



On the invalidity of episcopal ordinations of Ukrainian schismatics and non-canonicity of the ‘Orthodox Church of Ukraine’

COMMENTARY

OF THE SECRETARIAT OF THE SYNODAL BIBLICAL-THEOLOGICAL COMMISSION

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The unilateral actions of the Patriarchate of Constantinople in Ukraine, which concluded with the signing of the so-called ‘tomos of autocephaly’ in January 2019 in defiance of the will of the episcopate, clergy, monastics and laity of the Ukrainian Orthodox Church, have provoked a bitter debate among churches. An analysis of publications on this topic shows that for any participants in the debate the Ukrainian issue is directly linked with such notions crucial for Orthodox ecclesiology as apostolic succession, *oikonomia* and its boundaries, the order of the Orthodox Church on the universal level, conciliarity and primacy. There is a well-founded concern for preserving the apostolic succession in the Church expressed in works of quite a number of authors, including those who write in Greek, over the Patriarchate of Constantinople Synod’s acceptance in the Eucharistic communion of the persons who have no lawful episcopal ordination.

The key theses produced by the Patriarchate of Constantinople to justify their actions in Ukraine have already been considered in detail by the Synodal Biblical-Theological Commission in its commentary to Patriarch Bartholomew’s letter of February 20, 2019, to Archbishop Anastasios of Albania published by the Patriarchate of Constantinople. Considering the continued debate over the Ukrainian church problem among bishops, priests and lay people of some Local Orthodox Church, the Commission Secretariat publishes its commentaries on the most important topics of the debate.

1. The problem of the apostolic succession among schismatic ‘hierarchs’

Most of the 'consecrations' of bishops in the 'Orthodox Church of Ukraine' began with the former Metropolitan of Kiev and All Ukraine, Philaret Denisenko, who was suspended from ministry on May 27, 1992, by the Bishops' Council of the Ukrainian Orthodox Church and deposed on June 11, 1992, by the Bishops' Council of the Russian Orthodox Church. Due to the fact that monk Philaret failed to repent and continued his schismatic activity, also in the territory of other autocephalous Churches, the Bishops' Council of the Russian Orthodox Church held from February 18-23, 1993, anathematized him. Notwithstanding his repeated appeals to the Patriarch of Constantinople, his conviction was given documental recognition by the Church of Constantinople and other Local Orthodox Churches.

In October 2018, the Patriarchate of Constantinople suddenly announced the consideration of another appeal from monk Philaret and restored him in the rank and dignity of 'former Metropolitan of Kiev'. Moreover, there had been no repentance by Denisenko while the decision of the Patriarchate of Constantinople Holy Synod was not made conditional on a new consideration of his case and accusations brought against him. Five months later, after the bestowal of the 'tomos of autocephaly', M. S. Denisenko together with some 'bishops' separated himself from the 'Orthodox Church of Ukraine' recognized by Constantinople and announced the restoration of the 'Patriarchate of Kiev', consecrating new 'bishops' for it.

It should be pointed out that the causing of a schism was one of the principal but not the only reason for deposing Philaret. The Legal Act of the Council of June 11, 1992, among other thing indicates the following as his crimes: 'authoritative methods of governance... absolute disregard for the conciliar voice of the Church', 'perjury', 'conscious distortion of the authentic decisions of the Bishops' Council', 'personal appropriation of conciliar authority'. The fairness of these accusations appeared to be rejected by the Synod of Constantinople without any examination but was to be proved before long by Philaret himself who caused a schism, this time within the newly created structure, that is, in fact he committed what he had been deposed for thirty years ago. Thus, the only hierarch of the former 'Kiev Patriarchate' who in his time had canonical episcopal ordination left the new 'autocephalous church' and publicly rejected the so-called 'tomos of autocephaly'.

The 'episcopate' of the 'Orthodox Church of Ukraine' also included in full the hierarchy of the so-called 'Ukrainian Autocephalous Orthodox Church' based on the 'episcopal ordinations' performed in 1990 by the former Bishop of Zhitomir, Ioann Bodnarchuk (in 1989, he was deposed by the decision of the Holy Synod of the Russian Orthodox Church) and by former Deacon Viktor Chekalin (in 1988, he was deposed for amoral actions) – an imposter who passed himself off as a bishop but actually never had even a schismatic episcopal ordination. The attempts of schismatics 'to prove' with the help of forged evidence that the consecrations of the UAOC first 'bishops' were made, in addition to Bodnarchuk, by one more hierarch were thoroughly examined on the strength of archives documents and proved to be

wholly false.

A part of the 'hierarchy' of the 'Ukrainian Autocephalous Orthodox Church' was re-ordained by Philaret Denisenko; however, the 'Chekalinist' ordinations can still be traced to the 'consecrations' of some 'bishops' of this structure, including that of Makariy Maletich, who received episcopal 'consecration' from the 'Chekalinist' hierarchy as well. Without having even a formal apostolic succession, Archpriest Nikolay Maletich was 'restored' by the Patriarchate of Constantinople in the rank of 'former Metropolitan of Lvov'. This fact confirms that the Holy Synod of the Patriarchate of Constantinople has decided to acquit the both leaders together with their 'hierarchies' without examining the circumstances of their deviation to schism, their conviction and questions concerning the succession of the schismatic 'consecrations' and even without familiarizing itself with principal facts of their biographies.

2. The limits of applying the principle of *oikonomia*

The foremost and utterly essential condition for applying *oikonomia* in accepting schismatic bishops or clergy to the Church is their repentance. St. Basil the Great, in his First Rule, enjoins 'those who belong to unlawful assemblies **to reform by appropriate repentance and conversion** and thus join the Church' and attests that 'even those in church ranks who deviated together with the unruly **upon their repentance** are often accepted back in the same rank'. The necessity of repentance is also unanimously pointed out in their interpretations of this rule by three authoritative Byzantine canonists: John Zonaras, Theodore Balsamon and Alexios Aristenos[1]. Canon VIII of the First Ecumenical Council devoted to acceptance of the ranks of converts from the Novatian schism prescribes to admit them only after they **profess in writing** that they will observe the dogmas of the Catholic Church. Finally, The 7th Ecumenical Council admitted iconoclastic bishops into communion only after each of them read out his **renunciation of his former mistakes** (Decree 1 of the 7th Ecumenical Council).

It is fundamentally important that the principle of *oikonomia* could be applied only if another old principle is observed: canonical bans can be revoked only by that subject of church authority who had imposed these bans. Canon 5 of the First Ecumenical Council decrees that those 'whether of the clergy or of the laity, who have been excommunicated in the several provinces, let the provision of the canon be observed by the bishops which provides that persons cast out by some be not readmitted by others' (see also Apostolic Canon 32, Canon 6 of the Council of Antioch). At the same time, according to Canon 32 of the Sixth Ecumenical Council, which reaffirmed the respective resolutions of the Council of Carthage, a person excommunicated by the Council of his Church has no right to appeal to the Patriarch

of any other Church. Therefore, the problem of lifting bans from schismatics and their acceptance in their existing rank can be resolved positively either by the Church that imposed these bans or by an Ecumenical Council but with the obligatory participation of the Local Church and consideration for its position as the Church which was directly affected by the activity of schismatics. A typical example is the precedent of *oikonomia* applied to Melitian bishops who caused a schism in the Local Church of Alexandria. The First Ecumenical Council considered this case. However, the Council made its decision with the direct involvement of Bishop Alexander of Alexandria and consideration for his position since he was recorded in the Council's acts as 'the principle figure and participant in everything that was happening at the Council'. In modern history, a similar way was used to initiate the healing of a schism in the Bulgarian Orthodox Church at the Pan-Orthodox Council in 1998 in Sofia, which for the reasons of *oikonomia* accepted schismatic hierarchs in their existing ranks after they made repentance and re-united with their lawful Primate, Patriarch Maxim of Bulgaria.

Therefore, the unilateral decision of the Patriarchate of Constantinople to admit Ukrainian schismatics in their existing rank cannot be recognized as lawful even for the reasons of *oikonomia* since the two most important conditions for its use were not observed: the schismatics' repentance and their reconciliation with the Church from the unity of which they deviated and which imposed bans on them.

It is essential that throughout its history the Orthodox Church in all cases of applying *oikonomia* to schismatics dealt with those whose ordination, performed even formally through the sequence of laying of hands, could be traced back to canonically consecrated bishops. History does not know of precedents of accepting persons in the 'existing rank' whose consecration went back to pretenders who never had episcopal ordination. In this connection, with regard to most of the 'hierarchs' of the aforementioned so-called 'Ukrainian Autocephalous Orthodox Church', the very posing of the question of using *oikonomia* appears absolutely impossible.

3. Absence of legitimacy of the 'Orthodox Church of Ukraine'

In the history of the Orthodox Church (including the modern history), there have been cases of the direct participation of a state and political authorities in the matter of proclaiming autocephaly. It was precisely in this way that in the period from the 19th to the early 20th century most of contemporary autocephalous Churches were formed. As a rule, these processes were consequences of emergence of the sovereign national state (in Greece, Bulgaria, Romania, Serbia) and were regarded as an element of nation building. The legitimacy of a new autocephalous Church was supported by an overwhelming

majority of the population.

The project for creation of an autocephalous Ukrainian Church, proposed by Ukrainian President Petr Poroshenko in 2018, also rested on the idea that, if not all, then at least a considerable majority of Ukrainian believers supported the idea of autocephaly. In his public statements, Patriarch Bartholomew of Constantinople, most probably due to his trust in the information he received from Ukrainian authorities, expressed confidence too that if not all, at least most of the Orthodox population of Ukraine would join the 'one church'.

However, the developments that followed brought out clearly that the ideas of 'autocephalous church' actually did not gain support among most of the Orthodox Christians in Ukraine. The structure created by the Patriarchate of Constantinople has come to be almost fully made of representatives of the two schismatic groups. Out of 90 bishops of the canonical Church, only two moved to the new organization. The Ukrainian Orthodox Church headed by Metropolitan Onufriy of Kiev and All Ukraine remains the largest confession in the country in both in the number of bishops, clergy and parishes and the number of the faithful. Thus, another historical confirmation is given to the words from the 1848 Encyclical of the Eastern Patriarchs: 'The protector of religion is the very body of the Church, even the people themselves, who desire their religious worship to be ever unchanged'.

The defeat in the presidential election in spring 2019 suffered by Petr Poroshenko, who made the proclamation of Ukrainian autocephaly one of his principal points in the pre-election campaign, only reconfirmed the invalidity of the claims of the 'Orthodox Church of Ukraine' to the role of national church.

4. Distortion of the role of the first bishop in the Orthodox Church

The members and experts of the Synodal Biblical-Theological Commission, in their already mentioned Commentary to the Letter of Patriarch Bartholomew, have thoroughly analyzed the theses which, taken together, assert the exclusive powers of the Patriarchs of Constantinople in the whole Orthodox Church. Among these theses are the following:

a) a teaching on the 'super-boundary responsibility' of the Patriarch of Constantinople in matters of the final settlement of various canonical issues arising in other Local Churches, that is, the right to interfere

in matters of the internal life of any Local Church;

b) a teaching on his right 'as guardian' and 'arbiter' to resolve disputes among Local Churches, 'to bolster', even on his own initiative, the actions of Primate of autocephalous Churches that he would consider inadequate;

c) an idea of the 'primacy of the authority of the Patriarch of Constantinople on the universal level as an absolutely essential condition for the life of the Church just as there is the existing primacy of a bishop's authority in his diocese and that of the Primate within a Local Church;

d) a right to determine and review the boundaries of Local Orthodox Churches, and to remove dioceses, episcopate, clergy and laity from the sacred, strictly canonical protected church jurisdiction of one Local church and to re-subject it to another; a right to independently declare the autocephaly of parts of other Local Churches even against the will of their supreme church authority;

e) a right to accept and to make the final judgement on appeals sent in by bishops and clergy of any autocephalous Church.

The above aspects of this new doctrine come into conflict with the Sacred Tradition of the Church of Christ, violate the patristic ecclesiology and lead the Patriarchate of Constantinople's hierarchs and theologians who advocate it to create a model close to medieval papism in the Orthodox East. Holy fathers of Orthodoxy, hierarchs and theologians of the old Eastern Patriarchates used to exert considerable confessional efforts in their struggle with the idea of papacy. The Russian Orthodox Church today too strictly follows what these fathers defended in the polemic with papism in the past centuries. It would not be out of place to recall here once again the words of the aforementioned commentary of the Commission from the 1894 Patriarchal and Synodal Encyclical in which the Holy Church of Constantinople testifies to the Orthodox understanding of primacy that she shared at that time:

‘It is evident from this canon [Canon 28 of the Fourth Ecumenical Council], From this canon it is very evident that the Bishop of Rome is equal in honor to the Bishop of the Church of Constantinople and to those other Churches, and there is no hint given in any canon or by any of the Fathers that the Bishop of Rome alone has ever been prince of the universal Church and the infallible judge of the bishops of the other independent and self-governing Churches’.

The Russian Church has adopted this faith from its Mother, the old Church of Constantinople, and has held it not accepting distortions and innovations.

5. Suspension of the Eucharistic communion

For the reason of uncanonical actions of the Patriarchate of Constantinople in Ukraine, the Russian Orthodox Church, guided by the direct prescription of holy canons, has had to suspend the Eucharistic communion with those who will themselves ‘commune with those excluded from the communion’ (Canon 2, Council of Antioch). It is appropriate to recall here how the holy Emperor Justinian, during the 5th Ecumenical Council, called upon the fathers of the Council to stop the liturgical mention of the name of Pope Vigilius and no longer ‘read the name alien to Christians in the sacred diptychs to avoid becoming accomplices in the impiety of Nestorius and Theodore’. If to continue communion with a person who supported the teaching condemned by the Church meant sharing his impiety, then what should be the reaction to the fact that the hierarchs and clergy of the Church of Constantinople accepted in communion those who, until very recent time, were considered by the whole Orthodoxy to be graceless and self-ordained schismatics? Is it not a sin against the Church and the Holy Eucharist?

By ceasing the liturgical mention of the Pope, Emperor Justinian underscored that in spite of this ‘we continue the unity with the apostolic throne..., for even Vigilius’s or any other’s change for worse cannot damage the peace of the Churches’ (Acta Conciliorum Oecumenicorum. IV, 1. P. 202). It is for this reason that the Russian Church did not and does not separate itself from anything that is holy and truly ecclesial in the Church of Constantinople, but does not believe it possible to participate in uncanonical

actions of its Primate, hierarchs and clergy, seeking to safeguard its faithful from them as well. Therefore, the forced refusal to participate in the sacraments of the Patriarchate of Constantinople as it entered in full ecclesial communion with those lacking apostolic succession is dictated by the reverence of the Eucharist and impossibility to share with schismatic, even indirectly, the holiness of the Sacrament.

The forced severance of communion with the Church of Constantinople is dictated by our concern for preservation of the purity of the faith and strict observance of the church Tradition.

We lift up fervent and zealous prayers to one God glorified in the Trinity for an early end of the trouble caused by the Patriarchate of Constantinople and for the restoration of unanimity and love in the Orthodox Church.

1 John Zonaras: 'Those in unlawful gatherings shall re-join the Church **if they appeal with appropriate repentance** and shall be often accepted in the same degree'.

Theodore Balsamon: 'However, those who arrange unlawful gatherings shall be re-united with the church if they properly repent, so they are often accepted in former degrees.

Alexios Aristenos: 'Such, **if they repent and reform through appropriate repentance** and appeal, shall be reunited with the church as one body' (Interpretation of Rule 1 of St. Basil the Great).

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