THE RUSSIAN ORTHODOX CHURCH
Department for External Church Relations

Statement by the Holy Synod of the Russian Orthodox Church concerning the encroachment of the Patriarchate of Constantinople on the canonical territory of the Russian Church

With profound pain the Holy Synod of the Russian Orthodox Church has taken the report of the Patriarchate of Constantinople published on October 11, 2018, about the following decisions of the Holy Synod of the Patriarchate of Constantinople: confirming the intention 'to grant autocephaly to the Ukrainian Church; opening a 'stauropegion' of the Patriarchate of Constantinople in Kiev; 'restoring in the rank of bishop or priest' the leaders of the Ukrainian schism and their followers and 'returning their faithful to church communion'; 'recalling the 1686 patent of the Patriarchate of Constantinople on the transfer of the Metropolis of Kiev to the Moscow Patriarchate as its part.

These unlawful decisions of the Synod were adopted by the Church of Constantinople unilaterally, ignoring the appeals of the Ukrainian Orthodox Church and the plenitude of the Russian Orthodox Church as well as sister Local Orthodox Churches, their primates and hierarchs to hold a pan-Orthodox discussion of the issue.

Entering into communion with those who deviated into schism and the more so with those who are excommunicated from the Church is tantamount to deviation into schism and is severely condemned by the canons of the Holy Church: 'If any one of the **bishops**, **presbyters**, or **deacons**, or any one in the Canon shall be found communicating with **excommunicated persons**, let him also be **excommunicated** as one who brings confusion on the order of the **Church**' (Council of Antioch Canon 2; Apostolic Canons 10, 11).

The decision of the Patriarchate of Constantinople 'to restore' the canonical status and admit to communion former Metropolitan Philaret Denisenko excommunicated from the Church ignores a number of successive decisions of Bishops' Councils of the Russian Orthodox Church, the validity of which is beyond doubt.

By the decision of the Bishops' Council of the Ukrainian Orthodox Church, which took place on May 27, 1992, in Kharkov, Metropolitan Philaret (Denisenko), for his failure to fulfil the promises he gave on oath at the cross and the Gospel during the previous Bishops' Council of the Russian Orthodox Church, was removed from the see of Kiev and suspended.

The Bishops' Council of the Russian Orthodox Church, by its Resolution of June 11, 1992, confirmed the decision of the Council of Kharkov and deposed Philaret Denisenko depriving him of all ranks of ministry according to the following accusations: 'Cruel and arrogant attitude to the clergy under his jurisdiction, diktat and blackmail (Tit. 1: 7-8; Apostolic Canon 27; bringing temptation to the community of the faithful by his behaviour and private life (Mt. 18:7; the First Ecumenical Council Canon 3, the Sixth Ecumenical Council Canon 5); perjury (Apostolic Canon 25); public slander and blasphemy against a Bishops' Council (Second Ecumenical Council Canon 6); exercising divine offices including ordinations in the state of suspension (Apostolic Canon 28); causing a schism in the Church (Double Council Canon 15). All the ordinations administered by Philaret in the state of suspension since May 27, 1992, and the suspensions imposed by him were recognized as invalid.

In spite of repeated calls to repentance, Philaret Denisenko after his deposition continued his schismatic activity, also within other Local Churches. By the decision of the 1997 Bishops' Council of the Russian Orthodox Church, he was anathematized.

These decisions were recognized by all the Local Orthodox Churches including the Church of Constantinople. In particular, on August 26, 1992, His Holiness Patriarch Bartholomew of Constantinople in his reply to a letter from His Holiness Patriarch Alexy II of Moscow and All Russia wrote about the deposition of Metropolitan Philaret of Kiev, 'Our Holy Great Church of Christ, recognizing the full and exclusive competence of your Most Holy Russian Church in this matter, synodically accepts the decision on the above'.

In His Holiness Patriarch Bartholomew's letter of April 7, 1997, to His Holiness Patriarch Alexy II it is stated that 'having received the notice about this decision, we have informed the hierarchy of our Ecumenical See about it and asked them henceforth to have no church communion with the these persons'.

Today, after more than two decades, the Patriarchate of Constantinople has changed its position for political reasons.

In its decision to justify the leaders of the schism and 'legalize' their hierarchy, the Holy Synod of the Church of Constantinople refers to non-existent 'canonical privileges of the Patriarch of Constantinople to accept appeals of hierarchs and clergy from all the autocephalous Churches'. These claims in the form given to them today by the Patriarch of Constantinople have never been supported by the plenitude of the Orthodox Church, as they have no grounds in sacred canons and bluntly contradict in particular Canon 15 of the Council of Antioch: 'If any Bishop… should be tried by all the Bishops in the province, and all of them have pronounced one decision against him in complete agreement with each other, let him no more be tried again by others, but let the concordant verdict of the bishops of the province stand

on record'. These claims are also refuted by the practice of decision of the Holy Ecumenical and Local Councils and interpretations of authoritative canonists of the Byzantine and modern times.

Thus, John Zonaras writes, 'The Patriarch [of Constantinople] is recognized as judge not over all the metropolitans but only those who are subordinate to him. For neither metropolitans of Syria, nor those of Palestine or Phoenicia or Egypt are summoned to his judgement against their will, but those of Syria are to be judged by the Patriarch of Antioch, those of Palestine by that of Jerusalem, while the Egyptian ones are judged by that of Alexandria who ordains them and to whom they are subordinate'.

The impossibility of receiving into communion a person condemned in another Local Church is stated in Canon 116 (118) of the Council of Carthage: 'He who, having been excommunicated… shall go stealthily to overseas countries to be accepted into communion, shall be expelled from the clergy'. The same is stated in the canonical letter of the Council to Pope Celestine: 'Those who were excommunicated in their diocese shall not be taken into communion by your Holiness… Whatever affairs may arise, they should be terminated in their place'.

St. Nicodemus of the Hagiorite in his *Pedalion,* an authoritative source on the canon law of the Church of Constantinople, interprets Canon I of the Fourth Ecumenical Council rejecting the false opinion on the right of Constantinople to consider appeals from other Churches: 'The Primate of Constantinople has no right to act in dioceses and provinces of other Patriarchs, and this canon does not give him a right to accept appeals on any affair in the Universal Church…' Enumerating quite a number of arguments for this interpretation and referring to the practice of the decisions of Ecumenical Councils. St.Nicodemus comes to this conclusion: 'At the present time… the Primate of Constantinople is the first, only and last judge for the metropolitans subordinate to him – but not for those who are subordinate to other Patriarchs. For, as we would say, the last and general judge for all Patriarchs is the Ecumenical Council and none else'. It follows from the above that the Synod of the Church of Constantinople has no canonical rights to cancel court rulings made by the Bishops' Council of the Russian Orthodox Church.

One's appropriation of powers to reverse court judgements and other decisions of other Local Orthodox Churches is only one of the manifestations of a new false teaching proclaimed today by the Church of Constantinople and ascribing to the Patriarch of Constantinople the right of 'the first without equals' (*primus sine paribus*) with a universal jurisdiction. 'This Patriarchate of Constantinople's vision of its own rights and powers comes in an unsurmountable contradiction with the ages-long canonical tradition on which the life of the Russian Orthodox Church and other Local Churches is built', warned the 2008 Bishops' Council of the Russian Orthodox Church in its resolution 'On the Unity of the Church'. In the same resolution, the Council called the Church of Constantinople 'to show discretion till a common Orthodox consideration of the enumerated innovations and refrain from steps which can undermine the Orthodox unity. It is especially true for the attempts to review the canonical boundaries of Local

Orthodox Churches'.

The 1686 Act confirming the Metropolis of Kiev as part of the Moscow Patriarchate and signed by His Holiness Patriarch Dionysius IV of Constantinople and the Holy Synod of the Church of Constantinople is not to be reviewed. The decision to 'repeal' it is canonically negligible. Otherwise it would be possible to annul any document defining the canonical territory and status of a Local Church, regardless of its antiquity, authoritativeness and common ecclesial recognition.

The 1686 Synodal Deed and other documents that accompany states nothing about either a temporary nature of the transfer of the Metropolis of Kiev to the jurisdiction of the Moscow Patriarchate or that it may be cancelled. The attempt of hierarchs of the Patriarchate of Constantinople for political and self-seeking reasons to review this resolution now, over three hundred years after it was adopted, runs contrary to the spirit of the Orthodox Church's canons that do not allow of a possibility for reviewing established church boundaries that have not been challenged for a long time. Thus, Canon 129 (133) of the Council of Carthage reads, 'If anyone… brought some place to catholic unity and had it in his jurisdiction for three years, and nobody demanded it from him, then it shall not be claimed from him, if also there was a bishop during these three years who should have claimed it but kept silent'. And Canon 17 of the Fourth Ecumenical Council establishes the thirty years' term for a possible conciliar consideration of disputes over the belonging of even particular church parishes: 'Parishes in each diocese… shall be invariably under the power of bishops who manage them, especially if for thirty years they undoubtedly were under his jurisdiction and governance'.

And how is it possible to cancel a decision that has been valid for three centuries? It would mean an attempt to see it 'like it were non-existent' throughout the successive history of the development of church life. As if he Patriarchate of Constantinople does not notice that the Metropolis of Kiev of 1686, the return of which as its part is declared today, had boundaries that were essentially different from today's boundaries of the Ukrainian Orthodox Church and used to embrace only a smaller part of the latter. The Metropolis of Kiev of our days includes as such the city of Kiev and several areas adjacent to it. The larger part of the dioceses of the Ukrainian Orthodox Church however, especially in the east and south of the country, was founded and developed already as part of the autocephalous Russian Church, being a fruit of its ages-long missionary and pastoral work. The present action of the Patriarchate of Constantinople is an attempt to hijack what has never belonged to it.

The 1686 Action put a limit to the two hundred years' period of forced division in the centuries-long history of the Russian Church, which, for all the changing political circumstances, was invariably aware of itself as a single whole. After the Russian Church's unification in 1686, nobody has doubted for over three centuries that the Orthodox in Ukraine are the flock of the Russian Church, not the Patriarchate of Constantinople. And today, contrary to the pressure of external anti-church forces, this multimillion flock

cherishes the unity of the Church of all Rus and faithfulness to her.

The attempt of the Patriarchate of Constantinople to decide the fate of the Ukrainian Orthodox Church without her consent is an anti-canonical encroachment on somebody else's church possessions. The church canon reads: 'The same rule shall be observed in the other dioceses and provinces everywhere, so that none of the God beloved Bishops shall assume control of any province which has not heretofore… But if anyone has violently taken and subjected [a Province], he shall give it up; lest the Canons of the Fathers be transgressed; or the vanities of worldly honour be brought in under pretext of sacred office; or we lose, without knowing it, little by little, the liberty which Our Lord Jesus Christ, the Deliverer of all men, hath given us by his own Blood' (Third Ecumenical Council Canon 8). The judgement of this canon also falls upon the decision of the Patriarchate of Constantinople to establish, in agreement with the secular authorities, its 'stauropegion' in Kiev without the knowledge and consent of the canonical supreme authority of the Ukrainian Orthodox Church.

Hypocritically justifying it by a desire to restore the unity of Ukrainian Orthodoxy, the Patriarchate of Constantinople, by its senseless and politically motivated decisions, brings in an even larger division and aggravates the suffering of the canonical Orthodox Church of Ukraine.

To admit into communion schismatics and a person anathematized in other Local Church with all the 'bishops' and 'clergy' consecrated by him, the encroachment on somebody else's canonical regions, the attempt to abandon its own historical decisions and commitments – all this leads the Patriarchate of Constantinople beyond the canonical space and, to our great grief, makes it impossible for us to continue the Eucharistic community with its hierarch, clergy and laity. From now on until the Patriarchate of Constantinople's rejection of its anti-canonical decisions, it is impossible for all the clergy of the Russian Orthodox Church to concelebrate with the clergy of the Church of Constantinople and for the laity to participate in sacraments administered in its churches.

The move of hierarche or clergy from the canonical Church to the schismatics or entering in the Eucharistic communion with the latter is a canonical crime involving appropriate suspensions.

With grief we evoke the prophecy of our Lord Jesus Christ about the time of temptation and special suffering of Christians: *Because of the increase of wickedness, the love of most will grow cold* (Mt. 24:12). In a situation of the deep undermining of inter-Orthodox relations and full disregard for ages-long norms of church canonical law, the Holy Synod of the Russian Orthodox Church believes it her duty to come out in defense of the fundamental traditions of Orthodoxy, in defense of the Holy Tradition of the Church substituted by new and strange teachings on the universal power of the first among the Primates.

We call upon the Primates and Holy Synods of Local Orthodox Churches to a proper evaluation of the above-mentioned anti-canonical actions of the Patriarchate of Constantinople and to a joint search for a way out of the grave crisis tearing apart the body of the One Holy, Catholic and Apostolic Church.

We express our all-round support for His Beatitude Onufriy, Metropolitan of Kiev and All Ukraine and for the plenitude of the Ukrainian Orthodox Church at a time so hard for her. We pray for the strengthening of her faithful standing in a courageous vigil for the truth and unity of the canonical Church in Ukraine.

We ask the archpastors, clergy, monastics and laity of the whole Russian Orthodox Church to enhance their prayers for our brothers and sisters of the same faith in Ukraine. May the prayerful veil of the Most Holy Heavenly Queen, the honorable fathers of the Kiev Caves, St. Job of Pochaev, new martyrs and confessors and all the saints of the Russian Church be over all of us.

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