THE RUSSIAN ORTHODOX CHURCH
Department for External Church Relations

The Distortion of the Orthodox Doctrine of the Church in the Acts of the Hierarchy of the Patriarchate of Constantinople and Statements of Its Representatives



The document was approved at the Bishops' Conference of the Russian Orthodox Church on 19th July 2023 and confirmed by the Holy Synod on 24th August 2023.

Having gathered together for joint prayer and brotherly communion in the Holy Spirit at the precious

relics of Saint Sergius of Radonezh in the Holy Trinity Lavra, which he had founded, we, hierarchs of the Russian Orthodox Church, cannot pass over in silence the present-day sorrowful division in the Orthodox world provoked by the unlawful actions of the Patriarchate of Constantinople and the new teachings spread by its Primate and official spokesmen. We consider it our duty to raise our voice in defence of the Orthodox doctrine of the Church and appeal to our God-loving flock and fellow Orthodox archpastors.

Lying behind the schismatic actions of Constantinople's hierarchs in Ukraine that have divided the worldwide Orthodox family are innovations in the doctrine of the Church aimed at destroying the existing canonical foundations, which those same bishops make strenuous efforts to implant. The new concept of primacy of the Patriarch of Constantinople seen as the earthly head of the Universal Church assigns to him the rights and privileges that extend far beyond the rights of any other Primate of a Local Orthodox Church and violate the other Churches' canonical rights.

As far back as 2008, the Bishops' Council of the Russian Orthodox Church in its resolution *On the Unity of the Church* summarized the basic theses of this new ecclesiological concept introduced by representatives of the Church of Constantinople, having noted that it is based on such an interpretation of particular canons (first of all, Canons 9, 17 and 28 of the Fourth Ecumenical Council) which is not shared by the fullness of the Orthodox Church and becomes a challenge to pan-Orthodox unity.

This new concept postulates that: 1) a Local Church can be considered as belonging to the Universal Orthodoxy only if it is in communion with the Throne of Constantinople; 2) the Patriarchate of Constantinople has the exclusive right to ecclesiastical jurisdiction in all countries of the Orthodox diaspora; 3) in these countries, the Patriarchate of Constantinople is the sole representative of all Local Churches' opinions and interests in relations with state authorities; 4) any bishop or cleric who serves outside the canonical territory of his Local Church finds himself under the ecclesiastical jurisdiction of Constantinople, even if he is not aware of that, and hence, if desired, can be received into this jurisdiction without a letter of release; 5) the Patriarchate of Constantinople determines geographical boundaries of the Churches, and if its view on the issue does not accord with that of a certain Church, it can establish its own jurisdiction within the territory of that Church; 6) the Patriarchate of Constantinople unilaterally decides which autocephalous Local Church may and which may not participate in inter-Orthodox events.

The Council noted that the way the Patriarchate of Constantinople views its rights and powers is in insuperable contradiction with the centuries-old canonical tradition fundamental to the life of the Russian Orthodox Church and the other Local Churches. The Council acknowledged that all the aforementioned issues could be resolved definitively only at an Ecumenical Council of the Orthodox Church, meanwhile, until the above-listed innovations receive pan-Orthodox consideration, calling upon the Church of

Constantinople to show circumspection and refrain fr om any actions that could shatter the Orthodox unity. It relates, in particular, to any attempts to revise the canonical boundaries of the Local Orthodox Churches.

At this point, Constantinople has come up with new claims in addition to those indicated by the Bishops' Council back in 2008. These are, in particular: 1) the Patriarch of Constantinople insists that he has the right to consider appeals against court rulings issued in any other Local Church and to give definitive judgements on them; 2) the Patriarch of Constantinople considers himself entitled to interfere, if he thinks it necessary, in the internal affairs of any Local Orthodox Church; 3) the Patriarch of Constantinople claims that he is empowered to revoke canonical punishments imposed within the other Local Churches and "reinstate to rank" those who have lost their episcopal dignity by falling into schism; 4) moreover, those persons who have never had even the appearance of canonical episcopal consecration (for example, persons ordained by a defrocked bishop or a former deacon passing himself off as a bishop) are "reinstated" to their rank by a decision of the Patriarch of Constantinople; 5) the Patriarch of Constantinople believes that he has the right to receive into his canonical jurisdiction clerics fr om any diocese of any Local Church without letters of release; 6) the Patriarch of Constantinople assumes the exclusive right to initiate convocation of pan-Orthodox councils and other important pan-Orthodox events; 7) finally, in violation of the inter-church agreements reached during the preparations for the Holy and Great Council of the Orthodox Church, according to which autocephaly to a Local Church may only be granted with the consent of all the universally recognized Local Churches, the Patriarch of Constantinople declares his exclusive right to proclaim autocephaly of new Local Churches, including those outside the jurisdiction of the Church of Constantinople, without the consent of Primates and Councils of the other Local Orthodox Churches. At the same time, the very notion of autocephaly is interpreted in such a way as to mean an autocephalous Church's actual subordination to the Patriarchate of Constantinople.

When translated fr om theory to practice, the aforementioned deviations from the Orthodox ecclesiology have led to a profound crisis within the global Orthodoxy. The direct cause of the crisis was the incursion of the Patriarchate of Constantinople into Ukraine. That anti-canonical and criminal act, personal responsibility for which lies with Patriarch Bartholomew of Constantinople, received proper assessment in the statements issued by the Holy Synod of the Russian Orthodox Church on 14th September and 15th October 2018, 26th February 2019, as well as in the resolutions of the Holy Synod of 28th December 2018 (Minute No.98) and 4th April 2019 (Minute No.21).

The subsequent visit by Patriarch Bartholomew to Kiev on 20th – 24th August 2021 was a subject of canonical deliberations of the Holy Synod of the Russian Orthodox Church at its session held on 23rd – 24th September 2021. The Synod stated that "the arrival of Patriarch Bartholomew of Constantinople with accompanying persons in Kiev without an invitation from the Patriarch of Moscow and All Rus', as

well as from Metropolitan Onufry of Kiev and All Ukraine and legitimate hierarchs of the Ukrainian Orthodox Church had been a gross violation of canons, in particularly, Canon 3 of the Council of Sardica and Canon 13 of the Council of Antioch" (Minute No.60). Not long ago, Patriarch Bartholomew undertook other anti-canonical visits – to Lithuania on 20th – 23rd March 2023 and to Estonia on 16th – 20th June 2023.

Constantinople's attempts to convince all the Local Orthodox Churches that it was right in its actions have not produced the results it expected.

Meanwhile, Patriarch Bartholomew of Constantinople has already announced further anti-canonical acts. For instance, on 21st March 2023, during a meeting with the Lithuanian Prime Minister in Vilnius, he said: "Today a new perspective opens before us along with the possibility to work together for the establishment of the Exarchate of the Ecumenical Patriarchate in Lithuania"[1]. It means that preparations are under way for yet another incursion into the canonical territory of the Russian Orthodox Church.

As Constantinople's unlawful activities continue and the ideas distorting the Orthodox doctrine of the Church are developing further, we consider it our duty to remind our flock about the fundamental long-standing principles underlying the Orthodox ecclesiology and to bear witness to our fidelity to these indisputable principles before the Plenitude of the Orthodox Church. It was their violation by Patriarch Bartholomew of Constantinople that caused the split within the worldwide Orthodoxy.

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

The Church was founded on earth by the Lord Jesus Christ Himself. The Church is the assembly of those who believe in Christ, and He calls everyone to join it. The Church is not a conventional human community because the Holy Spirit is present and acts within it.

The Church is a theanthropic organism, the mystical Body of Christ, as Saint Paul says: "Blessed be the God and Father of our Lord Jesus Christ, who has blessed us in Christ with every spiritual blessing in the heavenly places... And he has put all things under his feet and has made him the head over all things for the church, which is his body, the fullness of him who fills all in all" (Eph 1:3, 22-23). The image of the body implies the unity of all members of the Church under one Head – the Lord Jesus Christ (cf. Col 1:18).

Salvation of people and of the whole world is what constitutes the goal of the Church. And it is only within the Church of Christ that the salvation can be found. As Saint Cyprian of Carthage put it, “He can no longer have God for his Father, who has not the Church for his mother”[2].

The Creed points out four essential properties of the Church, which are: it is one; it is holy; it is catholic; and it is apostolic.

The Church is one because God is one. The Church is one and only because it unites all believers through the unity of faith, the baptism, the gift of the Holy Spirit and the Eucharistic communion with the Lord Jesus Christ. The Church is undivided: “Wherever Christ is, there is the Church”[3]; “Where the Holy Spirit is, there is the Church”[4].

The Church is holy because its Head – Jesus Christ – is holy. The members of the Church participate in His holiness.

The Church is catholic in that it extends over the whole world and is open to believers regardless of the time, location, background or social position of those who desire to join it. The catholicity of the Church is also reflected in the communion between the Local Churches comprising the Universal Church. While their positions may differ, bishops of the Local Churches are equal as they have been elevated to the same degree of holy orders. Since the grace received by every bishop from the Holy Spirit is the same, all bishops have equal dignity: “The bishop of the first see shall not be called prince of the priests or high priest” (Canon 39 of the Council of Carthage). Giving to any bishop special sacramental or theological importance would be a distortion of catholicity.

The catholicity does not rule out the ministry of primacy. The document entitled *Position of the Moscow Patriarchate on the Problem of Primacy in the Universal Church* adopted by the Holy Synod of the Russian Orthodox Church in 2013 states that “in the Holy Church of Christ, primacy belongs to her Head – our Lord and Saviour Jesus Christ, the Son of God and the Son of Man.” The document notes that the substitution of the traditional and canonically grounded *primacy of honour* of the Patriarchate of Constantinople for the doctrine of its alleged *primacy of authority* is incorrectly justified by transferring the powers that exist at the level of bishopric to the level of the Universal Church, while on various levels of church life primacy has a *different nature and different sources*. These levels are: 1) the diocese; 2) the autocephalous Local Church; and 3) the Universal Church.

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

At the level of *the autocephalous Local Church*, primacy belongs to the bishop elected as Primate of the Local Church by the Council of its bishops. **The source of primacy** at the level of the autocephalous Church is the election of the chief bishop by the Council (or Synod) which enjoys full ecclesiastical authority. The Primate of an autocephalous Local Church is the first among equal bishops, as stated by Apostolic Canon 34: “The bishops of every nation must acknowledge him who is first among them and account him as their head, and do nothing of consequence without his consent; but each may do those things only which concern his own parish, and the country places which belong to it. But neither let him (who is the first) do anything without the consent of all; for so there will be unanimity, and God will be glorified through the Lord in the Holy Spirit.” The powers of the Primate are defined by the Council (Synod) and confirmed in the conciliarly adopted statute. The Primate of the autocephalous Local Church does not enjoy the sole authority within it, but governs it in a conciliar manner – in collaboration with other bishops.

At the level of *the Universal Church* as the community of the autocephalous Local Churches, primacy is defined in accordance with the tradition of the sacred diptychs and is the *primacy of honour*. **The source of the primacy of honour** at the level of the Universal Church is the canonical tradition of the Church embodied in the sacred diptychs and recognized by all the autocephalous Local Churches. The canons on which the sacred diptychs are based do not vest the bishop who is chief in honour with any powers of authority on the church-wide scale[5].

For centuries, the Patriarchs of Constantinople were committed to uphold such understanding. For instance, they contested the claims of the Pope of Rome to universal jurisdiction. At present, however, one of the leading theologians of the Patriarchate of Constantinople writes: “The phenomenon of anti-papism, understood as the denial of a *primus* for the Universal Church and the elevation of such denial to a trait that allegedly identifies the whole Orthodox Church, is, properly speaking, heretical... The fact that the Orthodox churches today refuse to recognize a Rome-like primacy among themselves becomes the major problem in their dialogue with Rome”[6].

Now, a new vision of primacy at the level of the Universal Church has been formulated and is being put into practice within the Patriarchate of Constantinople. The Patriarch of Constantinople is now regarded not as “first among equals,” but as “first without equals”[7]. His primacy in the Universal Church is likened to the primacy of God the Father in the Holy Trinity[8]. He is said to be “a spiritual father for all people, whether they realize it or not”[9]. The other Local Churches are considered to be abiding in the bosom of one Church by virtue of their communion with Constantinople[10]. The special powers of the Patriarch of Constantinople are defined as stemming from his hitherto unknown privileges received almost from the apostles themselves[11]. It is being claimed that the right to speak on behalf of the fullness of the Orthodox Church comes automatically by virtue of the position which the Patriarch of Constantinople holds, and not as vested in him by the Local Churches as the result of a pan-Orthodox

consensus[12].

In official speeches of the current Primate of the Patriarchate of Constantinople, this Local Church is practically equated with the Universal Orthodoxy. Speaking in Vilnius on 22nd March 2023, Patriarch Bartholomew said: “Will Orthodoxy continue to be spiritually guided by its source and defender, its traditional and historical center, the Ecumenical Patriarchate of Constantinople? This is an essential question for the character, identity and existence of Orthodoxy”[13].

Patriarch Bartholomew claims that “the Ecumenical Patriarchate is, for Orthodoxy, a leaven ‘which leavens the whole lump’ (cf. Gal. 5.9) of the Church and of history;” that the Patriarchate of Constantinople “incarnates the authentic ecclesiastical ethos of Orthodoxy: ‘In the beginning was the Word… in him was life, and the life was the light of men’ (John 1.1,4);” that “the beginning of the Orthodox Church is the Ecumenical Patriarchate; in this is life, and the life is the light of the Churches”[14]. Quoting the late Metropolitan Cyril of Gortyna and Arcadia who had said that “Orthodoxy cannot exist without the Ecumenical Patriarchate,” Patriarch Bartholomew states that “all of us should be more closely connected to the First among us in order to drink from the fountain that springs abundantly from the sacred source of our pious Nation and blameless Faith.” He adds: “The Ecumenical Patriarchate bears the responsibility of setting matters in ecclesiastical and canonical order because it alone has the canonical privilege as well as the prayer and blessing of the Church and the Ecumenical Councils to carry out this supreme and exceptional duty as a nurturing Mother and birth-giver of Churches. If the Ecumenical Patriarchate denies its responsibility and removes itself from the inter-Orthodox scene, then the local Churches will proceed ‘as sheep without a shepherd’ (Matt. 9.36), expending their energy in ecclesiastical initiatives that conflate the humility of faith and the arrogance of power”[15].

According to Patriarch Bartholomew, the doctrine of equality of the Orthodox Primates is a distortion of the Orthodox ecclesiology, and he cautions the bishops of the Church of Constantinople against it, saying: “Without the recognition of the sacrificial, kenotic and irreplaceable responsibility of the Patriarch of Constantinople among the Orthodox, by no means can the ecclesiology be healthy and conform to the way of thinking and the ethos of our forefathers who had lived here and in other places. May you serve the authentic and unblemished ecclesiology, far from the sad distortion which claims that we are all equal and that the first – Constantinople – exists only ‘for the sake of honour’. Yes, we are equal, we have the same episcopal rank, but on the basis of the canons and centuries-old tradition we have received other key and unique privileges which we have no intention to relinquish”[16].

Patriarch Bartholomew overtly states that the Primates of Constantinople have the exclusive right to interfere, on their own initiative, in the internal affairs of any Local Church in any matter, as well as to give assessment to, annul and reconsider on their own the acts of the Primates of the autocephalous

Churches, should Constantinople deem them “inadequate”: “Accordingly, not only in cases of Doctrine, holy Tradition, and Canonical Church Regulations, or even of general matters concerning the entire body of the Church, but also in all matters pertaining to important issues of specific interest to one or another Local Church, the supervisory provision and protection of the Great Church of Christ intervenes – sometimes ex officio and out of obligation, at other times at the request of interested parties – in order to offer an effective contribution for the sake of arbitration and resolution of differences arising among the holy Churches of God, to settle differences between shepherds and their flocks, to avoid inflaming difficulties and facilitate the return of Ecclesiastical affairs to a Canonical path, to bolster the occasional inadequate ministry of spiritual leaders in certain Churches, to support the weak, wavering, or misled in the Orthodox faith, and overall never to delay or eschew suppressing all kinds of moral and material danger that threatens the stability of the most holy Churches”**[17]**.

Any Local Church severing communion with the Patriarchate of Constantinople is viewed as falling away from Orthodoxy: “Whoever threatens to break Eucharistic Communion with the Ecumenical Patriarchate is engaging in a self-depriving act that cuts himself off from the trunk of the tree of the Orthodox Church”**[18]**.

By claiming exclusive powers within the Orthodox Church, the Patriarchate of Constantinople does not consider itself to be bound by the decisions even of those Councils that it itself convened. Thus, in 2018 the Synod of the Patriarchate of Constantinople adopted a resolution opening up a possibility for the clergy to marry again under certain circumstances. This resolution is in direct contradiction to the document entitled *The Sacrament of Marriage and Its Impediments* adopted at the Council of Crete, whose decisions the Patriarchate of Constantinople declared to be binding even for those Local Churches that refused to attend it.

Such understanding of primacy in the Universal Church and of the place of the Patriarch of Constantinople within the family of the Local Orthodox Churches is in radical contradiction with the Orthodox ecclesiastical Tradition and is categorically rejected by the Russian Orthodox Church, which remains loyal to the letter and the spirit of the church canons.

The patristic tradition and the Orthodox doctrine of the Church affirm equality among the Primates of the Holy Churches of God and grant no powers of authority to the first of them. And throughout the history, the Eastern Patriarchs, including those of Constantinople, bore witness to that.

In his letter to Pope Innocent, Patriarch John X Camateros of Constantinople (1198-1206) insisted that the Church of Rome could not be the mother of all the other Churches as “there are five great Churches which are all honoured with patriarchal dignity, and she [the Church of Rome] is the first among the sisters who are equal in honour”; “as for these great thrones, we think that the Church of Rome is the

first in order and is only honoured by virtue of this sole dignity, being the first in relation to the other Churches which are sisters equal in honour and having one father – the Heavenly Father 'from whom every family in heaven and on earth derives its name' (Eph 3:15), and as for her being the teacher and the mother of the other [Churches], by no means have we been taught that"[19].

The 1623 Confession of Faith by Patriarch Metrophanes Kritopoulos of Alexandria, which was also signed by Patriarchs Jeremias III of Constantinople, Athanasius V of Antioch, Chrysanthos of Jerusalem and several bishops of the Church of Constantinople, reads, in particular: "Between the four Patriarchs there exists an equality that truly befits Christian pastors. None of them puts himself above the others, and none of them in no way believes himself worthy to be called the head of the Catholic Church... The head of the Catholic Church is the Lord Jesus Christ, Who is the head of all, from Whom the whole body is joined (Eph 4:15-16)... Knowing this, Their Holiness and Beatitudes the four Patriarchs of the Catholic Church, successors to the Apostles and champions of truth, have no desire to call anyone the head, content with the Head called deified and almighty, Who sits at the right hand of the Father and looks down upon all. They treat each other with equal dignity. Apart from their sees, there is no distinction between them. The Patriarch of Constantinople presides, and alongside him is the Patriarch of Alexandria, then the Patriarch of Antioch and then next to him the Patriarch of Jerusalem"[20].

Declining the Pope's invitation to the First Vatican Council, Patriarch Gregory VI of Constantinople wrote in 1868: "We… cannot accept that in the Church of Christ there is a bishop who is superior, and a head other than the Lord, that there is a patriarch... who speaks *ex cathedra* and is above the Ecumenical Councils... or that the Apostles were not equal, which would have been an insult to the Holy Spirit Who illumined them all equally, or that a particular Patriarch or a Pope had his throne's seniority coming not from a Council and not from people but, as you say, from the divine right"[21].

In 1894, Patriarch Anthimus VII of Constantinople in his letter to Pope Leo XIII also emphasized the equality of the Primates and the Local Churches: "The holy fathers, in honouring the Bishop of Rome solely as the bishop of the imperial capital city, accorded him the honourable privilege of presiding, and regarded him merely as the first among the other bishops, that is to say, as the first among equals, and later granted the same privilege to the Bishop of the city of Constantinople when that city became the capital of the Roman Empire... Every single autocephalous Church in the East and in the West was wholly independent and self-governing at the time of the seven Ecumenical Councils... and the Bishop of Rome had no right to interfere, being himself subject to the decisions of the Councils"[22].

The history of the Church knows many examples when Bishops of Constantinople fell into heresy or schism. For instance, Bishop Eusebius of Constantinople was an Arian, and Macedonius was a Pneumatomachian. Bishop Nestorius of Constantinople was a heresiarch, and for that he was deposed and excommunicated at the Third Ecumenical Council. Several Patriarchs of Constantinople – Sergius I,

Pyrrhus, Paul II and Peter – were monothelites, while Patriarchs Anastasius, Constantine II, Nicetas I, Theodotus Cassiteras, Antony I Kassymatas and John VII the Grammarian were all iconoclasts. Patriarchs Metrophanes II and Gregory III Mammas were in uni on with Rome.

It is not the communion with the Patriarch of Constantinople or the lack thereof that determines one's affiliation with the Orthodox Church, but the firm adherence to the dogmatic and canonical tradition. When the Patriarch of Constantinople himself falls into heresy or schism, which happened many a time in the past, it is he who is no longer in communion with the Orthodox Church and not those who, faithful to the canons, are compelled to break communion with him in order to defend the truth. When the Patriarch of Constantinople joined the Unia with Rome, for example, the other Local Churches continued to hold fast to the Orthodox faith. By no means did the fullness of grace diminish in them as they temporarily severed communion with the Patriarch of Constantinople.

In the Orthodox Church there can be no Primate who, in comparison with the other Primates, enjoys special privileges. The Head of the Universal Church is the Lord Jesus Christ ("He is the head of the body of the Church" – Col 1:18), and not the Ecumenical Patriarch**[23]**. Interference of one Local Church in the affairs of another Church is unacceptable. The primacy of the Patriarch of Constantinople among the Primates of the Local Orthodox Churches is the primacy of honour and not authority. It gives him no special privileges, except those that might be accorded him by virtue of consensus of the Local Orthodox Churches, as was the case during the preparations for the Holy and Great Council of the Orthodox Church when, as the Churches agreed, the responsibility of coordinating the process was delegated to the Patriarch of Constantinople.

Since the Patriarch of Constantinople has joined the schism, now it has become impossible for the Russian Orthodox Church to recognize his primacy of honour. As the Holy Synod pointed out in its statement of 15th October 2018, entering into communion with those who deviated into schism and the more so with those who are excommunicated 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" (Canon 2 of the Council of Antioch; Apostolic Canons 10, 11).

In its resolutions of 23rd – 24th September 2021, the Holy Synod noted that "having supported the schism in Ukraine, Patriarch Bartholomew lost trust of millions of believers," and that "at the time when the majority of Orthodox Christians across the world are not in ecclesiastical communion with him, he no longer has the right to speak on behalf of the entire world Orthodoxy and present himself as its leader"**[24]**.

2. The Patriarchate of Constantinople's claims to the role of the highest appellate authority in the Universal Church

Constituting a blatant violation of the canonical order which exists in the Orthodox Church is the claim to alleged "canonical prerogatives of the Patriarch of Constantinople to receive… petitions by hierarchs and other clergy from all of the Autocephalous Churches"[25]. Constantinople justifies this claim by referring to Canon 9 of the Fourth Ecumenical Council[26], which instructs a cleric who has a complaint against his ruling bishop to "have recourse to the exarch of the diocese or to the throne of the imperial city of Constantinople."

This canon, however, applies not to all Local Churches, but only to the Local Church of Constantinople, and is valid only within its confines, as an authoritative Byzantine canonist John Zonaras points out: "The Patriarch of Constantinople is made a judge not over everyone without exception, but only over those who are subject to him. For he cannot bring to his trial the Metropolitans of Syria or Palestine and Phoenicia, or of Egypt against their will, but the Metropolitans of Syria are liable to trial by the Patriarch of Antioch, while those of Palestine to the Patriarch of Jerusalem, and the Egyptian ones must be tried by the Patriarch of Alexandria, from whom they receive their consecration and under whose subjection they are"[27].

In *Rudder* (*Pedalion*), which is an authoritative source of ecclesiastical canon law of the Church of Constantinople, Saint Nicodemus the Hagiorite also notes that "the Primate of Constantinople has no right to act in dioceses and provinces of other Patriarchs, and this canon does not give him the right to hear appeals on any affair in the Universal Church." Saint Nicodemus lists a whole number of arguments in support of this interpretation and reaches the conclusion that "at the present time... the Primate of Constantinople is the first, only and last judge over the metropolitans subordinate to him, but not over those who are subordinate to other Patriarchs"[28].

In history, there were occasions when the Primates of other Local Churches appealed for help to the Patriarch of Constantinople. That practice was reflected, for example, in the 1848 *Encyclical of the Eastern Patriarchs* which says: "The Patriarchs of Alexandria, Antioch, and Jerusalem, when unexpected points of difficulty arise, write to the Patriarch of Constantinople, because of its being the seat of empire, as also on account of its synodical privileges; and if this brotherly aid shall rectify that which should be rectified, it is well; but if not, the matter is reported to the province, according to the established system. But this brotherly agreement in Christian faith is not purchased by the servitude of the Churches of God"[29].

However, firstly, the Encyclical refers to certain Local Churches – of Alexandria, Antioch and Jerusalem, and not to all the Churches that had ever been or were at that point in existence. Secondly, it deals with

“unexpected points of difficulty” which are presented for consideration to the Patriarch of Constantinople by the Primates of these Churches on their initiative if they cannot resolve the matters on their own. Thirdly, the text clearly states that Constantinople’s involvement in resolving such issues should by no means be detrimental to the freedom of the Local Churches. Fourthly, the text makes no mention whatsoever that a bishop or a cleric of a particular Local Church, in bypassing his Primate or the supreme conciliar authority of his own Church, could appeal to the Patriarch of Constantinople. The practice of appealing to the Patriarch of Constantinople in complicated matters was determined by the fact that it was “the seat of empire,” which, as everyone well knows, it no longer is. It is evident that such powers of the See of Constantinople could not extend beyond the territory under the authority of the aforementioned emperors: in 1848, such an “emperor” was the Sultan, therefore, that passage could only refer to the Local Churches located within the borders of the Ottoman Empire.

The contemporary history knows examples when the Local Churches, in the person of their Primates or Synods, on their own initiative appealed to Constantinople for help because they could not resolve a particular problem on their own. In those cases, the Patriarch of Constantinople did not act as the highest appellate authority, but coordinated the assistance provided to the suffering Church by the other Local Orthodox Churches.

Serving as an example of such pan-Orthodox effort, in which the Patriarch of Constantinople played the role of coordinator, was one of the stages in the healing of the schism in the Bulgarian Orthodox Church. In 1998, at the request of Patriarch Maxim of Bulgaria, Patriarch Bartholomew of Constantinople presided at the Pan-Orthodox Council convened in Sofia. It took place from 30th September to 1st October 1998, bringing together Primates and representatives of thirteen Local Orthodox Churches. The Council accepted repentance of a number of bishops who had been in schism**[30]**, along with clerics, monastics and laypeople, reuniting them with the canonical Bulgarian Orthodox Church**[31]**.

Many years later, Patriarch Bartholomew claimed “the healing of the Ukrainian schism” but, compared to the healing of the schism in the Bulgarian Church, now he acted in a completely different way. While back then the supreme authority of the Bulgarian Church had appealed to Constantinople, now neither the supreme authority of the Russian Orthodox Church nor the supreme authority of the self-governing Ukrainian Orthodox Church did that. It was the secular authorities of Ukraine and two groups of schismatics that appealed to Patriarch Bartholomew, bypassing the canonical Ukrainian Orthodox Church. As for Constantinople’s decision to “reinstate to his rank” excommunicated Filaret Denisenko, former Metropolitan of Kiev, it was made in violation of the ecclesiastical canons.

It is important to recall that on 26th August 1992, in reply to a letter notifying him that Metropolitan Filaret of Kiev had been defrocked, Patriarch Bartholomew of Constantinople wrote to Patriarch Alexy II of Moscow and All Rus': “Our Holy Great Church of Christ, recognizing the full and exclusive competence

of your Most Holy Russian Church in this matter, accepts the aforementioned decision of your Synod." Patriarch Bartholomew's reply of 7th April 1997 to a letter announcing Denisenko's excommunication reads: "Having received notification of the aforementioned decision, we communicated it to the hierarchy of our Ecumenical Throne and asked them henceforth to have no ecclesiastical communion with these persons." Thus, even if the Patriarchate of Constantinople had had the right to hear appeals from the other Local Orthodox Churches, in that particular case the Patriarch of Constantinople, according to the canons[32], would not have been able to hear an appeal from the former Metropolitan Filaret Denisenko, having recognized earlier the full competence of the Russian Orthodox Church in his case and having expressed agreement with the decision of its Bishops' Council, making no suggestions of reconsidering it. That said, any appeal from Filaret, former Metropolitan of Kiev, would have been void because after being condemned he did not cease to celebrate the divine services and perform ordinations, thus losing, according to the canons[33], the right for his case to be reviewed.

The Patriarchate of Constantinople's unilateral decision to "reinstate to rank" the former Metropolitan Filaret Denisenko, made without any trial or review of his case, is void according to the holy canons, in particular, Canon 15 of the Council of Antioch, Canon 105 (118) of the Council of Carthage and the canonical epistle of the Council of Carthage to Pope Celestine[34].

What Constantinople did in October 2018 even in form cannot be called a court of appeal since no attempt was made to examine the ecclesiastical and judicial decisions with regard to Filaret Denisenko and Makary Maletich or at least to look into their background. Patriarch Bartholomew wrote that he had received appeals from "Kyr Filaret, once of Kiev, as well as… from Kyr Makary, once of Lviv"[35], even though at the moment he fell into schism Nikolai (Makary's secular name) was a married archpriest.

In a bid to expand its rights into new areas and create new precedents, on 17th February 2023 the Holy Synod of the Patriarchate of Constantinople "reversed" the duly approved rulings of the ecclesiastical court of the Diocese of Vilnius which had defrocked five clergymen for their canonical crimes, and, as Patriarch Bartholomew recommended, "restored" them to their previous ecclesiastical rank. At the same time, despite declared "thorough study of the relevant circumstances", the Holy Synod of the Patriarchate of Constantinople was not in possession of materials relating to their court cases and only relied on those clerics' one-sided personal statements that reflected their opinions and interests[36]. On 27th June 2023, a cleric of the Moscow Diocese was likewise "restored" to his priestly rank following his personal appeal, without any analysis of the court materials, even though at that point the process of defrocking, initiated by the diocesan ecclesiastical court, was not yet completed (the Patriarch of Moscow and All Rus' did not confirm the verdict when the matter was being considered by Constantinople)[37].

Extending further its unlawful activities, on 25th and 26th April 2023 the Holy Synod of the Patriarchate of

Constantinople heard appeals from two clerics of the Orthodox Church in America who had been subjected to punishment by the ecclesiastical court of their Local Church for canonical crimes.

A most dangerous situation is unfolding, for any cleric who has violated the holy canons and has been defrocked in his own Local Church may appeal to Constantinople and be "restored to his rank." Moreover, the Patriarchate of Constantinople can use such clerics to establish its own institutions in the canonical territory of another Local Church.

3. "Reinstating to their rank" the schismatics who had no canonical ordination or were defrocked after falling into schism

The decision of the Patriarchate of Constantinople to "reinstate to their rank" the Ukrainian schismatics constituted an indubitable violation of the holy canons and a deviation from the centuries-old church practice.

According to the resolution of the Holy Synod of the Patriarchate of Constantinople of 11th October 2018, "hierarchs" and "clerics" of two schismatic groups in Ukraine – "Ukrainian Orthodox Church – Kiev Patriarchate" and "Ukrainian Autocephalous Orthodox Church" – were "reinstated to their hierarchical or priestly rank." It was done without due examination of the circumstances of their condemnation and the origin of their "ordinations."

That decision was taken even though the schismatics had not repented and had not reunited with the Ukrainian Orthodox Church, from which they had seceded and with which they are still at enmity. Thus, by making that decision the Patriarchate of Constantinople trampled on the essential prerequisite for the admission of schismatics back into the Church – their repentance and reunification with the Local Church from which they had seceded. It was on these conditions that the Holy Church healed schisms in both ancient and modern times, as evidenced by many examples.

For instance, when addressing the problem of the Melitian schism, the First Ecumenical Council did it with the direct participation of the Church of Alexandria, inside which the schism had arisen and which suffered from it. An encyclical of the Council, which mentions Bishop Alexander, says in particular: "He… has participated in all we have done and has in fact been the leader." It should also be noted that, upon returning to the Church, the bishops who had been ordained while in schism, were to be confirmed by a more sacramental ordination (*μυστικωτέρᾳ χειροτονίᾳ βεβαιωθέντας*) and became subordinate to local canonical bishops: they were instructed not "to do anything at all without the agreement of some bishop of the catholic church who is one of Alexander's subordinates."

In a similar way the First Ecumenical Council dealt with the Novatian schism. According to Canon 8 of

the Council, the Novatian bishops were obliged to “profess in writing” that in all things they would observe and follow the dogmas of the Catholic Church. Thereupon, after the laying on of hands was performed on them (*ὥστε χειροθετουμένους αὐτούς*), they would be reunited to the Church and, just like the Melitians, become subordinate to local canonical bishops.

The Seventh Ecumenical Council, which considered the matter of receiving into the Church the iconoclast bishops, demanded written repentance from them, which they provided. At the same time, as documents of the Council show, its Fathers reviewed each iconoclast bishop’s case separately, and the most zealous iconoclasts, such as Metropolitan Gregory of Neocaesarea for example, were subjected to particularly thorough interrogations and summoned to the Council several times.

In recent church history, the same principle was applied at the Council of the Primates and Representatives of the Local Orthodox Churches held in Sofia in 1998: the schismatic bishops were received into communion only after they had shown repentance and declared their readiness to be reunited with the canonical Bulgarian Orthodox Church.

The schismatics in Ukraine have never shown repentance and have not reunited with the Ukrainian Orthodox Church and its Primate, Metropolitan Onuphry of Kiev and All Ukraine. The decision of the Holy Synod of the Patriarchate of Constantinople to receive those persons into ecclesiastical communion indicates a deviation from the centuries-old practice deeply rooted in the Orthodox doctrine – a deviation which in turn gives rise to distortions in the understanding of the nature and structure of the Church.

What makes this anti-canonical deed by the Patriarchate of Constantinople even graver is that all of the schismatic “hierarchs” and “clerics” without exception were “reinstated” to their rank by the wilful decision of its Synod, with no investigation into the apostolic succession of their ordinations. And ordinations of many Ukrainian schismatics cannot be deemed valid even by the utmost oikonomia.

The hierarchy of the so-called “Ukrainian Autocephalous Orthodox Church” (UAOC) was instituted by a former deacon of the Diocese of Tula, Viktor Chekalin (defrocked in 1983), and the former Bishop of Zhitomyr and Ovruch, Ioann Bondarchuk (defrocked in 1989). They “ordained” the first UAOC bishops in 1990. Moreover, Viktor Chekalin, who passed himself off as “Bishop Vikenty of Yasnaya Polyana,” never and nowhere (even in non-canonical communities) received priestly, let alone episcopal ordination.

Most of the current UAOC “hierarchs” who later joined the so-called “Orthodox Church of Ukraine” had received their “succession” from the two aforementioned persons. For example, Andriy Abramchuk, “Metropolitan of Galicia,” who concelebrated with Patriarch Bartholomew in St. George Cathedral on

6th January 2021, had been “ordained” with the participation of Viktor Chekalin. The former head of the UAOC, Makary Maletich, who called himself “Metropolitan of Kiev and All Ukraine,” had also received his episcopal “consecration” from Chekalin’s “hierarchy.”

The establishment of the so-called “Ukrainian Orthodox Church – Kiev Patriarchate” (UOC KP) was the result of the transfer of the former Metropolitan of Kiev, Filaret Denisenko, to the UAOC on 25th June 1992. Two weeks earlier, Filaret Denisenko was defrocked by the Bishops’ Council of the Russian Orthodox Church based on a whole range of charges, and even before that, on 27th–28th May 1992, he was suspended from serving by the Bishops’ Council of the Ukrainian Orthodox Church.

Having joined the schismatic UAOC, the former Metropolitan Filaret for a long time on numerous occasions concelebrated with the “hierarchs” ordained by Chekalin, that is to say, with the persons who had no episcopal consecration. Despite the attempts by the former Metropolitan Filaret to secretly “re-ordain” the UAOC bishops with the help of the former auxiliary bishop Yakiv Panchuk and the former Bishop of Lviv Andriy Horak, who had also been defrocked and followed F ilaret into schism, a number of the UAOC bishops refused to be “ordained’ for a second time. After the Ukrainian schism had split into two non-canonical bodies in 1993, Chekalin’s “bishops” would repeatedly transfer to the UOC KP and then back to the UAOC, on many occasions taking part in “episcopal consecrations.” Given all that, even the presence of formal signs of apostolic succession in the UOC KP “ordinations” cannot be acknowledged without a thorough investigation.

The circumstances of the Ukrainian schism legalization confirm that the Phanar made no attempt to look into the ordinations of the Ukrainian schismatics. Attesting to that is the aforementioned “restoration” of the UAOC head as “former Metropolitan of Lviv,” even though he had never been and could not be deprived of that rank for the simple reason that he had joined the UAOC as an archpriest (the rank he was later deprived of) and received episcopal “consecration” and became “Bishop of Lviv” when he was already in schism. Moreover, among the members of the non-canonical UAOC and UOC KP who were automatically “reinstated to their rank” by Constantinople was Michel Laroche **[38]** who was living in Paris at the time. Laroche was “reinstated” as “Metropolitan of Korsun” and became a “hierarch” of the so-called “Orthodox Church of Ukraine.” However, the succession of his episcopal “consecration” can be traced back to the schismatic Greek Old Calendarists.

The unlawful actions of the Patriarch of Constantinople in “reinstating to their rank” the persons who had never actually had it received a proper canonical assessment in a number of the Local Orthodox Churches. According to His Holiness Serbian Patriarch Porfirije, “the Church is the Church, and an illegal parasynagogue can become a Church only through repentance and canonical procedure, not by someone’s stroke of a pen”**[39]**. “Those who stepped outside the Church, being deprived of priestly ordination at that, cannot represent a healthy church organism”**[40]**, the Bishops’ Council of the Polish

Orthodox Church stated.

As His Beatitude Archbishop Anastasios of Albania rightly noted in his letter of 21st March 2019 to Patriarch Bartholomew of Constantinople, “the correction of the Schism of the Melitians and the ‘by oikonomia’ integration into the Church of those invalidly ordained by Melitius comprised the following phases: a) repentance, b) laying on of hands by a canonical Bishop and prayer, and c) the attainment of peace. This is a principle that is valid for the reincorporation of all similar schismatic cases into the Orthodox Church...” It is also inappropriate to compare the Ukrainian schism to the division between the Russian Orthodox Church Outside of Russia and the Church in the Homeland, which was healed in 2007. The bishops of the Russian Orthodox Church Abroad had never been defrocked and, as Archbishop Anastasios rightly states in the aforementioned letter, “no excommunications or anathemas existed and apostolic succession was not in doubt,” as confirmed, in particular, by numerous occasions when hierarchs of many Local Orthodox Churches, including that of Constantinople, concelebrated with the bishops of the Russian Orthodox Church Abroad.

In this regard, it would be appropriate to mention the arguments presented in the Statement of the Secretariat of the Holy Synod of the Albanian Orthodox Church on 15th November 2022. The statement questions the legitimacy of the consecration of the current “Primate” of the Orthodox Church of Ukraine by the former Metropolitan Filaret Denisenko: “When the ordainer is cut off from the Church, defrocked, anathematized, and excommunicated, he becomes inactive and does not transmit any grace (like an electrical device does not transmit any energy when it is cut off from the electrical current). Nor definitely does this that never occurred becomes as having occurred, existing, valid, through a simple administrative decision. This is exactly wh ere the concern for the validity of the ordination of Epiphanius by Filaret is based.”

It has to be acknowledged that the “hierarchs” of the so-called “Orthodox Church of Ukraine,” created by the decision of Patriarch Bartholomew of Constantinople fr om the two non-canonical bodies – the UOAC and the UOC KP – have no canonical consecration and therefore are not bishops. Any bishop of a canonical Church who concelebrates with them, through this concelebration joins the schism and is to be excommunicated (according to Canon 9 of the Council of Carthage; Canons 2 and 4 of the Council of Antioch; Apostolic Canons 11 and 12). Having neither the right nor the desire to enter into Eucharistic communion with such “hierarchs” after their recognition by Constantinople, the Russian Orthodox Church, at the session of its Holy Synod on 15th October 2018, was compelled to state the impossibility of maintaining Eucharistic communion with the Patriarchate of Constantinople until it renounces its anti-canonical decisions. In its subsequent resolutions, the Holy Synod of the Russian Church**[41]** also pointed out the impossibility of maintaining Eucharistic communion with those Primates and hierarchs of the Local Orthodox Churches who would recognize the legitimization of the Ukrainian schism and concelebrate with the persons devoid of canonical ordination.

True to the spirit and letter of the sacred canons, the Russian Orthodox Church will continue to strictly adhere to the canonical resolutions which prohibit concelebration with schismatics and the self-ordained. Any departure from these canons will inevitably, as a consequence, destroy the inter-church peace and aggravate the schism.

4. The Patriarchate of Constantinople's claims to the right of receiving clerics without letters of canonical release

The Primate of Constantinople has come up with yet another innovation by declaring that he has the right to receive clerics from any Local Orthodox Church without letters of release from their bishops. Referring to the alleged "long-established right" of his Throne, Patriarch Bartholomew received "under His... omophorion" five former clerics of the Vilnius Diocese[42] in February 2023, as well as two clerics of the Belarusian Exarchate in April 2023, and a cleric of the Moscow Diocese of the Russian Orthodox Church in June 2023, "restoring him to his priestly rank."

A cleric's transfer from one jurisdiction to another without the sanction of his Supreme Authority in the form of a letter of release constitutes a canonical crime for both the cleric and the bishop who has received him. Various canons are unambiguous about that[43]. In the light of these canons it may be stated that by committing the aforementioned acts Patriarch Bartholomew trampled on the canonical foundations of the ecclesiastical order.

In order to justify his actions, Patriarch Bartholomew refers not to the canons, but to the commentaries by Theodore Balsamon on Canons 17 and 18 of the Council in Trullo and Canon 10 of the Seventh Ecumenical Council prohibiting to receive clerics without letters of release. In his commentary on Canon 10 of the Seventh Ecumenical Council, Balsamon writes: "Various canons forbid the clergymen from leaving the dioceses, in which they serve as clerics, and transferring to other dioceses. Thus, in following them, the present canon states that no cleric without the knowledge of his bishop, that is to say, without a recommendatory letter or letters dimissory, or without the licence of the Patriarch of Constantinople, can be received anywhere or can serve in any other church... It can be noted on a literal reading of the canon that the Patriarch of Constantinople alone has the right to receive alien clerics without letters dimissory of the one who has ordained them, if they present at least a letter certifying their ordination or that they are members of the clergy. On account of this canon it seems to me that the most holy Patriarch at the time and his Chartophylax should allow alien clergymen to celebrate the liturgy in this royal city, even without letters dimissory of the local bishop of each one"[44].

In his commentary Balsamon does indeed make an exception for the Patriarch of Constantinople. Such an exception cannot be found in the commentaries on this or other canons dealing with clerics' transfers

by other authoritative canonists – Zonaras, Aristenos or Saint Nicodemus Milaš. The only obvious reason for distinguishing the See of Constantinople and according it the special privilege could be its status as “royal city” – the status which attracted to the city the clerics who without permission had left their bishops, and which that city long since lost. There is, however, a question of what Balsamon thought were territorial limits of that privilege. Balsamon himself gives us no answer.

Shedding light on this problem are John Zonaras’ commentaries on Canons 9 and 17 of the Fourth Ecumenical Council with regard to appeals. These commentaries make it clear that the canons only refer to the metropolitans subordinate to the Patriarch of Constantinople[45]. By analogy with Zonaras’ commentary, we may say that the right of the Patriarch of Constantinople to receive clerics without letters of release, to which Balsamon refers, in his time applied exclusively to clerics of the Patriarchate of Constantinople. Confirming that is Balsamon’s commentary on Canon 17 of the Council in Trullo, in which he states that the same privilege belongs to the Bishop of Carthage: “We are to make an exception for the Bishops of Constantinople and Carthage, for they alone can, as has often been said, receive clerics without the consent of those who ordained them”[46]. Indeed, Canon 55 (66) of the Council of Carthage granted a privilege to the Bishop of Carthage as Primate of Africa at the time to consecrate bishops for a vacant diocese from among clerics of other African dioceses without requiring the obligatory consent of the bishop to whom the cleric was subordinate. It is, however, quite evident that the privilege did not extend beyond the confines of Africa. Thus, it is quite clear that Balsamon meant that the Bishop of Constantinople, by analogy with the Bishop of Carthage, enjoys broader jurisdictional rights than other bishops, but only within the Church of Constantinople.

That said, we should not forget that it is the canons, and not commentaries thereon, authoritative as they may be, that have legislative power within the Church. And the direct meaning of the canons that Patriarch Bartholomew mentioned is that it is prohibited to receive clerics without letters of release from their bishops. That is why the Russian Orthodox Church does not accept, and never will, such an interpretation of the canonical tradition that ascribes to the Patriarch of Constantinople universal extra-jurisdictional rights, and will firmly adhere to the principle of jurisdictional equality of the autocephalous Churches and their Primates, regardless of their place in the holy diptychs. As for the Patriarch of Constantinople’s actions in receiving into his jurisdiction clerics from another Local Church without letters of release, we regard them as a crime punishable, according to the canons, by defrocking.

5. The Patriarchate of Constantinople’s claims to the exclusive right to grant autocephaly

The institution of autocephaly in the Orthodox Church developed gradually, and in its present-day form it is the fruit of the centuries-long process.

Nobody ever granted autocephaly to the Sees of Jerusalem, Rome, Alexandria, Antioch or

Constantinople: they all became autocephalous due to the historical circumstances of the Church's development in the first centuries of Christianity.

Later, autocephalies would come into existence and would then be abolished for various reasons, and there was never a single universally accepted procedure for granting or abolishing autocephaly. Autocephaly could be granted by an Ecumenical Council. Thus, for example, the Orthodox Church of Cyprus received autocephaly by the decision of the Third Ecumenical Council in 431[47].

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

The Russian Orthodox Church has a thousand-year-old history going back to 988, when the Kievan Rus' was baptized by the Holy Prince Vladimir, Equal-to-the-Apostles, in the waters of the Dnieper. For several centuries, the Metropolia of Rus', with its centre first in Kiev, then in Vladimir and later in Moscow, was a part of the Patriarchate of Constantinople. In 1448, however, the Russian Church gained actual independence after Saint Jonah had been elected to the Throne of the Metropolitans of Moscow without Constantinople's consent. The Russian Church was compelled to make that decision because at that time the Patriarchate of Constantinople was in union with Rome, and the Russian Church categorically rejected the Unia.

It took time for Constantinople and the other Eastern Patriarchs to recognize the autocephaly of the Russian Church. In 1589, however, Patriarch Jeremias II of Constantinople participated in establishing the Patriarchate in Moscow, and Saint Job was elevated to the Patriarchal dignity. It was affirmed by the Legislative Letter signed by Patriarch Jeremias and those who accompanied him to Moscow, as well as by the hierarchs and archimandrites of the Russian Church. The Patriarchal status of the See of Moscow was confirmed at the Councils of the Eastern Patriarchs held in Constantinople in 1590 and 1593[48].

On repeated occasions, the Holy Synod of the Patriarchate of Constantinople or its Councils would make a decision to grant autocephaly to its certain part. Thus, the Patriarchate of Constantinople granted the autocephalous status to the Churches of Greece (1850), Serbia (1879), Romania (1885) and Albania (1937), which had all once been under its jurisdiction.

Historically, autocephaly could be granted, apart from the Councils, not only by the Patriarchate of Constantinople, but by other Churches as well. Thus, in the 5th century the autocephaly of the Georgian Orthodox Church was granted by the Patriarchate of Antioch, and in the 20th century the Moscow

Patriarchate granted autocephaly to the Polish Orthodox Church (1948), the Orthodox Church of Czechoslovakia (1951) and the Orthodox Church in America (1970). In 2022, the Macedonian Orthodox Church (Archbishopric of Ohrid) received autocephaly from the Serbian Orthodox Church.

His Holiness Patriarch Athenagoras of Constantinople, in his letter of 24th June 1970 to Metropolitan Pimen of Krutitsy and Kolomna, *Locum Tenens* of the Patriarchal Throne of the Russian Orthodox Church, wrote: “In the ecclesiastical legislation, there are no specific canons that determine everything to the letter ragarding autocephaly. The granting of autocephaly comes within the competence of the entire Church and in no way can be regarded as the right of ‘every autocephalous Church;’ the final judgment on the matter of autocephaly is within the competence of a wider general Council representing all the Local Orthodox Churches, in particular, of an Ecumenical Council”**[49]**.

The idea that the granting of autocephaly is a conciliar act of the “entire Church” underlay a draft document on autocephaly and the ways of granting it which was under consideration at the meeting of the Inter-Orthodox Preparatory Commission in 1993 and at the Fourth Pan-Orthodox Pre-Council Conference in 2009.

The procedure for granting autocephaly that the draft document outlines received preliminary approval. The procedure is as follows: 1) the consent of the Local Council of the kyriarchal Mother Church to grant autocephaly to its part; 2) the Ecumenical Patriarch’s ascertainment of consensus among all Local Orthodox Churches expressed by the unanimity of their Councils; 3) on the basis of the consent of the Mother Church and the pan-Orthodox consensus, the official proclamation of the autocephaly by means of issuing a Tomos which “is signed by the Ecumenical Patriarch and is attested by the signatures of Their Beatitudes the Primates of the Holy Autocephalous Churches invited for this purpose by the Ecumenical Patriarch.” As to the last provision, it was only the order of signing a Tomos that was not fully agreed on, but it did not diminish the importance of the agreements reached on the other provisions.

At the Synaxes of the Primates of the Local Orthodox Churches in 2014 and 2016, the delegation of the Moscow Patriarchate, along with the representatives of several other fraternal Churches, insisted that the issue of autocephaly should be included in the agenda of the Council. The Patriarchate of Constantinople, however, asked the Local Orthodox Churches not to add the topic of autocephaly to the agenda of the Council scheduled for June 2016. The Russian Church agreed to leave this topic off the Council’s agenda only after Patriarch Bartholomew, during the Synaxis of the Primates on 24th January 2016, had assured everyone that the Church of Constantinople had no intention to take any actions with regard to the church life in Ukraine either at or after the Holy and Great Council.

Now it has become evident that back then the Patriarchate of Constantinople was already preparing its

incursion into Ukraine and for that reason avoided discussing the topic of autocephaly, insisting on removing it from the Council's agenda under the pretext that there was not enough time to deliberate thoroughly on the matter. In reality, the Primate of Constantinople wanted to renounce all preliminary agreements reached earlier at the pan-Orthodox level in order to promote the false theory suggesting that the right to grant autocephaly belongs solely to the Church of Constantinople. Further development of those views resulted in the granting of the Tomos of Autocephaly to the so-called "Orthodox Church of Ukraine" in 2019.

The faithful children of the Russian Orthodox Church do not recognize and will never recognize the autocephalies that the Church of Constantinople creates or will create unilaterally without the consent of the other Local Orthodox Churches, even more so without the initiative and consent of the kyriarchal Mother Church. The topic of autocephaly requires further discussion based on those preliminary agreements achieved during the pre-Council process, in particular, during the Commissions' meetings and at the conferences of 1993 and 2009.

6. Violation of the principle of equality among the autocephalous Churches by the Patriarchate of Constantinople

An autocephalous Local Church, enjoying full independence in its governance, does not depend on any other Local Church in managing its internal affairs. The Universal Orthodox Church is a family of the autocephalous Local Orthodox Churches. Within an autocephalous Church, there can be autonomous Churches and other ecclesiastical bodies with different degrees of self-government.

All the Local Orthodox Churches, regardless of when and how they received autocephaly, are equal. When the Primates and representatives of the Local Orthodox Churches concelebrate, they stand in the order of their places in the diptych. However, a Primate's lower place in the diptych does not mean that his Church is in a subordinate position with regard to another Church occupying a higher place.

Today the Patriarchate of Constantinople is trying to impose upon the Local Orthodox Churches a different understanding of autocephaly. It is being claimed that any Church becomes autocephalous solely by virtue of a Tomos received from the Patriarchate of Constantinople**[50]**, even though history knows other ways of gaining autocephaly by a Local Church. It is being claimed that Constantinople is the highest appellate authority for all the Local Churches (see Section 2). It is being claimed that the Patriarch of Constantinople alone has the right to prepare and distribute the holy myrrh. It is being claimed that canonization of saints may only take place in Constantinople. This new ecclesiological concept was fully implemented by the Patriarchate of Constantinople in 2018 when it established the so-called "Orthodox Church of Ukraine" (OCU) – an uncanonical formation created from two groups of schismatics. The two fundamental legal documents – *The Patriarchal and Synodal Tomos for the*

Bestowal of the Ecclesiastical Status of Autocephaly to the Orthodox Church in Ukraine (hereinafter referred to as the Tomos) and *The Statute of the Orthodox Church of Ukraine* (hereinafter referred to as the Statute) – offer a defective model of a Church which is seemingly autocephalous but nonetheless remains directly and strongly dependent on the Patriarchate of Constantinople.

So, while the Tomoses of autocephaly granted earlier to a number of the Local Orthodox Churches emphasize that the Head of all Churches is the Lord Jesus Christ[51], the Tomos of the OCU states that "the Autocephalous Church in Ukraine knows as its head the most holy Apostolic and Patriarchal Ecumenical Throne, just as the rest of the Patriarchs and Primates also do"**[52]**. According to the Statute (Par.1), which reflects the new concept of the Patriarchate of Constantinople, the newly-established "autocephalous Church" "is one with the Mother Great Church of Christ in Constantinople and *through her* with all the other autocephalous Orthodox Churches." As the Tomos points out, the "primary task" of this "autocephalous Church" is to preserve not only the Orthodox faith, but also "canonical unity and communion with the Ecumenical Patriarchate."

In accordance with this new ecclesiological concept, the Tomos directly states that the autocephalous Church will not be "henceforth entitled to establish bishops or found extraterritorial altars in regions already lawfully dependent on the Ecumenical Throne, which bears canonical competence over the Diaspora." This is affirmed by the Statute which says: "Henceforth, taking care of the Orthodox Christians of Ukrainian origin in the Orthodox Diaspora will be diocesan bishops of the Ecumenical Patriarchate" (Statute, I, 4.). In addition, the Tomos restricts this Church's "proper jurisdiction within the territories of the State of Ukraine," while at the same time establishing in that territory an exarchate of the Church of Constantinople and its Stavropegial institutions, and emphasizing that "the prerogatives of the Ecumenical Throne over the Exarchate and Sacred Stavropegial institutions in Ukraine shall be preserved unmitigated." The Statute forbids any interference in the affairs of Constantinople's stavropegia: "As for drawing up and approving internal regulations of the Patriarchal stavropegia, the right to resolve these matters belongs solely to the Ecumenical Patriarch, and him alone." Diocesan bishops cannot interfere in the process of forming governing bodies of the "Patriarchal stavropegia, which are subordinate to the Ecumenical Patriarch."

Both documents – the Tomos and the Statute – explicitly specify the judicial powers of the Patriarch of Constantinople. The Tomos mentions "the right of all Hierarchs and other clergy to address petitions of appeal to the Ecumenical Patriarch, who bears the canonical responsibility of irrevocably passing judgment over matters related to bishops and other clergy in local Churches." And according to the Statute (Par. XII), "any clergyman who has been condemned by his ecclesiastical authorities to a definitive punishment may use his right of appeal (*ἔκκλητον*) to the Ecumenical Patriarch."

In cementing these clearly unequal relationships between the two "autocephalous" Churches, with only

one of them being in reality autocephalous, the Patriarchate of Constantinople emphasizes that the Statute must be in “mandatory agreement in all matters on the regulations of the present Patriarchal and Synodal Tomos.” And the Statute says that “the right to interpret the provisions of the Statute according to the Tomos belongs exclusively to the Ecumenical Patriarch.”

Certain provisions of the Tomos and the Statute stipulate for inequality and even direct subordination. For example, “in the case of major issues of ecclesiastical, doctrinal and canonical nature,” the OCU Primate “must… address… most holy Patriarchal and Ecumenical Throne, seeking its authoritative opinion and conclusive support” (Tomos), and in this case the Patriarch of Constantinople “communicates the necessary decision to the Holy Episcopal Council of the Church of Ukraine” (Statute, IV, 3). Besides, the OCU must receive the holy myrrh from the Patriarchate of Constantinople.

Thus, in line with this new ecclesiological concept, the Tomos and the Statute create a legal precedent of cemented inequality among the autocephalous Local Orthodox Churches and of their subordination to the administrative authority of the Patriarchate of Constantinople. Such inequality is rightly considered by many within the Orthodox Church as a step towards the papal model of ecclesiastical authority[53] which never existed in Orthodoxy.

The Russian Orthodox Church, faithful to the centuries-old canonical tradition, has always stood up for and will continue to uphold the equality of the Local Orthodox Churches and the independence of each Local Church in internal governance from the other Local Churches. “An abuse of the sacred institution of autocephaly”[54], which manifested itself in the granting of autocephaly to a group of Ukrainian schismatics, became one of the sad consequences of the distortion of the Holy Tradition based on which the Orthodox Church built up its life for centuries as a family of the Local Churches independent in their internal governance.

7. Unilateral revision of the documents of constitutive importance by the Patriarchate of Constantinople

In laying claims to alleged special powers within the Orthodox world, the Patriarchate of Constantinople even goes as far as unilaterally revising the historical acts of constitutive importance in relation to the other Local Orthodox Churches and their canonical boundaries. This approach runs counter to the canonical Tradition of the Church, violating, in particular, Canon 129 (133) of the Council of Carthage[55] and Canon 17 of the Fourth Ecumenical Council[56]. These canons do not allow any possibilities for revising the established ecclesiastical borders which remained undisputed for a long time.

The Patriarchate of Constantinople violated the aforementioned canons by, for instance, “reactivating”

the Tomos issued by Patriarch Meletius IV of Constantinople on 7th July 1923[57]. Patriarch Meletius, without the knowledge and consent of Patriarch Tikhon of All Rus', had received into the jurisdiction of the Patriarchate of Constantinople the autonomous Estonian Orthodox Church which had been at the time a part of the Moscow Patriarchate. After the Moscow Patriarchate's legitimate jurisdiction in Estonia was restored in 1944, the 1923 Tomos was forgotten. On 3rd April 1978, by the Act of Patriarch Demetrios of Constantinople and the Synod of the Patriarchate of Constantinople, the 1923 Tomos was declared "invalid" and Constantinople's activities in Estonia "completed"[58]. Nevertheless, on 20th February 1996, the Holy Synod of the Patriarchate of Constantinople, meeting under the chairmanship of Patriarch Bartholomew, gave a new interpretation to that decision, stating that back in 1978 "the Mother Church… proclaimed the Tomos of 1923 inoperative through a Patriarchal and Synodical Act, meaning that the Tomos could not be enforced within Estonia which at that time comprised part of the Soviet Union; the Tomos, however, was not regarded as being void, invalid or revoked." And now Patriarch Bartholomew and his Synod "declare anew that the Patriarchal and Synodical Tomos of 1923 regarding the Orthodox Metropolitanate of Estonia is reactivated in all its articles"[59].

The anti-canonical expansion of the Patriarchate of Constantinople into the territory of Estonia resulted in the temporary suspension of the Eucharistic communion between the Russian Orthodox Church and the Patriarchate of Constantinople in 1996. Communion was restored by the joint resolutions of the two Churches' Holy Synods on 16th May 1996 based on the Zurich Agreements which Constantinople has never fully implemented.

In 2018 the Patriarchate of Constantinople unilaterally annulled the 1686 Act signed by His Holiness Patriarch Dionysius IV of Constantinople and the Holy Synod of the Church of Constantinople, confirming that the Kievan Metropolia was a part of the Moscow Patriarchate. As the Holy Synod of the Russian Orthodox Church points out in its statement of 15th October 2018, the 1686 Act cannot be subject to revision, since otherwise "it would be possible to annul any document determining the canonical territory and status of a Local Church, regardless of its antiquity, standing and church-wide recognition."

The Synodal Letter of 1686 and other related documents make no mention that the transfer of the Kievan Metropolia to the Moscow Patriarchate might be temporary; nor do they provide for a possibility of revoking the act.

For over three centuries, there was no doubt at the pan-Orthodox level that Orthodox Christians in Ukraine are part of the flock of the Russian Church, not the Church of Constantinople, which shows how groundless the decision was to revoke the 1686 Act[60]. Moreover, the Patriarchate of Constantinople keeps silent about the fact that the Kievan Metropolia in 1686, the return of which Constantinople now

declares, constituted just a small part of the territory of the modern-day Ukrainian Orthodox Church which subsequently developed within the jurisdiction of the autocephalous Russian Church.

Canon 8 of the Third Ecumenical Council[61] forbids bishops from extending their authority over someone else's ecclesiastical domain. By establishing its "stavropegion" in Kiev without the consent of the canonical supreme authority of the Ukrainian Orthodox Church, the Patriarchate of Constantinople encroached on the territory belonging to another Church, which is to be condemned according to the aforementioned canon.

A threat to reverse its previous decisions is used by the Patriarchate of Constantinople as a means to put pressure on the Local Orthodox Churches. For example, Patriarch Bartholomew of Constantinople, in his letter of 4th February 2012 to the former Primate of the Orthodox Church of the Czech Lands and Slovakia, Metropolitan Christopher, threatened to annul the autocephalous status of that Church[62].

It should be noted that the attempts by Patriarch Bartholomew of Constantinople to impose upon the Orthodox world the idea that the Throne of Constantinople has the right to unilaterally revoke the conciliar or synodal decisions, regardless of when they were taken, do not conform to the canonical organization of the Church and cast inter-church relations into a state of chaotic lawlessness.

8. The Patriarchate of Constantinople's claims to exclusive right of ecclesiastical jurisdiction in the diaspora

The claims by the Patriarchate of Constantinople to the exclusive right of ecclesiastical jurisdiction in all countries of the Orthodox diaspora took shape in the 1920s. Prior to that, the Church of Constantinople had different views on the matter. For instance, it recognized: 1) the jurisdiction of the Russian Orthodox Church over America; 2) that the Orthodox diaspora in Australia and New Zealand is under pastoral care of the Patriarchate of Jerusalem; 3) that the Metropolitan of Saint Petersburg is canonically in charge of the Russian Orthodox diaspora in Western Europe; 4) that the Church of Greece has the right to govern Greek parishes according to the Patriarchal and Synodal Tomos of 18th March 1908, signed by Patriarch Joachim II of Constantinople and the members of the Holy Synod of the Church of Constantinople.

The new theory of obligatory subjugation of the entire Orthodox diaspora to the Throne of Constantinople was formulated by Patriarch Meletius IV (Metaxakis) who occupied the See of Constantinople from 1921 to 1923. Underlying that theory was a concept of transformation of the Patriarchate of Constantinople into a global Church organized on the basis of extraterritorial jurisdiction – an "Orthodox Vatican" in a way[63]. By the Synodal decision of 1st March 1922, the Tomos of 1908 was terminated. It should be noted that while the 1908 Tomos focused solely on the *Greek* parishes in

the diaspora, that new decision declared Constantinople's right to exercise "direct supervision over and to govern *all Orthodox parishes without exception* located beyond the boundaries of the Local Orthodox Churches in Europe, America and other countries"[64].

Acting in line with that new theory, the Patriarchate of Constantinople set up its bodies in Western Europe and North and South America in 1922 and in Australia, Oceania and Central Europe in 1924. In the years that followed, the Patriarchate of Constantinople continued to establish its bodies in other regions of the diaspora, while wherever possible hindering the establishment or re-establishment of the other Local Churches' jurisdictions in the diaspora[65].

Constantinople justifies its claims to the entire diaspora based on such interpretation of Canon 28 of the Fourth Ecumenical Council that is not shared by the fullness of the Orthodox Church. The canon states that "the metropolitans and they alone of the dioceses of Pontus, Asia and Thrace, as well as the bishops among the barbarians of the aforementioned dioceses, are to be ordained by the previously mentioned holy throne of the most holy Church of Constantinople." This canon refers to certain regions of the Roman Empire wh ere Christianity spread thanks to missionary endeavours of the Church of Constantinople.

Based on this canon, the modern-day Church of Constantinople, though, lays claims to the entire Orthodox diaspora, including North and South America, Western Europe, Asia, Australia and Oceania. It is as if in these regions there can only be the jurisdiction of the Church of Constantinople and the other Local Churches' presence is unlawful. What is more, if, for example, a bishop or a cleric of any Local Church who serves in the diaspora wishes to transfer to the Patriarchate of Constantinople, he, as it is being claimed, does not need a letter of release since he was actually already a bishop or a cleric of the Church of Constantinople even before his transfer, he just did not realize that[66].

The Patriarchate of Constantinople asserts claims even to those countries wh ere it does not have and has never had its institutions and wh ere missionaries fr om the Church of Constantinople never preached. This refers, for example, to Japan and China.

It is a well-known fact that Orthodoxy appeared in Japan solely as the result of the heroic endeavours of Saint Nicholas of Japan and other renowned missionaries of the Russian Orthodox Church. In 1970 the Japanese Orthodox Church received autonomy from the Moscow Patriarchate. Constantinople, however, did not recognize it and, what is more, also claimed rights to that territory. In view of that, in 1971 the *Locum Tenens* of the Patriarchal Throne of Moscow, Metropolitan Pimen (later the Patriarch of Moscow and All Rus') sent a letter to Patriarch Athenagoras, in which he pointed out "the fundamental contradiction of the act of the Holy Synod of the Ecumenical Patriarchate to the Orthodox canon law and the practice of the Local Orthodox Churches"[67]. Nevertheless, in 2004 the

Patriarchate of Constantinople granted to its Metropolitan of Korea the title “Exarch of Japan” even though he had no flock in that country.

The concept of the Patriarchate of Constantinople’s exclusive right to take pastoral care of the Orthodox diaspora underlay the decision of its Holy Synod to include the Peoples’ Republic of China in the Metropolitanate of Hong Kong (both in 1996 when it was established and in 2008 when the Metropolitanate of Singapore was detached from it). It was done despite the fact that in the territory of China there existed an autonomous Orthodox Church within the jurisdiction of the Moscow Patriarchate. On 15th April 2008, the Holy Synod of the Russian Orthodox Church stated: “The centuries-old spiritual ties of the Russian Orthodox Church with China, wh ere through its labours dozens of Orthodox churches were built, the Holy Scripture and liturgical books were translated into the Chinese language, and witnesses to our Lord Jesus Christ were raised in Orthodox piety, faithful to Him even unto death, compel today the Holy Synod to speak out in defence of the rights of the God-saved flock of the Chinese Orthodox Church, weakened by the hardships it has endured, and speak out against the injustice and canonical unlawfulness of the decision taken by the Throne of Constantinople, harmful to *the peace and welfare of the holy Churches of God*”**[68]**.

It is absolutely impossible to agree with the Patriarchate of Constantinople’s claims to the sole right of pastoral care for the Orthodox faithful in the diaspora. Not a single Local Orthodox Church enjoys special exclusive and overarching rights to jurisdiction over the entire Orthodox diaspora. On the contrary, each Local Church is responsible for taking pastoral care of its own children in the diaspora living beyond the canonical boundaries of the other Local Churches. According to Canon 99 (112) of the Council of Carthage, “such bishops… as brought back their people to the Catholic Church, they ought to be allowed still to rule them.”

Constantinople’s new doctrine of its exclusive canonical rights in the diaspora became a source of conflicts within the Church of Christ. For that reason, as part of the preparations for the Pan-Orthodox Council, the issue of the diaspora was put on the agenda. At the 4th Pan-Orthodox Pre-Council Conference in 2009, it was decided to establish Episcopal assemblies within each of the regions of the diaspora, “consisting of all the canonically recognized bishops of a particular region who will remain subordinate to the canonical jurisdictions of their affiliation”**[69]**. The assemblies were to take place under the presidency of the senior bishop of the Church of Constantinople or, in his absence, of the senior bishop of the other Local Churches according to the order of the diptychs.

The Russian Orthodox Church viewed the Episcopal assemblies in the diaspora as consultative bodies whose role was to coordinate actions of bishops fr om various Local Orthodox Churches while never diminishing their independence**[70]**. For Constantinople, however, the establishment of the Episcopal assemblies was a step towards the gradual elimination of the Local Churches’ presence in the diaspora.

In a whole range of countries, the Patriarchate of Constantinople's representatives took upon themselves the function of representing all Local Churches to the state and to issue public statements on their behalf, quite often without their consent.

9. Conclusion

The ideas making up this new ecclesiological concept of the Patriarchate of Constantinople stand in clear contrast to the Orthodox Tradition and canons, therefore compelling the Patriarchate of Constantinople to question the Tradition itself and demand its revision. Patriarch Bartholomew once said, "We Orthodox should be self-critical and reexamine our ecclesiology if we do not want to become simply a federation of churches in the protestant sense"[71]. In order to avoid this far-fetched risk, according to him, it should be acknowledged "that the undivided Ecumenical Orthodoxy only has one 'First' – and not just by way of an honor, but a 'First' with specific responsibilities and canonical duties prescribed by the Ecumenical Councils"[72].

We condemn and deem unacceptable the theoretical theses of this new ecclesiological concept of the Patriarchate of Constantinople, as well as the illegitimate and unlawful actions undertaken with the aim of inculcating the aforementioned concept in the present-day church life. These theses and actions do not accord with the Orthodox Tradition, but undermine the canonical foundations of the Universal Church and cause a great harm to the unity of the Local Orthodox Churches.

In offering our prayer that *the Orthodox Church throughout the world may be preserved in unity and the true faith*, we, hierarchs of the Russian Orthodox Church, call upon Their Holinesses and Their Beatitudes the Primates of the Holy Churches of God, our brothers the Orthodox hierarchs, priests and deacons pleasing unto God, honourable monks and nuns and pious laypeople, who altogether comprise the fullness of the Universal Church of Christ, to join us in this ardent prayer to the Lord Jesus, the one true Head of His Church, so that He may gather together those cast asunder according to the will of the Heavenly Father through the grace of the Holy Spirit, cast out all heresies and schisms from the fold of the Holy Orthodoxy, reduce to nought all enmity and put to shame all falsehood, so that the most holy Name of the Father, and of the Son, and of the Holy Spirit be glorified *with one mouth and one heart* in the One, Holy, Catholic and Apostolic Church. Amen.

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[1] *See: Το Οικουμενικό Πατριαρχείο στην Λιθουανία.* Φως Φαναρίου. **https://fosfanariou.gr/index.php/2023/03/21/to-ecun-patriarxeio-stin-lithouania/**.

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

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

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

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

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

[7] Metropolitan Elpidophoros (Lambriniadis). *Primus sine paribus: A Response to the Text on Primacy of the Moscow Patriarchate.*

[8] *See:* Metropolitan Elpidophoros (Lambriniadis). *Primus sine paribus*: "The Church has always and consistently understood the person of the Father as the first in the communion of persons of the Holy Trinity ('the monarchy of the Father'). If we were to follow the logic of the text of the Synod of Russia, we would also have to claim that God the Father is not Himself the anarchic cause of the divinity and fatherhood... but becomes a recipient of his own 'primacy.' Whence? From the other Persons of the Holy Trinity?"

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

[10] "It's unreasonable for a Local Church, the very Church which attained its identity due to the initiative and engagement of the Ecumenical Patriarchate, to cease communing with it, since it is the real source of the canonical status of its existence" (Metropolitan Amphilochios of Adrianople. *By denying the Ecumenical Patriarchate, you deny the source of your existence.* orthodoxia.info.

[11] "The Ecumenical Patriarchate... enjoys canonical jurisdiction and all apostolic privileges in its responsibility for safeguarding the unity and communion of the local Churches" (Opening remarks by Patriarch Bartholomew of Constantinople at the Synaxis of the Hierarchs of the Patriarchate of Constantinople, 1st September 2018).

[12] Metropolitan Elpidophoros (Lambriniadis). *Primus sine paribus: A Response to the Text on Primacy of the Moscow Patriarchate.*

[13] Address by Patriarch Bartholomew of Constantinople at the Seminar on Reaction of Churches and Religious Communities to War and Conflict, Vilnius, 22nd March 2023.

[14] Opening remarks by Patriarch Bartholomew of Constantinople at the Synaxis of the Hierarchs of the Patriarchate of Constantinople, 1st September 2018.

[15] Ibid.

[16] Vespers Homily by Patriarch Bartholomew of Constantinople in the Church of St. Andrew in Kiev, 21st August 2021.

[17] Letter of 20th February 2019 from Patriarch Bartholomew of Constantinople to Archbishop Anastasios of Albania.

[18] Doctor *Honoris Causa* Acceptance Speech by Patriarch Bartholomew of Constantinople, Kiev-Mohyla Academy, 22nd August 2021.

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

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

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

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

[23] “A human person cannot be the head of the Church of Christ ... The teaching on the inevitable need for the visible head of the entire Church of Christ was the result of a great decline of the faith in the invisible head of the Church, that is to say, in the Lord Jesus Christ and in His presence and action in the Church, as well as the result of a decline in humans’ love for Him” (Hieromartyr Gorazd of Prague. *1168 Questions and Answers on the Orthodox Faith*, 343, 388).

[24] Minute No.60 of the Holy Synod of the Russian Orthodox Church, 23rd–24th September 2021.

[25] Announcement of the Holy Synod of the Patriarchate of Constantinople of 11th October 2018 which “restored to communion” Filaret Denisenko and Makary Maletich.

[26] “If any Clergyman have a matter against another clergyman, he shall not forsake his bishop and run to secular courts; but let him first lay open the matter before his own Bishop, or let the matter be

submitted to any person whom each of the parties may, with the Bishop's consent, sel ect. And if any one shall contravene these decrees, let him be subjected to canonical penalties. And if a clergyman have a complaint against his own or any other bishop, let it be decided by the synod of the province. And if a bishop or clergyman should have a difference with the metropolitan of the province, let him have recourse to the Exarch of the Diocese, or to the throne of the Imperial City of Constantinople, and there let it be tried" (Canon 9 of the Fourth Ecumenical Council).

[27] John Zonaras. *Commentary on Canon 17 of the Fourth Ecumenical Council*.

[28] *Rudder (Pedalion).Commentary on Canon 9 of the Fourth Ecumenical Council.*

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

[30] In repentance for their lapse into schism, the bishops even publicly took off their panagias – symbols of their episcopal dignity.

[31] Despite the importance of the Council held in Sofia in 1998, it should be noted that the position of Patriarch Bartholomew, who presided at the Council, was not canonically unblemished. He insisted that the "hierarchs" who had received ordination while in schism from the defrocked and excommunicated persons should be received into communion based on "the utmost oikonomia," whereas the majority of the Council's participants insisted on their reception through canonical ordination. Such was a position expressed in the dissenting opinion of the Synod of the Russian Orthodox Church regarding the decisions of the Council of the Primates and Hierarchs of the Local Orthodox Churches in Sofia.

[32] *See:* Canon 5 of the Council of Sardica.

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

[34] Canon 15 of the Council of Antioch: "If any bishop, lying under any accusation, shall be judged by all the bishops in the province, and all shall unanimously deliver the same verdict concerning him, he shall not be again judged by others, but the unanimous sentence of the bishops of the province shall stand firm;" Canon 105 (118) of the Council of Carthage: "Whoever does not communicate in Africa,

and goes to communicate across seas, let him be cast out of the clergy." Letter of the Council of Carthage to Pope Celestine: "...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... by your Holiness ... all matters should be terminated in the places wh ere they arise."

[35] Letter No. 1119 of 24th December 2018 from Patriarch Bartholomew of Constantinople to Patriarch Kirill of Moscow and All Rus'.

[36] Communiqué of the Chief Secretariat of the Holy and Sacred Synod of the Patriarchate of Constantinople on the Petition of Appeal by Clergymen from Lithuania, 17th February 2023.

[37] Communiqué of the Holy and Sacred Synod of the Patriarchate of Constantinople of 28th June 2023.

[38] He died in 2022.

[39] Patriarch Porfirije of Serbia. *Press Release Regarding State Terror Against the Ukrainian Orthodox Church*, 28th March 2023.

[40] Message by the Office of the Holy Council of Bishops of the Polish Orthodox Church, 2nd April 2019.

[41] Minutes of the sessions of the Holy Synod of the Russian Orthodox Church – No.125 of 17th October 2019, No.151 of 26th December 2019, No.77 of 20th November 2020.

[42] Prior to that, those former clerics who had been defrocked by an ecclesiastical court were "restored" to their rank by the Synod of the Patriarchate of Constantinople (See Section 2 above).

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

[44] *Pravila svyatykh Vselenskykh Soborov s tolkovaniyami* [Canons of the Holy Ecumenical Councils and Their Interpretation]. Moscow: Sibirskaya Blagozvonnitsa, 2011, pp.665-666.

[45] See Section 2 above.

[46] *Pravila svyatykh Vselenskykh Soborov s tolkovaniyami* [Canons of the Holy Ecumenical Councils and Their Interpretation]. Moscow: Sibirskaya Blagozvonnitsa, 2011, p.342.

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

[48] The 1593 Council of Constantinople decided that the Primate of the Russian Church "is and is to be named a brother of the Orthodox patriarchs according to the power of this designation, having equal rank and equal see and equal dignity and, as is the custom for the Orthodox patriarchs, his signature is to be as follows: 'Patriarch of Moscow and All Rus' and of Northern Countries'" (Act of the 1593 Council of Constantinople).

[49] Letter No.583 of 24th June 1970 from Patriarch Athenagoras of Constantinople to the *Locum Tenens* of the Patriarchal Throne of the Russian Orthodox Church, Metropolitan Pimen of Krutitsy and Kolomna.

[50] Interview by Metropolitan Elpidophoros (Lambriniadis) of Bursa to the Athens –Macedonian News Agency, July 2018.

[51] *Cf.* the 1879 Tomos of Autocephaly of the Serbian Orthodox Church that says: "Henceforth she will be canonically independent and self-governing, with the God-Man, our Lord and Saviour Jesus Christ, being its head, like He is the head of all the Orthodox Churches."

[52] This provision of the Tomos was criticized in the statement of the Secretariat of the Holy Synod of the Albanian Orthodox Church of 15th November 2022. The document of the Albanian Church states that in its own Tomos there is no mention of it recognizing the Ecumenical Throne as its head, that the Albanian Church is called "sister," while the OCU is called "daughter" in its Tomos. A hierarch of the Bulgarian Orthodox Church writes the following on the matter: "The Tomos refers not to the symbolic primacy of the Patriarch of Constantinople or his primacy as first among equals. The Tomos associates the matter of primacy with exclusive powers of the Primate of Constantinople over the entire Orthodox Church... By means of the Tomos, an attempt is being made to give pan-Orthodox canonicity to the anti-canonical actions of the Patriarchate of Constantinople with regard to the Ukrainian issue and the declared powers of supra-border jurisdiction within the canonical territory of the Local autocephalous Churches" (Daniil, mitropolit Vidinsky. *Za yedinstvo Tserkvi* [Metropolitan Daniel of Vidin. For the Unity of the Church]. Moscow: Poznaniye, 2021, pp.25, 38).

[53] "Unfortunately, when it comes to the Ukrainian autocephaly, the Ecumenical Patriarch renounces

his traditional role as coordinator, which implies that he is to express and put into effect conciliar decisions of the Local Orthodox Churches; that is why he refuses to convoke a Pan-Orthodox Council or a Synaxis of the Primates. On the contrary, like the pope, he: 1) acts regardless of borders in the territory under the jurisdiction of the Russian Church, contrary to what he himself recognized until recently; 2) takes sovereign and independent decisions in defiance of the opinion of not only the Church of Ukraine, but also the Local Orthodox Churches; 3) claims that all the rest Orthodox bishops throughout the world are obliged to accept any decisions he takes; 4) believes that his decision does not require approval of the other Churches and cannot be contested" (from the Open Letter of the Priests, Monastics and Laity of the Orthodox Church of Greece published in September 2019). "It is clear that the Patriarchate of Constantinople wants… to assume powers that have never been granted to any bishop in the Orthodox Church. Unfortunately, it reminds us of the grievous attempts by the Bishop of Rome to usurp power within the Church. We all know what it led to" (Daniil, mitropolit Vidinsky. *Za yedinstvo Tserkvi* [Metropolitan Daniel of Vidin. For the Unity of the Church]. Moscow: Poznaniye, 2021, p.27).

[54] The expression was used by Metropolitan Nikiphoros of Kykkos and Tillyria in his address at a conference in Moscow on 16th September 2021.

[55] "If anyone… should convert any place to Catholic unity and retain it for three years without opposition, it should not be taken away from him afterwards. If however there was during those three years a bishop who could claim it and was silent, he shall lose the opportunity."

[56] "Parishes shall in every province remain subject to the bishops who now have jurisdiction over them, particularly if the bishops have peaceably and continuously governed them for the space of thirty years."

[57] *Tomos Konstantinopolskogo Patriarkha Meletiya IV* [Tomos of Patriarch Meletius IV of Constantinople]. *Pravoslaviye v Estonii. Issledovaniya i dokumenty. Moscow:Pravoslavnaya Entsyklopediya,* 2010. vol. 2. pp. 42-45.

[58] *Deyaniye Patriarkha Konstantinopolskogo Dimitriya i Svyashchennogo Sinoda Konstantinopolskogo Patriarkhata ot 3 aprelya 1978 g. o prekrashchenii deystviya Tomosa Patriarkha Konstantinopolskogo Meletiya IV ot 1923 g.* [The Act of Patriarch Demetrios of Constantinople and the Holy Synod of the Patriarchate of Constantinople of 3rd April 1978 on the Termination of the 1923 Tomos of Patriarch Meletius IV of Constantinople]. *Pravoslaviye v Estonii,* pp.207-208; *Poslaniye Patriarkha Konstantinopolskogo Dimitriya metropolitu Shvetsii i vseya Skandinavii ot 3 maya 1978 g.* [Letter from Patriarch Demetrios of Constantinople to Metropolitan Pavlos of Sweden and All Scandinavia of 3rd May 1978]. *Pravoslaviye v Estonii,* pp.208-209.

[59] Patriarchal and Synodical Act of the Patriarchate of Constantinople Concerning the Reactivation of the Patriarchal and Synodical Tomos of 1923 Regarding the Orthodox Metropolitanate of Estonia.

[60] *See:* Nikifor, mitropolit Kikksky i Tilliriyskiy. *Sovremenny ukrainsky vopros i ego razresheniye soglasno bozhestvennym i svyashchennym kanonam* [Metropolitan Nikiphoros of Kykkos and Tillyria. The Contemporary Ukrainian Question and Its Resolution In Accordance with the Divine and Sacred Canons]. Moscow: Poznaniye, 2021, p.32. The text contains a lot of examples of such recognition by the Church of Constantinople as well (pp.32-42).

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

[62] From the letter No.102 of 4th February 2012 from Patriarch Bartholomew of Constantinople to Metropolitan Christopher of the Czech Lands and Slovakia (the letter was prompted by the celebrations of the 60th anniversary of the autocephaly of the Orthodox Church of the Czech Lands and Slovakia in Prague): "In the event that similar events take place in celebration of the autocephaly regarded as non-existent, from the very beginning deemed void and imposed at the time by the act of the Moscow Patriarchate on the Church of the Czech Lands and Slovakia, the Ecumenical Patriarchate will be regretfully compelled to annul the canonical autocephaly granted to your Church fourteen years ago and re-establish the previous autonomous status of the Church of the Czech Lands and Slovakia, as well as to expunge it from the Sacred Diptychs of the Orthodox autocephalous Churches, in which it now occupies the fourteenth place, and to notify all the sisterly Orthodox Churches of this decision."

[63] Anastassiadis, A. *Un "Vatican anglicano-orthodoxe" a Constantinople?: Relations interconfessionnelles, rêves impériaux et enjeux de pouvoir en Méditerranée orientale a la fin de la Grande Guerre* [An "Anglican-Orthodox Vatican" in Constantinople? Inter-Confessional Relations, Imperial Dreams and Power Games in the Eastern Mediterranean towards the End of the Great War]. *Voisinages fragiles: Les relations interconfessionnelles dans le Sud-Est européen et la Méditerrannée orientale 1854-1923: Contraintes locales et enjeux internationaux*, ed. by A. Anastassiadis, Athens, 2013, pp.283-302.

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

[65] For instance, in 1993, when the Patriarchate of Jerusalem decided to restore its diocese that had earlier existed in Australia and appointed an exarch thereto, that decision provoked an extremely negative reaction of the Patriarchate of Constantinople. At an enlarged session of the Synod of the Church of Constantinople which took place in Istanbul from 30th to 31st July 1993 with the participation of the Primates of the Churches of Alexandria and Greece, as well as representatives of the Church of Cyprus, two hierarchs of the Patriarchate of Jerusalem were defrocked and Patriarch Diodoros of Jerusalem was censured for a "blasphemous violation" of the holy canons and for leading the Greek people into temptation and division. The Church of Constantinople stopped commemorating him in the diptychs, yet out of "mercy and loving-kindness" he was given time to repent and revoke the decision to establish the jurisdiction of the Patriarchate of Jerusalem in Australia. Otherwise he would be defrocked. In those circumstances Patriarch Diodoros was compelled to renounce his plans to set up an exarchate in Australia and other countries of the diaspora, after which his commemoration in the diptychs of the Church of Constantinople was resumed and the defrocked bishops were restored to their episcopal rank.

[66] That was the logic behind Constantinople's decision to receive in 2006 the former Bishop of Sergievo, Basil (Osborne), without a letter of release from the Russian Orthodox Church (in 2010 the Holy Synod of the Patriarchate of Constantinople defrocked and laicised Bishop Basil due to his decision to marry).

[67] Letter No. 85 of 14th January 1971 from Metropolitan Pimen, *Locum Tenens* of the Patriarchal Throne of Moscow, to Patriarch Athenagoras of Constantinople.

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

[69] Document of the Fourth Pan-Orthodox Pre-Council Conference entitled *The Orthodox Diaspora. Decision*, Chambésy, 2009.

[70] The participation of the Russian Orthodox Church's hierarchs in these assemblies was halted in compliance with the Statement of the Holy Synod of 14th September 2018 concerning the uncanonical intervention of the Patriarchate of Constantinople in the canonical territory of the Russian Orthodox Church.

[71] Interview of Patriarch Bartholomew of Constantinople to *Ethnikos Kirix,* 13th November 2020.

[72] Ibid.

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