



The Distortion of the Orthodox Doctrine of the Church in the Actions and Words of the Hierarchy of the Patriarchate of Constantinople



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Having gathered together for joint prayer and brotherly communion in the Holy Spirit by the precious relics of Saint Sergius of Radonezh in the Monastery of the Holy Trinity founded by him, we, the bishops of the Russian Orthodox Church, cannot pass over in silence the present-day sad division within the Orthodox world generated by the unlawful actions of the Patriarchate of Constantinople and the new teachings spread by its primate and official representatives. We consider it our duty to raise our voice in defense of the Orthodox doctrine of the Church by appealing to our God-loving flock and to our fellow bishops of the Orthodox world.

The schismatic actions of the bishops of Constantinople in Ukraine, which have divided the worldwide Orthodox family, have been caused by the innovations forcibly imposed by the very same bishops in the doctrine of the Church aimed at destroying the existing canonical foundations. The new conception of the primacy of the Patriarch of Constantinople, imagined as the earthly head of the Universal Church, ascribes to him rights and privileges extending far beyond the rights of any other primate of a local Orthodox Church and violating the canonical rights of other churches.

As far back as in 2008 the Episcopal Council of the Russian Orthodox Church in its resolution on the unity of the Church generalized the basic theses of the new ecclesiological conception of representatives of the Church of Constantinople, noting that this conception proceeds from an understanding of particular canons (in the first instance the 9th, 17th and 28th canon laws of the Fourth Ecumenical Council) not shared by the fullness of the Orthodox Church and has become a challenge to pan-Orthodox unity.

This new conception postulates that: 1. Only that local church which is in communion with the see of Constantinople can be considered as belonging to Universal Orthodoxy; 2. The Patriarchate of Constantinople has the exclusive right to ecclesiastical jurisdiction in all countries of the Orthodox diaspora; 3. Within these countries the Patriarchate of Constantinople automatically represents the views and interests of all the local Orthodox Churches to the state authorities; 4. Any bishop or cleric who carries out his ministry beyond the confines of the canonical territory of his own local church finds himself under the jurisdiction of Constantinople, even if he is not aware of it, and therefore can be received into this jurisdiction even without a letter of dismissal; 5. The Patriarchate of Constantinople determines the geographical confines of the Church, and if its view does not accord with the view taken by a particular church on this issue, then it can establish on the territory of this church its own jurisdiction; 6. The Patriarchate of Constantinople unilaterally determines which autocephalous local church can and which cannot participate in inter-Orthodox events.

The Council noted that this vision by the Patriarchate of Constantinople of its own rights and powers contradicts insuperably the centuries-old canonical tradition upon which the life of the Russian Orthodox Church and the other local churches has been built. The Council recognized that all of these aforementioned issues can be resolved definitively only at an Ecumenical Council of the Orthodox Church and, until this happens, called upon the Patriarchate of Constantinople, up until there is a pan-Orthodox review of the aforementioned innovations, to show circumspection and refrain from actions that could undermine Orthodox unity.

At the present, alongside the claims of Constantinople which the Episcopal Council indicated, new ones have been added. In particular, these are: 1. The Patriarch of Constantinople insists that he has the right

to review appeals submitted in any other local church and has the exclusive right to resolve such appeals; 2. The Patriarch of Constantinople considers that he has the right to intervene in the internal affairs of any local Orthodox Church if the situation so requires; 3. The Patriarch of Constantinople states that he is empowered to revoke canonical sanctions imposed within the other local churches and to “restore to priestly rank” those who have lost their episcopal dignity by entering into schism; 4. Moreover, those persons who have never had even the appearance of canonical episcopal consecration (for example, those who have been ordained by a defrocked bishop and a former deacon passing himself off as a bishop), are “restored” to their rank by a decision taken by the Patriarch of Constantinople; 5. The Patriarch of Constantinople believes that he has the right to receive into his canonical jurisdiction clerics of any dioceses of any local churches without letters of dismissal; 6. The Patriarch of Constantinople has abrogated for himself the exclusive right to initiate the convocation of pan-Orthodox councils and other important pan-Orthodox events; 7. Finally, in violation of the agreements reached during preparations for the Holy and Great Council of the Orthodox Church that provide for the granting of autocephalous to a particular local church only with consent of all the commonly recognized local churches, the Patriarch of Constantinople has stated that he has the automatic right to proclaim the autocephaly of new local churches without the consent of the primates and councils of the other local Orthodox Churches. At the same time, the notion of autocephaly is interpreted in such a way as to mean in effect the subjugation of an autocephalous church to the Patriarchate of Constantinople.

The aforementioned deviations from Orthodox ecclesiology, when translated from the theoretical level to that of the practical, have led to a profound crisis within world Orthodoxy. The direct cause of the crisis has been the intervention of the Patriarchate of Constantinople in Ukraine. The anti-canonical and criminal act in question, the responsibility for which is borne solely by the Patriarch of Constantinople Bartholomew, was properly evaluated in the statements issued by the Holy Synod of the Russian Orthodox Church on 14th September and 15th October 2018, on 26th February 2019, and also in the resolutions of the Holy Synod of 28th December 2018 (minute no.98) and of 4th April 2019 (minute no.21).

The subsequent visit from 20th to 24th August 2022 by Patriarch Bartholomew to Kiev was also given a canonical evaluation at the session of the Holy Synod of the Russian Orthodox Church of 23rd and 24th September 2021. The Synod adopted the following resolution: “We view the visit to Kiev by the Patriarch of Constantinople and those accompanying him without an invitation from the Patriarch of Moscow and All Russia, the metropolitan of Kiev and All Ukraine Onuphrius and the legitimate bishops of the Ukrainian Orthodox Church to be a gross violation of the canons, in particular, the 3rd canon of the Council of Sardica and the 13th canon of the Council of Antioch” (minute no.60). Among the recent anti-canonical visits by Patriarch Bartholomew, the Synod also mentioned the visit to Lithuania from 20th to 23rd March 2023 and to Estonia from 16th to 20th June 2023.

The attempts by Constantinople to convince all the local Orthodox Churches that their acts are the correct ones have not produced the anticipated results.

Meanwhile, the Patriarch of Constantinople Bartholomew has already announced further anti-canonical acts. In particular, on 21st March 2023 at a meeting with the Lithuanian prime minister in Vilnius he stated: “Today a new horizon is opening up before us, as well as the possibility of joint work in establishing an exarchate of the Ecumenical Patriarchate.”**[1]** It is in this manner that a new intervention in the canonical territory of the Russian Orthodox Church is underway.

Since the illegal acts of Constantinople continue to happen and ideas which distort the Orthodox doctrine of the Church continue to develop, we consider it our duty to remind our flock of the fundamental principles upon which throughout the centuries Orthodox ecclesiology has been built and to witness to the fullness of the Orthodox Church our fidelity to these unchanging principles. It is precisely their violation by the Patriarch of Constantinople Bartholomew that has led to a crisis within worldwide Orthodoxy.

1. The claims by the Patriarch of Constantinople to the primacy of authority over the Universal Church.

The Church was founded upon earth by the Lord Jesus Christ. She is the assembly of those who believe in Christ, and the Lord calls each of them to enter into this assembly. The Church is not a conventional human community in that the Holy Spirit is present and acts within her.

The Church is a divine-human organism, the mystical Body of Christ, as Saint Paul states: “Blessed be the God and Father of our Lord Jesus Christ, who has blessed us in Christ with every spiritual blessing in the heavenly places... And he has put all things under his feet and has made him the head over all things for the church, which is his body, the fullness of him who fills all in all” (Ephesians 1.3, 22-23). The image of the body indicates the unity of all members of the Church under one Head the Lord Jesus Christ (cf.: Colossians, 1.18).

The purpose of the Church is the salvation of people and the whole world. Salvation is to be found only within the Church of Christ. As Saint Cyprian of Carthage stated, “he who does not have God as his Father does not have the Church as his mother.”**[2]**

The Creed highlights four essential properties of the Church, which are: that she is one, she is holy, she

is catholic and she is apostolic.

The Church is one, for God is one. The Church is unitary and one, for she unites all believers through the unity of the faith, of baptism, of the gift of the Holy Spirit and of eucharistic communion with the Lord Jesus Christ. The Church is undivided: “Where Christ is, there is the Church”;^[3] “Where the Holy Spirit is, there is the Church.”^[4]

The Church is holy, for her Head Jesus Christ is holy. The members of the Church participate in his holiness.

The Church is catholic in that she extends throughout the whole world and is open to believers regardless of the time, location, origin and social position of those who desire to enter into her. The catholicity of the Church is reflected also in the communion between the local churches which comprise the Universal Church. The bishops of the local churches, in spite of the difference in the positions they occupy, are equal among themselves as being elevated to the same degree of holy orders. As each bishop has received from the Holy Spirit grace equal to that of the other bishops, then the dignity of all bishops is equal: “That the bishop of the first see shall not be called prince of the priests or high priest (*summus sacerdos*) or any other name of this kind, but only bishop of the First See” (39th canon of the Council of Carthage). To accord to any bishop a special importance sacramentally or theologically would be a distortion of catholicity.

The element of catholicity does not exclude a ministry of primacy. The document entitled *The Position of the Moscow Patriarchate on Primacy within the Universal Church* adopted by the Holy Synod of the Russian Orthodox Church in 2013 states that “in the Holy Church of Christ primacy in all things belongs to her Head, who is the Lord and Saviour Jesus Christ, the Son of God and Son of Man.” The document notes that the substitution of the traditional and canonically justified primacy of honour of the Patriarchate of Constantinople by the doctrine of a supposed primacy of authority belonging to him is based upon an unlawful transfer of the power at the level of the episcopacy to the level of the Universal Church, while at the same time on various levels of church life primacy has a different nature and different sources. These levels are: 1. The diocese; 2. The autocephalous local church; and 3. The Universal Church.

At the level of the diocese primacy belongs to the bishop. The source of primacy for the bishop in his diocese is the apostolic succession communicated through his consecration. Within this ecclesiastical area the bishop enjoys the fullness of sacramental, administrative and teaching authority.

At the level of the autocephalous local church primacy belongs to the bishop elected as the primate of the local church by the council of that church’s bishops. The source of primacy at the level of the

autocephalous church is the election of the chief bishop by the council (or Synod) which enjoys full ecclesiastical authority. The primate of an autocephalous local church is the first among equals of the bishops, as stated by the 34th apostolic canon: "The bishops of every nation must acknowledge him who is first among them and account him as their head, and do nothing of consequence without his consent; but each may do those things only which concern his own parish, and the country places which belong to it. But neither let him (who is the first) do anything without the consent of all; for so there will be unanimity, and God will be glorified through the Lord in the Holy Spirit." The powers of the primate are defined by the council (Synod) and are embodied in statutes that have been adopted in a conciliar manner. The primate of an autocephalous local church does not enjoy sole authority, but uses it in a conciliar fashion in collaboration with the other bishops.

At the level of the Universal Church as a community of the autocephalous local churches primacy is defined in accordance with the traditions of the ancient diptychs and is a primacy of honour. The source of primacy of honour at the level of the Universal Church is the canonical tradition of the Church embodied in the sacred diptychs and recognized by all the autocephalous local churches. The canons upon which the sacred diptychs are based do not grant to the chief bishop in honour any powers throughout the Church.[5]

For centuries it was this understanding of primacy that was defended by the patriarchs of Constantinople, particularly in contesting the claims of the Pope of Rome to universal jurisdiction. At present, however, one of the leading theologians of the Patriarchate of Constantinople asserts that "the phenomenon of anti-papalism, understood as the rejection of the 'first' in the Universal Church ... is, strictly speaking, heretical ... The fact that the Orthodox Churches today refuse to recognize between themselves any primacy akin to that of Rome creates the main problem in their dialogue with Rome." [6]

At present within the Patriarchate of Constantinople there has been formulated and actualized a new vision of primacy at the level of the Universal Church. The Patriarch of Constantinople is no longer thought of as the 'first among equals', but as the 'first without equals'. [7] His primacy in the Universal Church is likened to the primacy of God the Father in the Holy Trinity. [8] He is supposedly the "spiritual father of all people, regardless of whether they understand it not." [9] The other local churches are viewed as being within the bosom of the one Church by virtue of being in communion with Constantinople. [10] The special powers of the Patriarch of Constantinople are defined as emerging from hitherto unknown privileges that he received from the apostles themselves. [11] The right to speak on behalf of the fullness of the Orthodox Church is seen as automatically flowing from the fact that the Patriarch of Constantinople occupies that very position, and not from having been accorded by the local churches this right as a result of a pan-Orthodox consensus. [12]

In the official speeches of the present-day primate of the Patriarchate of Constantinople this particular

local church is in effect identified as Universal Orthodoxy. Speaking in Vilnius on 22nd March 2023, Patriarch Bartholomew stated: “Will Orthodoxy be known in the future through its source and protector, through its traditional and historical centre the Ecumenical Patriarchate of Constantinople? This is an important question which defines the nature, identity and existence of Orthodoxy.”[13]

Patriarch Bartholomew claims that “for Orthodoxy the Ecumenical Patriarchate is the leaven which ‘leavens the whole bread’ (Galatians 5.9) of the Church and history.” The Patriarchate of Constantinople “embodies the genuine ethos of Orthodoxy: ‘In the beginning there was the word ... In him was life, and this life was the light of men’ (John 1. 1, 4). The first principle of the Orthodox Church is the Ecumenical Patriarchate, ‘in which there is life, and this life is the light of the Churches’”.[14] In quoting the late metropolitan of Gortyna and Arcadia Cyril that “Orthodoxy cannot exist without the Ecumenical Patriarchate,” Patriarch Bartholomew states that “each of us make stronger his link to the First among us so as to drink from the water-bearing fount, the source of which is our pious nation and our immaculate faith.” It is asserted that the “Ecumenical Patriarchate bears responsibility for bringing ecclesiastical and canonical order because only it possesses the canonical privilege, as well as the prayer and blessing of the Church and Ecumenical Councils, to fulfill this lofty and exceptional duty as the caring Mother and nurturer of the churches. If the Ecumenical Patriarchate renounces this obligation and abandons the inter-Orthodox stage, the local churches will become as ‘sheep with no shepherd’ (Matthew 9.36), wasting its power in church initiatives in which the humility of faith is mixed with the arrogance of power.”[15]

According to Patriarch Bartholomew, the doctrine of the equality of the Orthodox primates is a distortion of Orthodox ecclesiology, against which he believes it necessary to guard the bishops of the Church of Constantinople: “Without recognizing the sacrificial, kenotic and the unchangeable responsibility of the Patriarch of Constantinople, ecclesiology can in no way be healthy and in no way accord with the way of thinking and ethos of the fathers who have gone before us both here and in other places. Serve the true and unchanging ecclesiology unsullied by the sad distortion that we are all equal and that the first – Constantinople – exists only for the ‘sake of honour’. Yes, we are equal, we have one and the same rank of bishop, but on the basis of the canons and centuries-old tradition we have received other significant privileges which are unique in their nature, and which we have no intention of renouncing.”[16]

Patriarch Bartholomew openly states that the primates of Constantinople have the sole right at their own initiative to intervene in the internal affairs of any local church on any issue, to evaluate independently and to cancel or review the acts of the primates of the autocephalous Churches if they are deemed by Constantinople to be “deficient”: “The Great Church of Christ, when we are dealing not only with dogma, holy tradition, canonical requirements or other common issues concerning the entire body of the Church, but also with regard to important separate issues concerning a particular local church, has never in any place hesitated or renounced her rights as guardian in terms of support, at times by her own initiative

and from a sense of duty, and at times at the request of the interested parties by making an effective contribution as arbiter in order to resolve disputes that have arisen between the holy Churches of God, in order to regulate discord between pastors and their flock, in order to avoid additional difficulties and in order to return church affairs to the canonical path, in order to strengthen the at times inadequate actions of the spiritual leaders of particular churches, in order to support the weak in their vacillation and who have become victims of intrigue within Orthodoxy, in order to avert in short all moral and material hardships that threaten the well-being of those holy Churches.”[17]

Any rupture in communion with the Patriarchate of Constantinople by any local church is viewed as a falling away from Orthodoxy by the latter: “Those who seek to rupture eucharistic communion with the Ecumenical Patriarchate thereby separate and cut themselves off from the root of the tree of the Orthodox Church.”[18]

By claiming exclusive powers within the Orthodox Church, the Patriarchate of Constantinople does not consider itself to be bound by the decisions even of those councils which it itself has called. Thus, in 2018 the Synod of the Patriarchate of Constantinople adopted a resolution on the possibility of a second marriage for clergy in particular circumstances. This resolution is in direct contradiction to the document entitled *The Sacrament of Marriage and Its Impediments* adopted at the Council of Crete, the decisions of which the Patriarchate of Constantinople declared to be binding even for those local churches which refused to attend.

This understanding of primacy within the Universal Church and the place of the Patriarch of Constantinople within the family of the local Orthodox Churches is diametrically opposed to the Orthodox Church Tradition and is categorically refuted by the Russian Orthodox Church, which remains loyal to the letter and the spirit of the ecclesiastical canons.

The patristic tradition and the Orthodox doctrine of the Church affirm the equality of the primates of the Holy Churches of God and do not grant to the first of them any particular powers. This has been witnessed throughout history by the Eastern Patriarchs, including that of Constantinople.

The Patriarch of Constantinople John X Kamateros (1198-1206) in his letter to Pope Innocent insisted that the Church of Rome cannot be the mother of all the other Churches as “there are five great Churches which are all honoured with patriarchal dignity, and she [the Church of Rome] is the first among the sisters who are equal in honour”; “In relation to these great sees we believe that the Church of Rome occupies first place in order and is only by virtue of this dignity in being first in relation to the other churches who are sisters equal in honour and have a single father generated by the sole Father in heaven ‘from whom every family in heaven and on earth derives its name’ (Ephesians 3.15), but that she is the teacher and mother of the other churches we have in no way been taught.”[19]

The Confession of Faith in 1623 by the Patriarch of Alexandria Metrophanes Kritopoulos, and also signed by the Patriarchs of Constantinople Jeremiah II, of Antioch Athanasius V, of Jerusalem Chrysanthos and a number of other bishops of the Church of Constantinople, states: "Between the four patriarchs there exists an equality that truly befits Christian pastors. None of them is raised above the others, and none of them in no way believes himself worthy to be called the head of the Catholic Church... The head of the Catholic Church is the Lord Jesus Christ, who is the head of all from whom all of the body is comprised (Ephesians 5. 5-16) ... Knowing this, the most holy and blessed four patriarchs of the Catholic Church, heirs of the apostles and adherents of the truth, have no desire to call anyone head, content with the Head who has been called deified and almighty and who sits at the right hand of the Father and looks down upon all. They treat each other with equal dignity. Apart from their see, there is no distinction between them. The Patriarch of Constantinople presides, and alongside him is the Patriarch of Alexandria, then of Antioch and then next to him of Jerusalem."**[20]**

In declining an invitation by the Pope to the First Vatican Council, the Patriarch of Constantinople Gregory VI in 1868 wrote: "We cannot accept that within the Church there is a bishop who is above all others and is the head other than the Lord, that a patriarch ... speaking *ex cathedra* and the highest Ecumenical Councils ... or that the apostles are not equal and thereby offending the Holy Spirit who has illumined us all equally or that a particular patriarch or pope has seniority of his see not from a council, not from people but, as you say, according to divine right."**[21]**

In 1894 the Patriarch of Constantinople Anthim VII in his letter to Pope Leo XIII in like manner emphasized the equality of the primates and the local churches: "The holy fathers, in honouring the bishop of Rome solely as the bishop of the imperial city, accorded him the honourable privilege of presiding, looked upon him as first among the other bishops, that is to say, as first among equals, which privilege they then granted to the bishop of the city of Constantinople when that city became the imperial city within the Roman empire... Each separately taken autocephalous church in the East and in the West was wholly independent and self-governing at the time of the seven Ecumenical Councils... while the bishop of Rome has no right to intervene as he too was subject to the resolutions of the Councils."**[22]**

This history of the Church knows many instances when the bishop of Constantinople entered into heresy or schism. The bishop of Constantinople Eusebius, particularly, was an Arian, while Macedonius was a Pneumatomachist. The bishop of Constantinople Nestorius was a heresiarch, for which he was deposed and excommunicated from the Church at the Third Ecumenical Council. The Patriarchs of Constantinople Sergius I, Pyrrhus, Paul I and Peter were all monothelites, while Patriarchs Anastasius, Constantine II, Nicetas I, Theodotus Cassiteras, Anthony I Cassimatas and John VII the Grammarian were all iconoclasts. Patriarchs Metrophanes II and Gregory III Mammas were in union with Rome.

Adherence to the Orthodox Church is determined not by the presence or the absence of communion with the Patriarch of Constantinople, but by the steadfast following of dogmatic and canonical tradition. In those instances when the Patriarch of Constantinople himself enters into heresy or schism, as has happened repeatedly throughout history, it is he who is no longer in communion with the Orthodox Church, and not those who for the vindication of the truth and who follow the canons who have been compelled to break communion with him. In particular, when the Patriarch of Constantinople joined the Unia with Rome, the other local churches continued to preserve steadfastly the Orthodox faith. And the fullness of grace within them in no way diminished as a result of temporarily breaking communion with the Patriarch of Constantinople.

In the Orthodox Church there can be no primate who enjoys special privileges in comparison to the other primates. The Head of the Universal Church is the Lord Jesus Christ (“He is the head of the body of the Church,” Colossians, 1.18), and not the Ecumenical Patriarch.[23] The intervention of one local church in the affairs of another church is inadmissible. The primacy of the Patriarch of Constantinople among the primates of the local Orthodox Churches is a primacy of honour and not authority. It does not accord him any special privileges, with the exception of those which might be given to him by virtue of a consensus of the local Orthodox Churches, as happened during the preparations for the Holy and Great Council of the Orthodox Church, when, by agreement of the churches, the functions of coordinator of the proceedings were laid upon the Patriarch of Constantinople.

At the present time, by virtue of the fact that Patriarch of Constantinople has joined a schism, it has become impossible for the Russian Orthodox Church to recognize his primacy of honour. As the Holy Synod noted in its statement of 15th October 2018, entering into communion with those who have gone into schism, and even more so with those excommunicated from the Church, would also mean going into schism and is condemned roundly by the canons of the Holy Church: “If any one of the bishops, presbyters, or deacons, or any one in the clergy shall be found communicating with excommunicated persons, let him also be excommunicated, as one who brings confusion on the order of the Church” (Synod of Antioch, 2nd canon; cf. the 10th and 11th apostolic canons).

In its resolutions of 23rd-24th September 2021 the Holy Synod noted that “in supporting the schism in Ukraine, Patriarch Bartholomew has lost the trust of millions of believers,” and stressed that “in conditions when the majority of the Orthodox faithful are no longer in communion with him, he no longer has the right to speak on behalf of worldwide Orthodoxy and present himself as its leader.”[24]

2. The claims of the Patriarchate of Constantinople to the role of the supreme appeals court

in the Universal Church.

A blatant violation of the canonical order which exists in the Orthodox Church is the claim to supposed “canonical privileges of the Patriarchs of Constantinople to hear appeals of bishops and clerics from all of the autocephalous churches.”[25] Constantinople bases this claim on the 9th canon of the Fourth Ecumenical Council,[26] which lays down that a cleric with a complaint against the ruling bishop should “have recourse to the exarch of the diocese or to the throne of the imperial city of Constantinople.”

This present canon, however, is not extended to all of the local churches, but only to the local church of Constantinople, and is valid only within her confines. The authoritative Byzantine canonist John Zonaras mentions this in pointing towards the fact that “it is not over all metropolitans without exception that the Patriarch of Constantinople is placed as judge, but only over those under him, for he cannot call to account the metropolitans of Syria, or Palestine, or Phoenicia, or Egypt against their will; but the metropolitans of Syria are to be judged by the Patriarch of Antioch, and those of Palestine by the Patriarch of Jerusalem, and those of Egypt by the Patriarch of Alexandria, from whom they have received their ordination and to whom they are subject.”[27]

Saint Nicodemus the Hagiorite in his *Rudder (Pendalion)*, which is an authoritative source of ecclesiastical canon law for the Church of Constantinople, also notes that the “primate of Constantinople does not have the right to act within the diocese and provinces of the other patriarchs, and this canon does not grant to him the right to hear appeals or any case within the Universal Church.” Saint Nicodemus lists a whole number of arguments in support of this interpretation and reaches the conclusions that “at the present time ... the primate of Constantinople is the first, sole and last judge over the metropolitans placed under him, but not over those who are subject to the other patriarchs.”[28]

At various historical periods we may encounter instances of appeals for help by the primates of other local churches to the Patriarch of Constantinople. This practice is reflected, particularly, in the *Encyclical of the Eastern Patriarchs* of 1848 addressed to “All the Bishops Everywhere, Beloved in the Holy Spirit, Our Venerable, Most Dear Brethren; and to their Most Pious Clergy; and to All the Genuine Orthodox Sons of the One, Holy, Catholic and Apostolic Church”, where it is stated: “The Patriarchs of Alexandria, Antioch, and Jerusalem, when unexpected points of difficulty arise, write to the Patriarch of Constantinople, because of its being the seat of empire, as also on account of its synodical privileges; and if this brotherly aid shall rectify that which should be rectified, it is well; but if not, the matter is reported to the province, according to the established system. But this brotherly agreement in Christian faith is not purchased by the servitude of the Churches of God.”[29]

However, firstly, what is mentioned here are the concrete local churches of Alexandria, Antioch and Jerusalem, and not the churches that once existed or churches that currently exist. Secondly, we are not

dealing with “unexpected points of difficulty” which are presented for examination to the Patriarch of Constantinople by the primates of these churches at their initiative in the instance when they cannot resolve the issues by themselves. Thirdly, the text clearly states that the participation of Constantinople in the resolution of these issues should in no way harm the freedom of the local churches. Fourthly, the text nowhere mentions that a particular bishop or cleric of a particular local church, in bypassing his primate or the supreme conciliar authority of his own church, could appeal to the Patriarch of Constantinople. The practice of appealing in complicated matters to the Patriarch of Constantinople is determined by the fact that this is the “capital of the emperor”, which, as everyone well knows, it no longer is. It is evident that the corresponding powers of the see of Constantinople could not extend beyond the confines of the territory under the authority of the aforementioned emperors: in 1848, the ‘emperor’ was the Sultan, and so in this place it was only the local churches located within the borders of the Ottoman empire that we are dealing with.

In contemporary history there have been instances when at their own initiative a particular local church in the person of her primate or Synod has appealed to Constantinople for help if they were unable to resolve by themselves a particular problem that has arisen. The Patriarch of Constantinople in these instances acted not as the highest court of appeal, but as a coordinator giving help to a suffering church on behalf of the other local Orthodox Churches.

An example of such pan-Orthodox action under the coordinating role of the Patriarch of Constantinople was one of the episodes in healing the schism in the Bulgarian Orthodox Church. In 1998, at the request of the Patriarch of Bulgaria Maximus, the Patriarch of Constantinople Bartholomew presided at a great council called in Sofia, which was attended from 30th September to 1st October 1998 by the primates and representatives of the thirteen local Orthodox Churches. The council accepted the repentance of a number of bishops[30] who were in schism and the priests, monastics and laity who had joined them by reuniting them to the canonical Bulgarian Orthodox Church.[31]

Many years later, Patriarch Bartholomew declared his intention to “heal the Ukrainian schism”, but acted in a way unlike that when the schism within the Bulgarian Church was healed. If in this instance the leadership of the Bulgarian Church turned to Constantinople, then at present neither the hierarchy of the Russian Orthodox Church, nor the hierarchy of the self-governing Ukrainian Orthodox Church have ever appealed to Constantinople to solve this problem. It was the secular state authorities of Ukraine which appealed to Patriarch Bartholomew, as well as two groups of schismatics, bypassing the Ukrainian Orthodox Church. And the decision by Constantinople to “restore to their priestly order” the excommunicated former metropolitan of Kiev Philaret Denisenko was taken in violation of the ecclesiastical canons.

It is important to recall that on 26th August 1992 in reply to the notification that the metropolitan of Kiev

Philaret had been deposed, the Patriarch of Constantinople Bartholomew wrote to the Patriarch of Moscow and All Russia Alexy II that “our Holy Great Church of Christ, in recognizing the fullness of the sole competence of your most holy Russian Church in this issue, accepts the decision that has been made by you.” The reply by Patriarch Bartholomew of 7th April 1997 on the announcement that Denisenko had been anathematized went thus: “In receiving notification of the aforementioned decision, we communicated it to the hierarchy of our Ecumenical See and asked her henceforth to have no more church communion with the aforementioned person.” Thus, even if the Patriarchate of Constantinople had the right to hear appeals from the other local Orthodox Churches, then in this instance the Patriarch of Constantinople, in accordance with the canons,[32] could no longer hear an appeal from the former metropolitan Philaret Denisenko, having earlier recognized the full competency of the Russian Orthodox Church in his case and having expressed agreement with the decision by the Russian Episcopal Council without any suggestion that it should be reviewed. Any appeal, though, from the former metropolitan of Kiev Philaret, would have been deemed worthless beforehand as, having been condemned, he did not cease to celebrate the divine services and conduct ordinations, thereby, according to the canons,[33] losing the right for his case to be reviewed.

The unilateral decision, without any court or review of his case, by the Patriarchate of Constantinople to “restore to his priestly rank” the former metropolitan Philaret Denisenko is worthless in relation to the holy canons, in particular, the 15th canon of the Synod of Antioch, the 105th (118th) canons of the Council of Carthage and the canonical epistle of the Council of Carthage to Pope Celestine.[34]

The actions undertaken in Constantinople in October of 2018 can in no way be described as a court of appeal as there was not only no attempt to study the ecclesiastical and canonical decisions taken with regard to Philaret Denisenko and Macarius Maletich, but there was also not even the simplest attempt to acquaint themselves with the biographies of these persons. Thus, Patriarch Bartholomew wrote of the appeals he had received from the “one-time lord bishop of Kiev Philaret, as well as the one-time lord bishop of Lviv Macarius”, [35] even though at the moment he entered into schism Nikolai (Macarius’ secular name) was a married archpriest.

In striving to broaden the field of its supposed rights and create new precedents, the Holy Synod of the Patriarchate of Constantinople on 17th February 2023 “cancelled” accordingly the decision of the ecclesiastical court of the diocese of Vilnius to defrock five priests for canonical violations and, following the recommendation of Patriarch Bartholomew, “restored” them to their previous priestly rank. At the same time, in spite of assurances to “study in detail their cases”, the Holy Synod of the Patriarchate of Constantinople was not in possession of the materials relating to their cases and took as their foundation solely the personal statements made by the aforementioned priests, thereby reflecting one-sidedly their opinions and interests.[36] On 27th June 2023 in this manner, without studying the evidence of the case and based upon a personal statement, a priest of the Moscow diocese was

“restored” to his priestly rank, even though the process of defrocking him initiated by the diocesan ecclesiastical court had not yet been completed, i.e., the confirmation by the Patriarch of Moscow and All Russia of the sentence had not yet been announced at the time when the case was being reviewed in Constantinople.[37]

The Holy Synod of the Patriarchate of Constantinople further increased its unlawful actions on 25th and 26th April 2023 by hearing the appeals of two clerics of the Orthodox Church in America who had been subjected to ecclesiastical sanctions by their own local church for their violations of the canons.

A most dangerous situation is created when any cleric who has violated the holy canons and has been defrocked in his own local church can then appeal to Constantinople and be “restored to his priesthood.” Moreover, it is by using these clerics that a structure of the Patriarchate of Constantinople may be set up on the canonical territory of another local church.

3. The “restoration to priestly rank” of schismatics who have not received canonical ordination or who have lost their rank as a consequence of going into schism.

An undoubted violation of the holy canons and deviation from the centuries-old church tradition is the “restoration to priestly rank” by the Patriarchate of Constantinople of the Ukrainian schismatics.

On 11th October 2018 the Holy Synod of Constantinople adopted a resolution by which the “bishops” and “clerics” of two schismatic structures in Ukraine – the ‘Ukrainian Orthodox Church of the Kiev Patriarchate’ and the ‘Ukrainian Autocephalous Orthodox Church’ – were received into church communion “in their present orders” without reviewing the circumstances of their condemnation and the origin of their ordinations.

The decision was taken in spite of the fact that the schismatics had not repented and had not reunited to the Ukrainian Orthodox Church, from which they had fallen away and towards which they continue to display enmity. In this fashion a most important condition for schismatics to be received into the Church has been negated, which is their repentance and reunification with the local church from which they had broken off. And yet it was in insisting upon this particular condition that the Holy Church would heal schisms in both antiquity and in contemporary times. Many examples can attest to this.

In particular, the review of the problem of the Melitian schism at the First Ecumenical Council was conducted with the direct participation of the Church of Alexandria inside which it had arisen and which

suffered from it. The acts of the council note that the bishop of Alexandria “was the main figure and participant in all that happened at the council.” It is noticeable that the bishops who were ordained while being in schism, upon returning to the Church, were confirmed by a more sacramental ordination (*mystikotera kheirotonia vevaiothentas*), and they were placed under the canonical bishops in the area from which they had originated: they were ordered “not to do anything whatsoever without the consent of the bishops of the catholic and apostolic Church which is under the administration of the bishop of Alexandria Alexander.”

In similar fashion the First Ecumenical Council decided upon the Novatian schism. According to the 8th canon the Novation bishops were obliged to “confess in written form” that henceforth they would observe the resolutions of the Catholic Church. Thereupon, after which the minor laying-on of hands was performed (*oste kheirothetoumenous autous*), they were united to the Church, as were the Melitians who then became dependent upon the local canonical bishops.

The Seventh Ecumenical Council, in resolving the issue of receiving into the Church the iconoclast bishops, demanded from them written repentance, which they agreed to. At the same time, the case of each iconoclast bishop was reviewed separately by the fathers of the Council (the acts of the Council testify to this), while the more zealous of the iconoclast bishops, such as, for example, the metropolitan of Neocaesarea Gregory was interrogated quite closely and was called to the sessions of the Council several times.

In recent church history the same principle was applied at the council of primates and representatives of the local Orthodox Churches in 1998 in Sofia: the schismatic bishops were received into communion only after they had expressed their repentance and declared their readiness to be reunited with the canonical Bulgarian Orthodox Church.

The schismatics in Ukraine have never expressed repentance and have not reunited with the Ukrainian Orthodox Church and her primate the metropolitan of Kiev and All Ukraine Onuphrius. The decision by the Holy Synod of the Patriarchate of Constantinople to receive these persons into ecclesiastical communion speaks of a departure from the practice that has a centuries-old foundation in Orthodox doctrine, which in turn has led to distortions in the understanding of the nature and order of the Church.

The seriousness of this anti-canonical act by the Patriarchate of Constantinople is made worse by the fact that all of the schismatic ‘bishops’ and ‘clerics’ without exception were ‘restored’ to their priestly rank by this willful decision of the Synod without investigating the apostolic succession of their ordinations. In addition, in many instances the ordinations of the Ukrainian schismatics cannot be recognized as valid even by divine economy.

The hierarchy of the so-called 'Ukrainian Autocephalous Orthodox Church' (UAOC), which was founded by the former deacon of the diocese of Tula Viktor Chekalin (defrocked in 1983) and the former bishop of Zhitomyr and Ovruch John Bondarchuk (defrocked in 1989), 'ordained' in 1990 the first bishops of the UAOC. Simultaneously, Viktor Chekalin, who positioned himself as the 'bishop of Yasnopolyansk Vincent', at no time and in no place (even in the non-canonical church communities) ever received any episcopal or even priestly ordination.

Most of the existing 'episcopacy' of the UAOC that later became part of the so-called 'Orthodox Church of Ukraine' received their 'apostolic succession' from these aforementioned persons. In particular, the 'metropolitan of Galicia' Andrew Abramchuk, who concelebrated with Patriarch Bartholomew in the Saint George Cathedral on 6th January 2021, was 'ordained' with the participation of Viktor Chekalin. The former head of the UAOC Macarius Maletich, who styled himself the 'metropolitan of Kiev and All Ukraine', also received his episcopal 'consecration' from the 'Chekalin' hierarchy.

The so-called 'Ukrainian Orthodox Church of the Kiev Patriarchate' (UOC KP) was set up as a result of the former metropolitan of Kiev Philaret Denisenko going over to the UAOC on 25th June 1992. Two weeks before this, Philaret Denisenko was defrocked by the Episcopal Council of the Russian Orthodox Church as a result of accusations leveled against him, and even earlier had been suspended from serving by the Episcopal Council of the Ukrainian Orthodox Church on 27th and 28th May 1992.

Having joined the schismatic UAOC, the former metropolitan Philaret for a long time concelebrated with the 'Chekalin' bishops, that is, 'bishops' who had no genuine episcopal consecration. In spite of the attempts by the former metropolitan Philaret to 'reordain' in secret the bishops of the UAOC with the help of the former auxiliary bishop James Panchuk, who had followed Philaret into schism, and the former bishop of Lviv Andrew Horak, both also defrocked, a number of bishops of this structure refused to be 'ordained' a second time. After the division of the Ukrainian schism into two non-canonical structures in 1993, the 'Chekalin' bishops a number of times went over to the UOC KP and then back again, repeatedly participating in 'episcopal consecrations'. As a result, the presence of even formal signs of apostolic succession in the 'ordinations' of the UOC KP cannot be discerned without having thoroughly studied them first.

The circumstances under which the Ukrainian schism was legitimized confirm that the Phanar had not made any attempt to study the ordinations of the Ukrainian schismatics. This is attested by the aforementioned 'restoration to priestly rank' of the head of the UAOC as the 'former metropolitan of Lviv', even though he had not been deprived of this rank and could not have been deprived of it for the simple reason that he joined the UAOC as an archpriest (the rank of which he was later deprived of), while he received episcopal 'consecration' as 'bishop of Lviv' when he was already in schism. Moreover, as a result of the automatic reception 'in their existing rank' of all those persons who had at that moment

been in the jurisdiction of the non-canonical UOAC and UOC KP, Constantinople recognized as the 'metropolitan of Chersoneses' Michel Laroche,[38] who then was living in Paris, and who then became a 'bishop' of the so-called 'Orthodox Church of Ukraine'. Moreover, the succession of the episcopal 'consecration' of this particular person can be traced back to the Greek Old Calendrist schismatics.

The unlawful acts of the Patriarch of Constantinople in 'restoring to their priestly rank' persons who never enjoyed this rank have been the subject of an appropriate canonical evaluation in several of the local Orthodox Churches. According to His Holiness the Patriarch of Serbia Porfirije, "the Church is the Church, while an illegitimate assembly can become a Church only through repentance and canonical procedure, and not through the stroke of a pen." [39] "Those who have fallen away from the Church and have thereby been deprived of priestly ordination cannot be a healthy ecclesiastical organism," [40] the Episcopal Council of the Russian Orthodox Church has stated.

As His Beatitude the archbishop of Albania Anastasius rightly noted in his letter to the Patriarch of Constantinople Bartholomew of 21st March 2019, "the rectifying of the Meletian schism and the reception by divine economy of those unlawfully ordained by Meletius involved the following stages: 1. Repentance; 2. The laying on of hands by a canonical bishop, which is the minimum requirement for the affirmation of apostolic succession; 3. Prayer, and 4. Reconciliation. This is the principle applied in all instances without exception for the return of schismatics to the Orthodox Church...". It would be wrong too to compare the Ukrainian schism with the division between the Russian Orthodox Church Abroad and the Russian Church in her homeland, which was healed in 2007. The bishops of the Russian Orthodox Church Abroad had never been defrocked, and as archbishop Anastasis rightly states in the aforementioned letter, "in this instance there was no excommunication from the Church, there were no anathemas, nor was the apostolic succession in doubt," a fact which, in particular, is attested by the numerous occasions when bishops of many of the local Orthodox Churches, including that of Constantinople, concelebrated with bishops of the Russian Orthodox Church Abroad.

It would be appropriate here to highlight the arguments of the secretariat of the Holy Synod of the Albanian Orthodox Church of 15th November 2022 in dealing with the issue of the legitimacy of the consecration of the present 'primate' of the Orthodox Church of Ukraine by the former metropolitan Philaret Denisenko: "When the ordainer has separated from and is excommunicated from the Church, when he has been anathematized and cast out, he becomes non-active, he does not communicate any grace in much the same way as an electrical appliance does not transmit any energy when it is cut off from the source of the current. Of course, that which never happened cannot become an event that has happened, it cannot be valid and lawful simply as a result of an administrative decision. This is what gives cause for concern regarding the legitimacy of the consecration of Epiphanius by Philaret."

It has to be recognized that the 'bishops' of the so-called 'Orthodox Church of Ukraine', formed by a

decision of the Patriarch of Constantinople Bartholomew from two earlier existing non-canonical structures – the UOAC and the UOC KP – have no canonical consecration and as such are not bishops. Any bishop of a canonical church who concelebrates with them, precisely as a result of this concelebration, according to the ecclesiastical canons (the 9th canon of the Council of Carthage; the 2nd and 4th canons of the Synod of Antioch; the 11th and 12th apostolic canons) are joined to the schism and are to be excommunicated. Having neither the right, nor the desire to enter into eucharistic communion with these ‘bishops’ after their recognition by Constantinople, the Russian Orthodox Church, at her session of the Holy Synod of 15th October 2018, was compelled to state the impossibility of eucharistic communion with the Patriarchate of Constantinople until it renounces its anti-canonical decisions. The subsequent resolutions of the Holy Synod[41] on the impossibility of eucharistic communion were also extended to include the primates and bishops of the local Orthodox Churches who recognized the legitimization of the Ukrainian schism and who concelebrate with those who have no canonical ordination.

True to the spirit and letter of the sacred canons, the Russian Orthodox Church will henceforth strictly adhere to the canonical resolutions which forbid concelebration with schismatics and the self-consecrated. Any departure from these canons will inevitably lead to the undermining of peace within the church and a worsening of the schism.

4. The claim by the Patriarchate of Constantinople to the right of receiving clerics without letters of dismissal.

Yet one more innovation by the primate of Constantinople is the declaration that he has the supposed right to receive clerics from any local Orthodox Church without letters of dismissal from the bishops of these clerics. In citing the supposed “customary rights” of his see, it was in this way that Patriarch Bartholomew took “under his omphorion” five former clerics of the diocese of Vilnius[42] in February 2023 and two clerics of the Belarusian exarchate in April 2023, as well as a cleric of the Moscow diocese of the Russian Orthodox Church who was “restored to his priestly rank” in June 2023.

The transfer of clerics from one jurisdiction to another without the sanction of the hierarchy in the form of a letter of dismissal is a canonical violation committed by both the cleric and the bishop who has received him. A number of canons state this unambiguously.[43] In the light of these canons the actions of Patriarch Bartholomew can be viewed a disparagement of the canonical foundations of ecclesiastical order.

In order to justify his actions, Patriarch Bartholomew does not refer to any of the canons, but only to the interpretative commentaries by Theodore Balsamon of the 17th and 18th canons of the Council in Trullo and 10th canon of the Seventh Ecumenical Council, which forbid the reception of clerics without letters of dismissal. In his commentary on the 10th canon of the Seventh Ecumenical Council, Balsamon writes: “Various canons forbid the clerics to leave their diocese of which they count themselves as members and to transfer to other dioceses. Thus, in following them, the present canon states that no cleric without the will of the bishop, that is to say, without a recommendatory letter of dismissal, or without the resolution of the Patriarch of Constantinople, can be received anywhere, or can serve in any other church... It can be noted on a literal reading of the canon that the Patriarch of Constantinople alone has the right to receive other clerics without a letter of dismissal of the one who has ordained them if they present at least a letter attesting their ordination and that they are members of the clergy in good standing. On account of this canon it seems to me that the most holy Patriarch at the time and his Chartophylax should allow alien clergymen to celebrate the liturgy in this royal city, even without letters dimissory of the local bishop of each one.”[44]

In his commentary Balsamon does indeed make an exception for the Patriarch of Constantinople. We do not encounter this exception in any other canon regarding the transfer of clerics in any of the other authoritative canonists such as Zonaras, Aristonos or Saint Nicodemus Milaš. The only reasonable basis for excepting the see of Constantinople and for according her this special privilege was her status as the imperial city which was a magnet for clerics who had freely abandoned their bishops – a status which the city has long since lost. There does, however, raise the question of what Balsamon meant by the territorial confines of this privilege. Balsamon himself gives us no explanation.

The commentaries by John Zonaras on the 9th and 17th canons of the Fourth Ecumenical Council shed light on this problem. They concern the appeals and concern only those metropolitans who were under the Patriarch of Constantinople.[45] By analogy with this commentary by Zonaras, we may say that the right of the Patriarch of Constantinople to receive clerics without letters of dismissal to which Balsamon refers was applied exclusively at that time to clerics of the Patriarchate of Constantinople. In his commentary on the 17th canon of the Council in Trullo Balsamon states that this privilege belonged also to the bishop of Carthage: “We are to make an exception for the bishop of Constantinople and the bishop of Carthage, for they alone can, as has often been said, receive clerics without the the consent of those who ordained them.”[46] The 55th (66th) canon of the Council of Carthage does indeed grant to the bishop of Carthage as the then primate of Africa the privilege of consecrating as bishop clerics from other African dioceses without requiring the obligatory consent of the bishop to whom the cleric was subject. It is, however, quite evident that this privilege did not extend beyond the confines of Africa. Thus, it is sufficiently clear that Balsamon is talking about the fact that the bishop of Constantinople, by analogy with the bishop of Carthage, enjoys jurisdictional rights that are greater than those of other bishops, but only within the Church of Constantinople.

We must recall also that it is the canons themselves that have authority within the Church and not their commentaries, regardless of how authoritative. And the obvious meaning of the canons which Patriarch Bartholomew speaks about, refer rather to the *ban* on receiving clerics without letters of dismissal from their bishops. It is for this reason that the Russian Orthodox Church does not recognize and will never recognize this interpretation of the canonical tradition which ascribes to the Patriarch of Constantinople universal supra-jurisdictional rights, and will steadfastly hold to the principle of the jurisdictional equality of the autocephalous churches and their primates, regardless of their place in the holy diptychs, while the reception by the Patriarch of Constantinople into his jurisdiction of clerics of another local church without letters of dismissal is regarded as and will be regarded as a violation punishable, according to the canons, by defrocking.

5. The claim of the Patriarchate of Constantinople to the exclusive right of granting autocephaly.

The institution of autocephaly arose within the Orthodox Church gradually and in its present-day form as the result of centuries-old development.

Nobody ever granted autocephaly to the sees of Jerusalem, Rome, Alexandria, Antioch or Constantinople: they all became autocephalous by virtue of the circumstances of the Church's historical development in the first centuries of Christianity.

Later, autocephaly would come into being and then be abolished for various reasons, but there was never a single universally accepted procedure for the granting or abolishing of autocephalous status. An Ecumenical Council was able to grant autocephaly. Thus, for example, the Greek Orthodox Church of Cyprus received autocephaly as a result of a decision by the Third Ecumenical Council in 431.[47]

A mother church from which a new independent local Orthodox Church had emerged could also grant autocephaly. For example, the autocephaly of the Serbian Orthodox Church three times – in 1219, 1557 and 1879 – was granted by the Patriarchate of Constantinople, which has also granted autocephaly to a number of other local Orthodox Churches that have emerged from its jurisdiction.

The Russian Orthodox Church has a thousand-year-old history going back to 988, when Kievan Russia was baptized by Saint Vladimir in the waters of the Dniepr. For several centuries a single metropolitanate of Russia, with its centre in Kiev, then in Vladimir, and then in Moscow, was part of the

Patriarchate of Constantinople. In 1448, however, the Russian Church acquired genuine independence after Saint Job was elected to the metropolitan see of Moscow without the consent of Constantinople. The Russian Church was compelled into making this decision as the Patriarchate of Constantinople at that moment was in union with Rome, while the Russian Church categorically rejected this Unia.

The autocephaly of the Russian Church was not immediately recognized by Constantinople and the other eastern patriarchs. In 1589, however, the Patriarch of Constantinople Jeremiah II participated in the establishment in Moscow of a patriarchate, and the saintly bishop Job was elevated to the patriarchal dignity. An establishing statute was signed by Patriarch Jeremiah and those accompanying him, as well as by the bishops and archimandrites of the Russian Church, to confirm this act. The patriarchal dignity of the see of Moscow was affirmed at councils of the eastern patriarchs in Constantinople in 1590 and 1593.[48]

The decision to grant autocephaly to parts of the Patriarchate of Constantinople was often taken by the Holy Synod or councils of this church. Thus, the Patriarchate of Constantinople granted autocephalous status to the churches of Greece (1850), Serbia (1879), Rumania (1885) and Albania (1937) which were once under its jurisdiction.

Autocephaly throughout history has been granted, apart from at councils, not only by the Patriarchate of Constantinople, but by other churches. Thus, in the fifth century the autocephaly of the Church of Georgia was granted by the Greek Patriarchate of Antioch, while in the twentieth century the Moscow Patriarchate granted autocephaly to the Polish Orthodox Church (1948), the Orthodox Church of Czechoslovakia (1951) and the Orthodox Church in America (1970). In 2022 the Macedonian Orthodox Church of the Ohrid archdiocese received autocephaly from the Serbian Orthodox Church.

His Holiness the Patriarch of Constantinople Athenagoras in a letter to the *locum tenens* of the Patriarchal Throne of the Russian Orthodox Church the metropolitan of Krutitsy and Kolomna Pimen of 24th June 1970 wrote: “Special canons which precisely define all things concerning autocephaly are not to be found within ecclesiastical legislation. The granting of autocephaly remains within the competency of the entire Church and in no way can be considered to be the right of any autocephalous church. The final judgment on the issue of autocephaly belongs to a church-wide council representing all of the local Orthodox Churches and particularly to an Ecumenical Council.”[49]

The notion of the order of granting autocephaly as the conciliar affair of the ‘entire Church’ formed the basis of a draft document on autocephaly and the means of granting it which was examined at the inter-Orthodox preparatory commission in 1994 and at the fourth pan-Orthodox preconciliar meeting of 2009.

The draft document conditionally laid out the order of granting autocephalous status thus: 1. Through

the consent of the local council of the mother church that part of it is to receive autocephaly; 2. The Ecumenical Patriarch is to obtain the consensus of all the local Orthodox Churches unanimously expressed at their councils; 3. On the basis of the consent of the Mother Church and a pan-Orthodox consensus, autocephaly is to be proclaimed by means of issuing a Tomos which “is signed by the Ecumenical Patriarch and attested by the signatures upon it of the blessed primates of the holy autocephalous churches invited to do so by the Ecumenical Patriarch.” This last provision did not definitively set out the order of signing the actual Tomos, even though this in no way lessened the importance of the agreements reached on the remaining provisions.

At the gatherings of the primates of the local Orthodox Churches in 2014 and 2016 the delegation of the Moscow Patriarchate, along with the representatives of some of the sister churches, insisted upon including the issue of autocephaly in the agenda of the Pan-Orthodox Council. The Patriarchate of Constantinople, however, requested of the local Orthodox Churches that they do not raise the issue of autocephaly at the council, which was to be held in June of 2016. The Russian Church agreed to this issue being dropped from the council’s agenda only after Patriarch Bartholomew on 24th January 2016, during the assembly of the primates, assured everyone that the Church of Constantinople had no intention of undertaking any actions regarding church life in Ukraine at either the Holy and Great Council or after the council had been held.

Now it has become evident that the Patriarchate of Constantinople was already preparing to intervene in Ukraine and therefore declined to discuss the topic of autocephaly, insisting that its exclusion from the council’s agenda was a result of a lack of time in preparing it in detail. In reality, the primate of Constantinople wanted to renounce all the provisional agreements reached earlier at the pan-Orthodox level in order to promote the false theory that the right of granting autocephaly belongs solely to the Church of Constantinople. The result of the growing influence of these views was the granting in 2019 of the Tomos of autocephaly to the so-called ‘Orthodox Church of Ukraine’.

The faithful children of the Russian Orthodox Church do not recognize and will never recognize those autocephalous statuses which have been or will be instigated by the Church of Constantinople unilaterally without the consent of the other local Orthodox Churches, even more so without the initiative and consent of the mother church. The topic of autocephaly requires further discussion on the basis of those provisional agreements which were reached during the pre-conciliar process, in particular at the commissions and meetings of 1993 and 2009.

6. The violation by the Patriarchate of Constantinople of the principle of the equality of the

autocephalous churches.

An autocephalous local church which enjoys full independence in her administration does not depend in the solving of her internal problems on any other local church. The Universal Orthodox Church is a family of local Orthodox Churches. Within a particular autocephalous church there may be autonomous churches and church bodies that enjoy varying degrees of self-government.

All of the local Orthodox Churches, regardless of when and through which manner they received autocephaly, are equal to each other. When the primates and representatives of the local Orthodox Churches concelebrate, they stand according to the order of the diptychs. The lower order of a primate in the diptychs does not, however, place a particular church in a position of subjugation in relation to a church which occupies a higher position.

Today the Patriarchate of Constantinople is trying to impose upon the local Orthodox Churches a different understanding of autocephaly. It is asserted that any church can become autocephalous solely by virtue of a Tomos received from the Patriarchate of Constantinople,[50] even though history knows of other means of acquiring autocephaly for a particular local church. It is asserted that it is precisely Constantinople which is the supreme court of appeal for all the local Orthodox Churches (see section 2). It is asserted that only the Patriarch of Constantinople enjoys the right to prepare and distribute the holy myrrh. It is asserted that it is only in Constantinople can the canonizations of saints take place. This new ecclesiological conception was fully realized by the Patriarchate of Constantinople in 2018 when it instituted the so-called 'Orthodox Church of Ukraine' (OCU), which is an uncanonical formation created from two groups of schismatics. The two legal documents – 'The Patriarchal and Synodal Tomos of Granting Autocephalous Status to the Orthodox Church in Ukraine' (henceforth the Tomos) and the 'Statute of the Orthodox Church of Ukraine' (henceforth the Statute) – contain a destructive model of a supposed autocephalous church which nonetheless remains directly and strongly dependent of the Patriarchate of Constantinople.

Thus, if the earlier Tomos of the autocephaly of a number of the local Orthodox Churches emphasized that the Head of all the Churches was the Lord Jesus Christ,[51] then the Tomos of the OCU states that the "autocephalous Church of Ukraine recognizes as head the All-Holy, Apostolic and Patriarchal Ecumenical Throne as do the other patriarchs and primates." [52] According to the Statute, the newly-formed "autocephalous Church", following the new conception of the Patriarchate of Constantinople, "is one with the Mother Great Church in Constantinople and through her all the other autocephalous Orthodox Churches." The Tomos determines that the "primary task" of this "autocephalous Church" is the preservation not only of the Orthodox faith, but also of "canonical unity and communion with the Ecumenical Patriarchate."

In accordance with this same new ecclesiological conception, the Tomos directly forbids the autocephalous Church “from ordaining bishops or establishing parishes abroad”, adding that “those parishes and bishops which already exist henceforth, according to the established order, will be subjected to the Ecumenical Throne, which enjoys canonical powers over the diaspora.” This provision is affirmed by the Statute: “The spiritual needs of Orthodox Christians of Ukrainian origin in the Orthodox diaspora are henceforth to be taken care of by the bishops of the Ecumenical Patriarchate” (Statute, I, 4.). Moreover, the Tomos asserts that the “jurisdiction of the Church is confined to the territory of the state of Ukraine”, while at the same time it established on the same territory an exarchate of the Church of Constantinople and her stauropegia, stressing that “the rights of the Ecumenical Throne to an exarchate in Ukraine and holy stauropegic bodies are retained as before.” In addition, the Statute forbids any interference into the stauropegic bodies: “The resolution of issues concerning the composition and establishment of the internal rule of the Patriarchal stauropegic bodies belongs solely to the Ecumenical Patriarch and him alone.” The diocesan bishops cannot interfere in the forming of administrative organs of the “Patriarchal stauropegic bodies which are subject to the Ecumenical Patriarch.”

Both documents – the Tomos and the Statute – make special reference to the judicial powers of the Patriarch of Constantinople: “The right of all the bishops and other clerics is retained to make an appeal to the Ecumenical Patriarchate who has the canonical responsibility to make final decisions on the cases of bishops and other clerics of the local churches” (Tomos); “Any clergyman who has been punished by his own ecclesiastical authorities enjoys the right of appeal (*ekkliton*) to the Ecumenical Patriarch” (Statute, XII).

In cementing for all time the clearly unlawful relationship between the two “autocephalous” churches, out of which in reality only one becomes autocephalous, the Patriarchate of Constantinople particularly states that the Statute “in all things should accord with the provisions of the Patriarchal and Synodal Tomos”, while the Statute contains a provision that “the right to interpret the provisions of the Statute according to the Tomos belongs solely to the Ecumenical Patriarch.”

Inequality and even direct subordination are prescribed also in some of the other provisions of the Tomos and Statute. For example, “in order to resolve important problems of an ecclesiastical, dogmatic and canonical nature,” the primate of the OCU “is to appeal to our All-Holy Patriarchal and Ecumenical Throne and beseech his authoritative opinion and undoubted support” (Tomos), and in this instance the Patriarch of Constantinople “communicates the necessary decision to the Holy Episcopal Council of the Church of Ukraine” (Statute, IV, 3). The OCU also receives the holy myrrh from the Patriarchate of Constantinople.

Thus, the Tomos and the Statute, in following upon the provisions of the new ecclesiological conception

of the Patriarchate of Constantinople, create a legal precedent for cementing inequality between the autocephalous local Orthodox Churches and their subjugation to the administrative authority of the Patriarchate of Constantinople. This inequality is rightly viewed by many within the Orthodox Church as approaching the papal model of ecclesiastical authority,[53] which never existed within Orthodoxy.

The Russian Orthodox Church, faithful to the centuries-old canonical tradition, has always defended and continues to defend the equality of the local Orthodox Churches and the independence of each local church from the other local churches in internal government. “The mockery of the sacred institution of autocephaly”,[54] expressed in granting autocephaly to a group of Ukrainian schismatics, has become one of the sad consequences of the distortion of Holy Tradition upon which for centuries the life of the Orthodox Church has been built as a family of local churches independent of each other in matters of internal government.

7. The unilateral revision by the Patriarchate of Constantinople of acts that have significance for establishing legal precedents.

In laying claim to supposed powers within the Orthodox world, the Patriarchate of Constantinople has not hesitated to revise unilaterally the historical acts that have significance for establishing legal precedents in relation to the local Orthodox Churches and their canonical boundaries. This approach contradicts the canonical Tradition of the Church by violating, in particular, the 129th (133th) canon of the Council of Carthage[55] and the 17th canon of the Fourth Ecumenical Council.[56] These canons do not admit of the possibility of revising already established ecclesiastical boundaries which had never been disputed for many years.

An example of the actions of the Patriarchate of Constantinople in violating the present church canons would be the “renewal” of the Tomos of the Patriarch of Constantinople Meletius IV on 7th July 1923,[57] which, without the knowledge and consent of the Patriarch of All Russia Tikhon, received into the jurisdiction of the Patriarchate of Constantinople the autonomous Estonian Orthodox Church, which was then part of the Patriarchate of Moscow. After the restoration in 1944 in Estonia of the legitimate jurisdiction of the Moscow Patriarchate the Tomos of 1923 was forgotten. On 3rd April 1978 an act by the Patriarch of Constantinople Dimitrius and the Synod of the Patriarchate of Constantinople declared the Tomos to be “invalid”, while Constantinople’s activities in Estonia were said to be “finished”. [58] Nonetheless, on 20th February 1996 the Holy Synod of the Patriarchate of Constantinople, under the presidency of Patriarch Bartholomew, gave a new interpretation to this decision in stating that in 1978 “the Mother Church ... declared the Tomos of 1923 to be invalid, that is to say, having no validity at that

time on the territory of Estonia, then part of the Soviet Union, but did not cancel or annul it, or deprive it of its power.” Now Patriarch Bartholomew and his Synod have declared that “the renewal of the Patriarchal and Synodal Tomos of 1923 is valid.”[59]

The anti-canonical expansion of the Patriarchate of Constantinople on the territory of Estonia led in 1996 to the temporary suspension of eucharistic communion between the Russian Orthodox Church and the Church of Constantinople. Communion was renewed by the joint resolutions of the Holy Synods of both Churches on 16th May 1996 on the basis of the Zurich agreements, which, incidentally, Constantinople has not complied with fully.

In 2018 the Patriarchate of Constantinople unilaterally annulled the act of 1686 signed by His Holiness the Patriarch of Constantinople Dionysius IV and the Holy Synod of the Church of Constantinople which asserted that the metropolitanate of Kiev was henceforth to be in the jurisdiction of the Patriarchate of Moscow. As the statement of Holy Synod of the Russian Orthodox Church of 15th October 2018 noted, the act of 1686 is not subject to revision, as otherwise “it would be possible to annul any document determining the canonical territory and status of a local church, regardless of her antiquity, authority and church-wide recognition.”

The Synodal document of 1686 and other documents relating to this issue do not mention at all the temporary nature of the transfer of the metropolitanate of Kiev to the Patriarchate of Moscow, nor do they provide for the possibility of canceling this act.

The lack of justification in canceling the act of 1686 is underscored by the fact that on the pan-Orthodox level for three centuries nobody had any doubt as to the allegiance of the Orthodox faithful of Ukraine to the Russian Church, and not to the Church of Constantinople.[60] Moreover, the Patriarchate of Constantinople passes over in silence the fact that the metropolitanate of Kiev in 1686, which Constantinople now declares to have been returned to her, extended only over a small part of the territory of the modern-day Ukrainian Orthodox Church, which emerged subsequently within the jurisdiction of the autocephalous Church of Russia.

The 8th canon of the Third Ecumenical Council[61] forbids bishops to extend their authority over other ecclesiastical areas. In establishing its ‘stauropegia’ in Kiev without the consent of the canonical hierarchy of the Ukrainian Orthodox Church, the Patriarchate of Constantinople has transgressed the confines of another church, and this is condemned by the aforementioned canon.

The Patriarchate of Constantinople has used the threat of canceling its earlier decisions as a device to exert pressure on the local Orthodox Churches. For example, the Patriarch of Constantinople Bartholomew in his letter to the former primate of the Orthodox Church of the Czech Lands and Slovakia

metropolitan Christopher of 4th February 2021² threatened to annul the autocephalous status of this church.[62]

It has to be noted that the attempts by the Patriarch of Constantinople Bartholomew to impose upon the Orthodox world the supposed right belonging to the see of Constantinople to cancel unilaterally conciliar or synodal decisions, regardless of when they were taken, goes against the canonical order of the Church and cast inter-church relations into a state of chaotic lawlessness.

8. The claim by the Patriarchate of Constantinople to the sole right of ecclesiastical jurisdiction within the diaspora.

The claims of the Patriarchate of Constantinople to the sole right of ecclesiastical jurisdiction in all countries of the Orthodox diaspora were shaped in the 1920s. Prior to this the Church of Constantinople had different views on this issue. It recognized, in particular, 1. The jurisdiction of the Russian Orthodox Church over America; 2. The Patriarchate of Jerusalem's spiritual care for the Orthodox flock in Australia and New Zealand; 3. The canonical administration of the metropolitan of Saint Petersburg for the Russian Orthodox diaspora in western Europe; 4. The right of the Church of Greece to administer Greek parishes within the diaspora as set out in the Patriarchal and Synodal Tomos of 18th March 1908, signed by the Patriarch of Constantinople Joachim II and the members of the Holy Synod of the Church of Constantinople.

The author of the new theory of the obligatory subjugation of all the Orthodox diaspora to the see of Constantinople was Patriarch Meletius IV (Metaxakis), who occupied the throne of Constantinople from 1921 to 1923. At the basis of the theory lay the conception of transforming the Patriarchate of Constantinople into a global church, organized along the lines of extraterritorial jurisdiction, and making it a sort of 'Orthodox Vatican'. [63] The Synod at its session on 1st March 1922 annulled the validity of the Tomos of 1908; if this document concerned solely the Greek parishes in the diaspora, then this new decision declared Constantinople to be the head with "direct oversight and administrative power over *all without exception* Orthodox parishes located beyond the confines of the local Orthodox Churches in Europe, America and other countries." [64]

On the basis of this new theory there were set up in 1922 structures of the Patriarchate of Constantinople in western Europe, north and south America, and in 1924 in Australia, Oceania and in central Europe. The creation of structures of the Patriarchate of Constantinople in other regions of the diaspora continued in the years that followed, while at the same time Constantinople, wherever possible,

hindered the creation or restoration in the diaspora of jurisdictions of the other local churches.”[65]

The claims of Constantinople to the entire diaspora are based in the main not on the undivided fullness of the Orthodox Church as understood by the Orthodox Church in the 28th canon of the Fourth Ecumenical Council which states that “consequently, the metropolitans and they alone of the dioceses of Pontus, Asia and Thrace, as well as the bishops among the barbarians of the aforementioned dioceses, are to be ordained by the previously mentioned holy see of the very holy Church of Constantinople.” This particular canon refers to concrete regions of the Roman empire where the spread of Christianity was the fruit of the missionary endeavours by the Church of Constantinople.

The modern-day Church of Constantinople, though, lays claim by referring to this very canon to the entire Orthodox diaspora, including north and south America, western Europe, Asia, Australia and Oceania. It is assumed that only the jurisdiction of the Church of Constantinople has the right to exist in these regions, while the other local churches are present there unlawfully. Moreover, if, for example, a bishop or cleric of any of the local churches who has his ministry in the diaspora wishes to transfer to the Patriarchate of Constantinople, then he supposedly has no need of a letter of dismissal since he was already a bishop or cleric of the Church of Constantinople before his transfer, only he was not aware of this.[66]

The claims of the Patriarchate of Constantinople also extend to those countries where there does not and never did exist structures of this Patriarchate and where missionaries from the Church of Constantinople never preached, for example, Japan and China.

It is a well-known fact that Orthodoxy appeared in Japan solely as a result of the heroic endeavours of Saint Nicholas of Japan and other renowned missionaries of the Russian Orthodox Church. In 1970 the Japanese Orthodox Church received autocephaly from the Moscow Patriarchate; however, Constantinople not only did not recognize this act, but also stated its rights to this territory, as a result of which in 1971 the *locum tenens* of the Patriarchal Throne of Moscow metropolitan Pimen (later the Patriarch of Moscow and All Russia) in his letter to Patriarch Athenagoras noted the “principle contradiction of the present act of the Holy Synod of the Ecumenical Patriarchate in relation to Orthodox canon law and the practice of the local Orthodox Churches.”[67] Nevertheless, in 2004 the Patriarchate of Constantinople granted to its metropolitan of Korea the title of ‘exarch of Japan’, in spite of the complete absence within Japan of a flock of his own.

The decision by the Holy Synod of the Church of Constantinople also meant that it could apply its theory of the sole right of the Patriarchate of Constantinople to the spiritual care of the Orthodox diaspora by including the Peoples’ Republic of China within the confines of the metropolitanate of Hong Kong (in both 1996 when it was set up and in 2008 when it was removed from the metropolitanate of Singapore),

in spite of the fact that there already existed in China an autonomous Orthodox Church within the jurisdiction of the Moscow Patriarchate. The Holy Synod of the Russian Orthodox Church on 15th April 2008 stated: “The centuries-old spiritual ties of the Russian Orthodox Church with China, which were through her labours dozens of Orthodox church buildings were constructed, which were Scripture and liturgical books were translated into Chinese, which were witnesses to the Lord Jesus Christ even unto death were raised in Orthodox piety, compel today the Holy Synod to speak out in defense of the rights of the God-saved flock of the Chinese Orthodox Church, weakened by the afflictions she has endured, and speak out against the injustice and canonical unlawfulness of the decision by the see of Constantinople that has caused harm to the peace and welfare of the holy Churches of God.”[68]

It is completely impossible to assent to the claims by the Patriarchate of Constantinople to the sole right of pastoral care of the Orthodox faithful in the diaspora. Not a single local Orthodox Church enjoys special, sole and extensive rights to jurisdiction of the entire Orthodox diaspora. The 99th (112th) Council of Carthage states that “bishops ... who have converted the people to the catholic faith and who have oversight over this people must retain their authority over them.”

The new doctrine by Constantinople on its sole canonical rights within the diaspora has become a source of conflict within the Church of Christ. For this reason, as part of the preparations for the Pan-Orthodox Council, the issue of the diaspora was put on the agenda. At the fourth Pan-Orthodox pre-conciliar meeting in 2009 it was decided to establish within each of the regions of the diaspora episcopal assemblies of “all the canonically recognized bishops of this area who will henceforth submit to the canonical jurisdictions of the local church to which they belong.”[69] The assemblies were to take place under the presidency of the senior bishop of the Church of Constantinople, or in his absence one of the senior bishops of the local churches according to the order of the diptychs.

The Russian Orthodox Church viewed the episcopal assemblies within the diaspora as consultative bodies called upon to coordinate the actions of the bishops from various local Orthodox Churches without any lessening of their independent status.[70] For Constantinople, however, the setting up of episcopal assemblies was a step towards the gradual abolition of the presence of the local churches within the diaspora. In a number of countries, the Patriarchate of Constantinople’s people took upon themselves the function of representing all of the local churches to the state and to issue public statements on their behalf, not uncommonly without their consent.

9. Conclusion

The ideas of the new ecclesiological conception of the Patriarchate of Constantinople clearly contradict Orthodox Tradition and the provisions of the canons, as a result of which the Patriarchate of Constantinople has been compelled to cast doubt over this Tradition and demand that it be revised. Patriarch Bartholomew has stated that “we Orthodox should submit ourselves to self-criticism and review our ecclesiology if we do not wish to become a federation of churches patterned after the Protestant churches.”^[71] In order to avoid this artificial threat, he believes that it is necessary to recognize urgently “that in undivided Universal Orthodoxy there is only one ‘First’ not only in honor, but also a ‘First’ with particular obligations and canonical powers as set out by the Ecumenical Councils.”^[72]

We condemn and do not accept the theoretical provisions of the new ecclesiological conception of the Patriarchate of Constantinople, as well as the practical illegitimate and unlawful acts undertaken to realize the aforementioned conception into contemporary church life. These provisions and acts do not accord with Orthodox Tradition, they undermine the canonical foundations of the Universal Church and cause untold harm to the unity of the local Orthodox churches.

In offering up our prayer to “preserve in unity and the true faith within the Orthodox Church throughout the whole world,” we, the bishops of the Russian Orthodox Church, call upon the holy and blessed primates of the Holy Churches of God, our brothers the Orthodox bishops, God-loving priests and deacons, honourable monks and nuns and pious laymen and women who comprise together the fullness of the Universal Church of Christ, to join us in this ardent prayer to the Lord Jesus, the one true Head of his Church, so that he may gather together as one those cast asunder according to the will of the heavenly Father through the grace of the Holy Spirit, that he may cast out all heresies and schisms from the garden of holy Orthodoxy, that he will reduce to nought all enmity and put to shame all falsehood, so that “with one mouth and one heart” his holy name of the Father, and of the Son, and of the Holy Spirit be glorified in the One, Holy, Catholic and Apostolic Church. Amen.

[1] See: «Το Οικουμενικό Πατριαρχείο στην Λιθουανία» at the Φος Φανარიου website. (<https://fosfanariou.gr/index.php/2023/03/21/to-ecun-patriarxeio-stin-lithouania/>)

[2] Cyprian of Carthage, *On the Unity of the Church*.

[3] Ignatius of Antioch, *Letter to the Smyrnaeans*, VIII, 2.

[4] Irenaeus of Lyons, *Against Heresies*, II, XXIV, 1.

[5] *The Position of the Patriarchate of Moscow on Primacy within the Universal Church*, 2 (3).

[6] Manoussakis, John Panteleimon, 'Primacy and Ecclesiology: The State of the Question' in *Orthodox Constructions of the West*, ed. by G.E. Demacopoulos and A. Papanikolaou, New York, 2013. p. 229, 232.

[7] Metropolitan Elpidophoros (Lambriniadis), *Primus sine paribus: A Reply to the Position of the Moscow Patriarchate on Primacy within the Universal Church*.

[8] Metropolitan Elpidophoros (Lambriniadis), *Primus sine paribus*: "The Church has always and systematically understood the person of the Father as the first person (the 'monarchy of the Father') in the communion of the persons of the Holy Trinity. If we are to accept the logic of the text of the Russian Synod, then we should also assert that God the Father is not the unoriginated cause of divinity and fatherhood, but ... is the receiver of his primacy. Where does this primacy come from? From the other persons of the Holy Trinity?"

[9] Homily by the archbishop of America Elpidophoros in the Episcopalian Church of Saint Bartholomew, New York, 10th June 2023.

[10] "It is unthinkable that a local church, especially a church which has received that which she is thanks to the initiatives and acts of the Ecumenical Patriarchate, should break communion with it, since the canonicity of her being flows from it." Metropolitan of Adrianopolis Amphilochius, *In refuting the Ecumenical Patriarchate, one refutes the source of one's own being*, at: Orthodoxia.info.

[11] "The Ecumenical Patriarchate ... has canonical jurisdiction and all apostolic privileges in bearing responsibility for the preservation of unity and communion within the local churches." Introductory speech by the Patriarch of Constantinople Bartholomew at a gathering of the bishops of the Patriarchate of Constantinople on 1st September 2018.

[12] Metropolitan Elpidophoros (Lambriniadis), *Primus sine paribus: A Reply to the Positions of the Moscow Patriarchate on Primacy within the Universal Church*.

[13] Speech by the Patriarch of Constantinople Bartholomew at seminar dedicated to the reactions of the churches and religious communities to war and conflict, Vilnius, 22nd March 2023.

[14] Introductory speech by the Patriarch of Constantinople Bartholomew at a gathering of the bishops of the Patriarchate of Constantinople on 1st September 2018.

[15] Ibid.

[16] Homily by the Patriarch of Constantinople as vespers in Saint Andrew's Church in Kiev, 21st August 2021.

[17] Letter by the Patriarch of Constantinople Bartholomew to His Beatitude the Archbishop of Albania Anastasius of 20th February 2019.

[18] Homily by the Patriarch of Constantinople Bartholomew at the doctoral award ceremony at the Saint Peter Moghila Academy in Kiev, 22nd August 2021.

[19] Cited in: Jannis Spiteris, *La Critica Bizantina del Primato Romano nel secolo XII. Roma*, 1979 (Or. Chr. Ap. 208), pp. 325-326.

[20] Cited from: I. Karmiri, *Τὰ δογματικά καὶ συμβολικά μνημεῖα...* Graz, 1968, T. II. p. 560 (640).

[21] Cited from: I. Karmiri, *Τὰ δογματικά καὶ συμβολικά μνημεῖα...* Graz, 1968, pp.927-930 (1007-1010).

[22] Cited from: I. Karmiri, *Τὰ δογματικά καὶ συμβολικά μνημεῖα...* Graz, 1968, pp.939-940 (1025-1026).

[23] "A human person cannot become the head of the Church of Christ ... The doctrine of the inevitable necessity for the presence of a supreme head of the entire Church of Christ arose as a result of a great

decline in faith in the invisible head of the Church, which is to say, in the Lord Jesus Christ and his being and acting within the Church, as well as a result of a decline in love for Him.” Saint Gorazd of Prague, *1168 Questions and Answers on the Orthodox Faith*, 343, 388.

[24] Minute of the Holy Synod of the Russian Orthodox Church no.60 of 23rd and 24th September 2021.

[25] Cited from the decision by the Holy Synod of the Patriarchate of Constantinople of 11th October 2018 on receiving into communion Philaret Denisenko and Macarius Maletich.

[26] “If any clergyman has a matter against another clergyman, he shall not forsake his bishop and run to secular courts; but let him first lay open the matter before his own bishop, or let the matter be submitted to any person whom each of the parties may, with the bishop’s consent, select. And if any one shall contravene these decrees, let him be subjected to canonical penalties. And if a clergyman has a complaint against his own or any other bishop, let it be decided by the synod of the province. And if a bishop or clergyman should have a difference with the metropolitan of the province, let him have recourse to the exarch of the diocese, or to the throne of the Imperial City of Constantinople, and there let it be tried” (9th canon of the Fourth Ecumenical Council).

[27] From the commentary on the 17th canon of the Fourth Ecumenical Council. See: Bishop Nicodemus (Milaš), *The Canons of the Orthodox Church and Their Interpretation* (in Russian), Moscow, 1996, vol.1, p.374.

[28] *Rudder (Pedalion)*. Commentaries on the 9th canon of the Fourth Ecumenical Council.

[29] Εγκύκλιος της μιας αγίας καθολικής και αποστολικής εκκλησίας επιστολή προς τους απανταχού ορθοδόξους. Εν Κωνσταντινουπόλει, 1848. (§ 14).

[30] Those bishops who repented even removed in public their encolpion of the Mother of God.

[31] In spite of the importance of the council of 1998 in Sofia, it should be noted that Patriarch Bartholomew’s position, who presided at the council, was not purely canonical. He defended the notion of “extreme divine economy” in receiving “bishops” who had received ordination in schism at the hands

of those who had been defrocked and excommunicated from the church, whereas the majority of those attending the council advocated their reception through canonical ordination. This was the position of the Synod of the Russian Orthodox Church regarding the decisions of the council of primates and bishops of the local Orthodox Churches in Sofia.

[32] See the 5th canon of the Council of Sardica.

[33] The 14th canon of the Council of Sardica: "Until all the particulars have been examined with care and fidelity, he who is excluded from communion ought not to demand communion in advance of the decision of his case." The 29th (38th) canon of the Council of Carthage: "Likewise it pleased the whole Council that he who shall have been excommunicated for any neglect, whether he be bishop, or any other cleric, and shall have presumed while still under sentence, and his cause not yet heard, to receive communion, he shall be considered by so doing to have given sentence against himself."

[34] The 15th canon of the Council of Antioch: "If any bishop, lying under any accusation, shall be judged by all the bishops in the province, and all shall unanimously deliver the same verdict concerning him, he shall not be again judged by others, but the unanimous sentence of the bishops of the province shall stand firm."; 105th (118th) canon of the Council of Carthage: "Whoever does not communicate in Africa, and goes to communicate across seas, let him be cast out of the clergy." Letter of the Council of Carthage to Pope Celestine: "Those who have been excommunicated in their diocese may they not be received into communion through Your Holiness ... No matter what affairs arise, they are to be dealt with in their own provinces."

[35] Letter of the Patriarch of Constantinople Bartholomew to the Patriarch of Moscow and All Russia Kirill no. 1119 of 24th December 2018.

[36] Communiqué of the general secretary of the Holy Synod of the Patriarchate of Constantinople of 17th February 2023 on the appeal of clerics from Lithuania.

[37] Communiqué on the work of the Holy Synod of the Patriarchate of Constantinople of 28th June 2023.

[38] He died in 2022.

[39] Patriarch of Serbia Porfirije, *Appeal on the state terror against the Ukrainian Orthodox Church*, 28th March 2023.

[40] Release by the chancery of the Holy Council of Bishops of the Polish Orthodox Church on 2 April 2019.

[41] Minutes of the session of the Holy Synod of the Russian Orthodox Church no.125 of 17th October 2019 and no.151 of 26 December 2019; no.77 of 20th November 2020.

[42] These former clerics who had been defrocked by an ecclesiastical court were “restored” to their priestly rank by the Synod of the Patriarchate of Constantinople (see above, part 2).

[43] See: the 12th, 15th, 32nd and 33rd apostolic canons; 15th and 16th canons of the First Ecumenical Council; 5th, 6th, 10th, 11th, 13th, 20th and 23rd canons of the Fourth Ecumenical Council; 17th and 18th canons of the Council in Trullo; 10th canon of the Seventh Ecumenical Council; 3rd and 6th canons of the Council of Antioch; 20th, 23rd (32nd), 105th (118th), 106 (119th-120th) canons of the Council of Carthage.

[44] *The Canons of the Holy Ecumenical Councils and Their Interpretation* (in Russian), Moscow, 2011, pp.665-666.

[45] See above, part 2.

[46] *The Canons of the Holy Ecumenical Councils and Their Interpretation* (in Russian), p.342.

[47] “The rulers of the holy churches in Cyprus shall enjoy, without dispute or injury, according to the canons of the blessed fathers and ancient custom, the right of performing for themselves the ordination of their excellent bishops” (8th canon of the Third Ecumenical Council).

[48] The Council of Constantinople in 1593 laid down that the primate of the Russian Church “be and is called a brother of the Orthodox patriarchs, and by virtue of this title is equal in rank, episcopal throne

and dignity, and is to sign himself according to the custom of the Orthodox patriarchs thus: 'Patriarch of Moscow and All Russia and the Northern Lands'" (Act of the Council of Constantinople in 1593).

[49] Letter by the Patriarch of Constantinople Athenagoras to the *locum tenens* of the Patriarchal Throne of the Russian Orthodox Church the metropolitan of Krutitsy and Kolomna Pimen no.583

[50] Interview by the metropolitan of Prussia Elpidophoros (Lambriniadis) to the Athens -Macedonia news agency, July 2018.

[51] Cf. the Tomos of autocephaly of the Serbian Orthodox Church in 1879: "Henceforth she is to be canonically independent and self-governing, whose head, as of all the Orthodox Churches, is the God-man our Lord and Saviour Jesus Christ."

[52] This provision of the Tomos was criticized in the statement of the secretariat of the Holy Synod of the Albanian Orthodox Church of 15th November 2022. The document of the Albanian Church states that the given Tomos contains no theory on the recognition of the Ecumenical Throne as head, while the Albanian Church is called a "sister", whereas the OCU in Its Tomos is called a "daughter". One bishop of the Bulgarian Orthodox Church writes thus: "We categorical state that the fourth paragraph means not the symbolic primacy of the Patriarch of Constantinople or primacy in the meaning of first among equals. In the Tomos the issue of primacy is linked to the exclusive rights of the First Hierarchy of the Church of Constantinople over *all* of the Orthodox Church ... An attempt is being made through the provisions of the Tomos to give a pan-Orthodox canonicity to the anti-canonical actions of the Patriarchate of Constantinople regarding the Ukrainian issue and the declared powers of supra-border jurisdiction on the canonical territory of the local autocephalous Orthodox Churches" (metropolitan of Vidno Daniel, *For the Unity of the Church* (in Russian), Moscow, 2021, p.25, 38).

[53] "Unfortunately, in the instance of Ukrainian autocephaly the Ecumenical Patriarch has renounced his traditional role as coordinator, which presupposes that he expresses and puts into effect the conciliar decisions of the local Orthodox Churches, and therefore he refuses to convoke a Pan-Orthodox Council or Council of Primates. On the contrary, like the pope he: 1. Acts without regard to borders on the territory of another jurisdiction which is subject to the Russian Church, as he himself recognized until recently; 2. He takes sovereign and independent decisions in spite of the opinion not only of the Church of Ukraine, but also of the local Orthodox Churches; 3. He claims that the remaining Orthodox bishops throughout the world are obliged to accept any decisions he takes; 4. He believes that his decision has no need of the approval of the other churches and cannot be contested" (from the open letters of priests,

monastics and laity of the Orthodox Church of Greece published in September 2019). “It is clear in this instance that we are dealing with the desire of the Patriarchate of Constantinople to annul the validity of these canons and to abrogate for itself rights which were never granted to any of the bishops of the Orthodox Church. Unfortunately, this reminds us of the wretched attempts of the bishop of Rome to usurp power within the Church. We all know what this led to” (metropolitan of Vidno Daniel, *For the Unity of the Church* [in Russian], p.27).

[54] The expression used by the metropolitan of Kikkou and Tylliras Nicephorus in his presentation at a conference in Moscow on 16th September 2021. See: *World Orthodoxy: Primacy and Conciliarity in the Light of Orthodox Teaching* (in Russian), Moscow, 2023, p.268.

[55] “If someone converted this place to catholic unity and held it in his jurisdiction for three years and nobody demanded anything from him, then may no charges be laid against him after this, even if in this three-year period there was a bishop who could lay charges, but remained silent.”

[56] “The parishes in every diocese ... should be directly under the authority of bishops who administer them and, in particular, if for thirty years they had already administered and governed them.”

[57] ‘Tomos of the Patriarch of Constantinople Meletius IV’ in *Orthodoxy in Estonia: Research and Documents* (in Russian), Moscow, vol.2, pp.42-45.

[58] ‘Act of the Patriarch of Constantinople Dimitrius and the Holy Synod of the Patriarchate of Constantinople of 3rd April 1978 on the cessation of the act of the Tomos of the Patriarch of Constantinople Meletius IV of 1923’ in *Orthodoxy in Estonia* (in Russian), pp.207-208; letter by the Patriarch of Constantinople Dimitrius to the metropolitan of Sweden and All Scandinavia Paul of 3rd May 1978’ in *Orthodoxy in Estonia* (in Russian), pp.208-209.

[59] ‘The Patriarchal and Synodal Act of the Patriarchate of Constantinople on the renewal of the Patriarchal and Synodal Tomos of 1923 regarding the Orthodox Estonian metropolitanate’ in *Orthodoxy in Estonia* (in Russian), pp.314-317.

[60] See: Metropolitan of Kikkou and Tylliras Nicephorus, *The Contemporary Ukrainian Question and Its Resolution In Accordance with the Divine and Holy Canons* (in Russian), Moscow, 20121, p.32.

[61] “The same rule shall be observed in the other dioceses and provinces everywhere, so that none of the God beloved bishops shall assume control of any province which has not heretofore, from the very beginning, been under his own hand or that of his predecessors ... lest the canons of the fathers be transgressed; or the vanities of worldly honour be brought in under pretext of sacred office; or we lose, without knowing it, little by little, the liberty which Our Lord Jesus Christ, the Deliverer of all men, hath given us by his own blood.”

[62] From the letter by the Patriarch of Constantinople Bartholomew to the Metropolitan of the Czech Lands and Slovakia Christopher no.102 of 4th February 2012 (the reason for the letter was the celebration in Prague of the 60^y anniversary of the autocephaly of the Orthodox Church of the Czech Lands and Slovakia: “In the instance of a repeat of similar events marking the granting of an invalid autocephaly by the Moscow Patriarchate to the Church of the Czech Lands and Slovakia, the Ecumenical Patriarchate will regrettably compelled to annul the canonical autocephaly granted to your Church fourteen years ago, return to the Church of the Czech Lands and Slovakia the autonomous status which she had previously and to expunge her from the Holy Diptychs of the autocephalous Orthodox Churches, where she occupies fourteenth place, and to inform all the sister Orthodox Churches of this act.”

[63] Anastassiadis A., ‘Un “Vatican anglicano-orthodoxe” a Constantinople?: Relations interconfessionnelles, rêves impériaux et enjeux de pouvoir en Méditerranée orientale a la fin de la Grande Guerre’ in *Voisinages fragiles: Les relations interconfessionnelles dans le Sud-Est européen et la Méditerranée orientale 1854-1923: Contraintes locales et enjeux internationaux*, ed. by A. Anastassiadis, Athens, 2013, pp.283-302.

[64] Ἐκκλησιαστικὴ Ἀλήθεια. 1922, p. 130.

[65] In particular, in 1993, when the Patriarchate of Jerusalem decided to restore its earlier existing diocese in Australia and appointed an exarch to it, this decision provoked an extremely negative reaction on the part of the Patriarchate of Constantinople. At an enlarged session of the Synod of the Church of Constantinople which took place in Istanbul from 30th to 31st July 1993 with the participation of the primates of the Churches of Alexandria and Greece, as well as representatives of the Church of Cyprus, two bishops of the Greek Orthodox Patriarchate of Jerusalem were defrocked and the Patriarch of Jerusalem Diodoros was censured for an “impious violation” of the holy canons and the leading into temptation and division of the Greek people. The Church of Constantinople ceased to commemorate

him in the diptychs, yet by virtue of “mercy and love for mankind” he was given time to repent while told that the refusal to annul the decision to set up a jurisdiction of the Patriarchate of Jerusalem in Australia would lead to his defrocking. In these circumstances Patriarch Diodoros was compelled to renounce his plans to set up an exarchate in Australia and other countries of the diaspora, after which he was once more commemorated in the diptychs and the defrocked bishops were restored to their episcopal rank. See: ‘The Orthodox Church of Constantinople’ in *The Orthodox Encyclopedia* (in Russian), Moscow, 2015, vol.37, p.289.

[66] This logic was used by Constantinople when the former bishop of Sergievo Basil (Osborne) was received into the Patriarchate of Constantinople in 2006 without a letter of dismissal from the Russian Orthodox Church (in 2010 the Holy Synod of the Patriarchate of Constantinople defrocked bishop Basil and removed him from the monastic estate in connection with his desire to marry).

[67] Letter of the *locum tenens* of the Patriarchal Throne of Moscow metropolitan Pimen to the Patriarch of Constantinople Athenagoras no.85 of 14th January 1971.

[68] Statement by the Holy Synod of the Russian Orthodox Church of 15th April 2008.

[69] Document of the Fourth Pan-Orthodox Pre-conciliar conference on the Orthodox diaspora, Chambésy, 2009.

[70] The participation of bishops of the Russian Orthodox Church in these assemblies was halted as per the statement of 14th September 2018 of the Holy Synod with regard to the unlawful intervention of the Patriarchate of Constantinople into the canonical territory of the Russian Orthodox Church.

[71] Interview with the Patriarch of Constantinople Bartholomew to *Etnikos Kirix* on 13th November 2020.

[72] Ibid.
