



ECUMENICAL PATRIARCHATE

THE ECUMENICAL THRONE AND THE CHURCH OF UKRAINE

The Documents Speak

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In the context of the study undertaken by the Ecumenical Patriarchate for the granting of the ecclesiastical status of autocephaly to Ukraine, various opinions have been formulated—even by representatives of official institutions—expressing misgiving about the canonical prerogative of the Church of Constantinople to proceed with such an act. The principal argument proposed in this regard is that Ukraine “constitutes the canonical territory of the Patriarchate of Moscow” and that, consequently, such an act on the part of the Ecumenical Patriarchate would comprise an “intervention” into a foreign ecclesiastical jurisdiction.

Therefore, it has been deemed necessary for the Ecumenical Patriarchate to remind everyone of the historical and canonical truth with regard to the relationship of the Church of Constantinople to the Church of Ukraine as derived from the surviving formal documents, which unfortunately are either disregarded or else deliberately obscured for apparent reasons.

*The Relationship of the Patriarchate of Constantinople
to the Church of Ukraine: Brief Historical Outline*

As is generally known, the Ukrainians—and, indeed, all descendant people of the ancient Rus’—owe their Christian faith and Orthodox roots to the Ecumenical Patriarchate. It is hardly necessary here to cite the familiar historical events that led to the baptism of the state of Vladimir residing around Kyiv in the tenth century or the spread of Orthodoxy that ensued in the overall region of Kyivan Russia. The Ecumenical Patriarchate constitutes the mother Church of the entire Ukrainian people—just as it does for all Russians, Belarusians and other peoples in the broader region.

The Metropolis of Russia is recorded in the ancient official charters of the Patriarchate of Constantinople, such as for instance in the Formulation of Leo the Wise (11th century),¹ as the sixtieth eparchy of the Ecumenical Throne. Originally, it was united under the name “Kyiv and all Russia,” with Kyiv as its see. The metropolitans of Kyiv subsequently transferred their residence to Vladimir and ultimately to Moscow, although they always retained Kyiv as their canonical see. Around the middle of the fifteenth century, the Metropolis of Kyiv was divided into two—after the election of Metropolitan Jonah in Moscow (1448) and Gregory—under the unionist Patriarch Gregory Mammas (1458). Metropolitan Gregory later returned to the Orthodox faith and was received by Ecumenical Patriarch Dionysios I (1470), while in 1561

¹J. Darrouzès, *Notitiae episcopatum Ecclesiae Constantinopolitanae*, Paris, 1981, 388.

a new Metropolitan, Theodosios, was installed in Moscow, without consultation with the Ecumenical Patriarchate.

Following the elevation of the Metropolis of Moscow to the status of Patriarchate by Ecumenical Patriarch Jeremiah II (1589), the Metropolis of Kyiv continued to function under successive Ecumenical Patriarchs, who exercised a supervisory role either through their delegated Exarchs or else personally, as happened in 1589 when Patriarch Jeremiah II visited Kyiv, defrocked Metropolitan Onesiphoros of Kyiv for bigamy, along with other guilty clergy, and ordained Michael (Ragoza) as Metropolitan of Kyiv. Furthermore, he validated and blessed the Brotherhood of Theophany (Bogoyavlensky), which later became an Academy, while also ordering the convocation of an eparchial Council of Ukraine.

However, arguably the most significant contribution of the Ecumenical Patriarchate to the Church of Ukraine was when this Church had been utterly Latinized and converted with its bishops to Unia. Then (1620) the Ecumenical Patriarch authorized Patriarch Theophanis of Jerusalem to travel to Ukraine, where he ordained Orthodox bishops, restored the eparchial Council of Ukraine, and elected the local Metropolitan with the sanction of the Ecumenical Patriarch. The ordination of hierarchs for the Metropolis of Kyiv by the Patriarch of Jerusalem did not of course imply that the metropolis was also subject to that patriarchate.

When in 1654 Ukraine was politically united with Russia, the matter of the ecclesiastical integration of this region with the Patriarchate of Moscow also began to be raised. Nevertheless, the

metropolitans, bishops, clergy, nobility and all the people of Ukraine intensely rejected this integration. Even the efforts of Russia in 1684 to acquire the Metropolis of Kyiv from Ecumenical Patriarch Iakovos proved futile. Metropolitan Sylvester of Kyiv, along with his successors Dionysios, Joseph and Anthony, despite pressure, did not accept ordination from the Patriarch of Moscow. Only their successor Gideon was convinced in 1685 to accept ordination by Patriarch Joachim of Moscow, but even then a large Council that convened in Kyiv declared the election invalid and the ordination illicit because it occurred without the knowledge of the Ecumenical Patriarch. This action of the Patriarch of Moscow constituted a grave canonical offence. The elevation to metropolitan of a bishop belonging to a foreign eparchy, without the consent of the local patriarch, is a violation of the sacred canons, such as Canon 35 of the Apostolic Canons, Canon 6 of the First Ecumenical Council, Canons 13 and 22 of the Council in Antioch, and 15 of the Council in Sardis. At the same time, this act signaled an infringement into a foreign eparchy, condemned by Canons: 2 of the Second Ecumenical Council, 13 and 22 of the Council in Antioch, and 3 of the Council in Sardis. The seizure of a foreign eparchy is explicitly condemned as a violation of the ancient prerogatives of Churches in the canons, such as Canon 8 of the Third Ecumenical Council and Canon 39 of the Quinisext Ecumenical Council in Trullo.

Gideon and those in Moscow later understood that nothing was possible without the approval of the Ecumenical Patriarch, and so they focused all their effort on convincing (or compelling) then Ecumenical Patriarch Dionysios IV to recognize the ordination of Gideon. The entire

endeavor toward this end was assumed on behalf of the royalty and government of Russia by Ambassador Nikita Alexeev, who traveled to Hadrianopolis where Ecumenical Patriarch Dionysios IV was staying. Their negotiations and behind-the-scenes activities are recorded in the twelve-volume *History of the Patriarchate of Jerusalem* by Patriarch Dositheos II of Jerusalem, who was also living there and played a vital role in the conversations due to his personal relations with the royal family.

The outcome of these conversations and negotiations are documented in the Patriarchal and Synodal “Act” or “Letter of Issue” (*Γράμμα ἐκδόσεως*) dated June, 1686, which was signed by Ecumenical Patriarch Dionysios IV and the Holy and Sacred Synod of the Church of Constantinople, as well as other metropolitans of the Ecumenical Patriarchate. The actual original of this “Act” was destroyed, but—beyond the Russian translations—there also survive authentic Greek copies from the time of Patriarch Kallinikos II (1688, 1689-1693, 1694-1702), through which the original Greek text was accurately restored.² Moreover, the Greek original of the “Letter” sent by Ecumenical Patriarch Dionysios IV to the royal family of Russia—Emperors Ivan and Peter, as well as Princess Sophia—is preserved and published in the Collection of official documents of the Russian Government in 1826.³

These two critical texts—namely, the Patriarchal and Synodal “Act” of 1686, as restored today by Russian historians in its original

² В. Г. Ченцова (V. G. Tschentsova), Синодальное решение 1686 г. о Киевской митрополии, Древняя Русь. Вопросы медиевистики 2 [68] (2017), 100-102.

³ Собрание государственных грамотъ и договоровъ, хранящихся въ государственной коллегіи иностранныхъ дѣлъ, Часть четвертая, Moscow, 1826, 514-517.

form, and the original “Letter” of Ecumenical Patriarch Dionysios IV to the Russian royal family—appear in full as an appendix to the present publication. There are, of course, also other formal documents that are preserved on this matter: only one survives in Greek copy and the rest in Russian translations of that time—among of which there are official translations by the Russian Ministry of Foreign Affairs—which are preserved in the archives of the Ministry, while still others—clearly also in official translation—are contained in manuscripts of the “Icona” collection that includes various texts pertaining to the Patriarchate of Moscow.⁴

It is redundant to emphasize that the first of these texts, which is not only a Patriarchal but also a Synodal document, is superior in canonical and legal value, which means that it is also preferable to all others as a genuine expression of the will of the Ecumenical Throne, wherever any difference arises.

⁴ Архив Юго-Западной России, Часть 1, Volume V, Kyiv, 1859, 166-193.

Conclusions Emerging from the Study of these Texts

The study of these two fundamental texts, and primarily the Patriarchal and Synodal “Act” or, more accurately, “Letter of Issue”, leads to the following conclusions:

1. The subjection of the Metropolis of Kyiv occurred “*in a manner of condescension*” and “*for reasons of οίκονομία*” on account of specific historical circumstances of that period “*both because of the immense distance and the battles transpiring between the two kingdoms*”. For these reasons, “the enemy of the right, true, holy and blameless faith of Orthodox Christians sowed weeds and thorns among the wheat (that is to say, within Orthodoxy), which risks becoming subdued by foreign and hostile mentalities”. The temporary nature of this dispensational and condescending arrangement, foreseen by the Patriarchal and Synodal “Act” of 1686, is also explicitly witnessed by the erudite and distinguished Patriarch Dositheos of Jerusalem, whose role in the relevant negotiations proved critical, when he writes that he declared to the mediator ambassador Nikita Alexeyevich “to grant . . . Kyiv *in trust* (ἐπιτροπικῶς) to the Moscovite *due to the prevailing tyranny*, until the day comes for divine reckoning”.⁵

2. As gleaned from the Patriarchal and Synodal “Act” of 1686, the meaning of the “subjection” of the Metropolis of Kyiv to the Patriarch of Moscow essentially lay only in the *permission to ordain* the Metropolitan of Kyiv: “[S]o that the most holy eparchy of Kyiv may be subjected to the

⁵ Patriarch Dositheos of Jerusalem, *History of the Patriarchs of Jerusalem*, Book XI, 28, Volume 6, Thessaloniki: Rigopoulos Editions, 1983, 240.

most holy patriarchal throne of the great and God-saved city of Moscow, namely by ordaining the Metropolitan of Kyiv there, whenever such need arises". The interpretation (through the use of the word "namely") signifies the meaning of the word "subjected". The "Act" explicitly states: "[T]he subjection of this Metropolis of Kyiv has been assigned to the most holy patriarchal throne of Moscovy", which is to say that the Patriarch of Moscow can ordain the Metropolitan of Kyiv in the name of the Ecumenical Patriarch alone. The surviving Greek copies say: "[T]o grant permission . . . to ordain", " . . . and such permission is granted to him by οἰκονομία". The sole document surviving in the original (a "Letter" to the royal family) explicitly states: "[H]is Beatitude the Patriarch of Moscovy . . . is entitled to ordain the Metropolitan of Kyiv by permission", which means that the Patriarch of Moscow can proceed to the ordination of a Metropolitan of Kyiv with the permission of the Ecumenical Patriarch.

That there is no discussion about full secession of the Eparchy of Kyiv to the Patriarch of Moscow is clear from the fact that the "Act" (a) deprives the said patriarch of the right to *elect* the Metropolitan of Kyiv, and (b) requires every Metropolitan of Kyiv *to commemorate the Patriarch of Constantinople "among the first" in the Divine Liturgy*. It is imperative to underline the importance of these two conditions.

3. The permission granted to the Patriarch of Moscow to ordain the Metropolitan of Kyiv and *only* him, after the latter is elected by the clergy and laity of the Eparchy of Kyiv, implies a significant degree of autonomy and self-sufficiency for this eparchy. Moreover, this autonomy *is not granted by the Patriarch of Moscow* as the supposed

overlord of this region in question, but rather the Patriarch of Moscow is compelled to accept this *as a condition* stipulated by the Ecumenical Patriarch and which the Patriarch of Moscow is obliged to respect. In accordance with this condition, the Patriarch of Moscow does not have the right to proceed with any integration, division or abolition of this metropolis. This means that its administrative assimilation into the Patriarchate of Moscow is entirely precluded.

4. The requirement for every Metropolitan of Kyiv to commemorate “among the first” during the Divine Liturgy the name of the Ecumenical Patriarch constitutes the clearest evidence that the Eparchy of Kyiv was not granted to the Patriarchate of Moscow as its canonical territory. The commemoration “among the first” during the Divine Liturgy of the name of the Ecumenical Patriarch affirms the canonical dependence of the metropolitan that is commemorating and does not comprise a simple expression of felicitation or courtesy. Indeed, the specific Patriarchal and Synodal “Act” explicitly explains the condition of commemorating the Ecumenical Patriarchate as “the source and authority” of the hierarchs subjected to him. While the commemoration of the Patriarch of Moscow after that of the Patriarch of Constantinople is ascribed to his capacity as “elder [γέρων] and presiding (hierarchy) [προεστώς]”—namely, to the spiritual relationship of the ordained to the ordaining hierarch.⁶ It must be emphasized that the Act about the Metropolitan of Philadelphia in Venice, which grants

⁶ The expressions “elder” and “presiding (hierarchy)” originate in monastic terminology and denote a spiritual relationship. See [Metropolitan] Panteleimon Karanikolas, *Concordance of Orthodox Canonical Regulations*, Athens: Astir Publications, 1979, 298-299.

him permission to ordain the hierarchs of Kephallonia and Kythera, also stipulates the commemoration of the Metropolitan of Philadelphia by the hierarchs ordained by him, without this implying that the Metropolitan of Philadelphia becomes their overlord. By analogy, this means that the commemoration of the Patriarch of Moscow after the Patriarch of Constantinople does not imply any secession of jurisdiction to him. For these reasons, the Russian scholar Vadim Mironovich Lurie⁷, who studied the synodal documents of 1686 related to the Metropolis of Kyiv, along with other Russian historians, came to the conclusion that these terms clearly intend to preserve the canonical authority of the Patriarch of Constantinople over the Eparchy of Kyiv.⁸

5. The prerogative granted by the sovereign hierarch to foreign hierarchs in order for them to ordain clergy in his eparchy is canonical and customary even today, when this occurs with the explicit permission of the local shepherd, albeit with this signifying the secession of a canonical territory. This is precisely what is also denoted by the Patriarchal and Synodal “Act” of 1686, when it envisions that clergy and laity of the Eparchy of Kyiv “retain the permission, as a sound and prevailing custom according to the canons” to send the candidate Metropolitan of Kyiv, upon election by them, to the Patriarch of Moscow for ordination. Therefore, this is a matter of the sovereign hierarch

⁷ В. Лурье, Русское православие между Киевом и Москвой очерк истории русской православной традиции между XV и XX веками, Moscow, 2009.

⁸ See K. Vetochnikov, “La ‘concession’ de la métropole de Kyiv au patriarche de Moscou en 1686: Analyse canonique”, *Proceedings of the 23rd International Congress of Byzantine Studies*, Belgrade, 22–27 August 2016: Round Tables, Edited by Bojana Krsmanović, Ljubomir Milanović, Belgrade 2016, 780-784.

granting *permission* to another hierarch for the right to ordain a hierarch belonging to his own jurisdiction.⁹

6. The secession on the part of Ecumenical Patriarch Dionysius IV to the Patriarch of Moscow of permission to ordain the Metropolitan of Kyiv occurred through a Synodal "*Letter of Issue*", which is the title borne by all the relevant documents and also borne by the most important of these. The word "issue" is a technical term and signifies at that time the broader sense of "permission" and in this particular case permission to ordain or transfer. Consequently, it is not a matter of some "Act" or "Tome" granting canonical territory to another autocephalous Church by the Ecumenical Patriarchate, which happened in other cases where autocephaly was granted (for example, to the Churches of Greece, Serbia, Romania, Bulgaria, Georgia, Poland, Albania, and the Czech Lands and Slovakia) as well as in cases where specific regions were ceded to another autocephalous Church (for example, the secession to the Church of Greece of the Ionian Islands, Thessaly, or the Diaspora in 1908 and its return to the Ecumenical Patriarchate in 1922). Never has any portion of a canonical territory belonging to the Ecumenical Patriarchate been granted to another autocephalous Church

⁹ During the negotiations, Patriarch Dositheos proposed Canons 13 of Ancyra, 10 of Antioch, and 14 of the Seventh Ecumenical Councils as a model in this regard. Chronologically, the closest example to the "Act" of 1686 of granting permission to ordain is the chrysobull of 1651, whereby the Ecumenical Patriarch grants permission to Metropolitan Athanasios [Valerianos] of Philadelphia, residing in Venice, to ordain the Metropolitans of Kephallonia and Kythera on account of the hostilities enacted between the Venetians and the Ottomans, which did not permit such ordinations by the Metropolitan of Monemvasia (a similar analogy to that of Kyiv in 1686). According to scholars, this chrysobull has many similarities to the "act" of 1686 and perhaps served as the model for the composition of the document pertaining to the Metropolis of Kyiv. See V.G. Tschentsova, 94f.

by means of a “Letter of Issue”. Even the elevation of the Church of Russia to the status of a Patriarchate, through which the limits of its jurisdiction are also defined, took place with the issue of a *Tome*.¹⁰ Had the Ecumenical Patriarchate desired to cede its canonical territory (namely, Ukraine) to the Patriarchate of Moscow, it would have adopted a similar document to what was issued in all other instances.

All of the above provide ample testimony to the fact that the Patriarchal and Synodal “Act” of 1686 was understood in the manner described by the late Patriarch Dositheos of Jerusalem, who was also familiar with matters at first hand, having participated in the negotiations that took place, namely:

“that it should be an eparchy of the Patriarch of Constantinople in trust administered by the most holy Patriarch of Moscovy”,¹¹

precisely because, according to the same Patriarch Dositheos, “*due to the prevailing tyranny, until the day comes for divine reckoning*”, which means until the time is right.

¹⁰ See Kallinikos Delikanis, *Official Ecclesiastical Documents of the Ecumenical Patriarchate*, Volume 3, 1905, 24: “On the Synodal Chrysobull or Tome . . .”

¹¹ See V.G. Tchentsova, *op. cit.*, 98.

The Situation to this Day

What occurred after 1686 is well known. The Patriarchate of Moscow *never adhered to the conditions of the Patriarchal and Synodal "Act"* either with regard to the manner of election of the Metropolitan of Kyiv (by the clergy and laity of that region) or again with regard to the commemoration "among the first" of the name of the Ecumenical Patriarch by each Metropolitan of Kyiv during the Divine Liturgy. *In this way, but especially through the autocratic abolition of the commemoration of the Ecumenical Patriarch by each Metropolitan of Kyiv, the de jure dependence of the Metropolis of Kyiv (and the Church of Ukraine) on the Ecumenical Patriarchate was arbitrarily rendered an annexation and amalgamation of Ukraine to the Patriarchate of Moscow.*

All these events took place in a period when the Ecumenical Throne was in deep turmoil and incapable "on account of the circumstances of the time to raise its voice against such capricious actions".¹² However, "what never existed from the start is not affirmed with the passage of time", according to the general principle of Roman law, which is also recognized by the sacred canons.¹³ The Church of Ukraine never ceased to constitute *de jure* canonical territory of the Ecumenical Patriarchate.

The thirty-year statute of limitation envisioned by Canon 17 of the Fourth and Canon 25 of the Sixth (Quinisext) Ecumenical Councils cannot be applied in this case because these canons refer to

¹² See Kallinikos (Delikanis) of Kyzikos, "The autocephalous Church of Poland", *Ekklesia*, 1924, 6.

¹³ Op. cit.

“agricultural” or “local” communities and not dioceses or metropolises. All ancient interpreters of these canons agree on this.¹⁴

The Ecumenical Patriarchate was always aware of this despite the fact that, “on account of the circumstances of the time”, it tolerated the arbitrary actions by the Patriarchate of Moscow. This was proven in the case of the granting of autocephaly to the Church of Poland by the Ecumenical Throne in 1924. The relevant Tome explicitly refers to the region of Kyiv, on which Poland also depended, that never ceased to belong to the canonical jurisdiction of the Church of Constantinople as well as the fact that the conditions of the “Act” of 1686 were never adhered to by the Patriarchate of Moscow.

¹⁴ See Rallis-Potlis, *Constitution of the Holy and Sacred Canons*, Volume 2, 1852, 259f. and 361.

Conclusions

From the study of the official documents, as these were preserved or restored through historical research, not only by Greek but also by Russian scholars, the following points may be deduced:

1. The Ecumenical Patriarchate never ceded the Metropolis of Kyiv in order for this to constitute the canonical territory of the Patriarchate of Moscow. The canonical boundaries of the Church of Russia were defined when that Church was elevated to the status of a Patriarchate in 1589 and were never altered by any Patriarchal or Synodal Tome. The Metropolis of Kyiv is not contained within these boundaries. Each geographical region that falls outside the boundaries, which are defined by the Tome of autocephaly of any Orthodox Church, also lies beyond its canonical territory, as envisioned for each autocephalous Church.

2. The Metropolis of Kyiv (and all of Ukraine today) was from its establishment an eparchy of the Ecumenical Throne, retaining its original and proper place within its Charter, while each Metropolitan of Kyiv received his ordination from the Patriarch of Constantinople without interruption since the seventeenth century. The bond between the Church of Ukraine and the Ecumenical Patriarchate was so formidable that, even after the political integration of the region with Moscow in 1654, every effort by the Patriarch of Moscow to ordain the Metropolitan of Kyiv encountered a forceful reaction on the part of the clergy and laity of Ukraine.

The autocratic ordination of Gideon as Metropolitan of Kyiv by Patriarch Joachim of Moscow in 1685 was again met with the reaction of the clergy and laity of the Metropolis. It is only when then Ecumenical Patriarch Dionysios IV, under fierce pressure, conceded permission in 1686 for the Patriarch of Moscow to ordain each Metropolitan of Kyiv, that the clergy and laity of this region accepted the ordination of Gideon and his subsequent successors by the Patriarch of Moscow.

3. The official documents, on the basis of which this permission was granted to the Patriarch of Moscow are well known and reveal that:

a) The document whereby this permission was granted to the Patriarch of Moscow is labeled and recorded in all existing official texts as a “Letter of Issue” (*“I am referring to the issue of a letter”*), which in the technical terminology of that time signifies the granting of permission for the performance of an ordination or another canonical ritual, but is never used to denote the complete incorporation of a canonical territory into another autocephalous Church.

b) According to all the existing documents, the permission for the Patriarch of Moscow to ordain the Metropolitan of Kyiv was granted “by οίκονομία”, “for the present need”—namely, “the immense distance and the battles transpiring between the two kingdoms”. That is to say, this permission involved a temporary character and was enforceable so long as the reasons for which it was granted still prevailed.

c) The characterization of the Metropolis of Kyiv as “subjected” to the Patriarch of Moscow, found in the text of the “Act”, is interpreted immediately by the text itself as literally *signifying* “the ordination of the metropolitan therein” (in the Metropolis of Kyiv) by the Patriarch of

Moscow. The objective and significance of the “Act” lie in the “permission” granted to the Patriarch of Moscow to perform the ordination of the Metropolitan of Kyiv, but not to the secession of any canonical territory to the former. After all, this alone was the request to the Ecumenical Patriarch as understood and recorded by the Patriarchal and Synodal “Act”: “to grant permission to the most holy Patriarch of Moscovy to ordain the Metropolitan of Kyiv, whenever this metropolis remained deprived of an authentic archbishop”. Ecumenical Patriarch Dionysios IV and the Synod of the Patriarchate had no reason to cede anything “beyond that” which was requested.

d) The conditions outlined by the Patriarchal and Synodal “Act” confirm beyond any doubt that the canonical territory of the Metropolis of Kyiv was not ceded to the Patriarchate of Moscow. There has never been any other instance of ceding a canonical territory to another autocephalous Church on the condition that it does not have the right to administer the affairs of this territory fully, while also including the manner of electing its archbishops and, most importantly, *with the requirement to commemorate “among the first” during the Divine Liturgy the Head of the Church from which it originated.*

The Patriarchate of Moscow knew all this, of course, which is why it arbitrarily *violated these conditions and never adhered to them* precisely because it sought to capriciously incorporate the Metropolis of Kyiv (and Ukraine) into its canonical jurisdiction. However, this surely also constitutes a violation of the sacred Canons¹⁵ and the “Act”, on

¹⁵ The canons violated in this instance are many, including Canon 35 of the Holy Apostles, 13 and 22 of Antioch, 15 of Sardis, 2 of the Second Ecumenical Council, and so on.

which the entire relationship of the Patriarchate of Moscow and this region rests. *Failure to adhere to the terms of any Act renders this Act invalid in its entirety.*

Moreover, since this is not a matter of a common or secular text, but rather of an *ecclesiastical*—namely, a *sacred*—text, those violating its terms should remember the final words of the “Act” itself:

“whosoever misunderstand what is written, or otherwise chooses to demonstrate disobedience or opposition, resists the command of the Lord and will receive His retribution as despising the patriarchs, who are living and breathing images of God”.

4. On account of the difficult historical circumstances that it encountered, the Ecumenical Patriarchate endured and remained silent about this violation and failure on the part of the Patriarchate of Moscow to adhere to the terms of the Patriarchal and Synodal “Act” of 1686. However, it never forgot or ignored it. Evidence to this effect may be found in the granting of autocephaly to the Church of Poland by the Patriarchate of Constantinople in 1924 by issuing a Tome, which explicitly states that this decision is based on the fact that Poland belonged ecclesiastically to the Metropolitan of Kyiv under the Ecumenical Patriarchate and that the Patriarchate of Moscow did not comply with the envisioned conditions. The granting of autocephaly to the Church of Poland was accepted by all Orthodox Churches, with the exception of Russia, which bestowed its own autocephaly to that Church in 1949. In this way, all Orthodox Churches, with the exception of

Russia, indirectly also accepted the sovereign privilege of the Ecumenical Throne over the Metropolis of Kyiv and Ukraine.

* * *

When, in 1757, the Metropolis of Aleppo was granted to the Ecumenical Throne on account of administrative difficulties on the part of the Patriarchate of Antioch, to which it canonically belonged, Ecumenical Patriarch Neophytos VII emphasized the following in the relevant Patriarchal and Synodal Act upon returning this metropolis to the Patriarchate of Antioch in 1792:

“[S]upporting and spontaneously assisting the needs of the other most holy Patriarchal and Apostolic Thrones is something that our own Patriarchal, Apostolic and Ecumenical Throne has historically deemed very appropriate. However, either seizing or coveting their rights out of a sense of greed is something we would never do nor even tolerate entertaining. For the former is proper and worthy of itself, but the latter is unjust and improper to the patriarchal stature”.¹⁶

The Ecumenical Patriarchate always hastened to assist and support the Orthodox Churches in trouble. Nevertheless, “it never even tolerated entertaining” the appropriation of the canonical rights of one Church by another. All the existing relevant official documents envision that each Metropolitan of Kyiv should be elected by the Church of Ukraine and commemorate “among the first” the Ecumenical Patriarch as his canonical “authority” at each Divine Liturgy. Failure to comply

¹⁶ Kallinikos Delikanis, *Official Ecclesiastical Documents*, Volume 2, 1904, 217.

with these fundamental conditions constitutes an appropriation of a foreign jurisdiction. Moreover, the existence of these conditions in all the existing formal texts proves that the Church of Constantinople never forfeited *de jure* its canonical rights over the Church of Ukraine.

One of the basic axioms of jurisprudence should also be underlined in this regard: namely, the principle according to which the authority that issues an Act has absolute priority in the interpretation of that Act. Consequently, in this specific instance, the interpretation of the Patriarchal and Synodal Acts belong first and foremost to the Ecumenical Throne.

Therefore, the Ecumenical Patriarchate is entitled and obliged to assume the appropriate maternal care for the Church of Ukraine in every situation where this is deemed necessary.

APPENDIX

Texts

A. Patriarchal and Synodal "Act" or "Letter of Issue" of 1686

Report on the Paleographic Description and Content
of the Codex of Patriarchal Letters
from the Historic and Paleographic Archives
of the Educational Institute of the National Bank, no. 22

Introduction

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Among the manuscript codices preserved at the Historical and Paleographic Archive of the Educational Institute of the National Bank is also Codex no. 22, which contains copies of select Acts of the Ecumenical Patriarchate especially from the seventeenth and eighteenth centuries.

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The codex contains a total of 268 Acts, predominantly patriarchal and legal acts, as well as certain synoptic chapters of theological nature.

It contains acts of eponymous and anonymous Ecumenical Patriarchs, who refer to diverse administrative matters of the Patriarchate, such as the assignment of stavropegic stature to monasteries, synodal decisions for the ordination of hierarchs and

depositions, general encyclicals and other matters of legal nature. The first five pages are not numbered and include a table of contents in alphabetical order of subjects.

In summary, the acts of the following Ecumenical Patriarchs are included:

Metrophanes III (1567)

Neophytos II (1611)

Paisios I (1654)

Ioannikios II (1655)

Parthenios IV (1667-1684, second and fifth patriarchal tenures)

Gerasimos II (1673)

Iakovos (1681-1688, first, second and third patriarchal tenures)

Kallinikos II (1688-1702)

Dionysios IV (1682-1695, third, fourth and fifth patriarchal tenures)

Neophytos IV (no dates)

Gabriel III (1703-1704)

Kyprianos I (1708-1713, first and second patriarchal tenures)

Athanasios V (1710)

Kyrillos IV (1711-1712)

Jeremiah III (1719)

Paisios II (1732)

And a further ninety acts of unnamed patriarchs.

Moreover, they contain acts resolving legal matters from 1662 to 1731.

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Verifications

1. The Codex of Patriarchal Letters at the Historic and Paleographic Archive of the Educational Institute of the National Bank is an authentic and genuine product of a secretary and his colleagues at the Ecumenical Patriarchate.

2. The cited dates of 1784 and 1785 in the last, unnumbered folio are found in the context of the codex script and therefore certainly dates it after 1732 and 1784, and most probably around 1750, when the apparent watermark on the paper was prevalent.

3. Many of the acts contained here have been identified and located by the author either in parallel codices with collections of patriarchal letters (such as Codex 3 of the Archive of the Ecumenical Patriarchate, the Codex of Critias, Codex 315 of the Patriarchate of Alexandria, or else in publications of Manuel Gedeon, Kallinikos Delikanis, and others).

4. The cited proprietary notes that recognize Ecumenical Patriarch Agathangelos as the proprietor of the codex reinforces the verification regarding the authenticity of provenance and use of the codex within the patriarchal secretariat. Constantine Georgiadis (I have located another proprietary note by him in a manuscript of the Benaki Museum collection) must certainly have a familial relationship to this Patriarch Agathangelos. Nevertheless, this is a matter for further research.

5. Consequently, there is no doubt about the authenticity of both the codex itself and the texts contained therein.

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Athens, September 18, 2018

Agamemnon Tselikas

Director of the Historic and Paleographic Archive

Of the Educational Institute of the National Bank

This is an accurate copy of the Patriarchal and Synodal Letter conveyed to the most holy Patriarch of Moscovy, being the Letter of Issue pertaining to the fact that the Metropolis of Kyiv is subjected to his Patriarchal Throne, while the elected Metropolitan of Kyiv is to be ordained by him.

+ The apostolic word is that all things ought to be done for the purpose of edification, whether this concerns what we do or what we say, so that the objective of our actions should be to instruct our neighbor and guide our brother to his benefit. For the divine apostle recommends that neither should we ever cease from seeing all people as our brothers nor should we refrain from advising them toward correction, leading them toward salvation and reminding each of them not to neglect their own promise but rather, with vigilant eyes and focused impulses of the mind, to urge each one of them to their proper healing. This is precisely how, to this very day, those of us who have succeeded the apostles in this promise must conduct ourselves. For reasons known to the omniscient and omnipotent God, who governs all things, our modesty has also inherited this promise among those successors, which is why we have presided over the synodal meeting of our venerable brother hierarchs. There, venerable letters appeared from: 1) the most serene, most Orthodox and divinely crowned royalty, the great principals of Moscovy, their excellencies and brothers Ivan Alexeyevich and Peter Alexeyevich, also emperors of the greater and lesser and white Russia, as well as of many protectorates, along with native lands of the east, west and north, descendants of their forefathers

and precious rulers according to the Lord, while at the same time beloved sons of our own innermost selves; and 2) His Beatitude venerable Patriarch Joachim of Moscovy and All Russia, our beloved brother and concelebrant in the Holy Spirit, as well as the most pious and most eminent subject of the aforementioned preeminent and great emperors of the Zaporizhian regiments on both sides of the Dnieper River region, their beloved son and Ataman Ivan Samuilovich.

Wherefore, we declare that, inasmuch as the Eparchy of Kyiv is subjected to the supreme and most holy Ecumenical Throne of Constantinople, it would therefore always have received from this throne the ordination of its hierarch in accordance with the command of the sacred canons; however, inasmuch as this metropolis has been vacant for a number of years now, while much time has also elapsed since the ordination of its authentic hierarch because of certain battles transpiring between the two vast empires; and inasmuch as this moment and occasion has been expediently seized by the enemy of the right, true, holy and blameless faith of Orthodox Christians, sowing weeds and thorns among the wheat (that is to say, within Orthodoxy), which risks becoming subdued by foreign and hostile mentalities; for this reason, then, we have been asked with great respect and heartfelt petition to grant permission to His Beatitude the Patriarch of Moscovy to ordain the Metropolitan of Kyiv whenever this metropolis is deprived of an authentic hierarch, or in the case where its acting hierarch—duly elected in that eparchy by its own bishops, archimandrites, abbots of its holy monasteries, and others, as is customary—is ever defrocked on reasonable grounds, that this community may not henceforth remain

unprotected, especially since it is apparent to everyone that this difficult matter is extremely complicated at this time, when the enemy of the truth, namely the devil, is already sowing the weeds of heresy and schismatic teachings. So our preeminent and mighty sovereign kingdom directed that, in response to the request of this most serene and profoundly Christian empire to avoid any kind of hurdle in this case.

Wherefore, inasmuch as our modesty happens to preside over the Ecumenical Throne and acknowledges that we must demonstrate as much care as possible to those who require such care, we gladly welcomed this petition as being reasonable and right, meriting an address on our part concerning those things that we have been entrusted from God, which is also why we have deemed it worthy of protecting in writing herewith. Thus, in recording this with the hierarchs of our holy synod, our most honorable and beloved brothers and concelebrants in the Holy Spirit, we resolve:

That the most holy Eparchy of Kyiv should be subjected to the most holy patriarchal throne of the great and God-saved city Moscovy, by which we mean that the Metropolitan of Kyiv should be ordained there, whenever such need arises, by His Beatitude the Patriarch of Moscovy as the one elected by those in that eparchy, namely the right reverend bishops, very reverend archimandrites, righteous abbots of the holy and venerable monasteries, righteous hieromonks, pious clergy, righteous monks, rulers and others, at the exhortation and with the permission of the most distinguished great Ataman there, which has prevailed as the custom in that region, in order to receive from him the said act in writing, while recognizing him as his elder and presiding

(hierarchy), since he has been ordained by him, rather than by the ecumenical patriarch, as mentioned above, on account of the immense distance and the battles transpiring between the two kingdoms. We adopted a manner of condescension in accordance with the very old custom and granted to him such permission for reasons of *οἰκονομία*. Nevertheless, whenever this Metropolitan of Kyiv celebrates the sacred, holy and bloodless sacrifice in this diocese, he should commemorate among the first the venerable name of the Ecumenical Patriarch as his source and authority, and as superior to all dioceses and eparchies everywhere, followed by the commemoration of the Patriarch of Moscovy as his elder, without any resistance or refusal whatsoever in this, but accepting it as a reasonable and right act. Whosoever conceives anything contradictory to this, or in any other way seeks to disobey or demonstrate opposition to the command of the Lord, will in return receive appropriate penalties by the Lord as despising the patriarchs, who are the living and breathing images of God.

Wherefore, this synodal Letter of Issue was written in declaration and confirmation of this matter in the sacred codex of our Great Church of Christ, and after being recorded, it was handed to His Beatitude Patriarch Joachim of Moscovy in the year of the Lord 1686, the month of June of the 9th indiction.

B. Patriarchal Letter to the Kings of Russia¹⁷

Dionysios, by God's mercy Archbishop of Constantinople-New Rome and Ecumenical Patriarch.

Most serene, most excellent, divinely-crowned, divinely-protected, triumphant victors and defenders of the Christian race, by God's mercy masters, kings and great princes, most pious brothers and masters Ivan (Alexeyevich), Peter (Alexeyevich) and Sophia (Alexeyevna), of all Greater and Lesser and White Russia, emperors of Moscovy, Vladimir, Kyiv, Novgorod, and Tsars of Kazan, Astrakhan, and Siberia, Great Sovereigns of Pskov and Grand Princes of Lithuania, Smolensk, Tver', Volynia, Podolia, Iugra, Perm, Viatka, Bulgaria, and Sovereigns of many other regions, as well as Grand Princes of the Lower Region of Chernigov, Ryazan, Polotsk, Obdoriia, Rostov, Kondia, Yaroslavl, Beloozero, Udoria, Vitebsk, Livonia, Mistislavl, as well as sovereigns of all northern parts and lords of the lands of Iberia, Kartalinia, of the Georgian Kings and of the Kabardians, but also the land of the Cherkess, Mountain Princes and Georgians, as well as princes and rulers of many other principalities and eastern, western and northern eparchies, victors and heirs of their predecessors, our beloved sons in the Lord Jesus Christ and innermost precious children of our modesty: We pray that the heavenly grace and saving mercy of the resplendent, transubstantial, undivided, blessed, life-giving and unconfused Trinity, from which comes every good and perfect gift, may grant to Your most

¹⁷ Собрание государственных грамот и договоров, хранящихся в государственной коллегии иностранных дел, Part Four, Moscow, 1826, 514-517 (from the text on p. 6, n. 3).

holy and mighty royalty strength and health of body, courage and tenacity against all your enemies, ripe longevity, victory and triumph over visible and invisible adversaries, permanent stability, and increase of your mighty and holy kingdom for generations to come in your God-saved and divinely-protected royal race.

The divine and perfecting omnipotence, while bringing all things from non-being into being without any means or cause, nonetheless also works for supernatural and not only natural things for the most part through means and cause. Therefore, it also saved human nature from world deluge with the miraculous ark on the water navigated by Noah; it carried the people of Israel across the Red Sea with a fresh army commanded by Moses; it nourished the household of Jacob with the generous provisions of Joseph; and it brought about numerous other things by organic causes, wondrously demonstrating to secular philosophers all that Holy Scripture has boldly proclaimed.

In the same way, now too, when the diocese of Kyiv is painfully troubled by diverse circumstances in its pastoral administration and ecclesiastical government, it has used your deeply pious State as an expedient means and judicious instrument chosen in the wisdom of the all-holy and life-creating Trinity. Therefore, esteemed letters from your divinely-protected Kingdom were transmitted to us, in the first instance proclaiming your peaceful and victorious situation and thereafter announcing events related to the diocese of Kyiv—namely that, on account of the exorbitant geographical distance and the transpiring battles between our two empires, permission was not issued by the majesty of the Patriarchal Ecumenical Throne for the ordination of an

authentic Metropolitan of Kyiv after this diocese had remained unprotected, in accordance with the custom that prevailed from the beginning, as this diocese is subjected to the Ecumenical Throne and has remained without pastoral care for a very long time—the diabolical enemy of the pious, right, true, holy and blameless faith of the pious and Orthodox Christians sowed a multitude of weeds and an abundance of thorns throughout this sheepfold through evil means, so that it would not take much time for the wheat (that is to say, the piety) to be smothered if your imperial and most orthodox State had not arisen in its defense in order to request that this diocese of Kyiv be subjected to the most holy Patriarchal throne of Moscovy. The reason for this was that—whenever need might emerge for the ordination of a worthy person, who would be elected by the bishops, archimandrites, abbots, clergy, hieromonks, monks, rulers and others subjected to this Metropolis, always along with the permission and exhortation of the most distinguished ruling Ataman—His Beatitude the Patriarch of Moscovy and all Russia would have permission to ordain him in accordance with ecclesiastical order, thereby recognizing that person as the authentic, legal and canonical Metropolitan of Kyiv with his proper privileges, while handing him the said act in writing, which explicitly states whatever every hierarch in his own eparchy is authorized to perform.

Therefore, our modesty proposed this matter to the holy synod and, after deliberating on this matter with our most holy and most honorable synodal Metropolitans as our beloved brothers and concelebrants in the Holy Spirit, not only did your proposal appear reasonable and judged to be right, but also the foresight that you

demonstrated was greatly commended and extremely admired. Thus, on this matter, Patriarchal synodal letters were issued and registered in the codex of the Great Church of Christ, resolving that His Beatitude Patriarch Joachim of Moscovy and all Russia, our modesty's beloved and precious brother and concelebrant, is able after permission to ordain as Metropolitan of Kyiv, according to ecclesiastical order, whomever those subjected to that Eparchy elect, in accordance with the Letter of Issue to those subjected to the Kyivan Eparchy, that is they thereby have this permission, whenever the need arises for person to become Metropolitan of Kyiv, to elect whomever they wish, and the same applies to the Patriarchs after him. And the Metropolis of Kyiv itself should be subjected to the Most Holy Patriarchal throne of Moscovy, while its acting hierarchs, the current and the one after him, should henceforth recognize each Patriarch of Moscovy as elder and presiding (hierarch) inasmuch as they are ordained by him, with complying with one condition alone: namely, that whenever the Metropolitan of Kyiv celebrates the bloodless and sacred sacrament in this diocese, he should commemorate among the first the venerable name of the all-holy Ecumenical Patriarch, inasmuch as everything good is distributed by him to the ends of the earth and he is the source of all things. This is also why, for the above-mentioned reasons, we have adopted a condescending attitude and offered this subjection to the throne of the Patriarch of Moscovy in response to the Patriarch of Moscovy.

We beseech you, most serene and divinely-crowned great Kings and most orthodox Emperors never to deprive from us your wholehearted and filial compassion, but to impart this to us with loving

heart and merciful eye. In turn, we shall never cease to extend our arms in endless prayer to the chief Shepherd, our Lord Jesus Christ, imploring Him to reward the most orthodox and divinely-crowned kings with heavenly grace, health and perfect well-being, strength of both soul and body, trophies and victories over visible and invisible enemies, increase of your majestic kingdom, abundance of peace among your subjected people, Christian and sincere fraternal love among yourselves, succession in your imperial race for as long as the sun completes its cycle, ineffable joy and delight, along with eternal blessedness thereafter; and finally, forgiveness and the heavenly kingdom to your most holy forefathers of blessed memory of all who have existed from the beginning of your kingdom. In addition, may the holy, life-creating and royal Trinity, three hypostases in one essence, protect and support you throughout your lives. Amen.

In the year of the Lord one thousand, six hundred and eighty six, in the month of May of the 9th indiction.

In the year of the Lord 1686, the month of May of the 9th indiction.

+ Your fervent supplicant before God of your most Christian Empire, your spiritual father in all, and Ecumenical Patriarch