

REMARKS ON A PROPOSED
CONSTITUTION
FOR THE ARMENIAN CHURCH*
by Hagop Nersoyan

Preliminary Observations

A draft of a "Constitution of the Armenian Church" has been circulating among a select number of people for their comments. It is scheduled to be submitted for approval to the Ecclesiastical and Bishops' Assemblies. I will refer to this draft hereafter as 'the proposed Constitution'. It is one of the most important documents in our recent history, and there can be little doubt that it will, if enacted, have a significant effect upon the lives of the members of the Armenian Church. It should therefore have been the subject of extended discussions in the Armenian media. Instead, the proposed Constitution is being circulated among a limited number of people, perhaps people who have leadership responsibilities. The reason for the reticence in making of the proposed Constitution a subject of open review is not entirely clear.

Perhaps the Armenian public is being kept in the dark about this matter in view of its perceived ignorance. The supposition may be that we are not on the whole informed enough about matters ecclesiastical to be able to tell the difference between a good and a better, or a good and bad constitution for our Church, and that there is therefore no point in having an open discussion about the proposed document. Some such thinking may be the reason behind the apparent reticence in making the proposed Constitution a subject of open discussion—which is a bad piece of thinking because an ignorant audience needs illumination, not neglect.

* This is the revised version of an earlier article. The argument is developed more fully in a more extensive Armenian text.

It may also be that those responsible for the issuance of the proposed Constitution are of the opinion that there is no need to subject it to general scrutiny, inasmuch as such scrutiny would be premature before the proper Assemblies are convened. The supposition then is that the people's representatives will themselves carefully examine the document when they are assembled for that purpose. But that too is a bad idea. It is common knowledge that assemblies have neither the time nor the disposition to examine complex documents in detail. In their haste to get the job done they tend to be swayed, sometimes railroaded, by those of their members who speak with greater skill and/or authority. It is good for the people's representatives to be guided by, or at least take into serious account, an informed public opinion.

Two questions arise:

(A.) Does the Armenian Church, in its capacity as a church that traces its origins back to the Apostles and legitimately claims to be the holder of true doctrine, need a constitution at all?

(B.) Assuming (A) can be answered in the affirmative, is the proposed Constitution a good one?

There is no doubt whatever that to anyone who knows what the church is, and who knows anything about the governance of ancient orthodox churches, the answer to both of Questions (A) and (B) is No.

That is an easy claim to make and to understand. The justification of that claim takes a bit of time and patience.

We almost incessantly talk both in our newspapers and privately about the Etchmiadzin/Antelias split, about the shortage, competence, and character of our clergy, and about the issue of the possible use of a language other than classical Armenian in our rites. But when it comes to the inner identity of the Armenian Church and the nature and structure of authority within it, the sad fact is that our people are not, on the whole, sufficiently informed. I asked a friend about the differences between us and the Catholics. "We do our badarak in Armenian, and we do not recognize the pope as the head of our church," she said. This is a woman who is militantly enthusiastic about the Armenian-ness of the Armenian Church. That was the full extent of her information about the identity and polity of our Church. I asked her who Hovhannes of Otsoun is. She had never heard the name. I asked her what the difference is between constitution and canon law. She drew a blank.

That ignorance breeds indifference. We eventually cease to care about the inner identity, as distinct from, but sometimes expressed in, the external, visible aspects of our Church. We allow ourselves this carelessness for a

number of reasons, one of which is this: In our age of "specialization" we have come to believe that the church is really the clergy, and that it is "their" job to keep our Church on track. We tend to divide the church into two distinct parts: the clergy and the laity.

Who Are The Church?

To think that the survival, faith and practice of the church is the clergy's doing or responsibility, and that they actively lead and the laity are passively led, is a most un-Armenian thing to do. It is also a confusion that must be clarified before we can proceed with the problem of the proposed Constitution.

The church is all of us, clergy and laity together. This means that the clergy are not the rulers, and that the laity are not the ruled. All of us are responsible for the whole church. This means that we are, all of us, under obligation to know the basics of our faith and the manner in which that faith must be lived individually and collectively. We must seek to know the manner in which the church ought to be governed, and we must speak up when an error in the behavior of the clergy is detected, so long as the aim is not to enkindle or fan the fire of some scandal.

The laity must also realize that the responsibility of keeping the church on the high ground of its God-given mission does not rest on the shoulders of the clergy only. It is not true, for example, that only the clergy discredit the church when they act in a self-serving, materialistic, consumeristic, lewd or generally immoral manner. It is true that clerical immorality, being of necessity more visible, is more offensive to the congregation. But having taken that into account, it must be realized that an offense to the church by the immoral behavior of a lay person is also a matter of considerable gravity.

To repeat: the church is all of us with shared responsibilities. The clergy are those who have chosen (ideally for pure, religious reasons) to take upon themselves the full-time task of seeing to it that the Gospel-based mission of the church is being carried out, and that it is being carried out properly. This makes them a leading segment, but not the ruling class of the Armenian Church.

The Eastern Churches were not and are not governed by a chief who has nearly all of the prerogatives of a Caesar. The justification of this distinction is that the college of bishops, modeled after the collegiality of the Apostles, has a better access to the truth because it looks upon it from various cultural perspectives and individual reflections. The college of bishops is less tempted to rule by fiat. That collegiality is not democracy (the church is not technically a democratic institution) but it is the religious equivalent of the democratic ideal. It is therefore imperative that when a new constitution is being proposed for the governance of the Armenian Church every Armenian Christian be concerned as to what it is that we are getting into. And a first question is, as we return to our topic, Does the Armenian Church need a constitution at all? The answer to this question is, without any doubt, No. .

CONSTITUTION AND CANON LAW

We shall presently see that ancient bona fide churches are governed not by constitutions but by canon law. We shall also see that the present proposed Constitution, even if it were legitimate, should be rejected for many defects intrinsic to itself.

The proposed Constitution has been in preparation for many decades. Members of the ad hoc committee have included at one or another time Communist or formerly Communist lawyers. But also working on it were high-ranking, knowledgeable clergymen of the caliber of Archbishop Tiran Nersoyan. Archbishop Nersoyan deserves special mention because he was among the very best of the Armenian canon law experts of the century, next only to Vazken Hagopian, a Soviet Armenian scholar. Archbishop Nersoyan worked on the constitution committee with reluctance, for he knew that the Armenian Church, as all other ancient mainline Churches, both Western and Eastern, are, and ought to be governed by canon law, not a constitution. He accepted Catholicos Vasken's invitation to work on the ad hoc committee, on the assumption that should a constitution be written and validated anyway, it would be worse without his participation.

What is canon law, and why should it be preferred to a constitution for the governance of the church? A quick way to gain cognizance of what canon law, as distinct from a constitution, is, is to recall that two of the patterns in which a community is organized are sovereign-and-subjects and parent-and-children. Unlike a state (sovereign-and-subjects,) the church is a family (parent-and-children) under the fatherhood of God who is Love. In a good family rules are the expressions of fairness and of everyone's love for everyone else. Rules are established in a good family as the need arises. They become obsolete and are forgotten about when the need is no longer there. Anahit does the dishes on Wednesdays until she goes off to college, at which time a different arrangement is made. Armen must stay home and keep an eye on his little brother when mother is at work. All the members of the family take turns in saying grace before meals. Canon law for the church is roughly like rules for a family. Such rules

come and go. They are flexible, but they are always inspired by fairness and love. As a matter of fact canon law began in the earliest church as rules are established in a family.

Constitutions are based on man-picked principles and seek to adjust the future to their provisions. Canon law entrusts the future to God, and endeavors to solve any problems that arise, as they arise, according to His will. Although one would not expect canon law to be, and it is not, free of the traces of human sinfulness, obedience to God as revealed in the Christ is the end in view, and it goes without saying that the church should not govern itself by any other means.

Canon (ganon in Armenian) is a most ancient Greek word. The lexicon [Liddell and Scott] informs us that Homer used the word in the plural to refer to "the two rods running across the hollow of the shield, through which the arm was passed, to hold it by." The word also meant a rod used in weaving; a carpenter's rule; and, metaphorically, a norm or a standard of excellence. Canons also referred to masters of literature who could serve as models to beginning writers. It is in keeping with this usage that the books of the Old and New Testaments constitute the "Canonical" Scriptures.

For our purposes a canon is a rule of discipline or doctrine. Canons are authoritative because they are promulgated by legitimate ecclesiastical bodies, or declared by the Fathers of the church. Canons do not come structured in the manner of the articles of a constitution. They usually set forth the church's answers to problems that come to vex the congregation as a whole or any one of its segments. They also formulate the church's determinations in the case of disagreements. For example: the Enlarged Plenary Session of the Synodal Theological Commission of the Russian Orthodox Church confirmed recently (February 2001) its "basic social concept" to the effect that "if the state forces its citizens into sin, the Church may call them to civil disobedience." The Enlarged Plenary Session did not issue this as a canon, but it certainly has the force of one and can be recognized as such.

The canons of the church amount therefore to a system that consists in making determinations when there is a socially significant problem to solve, or a new challenge to be met. For example, at the beginning of the fourth century an issue that nearly split the church was the date of Easter. There were those who were of the opinion that it should be observed on the fourteenth of the [Hebrew] month of Nisan, and those who insisted that it should be celebrated on a Sunday following that date. One of the reasons why the first ecumenical or all-church council, the Council of Nicaea, was convened was to settle that issue. Again, early in the fourth century there were already abuses in the ordination of clergy. A canon of the Council of Nicaea (Canon 9) specifies that those who are ordained without having met the conditions of ordination will be deposed and returned to their former status.

In addition to its creedal decisions the Council of Nicaea has enacted 20 canons. The two Councils that followed Nicaea have decreed another sixteen. These, as well as the Canons inaccurately known as "Apostolic," along with those initiated by other Fathers are considered valid by all the orthodox, apostolic churches. Each church, the Armenian Church included, has additional canons of its own, such as those attributed to St. Gregory the Enlightener. Many, but certainly not all, of these canons seek to regulate the conduct of the clergy and laity alike. Doctrine, relations with heretics or non-Christians, correct church services are among other concerns. Among the Armenian Church councils that issued important canons is that of Shahapivan that convened late in the first half of the fifth century.

Needless to say, during the twenty centuries of Christianity there has been an impressive accumulation of canons. Many, though certainly not all, of the canons are quaint, obsolete or unenforceable. They follow some of the ordinances of the Old Covenant too literally, they are based on primitive medicine, they belong to cultural tastes that we have outgrown, and to mentalities that we no longer consider sound. The question then is, What does a church do with all this accumulation?

The simple answer is this: The church reviews the accumulation from time to time, and sees to it that its code of canon law is up to date. This is what the Roman Catholic Church did at the turn of the last century. A number of clergy and scholars were appointed to the task, and after reassessments of their work the Corpus Juris Canonici was issued in 1983 in 7 volumes containing 1752 canons. In 1917 the Roman Catholic Church had 2414 canons. Within less than seven decades 662 canons had been declared obsolete and no longer in effect. The Greek Church has been trying to put its canons in order since a meeting held in Geneva in 1976. What awaits the Armenian Church is a similar task.

Our Two Constitutions

Ancient authentic churches are not governed by constitutions. They are governed by canon law. The Armenian Church, that has not had a new saint and has not adopted a canon for the last several centuries, chose or was motivated to write constitutions for itself twice before in the nineteenth century. It did this for regrettable reasons and with deleterious consequences on both occasions. The constitution known as the Polozhenye was an

offer we could not refuse, made by the czar and the patriarch of Moscow. Adopted in 1836, it reduced the Armenian Church to a Christian sect tolerated by the Russian Empire. With that document in hand the czar could say that the Armenian people voluntarily gave him the power to handpick their catholicos for them.

The National Constitution of the Armenians went into effect in Constantinople in 1863. As the name shows, it is not at heart an ecclesiastical document, although it makes room for clergymen alongside a majority of lay people in the governance of the church, and provides for a religious committee to take care of religious matters. It is a national document, as made amply clear by its preamble that makes of the church a ward of the nation. It declares in part that "Every individual of the nation has obligations toward the nation, while the nation in turn has obligations toward its individual members. ...The obligations of the individuals are the nation's right." That being its guiding light, the National Constitution for the Armenians reduces the Armenian Church to something like a department of religious affairs within the larger body of what may be described as the National Administration. The 1863 Armenian Constitution was made possible by the anti-clericalism then sweeping Europe, and making waves in the Ottoman Empire of Sultan Abd ulAziz.

It must be admitted that by 1863 the Armenian patriarch was often not much more than a tool in the hands of the amiras. These gentlemen, normally super rich merchants and professionals, owed their status to the sultan and/or his pashas. They were therefore eager to maintain the status quo—as was of course the Church. The National Constitution of the Armenians was the means wherewith the educated, usually anti-religious and pro-nation element of the Armenian population wrested power from the elite. It is thus with a measure of justification that the people embraced the new Constitution. There can be no doubt that this was a liberating instrument. It did give a long suppressed voice to the people. It remains nevertheless a fundamentally secular instrument. It marginalized the function of the Church proper. It subjected the Church to the rule of men whose respect for the Church's Christ-ordered mission was accidental at best.

Both the Polozhenye and the National Constitution have left their sad marks on the Armenian Church. A large segment of the Armenian people still regret the fact that political parties use the Church for ends of their own, which is an added reason for returning to the principle of canon law after being sidetracked into the anomaly of ecclesiastical constitutionalism for nearly two centuries.

Why Canon Law?

The church is not run by constitutions because a constitution is, by definition, a secular instrument and is framed accordingly. While nothing within history is an absolute beginning, constitutionalism may be traced to a document like the 1215 AD Magna Charta with which the barons sought to limit the power of the king of England, thereby making one of the first dents into the theory of the divine right of kings. As the French, American and Soviet Constitutions clearly indicate, a constitution sees the will of the people as the source of legitimate authority. This will is motivated by a "self-evident" principle such as liberty, or an ideal such as the treatment of the worker or employee as a person and not as a cog in a machine. Constitutions usually come about as a rebellion against an existing state of affairs where a large segment of the population is seen as deprived of its human rights. Their aim is to free people from arbitrary shackles imposed by the mighty, so as to enable them to live their lives as they choose, within reasonable limits. In short, except perhaps in theocracies, constitutions seek to improve the life of the people here below. A code of canon law is obviously not opposed to that aim, but is not limited to it. A canon law looks beyond this world to a person's eternal destiny.

The issuers of canon law are motivated by the will of God as revealed in the Scriptures, meaning both the Old and the New Testaments. Now when we appeal to the Bible in order to justify an article of faith, defend a liturgical practice, or ground a moral rule—when we do this we of necessity interpret the Sacred Text. The question then arises, Whose interpretation is a valid interpretation?

It goes without saying that good Christians read the Old Testament under the light of the New. The New Testament is essentially the Gospel, that is, the Good News of the salvation made possible through the teachings, death and resurrection of Jesus the Christ. The infallible interpreter of the Bible is the church, represented by the college of bishops from the time of the Apostles to the present and extending into the future, that is, the college of bishops looked at as a single body throughout its duration in the world. We may remember in this connection that ever since the Apostles one bishop has laid his hand on the head of his successor in an impressively unbroken line in nearly two thousand years, and the line is continuing..

One implication of that is that the bishops do not make the law, in the manner of the writers of a constitution. Rather, they listen, in utter humility, to the counsel of the Holy Spirit. We in fact recognize this whenever we say in our Creed that "the Holy Spirit spoke [and now speaks]in the Laws." Yet any one generation of bishops is subject to the scientific ignorance and the cultural limitations of its time. This is why all subsequent

generations of bishops are under obligation to review constantly the canon laws established by their predecessors. When some of the canons are no longer applicable, the assembled bishops do or should discard or revise them in step with the cultural progress and in the light of new scientific discoveries, but never losing sight of the biblical principles, always in obedience to the Holy Spirit. In this way does the code of canon law remain grounded in the Gospel, and is at the same time flexible enough to adapt to the changing lights and conditions of life.

That is also why the bishops need assistants and advisors who may or may not be members of the clergy. It is because the Eastern Churches are unmistakably collegial that laymen, including theologians and other experts, participate in their general councils. It is clear that a bishop, no matter how eager he is to keep up with the modern world, cannot do his own job well, and keep at the same time at the forefront of such disciplines as biology, philosophy, theology, medicine, economics, and the like. So he must depend on those who have the time, that he does not have, to do all that field work and read all those books.

A constitution is based on some secular principle designed, in truly democratic societies at any rate, to guarantee fairness and freedom to every citizen. Canon law seeks to build, and keep in constant repair, the rungs of a ladder, as in Jacob's dream, on which the eternal God comes to men and women, and men and women open up to God, and move to His presence here and hereafter.

A constitution is rooted in the cultural tastes or convictions of a particular era, sometimes in the strong convictions of a single individual. The French constitution is pretty much the brainchild of the philosophes of the 18th century; the works of Th. Hobbes and J. Locke were instrumental in the eventual framing of the American Constitution; K. Marx had a great deal to do with the Soviet Constitution. Not every constitution will shake the world as these three did, but the principle is the same. Someone thinks up something, then some others come together and put their experiences and their imagination to work to draw up an administrative structure for the community to fit into. That is not how canon law works. The principles that ground the canons are, as we saw, already given in the Bible, and thus they are given once and for all. The entire corpus of canons forms a unity in continuity, even though some of the canons become obsolete and must eventually be discarded. One might compare that unity and continuity of the canons to a human body. It is the self-same human body, even though it sheds its spent cells.

A code of canon law needs no amendments because it is continually open to the new situations in the life of the church. With an alert and dedicated body of bishops, meeting officially at reasonable intervals, canon law should always be up to date. That flexibility is necessary because, unlike constitutions, canon covers a person's life in an effort to make it a life of care and responsibility. A canon of the Armenian Church (Bsl II, 221) specifies, for example, that parents should not force their children to marry the person they do not want. More specifically, parents are forbidden to force their daughter to marry an old man because of his wealth. These are good rules that have not lost their validity. But a related canon is an example of one that should be discarded. It (Bsl II, 206) forbids the men and women of over sixty years of age to marry, except when they can obtain a dispensation from the bishop of the diocese. The reason given is that old folk are close to death and should spend their time in prayer and meditation. The medieval people who set down that law could not have known that the time will come when people of that age will normally have five years to go even before retirement. Everyone will agree that that is a canon to be discarded. It is clear that a Bible-based, continuous, flexible code of canon law is what the church, including the Armenian Church, needs to govern itself. It does not need a constitution. Church and constitution are incompatible concepts.

The Difficulty

Compared to the revision and maintenance of a code of canon law, the writing of a constitution is easy, largely because it is not necessarily bound by previous legislation. A group of men and women come together and on the basis of the then current situation and the prevalent persuasions draw up an instrument by which the people are willing to govern themselves. In addition to the principles they choose to commit themselves to, the leaders need to be learned, wise and imaginative enough to see to it that the new constitution is in keeping with the chosen principles, and that enough eventualities are foreseen to guarantee acceptance for some time to come.

A code of canon law is, as we already saw, grounded on the Bible as interpreted by the church. The canons themselves are adopted and their revision and reevaluation from time to time is done in obedience to God's will as detected by the church. The issuance of any new code of canon law will require a deep commitment to Scriptural truth and a high degree of erudition. A panel dedicated to the work of preparing an up to date code of canon law for the Armenian Church must include men and women who have a detailed knowledge of the history of the Church, linguistic skills for a comparative study of the various existing codes, a sufficiently profound and panoramic view of the prevailing philosophical and theological insights, as well as information about moral issues that are there as the consequence of new scientific and technical possibilities.

The Armenian Church now has enough specialists for the composition of such a panel, with, if necessary, the assistance of non-Armenian scholars. The main enterprise is the sifting of our ancient canons. There are canons that strike us as rather quaint. One canon ordains for example, that if a mouse falls into a bowl, and a person eats or drinks from the bowl without knowing about the mouse, he or she should not be punished; but in order to be on the safe side of "the sacred law" he or she may not receive holy communion for seven days. Other canons are unenforceable, such as the one that forbids good Christians to sing and dance at weddings (Laod. 51). A more practicable canon (Athan. 72) specifies that if a priest, while cleaning up his garden, throws a rock over the wall of the garden, and the rock hits and kills a passerby, the priest is a murderer. The point is that one must be mindful of one's neighbors in all possible circumstances.

The code of canon law as a whole seeks to help the faithful find freedom in the truth, and therefore covers the life of the faithful in its details. A considerable number of the canons are still quite valid, and no canon is entirely meaningless no matter how dated.

The church's task is to keep the canons up to date by periodically "pruning" the existing code and adding relevant new canons. This is like keeping a house. It must be kept uncluttered, and modernized and renovated from time to time. The freedom preached by the church is like the freedom of being at home in one's house. The code of canon law is the legal "house" that the church creates for its children. Ancient, authentic churches are governed by canon law, as a family is "governed" by regulations in order to make a harmonious family life possible. The churches reject constitutionalism, because constitutions, including the one under discussion that is being proposed for adoption by the Armenian Church, cannot fulfill that function.

THE PROPOSED CONSTITUTION

The Constitution under consideration must be rejected not only because it is not needed, but also because it is badly written and contains a number of errors and contradictions. A detailed critique of it is not necessary. I shall point out some notable shortcomings.

1. The Preamble of the proposed Constitution purports to tell us what the Armenian Church is, but when we reduce that paragraph to its logical skeleton (a process whose detailing would take us too far afield) we learn in effect that the Armenian Church is the Armenian Church, which is no doubt true, but not informative.

We are then told that the confession or creed of the Armenian Church is founded on "the first three" ecumenical councils. This looks like a small matter but it is in fact the tip of an iceberg. The "iceberg" is that the Armenian Church does not take itself seriously enough, and that it has no confidence in its own doctrinal identity. The implication of saying "the first three" ecumenical councils is that there are more than three ecumenical councils and that the Armenian Church does not accept the others. But that is an absurdity. It is clear indeed that if there are more than three ecumenical or all-church councils we should accept them all. And if the Armenian Church, which is a respectable, legitimate part of the church universal, does not accept them, then they are not ecumenical. We should therefore be speaking of "the three ecumenical councils," without the word "first" thrown in.

The proposed Constitution promises to abide by the canons of the Armenian Church, which looks like a good thing to do—until we realize that we are faced here with a major contradiction. If the proposed Constitution were indeed to be faithful to our canons, it itself would not be there in the first place. It would have to vanish into thin air because the code of canon does not countenance any constitution. Constitution and Canon Law are mutually exclusive concepts.

There is a second reason why this vaunted obedience to our canons fails to have a practical significance. It is that no one knows exactly what canons we are talking about. The canons as they now stand are as we saw a nebulous mass. They need sifting, and only when they are so sifted, and declared valid for us, the men and women of this generation, would the word "canons" have a useful meaning. But we must be fair. The proposed Constitution says that we must respect those of the canons that are deemed valid by "the relevant authorities." The predicament then is that we unfortunately do not know who these relevant authorities are. If it is suggested that we shall know who they are after the proposed Constitution is adopted, then we shall be putting the cart before the horse.

The Constitution goes on to say that there are two ways of naming the Armenian Church: the long and the short. The long way is "[The] Apostolic, Catholic, Orthodox, Holy Church of Armenia." The short way is "[The] Apostolic Church of Armenia." In English we would say, not quite accurately, "The Armenian Apostolic Church."

"Holy, Apostolic, Catholic (meaning Universal) [and One] are the four marks of the church. "Orthodox" is not such a mark, but it is important inasmuch as it announces our claim that our doctrine is true. What is therefore happening with the proposed Constitution's short way of referring to our Church is this: We are de-emphasizing our otherwise well-founded claim that the doctrine we hold is true. We are setting aside the orthodoxy (the fact of being

a true believer) of the Armenian Church, and are picking for emphasis the mark "apostolic." But this is a matter of very great importance. The interested observer would want to know the grounds on which that weighty decision is being made, in view of the additional fact that there are all manner of "apostolic" churches that do not have very much to do with the Apostles as properly understood. . While the proposed Constitution offers no explanation of any sort justifying that decision, one thing is clear: Nothing in our Tradition and classical literature supports it.

Incidentally, the designation "Armenian Church" is not quite correct because a relatively more accurate translation of Hayasdanyayts Yegheghetsi would be "Church of Armenia." There is a difference of radical importance between "Armenian Church" and "Church of Armenia," but this is not the place to discuss that issue. Serious Greek writers are aware of the issue. They use 'The Church of Greece' rather than 'The Greek Church.' I am using 'the Armenian Church' in this article instead of 'the Church of Armenia' as a concession to a widely adopted, albeit mistaken, practice. Strictly speaking ancient churches do not have "names" of their own, because they are parts of the self-same universal church. They are designated by the name of the land where they operate or have their headquarters. A comparable situation would be, say, the [self-same] University of California, at Los Angeles, Berkeley, San Diego, etc. So we have the self-same church of Rome, Greece, Russia, Armenia, etc. "The Holy Church of Armenia" is a traditional brief designation in our literature. "The Armenian Orthodox Church" is widely used in countries other than the United States. We probably need a learned discussion of the issue and a canon to settle the matter.

The proposed Constitution specifies that the official language of the Church of Armenia is ... Armenian. A first reaction to this stipulation is a sort of surprise. What did anyone expect the language of the Armenian Church to be? Swahili? But there is more to it.

It would make sense to say that the Armenian Church shall conduct its formal meetings in Armenian, meaning that such meetings shall not be conducted, say, in Russian. Or in English. But the assignment of an official language to the church shows that the writers of the proposed Constitution do not take the story of the Pentecost seriously. Some of us recall that on that day the Apostles miraculously spoke the languages of the various groups they addressed. The point is that the church does not, and should not have an "official" language of its own. The church speaks the language of its audiences. The church preaches to the people in whatever language they speak—which is why St. Mesrop invented the Armenian alphabet. He wanted the church to speak to the Armenian people in their [Armenian] language.

2. The chain of command is represented in the proposed Constitution in the following order:

The Universal Catholicossate of All Armenians, along with the Catholicossate of the Great House of Cilicia, the Patriarchate of the Armenians of Jerusalem, and the Patriarchate of the Armenians of Constantinople [11 pages;]

The National-Ecclesiastical Assembly [4 pages;]

The Assembly of Bishops [2 pages;] .

The Supreme Spiritual Council [4 pages.]

The other Chapters are about the Dioceses, the Parishes, the Pastorates, the Monastic Institutions, the Electoral Rights and General Principles, the Basic Rights and Obligations of the Spiritual Staff and the Faithful, and the Provisions for Revisions and Changes in the Constitution. There are also two addenda, the oath that the catholicos-elect takes before confirmation, and the oath, taken in classical Armenian, by the delegates to the "National-Ecclesiastical Assembly."

This listing is significant for at least two reasons. 1. It suggests that the supreme authority of the Armenian Church is the catholicos. This is not true, as we shall see in a moment. 2. It takes the de facto, today's, situation of the Armenian Church and gives it a de jure, legal, status. This is not what constitutions are supposed to do. A constitution does not "legalize" an existing situation or adopt the status quo of its time just because it happens to be the case then. On that view, if the proposed Constitution were prepared at an earlier time, say in 1469, no Patriarchate of Constantinople would have been mentioned in it. Had it been prepared late in the nineteenth century, Aghtamar would have been one of our recognized catholicossal sees. The immediate concern of constitutions is not historical facts. A properly constitutional issue would, for example, be whether the Armenian Church can and should accommodate a patriarchate: When is a see a patriarchate? How does a patriarchate relate to the See of Etchmiadzin? Or, under what circumstances, if at all, is a catholicossal see, other than Etchmiadzin, a canonically acceptable institution? How does it relate to the Mother? These are the sorts of questions to which one wants an answer in a constitution.

3. The proposed Constitution gives plenary or absolute (liakatar) power to the catholicos of all Armenians over the governing bodies of the Church (Ch. 1, Art. 6a.)

Historically our catholicos have had the rights or obligations to consecrate (assisted by other bishops) new bishops, to bless and distribute the muron, to convoke the lay and/or episcopal assemblies and preside over them, to establish dioceses, to conduct ecclesiastical courts and to represent the Armenian Church on official occasions. The proposed Constitution assigns to the catholicos twenty-two (22) rights. Actually there is very little if anything in the entire proposed Constitution that limits the power of the catholicos in any significant way. For example, no clergyman can, in effect, bring a charge against a superior to the staff of the college of bishops without the tacit agreement of the catholicos (Ch 6, Art.31.) As suggested earlier, in order to avoid the charge of whim or arbitrariness, the framers of the proposed Constitution should have annotated every one of the twenty-two rights of the catholicos, tracing them to an established canon, itself rooted in Scripture. No such effort is made throughout the proposed Constitution, while the plain fact is that the supreme authority of the Armenian Church is not, and has never canonically been the catholicos. The highest authority of the Armenian Church is the College of Bishops.

The structure of the Armenian Church's authority is not pyramidal with one man at the top. Rather, there is a platform at the upper side of the pyramid, which therefore does not come to a point. On this platform the college of bishops, all the bishops together, stand with, not under, the catholicos. The catholicos is the first among equals because he is no more than a bishop and no church recognizes an order above that of the bishop. The catholicos has more authority than any other individual clergyman because he himself represents the college of bishops, and the whole (the college) is more than its parts (individual bishops.) At the same time he remains subject to the directives of the college of bishops. It is the college that decides what responsibilities may, and what responsibilities may not be delegated to its representative, the catholicos.. This is why the highest authority of the church is the college of bishops, not the catholicos. and the proposed Constitution should have started with the powers and responsibilities of that body.,

Some metropolitans or catholicos, during the long history of the Eastern Churches, ours included, may have, because of either secular support, or a strong personality, or personal charisma or erudition, or sheer historical necessity, ruled the church without seeking general consent. But that is not the norm. The supreme legitimate authority of the Armenian Church has always been a council in matters of faith, discipline or policy. These councils have often, but not always, been attended by princes and other civilian individuals. In the formative years of our Church we did not even think of ourselves as a separate Church, to be governed by any "supreme" authorities of our own. We accepted the doctrine or the decrees of regional or universal ecclesiastical authorities. As believers in the "one, universal, apostolic and holy church," we still do, as indeed we should.

The Armenian Church, as a member of the Eastern Churches, is a conciliar Church. This is why we, along with every other Eastern Church reject the pope and the doctrine of the infallibility of the pope. This doctrine is based on the view that the rock on which the church stands is St Peter, that Jesus Christ gave Peter that function and status, and that the pope as successor of Peter is the head of the church. We maintain, against this frivolous, self-serving claim that the church began on the day when the Holy Spirit descended upon the Apostles, as a collectivity, when they were together in the Upper Chamber.

4. There is a ritual that follows the election of the catholicos whose origins may not go beyond the tenth century and which is of dubious symbolism and significance.

It is the anointment of the new catholicos. The anointment of the catholicos looks very much like a laying on of hands and consecration, and therefore like the creation of a fourth order above those of deacon, priest and bishop. The creation of such an order would be patently unbiblical and an act of heresy. No church ever admitted the existence of a fourth order throughout history. The old habit of anointing the catholicos should therefore be looked into. Not all habits or customs are part of the Tradition. And it is instructive to observe in this connection that the pope is not anointed. The pope-elect becomes the pope when he formally says "I accept." It is also instructive to observe that the present pope refused to wear a crown (the papal tiara) and put an end to the custom of making the pope look like an emperor.

It should be useful to end this section with the observation that there are two kinds of powers. We may refer to them as brute and reasoned. "You do as I say because I say it" shows the kind of power that can be described as brute. The power of a sergeant is of this kind. This is the power that requires blind obedience. "You do as I say because what I am saying is good for you. Let me explain why, and let us come to a decision together" shows a reasoned and basically loving power. The power of a competent, caring physician is of this kind. Neither the church as a whole nor anyone in the church should ever exercise brute power. Within the mystical body of Christ all power is shared in the sense that all power should be of the reasoned and loving kind.

5. There are four interrelated centers of authority in the proposed Constitution: the catholicos, the national-ecclesiastical assembly, the assembly of bishops, and the spiritual council, all of which are "supreme."

A few short comments are in order about the "National-Ecclesiastical Assembly." The question to ask is, What is the word "National" doing in this title? The answer is, It is a leftover from the nineteenth-century National Constitution, and of the cloudy notion that the Armenian Church is a national church. Cloudy though it is, this notion is so pervasive and so popular that large numbers of people accept it as true, uncritically. This uncritical acceptance of our church's being national is understandable in an age of unbelief. Since we all unavoidably yearn to belong to some Entity larger than ourselves, we in this age naturally take the nation to be it. In this way does the nation take on religious dimensions. This is a recent mood. No one entertained the notion that the Church is national prior to the eighteenth century, and it is nonexistent in our classical literature.

The error can be concomitantly traced to the fact that the Armenian Church came into existence largely for the people in Armenia, who eventually recognized themselves as the Armenian nation. Our church flourished through men and women who expressed themselves in the Armenian language as the praying, teaching and learning inhabitants of the land. We also used ritual and artistic expressions of our own in our acts of worship. Moreover, we love both our church and our nation, and thus tend to fuse both entities into one in our consciousness. But does that make the Armenian Church a national Church in the current, normally accepted meaning of "national"? No, it does not. Shakespeare's drama translated into Armenian and staged in Armenian dress remains English, although its universal meaning takes on an Armenian expression. "National" has to do with the specific ethnicity of the people. The Armenian Church is part of the one, catholic (universal) apostolic and holy church, as we acknowledge every time we recite our creed. Clearly, 'ethnic' and 'universal' do not jibe.

There are two reasons for emphasizing the universality of the Armenian Church, lovingly acknowledging at the same time that it developed in Armenia, and that the people of Armenia were always its main object of concern:

a. Needless to say, as Armenians we are people, members of the human race, before we are Armenians, and so there are such questions as the following that we inevitably ask ourselves. We ask these questions not as Armenians but simply as self-conscious individuals, along with the Abkhasians, the Zulus and everyone else: What is the meaning of life? Why should innocent children suffer? What will happen to me after I am "gone"? Why should I deprive myself for the sake of a less fortunate person? Is abortion wrong? Why should I bother saving an animal in distress?

No matter what the answers, a person, any person, does ask these questions, and he or she asks them at one time or another, inevitably, as we just said, in the sense that a self-conscious human being cannot but wonder about what is known as the mystery of existence. These questions do not have much to do with Armenianness and they are the questions that the Armenian Church answers or ought to answer for us, its faithful. You may or may not agree with what the church has to say about the mystery of existence, but that does not change the fact that these are the sorts of questions that it is the church's mission to answer, and an institution that answers questions that are of human, not national, concern, cannot breezily be said to be national.

b. The second reason why the Armenian Church cannot accurately be described as "national" is the plain fact that many Armenians do not belong to the Armenian Church, and, many non-Armenians do. The Armenian Church and the Armenian nation are not coterminous. There are Armenian Catholics, Protestants, atheists, agnostics, pagans (worshippers of Vahakn and Anahit) all of whom are fine Armenians; they all proudly belong to the Armenian nation, but they do not belong to the Armenian Church. They may pay their church dues, they may attend the badarak every Sunday to hear both its words and music, they may even contribute a million dollars to the building of a museum of church art. But if they do not believe as the Church does, they are not bona fide members of the Armenian Church, and if it is possible to belong to the one without belonging to the other, as it indeed is, then quite obviously the nation and the Church are two very distinct entities. It may be argued that the same can be said of the Armenian language: many Armenians do not speak it, and many non-Armenians do, yet it is our national language. But let us not forget (a) above. Besides, the Armenian language did not come to Armenia as did the Armenian Church. A language is an ethnic creation. Armenia responded to Christianity from the very depth of its humanity.

A question may come up. How then is the catholicos the catholicos of "All Armenians?" Actually he is not. He is the catholicos of the Armenian Church. There are many historic titles that linger on after the fact that justified the title is a memory.

The Armenian nation remains of course an object of reverence, dedication and love for every Armenian. Yet in view of the above considerations the realistic, the rational, the wise thing to do would be to remove the word "National" from the name of the "supreme" legislative body of the Armenian Church, and call it simply the Armenian Ecclesiastical Assembly.

We may remark in passing that the highest legislative body of the Armenian Church has two sorts of members: delegates and bishops. All votes cast are secret. But the delegates are elected representatives, and must therefore vote openly (a most elementary principle of democracy is that the people who elect a representative have the right to know how that representative votes.) The bishops are there on their own behalf, and therefore not under the obligation of casting open votes. One way of solving the dilemma would be to have a bicameral supreme body. One chamber would be composed of bishops, the other of elected delegates. A proposal would become policy with the majority votes of both houses.

6. How does the proposed Constitution fit the regimes of the various countries where there is an Armenian Church? Very poorly, if at all.

Suppose an Iraqi head of state is unhappy with the fact that the Primate of the Armenian community of his domain owes constitutional allegiance to a catholicos who is a citizen of a country with which Iraq has no diplomatic relations. How is the dilemma to be solved?

Or consider this: the Armenian catholicos of Cilicia participates ex officio in the deliberations of our highest legislative body (though not in the Assembly of the Bishops). The proposed Constitution says (Ch. ii, Art. 17) "that the See of Cilicia shall be governed by the Constitution, by its own constitution, and the local laws." Now that's a tall order. It is a matter of common knowledge that the See of Antelias is still governed by the National Constitution as revised to fit present-day local needs. The proposed Constitution does not bother to specify what will happen if the two constitutions and the local laws are in conflict. But that is not all. Strangely enough the local parishes, standing as they do at the lowest rung and thus at the basis of the administrative structure of the church do not have to abide by the terms of the proposed Constitution. They can have their own "constitutions"! (Ch. 10, Art. 81).

All these anomalies will be avoided if we have a code of canon law instead of a constitution. All centers (including the Araratian Diocese and the Catholicosate of Etchmiadzin) can then have their own bylaws, all drawn up in response to local necessities and within the universally applicable principles of the code of canon law.

7. Another remnant from the old times, in this case the Polozhenye, is the "Supreme Spiritual Council." On paper at any rate this council is quite as supreme as the catholicos himself and the other assemblies. Its decisions are binding on all the church (Ch. VII, Art. 55.)

The curious thing is that the supreme legislative body that elects the supreme head of the church (the catholicos) also elects the members of the supreme spiritual council. For all intents and purposes therefore the same supreme body elects not one but two supreme authorities (the catholicos and the spiritual council.) Why? The answer is that in the days of the Russian Empire the purpose of the "supreme" spiritual (so-called) council was no doubt to keep an eye on the catholicos and make sure that he does nothing against Russian interests. We should not have that problem today, but independence creates problems of its own. The Armenian Church extends worldwide, and finds itself in different conditions in various countries. The rational thing to do would be to let the catholicos choose his own advisers from various countries and have them approved by the ecclesiastical assembly.

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The above observations do not constitute a complete critique of the proposed Constitution. They are indications to show that the document under consideration is not written with the required care. It is built on premises that are no longer valid, and it contains elements that are intrinsically unacceptable. It should therefore be simply ignored. It should be ignored not only because ancient, orthodox churches are not governed by constitutions, but also because it is bad in itself.

There is one more remark to be made before we conclude. Chapter XIII, Article 90 reads as follows. I shall be adding the emphases:

The BASIC task of spiritual office-holders and of the faithful is to respect the Catholicos of All Armenians and the institutions and employees of the Armenian Apostolic Church that he heads, and to execute their commands and determinations, along with the requirements of this Constitution and of the Diocesan constitutions.

It is quite impossible to imagine anything uglier, more offensive to democratic sensitivities, more despotic and tsarist in tone than this provision. It reduces all of Christianity to obedience and legalism. One would think that a Christian's basic obligation is to obey not any one person, but God's will as revealed in the Lord Jesus Christ. Is the proposed Constitution making of our catholicos a pope of popes? Are the writers of this constitution under the impression that whenever the catholicos says anything formally some divine infallibility is the case and then all we have to do is bow down?

The church itself is alone infallible as the mystical presence of Christ on earth. The only infallible entity is the church itself. Responsible infallibility requires obedience to the Holy Spirit in the making of pronouncements that are the result of deliberations together, after taking into consideration the reliable discoveries in the relevant fields of enquiry, as well as the insights of thinkers committed to the truth of the Gospel. The infallibility of the church, based on the Gospel, is a function of the evolving, available knowledge. This is the reason, in summary, why the church does not need and does not use a constitution. It uses a constantly updated code of canon law.

H.N. [Hagop Nersoyan], July 2001