

The Constantinople and Moscow Divide

Troitsky and Photiades on the Extra-Jurisdictional Rights
of the Ecumenical Patriarchate

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Preamble

The Patriarchates of Constantinople and Moscow have been at loggerheads throughout much of the 20th and 21st century without any reconciliation in sight. This might not be readily noticeable to a casual observer since both Churches are in communion with each other as part of a canonical federation of Orthodox Churches. If one, however, were to inspect the issue a little closer, one would see a subtle but complex historical and scholarly narrative which developed in such a way that it has led to an escalation of tensions between the two. This paper seeks to give a succinct historical analysis of the conflict between the two Patriarchates in order to focus more specifically on the scholarly and ideological aspect of the dispute. This will entail an analysis, i) of the historical background and polemical discourse of the Russian nationalist and canon law professor S. V. Troitsky (1878-1972); ii) of Troitsky's major article against the extra-jurisdictional rights of the Ecumenical Patriarchate, which was adopted by the Moscow Patriarchate;¹ and iii) of the "Greek" response of Professor Emmanuel Photiades of the Chalki School of Theology, who defended the rights of Constantinople through a historico-canonical narrative².

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1. TROITSKY, S. V., *O granitchach raspostradenija prava vlasti Konstantinopolskoj Patriarchii na 'diaspora* (The Limits of the Authority of the Patriarch of Constantinople over the Diaspora) *article in the Journal of the Moscow Patriarchate* No 11, 1947, pp. 34-45 (in Russian), translated into *English One in Christ*, 50:3 (1996), 59-67 and in *Souroz*, No 64 (May 1996), pp. 33-52 (Abridged Translation in English, cf. footnote 23).

2. ΦΩΤΙΑΔΗΣ, ΕΜΜΑΝΟΥΗΛ, «Ἐξ Ἀφορμῆς ἐνός Ἄρθρου» ("on account of an Article"), *Ὁρθοδοξία* 23, 1948, pp. 210-40 (in Greek).

PART I

Historical Background of the Tensions between Moscow and Constantinople

The gradual growth of the Russian Empire slowly led to the belief that free Russia was the protector of the Orthodox Christians during its territorial expansionist ambitions and its conflict with the Ottoman Empire. This, however, did not hinder relations between the two Churches, which had a good cooperative relationship from the fall of Constantinople up until the mid 19th century³. A division, however, began to manifest between the Greek and Slavic speaking Orthodox Churches in the mid 19th century after the Russian Empire adopted the ideology of Pan-Slavism, which was utilized by the Russians as a pretext to liberate the Slavs in the Balkans and Europe from the ailing Ottoman Empire⁴. These political expansionist ambitions were also adopted by the Russian Church, which eventually led it into a collision course with the Greek speaking Orthodox Churches, predominately the Ecumenical Patriarchate, after Moscow began to intervene and conduct its affairs outside its territorial jurisdiction. The role of conducting extra-jurisdictional matters, however, was reserved for the Ecumenical Patriarchate alone, ‘the first among equals,’ which felt that the Moscow Patriarchate was superseding its authority through its actions in the Balkans (Bulgaria)⁵ and the East (Jerusalem and Antioch)⁶.

3. Metropolitan Maximos of Sardes gives a brief but factual account of the good relations between Moscow and Constantinople from the mid 15th to the mid 18th century. See METROPOLITAN MAXIMOS OF SARDES, *The Oecumenical Patriarchate in the Orthodox Church*, Patriarchal Institute for Patristic Studies, Thessaloniki, 1976, pp. 287-293.

4. WALICKI, ANDRZEJ, *The Slavophile Controversy – History of a Conservative Utopia in Nineteenth-Century Russian Thought*, University of Notre Dame Press, Notre Dame, Indiana, 1989.

5. The independently formed Bulgarian Exarchate was deemed schismatic for adopting the heresy of *ethno-phyletism* (ethnic tribalism) after it created a rival jurisdiction in the territory of the Ecumenical Patriarchate in 1872. This decision was not fully supported by Moscow, which maintained a relationship with the Bulgarian Church until the healing of the schism in 1945. See PHEIDAS, V.I., *Ecclesiastical History* (in Greek), vol. III, Athens 2014, pp. 503ff and especially 543ff (Τὸ Βουλγαρικὸ ζήτημα καὶ ἡ ρωσικὴ πολιτικὴ), & ΣΤΟΪΚΟΥ, ΕΛΕΝΗ, *Ὅψεις τοῦ ἐθνοφυλετισμοῦ τῶν Ὀρθοδόξων Ἀράβων ἀπὸ τὰ μέσα τοῦ 19ου αἰῶνα ἕως τὸν Α΄ Παγκόσμιον Πόλεμον*, Ἀριστοτέλειο Πανεπιστήμιον Θεσσαλονίκης, Φιλοσοφικὴ Σχολή, Τμήμα Ἱστορίας καὶ Ἀρχαιολογίας, 2008, pp. 7-11 & 17-31.

6. The *Russian Orthodox Ecclesiastical Mission in Jerusalem* promoted Arab nationa-

The major problems between the two, however, would occur when newly independent nations emerged in former Russian territories in the aftermath of the First World War (WW1) and a large Russian diaspora was formed following the Bolshevik Revolution. The Bolsheviks began to persecute the Moscow Patriarchate, which became powerless to conduct its affairs over its exiles and the dioceses in the newly formed independent states outside its borders. As a result, the Russian exiles and the dioceses abroad turned to the Ecumenical Patriarchate, then under the leadership of Patriarch Meletios IV (Metaxakis), for ecclesiastical support⁷. Constantinople, in turn, used its Ecumenical mandate, which canonically allowed it to intervene in such cases and manage extra-jurisdictional affairs outside the established Orthodox jurisdictions, in order to restore canonical order⁸. In the aftermath, Constantinople granted autonomy or autocephaly to those Orthodox Churches that were formerly part of the Russian Empire but now found themselves within new sovereign states. This was done at the request of their governments and themselves, apart from the Russian exiles in Europe, much like it had done for the Churches of Greece (1850), Serbia (1879), and Romania (1885) under similar circumstances. The Churches in question were:

Autonomous Churches

Church of Estonia (1923 & Reactivated in 1996)

Church of Finland (1923)

Church of Czech and Slovak Lands (1923)

Exarchate of Orthodox Parishes of Russian Tradition in Western Europe (1931)

lism, especially in the Patriarchate of Antioch, to the detriment of the Greek speaking bishops and clergy. This eventually led to the election of the first Arab speaking Patriarch in 1908. See ΣΤΟΙΚΟΥ, Ε., "Οψεις τοῦ ἔθνοφυλετισμοῦ τῶν Ὁρθοδόξων Ἀράβων ἀπὸ τὰ μέσα τοῦ 19^{ου} αἰῶνα ἕως τὸν Α΄ Παγκόσμιον Πόλεμον, pp. 11-20 & 31-131; PHEIDAS, V. I., *Ecclesiastical History* (in Greek), op. cit., pp. 535ff ('Ἡ ρωσικὴ Πνευματικὴ Ἀποστολὴ στὴν Παλαιστίνη); and pp. 165ff regarding the so-called «Ἀντιοχειανὸ ζήτημα»; and, FIRAS, ALADRA SOUHEIL (π. Σέργιος), *Οἱ Ἀραβόφωνοι Πατριάρχες στὸ Πατριαρχεῖο Ἀντιοχείας καὶ τὸ Ἀντιοχειανὸ ζήτημα (1905-2005) αἰῶνας*, Ἀριστοτέλειο Πανεπιστήμιο Θεσσαλονίκης, Τμῆμα Ποιμαντικῆς καὶ Κοινωνικῆς Θεολογίας, 2010.

7. See for example the «Πατριαρχικὸν Γράμμα, Μελετίου Πάπα καὶ Πατριάρχου Ἀλεξανδρείας πρὸς τὸν Μητροπολίτην Κιέβου Ἀντώνιον...» *Πάντανος*, Κ (1927), pp. 514-515.

8. The prerogatives of the Ecumenical Patriarchate were codified in Canons 3 ECII, 9 ECIV, 17 ECIV, 28 ECIV, etc. (The Ecumenical Councils are abbreviated as EC followed by the number of the Council).

Autocephalous Churches

Church of Poland (1924)

Church of Latvia (1935)

Church of Georgia (1990)

The situation, however, drastically changed during WW2, when Stalin began to reverse the Soviet policy of persecution in favor of using the Orthodox Church to foster patriotism among its people in order to neutralize the Nazi threat. In the aftermath of the war, the victorious Soviet regime reconquered its former European territories, and was also able to spread its Communist ideology over its satellite states in Eastern Europe and the Balkans. It is at this point, through the instigation of Stalin who wished to create a new Orthodox Vatican⁹ with Moscow as its head, that the Moscow Patriarchate, under the newly elected Patriarch Alexy I (1945-1970), began to reassert its authority over these territories by nullifying what it considered uncanonical intrusions by Constantinople into its own jurisdiction. This resulted in a series of counteractions, which stood in contrast to those executed by Constantinople. Moscow, therefore, issued the following:

Autonomous Churches

Church of Finland (1957)

Church of Latvia (1992)

Autocephalous Churches

Church of Georgia (1943)

Church of Poland (1948)

Church of Czech and Slovak Lands (1951)

Orthodox Church in America (1970)

Revoked Autonomy (Under the Moscow Patriarchate)

9. KALKANDJIEVA, DANIELA, *The Russian Orthodox Church, 1917-1948, From Decline to Resurrection*, Routledge, London and New York, 2015, p. 180: “On September 4, 1943, Stalin made a clear offer to the leading hierarchs of the Sergian Church: “You have to establish your own Vatican.” Although initially the notion of Vatican was used in its narrow meaning — that is, that Stalin meant a restoration of the Moscow Patriarchate as an institutional church center with necessary facilities, such as an ecclesiastical academy, library, printing house, and other necessary units—it was soon transformed into a policy for establishing the Moscow Patriarchate as an institutionalized center of global Eastern Orthodox Christianity.” See further, pp. 9, 182, 191, 198, 200, 246, 265, 273, 283, 293, 294, 296, 307 and 347. They are all very revealing.

Church of Estonia (1946)

Troitsky and his Influence on the Moscow Patriarchate

The tensions between the two great Churches spilled over to the prominent theologians at the time, who wrote heated theological diatribes in support or against the position of each Church. The battle between Moscow and Constantinople, however, did not begin in the Russian capital. On the contrary, the whole polemic against Constantinople, as extensively documented in a recent study by the Bulgarian scholar D. Kalkandjieva, was created by the Russian émigrés in the Second Synod of the *Russian Orthodox Church Outside Russia* (ROCOR)¹⁰ in 1938¹¹. The exiled Karlovtsy canon law experts encapsulated their theories in this synod in order to support their imperialistic Russian Orthodox nationalist views against the “Greek” Ecumenical Patriarchate of Constantinople. The scholars who developed these theories listed below were namely Sergei Troitsky, Konstantin Nikolaev, and Iurii Grabbe:

1. *Autocephaly*: The notion that each local Church is autocephalous when its leaders, who are ordained by Christ, then ordain their successor Bishops. No local Church (i.e. Constantinople) can interfere in the affairs of another local Church (i.e. Moscow). (John of Shanghai, Troitsky & Grabbe).

2. *Third Rome*: The 19th century concept that Moscow (Third Rome) and its Tsar became the God ordained protectors of Orthodoxy after Constantinople abdicated its position through its betrayal of Orthodoxy in the Synod of Florence and as a result was enslaved to the Turks.

3. *Greek Papism*: The notion that Constantinople still seeks to dominate all the independent Orthodox Churches in order to create an Orthodox Papacy.

10. The ROCOR was accepted under the canonical protection of Constantinople in 1920 after they fled Russia in the aftermath of the Bolshevik Revolution. In 1921, its Bishops went to Serbia and uncanonically established the Karlovtsy (from the town Sremski Karlovci in Serbia) Synod in the jurisdiction of the Serbian Orthodox Church, which claimed jurisdiction over the entire Russian diaspora worldwide. This action was condemned by Patriarch Tikhon of Moscow, Patriarch Basil III of Constantinople, and Patriarch Meletios II (Metaxakis) of Alexandria (formerly the Patriarch of Constantinople) in the 1920's as an uncanonical breach on the jurisdiction of Serbia and beyond. See FITZGERALD, THOMAS E., *The Orthodox Church*, Prager, Westport Connecticut London 1998, pp. 45-46.

11. KALKANDJIEVA, DANIELA, “Orthodoxy and Nationalism in Russian Orthodoxy”, in *St. Vladimir's Theological Quarterly*, 57:3-4 (2013) p. 301. For details see her book, *The Russian Orthodox Church*, op. cit.

The main attacks in this respect were directed against Patriarchs Meletios IV (1921-3) and Gregory VII (1923-4) of Constantinople who were berated for distorting canon 28 ECIV in order to take over former Russian lands (Poland, Finland, Estonia, Latvia, etc.) and usurp the role of Third Rome (now identified with ROCOR) (Nikolaev & Troitsky)¹².

4. *Primacy of Authority*: The theory that canon 3 ECII only gave Constantinople “*primacy of honor*,” which Constantinople reinterpreted to mean “*primacy of authority*” over all the Orthodox Churches. In reality, they argued that Canon 28 ECIV, which repeated Canon 3 ECII on the “*primacy of honor*,” purposefully restricted the jurisdiction of Constantinople to the Churches of Asia, Pontus and Thrace (Grabbe & Troitsky)¹³.

The initial attacks of the Karlovtsy scholars against Constantinople, which were written in the Russian language, were mainly propagated by Troitsky who produced many polemical articles starting in the 1930’s, but more importantly from the 1940’s to 1950’s¹⁴. Troitsky was a Russian nationalist and canon law professor who had fled his country and later moved to Yugoslavia in the aftermath of the Bolshevik Revolution. He was part of the ROCOR community and a professor of law in the faculty of Law and Theology in Belgrade. He began to develop a polemic in the later 1920s, which became much more pronounced following two incidents: The first one was when Metropolitan Evlogy, who had previously split from ROCOR, ejected him from his teaching position at the St. Sergei Russian Theological Institute in Paris (1929-1931) once his Diocese was accepted by Constantinople¹⁵. The second one was after the “Greek” Patriarchs

12. Although Kalkandjieva attributes the origin of this theory to Nikolaev, we also see Troitsky utilizing it by condemning Constantinople for adopting a Papalistic heresy. See KALKANDJIEVA, “Orthodoxy and Nationalism in Russian Orthodoxy”, op. cit., p. 299 and Troitsky, *The Limits of the Authority of the Patriarch of Constantinople over the Diaspora*, op. cit., p. 67.

13. See KALKANDJIEVA, “Orthodoxy and Nationalism in Russian Orthodoxy”, pp. 296-303. For a more detailed and extensive account see her *The Russian Orthodox Church*, op. cit.

14. See the *Journal of the Moscow Patriarchate*, (1947), no 12 pp. 31-42, (1949) no 12 pp. 29-54, (1950) no 2, pp. 36-51 and no 3 pp. 45-57, etc.

15. See ZADORNOV, FR. ALEXANDER, *Kanonicheskoye Pravo v Poslerevoljutsionnyy Period: Kazus Professora S. V. Troitskogo* (Canon Law in the Post-Revolutionary Period - Prof. S. V. Troitsky’s Case), p. 250. During this time, Troitsky wrote his *Tcherkovna jurisprudichija nad diasporom*, Beograd, 1932.

Basil III of Constantinople and Meletios II of Alexandria condemned ROCOR, of which he was a member, for breaching the territorial jurisdiction of the Serbian Patriarchate by creating an independent ethnic Synod on its soil. These actions initially led him to further develop his arguments through various polemic diatribes, but he also wished to expand canon law studies in Belgrade to a wider audience in order to tackle Constantinople's claims on the diaspora¹⁶.

In the early 1940s, Stalin began to adopt these ideas when he sought to utilize the Moscow Patriarchate to foster patriotism as a tool for Soviet ambitions. Thus, concepts like *Moscow the Orthodox Vatican*, or *Moscow the Third Rome*, began to reemerge as if a local autocephalous church (the Russian Church) would regain and rule over its territories in opposition to Eastern "Greek" Papism (Constantinople)¹⁷. In May 20 1947, Troitsky returned to Moscow, after being asked to receive a teaching position at the Moscow Theological Academy¹⁸. It is here where he propagated and expanded his views, as well as those of the other Karlovtsy scholars, against Constantinople when he published his article *The Limits of the Authority of the Patriarch of Constantinople over the Diaspora* two months later, in November 1947¹⁹. This particular article articulated most of the main arguments of the Karlovtsy scholars against the actions and prerogatives of the Ecumenical Patriarchate, which to a greater extent has remained the official view of Moscow as well as most if not all Russian based Churches abroad to this day. A comprehensive response to Troitsky's article was given in Greek by the Chalki professor Emmanuel Photiades one year after its publication, which encompassed the official view of Constantinople that is still being used to this day.

In 1996, two Russian journals, *One Church* in the USA and *Souroz*h in the UK,²⁰ reprinted an abridged English version of this article in order to reignite

16. See ZADORNOV, op. cit., p. 256.

17. KALKANDJIEVA, "Orthodoxy and Nationalism in Russian Orthodoxy", op. cit., pp. 301-301.

18. See ZADORNOV, op. cit., p. 258.

19. TROITSKY, *O granitchach raspostradenija prava vlasti Konstantinopolskoj Patriarchii na 'diaspora* (The Limits of the Authority of the Patriarch of Constantinople over the Diaspora), op. cit.

20. TROITSKY, S. V., "The Limits of the Authority of the Patriarch of Constantinople over the Diaspora", *One in Christ*, 50:3 (1996) 59-67 and in *Souroz*h, No 64 (May 1996) 33-52.

Troitsky's arguments to the English-speaking world as a response to the Ecumenical Patriarch's reactivation of the 1923 *Tome* on Estonian autonomy at the request of the Estonian government. The main motive behind this action was to present the Ecumenical Patriarchate as the aggressor Church which openly trespassed on both the jurisdictions of Moscow and of the *Orthodox Church in America* (OCA), which had attained its autocephaly from Moscow in 1970²¹. Some English-speaking supporters of the Ecumenical Patriarch responded to some extent to the supporters of Troitsky's theories, but they tended to focus on Constantinople's primacy and ecumenical prerogatives instead of countering Troitsky's accusations directly. In fact, the only work to effectively give a counter argument to Troitsky's various theories in English is the hard to find English translation of Metropolitan Maximos of Sardes' excellent book, *The Oecumenical Patriarchate in the Orthodox Church*, which was released twenty years prior to the translation of this article²². Maximos did an impressive and extensive job of responding to a great deal of Troitsky's body of work, but he did not give a comprehensive response to the article in question. Given the significance of this article, which was written and reprinted at crucial moments of Moscow's clash with Constantinople that continues to this day, it seems right to revisit it along with Photiades' response in order to give both sides of the story in their entirety²³ for the first time in English and to state clearly the positions they represent.

PART II

Troitsky's Article on the Limits of Constantinople's Jurisdiction

Troitsky began with the accusation that the heads of the five ancient Patriarchates, who “*by force of circumstances were placed above others,*” often fell in-

21. See TROITSKY, op. cit., p. 67. Cf. AFONSKY, ARCHBISHOP GREGORY, *The Canonical Status of the Patriarch of Constantinople in the Orthodox Church* (1925-2008), <http://www.holy-trinity.org/ecclesiology/afonsky-constantinople.html>, 20.05.2017.

22. See MAXIMOS OF SARDES, *The Oecumenical Patriarchate in the Orthodox Church*, op. cit.

23. The abridged English translation of Troitsky's *The Limits of the Authority of the Patriarch of Constantinople over the Diaspora* omitted roughly half of the Russian text (pp. 35-36 & 42-45). This article now includes the article in its entirety for the first time in English.

to the temptation of worldly sin (Matt. 4: 3-10), when seeking to increase their power. He was encouraged, however, that the divinely given conciliar consciousness of the Church's Synods was able to curb these actions by stopping the likes of Rome (e.g. the Synod of Carthage) and Antioch (e.g. Canon 8 ECIII) from expanding their jurisdiction to the detriment of the other Churches. Nevertheless, he argued that these judgments were often ignored by Constantinople, which "*often exhibited the tendency to put herself above the other autocephalous Churches, converting the primacy of honor, inherited from the Roman Church, into a primacy of authority.*"²⁴ In this sense, he understood Constantinople's interventionist actions to be detrimental to the other Orthodox Churches, giving examples such as the repeated closing down of the Slavic Patriarchates in medieval times, and the Bulgarian and Antiochian schisms more recently. When looking at the case of Russia, Troitsky argued that Constantinople was initially unable to quell Moscow's rise to prominence whilst confined under Ottoman yoke, although it immediately took the initiative to restrain Moscow once the Russian Church "*fell under difficult circumstances*"²⁵.

Then, Troitsky went on to argue that Constantinople began to construct "*novel theories*" in order to reassert its dominance over the entire Orthodox world. These notions were backed by its claim to have jurisdiction over the entire "*diapora*" (i.e. dispersion)²⁶, which encompassed all the territories outside the jurisdiction of each autocephalous Orthodox Church. He attributed the creation of this theory to Patriarch Meletios IV (Metaxakis)²⁷, whilst contending, by citing a couple of examples, that Meletios' successors continued this practice as well²⁸.

24. Here again is the theme of primacy of authority as repeated by the Karlovtsy scholars. See TROITSKY, op. cit., p. 59.

25. Interestingly, Troitsky, who was in Moscow at the time, does not attack the atheist Soviet regime, which had devastated the Russian Orthodox Church up to that point. See Troitsky, op. cit., pp. 59-60.

26. Troitsky references Canon 85 of Basil the Great.

27. Meletios Metaxakis (1871-1935) was Metropolitan of Kition (1910-1918), Archbishop of Athens (1918-1921), Patriarch of Constantinople (1921-1923), and Patriarch of Alexandria (1926-1935).

28. For example, Troitsky cites two Constantinopolitan Patriarchal letters as evidence: 1) Epistle of Patriarch Basil II to the Metropolitan of Warsaw (12/12/1925), which aimed to show that Constantinople was intervening in Moscow's former territory of Poland; and 2) Letter of Patriarch Photios II to Patriarch Barnabas of Serbia (5/30/1931) where Constantinople claimed the diocese of Budapest as its jurisdiction instead of Serbia's, since

Following this, Troitsky then goes on to give a list of some key examples of Constantinople's implementation of this new theory²⁹:

1. In 1922 Constantinople created four Dioceses in America and appointed an Exarch for Western and Central Europe, with the apocalyptic title of Metropolitan of Thyateira (Rev 2:18).

2. In 1923 Constantinople appointed the Archbishop of Prague and All Czechoslovakia after a Patriarchal *Tome* restored the ancient Archbishopric of Saints Cyril and Methodius. This Church, as well as the Churches of Finland, Estonia, and Poland all became jurisdictionally subordinate to Constantinople.

3. In 1924 Constantinople appointed the Metropolitan of "*Hungary and Exarch of Central Europe in Budapest*", as well as a Bishop in Paris. The Polish Church, in turn, was granted autocephaly, although Troitsky maintained that it remained dependent on Constantinople. Moreover, Constantinople created two Dioceses in Australia, and even attempted to close the Russian Patriarchate during the Bolshevik Revolution in order to make the Russian Church dependent on it.

4. In 1925 the Primate of the Polish Church was given the title of "Beatitude", and in 1929 the Bishop of Tracheia (under Constantinople proper) was sent there as a supervisor with a broad range of privileges.

5. In 1928 the bishop of the Russian Church of America, Adam (Philippovsky), was made subordinate to Constantinople.

6. In 1931 the Russian Metropolitan of Western Europe, Evlogy, was received into the jurisdiction of Constantinople along with his subordinate bishops.

7. In 1932 Constantinople also raised the question of subordinating all of the Serbian churches outside of Yugoslavia to the jurisdiction of the Ecumenical Patriarchate.

Having made these points, Troitsky then argued that this situation began to change shortly after the end of WWII when the fortunes of the Russian Church improved and Constantinople began to lose its hold on a number of these Dioceses

Constantinople had jurisdiction over the diaspora (i.e. outside established Orthodox jurisdictions). See TROITSKY, op. cit., p. 60.

29. These examples can only be found in the Russian original as the abridged English translation did not include them. See TROITSKY, *O granitchach raspostradenija prava vlasti Konstantinopolskoj Patriarchii na 'diaspora* (The Limits of the Authority of the Patriarch of Constantinople over the Diaspora), op. cit., pp. 35-36.

and parishes after they returned, both within and without the borders of the USSR, to their Mother Church - the Patriarchate of Moscow. Troitsky, however, did acknowledge that the question of the return of the Finnish and Polish churches, as well as the Russian Diaspora in Western Europe to Moscow, was still yet undecided since they had voluntarily subordinated themselves to Constantinople. Likewise, Troitsky felt that Constantinople would not give up its theory of canonical subordination over the whole Orthodox Diaspora and so he deemed it necessary to study this theory both by itself and in its application to the Finnish and Polish churches. In the case of the Polish church, he argued that it was necessary not only to study the question of its dependence on Constantinople, but also the right of Constantinople to give it autocephaly³⁰. In regards to the theory, he accused Constantinople of justifying it on the basis of Canons 2 ECII, 8 ECIII, and 28 ECIV, and therefore crafted his article to respond in kind. It is to these Canons that Troitsky turns, focusing briefly on Canons 2 ECII and 8 ECIII, and then directing his major polemic on Canon 28 ECIV, which Constantinople used to justify its jurisdiction over the bishops among the “*barbarian lands*” (ἐν τοῖς βαρβαρικοῖς)³¹.

i) Canon 2 ECII

“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 Nicaea, being preserved; and let the bishops of the Asian Diocese administer the Asian affairs only; and the Pontic bishops only Pontic matters; and the Thracian bishops only Thracian affairs. And let not bishops go beyond their dioceses for ordination or any other ecclesiastical ministrations, unless they be invited. And the aforesaid canon concerning dioceses being observed, it is evident that the synod of every province will administer the affairs of that particular province as was decreed at Nicaea. But the Churches of God in heathen nations must be governed according to the custom which has prevailed from the times of the Fathers”³².

His first argument comes after citing the letter of Patriarch Meletios II (Metaxakis) of Alexandria (7/5/1927) to Metropolitan Anthony, formerly Metropolitan of Kiev, as the presiding Hierarch of ROCOR³³. In this letter, he says,

30. The Church of Poland would fall under Moscow’s influence one year after the publication of Troitsky’s article in 1948, whereas the Church of Finland (the Finnish territories that were occupied by the USSR, not in Finland proper) would fall in 1957.

31. TROITSKY, op. cit., p. 67.

32. *Christian Classics Ethereal Library*, <http://www.ccel.org/ccel/schaff/npnf214.ix.viii.iii.html>, 20.05.2017.

33. Metropolitan Anthony was the head of the ROCOR Karlovtsy Synod of which Troitsky was a central member.

Meletios accuses Anthony of violating Canon 2 ECII after creating an independent Synod in Karlovtsy, which was under the jurisdiction of the Patriarchate of Serbia: “*On the basis of that canon...you as bishops of the Russian Church do not have the right to meddle in episcopal jurisdictions outside the borders of your churches*”³⁴. Troitsky, however, disagreed with Meletios’ interpretation of the Canon, claiming the opposite through the following arguments:

1. This Canon does not mention Constantinople, nor does it grant any privileges over any other Church.
2. If the Canon is to be understood the way Meletios intended, then no Church, including Constantinople, could go beyond its borders to conduct missionary activity.

34. TROITSKY, op. cit., pp. 60-61. Interestingly, the editors of the 1996 *One Church* journal add a footnote supporting the autocephaly of the OCA stating: “*Even on the basis of this canon, it is the Moscow Patriarchate which enjoys primary jurisdiction on the American continent for nowhere had Orthodoxy yet been established here until Russian clergy came to Alaska and San Francisco.*” See footnote 1 in TROITSKY, p. 67 The editors’ claim of Moscow having jurisdiction over the entire American continent is quite misleading and very open to interpretation. The editors are correct in asserting that the Russian clergy were the first to establish Orthodoxy in Alaska (1794), but not to establish Orthodoxy in the United States since Alaska at that time was part of the Russian Empire. The Russian mission, however, did eventually relocate its diocese into US territory (San Francisco) after Alaska was sold to the United States in 1867. In contrast, the Greek Orthodox were the first recorded group to establish an Orthodox Church in the USA after they established the first Orthodox Church in New Orleans, Louisiana in 1864. What’s more, the question of the establishment of Orthodoxy on the American continent is open to debate, especially when one considers that some historians have pointed that Greek sailors might have even brought Orthodox worship to the American Continent as early as the late 1700’s. For Russian Orthodoxy in America see TARASAR, CONSTANCE J., *Orthodox America 1794-1976*, OCA Department of History and Archives, New York 1975 and STOKOE, MARK, & KISHKOVSKY, LEONID, *Orthodox Christians in North America 1794-1994*, Orthodox Christian Publications Center 1995. For Greek Orthodoxy in America see PAPPAYOANNOU, REV. GEORGE., *The Historical Development of the Greek Orthodox Archdiocese of North and South America*, 1984 in LITSAS, F.K., (Ed.), *A Companion to the Greek Orthodox Church* (pp. 178-206), New York, N.Y (Greek Orthodox Archdiocese of North and South America). “The Archdiocese of America”, *The Greek Orthodox Theological Review*, 45 (2000), 193-306, and on the Greeks of Florida see *A Brief History of Hellenism*, http://web.archive.org/web/20050418154250/http://web.classics.ufl.edu/CGS/florida_hellenism.htm, 20.05.2017. For a general account of Orthodoxy in America see also FITZGERALD, *The Orthodox Church*, op. cit.

3. Patriarch Meletios quotes only the parts that do not have any relation to the question, whilst purposely omitting the last part of the Canon that allowed all Churches the ability to conduct missions: “*But the Churches of God in the heathen nations (ἐν τοῖς βαρβαρικοῖς ἔθνεσι) must be governed according to the custom which has prevailed from the time of the fathers*”.

4. The Canon does not prohibit the expansion of a Church’s jurisdiction outside its borders when it comes to missionary provinces, but is only concerned with maintaining the territorial integrity of established Churches. To support this view, Troitsky asserted that the “*custom...from the time of the fathers*” was understood by the medieval canonists Zonaras and Balsamon to allow a bishop from any province to visit another “heathen” province in order to strengthen the faith of its converts³⁵.

ii) Canon 8 ECIII

“*Our brother bishop Rheginus, the beloved of God, and his fellow beloved of God bishops, Zeno and Evagrius, of the Province of Cyprus, have reported to us an innovation which has been introduced contrary to the ecclesiastical constitutions and the Canons of the Holy Apostles, and which touches the liberties of all. Wherefore, since injuries affecting all require the more attention, as they cause the greater damage, and particularly when they are transgressions of an ancient custom; and since those excellent men, who have petitioned the Synod, have told us in writing and by word of mouth that the Bishop of Antioch has in this way held ordinations in Cyprus; therefore the Rulers of the holy churches in Cyprus shall enjoy, without dispute or injury, according to the Canons of the blessed Fathers and ancient custom, the right of performing for themselves the ordination of their excellent Bishops. The same rule shall be observed in the other dioceses and provinces everywhere, so that none of the God beloved Bishops shall assume control of any province which has not heretofore, from the very beginning, been under his own hand or that of his predecessors. But if any one 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. Wherefore, this holy and ecumenical Synod has decreed that in every province the rights which heretofore, from the beginning, have belonged to it, shall be preserved to it, according to the old prevailing custom, unchanged and uninjured: every Metropolitan having permission to take, for his own security, a copy of these acts. And if any one shall bring forward a rule contrary to what is here determined, this holy and ecumenical Synod unanimously decrees that it shall be of no effect*”³⁶.

His second argument is once again directed against Patriarch Meletios and the “*other Greek canonists*” who accused the Russian Church of violating Ca-

35. See TROITSKY, op. cit., p. 61. For the interpretation of Zonaras and Balsamon see *Athenian Syntagma II*, pp. 171-172.

36. *Christian Classics Ethereal Library*, <http://www.ccel.org/ccel/schaff/npnf214.x.xvi.xii.html>, 20.05.2017

non 8 ECIII after it overstepped its jurisdiction through its intervention in Poland and Finland³⁷. In this sense, Constantinople was arguing that only the bishop of Constantinople, and no other, could assume control over a province that was not his or that of his predecessors from the beginning. Again, Troitsky sees Constantinople in breach of the Canon arguing that:

1. If Meletios' argument were correct, then Constantinople too would not be able to overstep its jurisdiction as the Canon does not make an exception for it. Therefore, if Moscow is not permitted to have dioceses in Poland and Finland for being in another state, then neither is Constantinople for the same reason.

2. This Canon should be understood in its historical context, namely that: a) the Church of Antioch was stopped from asserting its authority over the autocephalous Church of Cyprus; and b) the borders of each ecclesiastical territorial jurisdiction were delineated in one state (Byzantium).

3. Balsamon, citing Canons 2 ECII, 28 ECIV and 39 ECVI, interprets this to mean that "*the Churches existing in the Roman Empire, except for only a few, were subordinate to the Constantinopolitan throne.*" If, however, this interpretation were to be applied by Constantinople on a wider national scale (i.e. outside its jurisdiction), then this would violate this canon.

4. Constantinople has breached the canon by subjugating provinces (Poland and Finland³⁸) that have belonged to Moscow for over one hundred years, even though Canon 17 ECIV only required thirty³⁹. The same can be said of the situation in Western Europe where the Russians there went under Constantinople, even though this action was in breach of canon 17 since Moscow did not give letters of dismissal in this regard. In the first instance, the subjugation of these pro-

37. See TROITSKY, p. 61.

38. Again, the Editor makes a point to add that this situation is also applicable to the Orthodox Church on the American Continent. See TROITSKY, p. 62.

39. The Canon reads, "*Outlying or rural parishes shall in every province remain subject to the bishops who now have jurisdiction over them, particularly if the bishops have peaceably and continuously governed them for the space of thirty years. But if within thirty years there has been, or is, any dispute concerning them, it is lawful for those who hold themselves aggrieved to bring their cause before the synod of the province. And if any one be wronged by his metropolitan, let the matter be decided by the exarch of the diocese or by the throne of Constantinople, as aforesaid. And if any city has been, or shall hereafter be newly erected by imperial authority, let the order of the ecclesiastical parishes follow the political and municipal example.*" See *Christian Classics Ethereal Library*,

<http://www.ccel.org/ccel/schaff/npnf214.xi.xviii.xvii.html>, 20.05.2017.

vinces is nullified by the Canon 8 ECIII, whereas in the second, both the acceptor and the accepted according to Canon 17 should have been deprived of their rank⁴⁰.

iii) Canon 28 ECIV

“Following in all things the decisions of the holy Fathers, and acknowledging the canon, which has been just read, of the One Hundred and Fifty Bishops beloved-of-God (who assembled in the imperial city of Constantinople, which is New Rome, in the time of the Emperor Theodosius of happy memory), we also do enact and decree the same things concerning the privileges of the most holy Church of Constantinople, which is New Rome. For the Fathers rightly granted privileges to the throne of old Rome, because it was the royal city. And the One Hundred and Fifty most religious Bishops, actuated by the same consideration, gave equal privileges (ἴσα πρεσβεία) to the most holy throne of New Rome, justly judging that the city which is honored with the Sovereignty and the Senate, and enjoys equal privileges with the old imperial Rome, should in ecclesiastical matters also be magnified as she is, and rank next after her; so that, in the Pontic, the Asian, and the Thracian dioceses, the metropolitans only and such bishops also of the Dioceses aforesaid as are among the barbarians (ἐν τοῖς βαρβαρικοῖς), should be ordained by the aforesaid most holy throne of the most holy Church of Constantinople; every metropolitan of the aforesaid dioceses, together with the bishops of his province, ordaining his own provincial bishops, as has been declared by the divine canons; but that, as has been above said, the metropolitans of the aforesaid Dioceses should be ordained by the archbishop of Constantinople, after the proper elections have been held according to custom and have been reported to him”⁴¹.

Troitsky’s final and most elaborate arguments are waged against the extra-jurisdictional rights of Constantinople inasmuch as, “*the Greeks find the main ‘proof’ of their theory in the 28th Canon of the Fourth Ecumenical Synod, which indeed, mentions the rights of the Constantinopolitan Church.*” Troitsky acknowledges that the Canon gave reference to Canon 3 ECII, which gave Constantinople the same rights of honor as those given to Rome, but argues that “*it further defines the limit of her authority*” to ordain only the Metropolitans in Asia, Pontus and Thrace, and the “*bishops also of the Dioceses aforesaid as are among the barbarians (ἐν τοῖς βαρβαρικοῖς)*”. This led him to assert that the “*defenders of the new (Greek Papalist) theory*” interpret ἐν τοῖς βαρβαρικοῖς in a politico-geographical sense to mean that Constantinople alone has jurisdictional authority over all churches outside the borders of existing Orthodox Churches, i.e. the Orthodox diaspora. It is on this basis, that Troitsky attempts

40. See TROITSKY, op. cit., p. 62.

41. See *Christian Classics Ethereal Library*, <http://www.ccel.org/ccel/schaff/npnf-214.xi.xviii.xviii.html>, 20.05.2017.

to tackle these concepts and to disprove them by looking at the terms *diaspora* and *barbarian* in various ecclesiastical writings⁴².

a) *The Term Diaspora*

Troitsky began his quest to disprove this notion of the ‘diaspora’ by pointing out that the term is used to denote ‘dispersion’ in early Christian literature⁴³. On this basis, he argues that it is used erroneously in its modern context since, “by no means, does the terms ‘diaspora’ have a geographical or political meaning, but rather a confessional meaning, and refers to the profession of faith of a minority, regardless of whether this minority lives within the borders of a certain state or outside of it”⁴⁴.

b) *The Term Barbarian*

In a similar manner, Troitsky then looks at the term ‘barbarian’, in the attempt to disprove Constantinople’s interpretation of the Canon on etymological and grammatical grounds. His research yields that the terms ‘barbarian’ or ‘barbarian peoples’ (nations), which initially had a similar meaning in early ecclesiastical writings, later came to signify the barbarian peoples who had accepted Christianity within the Empire much later than the Romans and the Greeks. The fact that these ‘barbarian’ peoples were a minority (a diaspora), led the Church to formulate special prescripts through Canons 2 ECII and 28 ECIV, which sought to instruct and enforce some ecclesiastical order over them. The fact that the term was ultimately ethnographical rather than geopolitical in nature was also especially evident in the New Testament, where the term was used for all non-Greek and Latin speakers both within and outside of the Roman

42. See TROITSKY, op. cit., p. 62.

43. In the Old Testament, the term is used for the Jews dispersed among the heathen (*Deut.* 30:3-4; *Judith* 5:19; *Job* 7:35 etc.). The term is also utilized in similar ways in the New Testament, although it is applied in three different ways; to the Hellenes (*John* 7:34-35; *John* 12:20-29), to the Christians living among the Jews in the Diaspora (*James* 1:1), and to the Christian (elect) strangers dispersed in Asia Minor and the Asian part of the Roman Empire (*1 Peter* 1:1; *Hebrews* 11:13). His findings also reveal that both the early (St. Clement of Rome, Migne, PG 1, 200C, and in the Clementines, Migne, PG 2, 147A) and the later Christian writers (85th Canon of Basil) use it the same way as the Old Testament. See TROITSKY, op. cit., pp. 62-63.

44. TROITSKY, op. cit., p. 63.

Empire⁴⁵, and in the Byzantine texts of the 4th to 6th century, where the term was used to denote foreigners both inside⁴⁶ and outside⁴⁷ of the Roman Empire. In closing, he also adds that the term τό βαρβαρικόν in the singular was used to denote the barbarian states outside the Roman Empire, in comparison to τὸ ἑλληνικόν, which was employed to distinguish the Greek world⁴⁸.

c) *The Term Barbarian in Canon 28 ECIV*

After conducting his research on the term ‘barbarian,’ Troitsky then sought to see if its usage in Canon 28 could validate Constantinople’s claims of having jurisdiction outside the borders of the established autocephalous Orthodox Churches. If the connotation of the term were politico-geographical (i.e. transcending the boundaries of Byzantium) then Constantinople’s claims would be correct, but if it were ethnic (i.e. attributed to non-Greek Christians from within), then Constantinople’s claims would be defunct. Troitsky argued for the latter in an attempt to disprove what he considered to be Constantinople’s erroneous interpretation of the Canon by employing the following methodology: 1) the meaning and context of the term in Canon 28; 2) the context of Canon 28 in reference to Canon 2 ECII; 3) the interpretation of the Canon by the medieval canonists; 4) the historical application of the Canon throughout Constantinople’s history⁴⁹. Points 1 and 2 can be summarized as follows:

1. The authors of the Canon intentionally wrote the plural ἐν τοῖς βαρβαρικοῖς to signify barbarian peoples (not countries) in general, instead of the singular ἐν τῷ βαρβαρικῷ, which, as shown in his previous research on the term, denoted lands where barbarians rule (countries).

45. The following Biblical examples are given in support of this claim: a barbarian in speech (1 Cor. 14:9-11); barbarians within the Roman Empire (*Rom.* 1:14); and barbarian peoples of Melita (Malta), even though they possessed Roman citizenship (*Acts* 28:1-4).

46. Canon 8 of Trullo. Maximos also adds Epistle to Diognetus, V. 4, Socrates XV. 36. See MAXIMOS OF SARDES, *The Oecumenical Patriarchate in the Orthodox Church*, op. cit., p. 220.

47. 85th Canon of St. Basil the Great, *vidi Codex Justiniani XII, 36, 39*. Maximos corrects Troitsky by saying it is *Codex Justiniani XI, 36*. See MAXIMOS OF SARDES, *The Oecumenical Patriarchate in the Orthodox Church*, op. cit., p. 220.

48. Troitsky gives the example found in Canon 52 of Carthage, where the term τῷ βαρβαρικῷ παράκειται denotes a “barbarian land” on the border of Africa. See TROITSKY, p. 63 The quote in question is «διὰ τὸ εἰς τὰ τέλη τῆς Ἀφρικῆς κείσθαι αὐτήν καὶ ὅτι τῷ βαρβαρικῷ παράκειται». See ΡΑΛΛΗ-ΠΟΤΛΗ, *Σύνταγμα τῶν θείων καὶ ἱερῶν κανόνων* (hence forth cited as Ralle-Potle), Ἀθήναι 1852, II, p. 430.

49. See TROITSKY op. cit., pp. 63-64.

2. The Canon used the adjective βαρβαρικοῖς, but without an accompanying noun. If one were to connect this Canon with the phrase in Canon 2 ECII, “ἐν τοῖς βαρβαρικοῖς ἔθνεσι,” then, it becomes apparent that the missing noun of ‘peoples’ (ἔθνεσι) should be applied in the same manner to Canon 28 since the former is grammatically consistent with the latter.

3. The Canon only speaks of people “*of the dioceses aforesaid*” (i.e. barbarian peoples in the dioceses of Asia, Pontus and Thrace), and not barbarian people in general. These dioceses, in turn, were inside the Byzantine Empire, although Troitsky admits that the dioceses had their own missions and provinces outside of it as well. The Canon, therefore, is not concerned with the boundaries outside the Empire, but seeks to subordinate to the Bishop of Constantinople, “*the bishops living among the barbarians within the ecclesiastical limits of the three dioceses regardless of whether these barbarians live in Byzantium or beyond it.*”

4. Constantinople, which was initially a small territory, whose Bishop was subject to the Diocese of Thrace, grew in stature once it became the capital of the Byzantine Empire (New Rome). On this basis, Canon 3 ECII made the Bishop of Constantinople equal in honor, but second in rank to the Bishop of Rome. The elevation of the Bishop of Constantinople, and his relationship with the Emperor eventually enabled him to have greater authority over the Metropolitans and Bishops within the three aforementioned dioceses. It is for this reason that Canon 28 ECIV reaffirmed his rights of honor, but also limited his authority from spreading beyond the jurisdiction of the three dioceses of Asia, Pontus and Thrace. Canons 9 and 17 ECIV likewise gave Constantinople the right of judgement only over these dioceses, much like the first Synod of Nicaea had sanctioned the subordination of several ecclesiastical provinces to the larger ecclesiastical centers of Rome, Alexandria and Antioch. With this in mind, Troitsky then turns to the management of missions, arguing that the central authority of each autocephalous Church had the right to conduct them around its territory. Thus, “*with the subordination to the Constantinopolitan Bishop of the three dioceses, the central authority for them became the authority of this bishop, and the management of the missions in the diaspora of these and only these three dioceses was transferred to him*”⁵⁰.

50. TROIISKY, op. cit., p.64.

d) *Interpretation of Canon 28 ECIV by the Medieval Byzantine Canonists*

Troitsky's argument now turns to the medieval Byzantine canonists in support of his hypothesis. He begins by stating that the 12th century canonists Alexios Aristenos⁵¹, John Zonaras⁵², Theodore Balsamon⁵³, as well as 14th century Matthew Blastares⁵⁴, all understood the term Βαρβαρικοῖς in Canon 28 to represent the “*Barbarian peoples*” subject to the dioceses of Pontus, Asia and Thrace. In this sense, Constantinople was only given the right to ordain Bishops for the barbarian “diaspora” (foreigners) in these three dioceses, whereas the barbarian peoples in the neighboring dioceses remained under the jurisdiction of the other respective Orthodox Churches. For example, in Europe, both Aristenos and Zonaras limited Constantinople's ability to appoint bishops in the barbarian diaspora to Thrace (east of the city of Sardica) since the remaining dioceses were subject to Rome (Thessaly, Macedonia and Illyricum). In Pontus, Balsamon limited its barbarian diaspora from the Black sea to Trebizond and its inland. In Asia, it was limited to areas around Ephesus, Lycia and the surrounding area in Pamphylia, but could not ordain bishops in Anatolia since this right was given to the Bishop of Antioch alone⁵⁵.

51. Aristenos writes: “*To him (Bishop of Constantinople) are subjected only the metropolitans of Pontus, Asia, and Thrace, and they receive consecration from him, as do also the bishops of the barbarians in these dioceses, because the dioceses of Macedonia and Illyricum, Thessaly and Peloponnesus, and of Epirus and the (barbarian) people in it (i.e. in this particular diocese) were at that time under the authority of the Roman bishop.*” See RALLE-POTLE, op. cit., II, p. 286.

52. Zonaras writes: *The consecration of bishops among the barbarian people found in the aforementioned dioceses is given over to the Constantinopolitan bishop, because the rest of the dioceses, i.e. Macedonia and Thessaly, Helladia and Peloponnesus, the so-called Epirus and Illyricum, at that time were subjected to the bishop of Old Rome.*” See Ralle-Potle, op. cit., II, pp. 283-284.

53. Balsamon writes: “*The bishoprics among the barbarians are Alania, Rhossa, and others, since the Alanians belong to the Pontic diocese, and the Rhossans to the Thracian diocese.*” See RALLE-POTLE, op. cit., II, p. 285.

54. Blastares writes: “*it is also permitted the bishop of Constantinople to consecrate bishops among the barbaric peoples bordering upon dioceses subject to him, such as the Alanians and Rhossans, since the first border upon the Pontic and the second upon the Thracian diocese.*” See RALLE-POTLE, op. cit., VI, p. 257.

55. TROITSKY, op. cit., p.65.

e) *Historical Application of Canon 28 ECIV*

Troitsky then goes on to analyze the application of Constantinople's prerogatives in a historical context. He argued that Canon 28 allowed Constantinople to govern the barbarian diaspora in its own jurisdiction (Asia, Pontus & Thrace), without restricting the other Orthodox Churches from having their own barbarian diaspora. In this sense, Rome appointed bishops *in partibus infidelium* to most of Europe with the exception of Thrace, Alexandria to the countries south of Egypt, and Antioch to Georgia, Armenia, Persia, and Mesopotamia⁵⁶. Constantinople's diaspora, on the other hand, was confined to Asia, Pontus and Thrace for a long time after the synod, much like it had been prior to it, as evidenced in the following:

1. *Justinian's Civil Codex (534)*: Only speaks of the Bishop of Little Scythia (cathedra in the city of Tomi), and the Bishop of Isauria in Isaurapolis as being under Constantinople shortly after the formation of Canon 28 ECIV. Canon 30 of Trullo calls these Churches 'Barbarian Churches.'

2. *Justinian's Novel XI (535)*: Emperor Justinian created a new autocephalous Church named *Justiniana Prima* to conduct missions among the barbarians in the Balkan Peninsula. This new Church subordinated the bishops of Sophia and Riparian Dacia, Preslav, Dardania, and upper Moesia under the new Archbishop in a territory that roughly comprised today's former Yugoslavia, Albania and Western Bulgaria.

3. *Justinian's Novel CXXXI (545)*: *Justiniana Prima's* territories were put back under the jurisdiction of Rome after the Pope protested that this new autocephaly was an infringement on his rights.

4. *Justiniana - Prima* was closed in the 7th century following the Slavic emigration to the region. Nevertheless, its Metropolitans (of Philippi, Thessalonica and Larisa) maintained their independence from Constantinople by forming new bishoprics for the Slavic Diaspora.

5. Constantinople's jurisdiction over the barbarian diaspora was limited to the nearby outskirts of Byzantium as clearly evidenced in the ancient lists of the dioceses under Constantinople in the writings of Epiphanius⁵⁷, De Boor⁵⁸, Leo

56. TROITSKY, op. cit., p.66.

57. See Migne, PG, 86, 1, 789.

58. See De Boor, *Zeitschrift für Kirchengeschichte*, 1891, XII.

the Philosopher⁵⁹ and Nilus Doxapatres⁶⁰. Troitsky does, however, acknowledge “that the second list mentions the whole Gothic metropolitanate, but, as was shown by V.A. Moshin, here we are dealing with a proposal and not with proven facts”. Having said this, he does nevertheless concede that both Leo the Philosopher and the above-mentioned canonical interpreters add the territory of the Russian Church to Constantinople, but argues that “in the first case we have a later interpolation, and in the second, an obvious anachronism, since there is ground to think that in the fifth century there existed Christianity on the territory of present-day Russia and, in any event, the Russian Church was at the beginning subjected to the Constantinopolitan Church not on the basis of the twenty-eighth canon of the Fourth Synod, but on the basis of the general principle by which newly-converted people are subordinated to those who converted them to Christianity - the Mother Church - until they acquire the needed requisites for autocephaly”⁶¹.

In this regard, Troitsky argued that Constantinople’s jurisdiction was not based on the prerogatives given to it in Canon 28 ECIV. On the contrary, history showed that its jurisdiction would expand in favorable circumstances, such as its expansion up to Dyrrachium (modern Durrës) after Emperor Leo III conquered Illyricum, or its expansion into central and Eastern Europe due to the zeal of its “*Slavic missionaries*”. Likewise, its jurisdiction would detract under less favorable circumstances such as when its former non-Greek (i.e. Slavic) territories sought independence from Constantinople in the form of autocephaly. Furthermore, Troitsky asserted that the expansion of Constantinople’s jurisdiction over the entire Orthodox diaspora was void, since Constantinople had never used Canon 28 ECIV to claim the diaspora until the theory was created by Patriarch Meletios IV in 1922. The most poignant examples of the lack thereof can be found in the omission of the diaspora theory in the works of more recent authors such as the 19th century Greek canonists of the *Pedalion* (1800), the *Athenian Syntagma*, i.e. *Ralle-Potle* (1852-1859), or even in Archimandrite Callistus’ brochure titled *The Patriarchal Throne and its Rights and Privileges Concerning the Other Orthodox Churches* (Alexandria 1921), which makes no mention of the theory even though his brochure came out one year prior to its invention.

59. See RALLE-POTLE, op. cit., V, pp. 474-475.

60. See Migne, PG, 132, 1097.

61. TROITSKY, op. cit., p.66.

iv) *The Case of the Church of Poland*⁶²

Troitsky now looks at the extent of the jurisdiction of Constantinople in relation to the Church of Poland pointing out that the Greek authors refer to Canons 2 ECII, 8 ECIII, and 28 ECIV as well as 17 ECIV, the end of which was repeated with Canon 38 ECVI, as the basis which gave Constantinople the right to grant autocephaly to the Church of Poland on the 13th of November 1924. According to this Patriarchal *Tome* of autocephaly, the aforementioned canons reportedly stipulate that the Church should conform to the political and social order of the country it is in. In this sense, the *Tome* concludes that since Poland had become an independent state, the Orthodox Church within it should also receive independence, i.e. autocephaly. Troitsky, however, challenges this view by stating that even if this assertion was true, it does not make this autocephaly canonical since Poland did not receive its autocephaly from its Mother Church - the Russian Church⁶³. More importantly, however, Troitsky argues that the *Tome's* interpretation of the conformity of the Church to the State is both canonically and historically erroneous for had this been a prerequisite of the canons, Constantinople would have been required to give both the Finnish and Estonian Churches, both of which are located within independent states, not only autonomy but also autocephaly.

a) *Church and State Boundaries*

With this in mind, Troitsky begins to analyze the canons of the Ecumenical Councils in order to give his interpretation on the notion of Church and State

62. Again, this section can only be found in the Russian original as the abridged English translation did not include this entire argument. See TROIISKY, *O granitchach raspostradenija prava vlasti Konstantinopolskoj Patriarchii na 'diaspora* (The Limits of the Authority of the Patriarch of Constantinople over the Diaspora), op. cit., pp. 42-45.

63. Troitsky's arguments here go directly against the Patriarchal *Tome* for the autocephaly of Poland (November 13, 1924), which states that: a) according to Canons 17 ECIV, 38 ECVI as well as Patriarch Photios's axiom, that the laws relating to Church jurisdictions correspond with political boundaries; and more importantly, b) that Constantinople is the real mother Church since the Metropolis of Lithuania and Poland were part of the autonomous Metropolis of Kiev (an Exarchate of the Ecumenical See), which was uncanonically incorporated into the Holy Moscovite Church in the 17th century. For more see the original document, "Πατριαρχικός και Συνοδικός Τόμος Περί αναγνώρισεως τοῦ Αὐτοκεφάλου τῆς ἐν Πολωνίᾳ Ἁγίας καὶ Ὁρθοδόξου Ἐκκλησίας" *Ὁρθοδοξία*, τομ. 1 (1926) 36-38. See also, "Ἐκκλησία Πολωνίας, Ἀναγνώρισις Αὐτοκεφάλου" *ibid.* pp. 15-16.

boundaries. He begins by contending that both canons do not actually speak about the boundaries of an autocephalous Church at all, but only about the boundaries of the Dioceses and parishes within an autocephalous Church. In this sense, the very idea of conforming a Church's autocephaly to a State's independence is entirely alien to the canons as they were not discussing the question of autocephaly in the first place. This, he continues, is clearly evident by the fact that there existed not one, but several autocephalous churches in the Byzantine State whose arrangement was codified in the canons of the Ecumenical Councils (Canons 6 ECI, 2 ECII, 8 ECIII, etc.). In this sense, the Ecumenical Councils designated Church boundaries on the basis of the ancient custom which stated that, a) Dioceses and parishes must retain their old borders unaltered if they have existed for no less than 30 years; b) Conflicts over borders must in the first instance be decided by the Councils of a Metropolis, and in the second either by a Diocesan Metropolitan (Exarch), or by the Bishop of Constantinople, and; c) *"But if by Imperial power a new city is established or will be established, let the distribution of parishes (which Troitsky claims should be translated "Dioceses") follow the civil and secular order"*⁶⁴.

Thus, Troitsky argues that the current Constantinopolitan correlation of the Church structure to that of the State is actually a departure from the general norm of preserving the old ecclesiastical boundaries, with the sole exception of when a new city is founded by a State authority. This is why Aristenos wrote, *"If the Emperor establishes a new city or re-establishes it, the neighboring Bishop must not stir up a dispute about this in order to make gains for his Diocese, but he must follow the civil and secular order, such that a new city must have under its authority a Bishop of that region or diocese to which he is assigned and subordinate"*⁶⁵. This, in turn, was also reiterated by Zonaras⁶⁶, which explains why this canon can only be applied to cities which have existed for a long time, and not to a newly founded city. This is the reason Canon 12 ECIV openly forbade the division of a Metropolis into two if a Province were divided by State authority, and Acts 82-92 of the same Council openly declared that the customs of the Church are more important than those of the State acts when referring to a dispute between two bishops over the determination of their diocesan boundaries.

64. All three points are taken directly from Canon 17 ECIV.

65. See RALLE-POTLE, op. cit., II, p. 263.

66. See RALLE-POTLE, op. cit., II, pp. 260-261.

If, however, the Church canons do happen to coincide with a State's boundaries, it is not because it is obligatory, but it is done by the Church when it serves its interests. This is the reason why Canon 9 of the Council of Antioch states that, "*The Bishops in every province must acknowledge the Bishop who presides in the metropolis, and who has to take care for the whole province; because all men who have any business to attend to wont to come from every quarter to the metropolis*".

b) Church and State Boundaries in the Ancient Church and in Recent Times

The Church, Troitsky continues, can also deviate from a State's boundaries when it serves its interests as was the case when several ecclesiastical provinces gravitated to and eventually joined the powerful centers of Rome, Alexandria, and Antioch. This action, in turn, was codified into canon law as witnessed in Canon 6 ECI. Similarly, Canon 28 ECIV subordinated not one, but three Dioceses to the bishop of Constantinople, which openly contradicts the current practice of the correlation of the boundaries between Church and State.

Likewise, Troitsky maintains that in recent times the correlation between the borders of the autocephalous Churches to State borders has and has not occurred in relation to what was deemed appropriate by the Church to be in its best interests. For example, Church history bears witness to the fact that there were times when several autocephalous Churches existed within a State, and times when an autocephalous Church extended its jurisdiction across several States. A prime example of the former can be seen in the works of Balsamon, who, when interpreting Canon 2 ECII, correctly states that in antiquity (i.e. the 4th century) all the Metropolitans of a Diocese (i.e. Metropolis) were autocephalous ("αὐτοκέφαλοι") after having been ordained by their own bishops⁶⁷. This meant there were roughly around one hundred autocephalous Churches in existence at the time since there was a Metropolis in almost every one of the one hundred Provinces of the Roman State. This would change, however, by the end of the 4th century when the Metropolises first united into Dioceses or Exarchates, and then into even more powerful entities such as the Patriarchates. Regardless of the number of independent autocephalous Churches, they never fell under six in the Greco-Roman State, and even then, the borders of these Churches did not always coincide with the borders of the State. A good example of this can be

67. See RALLE-POTLE, *op. cit.*, II, p. 171.

seen in the fact that the autocephalous Churches of Antioch, Jerusalem, and Cyprus were all located within one Eastern Diocese at the time.

In more recent times, Troitsky pointed out, we can see many examples of a variety of autocephalous Churches existing within one State, such as in:

1. The Ottoman Empire – which included all four Eastern Patriarchates, as well as the Churches of Serbia and Bulgaria which held onto their autocephaly until 1766 and 1767 respectively.

2. The Austro-Hungarian Empire – which included three autocephalous Churches and one autonomous Church.

3. The British Empire – which included the Churches of Alexandria, Jerusalem, and Cyprus.

4. The USSR – which included the autocephalous Churches of Russia and Georgia.

On the other hand, Troitsky shows that the opposite were true with some Orthodox Churches which extended their jurisdiction across the territory of several States, e.g.:

1. The Roman Church not only encompassed all of the states of Western Europe, but it also extended its authority to a part of Byzantium, which for a long time bordered the Diocese of Thrace. Emperor Justinian I changed this somewhat when he created the autocephalous Diocese of “Justiniana Prima” in the Balkans to the detriment of Rome (*Justinian’s Novel XI (535)*), only to dissolve this Diocese and subordinate the territory back to Rome ten years later (*Justinian’s Novel 131 (545)*).

2. The Russian Church, which is located in a great and independent State, was for several centuries subordinate to the Church of Constantinople. Constantinople even retained its jurisdiction over the Little Russian Church until 1686 A.D., even though Little Russia had already become a part of Russia by 1654 A.D.

3. The Church of Constantinople extended its jurisdiction over Poland, Lithuania, Moldavia, Wallachia, Serbia, Hungary, and later even subordinated the English Ionian Islands under its control⁶⁸. Constantinople now has Dioceses in Western Europe, America and Australia.

68. See RALLE-POTLE, op. cit., V, pp. 522-523.

4. The Serbian Church had its own Dioceses in America, Hungary, Italy, Albania, and the Czech Republic.

5. The Church of Alexandria has Dioceses in Abyssinia (Ethiopia) and Nubia (Southern Egypt and Sudan), etc.

With all the above in mind, Troitsky concludes that the autocephaly of a Church is therefore in no way bound to the political independence of the State to which the known Church is located as enforced by Constantinople today. In this sense, he agreed wholeheartedly with the then Metropolitan Philaret of Moscow who stated that, “*One Church can be in many nationalities, in many kingdoms*”⁶⁹, as well as with the then deceased Patriarch Tikhon who wrote, “*The state sword, as it is known, cannot by itself define the borders of local churches*”⁷⁰.

c) Conclusions on the Case of the Church of Poland

Turning back to the topic at hand, Troitsky ends with some direct statements on the situation of the Church in Poland. He maintains that the political independence of Poland did not give it the right to proclaim autocephaly independently from the Russian Church that was located there, especially when this goes against the interest and benefit of the Church. The Russian Church, in turn, could have given autocephaly to the Polish Church if it felt that independence would help foster its development and enlightenment, but the fear of it deviating into Uniatism or Catholicism made it choose otherwise. He also maintained that the Polish situation was especially delicate since the overwhelming majority of the population belonged to the Catholic Church whose clergy retains hostile feelings towards the so-called “*Eastern schismatics*”. This was, in fact, the reason why both Patriarch Tikhon and Metropolitan Sergei repeatedly refused to recognize the autocephaly of the Polish Church⁷¹. Having said that, Troitsky did acknowledge that the conditions had changed after WWII, but felt that the Orthodox Church in Poland was worse off since its population had been reduced after WWI due to the persecution of the Orthodox by the Polish State which fostered wartime adversity and sought territorial expansion to the detri-

69. See METROPOLITAN PHILARET, “*Collected Thoughts and Excerpts*”, V, 694.

70. See Patriarch Tikhon Letter to the Romanian Synod, 5th June 1918 (No 1396).

71. See *The letter of Patriarch Tikhon*, May 23, 1924, and *The letter of Metropolitan Sergei*, 24th November 24, 1927 (No 397).

ment of Russia. In this sense, the Polish Church was now weaker and smaller in number, which showed that it was not ready for independence. Having said that, Troitsky was optimistic about the future stating that improvement of relations between Russian Church and State relations meant that the central Church authority in the Russian Church would now be able to give more active assistance to the Orthodox population that were scattered in the heterodox State.

In his final conclusion on the subject as a whole, Troitsky sums up that Constantinople's novel theory over the Orthodox diaspora has no legal basis on Canons 2 ECII, 8 ECIII, and 17 & 28 ECIV as argued by its protagonists. In this light, Constantinople's "*arrogance of worldly powers, condemned by the canons*", only harms the work of the Church, and therefore, "*the sooner the conscience of the Ecumenical Church, illumined by the Spirit of God, condemns this papalistic and anti-canonical heresy, the better*"⁷².

PART III

Professor Photiades' response to Professor Troitsky's article⁷³

i) The Context and Purpose of Troitsky's Article

Professor Photiades starts with a general observation regarding Professor Troitsky's article. He states that it was written in the aftermath of territorial changes in Central Europe and especially in certain Russian lands, following WW1. These changes, he points out, necessitated a new reorganization and change in the administration of certain sections of the Orthodox Church in these territories which were procured by the Ecumenical Patriarchate, since there was no organized and recognized autocephalous Church in them. Troitsky's aim, he says, was to contest the jurisdiction of the Ecumenical Patriarchate over these lands and especially over the Orthodox diaspora and Orthodox missions

72. This last paragraph was included in the English abridged version. See TROITSKY, op. cit., pp. 66-67.

73. See ΦΩΤΙΑΔΗΣ, «Ἐξ Ἀφορμῆς ἐνὸς Ἀρθροῦ (On account of an Article), op. cit., TROITSKY, ("*O granitchach raspostradenija prava vlasti Konstantinopolskoj Patriarchii na 'diaspora'*") (The Limits of the Authority of the Patriarch of Constantinople over the Diaspora), op. cit.

in general. More specifically he targeted the actions taken by the Ecumenical Patriarchate in establishing – beginning in 1923 and subsequently – the autocephaly of the Orthodox Church of Poland and the autonomy of the Orthodox Churches of Estonia, Finland and Czechoslovakia, and the Russian Province in Western Europe. Troitsky accused the Ecumenical Patriarchate of being infected by a sort of “*typhus of worldly power*” which made the Ecumenical Patriarchs of the 20th century – starting with Meletios IV, whom he blames as being the cause and creator of this anomaly – seize the opportunity to extend its jurisdiction beyond its own territories at the expense of the other Orthodox Churches. He based his contention on church Canons and scholia of ancient canonists, whereby he believed that he exposed the claims of the Ecumenical Patriarchate of extended jurisdiction as counterfeit and uncanonical⁷⁴. Photiades also notes that this is not the first time that Troitsky deals with this issue. He had also raised it when he was a refugee in Yugoslavia, on the occasion of the action of the Russian Metropolitan Evlogy (he actually refers in a footnote to his publication *Tcherkovna jurisdiktchija nad diasporom*, Beograd, 1932). For Photiades, Troitsky’s contentions constitute a misinterpretation of the Canons which distorts the truth to the detriment of the First Throne of the Orthodox Churches⁷⁵.

ii) The Scope of Photiades’ Response

To demonstrate this adjudication, Photiades turns to a full examination of the relevant Canons and to an elaboration of their meaning through specific examples of their concrete applications in the history of the church. As he puts it, his response to Troitsky’s challenge is to recall briefly the canonical basis of the Ecumenical Patriarchate’s establishment and growth in order to show; a) why Troitsky’s misinterpretation of the Canons distorts the truth to the detriment of the First Throne of the Orthodox Churches; b) why the other Orthodox Churches do not have the canonical right to interfere in the administration of the Orthodox in Europe; and c) why only the Apostolic and Patriarchal Ecumenical Throne had the canonical right to declare the autocephaly of the Orthodox Church of Poland and to organize according to the principles of autonomy the Orthodox Metropolises that were found outside the Orthodox Russian Church after WWI⁷⁶.

74. ΦΩΤΙΑΔΗΣ, op. cit., p., 210.

75. Ibid.

76. ΦΩΤΙΑΔΗΣ, op. cit., pp. 211-2.

I. The canonical basis of the extra-jurisdictional rights of Constantinople
iii) Canon 3 ECII

First, he recalls that the position of the Bishop of Constantinople was defined by Canon 3 ECII, which ascribed to him “*seniority of honor after the Bishop of Rome, because Constantinople is New Rome*”⁷⁷. It was on this basis, he goes on to stress, that the Bishops of Constantinople presided in Synods in the East, whether general or local, and ordained several Eastern Bishops and even Metropolitans, just as the Bishop of Rome did in the West. Photiades documents several specific examples involving the Bishops of Constantinople of this period: Nektarios, Sissinios, Nestorios, John Chrysostom, Atticos and Proclos, which, he states, clearly demonstrate that the Bishop of Constantinople exercised patriarchal rights on the dioceses of Pontus and Asia much earlier than ECIV⁷⁸.

iv) Canon 28 ECIV

Second, he states that this application of Canon 3 was fully recognized at the ECIV at Chalcedon and was canonically sanctioned and extended by its Canon 28⁷⁹. Photiades also documents that the stipulation of Canon 28 that the bishop of Constantinople would only ordain the Metropolitans and not the bishops of the Metropolises that were under him, i.e. those of Pontus, Asia and Thrace, represented a diminution of his rights which was due to the intervention of Leo of Rome as Patriarch Anatolios of Constantinople revealed. But the compensation for it was the right, explicitly accorded to the bishop of Constantinople, to have extra-jurisdictional rights for ordaining all bishops in the barbarian territories beyond the boundaries of his own Metropolises⁸⁰.

v) Canons 3ECII, 28 ECIV and 36 ECVI

Third, Photiades recalls Canon 36 ECVI, which combines and supplements the rights and prerogatives that were sanctioned by Canons 3 ECII and 28 ECIV⁸¹. All these Canons (3, 28 and 36 of the Ecumenical Councils), says Photiades, specify the *administrative authority* (τὴν διοικητικὴν ἐξουσίαν) of the

77. ΦΩΤΙΑΔΗΣ, op. cit. p. 212. For Canon 3 see RALLE-POTLE, op. cit., I p. 173.

78. For a full discussion of this see op. cit., pp. 212-213.

79. For the text of Canon 28 see RALLE-POTLE, op. cit., II, pp. 280-281.

80. For details see ΦΩΤΙΑΔΗΣ, op. cit., p. 215 and footnotes 18 and especially 20.

81. ΦΩΤΙΑΔΗΣ, op. cit., p. 213. For Canon 36 see RALLE-POTLE, op. cit. II, p. 387.

Bishop of Constantinople, but he is quick to point out, that there are also other Canons, which were stipulated to specify *his juridical rights* (δικαστικά δικαιώματα) in the Church as a whole, namely, Canons 9 and 17 ECIV, to which he turns.

vi) *Canons 9 and 17 ECIV*

Fourth, Photiades explains that Canons 9 and 17 ECIV state that the Bishop of Constantinople is the final court of appeal for all disputes and problems among clergy, including bishoprics and metropolises⁸². Canon 9 refers to political differences and disputes between clerics, cleric and bishop, cleric or bishop and metropolitan, and orders that all these cases “*should be adjudicated ... by the Exarch of the prefecture (παρὰ τῷ Ἐξάρχῳ τῆς διοικήσεως) or by the throne of the royal city of Constantine*”⁸³. Canon 17 refers to differences in certain eparchial boundaries, and stipulates, that, “*if one is unjustly treated by its own metropolitan, then its case should be adjudicated by the Exarch of the Prefecture, or the Throne of Constantinople, as it was already stipulated*”⁸⁴. Photiades explains that Exarch here means the *Patriarch* and cites as evidence i) Justinian’s Novel 123, Ch. 22 and ii) the appeal of Ibas of Edessa to his Exarch in Act 10 of ECIV, because both of them identify the Exarch with the Patriarch⁸⁵.

vii) *The Canonists*

To explain further these *juridical rights* of the Bishop of Constantinople Photiades also recalls Alexios Aristenos’ scholion and interpretation, which states that “*the final appeal is referred to the patriarch of Constantinople – a privilege that was given to no other Patriarch, neither by canons, nor by laws, namely, that a metropolitan of another patriarch can be ultimately judged by no one else, save the Patriarch of Constantinople*”⁸⁶. Indeed, it was in accordance with Canon 9 ECIV that the emperors Leo and Constantine ordered: “*That the judgment of the Patriarch of Constantinople is not subject to a higher appellate authority, nor could it be revised by any other; for all ecclesiastical criteria are from this one, and in this one they are resolved and to this one they return; be-*

82. ΦΩΤΙΑΔΗΣ, op. cit., pp. 216-217.

83. RALLE-POTLE, op. cit., II, p. 237.

84. RALLE-POTLE, op. cit., II, pp. 258-259.

85. Mansi, *Concilia Ampl. Collectio VII*, 237.

86. RALLE-POTLE, op. cit., II, p. 240.

sides, this one is not from another nor related to another; because this is the primary principle". This, says Photiades, is the interpretation of this Canon adopted by the great scholars Beveridge, Hefele and Leclercq⁸⁷.

viii) *Canon 9 ECIV and Canons 3 and 5 of Sardica*

There are two more issues that Photiades brings up at this point. The *first* issue is Leclercq's comparison of the appellate jurisdiction accorded to the patriarchal Thrones of Constantinople and Rome. He says that they are not the same in weight and content because Canon 9 ECIV (related to Constantinople) is issued by an Ecumenical Synod and is not the same with Canon 3 of the local synod of Sardica (related to Rome). The former grants the Patriarch of Constantinople the right to adjudicate appellate cases by himself, whereas the second grants the Pope of Rome the right to *appoint adjudicators* who would deal with appellate cases. Besides, Canon 5 of Sardica stipulates that the Throne of Rome *should not adjudicate anything* without referring it to the throne of Constantinople as well. So, Photiades recalls this enhancement of the superiority of the Throne of Constantinople by recalling Justinian's *Novel 130*, which states, among other things, that "*The canonical disputes that arise in the entire Illyricum should not be determined without the opinion of the Archbishop of Constantinople and his Synod, which has the privileges of the ancient Rome*"⁸⁸. He also refers here to the attempt of Zosimus of Rome to forge the Canons of Nicaea in order to enhance his appellate rights over the disputes in Carthage, and how his forgery was exposed through the use of the archives of the Churches of Alexandria and Constantinople⁸⁹.

ix) *The Meaning of Ecumenical Patriarch*

The *second* issue that Photiades elucidates here is the historical use and meaning of the titles of *Exarch*, *Archbishop* and *Patriarch*, and how they evolved in the history of the Church and especially in the Church's synodical procedures⁹⁰. He focuses on the title *Archbishop and Ecumenical Patriarch*, which was

87. BEVERIDGE, Συνοδικόν, vol. II., HEFELE, *Histoire des Conciles*, trad. par Leclercq, B2, p. 794.

88. See RALLE-POTLE, VI, op. cit. pp. 259, 260.

89. See ΦΩΤΙΑΔΗΣ, op. cit. p. 218.

90. Here he turns to accredited scholars like I. ANDREEFF (*Konstantinopolskie Patriarchi ot vremeni Chalki donskavo Sobora do Fitija*, Sergeif Posad, 1895), TH. ZAHN (*Forchungen zur Geschichte des neutestamentlichen Kanons und der altkirchlichen*

granted to the Archbishop and Patriarch of Constantinople John II in 518-519. To bring out the actual meaning of this title, he engages in a discussion of the disputes raised between East and West concerning this title, citing an impressive array of scholarly witnesses⁹¹. His conclusion is a statement from Professor Kartaschoff: “*The examples that I mentioned in my book are sufficient for the recognition of the primacy of the Patriarch of Constantinople in our Orthodox East, not only as an archaeological event of the past, but as a living and active principle*”⁹². Thus, Photiades stresses the *primatial* and *superior* position of the Patriarch of Constantinople amongst the Eastern Patriarchs and Presiding Hierarchs of the Orthodox Autocephalous Churches, which entailed, he says, not only privileges but also duties. These included his care for all in the Church, his involvement in the needs of the local Churches for the building up and training of the Christian people, and his intervention for restoring canonical order wherever it was shaken or violated. History has shown that the Ecumenical Patriarch has always employed these duties and privileges in ways that bring out solutions and secure the stability and integrity of the Most Holy Orthodox Churches in every locality. To demonstrate this claim more concretely, Photiades produces specific examples from the history of the Orthodox Church, some before the capture of Constantinople by the Turks (1453) and some during the Turkish yoke – obviously to decry the view that Constantinople lost its primatial rights after its capture by the Turks:

x) Historical Application of the Ecumenical Prerogatives

a) *Examples before 1453*: The first one is the solution provided by the Synod of Constantinople already in 394 to the dispute between bishops Agapios and Bagadios over the bishopric of Bostra, which belonged to the jurisdiction of Antioch⁹³. For many others like this one, he recalls Anatolios of Constantino-

Literatur, III, Erlangen 1884) and W. MOELLER (*Lehrbuch der Kirchengeschichte*, Freiburg I, 1889).

91. He cites PICHLER, Hergenröther, Gelzer, Ziegler, Andreeff, Barsov, Vailhé.

92. KARTASCHOFF, A., *Praktika appélatchionnavo prava Konstantinopolskich Patriarchof*, Warszawa 1936, p. 19. See also Photiades' Greek translation of the Russian original of Kartaschoff's entire article which is very relevant for his argument and was published in the same year with the present article, «Τὸ τοῦ Ἐκκληίου Δικαίωμα τῶν Οἰκουμενικῶν Πατριαρχῶν ἐν τῇ Πράξει», *Ἄρθροδοξία*, τομ. 23 (1948), σσ. 279-298.

93. Migne, PG, cxxxviii, clms. 449-453, cxix, 821-825.

ple's statement before more than 600 bishops at the Ecumenical Council of Chalcedon (ECIV) about the established custom of bishops sojourning in the great City bringing up many of their ecclesiastical problems to the Standing (Ἐνδημοῦσα) Synod of Constantinople and getting canonical solutions.

As conspicuous examples of this custom, Photiades mentions those connected with the Regulations on Marriage issued under Patriarch Sisinnios II (10th c.) and the Regulations on Fasting under Patriarch Ioannes Xiphilinos (11th c.) which became law for the entire Orthodox Church⁹⁴. Another such example is the defrocking of bishop Ioannes of Amathous in Cyprus by a Constantinopolitan Synod under Patriarch Lukas I Chrysoverges (12th c.)⁹⁵; and yet another, Patriarch Kallistos I's calling to order the Archbishop of Ternovo and All Bulgaria (1355), who, having been honored by the Synod of Lampsakos (1234) under Patriarch Germanos II, through receiving the title of Patriarch, but without being lined up (enumerated) with the other Patriarchs and commemorated in the diptychs, tried to acquire high-handedly full patriarchal rights and defy the jurisdiction over him of the Patriarch of Constantinople⁹⁶.

b) Examples after 1453: In regard to the period of Turkish yoke, Photiades speaks of a plethora of examples of specific actions taken by the Patriarchs of Constantinople in fulfilling their duties and privileges for the good of the Orthodox Churches everywhere. Such examples, he says, are presented in the second volume of *Πατριαρχικὰ Ἐγγράφα* of the Archivist of the Ecumenical Throne and later Metropolitan of Berroia, Cyzicos and Caesarea, Kallinikos Delikanes. They relate to dogmas, holy traditions and canonical ecclesiastical regulations that concern the entire body of the Orthodox Church, and especially to important matters that concern this or that Autocephalous Orthodox Church. This is particularly the case with the Churches of Alexandria, Antioch, Jerusalem (including the Archdiocese of Sinai), and Cyprus, spanning the period 1574-1863.

As exceptional, important examples of this period, Photiades mentions the election of the Metropolitan of Aleppo under Patriarch Paisios II, as recorded

94. RALLE-POTLE, op. cit. V, p. 41ff, and V, 51-56.

95. RALLE-POTLE, op. cit. III, 324.

96. MIKLOSICH ET MÜLLER, *Acta Patriarcatus Constantinopolitani*, A, 438, clxxxvi. Also see ΔΕΛΙΚΑΝΗΣ, ΑΡΧΙΜΑΝΔΡΙΤΗΣ Κ., *Πατριαρχικῶν Ἐγγράφων Τόμος Γ'*, Κωνσταντινούπολις, 1905, p. 1046-1047.

in a memorandum which exalts the Patriarch of Constantinople for his care not only for his own but also for all Churches in exercising his prerogatives, granted to him by Ecumenical Synods and Royal decrees⁹⁷. Another example is also connected with the Metropolis of Aleppo and specifically with the election of its Metropolitan Philemon by the Ecumenical Patriarch to whom this Metropolis was ceded for a time by Silvester of Antioch because of exceptional problems. Both in the memorandum of this case (1757), as well as in the Act of the return later on of the Metropolis of Aleppo to the Patriarchal Throne of Antioch under Patriarch Samuel I (1766), the Ecumenical Throne of Constantinople is praised as the common (canonical) Mother of all the Churches everywhere, who takes care of the needs and problems of all the Churches, since it was invested with appropriate canonical rights and privileges⁹⁸. Photiades adds another conspicuous memorandum related to the election of Patriarch Daniel of Antioch (1767), which similarly exalts the exceptional, canonical role and importance of the Ecumenical Throne⁹⁹. The final and most important examples that complete professor Photiades' array of evidence for the extended jurisdiction of the Ecumenical Throne in the Orthodox Church as a whole bring him to his explicit response to Troitsky's unjust accusations against the Ecumenical Throne:

The first example is the 1663 *Tome* of the four Patriarchs of the East, Dionysios III of Constantinople, Paisios of Alexandria, Makarios of Antioch and Nektarios of Jerusalem, which they issued as a response to 25 questions submitted to them by the Church of Russia. Photiades cites the *questions* and *answers* nos. 8, 21 and 22 which are relevant to his answer to Troitsky's claims:

Question 8: Whether every judgment of other churches is referred to the Throne of Constantinople to adjudicate and whether every ecclesiastical dispute receives its final answer by this Throne?

Answer: This privilege belonged to the Pope before he was split from the catholic Church through arrogance and self-willed mischief; but after his split, all matters of the Churches are referred to the Throne of Constantinople and all decisions are issued by this Throne, since he has *equal primatial rights* with the Old Rome *according to the Canons...* That this privilege has been transferred to the Ecumenical Throne, can be ascertained in many ways, and not least by

97. ΔΕΛΙΚΑΝΗ, op. cit. Tomos II, p. 189.

98. For the relevant memoranda see ΔΕΛΙΚΑΝΗ, op. cit. Tomos II, 200-1 and 210.

99. Ibid. pp. 212-213.

the scholia of the great Legal authorities ... and from the canonist Balsamon who says “*that what has been legislated especially about the Pope is not only his privilege, but is understood to be also applicable to the Bishop of Constantinople;*” since, however, the Bishop of Rome has split himself from the Catholic Church, this legislation and privilege is referred only to the Ecumenical Throne. Then, if it happens that the rest of the Patriarchs give their consent, to any major issue that is determined by the Ecumenical Throne, the decision taken will be unalterable.

Questions 21 and 22: If a metropolitan or patriarch, being liable, is to be judged by the bishops who are under him... and if, becoming unbridled, he runs to an arbiter with their decision, what should be done?

Answer: The decision of the Ecumenical Throne and the Patriarchs, which is issued against him in writing, and whatever else appears to be lawful and according to the Canons as it has been already said, and since the Ecumenical Throne has this prerogative according to the Canons, will be maintained, and there is no further arbitration left for this case...¹⁰⁰.

The second example Photiades cites is a statement from the *Tome* of the foundation of the Patriarchate of Moscow which was signed by Patriarch Ieremias of Constantinople, Joakim of Antioch, Sophronios of Jerusalem and 81 Metropolitans in order to show the exceptional and leading position of the Ecumenical Patriarch in the chorus of the Presiding Hierarchs of the Orthodox Churches: “... so that he (the Patriarch of Moscow) may have the Apostolic Throne of Constantinople as his head, like the rest of the Patriarchs”¹⁰¹.

xi) The Ecumenical Patriarch’s True Historical Profile

At this point, Photiades acknowledges that certain Russian canonists (Souvorov, Pavlov, et al.) and historians, unable to assess this multifaceted activity of the Patriarch of Constantinople, spoke of an *Eastern Papism* and accused the Ecumenical Patriarch of trying to impose a papal authority in the East. Such, he says, has been recently the position of Professor Troitsky, who has spoken with easy-going conscience of New Rome’s “*sin of worldly power,*” because of the latest activities of the Ecumenical Patriarchate in Western Europe and the Dia-

100. M. GEDEON, *Κανονικαὶ Διατάξεις*, τόμος α', 341-366 and DELIKANES, op. cit. III, pp. 93-118.

101. ΔΕΛΙΚΑΝΗ, op. cit., III, p. 25.

spora. The fact is, says Photiades, that what Constantinople did was nothing else but a simple continuation of what it had always done in the past in exercising its duties and prerogatives since its inception. How wrong Troitsky and those others who expressed such views have been could be clearly seen if due consideration would be paid either a) to the Act of Patriarch Neophytos VII, which placed again the Metropolis of Aleppo under the jurisdiction of the Patriarchal Throne of Antioch¹⁰², or b) to the Sigillion of Patriarch Gerasimos II concerning this matter¹⁰³, or even c) to the Ecumenical Patriarch's rebuke of Gregory of Aleppo who failed to commemorate the name of Patriarch Silvester of Antioch after the return of his Metropolis to the Antiochian Patriarchate, but commemorated instead the Ecumenical Patriarch¹⁰⁴. The relevant texts which Photiades cites regarding these three cases stress: a) the Ecumenical Throne's intolerance of those who exceed their rights out of avarice and act and speak unjustly (ἀφαιρῆν ἐκείνων τὰ δίκαια καὶ πλεονεκτεῖν ἀδικοῦντα, οὐχ ὅπως πράττειν, ἀλλ' οὐδὲ ἀκούειν ἀνέχεται); b) the Ecumenical throne's blameless behavior towards the other patriarchal and apostolic thrones, inasmuch as it does not take away from them what the laws have granted them, nor does it allow them to act beyond their boundaries, but takes special care for their rights and needs through collaboration with them (μήτε τὰ ἐκ τῶν νόμων προσήκοντα ἐκείνοις ἀφαιρούμενος, μήτε ὑπὲρ τοὺς ὅρους πράττειν ἀξιῶν, ἀλλὰ μάλιστα πρὸς τὰ δίκαια καὶ τὰς χρείας ἐκείνων... συναντιλαμβανόμενος) and c) the Ecumenical throne's readiness to repudiate those actions that are out of place and inappropriate as ignoring expressed synodical decisions and instructions (ἄτοπα καὶ παράλογα πράγματα ἔξω τῆς συνοδικῆς ἀποφάσεως καὶ παραγγελίας)¹⁰⁵. So, Photiades concludes that the Ecumenical Patriarch has never tried to diminish the rights of the other Churches, neither did he ever allow the others to do so.

As conspicuous evidence for this, Photiades adduces the condemnation by the Ecumenical Patriarchs Methodios II, Iakovos I, Kallinikos II and Gabriel III, issued at the request of the Patriarchs of Jerusalem, of the repeated attempts of the Archbishops of Sinai to be freed from the canonical jurisdiction over them of the Patriarchs of Jerusalem. His citation from the Synodical Let-

102. Ibid. III, p. 217.

103. Ibid. II, p. 220.

104. Ibid. II, p. 191.

105. Ibid.

ter of Patriarch Iakovos I, issued in the year 1687 describes the unshakeable position of the Ecumenical Throne towards the other Orthodox Churches: “... it is aligned with the canon and order of the Apostolic Church that was handed down from ancient times, by being determined to preserve unbroken the privileges of the Churches that exist everywhere, in accordance with the Apostolic prototypes and the synodical and canonical terms and stipulations of the divine fathers, and in accordance with the canonical power with which the Ecumenical Throne of Constantinople has been enriched, as well as with the matters that are put before it for adjudication, or for restraining the irregularities that occur in the Churches of God in other territories, and for reforming such matters with the view to restoring order...”¹⁰⁶.

II. Response to Troitsky’s arguments about Canon 28 ECIV

Photiades turns next to Troitsky’s “*bitter scholia*”, as he qualifies them, regarding Canon 28 ECIV, which were aimed, he says, at limiting the meaning and scope of this Canon towards securing the right of intervention in the ecclesiastical affairs of the Orthodox in Europe and especially the newer Slavic Churches, which were of particular concern. He focuses on Troitsky’s claim that the phrase Ἐν τοῖς βαρβαρικοῖς has no geopolitical sense and, therefore, it does not refer to an Orthodox diaspora, found outside the boundaries of states where Orthodox Autocephalous Churches exist and where Constantinople has the right of jurisdiction according to Canon 28.

i) Τὰ Βαρβαρικά, Geopolitical and Ecumenical, not Ethnological

In his response, Photiades first observes that to back his claim Troitsky attempts to clarify the meaning of the terms “diaspora” and “barbarian” in ecclesiastical usage although the term “diaspora” is not mentioned in Canon 28. As for the phrase “Ἐν τοῖς βαρβαρικοῖς...” of Canon 28, it should not be understood as implying βαρβαρικοῖς ἔθνεσι – as some, including professor Troitsky, believe, on the basis of Canon 2 ECII, which explicitly states: *that the Churches of God that are situated in territories belonging to barbarian nations must be administered in accordance with the customary practice of the Fathers*. Photiades explains that this Canon refers to those Churches that existed in the barbarian nations outside the Byzantine state, i.e. among peoples who had not yet been fully Christianized, but observed barbarian customs of behavior, since they

106. Ibid., p. 403.

had not yet been familiarized with the Greek language and civilization, “*where perhaps there were not enough Bishops to form a Synod*” which would lead them according to the decisions of Nicaea¹⁰⁷. Furthermore, Photiades explains, on the basis of Zonaras and Balsamon, that through Canon 2 the Fathers of ECII complemented Canons 6 and 7 ECI, which had specified the jurisdictions of Rome, Alexandria, Antioch and Jerusalem. Thus, Canon 2 ECII, specified the jurisdiction of the Bishops of Asia, Pontus and Thrace, *prohibiting them from intruding into the churches beyond their jurisdiction, i.e. in churches existing in the barbarian nations, beyond their borders*, unless they were invited in accordance with the customary practice of the Fathers¹⁰⁸. ECIV modified Canon 2 ECII by issuing Canon 28 which specified the boundaries of the jurisdiction of the Throne of Constantinople, placing under it the previously self-governed ecclesiastical dioceses of Pontus, Asia and Thrace, as well as those Churches existing in the barbarian nations which according to Canon 2 lay beyond the boundaries of the aforementioned dioceses. By using, however, the more general term ἐν τοῖς βαρβαρικοῖς without the specification ἔθνεσι of Canon 2, Canon 28 ECIV pointed generally to all the Churches beyond the boundaries of the Byzantine State because it used the term τὰ βαρβαρικὰ topographically like the synonymous term τὸ βαρβαρικόν. Indeed, this is the meaning given to this term in the well-known *Lexicon of the Roman and Byzantine Periods* of E.A. Sophocles, and the same is confirmed in Canon 30 ECVI which includes the Churches in Russia and Alania among the barbarian ones¹⁰⁹.

In light of the above explanations, Photiades concludes that no other Churches, except the Church of Constantinople, possess the canonical right to assist in the administration of Christians found in places lying beyond the specified boundaries of their jurisdiction. This, he repeats, is the clear import of Canon 2 ECII, to which he also adds Canon 8 ECIII which explicitly states: “*that none of the Bishops most beloved by God shall take hold of any other province that was not formerly and from the beginning under him, but if anyone has taken hold of any and placed it under him forcefully, he shall return it to its rightful owner*”¹¹⁰.

107. Photiades cites Hefele, Duchesne and Abbé Fleury, see p. 226 and refers to RALLE-POTLE, op. cit., II 170 concerning Canon 2 ECII.

108. Ibid. pp.170-172.

109. RALLE-POTLE, op. cit., II, pp. 369-371

110. RALLE-POTLE, op. cit., II, p. 203.

His reason for citing Canon 8 ECIII is that it was used along with Canon 2 ECII by professor Troitsky who “wrote frivolously and disrespectfully about the ever-memorable Patriarch Meletios, who made good use of these two Canons in censuring the Russian Hierarchs outside Russia for intruding into episcopal jurisdictions, lying outside the boundaries of the Russian Church.” He actually cites the Letter of Patriarch Meletios of Alexandria dated 22/5 July 1927¹¹¹, and Troitsky’s four criticisms and provides his four responses to them.

ii) Patriarch Meletios’ Letter to Metropolitan Anthony of Kiev

Photiades does not discuss the Letter of Patriarch Meletios. The fact that he cites the whole of it means that it speaks for itself. A brief description would suffice for our purposes here. The first paragraph is extremely important, because it supplies the data which called for the composition of this letter. These data are: a) the Letters and Encyclicals sent to Patriarch Meletios from Metropolitan Anthony of Kiev and the Russian Hierarchs sojourning with him in Karlovtsy, dated 28 August 1926, regarding their discordance with Metropolitan Evlogy and their decisions against him, and b) Metropolitan Evlogy’s Letters who placed his own case and that of the other Russian Hierarchs under the judgment of Patriarch Meletios.

There follows the immediate reaction of Patriarch Meletios: i.e. the summoning of his Synod of Hierarchs to examine this case using as criterion the sacred Canons. Then the content of this examination, is described in terms of two crucial questions that need to be answered: a) What is the status of Russian Hierarchs meeting in Karlovtsy and presenting themselves as a Ruling Synod for all the Russian Orthodox throughout the world, according to the Apostolic and Synodical Canons? And b) What is the canonical value of the decisions, both administrative and juridical, that were taken by this Synod regarding Metropolitan Evlogy?

111. See his present article, «Ἐξ ἀφορμῆς». op. cit. footnote 56, pp. 228-231, reprinted from *Πάντανος* 1927, σσ. 514-516: «Μελέτιος ἐλέω Θεοῦ Πάπας καὶ Πατριάρχης τῆς Μεγάλης Πόλεως Ἀλεξανδρείας καὶ πάσης γῆς Αἰγύπτου, Ἀριθμ. 1551, Τῷ Ἱεροτάτῳ Μητροπολίτῃ Κιέβου κ. Ἀντωνίῳ καὶ τοῖς σὺν αὐτῷ Ῥώσσοις Ἀρχιερεῦσι χαίρειν ἐν Κυρίῳ...» For an English translation of this Letter and a fuller discussion of Troitsky’s objections, see MAXIMOS OF SARDES, *The Oecumenical Patriarchate in the Orthodox Church*, op. cit., footnote 1, pp. 225-227.

The paragraph that follows acknowledges the tragedy that befell the Holy Church of Russia since 1919, which led to the separation of some of their Hierarchs from their flock, who, as they were pursued, found themselves not only outside their provinces but also outside the Russian Church, and who, after several wanderings settled in Karlovtsy of Yugoslavia on the territory of the Serbian Church. These Hierarchs first appeared as a kind of Hierarchical Conference, but gradually they were developed into a Hierarchical Synod of the Russian Church Outside the Russian Borders (ὑπερόριος ρωσσικὴ ἐκκλησία).

Then, the Letter produces the canonical verdict through a series of observations. There is no canonical Church outside its borders (ὑπερόριος), which could have a Synod ruling it. The Canons and the ages-long praxis of the Church know only of, “*Churches within borders*” (ὄρια Ἐκκλησιῶν), and of orders of the Fathers “*not to remove eternal borders which our Fathers have laid*”, and also of threats of sacred Canons against those, “*who dare to do ordinations outside the borders of their own jurisdiction*” (Apostolic Canon 35). However, the Letter acknowledges that the term, “*church outside its borders*” (ὑπερόριος ἐκκλησία) does appear in the Canons. There is the case of Canon 2 ECII, but this contradicts the case of the Russian Bishops in Karlovtsy. These Bishops are ‘retired’ from their charges (σχολλάζοντες) and, as such, are condemned by Canon 16 of Antioch. The Patriarchs of Constantinople and Antioch are obliged to operate within their specified borders, but the Russian Bishops in Karlovtsy have assigned to themselves a synodical jurisdiction extended locally over the five continents. They recall Canon 39 ECVI, which relates to the Archbishop John of Cyprus and his people who were forced into exile at the time of Justinian II, to justify their action but this is not the same with their case. It could, perhaps be applicable to these Russian Bishops in Karlovtsy, if the Patriarch of Serbia had given them the entire Sirmian region to administer as an eparchy of its Patriarchate, for in this case their case would to some extent match the case of the exiled Cypriots.

The final point in answer to the first question is the confusion that an *hyperorios Russian church* would inevitably create world-wide, because it would lead to the development of as many *hyperorios orthodox churches* as there are autocephalous ones, i.e. Greek, Serbian, Romanian, Albanian, Syrian, Polish, Ukrainian, Palestinian, Egyptian, namely, a multi-jurisdictional ethnophyletist diaspora, which would share the same territory.

The second answer regarding Evlogy is brief and consists of five succinct points: 1) that the self-named “*Hierarchical Synod of the Russian Church Abro-*

ad' is uncanonical, as standing up against the Apostolic and Synodical Canons and Praxis of the Church. 2) The Most Blessed Patriarch of Serbia has the right to recognize the right of the Russian Metropolitans and Bishops to teach and liturgize only within the Serbian territory. 3) That the aforementioned have no authority to ordain and enthrone Hierarchs in the barbarian lands and generally outside Russia in the Provinces which are canonically placed under the Ecumenical Patriarchate, as in Europe, where there is already a canonical Hierarchical Authority, legally established. 4) The aforementioned Synod has no right to call Metropolitan Evlogy to offer an apology and to judge or acquit him, having been placed under the Synod of the region to which the land ecclesiastically belongs. 5) Metropolitan Evlogy has uncanonically settled in Paris, because there was already another Orthodox Hierarch lawfully installed there.

iii) Troitsky's Charges Against Patriarch Meletios

Troitsky's contentions about the Canons mentioned by Meletios are as follows:

1) That Canon 2 ECII, which entirely prohibits any *hyperorios* activity, does not exempt the Patriarch of Constantinople for it does not even make any mention of him.

2) That Patriarch Meletios had purposefully not included the last part of this Canon because allegedly it had to do with the Churches of God in the barbarian nations.

3) That if this Canon comprised only those things that were mentioned by Patriarch Meletios, then, no Church, not even Constantinople exempted, could engage in missions outside its borders, which, of course would contradict the well-known command of the Lord to the holy Apostles "to go and teach all nations" (Matt. 28:19 and Mark 16:15).

4) That Canon 8 ECIII, does not exempt Constantinople either, for it specifies a principle that is enforced on all the Churches, and by that same token – so prof. Troitsky presumes – if the Russian Church cannot have provinces in Poland and Finland, for the reason that these are found in another state, then, neither can the Church of Constantinople have such provinces, because it too is found in another state¹¹².

112. See TROITSKY, op. cit. pp. 36-37.

iv) Photiades' Counter-Arguments Against Troitsky

1) Canon 2 ECII does not exempt Constantinople from the principle it lays down, inasmuch as no such exception was envisaged. Indeed, neither the ever-memorable Patriarch appealed to such an exemption.

2) Patriarch Meletios did not leave out of his Letter to the Russian Bishops in Karlovtsy the last paragraph of Canon 2 purposefully as prof. Troitsky presumes, because allegedly it would have weakened his thesis; but because this paragraph had no relation to the activities of the Russian Hierarchs outside their territory and without borders in a canonical territory of another jurisdiction.

3) Troitsky is wrong in pointing to the last paragraph of Canon 2 as granting freedom for missionary activity to all the Churches according to the Lord's well-known commandment. Even if Canon 2 were to be considered without taking into account its stipulation about activities that were allowed in the Churches of God in barbarian nations and was modified by being placed under Constantinople through Canon 28 ECIV. The paragraph in question in no way awards the right of such *hyperorios* activity to all the Churches. According to the official canonists Zonaras and Balsamon, such a right was awarded only to certain churches neighboring barbarian areas which included Christian populations that had moved there and needed to be organized and taken care of, and therefore did not envisage missionary work among unbelieving barbarian nations¹¹³. This is similar to the case of the Russian Hierarchs who came out of their Church as refugees in Europe and therefore had to be organized by their neighboring Churches, as Patriarch Meletios had pointed out. It seems, says Photiades, that the canonist professor Troitsky forgot that a Bishop exercises his triple authority, priestly, didactic and administrative only inside the province which has been allotted to him, and not outside it, and that he only does what is assigned to him by the ruling Bishop of his area. Photiades also elaborates the tradition that the missionary activity of the Church which was not open to everyone, but to the Apostles and to their chosen successors who went to preach in different regions, and that eventually through the Ecumenical Synods, ECI, ECII and ECIV the world was spiritually distributed into five Patriarchates: Rome, Constantinople, Alexandria, Antioch and Jerusalem, each one taking care of its own region through its Protos (Primus). However, ECIV allotted to the Patriarch of Const-

113. See footnote 59 on p. 232 and RALLE-POTLE, op. cit., II, pp. 170-171.

antinople, besides its own region, the administration of the churches in the various nations so that through him, in collaboration with the others, the unity of the Church might be preserved and the Christian faith might not be harmed.

4) In regard to Canon 8 ECIII, Photiades agrees that it does not exempt the Patriarch of Constantinople. Nevertheless, he does administer the ecclesiastical communities and provinces outside the boundaries of the other autocephalous Churches, not because he is exempted from the principle laid down by this Canon, but because all these are found in its canonical territory, which was specified by the newer Canon 28 ECIV. He would have trespassed Canon 8 ECIII, if he sought to obtain provinces within the canonical territory of the other three Apostolic and Patriarchal Thrones of the East, or in the region of the newer Autocephalous Churches which were released by him. It should be noted, however, that there are some of the newer Churches, and not so much the venerable Apostolic and Patriarchal Thrones, that do engage in such *hyperorios* (beyond canonical boundaries) activity, although they owe their historic existence to the canonical actions of the mother Church of Constantinople.

III. Regarding the autocephaly of the Church of Poland

i) The Actual Case of the Church of Poland

The final section of Professor Photiades' response to Professor Troitsky's essay deals with the issue over the Church of Poland, which provides the opportunity for discussing briefly but comprehensively the parallel issues over the Churches of Bulgaria and Serbia, and very briefly of the Churches of Greece, Romania, Albania and Iberia (Georgia). The issue over Poland is outlined as Troitsky's objection to the autocephaly granted to the Polish Church by the Ecumenical Patriarchate after the liberation of Poland following the end of WW1, as already noted at the beginning of this essay. Troitsky raised two problems, *first* that the necessary conditions for organizing the autocephaly of this Church after the liberation of Poland were not met; and *second*, that the autocephaly was declared by the Ecumenical Patriarchate and not by the Russian Church as the mother of the Church of Poland. For Troitsky, political independence could in no way establish the right to the part of the Russian Church existing in it to organize its autocephaly. The only criterion for such a development should have been the good or the benefit of the Church.

Photiades argues against the first point by recalling Canon 17 ECIV, which states, "*that if any city has been renovated by royal authority, or has been built*

anew again, pursuant to civil and public formalities, let the order of the ecclesiastical parishes be followed;” and also Canon 38 ECVI, which speaks about cities being renovated and renewed, which should also enjoy an appropriate position in their ecclesiastical order as well by becoming upgraded to bishoprics, archbishoprics or metropolises, after becoming severed from its ruling bishop. Finally, the history of the acquisition of autocephaly by the local autocephalous Churches and the published official acts of the Church, clearly show that political independence, although not a necessary prerequisite for ecclesiastical independence, is a contributing factor towards ecclesiastical autocephaly. On this point, Photiades cites three directly relevant scholarly studies¹¹⁴, and also turns to two conspicuous examples, the cases of the Bulgarian and the Serbian autocephalies, which not only put the record straight on the issue raised by Troitsky, but also demonstrate the real and crucial role of the Ecumenical Patriarchate in settling canonically the status and other ecclesiastical affairs of the local Orthodox Churches.

ii) The Example of the Bulgarian Church’s Autocephaly

The Bulgarian Church received, lost and re-received its independence several times due to political changes in that region of the Ecumenical Patriarchate. It became semi-independent under Archbishop Joseph at the Synod of Constantinople of 869-870, when Rome finally withdrew its claims over it. It was granted autonomy in 932, under Tsar Peter (927-960), son of Simeon (893-927), following the peace settlement of Bulgaria with the Byzantine empire. It then lost its autonomy after the dissolution of the Bulgarian state, following the victory over the Bulgarians of the Byzantine emperor Nikephoros II and his successor John Tsimiskes (during 965-971). This was the occasion when Boris II placed his crown on the altar of St. Sophia and became Magistros, while the self-proclaimed Patriarch Damian revoked his arbitrary patriarchal title at Dorostolon¹¹⁵. When Bulgaria was liberated by Tsar Asen II (1218-1241), the Bulgarian Church was acknowledged as an autonomous Archdiocese under Patriarch Ger-

114. PALMOV, I., *Istoritcheskija analogii k voprosou ob Aftokefalii Pravoslavnoj Grouzinskoj Tcherkvi*, *Journal I protokoly zasjedanij pradsobornavo prisoutstvija*, Petrograd, 1907, III, p. 231; M. ZYZYKIN, *Aftokefalia I zasady jej zastosowania*, Warszawa, 1931, pp. 10-22; and LOTOTCHKY, A., *Aftokefalia, zasady Aftokefalji*, Warszawa, 1932, p. 158.

115. GOLOUBINSKY, E., *Kratijj otcherk istorii pravoslavnykh Tcherkvej Bolgarskoj, Serbskoj, Rsumynskoj ili Moldo-Valaschskoj*, Moskva 1871, p. 38.

manos II (1235), but lost its autocephaly when Bulgaria lost its political independence at the end of the 14th century. When again, in the second half of the 19th century, the Bulgarian Church broke away from the Ecumenical Patriarchate and was self-declared autocephalous before the declaration of Bulgaria as an independent state, it was condemned as schismatic by the Great Synod of 1872 as introducing the principle of *ethnophyletism* into the ecclesiastical order. However, in 1945 the schism was lifted and the Bulgarian Church was recognized by Constantinople as autocephalous when it requested forgiveness and denounced its arbitrary independence.

iii) The Example of the Serbian Church's Autocephaly

The Serbs received first baptism by the Church of Constantinople in the 7th century under the emperor Heraclius, and then again in the 9th century under the emperor Basil the Macedonian¹¹⁶. When they gained independence under Stefan Nemanja, his youngest son Sava became the first Archbishop of the Serbian Church which received its autonomy from Constantinople in 1219. This situation continued until 1346 when at the prompting of the new Serbian leader Stefan Dušan, who established an independent state of Serbia, an arbitrary synod of the Serbian Church raised Archbishop Joanikije of Peć to the status of Patriarch. The schism that ensued, following the rejection of this synod and the excommunication of Dušan by Patriarch Kallistos of Constantinople (1350-1354), ended 30 years later, when the Serbian despot Jovan Uglješa declared invalid the decisions of the Synod of 1346, restored the rights of the Patriarchate of Constantinople over its Metropolises in Macedonia which had been usurped in Dušan's empire, and asked Constantinople to restore relations. Patriarch Philotheos II of Constantinople (1364-1376) lifted the anathema and the Serbian Church regained its previous status. The Serbian Church became canonically autocephalous in the 19th century after the treaty of Berlin, which declared Serbia an independent state, through the *Tome* of the Patriarchate of Constantinople that was issued on October 20th 1879. The correspondence between the Serbian hegemon Jovan Obrenović and the Metropolitan Michael of Belgrade with the Ecumenical Patriarch Joachim III indicates most expressively the importance in granting autocephaly of the political independence of the land in which the Church filing for autocephaly is found. Photiades adds here that the Orthodox

116. GOLOUBINSKY, op. cit., pp. 443-447.

Churches of Greece, Romania and Albania all received their autocephaly from Constantinople after they found themselves within an independent state. On the contrary, the Orthodox Church of Iberia, which was autocephalous since the 11th century (although this autocephaly was of a very limited status), lost its autocephaly when it was politically incorporated into Russia in 1783. In the year 1811, the Ruling All-Russia Synod assumed the governance of the Iberian Church. The last Catholicos, Antonios II, died in 1827.

iv) The Same Basic Procedure was followed in the Case of the Polish Church

In light of all the above, Photiades returns to the case of the autocephaly of the Orthodox Polish Church in order to show that the same basic procedure was followed. It was the Polish Government, he notes, that after the reconstitution of the Polish State, in consideration of the tragic consequences for the Polish State in the recent past, specifically of the ecclesiastical subjugation of a part of its citizens to the ecclesiastical authority of a foreign country, as well as of the decision taken by the Conference of the Polish Orthodox Bishops on the 14th of June 1922 to proceed with the organization of the Orthodox Church along the lines of autocephaly, turned to the Ecumenical Patriarchate requesting the granting of such autocephaly. It was on this clear basis that the Ecumenical Patriarchate, acting dutifully, granted the request of the Polish Church, as it had done with several other Orthodox Churches in the past, after conducting a detailed examination of the ecclesiastical situation in Poland.

Troitsky's objection that this should have been done by the Russian Church as the mother of the Polish Church from which it was separated is not supported, says Photiades, by any Canon or other regulation of the Orthodox Church. On the contrary, the Apostolic Canon 34 which specifies the hierarchical relation of bishops and their mutual interdependence implies that any separation of a body of Bishops should be decided by the Mother Church, provided that the separation fulfils certain conditions. But that if the Mother Church is not in a position to express freely its opinion, for a particular or any other reason, then, it is the First Throne among the Orthodox Churches (ἡ πρωτόθρονος Ἐκκλησία), the Church of Constantinople, that can fulfill this duty because she possesses the indisputable canonical right to take care of the needs of the holy Churches of God everywhere. Indeed, the Ecumenical Patriarchate, had this right in the case of the Orthodox Church in Poland, and all the more so, since this Church, after the redrawing of the borders of Russia at the end of WW1,

found itself once again within Constantinople's canonical jurisdiction. This right is established by Canon 17 ECIV and Canon 38 ECVI, as well as St. Photios' well-known apophthegm: "τὰ ἐκκλησιαστικά καὶ δὴ τὰ περὶ τῶν ἐνοριῶν δίκαια συµμεταβάλλεσθαι εἶωθε πρὸς τὰ δίκαια τῶν πολιτειῶν"¹¹⁷.

v) *The Justification of Constantinople's Extra-Jurisdictional Activities*

So, it was not "a sickness of secular power, nor a tendency to extend its jurisdiction to the detriment of other Orthodox Churches," concludes Photiades, obviously echoing the accusations of Troitsky, but the well-meant interest (benefit) of the holy Churches of God everywhere that guided the actions and the entire activity throughout the ages of the Ecumenical Patriarchate, this "God-protected center" –τὸ θεοστήρικτον τοῦτον κέντρον– as the deeply-thoughtful Constantine Oikonomos expressed it, in which all the Orthodox Churches under heaven, that have been established in various realms, cohere and are held together, and form the undivided body of the one, holy, eastern and apostolic Church, "whose head is Christ"¹¹⁸. This understanding, says Photiades, has been most eloquently described by many Orthodox and non-Orthodox researchers and he ends with an appropriate statement of Professor I. Sokoloff of the Theological Academy of Petrograd:

*"The Ecumenical Patriarchs throughout the period since the Conquest have provided help and succor to the other Orthodox Churches of the East when they were in difficult circumstances...It is worth remarking that the Patriarch of Constantinople's leading position among the coequal Orthodox Patriarchs of the East aroused no fear in the other Patriarchs, as they were all convinced that none of the Ecumenical Patriarchs were motivated by the idea of acquiring absolute power in the Orthodox Church by lessening or neutralizing the canonical prerogatives and privileges of the other patriarchal thrones, and that their autocephaly stood in not the slightest danger. As *primi inter pares*, the Patriarchs of New Rome looked after the stability of the other thrones of the East and never neglected to invoke the willing collaboration and solidarity of their co-equal brothers in Christ, making them participants in the administration even of the affairs of the Ecumenical throne...."*

117. ΒΑΛΕΤΤΑ, *Φωτίου Ἐπιστολαί*, Λονδῖνο, 1864, p. 162. Cf. also ΓΕΝΝΑΔΙΟΥ ΗΛΙΟΥ-ΠΟΛΕΩΣ, «Τὸ Αὐτοκέφαλο ἐν τῇ Ὁρθοδόξῳ Ἐκκλησίᾳ», *Ὁρθοδοξία*, ἔτος ε', τεύχος 50όν, 28 Φεβρουαρίου 1930, pp. 38-39.

118. See ΦΩΤΙΑΔΗΣ, *op. cit.*, p. 238 footnote 68.

*In general, there was complete reciprocity between the Patriarchs of the Orthodox East, complete mutual love, brotherly respect and spiritual unity and rapport. Talk of papacy in the Orthodox East is thus quite out of place; the Patriarchs of Constantinople, who have occasionally been erroneously accused of papist tendencies, never aspired to absolute domination in the Eastern Orthodox Church. They were always motivated by fraternal love and solitude in their relations with the other Patriarchs of the East. There never has been and there will never be a papist spirit in the Orthodox Church*¹¹⁹.

General Conclusions

Our presentation and analysis of these two articles clearly shows that the dispute between Troitsky and Photiades, although it appears to be about the interpretation and application of certain key Canons relating to the structures of the Church, is in the last analysis an attempt on the part of the Russian Church, to change the traditional primatial position of the Church of Constantinople, which has been the stabilizing factor in the conciliar unity of the Orthodox Churches. This is why although there is an impressive array of important Canons in the apostolic and conciliar tradition of the Church that are used in this debate, namely, Canons 2 ECII, 3 ECII, 8 ECIII, 28 ECIV, 9 ECIV, 17 ECIV, 36 ECVI and 39 ECVI, it is Canon 28 ECIV which is the focal point in the Russian arguments against the prerogatives of the Ecumenical Patriarchate. What was first discussed in the first part of this essay is confirmed by the analysis of the other two parts, namely that the dramatic trials of the Russian Church since the second half of the nineteenth century have been the source of many problems for that great Church which have inevitably affected the entire Orthodox Church. However, the Ecumenical Patriarchate has continued to apply the conciliar tradition uninterruptedly as was recently witnessed by the canonical preparation and execution of the Great and Holy Council of 2016, thereby strengthening the Pan-Orthodox efforts to meet the challenges of the Orthodox Church today.

119. SOKOLOFF, I., "On the Administration of the Church of Constantinople and the Rights of the Ecumenical Patriarchate," *Church News* (The Periodical of the Holy Synod of Russia) 1904. For the full Greek text, see ΦΩΤΙΑΔΗΣ, *op. cit.*, pp. 238-240. For an English translation of the full text see MAXIMOS OF SARDES, *The Oecumenical Patriarchate in the Orthodox Church*, *op. cit.*, pp. 298-299.

In light of the above, and for the sake of clarity, we need to make a few observations and pinpoint to a number of specific conclusions. Clearly the extensive and objective description of the ecclesiastical juxtapositions of the Patriarchates of Constantinople and Moscow, which were based respectively on the accredited professors *Photiades* and *Troitsky*, fully expose the reasons for fanning again the flames over the issue regarding the limits of employing canonical jurisdiction on the part of the Patriarchate of Constantinople also outside the territorial limits of Asia, Pontus and Thrace, described by the *celebrated canon 28 ECIV* (451). However, this particular Canon also assigns to the Patriarch of Constantinople the right to ordain the bishops *in the barbarian lands* (*ἐν τοῖς βαρβαρικοῖς*) of the above-mentioned regions. On the other hand, this assignment, which constitutes the *stormy petrel* of contemporary conflicts, is imprecise from the point of view of terminology, even in the Greek original, and this is why its interpretation troubled as much the distinguished Byzantine canonists and legal experts of the 12th century (John Zonaras, Theodore Balsamon and Alexios Aristenos), as also the contemporary canonists and ecclesiastical historians.

So, the crucial ecclesiastical issue of their juxtapositions has to do with whether those ordained in the *barbarian lands* by the Patriarch of Constantinople are bishops within the territorial limits of the three regions of his canonical jurisdiction (Asia, Pontus and Thrace) or outside them. Professor Troitsky and the canonists of the Patriarchate of Moscow hold the view that the bishops in the *barbarian lands* (*ἐν τοῖς βαρβαρικοῖς*) are bishops within the territorial limits of the three above-mentioned regions, invoking the basic canonical principle of territorial limits of ecclesiastical jurisdictions, as well as the imprecise or equivocal interpretation of the controversial phrase by the afore-mentioned renowned Byzantine interpreters of the Canons. Indeed, it is for this reason, so they argue, that they connect the phrase *ἐν τοῖς βαρβαρικοῖς* with the term *nations* (*ἔθνη*) within the three regions. On the contrary, professor Photiades and the Canonists of the Patriarchate of Constantinople defend the view that the bishops *ἐν τοῖς βαρβαρικοῖς*, who are ordained by the Patriarch of Constantinople according to Canon 28 are *outside the limits of the three regions* of his canonical jurisdiction, also invoking the imprecise or equivocal interpretation of the controversial phrase of the Canon by the three afore-mentioned renowned Byzantine interpreters, as well as the *ages-long ecclesiastical implementation* of this Ca-

non. This is indeed why they connect the term *ἐν τοῖς βαρβαρικοῖς* with the term *territories* (ἐδάφη), lying outside these three regions¹²⁰.

The main reason for rekindling the issue of the interpretation of Canons 9, 17 and 28 ECIV was, on the one hand the acceptance, as we saw, by the Patriarchate of Constantinople, in the decade of 1930s, into its ecclesiastical jurisdiction the important Russian and Ukrainian communities of the Diaspora in Western Europe and North America, which were cut off from the Patriarchate of Moscow; and on the other hand, the new reality of world order that resulted after WW2 (1939-1945) for the Orthodox Church, namely, the subordination of almost all the autocephalous and autonomous Orthodox Churches under the *dynastic control* of the communist establishments which became dependencies of the Soviet Union (Serbia, Romania, Bulgaria, Poland, Albania, Georgia, Czechoslovakia, Finland, Estonia and Latvia). It is quite obvious, then, that the new reality made much more necessary the revision on the part of the Soviet Government of its quite hostile attitude against the Patriarchate of Moscow, which had been already mitigated after 1943 (the meeting of the locum-tenens of the patriarchal throne Sergei with Stalin and Molotov), since its contribution to strengthening the patriotic sentiments of the Russian people during the period of the war had been officially recognized¹²¹.

Consequently, the request for filling the patriarchal throne which had been vacant for about twenty years (1925-1943) was approved, with Sergei becoming the first Patriarch, while George Karpov, the trusted adviser of Stalin, organized the new leadership mission of the Moscow Patriarchate not only in inter-orthodox relations, but also in wider inter-church relations with the rest of the Christian world. In this new context, the successor of Sergei on the patriarchal throne of Moscow, Patriarch Alexy I, attributed to his election a pan-orthodox character (1945), while in 1948 convened in Moscow a great *Inter-Orthodox Meeting* of representatives from almost all the autocephalous and autonomous Orthodox Churches, under the pretext of celebrating the alleged 500th anniversary of the independence of the Russian Church from the Ecumenical Patriar-

120. For a more in depth analysis see both works by PHEIDAS, V.I., *Ecclesiastical History* (in Greek), vol. I, Athens 1994, pp. 838-840, and the section on Canon 28 in his book *Ὁ Θεσμός τῆς Πενταρχίας τῶν Πατριαρχῶν* (The Institution of the Pentarchy of the Patriarchs), Volume I, Athens 1977, pp. 303-324.

121. See PHEIDAS, *Ecclesiastical History* (in Greek), op. cit., p. 470.

chate (1448-1948), but also with the obvious purpose of projecting, or even imposing the new leadership role of the Moscow Patriarchate not only in inter-orthodox but also in inter-church relations¹²².

It was in such a spirit that the *Inter-Orthodox Meeting* was projected in season or out of season as a sort of 'ecumenical synod,' but the organization, the selection of the topics, the measureless statements and the general atmosphere were aimed directly or indirectly at challenging the established traditional role of the Ecumenical Patriarchate in inter-orthodox and in inter-church relations. It is quite characteristic that this *Meeting* on the one hand deplored any initiatives towards strengthening relations with the Roman Catholic Church and ordering the immediate elimination of Uniatism in all the Orthodox Churches under communist regimes (1948), and on the other hand condemned the participation of Orthodox churches in the World Council of Churches (WCC), apparently because the Ecumenical Patriarchate and the Greek-speaking Orthodox Churches were founding members of it (1948). Consequently, as a fictitious theological pretext, the *Meeting* projected the alleged inadequacy of the premises and the criteria of the constitution of the WCC with regard to the acquisition of membership, since the decision of the *Meeting* stressed with special, indeed, emphasis "the reduction of the conditions and terms for unity to a mere recognition of the Lord, which allegedly downgraded the Christian faith to such an extent as to become acceptable even to demons" (Jam. 2, 19)¹²³.

It is, therefore, for obvious reasons, that the Moscow Patriarchate recruited Professor Troitsky to challenge the ages-long established tradition of the leading role of the Ecumenical Patriarchate in the Orthodox Church, as it was al-

122. For an in-depth study of this topic see KALKANDJIEVA, *The Russian Orthodox Church, 1917-1948*, especially chapter 9, Towards an eighth ecumenical council, pp. 307-344.

123. See PHEIDAS, *Ecclesiastical History* (in Greek), op. cit., pp. 472f. See also IONIȚĂ, VIOREL, *Towards the Holy and Great Synod of the Orthodox Church: The Decisions of the Pan-Orthodox Meetings since 1923 until 2009*, Institut for Ecumenical Studies, University of Fribourg, Switzerland, Friedrich Reinhardt Verlag Basel, 2014, Ch. VI (*The Orthodox Conference in Moscow 1948*) pp. 31-37, and the Resolutions adopted by the Orthodox Conference in Moscow, pp. 114-122; KALKANDJIEVA, *The Russian Orthodox Church, 1917-1948*, pp. 307-344; and POSPIELOVSKY, DIMITRY, *The Russian Church Under the Soviet Regime 1917-1982*, Vol. II, St. Vladimir's Seminary Press, Crestwood, New York 1984, pp. 309-311.

so for apparent reasons that the Ecumenical Patriarchate commissioned Professor Photiades to refute the unfounded, positions of Troitsky. The detailed, then, juxtaposition of the two sides of arguments for both Canon 28, and for the Canons 9 and 17 ECIV (451) permit the following objective findings not only for the methodology but also for the content of the debates:

First, that the obviously reasonable concentration of both sides on the term *barbarian-βαρβαρικά*, which is connected with the term *nations-ἔθνη* (Troitsky), or with the term *territories-μέρη-ἐδάφη* (Photiades), is not sufficient for a convincing support of the one or the other interpretation, i.e. based on the differentiation of “*nations*” or “*territories*.” Obviously, it was ignored or underrated by both teachers, that the term barbarian (τὸ βαρβαρικόν, or τὰ βαρβαρικά) was established in the Protocol of the administrative geography of the Roman Empire to denote the boundaries outside of the regions of provinces, namely, the areas north of the Danube and the Rhine or of the regions beyond the Euphrates in Asia, thereby excluding the uncritical association of their term with the cultural identity of *nations*, since the Persians, for example, excelled in culture among the peoples of the eastern provinces of the Roman Empire.

Second, that the fundamental canonical principle of the territorial description of ecclesiastical jurisdictions was overlooked, but this defeats the hypothesis of Troitsky which integrates the bishops of barbarian “*nations*” into the territorial regions, of Asia, Pontus and Thrace, even with the incorrect understanding of his purposeful interpretation of the Canons 9, 17 and 28 ECIV of the three eminent interpreters (Zonaras, Balsamon and Aristenos). The Byzantine interpreters use the principle of territorial proximity or affinity (συμπαρακείμενα) to indicate the connection of the Russians with the administrative region of Thrace, or the Alani of Caucasus with the administrative region of Pontus, which excludes the hypothesis of Professor Troitsky and confirms the opinion of professor Photiades. Besides, the existence of barbarian dioceses in the provinces of the three regions of the jurisdiction of the Patriarchate of Constantinople would have been canonically unthinkable, and therefore there is no related evidence in the *Τακτικά* (*Notitiae episcopatum*), or other related sources.

Third, that neither was the “*primacy of honor*” of the Patriarchate of Constantinople taken into account, although it was recognized by Canon 3 ECII (381) and provided the Archbishop of Constantinople with the canonical privilege of synodal activities beyond the limits of his own territory even before the acquisition of the broadest territorial jurisdiction of Asia, Pontus and Thrace and the

Canons 9, 17 and 28 ECIV (451), as it was already pointed out, in connection with the reference that was made to the convocation of the great Synod of Constantinople (394) with representatives from almost all the major Churches of the East.

Fourth, that it was not duly assessed that this privilege not only was strengthened by Canon 28 ECIV, but that it was sanctioned without oppositions in subsequent ecclesiastical practice until today, and this is why the Church of Russia, for example, repeatedly appealed to the Constantinople Patriarchate in order to deal with serious internal issues, such as the installation and the abolition of the Moscow Patriarchate (1589, 1590, 1593, 1720), or the manner of adjudicating the crisis related to Patriarch Nikon of Moscow (1663-1666, etc.). This ecclesial practice, which stemmed from the *primacy of honor* of the Patriarchate of Constantinople, was constantly expressed by its relations with the other Patriarchates of the East, namely, by the continuous confirmation of their conformity with it in matters of faith and canonical order¹²⁴.

Fifth, that it was not duly taken into account that this ecclesiastical activity was also officially recognized by the Byzantine State and was consolidated by the civil legislation both through the *New Laws (Novellae)* of Justinian (*Novellae* VI, CIX, CXXI etc.) and also through the famous *Epanagoge* or *Introduction of the Law* of Basil the Macedonian (867-886) and more particularly through the relevant entitlement-τίτλος III “*Regarding the Patriarch* (Περὶ τοῦ Πατριάρχου).” This entitlement-τίτλος recognizes the already established canonical right of the Patriarch of Constantinople not only to receive *appeals*-τὸ ἔγκλητον from the other Patriarchates of the East, but also to intervene on matters of faith or canonical order. The specific entitlement of the *Epanagoge*, which was also integrated into the canonical tradition, and was applied with impressive consistency and continuity in the Orthodox Church, expressly states that “*the throne of Constantinople, decorated with royal splendor, was elevated to the position of first throne by synodal votes, which, were followed by the divine laws, should order the disputes of the other thrones (= Alexandria, Anti-*

124. See MAXIMOS of Sardes, *The Oecumenical Patriarchate in the Orthodox Church*, op. cit., pp. 279-287 for the relationship of the Patriarchate of Constantinople with the Eastern Patriarchates (Alexandria, Antioch, Jerusalem), and pp. 287-293 for the relationship of the Patriarchate of Constantinople with the Patriarchate of Moscow.

och and Jerusalem) and that they should be examined and adjudicated only by this throne (= Constantinople)” (title III, paras. 9-10).

Certainly, the confrontations of Constantinople and Moscow during the period of ideological and religious confusion of the first decade (1945-1955) after the end of WW2, eased up after Stalin's death (1953). Indeed, although during this brief period the confrontations were charged with a host of uncanonical activities, nevertheless the arrogant fantasies of the provocative decisions of the *Inter-Orthodox Meeting* of the leadership of the Moscow Patriarchate (1948) proved to be not only utopian but also dangerous for the Russian Church itself. Thus, the Moscow Patriarchate, just as all the other autocephalous or autonomous Orthodox Churches under communist regimes, realized what the situation really was and left the Meeting in Moscow abandoning its decisions (1948). This became apparent, on the one hand by their eager response to the invitation of the Ecumenical Patriarch Athenagoras to participate in Pan-Orthodox Conferences and to strengthen the Inter-Orthodox and Inter-Church relations in confronting common problems (Rhodes 1961, 1963, 1964, Chambésy 1968), and on the other hand by their official request to be accepted as members of the WCC unconditionally (New Delhi 1961). Consequently, the long preparation through the Pre-Conciliar Pan-Orthodox Conferences (1976, 1982, 1986, 2009, 2015) of the issues of the agenda and the convocation of the Holy and Great Council of the Orthodox Church (Crete, June 2016) restored the canonical order in the internal operation of the Orthodox Church¹²⁵.

ΠΕΡΙΛΗΨΗ

Ἡ Διάσταση μεταξύ Κωνσταντινουπόλεως καί Μόσχας
Ἡ Ὑπερόριος δικαιοδοσία τοῦ Οἰκουμενικοῦ Πατριαρχείου
κατὰ τὸν Τρόιτσκυ καὶ τὸν Φωτιάδη

Ἄλ. Δράγας

Τὰ Πατριαρχεῖα τῆς Κωνσταντινούπολης καὶ τῆς Μόσχας βρέθηκαν σὲ ἀντιπαραθέσεις ἀπὸ τὸ 2^ο ἡμισυ τοῦ 19^{ου} αἰῶνα μέχρι σήμερα, χωρὶς νὰ διαφαίνεται συμφιλίωσή τους ἐπὶ τοῦ παρόντος. Αὐτὸ δὲν γίνεται εὐκόλα ἀντιληπτό

125. See PHEIDAS, *Ecclesiastical History* (in Greek), op. cit., p. 474.

σέ ἕναν περιστασιακὸ παρατηρητὴ ἐφ' ὅσον καὶ οἱ δύο Ἐκκλησίες βρίσκονται σέ κοινωνία μεταξύ τους ὡς κανονικὰ μέλη τῆς Ὁρθοδόξου Ἐκκλησίας. Ἄν κάποιος ὡστόσο ἐπιθεωρήσει τὸ ζήτημα πιὸ διεξοδικά, θὰ διακρίνει μιὰ περιπλοκὴ ἱστορικο-κανονικὴ διαμάχη ἢ ὁποῖα ἀναπτύχθηκε μὲ τέτοιο τρόπο ὥστε νὰ ὀδηγήσει σέ κλιμάκωση τῶν ἐντάσεων μεταξύ τῶν δύο Πατριαρχείων. Τὸ παρὸν ἄρθρο ἐπιχειρεῖ νὰ δώσει μιὰ πρώτη ἀνάλυση τῆς διαμάχης αὐτῆς, ἀναπτύσσοντας τὴν ἱστορικο-κανονικὴ καὶ συνοδικὴ πλευρὰ της. Τοῦτο ἐπιχειρεῖται μὲ τὴν ἀνάπτυξη τριῶν κεφαλαίων: α') τοῦ ἱστορικοῦ ὑπόβαθρου τῆς πολεμικῆς ἀντιπαράθεσης τῶν δύο Ἐκκλησιῶν, β') τῆς ἀνάλυσης τοῦ κύριου ἄρθρου τοῦ Ρώσου καθηγητῆ τοῦ κανονικοῦ δικαίου Σ. Β. Τρόϊτσκυ (1878-1972), μὲ τὸ ὁποῖο ἀμφισβητεῖ τὰ ὑπερόρια δικαιοδοσιακὰ δικαιώματα τοῦ πρωτόθρονου Οἰκουμενικοῦ Πατριαρχείου ἔναντι τῶν αὐτοκεφάλων Ὁρθοδόξων Ἐκκλησιῶν καὶ γενικότερα τῆς Ὁρθοδόξου Διασπορᾶς, καὶ τὸ ὁποῖο υἱοθέτησε τὸ Πατριαρχεῖο Μόσχας, καὶ γ') τῆς ἀνασκευῆς του ἄρθρου τοῦ κ. Τρόϊτσκυ ἀπὸ τὸν Καθηγητὴ τῆς Θεολογικῆς Σχολῆς Χάλκης Ἐμμανουὴλ Φωτιάδη, μὲ τὸ ὁποῖο ὑποστήριξε τὰ δικαιώματα τοῦ Οἰκουμενικοῦ Πατριαρχείου σέ μιὰ ἱστορικὴ καὶ κανονικὴ βάση. Ἡ ἀνωτέρω ἀνάλυση καταδεικνύει ὅτι ἡ ἀντιπαράθεση τῶν δύο Πατριαρχείων δὲν ὀφείλεται ἀπλῶς καὶ μόνο σέ ἐρμηνεία ἢ παρερμηνεία συγκεκριμένων κανόνων ἀναφερομένων στὴ συνοδικὴ δομὴ τῆς Ὁρθοδόξου Ἐκκλησίας (2^{ου} καὶ 3^{ου} τῆς Β' Οἰκ. Συνόδου, 8^{ου} τῆς Γ' Οἰκ. Συνόδου, 9^{ου}, 17^{ου} καὶ 28^{ου} τῆς Δ' Οἰκ. Συνόδου, 36^{ου} τῆς ΣΤ' Οἰκ. Συνόδου), ἰδιαίτερα δὲ στὸν κανόνα 28ο τῆς Δ' Οἰκουμενικῆς Συνόδου.

Ἡ ἀντίθεση λοιπὸν ὀφείλεται μᾶλλον στὴν προσπάθεια τῆς Ρωσικῆς Ἐκκλησίας νὰ ἀμφισβητήσῃ τὸ κανονικὸ πρωτεῖο τῆς Ἐκκλησίας τῆς Κωνσταντινούπολης, τὸ ὁποῖο ὑπῆρξε ἀνεκὰθεν ὁ κύριος παράγων σταθεροποίησης τῆς παραδοσιακῆς συνοδικῆς ἐνότητας τῶν αὐτοκεφάλων Ὁρθοδόξων Ἐκκλησιῶν. Ἡ πολιτικὴ αὐτὴ τῆς Ρωσικῆς Ἐκκλησίας ὀφείλεται στὶς δραματικὲς δοκιμασίες, τίς ὁποῖες ἀντιμετώπισε αὐτὴ ἡ Ὁρθόδοξη Ἐκκλησία ἀπὸ τὰ τέλη τοῦ 19^{ου} αἰῶνα μέχρι σήμερα, μὲ σοβαρὲς μάλιστα συνέπειες καὶ γιὰ τὴν Ὁρθόδοξη Ἐκκλησία στὸ σύνολό της. Ἡ ὀφειλετικὴ ὅμως ἔμμονη καὶ ἡ σταθερὴ στάση τῆς πρωτόθρονος Ἐκκλησίας τῆς Κωνσταντινούπολης στὰ παραδοσιακὰ, κανονικὰ καὶ ἐκκλησιολογικὰ κριτήρια, ὅπως καταδεικνύεται στὴν ἀνωτέρω ἀνάλυση, δὲν ὀδήγησε σέ περαιτέρω διάσταση τῆς μεταξύ των σχέσης. Ἡ ἔμμονη τῆς Ἐκκλησίας τῆς Κωνσταντινουπόλεως στὴ συνοδικότητα ἀνεδείχθη καὶ στὴ σύγκληση τῆς Ἁγίας καὶ Μεγάλης Συνόδου τῆς Ὁρθοδόξου

Ἐκκλησίας στήν Κρήτη κατά τόν μῆνα Ἰούνιο τοῦ 2016. Στήν Σύνοδο αὐτή συμμετέσχε ἡ πλειονότης τῶν αὐτοκεφάλων Ὁρθοδόξων Ἐκκλησιῶν, ὑπό τήν προεδρία τοῦ Οἰκουμενικοῦ Πατριάρχου, καί ἔλαβε σημαντικές ἀποφάσεις, κατόπιν πανορθόδοξης κανονικῆς προπαρασκευῆς καί συνοδικῆς ἔγκρισης, τόσο γιά τήν ἐσωτερική κανονική τάξη τῆς Ὁρθοδόξου Ἐκκλησίας, ὅσο καί γιά τίς σχέσεις της μέ τίς ἄλλες χριστιανικές Ἐκκλησίες ἢ Ὁμολογίες, γεγονός πού διαφωτίζει ἔτι περαιτέρω τὸ ζήτημα πού ἀναπτύξαμε.