# Commentary by the Secretariat of the Synodal Biblical and Theological Commission on the Letter by Patriarch Bartholomew to Archbishop Anastasios of Albania of 20th February 2019

On 9th March 2019 the Patriarchate of Constantinople published on its official website a letter, dated 20th February, by His Holiness Patriarch Bartholomew to His Beatitude Archbishop Anastasios of Albania, sent in reply to the Albanian Primate's letter on the Ukrainian ecclesiastical issue. The content of Patriarch Bartholomew's missive is linked to the uncanonical granting by the Patriarchate of Constantinople of the so-called autocephaly to schismatics in Ukraine, which concerns directly the life of the Russian Church. In attempting to justify this interference in her affairs, Patriarch Bartholomew advances the theory of the exclusive rights of the Patriarchs of Constantinople in the Orthodox Church, trying to prove this theory in his letter to the Primate of the Albanian Church.

The members and experts of the Synodal Biblical and Theological Commission have examined the key theses of Patriarch Bartholomew's argument. Below are the basic conclusions.

**1.**

Patriarch Bartholomew's letter asserts that the sacred canons "not in the form of privileges but of self-sacrifice" have imposed upon the Primate of the Church of Constantinople "responsibilities that transcend borders" with the aim of seeking "a definitive resolution to the problems emerging across the Local Churches, which are unable to settle them by themselves." It also notes that Patriarch Bartholomew's predecessors on the throne of Constantinople ministered to "this heritage" of the Church of Constantinople "throughout the past centuries."

In reality there exist no canons which impart such powers to the Patriarchs of Constantinople, something which is indirectly confirmed by Patriarch Bartholomew himself, who does not quote a single conciliar canon in support of his words.

The predecessors of the current Primate of the Church of Constantinople whom he mentions took a different view of the issue of primacy, rejecting the doctrine of the exclusive rights of the first in honour bishop in the Church. It is relevant in this regard to recall the Patriarchal and Synodal Encyclical of the Church of Constantinople of 1895, the reason for which was the Encyclical of Pope Leo XIII on church reunion. In its polemic with the head of the Roman Catholic Church, the Church of Constantinople then

defended the Orthodox understanding of the role of the first bishop, which does not permit any interference of the first among the Primates in the affairs of the other Local Churches:

“Every bishop is head and president of his own particular Church, subject only to the synodical ordinances and decisions of the Church universal as being alone infallible, the Bishop of Rome being in no wise excepted from this rule, as Church history shows. Our Lord Jesus Christ alone is the eternal Prince and immortal Head of the Church, for ‘he is the Head of the body, the Church’ (Col. 1.18)…

The divine Fathers, honoring the Bishop of Rome only as the bishop of the capital city of the Empire, gave him the honorary prerogative of presidency, considering him simply as the bishop first in order, that is, first among equals; which prerogative they also assigned afterwards to the Bishop of Constantinople, when that city became the capital of the Roman Empire, as the twenty-eighth canon of the fourth Ecumenical Council of Chalcedon bears witness… 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…

Each particular self-governing Church, both in the East and West, was totally independent and self-administered in the time of the Seven Ecumenical Councils. And just as the bishops of the self-governing Churches of the East, so also those of Africa, Spain, Gaul, Germany and Britain managed the affairs of their own Churches, each by their local synods, the Bishop of Rome having no right to interfere, and he himself also was equally subject and obedient to the decrees of synods. But on important questions which needed the sanction of the universal Church an appeal was made to an Ecumenical Council, which alone was and is the supreme tribunal in the universal Church.”**[1]**

In asserting that the ministry of “responsibilities that transcend borders” laid upon the Primates of Constantinople was never “eliciting any reservation or consternation on the part of the other patriarchates,” Patriarch Bartholomew quotes from the epistle of the fathers of the Council of Carthage of 425 to Pope Celestine.

The use of this quotation, as in general the reference to the fathers of this famous Council, causes surprise.

It is a well-known fact that the reason for compiling the epistle was the interference by Pope Celestine in the affairs of the Church of Carthage and his convocation of an ecclesiastical court to receive an appeal from one of the African bishops. In criticizing the said act of the Bishop of Rome, the fathers of the Council wrote, in particular:

“Premising, therefore, our due regards to you, we earnestly conjure you, that for the future you do not readily admit to a hearing persons coming hence, nor choose to receive to your communion those who have been excommunicated by us, because you, venerable Sir, will readily perceive that this has been prescribed even by the Nicene council. For though this seems to be there forbidden in respect of inferior clergy, or the laity, how much more did it will this to be observed in the case of bishops, lest those who had been suspended from communion in their own Province might seem to be restored to communion hastily or unfitly by your Holiness.”**[2]**

It would not be superfluous to quote the excerpt in full in which the fathers of the Council of Carthage request the Pope not to send his representatives to adjudicate on the affair. In the letter of the Primate of the Church of Constantinople this excerpt is not quoted in full:

“Moreover, whoever desires you to delegate any of your clergy to execute your orders, do not comply, lest it seem that we are introducing the pride of secular dominion into the Church of Christ which exhibits to all that desire to see God the light of simplicity and the day of humility.”**[3]**

The modern-day theory of “responsibilities that transcend borders” (*ὑπερόριοι εὐθύναι*) in church affairs is taken wholly from the lexicon of the bishops of Rome, who from the 5th century onwards already laid claim to a “universal care” (*universalis cura*: *sollicitudo omnium ecclesiarum*) which, so they believed, is not a privilege but a “special duty” and “ministry” of the Roman Church.

In 2008 the Bishops’ Council of the Russian Orthodox Church expressed profound concern at the attempts of the Church of Constantinople to assert a new ecclesiological concept, developed by individual bishops and theologians, which is in “direct contradiction to the centuries-old canonical traditions.” The Council’s resolution entitled ‘On the Unity of the Church’ enumerated the basic claims of the Patriarchs of Constantinople as expressed at that time by representatives of this Church. It is characteristic that over the past decade the notion of the Primate of the Church of Constantinople about his powers has been noticeably broadened. Patriarch Bartholomew’s letter to Archbishop Anastasios of Albania announces the right to interfere in the affairs of the other Local Churches on any issue and at his instigation, which in itself is a claim to unlimited jurisdiction over the other autocephalous Churches.

The appeals of the Russian Church to refrain from unilateral actions which may cause irreparable damage to the unity of Orthodoxy have unfortunately gone unheeded:

“Believing that the issues raised can be addressed definitively only by an Ecumenical Council of the Orthodox Church, the present Council calls upon the most holy Church of Constantinople, before these innovations can be examined at a pan-Orthodox level, to exercise caution and refrain from steps which

may undermine Orthodox unity. This especially concerns the attempts to review the canonical boundaries of the Local Orthodox Churches."**[4]**

2.

Patriarch Bartholomew asserts that the ministry of "responsibilities that transcend borders" is exercised by the Patriarch of Constantinople "within the sanctified and canonically immutable system of the Pentarchy."

This argument contains an inner contradiction in that the theory of the pentarchy does not give any foundation to the allegedly existing exclusive powers of the first bishop but, on the contrary, asserts the equality of the five patriarchal sees of the Roman Empire.

The institution of pentarchy was set up in the 6th century by decrees of Emperor Justinian who fixed the 'order of honour' (*τάξις τιμῆς*) of the five largest sees of the Roman Empire – Rome, Constantinople, Alexandria, Antioch and Jerusalem. In Novel 109 of Emperor Justinian dating back to 541 it is stated in particular:

"Our predecessors denned as heretics, and we also designate as such those who are the members of different heterodox sects… as well as all such as are not affiliated with the Catholic and Apostolic Church of God, in which the most holy bishops, the patriarchs of the entire earth, of Italy, of Rome and of this Royal City, of Alexandria, Antioch, and Jerusalem, along with all the holy bishops subject to their authority, preach the true faith and ecclesiastical tradition."**[5]**

In the imperial period the interference of one member of the pentarchy in the territory of another was forbidden, and all inter-ecclesiastical issues and appeals were addressed to the emperor who prescribed the procedure for their resolution. Many authors from the Byzantine period wrote on the topic of equal powers and responsibilities of all five most important sees of the Empire. Patriarch Peter III of Antioch (1052 – 1056) in his letter to the Archbishop of Grado, or Aquileia, states:

"Divine grace ordained that throughout the world there be five patriarchs: of Rome, Constantinople, Alexandria, Antioch and Jerusalem <…> (PG 120 col. 757). The body of the human person is led by a single head. The body has many members which are ruled only by five senses <…> The Body of Christ, that is, the Church of the faithful, is comprised of various nations as the members and is governed by the five senses, that is, by the aforementioned great sees led by one Head, Christ himself (col. 760)."

In 1200 Patriarch John X Kamateros of Constantinople in his letter to Pope Innocent III noted that in conciliar resolutions there is no place for claims of the Bishops of Rome:

“We find there only the enumeration of Churches and the proper order by which one of them is called the first, another the second, then the third and so on. Yet none of the apostolic resolutions or canons deems as catholic any Church which is extended over the others and which calls itself the mother of the others.”**[6]**

It is only later as a result of well-known historical catastrophes, the significant weakening and diminution of the other Patriarchates that found themselves in a difficult position, as well as taking into account the fact that the See of Constantinople was located in the imperial capital, that the actual inequality between the Patriarch of Constantinople and the other Eastern Patriarchs becomes a principle. The late Byzantine period and especially the period of Ottoman rule are marked by the Patriarch of Constantinople’s frequent abuses of his position. It is not surprising that practically all the claims of the Primates of Constantinople relate to this historical period.

It is worth noting in passing that, in quoting in this regard the words of Patriarch Kallistos I of Constantinople in connection with the matter of Patriarch Germanos II of Tarnovo, Patriarch Bartholomew commits a strange error: history knows of no Patriarch of Tarnovo under this name, and during the patriarchate of Kallistos I the See of Tarnovo was occupied by Patriarch Theodosius II.

However, a canonical anomaly caused by the tragic events of the past cannot be elevated to the status of canon. It is noteworthy that even during the Ottoman period, when the Eastern Patriarchs were frequently not only living in Istanbul but also elected and consecrated in this city, there was retained the notion of the equality of all the Patriarchs, which was reflected, in particular, in polemics with non-Orthodox Christians.

Thus, the Encyclical of the Eastern Patriarchs of 1848 dwells on the topic of primacy, disputing, among other things, the claims of the Popes to the primacy in the Church of Christ. The privilege of the first see, in both the early centuries of Christianity and in the 19$^{th}$ century, was seen by the Encyclical’s authors in the fact that this see was located in the capital within the confines of a single state, first of Rome and then the Ottoman Empire. It was not any sacred rights or any special canonical status but the natural course of events which obliged Churches, when controversies arose, to appeal to the capital, either Rome or Constantinople. Yet the decisions made there were to be of a fraternal and not imperative nature, they were not to violate the freedom of the Local Churches, that is, their autocephaly. The Encyclical specifically emphasizes that the fraternal aid of the Patriarch of Constantinople was to be realized solely at the request of Primates of the Local Churches and was not to be imposed by him.**[7]**

**3.**

The letter labels the institution of pentarchy “canonically immutable.” This evaluation seems rather strange.

The pentarchy arose, as was already mentioned above, not as a result of the ecclesiastical canons but as a result of the decrees of the Roman Emperor which meant that, as it was a state institution, it lost its meaning after the Empire had disappeared. Simultaneously, over the passage of time, changes were introduced into the order of honour for the Orthodox Patriarchs. In 1590 at the Council in Constantinople the Eastern Patriarchs in the Charter establishing the Patriarchate in Russia granted to the Primate of the Russian Church the fifth place in the diptych:

“There was ordained over Moscow Our Lord Job in the name and by the grace of the Holy Spirit and he was granted the Patriarchal Letter according to which he was decreed to rule as Archbishop of Moscow as the fifth patriarch and shall have the patriarchal dignity and honour to be named and honoured as such along with the other patriarchs for all the ages.”

**4.**

As confirmation of the alleged “ancient practice of the Church” granting to the Patriarch of Constantinople the right to interfere in the affairs of the other Churches, Patriarch Bartholomew quotes the Tomos of 1663, better known as the “scroll of imperial and patriarchal rule,” in which the Eastern Patriarchs resolved issues “posed to them by the clergy of the Russian Church.”

The aforementioned document – dubious in both its origins and contents – conveys primarily the practice of the time (the Ottoman period) by which the Eastern Patriarchs, as was already stated above, were *de facto* in subjugation to the Patriarch of Constantinople. However, this document, if we read it attentively, does not in fact confirm the current claims of Constantinople.

In spite of the assertion by Patriarch Bartholomew, the Tomos of 1663 was not a response to the issues “posed by the clergy of the Russian Church.” The letters of invitation sent to the four Eastern Patriarchs to attend a Council in Moscow convened against Patriarch Nikon were signed only by Tsar Aleksey Mikhaylovich, the initiator of the judicial proceedings against the Patriarch of Moscow. Neither the supreme authority nor the rank-and-file clergy of the Russian Church entreated any response from the Eastern Patriarchs.

The Tomos of 1663 has no status of a conciliar resolution. The Primates of the Churches of Alexandria and Antioch, to whom a copy of the Tomos was brought, added their signatures significantly later. It is also known that Patriarch Nectarius of Jerusalem refused to sign the document but added to it his particular opinion on the possibility to depose any patriarch, including that of Constantinople, by means

of an ecclesiastical court of metropolitans and bishops, which in essence disavowed the document's stance on the special rights of the Patriarch of Constantinople.**[8]** The authority of at least some of the document's authors is far from undisputed. One of them – Patriarch Macarius of Antioch – in 1662 sent a secret letter to the Pope in which he declared his allegiance to him. This fact alone raises the question on how much we can regard this document to be an expression of genuine and inviolate church tradition.

At the same time, even from the perspective of the canonical system expressed in the Tomos of 1663, the actions of Patriarch Bartholomew in the Ukrainian issue exceed the powers of the Patriarchs of Constantinople as mentioned in the document. This is confirmed by the text of the 8th question-and-answer of the Tomos which is quoted by Patriarch Bartholomew selectively. It is stated at the end of this question-and-answer:

«Εἰ δὲ συναινοῦσι καὶ οἱ λοιποὶ Πατριάρχαι, εἰ τύχον εἴη μείζων ὑπόθεσις, ἀμετάβλητος ἔσται ἡ ἐξενεχθεῖσα ἀπόφασις»**[9]**.

*And if the other Patriarchs agree – in the instance when the issue is more important – then the decision they come to is irreversible.*

The same idea is repeated at the end of the 7th question-and-answer:

«Ἐὰν δὲ περὶ ὧν ἐγκαλεῖτο, ἔκκλητον καλέσῃ ἀπὸ τοῦ θρόνου τῆς Κωνσταντινουπόλεως, τὴν ἀπόφασιν ἐκδεκτέον. Εἰ δὲ συναινέσειεν καὶ οἱ λοιποὶ Πατριάρχαι, οὐδεμίας ἔτι προφάσεως λείπεται χώρα, περὶ ὧν ἐγκαλεῖται»**[10]**.

*And if according to the charges put to him he appeals to the Throne of Constantinople, then he is to await a decision. And if the other Patriarchs are in agreement, then according to the accusations put to him there can be no more grounds for subterfuge.*

Thus, according to the Tomos, firstly, the decisions of the Patriarch of Constantinople are not final; secondly, in order for them to be so the consent of the "other Patriarchs," that is, the Primates of all the Local Orthodox Churches, is required. These provisions of the document can hardly serve as confirmation of the supposed right of the Patriarchs of Constantinople to single-handedly interfere in the internal affairs of another autocephalous Church, ignoring not only the absence of consent from the other Churches but also their clearly expressed disagreement with these actions.

To assert his position, Patriarch Bartholomew completely arbitrarily quotes the 21st question-and-answer which speaks of the accountability of a metropolitan or a patriarch to the court of bishops of his

Church and in no way relates to the issue of the special rights of the Primate of Constantinople.

The 22nd question-and-answer, which is also mentioned in Patriarch Bartholomew's letter, states that if a bishop decides to use the right of appeal "to a higher court," by this time already found guilty by the Patriarch of Constantinople and the other Patriarchs, then this bishop has also no right to appeal. It is characteristic that this norm in the case of the appeal by Mikhail (Philaret) Denisenko not only does not justify the actions of Patriarch Bartholomew, who resolved the appeal positively in October 2018, but also directly forbids such actions. The deposition of the former metropolitan Philaret Denisenko by the Bishops' Council of the Russian Orthodox Church in the 1990s was approved in writing by the Primates of most of the Local Churches, including Patriarch Bartholomew. After this, according to the meaning of the 22nd question-and-answer, the former metropolitan of Kiev had lost the right of appeal.

**5.**

Patriarch Bartholomew asserts that there lies upon the Church of Constantinople a responsibility "by right of overseeing" and as "arbiter" to resolve "differences arising among the holy Churches of God," to bolster "the occasional inadequate ministry of spiritual leaders in certain Churches," and in general to suppress "all kinds of moral and material danger that threatens the stability of the most holy Churches." And the Church of Constantinople is within its rights to interfere "sometimes *ex officio* and out of obligation" and "at the request of interested parties."

It is evident that these claims justifying a unilateral and unagreed intervention into the affairs of any autocephalous Church upon any pretext are not affirmed by the canons and directly contradict the basic ordinances of the Church which forbid bishops of one Church to interfere in the affairs of another. It goes without saying that no one has ever granted to the Patriarch of Constantinople the right to determine the "adequacy of the actions" of Primates of the other Churches; nobody has ever laid upon him the obligation to ascertain "dangers" and avert them. At the same time, there have historically been many instances when the danger for the Universal Orthodoxy was posed by the actions and teachings of the Patriarchs of Constantinople themselves. It was for one such occasion that the Third Ecumenical Council was called to avert the troubled times caused by the errors of the Primate of the Church of Constantinople. The Council condemned the heresy of Patriarch Nestorius, and the delegation of fathers of the Council in Constantinople ordained his Orthodox successor Maximian.

**6.**

In Patriarch Bartholomew's letter it is asserted that the "inter-Orthodox efforts and initiatives," undertaken by the Patriarchate of Constantinople "during the previous and present centuries were perhaps erroneously interpreted by some as an abrogation of its unwavering responsibilities and at the

same time ministerial privileges for the sake of a parliamentary federation of individual Local Churches."

This thesis betrays an unhidden straight departure from conciliarity towards the monarchical principle of church order. We are dealing with the refusal of the Patriarchs of Constantinople to assume the role of coordinator in the Orthodox world, which they repeatedly spoke of in the past, and the actual proclamation of unity of command by the Primates of the Church of Constantinople under the pretext of unalterable responsibility" and "diaconal privileges."

The conciliar system of governance in the Church is humiliatingly labelled by Patriarch Bartholomew as a "parliamentary federation." It should, however, be noted that the model of the Orthodox Church as a "federation" was widely used in theological literature of the 19th and 20th centuries. Imperfect as it is, like any descriptive model, it entered theological language solely as a means of criticizing Roman ecclesiastical monarchism.**[11]** This quite limited use of the words has never been repudiated. Moreover, in the first half of the twentieth century the bishops of the Patriarchate of Constantinople actively used the images of a "federation" and "democracy" to describe the model of the Orthodox Church. For example, Metropolitan Herman (Strinopoulis) of Seleucia in his speech at the enthronement of Patriarch Meletius IV of Constantinople in 1922 called the Church of Constantinople the "mother Church, the centre to which all come and from which all the Local Orthodox Churches take their beginning, comprising a single body." However, he later remarked that "in speaking thus, I am in no way introducing the principle of papal monarchy and the concentration of all ecclesiastical authority in the hands of a single local church or a single individual, thereby clearly overriding the eternal foundations: a federal and democratic order *(δημοκρατικοῦ καὶ ὁμοσπονδιακοῦ πολιτεύματος)*, which the Orthodox Church has been proud of from her very inception."**[12]** Patriarch Meletius called the Pope not the "head" of the Christian Church but the "primate of a Christian federation" (*Προέδρου τῆς Χριστιανικῆς Ὁμοσπονδίας*).**[13]**

The repudiation of the quite comprehensible, yet limited in meaning image of a federation to describe the model of Orthodox Church, which can be observed in recent years, is a symptom of how a number of bishops and theologians of the Patriarchate of Constantinople, including Patriarch Bartholomew, have revised their attitude to church order by adopting the monarchical model of the Church, which their predecessors had consistently criticized for more than a millennium.

**7.**

Patriarch Bartholomew's letter declares the Church of Constantinople to be the "common source of nourishment of the Orthodox" which has appropriated the right not only to grant autocephaly but also to determine in each individual case at its discretion the nature and content of this autocephaly.

It is a commonly-known fact that the canon law of the Orthodox Church contains no provisions for the procedure of proclaiming and recognizing autocephaly. There is no justification in describing the Patriarchate of Constantinople as the “common source of nourishment of the Orthtodox” as historically the Primates of the Church of Constantinople have never by themselves determined the borders of other churches or even of their own.

In the Byzantine period all changes concerning the status of the Metropolitanates within the Patriarchate of Constantinople, as well as the territorial changes of the Patriarchate, were determined by the emperors at their directive and initiative. The jurisdiction of the Patriarch of Constantinople was established by decree of Emperor Marcian (450 – 457) on the basis of the 28th canon adopted at the Fourth Ecumenical Council in Chalcedon as being within the boundaries of the dioceses of Thracia, Asia and Pontus of the Roman Empire. Later the canonical territory of the Patriarchate of Constantinople was on many times widened or narrowed. Thus, in the 8th century the iconoclast emperors transferred the territories of Eastern Illyricum, Southern Italy and Sicilia to the jurisdiction of the Patriarchate of Constantinople. During the Ottoman period the authorities transferred the provinces of the patriarchates of Trnovo and Peć, which they had liquidated, to the jurisdiction of the Patriarchate of Constantinople as an addition to those territories over which the Patriarch of Constantinople continued to exercise pastoral care on the basis of decisions previously taken by the Byzantine emperors.

According to Byzantine state legal practice, based on the prerogative of the emperor recognized by Roman law to regulate “divine matters” (*res divinae*) as an element of public law, the emperor as the “master of the universe” (*δεσπότης τῆς οἰκουμένης*) governed all external affairs of the individual Local Churches which were called “universal” in Byzantine terminology (*οἰκουμενικαί или αἱ ἀνὰ πᾶσαν τὴν οἰκουμένην ἐκκλησίαι*).

In particular, this led to the emperor establishing both new Metropolitanates and whole Autocephalous Churches which included the territories of several Metropolitanates and were governed by archbishops. Among the later decisions was the granting by Emperor Justinian of privileges to the Church of Justiniana Prima in 533**[14]**,the granting by Emperor Constans II of autocephaly to the Church of Ravenna in 666**[15]**, the recognition by Emperors Constantine VII Porphyrogenitus and Romanus I Lecapenus of the autocephaly of the Bulgarian Church in 927**[16]** ,the creation by Emperor Basil II of the autocephalous archbishopric of Ochrid in 1018**[17]**,and the granting by Emperor Theodore Lascarisus of autocephaly to the Church of Serbia in 1219.

The single-handed granting by the Synod of the Patriarchate of Constantinople of autocephalous status to the Churches of Helladas, Roumania, Serbia and other churches in the 19th and 20th centuries is the practice of modern times, a justification for which cannot be found in any of the church canons of the period of the Ecumenical Councils. At the same time, the Patriarchate of Constantinople was not the

only church which granted autocephaly beyond the borders of the empire. For instance, the Georgian Church received autocephaly from the Church of Antioch, as witnessed by Balsamon: “The Georgian Church was accorded this honour by the Council of the Church of Antioch: for we read that in the days of the Patriarch Peter of Theupol–the Great Antioch there was promulgated the conciliar decision to create the Church of Georgia, subjugated to the patriarch of Antioch as free and autocephalous.”**[18]**

**8.**

Continuing the theme of autocephaly, Patriarch Bartholomew labels as an unsound opinion the notion of “self-sufficient local churches” and explains that the status of autocephaly “is not comprise an immutable or static system but is adapted with much circumspection to current pastoral needs of the time.” The currently existing autocephalous churches are defined by the Patriarch as “the newest and so-called ‘autocephalies.’”

In the ecclesiological model proposed by Patriarch Bartholomew there is introduced a hierarchy of churches at the head of which is the Patriarchate of Constantinople – the “arbiter” and “guardian” and “common source of nourishment of the Orthodox.” Second place is occupied by the ancient churches, the status of which, fixed in the acts of the Ecumenical Councils, is respected but does not, however, exclude the possibility of interference in their internal life on the part of Constantinople. Finally, the last step in the hierarchy is taken by the “so-called ‘autocephalies’”, that is, all the remaining autocephalous Orthodox Churches, the status and extent of the powers of which are wholly determined by the Patriarchate of Constantinople, up to the abolition of these churches by synodal decree in Istanbul.

This concept completely devalues the notion of autocephaly and goes against Orthodox ecclesiology. The principally equal rights of all the patriarchs, even within the institute of the pentarchy as it existed in the Byzantine period, have been mentioned above.

**9.**

In order to justify his decision to receive in ecclesiastical communion the Ukrainian schismatics in their present orders, Patriarch Bartholomew points towards the precedent of healing the Melitian schism at the First Ecumenical Council, stating that the Melitian bishops, who received their episcopal consecration while in schism, “were received in their orders without being reordained.” To reinforce his position the Patriarch invokes the treatise of Metropolitan Basil (Asteriou) of Anchialos, yet mistakenly speaks of its compilation in 1877 when in fact it was compiled in 1887.

Patriarch Bartholomew’s assertion, however, finds no confirmation in the documents of the Council of Nicaea.

The Council's letter on this issue speaks of receiving into ecclesiastical communion "those ordained by him [i.e. the former Bishop Meletius of Licopol and **confirmed by a more mystical ordination** [μυστικωτέρᾳ χειροτονίᾳ βεβαιωθέντας]." It is to be noted that Patriarch Bartholomew, in following Metropolitan Basil of Anchialos, is repeating the idea of St. Theodore the Studite, who believed that those who returned from the Melitian schism up until the 7th century were received without being re-baptised and without undergoing the sacrament of chrismation. However, Patriarch Bartholomew believes that the treatise of metropolitan Basil (Asteriou) describes the "centuries-old position of the Orthodox Church" on the issue of the validity of schismatic ordinations and yet he makes an important addition: "It is, however, probably that those who returned from the Melitian schism were confirmed in their sacred orders through prayer by laying on of hands according to the decision of the First Ecumenical Council, expressed in the aforementioned synodal letter and in the 8th canon."**[19]**

That ordinations performed in schism were not recognized merely by being received into communion by the corresponding decision of the Council is attested by the 8th canon of the First Ecumenical Council on the Novatian schism, which is also alluded to by Patriarch Bartholomew. According to this canon, those clerics returning from the Novatians were received into the church through the laying on of hands (*ὥστε χειροθετουμένους αὐτούς*) upon the condition of producing a written confession of the Orthodox faith. In both instances reception into ecclesiastical communion of schismatic clerics was done individually each time. Concelebration with the Ukrainian schismatics and entering into eucharistic communion with them on the basis merely of the synodal decision of the Church of Constantinople without the affirmation and even validation of the apostolic succession of ordinations performed in schism has nothing in common with the practice of the healing of the Melitian and Novatian schisms.

The examples which Patriarch Bartholomew gives are incorrect for the reason that the posing of the issue of receiving a schismatic bishop in his present orders is possible when that bishop enjoys apostolic succession, which is absent in that part of the 'episcopate' of the 'Ukrainian Orthodox Church' recognized by Constantinople. The ordinations of the majority of the 'bishops' of the former 'Ukrainian Autocephalous Orthodox Church', which have now become part of the 'Orthodox Church of Ukraine' can be traced back to two people – the defrocked former Bishop John (Bodnarchuk of Zhitomir) and the self-proclaimed 'bishop' Viktor (Vikenty) Chekalin, who did not even receive ordination within schism. It is evident that the ordinations performed by these people cannot under any circumstance be considered valid.

It is important to note that the 8th canon and the aforementioned letter of the First Ecumenical Council noticeably limit the rights of former schismatic bishops joining the Church, as they were placed in a subordinate position in relation to the canonically ordained Orthodox bishops. Following this logic, the bishops of the schismatic groups in Ukraine, in the instance of their repentance and return to the

Church, could be received either as auxiliary bishops of the ruling local bishops of the Ukrainian Orthodox Church or as retired bishops. However, having unilaterally interfered in the church situation in Ukraine, the Patriarchate of Constantinople has ignored the canonical Ukrainian Orthodox Church. Going against the 8th canon of the Council of Nicaea which forbids the formation of a parallel church structure on the basis of reuniting bishops from schism in their present orders, Constantinople has created such a structure in Ukraine. Moreover, even within the so-called 'Orthodox Church of Ukraine' the 'bishops' and dioceses of once two independent schismatic groups continue to coexist parallel to each other, and two 'hierarchs' bear the same title of 'of Kiev and All Ukraine,' which, incidentally, can belong to neither by virtue of the fact that there already is a legitimate Metropolitan of Kiev and All Ukraine – His Beatitude Onufry.

**10.**

Patriarch Bartholomew's letter makes a comparison between the Ukrainian schism and the Greek-Bulgarian schism, as well as with the division between the Russian Orthodox Church and the Russian Church Abroad.

There is no basis for seeing an analogy between these examples and the autocephalous schism in Ukraine.

The case of Ukraine is a schism within the Local Church by means of setting up a parallel non-canonical hierarchy by a number of defrocked bishops without the support of the absolute majority of the episcopate, clergy and laity. Concerning the Greek-Bulgarian schism, we are dealing with the separation of a whole Local Church from the fullness of communion with Universal Orthodoxy.

The defrocking of the leaders of the Ukrainian schism by the Bishops' Council of the Russian Orthodox Church was recognized in writing by the Primates of the Local Orthodox Churches, including until recently the Patriarch of Constantinople. Yet the sanctions imposed by the Church of Constantinople upon all the bishops, clerics and laity of the Bulgarian Exarchate did not find unconditional approval in the Orthodox world. The Patriarchate of Constantinople imposed sanctions upon the Bulgarians for the first time in May 1872, but in August and September of the same year convened a Council with the aim of imparting a pan-Orthodox nature to this decision. Along with Patriarch of Constantinople, the Council was attended by the Primates of the Churches of Alexandria, Antioch, Jerusalem and Cyprus. The Russian Church did not participate in the Council and did not respond to the letter of the Patriarch Anthimus of Constantinople VI on the proclamation of the schism. In believing that the reasons for declaring the Bulgarian Exarchate to be schismatic were insufficient, the Russian Church, although she did not maintain complete canonical communion with it, tried to overcome its isolation, which was expressed in the gift of the holy chrism from individual Russian bishops as well as the concelebration in

a number of instances of Russian and Bulgarian clergy. It is characteristic that among the participants of the Council of Constantinople in 1872 not all of them supported the imposition of schism. Patriarch Cyril II of Jerusalem refused to sign the Council's provisions and at the same time the members of the Synod of the Church of Antioch expressed their disagreement with the signature of the Patriarch Hierotheos of Antioch.

There is even less justification for comparing the Ukrainian schism with the division between the Russian Church Abroad and the Church in the Fatherland, which was overcome in 2007. The bishops of the Church Abroad throughout the entire period of her independence were never defrocked by the Russian Orthodox Church. The apostolic succession of the Russian Orthodox Church Abroad has never been placed in any doubt, as a result of her bishops and clerics were always received in their present orders when they changed jurisdiction. The Russian Church Abroad was also in limited or full eucharistic communion with the Patriarchate of Jerusalem and the Serbian Orthodox Church. There were instances of concelebration between bishops of the Russian Church Abroad and representatives of the Patriarchate of Constantinople (we know, for example, of the concelebration of Archbishop Anthony (Bartoshevich) with Metropolitan Emilianos (Timiadis) of Calabria). By contrast with the actions of Constantinople, preparations for the restoration of canonical communion between the Moscow Patriarchate and the Russian Church Abroad took several years since it was evident that all of the conditions for restoring unity had to be carefully examined on the basis of canons. In particular, inquiries were sent to the former superiors of the priests received into the Russian Church Abroad without letters of dismissal from other Local Orthodox Churches. The haste with which Constantinople took decisions with regard to the Ukrainian schismatics testifies to that fact that there was an unchurchly factor in its actions.

**11.**

We should pause to examine separately the label given to one of the leaders of the Ukrainian schism Makary Maletich as "former metropolitan of Lviv." Patriarch Bartholomew writes that the "provision of our Modesty regarding the right of appeal appears clear and indisputable, just it was also exercised in the case of the Most Reverend Metropolitans Filaret, formerly of Kyiv, and Makary of Lviv."

The label of "former metropolitan of Kiev" applied to Filaret in this context is correct as he received his episcopal consecration in the canonical Church and up until his going into schism he bore the title "Metropolitan of Kiev and All Ukraine." However, we are surprised by the use of the title "former metropolitan of Lviv" in relation to Makary Maletich, who is a *former archpriest* of the Russian Orthodox Church and went into schism as a priest and in schism received an uncanonical episcopal consecration and the title "bishop of Lviv." The label applied to Makary Maletich as "former metropolitan of Lviv" is encountered repeatedly both in official documents of the Patriarchate of Constantinople (for example, in

the letter of His Holiness Patriarch Bartholomew to His Holiness Patriarch Kirill of Moscow and All Russia No.1119 of 24th December 2018) and in the public commentaries of high representatives of the Church of Constantinople.**[20]** This circumstance excludes the possibility of a chance mistake and clearly testifies that Patriarch Bartholomew and the members of the Synod of the Patriarchate of Constantinople who made the decision on 9th–11th October to restore Filaret Denisenko and Makary Maletich in their rank were not acquainted with the basic facts of the biography of the leaders of the Ukrainian schism. This, in turn, means that no second examination of the affair, which would be normal in the instance of the submission of an appeal, in reality did not take place. Therefore, the Patriarch of Constantinople, who has abrogated for himself the right to receive and examine appeals, in the case of the Ukrainian schism did not avail himself of this right.

**12.**

Patriarch Bartholomew's claims to special powers of authority in the Orthodox world are based on the notion of primacy which the Patriarch of Constantinople has abrogated for himself.

And yet the notion of the primacy of honour (*τὰ πρεσβεῖα τῆς τιμῆς*), which the Orthodox tradition knows, is closely connected to the notion of authority. 'Authority' (*auctoritas*) and 'honour' (*honor*) were linked together as far back as in antiquity, along with such notions as 'dignity' (*dignitas*) 'reason' (*consilium*) and 'gravity' (*gravitas*).**[21]** These notions entered ecclesiastical canon law through Roman law. The loss of reason and dignity inevitably entails the loss of authority and honour. Authority is primarily built upon an informal trust and not on formal powers of authority which are linked to the notions of *potestas* and *imperium*.

In church history the primacy of honour initially belonged to the See of Rome which was viewed as the most authoritative arbiter and guardian of Orthodox doctrine. But the abuse of trust led the See of Rome to the loss of the authority and primacy of honour. The See of the New Rome – Constantinople became the most authoritative See because its central position in the Christian East and proximity to imperial power allowed it to resolve many problems.

However, primacy of honour does not give its owner the right to grant oneself additional powers of authority and interfere in the affairs of other autocephalous churches without their consent. In the official document entitled "The Position of the Moscow Patriarchate on the Issue of Primacy in the Universal Church" it is stated: "The Patriarchal See of Constantinople possesses primacy of honour on the basis of the sacred diptychs recognized by all Local Orthodox Churches. The content and meaning of this primacy are determined by the consensus of the Local Orthodox Churches."**[22]**

Authority is always a very fragile status. It is wrong to think that it can be imposed or formally imparted to

someone. The abuse of trust inevitably leads to the loss of authority and this means the loss of the primacy of honour. The actions of the Patriarchate of Constantinople in Ukraine, which can be qualified as none other than arbitrariness, have undermined the authority of the See of the New Rome and have cast doubt upon its right to be called first among equals.

The special powers which the Church of Constantinople has abrogated for herself do not find any confirmation in either the tradition of the Orthodox Church or within the consensus of the Autocephalous Churches. The unilateral abrogation by the Patriarch of Constantinople of special powers of authority is none other than a usurpation of power and the single-handed abrogation of those rights which the See of the New Rome never had and could never have in relation to other Local Orthodox Churches.

**13.**

In the concluding part of his letter Patriarch Bartholomew exclaims: “We are at a loss as to how this impertinence and slander against the Mother Church and our Modesty personally is tolerated by some and – wittingly or unwittingly – sometimes espoused in the form of affirmation or repetition of arguments by those who avenge their benefactor. Do these disciples love the Church and its unity more than their teachers do? Surely not!”

The relationship between teacher and disciple in its nature is always temporary and finite. The attempt to construct an eternal subordination between nations along the lines of “teacher and disciple” can never be tolerated in Christ’s Church.

The indignation of the Primate of the Church of Constantinople, as we can see, is caused by the fact of an argued lack of consent to his uncanonical decisions regarding the Ukrainian ecclesiastical issue. Patriarch Bartholomew’s letter demonstrates that the arguments outlined in it in reply do not stand up to criticism.

***[1]*** *The Patriarchal Encyclical of 1895. A Reply to the Papal Encyclical of Pope Leo XIII on Reunion // **http://orthodoxinfo.com/ecumenism/encyc_1895.aspx**.*

***[2] http://www.newadvent.org/fathers/3816.htm**.*

***[3]*** *Ibid.*

***[4]*** *Resolution of the Holy Bishops’ Council of the Russian Orthodox Church (Moscow, 24$^{th}$ – 29$^{th}$ June 2008) ‘On the Unity of the Church // http://www.patriarchia.ru/db/text/428916.html.*

***[5] https://droitromain.univ-grenoble-alpes.fr/Anglica/N109_Scott.htm**.*

***[6]** Spiteris J., La critica bizantina del Primato Romano nel secolo XII (Or. Christ. An. 208) Roma 1979, p. 325-327.*

***[7]** "His Holiness (i.e. Pope Pius IX) says that the Corinthians, divided among themselves, referred the matter to Clement, Pope of Rome, who wrote to them his decision on the case; and they so prized his decision that they read it in the churches. But this event is a very weak support for the Papal authority in the house of God. For Rome being then the center of the Imperial Province and the chief City, in which the Emperors lived, it was proper that any question of importance, as history shows that of the Corinthians to have been, should be decided there, especially if one of the contending parties ran thither for external aid: as is done even to this day. 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."*
*// **http://orthodoxinfo.com/ecumenism/encyc_1848.aspx**.*

***[8]** Sobranie gosudarstvennykh gramot i dogovorov, khranyashchikhsya v gosudarstvennoi kollegii inostannykh del. Moscow, 1826, vol. 4, p.117.*

***[9]** Ibid. p.97.*

***[10]** Ibid. p.95.*

***[11]** It is in this context that the term was used, for example, by the renowned church historian and canonist S.V. Troitsky: "While the Roman Catholic Church reminds us of an absolute monarchy, the Orthodox Church is reminiscent of a federal state" (S.V. Troitsky, Tsrkveno pravo, Beograd, 2011, p..409).*

**[12]** *Ἐκκλησιαστικὴ Ἀλήθεια*, 1922, p.43.

**[13]** *A. Tillyrides A, Meletios Metaxakis: A Historic Document // Θεολογία. Τόμος ΝΕ΄. Τεῦχος 2. Σ. 529.*

***[14]*** *Corpus iuris civilis / Rec. R. Schoell, W. Krol. Vol. III: Novellae. Berlin, 1954. Novella XI, p.94.*

***[15]*** *Rerum Italicarum scriptores. T. II. Mediolani, 1723. P. 146: SANCIMUS amplius securam, atque liberam ab omni superiori Episcopali conditione manere, et … non subjacere pro quolibet modo Patriarchae antiquae Urbis Romae, sed manere eam αὐτοκέφαλον.*

***[16]*** *H. Gelzer,. Das Patriarchat von Achrida. Geschichte und Urkunden // Abhandlungen der königlichen sächsischen Gesellschaft der Wissenschaften. Bd. 47. Philologisch-historische Klasse. Bd. 20. Leipzig, 1903. S. 6: Δαμιανὸς ἐν Δωροστόλῳ, τῇ νῦν Δρήστᾳ. ἐφ' οὗ καὶ ἡ Βουλγαρία τετίμηται αὐτοκέφαλος. οὗτος πατριάρχης ἀνεγορεύθη παρὰ τῆς βασιλικῆς συγκλήτου κελεύσει τοῦ βασιλέως Ῥωμανοῦ τοῦ Λακαπηνοῦ*

***[17]*** *Decree of Emperor Basil II. See: V.N. Beneshevich, Opisanie grecheskikh rukopisei monastyrya Sv. Yekateriny na Sinae.Vol. I, St. Petersburg, 1911, pp.544-550; Izvori za bulgarskata istoriya, vol. 11, Sophia, 1965, pp.40-47.*

***[18]*** *Rhalles-Potles. Vol. II, pp.171-172.*

***[19]*** *It would be appropriate to note the imprecise nature of Metropolitan Basil's assertion. If the 8th canon of the First Ecumenical Council does indeed speak of the 'laying on of hands' (χειροθεσία) over schismatic clergy, then in the above-quoted letter of the Council of Nicaea the word used is 'ordination' (χειροτονία).*

***[20]*** *See, for example, the interview by Archbishop Job of Telmessos to the BBC Russian service. [https://www.bbc.com/russian/features-46067230?fbclid=IwAR1mMfoAHpIJFbGqzCHrWT9IpCvfmdDLYZQ02yHoliWFwFY2AeB4Au5KjlM]*

***[21]*** *A.V. Marei, Avtoritet, ili Podchinenie bez nasiliya, St. Petersburg: Publishing House of The European University in St. Petersburg, 2017.*

***[22]*** *Pozitsiya Moskovskogo patriarkhata po voprosu o pervenstve vo Vselenskoi Tserkvi. 5.*

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