

THE DELIBERATIVE PRINCIPLE IN THE MANAGEMENT SYSTEM OF THE ARMENIAN CHURCH

Lilit Sarvazyan

PhD, Associate Professor at the Yerevan State

Pedagogical University

Senior Researcher at the Institute of Philosophy,

Sociology and Law of NAS RA

lilit.sarvazyan@gmail.com

DOI: 10.54503/1829-4618-2022.2(16)-115

Abstract

The historical mission of the Armenian Church was manifested by spiritual-and-cultural, political-and-deliberative, diplomatic, legislative and judicial functions and specific principles of governance. After the fall of the statehood, the Armenian people concentrated the national power in the Armenian Church, which with its pro-national policy became the supreme authority in the national existence. The role of the rule of law, representative democracy and the principles of parliamentarianism in the management system of the Armenian Church has been particularly important in Armenian social and political circles. In this context, the results of the cooperation of the spiritual-and-ecclesiastical and secular-and-political authorities, as well as the unique self-governance ability of the Armenian nation were revealed.

Keywords: deliberative principle, self-government of the nation, representative democracy, constituent council, Synod, cooperation of secular and ecclesiastical authorities, national consensus

During the historical periods of the existence of independent statehood in Armenia, the Armenian state and church authorities adopted the principle of separation of powers, simultaneously cooperating in the process of solving national and state issues. After the loss of statehood (in 428 AD), for the sake of national preservation the Armenian Church performed not only spiritual-and-ecclesiastical, cultural, but also political and judicial functions. However, the Armenian Church never sought the establishment of theocracy, which, according to the testimony of Matteos Mamuryan, is confirmed even by European theologians: "The Armenian Church is based on true apostolic boundaries, free from monarchical and theocratic tendencies, free in its electoral and pastoral activities, and free from... the inadmissible spirit".¹

In the life of the nation, the ecclesiastical authority never tried to replace the political authority, realizing that governance was more a political process than a religious one. Therefore, as Torgom Gushakyan noted, after the restoration of statehood

¹Mamurean 1899: 135.

“... it will be necessary to hand over the trouble and job of the preservation of national identity to its original master, the political power of the nation”.² The Armenian church did not claim the title of “**state church**” either, because “it would be an absolute denial of the principle of the identity and independence of the church”.³

Armenian Catholicoses intervened in state affairs not as representatives of an ecclesiastical state, but as spiritual fathers and advisers, taking responsibility for the correct course of the country’s state and administrative affairs, its national policy. For the benefit of the motherland and the nation they reprimanded the self-interested ministers, supported the organization of the national liberation struggle, and prepared plans for the fight against oppression and the liberation of Armenia. And it is no accident that **the Throne of Catholicos always moved to where the center of political power was**. According to MaghakiaOrmanyan, this fact confirms the interconnectedness of national secular and ecclesiastical authorities, because “... besides religious competence, the patriarchal office enjoyed political and national rights and occupied an important place with the royal authority”.⁴

As an administrative organization, the Armenian Church was valued for certain characteristics: **national essence and democratic principles**. The ecclesiastical authority acted with the motto “**for the sake of a person and the nation**”, proving that the church was the Armenian people and not only the clergy. The Armenian patriarchs were elected by national will, which gave them the right to participate in the national-and-political life, like secular figures. Referring to these decisions, BabkenKyuleseryan confirms: “For the Armenian people, the nationalization and popularization of their church means that their religion or spiritual life is the same as their social life. This is a phenomenon in the history of the Armenian Nation, an unparalleled phenomenon”.⁵

The study of the national history revealed the Armenian nation’s exceptional ability of self-governance, which was assessed as an “ethnic primeval characteristics”.⁶ It determined the existence of Armenian nationality and statehood. With these characteristics, the nation was established as a **unified political personality and a subject of civilization**. The ability of Armenians of self-governance was demonstrated in the **Universal Councils** organized since the 4th century, where all the representatives of the nation consulted, discussed and solved national problems by

²Gushakyan 1927: 10.

³Gushakyan 1927: 11.

⁴Ormanyan 1912: 308.

⁵Kyuleseryan 1924: 14-15.

⁶ See Ghahramanyan 2012: 35, 47-48.

common agreement. Universal Councils marked the highest level of manifestation of Armenian sovereignty, political and legal culture of the nation.⁷

The order and principles of deliberative governance were laid down as early as the time of the apostles, when they first convened a council and decided to forbid Christians to follow certain Mosaic laws and to be justified by the law. In the II-III centuries the successors of the apostles continued to resolve issues with the council, and this tradition was reflected in the Apostolic canons: «ԼԲ. Եպիսկոպոսաց իւրաքանչիւր ազգի պարտի գիտել զառաջինն եւ զնա համար ել գլխաւոր, եւ մի՛ ինչ առնել թարց կամաց նորա. բայց միայն զայն առնել իւրաքանչիւրում, զոր ինչ իւրում կիճակի, եւ որ ընդ նորին իշխանութեան եղեալ տեղեացնան կէ: Եւ առաջինն... եւս չիշխե առնել թարց խորհրդոյ ամենից եւ ոչինչ».⁸ This principle was generalized and spread among Christian nations through ecumenical councils and local assemblies. The ecclesiastical authority adopted as a principle the Apostolic definition of regularly convening councils, which commands: «ԼԵ. Երկիցս ի տարւ ոչ ժողով լիցի եպիսկոպոսաց, և քննեցեն ընդ միմեանս զվարդապետութիւնս բարեպաշտութեան, զպատահեալսն յեղեղեցուցընդ դիմաբանութիւն՝ լուծցեն...».⁹

In the Armenian reality, the ideas of a council and deliberation showed significant specificity. In the Armenian Universal Councils not only spiritual and ecclesiastical, but also many other issues of vital importance (moral, social, marital, hereditary, etc.) were discussed. This is evidenced by the Council of Ashtishat (354 AD), which approved a number of rules with ecclesiastical and secular content. In this context, Nerses Melik-Tangyan confirms: “Armenia was the first to make Christianity a **civil religion**, i.e. besides the church administration it had a “**political government**”,¹⁰ it demanded that ecclesiastical and secular rules be derived from general principles, that church rules be mandatory for all Christian subjects as civil laws.

The Council of Ashtishat was convened on a representative basis (the king, princes, clergy, cavalry, *azats* (noblemen) and others participated). It can be confirmed that the Council of Ashtishat marked **the beginning of a unique Armenian parliamentarianism (parliamentary government)** with the principles it established. That is what Faustus of Byzantium wrote: “Everyone willingly came to the Council and had a useful deliberation to improve secular rules and establish common rules of

⁷ The tradition of solving problems through councils was formed as early as in the III millennium BC in the Armenian country of Aratta. According to ancient Sumerian inscriptions, Arattawas governed by rulers with the title of “supreme priest”, who resolved important state issues “in consultation with the council of elders”. See Movsisyan 1992: 53. The deliberative principle was inherited and implemented in the state system of the Kingdom of Ararat, as well as in the subsequent historical periods of the Armenian kingdom.

⁸ Apostolic regulations 1913: 241.

⁹ Apostolic regulations 1913: 242. See also Regulations 1913: 258.

¹⁰ Melik-Tangyan 1903: 308.

faith”¹¹. And Movses Khorenatsi assessed the decisions of the Council of Ashtishat as “canonical constitution”.¹²

The deliberative principle rooted in the Council of Ashtishat became a tradition in the **Council of Shahapivan** (444 AD). It was also representative.¹³

In the “Introduction” of the charter of the Council of Shahapivan, it is stated that according to the written order, they gathered to consult and establish godly laws, by which public relations should be regulated. In fact, without the ratification of the National Assembly, no order was canonical and binding. Even the orders of the king, the Catholicos, ministers, that the nation did not accept, were not implemented. And vice versa, the nation unanimously adopted many Patriarchal *kondaks* as binding law. We can mention as an example the canons and rules by Grigor Lusavoruch, S. Sahak, Nerses the Gracious, Nerses Ashtaraketsi, Nerses Varzhapetyan and others, which stemmed from the national spirit of the Armenian Church.

The deliberative principle was reflected in its own way in **Vachagan the Pious** “**Canonical Constitution**” (488 AD), which is correlated with the canons of Ashtishat and Shahapivan. According to G. Harutyunyan, it was an exceptional phenomenon: “If in the past the church was the initiator of convening national-and-ecclesiastical councils with the aim of “repairing” all the spheres of public life, in the V century King Vachagan showed such an initiative”.¹⁴

Vachagan addressed the prominent people throughout Armenia, consulted with them and received written answers. The principle of **national consensus** was important even in the preparatory phase of the adoption of the Constitution. The approval and ratification of the constitution took place in the National Assembly, which was attended by Archbishop of Partav, clergymen, noblemen, patriarchs of Artsakhand many others. The council was chaired not by the king, but by one of the princes.¹⁵ The constitution was based on the socio-political situation in the Armenian East, with the need to create national unity, organize the domestic life of the Armenian kingdom, regulate social relations and ensure the welfare of the people.

In the processes of legislation and church management, **the deliberative principle** was also valued in Mkhitar Gosh’s and Smbat the Constable’s Codexes and in Shahamir Shahamiryan’s “Snare of Glory”.

According to Gosh, the church governed with the principles of centralization and relative decentralization. “Each person [bishop] can make decisions only in his domain... but he has no right of authority in other domains... to undertake anything, if there is no decision by the bishop of the capital. And neither can the Catholicos himself do anything

¹¹Pawstos Buzand 1987: 119.

¹²Movses Khorenatsi 1981: 336.

¹³Regulations 1964: 427-428.

¹⁴Harutyunyan 2005: 57.

¹⁵See Movses Kaghankatvatsi 1969: 65-69.

without consulting with the other bishops”.¹⁶ Thus, the tradition established by the national-and-ecclesiastical councils is reaffirmed in the “Armenian Codex”. Article 161 is noteworthy. In it Gosh urges: “It is not necessary to subject the old traditions of the provincial churches to fashion. That is what is commanded to provinces, positions and people. And if a patriarch wants to change the tradition, he is obliged to do it through the Council, safely, according to the code”.¹⁷ Gosh also emphasizes the role of the council in defining the electoral system of leaders: “... the honor and grace of electing a successor belongs to the chief, i.e. to the Catholicos, the decisive will belongs to the great council”.¹⁸

Addressing the same issues, Smbat the Constable urges the religious class to learn **the definitions of S. Sahak**, among which he singles out the following – every year Catholicoses assemble a meeting in the capital city and abandon harmful church canons.¹⁹ He considers the traditional procedure of election and ordination of clergy to be legitimate. The same concerns the bishops. And if the candidate is from another province, the legislator requires the people’s written testimony about his merits.²⁰ Smbat rejects the inheritance of religious ranks, ordering that episcopes have no right to choose their successors since the latter should be elected by the god and be worthy of Catholicos and all people». ²¹ In such cases, the offender is unfrocked and punished by the court (“gate”).

In his draft Constitution of Armenia, Shahamir Shahamiryan repeatedly emphasizes the deliberative principle and national consensus in the country’s governance and law-making processes. In the first part of “Snare of Glory”, he advises how the sovereign kingdom and free governance should be built.²² In the process of approving legislation, especially constitutional laws, Shahamiryan considers indispensable the unity and cooperation of ecclesiastical and secular representatives of the nation (“Armenian elders” and “Bishop-deputies elected by the Patriarchy”) as a manifestation of the national will.²³

Thus, the democratic essence of the Armenian Church is manifested by the principles established by Canon Law, which were re-proclaimed in the sources of Armenian law and were unquestionably implemented in Armenia, as well as in the Armenian Kingdom of Cilicia. Democracy assumes **nationwide participation in the elections of the ecclesiastical authority**.²⁴

¹⁶Mkhitar Gosh 2001: 460.

¹⁷Mkhitar Gosh 2001: 462.

¹⁸Mkhitar Gosh 2001: 451.

¹⁹ Code of Law 1918: 28.

²⁰ Code of Law 1918: 37.

²¹ Code of Law 1918: 23.

²²Shahamiryan 1913: 21.

²³Shahamiryan 1913: 151.

²⁴ Regulation 1876: 3.

In this context, it should be noted that it is not legal to appoint or remove from office the Patriarch only at the will of the political authority. According to MaghakiaOrmanyán: “The dethronement must take place after discussion and decision, according to the canon law and **authority of council**, so that the Catholicos is legally dethroned, and the person taking the place is not seen as an adversary”.²⁵ Without these conditions, removal from office is considered a result of violence. The administrative structure of the Armenian Church excludes the principle of strict concentration. Ecclesiastical officials are free to perform their functions, but not as they please, but with deliberation: “Every rank of the clergy... chiefs or leaders carry out their duties with the support of religious or clerical, and political or secular councils and assemblies”.²⁶

The deliberative principle is reflected in **the kondak of Catholicos Simeon of April 5, 1774**, which was addressed to ZakariaKaghzvantsi. The Kondak sets forth six rules for the patriarchal position. By the way, Patriarch Zakaria implemented this principle and was evaluated as an exemplary ruler. The council he convened (1780) is symbolic. During the council the third of the 4 canons proposed in regard to the election of Catholicos was related to deliberative management: “the Catholicos should have advisers around him and act with their approval”.²⁷

It should be noted that this principle did not violate the Patriarchal supremacy, and in the Council of the Etchmiadzin Congregation of 1781 the following was declared as an inviolable law – only the Catholicoses have the right to release canons.²⁸ Therefore, the canons without the patriarchal seal are invalid.

The idea of the Synod (Council) originated not in Russia, but in Constantinople, during the struggle over the election of the Catholicos. It was mentioned for the first time on August 16, 1805, in the Epistle addressed to M. Yeghiazaryan, where it is said that Catholicos and bishops should consult each other.²⁹ And Daniel Maraghatsi’s Patriarchal Kondak of July 10, 1806 was the **document of the national-and-parliamentary form of government**, in which he informed about the desire of the Armenians of Constantinople to have a governing synod for the national department. The Synod would support the Patriarch in administrative matters.³⁰ Maraghatsi proposed to create a consultative body, whose members should be elected by a united national will, be wise, know the laws and be a philanthropist. The power of the Synod was to be extended to the canonical, judicial, executive, supply and development branches.

²⁵Ormanyán 1913: 2043, 2163.

²⁶Ormanyán 1993: 166-167.

²⁷Ormanyán 1913: 3143.

²⁸ Letter to Great Polis 1899: 194.

²⁹ Letter to archbishop Hovhannes 1902: 460-461.

³⁰ Holy governing assembly 1893: 210.

On May 25, 1808 the composition of the Synod was officially announced³¹. According to the document, the jurisdiction of the Governing Council extended to the examination of the Catholicos orders, the rules enacted by law, the usefulness of which would be confirmed by the public. Violence, arbitrary legislation and opposition to the just judgment established by the universal will were excluded. However, the Catholicos was the head of the church and the overseer of the government of the Council. The ruling council (“Holy Synod”) is more correctly called the **Catholicos Council**, which ruled out the unlimited power of the Catholicos, and the activities of parliamentarians were expanded. The council functioned effectively during the reign of Barsegh and NersesAshtaraketsis.

The principles of deliberative management were reflected in other political tendencies in the 1836 **Charter**, the limits of the operation of which are defined in the inscription itself. The opinion that the document is a charter for the Armenian Church as a whole is not correct. In this regard, we would like to emphasize MaghakiaOrmanyan’s interpretation: “What has been said in Russia shows that the one who approved the ordinance had neither the thought nor the courage to draft a law for the whole Armenian Church, but only to specify the points of the relationship of the Armenian Church with the Russian Empire, which is really useful in order to ensure a firm application of the laws and a solution to the problems”.³² Moreover, the articles that concern the Armenian Church are borrowed from Armenian canon law or are adapted to it.

According to the Charter, the Catholicos was the chief governor and superior inspector of the Armenian Church, with the right to make the final decision in spiritual-and-religious matters. The Synod was given the privilege of being **a mere associate**. The Catholicos could not transfer his power, rights and privileges to another instance or person.³³ Catholicos power was limited within the religious and ecclesiastical framework, while it had performed national-and-cultural and legal-and-political functions for centuries. The Synod consisting of eight members was presided over by the Catholicos. In addition to administrative, judicial and supervisory functions, the Synod had the right to pre-examine spiritual affairs.

The Armenians of India and Western Armenians criticized the novelties introduced in the structure of the Synod, because before the implementation of the Charter the body cooperating with the Catholicos had **consultative** nature and functions. Whereas, according to the new charter, the Synod was similar to the Synod of the Russian Church, which had ruled the Russian Church with absolute authority since the time of Peter the Great. In other words, the deliberative body was turned into a sovereign administrative structure, as a result of which the principle of centralized management in the ecclesiastical regime was violated.

³¹ Holy governing assembly 1893: 218-219.

³² Ormanyan 1927: 3684-3685.

³³ See State constitution 1842: 19.

One of the principles introduced in the charter was that ***the Synod directly depended on the Ministry of Internal Affairs of Russia, and indirectly on the Imperial Supreme Council of Elders.***³⁴ In local (national) affairs, the Synod interacted with the governor, and in general affairs - with the ministry. The Charter defined ***a new position alien to the national regulation***, which was called procurator appointed as a governor by the Senate who receives salary from the royal treasury.³⁵ The Special Agent had the exclusive right to oversee the administrative and judicial affairs of the Synod.

One can criticize the provisions of the Charter according to which ***the secular element was deprived of the right to participate in eparchial elections***, and they could participate in patriarchal elections only if the number of clergymen was greater. In fact, only clergymen operated in administrative, judicial, educational and other fields. Criticizing this principle, Ormanyannotes: "Armenians do not consider the Armenian clergy to be the absolute master of the church, and apart from deliberation the secular people have an important role in the election and administration and supply branches".³⁶

Another intolerable principle was ***the unnecessary interference of state authorities in ecclesiastical and national-and-cultural affairs***. Although the charter formally implied the observance of the traditions and laws of the Armenian Church, the Russian government always sought to subordinate them to state interests. The decisions adopted by the Synod were submitted for state approval and ratification. All diocesan correspondence was monitored by the Ministry of Internal Affairs.

Thus, the Charter was a legal basis for the Russian government to interfere in national-and-ecclesiastical affairs, to limit the rights of the Catholicos, to change the electoral system of clerical officials, to arbitrarily solve the problems of preserving national estates and property.

The traditional deliberative principle was inherited and reflected also in the Western Armenian "***National Constitution***" of 1863, in which the rights of the legislative power - the National Assembly, and the executive power - the Political and Religious Assemblies, were separated. The National Administration was established in the format of mixed governance, i.e. monarchical (nationalist), parliamentary and democratic principles were combined. The Patriarch, the chairman of all assemblies, had a constitutional position, the operation of which was determined by the ratio of power bodies. The members of the Political and Religious Assemblies were advisers to the patriarch. According to ArshakAlpoyachyan: "The Patriarch, as the embodiment of the executive power, is not free to act independently, but must act in consultation with

³⁴ State constitution 1842: 39.

³⁵ State constitution 1842: 45.

³⁶Ormanyan 1927: 3696.

those two assemblies appointed by the national representative body”.³⁷ It should be noted that most of the Armenian patriarchs had secular advisers who secretly carried out political activities and gave very important information to the patriarchs.

The obligations of the Patriarch are to govern according to the principles of the Constitution, to prevent any action that goes against the Basic Law, to submit all issues, including proposals for dismissal, to the councils for discussion. However, in difficult political situations, when convening councils is impossible, the patriarch has the authority to manage national affairs under his own responsibility. On the other hand: “If the Patriarch acts or behaves against the provisions of the Constitution, he will be impeached”.³⁸ The National General Assembly, the Political and Religious Assemblies have the right to accuse him.

The Mixed Assembly which combines the functions of Political and Religious assemblies is a unique manifestation of the cooperation of the ecclesiastical and secular authorities. It was the Mixed Assembly that determined the direction and tendencies of governance and national policy. Especially during the massacres, when due to government bans it became impossible to convene the General Assembly, the national governance was carried out by the Mixed Assembly. This principle was substantiated as a policy of choosing the lesser evil to ensure the continuity of constitutional institutions.

Thus, to summarize the above, we can conclude: the Armenian Church has been valued by certain features - **national essence** and **democratic principles**. The self-governance ability of Armenians was demonstrated in **Universal Councils**, which become meaningful by the principles implemented in them (cooperation of representative, deliberative, secular and ecclesiastical authorities, national consensus, publicity, etc.). These principles were inherited and reflected in the Armenian Codices and other sources of law, the authors of which valued them as inviolable principles. In the current period it is also necessary to bring forward the national-and-constitutional principles that have passed the test of history, aligning them with the current political requirements.

BIBLIOGRAPHY

Alpoyachyan A.A. 1910. National constitution. Its origins and implementation. Constantinople (In Arm.).

Apostolic regulations 1913. Apostolic regulations, in Armenian Code of Law(compiled by A.Ghltchyan). Tiflis, 219-255 (In Arm.).

Code of Law 1918. Code of Law of Prince Smbat (Constable)(XIII century Code of Law of Cilicia) (ed. by A.Ghltchyan). Echmiatsin (In Arm.).

³⁷Alpoyachyan 1910: 459.

³⁸ National constitution 1863: 16-17.

Corpus 1899. Corpus of Armenian History, Book 4 (Preface and commentaries by G.Aghaneants, Index 5. Tiflis, 749-757 (In Arm.).

Corpus 1902. Corpus of Armenian History, Book 5 (Preface and commentaries by G.Aghaneants. Tiflis (In Arm.).

Ghahramanyan K. 2012. Historical mission of the Armenian ethnos. Yerevan (In Arm.).

Gushakyan T. 1927. The Carriage of Betsamys. Sion, Jerusalem, 1927, n. 1, 10-12 (In Arm.).

Harutyunyan G.G. 2005. Constitutional culture. Lessons of history and modern challenges. Yerevan (In Arm.).

Holy Bible 1989. Holy Bible. Old and New Testaments (transl. from Hebrew and Greek originals). Teheran (In Arm.).

Holy governing assembly 1893. "Holy governing assembly" or "Synod", in Corpus, Books 1-2. Tiflis, 202-312 (In Arm.).

Kyuleseryan B. 1924. Armenian Church. Boston (In Arm.).

Letter to Great Polis 1899. Letter to Great Polis, addressed to archimandrite Minas, in Corpus 1899, 191-196 (In Arm.).

Letter to archbishop Hovhannes 1902. Letter to archbishop Hovhannes of Georgia addressed to prince Minas Yeghiazaryan, in Corpus 1902, 460-464 (In Arm.).

Mamurean M. 1899. National status. Part 1. Armenian church. Eastern periodical. Izmir 4 132-139 (In Arm.).

Melik-Tangyan N.V. 1903. Armenian Church law. Book 1 (Introduction and sources). Shushi (In Arm.).

Mkhitar Gosh 2001. Mkhitar Gosh. Armenian Code of Law, in Avagyan, Treasury of Armenian Legal Thought, Yerevan, 360-530 (In Arm.).

MovsesKhorenatsi 1981. History of Armenians (in modern Armenian, transl. by St.Malkhaseants). Yerevan (In Arm.).

MovsesKaghankatvatsi 1969. History of Albania (transl. by V.Arakelyan). Yerevan (In Arm.).

Movsisyan A. 1992. Ancient state of Armenia. Yerevan (In Arm.).

National constitution 1863. National constitution. Constantinople (In Arm.).

PawstosBuzand 1987. History of Armenians (transl. by St.Malkhaseants). Yerevan (In Arm.).

Ormanyan M. 1912. Azgapatum. Part 1. Constantinople (In Arm.).

Ormanyan M. 1913. Azgapatum. Part 2. Constantinople (In Arm.).

Ormanyan M. 1927. Azgapatum. Part 3. Jerusalem (In Arm.).

Ormanyan M. 1993. Armenian Church and its history, teaching, governance, improvement, ceremony, literature, and current state. Yerevan (In Arm.).

Regulations 1913. Regulations of the Holy assembly of Nicea, in Armenian Code of Law (compiled by A.Ghltchyan). Tiflis, 256-265 (In Arm.).

Regulations 1964. Regulations of Shahapivan, in Armenian Code of Law. Part 1 (compiled by V.Hakobyan). Yerevan 427-435 (In Arm.).

Regulation 1876. Regulation for the ordination and anointment of Catholicos and the Patriarch of all Armenians. Vagharshapat (In Arm.).

Shahamiryan Sh. 1913. Snare of Glory. Tiflis (In Arm.).

State constitution 1842. State constitution in regard to the Russian Apostolic Armenians (Gregorians), Supreme decrees and protocols. Moscow, 13-113 (In Arm.).

Translated from Armenian by Syuzanna Chraghyan

The article was delivered on 21.10.2022, reviewed on 18.11.2022, accepted for publication on 05.12.2022.