PAVEL KUZENKOV Rights to Stavropegion: Church Tradition and Phanar's Claims

Introduction

A recent incident caused by an attempt of the Patriarch of Constantinople to establish his stavropegion in another Church's canonical territory – in the Czech town of Vilémov, diocese of Olomouc and Brno of the Orthodox Church of the Czech Lands and Slovakia – has exacerbated a dispute over this church institution, regarded as one of the prerogatives of the supreme church authority.

Traditionally a stravropegion has been considered in the context of powers of primates of the autocephalous Local Churches. Heated church-political collisions of recent years have revealed a profound difference in the understanding of the limits of canonical jurisdiction between the Local Churches guided by the patristic and Byzantine canonical and ecclesiological tradition and the Patriarchate of Constantinople, whose claims are based on some new ecclesiology which has as its foundation an odd mixture of "eastern papism," manipulation of canons and globalist ecumenical-minded demagogy**[1]**.

Using his ancient honorary title of "Ecumenical Patriarch," the Archbishop of Constantinople–New Rome lays claims to the expansion of his jurisdiction over nothing less than the whole universe ("oikoumene") – with the exception of the territories wherein other autocephalous sister Local Churches exist. However, quite unexpectedly it turned out that even this exception is not absolute. Constantinople decided to extend its right to stavropegion over the entire territory of the planet Earth, having made a resolute step towards the full symmetry with the Roman Catholic teaching on the universal jurisdiction of the See of St. Peter. Yet, contrary to the Catholics, the newly-minted "Orthodox papists" have neither dogmatic, nor ecclesiological, nor legal foundation for their claims. Their only prop is a certain "tradition" which they present as "canonical," trying to base on it a rickety structure of their "neo-Orthodox" ecclesiology. The goal of this article is to calmly and thoroughly examine all the arguments put forward in this regard.

Canonical tradition

Stavropegion is a special status of monasteries and other church institutions (churches, theological schools, alms-houses, etc.), taken out of the canonical jurisdiction of a local diocesan hierarch and subject directly to the primate of a Local Church, for example, to the patriarch. The Greek word *σταυροπήγιον* means "fixture of a cross" – an act that symbolized laying the foundation of a church building**[2]**. According to the canons of the Orthodox Church, establishment of a church or a monastery

is within the competence of a local hierarch: “It is decreed that no one shall anywhere build or establish any monastery or any oratory [i.e., prayerhouse] without the consent and approval of the Bishop of the city (IV Ecum. Council 4)**[3]**; “If, therefore, anyone shall undertake to do this [establish a prayerhouse without having the needments to finish it – *P.K.*], let him be prevented by the local bishop (VII Ecum. Council 17)**[4]**.

No later than the 9th century, there spread in the Byzantine Empire, where many churches and monasteries were founded by the nobility and dignitaries, a practice to invite to the founding ceremony the patriarch himself who would send a reply with his consent (hence the expression “to send stavropegia,” *ἀποστεῖλαι σταυροπήγια*). And when it came to a remote diocese which had its own ruling hierarch, then a canonical collision would occur.

Since olden times the church tradition has devoted great attention to the observance of bishops’ rights to the territories of their church districts. Canons repeatedly stipulate for the inviolability of local hierarchs’ powers and inadmissibility for their brothers the bishops to encroach upon their jurisdiction. It was only by the end of the 5th century that the institution of patriarchate had received its final form as supreme church authority above diocesan metropolitans. Consequently, a possibility for a special sort of privilege arose – subjection to the patriarch directly, bypassing “one’s own” metropolitan. The bishops of the cities receiving such privilege became known as “autocephalous archbishops”**[5]**, having formed a special level of church-administrative hierarchy (below metropolitans, but above ordinary bishops). And conferment of a similar status to churches and monasteries was now called “the granting of a patriarchal stavropegion.”

The institution of stavropegion is a rather late phenomenon that practically had no reflection in the ancient canon law. The multivolume corpus of the canons of the Orthodox Church which includes Canons of the Holy Apostles and Fathers, and the Ecumenical and Local Councils, as well as interpretations of these canons by the Byzantine canonists, such as John Zonaras (early 12th century), Alexios Aristenos (mid-12th century) and Theodore Balsamon (late 12th century), mentions stavropegia only several times**[6]**.

For instance, in his commentary on Canon 31 of the Holy Apostles, Theodore Balsamon writes:

In every city clergy and laity ought to be subject to the local bishop… Resorting to this and other canons determining similar matters, local metropolitans and bishops express their indignation against those who ask for Patriarchal stavropegia in their dioceses. Therefore, some of them have already oftentimes bothered emperors and patriarchs with requests to cancel the granting of patriarchal stavropegia, pointing out that those who seek after them and send a petition to the ecumenical patriarch do not even deign to say a word to them [local metropolitans and bishops]. However, they

*were not heard, and when they asked to produce the canons tolerating the granting of such stavropegia, their protest was nobly rejected by the most holy great church referring to an ancient ecclesiastical unwritten custom which has prevailed from time immemorial and to this day instead of the canons **[7]**.*

As is evident from this text of the authoritative canonist, even in the end of the 12th century hierarchs subject to the patriarch of Constantinople still tried to protest against the establishment of patriarchal stavropegia in the territory of their dioceses**[8]**. And what is particularly important is that in response to her opponents' demand to produce *canonical foundations* for a patriarchal stavropegion, the "great church," i.e. the Patriarchate of Constantinople, could not present such foundations, justifying these rights by "an ancient ecclesiastical unwritten custom which has prevailed from time immemorial and to this day *instead of the canons*" (*διὰ τῆς μακρᾶς ἐκκλησιαστικῆς ἀγράφου συνήθειας, τῆς ἀντὶ κανόνων κρατησάσης*).

It should be noted that the ancient canonical tradition of respect for the rights of diocesan hierarchs, even when a patriarch's prerogatives are being exercised, has been preserved in the modern-day Russian Church. The Statute of the Russian Orthodox Church adopted in 2000 says the following about the procedure for establishing stavropegia:

*The formation of the stavropegic monasteries and metochions in the Moscow diocese shall be carried out according to the decrees of the Patriarch of Moscow and All Russia. Stavropegic institutions in other dioceses shall be established with the consent of the diocesan bishop by the decision of the Patriarch of Moscow and All Russia and the Holy Synod***[9]**.

Thus, the establishment of stavropegia *without the knowledge of* the local ruling bishop – what Balsamon's contemporaries were complaining about – is impossible in the pesent-day Russian Church, completely in accord with the spirit of the ancient Apostolic and patristic tradition.

So, Theodore Balsamon's commentary makes it clear that by the 12th century the institution of stavropegion implying the right of the patriarch of Constantinople to establish and control monasteries in his own Patriarchate's dioceses had already been considered an ancient tradition. Yet, to have canonical power, this tradition needed solid church-legal basis. Obviously, this question concerned Balsamon, for he added the following passage to the commentary cited above:

ANOTHER COMMENTARY. After the interpretation of this canon, having talked with some hierarchs complaining about the patriarchal stavropegia as being sent to their dioceses uncanonically, I came to the conclusion that it is done justly and canonically and that in vain local bishops condemn their creation. For by the divine canons a diocese is given not to a metropolitan, archbishop or bishop, but all the

dioceses of the four klimata of the oikoumene are divided between the five patriarchs; and, therefore, in these dioceses their names are commemorated by all local bishops. It is evident from Canons 6 and 7 of the First Council, as well as from Canons 2 and 3 of the Second Council, which determine that the patriarch of Alexandria has as his diocese all Egypt, Libya and Pentapolis, the patriarch of Antioch – Coelesyria, Mesopotamia and Cilicia, and the rest of the patriarchs – other dioceses. Hence, in virtue of the aforementioned canons having the right of ordination in the dioceses determined for them, and having the right of judgement on the hierarchs ruling there and of their canonical punishment, they also justly grant stavropegia in their cities and dioceses; they are also not forbidden from taking clerics, as many as they wish. **At the same time, however, none of the patriarchs has a permission to send his stavropegia to a diocese of another patriarch** or to seize his cleric, in order that the rights of Churches may not be violated**[10]**.

As we see, the Byzantine canonist considers patriarchs' special privileges defined by the canons of the First and Second Ecumenical Councils (I Ecum. Council 6,7; II Ecum. Council 2,3) as the foundation for the right to grant stavropegia, linking it with other powers of primates of the Local Churches with regard to their subordinate bishops (ordination and judgement). At the same time, Theodore Balsamon, who himself, by the way, bore the title of the Patriarch of Antioch, resolutely condemns the establishment of stavropegia in another Local Church as violating (*συγχέωνται*) the rights of the Churches.

This clarification sheds light on other Balsamon's words. For example, in his commentary on Canon 12 of the Council of Sardica he writes:

*Based on an ancient custom, affirmed conciliarly many times, the throne of Constantinople gives stavropegia to all church dioceses and has commemoration not only in them, but whenever it has immovable domain. Some say that this holy see has powers not only in the domains belonging to it under the right of ownership, but also in the immovable domains of its subordinate monasteries**[11]**.*

In his oratorical composition entitled "In Praise of Two Offices, Chartophylax and Protecdicos" (*Μελέτη χάριν τῶν σύο ὀφφικίων, τοῦ τε χαρτοφύλακος καὶ τοῦ πρωτεκδίκου*), Theodore Balsamon, extolling in a florid style the great honour of the head of the Patriarchal chancery (chartophylax), exclaims:

*Through it [the Patriarchal Secretariat – P.K.], almost in the entire oikoumene, patriarchal stavropegia are recorded and granted, and from many cities church heads are transferred to the palace of the first head**[12]**.*

There is no doubt that in speaking about "all church dioceses" and "almost entire oikoumene"**[13]**, the Byzantine canonist not in the least contradicts himself, meaning the dioceses within the borders of one

Local Church – the Patriarchate of Constantinople. In the latter example it is confirmed by the mention of the transfer of the "church heads" to Constantinople by means of the Secretariat's instruction – apparently, it means summoning bishops to meetings of the Synod**[14]**.

Theodore Balsamon's judgements on stavropegia became an authoritative source for the Byzantine canonists. In the 14th century they were replicated in the *Syntagma Canonum* by Matthew Blastares. This some kind of glossary on ecclesiastical law is an alphabetically arranged code of canons, civil laws on church matters and commentaries by authoritative legal experts. Thus, in the section "On Advantages and Privileges Exercised by Churches and Primates" (Letter E, chapter 11), under the title "Why the Patriarch Sends Stavropegia to the Dioceses of Metropolitans," he quotes, with some alterations, the aforecited "Another Commentary" on Canon 31 of the Holy Apostles:

*BALSAMON. So, inasmuch as the dioceses of the four klimata of the oikoumene are divided between the five patriarchs, **not counting small Churches**, and they are allowed to consecrate metropolitans to the dioceses determined for them, to judge them and punish according to the divine canons, and to have a proclamation and remembrance of their names before every metropolitan of the diocese, based on this, they also send stavropegia to their diocesess and take from them clerics of their choosing. However, none of them is allowed to send a stavropegion to the country which is subject to another patriarch, or to take a cleric from it, in order that the rights of the Churches may not be violated**[15]**.*

It is characteristic that Blastares adds "small Churches" to the five ecumenical patriarchates, meaning, as becomes clear from the following passage, the autocephalous Churches which existed at the time: the Bulgarian Church, the Church of Cyprus and the Georgian Church. Blastares especially emphasises that these Churches, while not ranked among the five patriarchates, are not subject to any of the other patriarchs:

*On the Bulgarian, Cyprian and Iverian Churches. – Not subject to any patriarch are: the Church of Bulgaria which was honoured by Emperor Justinian, as it will be clear from his novel mentioned further on; the Church of Cyprus – it was honoured by the Third and Sixth Councils, as will be told below; the Church of the Iberians (Georgians) which was honoured by the decision of the Council in Antioch to which it had been subject earlier. For customarily hierarchs [of these Churches] are consecrated by their own bishops**[16]**.*

So, the Byzantine canonist of the 14th century documents the transformation of the pentarchy: joining the ancient patriarchates are now the "small Churches" that are not subject to any of them. Hence, the powers of the supreme primates, including the granting of stavropegia, are now limited to the borders of the autocephalous Local Churches.

Then, in the section “On Departure of Bishops and Clerics” (Letter A, chapter 9), under the title “That Only the Patriarch of Constantinople Can Send Stavropegia Everywhere,” Matthew Blastares retells Balsamon’s commentary on Sard. 12, also with some changes:

*It is only the patriarch of Constantinople who, according to the ancient custom, is allowed to grant stavropegia and have a mention and remembrance of his name not only in his own wherever located villages that he possesses and in immovable domains of the monasteries subject to him, but also in the dioceses of his metropolises, namely, where he will be invited by a church builder**[17]**.*

As we see, Blastares, unlike Balsamon, takes for granted, and not as a private opinion, the direct ecclesiastical authority of the patriarch of Constantinople in the domains of the monasteries subject to him. However, this broad interpretation of Constantinople’s privileges does not go beyond that.

One might think that the matter is perfectly clear: both in the 12th and 14th centuries the right of the patriarch of Constantinople to establish stavropegia did not seem unquestionable even in the territory of his own canonical jurisdiction and was disputed by some diocesan hierarchs. Defending this right, the authoritative canonists justified it not by church canons, but by a deep-rooted custom, numbering it among other prerogatives of the primate of the Local Church.

Yet, it is not that simple.

The Eisagoge casus

In his *Syntagma Canonum* (Letter P, chapter 8, entitled “On Patriarch”) Matthew Blastares cites only one and, what is more, state-legal document – the Eisagoge**[18]** of Emperors Basil I, Constantine and Leo (circa 885), which contains, among others, the following text:

*The throne of Constantinople, adorned with the empire, was proclaimed by the first conciliar decisions; following them, the divine laws**[19]** prescribe that disputes taking place under other thrones be referred for its consideration and judgement.*

*Forethought and care for all metropolises, eparchies, monasteries and churches, as well as judgement, condemnation and acquittal are reserved for their patriarch; and the primate of Constantinople is allowed to grant stavropegia in the dioceses of other thrones where no church had been consecrated before, and not only this, but also in disputes taking place under other thrones to oversee, correct and set forth the final judgement**[20]**.*

Thus, the Eisagoge – contrary to all the other canonical literature – asserts that the patriarch of Constantinople: a) holds the first place among all the patriarchates; b) can interfere in disputes within other patriarchates; c) has the right to establish stavropegia in another Local Churches.

The medieval Byzantine legal system, unlike the contemporary one, included many conflicting norms: it is true even for such authoritative collection as Basilika**[21]**. More frequently such casus can be found in the legal compilations based on the material from a wide variety of sources. The aforementioned *Syntagma Canonum* is a typical example, for Blastares's goal was not to determine church-wide canonical norms, he just compiled a convenient reference book, having collected in it different ancient texts of his own choosing.

So, we should find out which of the legal norms was regarded as canonical from the perspective of the relevant church practice. As a matter of fact, the answer was already given by the Byzantine canonists – in the person of Theodore Balsamon. The authority of his opinion was confirmed by Matthew Blastares's quoting him. Balsamon lived two centuries after the Eisagoge had been written and was actively engaged in the practical matters of church life. He states openly that the patriarch has no *canonical grounds* for extending stavropegia even over *his own dioceses*. There is just a tradition which develops canonical prerogatives of primates of the Local Churches *within the borders of their jurisdiction* – that is all!

As for the Eisagoge, this Byzantine work, firstly, is exclusively civil-legal by nature; and secondly, even in this capacity has limited authority. According to scholars, the Eisagoge, compiled in the last year of the reign of Basil I the Macedonian (867-886) with the active participation of Patriarch Photius, did not have a chance to receive firm official status, and under Leo VI (886-912) was forced out to the periphery of legal practice. Perhaps, it even remained a draft law **[22]**. However, some of its provisions, in particular, the text about the emperor and the patriarch cited by Blastares, had a certain influence on the Byzantine and post-Byzantine political ideology, but not due to the authority of the Eisagoge, but because of their uniqueness**[23]**.

In itself, the desire of the Eisagoge's authors, both Basil I and St. Photius who stood behind him, to elevate the patriarch of Constantinople up to the level symmetrical with the universal authority of the emperor was to a large extent determined by a polemic with the papal Rome which at that very period tried to impose on the Byzantine Empire its doctrine of "universal jurisdiction." Besides, by its status the Eisagoge is not a collection of canons, but a code of *imperial* laws, and therefore, its norms are limited by the territory of *one state* – the Byzantine Empire, which in the late 9th century comprised within its borders dioceses of the two patriarchates only: of Constantinople and of Rome (in the Balkans and in Southern Italy); so, by all appearances, the broad interpretation of the prerogatives of the patriarch of Constantinople was aimed against Rome, as a "symmetrical response" to its claims.

In the 6th century a concept of the so-called “pentarchy,” i.e. five patriarchates of the “entire oikoumene,” took its final form**[24]** (universe-oikoumene usually meant the territory of the Roman Empire)**[25]**. Yet, already in the following century, as the result of the Arab conquests, three out of five patriarchal thrones – Alexandria, Antioch and Jerusalem – found themselves in the territory of the Islamic Caliphate, and in 800 the papal Rome created its “own” empire in the West, headed by the Frankish (later German) kings. For many centuries Constantinople remained the only patriarchal see in the territory of the Eastern Roman (Byzantine) Empire and was more and more often regarded as the only “ecumenical” throne**[26]**. This was reflected in both the imperial legislation and church-canonical practice.

Nevertheless, attempts to raise Constantinople above the other Orthodox Local Churches were met with rejection by other patriarchs as contradicting the canons. It is this position that was reflected by Theodore Balsamon. Throughout the whole millennium, from the 10th to the 20th century, the matter concerning the rights to stavropegion did not cause any serious debate. But the situation suddenly changed due to the global shifts caused by the fall of the Ottoman Empire and drastic aggravation of the situation of Orthodox Christians in the Kemalist Turkey. The Patriarchate of Constantinople practically lost its “native” dioceses, and its future existence was jeopardized. It is at the time that the idea of seemingly primordial “ecumenical jurisdiction” of Constantinople began to spread with the support of the Triple Entente countries**[27]**.

Patriarchal stavropegia in the Church of Greece

No such issue as Constantinople’s universal right to stavropegia in the territory of other autocephalous Local Churches was raised, as is evidenced by the precedent with the status of ancient stavropegic monasteries in the lands that passed to the Kingdom of Greece in the 19th century. The Patriarchal and Synodal Act of 1882 read:

*In writing we testify in the Holy Spirit that the sacred patriarchal and stavropegic abodes located in the territories that have lately passed politically to the Kingdom of Greece… henceforth are always called and recognized by everyone as united and inseparably ecclesiastically joined with the Most Holy autocephalous Church of Greece and are governed by the Holy Synod of this Church, being in canonical and direct subjection to her and commemorating her name**[28]**.*

So, back then Constantinople did not only lay any claims to the establishment of new stavropegia in the territory of another Local Churches, but conceded its own ancient and indisputable stavtopegic monasteries, respecting the autocephalous status and integrity of the jurisdiction of its sister Church.

The situation changed in the 1920s, and when again the issue was raised concerning the status of the stavropegic monasteries that had found themselves in the territory of Greece during yet another recarving of political borders, Constantinople took a tougher stand in defending its ancient rights. Paragraph 10 of the Patriarchal and Synodal Act of 1928 states that:

*Canonical rights of the Ecumenical Patriarchate over the holy patriarchal and stavropegic monasteries located in Greece are retained undiminished, in order that the name of the Ecumenical Patriarch be commemorated in them and every time the Holy Synod of the Church of Greece through its President inform the Ecumenical Patriarch about the election of new hegumens' councils of these monasteries**[29]**.*

As we see, even in this case the Throne of Constantinople rather modestly restricts its demands for the preservation of its old canonical rights to stavropegia to such issues as commemoration of the patriarch's name and approval of the composition of the monasteries' governing bodies. No special rights are mentioned.

"Revival" of Constantinople's claims

A theory that the Patriarchal Throne of Constantinople has not only "ecumenical" jurisdiction beyond the borders of other Local Churches, but also the limitless sphere of establishment of stavropegia has seen particularly intensive development owing to the Phanar's policy which has recently taken its final shape as aimed at securing for the Ecumenical Patriarchate the status of the "first without equals" – supreme hierarch of the entire Orthodox Church**[30]**.

Apologists of the Phanar's position, who spoke in support of Constantinople's self-constituted stavropegia in Athens (2014) and Vilémov (2020), base their arguments on the following theses:

1. The Throne of Constantinople–New Rome is defined by the canons as "the second after Rome" (II Ecum. Council 3; IV Ecum. Council 28; Council in Trullo 36), and therefore, since the Roman Church fell away, is "the first" in the Orthodox Church.
2. The jurisdiction of the Patriarch of Constantinople spreads over the churches "in barbarian lands" (IV Ecum. Council 28) – and, therefore, over all the territories on the planet where there are no dioceses of other Orthodox Churches.
3. The canons (IV Ecum. Council 9,17) and the Byzantine legal tradition (Eisagoge, 3.9) acknowledge the rights of the Patriarch of Constantinople to the universal jurisdiction.
4. Within the framework of these "ecumenical" powers the Patriarch of Constantinople has a special – based on the ancient tradition which has the force of canon – prerogative to grant stavropegia in the dioceses of all the other Orthodox Churches as well**[31]**.

Taking in consideration the aforementioned authentic and authoritative texts, we can make the following objections:

1. The primacy of the Throne of Constantinople was never disputed by other Orthodox Churches, but was always seen as the primacy of *honour*. Moreover, according to the canons (II Ecum. Council 3), this primacy was granted to the New Rome because it was the seat of the Emperor and the Senate; however, even when Constantinople lost its status as the capital of the Orthodox empire and in the 20th century any capital status at all, that is, even when the Patriarch of Constantinople lost canonical foundations for his primacy, other Local Churches did not cast doubt on his primacy of honour, respecting the ancient tradition and taking into consideration the complicated political situation of Christians in Turkey. Yet, the Phanar's attempts to interpret this ancient privilege as the primacy of *power* have always been firmly rejected by the Orthodox Churches.
2. The jurisdiction of the Patriarch of Constantinople defined by the Council of Chalcedon (IV Ecum. Council 28) spreads not just over the churches "in barbarian lands, but over the churches "in barbarian lands… of the aforesaid dioceses," i.e. the Pontic, Asian, and Thracian dioceses**[32]**. These dioceses of the Roman Empire were situated in Asia Minor and the region of Thrace (territory of modern-day Turkey); therefore, based on this canon, the jurisdiction of Constantinople cannot spread over any other "barbarian" countries.
3. The canons of the Council of Chalcedon (IV Ecum. Council 9, 17) recognize as the supreme judicial authority "the Exarch of the diocese *or*… the throne of the imperial capital Constantinople"**[33]**. Consequently, the status of Constantinople as specified in these canons a) only applies to its own three dioceses; b) is closely linked to its status as capital. The broad interpretation of this canon in the Eisagoge a) only applies to the territory of the Byzantine Empire and b) even in this territory did not receive official recognition.
4. Therefore, Constantinople's right to found stavropegia in the territory of other autocephalous Local Churches has no grounds, neither canonical nor based on an ancient ecclesiastical tradition. More is to say, the corpus of canonical law recognized by the Church of Constantinople herself contains twice repeated **direct prohibition** on such actions**[34]**.

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[1] Cf. Materials of a recent academic conference on Reasons and Challenges of the Current Crisis in the Inter-Orthodox Relations. 2020.

[2] Σύνταγμα. 1992. Τ. 2. Σ. 582; Canons. 2000. Vol. 2. P. 654.

[3] Ἔδοξε μηδένα μὲν μηδαμοῦ οἰκοδομεῖν, μηδὲ συνιστᾷν μοναστήριον, ἢ εὐκτήριον οἶκον, παρὰ γνώμην τοῦ τῆς πόλεως ἐπισκόπου. — Σύνταγμα. 1992. Τ. 2. Σ. 226; Canons. 2000. Vol 2. P. 165.

[4] Εἴ τις οὖν τούτο ἐπιχειρήσοι ποιεῖν (κτίζειν εὐκτηρίους οἴκους, τὰ πρὸς ἀπαρτισμὸν μὴ ἔχων), κολυέσθω ὑπὸ τοῦ κατὰ τὸν τόπον ἐπισκόπου. — Σύνταγμα. 1992. Τ. 2. Σ. 625; Canons. 2000. Vol. 2. P. 707.

[5] It should be taken into account that in the Greek nomenclature both metropolitans and patriarchs are also considered archbishops, i.e. senior bishops. “Autocephalous” archbishops differ from them as they have no subordinate bishops, but head only their own see – are “their own masters” (such in this case is the meaning of the term *αὐτοκέφαλος*, literally “self-headed”).

[6] Used in this overview is the basic collection of canons of the Churches of Constantinople and Greece – the Syntagma of the Divine and Sacred Canons published by G.A. Rallis and M. Potlis in Athens in 1852-1859 and repeatedly republished (reprint: Σύνταγμα. 1992). Based on this publication, in 1874-1875 the Moscow Society of Devotees of Theological Education prepared a publication of the church canons with commentaries (reprint in 3 books: Canons. 2000).

[7] Ἑκάστης πόλεως ἱερωμένοι καὶ λαϊκοὶ ὀφείλουσιν ὑποκεῖσθαι τῷ κατὰ χώραν ἐπισκόπῳ. ... Τούτῳ τῷ κανόνι καὶ τοῖς λοιποῖς τὰ τοιαῦτα διοριζομένοις προσβοηθούμενοι οἱ κατὰ χώραν μητροπολῖται καὶ ἐπίσκοποι γογγύζουσι κατὰ τῶν ζητούντων σταυροπήγια πατριαρχικὰ εἰς τὰς ἐνορίας αὐτῶν. Διὰ γὰρ τοῦτο καὶ πολλάκις τινὲς ὤχλησαν τὰς βασιλικὰς καὶ πατριαρχικὰς ἀκοάς, ζητοῦντες περιαιρεθῆναι τὴν δόσιν τῶν πατριαρχικῶν σταυροπηγίων, ὡς τῶν ζητούντων αὐτά, καὶ ποιούμενων τὴν τοῦ οἰκουμενικοῦ πατριάρχου ἀναφοράν, μηδὲ λόγου ἀξιούντων αὐτούς· ἀλλ’ οὐκ εἰσηκούσθησαν καὶ ταῦτα ζητοῦντες κανόνας προκομισθῆναι, τὴν τῶν τοιούτων σταυροπηγίων ἐκχωροῦντας ἔκδοσιν, ὡς τοῦ μέρους τῆς ἁγιωτάτης μεγάλης ἐκκλησίας γενναίως ἀποσκευασαμένου τὴν τούτων ἔνστασιν, διὰ τῆς μακρᾶς ἐκκλησιαστικῆς ἀγράφου συνήθειας, τῆς ἀντὶ κανόνων κρατησάσης ἐξ ἀμνημονεύτων χρόνων καὶ μέχρι τοῦ νῦν. — Σύνταγμα. 1992. Τ. 2. Σ.

40–41; cf.: Canons. 2000. Vol. 1. P. 68.

[8] The Greek word *ἐνορία,* “church district,” in Russian is usually translated as “diocese.” It should be noted that the Greek word *ἐπαρχία* has another meaning: geographical or administrative province.

[9] The Statute of the Russian Orthodox Church. Chapter IV, par. 10.

[10] Μετὰ τὴν τοῦ παρόντος κανόνος ἑρμηνείαν, εἰς λόγον ἐλθὼν μετά τινων ἀρχιερέων, γογγυζόντων διὰ τὰ πατριαρχικὰ σταυροπήγια, ὡς δῆθεν ἀκανονίστως ἀποστελλόμενα εἰς τὰς ἐνορίας αὐτῶν, κατενόησα δικαίως καὶ κανονικῶς ταῦτα γίνεσθαι, καὶ μάτην τοὺς ἐγχωρίους ἐπισκόπους μέμφεσθαι τὴν τούτων ποίησιν. Ἀπὸ γὰρ τῶν θείων κανόνων οὔτε μητροπολίτῃ, οὔτε ἀρχιεπισκόπῳ, οὔτε ἐπισκόπῳ ἐνορία ἐδόθη, ἀλλὰ τοῖς πέντε πατριάρχαις ἀπενεμήθησαν αἱ ἐνορίαι τῶν τεσσάρων κλιμάτων τῆς οἰκουμένης, καὶ διὰ τοῦτο ἔχουσιν ἐν ταύταις τὴν ἀναφορὰν τῶν ὀνομάτων αὐτῶν ἀπὸ πάντων τῶν ἐν αὐταῖς ἐπισκόπων· καὶ τοῦτο δῆλον ἀπὸ τοῦ ΣΤ′ καὶ Ζ′ κανόνος τῆς Α′ συνόδου καὶ τοῦ Β′ καὶ Γ′ κανόνος τῆς δευτέρας, διοριζομένων τὸν Ἀλεξανδρείας ἔχειν ἐνορίαν πᾶσαν τὴν Αἴγυπτον, τὴν Λιβύην, καὶ τὴν Πεντάπολιν, τὸν Ἀντιοχείας, τὴν Κοίλην Συρίαν, τὴν Μεσοποταμίας καὶ τὴν Κιλικίαν, καὶ τοὺς λοιποὺς πατριάρχας, τὰς ἑτέρας διοικήσεις. Ὅθεν καὶ ὡς ἔχοντες δίκαια χειροτονιῶν εἰς τὰς ἀφορισθείσας αὐτοὺς διοικήσεις, κατὰ τὴν τῶν ῥηθέντων κανόνων περίληψιν, καὶ ἀνακρίνοντες τοὺς διέποντας ταύτας ἀρχιερεῖς, καὶ κανονικῶς διορθούμενοι, δικαίως καὶ σταυροπήγια δώσουσιν εἰς πόλεις καὶ παροικίας αὐτῶν· ἰδιώσονται δὲ καὶ κληρικοὺς αὐτῶν, ὁσάκις θέλουσιν, ἀποκριματίστως. Τούτων δὲ οὕτως ἐχόντων, οὐδενὶ τῶν πατριαρχῶν ἐπ᾽ ἀδείας ἔσται εἰς ἑτέρου πατριάρχου ἐνορίαν ἀποστεῖλαι σταυροπήγια, ἀλλ᾽ οὐδὲ κληρικὸν αὐτοῦ ἁρπάσαι, ἵνα μὴ συγχέωνται τὰ δίκαια τῶν ἐκκλησιῶν. — Σύνταγμα. 1992. Τ. 2. Σ. 41–42; cf.: Canons. 2000. Vol. 1. P. 69–70.

[11] ἀπὸ μακρᾶς δὲ συνηθείας, βεβαιωθείσης πολλάκις συνοδικῶς, ὁ θρόνος τῆς Κωνσταντινουπόλεως σταυροπήγιά τε δίδωσιν εἰς πάσας τὰς τῶν ἐκκλησιῶν ἐνορίας, καὶ ἀναφορὰν ἔχει οὐ μόνον ἐν τούτοις, ἀλλὰ καὶ ἐφ᾽ αἷς ἔχει ἀκινήτοις κτήσεσιν ὁπουδήποτε. Τινὲς δὲ λέγουσι, τὸ αὐτοδίκαιον ἔχειν τὸν αὐτὸν ἅγιον θρόνον, οὐ μόνον εἰς τὰς διαφέρουσας τούτῳ κυριαρχικῷ δικαίῳ κτήσεις, ἀλλὰ καὶ εἰς τὰ ἀκίνητα τῶν ὑποκειμένων τούτῳ μοναστηρίων, ὁπουδήποτε διακείμενα. — Σύνταγμα. 1992. Τ. 3. Σ. 265; cf.: Canons. 2000. Vol. 2. P. 334.

[12] Διὰ τούτου (scil. τοῦ πατριαρχικοῦ βουλλωτηρίου) καὶ κατὰ πᾶσαν τὴν οἰκουμένην σχεδὸν πατριαρχικὰ καταγράφεται καὶ δίδωσι σταυροπήγια, καὶ πολλάων πολίων ἐκκλησιαστικὰ μετατίθησι κάρηνα εἰς τῆς πρώτης κεφαλῆς τὸ ἀνάκτορον. — Σύνταγμα. 1992. Τ. 4. Σ. 535.

[13] Such notions as “oikoumeme” and “Roman Empire” are often used like synonyms, for instance, in the New Testament (Lk. 2:1, Acts 17:6, 24:5). Another examples: LSJ. 1996. P. 1205.

[14] It is interesting that this very place from Balsamon (but without the ending of the phrase!) was quoted as a “canonical argument” for Constantinople’s rights to “ecumenical autocephaly” in the letter of Metropolitan Apostolos of Derkoi to Metropolitan Michael of Prague and the Czech Lands of January 20, 2020. Cf.: **https://orthochristian.com/128904.html**.

[15] ΒΑΛΣ. Ἐπειδὴ τοίνυν τοῖς πέντε Πατριάρχαις ἀπενεμήθησαν αἱ ἐνορίαι τῶν τεσσάρων τῆς Οἰκουμένης κλιμάτων, πλὴν ὀλίγων Ἐκκλησιῶν, καὶ μητροπολίτας ἐφεῖται τούτοις χειροτονεῖν εἰς τὰς ἀφορισθείσας αὐτοῖς διοικήσεις, ἀνακρίνειν τε αὐτούς, καὶ κατὰ τοὺς θείους εὐθύνειν κανόνας, καὶ τὴν ἐκφώνησιν καὶ μνήμην ἔχειν τῶν οἰκείων ὀνομάτων, πρὸ πάντων τῶν ἐν ταῖς διοικήσεσι μητροπολιτῶν· ταύτη τοι καὶ σταυροπήγια πέμπουσιν εἰς τὰς αὐτῶν ἐνορίας, καὶ κληρικοὺς ἐξ αὐτῶν λαμβάνουσιν οὓς αἱροῦνται. οὐ μὴν ἐφεῖταί τινι τούτων καὶ εἰς χώραν πέμπειν σταυροπήγιον, ἥτις ἑτέρῳ ὑπόκειται πατριάρχῃ, οὔτε κληρικὸν λαβεῖν ἐξ αὐτῆς, ἵνα μὴ συγχέωνται τὰ δίκαια τῶν Ἐκκλησιῶν. — Σύνταγμα. 1992. Τ. 6. Σ. 257–258.

[16] Περὶ τοῦ Βουλγαρίας, τοῦ Κύπρου, καὶ τοῦ Ἰβήρων. Αἱ δὲ μὴ ὑποκείμεναι Πατριάρχῃ τινί, ἡ τῆς Βουλγαρίας ἐστὶν Ἐκκλησία, ἣν ἐτίμησεν ὁ βασιλεὺς Ἰουστινιανός, ὡς ἐκ τῆς βηθησομένης νεαρᾶς αὐτοῦ γνώριμον ἔσται· ἡ τῆς Κύπρου· ταύτην δὲ ἡ τρίτη Σύνοδος καὶ ἡ ΣΤ′ τετιμήκασιν, ὡς αὐτίκα δὴ μάλα ῥηθήσεται· ἡ τῶν Ἰβήρων, ἣν ἐτίμησε διάγνωσις τῆς ἐν Ἀντιόχεια Συνόδου, ὑποκειμένην πρώην αὐτῇ. τούτων γὰρ οἱ ἀρχιερεῖς ὑπὸ τῶν ἰδίων ἐπισκόπων χειροτονεῖσθαι εἰώθασιν. — Σύνταγμα. 1992. Τ. 6. Σ. 258.

[17] Ὅτι μόνῳ τῷ πατριάρχῃ Κωναναντινουπόλεως σταυροπήγια πανταχῆ πέμπειν δέδοται. Μόνῳ δὲ τῷ πατριάρχῃ Κωνσταντινουπόλεως ἐκ συνήθειας ἐφεῖται μακρᾶς σταυροπήγιά τε διδόναι, καὶ τὴν ἀναφορὰν καὶ μνήμην τοῦ ὀνόματος αὐτοῦ ἔχειν, οὐ μόνον ἐφ’ οἷς κέκτηται ἰδίοις χωρίοις ὁπουδήποτε κειμένοις, καὶ τοῖς ἀκινήτοις κτήμασι τῶν ὑποκειμένων τούτῳ μοναστηριῶν, ἀλλὰ καὶ ἐν ταῖς τῶν μητροπόλεων αὐτοῦ ἐνορίαις, ἔνθα ἂν παρὰ τοῦ τὸν νεὼν ἀνεγείροντος δηλαδὴ προσκληθείη. — Σύνταγμα. 1992. Τ. 6. Σ. 84.

[18] *Εἰσαγωγή* – lit. “Introduction [to the law].” Earlier this law book was called “Epanagoge” and this inaccurate name based on an erroneous reading of one later manuscript can be still found in reference literature. Cf.: Schminck. 1986. S. 12–13; Bondach. 2011. P. 50.

[19] Usual for the Roman law name of imperial acts.

[20] Ὁ Κωνσταντινουπόλεως θρόνος βασιλείᾳ ἐπικοσμηθεὶς ταῖς συνοδικαῖς ψήφοις πρῶτος ἀνερρήθη· αἷς οἱ θεῖοι κατακολουθοῦντες νόμοι καὶ τὰς ὑπὸ τοὺς ἑτέρους θρόνους γινομένας ἀμφισβητήσεις ὑπὸ τὴν ἐκείνου προστάττουσιν ἀναφέρεσθαι διάγνωσιν καὶ κρίσιν. Πασῶν τῶν

μητροπόλεων καὶ ἐπισκοπείων, μοναστηρίων τε καὶ ἐκκλησιῶν ἡ πρόνοια καὶ φροντίς, ἔτι δὲ καὶ κρίσις, καὶ κατάκρισις, καὶ ἀθώωσις, τῷ οἰκείῳ Πατριάρχῃ ἀνάκειται· τῷ δὲ Κωνσταντινουπόλεως προέδρῳ ἔξεστι καὶ ἐν ταῖς τῶν ἄλλων θρόνων ἐνορίαις, ἐν οἷς οὐκ ἔστι προκαθιέρωσις ναοῦ, σταυροπήγια διδόναι, οὐ μὴν ἀλλὰ καὶ τὰς ἐν τοῖς ἄλλοις θρόνοις γινομένας ἀμφισβητήσεις ἐπιτηρεῖν καὶ διορθοῦσθαι, καὶ πέρας ἐπιτιθέναι ταῖς κρίσεσιν. — Collectio. 1852. P. 68; cf. Σύνταγμα. 1992. Τ. 6. Σ. 428–429.

[21] Cf.: Medvedev. 2001. P. 465.

[22] Cf.: Medvedev. 2001. P. 176–178; Schminck. 1986. S. 100–103; Bondach. 2011. P. 50.

[23] Τρωϊάνος. 1989–1991.

[24] οἱ ἁγιώτατοι πάσης τῆς οἰκουμένης πατριάρχαι (Novel 109 of Justinian) — CIC. 1954. T. 3. P. 518.

[25] Cf.: Kuzenkov. 2020.

[26] Cf.: Kuzenkov. 2015.

[27] Cf.: Yermilov. 2014.

[28] Καί δή γράφοντες ἀποφαινόμεθα ἐν Ἁγίῳ Πνεύματι, τάς ἐν ταῖς πολιτικῶς τῷ Βασιλείῳ τῆς Ἑλλάδος ἄρτι ἐκχωρηθείσαις χώραις κειμένας…, ὡς καί τάς ἐν αὐταῖς ὑπαρχούσας ἱεράς Πατριαρχικάς καί Σταυροπηγιακάς Μονάς εἶναι διά παντός τοῦ λοιποῦ καί λέγεσθαι καί παρά πάντων γιγνώσκεσθαι καί ἐκκλησιαστικῶς ἡνωμένας καί συνημμένας ἀναποσπάστως τῇ Ἁγιωτάτῃ αὐτοκεφάλῳ Ἐκκλησίᾳ τῆς Ἑλλάδος καί ὑπό τῆς Ἱερᾶς Συνόδου τῆς Ἐκκλησίας ταύτης διακυβερνᾶσθαι, πρός αὐτήν τε ἔχειν τήν κανονικήν και ἄμεσον ὑποταγήν καί ἀναφοράν, καί τοῦ ὀνόματος αὐτῆς μνημονεύειν. — Quoted after: Βαβούσκος. 2018.

[29] Διατηροῦνται ἀπαραμείωτα τά κανονικά δικαιώματα τοῦ Οἰκουμενικοῦ Πατριάρχου ἐπί τῶν ἐν Ἑλλάδι Ἱερῶν Πατριαρχικῶν καί Σταυροπηγιακῶν Μονῶν, μνημονευομένου ἐν αὐταῖς τοῦ ὀνόματος τοῦ Οἰκουμενικοῦ Πατριάρχου καί ἑκάστοτε ὑπό τῆς Ἱερᾶς Συνόδου τῆς Ἐκκλησίας τῆς Ἑλλάδος διά τοῦ Προέδρου αὐτῆς ἀνακοινουμένης πρός τόν Οἰκουμενικόν Πατριάρχην τῆς ἐκλογῆς τῶν νέων Ἡγουμενοσυμβουλίων τῶν Μονῶν τούτων. — Quoted after: Βαβούσκος. 2018.

[30] Cf.: Ἐλπιδοφόρος. 2014.

[31] Cf.: Βαβούσκος. 2018; Letter from Metropolitan Apostolos of Derkoi to His Eminence Metropolitan Michael of Prague of January 20, 2020 (https://orthochristian.com/128904.html); Κυριαζόπουλος. 2020.

[32] Καὶ ὥστε τοὺς τῆς Ποντικῆς, καὶ τῆς Ἀσιανῆς, καὶ τῆς Θρᾳκικῆς διοικήσεως Μητροπολίτας μόνους, ἔτι δὲ καὶ τοὺς ἐν τοῖς βαρβαρικοῖς Ἐπισκόπους τῶν προειρημένων διοικήσεων χειροτονεῖσθαι ὑπὸ τοῦ προειρημένου ἁγιωτάτου θρόνου τῆς κατὰ Κωνσταντινούπολιν ἁγιωτάτης Ἐκκλησίας. — Σύνταγμα. 1992. Τ. 2. Σ. 281.

[33] τὸν ἔξαρχον τῆς διοικήσεως ἢ τὸν τῆς βασιλευούσης Κωνσταντινουπόλεως θρόνον. — Σύνταγμα. 1992. Τ. 2. Σ. 237, 258.

[34] Σύνταγμα. 1992. Τ. 2. Σ. 41–42; Τ. 6. Σ. 257–258.

Source: https://mospat.ru/en/news/45558/