

THE RESPONSIBILITY TO PROTECT IN ORTHODOX PERSPECTIVE

Marian Gh. Simion, Boston Theological Institute

Part I – The Question of Protection

Introduction

The bloody intra-State conflicts that erupted in the aftermath of the Cold War have managed to challenge not only humanity's sense of compassion, but also its confidence in communal order. With money spent to cure the symptoms rather than the disease, the possible marriage between religious extremism and weapons of mass destruction¹ has become the biggest threat to the peace of the world. As wars of identity seem to increase in the 21st century, new doctrines of militarism are being hailed under a cynical display of blind apathy towards the human condition.

The quest of protection

In the modern political theory, the debate over the responsibility to protect has been provoked by an increasing discontent with the inability of the State to provide for and protect its citizen. Unsurprisingly, American scholars such as Richard Antoun, Mark Juergensmeyer, Richard Falk, Martin E. Marty, R. Scott Appleby and others, went a step further by claiming that the failure of the State to fulfill its duties towards the citizen offered propensity to religious fundamentalism, which targeted the State.² Following the collapse of the Cold War – as numerous inter-ethnic conflicts erupted – the state elites either became repressive, or simply turned a blind eye when their favored ethnic group swore to eliminate another ethnic group. The international community remained starkly indifferent due to claims of state sovereignty, lack of political will and ambiguous legal process that would have persuaded states to intervene on behalf of the victims.

State Sovereignty and International Law

While intra-state conflicts increased significantly in the recent years, the debates over international law have been coined not only as less effective than expected, but simply as irresponsible. A case in point is the genocide in Rwanda of 1994, where the Hutus and the Tutsis swore to exterminate each other under the indifferent eyes of the international community.³

Split between realists, rational functionalists and constructivists, the theorists of international law as well as their counterparts on the policymaking arena have focused on abstract debates, rather than on trying to find concrete ways in which positive jurisprudence along with political will could have saved millions of lives.⁴

Inspired by Thucydides, Machiavelli and Hobbes, the *realists* approached issues of international law from the assumption that the nature of international law is anarchic, the

¹ Douglas Johnston, Ed. *Faith-Based Diplomacy: Trumping Realpolitik* Oxford University Press: Oxford, New York, 2003, p.3

² This explains the emergence of Hamas from a charitable organization to the level of governance. Their ability to gain public approval was due to the fact that the State of Israel failed to provide adequate services to the Palestinians.

³ Although on March 12, 1993, the UN Security Council passed Resolution 846, its failure was proven a year later during the 1994 genocide.

⁴ William R. Slomanson *Fundamental Perspectives on International Law* (Fifth Edition) Wadsworth Publishing, 2006, pp. 54-57

interests of the states are defined by their available military and economical power, and that states should have complete autonomy over political reasoning, as states are egoistic by nature. Because of these assumptions, the realist viewed international law as being too decentralized to be effective in terms of lawmaking, adjudication and enforcement.

On the other hand, *rational functionalists* have partially challenged the realists by offering rational explanations about the functionality of international law, since it is clear that international cooperation does take place, and international law and international institutions are often effective. Nonetheless, as with the realists, the rational functionalists agreed on the point that states are egoistic, while the international law is anarchic.

The *constructivists* have struggled to make sense of this puzzle as raised by the disagreements between realists and rational functionalists. They claimed that since state governing and international law relates more to the international relation theory and less to jurisprudence, the attempts to offer a new vision (that would lead to the protection of the weak), have emphasized the social nature of politics, the effectiveness of legal discourse, the role of identities and the influence of state interests.

In the post WWII setting, the principle of state sovereignty entrusted the political elite with the power of implementing homeland security policies at its own discretion and by whatever means. In alleged cases of genocide, the only attempts to challenge the doctrine of sovereignty came mainly from NGOs and religious communities, which for the most part, remained ineffective. The United Nations, as a world framework within which states receive legitimacy from the international community, has only been able to raise questions of intervention within the humanitarian law when the death toll became horrendous.

International humanitarian law, known more generally as the Law of War, made a slim progress in the sense that it succeeded in creating a corpus of laws such as the *Geneva Conventions*, the *Hague Conventions*, as well as subsequent treaties, and case law, which intended to limit the cruelty of international conflicts. Additionally, other customary unwritten rules of war which were explored at the *Nuremberg War Trials*, proved their usefulness as far as the interests of the victim were concerned.

In light of these challenges posed by the concept of state sovereignty as well as lack of political will over the effectiveness of International Law, the question is *has the international community achieved much in protecting the vulnerable?* To answer this, it is important to highlight a few challenges within the spectrum of international law. While humanitarian law set by the *Convention on the Prevention and Punishment of the Crime of Genocide* (1948), *The Geneva Conventions* (1960s), the *United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (1984), as well as other initiatives of this magnitude have opened new chances for the oppressed to receive protection from outside the State, every attempt for compliance and enforcement was neutralized by the claim for sovereignty.

The Role of the United Nations

As the United Nations was designed and recognized as the primary custodian of state sovereignty and legitimacy in global politics, its effectiveness has often been a contentious issue, as law making, law adjudication and law enforcement fell upon dysfunctional institutions. While, in theory, the role of UN Security Council was to enforce peace and justice, in practice its behavior was more representative of an elite pact⁵ dominated by power politics.

⁵ Erik Voeten “The Political Origins of the UN Security Council’s Ability to Legitimize the Use of Force” in *International Organization*, 59, (3), pp.541-551

A similar attitude of superficial concern dominated the claims over the establishment of tribunals meant to prosecute war criminals. This is due to the fact that debates over jurisdiction kept navigating between domestic courts, foreign courts, state practices and treaties. While the International Court of Justice of Hague has been established as the principal judicial organ of the United Nations to settle disputes and to offer advisory opinions on breaches of international law, none of its decisions has ever been enforced by the UN Security Council. Nonetheless, some recent precedents towards justice were set by international criminal tribunals such as Yugoslavia (1993), Rwanda (1994), East Timor (2000), Sierra Leone (2001), Cambodia (2003), as well as by the cases brought before the International Criminal Court between 1998 until 2003. On the other hand, following the collapse of the Cold War, the UN Security Council passed twice as many resolutions as had been passed in the entire history of the UN – a situation reflective of the increased number of intra-state conflicts. Protective authorizations have been granted under Chapter VII to intervene in Somalia, Liberia, Rwanda, Haiti, Sierra Leone, and Kosovo.

The Responsibility to Protect

In December 2001, the International Commission on Intervention and State Sovereignty (ICISS) published the famous report *The Responsibility to Protect* (R2P) indicating that if a state is unwilling or unable to protect its citizen, then by default, the state abrogates its sovereignty.⁶ As a result, the responsibility to protect should fall upon the international community – somewhat contrary to Article 2(7) of the UN Charter which defines the sovereignty principle.⁷ Built upon the “Uniting for Peace” procedure,⁸ the R2P report enshrines six principles which emerged from the Just War theory, such as *Just Cause*, *Right Intention*, *Proportional Means*, *War as Last Resort*, *Reasonable Chances of Success*, and *Right Authority*, in addition to a new principle “the Responsibility to Protect.”

Responses to this document ranged from coining it as too radical to coining it as too conservative, while others viewed it with skepticism as far as its possible impact is concerned. Yet, numerous scholars consider this report as the most comprehensive approach to humanitarian intervention, albeit its insinuation of suspected neo-colonial interventionism.⁹ Nevertheless, the dominant skepticism over the effectiveness of R2P emerges from concerns over lack of political will (e.g. dispassionate voting constituencies in democratic countries), authorization to use force (international shifts of power), and operational capacity (coordination between domestic and international level of force.)

The Quest of Protection and Religious Institutions

Following the collapse of the Cold War, religious institutions started gaining increased profile in terms of public trust, and influence in the civil society. As a result, religious institutions were not only encouraged to join the conversation, but also viewed as significant actors in conflict. One such invitation was addressed in 1999 by the UN General Secretary Kofi Annan to the WCC General Secretary, Rev. Dr. Konrad Raiser to

⁶ One of the core principles of the document indicates that, “[w]here a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect.” (Cf. *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty*, Published by the International Development Research Centre, Ottawa, 2001, p.xi)

⁷ Rebecca J. Hamilton “The Responsibility to Protect: From Document to Doctrine – But What of Implementation?” in *Harvard Human Rights Journal*, Vol. 19, p.290

⁸ This procedure is used as to bypass the veto in the Security Council. This procedure has been used 10 times since 1950. This procedure is available on-line at: <http://www.un.org/Depts/dhl/landmark/pdf/ares377e.pdf> (Last accessed: November 10, 2007)

⁹ Cf. Hamilton, *ibid.*, pp.290-292

encourage churches to bring their theological and ethical perspectives to the debates over humanitarian intervention.

What does the Orthodox Church say about the R2P?

From the outset, Orthodox anthropology entrusts the man with a supreme responsibility to inherit and protect the earth. Adam was called to name all the animals and birds, and Noah was called to save them from destruction. In a spiritual sense, the responsibility to protect humanity emerges from the concept of love for the neighbor (agape), extended to any member of human family.¹⁰

In the Orthodox Christian theology, the moral responsibility to protect is a rather complex issue, as it focuses on the person and rather than on the society. This focus is based on the assumption that the individual represents the vital component of the society and the ethical norms that the individual abides by will be reflected in the behavior of the society.

In the public life, the Orthodox Church acts as a moralizing factor, and not as a ruling institution. While the Church endorses the State as a divinely ordained entity,¹¹ it disproves its unchecked sovereignty.¹² Nevertheless, as the R2P theory relies on the Just War theory, this aspect represents a handicap for an eventual full endorsement by the Orthodox Church, as the Church itself still wrestles theologically with the justification of violence.

¹⁰ Matthew 22:37-38; I John 4: 20-21; Galatians 5: 14

¹¹ Romans 13: 3-4 See also *Învățătură de Credință Creștină Ortodoxă* (București: Editura Institutului Biblic și de Misiune al Bisericii Ortodoxe Române, 2000), p.403

¹² Nicolae Mladin, Orest Bucevschi, Constantin Pabel Ioan Zăgrean *Teologia Morală Ortodoxă* vol.2, Editura Reîntregirea: Alba Iulia, 2003, pp.301-304

Part II – Historical and Theological perspectives on the Just War Theory and Eastern Christianity

Introduction

Christian theologians generally agree that the Orthodox Church does not share a Just War theory in the Western sense,¹³ drafted from the perspective of the decretist principles of *jus ad bellum* and *jus in bello*.¹⁴ While abhorring war, historical records indicate that Eastern Christians have often been involved in brutal military enterprises, cases in which, on the public square, the Eastern Church failed to remain loyal to the pacifist principles of the Gospel and early Christian martyrdom. Concerned both with preserving its reputation of a martyr church, as well as with the creation of a public image of an anticipatory Samaritan, the Eastern Church made concessions to the State by occasionally endorsing its authority to use lethal force against internal and external aggression. These concessions were broad in nature and were only made out of a conscious strategic interest of both Church and State, as to protect the defenseless against any form of abuse.

In line with this attitude, the conversion of the Slavs to Eastern Christianity offered new perspectives on how the type of guilt spawned by human belligerence ought to be branded, while strong cases for defensive violence were made by the later nationalist theologians out of feelings of patriotism. On the liturgical arena, the *Salvo-Byzantine* rite, designed to accommodate the Slavic uttered need for ceremonial conformity,¹⁵ has genuinely deviated from the original martyrdom and pacifism of the

¹³ This opinion is shared not only by theologians at a personal level, but it is also reflected in official documents issued by several Orthodox Churches. Some basic resources include Dumitru Stăniloae „Elemente de Morală Creștină” [Basic Christian Ethics] originally published in *Telegraful Român*, Year: LXXXVI, nr.25, 1938, pp.1-2, then in Dumitru Stăniloae *Națiune și Creștinism: Ediție, text stabilit, studiu introductiv și note de Constantin Schifirneț* Editura Elion: București, 2004, pp.52-59; Nicolae Mladin, Orest Bucevschi, Constantin Pavel, Ioan Zăgrea *Teologia Morală Ortodoxă pentru facultățile de teologie* Vol.II Morala Specială [Orthodox Moral Theology: textbook for faculties of theology Vol.2 Social Ethics], Editura Reîntregirea: Alba Iulia, 2003, pp.322-328; *Învățătură de Credință Creștină Ortodoxă* Editura Institutului Biblic și de Misiune al BOR, București, 2000, pp.404-405; John McGuckin “Nonviolence and Peace Traditions in Early and Eastern Christianity” published by *In Communion* (<http://www.incommunion.org/articles/essays/nonviolence-and-peace-traditions>) Last accessed: November 24, 2007; Stanley S. Harakas 1981 “The Morality of War” in *Orthodox Synthesis: The Unity of Theological Thought* Ed. Joseph Allen. Crestwood, New York: St. Vladimir's Seminary Press 1981; Stanley S. Harakas “The N.C.C.B. Pastoral Letter, The Challenge of Peace: An Eastern Orthodox Response” in *Peace in a Nuclear Age: The Bishops' Pastoral Letter in Perspective* Ed. Charles J. Reid, Jr. Washington, DC: The Catholic University of America Press, 1981; Stanley S. Harakas “Peace in a Nuclear Context” in *The Greek Orthodox Theological Review* Volume 23/1993 No. 1-4: pp.81-90. Stanley S. Harakas *No Just War in the Fathers* (This is a slightly shortened version of an article first published in the Winter 1992 issue of *American Orthodoxy* (1015 15th St., NW, Washington, DC 20005 USA) and it is available on-line at http://ourworld.compuserve.com/homepages/jim_forest/Justwar.htm (Last accessed: November 24, 2007). Alexander F. C. Webster with Darrell Cole *The Virtue of War: Reclaiming the Classic Christian Traditions East & West* Regina Orthodox Press, February 2004; Timothy S. Miller and John Nesbitt *Peace and War in Byzantium: Essays in Honor of George T. Dennis, S.J.* Catholic University of America: Washington, DC, 1995. While acknowledging the ambiguity of the Orthodox Church over the justification of war, Jubilee Bishops' Council of the Russian Orthodox Church, in their highly acclaimed document *The Orthodox Church and Society: The Basis of the Social Concept of the Russian Orthodox Church*, in the eight chapter of this document “War and Peace, make the case for a Just War. Cf. Jubilee Bishops' Council of the Russian Orthodox Church, *The Orthodox Church and Society: The Basis of the Social Concept of the Russian Orthodox Church* Belleville, Michigan: St. Innocent / Firebird Publishers, 2000.

¹⁴ See Frederick H. Russell *Just War in the Middle Ages*, Cambridge University Press: Cambridge, 1975, pp.55-126

¹⁵ As a noted professor of theology wrote, “Christianized around 1000AD, Russia preserved abundant folk beliefs in its religious practice. Numerous believers were interested in the outer manifestations of faith, while neglecting the inner essence. The mass of believers ‘believed’ in tradition and in the acceptance of impressive ceremonies. With no deep understanding of the meaning of the Gospel, the Russians were keen in knowing the times for fasting, the canons for different situations, the impressive number of down-to-the-floor prostrations, the liturgical body language of the ‘officiators’, the precise number of crossing oneself mandatory for each *ekfomis*, the number of loafs of leavened bread for communion ‘necessary’ for the living and for the dead, the quantity of wine used at special vespers, the weight of blessed bread and the taste of the leavened bread, the ‘exact’ number of places for names to be listed on the memorial list, the precise harmony when ringing the church bells, the number of psalms containing the word alleluia, the ‘blessing’ that the priest gives when entering and exiting the altar, as well as many other directions found in the guidelines for performing rituals, always accompanied by the emphatic expression: ‘To be done according to the wish of the senior clergyman...!’ Additionally, the dress rehearsal for wearing priestly vestments, the asking for forgiveness,

Early Church. It did so with a clear consciousness of the need to use the sacramental power of the Church in more unvarnished fashion, either by expanding the existing Byzantine occasional prayers for the armed forces,¹⁶ and by designing new rituals for blessing weapons and military symbols.¹⁷ Due to Slavic influences, perhaps, the official *Romanian Orthodox Catechism* – which is based on the famous medieval *Confession of Orthodox Faith*,¹⁸ authored by the Romanian Metropolitan Petru Movilă of Kiev (1596-1646), and unanimously approved at the Pan-Orthodox Synod of Iași 1642¹⁹ – quotes this service as a traditional basis for endorsing defensive war. Similarly, in the year of 2000, *The Orthodox Church and Society* statement of faith elaborated by the Jubilee Bishops' Council of the Russian Orthodox Church, endorsed the State to use defensive violence,²⁰ grounding its *raison d'être* on the Russian customary international relation theory rather than on the universal norms of martyrdom and pacifism inherent in Eastern Christianity. This claim for the use of defensive violence seems to have been made by narrowly interpreting the straightforwardness of sacrificial love (John 15: 13), and by a twist of rhetoric in interpreting the meaning of the sword (Matthew 26:52).

Generally speaking, Orthodox Christianity does not have a comprehensive Just War theory due to a complexity of factors. Yet, that is not to say that the Orthodox Church did not occasionally give its blessings or simply overlooked some of the most gruesome military enterprises conducted by its members during times of war. Despite its compelling theological record on pacifism, occasionally, the Church had derailed from its pacifism and non-violent martyrdom due to political pressures or interests, as well as due to heretical attitudes in defining and identifying 'the enemy.' Heretical attitudes led to the process of demonizing adversaries, which not only contradicted the normative Eastern anthropology, but also had the effect of reducing – even eliminating – any sense of compassion towards the suffering of their enemies. These heretical attitudes found expression through anomalous iconographic representations (some widely accepted as part of the Eastern tradition), particularly the icon depicting the already obscure personality of Saint Demetrios of Thessalonica pointing a spear to Emperor Maximian. Another anomalous iconographic representation, which depicted Jesus caring the sword

the honorable kisses of peace 'in the name of the Holy Trinity' of the senior clergymen and their novices provided a magnificent spectacle, yet with no essence or good taste. Thus, those spiritually empty were able to go home 'satisfied' by the spectacle of those who neither understood what they believed in, nor why and or what was the purpose of their belief! With the first wind of doubt, these believers were ready to join cultic and anarchic movements such as the Raskol." See P.I. David *Călăuză Creștină* Editura Episcopiei Aradului, Arad, 1987, p. 74-75

¹⁶ A particular case is a well known, "Prayer for the State Authority and for the Army during times of war and unrest" attributed to Callistus, Patriarch of Constantinople during the 14th century, as the Byzantine Empire was struggling to survive the Islamic attacks. Patriarch Callistus of Constantinople was also a noted theologian and hagiographer, and a strong advocate of a Byzantine school of mystical prayer.

¹⁷ Cf. „Rânduiala binecuvântării ostașilor și a armelor la vreme de apărare a Patriei” [The Service of Blessing the Soldiers and Weapons in times of defending the Country] „Rânduiala sfințirii steagului ostășesc” [The service of Blessing the Army's Flag] in *Molitfelnic: cuprinzând slujbe, rânduieli și rugăciuni săvârșite de preot la diferitele treburile din viața creștinilor*, tipărit cu aprobarea Sfântului Sinod și cu binecuvântarea Prea Fericitului Teoctist, Patriarhul Bisericii Ortodoxe Române, București, 2006, pp.518-534

¹⁸ Ὁρθόδοξος Ἐκλογικὴ τῆς καθολικῆς καὶ ἁποστολικῆς ἐκκλησίας τῆς ἑσπερίας This work was published in Greek by Panagiotta, Amsterdam 1662; then in Greek and Latin by Bishop Normann of Gothenburg, Leipzig 1695

¹⁹ “Soldiers are necessary to the State to defend life and property of its citizen against anyone trumping justice, and against anyone pilfering freedom and property, coming from the outside of the State. Certainly, it is the duty of the State to eliminate the misunderstandings between other States and itself by peaceful means. Yet, when all efforts in this direction prove futile, then it is the duty of the State to take all its measures for defense. Therefore, our holy Orthodox Church, which considers war as something dreadful and evil, tolerates war of defense as an act of legitimate self-defense. In this situation, she [the Church] prays for the victory of the soldiers against the enemies of the State and for the repose of the souls of those fallen in the defense of the State.” Cf. *Învățătură de Credință Creștină Ortodoxă*, Editura Institutului Biblic și de Misiune al BOR, București, 2000, p.405

²⁰ Chapter 8 of Jubilee Bishops' Council of the Russian Orthodox Church *The Orthodox Church and Society: The Basis of the Social Concept of the Russian Orthodox Church* Belleville, Michigan: St. Innocent / Firebird Publishers, 2000.

“for the sinners,” has found a prominent place in the Monastery of Dečeni, Kosovo,²¹ strongly reminding of Emperor Charlemagne’s typical depiction as caring the sword.²²

The lack of consensus that Orthodox Christianity displays over the justifiable use of force emerges from several factors such as *comprehensive theological opposition, Church-State relations, legislative jurisdiction, influences of the Law of Jihad, Slavic influence and patriotism*. As a result, in order to investigate how Orthodox Christianity reconciled the pacifist principle of the Gospel with its duty to protect the weak and the vulnerable in face of violent abuse, one must start by looking into the nature of Church-State relations, Byzantine Canon Law, as well as into factors of theological, historical, and ecclesiological nature. This is because the Orthodox Church never governed in the public life, and, as a result, the Church was never in control of an army so as to draft and develop law enforcement policies, as it was the case with the Western Church following the fall of Rome under the Vandals in 410AD.²³ These duties simply fell under the jurisdiction of the State, following a specific legislative procedure.²⁴ As a result, when dealing with the issue of internal or external use of force, the Orthodox Church acted exclusively from an advisory perspective.²⁵

Comprehensive Theological Opposition

In its history, the Eastern Church offered a comprehensive theological opposition to war. Highly influential Greek and Latin Church Fathers, who lived and wrote during the formative years of Christianity, have strongly criticized military enterprises of the State, while trying to maintain the consciousness of guilt and penance for soldiers.

The most significant authors and theological works of Early Christianity include Tatianus (*Oratio ad Graecos*), Athenagoras of Athens (*Προσβεία περί των Χριστιανών*) Tertullian (*De Idololatria*, XIX), Origen (*Contra Celsum* V, 33 in P.G. VIII, 73), Clement of Alexandria (*Παδαγωγός*, I, 12), Lactantius (*Divinae Institutiones*, I, 48), Basil the Great (*Homily to Psalm LXI*, 4), Gregory of Nyssa (*On the Beatitudes, Homily VII*), John Chrysostom and others. Tatianus openly equated war with murder. Incriminating the Greek pagan religions as belligerent, he accuses Apollo’s worshippers for entertaining this cruel behavior, while Apollo was called “The Symbol of murder” (Σύμβουλον τών φόνων).²⁶ At the same time, while Athenagoras of Athens maintained that “Christians cannot endure to see a man put to death even justly,”²⁷ Tertullian insisted that when Peter cut Malchus’ ear in Gethsemane, Jesus cursed the works of the sword for ever

²¹ A rather curious depiction of Jesus appears in a fresco at Dečeni Monastery in Kosovo holding a sword, with the inscription “This sword is the exterminator of sins.” Cf. Hildo Bos & Jim Forest *For the Peace from Above: An Orthodox Resource Book on War, Peace and Nationalism* Syndesmos Press: Athens, 1999, p.37

²² <http://www.britannica.com/eb/article-10160/Holy-Roman-Empire> (Last accessed: December 26, 2007)

²³ Clearly a change of theological semantics, with the revision of Canon Law in Rome, the Western Middle Ages started entertaining the idea of rejecting the worldly military service in favor of “militia Cristi.” (Cf. Frederick H. Russell *The Just War in the Middle Ages*, Cambridge University Press: Cambridge, 1975. p. 11, 34-35, 316.

²⁴ This principle of jurisdictional procedure is specific to the post-Constantinian Church. It was developed under the Byzantine state, it was adopted by the Russians for a period of short time, then continued under the Ottomans in a more restrictive sense. Cf. George Mousourakis *The Historical and Institutional Context of Roman Law*, Ashgate Publishing Company, Hampshire, 2003, p.410ff.

²⁵ Timothy S. Miller “Introduction” in Timothy S. Miller and John Nesbitt *Peace and War in Byzantium: Essays in Honor of George T. Dennis*, S.J. Catholic University of America: Washington, DC, 1995, p.10

²⁶ Tatian *Address to the Greeks* (chapter xxii) in Alexander Roberts & James Donaldson *ANF Vol.2* Hendrickson Publishers: Peabody, 2004, p.75 See also, John Cadoux *The Early Christian Attitude To War*, Headley Bros Publishers, LTD: London, 1919, p.50

²⁷ Athenagoras of Athens *A Plea for the Christians* (chapter xxxv) in Alexander Roberts & James Donaldson *ANF Vol.2* Hendrickson Publishers: Peabody, 2004, p.147 See also, John Cadoux *The Early Christian Attitude To War*, Headley Bros Publishers, LTD: London, 1919, p.50

after.²⁸ Furthermore, the highly prominent work, *Didascalia Apostolorum*, bans the Church from receiving donations “from any Roman officials, who are *defiled with wars and have shed innocent blood without trial* [my emphasis].”²⁹

Following a detailed literature review of the early Christian references to war, John C. Cadoux concludes that the early Christian writers clearly indicate, how closely warfare and murder were connected in Christian thought by their possession of a common element – homicide. [...] The strong disapprobation felt by Christians for war was due to its close relationship with the deadly sin that sufficed to keep the man guilty of it permanently outside the Christian community.³⁰

In terms of relevance of these writings throughout the development of the early Church, another prominent church historian, Roland Bainton, concluded that, the history of the Church is viewed by many as a progressive fall from a state of primitive purity, punctuated by reformations which seek a return to a pristine excellence. The first church fathers are thus held to have been the best commentators, and if the early Church was pacifist then pacifism is the Christian position.³¹

Such attitude towards the relevance of the Early Church Fathers is the norm in Eastern Christianity, where any acceptable theological work is expected to be consonant to these early precepts, so as to conform to this ‘primitive purity.’

Another significant aspect was the negative attitude towards the weakness of the human body, which was viewed as a source of spiritual failure. This attitude started during the period of anti-Christian persecutions, and grew within the monastic circles.³² Thus, the “war” against the human passions had managed to transfer the concept of warfare from a real life situation to an internal human passion. At the same time the nature of the enemy has been virtualized.³³ As a result, one no longer had to wage war against the invader, but against his own passions stirred by the Devil, the true invisible enemy. This not only created disapproving attitudes towards the physical war, but led to an increased miscommunication between real life situations, and spiritual goals. During the Ottoman period, Orthodox elders known as the *Kollyvades*³⁴ revived in a way the early tradition of the Desert Fathers³⁵ by collecting seminal spiritual works on prayer and later

²⁸ As Tertullian writes, “[t]he patience of the Lord was wounded in (the wound of) Malchus. And so, too, *He cursed for the time to come the works of the sword* [my emphasis]; and, by the restoration of health, made satisfaction to him whom Himself had not hurt, through Patience, the mother of Mercy.” Cf. Tertullian *On Patience* (chapter iii) in Alexander Roberts & James Donaldson *ANF Vol.3* Hendrickson Publishers: Peabody, 2004, p.708 See also, John Cadoux *The Early Christian Attitude To War*, Headley Bros Publishers, LTD: London, 1919, p.51

²⁹ Cf. *Didascalia Apostolorum* (Chapter XVIII: “That it is not right to receive gifts of alms from reprehensible persons”) <http://www.bombaxo.com/didascalia.html> (Last accessed: December 27, 2007) See also, John Cadoux *The Early Christian Attitude To War*, Headley Bros Publishers, LTD: London, 1919, p.53

³⁰ John Cadoux, *ibid.*, p.57

³¹ Roland H. Bainton *Christian Attitudes Toward War and Peace: A Historical Survey and Critical Re-evaluation*, Abingdon, Nashville (ninth printing 1979) p.66

³² As related by saint Athanasius writes in his *The Life of Saint Anthony*, during the anti-Christian persecution of Maximian Daja, Saint Anthony went to Alexandria to offer himself for martyrdom “if the Lord willed it. [...] But to his grief it did not please God that he should die as martyr, and when the persecution had ended, he returned to his cell, to be a ‘daily martyr of his conscience, after fighting the battles of faith.’” See introduction by Robert T. Meyer in Robert T. Meyer (tr.) *St Athanasius: The Life of Saint Antony* The Newman Press: Westminster, MD, 1950, p.5, 60-61

³³ A similar case can be made for the Coptic Church of Egypt, which in order to survive the Islamic oppressive regimes, had to redirect the concept of war from a military enterprise to an inner human struggle. Cf. H.H. Pope Shenouda III *Diabolic Wars* (Translated by Wedad Abbas and revised by Dr. Angeile Botros Samaan). Nubar Printing House: Cairo, 1989.

³⁴ Timothy Ware *The Orthodox Church* Penguin Books: London, p.100

³⁵ One must clearly understand that in *The Sayings of the Desert Fathers*, references to the military participation are highly obscure, as the main concern was with the inner dimension of warfare. As John Wortley wrote, “one would no more

incorporated them into a large collection known as *Philokalia*.³⁶ *Philokalia*, in conjunction with the highly influential theological work of Lorenzo Scupoli, *The Unseen Warfare*,³⁷ served as mechanisms of discouragement against any spirit of uprising against their Muslim oppressors.

Church-State Relations

In the history of Church-State relations, the Orthodox Church had been subject to a variety of governing systems which manifested attitudes ranging from persecution to power sharing.³⁸ While in the West, the destruction of Rome in 410AD by the Visigoths left a Church immature and vulnerable to embracing claims for political governance, in the East, the Church faced this political vacuum only a thousand years later, when the Byzantine Empire fell under the Ottomans in 1453. As the Western Church took upon itself the duty of governance, it had no option but to accept the concept of Just War, for purpose of defending its community *externally*, against the barbarians and *internally* against the lawbreakers.³⁹ Following Charlemagne's dramatic changes in the Western Roman Empire, the medieval *decretists* and *decretalists*⁴⁰ had been successful in drafting specific policies on conditions related to the use of force, as well as how and to what extent clergy ought to be active participants in military campaigns.⁴¹ The Eastern Church, on the other hand, disposed of its responsibilities for policing and defending the community because it never faced a vacuum of imperial power. As a result, the Church has generally dangled between imposing its moral will within the State – under permissible conditions – while being subjected to State oppression, whenever its principles posed a threat or discomfort to the policies of the State.⁴²

In Eastern Christianity, during the first fifteen centuries, the Byzantine model of Church-State separation implied that each institution had specific responsibilities towards the public. While, according to the “principle of symphonia” coined by Emperor Justinian (527-565),⁴³ the Church was entrusted with the spiritual salvation of the community, the State was entrusted with its material well-being, including internal policing and external defense. As a result, while the Church never made any decision

expect a wealth of information in *de re militari* among the Sayings and spiritually beneficial tales of the Desert Fathers than would one expect to find copious data on the subject of romantic love in a chemistry book.” Cf. John Wortley “Military Elements in Psychopelitic Tales and Sayings” in Timothy S. Miller & John Nesbitt (Eds.) *Peace and War in Byzantium Essays in Honor of George T. Dennis, S.J.*, Catholic University of America Press: Washington, DC, 1995 p.89

³⁶ *The Philokalia* represents a collection of books written by spiritual elders of the Orthodox tradition. This collection was written in Greek between the fourth and fifteenth centuries, and compiled in the 18th century, when was first published in Venice in 1782. Cf. G.E.H Palmer, Philip Sherrard and Kallistos Ware, “Introduction” pp. 1-18 *Philokalia*, vol.1 Faber and Faber: Boston, 1979

³⁷ E. Kadloubovsky, G.E.H. Palmer (translators) *Unseen Warfare: being the Spiritual Combat and Path to Paradise of Lorenzo Scupoli as edited by Nicodemus of the Holy Mountain and revised by Theophan the Recluse* Faber and Faber Limited: London, 1952

³⁸ Ioan N. Floca *Drept Canonic Ortodox, Legislație și Administrație Bisericească*, Vol. 1-2 Editura Institutului Biblic și de Misiune al Bisericii Ortodoxe Române, București, 1990. (See vol.2, p.279-307) See also Teodor Baconsky „Decadența etatismului și renașterea ortodoxă” p.354 in *Gândirea Socială a Bisericii: fundamente, documente, analize, perspective*, edited by Ioan Ică, Jr. And Germano Marani, Deisis Press: Sibiu, 2002.

³⁹ One can easily argue that at the origins of this relative protection of the Western part of the Roman Empire lies the governing principle of the *Tetrarchy* initiated by Emperor Diocletian, which lasted since 293 until 313AD. According to this political and administrative principle of “leadership by four rulers,” the Roman Empire was divided into four areas, which, in time, developed their own sense of political autonomous orientations. These tetrarchic capitals were at Nicomedia (Izmit, Turkey), Sirmium (Mitrovica, Serbia), Mediolanum (Milano, Italy) and Augusta Treverorum (Trier, Germany). Cf. Simon Corcoran *The Empire of the Tetrarchs, Imperial Pronouncements and Government AD 284-324*. Oxford University Press: Oxford, New York, 2000

⁴⁰ Frederick H. Russell *Just War in the Middle Ages*, Cambridge University Press: Cambridge, 1975, pp.55-212

⁴¹ See also, essay in *Responsibility to Protect*, WCC Publication, 2005, p.

⁴² See the ‘Theory of Adaptability’ in Marian Gh. Simion “Beyond Huntington’s Gate: Orthodox Social Thinking for a Borderless Europe: Preliminary Reflections” in Daniel Jeyaraj, Robert Pazmino and Rodney Petersen *Antioch Agenda*, ISPSK: New Delhi, pp.93-95

⁴³ David T. Koyzis “Imaging God and His Kingdom: Eastern Orthodoxy’s Iconic Political Ethic” in *The Review of Politics*, Vol. 55, No. 2 (Spring, 1993), pp. 267-289

about war, theologians approached this from an advisory perspective, ensuring that the State, in its alleged concern with the defense of the community, does not overstate its role. Basically, the Church made it un-canonical for its clergy to take government jobs particularly in the military,⁴⁴ as their duty was to proclaim the Gospel. A wide range of canons impose deposition of clergy involved with “worldly affairs.” These include the following *Apostolic Canons* (Canon VI; Canon LXXXI; Canon LXXXIII – forbidding clergy participation in public offices and military); the canons adopted by the *First Ecumenical Council* (Canon XII), *Fourth Ecumenical Council* (Canon III, Canon VII – forbidding married clergy and monks to participate in public offices and military); *Local Council of Sardica*: Canon VIII (forbidding clergy to go before a civil magistrate), *Local Council of Constantinople 861AD*: Canon XI.⁴⁵

In the Russian setting, such relationship, based on the symphonia principle, has often been conducted in a bipolar way, particularly during the Raskol disputes, as well as in the context of the anti-legal prejudices expressed by the 19th century Russian Orthodox theologians.⁴⁶

For the Coptic Church, its relationship with the State has never been particularly fortunate with the occasional exception of the Tewahido Ethiopian Church. Coined as heretical Church in the aftermath of the Fourth Ecumenical Council of Chalcedon (451AD), the Byzantine State has regarded it with suspicion and often harassed its clergy to impose Byzantine conformity.⁴⁷ With the acceptance of Caliph’s sovereignty, the Coptic Church received a guaranteed inferiority status under the Sharia law.

Legislative Jurisdiction

In Eastern Christianity, the codification of Civil Law and Canon Law took place during the same period of time, and as parallel projects.⁴⁸

Under the Byzantine State, the Canon Law was part of the Civil Law, and it incorporated into collections such as *Nomocanons*, *State Codex-es*, *Novelae* (laws regulating dogmatic decisions of the Church), *Institutiones*, *Ecloga*, *Prohiron*, *Epanagoga*, *Basilicalae*, *Hexabiblos*, etc.⁴⁹ With bishops acting as public judges,⁵⁰ the Church ruled over aspects of family law,⁵¹ while the question of public defense was under the sole legislative jurisdiction of the State.⁵² Although somewhat overstated, this model of legislative

⁴⁴ As Grant White points out, “while the clergy and monks are absolutely prohibited from waging war, even laity who do so are subject to penance for their participation.” This was so because, “unlike in Latin Christianity, where the carefully reasoned just war theory made it possible for Christians to participate in certain kinds of war with a clean conscience, in the Byzantine church, war was understood as always involving the soldier in sin, for which repentance had to be made.” Cf. Grant White “Orthodox Christian Positions on War and Peace” p.38 in Semegnish Asfaw, Guillermo Kerber and Peter Weiderud (Eds) *The Responsibility to Protect: Ethical and Theological Reflections* WCC Publications: Geneva, 2005

⁴⁵ D. Cummings (tr.) *The Rudder (Pedalion)* Chicago: The Orthodox Christian Educational Society, 1957.

⁴⁶ The majority of the 19th century Russian Orthodox Theologians have expressed a strong anti-legal prejudices. These theologians include Khomiakov, Kireevsky, Dostoevsky, Leontiev, Fyodorov, Soloviov and Solzhenitsyn. (Cf. Paul Valliere “Russian Orthodoxy and Human Rights,” in Irene Bloom, J. Paul Martin and Wayne L. Proudfoot *Religious Diversity and Human Rights*, Columbia University Press: New York, 1996, pp.281-283)

⁴⁷ Leslie S.B. MacCoull “When Justinian was Upsetting the World: A Note on Soldiers and Religious Coercion in Sixth-century Egypt” pp.106-113 in Timothy S. Miller & John Nesbitt (Eds.) *Peace and War in Byzantium Essays in Honor of George T. Dennis, S.J.*, Catholic University of America Press: Washington, DC, 1995

⁴⁸ Philip Schaff “Excursus on the History of the Roman Law and its Relation to the Canon Law” in *The Seven Ecumenical Councils* in NPNF Second Series, Vol14, pp. xxix-xxxv.

⁴⁹ Ioan N. Floca *Drept Canonic Ortodox, Legislație și Administrație Bisericească*, Vol.1 Editura Institutului Biblic și de Misiune al Bisericii Ortodoxe Române, București, 1990, pp.70-150

⁵⁰ Ioan N. Floca *Drept Canonic Ortodox, Legislație și Administrație Bisericească*, Vol.2 Editura Institutului Biblic și de Misiune al Bisericii Ortodoxe Române: București, 1990, pp.299-300

⁵¹ D. Cummings (tr.) *The Rudder (Pedalion)* Chicago: The Orthodox Christian Educational Society, 1957. pp.977-1007

⁵² Patrick Viscuso “Christian Participation in Warfare: A Byzantine View,” in Timothy S. Miller & John Nesbitt (Eds.) *Peace and War in Byzantium Essays in Honor of George T. Dennis, S.J.*, Catholic University of America Press: Washington, DC, 1995

jurisdiction was also implemented by Prince Vladimir in Russia, following his conversion to Orthodox Christianity, as he established two courts, one religious and one secular. Based on this dual court system, a plaintiff or a defendant had the right to choose between a bishop as president of the court, or a lay presiding judge. As Dimitri Pospelovsky writes, “[t]he ecclesial court received jurisdiction over all moral transgressions of the laity: matrimonial and divorce matters, polygamy, blasphemy, foul language, matters related to dowry, kidnapping of brides, rape, property fights within families.”⁵³

Under the Ottomans, the policy of *millet*⁵⁴ reduced the applicability of Canon Law to the Christian community, and it was maintained at the price of heavy taxation.⁵⁵ The legal jurisdiction over internal and external defense fell under the Ottoman State.⁵⁶ The public law of most medieval semi-autonomous states subjected to the Ottoman rule included Canon Law as well, and was closer to the Byzantine model.⁵⁷ Some of the widely used collections included *Ton aghion Sinodon, Nea Sinatroisis* (1761), *Sillogi Panton ton ieron ke tion kanonon* (1787); *Kontakion* (1798), *Pidalion* (1800); *Athenian Syntagm* (1852); *Canonical Regulations*, and others.⁵⁸ With the creation of nation states, and with the secularization process of the mid-nineteenth century, the public law eliminated completely the jurisdictional claims of the Canon Law in public life. Consequently, while Canon Law remained fundamental for new statutes of national churches, in the public life its weight was reduced to mere ethical guidelines. The Church lost its legislative power over issues of family law, and the quest of compliance with the stipulations of Canon Law largely became a matter of personal reputation in the community.⁵⁹

Influences of the Law of Jihad

With the Islamic military advances in the East, both the Church and the State had to join forces not only in fighting the aggressors, but also in learning the rules of the enemy, particularly when attempting to negotiate peace agreements.⁶⁰ As a result, it became mandatory for the Church to doctrinally engage its counterpart on the enemy’s side, who, in terms of Saint John of Damascus, were nothing more than Christian

⁵³ Dimitri V. Pospelovsky *The Orthodox Church in the History of Russia* St. Vladimir’s Seminary Press: Crestwood, NY, 1998, pp.25-26;

⁵⁴ Following a Roman tradition of *ethnarchy*, the Ottomans, under the *millet* system, have recognized the so-called *Rum Millet* (Christian Nation) as a legitimate civil and religious entity and thus allowed to have its official representative, who was usually a bishop or a patriarch. (Cf. Timothy Ware *The Orthodox Church* Penguin Books, p.89; See also Richard Clogg *A Concise History of Greece* Cambridge University Press: Cambridge, 1992, pp.10-11

⁵⁵ Andrew Wheatcroft *The Ottomans: Dissolving Images*: Penguin Books, London, New York, 1995, pp.72-74; Steven Runciman *The Great Church in Captivity: A Study of the Patriarchate of Constantinople from the Eve of the Turkish Conquest to the Greek War of Independence*, Cambridge University Press: Cambridge, UK, 1985 See also: Timothy (Kallistos) Ware *The Orthodox Church* Penguin Group, 1993, p.89

⁵⁶ As Bishop Kallistos Ware writes, “[t]he Sultan himself instituted the patriarch, ceremonially investing him with the pastoral staff, exactly as the autocrats of Byzantium had formerly done. The action was symbolic: Mohammed the Conqueror, champion of Islam, became also the protector of Orthodoxy, taking over the role once exercised by the Christian Emperor. Thus, Christians were assured a definite place in the Turkish order of society; but, as they were soon to discover, it was a place of guaranteed inferiority. Christianity under Islam was a second-class religion, and its adherents second-class citizens. They paid heavy taxes, wore a distinctive dress, were not allowed to serve in the army, and were forbidden to marry Muslim women. The Church was allowed to undertake no missionary work, and it was a crime to convert a Muslim to the Christian faith.” (Cf. Timothy Ware *The Orthodox Church* Penguin Group, p.88

⁵⁷ Mircea Păcurariu *Istoria Bisericii Ortodoxe Române*, Editura Dacia: Cluj-Napoca, 2002, pp.78-189

⁵⁸ Ioan N. Floca *Drept Canonic Ortodox, Legislație și Administrație Bisericească*, Vol.2 Editura Institutului Biblic și de Misiune al Bisericii Ortodoxe Române, București, 1990, pp.304-305 (See also N. Floca *Drept Canonic Ortodox, Legislație și Administrație Bisericească*, Vol.1, pp.122-150)

⁵⁹ Mircea Păcurariu *Istoria Bisericii Ortodoxe Române*, Homo Religiosus Dacia, Cluj-Napoca, 2002, p.97ff. See also, Ioan N. Floca *Drept Canonic Ortodox, Legislație și Administrație Bisericească*, Vol.2 Editura Institutului Biblic și de Misiune al Bisericii Ortodoxe Române, București, 1990, pp.305-306

⁶⁰ Michael Bonner “Some Observations Concerning the Early Development of Jihad on the Arab-Byzantine Frontier” in *Studia Islamica*, No.75. (1992), pp.5-31

heretics.⁶¹ For the Muslims such dialogue was acceptable only in contexts of truces permissible under the conditions imposed by *dar al sulh* (the house of treaty).⁶²

Branded as spiritual striving for both survival and salvation, it is a common sense to assume that both Eastern Christianity and Islam must have played a mutual influence over the interpretation of martyrdom, sacrifice and human belligerence.

Situated at the Arab-Byzantine frontier (*thughūr*), two of the eighth century Arab scholar-ascetics Abū Ishāq al-Fazārī and Abdallah al-Mubārak are amongst the earliest and perhaps the most influential Muslim scholars to debate the laws of war in terms of *siyar* and *jihād*.⁶³ What is relevant in their debates is the role of the Savior. While in the Byzantine warfare, war was conducted on behalf of the community (Empire), and not on behalf of the leader (Jesus Christ), in the case of this emerging Islamic jurisprudence, war was to be conducted on behalf of the leader (Prophet Muhammad), case in which, the leader has an overriding authority over the community. Based on the imitation principle, both scholars agree to use Prophet Muhammad's authority and judgment as typos when faced with the dilemma of employing military force and verbal persuasion. Thus, Abū Ishāq al-Fazārī⁶⁴ in his *Kitāb al-siyar* and Abdallah al-Mubārak in his *Kitāb al-jihād* debated whether it was the duty of the community *sīra*, where the dominant cognitive category is *εκκλησία*, or of the ruling authority, *sunna*, where the dominant cognitive category is *νόμος*, to decide when to engage in a war.⁶⁵ While al-Fazārī pondered over *sīra*'s priority, al-Mubārak insisted over the issue of personal merit, meant to favor the leader's authority – a rather poignant reference to the emerging Sunni-Shia split over the laws of war.⁶⁶

On the Russian front, during the Tatar/ Mongol yoke that lasted since 1238 until 1480,⁶⁷ the Russians often had to make war and peace with their Muslim enemies,⁶⁸ particularly due to the cruelty of the Tatar tax collectors, *baskaks*.⁶⁹ During these confrontations, the Orthodox Church played a significant mediating role. As Pospelovsky writes,

Since the Tatars had great respect for the Church, it was one of the most important functions of the metropolitans and bishops to mediate between the *kehan* and a Russian prince, trying to protect the latter and his subjects from Tatar revenge.⁷⁰

This respect was often religious in nature, given the fact that, the *Constitution of Medina* regarded Christianity and Judaism as heretical rather than false religions.⁷¹ In this way,

⁶¹ Saint John of Damascus in his work on Christian heresies, *The Fount of Knowledge*, lists Islam as being one of them.

⁶² Majid Khadduri *War and Peace in the Law of Islam*, The John Hopkins Press: Baltimore, London, 1969. See also John L. Esposito *Unholy War: Terror in the Name of Islam* Oxford University Press: Oxford, New York, 2002. Inside the Muslim community *sulh* is generally regarded as amicable settlement, with a limited legislative obligation. As Joseph Schacht indicates, "the sulh is not confined to the law of obligations; claims arising from the law of slavery, family law, and penal law can also be settled by it, but not, of course, *hadd* punishments." (Cf. Joseph Schacht *An Introduction to Islamic Law* Oxford: At the Clarendon Press, 1964, p.148)

⁶³ A reliable overview of both traditional and modern interpretation of jihad is offered by Rudolph Peters in his work *Jihad in Classical and Modern Islam: A Reader* Markus Wiener Publishers, Princeton, 1996

⁶⁴ Michael Cook *Commanding Right and Forbidding Wrong in Islamic Thought* Cambridge University Press: Cambridge, 2000, p.66, See also M. Muranyi, 'Das *Kitāb al-Siyar* von Abū Ishāq al-Fazārī, *Jerusalem Studies in Arabic and Islam*, 6 (1985), pp.67-70

⁶⁵ Michael Bonner "Some Observations concerning the Early Development of Jihad on the Arab-Byzantine Frontier" in *Studia Islamica*, No.75 (1992), pp.5-6

⁶⁶ *Ibid.*, p.8ff

⁶⁷ Dimitri V. Pospelovsky *The Orthodox Church in the History of Russia* St. Vladimir's Seminary Press: Crestwood, NY, 1998, pp.15

⁶⁸ The Tatars accepted Islam in 922 during the missionary work of Ahmad ibn Fadlan. John Meyendorff *The Orthodox Light and Life* Publishing, Co., :Minneapolis, 1966, p.23

⁶⁹ Dimitri V. Pospelovsky, *ibid.*, p.37

⁷⁰ *ibid.*, p.38

⁷¹ Uri Rubin "The 'Constitution of Medina' Some Notes" in *Studia Islamica*, No 62 (1985), pp.5-23.

jihad is not to be declared against Christians⁷² and Jews, as they are to be offered a status of inferiority and subjected to high taxation.⁷³ Similarly, Nicholas Zernov writes that,

[t]he Mongols treated the Russian clergy and their Metropolitan with the same respect which they afforded to all ministers of religion. The clergy were the only section of the subjugated population exempt from taxation, and every act of violence inflicted upon them by any of the Tartars was punishable by death. These privileges offered great possibilities for constructive work to men of Cyril's ability and perseverance. He inaugurated a new type of service for the Metropolitans of Russia. Before the Tartar invasion, the chief hierarchs of the Russian Church were mainly occupied with ecclesiastical matters. After the invasions, the Metropolitans became equally concerned with the national revival of the country. Their authority alone was recognized by all the people, and the esteem paid to them by the Tartars raised their prestige high above that of any of the secular rulers.⁷⁴

A first concrete example that displays a possible influence of the law of jihad over Russian Orthodox justification of war is the alleged conversation that took place between Constantine-Cyril and Caliph Mutawakkil⁷⁵ in 851AD in the context of a Christian diplomatic mission to the Saracenes.⁷⁶ This type of conversation/ polemic, between Eastern Christianity and Islam seem abundant in the context of the narratives associated with the *Russian Chronicle* which illustrates the event of Prince Vladimir's acceptance of Eastern Christianity, seemingly from a panoply of religious choices which seriously considered Judaism and Islam as alternatives.⁷⁷ As the document *The Orthodox Church and Society* indicates,

When St. Cyril Equal-to-the-Apostles was sent by the Patriarch of Constantinople to preach the gospel among the Saracens, in their capital city he had to enter into a dispute about faith with Muhamaddan scholars. Among others, they asked him: "Your God is Christ. He commanded you to pray for enemies, to do good to those who hate and persecute you and to offer the other cheek to those who hit you, but what do you actually do? If anyone offends you, you sharpen your sword and go into battle and kill. Why do you not obey your Christ?" Having heard this, St. Cyril asked his fellow-polemists: "If there are two commandments written in one law, who will be its best respecter — the one who obeys only one commandment or the one who obeys both?" When the Hagerenes said that the best respecter of law is the one who obeys both commandments, the holy preacher continued: "Christ is our God Who ordered

⁷² As Bishop Kallistos Ware writes, "[a]ccording to Muslim teachings, Christians are to undergo no persecution, but may continue without interference in the observance of their faith, so long as they submit quietly to the power of Islam." (Cf. Timothy Ware, *The Orthodox Church*, Penguin Books, London, 1997, p.88

⁷³ Shaybani, *Kitab al Syar al-Kabir*, I, 14-5 as quoted by Majid Khadduri in *War and Peace in the Law of Islam* The John Hopkins Press: Baltimore, London, 1969, p.74; Andrew Wheatcroft *The Ottomans: Dissolving Images* Penguin Books: London, New York, 1995, p.73

⁷⁴ Nicholas Zernov *The Russians and Their Church* (Third Edition) St. Vladimir's Seminary Press: Crestwood, NY, 1994, p.25

⁷⁵ Robert Browning "Byzantine Scholarship" in *Past and Present* No.28 (July 1964) Published by Oxford University Press, p.8

⁷⁶ Francis Dvornik *Byzantine Missions among the Slavs: Saint Constantine-Cyril and Methodius* Rutgers University Press: New Brunswick, New Jersey, pp.286-87, as quoted by David K. Goodin "Just War Theory and Eastern Orthodox Christianity: A Theological Perspective on the Doctrinal Legacy of Chrysostom and Constantine-Cyril" in *Theandros: An Online Journal of Orthodox Christian Theology and Philosophy* volume 2, Number 3, Spring 2005.

⁷⁷ Dimitri V. Pospelovsky *The Orthodox Church in the History of Russia* St. Vladimir's Seminary Press: Crestwood, NY, 1998, pp.17-21; George P. Majeska "Russia: The Christian Beginnings" in Albert Leong *The Millennium: Christianity and Russia (A.D. 988-1988)* St. Vladimir's Seminary Press: Crestwood, NY, 1990, p.21 See also William E. Watson "Arabic Perceptions of Russia's Christian Conversion" in in Albert Leong *The Millennium: Christianity and Russia (A.D. 988-1988)* St. Vladimir's Seminary Press: Crestwood, NY, 1990, pp.33-39

us to pray for our offenders and to do good to them. He also said that no one of us can show greater love in life than he who gives his life for his friends (Jn. 15:3). That is why we generously endure offences caused us as private people. But in company we defend one another and give our lives in battle for our neighbors, so that you, having taken our fellows prisoners, could not imprison their souls together with their bodies by forcing them into renouncing their faith and into godless deeds. Our Christ-loving soldiers protect our Holy Church with arms in their hands. They safeguard the sovereign in whose sacred person they respect the image of the rule of the Heavenly King. They safeguard their land because with its fall the home authority will inevitably fall too and the evangelical faith will be shaken. These are precious pledges for which soldiers should fight to the last. And if they give their lives in battlefield, the Church will include them in the community of the holy martyrs and call them intercessors before God.⁷⁸

As this alleged polemic highlights also the question of loyalty to the Christian Emperor, it is possible that this appeal was made on the basis of a possible familiarity with the *Sbi'i* interpretation of the Law of jihad that demands complete obedience to the one recognized as al-Mahdi. As one interpreter of this passage puts it, by “safeguarding one’s neighbors as well as the ‘sacred person’ of the Emperor is a duty that for Christian soldiers that frees them from the other scriptural mandates requiring non-violence (Matthew 5:38-44).”⁷⁹ By the same token, from the perspective of Medinan revelations, jihad by the sword is regarded as “Allah’s direct way to Paradise” which bypasses *the five Pillars of Islam*.⁸⁰

A second case of suspected influence of jihad was recorded in the mid-960s, in the context of a dispute between the Patriarch of Constantinople, Polyeukos, and Emperor Nikephoros Phokas. To further glorify his heroes, the emperor demanded to have his soldiers, who had been killed on the battlefield, canonized as martyrs and declared saints of the Church. The Patriarch successfully opposed him by citing Saint Basil’s Canon 13, with the interpretation that the soldiers killed in the battle might have been guilty of violating the commandment ‘Thy shall not kill’ (Exodus 20: 13), and thus committed murder.⁸¹ While this example of jurisprudence relates more to the relationship between Church and State, it nevertheless reveals that this view of martyrdom was understood by the Byzantine emperor as an active path of defending faith through war rather than as a passive act specific to the first three centuries. As a result, the emperor’s understanding of martyrdom was highly similar to the concept of martyrdom ‘in the path of Allah,’ whereby one sacrifices oneself for missionary purpose.⁸²

A third example of a possible influence of jihad over Eastern Christianity is the presence of the service of blessing soldiers and weapons in the Slavo-Byzantine rite, particularly in the context of the final blessing bestowed upon the soldier, which says, “Let the blessing of Triune God, Father, Son and Holy Spirit, come down on and remain upon these weapons and those who carry them *for the protection of the truth of Christ* [emphasis added], Amen.” From a historical perspective, it is only common sense to

⁷⁸ Cf. Jubilee Bishops’ Council of the Russian Orthodox Church, *The Orthodox Church and Society: The Basis of the Social Concept of the Russian Orthodox Church* Belleville, Michigan: St. Innocent / Firebird Publishers, 2000.

⁷⁹ David K. Goodin “Just War Theory and Eastern Orthodox Christianity: A Theological Perspective on the Doctrinal Legacy of Chrysostom and Constantine-Cyril” in *Theandros: An Online Journal of Orthodox Christian Theology and Philosophy* volume 2, Number 3, Spring 2005.

⁸⁰ The five pillars of Islam include: **إيمان** *Iman* (Faith), **صلاة** *Salah* (Prayer), **زكاة** *Zakah* (Almsgiving), **صوم** *Sawm* (Fasting), and **حج** *Hajj* (Pilgrimage). Cf. Majid Khadduri *War and Peace in the Law of Islam*, The John Hopkins Press: Baltimore, London, 1969. pp. 55-82.

⁸¹ John H. Erickson “An Orthodox Peace Witness?” in Jeffrey Gros and John D. Rempel *The Fragmentation of the Church and Its Unity in Peacemaking*, William B. Eerdmans Publishing Company: Grand Rapids, MI, Cambridge, pp.48-58

⁸² Majid Khadduri *War and Peace in the Law of Islam*, The John Hopkins Press: Baltimore, London, 1969. pp. 55-82.

assume that this prayer must have been invoked for the purpose of protecting “the truth of Christ,” in the context of Islamic practice of forced conversion of its subjects. Otherwise, the use of expression “truth of Christ” would be a plain cynical retaliation against the principle of turning the other cheek. As the Muslims did not regard Jesus Christ as Incarnated Logos, but as the last great prophet before Muhammad, to the Christians, Islamic view of Jesus was solely regarded a question of religious truth. As a result, this is perhaps the safest way in which such a prayer could have been favored by the Church from a dogmatic perspective, as any literal interpretation would have bitterly contradicted the pacifistic event from the Gethsemane (Matthew 26:51-53).

A fourth possible case of mutual influence between jihad and Eastern Christianity is the concept of salvation through spiritual war’s visible in the second millennium’s literature of *Philokalia* and the concept of “The Greater Jihad,” manifested as an inner struggle for spiritual ascent.⁸³

The Slavic Influence

With the Christianization of the Slavs a new worldview started penetrating Eastern Christianity. In terms of doctrine of defense, the inherent dualistic culture of the Slavs, deriving perhaps from the *Belobog-Chernobog* antagonism,⁸⁴ has unavoidably led to a dualistic Christian worldview, which in combination with Christian asceticism, saw good and evil as identifiable with spirit and matter. This dualistic worldview often emerged into heretical movements, which either viewed human body as evil, such as the Bogomils, the Khlysty, and the Skoptzy did,⁸⁵ or simply demonized political establishments, such as the Bogomils⁸⁶ and the Raskol anarchists.⁸⁷ Due to this inherent dualism, the Slavs seem to have left a hefty influence over the justification of war, which strongly contradicted the pacifistic nature of the Gospel. In a phenomenological sense, dualism favored not only *us-versus-them* attitude, but it proceeded to the demonization of adversaries and justification of violence. This affected the Russian Orthodox Church in the way that, at a doctrinal level, one could find conversations such as the one between Constantine-Cyril and Caliph Mutawakkil, while in terms of worship; one can find liturgical anomalies such as the creation of the *Service for Blessing Weapons*. Judging from the perspective of the Russian stringency with ritual, it is clear that such service would have injected a strong sense of justification on their part during their confrontations with their Tatar enemies.

For the sake of argument, it is important to reproduce parts of this service, in English version:

The Bishop or priest comes out of the altar to the table with the weapons in front of the ambon, incenses the weapons crosswise beginning as it is common.

Reader: Heavenly King, Trisagion, Our Father, Lord have mercy (12 times).

Glory; both now and; come let us worship. . . and psalm 35. Glory; both now:

hallelujah (three times)

Deacon: Let us pray to the Lord

The Bishop or priest reads this prayer over the weapons:

Lord our God, God of powers, powerful in strength, strong in battle, you once gave miraculous strength to your child David granting him victory over his

⁸³ Majid Khadduri, *ibid*. See also *Jihad* guide published by the Islamic Center in London.

⁸⁴ As Pyotr Simonov writes, “[f]undamental to Slavonic mythology is a primeval dualism which stems from the antagonism between creative light and destructive darkness. References are made to a white god of day and of light, opposed to a black god of night and of shadows: good against evil, the natural forces against the unnatural. Against this background, divine, human, animal and vegetable actors dramatize the eternal destinies of life and death.” (Cf. Pyotr Simonov *Essential Russian Mythology: Stories that Change the World*, Thorsons, An imprint of HarperCollins Publishers: San Francisco, 1997. p.4)

⁸⁵ P.I. David *Călăuză Creștină*, Editura Episcopiei Ortodoxe: Arad, 1987, pp.64-79

⁸⁶ Dimitri Obolensky *The Bogomils: A Study in Balkan Neo-Manichaeism*, Cambridge University Press; Cambridge, 1948.

⁸⁷ P.I. David *ibid*.

opponent the blasphemer Goliath. Mercifully accept our humble prayer. Send your heavenly blessing over these weapons (naming each weapon). Give force and strength that they may protect your holy Church, the poor and the widows, and your holy inheritance on earth, and make it horrible and terrible to any enemy army, and grant victory to your people for your glory, for you are our strength and protection and we sing praise to your glory, Father, Son and Holy Spirit, now and ever, and to the ages of ages. Amen.

Then the priest sprinkles blessed water on the weapons saying:

Let the blessing of Triune God, Father, Son and Holy Spirit, come down on and remain upon these weapons and those who carry them, for the protection of the truth of Christ. Amen.

After this the soldiers carrying the weapons are blessed, with the prayer:

Be brave and let your heart be stronger and win victory over your enemies, trusting in God, in the name of the Father, Son and Holy Spirit.

After this each soldier kisses the cross.

This is the way to bless sword and saber. If there is only one sword to be blessed, or only one saber, he says only once: this sword, or: this weapon. If there are many, he says: bless these swords, or: bless these weapons.⁸⁸

In terms of historical records, such worldview generated cases of demonizing enemies, along with a cynical celebration of failure. As Fr. John Errickson, the dean of Saint Vladimir's Orthodox Theological Seminary from New York writes, "seven out of nine Serbian saints of the Middle Ages were princes or kings whose various activities included both patricidal and fratricidal civil wars as well as defensive and offensive foreign wars."⁸⁹

Patriotism and Nationalism

Built on a philosophy of defense, patriotism – as a sentiment of love and loyalty to the “fatherland” (Lat. ‘patria’ Gr. πατρις) – has manifested itself as a distinctive attitude of protection which often became a source of warfare. Adopted by Christianity both from the Roman culture which glorified those who died for the Roman *patria*⁹⁰ as well as in light with the wars of the Old Testament,⁹¹ patriotism was presented by the grandfather of the just war theory, Bishop Ambrosius as a protection of Christian community against heresy. While Ambrosius⁹² saw the defense of patria as coinciding with the defense of the Christian faith, Augustine claimed that the soldier who killed the invader during the combat did not violate the commandment ‘shall not kill,’ thus eliminating any sense of guilt for human slaughter.⁹³

With the development of Church-State relations the sentiment of patriotism has further marginalized the view of humanity as universal. In the absence of a powerful anthropology that should have ideally impacted the Christian mind, patriotism became a source of dualistic separation of humanity between Christians and pagans, between us-and-them, between good and evil. Once Christianity became imperial, in the East, patriotism meant loyalty to the Byzantine Emperor, while in the West patriotism meant loyalty to the Church of Rome, then, following the Peace of Westphalia in 1648, loyalty to the nation state.

⁸⁸ Cf. *Euchologion, Trebnik* [The Book of Needs], [Serbian edition] Kosovo, 1993 as quoted by Hildo Bos & Jim Forest *For the Peace from Above: An Orthodox Resource Book on War, Peace and Nationalism* Syndesmos Press: Athens, 1999. pp.120-121

⁸⁹ John Erickson, *ibidem*, p.51

⁹⁰ Frederick H. Russell *The Just War in the Middle Ages* Cambridge University Press, 1975, p.8

⁹¹ C. John Cadoux *The Early Christian Attitude to War*, Headley Bros. Publishers, LTD, 1919, p.171

⁹² Roland Bainton *Christian Attitudes Towards War and Peace*, p.90

⁹³ Augustine, *De Civitas Dei*

Challenging Christian universalism – whereby humanity is created in the image of God (Genesis 1:26-27), and that “there is neither Jew nor Greek” (Galatians 3:28) – nationalism came as a messianic political philosophy claiming that one can be ‘saved’ from the dangers of this world only if belonging to a nation organized itself into a state. Nationalism emerged as a political ideology in the aftermath of the Peace of Westphalia (1648), which started uniting existing ethnic groups into larger ones, called ‘nations,’ all confined to an ascribed territory. This was built on the statist model proposed by Hugo Grotius in his 1625 *De Jure Belli ac Pacis* and reached its peak during the nineteenth and the twentieth centuries.⁹⁴ By eliminating the authority of the Church of Rome, nationalism embraced patriotism as a new form of loyalty, this time to a political unit rather than to the Church.⁹⁵ Limited to the political unit of nation-state, nationalism was soon exported into Eastern Europe where it developed new depths of political dualism, thus dividing the Orthodox Christians by lines of history, language and ascribed territories. If until then, the Ottoman Sharia law (under which most of the Orthodox Christians lived), offered an *a priori* ghetto recognition of a unified Christian community (*Rum millet* or “Roman Nation”),⁹⁶ nationalism divided this Christian community between smaller autonomous and autocephalous Orthodox Churches. During this time, the Orthodox theologians have generally been keen in trying to ensure that the mission of the Orthodox Church focused on the salvation of people of all nations and races.⁹⁷

Nevertheless, as any ideology, nationalism had strongly influenced the worldview of lay theologians, clergy and philosophers who often exalted their own nation in a way that often compromised their Christian universalism. Using history as a political doctrine, nationalists often linked their identity to a glorious legendary past,⁹⁸ such as the glory of Byzantium that was meant to be safeguarded by the Serbian kingdom, or the glory of the Byzantine culture that survived in the provinces of Wallachia and Moldova.⁹⁹ In numerous instances this imagined glorious past has never truly existed to the extent it was exalted, or if it did so, it existed for a short period of time. Because of this ideology, nationalists often dreamed of the ‘greater patria.’ While the existing cultural grievances plaid a significant role in fostering indigenous nation-building efforts, the real supporter of such movements was Western Europe’s anti-Ottoman project. While selected Orthodox theologians expressed reluctance over nationalism for reasons emerging from the traditional Christian universalism, the strongest and yet ineffective opposition came from the Ecumenical Patriarchate, as numerous high-ranking Greek bishops and metropolitans lost significant administrative privileges in churches that became autocephalous.

At the *Local Synod of Constantinople 1872* – a synod ignited by a unilateral establishment of a separate bishopric by the Bulgarian community of Constantinople¹⁰⁰ – both nationalism and racism were condemned in the strongest terms.

⁹⁴ Nationalism is a modern phenomenon only in the sense that it has flourished during the nineteenth century, as a movement of uniting small ethnic groups sharing cultural proximities, into larger groups called nations.

⁹⁵ Richard Falk *Religion and Humane Global Governance* Palgrave Press: 2001, p.37

⁹⁶ Victor Roudemotof *Nationalism, Globalization, and Orthodoxy: The Social Origins of Ethnic Conflict in the Balkans* Greenwood Press: London, 2001, p.68

⁹⁷ Ghenadie Enăceanu “Biserica și Societatea” in *Biserica Ortodoxă Română* Anul 3. No.11, 1877 pp.487-501

⁹⁸ Curiously, nationalist elites often claim symbolic identities, which their ancestors never had, as in the case of European elite relocated in Mexico where they use Aztec symbols, or the Slavs using Ancient Greek symbols when claiming to establish Macedonia. [Cf. Loring M. Danforth *The Macedonian Conflict: Ethnic Nationalism in a Transnational World* (Princeton, NJ: Princeton University Press, 1995).] Yet, it is important to specify that these Aztec symbols were romanticized and appropriated only after the real threat of the Aztecs has been completely eliminated.

⁹⁹ Nicolae Iorga *Byzance après Byzance*, L’Institut D’Etudes Byzantines: Bucharest, 1935

¹⁰⁰ As Hildo Bos and Jim Forest commented, “[i]t was the first time in Church history that a separate diocese was established based on ethnic principles and not principles of Orthodoxy and territory in the city of the Ecumenical Patriarchate. Cf. Bos, Forest *For the Peace from Above: An Orthodox Resource Book on War, Peace and Nationalism*,, p.130

This Synod condemned ethno-phyletism by stating,

We renounce, censure and condemn racism, that is racial discrimination, ethnic feuds, hatreds and dissensions within the Church of Christ, as contrary to the teaching of the Gospel and the holy canons of our blessed fathers which ‘support the holy Church and the entire Christian world, embellish it and lead it to divine godliness’.¹⁰¹

At the same synod, a special commission which was set up to investigate nationalism and racism concluded that,

in the Christian Church, which is a spiritual communion, predestined by its Leader and Founder to contain all nations in one brotherhood in Christ, racism is alien and quite unthinkable. Indeed, if it is taken to mean the formation of special racial churches, each accepting all the members of its particular race, excluding all aliens and governed exclusively by pastors of its own race, as its adherents demand, racism is unheard of and unprecedented.

All the Christian churches founded in the early years of the faith were local and contained the Christians of a specific town or a specific locality, without racial distinction. They were thus usually named after the town or the country, not after the ethnic origin of their people.¹⁰²

This strong rejection of nationalism remained unsuccessful as the anti-Ottoman project continued, giving room to new orientations of authority to settle in.

Even today this resentment towards nationalism is nostalgically expressed in the forms of salutation used by the Ecumenical Patriarchate¹⁰³ in relation to other Orthodox Patriarchs. These salutations are usually justified by the *primus inter pares*¹⁰⁴ principle, whereby the Ecumenical Patriarch is granted seniority amongst the other patriarchs. While the Ecumenical Patriarch bears the title *Panagiôtatos* (His All Holiness), all other national patriarchs bear the title *Makariôtatos* (His Beatitude).¹⁰⁵

Beyond the interests of the Ecumenical Patriarchate, criticism of nationalism has been approached by the Orthodox theologians in a bipolar way, as any prevalence towards Christian universalism would have been susceptible of treason. It is also in the context of nationalism that Orthodox moral theologians manifested tendencies towards justifying defensive war. In general, the Orthodox ethicists have wrestled with and cautiously avoided nationalism which they clearly perceived as contrary to Christian universalism and as conflict generating. While the Greek theologians often identified Greek nationalism with Orthodox Christianity in their battle against Hellenism, the Romanian theologians looked for a compromise, and the Slavic theologians flaunted dualism and ambivalence.

Stigmatizing those in canonical authority – yet outside the dominant ethnic clusters of authority – ethnicity was often invoked and instrumentalized as an expression of disloyalty either towards the interests of the locals, or towards outside imperial interests. As a result, this either emerged into mass violence against a particular ethnic

¹⁰¹ Metropolitan Maximus of Sardes, *The Ecumenical Patriarchate in the Orthodox Church*, Thessaloniki, 1976, pp. 303-308 Cf. Bos, *Forest op. cit.*, p.130

¹⁰² Bos, *Forest op. cit.*, p.130

¹⁰³ *2006 Year Book* published by Greek Orthodox Archdiocese of America: New York, 2006, p.275

¹⁰⁴ the first amongst the equals

¹⁰⁵ *Panagiôtatos* is a word composed of *πάν* ('above') + *ἅγιος* ('holy') + *τατος* ('the most.') *Makariôtatos* is a word composed of *μακάριος* ('happy') + *τατος* ('the most.')

group, or into personal enmities¹⁰⁶ in multicultural settings, where in a cynical way, the moral qualities of one person were judged by one's belonging to a particular nation.

In 1994, with an eye towards the promises of a Europe without borders, Ecumenical Patriarch Bartholomew I expressed his desire towards a possible restoration of the authority of the See of Constantinople, beyond that of symbolic *primus inter pares* extreme nationalism remains one of the central problems of our ecumenical Church. We must answer with deep and uncompromising ecumenism.

That is why the Mother Church has done everything in her power to support, morally and materially, the reemerging Orthodox Churches in Russia and throughout Eastern Europe, especially since the collapse of Godless communism. Although these churches are self-governing, they are the daughters of the See of St. Andrew the Apostle. That is why we convened an unprecedented Pan-Orthodox Council or Synaxis of the heads of the world's Patriarchal and Autocephalous Orthodox Churches in March of 1992 – an unusual display of Christian solidarity and a return to the ecumenism of centuries past. During this historic gathering, the participants expressed deep sorrow over “fratricidal confrontation.” They called on all religious leaders to offer “particular attention, pastoral responsibility and wisdom from God, in order that the exploitation of religious sentiment for political and national reasons may be avoided.

Integration must be our watchword in Eastern Europe as in Western Europe. Today, we must follow the Helsinki accord principle of the inviolability of borders. But tomorrow, our vision is not only for Eastern Europeans – not only for all Europeans – but for all people. It is of a world without borders.¹⁰⁷

Shortly after, *The Basis of the Social Concept of the Russian Orthodox Church* a document adopted by the Jubilee Bishops' Council of the Russian Orthodox Church, in August 2000, Moscow, Russia defines nationalism as a two-edged sword:

At the same time, national sentiments can cause such sinful phenomena as aggressive nationalism, xenophobia, national exclusiveness and inter-ethnic enmity. At their extremes, these phenomena often lead to the restriction of the rights of individuals and nations, wars and other manifestations of violence.

It is contrary to Orthodox ethics to divide nations into the best and the worst and to belittle any ethnic or civic nation. Even more contrary to Orthodoxy are the teachings which put the nation in the place of God or reduce faith to one of the aspects of national self-awareness.

Opposing these sinful phenomena, the Orthodox Church carries out the mission of reconciliation between hostile nations and their representatives. Thus, in inter-ethnic conflicts, she does not identify herself with any side, except for cases when one of the sides commits evident aggression or injustice.¹⁰⁸

¹⁰⁶ One widely known case recorded by the Romanian Church history is that of Metropolitan Antim Ivireanul, now celebrated as a saint in the Romanian Orthodox Church. Born in Georgia, then a child slave in Istanbul, Metropolitan Antim Ivireanul developed an illustrious ecclesiastic and academic career in Wallachia attracting strong antipathy from his Greek rivals. Accused by the Greeks of being a “foreigner” in Wallachia, Metropolitan Antim Ivireanul ended being executed by the Ottomans under accusations of disloyalty to the Ottoman Empire. During his defense, Metropolitan Antim Ivireanul said that “as far as my being a foreigner, ‘in Christ we are all one’. Besides, I wasn't the only foreign bishop and metropolitan in the Romanian Country [Wallachia], but there were many others as attested by the records, and as it is being politicized through the entire Church. There were also many foreign rulers here, as well as elsewhere, as if God has not made the world free for all.” (Cf. Nicolae Iorga *Istoria Bisericii Românești* Vol.2 (București: Editura Ministerului de Culte, 1930) pp.53-54

¹⁰⁷ Hildo Bos and Jim Forest Eds. *For the Peace from Above: An Orthodox Resource Book on War, Peace and Nationalism* Produced by Syndesmos Printed by Orthdruk Printing House: Bialystok, 1999, p. 153

¹⁰⁸ *The Orthodox Church and Society: The Basis of the Social Concept of the Russian Orthodox Church*

Currently, with the unionist movement in Europe, it remains to be seen how the lethal aspect of nationalism will be deconstructed by the Orthodox Church, particularly in places such as Romania where the Church is facing increased anti-traditional political pressures. Ironically, as one can observe in the Romanian case, there is a strong trend in the public policy geared towards eliminating national values. This attitude is expressed through changes in the public education curricula where valuable national creations are deliberately excluded, religious symbols rejected from the classrooms, to policies that display strong support for display of homosexuality and other deviated forms of self-expression which are highly offensive to the Romanian culture and traditional morality. Such public policies can only generate public approval for neo-Nazi movements such as *Noua Dreaptă* (The New Right),¹⁰⁹ which during the summer of 2007 was able to gather over 700,000 signatures protesting a gay parade in Bucharest. The alarming nature of this organization consists in its strategy of promoting national values through discipline, structure, conformity with traditional values, and a fundamentalist interpretation of Orthodox Christianity. Their religious nationalist doctrine is highly elaborated emerging from political vision of the the interwar Nazi leader, Corneliu Zelea Codreanu. Their rhetoric demonstrates strong tendencies for national isolationism, as well as self-sufficiency, anti-ecumenical and anti-unionist agendas.¹¹⁰ As specified in its mission statement, the Noua Dreaptă defines itself not as a political party, but as a national and spiritual movement promoting nationalist ideology such as ‘Greater Romania’, through a green map which includes Republic of Moldova and parts of Ukraine. In many ways one can easily find symbiotic similarities with the 18th century Wahabism of the reformist Sunni Islam, meant to rejuvenate the Ottoman Empire. The Noua Dreaptă seems dangerously attractive particularly to the new generation of highly educated young people who are economically disenfranchised. The organization displays a strong propagandistic activity through local branches and high-quality publications such as *Noua Dreaptă* (The New Right), *Militant* (The Militant), *Student* (Student) and *Spada* (The Sword).¹¹¹ Therefore, it is mandatory that the Romanian Orthodox Church becomes involved not only in safeguarding the Romanian traditional values – now claimed by the extremists – but it should be involved in monitoring the deconstruction of the lethal aspects of the 19th and 20th century nationalism.

Canon Law and the Use of Force

From the scope, there are two types of canons that directly or indirectly raise the question of using defensive force. These canons define the nature of offense, while serving as a jurisprudential basis for the ethics of law enforcement. As the canonical tradition of the Orthodox Church is based on compassion and adaptability rather than on penitence, its canons serve more as advisory guidelines. These cannons related to law enforcement are designed to ensure that the penalty imposed by the State against the lawbreakers will not be challenged by the Church on moral grounds.

From an institutional perspective, these canons chiefly refer to *internal* self-defense against lawbreakers, and to *external* self-defense against an invading army. In terms of *internal* self-defense, the Church favors a more penitential perspective due to the fact that the offender can be identified as an individual endangering the life of the community. In this case, the Church can also be a witness in order to ensure that the

A Document Adopted by the Jubilee Bishops’ Council of the Russian Orthodox Church in August 2000, Moscow, Russia (ISBN 1881211-58-4) St. Innocent/ Firebird Videos, Audios & Books: Redford, MI, 2006

¹⁰⁹ See www.nouadreapta.org (July 20, 2007)

¹¹⁰ Cf. www.nouadreapta.org/doctrina.php (July 20, 2007)

¹¹¹ Cf. www.nouadreapta.org (July 20, 2007)

level of punishment imposed by the State against a lawbreaker equals the level of offense. As far as *external* self-defense is concerned, the Orthodox Church seems to be more restrictive in endorsing war for the very fact that in a war two allegedly innocent soldiers are forced into a situation of imposing death penalty over each other, even in the absence of guilt. Acting on moral grounds, the limited situations when local Orthodox Churches sanctioned the use of violent defense were generally done through *concessional* and *advisory* procedures.

The Concessional Procedure

It is clear that Orthodox Churches generally refused to endorse defensive violence. Nevertheless, as the Byzantines acted in defense of the faith and empire by struggling to impose religious conformity over the Arians and the Monophysites,¹¹² then defending themselves against the invading Muslims, there were times when the Orthodox Church had to make concessions for strategic interests. As the Church and the State had a common goal, its concessional decisions that endorsed violent defense were strategic in nature and regional in applicability. This concessional procedure appears to have been followed at local councils, in pastoral decisions with canonical standing (e.g. canonical letters sent by local bishops), as well as in the jurisprudence offered by the canonists. This procedure seems to have been widely considered in the context of nationalist wars, as the Church came under strong pressure from the State and patriotic ideologues.

This concessional procedure is *objective* and *subjective* in scope and nature.

The *objective* concessional procedure reflects the mutual interest of both Church and State, and was reflected in cases of defensive wars such as those fought by the Byzantines against the Arians and Monophysites, against the Muslims, as well as by the religious nationalists. One case is the *Epistle of Saint Athanasius to Monk Ammun* which states that, "...it is not right to kill, yet in war it is lawful and praiseworthy to destroy the enemy..." This canon represents a clear illustration of objective concessions made by the Church in order to impose conformity with orthodoxy, as well as to sustain the morale of the Christians from North Africa who were struggling to survive the forced conversion to Islam.

The *subjective* concessional procedure seems to have been used when the Church operated under oppressive regimes, and it emerged from the concepts of non-violent resistance and martyrdom. This procedure is mostly reflected in pastoral advice with canonical standing, as well as in writings of spiritual formation. In this case the Orthodox Church does accept complete submission to the worldly sovereignty of the oppressor, refuses to challenge its worldly authority, and fully embraces martyrdom. In this instance the oppressor represents 'the threatening other' – be it the State itself – which must be feared and obeyed (Romans 12). Therefore, this subjective approval of the oppressor's use of violence is only apparent, and it is used at the risk of demonizing the oppressor.

The Advisory Procedure

The advisory procedure is used when the Church enjoys full autonomy and acts on the basis of pragmatism and ethics of non-violence. In this case, the canons are designed to maintain the influence of the Church over the State and serve as interventional mechanisms that appeal to the consciousness of the soldiers on the battlefield.¹¹³

¹¹² See Leslie S.B. MacCoull "When Justinian Was Upsetting the World: A Note on Soldiers and Religious Coercion in Sixth-Century Egypt" in Timothy S. Miller and John Nesbitt (Eds.) *Peace and War in Byzantium: Essays in Honor of George T. Dennis, S.J.*, The Catholic University of America Press: Washington, D.C., 1995, pp.106-113

¹¹³ Their effective influence over the Empire can be viewed for instance in Mauricius' treatise *Strategikon*, where nature of warfare was not the destruction of their enemies, but their discouragement from further attacking the Byzantine Empire. Several war-fighting tactics presented in the Mauricius' *Strategikon* include provisions on how to design escape

One of the most widely cited canons is *Canon 13* of Saint Basil the Great which states that,

Our Fathers did not consider murders committed in the course of wars to be classifiable as murders at all, on the score, it seems to me, of allowing a pardon to men fighting in defense of sobriety and piety. Perhaps, though, it might be advisable to refuse them communion for three years, on the ground that they are not clean-handed.¹¹⁴

In this canon, Saint Basil challenges an apparent status quo, whereby the Church silently sanctioned the State's use of armed defensive violence. To keep the Church and the State aware of their moral responsibilities, Saint Basil considered war as a sinful act, even when conducted for defensive purpose. Therefore, the consciousness of sin and guilt remained a necessary process on the path of salvation for soldiers who killed combatant enemies.

Patrick Viscuso, in his study "Christian Participation in Warfare," expands over this advisory procedure used in Saint Basil's Canon 13, in light of three prominent Byzantine canonists John Zonaras (12th century), Theodore Balsamon (c.1130-95), and Matthew Blastares (c.1335). What is interesting about this jurisprudence analyzed by Viscuso, is its timing, as the Byzantine Empire was struggling to survive the Islamic aggression, the Crusades and the Slavic anarchy in the Balkans. Both John Zonaras and Theodore Balsamon counseled against enforcing Saint Basil's opinion to forbid communion by citing Saint Athanasius' canonical letter which approved (even praised) the killing of enemies during times of war.¹¹⁵ While Zonaras stated that, "I think that this counsel of St. Basil never was in force,"¹¹⁶ Balsamon commented that Canon 13 "is not in force, because, if it were established, soldiers, who are engrossed with successive wars and slaying the enemy, would never partake of the divine Sanctified Elements. Wherefore, it is unendurable."¹¹⁷ Nevertheless, Matthew Blastares (c.1335), in his encyclopedic canonical work *The Alphabetical Collection*, argued that Saint Basil's counsel for exclusion from communion was correct and should be enforced. He also argued that if Saint Athanasius viewed this problem from the same perspective as Basil, the former would have approved the prohibition of soldiers from communion for three years.

As Patrik Viscuso elaborates, Blastares' position is based on *theological, scriptural* and *historical* arguments.

Theological Argument: Blastares' theological argument emerges from the idea that human violence emerges from uncontrolled human passions which are of *necessity* and *choice*. While those passions united to nature and necessity do not involve choice, those passions supported by nature and deliberate choice imply the existence of human reasoning. Therefore, when the passions of rational nature are subjected to the passions of irrational nature, both passions are in need of purification – hence the need for three years of purification prior to receiving communion.

routes for the enemies. Cf. David K. Goodin "Just War Theory and Eastern Orthodox Christianity: A Theological Perspective on the Doctrinal Legacy of Chrysostom and Constanine-Cyril" in *Theandros: An Online Journal of Orthodox Christian Theology and Philosophy* volume 2, Number 3, Spring 2005

¹¹⁴ See D. Cummings (tr.) *The Rudder (Pedalion)* Chicago: The Orthodox Christian Educational Society, 1957; Cf. Hildo Bos & Jim Forest *For the Peace from Above: An Orthodox Resource Book on War, Peace and Nationalism* Syndesmos Press: Athens, 1999; Patrick Viscuso "Christian Participation in Warfare: A Byzantine View," in Timothy S. Miller & John Nesbitt (Eds.) *Peace and War in Byzantium Essays in Honor of George T. Dennis, S.J.*, Catholic University of America Press: Washington, DC, 1995

¹¹⁵ Georgios Rhalles and Michael Potles *Σύνταγμα των Θείων Ιερών κανόνων* 4:132-133, as quoted by Patrick Viscuso "Christian Participation in Warfare: A Byzantine View" pp.33-40 in Timothy S. Miller & John Nesbitt (Eds.) *Peace and War in Byzantium Essays in Honor of George T. Dennis, S.J.*, Catholic University of America Press: Washington, DC, 1995

¹¹⁶ *ibid.*, *Σύνταγμα των Θείων Ιερών κανόνων* 4:132

¹¹⁷ *ibid.*, *Σύνταγμα των Θείων Ιερών κανόνων* 4:133

Scriptural Argument: The scriptural argument used by Blastares against Zonaras and Balsamon is based on Luke 9:55, which refers to God’s refusal to allow David to build the temple because of his murder of his enemies. Even when in the Old Testament Israel conducted wars with a divine mandate, the soldiers who took part in killing were required to remain outside the camp for seven days to purify.

Historical Argument: To further contradict the opinion of his predecessors, Blastares uses the case of a dispute between Emperor Nikephoros Phokas and Patriarch Polyeukos. As the Emperor attempted to persuade the Church to “establish a law that those who fell during wars be honored equally with the holy martyrs, and be celebrated with hymns and feastdays,”¹¹⁸ the Church responded by saying, “how is it possible to number with the martyrs those who fell during war, whom Basil the Great excluded from the Sanctified Elements for three years since their hands were not clean?”¹¹⁹ In light of this event, Blastares mentions that at this synod there were several priests and bishops who “confessed... that they fought with the enemy and killed many of them,” and that the synod ordered them “to cease from the ministry.”¹²⁰

Therefore, it is obvious that the Orthodox Church has a rather ambiguous record in endorsing violence. Nevertheless, what is remarkable in its history is the resistance against temptations for power, and loyalty to the Gospel-based principles of non-violence and martyrdom.

Conclusion

In conclusion, it must be emphasized that the unsettled theological outlook on the Just War theory in Eastern Christianity might hinder an eventual full endorsement of the R2P, as this is largely based on it. Yet, that is not to say that the Orthodox Church, by large, will ever fail to recognize the value of this document as a significant step in the process of defending the weak and vulnerable, particularly as R2P stresses also the *Responsibility to Rebuild* – something unfound in the Just War theory. This form of restorative justice is an integral part of Orthodox spirituality, as its precepts go in line with what the prominent Roman jurist Ulpianus (170-228AD) considered to be just – living honestly, harming no one, and giving everyone his dues (*honeste vivere, alterum non laedere, suum cuique tribuere.*)¹²¹

¹¹⁸ *ibid.*, Σύνταγμα των Θείων Ιερών κανόνων 6:492

¹¹⁹ *ibid.*, Σύνταγμα των Θείων Ιερών κανόνων 6:492

¹²⁰ *ibid.*, Σύνταγμα των Θείων Ιερών κανόνων 6:492

¹²¹ Justinian *Institutes*, I, I, 3: *Digest* I, I, 10