

**Tomis, „Prima Sedis Episcopalis” of the Church of Scythia Minor.
Historical and Legal Testimonies about the Juridical Status of its Primate**
ტომის მცირე სკვითის ეკლესიის „Prima Sedis Episcopalis“
ისტორიული და სამართლებრივი მოწმობები მისი წინამძღოლების
სამართლებრივი სტატუსის შესახებ

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Abstract: About the status of the Primate of a local autocephalous Church, constituted within an ethnic and geographical framework - as it was the case with the Church of the Roman province "Scythia Minor" - we have reliable evidence both from historical and legal sources (State and Church).

In order to write the pages of this study, with an interdisciplinary content (historical and juridical), we have resorted to first-hand sources, i.e. to the testimonies provided by the historical sources, the State and Church legislation of the first millennium and the text of the "Episcopal Lists" (Notitiae Episcopatum), which has been of real use to us both in terms of knowledge of the history of the ancient legal institutions of the Church in the Danubian-Pontic area, i.e. in the geographical area of Romanian territory between the Lower Danube and the Black Sea, namely of the province Dobrudja, and, ipso facto, of the evolutionary process of the constitution of the legal status of its Primate, i.e. of archbishop of the metropolis of Tomis and metropolitan of the Roman province of Scythia Minor.

Key words: the Bishops of Tomis, episcopal See, eparchial autonomy, Roman province

ნიკოლაი დურა

კანონიკური სამართლის დოქტორი; აკადემიკოსი;
კონსტანცას ოვიდიუსის უნივერსიტეტი; რუმინეთის
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აბსტრაქტი: ადგილობრივი ავტოკეფალური ეკლესიის წინამძღვრის სტატუსთან დაკავშირებით, რომელიც ეთნიკურ და გეოგრაფიულ სივრცეში ჩამოყალიბდა – როგორც ეს მოხდა რომის პროვინცია „მცირე სკვითიის“ ეკლესიის შემთხვევაში – გვაქს სანდო მტკიცებულებები როგორც ისტორიული, ასევე სამართლებრივი წყაროებიდან (სახელმწიფო და ეკლესია).

ამ კვლევის, რომელიც ისტორიულ და სამართლებრივ ასპექტებს აერთიანებს, შექმნის მიზნით, გამოვიყენეთ პირველწყაროები, კერძოდ, ისტორიული დოკუმენტების მოწმობები, სახელმწიფოსა და ეკლესიის კანონმდებლობა პირველი ათასწლეულის განმავლობაში, ასევე „ეპისკოპოსთა სიები“ (*Notitiae Episcopatum*), რომლებიც ჩვენთვის მნიშვნელოვანი იყო როგორც დუნაი-შავი ზღვისპირეთის ეკლესიის უძველესი სამართლებრივი ინსტიტუტების ისტორიის შესწავლის თვალსაზრისით, ისე იმ ევოლუციური პროცესის გასაანალიზებლად, რომელიც განსაზღვრავდა ტომის მიტროპოლიის მთავარეპისკოპოსისა და რომის პროვინცია მცირე სკვითიის მიტროპოლიტის სამართლებრივი სტატუსის ჩამოყალიბებას.

საკვანძო სიტყვები: ტომის ეპისკოპოსები, ეპისკოპოსთა კათედრა, ეპარქიული ავტონომია, რომის პროვინცია

Proimion. Towards the end of the Neolithic period, "about 2000 years before Christ"⁸⁷, on the western shore of the Black Sea (Dobrogea/Dobrudja) and "in the Carpatho-Danube regions" arrived the northern tribes of the Thracians, among them the "Getae"⁸⁸, ones of our forefathers, who, according to the testimony of Herodotus, "were the bravest and most righteous of the Thracians" (*Historia*, IV, 93), whose "tribes bear many names each according to the land in which they live, but all have similar customs in all" (*Historia*, lb. V)⁸⁹.

Also, on the western shores of the Black Sea, in the 7th century (BC) arrived the "Iranian-speaking Scythians (Cithyranians)"⁹⁰, who - in time - were assimilated by the native Thracian tribes, and in particular by the "Getae" (Getae), of whom the

⁸⁷ M. Eliade, *Români. Scurtă istorie* (Romanians. A Brief History), Ed. Teșu, Bucharest, 2021, p. 11.

⁸⁸ G. Kvesitadze, N. V. Dură, *The Roots of the Georgian and Romanian Science and Culture*, Ed. Academiei Oamenilor de Știință din România, București, 2017, p. 71.

⁸⁹ Apud Herodot, *Cele mai frumoase Istorii (The most beautiful Histories)*, trad. A. Piatkowski and F. Vanț-Ștef, Ed. Humanitas, București, 2018, p. 237.

⁹⁰ M. Eliade, *Romanians ...*, p. 13.

Latin poet Ovid († 17), who lived the last years of his life in Tomis as relegated, wrote a "libellum" of poems in their language⁹¹, i.e. in the Getae-Dacian language.

In one of his Epistles, St. Apostol Paul makes mention about the „Scythians” (Colos. 3: 11)⁹², that is about the inhabitants of Scythia Minor, whose territory was located between Danube and Black Sea. Therefore, it is not excluded that the Apostle of Gentiles also preached the Gospel of Christ to the „Getae”, our ancestors who lived in the same geographical area, that is in Romanian Dobrudja.

According to the testimony handed down by the Christian historiography of the ancient Church (Martyrologies, works of Greek and Latin Christian writers (Origen, Tertullian etc.), Saint Andrew the Apostle ordained a bishop not only at the western Black Sea coast, that is at Tomis (Constanta of today), but also to south of the Danube, bishop Amplie at Odysos⁹³ (Varna / Bulgaria), a site of an ancient Thracian-Getae-Dacian city. This bishop is celebrated by the Orthodox Church on 31 October.

In the Roman province of Scythia Minor, the Bishop of Tomis occupied the "first place (τὸ προστάσιων)" among his colleagues in the episcopate, since he was ordained bishop by St. Andrew the Apostle, who also brought to Christ his brother, St. Peter the Apostle (John 1: 35-42), and preached the "Gospel of God" (Εὐαγγέλιον Θεοῦ) (Rom. 1:1) in "Asia Minor, Thrace, Macedonia, on the shores of the Danube River and along the Black Sea coast"⁹⁴, i.e. at Tomis on the shores of the "Pontus Euxin" of the Getae (ancestors of the Romanians), at Kobuleti on the Georgian shores of the Black Sea in the Adjara region etc.

The primacy of the bishop of Tomis was also due to the political-administrative importance of the city in which this one had his episcopal See, that is in the metropolis (capital) of the Roman province of Scythia Minor, i.e. in the city of Tomis, hence the double legitimacy of its primacy (apostolic and legal), that made that the tomitan bishop of the Church of Getae-Dacians of the Roman province of Scythia Minor to have the status of "πρῶτον" or „primas” (*primate*), that is of „first

⁹¹ On Ovid's relegation to Tomis, and his book of poems written in the Getic language, see N. V. Dură, *About "Publius Ovidius Naso" († 17 p. Chr. n.) and His Poems Written in the "Getae" Language*, in *Diversity in Coastal Marine Sciences*, ed. by C. Finkl, C. Makowski, Springer 2018, p. 67-78.

⁹² *The Bible or the Holy Scripture*, Ed. IMBOR, București, 2001, p. 1690.

⁹³ In the Byzantine Sinaxary, we meet the locality Diopolis. See *Holy Apostles Stakhys, Apelles, Amplias, Urban, and Narcissus of the 70*, <https://www.oca.org/saints/lives/2023/10/31/103132-holy-apostles-stakhys-appelles-amplias-urban-and-narcissus-of-the>

⁹⁴ *Apostle Andrew, the Holy and All-Praised First-Called*, <https://www.oca.org/saints/lives/2023/11/30/103450-apostle-andrew-the-holy-and-all-praised-first-called>

bishop”, and for this reason „the protos” (cf. can. 34 ap.; 9 Antioch and 39 Constantinople) rejoiced of „primacy ... over the other bishops who had dominion over their diocese”, that is their „παροκίας”, but they could "nothing more significant to do without him" (can. 9 Antioch)⁹⁵.

In the ecclesiastical language, the bishops of those dioceses (episcopates) were led by their protos, who had usually his episcopal See in the metropole (capital) of the respective territory. In fact, even the byzantine canonists make reference, in their comments, to the principle dispositions of the 34 apostolical canon⁹⁶, which were confirmed both by the Fathers of the First Ecumenical Council (cf. can. 4), and by Fathers of the Council of Antioch (341).

I. About the primacy of the Bishop of Tomis. Historical and legal testimonies

According to the provisions of apostolic canon 34 - drafted in the second half of the third century - "the bishops of every nation (τοὺς ἐπισκόπους ἐκάστου ἔθνους) should know the first among them (τὸν ἐν αὐτοῖς πρῶτον), and to count him chief (ὡς κεφαλὴν), and to do nothing else without his consent; ... but neither let him (the first) ... do anything without the assent of all" (apostolic can. 34)⁹⁷.

Among the fundamental canonical principles of the administrative-territorial organization of the Church, the first principle enunciated by the text of this canon is the ethnic principle, followed by other principles, like the principle of autocephaly, synodality and eparchial autonomy.

At that time, the word "ἐπαρχίας" (eparchy) not only had the meaning of a province, that is an administrative-territorial unit of the Roman Empire, but also designated a local church constituted in a well-defined geographical area, primarily taking into account the ethnic criterion, as was the case of the Church of Scythia Minor in *illo tempore*.

In their commentaries on apostolic canon 34, the Byzantine canonists of the 12th-13th centuries stated that the primates of each eparchy were "the hierarchs of the metropolis (τοὺς τῶν μητροπόλεων ἀρχιερεῖς)"⁹⁸, that is of each city which was the capital of the respective province. But it should not be ignored or concealed the fact that the organization of the metropolitan type and the title of metropolitan of an

⁹⁵ Rhali, G. A.; Potli, M, *Σύνταγμα τῶν θείων καὶ ἱερῶν κανόνων (Syntagma of the Divine and Holy Canons) (Athenian Syntagma)*, vol. III, Athens, 1853, p. 140.

⁹⁶ Ibidem, p. 141.

⁹⁷ Ibidem, vol. II, Athens, 1852, p. 45.

⁹⁸ I. Zonara, *Comentariu al can. 34 ap.*, in *Athenian Syntagma*, vol. II, p. 45.

eparchy were officially adopted in the year 325 by the Ecumenical Church, namely by the Fathers of the First Ecumenical Council.

Concerning the hierarchs whom apostolic canon 34 calls "the first bishops of every nation", Theodore Balsamon stated that the bishops that were "πρῶτοι" (the first) were "those who ordained" other hierarchs, but that they were not allowed to do anything of "the most significant" without the consent of the other bishops⁹⁹. But, in accordance with the provision of apostolic canon 34, "neither may the protos (ὁ πρῶτος) do anything without the consent of the others, for only thus will the judgment of good understanding (ὁ τῆς ὁμονοίας ὅρος) be guarded"¹⁰⁰.

If we consider that the bishop „protos” is the forerunner of the archbishop, we could better understand the testimony given by the patriarch Photius, who used the title of archbishop (ἀρχιεπίσκοπος) for two bishops of Alexandria¹⁰¹ of the third century, namely Dionysius archbishop of Alexandria (248-265) and Petros archbishop of Alexandria (300-311). Indeed, the first bishops of the „great city of Alexandrinoaus (Ἀλεξανδρέων)” (can. 30 Syn. IV ec.) bore the title of archbishop from the second half of the third century. This title of archbishop also has been assigned to St. Athanasius (Apologia contra Arianos, 71).

In his work "Against Heresies", written between 374 and 377, Epiphanius of Salamis also gives that title both to him and to Meletius, bishop of Lycopolis¹⁰² (Epiphanius 69, 1, 3); the Council of Ephesus (431) assigned this title to Pope Celestin and Cyril of Alexandria (Mansi, IV, 1124, 1145); the Council of Constantinople of 449 assigned this title to bishop Flavian of Constantinople and the emperor Theodosius the II applied this title to the exarch of Caesarea in Cappadocia (Mansi, VI, 599)¹⁰³ etc.

According to the opinion of some historians of the ancient juridical-canonical institutions, from the text of an imperial constitution promulgated in 535, concerning the establishment of the archbishopric of Justiniana Prima, it appears that Emperor Justinian uses the word „archbishop in its old sense, as practically equivalent to patriarch; as when he orders that the bishop of Justiniana Prima (non solum metropolitanus, sed etiam archiepiscopus fiat)” (Novel XI)¹⁰⁴, but, in reality, the byzantine emperor speaks clearly not only about „de privilegiis archiepiscopi

⁹⁹ T. Baslamon, Comentarium la can. 34 ap., in *Athenian Syntagma*, vol. II, p. 46-47.

¹⁰⁰ A. Aristen, Comentarium la can. 34 ap., in *Athenian Syntagma*, vol. II, p. 47.

¹⁰¹ *Athenian Syntagma*, vol. I, Athens, 1852, p. 10.

¹⁰² Epiphanius of Salamis, *Against Heresies*, 69, 1, 3.

¹⁰³ J. D. Mansi, *Sacrorum conciliorum nova et amplissima collectio*, Florentius et Venetianus editores 1758 – 1798.

¹⁰⁴ W. Bright, *Notes on the canons of the First Four general Councils*, Oxford, 1882, p. 196.

Primae Justinianae” (the privileges of the Archbishopric of Justiniana Prima), but also about the fact that the "πρῶτον" (primate) of that eparchy would be „non solum metropolitanus (not only a metropolitan), but also to be archbishop (sed etiam arhiepiscopus fiat)” (Novel XI, Praefatio)¹⁰⁵.

In other words, for the emperor Justinian (527-565) the title of „archbishop” was superior to that of the metropolitan, but it was not equivalent to the title of exarch (exarchus/ἐξάρχος), and, therefore, much less than the title of Patriarch, even though certain eparchies (ἐπαρχία / provinciae), like Dacia Mediterranea, Dacia Ripensis, First Moesia, Dardania, Praevalitana and Pannonia Secunda (Novel XI, 2)¹⁰⁶ were placed under the jurisdiction of this new Archdiocese.

In this way, all those eparchies were placed under „eius auctoritate” (its authority) (Novel XI, Praefatio), that is under the jurisdiction of the Archbishopric of Justiniana Prima, merely by an imperial decision, against which neither the See of „Old Rome”, nor the See of the „New Rome”, had no objection.

From the text of this imperial Constitution – promulgate by the emperor Justinian on 14 April 535 – we find out that, in his time, „both banks of the Danube are now populated with our cities (utraque ripa Danubii iam nostris civitatibus frequentaretur), our realm has grown larger, ...”. And the cities Viminacium, the capital of Moesia Superior (today near Kostolac in Serbia), Recidiva (Recidava / Romula) (ancient city of Dacians, today District Olt in Romania) and Litterata (Lederata) (today city Ram in Serbia), were located „on the far side of the Danube (trans Danubium)”¹⁰⁷ (Novel XI, 2), and all were placed under „eius auctoritate” (Novel XI, Praefatio), that is under the jurisdiction of the Archbishopric Justiniana Prima.

From the text of this imperial Constitution of 535, we have therefore to retain the fact that those cities „... have been once again made subject to our rule” (Novel XI, 2), that is it were passed under the byzantine realm, and that the two of the predecessors of emperor Justinian, namely Constantin the Great (306-337) and Anastasius I (491-518), „had made a concerted effort to restore control over the empire's Danubian frontier, which had been lost in the fourth century by virtue of both Gothic and then Hunnic and associated invasions”¹⁰⁸.

¹⁰⁵ *Corpus Juris Civilis*, III Novellae, Reprint of 1895 Berlin ed. Krueger, Mommsen, Schoell & Kroll, New Jersey, 2010, p. 94.

¹⁰⁶ *Ibidem*.

¹⁰⁷ *Ibidem*.

¹⁰⁸ *The Novels of Justinian. A Completed Annotated English Translation* (2018) ed. D. J. D. Miller and P. Sarris, vol. I, Cambridge University Press, p. 164, n. 5.

Concerning the title of „Μητροπολις (metropolitanus)”, the historical and juridical sources (State and Church) attest the fact that, later on, within the Eastern Church of Greek speaking language the title of „metropolitan” arrived to be „merely honorary”¹⁰⁹. On the contrary, within the countries of Slavonic language speaking the title of metropolitan would become superior to that of archbishop. In Romanian country will find the same reality only starting from the fourteenth century, when our Churches where to be led by the clerics of Greek origin.

Among other things, from the text of canon 4 of the First Ecumenical Council - which is the canonical basis of the metropolitan type of organization - we can retain the following testimonies, namely:

a) that the adaptation of the form of church organization to the administrative-territorial division of the Roman Empire into provinces meant that the bishop who had his See in the capital of that province became chief bishop of that province, id est metropolitan. But the bishop who had his episcopal See in the capital of a „dioeceses” (exarchatus), which included may provinces, was called „exarchus / ἑξαρχος”, that is exarch of a „dioeceses”¹¹⁰, and he "had a presidency over all its provincial churches"¹¹¹.

This ecclesiastical reality was consecrated by the Second Ecumenical Council in its second canon, which makes special reference about five „dioeceses (διοικήσεως)”, namely that of Egypt, Orient, Asia, Pont, and Tracy¹¹².

b) According to the provisions of canon 4 of the First Ecumenical Council, the bishops of each eparchy must make decisions "collegialiter" and "synodaliter"¹¹³, but their confirmation is made *de jure* and *de facto* by the "metropolitan" (τῷ μητροπολίτῃ) (can. 4 of the First Ecumenical Council)¹¹⁴.

The canonical legislation of the Churches of the "Pars Occidentis" of the Roman Empire of that time bears witness both about the pre-metropolitan form of organization, and the metropolitan one. For example, according to canon 20 of the First Council of Arles (Gaul) held in 314, for the ordination of a bishop, in addition to the "metropolitan (mitropolitus)", at least "three bishops" were required, and then, at the Second Council of Arles in 353, it was stipulated that "anyone who

¹⁰⁹ W. Bright, *Notes ...*, p. 196.

¹¹⁰ R. Naz, *Dictionnaire de droit canonique*, vol. V, Paris, 1953, p. 604.

¹¹¹ W. Bright, *Notes ...*, p. 88-89.

¹¹² *Athenian Syntagma*, vol. II, p. 169-170.

¹¹³ N. V. Dură, *Le Régime de la synodalité selon la législation canonique, conciliaire, oecuménique, du I^{er} millénaire*, Ed. Ametist 92, București, 1999, p. 107-257; 531-573; 802-806; 963-966.

¹¹⁴ *Athenian Syntagma*, vol. II, p. 122.

consecrates a bishop without the metropolitan's knowledge ought to be treated as no bishop"¹¹⁵.

Therefore, the canons of the Church of Gaul make express reference both to the pre-metropolitan and to the metropolitan type of organization and attests the fact that the administrative-territorial reform undertaken by the emperor Diocletian (284-305), namely the division of the Roman territory into administrative-territorial units called provinces (*provinciae*), was also fully accepted and adopted by the Western Church.

The tomitan bishop, who from the second half of the 3rd century has borne the title of Archbishop, from the First Ecumenical Council (cf. can. 4 and 6 Syn. I ec.), he associated to him the title of the Metropolitan of the eparchy (province) of Scythia Minor, but both titles, that is of archbishop and metropolitan, expressed the juridical-canonical status of „*primas Sedis episcopalis*” of the Church of Scythia Minor and of its primates.

With this legal status, that is the first place among other episcopal Sees in this eparchy (province), the bishop of Tomis become „*πρόεδρος*” (the president) of the metropolitan Synod, and, therefore, by the position of his metropolitan See of Tomis, he got the primacy (*προεδρεία*), according to which „in every province the ratification of what is done should be left to the metropolitan” (can. 4 Syn. I ec.)¹¹⁶.

The tomitan hierarch was to bear both the title of archbishop of Tomis and of metropolitan of the province (eparchy) of Scythia Minor until the 12th-13th centuries, when, with the emergence of the first Romanian state formation in the Danubian-Pontic-Carpathian geographical area, where there were other ancient episcopal centers, the bishop who had his See in the metropole of this territorial space took over the leadership of ecclesiastical life for the entire Danubian-Pontic-Carpathian area, i.e. of Romania.

1. Marcus, Archbishop of Tomis, the first Metropolitan of the eparchy of "Scythia Minor"

According to the testimony of the „Episcopal Lists” (*Notitiae Episcopatum*) of the First Ecumenical Council – preserved only in a Syriac version – a tomitan hierarch named Marcus, who, like all the other hierarchs participating in the First Ecumenical Council, signed those "Notitiae Episcopatum" (Episcopal Lists) with the title "bishop" (*ἐπίσκοπος/episcopus*), that is of Tomis, even though, in that

¹¹⁵ J. D. Mansi, *Sacrorum Conciliorum Nova et Amplissima Collectio*, vol. VII, 879.

¹¹⁶ H. R. Percival, *The Seven Ecumenical Councils of the Undivided Church, Their Canons and Dogmatic Decrees, Together with the Canons of All the Local Synods which have received Ecumenical acceptance*, New York, 1900, p. 11.

time, he had only the status of archbishop, that is the „πρῶτος” (primate) of the Church of Scythia Minor.

In the Lists (Notitiae Episcopatum) of the First Ecumenical Council - a Syriac version¹¹⁷ of the second half of the 5th century, which later on it was reproduced in the new Greek and Latin Lists, since the ancient one were lost, - we also find mention "Marcus Tomeon", i.e. the bishop Mark of Tomis, the city in which he had his episcopal See (Sede episcopalis) as primate¹¹⁸ of the province of Scythia Minor.

Mark of Tomis, participant on the first Ecumenical Council, signed the Episcopal Lists (Notitiae Episcopatum) with the title of bishop, like all other hierarchs participating to this Council, even though in that time he had the canonical status of archbishop of his Church (Scythia Minor), since the title of „metropolitan” was consecrated only after the decisions of the Council have been endorsed by every local Church. So, every bishop participant, including bishop Mark of Tomis, was not yet justified to bearer the title of metropolitan granted by the decision of an Ecumenical Council.

That the bishop of Tomis bore this title, decided by the Fathers of the First Ecumenical Council, is also confirmed by his fellow countryman, Dionysius Exiguus¹¹⁹ († 545), in some of his works (manuscripts) from the early 6th century, in which he called him "Marcus (the bishop of Tomis) metropolitanus"¹²⁰.

Taking into consideration the fact that Bishop Mark of Tomis could not have signed as "metropolitan bishop" the Acts of the Council of Nicaea (325) until the dogmatical and canonical decisions of this ecumenical council were accepted and applied by every local Church, including by his Church of Tomis, we are justified to assert that the association of bishop Mark of Tomis with the title of metropolitan before the First Ecumenical Council does not serve neither the cause of the historical truth, nor does it serve the tomitan Church, it is therefore advisable that such thing doesn't happen neither among the historians, nor among the theologians, Christian jurists etc.

That the first tomitan hierarch who - at the Council of Nicaea (325) - acquired like all the other hierarchs who participated to the First Ecumenical Council the title of

¹¹⁷ *The Ecumenical Councils: History and Decrees*, ed. G. Alberigo, tom. I, Ed. de Cerf, Paris, 1994, p. 29.

¹¹⁸ N. V. Dură, *Întâistătătorul în Biserica Ortodoxă. Studiu canonic (The Primate in the Orthodox Church. Canonical study)*, in *Studii Teologice*, XL (1988), nr. 1, p. 15-50.

¹¹⁹ N. V. Dură, *Dionysius Exiguus and the Popes of Rome*, in *Biserica Ortodoxă Română*, CXXI (2003), no. 7-12, p. 459-468.

¹²⁰ *Tezaurul Mitropoliei Tomisului (The Treasury of the Metropolitanate of Tomis)*, Torini, Mundus Edizioni, 2023, p. 42-44.

metropolitan, and represented an autocephalous Church, was bishop Mark, can also be seen from a hermeneutical analysis of some canonical texts (can. 4 Syn. I ec.; 3 Syn. II ec.; 28 Syn. IV ec.), which prove à l'évidence this reality. And, among other bishops participants to the works of this Council, it was also present the bishop Domnus of Pannonia, namely from town Sirmium, currently the town Sremska Mitrovica, located 55 km from Belgrade, not far away of the Romanian territory of our days.

From the hermeneutical analysis of the text of the ecumenical canonical legislation also results the fact that the Second Ecumenical Council (381/382) decreed that „the bishops are not to go beyond their dioceses (exarchates) to churches lying outside their bonds” and „the Synod of every eparchy will administer the affairs of a particular province as it was decreed by the canons of Nicaea” (can. 2 Syn II ec.)¹²¹.

The same ecumenical Council decreed that „the bishop of Asian Dioecese (exarchate) administer the Asian affair only; and the Pontic bishop only Pontic matters; and the Thracian bishop only Thracian affair”. And, finally, it was decreed that „the Churches of God in heathen nations must be governed according to the custom which has prevailed from the times of the Fathers” (can. 2 Syn. II ec.)¹²².

However, by canon 28 of the Fourth Ecumenical Council was decided that the metropolitans of the dioceses of Pontus, Asia and Thrace should be ordained by „the archbishop of Constantinople” and should be subject to him (can. 28 Syn. IV ec.)¹²³, and thus „the bishop of Constantinople acquires a vast jurisdiction, the independent authority of three exarchs being annulled in order to make him a patriarch. Previously – remarked the western canonists – he (the archbishop of Constantinople, n.n.) had προέδρία: now he gains προστασία¹²⁴, that is the jurisdictional primacy. And, as an immediate consequence, many local Churches have unfortunately lost their ancient status of autocephaly.

This reality made even the byzantine canonists to notice that „if you find other churches which are autocephalous ..., you need not be astonished”¹²⁵. Among those autocephalous Churches was not only the Church of Cyprus (cf. can 8 Syn. III ec.; 39 Syn. VI ec.), but also the Archbishopric „Justiniana Prima”, established by emperor Justinian in his native place in the year 535 (cf. Novel XI)¹²⁶ and the

¹²¹ *Athenian Syntagma*, vol. II, Athens, 1852, p. 169-170.

¹²² H. R. Percival, *The Seven Ecumenical ...*, p. 176-177.

¹²³ *Ibidem*, p. 287.

¹²⁴ W. Bright, *Notes ...*, p. 195.

¹²⁵ T. Balsamon, in *Athenian Syntagma*, vol. II, Athens, 1852, p. 171.

¹²⁶ Justinianus, *Corpus iuris civilis*, ed. stereotipa, vol. Testium. Novellae, R. Schoell, W. Kroll, New York, 2010, p. 94.

Church of Iberia (Ιβηρία), that is Georgia of our days, and about which it is known that a Synod of the Church Antioch decided to renounce of its uncanonical pretensions of jurisdiction over this apostolic Church, and thus „the honor was regranted to the bishop of Iberia”¹²⁷.

Concerning the Church of Iberia, the byzantine canonists of 12th century also recognized that the patriarch Petrus of Antioch decreed by a synodal decision that „the church of Iberia, which in that time was under the jurisdiction of Antiochian Patriarchate, to be free (ἐλευθέραν)”¹²⁸, that is to be recognized as autocephalous. In other words, the Church of Iberia regained its ancient state of autocephaly, of which it rejoiced in fact from the apostolic age.

Taking therefore into consideration this historical and legal reality, proved by the List of autocephalous Churches made in Constantinople, by the testimonies of the canonical ecumenical legislation and by the comments of the reputed byzantine jurists, we are entitled to state that both the Church of Iberia, and the Church of Scythia Minor, could not have been under the canonical jurisdiction of the Archbishop of Constantinople, for the following major reasons, namely:

a) The imperial city of „New Rome” arose in the year 330, and until then the jurisdiction of the bishop of the ancient city of Byzantium extended only to city of Constantinople and some of its neighboring territories, and therefore by no means to other local Churches, not even to those of Asia Minor.

b) According to the ancient canonical custom, the bishop of Byzantium city continued to be ordained and enthroned by the metropolitan of Heraclea (Thrace), to which the Ecumenical Patriarchate of Constantinople granted the title of "πρόεδρος (president) of the most honorable and ἐξάρχος (exarkhos) of all Thrace (Θράκη) and Macedonia"¹²⁹.

This ancient canonical practice is in force to this day, and, in his quality of „proedros” (praesidens in Latin language), the bishop of Heraclea in Trachis, as the church leader of his dioceses (exarchate), had the „προεδρεία” (preasidatus), that is „the leadership”, over all bishops of the dioceses „Θράκη” (Thrace). And, in his quality of „exarch” (exarchus in Latin), the bishop of Heraclea was therefore the chief of all metropolitans’ bishops of that region, including the episcopal See of the new city of Constantinople, built by the emperor Constantin the Great, which from the year 330 this city become the capital of the Eastern Roman Empire, and thus

¹²⁷ *Athenian Syntagma*, vol. II ..., p. 172.

¹²⁸ *Ibidem*.

¹²⁹ Metropolitanate of Heraclea, D. Kiminas, *The Ecumenical Patriarchate: A History of Its Metropolitanates with Annotated Hierarch Catalogs*, vol. I, Wildside Press LLC, USA, 2009, p. 58.

„New Rome” (cf. can. 3 Syn. II ec.; 28 Syn. IV ec.), for which reason the bishop of Constantinople obtained „the precedence of honor (πρεσβεία τῆς τιμῆς) after the bishop of Rome, since this city was the New Rome” (can. 3 Syn. II ec.)¹³⁰.

From year 381 the See of Constantinople became the second in the enumerative order of the main Episcopal Sees of the Christian world at that time only due to political reasons, and both the bishop of Rome, and the bishop of Constantinople, had only a precedence of honor, and not one of jurisdictional nature.

2. The Archbishop Terentius (Gerontius) of Tomis, the second Metropolitan of Scythia Minor

In the same episcopal Lists, among the signatories of the Acts of the Second Ecumenical Council (Constantinople, 381/382) we also find "Τερέντιος πόλεως Τομέων"¹³¹, i.e. "Terentius / Gerontius", the bishop of the city of Tomis.

From the title of this tomitan hierarch, it follows that his episcopal See was in the city of Tomis, the metropolis of the province (eparchy) of Scythia Minor, and that, as a primate, he represented the tomitan Church at the works of the Second Ecumenical Council in his capacity as archbishop of Tomis and metropolitan of Scythia Minor, and not only as bishop or archbishop of Tomis Terentius / Gerontius signed the Acts of the Second Ecumenical Council (381/382). Certainly, in this double quality, as archbishop and metropolitan, he also brought in his Church the dogmatic and canonical decisions of this Ecumenical Council, which enhanced the dogmatic and canonical treasury of the Ecumenical Church of that time.

That after the epoch of the Council of Nicaea (325) the form of organization and leadership of the metropolitan type (cf. can. 4, 6 Syn. I ec.) had become an ecclesiological reality proper to all the local Churches of the Eastern Roman Empire is also confirmed by the Dionysian Collection compiled by Dionysius Exiguus († 545)¹³² for the Church of Rome, which - in the Latin text of Canon 4 of the first Ecumenical Council - makes express reference to the 'provincia episcopis' (eparchial bishops) and to the 'confirmatio' (confirmation) which was to be given 'in qua provincia ... metropolitano' (in every eparchy by the metropolitan) whenever an ordination to the episcopate was made 'ab omnibus qui sunt in provincia episcopis ordinari' (by all the bishops of the eparchy) (can. 4 Syn. I ec.)¹³³.

¹³⁰ *Athenian Syntagma*, vol. II, Athens, 1852, p. 173.

¹³¹ Apud E. Honigmann, *Recherches sur les listes des Pères de Nicée et de Constantinople*, in *Byzantium*, XI (1936), 446.

¹³² N. V. Dură, *Denis Exiguus (Le Petit) (465-545). Précisions et correctifs concernant sa vie et son oeuvre*, în *Revista Española de Derecho Canonico*, L (1993), p. 279-290.

¹³³ Apud *Codex canonum Dionysii Exigui. Canons of the Council of Nicaea (325)*, in J. D. Migne, *Latin Patrology*, vol. 67.

At the second Ecumenical Council (Constantinople, 381/382) a new form of organization and government was adopted, namely that of an exarchal type (cf. can. 2, 6 Syn II ec.), about which also the Father of Western canon law, namely Dionysius, "ex natione scita" (of Scythian nation) (cf. Cassiodorus), i.e. the Daco-Roman of Scythia Minor, makes reference in her Collection (Dionysiana), but the Greek words "τοὺς ὑπερ διοίκησιν" (bishops who are instituted over an exarchate) – from the text of canon 2 of the Second Ecumenical Council – were translated by Dionysius in Latin by "qui sunt super dioecesim episcopi", that is the exarchs.

Therefore, the exarchs were called by the canonist Dionysius, the father of the Western Canon Law, "dioeceseos episcopi"¹³⁴ (bishops who are the heads of the dioeceses), since they were the heads of the administrative-territorial units which included several eparchies (dioeceses).

Hence the duty of the historians to make a clear distinction between the two notions, namely between „diocese” (eparchy) and „dioeceses” (exarchates), as both the Fathers of the Fourth Ecumenical Synod (Chalcedon 451) and St. Dionysius Exiguus did when they spoke about the "metropolitans of the dioeceses (metropolitan of exarchates) of Pontus, Asia and Thrace"¹³⁵ (can. 2 Syn. II ec. and 28. Syn. IV ec.).

The list of hierarchs participating in the third Ecumenical Council¹³⁶ (Ephesus, 431) shows that these Synod Fathers also continued to sign the Acts of this Ecumenical Council - except for some of them - with the same traditional term, namely "bishop of a city", although they had the canonical status of archbishops, metropolitans and exarchs.

By way of example, we recall the fact that the first bishop to sign the letter of St. Cyril of Alexandria, the President of the Third Ecumenical Council (Ephesus 431), was "Tranquillinus", Bishop of Antioch of Pisidia¹³⁷, who, in fact, was Archbishop of Antioch in the province of Pisidia and Metropolitan of the Diocese of Pisidia. Also, the two delegates of the Metropolitan of Heraclea also signed with the same title of "bishop", namely, "Phritillas, Bishop of Heraclea, Europe"¹³⁸, and "Euprepius, Bishop of Bizya"¹³⁹. The two bishops signed as lieutenants of the metropolitan of the

¹³⁴ Canon 2 of the Second Ecumenical Council, apud *Codex canonum ecclesiasticorum. Auctores varii. Saeculo V. This is one of the versions of the Collection of Canons compiled by Dionysius Exiguus, which Pope Adrian sent to Emperor Charles the Great.* (See J.D. Migne, *Latin Patrology*, vol. 67).

¹³⁵ *Athenian Syntagma*, vol. II, ..., p. 281.

¹³⁶ Apud *Acta conciliorum oecumenicorum*, ed. E. Schwartz, tom I, vol. IV, p. 28 -30.

¹³⁷ *Ibidem*, p. 28.

¹³⁸ *Ibidem*.

¹³⁹ *Ibidem*, p. 29.

„dioeceses Europae” (diocese/ exarchate of Europe), i.e. the metropolitan of the See of Heraclea, who also had the attributions of „exarchos” (exarch).

In the case of the province of Heraclea in Thrace - a province which at that time was known as Europa - the title of "Metropolitan of the dioeceses of Europa" provides us with valuable documentary evidence of the existence of an archiepiscopal and metropolitan See in an European area once inhabited by the Thracians¹⁴⁰, ones of the forefathers of the Romanians, and who were the first to call themselves "Europeans", a fact which until now has remained unnoticed not only by Romanian historiography, but also by the european historiography.

The Church between the Lower Danube and Black Sea, called today „Dobrudja/Dobrogea”¹⁴¹, also had relations of fraternal communion of faith, worship, organization etc. with the Thracian Church in the land of the province of Heraclea, since its natives inhabitants (Getae) were in fact a branch of the Thracians of ancient Thracia. Certainly, these this kinship relations also had a real impact on the subsequent relations that the Church of the northern Thracians, i.e. the Getae-Dacians of the south and north of the Danube, had with the Church of „Europe dioeceses”, led by its bishop of Heraclea, who had the title of metropolitan and exarch.

Since on the basis of canon 28 of the Fourth Ecumenical Council, the Church of Constantinople, led by an Archbishop, issued hegemonic claims of a jurisdictional nature over all Asian dioceses, although the canon 2 of the second Ecumenical Council (Constantinople, 381) categorically forbade the bishops of Asia Minor, headed by their exarchs, that is the bishop of Ephesus, the bishop of Caesarea Cappadocia and the bishop of Heraclea, to „pass over their dioeceses for ordination or other ecclesiastical governance” (can. 2, Syn. II ec.)¹⁴².

As it is known, until the fourth Ecumenical Council (Chalcedon, 451) was no possibility for the exarchs of the dioeceses, or for the Archbishop of Constantinople, to claim any canonical jurisdiction over other autocephalous local Churches (cf. can. 8 Syn. III ec.). Therefore, these is not any basis for the statements of some theologians, canonists and historians (Greeks, Romanians etc.) that the Church of Scythia Minor was put it under the jurisdiction of the Church of Constantinople. On the contrary, the official recognition of its status of autocephaly

¹⁴⁰ On the Thracians and their material and spiritual culture, see G. Kvesitadze, N. V. Dură, *The Roots ...*, p. 62-167.

¹⁴¹ N. V. Dură, C. Mititelu, *Romanian Dobrogea, a European Model of Interethnic and Interreligious Cohabitation avant la letter*, in *Batumi past and present, XII*, Proceedings, Batumi 2022, p. 110-123.

¹⁴² *Athenian Syntagma*, vol. II, p. 169-170.

by the famous Lists of the autocephalous Churches issued in Constantinople throughout the first millennium remains an incontestable testimony of the ancient status of autocephaly of the Church of Getae-Dacian from the ancient Romanian land.

About this reality, even the Patriarchs of Constantinople of the 2nd millennium had to admit that the Church of the Romanians had enjoyed the state of autocephaly "from ancient times", "from time immemorial", and therefore they had "to honor its protohierarch, namely the Metropolitan of Ungrovlahia, - who was in fact the successor of the Metropolitan of Tomis - to be mentioned at Holy Masses with the title of "Exarh al Plaiurilor (Exarch of the Lands)"¹⁴³, that is of the entire Romanian area existing beyond the Carpathians.

3. The Archbishop Timotheus Ith of Tomis, the third Metropolitan of the Church of Scythia Minor

In the Episcopal List of the third Ecumenical Council, we also find mentioned the name of the head of the eparchy of Scythia Minor, namely "Timotheus episcopus provinciae Scythiae"¹⁴⁴ (Timotheus, bishop of the eparchy of Scythia), that is an „episcopus metropolitanus” (μήτροπολιτης).

Timotheus Ith of Tomis signed indeed the Acts of the Third Ecumenical Synod with the title "bishop of the eparchy of Scythia", i.e. as metropolitan of the Church of Scythia Minor, which shows that the eparchial (metropolitan) organization, expressed through the signatures of the all Primates of the local Churches participating in this Ecumenical Synods, it was a peremptory reality *in illo tempore*.

As we mentioned, the hierarchs of "Scythia Minor", participating in the first two Ecumenical Synods, namely Marcus at the first Ecumenical Council, and Terentius (Gerontius) at the second Ecumenical Council, signed their Acts with the title of "Bishop of Tomis", i.e. of the metropolitan city of the province of Scythia Minor. But, Timotheus, participating in the Third Ecumenical Council (Ephesus 431), signed its Acts as "bishop of the eparchy of Scythia", i.e. as metropolitan bishop.

Certainly, by this title - already used frequently in the ecclesiastical language of the time - the tomitan hierarch affirmed his legal status of metropolitan. Being the "head" (primate) of the Church in the eparchy of Scythia, called by the Latin

¹⁴³ I. Dumitrașcu, *Scurt istoric al Titlului de Loctiitor al Tronului Cezareei Capadociei* (A brief history of the Title of Lieutenant of the Throne of Caesarea Cappadocia), <https://basilica.ro/factbox-scurt-istoric-al-titlului-de-loctiitor-al-tronului-cezareei-capadociei/>

¹⁴⁴ *Ephesus and Chalcedon. Acts of the Councils*, trans. A. J. Festugière, Paris, Beauchesne, 1982, p. 253.

'episcopus metropolitanus', and by Greeks 'μητροπολίτης' (metropolitan), the metropolitan of this local Church, id est the Church of Scythia Minor, has been in fact its „protos” or an „antistis”¹⁴⁵ (from the verb ἀνθίστημι = to place someone in front).

All these testimonies prove therefore à l'evidence that not bishop Paternus (498-520) was the first hierarch who signed with the title of metropolitan, as is still stated in the works of some church historians, but Bishop Timotheus, who participated in the third Ecumenical Council in his quality of „bishop of the eparchy of Scythia”, that is in his quality of metropolitan, as the Acts of the third Ecumenical Council peremptorily attested. In fact, even a Latin manuscript from the "775-800s"¹⁴⁶ attests that the primate of the tomitan Church who attended the third Ecumenical Council was called „Τιμόθεος” (Timotheus) and had the title of metropolitan, even though he signed only as a „episcopus provinciae Scythia / Τιμόθεος ἐπίσκοπος ἐπαρχίας Σκυθῶν”¹⁴⁷, i.e. bishop Timotheus of the eparchy of Scythia, as all the other hierarchs participates to this Ecumenical Council did it.

The two signatures (in Greek and Latin) of the tomitan hierarch Timotheus Ith in the Acts of the Council of Ephesus in 431 - transmitted by a Latin manuscript from the late 8th century - prove therefore that the primate of the Church of Scythia Minor was archbishop of Tomis and metropolitan of the Church of Scythia Minor.

We have to remember and to underline the fact that in the year 431, even the primate of the Roman Church, that is the Roman Pontiff, signed the same Acts of the Third Ecumenical Council (Ephesus 431) with the same title of "bishop", as well as others of his colleagues, archbishops and metropolitans did, among which was present also the archbishop Timotheus / Timothy of Tomis, metropolitan of Scythia.

In the list of signatories of the Letter of Protest addressed to St. Cyril of Alexandria at the third Ecumenical Council on 21 June 431 - which numbered 68 names - we also find 47 bishops as signatories, which is another telling testimony that, "in illo tempore", hierarchs still called themselves bishops, and rarely archbishops or metropolitans and not yet exarchs or patriarchs. Therefore, the presence of the three categories of hierarchs (bishops, archbishops and metropolitans) both at the ecumenical and at the local synods held in the capital of the Eastern Roman Empire, Constantinople, in the 4th-5th centuries, also shows that both the

¹⁴⁵ N. V. Dură, *The Protos in the Romanian Orthodox Church According to its Modern Legislation*, in *Kanon*, vol. IX, 1989, p. 139-161.

¹⁴⁶ National Library of France, Latin Ms. 1572, apud *Tezaurul Mitropoliei Tomisului (Thesaurus of the Metropolitanate of Tomis)*, Torini, Mundus Edizioni, 2023, p. 48.

¹⁴⁷ J. D. Mansi, *Sacrorum Conciliorum Nova et Amplissima Collectio*, Florentiae, 1716, vol. V, col. 765-776.

archiepiscopal type of organization, and the metropolitan one, were widespread in the early 5th century throughout the Ecumenical Church, including in the eparchy (province) of Scythia Minor, whose proto-hierarch had his archiepiscopal and metropolitan See in the metropolis of that Roman province, i.e. in Tomis.

4. The Archbishop Alexander of Tomis, the fourth Metropolitan of the Eparchy of Scythia

At the Constantinopolitan Synod (endemeussa) of 449, presided over by Archbishop Flavian of Constantinople, among the seven metropolitans we also find mentioned "Ἀλεξανδρου τοῦ εὐλαβεστάτου ἐπισκόπου τῆς Τομέων πόλεως ἐπαρχίας Σκυδίας"¹⁴⁸, i.e., "Alexander, the pious bishop of the city of the tomitans in the eparchy of Scythia", who was archbishop of Tomis and metropolitan or Primate of the Church of Scythia Minor (between 448-452), but who – without knowing the cause – couldn't to participate in the work of the Fourth Ecumenical Council¹⁴⁹. But, since in the List of Bishops participating in the Fourth Ecumenical Council, we find mentioned the bishop Timotheus / Timothy of Tomis, it can be assumed that in the year 450/451 the bishop Alexander was dead.

In that time, in the year 449, the Church of Scythia Minor had - by virtue of the Decisions taken by the First Ecumenical Council (cf. can. 4 and 6) - an ecclesiastical eparchial organization, adopted as a result of the accommodation of its form of organization to the administrative-territorial organizational structure of the Roman State in provinces¹⁵⁰, established by the administrative reform of the emperor Diocletian of 284/285, about which the historical and juridical-canonical sources, as well as the Acts of the Synods of the time, such as, for example, the Acts of the Constantinopolitan Synod of 449, attest us peremptorily that the roman province 'Scythia Minor' was also one of those Roman provinces in which its ecclesiastical Primate was archbishop and metropolitan.

The List of participants in the April 13 session of the Constantinopolitan Synod of 449 - presided over by the "Nectarius, the bishop of Constantinople"¹⁵¹, "New

¹⁴⁸ Ibidem, vol. VI, col. 750-759.

¹⁴⁹ But despite this reality, some scholarly works still state – without any reference to a documentary testimony – that the tomitan hierarch, Alexander, also attended the Ecumenical Council of Chalcedon (451), where he is said to have signed the Acts of the Council (sic). But, in reality, this one didn't participate to this Council. Instead, the tomitan hierarch participated to the Constantinopolitan Synod of 449, where he also signed its Acts.

¹⁵⁰ C. Mititelu, *About the Right to the Freedom of Religion*, in vol. Rethinking Social Action. Core Values, coord. A. Sandu et al., Bologna (Italia), 2015, p. 833-838.

¹⁵¹ *Council of Constantinople under Nectarius of Constantinople and Theophilus of Alexandria*, in G. Beveregius, *Synodikon sive Pandectae canonum SS. Apostolorum, et Conciliorum ab Ecclesia Graeca receptorum*, tom I, Oxonii, 1672, p. 678.

Rome", capital of the Eastern Roman Empire, - also confirms the fact that at that time the primates of the local Churches were their archbishops and metropolitans¹⁵², even though the hierarchs signed the Acts of the Synod merely with the title of "bishop".

That, at that time, even the primate of the Church of Constantinople still bore the title of „bishop” is also attested by the Tome of „papae Leonis” (the pope Leon) sent to the „Flavianum episcopum Constantinopolitanum”¹⁵³ (bishop Flavian of Constantinople).

This was also the reality for the "most Reverend Bishop Alexander", the primate of the diocese of Scythia Minor. And yet some church historians - either unaware or unwilling to know this reality - have endeavored to substantiate the claim that the first metropolitan of the Church of Scythia Minor was none other than Paternus (519/520), i.e. almost two centuries after the First Ecumenical Council, at which the tomitan bishop participating in that Council, namely Marcus, had already the title of archbishop, i.e. the first bishop of the Roman province of 'Scythia Minor', and, on the basis of the decisions of the Council of Nicaea (325) (cf. can. 4, 6 Syn. I ec.), he also acquired the title of metropolitan.

5. The Archbishop Theotimos the Second, the fifth Metropolitan of Scythia Minor

In the List of Bishops participating in the fourth Ecumenical Council, at number 65 we find mentioned "Teotimo reverentissimo episcopo Tomitano"¹⁵⁴, i.e. "the most Reverend Theotimos, Bishop of Tomis". The head of the Church of Scythia Minor, that is „the most honorable Bishop Theotimos of Tomis”, was nominated with the same title by the emperor Marcian, which he also used for the first two bishops of the Christian world at that time, namely the bishop of "Old Rome" and the bishop of "New Rome" (cf. can. 3, Syn. II ec.), accompanied by the same substantial adjective, honorable.

In the same Episcopal List - largely reconstructed from the imperial letter addressed to Pope Leo I - after the name of the tomitan hierarch we find a text in which it is specified that the imperial letter was addressed "et ceterius episcopis metropolitanis" (and to the other metropolitan bishops), i.e. also to the other metropolitans who participated to the fourth Ecumenical Church.

¹⁵² C. Mititelu, *The Council of Metropolitan See and Its Canonical Basis. An Orthodox Approach*, in *Ecumeny and Law*, vol. 7, 1, 2019, p. 53-76.

¹⁵³ Tomus Leonis a. 449, in *Les conciles oecuméniques*, t. II, *Les décrets*, vol. 1, *Nicée à Latran V*, ed. G. Alberigo et. all., Paris, Ed. du Cerf, 1994, p. 180.

¹⁵⁴ *Ibidem*.

That the Theotimos the Second of Tomis, participant to the works of the Fourth Ecumenical Council (Chalcedon, 451), had the title of „episcopus metropolitanus” (metropolitan), it is also attested by some documents of the imperial Chancellery. One of these documents is the letter of the emperor Leon Ith addressed „ab universos metropolitanos episcopus totius *Orientis* et Occidentis”¹⁵⁵ (to all the metropolitan bishops from East and West), i.e. the primates of those local Churches.

Therefore, Theotimos the Second, the Primate of the tomitan Church, was invited to participate to the Fourth Ecumenical Council in his capacity as Archbishop of Tomis and Metropolitan of the eparchy of Scythia Minor, and this is happened long before Paternus, the tomitan hierarch who signed the Acts of the Constantinopolitan (endemeussa/permanent) Council of 520 with the title "episcopus metropolitanus" (metropolitan).

It is also worthy to be mentioned the fact that Timotheus of Tomis was invoked and nominated as the undisputed authority on the Ecumenical Church's confession of the Orthodox faith by the Fathers of the Fourth Ecumenical Council (Chalcedon, 451)¹⁵⁶.

6. The Archbishop Paternus of Tomis, the sixth Metropolitan of the eparchy of Scythia

In the same epistle addressed to Pope Hormisdas, dated 9 July 520, among the bishops participating in that Constantinopolitan Synod has been also nominated "Paternus misericordia Dei episcopus provinciae Scythiae metropolitanus"¹⁵⁷, i.e. "Paternus by the mercy of God metropolitan bishop of the eparchy of Scythia".

In the late 5th and early 6th centuries the notion of "metropolita/ae" (metropolitan bishop) was frequently used in Latin ecclesiastical language with the meaning of "antistes" (ἀντιστήτης), that is of „primate”, as it is attested by the text of an epistle of

¹⁵⁵ Apud N. V. Dură, *Actele și Canoanele Sinoadelor ecumenice, mărturii indubitabile privind statutul canonic-juridic al Întâistătătorului Bisericii din eparhia "Scythia Minor". "In Honorem": Înaltpreasfinției Sale, Teodosie, Arhiepiscopul Tomisului, cu prilejul împlinirii a două decenii de rodnică lucrare pastorală (The Acts and Canons of the Ecumenical Synods, unquestionable testimonies regarding the canonical-juridical status of the Primate of the Church of the Eparchy of "Scythia Minor". "In Honorem": To His All-Honorable Theodosius, Archbishop of Tomis, on the occasion of his two decades of fruitful pastoral work)*, in vol. Arhiepiscopul Teodosie, părintele nostru: 20 de ani de arhierie la Tomis, Ed. Arhiepiscopiei Tomisului, Constanța, 2021, p. 151.

¹⁵⁶ I. Dură, *Sfântul Teotim I, episcopul Tomisului, drept autoritate a dreptei credințe în cadrul lucrărilor Sinodului IV ecumenic* (St. Theotimus I, bishop of Tomis, as an authority of the right faith in the works of the Fourth Ecumenical Council), in *Biserica Ortodoxă Română*, CVI, 1988, nr. 5-6, p. 92-96.

¹⁵⁷ *Acta conciliorum oecumenicorum*, ..., vol. III, p. 126.

Pope Hormisdas (transmitted by the Latin Codex no. 387 in the Vatican Library), in which the hierarch Paternus of Tomis appears both as 'reverentissimus episcopus' (the reverend bishop) and as 'tomitanae civitas antistes'¹⁵⁸ (the head of the city of Tomis), i.e. the primate of the Church of Tomis.

In other words, for pope Hormisdas (514-523), the bishop Paternus was above all – like all the other heads of a local Church – a „protos (πρωτον / primas) of the Church of Tomis, even though he bore two titles, that is, that of archbishop of Tomis and metropolitan of the Church of Scythia Minor.

The pope Hormisdas had the possibility to have the informations of the first hand – about the church of Scythia Minor and its Primate – first from Dionysius Exiguus „ex natione scythe”, who translated the canons from Greek in Latin, at his request, and from the other Scythian monks who arrived in Rome, headed by the well-known theologian John Maxentius, who promulgated in 519 the formula theopaschite¹⁵⁹ just in the papal city.

For their purpose, the Scythia monks also received a real support on behalf of the Carthaginiesi deacon Fulgentius Ferrandus, who drew up a „*Breviatio canonum ecclesiasticorum*” (P. L. LXVII).

Paternus was followed - in the Metropolitan See of Scythia Minor - by other metropolitans, among whom - from the 6th century - Christian historiography has retained the names of the two metropolitans, namely Valentinian and Stephen.

7. The Archbishop Valentinian of Tomis, the Metropolitan of the Church of Scythia

About the archbishop Valentinian, the metropolitan of Scythia Minor, we find a peremptory testimony in a letter of pope Vigilius († 555) sent it to „dilectissimo fratri Valentiniano episcopo de Tomis provinciae Scythiae”¹⁶⁰ (our beloved brother Valentinian the Bishop of Tomis, Scythia eparchy).

This letter shows clearly that the Church of Scythia Minor had also brotherly relations with the bishop of „Old Rome” (cf. can. 3 Syn. II ec.; 28 Syn. IV ec.), not only with the bishop of „New Rome”, alias Constantinople, or with the other Churches from the Roman empire of East, such as the Sees of Jerusalem, Alexandria, Antioch, Asia Minor, and, not in the last, with the metropolitan Sees of

¹⁵⁸ *Epistle to Pope Hormisdas*, in *Collectio Avellana*, ed. O. Günther, in *Corpus Scriptorum Ecclesiasticorum Latinorum*, Vol. 35, pars.2, Pragae/Vindobonae/Lipsiae, 1898, no. 217.

¹⁵⁹ *Documents Illustrative of the History of the Church*, ed. B. J. Kidd, vol III, London 1941, p. 15 sq.

¹⁶⁰ M. Păcurariu, *Istoria Bisericii Ortodoxe Române* (History of the Romanian Orthodox Church), vol. I, Ed. Trinitas, Iași, 2004, p. 133.

the South of Danube¹⁶¹, which have been disputed between the See of Rome and the See of Constantinople.

8. The Archbishop Stephan of Tomis the Metropolitan Church of Scythia

About this primate of the Church of Scythia, we do not find any mention in the Lists of the bishops participating to different Councils (local or ecumenical), but we had the chance to find mentioned his name inscribed on a piece of wood of a cross. The Latin inscription reads: 'Hic facta est oratio episcoporum Stephani ...'. (here prayers were made in the name of the bishops Stephen ...)¹⁶², i.e. of a number of bishops beginning with Stephen.

Unfortunately, from the fragment of this cross, with Latin inscription, discovered by some Romanian archaeologists in Mangalia (Romania), we can identify only the name of the bishop Stephen, who might be the successor of Bishop Valentinian of Tomis. Certainly, if archaeologists had had the chance to discover the wood of the entire cross - and if it had not been destroyed by the bad weather - we would have been able to mention the names of other bishops of the Church of Tomis, and, ipso facto, the primates of the Church of Scythia Minor.

The fact that the names of these hierarchs - from Callatis or Tomis - were written in Latin remains a precious clue and indisputable proof that at that time, in the 6th century, the population of the province of Scythia Minor was Latin-speaking, and not Geto-Dacian (i.e. the language of the natives of those lands), which was spoken on the arrival of their Christianizer, St. Andrew the Apostle, and in which the famous Latin poet Ovid († 17) had written his famous poems.

This reality also confirms peremptorily that in the process of formation of the Romanian people, at that time, two constituent ethnic elements (the Latin ones and the Traco-Geto-Dacians) had already reached the stage of being able to express themselves only in Latin even in the religious cult of their (Orthodox) Church, which, in the words of our national poet, Mihai Eminescu, is the 'Mother of the Romanian nation'. Moreover, it was this Latin language, used in Christian worship, which was the one that also boosted and contributed to the transition to the formative phase of the Romanian language, i.e. the language of the 'old church sermons (cazani)' (A. Mateevici).

¹⁶¹ N. V. Dură, *Biserica „Vlahilor” (Românilor) din Nordul Dunării și relațiile ei canonice cu principalele Scaune episcopale din Sudul Dunării (sec. IV-XIV) (The Church of the "Vlahilors" (Romanians) in the North of the Danube and its canonical relations with the main Episcopal sees in the South of the Danube (4th-14th centuries))*, in *Anuarul Facultății de Teologie Ortodoxă, Universitatea București*, 2002, p.353-367.

¹⁶² M. Păcurariu, *Istoria ...* p. 134.

After the victory of the Vlachs (Romanians from Wallachia) at Posada in 1330 against the Hungarian invaders, also remarked by the Byzantines, Greek and the Slavonic script still were present in a Churches. However, the final „victory” of Romanian language in the written texts was going to happen in the 16th century (P. P. Panaitescu).

About these bishops of Scythia Minor - existing in more than 20 episcopal Sees identified in the area of the former Roman province of Scythia Minor - Romanian historiography has also revealed that the bishop of Tomis, in his capacity as archbishop of Tomis and metropolitan of Scythia Minor, exercised his canonical jurisdiction not only over the territory of today's Dobrogea (former Scythia Minor), but also over the territories found to the left of the Danube, namely in eastern Wallachia and southern Moldavia, as is also clear from the text of the martyric Act of St. Sava¹⁶³ (martyred in 372 in the Buzău River in Wallachia).

Instead of Conclusions, we could therefore to underline the fact that from the first Ecumenical Council (325) to the end of the 6th century, we have been able to identify - based on testimonies provided by the Acts and Episcopal Lists of some Ecumenical and Constantinopolitan Synods, as well of some archeological discoveries, - a number of eight metropolitans of the Church of Scythia Minor. These were the followings: 1. Mark (325); 2. Gerontius (Terentius) (381); 3. Timotheus (431); 4. Alexander (448-452); 5. Theotimos II; 6. Paternus (498-520); 7. Valentinian; 8. Stephan.

In the eparchy of Scythia Minor in the 4th-6th centuries we have therefore eight metropolitans attested by the first-rate documentary sources, but it is not excluded that other historical testimonies (literary, epigraphic, archaeological, etc.) may reveal other names of tomitan hierarchs who were the primates of the Church of Scythia Minor.

That the invasions of the migratory nations in Scythia Minor - produced from 6th - 7th centuries until the end of the first millennium (Slavs, Bulgarians, Avars, Pechenegs, etc.) - did not succeed in abolishing the Archdiocese of Tomis, as attested even by the testimonies of Patriarch Photius (858-867; 877-886) in the canonical Syntagma of 883, known as the *Nomocanon of Photius*¹⁶⁴, which became the basic Collection of the Eastern Orthodox Church, the text of which was commented by the reputed Byzantine canonist Theodore Balsamon (12th century).

¹⁶³ Ibidem, p. 135.

¹⁶⁴ Fotie, patriarhul Constantinopolului, *Nomocanon însojit de comentariile lui Balsamon* (Photius, Patriarch of Constantinople, *Nomocanon* accompanied by the commentaries of Balsamon), in *Athenian Syntagma*, vol. I, Athens, 1852, p. 1-335.

For example, in one of his commentaries, the Patriarch Photius expressly referred to the "bishop of Tomis", who "administers all the other Churches of Scythia (τῶν λοιπῶν ἐκκλησιῶν Σκυθίας πρνοει)"¹⁶⁵. The same erudite patriarch also referred to the text of Novel introduced in the Basilika, i.e., the Collection of the Byzantine emperors Basil I the Macedonian (867-886) and his son Leo VI the Wise (886-912), published in the beginning of the 10th century, which makes special reference to the Church of Scythia Minor, namely to "τας Σκυθία ἐπαρχίας" (the eparchy of Scythia)¹⁶⁶.

II. Tomitan Primates, distinctive landmarks of the ecumenical Orthodox faith community

Among these primates of the Archiepiscopal and Metropolitan See of Tomis of the first millennium, there were also some hierarchs who were taken as distinctive landmarks of the ecumenical Orthodox faith community, such as Bretanion, Terentius, Theotimos, Timotheus, Valentinian etc., who were not only learned theologians, but also devoted confessors of the apostolic faith formulated by the Councils of the Fathers of the Ecumenical Church. In fact, all these primates¹⁶⁷ also excelled in the field of their pastoral-canonical activity, where they made a meritorious contribution to affirming and defending the dogmatic, canonical and cultic unity of the Catholic (Universal/Ecumenical) Orthodox Church of their time.

Documentary evidence from the 4th and 6th centuries also attests to the fact that, in the Christian world of *illo tempore*, the tomitan hierarchs were perceived and held as authentic confessors and devoted defenders of the Nicene doctrine, as confirmed by the edicts of Emperors Gratian, Valentinian and Theodosius of 28 February 380 addressed to the population of Constantinople (cf. *Codex Theodosianus*, lb. XVI, 1, 2), as well as by the edict of the same emperors addressed to the proconsul of Asia Minor, Auxonius, of 30 July 381 (*Codex Theodosianus*, lb. XVI, 1, 3)¹⁶⁸.

In the imperial Edict of 30 July 381, the romans emperors commanded „that all Churches shall immediately be surrounded to those bishops who ... affirm the

¹⁶⁵ Fotie, *Syntagma canonum*, Titl. A-I, ed. E. Meretakis, Tesalonic, 2001, p. 114.

¹⁶⁶ Ibidem, Tit. XI-XIV, Tesalonic, 2005, p. 258.

¹⁶⁷ See N. V. Dură, *The Church from "Scythia Minor" and Her "First standing Hierarchs" of Tomis*, in vol. *Telling Stories of Hope - Reconciliation in South East Europe Compared to World-Wide Experienc*, Festschrift in Honour of Rev. Dieter Brandes to his 65th Birthday, ed. V. Grăjdian, O. Lukács, Evangelische Verlagsanstalt GMBH Leipzig, 2010, p. 242-287.

¹⁶⁸ *The Theodosian Code and Novels, and the Sirmondian Constitutions*, C. Pharr, T. Sherrer Davidson, M. Brown Pharr, New Jersey. 2001, p. 440.

concept of the Trinity by the assertion of three Persons and the unity of the Divinity”, and „who appear to have been associated in communion of Nectarius, Bishop of the Church of Constantinople, and of Timotheus, Bishop of the city of Alexandria in Egypt ..., and with Terennius, Bishop of Scythia (episcopo Scythiae) ... Those bishops who are of the communion and fellowship of such acceptable sacerdotes (sacerdotes) must be permitted to obtain the Catholic (Orthodox) Churches” (*Codex Theodosianus*, lb. XVI, 1, 3)¹⁶⁹.

From the text of *Codex Theodosianus*, we could first of all retain the fact that – for the Roman emperors – the primates of all the Churches of *illo tempore* were called „bishops” (episcopi) or „sacerdotes”, and not archbishops, metropolitans or exarchs, as in fact the bishops themselves signed the Acts of the ecumenical and local Councils, even though they were the primates of their local autocephaly Churches. Anyhow, the fact that name of Terentius / Gerontius, the bishop of Tomis, was mentioned in the List of Orthodox bishops who starts with the bishop of Constantinople shows in an incontestable manner the fact that his Church was not subordinated to the imperial See of New Rome, since the Church of Scythia was an autocephaly one, and it rejoiced of this status from the apostolic age until the beginning of the second millennium.

From the last edict (30 July 381), among the venerable bishops of the Christian world at that time - whom the Roman emperors regarded as undisputed ecumenical landmarks and authorities in matters of Orthodox faith and doctrine - we find listed the tomitan hierarch of the Church of Scythia Minor, namely Terentius (Gerontius), whose name has been mentioned - along with other prestigious protohierarchs of the Roman Empire - both as a confessor and defender of the true faith and as a landmark of ecumenical Orthodox communion of faith.

Hence the fact that these emperors imposed on all the bishops of the "orbis terrarum Romanorum" to be unconditionally in "communio in sacris"¹⁷⁰ with them, so that they too could declare and prove the orthodoxy of their faith and of the members of their Church. Consequently, only the bishops in communion of faith with the bishops denominated by these emperors in their Edicts in the years 380 and 381 could have the right to administrate the patrimony of their Churches¹⁷¹.

¹⁶⁹ Ibidem.

¹⁷⁰ On the dogmatic and canonical theology of this kind of "communio", see N. V. Dură, *Intercomuniune sau comuniune sacramentală? Identitatea eclezială și unitatea în credință* (*Intercommunion or sacramental communion? Ecclesial Identity and Unity in Faith*), in *Ortodoxia*, XL (1988), no. 4, pp. 15-58.

¹⁷¹ H. I. Marrou, *L'Eglise de l'Antiquité tardive (303-604)*, Paris, 1985, p. 36-55; N. V. Dură, C. Mititelu, *The Juridical-Canonical Basis of the Management of Movable and Immovable*

The fact that among the hierarchs of these local autocephalous Churches - expressly cited by the edicts of Emperors Gratian, Valentinian and Theodosius in the years 380 and 381 as models to be followed in terms of the confession of the right (Orthodox) faith formulated by the Fathers of the First Ecumenical Council - was also "Terennius, episcopo Scythiae", i.e. bishop Terentius (Gerontius) of Scythia Minor, one of the erudite "Scythian" hierarch-monk¹⁷², who held and honored the first See of the Church of the province (eparchy) of Scythia Minor in his quality of Archbishop of Tomis and Metropolitan of the eparchy of Scythia, prove à l'évidence not only his spiritual and doctrinal authority, but also the status of the autocephaly of his Church among the other local Churches of the Ecumenical (Catholic/Universal) Church of that epoch.

Among these bishops of Tomis was also Saint Theotimos, Metropolitan of Scythia Minor (cca. 390-410), a writer and friend of St. John Chrysostom, whom he visited him many times in Constantinople. He succeeded Saint Gerontius as bishop of Tomis. His name is also mentioned by Sf. Jerome in his book „On illustrious men”, describing him as a great theologian, educated also in philosophy, hence the fact that the ancient historians referred to him as „the Philosopher”. About Saint Theotimos, the Christian historiography also mentions that he has been teacher of Saint John Cassian († 435)¹⁷³.

Instead of conclusions

From the examination of the text of the Acts of some Councils of the first millennium, of the legislation of the Eastern Church, of some Episcopal Lists (Notitiae Episcopatum) and of some archeological discoveries came out that the hierarchs with episcopal See on Tomis, the metropolis of the Roman province of Scythia Minor, bore the title of "archbishop", and after the year 325 the Archbishop of Tomis associated to him the title of "metropolitan" of Scythia Minor.

Ecclesiastical Property, in "Ovidius" University Annals, Economic Sciences Series, vol. XXIII, nr. 1, 2023, p. 344-351.

¹⁷² C. Mititelu, *Dacian-Roman Cultural Personalities from Scythia Minor (4 -6th Centuries) and their Contribution to the Affirmation and Promotion of a Humanistic-Christian Culture at European Level*, in **3rd Central & Eastern European LUMEN - New Approaches in Social and Humanistic Sciences**, Chisinau, 2017, 2018, ed. V. Manolachi, C. Rus, S. Rusnac, ed. Lumen, p. 316-331.

¹⁷³ C. Mititelu, *Saint John Cassian The Founder of Occidental Monasticism*, in *Christian Researches*, VI, 2011, p. 32-49; C. Mititelu, *Mărturii ale Tradiției hagiografice, răsăritene, despre Sfântul Ioan Casian (Testimonies of the Eastern hagiographical tradition about St. John Cassian)*, in *Revista de Teologie Sfântul Apostol Andrei*, Anul XVIII, nr. 1 / 2014, p. 155-165.

Indeed, from 325 until the 11th century, when the last Metropolitan Anicetus of Tomis (10th-11th century) and "Metropolitan Basil of Tomis" (11th century) were identified, they were entitled as archbishops of Tomis and metropolitans of Scythia Minor.

The legal status of the Church primates of the Roman province (eparchy) of Scythia Minor has both a solid historical and legal basis, being attested not only by different historical sources and the text of the State and Church legislation of the first millennium, but also by the Acts of some ecumenical and local synods of that period, in which we also find – in their „Notitiae Episcopatum” – the signatures of the tomitan hierarchs, both as bishops, archbishops and metropolitans, that is as „primates” of an apostolic and autocephaly Church.

The tomitan hierarchs preserved the titles as primates of this autocephaly Church at least until the 10th – 11th century, when Byzantium's presence on the Danube to regain the frontiers lost during the great Slavic invasion south of this river in the first half of the 7th century, would lead to the disappearance of the autocephaly of some ancient local Churches, since they were passed under the jurisdiction of the Patriarch of Constantinople.

From the same period (10th-11th century), we also have the first written mentions about the South Danubian Vlachs (Romanians), found even "in the heart of the Balkan Peninsula"¹⁷⁴, and in this period the two branches of the Vlachs, North Danubian and South Danubian, struggled not only for their ethnic identity, but also for their political independence vis-à-vis of Byzantine military power.

With the military victories of the Byzantines in 971, the South Danube area returned to Byzantine rule, which lasted until the beginning of the 13th century. During this period, some archbishoprics subordinated to the Patriarchal See of Ohrid came under the jurisdiction of the Patriarchate of Constantinople, as was the case with the archbishopric of Dorostolon (Bulgaria) in 1020, located in Dobrudja province of south of Danube.

In the same century (11th century), the Byzantines established more greek bishoprics on the Danube, and other ancient episcopal Sees, like that of Dristra, southern Dobrudja, which was elevated to the rank of metropolitan See, but it was placed under the canonical jurisdiction of the Patriarchate of Constantinople. At the north of the Danube, the Byzantines established the metropolitan See of

¹⁷⁴ G. Zbucea, *Revenirea Imperiului bizantin la Dunărea de Jos (The return of the Byzantine Empire to the Lower Danube)*, in *Istoria Românilor*, vol. III, ed. a II-a, Ed. Enciclopedică, București, 2010, p. 319-320.

Axiopolis (Cernavoda/Romania), which they also placed it under the jurisdiction of the Patriarchate of Constantinople.

In fact, from this century onwards, the Byzantines reactivated not only their policy of hellenization of the autochthonous element of the local Churches of north and south of the Danube, but also their policy to put them under direct obedience of the Patriarchate of Constantinople, thus abolishing the ancient state of autocephaly of these Churches.

It was precisely in this historical context that the See of Tomis disappeared from the landscape of ecclesiastical life, whose Primates were either called to the center, i.e. to Constantinople, or transferred to other ecclesiastical centers¹⁷⁵, such as those of the Lower Danube and the Black Sea, or at the north of Danube, as it happened with the Greek hierarch Hyacinth of "Vicina", the ancient Romanian territory at the mouth of the Danube, which came under Byzantine rule, and then under the Tartars and Genoveses.

The bishop Hyacinth of Vicina had however the chance to be transferred in 1324 - at the request of the Voivode of Wallachia, Alexander Basarab, - to the Princely Court of Arges, where there was an old Romanian archiepiscopal and metropolitan See. But, by this transfer, made with the consent of the Byzantine Court of Constantinople, i.e. of the Emperor and the Patriarch, the two chieftains who exercised supreme power in the Byzantine state, the Church of the Vlachs of north of the Danube was placed, volens-nolens, under the jurisdiction See of Constantinopolitan Patriarchate¹⁷⁶.

Despite this reality, the Church of North of Danube managed to affirm its ancient status of autocephaly¹⁷⁷ through various acts that reflect this ecclesiastical reality, such as the Consecration of the Holy and Great Myrrh (Μῆρρον)¹⁷⁸ in Romanian soil, the canonization of the local Saints etc.

¹⁷⁵ R. Theodorescu, *Civilizația din spațiul carpato-dunăreano-pontic. Structurile eclesiastice (Civilization from the Carpatho-Danube-Pontic space. Ecclesiastical structures)*, în *Istoria Românilor*, vol. III, ..., p. 501 sq.

¹⁷⁶ I. Dură, *Recherches sur l'histoire des Pays roumains et leur Eglise (XVIe - XIXe s.)*, Bruxelles, 1985, p. 1-129.

¹⁷⁷ N. V. Dură, *Forme și stări de manifestare ale autocefaliei Bisericii Ortodoxe Române. Mărturii istorice, eclesiologice și canonice (Forms and states of manifestation of the autocephaly of the Romanian Orthodox Church. Historical, ecclesiological and canonical testimonies)*, in vol. *Autocefalia, libertate și demnitate*, Ed. IBMBOR, București, 2010, p. 113-155.

¹⁷⁸ I. Dură, *Sfînțirea Sfântului și Marelui Mir în Biserica Ortodoxă Română (sec. XVI-XIX) (The Sacrament of the Holy and Great Myrrh in the Romanian Orthodox Church (16th-19th centuries))*, in *Biserica Ortodoxă Română*, CIII (1985), nr. 7-8, p. 549-561.

In the same situation were also other Orthodox Churches, which in the last years finally regained their autocephaly from the Patriarchate of Constantinople, including their right to consecrate the Holy and Great Myrrh, that is by their own bishops under the leadership of their Primate, as it was also happened – in the first millennium – in Church of Scythia Minor, where its Primate, the Archbishop of Tomis, together with all the other bishops, managed to preserve the ancient status of autocephaly of their apostolic Church by all these inherent acts accomplished by every local autocephaly Church according the „ancient customs” (cf. can. 6 Syn. I ec.).

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