops. Instead, we find here the commanding style of the imperial court. Equally striking is the claim it enunciates. ... Before this, only synods could create new law in the Church. Now papal writings were placed *de facto* on the same level as synodal law.<sup>14</sup>

This can be taken as marking the beginning of the imperial papacy. In the Roman imperial mentality, there is no room for synodality, which is based on a presumption of fundamental equality among all concerned. For the Romans,

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<sup>12</sup> Duffy, 40.

<sup>13</sup> Ibid.

<sup>14</sup> Schatz, 30.

Rome made the law, and the rest of the world was privileged to obey. Pope Siricius clearly saw to need to engage with the Bishop of Tarragona and his fellow bishops in Spain in a synodal process. This, I submit, is where the papal monarchy originated, and the Popes have been acting out of the Roman imperial mindset ever since.

The full structure of the papal monarchy and its scriptural foundation was established remarkably quickly. The first Pope to appeal to Matthew 16:18, “You are Peter ...,” in support of his authority was Pope Stephen I (254-257) in his exchange of letters with St Cyprian of Carthage in the controversy over baptism by heretics (255-256).<sup>15</sup> The interpretation of the text was developed more fully during the fourth century. Pope Damasus (366-384) appealed to it and Pope Siricius (384-399) spoke of his office as one inherited from Peter, who in a mysterious way was present in his successor’s actions. Pope Innocent I (401-414) was probably the first to draw the outlines of a systematic theology of the primacy of the see of Peter, and it was Pope Leo the Great (440-461) who brought the systematic elaboration of the doctrine of the Roman primacy to its conclusion.<sup>16</sup> According to Orsy, Pope Leo articulated with clarity the theory that the bishop of Rome is the “vicar” of Peter, hence his acts have decisive value even without “synodal” support, and some historians see in it the first clear and systematic formulation of the doctrine of Roman primacy.<sup>17</sup>

### **The Papal Monarchy at the Ecumenical Councils**

The fact that the papal monarchy and its scriptural foundation were fully developed by the time of Pope Leo the Great means that the monarchical claim was already in place during the period of the Ecumenical Councils, and that is significant. It is not only the papal monarchy that was already in operation by the time of Pope Leo, but the sense of papal infallibility was also in place, and it became apparent at the Council of Ephesus. St Cyril of Alexandria wrote to Pope Celestine, presenting him with a dossier outlining Nestorius's errors. Davis tells us what happened then:

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<sup>15</sup> Schatz, 13; Duffy, 22.

<sup>16</sup> Ladislav Orsy, ‘The Development of the Concept of “Protos” in the Ancient Church,’ *Kanon*, Jahrbuch der Gesellschaft für das Recht der Ostkirchen: 90.

<sup>17</sup> Orsy, 94, footnote 8.

Pope Celestine held a synod at Rome in August 430, which declared Nestorius' teaching unacceptable and ordered him to recant and accept the teaching of Rome, Alexandria and the universal church ... To carry out this sentence Celestine appointed Cyril, informing him that he was to appropriate the authority of the Roman see and use the bishop of Rome's position so that the papal judgment, or rather, the divine sentence of Christ might be enforced.<sup>18</sup>

This is officially an act of Pope Celestine, but I think it is significant that Pope Leo was his deacon at the time, and he was closely involved in this matter. Notice that already the "papal judgment" is the same as the "divine sentence of Christ," so papal infallibility is assumed. The emperor did not regard the papal condemnation as definitive, however, and convoked a general council to Ephesus on Pentecost, June 7, 431. Davis tells us that "the papal legates ... arrived with instructions not to enter into the debates but to act as judges and to defer in all things to Cyril,"<sup>19</sup> and the legate Philip said that "Peter, who has been established by Christ as the foundation of the Church and has received from him the keys of the kingdom, continues to live in his successors and judge through them; it is as successor of Peter that Celestine sends his legates to Ephesus."<sup>20</sup> The Pope had made his judgment of the case, and the Council must accept it, and further discussion is superfluous. Pope Celestine further instructed the legates: "We order that the authority of the Apostolic See be preserved. ... if a controversy arises, you must pass judgment on their opinions rather than be examined by them" (ACO I/II, 25).<sup>21</sup> Consequently, the legate Projectus demands absolute acquiescence from the Council.<sup>22</sup> The Acta of the Council make clear that the assembly took the final decision against Nestorius on the basis of its own authority, not because of Pope Celestine's imperious command to do so.<sup>23</sup> As another commentator puts it: "The Council of Ephesus condemned Nestorius out of the fullness of its own authority. Its considerations

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<sup>18</sup> Leo Donald Davis, S.J., *The First Seven Ecumenical Councils (325-787): Their History and Theology* (Collegeville, Minnesota: The Liturgical Press, 1990), 148.

<sup>19</sup> *Ibid.*, 156-157.

<sup>20</sup> Cf. E. Schwarz, ed., *Acta Conciliorum Oecumenicorum* (= ACO), 15 vols., (Berolini 1927-1973). Presbyter Philip's speech in ACO I/I 3, 60-61 (Latin translation in Mansi 4, 1296) Translation and reference in Luis M. Bermejo, S. J., *Towards Christian Reunion – Vatican I: Obstacles and Opportunities* (Anand, India: Gujarat Sahitya Prakash, 1984), 114.

<sup>21</sup> Bermejo, 115, footnote 56.

<sup>22</sup> Cf. ACO I/I, 3, 57. (Mansi 4, 1268D-E) Translation and reference in Bermejo, 115.

<sup>23</sup> Bermejo, 115.

were based not on the letter of the pope (who claimed to have settled the matter) but on that of Cyril of Alexandria.”<sup>24</sup>

The same thing happened in the interaction between Pope Leo himself and the Council of Chalcedon. Again, in Leo’s view, doctrinal questions should be avoided, for the entire dogmatic question has already been settled by his *Tome*, and therefore the Council has only to endorse it. As Henry Chadwick explains it:

In Leo’s judgment ... the function of the Greek council was to manifest its own orthodoxy by submissively indicating its assent to the ruling already given by himself, the legitimate juridical successor of Peter, the Prince of the Apostles. It was axiomatic for Leo that the Roman see has received and guards the true apostolic tradition, is predestined by God for this service to the entire Church, is therefore protected from leading the Church astray, and in jurisdiction possesses a universal responsibility inherent in being Peter’s successor; synods whether of east or west did not have an independent power to define and safeguard Christian faith in a reliable way.<sup>25</sup>

He presses this point in instructions to his legates, in a letter to the Emperor, and in a direct communication to the Council itself.<sup>26</sup> The *Tome*, however, was discussed at length by the Council and it was accepted by the fathers of the council with the well-known shouts, “Peter has spoken through Leo,” “This is our faith,” “Leo and Cyril teach the same thing.” In the end, though the delegates from Rome simply wanted a conciliar affirmation of Leo’s letter, the actual result was an independent conciliar definition.<sup>27</sup> Davis tells us that “a commission consisting of the three legates, six Orientals, and three bishops from Asia, Pontus, Illyricum and Thrace met in the shrine of St. Euphemia and worked out the Definition of the Council of Chalcedon,”<sup>28</sup> and that “[i]n composing the Definition, the bishops drew upon Cyril’s Second Letter to Nestorius and Letter to the Antiochenes, Flavian’s confession and

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<sup>24</sup> Clément, 42-43.

<sup>25</sup> Henry Chadwick, *East and West: The Making of a Rift in the Church* (Oxford University Press, 2003), 48-49.

<sup>26</sup> Bermejo, 118.

<sup>27</sup> *Ibid.*, 119-120. See also Schatz, 44-45 and Duffy, 45-46.

<sup>28</sup> Davis, 185.



Leo's Tome."<sup>29</sup> And as Clément says: "Chalcedon saw a new affirmation of the council's self-sufficiency, of its being complete in itself... [t]he council ... which, by the grace of God ... has gathered at Chalcedon has defined the following ... Its criterion was the apostolic tradition, and more specifically the Nicene Creed."<sup>30</sup>

The reaction of the Council of Chalcedon to his *Tome*, however, didn't shake Pope Leo's conviction of his monarchy in any way. After the Council, he refused to ratify the Council's Canon 28, which established Constantinople as the second see after Rome, which Leo did not accept, and he explained his reasoning in the matter:

In Leo's view, Peter was chosen to rule over "all whom Christ also rules originally." Nor does Peter cease to preside over the whole Church, "for the stability which the rock himself was given by that Rock, Christ, he conveyed also to his successors."<sup>31</sup> ... So if anything is rightly done and rightly decreed by the bishop of Rome, "it is of his work and merit whose power lives and whose authority prevails in his see." Moreover, the authority of all Christian bishops is mediated from Christ through Peter and his successors, "so that from him as from the head His gifts should be conveyed to the whole body, so that whoever secedes from the foundation of Peter may know that he is excluded from ... the divine mystery." Leo concluded: "Through the most blessed Peter, chief of the Apostles, the Holy Roman Church holds the principate over all the churches of the world."<sup>32</sup>

It is clear from this that the papal monarchical and infallibilist claims were already fully operative from the time of Pope Leo I, and continued to be pressed at subsequent Ecumenical Councils. According to Olivier Clément, again, the claims were pressed at Constantinople II (553). Pope Vigilius was invited to the Council but even though he was residing in Constantinople at the time, he refused to attend, and Clément reports that

[f]rom the outset the council stated that a question of faith could only be resolved collegially, by a synod, and not by a single individual, not even the pope. "In matters of faith, no one can decide beforehand on behalf of the universal church because each needs the assistance of the others."

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<sup>29</sup> Ibid., 187.

<sup>30</sup> Clément, 43.

<sup>31</sup> Davis, 192.

<sup>32</sup> Ibid., 193.

... Therefore, if the pope, in matters of faith, takes up a position by himself in opposition to the council, which represents the universal Church, he separates himself from Catholic communion.<sup>33</sup>

Clément sheds further interesting light on the aftermath of Constantinople II. When Pope Vigilius refused to attend the Council,

the council declared that he was excluded from the catholic communion, and his name was erased from the records. But six months after the end of the council, Vigilius recognized it, and his successors did likewise. So it was that the popes and the entire Church, both in the West and in the East, acknowledged the ecumenical legitimacy of a council that excommunicated a pope because he had opposed it. This council refused to recognize the pope's right to make valid decisions on his own in matters of faith. It would seem that Vigilius's successors were in no way scandalized by this, for they vigorously enforced the fifth ecumenical council. Gregory the Great, in particular, threatened to anathematize anyone who refused to accept the condemnations of this council. Councils, he said, express the unanimity of the Church.<sup>34</sup>

Clément tells us that "at the seventh ecumenical council (Nicaea II, 787) the pope's representatives reminded everyone that the faith of Rome constituted the principal criterion of faith and that communion with Rome was the touchstone for membership of the universal communion."<sup>35</sup> Davis reports that at the beginning of the Council, "the letter from Pope Hadrian was verified by the legates, read out to the bishops and accepted as orthodox."<sup>36</sup> And from Clément we hear that, after the Council, "Tarasius, the new Patriarch of Constantinople, in his first letter to Pope Hadrian, insisted that the true president of the council was Christ, present in the gospels, which had been placed in the midst of the assembly."<sup>37</sup>

Commenting on this whole process, Clément says this:

The East emphasized conciliarity without, however, denying papal primacy, but without conceiving it along the same lines as Leo the Great. Rome strongly affirmed her primacy but could not impose her

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<sup>33</sup> Clément, 43.

<sup>34</sup> *Ibid.*, 47.

<sup>35</sup> *Ibid.*, 42.

<sup>36</sup> Davis, 308.

<sup>37</sup> Clément, 44.

claim to define truth on her own or set herself up as the sole criterion of communion. The bishops' awareness of collegial authority was too strong.<sup>38</sup>

### **A Council of Union**

This point that Clément makes is important. The papal monarchical and infallibilist claims were already operative in Rome from the time of Pope Leo I, and the East was still able to remain in communion with Rome, accepting the Pope's primacy at the Ecumenical Councils and simply ignoring his monarchical and infallibilist pretensions. This means that even if the Pope is still not 'converted,' the papal monarchical claim does not prevent the calling and proper functioning of an Ecumenical Council. The papal claim would be an item on the agenda of the Council, and the papal monarchists can make their case at a real Ecumenical Council, not at a papal-dominated Council like the Councils of Lyons II, Ferrara-Florence, Vatican I, and Vatican II. There the matter can be decided once and for all. I appeal, therefore, to His All-Holiness, the Ecumenical Patriarch Bartholomew, to call for an Ecumenical Council, a Council of union that can bring our two Churches into communion, as they meant to be, and the one true Church can be visible once again.

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<sup>38</sup> Ibid., 49.