

ВИДИНСКА СВЕТА МИТРОПОЛИЯ

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Vidin

Your Eminence,

Christ is risen!

It is honor and joy for me to greet Your Eminence on the occasion of this greatest event in human history – the victory of our Lord Jesus Christ over death!

Truly, our joy is complete in our gratitude to the Lord for His great mercy and self-sacrifice for the life of the world: for the life of each one of us who receive His sacrifice with faith and love.

Yet, our paschal joy is somehow grieved by the fact that in the Holy Orthodox Church there have been events which disturbed the communication and the communion between great numbers of its faithful. I believe it necessary for reasons put forth in my letter to share with Your Eminence my concerns with regard to recent developments in the Orthodox Church.

Communication within the Orthodox Church has been disturbed. We have been challenged by a new reading and new understanding of things which have been understood until recently in the Orthodox Church in one and the same way “everywhere, always and by all”.

The issuing on Jan. 6, this year of the so called “Patriarchal and Synodal Tomos for the Bestowal of the Ecclesiastical Status of Autocephaly of the Orthodox Church in Ukraine”, (further referred as *Tomos*), by the Constantinople Patriarchate has challenged the unity in the entire Orthodox Church.

To date, several local Churches have officially expressed their categorical disagreement with the actions of the Constantinople Patriarchate concerning the Orthodox Church in Ukraine. None of the Orthodox Churches has accepted the so called *Tomos*, nor has any of them recognized the ecclesiastical structure defined in the *Tomos* as the “Most Holy Church in Ukraine”.

In the ongoing expressing of opinions by various orthodox hierarchs and theologians, including the exchange of letters of some Primate with Patriarch Bartholomew, very serious concerns have been raised. One of which that has been identified is the gravely problematical uncanonical status of the “hierarchy” of the ecclesiastical structure to which the *Tomos* was granted.

At the same time, the very issuing of the *Tomos* and a number of statements contained therein put forward questions the answers of which, I believe, will determine the future relations between the Orthodox Churches. Among these are:

1. Does the Patriarchate of Constantinople have the right to unilaterally interfere in the life of the local Autocephalous Orthodox Churches, as it acted in the case in Ukraine and as it is claimed in the *Tomos*?
2. Do the local Autocephalous Orthodox Churches recognize the Ecumenical Throne as their head and could anyone of the Primate of the local churches be attributed with that title?
3. Does the Patriarchate of Constantinople have the authority to act in the role of a pan-Orthodox authority on serious issues of “*ecclesiastical, doctrinal and canonical nature*”?
4. Does the Patriarch of Constantinople have the right to “*irrevocably pass judgment over matters related to bishops and other clergy in local Churches*”, as it is claimed in the *Tomos*?
5. Is the Patriarchate of Constantinople the sole ecclesiastical authority in the Orthodox Church which “*bears canonical competence over the Diaspora*”, as the *Tomos* reads?

These obviously are exceptionally important issues for the entire Orthodox Church. Yet, they have been put forward for examination, in their multi-faceted connection to various interests while the examination of the problem *per se* has in effect been neglected. This approach entails a serious danger of accommodating to political interests in a very politicized society so that influence can be brought to bear in the spirit of this world upon the decisions of the Local autocephalous Orthodox Churches on this issue which is so important for the Orthodox Church and, instead of resolving the issue in accordance with the spirit and the letter of the sacred canons, it has become hostage to political and nationalist factors or expectations, as well as fears and pressure of a different sort.

Proceeding from the above, I believe it my duty as a bishop of the Orthodox Church to sincerely, as brother to brother, share with Your Eminence what my conscience bears

witness to. I sent a similar letter on 7th March this year to His Holiness Neophyte, Patriarch of Bulgaria, and my brothers the fellow hierarchs of the Holy Synod of the Bulgarian Orthodox Church – Bulgarian Patriarchate.

In my letter below I have attempted to examine first the legitimacy of the claim purported by the Constantinople Patriarchate that the Kiev Metropolis has always been its canonical territory, hence, the legitimacy of the actions of the Constantinople Patriarchate concerning the Orthodox Church in Ukraine, including the issuing of the *Tomos*.

In the second part of the paper, I proceed with a critical review of the legitimacy of the claims contained in the *Tomos* which were listed above.

On 11th October 2018 the Patriarchate of Constantinople announced its decision, taken at the session of the Holy Synod on 9th – 11th September, to cancel the so-called ‘Letter of Permission’ (to use the expression of Patriarch Bartholomew from his letter of 24th December 2018 to Patriarch Neophyte of Bulgaria) made public by the Holy Synod of this Patriarchate in 1686, granting the right to consecrate the Metropolitan of Kiev to the Patriarch of Moscow.

As for this decision, in my opinion, it is necessary to take into consideration the following:

The Letter of the Patriarchate of Constantinople of 1686, granting the Patriarch of Moscow the right to consecrate the Metropolitan of Kiev, has not been preserved in the original. There exist copies in Greek and translations into Russian, the oldest of which is from the end of the 17th century.

A second letter, the Letter of Patriarch Dionysius IV to the Moscow Tsars Ioann Alexeyevich and Peter Alexeyevich has been preserved in the original Greek. This letter confirms the aforementioned decision of the Patriarchate of Constantinople.

In both documents – in the *Letter of Permission* (according to the text in the copies) and in the *Letter to the Russian Tsars* – along with the right to consecrate the Metropolitan of Kiev, the Patriarch of Moscow is granted jurisdiction over the Metropolis of Kiev: “... we decree that the holy diocese of Kiev be subject to the most holy Patriarchal Throne of the great and God-saved city of Moscow (...) while recognizing him as his elder and primate, since he has been consecrated by him and not by the Ecumenical Patriarch” (...ἀποφαίνεται, ἵνα ἡ ἀγιωτάτη ἐπαρχία Κιόβου εἴη

ὑποκειμένη ὑπὸ τοῦ ἁγιωτάτου πατριαρχικοῦ θρόνου τῆς μεγάλης καὶ θεοσώστου πόλεως Μοσχοβίας...καὶ γινώσκειν ἐκεῖνον γέροντα, καὶ προεστῶτα αὐτοῦ ὡς παρ' ἐκείνου χειροτονουμένη, καὶ οὐχὶ ὑπὸ τοῦ οἰκουμενικοῦ).

After the adoption of the Act of 1686 by the Patriarchate of Constantinople the ancient Patriarchates of Alexandria, Antioch and Jerusalem, and in recent history the other Local Autocephalous Churches have always regarded the Metropolis of Kiev as an indivisible part of the Moscow Patriarchate and have always respected the right of the latter to complete self-governance over all its canonical territory, including the territory of Ukraine.

In the inter-Orthodox relations this fact has been ascertained and affirmed by numerous official documents.

Today the Patriarchate of Constantinople asserts that the Metropolis of Kiev never belonged to the Moscow Patriarchate. It offers as evidence the condition contained in the Letter that during the Divine Liturgy first should be commemorated the Patriarch of Constantinople “as the source, and origin, and primate of all the parishes and dioceses” and then the Patriarch of Moscow be commemorated.

The commemoration in the first place of the Patriarch of Constantinople is interpreted in this case as the sole indicator of jurisdictional allegiance. How does this assertion accord with the canonical order of the Orthodox Church?

The Letter unambiguously defines who has jurisdictional powers over the Metropolis of Kiev, and that is the Moscow Patriarchate. The text contains no conditions or demands in accordance with which any sort of right to jurisdiction on the territory of the Metropolis of Kiev depends upon the Patriarchate of Constantinople.

There are no requirements that the Patriarch of Constantinople is entitled to approve or confirm the choice of metropolitan, decisions of the episcopal council, internal organizational problems, decisions of the ecclesiastical courts and so on. All of these powers are granted to the Patriarch of Moscow.

For comparison's sake, we refer to the well-known 28th canon of the Fourth Ecumenical Council, which grants to the Archbishop of Constantinople equals rights to that of the Archbishop of Rome. This canon grants the right to the Archbishop of Constantinople to consecrate metropolitans of three autocephalous (until then) Churches of Thrace, Asia and Pontus.

The canon especially indicates that the Archbishop of Constantinople is granted solely the right to consecrate the first bishops (metropolitans) of these three Local Churches. He does not elect them, but rather after they have been elected by the episcopate of their respective churches, he merely approves the choice of bishop and performs their consecration. The canon does not permit the Patriarch of Constantinople to consecrate and appoint bishops of these three provinces – this remains within the power of the appropriate metropolitan.

It is evident that the canonical and legal consequences of this rule imply that the then three autocephalous Churches were submitted to the jurisdiction of the Patriarch of Constantinople, and in fact he has jurisdiction in these provinces to this day.

It is in this same way that by granting to the Patriarch of Moscow the right to approve the choice and consecrate the Metropolitan of Kiev, the Metropolis of Kiev comes under the jurisdiction of the Moscow Patriarchate, as it is determined in the Letter.

The document contains no mention of the governing powers of the Mother Church (the Patriarchate of Constantinople) on the territory which she transferred. Thus, the desire expressed in the Letter to commemorate first the Patriarch of Constantinople, and then the Patriarch of Russia, is in no way linked to any governing powers.

For example, the hierarchy of the Greek Archdiocese in the USA also commemorates “among the first” the Patriarch of Constantinople, yet the constituent documents of this Archdiocese and its statute clearly outline the rights of the Patriarch in the approval of candidates for episcopal consecration, the election of archbishops and metropolitans, changes in the statute of the archdiocese and other powers, which are a clear sign of the jurisdictional allegiance of the Archdiocese to the Patriarchate of Constantinople.

In his article: “Autocephaly and Autonomy in the Orthodox Church”, «Τὸ "Αὐτοκέφαλον" καὶ τὸ "Αὐτόνομον" ἐν τῇ Ὁρθοδόξῳ Ἐκκλησίᾳ» («*Νέα Σιών*», ἔτ. ΟΑ΄, τεύχος Α΄, Ἰανουάριος-Ἰούνιος 1979, σ. 9-32), the professor of canon law of the University of Athens, Vlasios Fidas points out the interconnection between on one hand the right of consecrating and judging the first bishop of a given local church and the jurisdictional affiliation of that church. In his commentaries about the decision of the Third Ecumenical Synod with which the Synod confirmed the autocephalous status of the Church of Cyprus, professor Fidas writes:

“It is evident that the issue of the administrative submission of the Church of Cyprus under the jurisdiction of the Archbishop of Antioch is indivisibly related with his canonically guaranteed competency regarding the right to consecrate and judge the metropolitan of Cyprus. That is why, the fact that the Third Ecumenical Council did

not grant the Archbishop of Antioch that right guarantees the autocephaly of the Church of Cyprus”

(Εὐνόητον ὅτι τὸ θέμα τῆς διοικητικῆς ὑπαγωγῆς τῆς ἐκκλησίας Κύπρου εἰς τὴν δικαιοδοσίαν τοῦ Ἀντιοχείας συνεδέετο ἀρρήκτως μὲ τὴν κανονικὴν κατοχύρωσιν τῆς ἀρμοδιότητος αὐτοῦ εἰς τὸ δίκαιον τοῦ χειροτονεῖν καὶ κρίνειν τὸν μητροπολίτην Κύπρου, διὸ καὶ ἡ ὑπὸ τῆς Γ' Οἰκουμενικῆς συνόδου μὴ ἐκχώρησις τοῦ δικαίου τούτου εἰς τὸν Ἀντιοχείας διεφύλαξε τὸ αὐτοκέφαλον τῆς Ἐκκλησίας Κύπρου.)

Ultimately, the criterion for autocephaly is the right of the local council of bishops (metropolitans) to elect, consecrate and judge its first bishop (archbishop or patriarch) without these actions to be dependent in any way upon a decision of the hierarchy of another Church.

The Act of 1686, by which the Patriarch of Moscow, along with the Synod, is granted the right to consecrate the Metropolitan of Kiev, in time gave rise to numerous other consequences for the whole Church. This was the ordination of many clergymen of varying degrees who then entered into eucharistic communion with clergy of all the other Local Churches, including the clergy of the Patriarchate of Constantinople.

All of these concelebrations are the proof and affirmation of the recognition by all the Local Churches of the canonical allegiance of the Metropolis of Kiev and the other dioceses of the territory of Ukraine to the Moscow Patriarchate.

If today the Act of 1686 is to be annulled, then what would be the canonical status of the sole canonical Metropolitan of Kiev – Metropolitan Onufry? And can this Metropolitan, elected in accordance with the canons and recognized by all the Local Autocephalous Churches, suddenly become uncanonical without any ecclesiastical court, but merely at the will of another Local Church?

All of this creates a serious danger for the future of the entire Orthodox Church.

Thus, the Letter of 1686 transferred the Metropolis of Kiev to the jurisdiction of the autocephalous Church of the Moscow Patriarchate. Therefore, throughout its canonical territory, including the newly-added metropolis the canons relating to the inviolability of the jurisdictional boundaries of the Local Churches are effective:

“The bishops are not to go beyond their dioceses to churches lying outside of their bounds, nor bring confusion on the churches; but let the Bishop of Alexandria, according to the canons, alone administer the affairs of Egypt; and let the bishops of the East manage the East alone, the privileges of the Church in Antioch, which

are mentioned in the canons of Nice, being preserved...” (2nd canon of the Second Ecumenical Council; see also the 8th canon of the Third Ecumenical Council).

The professor of canon law at the University of Athens Archimandrite Grigorios Papathomas in his article entitled ‘The Different Canonical Properties of Exercise of the Jurisdiction of the Ecumenical Patriarchate of Constantinople’ unambiguously notes that the territory of a given autocephalous Church which has ceded from the canonical territory of the Patriarchate of Constantinople “is no longer in the jurisdiction of the latter precisely as a result of the Church that has ceded being ‘autocephalous’.”

In the same article the author points out that the “Ecumenical Patriarchate does not have the canonical right and cannot cancel or annul the canonical autocephaly of a given autocephalous Church from its former jurisdictional territory if the autocephalous (or patriarchal) Church does not desire it.” And further he notes that “not a single bishop can interfere in the province of another diocese, and moreover not a single Church (patriarchal or autocephalous) or the council of her bishops can have a say in the province of another Church or another local council.”

Moreover, the claims of the Patriarchate of Constantinople that after its decision from 1686, the same Patriarchate retained the right to jurisdiction over the Metropolis of Kiev, that is, the Metropolis remained a canonical territory of the Patriarchate of Constantinople, is in direct contradiction to these canons which do not permit the presence of two jurisdictions over one and the same area.

It is important to remember the fact that it was specifically the Patriarchate of Constantinople that exerted great efforts during the long preparation of the Holy and Great Council (such, as expected, would have been the Council of Crete) in the process of bringing the situation of the so-called Orthodox ‘diaspora’ (territories located beyond the jurisdictional borders of the autocephalous Churches) into strict canonical terms. The presence of more than one jurisdiction over one and the same area was defined as a “canonical anomaly,” and this truly is the case. In this instance, how are we to understand the claims that, after the transfer of the Metropolis of Kiev to the jurisdiction of the autocephalous Church of the Moscow Patriarchate, the Patriarchate of Constantinople has retained the right to jurisdiction over this Metropolis?

Regardless of these claims and on the basis of the sacred canons after the transfer of the Metropolis of Kiev to the Moscow Patriarchate throughout its canonical territory there are effective in full measure the canons which do not allow confusion or mixing of the jurisdictional boundaries of the Local Churches (the 2nd canon of the Second Ecumenical Council, the 8th canon of the Third Ecumenical Council).

It is important to bear this in mind when it is asserted that the condition contained in the Letter of 1686 about the commemoration of the name of the Patriarch of Constantinople before the commemoration of the name of the Patriarch of Moscow is proof of the jurisdictional allegiance of the Metropolis of Kiev to the Patriarchate of Constantinople, that [allegedly] under this condition the Metropolis of Kiev *de facto* was never transferred to the Moscow Patriarchate.

On the contrary, it is precisely the exercise of these powers, which were granted through the Letter to the Moscow Patriarchate on the territory of the Metropolis of Kiev and which, as we have already mentioned, have all the signs (properties) of full self-governance on this territory, which in the course of time proved the canonical inappropriateness of the fulfillment of the aforementioned condition simultaneously with the rights already granted.

In other words, the *de facto* exercise by the Moscow Patriarchate of the rights of autocephaly on the territory of the Metropolis of Kiev which rights were legitimately granted by the conciliar decision of the Patriarchate of Constantinople in 1686, with the passage of time showed the expediency of the canons which do not permit confusion of the jurisdictional boundaries, that is, the presence on a given territory of more than one jurisdiction. In essence, the suspension of the aforementioned condition of the Letter was necessary by reason of its not corresponding to the canonical order of the Orthodox Church, which would be a prerequisite for the inadmissible division, disruption and disharmony of church life in the Metropolis of Kiev.

Consequently, we ask: given that the aforementioned canons on the inviolability of the jurisdictional boundaries have pan-orthodox validity, is it permissible today for anyone unilaterally to annul the validity of these canons in relation to the territorial integrity, in our case, of the Russian Orthodox Church (Moscow Patriarchate) or any other canonical Local Autocephalous Church?

On the other hand, in the canonical tradition of the Orthodox Church time limitation has been defined, for exercising jurisdiction by a particular bishop over certain ecclesiastical provinces or parishes, upon expiry of which they can no longer lay claim to rights over these provinces (the 133rd canon of the Council of Carthage established a three-year statute of limitation; the 17th canon of the Fourth Ecumenical Council and the 25th canon of the Council in Trullo establish a thirty-year period).

We ask ourselves: if in secular affairs it is considered beneficial for society and social order that the undisputed actual mastership over a certain real property for a certain

period of time should serve in legislation as a reason for granting the person who exercised mastership full rights of ownership over that property; and if in canon law, which is the embodiment of divine justice within the community of the people of God this principle was also established through the canons of an Ecumenical and of a Local Council, then on what grounds and according to what reasoning did the Patriarchate of Constantinople adopt a decision on annulling a document which is over 330 years old and lay claim to territories which ceased to belong to it long ago?

When in the remote year of 1869, the Russian Orthodox Church sent a written reply to the Patriarchate of Constantinople with regard to a church issue in Bulgaria, and at the end of the letter, alongside the signatures of the Metropolitans of Moscow and St. Petersburg there was also the signature of Metropolitan Arseny of Kiev and Galicia (in second place!), the Church of Constantinople made no protest. This happened again in another letter of 1871.

When in 1976 the then Metropolitan Philaret (Denisenko) of Kiev and Galicia led a delegation of the Russian Orthodox Church at the pre-council conference in Geneva, the Patriarchate of Constantinople again made no protest with regard to this.

Какво означава след 330 години, през които една поместна Църква е признавала правото на пълно самоуправление на друга поместна Църква, тя да предяви претенции за правомощия в част от каноническата територия на последната? Какво означава след толкова дълъг период от време да се жалваш за накърнени права?

How should we interpret the fact that a given Autocephalous Church which has respected the autocephalous status of another Orthodox Church (with clearly defined territories) for more than 330 years, poses claims about rights of jurisdiction in part of the territories of the latter? What does the complaint of violated rights mean upon the passing of such a long period of time?

How do we understand the right to jurisdiction: as abstract powers to interfere in the life of Orthodox Christians or as a care for the salvation of the individual human being and the people of God entrusted to us? Do the words of St. Paul really mean nothing to the Patriarchate of Constantinople: “For though ye have ten thousand instructors in Christ, yet have ye not many fathers: for in Christ Jesus I have begotten you through the gospel”?

Can the Patriarch of Constantinople call himself a father (in the sense of the words quoted above) of the people of God who live in Ukraine? What pastoral labour has he done there, how many souls has he gained; for how many has he been “in the torments

of birth” until they have become the image of Christ? How many churches has he built, how many monasteries has he embellished? Or did he endure persecution during the time of atheism there? Rather, did not some Constantinople Patriarchs collaborated with the Bolshevik regime at certain times when the holy Church of Russia and Kiev suffered persecution?

In this instance the Patriarch of Constantinople is not a father but a person who has attempted by means of force to acquire power for himself. And these ambitions extend not only to the Metropolis of Kiev, which does not belong to him, but to the whole Orthodox Church; he lays claim to interfering in the internal life of the Local Churches. If we are true children of our Mother the Holy Orthodox Church, we should raise our voice and state what is happening, otherwise we will be guilty alongside those who try to abrogate rights for themselves which belong solely to the Conciliar Church.

If the Patriarch of Constantinople had no qualms about annulling a document which is more than 330 years old and now claims to have the right of jurisdiction over the Metropolis of Kiev, is there any guarantee that he will not annul documents made public by the Patriarchate of Constantinople, for example in 1850, 1879, 1885, 1924, 1937, 1945 and 1998 and declare that those Churches which have received their autocephalous status from the Patriarchate of Constantinople have been its territory from times of old?

Summing up, we say that the annulment of the Letter of 1686 and the claim to jurisdiction over the territory of Ukraine by the Patriarchate of Constantinople is in clear contradiction with the sacred canons of the Holy Orthodox Church, because the canons do not allow for the unilateral interference of a Local Autocephalous Church in the affairs of another Church. And also because of the fact that the claim to the right of jurisdiction on certain territories pertains to a limited time period which in this instance has long since expired.

Consequently, the annulment of the Letter and the subsequent convocation on 15th December 2018 of a so-called “unification Council” and the granting of the so-called *Tomos* with the aim of legitimizing the schismatic groups in Ukraine and the granting to them of the status of an autocephalous Church should not be recognized as having canonical validity and should not be accepted by the Local Autocephalous Churches.

We ought to note that in essence these actions of the Patriarchate of Constantinople go beyond the framework of the local ecclesiastical problem in Ukraine. Interference in another’s canonical territory and the abrogation of the

right of jurisdiction over this territory touches upon inter-Orthodox relations and cannot be justified for any temporal or political reason. In effect these actions are an attempt to impose the claims which the Patriarchate of Constantinople has recently openly declared as its privilege of “trans-territorial healing of all kind of church problems” (Letter of the Patriarch of Constantinople Bartholomew to Patriarch Neophyte of Bulgaria of 24th December 2018).

Consent to these actions by the Local Autocephalous Churches would entail a dangerous precedent in the canonical practice of the Orthodox Church which would touch upon not only the canonical issues of the way governance takes place in the Orthodox Church but would also encroach on ecclesiology, on the very teaching of the Church. The conciliarity of the Church is under threat and this is now a dogmatic issue.

The attempts of the Patriarchate of Constantinople to abrogate rights that belong exclusively to the Conciliar (Catholic) Church are clearly expressed in the so-called *Tomos* which it issued on 6th January 2019.

Let us now bring our attention towards some of the comments made upon the text of the *Tomos* by the long-time professor of canon law at the University of Athens Doctor Panayotis Boumis. In his article published in January of this year he writes:

“Further the fourth paragraph (of the so-called Tomos – author) states: ‘We add to the aforementioned that the Autocephalous Church of Ukraine, as the other Patriarchs and primates, recognizes as her head the Most Holy, Apostolic and Patriarchal Ecumenical Throne.’ He writes that this is stated as though there is no doubt whatsoever that one autocephalous Church recognizes “as her head the Ecumenical Throne”, yet what of the other Patriarchs? And does the term “other Patriarchs” include all the first (ancient) Patriarchates?”

An attentive comparative analysis of the Tomoi of autocephaly published by the Patriarchate of Constantinople over the past 170 years (for the Church of Greece in 1850, the Church of Serbia in 1879, the Church of Romania in 1885, the Church of Poland in 1924, the Church of Albania in 1937, the Church of Bulgaria in 1945, the Church of the Czech Lands and Slovakia in 1998) shows that **in not a single one of them** is stated that the head of these Churches is the Patriarch of Constantinople.

WE NOTE THAT THIS ASSERTION OF THE RECOGNITION OF THE “PATRIARCHAL ECUMENICAL THRONE” AS THE HEAD OF THE LOCAL AUTOCEPHALOUS ORTHODOX CHURCHES IS EXPRESSED FOR THE FIRST TIME SO UNEQUIVOCALLY.

THIS ASSERTION IN THE TEXT OF THE OFFICIAL DOCUMENT CANNOT REMAIN WITHOUT CONSEQUENCE.

WHEN WE BEAR IN MIND THE OTHER PROVISIONS IN THE *TOMOS*, TO WIT: THE ASSERTION THAT THE PATRIARCHATE OF CONSTANTINOPLE HAS THE AUTHORITY TO RESOLVE “SERIOUS ISSUES OF ECCLESIASTICAL, DOGMATIC AND CANONICAL NATURE” ON ITS OWN, WITHOUT THE PARTICIPATION OF THE LOCAL CHURCHES, AS WELL AS THE ASSERTION THAT THE PATRIARCH OF CONSTANTINOPLE HAS THE POWER TO RECEIVE APPEALS OF BISHOPS AND CLERGYMEN OF ALL THE LOCAL CHURCHES, WE RESOLUTELY STATE THAT THE FOURTH PARAGRAPH MEANS NOT A SYMBOLIC PRIMACY OF THE PATRIARCH OF CONSTANTINOPLE OR PRIMACY IN THE MEANING OF FIRST AMONG EQUALS. IN THE *TOMOS* THE ISSUE OF PRIMACY IS LINKED TO THE EXCLUSIVE POWERS OF THE PRIMATE OF THE CHURCH OF CONSTANTINOPLE OVER ALL OF THE ORTHODOX CHURCH.

We ask the question: has any of the Local Autocephalous Churches ever throughout its history recognized anybody other than the Lord Jesus Christ as Head of the One, Holy, Catholic and Apostolic Church? Regarding the Bulgarian Orthodox Church of the Bulgarian Patriarchate, this provision is regulated by its Statute in the first article. We believe that the same applies to all the other Local Autocephalous Churches. Are they prepared to change their statutes in order to bring them into line with the provisions of the fourth paragraph of the so-called *Tomos*?

Any other action or inaction in this instance, except a clearly expressed opinion of disagreement with the present document, would signify its acceptance. Therefore, regardless of whether it is reflected in the statutes of the Local Orthodox Churches or not, in inter-Orthodox relations each Local Church would have to take into account these provisions (God forbid!).

From the moral perspective this would be humiliating, while from the historical perspective it would be a betrayal of the history of the Orthodox Church, from the canonical perspective it would be a treason against the Church’s canon law tradition, and from a dogmatic perspective it would be a heresy.

Indeed, the assertion in the fourth paragraph of the so-called *Tomos* that all of the Local Churches recognize the Patriarch of Constantinople as their head is in glaring contradiction to the 34th apostolic canon, which states:

“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.”

We ask ourselves: how is it possible for a bishop who does not belong to the episcopal council of a particular Local Church to be the head of this Church? We are in complete bewilderment, more so as the canons already quoted – the 2nd canon of the Second Ecumenical Council and the 8th canon of the Third Ecumenical Council – categorically forbid this:

“The bishops are not to go beyond their dioceses to churches lying outside of their bounds, nor bring confusion on the churches; but let the Bishop of Alexandria, according to the canons, alone administer the affairs of Egypt; and let the bishops of the East manage the East alone, the privileges of the Church in Antioch, which are mentioned in the canons of Nice, being preserved...”

It is clear in this case that we are dealing with the desire of the Patriarchate of Constantinople to annul the validity of these canons and to abrogate for itself rights which were never granted to any of the bishops of the Orthodox Church. Unfortunately, this reminds us of the wretched attempts of the Bishop of Rome to usurp power within the Church. We all know what this led to.

Indeed, the *casus* about primacy of the Patriarch of Constantinople in the form in which it is formulated in the so-called *Tomos* poses the exclusively serious question of who in fact is the Head of the One, Holy, Catholic and Apostolic Church. Is it possible that there is someone among the bishops of the Orthodox Church to whom we could apply this description?

In the historical perspective the answer to the question of primacy within the Church is clear: throughout its two-thousand-year history the Church has never bestowed the title and functions of the head of the Church upon a single bishop. From the canonical perspective this issue has been resolved by the canons quoted above (the 34th apostolic canon, the 2nd canon of the Second Ecumenical Council, the 8th canon of the Third Ecumenical Council and so on). From the dogmatic perspective the clearest answer has been given by the apostles themselves: “And God placed all things under his feet and appointed him (i.e. Christ) to be head over everything for the church, which is his body, the fullness of him who fills everything in every way” (Eph 1:22-23).

Along with this clear definition and the following words of the Lord Jesus Christ: “Where two or three are gathered in my name, I am among them,” and “I am always with you until the end of time” – the question of primacy within the Church is evident.

This is witnessed by the formula from the apostolic council: “for it was pleasing to the Holy Spirit and us” (Acts 15:28).

From among the holy apostles the Orthodox Church does not give prominence to anyone with the functions of head of the church body. It is indicative that the Orthodox Church celebrates the memory of the two chiefs among the apostles Peter and Paul without according either them any greater powers. The Lord Jesus Christ entrusted to one the preaching of the Gospel to the Jews, while to the other – the preaching to the gentiles, and in this manner established a differentiated administrative governance in the Church.

It is important to bear in mind that up until the present day the Church has existed as a single Body comprising of administratively self-governing Local Churches placed in a particular canonical order (the so-called diptychs). Through the decisions of the Ecumenical Councils the conciliar mind of the Church has preserved inviolate the right of self-governance in these Local Churches. Thus, in the order of the diptychs one Primate stands higher than the other, but this primacy is a primacy of honour, not of authority.

It also should be noted how the fathers of the Third Ecumenical Council interpret the attempts to abrogate the powers of a Primate of one Local Church to interfere in the affairs of another Church: **“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. But if anyone has violently taken and subjected [a Province], he shall give it up; lest the Canons of the Fathers be transgressed; or the vanities of worldly honour be brought in under pretext of sacred office; or we lose, without knowing it, little by little, the liberty which Our Lord Jesus Christ, the Deliverer of all men, hath given us by his own Blood” (8th canon).**

It was precisely these “vanities of worldly honour” that the Lord Jesus Christ had in mind when he answered the confused questions of his disciples on who is the greater of them: “But he said to them, ‘the kings of the Gentiles lord it over them; and those in authority over them are called benefactors’” (Lk 22:25) and said firmly to them: “Let it not be so among you” (Mk 10.43).

Therefore, from both the perspective of Orthodox ecclesiology and the perspective of canon law the question of to whom can we accord the functions of the head of the Church is clear: no single person can stand in the place of the sole and eternal Head of the Church the Lord Jesus Christ. It is in this way that the abrogation by a particular

Primate of a Local Church of the title of the head of the Conciliar Church is impermissible. There should be a clear distinction between the head of a particular Local Church in canonical and administrative sense and the Head of the Church in the ontological and dogmatic sense. In this sense the Church in its conciliarity and catholicity has no other Head than the Lord Jesus Christ. Supreme **canonical** authority in the Church belongs to its Ecumenical Councils and not to any individual bishop.

It should be noted incidentally that the above-quoted formula of the apostolic council in Jerusalem is in sharp contrast to the resistant desire of the Patriarch of Constantinople to act alone when signing documents of a pan-Orthodox nature on behalf of the fullness of the Orthodox Church. This was made clearly evident in a recently published report on the proceedings of a session at one of the pre-council conferences concerning how to sign a possible *Tomos* of autocephaly. The report was prepared by one of the representatives of the Church of Greece, Protopresbyter Stephanos Avramidis, and published recently by Metropolitan Hierotheos (Vlachos) of Nafpaktos. It is obvious from the report that the Patriarch of Constantinople considers it a great offense if along with his signature there would stand signatures of his brothers the bishops. For him, it was more important that a document of inter-Orthodox importance be signed solely by the Patriarch of Constantinople than the very decision on granting autocephaly. In itself this means a lot.

A serious problem for each Local Autocephalous Church is posed by the text of the third paragraph of the so-called *Tomos* which states that the Patriarch of Constantinople has the right to receive appeals and take final decisions on the cases of bishops and clerics of the Local Churches. The claims to the right of appeal are proclaimed here for the first time in the past 170 years (earlier we mentioned the Tomoi issued over this period).

These are claims to greater powers which would allow the Patriarchate of Constantinople to bluntly interfere in the affairs of the Local Churches. The concrete instance of receiving the appeal of the former Metropolitan of Kiev Philaret (Denisenko) and the so-called metropolitan Makariy and the decision of the Patriarchate of Constantinople on 11th October of last year to restore to the holy orders the aforementioned persons and enter into communion with them and their followers is a clear example of this.

The persons who were defrocked justly and in accordance with the canonical order, and then later excommunicated from the Church for serious canonical crimes (including crimes of moral nature) and persons “ordained” by the “self-consecrated bishops” were declared canonical bishops in Ukraine, and the Primate of the only

canonical Orthodox Church in Ukraine, who is recognized by all the Local Orthodox Churches, was told that he is no longer the Metropolitan of Kiev.

We dread to think what would have happened at the pan-Orthodox Council convoked in Sofia in 1998 on the existing then schism in the Bulgarian Orthodox Church if the Patriarch of Constantinople had similar powers. Then Patriarch Bartholomew put on the agenda the resignation of Patriarch Maxim of Bulgaria. What would then have happened had he had the power to receive appeals from schismatics and the schismatic “metropolitans” would have received episcopal sees, as has happened today in Ukraine, while metropolitans of the canonical Church would have been declared uncanonical? This would have caused irreparable damage to the Bulgarian Orthodox Church.

Is it indeed true that the 9th and 17th canons of the Fourth Ecumenical Council grant such powers to the Patriarch of Constantinople? One of the most authoritative Byzantine canonists John Zonaras, and later both St. Nicodemus of the Holy Mountain (the compiler of the *Pedalion* – one of two official collections of the canons of the Patriarchate of Constantinople which are valid to this day) and Bishop Nikodim Milaš express their unambiguous disagreement with such an interpretation:

“The Patriarch of Constantinople does not stand alone as judge over all the other metropolitans but merely over those who are subject to him. Therefore, he cannot pass judgment on the metropolitans of Syria or Palestine or Phoenicia or Egypt against their will. For the metropolitans of Syria come under the judgment of the Patriarch of Antioch, the metropolitans of Palestine under the Patriarch of Jerusalem, and the metropolitans of Egypt are judged by the Patriarch of Alexandria, by which patriarchs they were ordained and to whom they are subject” (Syntagma of Athens, II, 226).

It is therefore not at all evident that according to the 9th and the 17th canons of the Council of Chalcedon the Patriarch of Constantinople is given the powers to receive appeals from the Local Autocephalous Churches. Yet, attempts are being made to surreptitiously legitimize it by the so-called *Tomos*.

Such claims to the power to receive appeals from bishops and clerics of all the autocephalous Churches were made by Pope Zosimas in 418. Then, with reference to the 5th canon of the Council of Sardis, he received a complaint of a presbyter of the Church of Carthage and sent his representatives to Carthage who insisted that the case of Presbyter Apiarius should be reviewed and that he (Pope Zosimas) should be informed of how the case was proceeding so that he could come to the final decision.

In 419 in Carthage a council was held to deal, among other matters, with this case and to decide whether the Bishop of Rome had the right to receive complaints from bishops and clerics of the Church of Africa.

Pope Zosimas claimed that the canon to which he referred – the 5th canon of the Council of Sardis – is a canon of the First Ecumenical Council in Nicaea. As such a canon was not to be found in the texts of the canons of the Council of Nicaea used by the Church of Carthage, the fathers of the council dispatched a request to the authoritative sees of the East to send back precise copies of the canons of the Council of Nicaea in the Greek language. Of course, it was established that the canon in question was a canon of the local council (of Sardis) of the Roman Church but not of the Council of Nicaea.

The Council of Carthage of 419 put together all of the canons published by the councils of the Church of Africa at that time. Among them were canons 28 (37) and 125 (139) which categorically forbade clerics of the Church of Africa from presenting their ecclesiastical cases for review “overseas,” i.e. in Rome.

In 423 Presbyter Apiarius presented the appeal to Celestine, successor of Pope Zosimas (+418) and Pope Boniface (+422). Pope Celestine also sent his delegates to Carthage and insisted that Presbyter Apiarius be vindicated. A council was once more held in Carthage which reviewed the issue of the right of the Bishop of Rome to receive appeals from bishops and clerics beyond the borders of his jurisdiction.

The Council of Carthage of 424 sent a letter to Pope Celestine in which on the basis of the canon of the First Ecumenical Council the African fathers objected to the attempts of the Bishop of Rome to interfere in the affairs of the Church of Africa:

“It is wise and just that the Council of Nicaea recognized that whatever cases may arise they should be examined in their localities; for the fathers recognized that the grace of the Holy Spirit can in no way be diminished in a single province, for through the Holy Spirit which the ministers of Christ wisely see the truth and preserve it, and especially when to each it is permitted, in the instance of being dissatisfied with the decision of the local courts, to turn to the synods of their province or to an ecumenical council. And could anyone believe that our God can impart the ability to do justice to one man alone, no matter who he is, and refuse the same to the many priests gathered at a council? And indeed, can this court which is located abroad have any validity when it cannot be attended by the necessary witnesses because of physical weakness or the frailty of old age or for innumerable other reasons? Regarding the fact that you can send someone, as if on behalf of your holy self, we conclude that no single council of fathers took any decision on this matter.”

Through the 2nd canon of the Sixth (in Trullo) Ecumenical Council, canons 28 (37) and 125 (139) of the Council of Carthage and the Letter of 424 received a pan-orthodox validity.

The canons mentioned above have a special importance when interpreting and applying the 3rd, 4th and 5th canons of the Council of Sardis which were referred to by Popes Zosimas, Boniface and Celestine in their claims to the right to receive complaints from bishops and clerics of the Church of Africa.

The canons mentioned above of the Council of Carthage give a clue to understanding and applying the 3rd, 4th and 5th canons of the Council of Sardis, that is, they refer to the powers of the Bishop of Rome to receive requests for appeals only from the bishops and clerics in his jurisdiction. In the letter to Pope Celestine there is a clear definition of the 6th canon of the Second Ecumenical Council, that is, that the decisions of a council of bishops of an autocephalous Church are final and that an Ecumenical Council is the only higher instance.

The comment offered by the famous canonist Theodore Balsamon in this regard is very interesting: if the Bishop of Rome has no power to accept appeals from the Church of Africa, which is located close to Rome, then he has even less power to accept appeals from bishops and clerics of other Churches.

It is important to bear this in mind when interpreting and applying the 9th and 17th canons of the Fourth Ecumenical Council, which the Patriarchate of Constantinople refers to in its claims to such powers. As is well known, the Council of Chalcedon at its last sessions adopted the 28th canon, by which the Patriarch of Constantinople is granted the same powers as the Bishop of Rome.

It is unthinkable that the 9th and 17th canons of the fathers of the Council granted to the Archbishop of Constantinople (who until then did not have jurisdiction outside of the diocese directly subordinate to him – the territory located in the immediate vicinity of Constantinople) even greater powers than the powers of the bishop of the most senior see of the Orthodox Church at that time – the see of Rome. As we have already noted, the Bishop of Rome most certainly did not have the power to receive appeals from bishops and clerics that were outside his jurisdiction.

Canons 9 and 17 of the Fourth Ecumenical Council legitimized the practice which existed from the time of St. Nectarius and St. John Chrysostom to request the help of the capital-city bishop when disputes and confusion arose in the dioceses of the autocephalous Churches near Constantinople – Thrace, Asia and Pontus. With canon 28th of the Fourth Ecumenical Council these Churches were subjected to the Patriarch

of Constantinople and in this way the territorial borders of the Church of Constantinople were defined, while its Primate was granted equal rights with the Bishop of Rome as well as with all the other Patriarchs – that is, of Alexandria, Antioch and Jerusalem – so that he should have jurisdiction over the metropolitan provinces that in turn have dioceses subordinate to them.

The 28th canon, therefore, is the key to understanding the powers which are granted by the aforementioned 9th and 17th canons. The text of the 28th canon is quite categorical – the Patriarch of Constantinople is granted EQUAL rights – no more and no less than the rights of the Bishop of Rome. Thus, if the Bishop of Rome did not have the right to accept appeals from bishops and clerics of the Church of Africa (and of the other autocephalous Churches), it is evident that neither the 9th nor 17th canon grant such powers to the Bishop of Constantinople.

It is also very important to bear in mind that all of the powers which the Church by means of a council gave to Constantinople were given because Constantinople was the capital of the Empire. This is the reason why a bishop of a capital city – in accordance with the historical circumstances – was accorded such rights which overrode canonically defined powers.

The practice of the Churches of Alexandria, Antioch and Jerusalem to appeal to the see of the imperial capital in order to review ecclesiastical cases is explained also by the exceptional position of the Church in the Byzantine Empire. That which would occur in the church life of, for example, Syria, Palestine or Egypt, would find direct embodiment in the public and political life of the Empire. Important affairs outside of the diocese of Constantinople would therefore be decided upon in the capital see. Moreover, an important circumstance in this instance is the fact that these cases would be reviewed by a supra-jurisdictional council consisting of all the bishops from the ends of the Empire who would be in Constantinople at that time – the so-called *Endemousa Synodos*.

Today the historical reality is quite different – Istanbul is not the capital of a Christian country; the Local Churches are not confined to the territory of a single state as they were for a prolonged period of time in both the Byzantine and Ottoman Empires. Some of the Local Churches are significantly far better off than the modern-day Patriarchate of Constantinople and have no need of a “stabilizing” factor for internal church order and governance.

In this sense against the background of what is happening in Ukraine, when on the one hand a newly-instituted structure is granted autocephalous status and on the other hand

the right of the see of Constantinople to *stavropegias*, which it had on the territory of Ukraine before 1686, is asserted, can we suppose that any possible appeal by bishops and clerics of this church to the Patriarch of Constantinople will be dealt with in an unbiased way?

Be that as it may, the inclusion in the *Tomos* of such an issue which is sensitive to every autocephalous Local Church is an attempt on the part of the Patriarchate of Constantinople to give canonical legitimacy to its openly declared claim to the right of “supra-border jurisdiction” on the territories of the Local Autocephalous Churches.

In the above we have touched upon another important problem in the text of the so-called *Tomos* – the claims to exclusive privileges and competences of the Patriarchate of Constantinople unilaterally, without the participation of the Local Churches, to express an authoritative opinion regarding “the more serious issues of ecclesiastical, dogmatic and canonical nature.” We consider it important to once more refer to the commentary of Professor Boumis on this issue:

“A little below in the same (sixth) paragraph of the *Tomos* it is stated: ‘With regard to the more serious matters of ecclesiastical, dogmatic and canonical nature, the Most Blessed Metropolitan of Kiev... is to appeal to Our Most Holy Patriarchal and Ecumenical Throne and beseech its authoritative opinion and certain assistance.’ And though it is expected that an addition would be ‘as coordinator in convening an Orthodox conference,’ the text changes unexpectedly and we read of ‘the unchangeably preserved rights of the Ecumenical Throne over the Exarchate and the sacred stavropegia in Ukraine.’ Why is this? And is it possible to annul previous agreements on the Ukrainian Church in such a manner?”

Alongside a claim to a competent opinion “with regard to the more serious matters of ecclesiastical, dogmatic and canonical nature” without the participation of the Local Churches, we are greatly puzzled by what is said about the “unchangeably preserved rights” to *stavropegias* which the see of Constantinople enjoyed on the territory of modern-day Ukraine until 1686. Professor Boumis asks rhetorically: “Does this statement annul the autocephalous status of the newly-instituted church in Ukraine? How, on the canonical level, can there be combined the assertion to granting to this church autocephalous status and at the same time the retention of the right to jurisdiction on its territory of another Local Church?”

It is evident that in this instance the Patriarchate of Constantinople manifests a double standard: the presence of more than one jurisdiction on the territory of the so-called

“diaspora,” as we have already said, is viewed as a “canonical anomaly,” and the same Patriarchate is exerting great efforts to “restore canonicity” on this territory, while in this case there is an attempt to make this “canonical anomaly” legitimate and normal.

This is another proof that it is not the observance of canonical order and the good of the Church that motivates the Patriarchate of Constantinople in the Ukrainian matter but other aims and interests.

It is indicative that from the very beginning of its interference in the ecclesiastical issue in Ukraine the Patriarchate of Constantinople has preferred [its own] unilateral actions over conciliarity. The principle of conciliarity, which is the basic principle of governance in the Orthodox Church and which, when observed, brings forth fruitful results, has been sacrificed to the principle of a self-proclaimed, authoritarian and autocratic power.

We therefore pose the question: if unilateral actions are to be preferred to the tried and trusted means of resolving ecclesiastical issues which concern all of the Church, and especially those actions which directly contradict canonical order, then can we believe that in this case the aim really is to resolve a painful issue or is this issue simply being exploited in order to achieve other aims?

The worsening of the crisis in Ukraine, the exacerbation of the division among the people who share the same faith and the persecution of part of the Orthodox Christians by the state authorities in Ukraine (*the text of the letter was written before the recent Presidential elections in Ukraine, +M.D.*) partly answer this question. The text of the so-called *Tomos* gives an unambiguous answer: through the provisions of the *Tomos* an attempt is being made to give a pan-Orthodox canonical power to uncanonical actions of the Patriarchate of Constantinople in the Ukrainian issue and to the declared rights to “supra-border” jurisdiction on the canonical territory of the Local Autocephalous Churches.

In conclusion, if we take into account all of the above, it is our humble opinion that as hierarchs of the Local Orthodox Autocephalous Churches we have the responsibility to defend canonical order in the Holy Orthodox Church, which is the guarantee of the preservation of church unity and the basis for overcoming today’s crisis. We have no right to remain indifferent or somehow allow a justification of the claims which have been made in the current situation, as these would have catastrophic consequences for the Orthodox Church.

The observance of the principle of conciliarity and a pan-Orthodox discussion of the Ukrainian ecclesiastical issue is the [only] way to resolve it successfully. We testify

that the Bulgarian Orthodox Church (Bulgarian Patriarchate) knows this very well from its own bitter experience.

We believe that the responsibility to maintain and observe the principle of conciliarity urges the Local Orthodox Autocephalous Churches to address in a principled, based on the canons way the actions of the Patriarchate of Constantinople in the Ukrainian ecclesiastical issue, and specifically:

- The invasion and exercise of jurisdiction on a foreign territory (a violation of the 2nd canon of the Second Ecumenical Council and the 8th canon of the Third Ecumenical Council);
- The claims that the “Throne of Constantinople” is the head all the Local Orthodox Autocephalous Churches (a violation of the 34th apostolic canon, the 2nd canon of the Second Ecumenical Council, and the 8th canon of the Third Ecumenical Council);
- The claims to the right of “supra-border” jurisdiction on the territories of the Local Churches (again in violation of the 2nd canon of the Second Ecumenical Council and the 8th canon of the Third Ecumenical Council);
- The claims to the right by the Patriarchate of Constantinople to act in the role of a pan-Orthodox authority on serious issues of an ecclesiastical, dogmatic and canonical nature (unfounded by any of the canons);
- The reception of the appeals from the former Metropolitan of Kiev Philaret (Denisenko) and the so-called “metropolitan” Makariy and the claims to the right by the Patriarch of Constantinople to receive appeals from bishops and clerics of all the Local Churches (an unfounded interpretation of the 9th and 17th canons of the Fourth Ecumenical Council);
- The claims that only the Patriarchate of Constantinople has exclusive powers of jurisdiction in the so-called diaspora – in the lands not belonging to any of the Local Orthodox Churches (an unfounded interpretation of the 28th canon of the Fourth Ecumenical Council).

I believe it evident that these and similar actions of the Patriarchate of Constantinople encroach on and threaten the Conciliarity of the Orthodox Church. It is our opinion that the Orthodox Church finds itself at a crossroads: will it demonstrate this time its conciliar wisdom and vindicate its unity, sanctity, conciliarity and apostolicity, or will one of its parts go down the path of Eastern papal authority and repeat the sad story of 1054?

Your Eminence,

Please, excuse and forgive me, the unworthy one, that I dare trouble Your attention with this letter. “It would be easier for us, because free from all danger, to keep silence in fear” (Ninth ode of the Katavasia of the Nativity of the Lord). Still, I believe it is a way to meet my personal responsibility as an Orthodox bishop in the current challenge which faces the entire Holy Orthodox Church. My final decision to do so came after hearing the persuasive opinions from trustworthy Orthodox spiritual fathers and faithful.

I thank Your Eminence for spending the time to become acquainted with this text. I would be glad if these thoughts somehow, contribute to a sincere brotherly discussion among the hierarchies of the Local Churches or to an inter-Orthodox dialogue. Meanwhile, I firmly hope for a wise resolution in the spirit of the sacred canons on the part of the Local Orthodox Autocephalous Churches (including the Bulgarian Orthodox Church of the Bulgarian Patriarchate) with regard to the actions of the Patriarchate of Constantinople in the Ukrainian ecclesiastical issue. We have a great responsibility, for it is upon this decision, I believe that the future of the Orthodox Church depends.

I fervently pray and hope that our Risen Lord and Savior will lead us through the snares of earthly affections and will always give that with “one mouth and one heart” we praise His resurrection!

With deepest respect and love in our Risen Lord Jesus Christ,

Metropolitan

†Daniil of Vidin