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Divine Philanthropy and Human Misanthropy. The Abusive Defrocking and the Rehabilitation Process of Metropolitan Anthim of Iberia

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Abstract. Saint Anthim of Iberia was one of the most cultured people of his time. He is a creator of a whole epoch in Wallachian and, in general, Romanian history. A highly learned metropolitan, he was also one of the greatest Orthodox theologians of the time, a master of morality and doctrine, and finally a wise politician, who played a great role in the very complex social, political and cultural life of the Wallachian Principality. He harshly criticized the illiteracy and the greed of clergy, Eastern Patriarchs' craving for wealth and power, and he relentlessly denounced the corruptness and the moral degradation of the ruling classes. His efforts to ally with Russia to liberate Wallachia from the Ottoman yoke led him to conflict with his great contemporary, Constantin Brâncoveanu, and then, even more gratingly, with the Voivoda Nicholas Mavrocordatos (1716-1730), described by some historians of the time as unwaveringly loyal to the Ottomans. The Phanariote Nicholas Mavrocordatos, who was only interested in the Ottoman Empire, replaced the Wallachian princes. Mavrocordatos was suspicious of Metr. Antimos and ordered the metropolitan to resign. Mavrocordatos appealed to Patriarch Jeremiah after Metr. Antimos refused to do so. The Patriarch convened a council of bishops, without any Romanian representation, that condemned the metropolitan to anathema and excommunication. Not satisfied in a finding that denied Metr. Antimos his title of Metropolitan of Hungro-Wallachia, Mavrocordatos ordered the metropolitan to exile to St. Catherine's Monastery at Mount Sinai. On September 14, 1716, while en route to his place of exile, Metr. Antimos was ambushed by Turkish soldiers on the bank of the Tundzha River, near Gallipoli, as it flowed through Adrianople, and butchered him. Then, they threw his remains into the river. This brutal action ended the earthly life of a great man who had dedicated his strength, talent, and knowledge to the revival and strengthening of Orthodox Christianity among the people of Wallachia. The faithful Romanian people, considering, from the beginning, the sentence of defrocking as unjust and illegal, not only never stopped honoring Anthim the Iberian as chief priest also after his abusive defrocking, but with the passage of time increased their acts of piety and honor, considering him one of the most worthy hierarchs who pastored the Romanian Orthodox Church and a martyr, who sacrificed his life, with dignity, for the Orthodox faith and for the freedom and independence of the Motherland, which, since his adoption, he served as the most devoted and loving son.

Keywords. Anthim of Iberia, defrocking, rehabilitation, canon, patriarchate, orthodox church

1. Biographical landmarks

Saint Anthim of Iberia was one of the most cultured people of his time, he spoke many foreign languages: Greek, Romanian, Old Slavic, Arabic, Turkish, he was very skilled in theology, literature and natural sciences. He was endowed with amazing talents, excelling in all fields of art, especially painting, engraving, sculpture, woodcut. He was known as an excellent calligrapher and talented sculptor. He was a reformer of the Romanian literary language, a brilliant writer and a recognized orator.

Information about the childhood and youth of this amazing man is scarce. Researchers say that Anthim was born in the kingdom of Kartli, in the town of Ude [1] between 1640-1650, and lived in Samtskhe-Saatabago (located in the Meskheta region, in the South of the Samtskhe province, near the Turkish border). Ude was then a large and developed town, with an old church dating from the 12th century and a school. Saint Anthim's family name was supposed to be Khurtsidze, which belonged to an old and aristocratic family, and this position gave him access to intellectual, artistic and technical education. But later, Ude became a kind of a regional centre. In that area, gangs of local robbers were often organizing raids to capture young men and women and then sell them to the Turks who used to come to the slave trade on the Valley of the Vardzia River to choose and buy people for various Ottoman dignitaries. His parents were called John and Mary, according to the personal memorial that was kept, and he was named Andrew after his baptism. The young man, endowed with many talents, accompanied King Archil to Russia and helped greatly in setting up a Georgian printing house. Returning to Georgia, Andrei was captured by Caucasian robbers [2] and sold as a slave to the Turks, probably between 1665-1670. He was redeemed from captivity by the Patriarch of Jerusalem Dosita, who sometimes resided in Constantinople and even in the Romanian Lands, to which he became a disciple. Anthim used the period of his stay with Patriarch Dositei to perfect his education and mastery.

By the will of God, the patriarch Dositha Notara, appreciating his qualities, cut him monk and ordained him hieromonk on behalf of the Holy Sepulcher [3], later bringing him with him to Wallachia and Moldavia (summer of 1686).

At the Cetățuia - Iași monastery he also became abbot (1689), and in 1690, the patriarch Dositheii brought him to Wallachia, becoming a printer's apprentice to the former bishop Mitrofan of Huși and abbot (1691-1694) at the Saint Sava monastery in Bucharest (a monastery succursal of the Holy Sepulcher).

Now Anthim met for the first time the faithful voivode Constantin Brâncoveanu, with whom he would collaborate efficiently in printing many useful books for the entire Christian-Orthodox space. With the establishment here of the Royal Academy (1694), the hieromonk Anthim left for the Snagov monastery, being appointed abbot in the summer of 1694 by the old metropolitan Theodosius of Wallachia. After 7 years, in 1701, he was brought back to Bucharest to lead the printing house of the Metropolitan Church. For his deeply spiritual life, mirrored in his typographic and cultural activity, Anthim was elected and then, the next day, he was made bishop of Râmnicu on March 17, 1705. Then, on February 22, 1708, according to the will of Metropolitan Theodosius and to the sympathy of all the authorities of the time, Bishop Antim is the Metropolitan of Ungro-Wallachia, and the Patriarchs Gerasim Paladas of Alexandria and Hrisant Nottara of Jerusalem were also present. He carried out a rich pastoral and printing activity. In total, Saint Antim printed 68 liturgical spiritual books, 40 with his own hand, 25 in Romanian, and 6 being written by himself. Many books are illustrated with miniatures engraved by his own hand, with a special craftsmanship and beauty.

2. The political context of the last years of pastoral care and the martyric end

Anthim of Iberia witnessed the end of the earthly reigns in Wallachia and the bringing to the throne of the first Phanariot lord. The last two years of the metropolitan's life were full of events, caused by a succession of previous events. The defeat of the sultan's troops under the walls of Vienna in 1683 is historically considered the beginning of the decline of the Ottoman Empire. Winners of the war, the Austrian Habsburgs occupied some of the former possessions of the Turks in Central Europe and the Balkans.

At the same time, a new power was rising in the East: the Russia of Peter the Great, who also aspired to as much of the Ottoman "heritage" as possible. The Turks, Austrians and Russians fought throughout the 18th century, most of the times, on the territory of the Romanian Lands, thus turning them into a theater of war.

The rulers and political elites of Moldova and Wallachia had no choice but to stay out of disputes between neighboring empires. Metropolitan Anthim was also opposed to the Turks due to the inhuman treatment he received from them in his youth. So did the Cantacuzini boyars, cousins of Prince Constantin Brâncoveanu, convinced that salvation would come from Russia, a Christian and Orthodox power. In the neighboring Moldova, the young Dimitrie Cantemir fully embraced the cause of Peter the Great. Voda Brâncoveanu delayed the option for one side or another.

During the Russo-Turkish war of 1711, the army of the Muntenian lord, stationing at Urlați-Prahova, remained neutral, waiting for the balance to tilt towards one or another of the fighters. Without the knowledge of Constantin Brâncoveanu, diplomat Toma Cantacuzino, with a part of the Wallachian army, passed one night through the Vrancea mountains, in Moldova, joining the Russians. In Stanilești, on the Prut, the Ottomans defeated the Russian, Moldovan and Wallachian armies. Dimitrie Cantemir took refuge in Russia, at the tsar's court, where he would remain until the end of his life. Too good times did not seem to be announced for Brâncoveanu either.

Angry at the failure of Toma Cantacuzino, Brincoveanu turned against Metropolitan Anthim, according to Gabriel Ștrempel. "Knowing Antim Ivireanul as the main participant in Toma Cantacuzino's plot and fearing the bad consequences that could follow from the Turks as a result of this act, Brâncoveanu set out to remove Anthim from the metropolitan seat [4]".

Eventually, the dispute ended, and Anthim kept his seat. But the good relations between the lord and the metropolitan were never restored. In August 1714, the ruler Constantin Brâncoveanu, the four sons and the clucer Ianache Văcărescu were killed in Constantinople. Instead of Brâncoveanu, Ștefan Cantacuzino was enthroned on the throne of Wallachia. Close to the new ruler's family, Anthim seemed to have been released of worry.

But Cantacuzin's reign was short. A year later, he shared the fate of Voda Brancoveanu: he was picked up from Bucharest, sent to Istanbul and killed by the Turks. Bored by the frequent betrayals of the Muntenian lords, at the beginning of 1716, the sultan offered the throne to the Greek Nicolae Mavrocordat.

The new ruler kept Metropolitan Anthim of Iberia in his chair. Metropolitan though aging [5] have its own political agenda, which will bring him into conflict with Phanariot leader. The dispute with Mavrocordat would be fatal for the Iberian.

In the summer of 1716 a new war began between the Turks and the Austrians. Nicolae Iorga claims that the prelate tried to mislead the ruler, informing him that the Austrian troops were about to occupy Bucharest. This happened only to see him gone across the Danube, in the Turkish kingdom. However, other historians claim that the metropolitan did not have accurate information either, and therefore did not lie to Voda knowingly.

The fact is that the ruler believed him, accepted with difficulty that Metropolitan Anthim would not follow him and took refuge in Giurgiu, the Turkish fortress. During the absence of

Nicolae Mavrocordat from Bucharest, Anthim tried to anoint the great governor (“vornic”) Pătrașcu Brezoianu as a ruler. But events took another turn. Mavrocordat, being informed of the events, seeing himself deceived and failing to meet any opposition from the so-called Austrian army, which had not arrived in Bucharest, returned, supported by Turkish and Tatar troops, determined to settle accounts with the anti-Ottoman boyars, beheading a few of them and taking the metropolitan out of his seat.

Anthim of Iberia was arrested on the orders of Nicolae Mavrocordat. At the request of the same Phanariot lord, Jeremiah III, the patriarch of Constantinople, issued a document of defrocking of the Metropolitan of Wallachia. He was accused of rebellion, plotting against the Sultan's "powerful kingdom" but also of practicing magic. The patriarch's sentence was life imprisonment at St. Catherine's Monastery on Mount Sinai. The Iberian was assassinated by Turkish soldiers, who escorted him to the place of exile. His body was thrown into an affluent of the Marița near Adrianople, Edirne today.

The accusations can be found in the act of defrocking issued by the Synod of the Patriarchate of Constantinople, from which we quote: “Jeremiah, with the mercy of God Archbishop of Constantinople, New Rome and Ecumenical Patriarch (...) however, this accused by God, evil-Anthim, not only did he not guard the due faith and obedience, but he meditated intentionally on the revolution and uprising against the mighty kingdom, making himself culpable also against the aforesaid most exalted and pious lord and kind ruler of all Wallachia, and he himself became worthy of judgment, culpable and guilty of canonical defrocking. In writing this, we have synodically shown, with the most holy chief priests beside us and with our most honorable and beloved in the Holy Spirit brothers and co-celebrants, that evil-Anthim, appointed in Wallachia, who was recognized as revolutionary, insurgent and culpable against the mighty kingdom and the most exalted lord of all Wallachia, and by himself judged and indicted by his own evils and guilt, for which he was removed from the Metropolis and became litigant and culpable by royal order, to be thus removed from all chief priests' works and order and stripped of divine grace and removed from the chief priests' list and deprived of all church income and to be removed, lost and departed from the Metropolis of Wallachia, and without a contribution to its income, having no consent to wear a chief priest's adornment and to perform a chief priest's service, as the one who is defrocked and abolished, remaining and being called Monk Anthim and being recognized as one of the particulars, and no one to dare be in contact with him, or to co-celebrate with him, or to honor him as a chief priest, or to kiss his hand, or to receive from him blessing and consecration, or to give him any church income, large or small, under penalty of forbidding and unchanging excommunication. So be it, according to the decision. 1716, month of August. Indiction IX. + Auxentius of Cyzicus, + Dionysius of Amasia, + Neophytos of Art, + Nicodemus of Derc, + Constantine of Chalcedon, + Kiril of Brusia, + Kalinik of Filipopolis, Theoclitus of Priconissus, + Gerasimus of Nicea, + Christopher of Iconium, + Nicodemus of Mytilene [4]”.

3. Canonical evaluation of the process of defrocking and rehabilitation

The unjust defrocking of St. Anthim of Iberia is not an exception in the life of the Church. St. Anthim is part of a long succession of unjustly defrocked clerics, victims of the tense relations between spiritual and secular power, between Church and state, with the whole procession of intrigues, conspiracies, plots and diversions with which they usually come bundled. It would be interesting to draw up an inventory with the names of those who during the two thousand years of Christianity were victims of such approaches, set up inside or outside the church institution. We can remember and still list the best known of the bishops who suffered unjust and abusive condemnations: Athanasius the Great, John Chrisostom the

Apostle of the Poor [6], Callistus Patriarch of Constantinople, Gregory Palamas Archbishop of Thessalonica.

These situations were occasionally encountered in the existence of the Roman-Byzantine Empire, which faced both the phenomenon of Caesaropapism [7, 8] and that of Papocesarism [9]. After its conquest, during the Turkocracy, the phenomenon of defrocking and abusive dismissal of hierarchs became a custom, both in the Greek Orthodox space and in the other states occupied by the Ottoman Empire. The Ottoman administration constantly interfered in the affairs of Rum Miletus under the pastorate of the Patriarch of Constantinople, who also had the dignity and responsibility of ethnarch of Orthodox Christians throughout the Empire.

Through abusive defrocking, the personality of Metropolitan Anthim of Iberia was subjected to a *damnatio memoriae* by which his martyrdom and his entire activity in the service of Christ and His Church were emptied of all content and significance. It was imperative that Metropolitan Martyr be rehabilitated, so that his work and its decisive contribution on the Romanian culture and spirituality could be known by the whole Christian world and especially by the members of the Romanian Orthodox Church which he served impeccably.

In 1966, on the occasion of the 250th anniversary of the martyrdom of Metropolitan Anthim of Iberia, Patriarch Justinian Marina, together with the Holy Synod of the Romanian Orthodox Church, initiated festivities to commemorate and pay homage to his personality. These materialized in two extraordinarily inspired initiatives: the restoration of the Antim Monastery in Bucharest, the founding of the martyred metropolitan and the post-mortem annulment of his defrocking, applied as punishment in 1716, by the Synod of the Patriarchate of Constantinople under whose jurisdiction the Romanian Country Metropolitanate was at that date.

Thus, the Romanian Patriarchate initiated an exchange of letters with the Ecumenical Patriarchate in order to annul the unjust sentence of defrocking of the martyred Metropolitan. For this purpose, the Ecumenical Patriarchate was intervened with the request to investigate in the archives of the Patriarchate or in other archives in Constantinople, in order to ascertain whether, in the meantime, the defrocking of Metropolitan Anthim was raised by any decision [10].

Patriarch Athenagoras of Constantinople replied, in a letter of October 13, 1965, that as a result of the investigations made, no document of defrocking or lifting of defrocking of Metropolitan Anthim of Iberia had been discovered.

To this answer, Patriarch Justinian sent a documented letter to Patriarch Athenagoras, from which to be clearly understood, on the one hand, the reasons that entitle the Romanian Orthodox Church to honor today the person and the achievements of the brilliant hierarch, through a festive commemoration of 250 years since his death as a martyr and on the other hand the point of view of the Holy Synod of the Romanian Orthodox Church, which considers it appropriate that this commemoration of Metropolitan Anthim of Iberia should be met without the shadow of such a severe punishment, i.e. the defrocking that unjustly was applied to him.

Along with this letter [11], Patriarch Athenagoras received a copy of the decision of defrocking which the Patriarchal Synod of Constantinople issued against Metropolitan Anthim of Iberia in August 1716, as it is transcribed in the Holy Condicta of the Hungarian-Vlach Metropolitanate [12].

This copy cannot be found in the archives of the Ecumenical Patriarchate, just for the Synod of the Ecumenical Patriarchate to establish the unfoundedness and illegality of this defrocking decision and, consequently, the justice of the point of view of the Holy Synod of

the Romanian Orthodox Church regarding the raising or, more precisely, the abolition of the defrocking pronounced in 1716, by the Synod of the Ecumenical Patriarchate.

The Ecumenical Patriarchate sent letter no. 202 of March 10, 1966 to the Romanian Orthodox Church, letting them know that they carefully analyzed the case of Metropolitan Anthim and decided to lift his defrocking: "Taking into account all the things shown by Your Beloved Most Blessed, regarding the service and church activity full of results of all kinds from the Church of Ungrovlahia of Metropolitan Anthim, who served from 1708 to 1716, as well as the decision of the Most Holy Sister Church of Romania, that, in the coming month of September, to celebrate with great honor the 250th anniversary of his death, and, debating all these in the Holy Synod, we have found a way to raise his defrocking, once made by the great Church of Christ from our country, in order to restore his remembrance in the Church (...)"[13].

Patriarch Justinian, by his letter of gratitude no. 7648/1966 addressed to Patriarch Athenagoras expressed the joy and contentment with which the news of this reparative decision was received. "Deeply moved by the great act of reparation made by the Great Church of Christ to one of the most important hierarchs, who represented the metropolitan chair of Ungrovlahia, We thank you with deep gratitude, from our personal behalf, the Holy Synod of the Romanian Orthodox Church, and our faithful flock, who has never ceased, in the course of history, to surround the memory of the great Metropolitan Anthim, with the deepest respect and with the greatest piety.

By this decision of the Ecumenical Patriarchate, taken in the synodal meeting of March 8, 1966, you contributed, with full wisdom, to the erasure of the injustice done to him and you made an important contribution to the brilliance of celebrating this distinguished hierarch of the Romanian Orthodox Church in view of the festivities that will take place in the autumn on the 250th anniversary of his tragic death" [13]. By reading carefully the entire correspondence regarding the Anthim case, it can be clearly deduced that the ultimate goal of the initiative of the Synod of the Romanian Orthodox Church was not to lift the defrocking pronounced by the Synod of the Patriarchate of Constantinopol, 250 years ago, against Metropolitan Anthim of Iberia, but to abolish it, by finding the illegality and implicitly the nullity of the decision, by which this punishment was pronounced.

This distinction appears to be necessary and we emphasize it, because in the field of law, each act of authority corresponds only to certain effects that the legislator has related to that act. In this case, in the case of lifting the defrocking, the effects are limited to restoring the rights the defrocked one used to have before it, only "ex nunc", i.e. only from the moment when the act of authority intervened, by which the defrocking was lifted. However, if the competent authority finds the defrocking illegal and decides, consequently, its nullity, the effects occur retroactively "ex tunc", i.e. from the moment when the defrocking was pronounced. Thus, the person in question is presented as if he had never been deprived of the rights he had according to his position in the church hierarchy. But in order to reach such a solution, of the nullity of the defrocking sentence, its illegality must be ascertained beforehand. Therefore the violation or the nonobservance of one of the principles of procedure considered essential in the ecclesiastical justice must be proved.

Indeed, the canonical doctrine of the Orthodox Church provides, in matters of church judgment, certain principles, which, in a manner similar to those of civil law, are considered essential or fundamental. Their observance is absolutely obligatory for the court to pronounce a valid sentence, and their non-observance constitutes such serious vices that, whenever they are found, regardless of the time elapsed from the pronouncement of the sentence, the

necessary consequence is the same: the nullity of the decision and erasure of all the effects that this decision would have produced in the meantime.

The composition and competence of the court, the defendant's right of defense, communicating in advance the crimes he is charged with, ensuring the exercise of appeal against the sentence that he would consider unfair, are only some of the conditions or principles considered essential in church justice as well. In the light of these principles, the validity or illegality of the sentence of defrocking, pronounced by the Patriarchal Synod of Constantinople, in 1716, against Metropolitan Anthim of Iberia can be appreciated.

The authority entitled to assess and decide to what extent these conditions were observed in the defrocking of Metropolitan Anthim of Iberia is the Holy Synod of the Romanian Orthodox Church, as the only competent authority to decide, ultimately, on the fair application of the canons in force in the Orthodox Church and of its own regulations, within the Romanian Orthodox Church.

It is true that the sentence of defrocking against Metropolitan Anthim of Iberia was pronounced by the Synod of the Patriarchate of Constantinople and in accordance with the orthodox canonical doctrine, which stipulates that a punishment can only be imposed by the same body that applied it or by a higher body. The right to lift this punishment would also belong to the Synod of the Patriarchate of Constantinople.

But, in accordance with the same canonical Orthodox doctrine, the Synod of the Patriarchate of Constantinople ceased any right to exercise any act of jurisdiction over natural and legal persons within the Romanian Orthodox Church, once the autocephaly of this Church was recognized. All the rights and prerogatives that the Synod of the Patriarchate of Constantinople had exercised over the Romanian Orthodox Church, before the recognition of autocephaly, returned, without any reservation to the Synod of this Church. As a consequence of the newly created canonical situation of the Romanian Orthodox Church, as an autocephalous Church, within it, the Synod of the Patriarchate of Constantinople can no longer exercise even the right to lift a punishment that it applied when it had such competence.

The reason for interpellating the Ecumenical Patriarchate in this case, although the Synod of the Romanian Orthodox Church considered, as it appears from the correspondence, that the sentence of defrocking applied to Metropolitan Anthim the Iberian, in 1716, was unjust and illegal, is related to the affirmation of the spirit of communion and unity on the pan-Orthodox level. The Romanian Patriarchate considered that, by obtaining also the consent of the Synod of the Ecumenical Patriarchate for the lifting of this defrocking, any suspicion that could have arisen in connection with this measure was removed.

Moreover, the Synod of the Ecumenical Patriarchate did not express any opposition to the decision of the Synod of the Romanian Orthodox Church to honor the memory of Metropolitan Anthim, nor did it raise any objection to the fact that in the Romanian Orthodox Church, the Metropolitan Anthim of Iberia was named and honored, without interruption, as a "metropolitan", and not as a simple "monk" or as one of the "individuals", as he should have been if the decision of defrocking had been taken into consideration.

This decision, in spite of the threat it contains, that all those who would dare to honor Metropolitan Anthim as a bishop, after his defrocking, will fall "in hardship and in indescribable damnation", did not have any effect on the clergy and the faithful people of the Romanian Orthodox Church, because at the level of the collective conscience of the Romanians, this defrocking was permanently considered as unjust and abusive.

The principle according to which acts rendered null and void do not produce effects is clearly formulated in the Latin addition: *quod ab initio est nullum, nullum producit effectum*

[14] (that which from the beginning is null and void, does not produce any effect) also applies in the case of the defrocking sentence of Metropolitan Anthim, for several reasons. According to the canonical doctrine and the ecclesiastical norms in the matter of courts, the ecclesiastical courts are obligated to strictly observe certain procedures, which in the present case have not been observed.

3.1. The panel of judges was not made up of all the members who are expressly stipulated in the ecclesiastical norm, in order to pass a valid sentence.

In the content of the canons bound by general obligation in the Orthodox Church, i.e. in the canons which were admitted to the fundamental collection of canons of the Church, drawn up in year 883 and reinforced, by the decision of the Synod held at the Patriarchate of Constantinople in year 920 [15], there are many provisions which regulate the discipline and judgment of the clergy.

Thus, the canonical norms regarding the way in which a bishop can be judged and defrocked were codified during the meeting of several synods and over time have given rise to a true jurisprudence in the matter of ecclesiastical judgment. Consequently, the Holy Fathers stated, according to canon 1 of the Seventh Local Synod of Constantinople [16], reiterating the provisions of Apostolic Canon 74 and 4 of Ecumenical First Synod that, for „the legal defrocking of a bishop, a legal court must be constituted, the accused must be summoned according to stipulated formulations, before this court, and the sentence must be given by the full Synod, consisting of all eparchial bishops and, by number, for any case of more than three the metropolitan bishop was also present [17]”.

The Holy Fathers established in Canon 12 of the Synod of Carthage (419), completing Canon 1 of the Synod of Constantinople (394), the number of members of an ecclesiastical court which is to judge the cases of clerics: According to those decided at the synods of antiquity, they propose that, if a bishop (what should not happen) should face an accusation and there are many obstacles so that more cannot be gathered then, in order for the accused not to remain under accusation, he is to be heard by 12 bishops, and the presbyter by six bishops and his bishop, and the deacon by three [16]. Byzantine canonists Zonara, Balsamon and Aristenos, while interpreting these provisions, converge to the same idea, i.e. the bishop accused of serious crimes and considered worthy of defrocking, "not to be judged by two or three bishops, but by all the bishops of the diocese (metropolis) if possible, or even more, so that they are no less than 12, as stipulated in canon 12 of the Synod of Carthage [18].

By establishing a larger number of bishop judges, it was sought to obtain a minimum guarantee that the trial of the case would be done in all seriousness and by respecting the procedures stipulated in the canons. Probably for the same reason and having as a source of inspiration the number of members of the apostolic college, there are 12 members of the permanent synod of the Ecumenical Patriarchate, plus the Patriarch as president.

Balsamon [18], in his commentary on canon 12 of Carthage, mentions a case in which it is clear that the Patriarchate of Constantinople appropriated and strictly applied the provisions of canon 12 of Carthage, considering these provisions mandatory for all the great provinces, in which 12 bishops could easily meet. He presents the case of a bishop from the Archiepiscopacy of Cyprus, John of Amatus, who was defrocked by Archbishop John of Cyprus with a Synod of 10 bishops. The defrocked bishop complained to the Patriarch of Constantinople, Luke (1156-1169), lodging an appeal against the sentence by which he was defrocked and which he considered unjust, illegal. Patriarch Luke, together with his Synod, annulled the sentence of defrocking, “on the grounds that the full Episcopal Synod of the Church of Cyprus was not convened, or at least a larger number of bishops, as it should have

been the case, and on the grounds that 12 bishops were not present apart from the archbishop, but only 11 bishops with the archbishop, therefore 11 bishops [18]”.

This being the doctrine and jurisprudence of the Patriarchate of Constantinople regarding the number of bishops who can judge and defrock a bishop, in its light one can easily appreciate the validity or illegality of the sentence of defrocking given against Metropolitan Anthim the Iberian, in August of 1716.

Indeed, from this point of view, the sentence by which Metropolitan Anthim the Iberian was defrocked suffers from the same procedural flaws as those for which Patriarch Luke and his Synod annulled the sentence of defrocking given against Bishop John of Amatus by the Synod of Cyprus, because the Synod had been composed of only 11 members, including the president, instead of 12 members plus the president, i.e. 13 members.

The decision of defrocking given by the Synod of the Patriarchate of Constantinople against Metropolitan Anthim of Iberia is signed only by 11 bishops [12].

Patriarch Jeremiah, on whose behalf the sentence is given, did not sign it. The lack of the president of the synod's signature from such an important act itself constitutes a procedural flaw sufficient for the act of defrocking to be rendered null and void. The absence of the patriarch's signature is not accidental, considering the haste to obtain the sentence of defrocking. We consider the explanation according to which the absence of the president's signature on the act of defrocking was intentional to be closer to the truth.

Having a good theological training, Patriarch Jeremiah III quickly understood that the act required of him was an illegal and non-canonical act, but he also realized that he could not avoid the request.

Therefore, by accepting the decision to defrock to be taken on his behalf, Patriarch Jeremiah III avoided signing such an act, which violated all the canonical and legal order regarding the judgment of the clergy, punishing a hierarch who was appreciated and praised for his worth with the heaviest punishment, the defrocking, without the accused hierarch being summoned and without his plea of exoneration being heard.

This explains the absence from the archives of the Patriarchate of Constantinople of the decision to defrock Metropolitan Anthim of Iberia. The defrocking of an ordained clergyman, deacon, presbyter, bishop is an important canonical act which modifies their status within the list of clergymen. Therefore, such acts are always recorded in the registers.

The defrocking of Metropolitan Anthim of Iberia could not be, as a canonical decision, of a lesser importance than the defrocking of a priest, since among the more important canonical decisions, which were given under Patriarch Jeremiah III, the defrocking of the hierodeacon and philosopher Methodius of Anthracite is mentioned [19].

That the act of defrocking was given without any judgment of the accused, but at the request and by order of Prince Nicholas Mavrocordatos is clear from the reports of some people close to Prince Nicholas Mavrocordatos or from the Patriarchal Court. It is clear, therefore, that the act of defrocking was given not because the Synod had come to this conclusion, after also hearing the accused as it should have been the case, but because this is what Prince Nicholas Mavrocordatos requested and ordered, being supported in this respect by Sultan Ahmed III.

Making an assessment of the act of defrocking in this case, Ghenadie Enăceanu stated: “This act is a copy of an authentic act, which was drawn up in the Patriarchate of Constantinople and which must have been sent here in original, but is only known to the people who dealt with the historical documents in this copy. It is an act according to all synodal forms, for it is signed by 11 metropolitans and is given in the name of Patriarch Jeremiah [12]”.

It can be noticed that the document is given in the name of the Patriarch, without having been signed by him. However, any sentence, if it is not signed by the president, even if it is

signed by the other members, in legal number, has no validity and, consequently, cannot be implemented, cannot be executed.

However, the sentence of defrocking Metropolitan Anthim of Iberia is not signed even by the legal number of members, i.e. 12, but only by 11. Only this deficiency, in the legal number of members, is sufficient for the sentence of defrocking given against Metropolitan Anthim the Iberian, in August of 1716, by the Synod of the Patriarchate of Constantinople, to be rendered null and void, because instead of being issued and signed by 12 members, plus the president, it is issued by 11 members, who sign the act, but only in the name of the president (the Patriarch), without him signing his sentence.

However, when passing this sentence, other essential procedures were also not observed, resulting in the nullity of the decision.

3.2. The metropolitan was not summoned or heard according to the ecclesiastical court procedures.

Summoning and hearing the accused is generally obligatory, but it is absolutely mandatory when the charges relate to guilt which may incur the penalty of suspension or defrocking.

The obligation to summon and hear the accused bishop for certain accusations is stipulated in the apostolic canon 74. This canon represents the oldest and simplest procedure, which the bishops gathered in the synod, must follow in order to judge an accused bishop, even when the circumstances would impose the judgment, exceptionally, with utmost urgency. As the Fathers of the Synod held at Constantinople decided, in the year 394, the bishop who is on trial must be present, in order to be heard and to pass the sentence in his presence. Only if the accused, out of contempt for the synod, did not obey the summons and did not appear before the synod even after the third invitation, only then can the synod pass the sentence in the absence of the accused, and the sentence can be final [16]. However, the summoning of the accused cannot be omitted altogether even when the synod adopts the brief procedure, when the non-fulfillment of certain procedures and the reduction of the summons' terms are allowed, but not the summons itself.

The Patriarchal Synod of Constantinople did not summon Metropolitan Anthim the Iberian at all, in order for him to admit or to exonerate himself of the accusations brought against him by Prince Nicholas Mavrocordatos, and no mention was made in the content of the sentence to indicate the motivation for forsaking the summons and the hearing of the accused. The Synod of Constantinople accepted, as fully proven, the accusations brought by Prince Nicholas Mavrocordatos against Metropolitan Anthim the Iberian, according to which "he meditated intentionally on the revolution and uprising against the mighty kingdom, making himself culpable also against the aforesaid most exalted and pious lord and kind ruler of all Wallachia...", without also hearing the metropolitan. This violated the basic principle of law: "*audiatur et altera pars*", causing the sentence of defrocking, taken in absentia and without hearing the defendant, to be seriously flawed, by violating the natural right of self-defense and thus the sentence is null and void.

For, in law, it is an undisputed principle that a sentence which has been passed by an incompetent judge or in breach of a formal judicial provision is a *de jure* null and void sentence.

3.3. Absence of indictment

The content of the sentence did not mention specifically the documents and testimonies which supported the accusations, nor the answers given by the defendant when he was informed of the allegations supported by the evidence or testimonies.

In the oldest sources of canon law, there are provisions from which it is clear that when the members of the Christian Church were judged, even in the most rudimentary form, for acts of violation of the norms of faith, morals and discipline, a minimum of principles were observed, which constituted guarantees of a just, objective and impartial judgment.

Thus, in the Apostolic Constitutions or Prescriptions, as well as in the apostolic canons, in which the oldest disciplinary provisions established by the Church materialized, there are norms which show that the ecclesiastical judgment act took place verbally, publicly, contradictorily and directly. The Church strictly adhered to these principles. Where they were not respected, where abuse and arbitrariness, i.e. whim, were imposed, unjust and illegal sentences were given, which the Church, whenever it had the opportunity to rule on them through its competent bodies, declared null and void.

Starting from the instructions given by Christ the Savior regarding the resolution of the misunderstandings between the members of the Church and the judgment of those guilty of deviations from the obligatory norms, it can be observed that the witnesses had an important role in such acts. The need for witnesses when judging the members of the Church is mentioned in the Apostolic Constitutions [20] and the Apostolic Canons [21] which represent the oldest canonical sources, later confirmed by the particular and ecumenical synods.

The Church's care for the situation of the accused, when he was to be punished by defrocking, went beyond the guidance provided by Christ the Savior regarding the number of witnesses required - two or three. For the accusation or statement to be considered justified, it was established that only after the testimony, the deposition of five witnesses, worthy of trust, could a bishop be punished by defrocking [22]. Only after the investigation and hearing of all: accuser, accused and witnesses, taking into account the conduct of the accuser and the accused, the decision was made, which was received with confidence by the parties and by those who had attended the trial, precisely because all these elements had been taken into account.

The presence of those accused and punished by the competent court bodies of the Church was considered necessary in order to defend themselves, even before the ecumenical synods.

Analyzing the defrocking sentence given by the Patriarchal Synod of Constantinople against Metropolitan Anthim the Iberian, in the light of the mentioned procedural principles, it can be noticed that these principles were almost completely disregarded. It is not shown, as it should have been, what the magic was and also what were the many crimes of which Metropolitan Anthim was guilty.

The obligation to specify the imputed fact was established by the Holy Fathers as a guarantee that only an act committed by the accused will be imputed to him and, at the same time, because only in this way the gravity of the imputed deed could be assessed, in light of the canonical provisions, which must also be specified. However, in the sentence of defrocking of Metropolitan Anthim the Iberian no deed was specified, obviously because it did not exist. The same norm required that, when facing the charges, the answer given in his defense, by Metropolitan Anthim the Iberian, or the admission of guilt, was to be mentioned. Such a procedure was not carried out because Metropolitan Anthim the Iberian not only was not present and heard, but was not even formally summoned, so that it could be mentioned in the sentence that, by not answering the summons, he himself admitted his guilt, as stipulated in the canons.

However, even insisting on the guilt of the “rebellion” and “conspiracy” initiated by Metropolitan Anthim the Iberian would not have given grounds for the sentence of defrocking. For it is not enough to state that a guilt is “shown” and “obvious”, but one must also support the statement with concrete facts and evidence. However, such facts and evidence do not appear in the sentence of defrocking of Metropolitan Anthim the Iberian.

Conclusions

Taking into account all these discussions, statements and objections regarding the legitimacy of the decision of the Ecumenical Patriarchate to defrock Martyr Anthim the Iberian, Metropolitan of Wallachia, we can say that the defrocking decision is null and void, since it was:

1. Illegitimate, because there were serious procedural flaws;
2. Illegal, because the canonical norms on how disciplinary and judicial courts should function in the Orthodox Church and the spirit of Orthodox canonical doctrine on how a hierarch should be judged have not been formally observed;
3. Abusive, because it was done under pressure, at the intervention of the political factor, since the Prince of Wallachia insisted on taking the defrocking decision and proposed it to the Sultan;
4. Untrue, based on lies and speculations which have never been proven.

As for Anthim the Iberian, the statement according to which, he “could be guilty and the accusations brought against him well-founded” cannot be made, because, based on all the research that has been done on his life and activity, it is incontestable that he was not guilty in any way in terms of the Orthodox faith and morals, of his canonical duties as a pastor, of the legitimate interests and hopes of the people he was pastoring and for the fulfillment of which he had committed himself by the covenant he made on the occasion of his ordination as chief priest, bishop of Rîmnic, and then reinforced on the occasion of his installation as Metropolitan of Wallachia.

The faithful Romanian people, considering, from the beginning, the sentence of defrocking as unjust and illegal, not only never stopped honoring Anthim the Iberian as chief priest also after his abusive defrocking, but with the passage of time increased their acts of piety and honor, considering him one of the most worthy hierarchs who pastored the Romanian Orthodox Church and a martyr, who sacrificed his life, with dignity, for the Orthodox faith and for the freedom and independence of the Motherland, which, since his adoption, he served as the most devoted and loving son.

Trained at the school of his distinguished forerunners, the great Metropolitans Stephen and Theodosius, Metropolitan Anthim proved to be their worthy successor, manifesting himself as a fearless defender of Orthodoxy and a fighter for the cultivation of the conscience and national dignity of the Romanian people, who he wanted to see as soon as possible, free and independent.

Metropolitan Anthim the Iberian had approximately the same pastoral path as the great confessors Metropolitans Ilie Iorest, Sava Branković, Simeon Ștefan of Transylvania and Iosif Stoica by Maramures. Opposing with all his determination the sometimes enticing and sometimes threatening and coercive attacks of Calvinism, he was subjected to a similar, unjust and illegal conviction. For these reasons, the condemnation of Metropolitan Sava Branković was also considered by the Romanian Orthodox from the very beginning as null and void, being given by an incompetent court and for baseless/invalid reasons, later honoring him with the piety due to God's chosen, the saints.

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