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Theopolitics on the Grand Chessboard:
Ukraine between the Church Canons
and the Canons of War

By Alexander Ponomariov, Passau

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Abstract

In January 2019, the Ecumenical Patriarchate in Istanbul issued a document of independence for the newly created Orthodox Church of Ukraine. Playing on an imagined Byzantine past, the document asserted the Patriarchate's cultural leadership of the Orthodox commonwealth. This was possible because of what could be called the Constantinopolitan Consensus, according to which the Orthodox churches recognize the Patriarchate in Istanbul as *primus inter pares* based on interpretations of antique canon law, which remains *terra incognita* for researchers of international politics. Ukrainian president Poroshenko made church autocephaly one of the

three pillars of his 2019 re-election campaign ("Army, Language, and Faith"). In December 2018, he even imposed martial law in the country in order to convene the required church council and amend the Ukrainian Constitution's provisions on future NATO membership. The leaders of the Moscow Patriarchate view such events as "combat actions" (*военные действия*) and are ready to resist, both parties instrumentalizing the church canons as the canons of war. As such, the decision to form an independent Orthodox Church of Ukraine has resulted in new tensions, both within Ukraine and between Ukraine and Russia.

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Theopolitics on the Grand Chessboard: Ukraine between the Church Canons and the Canons of War

By Alexander Ponomariov, Passau

► Ukrainian Autocephaly ... in Ancient Greek

On 6 January 2019, on the Orthodox feast of Epiphany, the Ecumenical Patriarchate in Istanbul, otherwise known as the Phanar, issued a document of independence to the newly created Orthodox Church of Ukraine (OCU), which was made up of two Ukrainian Orthodox communities, the Ukrainian Orthodox Church of the Kiev Patriarchate (UOC KP) and the Ukrainian Autocephalous Orthodox Church (UAOC), both of which had been outlawed by the Ecumenical Patriarchate until late 2018. Patriarch Bartholomew solemnly handed the Declaration (Tomos) of Ukrainian church independence to Metropolitan Epiphany of the OCU and to the president of Ukraine, who was even mentioned by name: "This Patriarchal and Synodal Tome is [...] delivered [...] to His Excellency the President of Ukraine, Mr. Petro Poroshenko."¹ It is no coincidence that the feast of Epiphany and the name of the newly elected OCU metropolitan share the same origin, *epiphany* implying a manifestation of a divine being or nature to the people.

Mentioning a modern politician in a religious document is extraordinary in and of itself. Yet by perpetuating the name of the incumbent Ukrainian president in the Tomos at the start of Ukraine's 2019 presidential race, the Phanar also did Poroshenko a favor since he had made church autocephaly one of the three pillars of his re-election campaign ("Army, Language, and Faith"). In December 2018, for the first time in Ukrainian history, Poroshenko imposed martial law in ten regions of the country in order to convene the required church council by cutting off the pro-Russian southeastern regions along the Russian border and the border with Transnistria before amending the Constitution's provisions on future NATO membership.² The creation of the new church is to be introduced to the school program in Ukrainian history in September 2019.³

The statistical data on the exact share of each Orthodox community in Ukraine remains subject to manipulation. Some polls show a decrease in membership of the largest church in Ukraine, the Ukrainian Orthodox Church of the Moscow Patriarchate (UOC MP) (only 15 percent), and an increase for the UOC KP (25 percent), a result achieved by excluding Crimea and the rebel

territories in the East of Ukraine from polling; the separate poll category called "simply Orthodox" (21 percent) further diminishes the reported presence of the Moscow Patriarchate in Ukraine.⁴ When Crimea and the rebel provinces are included in the survey, the figures rise to 39.4 percent of parishioners for the Moscow Patriarchate, while the Kiev Patriarchate has 25.3 percent.⁵ The latter breakdown is closer to reality given the official number of active parishes, monasteries, and clergy. As per the Ministry of Culture of Ukraine, on 1 January 2019 the UOC MP had 12,122 active parishes versus 5,994 (4,946 plus 1,048) of the UOC KP and the UAOC; 215 active monasteries versus seventy-seven (sixty-three plus fourteen); and 10,419 clergymen versus 4,438 (3,732 plus 706).⁶ However, these statistics do not include the UOC MP dioceses in Crimea. It is also unclear if they include the rebel territories in Donbass. Nevertheless, these official figures speak in favor of the assumption that over twelve thousand active parishes and ten thousand clergymen of the UOC MP can hardly have fewer parishioners than the two opponent churches taken together.

Poroshenko's stake in the electoral effect of church autocephaly has sown the seeds for a new conflict in Ukraine for years to come. The UOC MP considered the actions of the Phanar as an intervention in its canonical territory and broke the communion with it.⁷ The world's Orthodox churches were taken aback by the actions of the Ecumenical Patriarchate in Ukraine. The situation thus raises the question of the Phanar's motivation with regard to Ukraine. My answers and analysis are provided in the following sections.

► A Crafty Agreement with the Ecumenical Patriarchate

On 3 November 2018, President Poroshenko and Patriarch Bartholomew signed an agreement between the secular Ukrainian state and the Ecumenical Patriarchate based in Istanbul, Turkey, regarding the then-planned and now-implemented autocephaly of the Ukrainian Church. "The Agreement on Cooperation and Collaboration between Ukraine and the Ecumenical Patriarchate of Constantinople," composed in both Ukrainian and English, blatantly violated article 35 of the Ukrainian Constitution on the separation of church

and state.⁸ The agreement was only divulged in the Ukrainian language on 12 March 2019, on the eve of the first round of the presidential election.⁹

This document exemplifies the post-secular practice whereby state and church enter into an agreement with each other as partners and refer to both church canons and secular law as a basis for their collaboration. It was agreed that the Phanar would establish its representation in Ukraine, which includes a title to real estate (§3.1). It is also noteworthy that Ukraine, as a secular state, “recognizes and respects the status of the ecumenical patriarch as the first in honor among the Orthodox patriarchs” (*визнає та поважає статус Вселенського Патріарха як першого за честю серед Православних Патріархів*). However, what is even more stunning is that Ukraine agrees that the Ecumenical Patriarchate has the right to issue declarations of church independence in accordance with canon 34 of the Holy Apostles, canon 17 of the Fourth Ecumenical Council, and canon 38 of the Sixth Ecumenical Council (§3.2). These references to ancient Orthodox canon law require further analysis. In particular, canon 34 of the Holy Apostles was referred to in the agreement as evidence for the Phanar’s right to grant autocephaly in the Orthodox community. However, the original ancient Greek text reads: “The bishops of every *ethnos* should be aware of [who is] the first of them, acknowledge him as a head, and do nothing without his opinion. Each of them should do only what pertains to his diocese and its districts” (*Τοὺς ἐπισκόπους ἐκάστου ἔθνους, εἰδέναι χρῆ τὸν ἐν αὐτοῖς πρῶτον, καὶ ἡγεῖσθαι αὐτὸν ὡς κεφαλὴν, καὶ μηδὲν τι πράττειν ἄνευ τῆς ἐκείνου γνώμης· ἐκεῖνα δὲ μόνα [πράττειν] ἕκαστον, ὅσα τῇ αὐτοῦ παροικίᾳ ἐπιβάλλει καὶ ταῖς ὑπ’ αὐτὴν χώραις*).¹⁰ Elsewhere, I have pointed out that the word *ἔθνος* here should be understood as a “province” of the later Roman Empire.¹¹ This fourth-century text speaks about the bishops of a basic Roman administrative unit, a division that was taken for granted by the ancient church, and says nothing about the empire-wide subordination of all bishops to Constantinople even in the fourth century CE, when Constantinople was founded, let alone at present. Moreover, the canon goes on to state that “he [the primate] shall not do anything without the opinion of all” (*Ἀλλὰ μηδὲ ἐκεῖνος ἄνευ τῆς πάντων γνώμης ποιείτω τι*). Even if we ignore the *ethnos*-related part of

the canon law and concede the right of the Phanar to lead, there remains the requirement to consult with all, which was not the case in the unilateral actions of the Ecumenical Patriarchate in connection with the Tomos for Ukraine.

Canon 38 of the Sixth Ecumenical Council, also known as the Council in Trullo (692 CE), speaks about the compliance of the church with the administrative division of the Byzantine Empire: “If a city was innovated or should be innovated by royal authority, the order of ecclesial affairs shall follow the civic and public patterns” (*Εἴ τις ἐκ βασιλικῆς ἐξουσίας ἐκαινίσθη πόλις ἢ αὐθις καινισθείη, τοῖς πολιτικοῖς καὶ δημοσίοις τύποις καὶ τῶν ἐκκλησιαστικῶν πραγμάτων ἢ τάξις ἀκολουθεῖτω*).¹²

However, if the text of apostolic canon 34 could be manipulated in order to hoodwink the reader who is not versed in Orthodox canon law, how does this particular regulation relate to the professed right of the Phanar to grant autocephaly? The argument sounds far-fetched even in terms of a very broad interpretation according to which “city” is reinterpreted as “nation-state” and “royal authority” as “national government” or a kind of *vox populi* representing supreme power realized through elections in modern democracies.

Canon 17 of the Fourth Ecumenical Council in Chalcedon is the only one referred to in the agreement that can provide some basis for the ecumenical claims. The rule of the Council in Trullo quoted above was a paraphrase of this original canon. It has *παροικιῶν* (of dioceses) instead of “affairs,” which makes the Chalcedonian text more logical: “The order of ecclesial dioceses shall follow the civic and public patterns.” Another part reads: “If some are wronged by their metropolitan, they shall bring their case before the prefect/exarch of that diocese or the Constantinopolitan throne, as is said above [in canon 9]” (*Εἰ δὲ τινες ἀδικοῦντο παρὰ τοῦ ἰδίου μητροπολίτου, παρὰ τῷ ἐξάρχῳ τῆς διοικήσεως ἢ τῷ Κωνσταντινουπόλεως θρόνῳ δικαζέσθωσαν, καθὰ προεῖρηται*).¹³

Building on the expression “the Constantinopolitan throne,” the Phanar draws the conclusion that it has preeminence over the other local Orthodox churches not only in terms of honor but also in the juridical sense, as if the Eastern Roman Empire still existed.

► The Constantinopolitan Consensus *Delendus est*

The current situation in Orthodoxy has become possible because of what could be called the Constantinopolitan Consensus, according to which the local Orthodox churches recognize the Patriarchate in Istanbul as *primus inter pares* based on controversial interpretations of the above-mentioned premodern canons, despite the fact that, at present, there is no Byzantium, no Constantinople, and many canons have lost their applicability. We are dealing here with a parallel reality with its own language: for instance, the Tomos is composed in Attic Greek, a dead and complicated tongue, which is understood only by trained linguists. This ecumenical discourse allows the Phanar to dominate the other churches via the instrumentalization of the Byzantine past.

Indeed, this is exactly what the Ecumenical Patriarchate has sought to do: following the terminology of critical discourse analysis, one could say that the Ecumenical Patriarchate seeks domination through discourse; and this is why it uses Attic Greek in particular. The Ecumenical Patriarchate is the master of this Byzantine discourse, and the Moscow Patriarchate has lost the struggle over discourse in the case of Ukraine. Although the Moscow Patriarchate has dioceses and parishes in Ukraine, its influence in terms of cultural leadership has declined, whereas Istanbul has enhanced its position because President Poroshenko sought its “blessing” and put the Ukrainian recognition of the Phanar’s discourse on paper.

Whereas the agreement between Ukraine, as a state, and the Ecumenical Patriarchate, as a religious organization, was written in English and Ukrainian, in the languages that Poroshenko actually speaks, the Tomos is written in a language that is beyond his understanding. Yet it is understood by Bartholomew. In the event of controversial interpretations, the Greek original will be the text of last resort. This is how the Phanar took over Ukraine: it skillfully instrumentalized the Byzantine past to “charm” the rest of the local Orthodox churches and increase its influence within the Orthodox commonwealth. There are two official translations, English and Ukrainian, but there is no official Russian version. The absence of a Russian version of the Tomos can also be seen as a tool for establishing hegemonic discourse.

The Moscow Patriarchate is trying to disrupt this parallel reality of the Constantinopolitan Consensus. Fighting for cultural leadership as a step in restoring and expanding its political ambitions, the Russian media and even President Putin personally began to call the Ecumenical Patriarchate “the Patriarchate of Istanbul,”¹⁴ which is a sign of a change of the consensus discourse in that part of the Orthodox commonwealth. It could be said that, in the new Russian perspective, the Constantinopolitan Consensus *delendus est*.¹⁵

► *Ecclesia Vivit Lege Romana: Roman Law in Canon Law*

As has been demonstrated, both the agreement between Ukraine and the Ecumenical Patriarchate and the Tomos of Ukrainian church autocephaly build on canon 17 of the Fourth Ecumenical Council in Chalcedon, which is of binding authority. In this regard, the Ecumenical Patriarchate is itself subject to the canon’s provisions. As well as referring to the “Constantinopolitan throne,” canon 17 contains a prescription that can be used against the claim of the Phanar that the Moscow Patriarchate annexed the Kiev Metropolitanate in 1686 that was under the jurisdiction of Constantinople: the Ecumenical Patriarchate believes that it temporarily conceded Kiev to Moscow on certain conditions due to the difficulties of that time and that Moscow should now return what belongs to Istanbul.¹⁶ The prescription of canon 17 is as follows: “All ecclesial parishes in villages or suburbs shall unwaveringly remain under their ruling bishops, especially if they [bishops] have held and managed [these parishes] without coercion for thirty years” (Τὰς καθ’ ἐκάστην ἐκκλησίαν ἀγροικικὰς παροικίας, ἢ ἐγχωρίου, μένειν ἀπαρασαλεύτως παρὰ τοῖς κατέχουσιν αὐτὰς ἐπισκόποις, καὶ μάλιστα εἰ τριακονταετῆ χρόνον ταύτας ἀβιάστως διακατέχοντες ὠκονόμησαν).¹⁷ Thereafter, the canon law continues: “If, within the thirty years, a claim about them is made or should be made, those claiming to be wronged because of them may bring a lawsuit before the assembly of the province” (Εἰ δὲ ἐντὸς τῶν τριάκοντα ἐτῶν γεγένηται τις ἢ γένοιτο περὶ αὐτῶν ἀμφισβήτησις, ἐξεῖναι τοῖς λέγουσιν ἡδίκησθαι περὶ τούτων κινεῖν παρὰ τῇ συνόδῳ τῆς ἐπαρχίας). It follows that, in 451 CE, the Fourth Ecumenical Council employed the then-recent *praescriptio triginta annorum* of Roman law,¹⁸

which was introduced under Emperor Theodosius II in 424 CE and republished in Codex Theodosianus in 438 CE (*CTh.* IV.14.1), as well as in Codex Justinianus in 534 CE (*CJ.* VII.39.3).¹⁹ It was also preserved in the Greek language in the Byzantine code of law known as the Basilica, promulgated in 888 CE²⁰ (*Bas.* L.14.5).²¹ This enactment set a limit of thirty years for any claim “except in those cases in which an action expired in a shorter time,”²² after which the very possibility of such a claim would automatically be extinguished, even if claimants were unaware of this law: “We decree that, after [the expiration of] this time limit, there be no other opportunity at one’s disposal for instituting a lawsuit, even if he [plaintiff] attempted to excuse himself by [his] ignorance of [this] law” (*Post hanc vero temporis definitionem nulli movendi ulterius facultatem patere censemus, etiamsi se legis ignorantia excusare temptaverit*).²³ This binding regulation in canon 17 automatically extinguishes the claim of the Phanar given that that it was initiated many years after the established limit of thirty years, the deadline for which expired in 1716. In particular, the argument here is *a minore ad maius*: (a) what is impossible after thirty years is even more impossible after three hundred years; and (b) what is applicable to the smaller church territories is even more applicable to the larger ones. Given that Moscow has “held and managed” the Kiev Metropolitanate for over three centuries, it can be concluded that the action of the Phanar violates the canon law, which it uses as the justification for the Tomos, as well as the Roman law inherent in it. To paraphrase the famous maxim in this connection, *ecclesia constantinopolitana lege romana non vivit*.

On the other hand, contemporary Ukrainian publications speak about “the history of the illegal subjugation of the Kiev Metropolitanate by the Moscow Patriarchate [in 1686] that stretched over a few decades” ([в] історії незаконного підпорядкування Київської митрополії Московській патріархії, що розтягнулося на кілька десятиліть).²⁴ On 14 March 2019, Germany returned to Ukraine the original text of the resolution of Russian tsar Peter I, dated 1708, by which he appointed Metropolitan Ioasaf (in office 1708–18) to the Kiev Metropolitanate,²⁵ and which was confiscated by the Nazis during the Second World War. This original text, written in the Russian language of its time, sheds new light on the history of Moscow’s incorporation of

the Kiev Metropolitanate after 1686 because it contains the previously unknown precondition for Ioasaf “not to depart/separate under the blessing and decision/judgment of the Most Holy Ecumenical Patriarchs” (*не отлучаяся под благословеніе и разсужденіе святѣйшихъ вселенскихъ патріарховъ*).²⁶

This newly discovered document has already been interpreted by the quoted Ukrainian historians in terms of the coercion exercised by Moscow,²⁷ which should be avoided in the best case; however, coercion is not, in principle, an obstacle according to canon 17 (cf. *καὶ μάλιστα εἰ*). Moreover, the year 1708 formally complies with the prescription of thirty years (1,708 minus 1,686 equals twenty-two). That notwithstanding, the canon law of Chalcedon and the Roman law behind it extinguish any claiming action that fails to meet the time limit, and the Phanar has failed to do so by claiming the Kiev Metropolitanate after more than three hundred years.

Considering the above, there is no doubt that President Poroshenko had no clear idea of what exactly he had signed. In fact, he probably cared very little about the exact content of the agreement as he was hoping to leverage additional electoral points, of which he was badly in need, through the process of autocephaly in the presidential campaign that began in January 2019 and that he eventually lost on 21 April 2019 to a young comedian, Vladimir Zelensky. Poroshenko suffered a landslide loss (24 percent versus 73 percent),²⁸ with his support in the predominantly Russian-speaking and Moscow-Orthodox East and South of Ukraine being the lowest in the country (around 10 and 12 percent). The latter figures uphold my estimation of the proportion of the Ukrainians in those regions who are vehemently anti-Russian, research I carried out based on the events of 2014.²⁹

Under the new president, who is of Jewish origin³⁰ (*est un juif affirmé*)³¹ and is likely to resort to a neutral church–state policy in line with the Constitution, the pressure previously exerted by the state against the UOC MP is likely to subside.³² Yet, Zelensky is extremely unlikely to disband the new church, particularly because a large proportion of the votes went to Poroshenko in the Western part of the country (e.g., 63 percent in Lvov province compared with around 37 percent in Kiev). Accordingly, Zelensky will not be able to bring an end to the crisis in worldwide Orthodoxy, which is morphing into multiple Orthodoxies.

► Multiple Orthodoxies

The Ukrainian Orthodox Church of the Moscow Patriarchate issued an assessment that the Phanar had no right to interfere in Ukraine (*не мав жодного права втручатися у церковне життя України*) and that its actions posed a threat to All-Orthodox unity (*стали загрозою для всеправославної єдності*).³³ Furthermore, Patriarch Bartholomew, according to the UOC MP, should personally admit his mistake and correct it by rescinding the Tomos and convening an All-Orthodox meeting. The UOC MP also refers to feedback in various forms from the Antioch, Russian, Serbian, Cypriot, Albanian, and Polish Orthodox Churches, as well as the Orthodox Church in the Czech lands and Slovakia, whose opinions it interprets as being in disagreement with the actions of the Phanar.³⁴ However, upon analyzing the official church reactions, one gets the impression of a more complex picture.

The Church of Cyprus was the first to come up with an official resolution on the situation in Ukraine. Issued on 18 February 2019, it does not doubt the *bona fide* intention of the Phanar to unify the churches in Ukraine. Nevertheless, “this goal has not been achieved so far” (*Μέχρι στιγμής ό σκοπός αυτός δέν έχει επιτευχθεί*). The Church of Cyprus suggests waiting a certain amount of time in this connection. If the unity is not achieved, the ecumenical patriarch should convene an All-Orthodox council or a meeting of primates to resolve the problem. The statement also suggests that Nicosia could act as an intermediary and speaks about “the sensitivity of the Russian people” over Ukraine: “In addition, considering the sensitivity of the Russian people, such as regarding the area in which its ancestors were baptized, he [the ecumenical patriarch] should care to guarantee its [Russian people’s] respective jurisdiction there” (*Κι άκόμα, άντιλαμβανόμενο τήν εύαισθησία του Ρωσικού λαού, ώς προς τον χώρο στον όποιο έβαπτίσθησαν οι πρόγονοί του, να μεριμνήσει για τήν κατοχύρωση μιās σχετικής δικαιοδοσίας του εκεί*).³⁵ This provision sounds like a compromise to the Moscow Patriarchate, as a win-win solution from the point of view of the authors of this resolution, rather than a principled disagreement with the Phanar.

The Romanian Orthodox Church also views the problem of Ukrainian church unity as having not yet

been fully resolved (*problema unității ecleziale în Ucraina nu este în prezent rezolvată deplin*).³⁶ It separately points out 127 Romanian Orthodox parishes in Ukraine that it wants to be organized as a special Romanian vicariate. According to the Romanian Orthodox Church, it is necessary to convene a meeting of the primates of the Orthodox churches. It is only after completing these negotiations that the Romanian Orthodox Church intends to express its definitive position on Ukraine.³⁷ Metropolitan Epiphany has agreed to such a Romanian vicariate in exchange for the recognition of his OCU.³⁸

The Albanian Orthodox Church, which belongs to the “Greek” churches, admits that “the pursued reconciliation [of Orthodoxy in Ukraine] has not been achieved” (*ή επιδιωχθείσα ειρήνευσις δέν έχει επιτευχθῆ*).³⁹ On the contrary, “there is an imminent danger of tearing asunder the unity of Orthodoxy worldwide” (*επαπειλείται ό κίνδυνος διασπάσεως τής ένότητας τής ανά τον κόσμον Όρθοδοξίας*).⁴⁰ A Pan-Orthodox meeting is seen as a possible solution.⁴¹ After these nuanced words, however, the Albanian primate suddenly takes a step back and vows vassal loyalty to the ecumenical patriarch, promising to stay firmly beside him even in the case of a schism: “However, in order to avoid any possible misinterpretation, we clarify that in the case of a tragic outcome to schism (May God not allow it!), the Orthodox Autocephalous Church of Albania will remain with the Ecumenical Patriarchate firmly speaking the truth in love”⁴² (*Πρός άποτροπήν πάντως οίασδήποτε παρανοήσεως, διευκρινίζομεν ότι, εις περίπτωση τραγικής καταλήξεως εις Σχίσμα [ό Θεός να μή τό επιτρέψη!], ή κατ’ Άλβανίαν Όρθόδοξος Αύτοκέφαλος Έκκλησία θά παραμένη σταθερώς έν άληθευούση άγάπη μετά του Οικουμενικού Πατριαρχείου*).⁴³ This is a vivid example of how problematic it is for the “Greek” churches to remain independent of the Ecumenical Patriarchate. Evidently, this oath of unconditional loyalty does not express a principled disagreement with the Phanar.

The position of the Polish Orthodox Church is that autocephaly must be granted to the Ukrainian Church as a whole and not to a separate group of schismatics (*Nadanie autokefalii Cerkwi w Ukrainie winno się odbyć [...] całej Cerkwi, a nie grupie raskolników*) who cannot represent the healthy church organism (*nie mogą reprezentować*

zdrowego organizmu cerkiewnego). It also states that it is currently negotiating with the other churches in the search for a solution to the Ukrainian problem.⁴⁴

Along with sporadic grassroots' voices from within the "Greek" churches, according to which Patriarch Bartholomew is "a creator of a schism [...] for worldwide Orthodoxy" (*δημιουργός σχίσματος [...] για την ανά την οίκουμένη Ὁρθοδοξία*),⁴⁵ the Serbian Orthodox Church has been the most outspoken and definitive on that score. In March 2019, it divulged its condemnation of the Phanar's "intervention" in the canonical territory of the ROC, since, in its opinion, the Kiev Metropolitanate of 1686 cannot be identified with today's Ukraine (*Кијевска митрополија ни на који начин не може поустоветити са данашњом "Украјином"*).⁴⁶ The only community that Belgrade recognizes in Ukraine is the UOC MP. Finally, it asks the ecumenical patriarch to reconsider his decisions.⁴⁷

On 18 April 2019, the primates of the Cypriot, Alexandrian, and of the conflicting Jerusalem and Antioch Orthodox Churches met in Cyprus. Their joint press release was rather nondescript and contained a number of truisms. It briefly noted that, among other things, the primates had discussed the Ukrainian problem and supported in this connection the go-between initiative of Nicosia for the benefit of Orthodox unity (*οι τρεις Προκαθήμενοι συντάσσονται με αυτή, ώστε ο Μακαριώτατος να τη συνεχίσει προς όφελος της εν Χριστώ ενότητας της Ορθοδόξου Εκκλησίας*).⁴⁸ Their general condemnation of the violence against Orthodox temples and monasteries, whoever does it and wherever it comes from, sounds like a platitude. The press release of the meeting expressed no critique of the Phanar's actions.

Within the hierarchy of the Ecumenical Patriarchate and of the Church of Hellas, however, there are voices dissenting from the mainstream position in this regard, such as that of the famous Orthodox author Metropolitan Kallistos (Ware) from Great Britain, who recognizes the jurisdiction of the Moscow Patriarchate in Ukraine after more than three hundred years of its presence there.⁴⁹ On 2 May 2019, a metropolitan of the Church of Hellas, Seraphim, published an open address to the primates of the autocephalous Orthodox churches.⁵⁰ He writes that "the gigantic canonical problem that has appeared" (*τό ἀνακῦψαν πελώριον κανονικόν*

πρόβλημα) outweighs all previous developments in ecclesiastical history (*ὑπερβαίνει πᾶν προηγούμενον ἐν τῇ Ἐκκλησιαστικῇ Ἱστορίᾳ*). In his opinion, the Phanar's restoration of the previously anathematized bishops in Ukraine as canonical (i.e., Filaret), as well as of those ordained by them (i.e., Epiphany), is "beyond one's understanding" (*ἀδιανόητος*). In support of his position, Metropolitan Seraphim refers to an important canon law of one of the seminal and most authoritative Orthodox Church Fathers, St. Basil the Great (d. 379 CE), whose canon I have analyzed elsewhere (and with whom even Filaret has *de facto* agreed).⁵¹ For the sake of clarity, I quote here a longer passage from St. Basil than that quoted by Seraphim:

Because the beginning of the separation had occurred via a schism, the apostates from the Church were no longer having the grace of the Holy Ghost in themselves, for the imparting [of the grace] ended when the continuity was broken. The first apostates had received [their] ordination from the Fathers, and through laying their [Fathers'] hands, they [apostates] used to have the spiritual gift. However, by cutting off, they [apostates] became laymen and would have no power to either baptize or ordain; nor were they capable of giving to others the grace of the Holy Ghost, which they had already lost.⁵²

If it is impossible to convene a Pan-Orthodox council, Metropolitan Seraphim suggests that each local Orthodox church should convene a local church synod "without coercion and calumny" (*ἀβίαστος καὶ ἀδιάβλητος*), whose resolution it should thereafter send to the Phanar for consideration. As can be seen, even in this critical approach, the role of the Ecumenical Patriarchate remains central.

Theopolitical Synergies

The above analysis yields a picture of emerging multiple Orthodoxies, coexisting in a few clusters between Moscow and Istanbul. So far, the Serbian Orthodox Church has expressed the most radical position regarding the Phanar's actions because it is afraid of similar developments taking place in Macedonia and

Montenegro. The official reaction of the Church of Hellas remains to be formulated, yet the probability that it will follow the position of the two mentioned “Greek” churches is very high. In this connection, the meeting on 6 May 2019 between the US ambassador at large for international religious freedom, Samuel Brownback, who had welcomed Ukrainian autocephaly in September 2018,⁵³ and the primate of the Church of Hellas, Archbishop Ieronymos of Athens and all Greece, is noteworthy for two reasons. First, the parties discussed “various issues of common interest, including the question of the Ukrainian Church.”⁵⁴ Second, the ambassador at large was accompanied by the incumbent US ambassador to Greece, Geoffrey Pyatt, who had previously served as the US ambassador to Ukraine in 2013–16 and hence knows the country well. Thereafter, on 9 May 2019, Ambassador Brownback met with the patriarch of the Bulgarian Orthodox Church,⁵⁵ and on 10 May 2019 he paid a visit to the Romanian Orthodox Church.⁵⁶ It is evident that Washington is interested in Ukrainian independence from the Moscow Patriarchate.⁵⁷

The position of the ancient “Greek” Patriarchates of Alexandria and Jerusalem also remains unformulated, the latter being in conflict with the Patriarchate of Antioch, which is mired in the war in Syria. It must consequently reckon with the Russian presence and influence in the country. In a similar vein, the Georgian Orthodox Church has to consider the national interests of Georgia in Abkhazia and South Ossetia, recognized by the Russian Federation as independent states but untouched by the Moscow Patriarchate, which treats these territories as part of the Georgian Orthodox Church. In a recent interview, Nino Burdjanadze, a former speaker of the Georgian Parliament, provided some hints on the Georgian Orthodox Church’s position with regard to the recognition of Ukrainian autocephaly. According to Burdjanadze, if Georgia recognizes Ukrainian autocephaly, the ROC would do the same for Abkhazia and South Ossetia, which is highly unprofitable for Georgia (*что очень невыгодно для Грузии*). Therefore, the Georgian patriarch would rather take a position of rapprochement with Russia.⁵⁸

The Bulgarian Church must also weigh the ostensible interest of the Bulgarian government in the TurkStream pipeline,⁵⁹ which is being built by Gazprom in the Black

Sea and part of which could go through Bulgarian territory. For Ankara, this situation (on top of the Turkish stance on Crimea),⁶⁰ created by the retired Turkish army officer Dimitrios Archontonis, also known as Patriarch Bartholomew, implies additional leverage in talks with Russia over issues such as the TurkStream pipeline or the war in Syria, whereby President Erdogan could influence Patriarch Bartholomew at the request of the Kremlin should such a request be on the table. A recent example of the “symphony of powers” between President Erdogan and Patriarch Bartholomew lends some credence to the above assumption: in January 2018, Bartholomew supported the Turkish military’s “Operation Olive Branch” in Syria, praying “that you [President Erdogan] and the Turkish Armed Forces will achieve success.”⁶¹

► Between the Church Canons and the Canons of War

In line with the provision of the Church of Cyprus, Metropolitan Epiphany forecasts that the ROC will have at least some presence in Ukraine even after the unification process is over, in the form of either an exarchate or metropolitanate. For the time being, however, he believes that setting concrete timeframes from above for the Ukrainian Orthodox believers to join the OCU should be avoided, as doing so could lead to a “horrible struggle” and “bloodshed” (*Якщо будемо ставити хронологічні рамки, це буде кровопролиття. Це буде страшна боротьба*).⁶² Interestingly, the OCU does recognize the ROC as a “sister church” and liturgically commemorates Patriarch Kirill, despite the allegations that he “blesses what is happening in the East of Ukraine” (*благословляє те, що відбувається на Сході України*).⁶³

Moreover, only one ruling bishop from the presidential hometown of Vinnitsa and one vicar bishop (i.e., without a diocese) in Kiev has ceded from the UOC MP. Hence the controversy is mostly about separate parishes. According to the Department for Religions of Ukraine, the overall number of separated parishes amounted to 340 as of 22 February 2019,⁶⁴ and this number keeps growing. According to the UOC, only forty-two parishes have decided to join the OCU as of late March; fifty-five transitions were characterized by the cutting of locks,

beating of believers, and takeovers; and 137 cases were registered when territorial communities voted for a transition of religious communities against the will of the latter.⁶⁵

On 20 December 2018, the Ukrainian Parliament passed “Amendments to the Law of Ukraine ‘On the Freedom of Conscience and Religious Organizations,’”⁶⁶ requiring the UOC to change its official name to something like “The ROC in Ukraine.” On 19 April 2019, the Constitutional Court of Ukraine initiated court examination of the compliance of this law with the Constitution of Ukraine.⁶⁷ Thus, according to the Ukrainian logic, should 日本正教会, which is officially rendered into English as “The Orthodox Church in Japan”⁶⁸ and which exists as an autonomous church within the Moscow Patriarchate, also be renamed “The ROC in Japan”? Another law of January 2019 envisages a simplified procedure for changing one’s religious jurisdiction,⁶⁹ when, according to the explanation of the Ministry of Culture of Ukraine, the decision to change the subordination is made by two-thirds of the votes from the number required for the recognition of the general assembly as legitimate. For example, if there is a norm of 50 percent plus one vote in a community of one hundred members, this would mean that fifty-one persons are authorized to convene the assembly, and the resolution will be legitimate if supported by only thirty-four participants.⁷⁰ Thus, an active and organized minority could alter the jurisdiction on behalf of the whole parish.

On the other hand, the state-controlled neo-Nazi paramilitary organizations, such as C14 and the National Corps, who used to attack the UOC MP and who stand above the law in modern Ukraine,⁷¹ were recently identified by the US State Department itself as “nationalist hate groups.”⁷² Even the minister of internal affairs of Ukraine, Arsen Avakov, who is considered to have provided cover for the National Corps, and who sees a danger that the situation in the country will deteriorate after the creation of the new church,⁷³ confirmed the collaboration of the competing “nationalist hate group” C14 with the Security Service of Ukraine (Ми [...] зафіксували співпрацю Служби безпеки і ультранправих радикалів з “С14”).⁷⁴ It is noteworthy in this regard that Patriarch Filaret of the Kiev Patriarchate awarded members of C14 and other far-right

organizations a medal “for self-sacrifice and love to Ukraine” (*За жертвовність і любов до України*) on 30 April 2019.⁷⁵ A UN report of 12 March 2019 had to admit: “Although tensions between Orthodox communities in Ukraine existed prior to the armed conflict in eastern Ukraine, they have been significantly exacerbated by the ongoing autocephaly process.”⁷⁶ Hence, when the Moscow Patriarchate sees in these Ukrainian developments “combat actions” (*военные действия*), it is not surprising that it considers itself to be at war: “In the recent months, combat actions have been waged against our Church. [...] We are at war, but we never began this war. Our war is defensive, and we shall fight it to the victorious end” (*[в] последние месяцы против нашей Церкви развернулись военные действия. [...] Мы находимся в состоянии войны, но не мы эту войну развязали. Наша война— оборонительная, и мы будем её вести до победного конца*).⁷⁷ This statement was made on 13 January 2019, a week after the Tomos had been issued. Four months later, on the eve of the Victory Day 2019, the ROC leaders concluded that “the Blitzkrieg” of the Phanar had failed (*блицкриг провалився*).⁷⁸ Although their rhetoric remains emotional, the ROC leaders sounded more optimistic in May than in January. The election of the new president in Ukraine promises a more moderate state–church policy, and the infighting in the OCU between its different fractions⁷⁹ plays in Moscow’s favor. The leaders of the Moscow Patriarchate have also expressed the opinion that Ukrainian autocephaly is a form of personal revenge on the part of Patriarch Bartholomew, made in response to Patriarch Kirill’s sabotaging of the All-Orthodox Council in 2016.⁸⁰ Such motives cannot be disregarded in full; however, priority should be given to reasons that are more pragmatic. Moscow cannot acknowledge that it failed, wherefore the *ad hominem* argument comes to the fore.

► Conclusion: A Theopolitical Challenge on the Grand Chessboard

The recent actions of the Ecumenical Patriarchate, as expressed through the agreement with Ukraine and the Tomos of autocephaly, have created the need for an adequate theopolitical analysis. Such an analysis must not only be able to tackle political developments but also to approach the Orthodox canon law behind them with its specific linguistic, theological, historical, and juridical dimensions. Orthodox canons and their skillful manipulation for the achievement of certain goals represent *terra incognita* and a challenge for social scientists.

In the course of the church crisis around Ukraine, the local Orthodox churches betray signs of emerging multiple Orthodoxies. Their official reactions demonstrate a readiness to recognize autocephaly for Ukraine, though they would rather it were given to the whole and not to a part. That the largest community in the country, the UOC MP, as well as the Moscow Patriarchate in toto, has rejected the approach of the Ecumenical Patriarchate makes even those of them who are especially loyal to Istanbul quite wary and subserviently ask Patriarch Bartholomew to convene an All-Orthodox meeting. The Serbian Orthodox Church has expressed the most radical position, denying the Phanar's initiative.

The developments analyzed in this paper uphold my thesis that global Orthodoxy is going to split into mutually exclusive clusters with two major centers, Moscow and Istanbul.⁸¹ The developments in the Archdiocese of the Russian Parishes in Western Europe, headquartered in Paris, which, until 27 November 2018, was under the Phanar and was then abolished by Patriarch Bartholomew, reflect this new theopolitical reality. On 23 February 2019, the Archdiocese refused to obey the Ecumenical Patriarchate,⁸² and its future jurisdiction is likely to become the Moscow Patriarchate. This is timely for the ROC, which is badly in need of strategic initiatives, because it partly counterbalances the success of the Phanar in Ukraine and reinforces Moscow on the grand theopolitical chessboard, quite in line with the invectives of the late Zbigniew Brzezinski.⁸³ The situation around Ukraine remains unsolved, and the reconciliation between different communities is not on the agenda.

About the Author

Dr. Alexander Ponomariov is a postdoctoral fellow at the University of Passau, Germany. He researches canon law and the specific interplay between politics and religion (theopolitics) in Russia and Ukraine. He is the author of *The Visible Religion: The Russian Orthodox Church and Her Relations with State and Society in Post-Soviet Canon Law (1992–2015)* (Frankfurt am Main and New York: Peter Lang, 2017).

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- 52 “Διότι ἡ μὲν ἀρχὴ τοῦ χωρισμοῦ διὰ σχίσματος γέγονεν, οἱ δὲ τῆς Ἐκκλησίας ἀποστάτες οὐκ ἔτι ἔσχον τὴν χάριν τοῦ ἁγίου Πνεύματος ἐφ’ ἑαυτούς, ἐπέλιπε γὰρ ἡ μετάδοσις τῶ διακοπήναι τὴν ἀκολουθίαν. Οἱ μὲν γὰρ πρῶτοι ἀναχωρήσαντες, παρὰ τῶν Πατέρων ἔσχον τὰς χειροτονίας καὶ διὰ τῆς ἐπιθέσεως τῶν χειρῶν αὐτῶν εἶχον τὸ χάρισμα τὸ πνευματικόν. Οἱ δὲ, ἀπορράγέντες, λαϊκοὶ γενόμενοι, οὔτε τοῦ βαπτίζεῖν, οὔτε τοῦ χειροτονεῖν εἶχον ἐξουσίαν, οὔτε ἠδύναντο χάριν Πνεύματος ἁγίου ἐτέροις παρέχειν, ἢς αὐτοὶ ἐκπεπτώκασι.” Ponomariou, Visible Religion, 77.
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Center for Eastern Europeans Studies (CEES)
Department of History
Karl-Schmid-Strasse 4, KO2-G-283
CH-8006 Zurich
E-Mail: cees@hist.uzh.ch
T: +41 (0)44 634 38 76
www.cees.uzh.ch

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