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**The origin of the juridical figure of Major Archbishop and  
the regulation of the same institution in the first eastern  
codification**

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## Topic and aims of the research

Current Eastern Catholic canon law recognizes four types of *sui iuris* Churches: patriarchal, major archiepiscopal, metropolitan, and “other” *sui iuris* Churches. Each of the Eastern Catholic Churches is classified into one of these categories. The Ukrainian, Syro-Malabar, Syro-Malankara, and Romanian Churches belong among the major archiepiscopal Churches. In many respects, however, their concrete forms of realization differ. This phenomenon points to a tension between the theoretical configuration of major archiepiscopal Churches as found in the Code and their actual implementation in practice. Our aim was to understand more thoroughly the background of this dissonance—yet not within the framework of the genesis and interpretation of the current law, but by seeking to comprehend it better from an earlier phase in the development of the juridical institution designated in the title. In this dissertation we endeavored to present systematically the origin of the juridical figure of the major archbishop and the early regulation of the institution. We attempted to give appropriate answers to the following open questions:

- What aspects justified the expansion of the hierarchical typology and the inclusion of a new type of hierarch in the Eastern Code that was being prepared?
- What legal sources were designated as the basis for the juridical figure of the major archbishop during the first Eastern codification?
- What legal environment did those Eastern Catholic communities, in whose head they envisioned the future bearer of the title ‘major archbishop’, find themselves in?
- To what extent did the ecclesiological model prevailing at the time of the first Eastern codification determine the development of norms relating to the hierarch in question?
- What aspects and questions arose during the codification disputes regarding the major archbishops?
- The documents of the first Eastern codification initially referred to the hierarch in question with the working title “*Metropolita con*

*giurisdizione quasi-patriarchale*”. To what extent was the juridical status of major archbishops brought closer to that of patriarchs in the promulgated canons?

## Background and methodology of the research

While, thanks to numerous points of connection, the literature that treats the juridical institution of the major archbishop at a distance — or only indirectly — is fairly rich, few have dealt with the topic in the strict sense: namely, with the origin and formation of the juridical office of the major archbishop and with its process of codification prior to the Second Vatican Council.

The aim of the present work was to make up for this deficiency. To that end we sought, on the basis of the yet unprocessed files of the codification, to understand better the processes and, at times, quite opposite positions that underlay the codification of the juridical institution in question. From the perspective of our research topic, the files of the first Eastern codification — and within these above all the materials of the Third and the Nineteenth plenary sessions — contained important data. These are currently available in printed form in the library of the Pontifical Oriental Institute in Rome, and thus during our study trips to Rome we were able to examine them.

The title ‘major archbishop’ (*Archiepiscopus maior*) itself first appeared in canon law terminology less than a century ago. The creator of the expression, Cyril Korolevskij, pressed on several occasions for the introduction — at least for didactic reasons — of a distinction between “major” and “minor” archbishops. According to the proposal of this author, who played an important role in the first Eastern codification, among archbishops only that true head of a Church endowed with patriarchal jurisdiction — under whom true metropolitans are subject to his governing power, who in turn have suffragan bishops under them — should be called a “major archbishop”. Korolevskij’s proposal was ultimately rejected; accordingly, the term “major archbishop” did not explicitly find its way into

the text of the motu proprio *Cleri sanctitati*, promulgated in 1957 as a result of the first Eastern codification. Despite this omission, the existence of such a type of hierarchy was already known in the canonical doctrine of the time. According to the unanimous position of the commentators, the “archbishop” mentioned in canons 324–339 of the motu proprio in fact denotes the juridical figure of the major archbishop, even if it is not called by that name. Consequently, in the present dissertation we have also reviewed the aforementioned canons, with particular attention to the differences and similarities with the patriarchal and metropolitan offices, as well as to the norms concerning the filling of the major archiepiscopal see.

The office attached to the major archbishop is likewise a modern juridical institution, and its actual consolidation required further decades. In this work, besides exploring the more distant legal-historical antecedents of the juridical configuration in question, we have primarily sought to examine the various positions and opinions concerning its initial regulation. We have also presented the contemporary legal situation of those Eastern Catholic communities that were implicated in the matter.

## Structure of the dissertation

In the *first chapter* we take as our point of departure those scholarly positions which indicated that the origin of the office of the major archbishop is to be found in a combined reading of the regulations concerning the ancient metropolitans and the autocephalous archbishops. For this reason we first examine the juridical configurations mentioned, supplementing them with other legal institutions that we deem relevant. Already during the first Eastern codification, great importance was attached — when shaping the Church and office that in today’s usage is called “major archiepiscopal” — to the question with which ancient supra-episcopal function it should ultimately be associated. While in the later Eastern codification that followed the Second Vatican Council, sources of a different character came to the fore — sources which placed the juridical configuration examined here in a parallel above all with offices of a vicarial

type, — in the period reviewed in the present dissertation the codifiers believed they had found the predecessor of the office examined in the autocephalous, independent archbishops of the first millennium and in the metropolitans who at that time still possessed extensive powers. In the first part of the dissertation, therefore, we survey the supra-episcopal and supra-metropolitan juridical institutions of the first millennium. This is followed by a presentation of the legal situation of those Churches whose heads some of the codifiers envisioned as future bearers of the major archiepiscopal title. Doctrine and concrete practice developed—unsurprisingly—in such a way that at present the heads of precisely those four Churches hold the title of major archbishop which, already during the first Eastern codification, were repeatedly considered suitable for it. Cyril Korolevskij mentioned on several occasions the Romanian, Ukrainian (Ruthenian), Syro-Malabar, and Syro-Malankara Churches.

The *second chapter* is based on the codificatory disputes and expert opinions concerning the major archbishop. After presenting the process of the first Eastern codification, we focus specifically on the sections that address the question of inserting the major archiepiscopal configuration into the Code. Our aim was to uncover the hitherto unprocessed files and working documents of the first Eastern codification.<sup>1</sup> Naturally, the scope of the relevant materials did not allow for an exhaustive presentation, yet we have endeavored to highlight the essential points. With respect to the juridical configuration initially designated by the working title “*Metropolitan with quasi-patriarchal jurisdiction*”, numerous expert opinions were produced. In studying the minutes, we observed that quite surprising alternatives were also raised.

In the *third chapter*, on the basis of the norms promulgated as a result of the first Eastern codification, we examined the previous juridical configuration of the major archbishop. Primarily by reviewing the canons of the *motu proprio Cleri sanctitati*, we sought to show the direction in which the codificatory process relevant to our topic ultimately developed — namely, to what extent the initial aim of concretizing the legal status of the hierarch in question was achieved. That is, where the new type of prelate was ultimately situated along the hierarchical axis stretching between the

other metropolitans and the patriarchs. We devoted special attention to the norms on the filling of the major archiepiscopal see, and in this case we also made comparisons with the parallel canons of the current canon law.

Thereafter we offered a brief outlook on the subsequent phases in the development of the juridical figure of the major archbishop, and finally we summarized the results that can be read out of the sources uncovered, outlining a few further open questions and research opportunities that fit within the topic.

## Results of the research

1. In the first half of the 20th century, especially during the work on the first Eastern codification, it became increasingly clear that the hierarchical organization of the Eastern Catholic communities needed to be revised. One reason for this was that, in the context of the communities concerned, the title of metropolitan designated several bishops with different powers. In addition to the so-called ‘simple’ metropolitans, there were those who, after the unions, were allowed to retain most of the powers previously exercised by their office with the approval of the Holy See, or who bore the title *Archiepiscopus et Metropolita* and essentially had quasi-patriarchal powers. The codifiers, who identified one of the advantages of the new code in the resolution of terminological confusion and sought to clarify the concepts in question, considered it important to find an appropriate title for these metropolitans with qualified powers and to establish the regulations applicable to them. The files of the first Eastern codification show that the majority of the consultors and the members of the editorial board took a position in this regard, but there was no shortage of critical voices either. It was raised whether it was really necessary to include a new type of patriarch in the code, since, according to many, the issue concerned only one (i.e., the Romanian) community at that time, but the majority of the codifiers nevertheless took a position in favour of codifying the new institution.

2. Cyril Korolevskij formulated his following proposal based on two distinctions in the relevant canon law literature that emerged in the first decades of the 20th century – the distinction between major and minor patriarchs, and between metropolitans and titular archbishops. Although the literature for a long time attributed the term “Major archbishop” to Acacius Coussa, in fact the term already appeared in Korolevskij’s work of 1930. In one of his studies on the first Eastern codification, Korolevskiy first mentions the term “Major Archbishop” (*Archiepiscopus maior*) when he proposes the introduction of a distinction between major and minor archbishops, at least for didactic reasons. According to Korolevskij’s study, among archbishops, a “major archbishop” is only that one who is a real head of the church endowed with patriarchal jurisdiction, under whose governmental authority real metropolitans fall, who in turn have suffragan bishops subordinate to them. Incidentally, the author himself later expresses his doubts as to whether, at the present time, the new type of hierarch could have suffragan bishops (i.e. metropolitans) other than simple bishops. He adds that this may change in the future, but the Code is prepared for application to the present situation, not for a hypothetical future.
3. In the development of the legal structure of the office, which is now called Major archbishop, great importance was attached to the first Eastern codification, which ancient supra-episcopal function the latter was ultimately associated with. While later, during the Eastern codification following the Second Vatican Council, sources that compared this juridical figure to vicarious offices were the focus of attention in connection with the designation of the legal figure of the archbishop, in the period examined in this thesis the codifiers believed that the legal predecessor of the office in question was found in the autocephalous archbishops of the first millennium, and in the metropolitans who still had extensive powers at that time. For this reason, in the first part of the thesis we reviewed certain supra-episcopal and supra-metropolitan structures of the first millennium, thereby attempting to present the historical and legal roots of the juridical figure of the major archbishop. Some authors point out that in the period after the Council of Ephesus, two different types of autocephalous/independent archbishops could already be distinguished,



of which minor archbishops were those bishops who, having separated themselves from the authority of their own metropolitan, had the title of archbishop and were directly subordinate to the patriarch. However, they were not true metropolitans, and did not have other bishops under their authority. Major archbishops, on the other hand, were true metropolitans who had co-provincial – in today's terms, suffragan – bishops, and who, provided with the title of archbishop, governed their ecclesiastical province independently. The first to have such autocephaly was the Bishop of Constantia in Cyprus, whose original independence from the Patriarch of Antioch was recognized by the Council of Ephesus, and later confirmed by Emperor Zeno and Canon 39 of the Council of Trullo. Since the Great Eastern Schism, such autocephalous archbishoprics have multiplied on the non-Catholic side, while on the Catholic side this title – due to the fact that the contemporary meaning of autocephaly practically implied independence from the Pope of Rome – was completely out of use. However, apart from the name, there were also metropolitans in the Eastern Catholic Churches who, having united with the Catholic Church, could retain most of the previously exercised powers with the approval of the Holy See, or who bore the title *Archiepiscopus et Metropolita*, and essentially had quasi-patriarchal powers, thus corresponding to the legal figure that we today call major archbishop.

4. Therefore we examined – primarily based on the *sacri canones* – the supraepiscopal and suprametropolitan structures observable in the first century. a) After the Church gained legal recognition in the Roman Empire, its own administrative organization quickly began to adapt to Roman structures. The provincial capitals (*metropolis*) now had a distinguished role not only politically and economically, but also from an ecclesiastical point of view. The spread of Christianity outside the cities became increasingly powerful, but authority and governmental power remained with the bishops of the larger cities. Metropolitans were bishops who exercised supervision over a larger area, usually a Roman province. It should be added that these bishops were called metropolitans even before the First Council of Nicaea. The most significant powers of the ancient metropolitans were manifested in the filling of episcopal sees and in the moderation of synodal processes. Regarding the former, the

First Council of Nicaea had already decreed that in the event of a vacant episcopal see in a province, the metropolitan was competent to conduct the election and to ordain and install the elected bishop; while in the case of synods, the metropolitan had been responsible since ancient times for convening and presiding over the provincial synods.

5. Certain norms of ancient church discipline support the fact that, simultaneously with the development of the pentarchy, the practice of suprametropolitan jurisdiction in synodal form can be observed from the middle of the fourth century. In this sense, Canon 12 of the Council of Antioch in 341 refers to the “greater synod of bishops,” which could therefore include bishops and metropolitans from several provinces.
6. The title of ‘archbishop’ first appears in the writings of St. Athanasius around 348, who applied this title to his immediate predecessor. In the West, the title of archbishop was unknown until the 7th century. Korolevskij notes that even the Metropolitan of Thessaloniki – who for centuries governed the provinces of Illyricum as the Pope’s vicar – was not endowed with the title of archbishop. Based on the literature, the characteristic features of the archbishops as heads of the Eastern Churches can be identified in the following four main points: 1. In addition to his own suffragans, he also had jurisdiction over several (sic!) metropolitans, who also had suffragans of their own. (Korolevski gives the Archbishopric of Ohrid as a perfect example of this, which in the Byzantine era united five suffragans and four autocephalous metropolias in addition to the archbishopric province that included its own suffragan eparchies.); 2. He had complete legal independence from all other jurisdictions except for the supreme leader of the universal church (which, according to the Orthodox view, is the ecumenical council, and according to the Catholic view, is the Roman Pope or an ecumenical council in unity with him and approved by him). At the same time, each archbishop had his own synod, the composition of which could vary in each church, but was present in all of them. 3. He is endowed with the fullness of patriarchal jurisdiction. The Archbishop as the head of the Church (*Arcivescovo Capo di Chiesa*) does not have the title of patriarch, but de facto he is patriarch. At most, he may be obliged – as we see, for example, in the case of the Monastery of St. Catherine of Mount Sinai – to request his consecration from the patriarch who granted him

autonomy, and to commemorate him in the liturgy. 4. The fourth characteristic is manifested in certain honorary privileges: such as the use of the title “His Beatitude”, the white vestments, etc.

7. We also examined in this dissertation the legal environment in which those Eastern Catholic communities, in whose head the codificators envisioned the future bearer of the title ‘major archbishop’, found themselves in. Most contemporary authors discussed the issue in relation to the Romanian and Ukrainian (Ruthenian) hierarchs, but Cyril Korolevskij also mentions the Syro-Malabar and Syro-Malankara communities on several occasions, thereby designating the four churches whose heads he identified as potential bearers of the title of major archbishop, as indeed happened decades later. Based on the relevant documents, the possibility of granting the rank of major archbishop to these communities arose already during the first Eastern codification. In order to understand the legal status of the examined hierarchs at the time of the first Eastern codification, it is worth examining the churches concerned in two contexts. On the one hand, it seems necessary to review again the circumstances of their unions, namely, the conditions under which the relevant unions were concluded and what rights they granted to the hierarchs in question. On the other hand, the interpretation of the legal sources following the conclusion of the unions is also indispensable, since they determine the canonical status of the communities concerned at the time of codification. Although the codification disputes did not lack positions of experts that drew attention to the essential aspects of the application of the code under preparation to possible later events – primarily the hopeful union of further Eastern communities – the starting point was still that the current situation of the Eastern churches must be taken into account in the development of the canons. Based on these aspects, we examined the four Eastern Catholic communities mentioned several times by Korolevskij, which were characterized by the following at the time of the first Eastern codification.
8. At the time of the conclusion of the Union of Brest, the Ukrainian Archbishop-Metropolitan had very extensive powers, similar to the ancient metropolitans and according to local regulations, but these were significantly reduced by later local councils. In this sense, in the

Romanian Church, thanks to her knowledge of the sacred canons and his awareness of their force, the Romanian metropolitan corresponded better to the juridical figure of the ancient metropolitans and autocephalous archbishops than the Metropolitan of Lviv. The canonical status of the Romanian Greek Catholic Metropolitan differed significantly from that of the Ukrainian one at the time of the first Eastern codification. While the latter metropolitan's powers were assimilated to the simple Latin metropolitans thanks to the Councils of Zamość and Lemberg and the Polish Concordat of 1925, the Romanian Greek Catholic metropolitan continued to have very extensive powers thanks to local synodal legislation, which authentically sought to vindicate the powers recognized for metropolitans by the sacred canons for the Romanian metropolitan as well. The collection of norms that had been created in the Romanian Church before the union, which was published in 1652 under the title 'Pravila Magna', may have played a major role in this. In it, the jurisdiction of metropolitans was recorded in accordance with the canonical practice of the first millennium. Although the Pravila was not officially accepted by the Catholics after the Union of Alba Iulia, in practice it was considered a decisive and highly respected collection of norms among Romanian Greek Catholics, so it was also of special importance in the decisions of the provincial councils. The powers of the Romanian archbishop-metropolitan, mostly defined by the Provincial Synod of Blas in 1872, could have provided a suitable starting point for the codification of the juridical figure of the 'Major archbishop'.

9. The Malankara Catholic community, which entered into union with the Catholic Church at the beginning of the first Eastern codification, did not have a precise collection of laws at that time. The 1932 Apostolic Constitution, *Christo Pastorum Principi*, establishing the Malankara hierarchy, merely states that the metropolitan has the same rights and privileges as are granted by common law (according to Korolevskii, the term was understood to mean Latin law) and the valid and legitimate legal customs of the Patriarchate of Antioch. In general, the same can be observed in other points of the Constitution, for example, when we see that the metropolitan has the same duties and obligations as other metropolitans, and, according to Korolevskii, the influence of Latin law is also reflected in the mention of eparchial consultors.

10. For the Syro-Malabar Catholics, Pope Pius XI established the hierarchy in the same year by elevating the See of Ernakulum to the rank of Metropolitan. In essence, this constitution outlines the constitutional legal order of the Syro-Malabar Church at the time of the first Eastern codification. The decree also grants to the metropolitan and suffragan bishops all the rights and privileges that are due to them according to the legitimate regulations and legal customs of the Syro-Malabar Church. However, since there were no specific and generally accepted laws and customs in the Syro-Malabar community, it is difficult to determine what rights apply to the metropolitan and the other bishops under the constitution. In the territory of each vicariate, each bishop typically created the statutes of his own particular church, which were mostly based on the strongly latinizing “Mellano statutes”, supplemented by papal decrees and certain regulations of the Eastern Congregation. Furthermore, since the particular law of the Syro-Malabar Church was not elaborated, the bishops generally followed the provisions of the Latin Code of 1917 when creating constitutional norms. The establishment of the hierarchy was certainly a joyful event in the history of the Syro-Malabar Catholics, but the hierarchical structure created on the basis of Latin legal sources corresponded more to the Latin model than to the Eastern one. During the first Eastern codification, most codifiers did not consider the Malabar Catholic Archbishop as a ‘head of rite’ metropolitan, unlike the Romanian or Ukrainian metropolitans, but rather saw his office as the legal figure of the Latin metropolitans, and the metropolia was essentially based on the model of the Latin ecclesiastical provinces. The metropolitans and bishops practically had the rights, privileges and duties that the 1917 Code of Canon Law had prescribed for the Latin archbishops.
11. We considered it important to examine in this dissertation, to what extent did the ecclesiological model prevailing at the time of the first Eastern codification determined the development of norms relating to the hierarchy in question. The ecclesiastical background of the first Eastern codification and the nature of the higher governmental power appearing in the mp. *Cleri sanctitati* are outlined by the teaching of the First Vatican Council. According to this, the depositary of the supreme power in the Church is the Roman Pontiff by divine law, and all forms of

intermediate governmental power can be interpreted as a participation of the primatial power to varying degrees. It is due to this fact that – although Pope Pius XI, who initiated it, gave definite guidelines regarding the criteria of the first Eastern codification, in that he determined that even the faintest shadow of Latinization must be avoided while taking into account authentic Eastern traditions – the constitutional parts of the 1957 *motu proprio* rather emphasized the central church image of Vatican I rather than authentic Eastern discipline. The failure to avoid latinization is also evident in the similarity of the parallel passages in the canons concerning metropolitans, a fact that is not obscured by the methodological solution that primarily Eastern sources were included in the footnotes of the Eastern version – only as an ornamental element. According to the previous law, the Roman Pontiff could freely appoint archbishops or approve the canonically elected person to lead an Eastern catholic church. The ecclesiastical doctrine of the First Vatican Council is evident in the order of the text of the canon: according to this theological interpretation, supra-episcopal and supra-metropolitan powers appear as a share in the supreme power of the Roman Pontiff. By virtue of his supreme primacy, the Roman Pontiff was free to entrust an ecclesiastical office to anyone anywhere in the world, and thus he was free to appoint the person he deemed suitable to fill a vacant archeparchial seat, or he may have decided to accept a candidate legitimately elected by the electoral synod. The elected person was only entitled to exercise his office (*ius in re*) after his election had been confirmed by the Roman Pontiff.

12. In this thesis, we have tried to better understand and then describe the processes and aspects that played a role in the codification of the juridical institution of the major archbishop. As it is evident from the minutes of each plenary session and other documents, the editorial committee of the first Eastern codification faced a serious challenge in designating a unique title that would be applied to those who are the heads of a non-patriarchal eastern church. During the codification, the individual proposals suggested the use of quite diverse titles, including primate, exarch, catholicos or maphrian, which were intended to designate essentially the same legal figure. The editorial committee of the first Eastern codification discussed in detail at its nineteenth plenary session

the juridical figure of metropolitans endowed with quasi-patriarchal jurisdiction – also known as “metropolitan head of the rite” – and the question of its inclusion in the Eastern codex under preparation. First, in the 1936 draft text, the juridical figure we are examining was called the “*Metropolita ritui praeposito*”, while in the preparatory studies we find the names “*Archiepiscopus qui praeest Ecclesiae proprii iuris*” and “*Archiepiscopus et Metropolita*”. Regarding the juridical figure initially designated with the working title “*Metropolita con giurisdizione quasi-patriarchale*”, the consultants gave different expert opinions regarding the title, method of appointment and powers of the hierarch in question. In this work, we have reviewed these consultants’ opinions, which we have also tried to compare in a systematic manner. The consultants of the editorial committee were therefore tasked with taking a position on the name of the juridical figure under consideration and the method of his appointment. Several options arose regarding the title of the hierarch in question, but the strongest arguments were in favor of Korolevskij’s original proposal, the introduction of the title “major archbishop”.

13. The minutes of the meeting of June 26, 1940 also provide important information for understanding the development of the juridical figure of the major archbishop. While studying the document, we also came across quite surprising alternatives regarding the juridical institution. For example, one high-ranking cardinal suggested that the solution to the question – namely, what should be done with metropolitans who have more qualified powers compared to “simple” metropolitans – could be that the aforementioned renounce these additional rights and limit their powers to those granted to simple metropolitans by common law. This proposal was rejected, saying that this could have been done during the union, but that it is by no means easy to restrict legitimate powers afterwards. According to the minutes of the plenary session, those present mostly agreed that the essential identification of the hierarch in question with the patriarchs – both in terms of name and the extent of his powers – should be avoided.
14. The documents of the first Eastern codification initially referred to the hierarch in question with the working title “*Metropolita con giurisdizione quasi-patriarchale*”. In this dissertation we tried to examine, to what extent was the juridical status of major archbishops

brought closer to that of patriarchs in the promulgated canons. According to the definition of (major) archbishops in previous law, the archbishop stands out among metropolitans, whose dignity is linked to a metropolitan see outside the patriarchate, as defined or accepted by the Roman Pontiff or an ecumenical council. The major archbishop was therefore, by definition, primarily a metropolitan. A joint reading of the relevant canons of the *motu proprio* promulgated as a result of the first Eastern codification clearly shows that the juridical figure of the major archbishop had more extensive powers than simple metropolitans. However, the additional rights enjoyed by the patriarchs, even going beyond these, lead us to conclude that in the case of the major archbishops, the recognition of the quasi-patriarch epithet may be excessive. As is evident from the comparison, the powers of the patriarchs exceeded those of the major archbishops in many aspects. This difference is reflected in the jurisdiction exercised over bishops and other clerics, as well as monks, in the individual privileges, in the dispensations that can be granted by these hierarchs, and in the individual powers that can be exercised outside the borders of their churches. In all of these, there were a significant difference between the two offices. Overall, it can be said that the major archbishop is a head of church endowed with potential supra-metropolitan powers under the previous law, who had many legal characteristics similar to those of patriarchs, but these had been fixed in detail, i.e. his power was only similar to that of the patriarch insofar as this was explicitly mentioned, in contrast to the doctrine appearing in current canon law, which, as already foreseen by the Second Vatican Council, declared the juridical status of the major archbishop to be essentially the same as that of the patriarch. The legal presumption is thus reversed. While in the previous law it stood for the difference the office of major archbishop and patriarch, namely that they resembled each other only to the extent that the law expressly stated it, even if in many respects the same or similar powers were conferred on the two offices, the decree *Orientalium Ecclesiarum* and especially canon 152 of the Eastern Code, with certain exceptions, stands for the similitude of the office of major archbishop and patriarch with each other.



15. In the attempts to codify the legal figure of the major archbishop, in addition to the designation of the title, the process of designating the head of the church also emerged as a prominent issue. This latter question has important ecclesiological implications, which we have also tried to point out in this paper. As we have seen, the degree of autonomy that appears in individual communities has been organically connected with the independence shown in the designation of their own leader since ancient times. That is why in reviewing the provisions of the mp. *Cleri sanctitati* concerning archbishops, we paid special attention to the manner of determination of the new head of the church, since in this respect there is a difference between patriarchal and archiepiscopal churches: according to the previous law, while (major) archbishops could be freely appointed by the Roman Pontiff or the election of the synod could be approved by the same, in the case of the patriarch the former option was not included, therefore the patriarch was always elected by the synod as a rule. In addition, the elected archbishop needed the approval of the Roman Pontiff before the proclamation and enthronement in order to be able to fill his office, even if he had already been consecrated as a bishop; while in the case of the elected patriarch, confirmation was only necessary if the elected person had not previously been consecrated as a bishop. One of the sources of the canon requiring the necessary confirmation of the election of the archbishop is linked to the Union of Brest, which, according to the provisions of the bull *Decet Romanum Pontificem* issued by Pope Clement VIII in 1596, the Ukrainian archbishop-metropolitan was elected by the bishops of the province, and the elected person was confirmed by the Pope of Rome. The need for papal approval and the mandatory request for the pallium in relation to the Ukrainian Church was confirmed several times later. The 1807 provision on the restoration of the Ukrainian metropolia again confirmed the previous regulation, according to which the provincial bishops were competent to elect the archbishop-metropolitan, and the election was approved by the Pope of Rome. Most of the additional sources indicated in the references to canon 325 of the mp. *Cleri sanctitati*, which prescribes the necessity of papal confirmation of the legitimate election of the major archbishop, do indeed seem to support the legal historical origin and legitimacy of the papal confirmation, but interestingly, one of

the cited sources seems to contradict this. Canon 39 of the Council of Trullo explicitly confirms canon 8 of the Council of Ephesus, according to which the election of the archbishop of Cyprus does not require any higher governmental act of approval or confirmation, as we have also pointed out in this paper. On the other hand, the additional source references attached to the canon in question do indeed point to aspects that support the necessity of higher approval or confirmation of the election of the archbishop. We mentioned above the regulation regarding the appointment of the Ukrainian metropolitan in connection with the Union of Brest, and in addition, legal historical facts related to the Archdiocese of Tirnova and the 13th century Church of Cyprus are included among the sources to support the necessity of confirmation. Based on all this, it can be said that although there are significant historical arguments for the necessity of papal confirmation of the election of the major archbishop based on the above, the ancient example of the Church of Cyprus also points out that this confirmation is not in full harmony with the Eastern traditions of the first millennium.