

**The Jurisdiction over the Regions *ἐν τοῖς βαρβαρικοῖς*
after the 2016 Holy and Great Council of the Orthodox Church;
in Light of Chalcedon Canon 28**

by

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Introduction

The purpose of this essay is to examine who exercises canonical jurisdiction over the so-called regions of Orthodox “*diaspora*,”¹ a Greek word meaning “*dispersion*” and referring to all the Orthodox Christians living in regions outside their native land and its local church. In order to answer this question, I am going to describe how, explain why, and evaluate whether canon 28 of the Fourth Ecumenical Council of Chalcedon (henceforth “Chal28”),² which assigns the pastoral care of these regions to the Ecumenical Patriarchate (henceforth “EP”), is still applicable after the Holy and Great Council of the Orthodox Church (henceforth “HGC”),³ which in two out of the six documents

¹ For an extensive bibliography for the topics of “*diaspora*,” “*autonomy*,” and “*autocephaly*,” see Grigorios D. Papatomas, *Essai de Bibliographie (ad hoc) pour l'étude des questions de l'autocéphalie, de l'autonomie et de la diaspora (Contribution bibliographique à l'étude des questions-Essai préliminaire)* [Essay of (ad hoc) Bibliography for the Study of the Questions of Autocephaly, Autonomy and the Diaspora (Bibliographical Contribution to the Study of the Questions-Preliminary Essay)] (Editions Epektasis, 2000).

² For the Council of Chalcedon (451) see Heinz Ohme, “Sources of the Greek Canon Law to the Quinisext Council (691/2): Councils and Church Fathers,” in *The History of Byzantine and Eastern Canon Law to 1500*, Wilfried Hartmann and Kenneth Pennington eds. (Washington, DC: The Catholic University of America Press, 2012), 24-114, at 57-66.

³ Crete, 2016. For a canonical analysis of the Holy and Great Council see Eva Synek, *Das “Heilige und Grosse Konzil von Kreta” [The “Holy and Great Council” of Crete]* (Freistadt: Verlag Plöchl, 2017).

that it adopted—the one on *Diaspora*⁴ and the one on *Autonomy*⁵—seems to accept the existence of overlapping ethnic jurisdictions in these regions.

I. The EP's Exclusive Jurisdiction over the ἐν τοῖς βαρβαρικοῖς (Chal28)

Chal28, in its first part ratified canon 3 of the Second Ecumenical Council of Constantinople⁶ (henceforth “I/Const”)—which recognized for the Church of Constantinople “the prerogative of honor after the bishop of Rome”⁷—by according to this see “equal prerogatives”⁸ with the elder Rome, and reiterated its ranking “in second place after”⁹ Rome. In its second part, Chal28 further clarified I/Const3, by defining the rights of the see of New Rome over certain episcopal ordinations, rights which were derived from the abovementioned

⁴ See the official Greek text “Ἡ Ὁρθόδοξος Διασπορά” [“The Orthodox Diaspora”], in *Λόγος Συνόδου: Τά κείμενα τῆς Ἁγίας καί Μεγάλης Συνόδου τῆς Ὁρθοδόξου Ἐκκλησίας – Κρήτη 2016* [Word of a Council: The Documents of the Holy and Great Council of the Orthodox Church – Crete 2016], Konstantinos Delikostantis ed. (Athens: Publishing Company Eptalophos, 2017), 79-88. For an unofficial English translation of this document see “The Orthodox Diaspora,” <https://www.holycouncil.org/-/diaspora?_101_INSTANCE_VA0WE2pZ4Y0I_languageId=en_US>, May 6, 2020.

⁵ See the official Greek text “Τό αὐτόνομον καί ὁ τρόπος ἀνακηρύξεως αὐτοῦ” [“Autonomy and the Means by Which it is Proclaimed”], in *Λόγος Συνόδου – Τά Κείμενα τῆς Ἁγίας καί Μεγάλης Συνόδου τῆς Ὁρθοδόξου Ἐκκλησίας, Κρήτη 2016* [Word of a Council: The Documents of the Holy and Great Council of the Orthodox Church – Crete 2016], Konstantinos Delikostantis ed. (Athens: Publishing Company Eptalophos, 2017), 89-92. 79-88. For an unofficial English translation of this document see “Autonomy and the Means by Which it is Proclaimed,” <https://www.holycouncil.org/-/autonomy?_101_INSTANCE_VA0WE2pZ4Y0I_languageId=el_GR>, May 6, 2020.

⁶ For the Council of I Constantinople (381) see Pavlos Menevisoglou, *Ἱστορική εἰσαγωγή εἰς τοὺς κανόνας τῆς Ὁρθοδόξου Ἐκκλησίας* [An Historical Introduction to the Canons of the Orthodox Church] (Stockholm, 1990), 167-201.

⁷ I/Const3: “τὰ πρεσβεῖα τῆς τιμῆς μετὰ τὸν τῆς Ῥώμης ἐπίσκοπον.” For the term “πρεσβεῖα τῆς τιμῆς” [“prerogatives of honor”] see John H. Erickson, “Chalcedon Canon 28: Yesterday and Today,” <<https://www.svots.edu/content/chalcedon-canon-28-yesterday-and-today>>, May 6, 2020, who emphatically states: “Honor was inseparable from responsibility and from recognized capacity for making authoritative decisions ... canon 3 of I Constantinople ... was not simply recognizing his moral leadership and prestige. It anticipated the major role that his see would play in the eastern part of the empire, above all in restraining the ambitions of Alexandria.”

⁸ Chal28: “τὰ ἴσα πρεσβεῖα.”

⁹ Ibid.: “δεύτεραν μετ’ ἐκείνην ὑπάρχουσιν.”

prerogatives.¹⁰ More specifically, Chalcedon subordinated the three large exarchates of the Eastern Empire (Pontus, Asia, Thrace), to the administration of the bishop of Constantinople,¹¹ recognizing, thus, for him a suprametropolitan jurisdiction,¹² analogous with the one that was attributed to the sees of Rome, Alexandria and Antioch (Canon 6 of the First Ecumenical Council of Nicea;¹³ henceforth “I/Nic”).

Modeled on late Roman civil administration, the basic unit of church governance in the Orthodox canonical tradition is that of one bishop exercising exclusive jurisdiction¹⁴ over his canonical territory (a city with its surrounding countryside).¹⁵ Every bishop together with his brother bishops of the neighboring cities constitute a province, a church district *sui iuris*.¹⁶ Ever since the administrative reforms of emperor Diocletian, several provinces together formed greater territorial entities, the Empire’s dioceses.¹⁷ The bishop of the provincial capital, the “mother city” (*metropolis*) became, thus, *ipso facto*, the president of the diocesan synod made up of the provincial bishops and enjoyed primatial prerogatives, most importantly concerning the control of episcopal

¹⁰ See Vlasios Phidas, *Ὁ θεσμός τῆς Πενταρχίας τῶν Πατριαρχῶν - Ἱστορικοκανονικὰ προβλήματα περὶ τὴν λειτουργίαν τοῦ θεσμοῦ (451-553)* [*The Institution of the Pentarchy of the Patriarchs – Historic-canonical Problems on the Operation of the Institution*] vol. II (Athens, 1977), 20.

¹¹ Chal28: “ὥστε τοὺς τῆς Ποντικῆς, καὶ τῆς Ἀσιανῆς, καὶ τῆς Θρακικῆς διοικήσεως μητροπολίτας μόνους ... χειροτονεῖσθαι ὑπὸ τοῦ... ἀγιωτάτου θρόνου τῆς κατὰ Κωνσταντινούπολιν ἀγιωτάτης ἐκκλησίας” (“consequently, the metropolitans and they alone of the dioceses of Pontus, Asia and Thrace ... are to be ordained by the ... most holy see of the most holy Church of Constantinople”).

¹² See Peter L’Huillier, *The Church of the Ancient Councils – The Disciplinary Work of the First Four Ecumenical Councils* (Crestwood, NY: St Vladimir’s Seminary Press, 1996), 277.

¹³ For the Council of I Nicea see Ohme, “Sources,” 34-38.

¹⁴ Liturgical, juridical, disciplinary, administrative, teaching, financial jurisdiction.

¹⁵ See Panteleimon Rodopoulos, “Ecclesiological Review of the Thirty-Fourth Apostolic Canon,” in *Μελέται Α΄: Κανονικὰ – Ποιμαντικὰ – Λειτουργικὰ – Οἰκουμενικὰ – Διάφορα* [*Essays I: Canonical – Pastoral – Liturgical – Ecumenical – Varia*] (Thessaloniki: Patriarchal Institute for Patristic Studies, 1993), 165-175, at 168.

¹⁶ See L’Huillier, *The Church*, 46.

¹⁷ See George Mousourakis, *A Legal History of Rome* (London and New York, NY: Routledge – Taylor & Francis Group, 2007), 137: “Diocletian’s reorganization of the provincial administration was particularly impressive and durable... Diocletian facilitated the central government’s control of the provincial administration by creating new administrative districts superior to the provinces, the dioceses.”

elections in the diocese.¹⁸ Each metropolitan diocese was self-governing, electing its own bishops and the metropolitan bishop, and, in most of the cases had the same boundaries as the civil diocese of the Roman Empire (principle of territorial accommodation).¹⁹

However, there were a few notable exceptions to the abovementioned principle. From an early stage onwards,²⁰ the sees of Rome, Alexandria, Antioch²¹ and Jerusalem/Aelia²² received a preeminent position, due to their political/ecclesiastical significance, apostolicity and apostolic succession, and theological radiance, especially during the period of heresies,²³ and to their bishops were recognized jurisdictional rights over several provinces (suprametropolises).²⁴ Against to this current of concentration went canon 8 of the Third Ecumenical Council of Ephesos²⁵, which recognized Cyprus' ecclesiastical self-governance.²⁶ With I/Const3 and Chal28, the canonical project of the ecclesiastical administration within the borders of the Empire is completed, and Constantinople, the see of the new imperial capital, with its territorial jurisdiction over Pontus, Asia and Thrace, is added to the four

¹⁸ See David Wagschal, "Orthodox Canon Law: The Byzantine Experience," in *The Orthodox Christian World*, Augustine Casiday ed. (Abingdon: Routledge Press, 2012), 383-397, at 390-391.

¹⁹ See Vlasios Phidas, *Ὁ θεσμός τῆς Πενταρχίας τῶν Πατριαρχῶν – Προϋποθέσεις διαμορφώσεως τοῦ θεσμοῦ (ἀπ' ἀρχῆς μέχρι τὸ 451)* [*The Institution of the Pentarchy of the Patriarchs – Preconditions for the Shaping of the Institution (from the Beginning until 451)*] vol. I (Athens, 1977), 96.

²⁰ See I/Nic6: "ἀρχαῖα ἔθη" ["ancient customs"].

²¹ *Ibid.*: "Τὰ ἀρχαῖα ἔθη κρατεῖτω, τὰ ἐν Αἰγύπτῳ, καὶ Λιβύῃ καὶ Πενταπόλει, ὥστε τὸν ἐν Αλεξανδρείᾳ ἐπίσκοπον πάντων τούτων ἔχειν τὴν ἐξουσίαν· ἐπειδὴ καὶ τῶ ἐν Ρώμῃ ἐπισκόπῳ τοῦτο σύνηθές ἐστιν. Ὁμοίως δὲ καὶ κατὰ τὴν Ἀντιόχειαν καὶ ἐν ταῖς ἄλλαις ἐπαρχίαις, τὰ πρεσβεῖα σώζεσθαι ταῖς ἐκκλησίαις" ["Let the ancient customs in Egypt, Libya and Pentapolis prevail, that the Bishop of Alexandria have jurisdiction over all these, since the same is customary for the Bishop of Rome as well. Likewise, in Antioch and the other provinces, let the Churches retain their privileges"].

²² See I/Nic7: "Ἐπειδὴ συνήθεια κεκράτηκε, καὶ παράδοσις ἀρχαῖα, ὥστε τὸν ἐν Αἰλία ἐπίσκοπον τιμᾶσθαι, ἐχέτω τὴν ἀκολουθίαν τῆς τιμῆς· τῇ μητροπόλει σφροζομένου τοῦ οἰκείου ἀξιώματος" ["Since custom and ancient tradition have prevailed that the Bishop of Aelia [i.e., Jerusalem] should be honoured, let him, saving its due dignity to the Metropolis, have the next place of honour."].

²³ Phidas, *Ὁ θεσμός τῆς Πενταρχίας* I, 28.

²⁴ See Phidas, *Ὁ θεσμός τῆς Πενταρχίας* II, 19.

²⁵ For the Council of Ephesos (431) see Menevisoglou, *Ἱστορική*, 202-226.

²⁶ See Grigorios Papatomas, *L'Église autocéphale de Chypre dans l'Europe unie (Approche nomocanonique)* [*The Autocephalous Church of Cyprus in the United Europe: Nomocanonical Approach*] (Katerini: Editions Epektasis, 1998).

abovementioned suprametropolitan sees, receiving the second place after Rome.

Nevertheless, the borders of the Empire were not conceived as immovable, since for the Roman world “*there were no foreign countries; there were only outlying districts.*”²⁷ In implementation of this idea, Chal28 regulated also the church administration beyond the Roman borders, granting to Constantinople²⁸ the exclusive right to ordain and “*the bishops of the aforementioned dioceses who are among the barbarians.*”²⁹

This section has been the object of meticulous study and different judgment from scholars. According to the prevailing opinion in the canonical literature, which follows the comments of the twelfth century’s preeminent Byzantine canonists³⁰ and of the *Pedalion*’s³¹ editors, since, in the phrase ἐν τοῖς βαρβαρικοῖς,³² the adjective βαρβαρικοῖς is not followed by the noun ἔθνεσι,³³ this adjective is not an ethnological term, but a geographical.³⁴ Therefore, Chal28 with the general term ἐν τοῖς βαρβαρικοῖς implied all the barbarian

²⁷ Gilbert Dagron, *Naissance d’une capitale: Constantinople et ses institutions de 330 à 451* [*Birth of a Capital: Constantinople and its Institutions from 330 to 451*] (Paris: Presses Universitaires de France, 1974), 486.

²⁸ Together with the right to ordain the Metropolitans of the dioceses of Pontus, Asia and Thrace.

²⁹ Chal28: “*τοὺς ἐν τοῖς βαρβαρικοῖς ἐπισκόπους τῶν προειρημένων διοικήσεων.*”

³⁰ For the three 12th-century canonists, John Zonaras, Theodore Valsamon, and Alexios Aristenos, see Spyros Troianos, “Byzantine Canon Law from the Twelfth to the Fifteenth Centuries,” in *The History of Byzantine and Eastern Canon Law to 1500*, Wilfried Hartman and Kenneth Pennington eds. (Washington, DC: The Catholic University of America Press, 2012), 170-214, at 176-178 (Zonaras); 178-180 (Aristenos); 180-183 (Balsamon).

³¹ For the *Pedalion*, a 19th-century annotated collection of canons, published with the *imprimatur* by the Holy and Sacred Synod of the EP, and for its editors, Hieromonk Agapios and Monk Nicodemos, see Pavlos Menevisoglou, *Τὸ Πηδάλιον καὶ ἄλλαι ἐκδόσεις ἱερῶν κανόνων κατὰ τὸν 18^{ον} αἰῶνα* [*The Pedalion and Other Editions of the Sacred Canons during the 18th Century*] (Katerini: Epektasis Publications, 2008).

³² “*Among the barbarians.*”

³³ “*Nations,*” as, for example, in I/Const2: “*ἐν τοῖς βαρβαρικοῖς ἔθνεσι*” [“*among the barbarian nations*”].

³⁴ As in the case of canon 52 of the Council of Carthage: “*τῶ βαρβαρικῶ.*” See Metropolitan Maximos (Christopoulos) of Sardes, *The Oecumenical Patriarchate in the Orthodox Church - A Study in the History and Canons of the Church*, Gamon McLellan trans. (Thessaloniki: Patriarchal Institute for Patristic Studies, 1976), 222.

places beyond the borders of the Empire, and not just the barbarian nations that could be also found within the Roman state.³⁵

This interpretation of the phrase *ἐν τοῖς βαρβαρικοῖς* could be challenged by the words that follow it, *ἐπισκόπους τῶν προειρημένων διοικήσεων*.³⁶ This latter phrase seems to imply only an area subject to the jurisdiction of the three dioceses (Pontus, Asia and Thrace).³⁷ However, this would be a superficial reading of Chal28, because, according to this canon, the bishop of Constantinople had the right to ordain “only”³⁸ the Metropolitans of the aforementioned dioceses, while each of these Metropolitans retained his right to ordain the bishops of each of the provinces under him,³⁹ along with his fellow bishops of that province. Chal28 would contradict itself if it granted to Constantinople the right to ordain the bishops among the barbarians in Pontus, Asia and Thrace, and then said that the bishops in these dioceses would be ordained by the diocesan Metropolitan.

Moreover, such a reading of the phrase *τῶν προειρημένων διοικήσεων* would nullify the fundamental canonical principle “one bishop per city”,⁴⁰ because the existence of two bishops in a certain city would be possible: the city’s bishop and the bishop for the barbarian people in the area. Therefore, the only possible systematic interpretation of the phrase *τῶν προειρημένων διοικήσεων* that respects the territorial principle is the one referring to

³⁵ See Metropolitan Germanos (Garophalidis) of Ainos, “Τὸ Οἰκουμενικὸν Πατριαρχεῖον καὶ αἱ ἐν τῇ διασπορᾷ Ὀρθόδοξοι Ἐκκλησίαι” [“The Ecumenical Patriarchate and the Orthodox Churches in the Diaspora”], in *Τὸ Οἰκουμενικὸν Πατριαρχεῖον καὶ ἡ ἀρμοδιότης αὐτοῦ πρὸς σύγκλησιν Πανορθόδοξων Συνόδων* [The Ecumenical Patriarchate and its Competence for Convening Pan-Orthodox Synods], Evdokimos Karakoulakis ed. (Athens: Publication “Panagia Akrotiriani,” 2014), 201-210, at 208.

³⁶ Chal28: “Bishops of the aforementioned dioceses.”

³⁷ This is the view of Sergius Troitsky, “The Limits of Authority of the Constantinopolitan Patriarchate over the ‘Diaspora,’” *One Church* 50 (1996): 59-67.

³⁸ See Chal28: “μόνους.”

³⁹ *Ibid.*: “ἐκάστου μητροπολίτου τῶν προειρημένων διοικήσεων μετὰ τῶν τῆς ἐπαρχίας ἐπισκόπων χειροτονοῦντος τοὺς τῆς ἐπαρχίας ἐπισκόπους, καθὼς τοῖς θείοις κανόσι διηγόρευται” [“each metropolitan of the abovementioned dioceses is to ordain the bishops of the province along with his fellow bishops of that province, as has been provided for in the divine canons”].

⁴⁰ See I/Nic8: “ἵνα μὴ ἐν τῇ πόλει δύο ἐπίσκοποι ᾶσιν” (“without this provision, there would be two bishops in the city”). For this principle see John Meyendorff, “One Bishop in One City (Canon 8, First Ecumenical Council),” *St Vladimir’s Theological Quarterly* 5 (1961): 54-62.

barbarian places⁴¹ beyond the borders of the Empire, which had not been Christianized yet. In short, Chal28 assigns to Constantinople the pastoral care of all the local churches outside the borders of the Roman state, i.e. outside the limits of any specific ecclesiastical jurisdiction, which become exclusive canonical territory of New Rome.

The canons of Chalcedon were “sealed”⁴² by canon 2 of the Council in Trullo,⁴³ and Chal28 was specifically ratified by Trullo36, which canonically confirmed the system of the Pentarchy of the Patriarchs.⁴⁴ The essence of this system, which was gradually developed as a reaction to the claims of Papal Supremacy, lies in the fact that all the four divisions of the civilized world were divided among the five Patriarchates, making the whole *ecumene* a place of Eucharistic gatherings.⁴⁵ Rome and Constantinople are ranked equal as far as the privileges of their thrones are concerned,⁴⁶ but Rome, as the old capital of the Empire, retains the first position, followed by Constantinople in the second position, as the new capital, followed by Alexandria in the third position, because of the importance of the city, followed by Antioch in the fourth

⁴¹ See Πηδάλιον τῆς νοητῆς νηός, τῆς μιᾶς, ἁγίας, καθολικῆς καὶ ἀποστολικῆς τῶν Ὀρθοδόξων Ἐκκλησίας [*The Rudder of the Noetic Ship of the One, Holy, Catholic, and Apostolic Church of the Orthodox*], Agapios (Hieromonk) & Nikodemos (Monk) eds. (4th ed.; Athens: Vlastos Ch. Varvarigos, 1886), 175: “οἱ Ἐπίσκοποι οἱ εἰς τοὺς βαρβαρικοὺς τόπους εὐρισκόμενοι, τοὺς γειτονεῦντας εἰς τὰς ρηθείσας αὐτὰς Διοικήσεις” [“the bishops who are in the barbarian places adjacent to the said dioceses”].

⁴² Trullo2: “ἐπισφραγίζομεν.”

⁴³ The Council in Trullo (or Quinisext Council), which took its name from the domed hall (Trullos) of the imperial place in Constantinople where it was convened by Emperor Justinian II in 691/2, see George Nedungatt, SJ, “The Council in Trullo Revisited: Ecumenism and the Canon of the Councils,” *Theological Studies* 71 (2010): 651-676.

⁴⁴ Maximos of Sardes, *The Oecumenical Patriarchate*, 229.

⁴⁵ In accordance with Carthage Canon 57: “τὴν καθολικὴν τοῦ Θεοῦ Ἐκκλησίαν, τὴν ἀνὰ πάντα τὸν κόσμον διακεχυμένην” [“the catholic Church of God, which is diffused into the whole world”].

⁴⁶ See Trullo36: “Ἀνανεούμενοι τὰ παρὰ τῶν ἑκατὸν πενήκοντα ἁγίων Πατέρων, τῶν ἐν τῇ θεοφυλάκτῳ ταύτῃ καὶ βασιλίδι πόλει συνελθόντων, καὶ τῶν ἑξακοσίων τριάκοντα, τῶν ἐν Χαλκηδόνι συναθροισθέντων νομοθετηθέντα, ὀρίζομεν, ὥστε τὸν Κωνσταντινουπόλεως θρόνον τῶν ἴσων ἀπολαύειν πρεσβείων τοῦ τῆς πρεσβυτέρας Ρώμης θρόνου” (“Renewing the enactments by the 150 holy Fathers assembled at this God-protected and imperial city, and those of the 630 who met at Chalcedon, we decree that the throne of Constantinople shall have equal privileges with the throne of the Elder Rome”)

position and by Jerusalem in the fifth position.⁴⁷ This ranking of the Patriarchates does not imply any subordination of Alexandria, Antioch and Jerusalem to Rome and Constantinople. The suprametropolitan jurisdiction of each of the five thrones is retained and any external intervention is prohibited.⁴⁸ The ranking simply is a manifestation of the exalted role that the Elder and the New Rome played in Christendom, even among the most preeminent Patriarchal thrones, in matters of ecclesiastical administration.⁴⁹

The final jurisdictional determination between Rome and Constantinople took place at the Synod of Hagia Sophia,⁵⁰ which in its canon 1 prescribed the mutual respect and precluded any legal action against the decisions of the Pope and the Ecumenical Patriarch,⁵¹ recognizing, thus, officially the full administrative and judicial autonomy of the West and the East.⁵² The rupture of communion between Western and Eastern Christendom and the exclusion of Rome from the Pentarchy did not damage the canonical existence and function of the system, which continued to exist with the remaining Patriarchs of the East, since, even though the five thrones were numbered, in no case they were divided.⁵³

To these four Patriarchates, as well as to the self-governing ancient Church of Cyprus, were added the newer local Orthodox Churches. All these newer Churches were once canonical territory of the EP, which granted

⁴⁷ Ibid.: “καὶ ἐν τοῖς ἐκκλησιαστικοῖς, ὡς ἐκεῖνον, μεγαλύνεσθαι πράγμασι, δεύτερον μετ’ ἐκεῖνον ὑπάρχοντα, μεθ’ ὃν τῆς Ἀλεξανδρέων μεγαλοπόλεως ἀριθμείσθω θρόνος, εἶτα ὁ Ἀντιοχείας, καὶ μετὰ τοῦτον, ὁ τῆς Ἱεροσολυμιτῶν πόλεως” (“and shall be highly regarded in ecclesiastical matters as that is, and shall be second after it. After Constantinople shall be numbered the throne of the Great City of Alexandria, then that of Antioch, and, after it, the throne of city of the Jerusalemites”).

⁴⁸ Phidas, *Ὁ Θεσμός τῆς Πενταρχίας* I, 127.

⁴⁹ Maximos of Sardes, *The Oecumenical Patriarchate*, 231 (n. 1).

⁵⁰ For the Synod of Hagia Sophia of 879/80 see Menevisoglou, *Ἱστορική*, 493-511.

⁵¹ For the canons of the Synod of Hagia Sophia see Spyros Troianos, “Byzantine Canon Law to 1100,” in *The History of Byzantine and Eastern Canon Law to 1500*, Wilfried Hartmann and Kenneth Pennington eds. (Washington, DC: The Catholic University of America Press, 2012), 115-169, at 149-150.

⁵² Bishop Kirillos (Katarellos) of Abydos, *Ἡ Ρώμη καὶ τὸ παπικὸ πρωτεῖο ἐπὶ πατριαρχίας Ἀγ. Ἰγνατίου καὶ Ἱ. Φωτίου (847-886)* [*Rome and the Papal Primacy during the Patriarchal Tenure of St Ignatios and Holy Photios (847-886)*] (Istanbul: Publication of the Sacred Theological School of Chalki, 2019), 472.

⁵³ See Vlasios Phidas, *Ὁ Θεσμός τῆς Πενταρχίας τῶν Πατριαρχῶν ἀπὸ τῆν Ε΄ Οἰκουμενικῆν Σύνοδον μέχρι σήμερον (553 – 2012)* [*The Institution of the Pentarchy of the Patriarchs from the Fifth Ecumenical Council until Today (553 – 2012)*] (Athens, 2012), 261.

autocephalous status to them through a Patriarchal and Synodal *Tomos*, i.e. an act issued by the Ecumenical Patriarch and the Holy and Sacred Synod of the EP, which contains the conditions that were fulfilled for the granting of the autocephaly and defines the territorial jurisdiction and limits of these Churches, which normally coincide with the borders of a particular state.⁵⁴ At a later stage, the EP granted the Patriarchal honor to some of these new autocephalous Churches. Nevertheless, the convocation of a future Ecumenical or HGC is still required for the final ratification and blessing of the autocephalous status of these Churches.⁵⁵

The adjective autocephalous (*αὐτοκέφαλος*) is a composite word formed by the noun *κεφαλή* (“head”) and the adjective *αὐτός* (“itself”) and it literally means “having its own head” or “self-directing.”⁵⁶ The status of autocephaly is the fullest form of administrative independence and self-action given to an ecclesiastical region that was part of an already existing autocephalous Church.⁵⁷ The new autocephalous Church—the synod of bishops of that particular territory—exercises the canonical rights of the externally independent determination, election, ordination and judgment of its primate, and of administration of its internal affairs,⁵⁸ without the approval of any higher ecclesiastical authority.⁵⁹ It also freely handles its relations with the

⁵⁴ See Panteleimon Rodopoulos, “Territorial Jurisdiction According to Orthodox Canon Law – The Phenomenon of Ethnophyletism in Recent Years,” in *Μελέται Β΄: Νομοκανονικά - Ιστορικοκανονικά και ἄλλα* [Essays II: Nomocanonical – Historicocanonical and Other] (Thessaloniki: Patriarchal Institute for Patristic Studies, 2008), 47-62, at 52.

⁵⁵ See Panagiotis N. Trembelas, “Ἀρχαὶ κρατήσασαι ἐν τῇ ἀνακηρύξει τοῦ Αὐτοκεφάλου” [“Standing Principles in the Granting of Autocephaly”], *Θεολογία* [Theology] 28 (1957): 9-22, at 22 (n. 36).

⁵⁶ See Peter L’ Huillier, “Problems Concerning Autocephaly,” *Greek Orthodox Theological Review* 24 (1979): 165-191, at 166.

⁵⁷ See Anastasio Vavouskos and Grigorios Liantas, *Οἱ θεσμοὶ τοῦ αὐτοκεφάλου καὶ τοῦ αὐτονόμου καθεστώτος στὴν Ὀρθόδοξη Ἐκκλησία (Μελέτες – Πηγές)* [The Institutions of the Autocephalous and Autonomous Status in the Orthodox Church (Essays – Sources)] (Thessaloniki: Metheksis Publications, 2014), 16.

⁵⁸ Such as elections and ordinations of all its own bishops, fiscal management, legislative and judicial work.

⁵⁹ See Prodromos I. Akanthopoulos, *Οἱ θεσμοὶ τῆς “αὐτονομίας” καὶ τοῦ “αὐτοκεφάλου” τῶν Ὀρθοδόξων Ἐκκλησιῶν σύμφωνα με τὸ θετικὸ δίκαιο τοῦ Οἰκουμενικοῦ Πατριαρχείου κατὰ τὴ διάρκεια τοῦ 19οῦ καὶ 20οῦ αἰῶνα* [The Institutions of “Autonomy” and “Autocephaly” of the Orthodox Churches in Accordance with the Positive Law of the Ecumenical Patriarchate during the 19th and the 20th century] (Thessaloniki: P. Pournaras Publications, 1988), 35: “αὐτοδιοικεῖται ἑλευθέρως καὶ

authorities of the state where it exists and with the other Orthodox autocephalous Churches, remaining though in full ecclesiastical communion with the latter, confessing the same faith and following the same sacramental life and canonical tradition with them. In short, the system of the autocephalous churches contains within it a paradoxical antinomy, since these churches are free and independent, but in no case self-planted and self-existing.⁶⁰ Today fifteen local autocephalous Churches exist: the four ancient Patriarchates (Constantinople, Alexandria, Antioch, Jerusalem), the five newer Patriarchates (Russia, Serbia, Romania, Bulgaria, Georgia), and six other autocephalous Churches (Cyprus, Greece, Poland, Czech Lands and Slovakia, Ukraine).

II. The Overlapping Jurisdictions “in the Regions of the Orthodox Diaspora” & the HGC

One of the rights that each of the autocephalous Churches enjoys is to “grant autonomy within the borders of its canonical geographical region.”⁶¹ This right was officially granted to them for the first time by the HGC, which adopted the document on *Autonomy and the Means by Which it is Proclaimed*.⁶² Interestingly enough, this right for granting of autonomy is given to all the Orthodox

ἀκολούτως ἀπό πάσης ἄλλης ἐπεμβάσεως” [“it is self-governed ‘freely and unhamperedly from any other intervention’”].

⁶⁰ See Grigorios D. Papathomas, “The Canonical Orthodox Response to the Concept of the ‘National Church:’ the Autocephalous Church (Ecclesiological inadequacies within the bosom of the *National Church* and the ‘weaknesses’ in the reception of the *Autocephalous Church*,” in *The State, the Orthodox Church and Religions in Greece* (Katerini: Editions Epektasis, 2008), 111-145, at 135-136: “*Autocephalous Churches exist among themselves ‘without confusion’ and ‘without division.’ In other words, the ecclesial hypostatic qualities of the Autocephalous Church allow it to exist without confusion and without division with another Autocephalous Church – or Churches. In this way, both ecclesial alterity and ecclesial communion are ensured and preserved simultaneously*” (emphasis in text).

⁶¹ *Autonomy*, § 2.e.: “δύναται νά παραχωρήῃ αὐτόνομον καθεστῶς μόνον ἐντός τῶν ὁρίων τῆς κανονικῆς γεωγραφικῆς περιφερείας αὐτῆς.”

⁶² For the process that led to the final draft of the document on *Autonomy* that was adopted by the Holy and Great Council see John H. Erickson, “Autocephaly and Autonomy,” *St Vladimir’s Theological Quarterly* 60 (2016): 91-110, at 91-92, 103-106, 108-110, who observes (109) that “the process for accession to autonomy prescribed in the draft text is consonant with what the Russian Orthodox Church envisioned for both accession to autonomy and accession to autocephaly in its original background reports.”

Autocephalous Churches, even to the newer ones, despite the fact that the final ratification of their own autocephaly awaits a future HGC.⁶³

The status of autonomy—literally meaning “self-ruled,” from the Greek words *αὐτός* (“itself”) and *νόμος* (“law, rule”)—“is a canonical expression of the relative or partial independence of a particular ecclesial region from the canonical jurisdiction of the autocephalous Church to which it canonical belongs.”⁶⁴ The relative or partial independence of the autonomous Church from its mother Church is the *first* difference between an autonomous and an autocephalous Church, with the latter being fully independent from any other Church. A *second* difference between autonomy and autocephaly has to do with the way of the election and the position of the primate: in the case of an autonomous church, the election of its primate is approved or executed by the appropriate ecclesiastical organ of the autocephalous church,⁶⁵ he commemorates during the Divine Liturgy only the primate of the autocephalous church to which his church belongs⁶⁶ and his name does not enter the *Diptychs* of the Orthodox Church;⁶⁷ in the case of

⁶³ See Spyros N. Troianos, “Παρατηρήσεις ἐπὶ τῶν τυπικῶν καὶ οὐσιαστικῶν προϋποθέσεων τῆς ἀνακηρύξεως τοῦ αὐτοκεφάλου καὶ τοῦ αὐτονόμου ἐν τῇ Ὁρθοδόξῳ Ἐκκλησίᾳ” [“Observations on the Form and Substantive Preconditions for the Granting of Autocephalous and Autonomous Status in the Orthodox Church”], in *Τιμητικὸν Ἀφιέρωμα εἰς τὸν Μητροπολίτην Κίτρος Βαρνάβαν ἐπὶ τῇ 25ετηρίδι τῆς Ἀρχιερατείας του* [Honorary Dedication to the Most Rev. Barnabas Metropolitan of Kitros on his 25th Anniversary as Hierarch] (Athens, 1980), 335-348, at 348, who concludes for the newer autocephalous churches that “they do not have the right ... to renounce fully or partially their right of self-governance in favor of one of their portions ..., because this is a constitual element of the primary power, which remains to its initial bearer, i.e. the mother Church” [“δὲν δικαιοῦνται ... νὰ παραιτηθοῦν ἐν ὅλῳ ἢ ἐν μέρει τοῦ δικαιώματος αὐτοδιοικήσεως ὑπὲρ ἑνὸς τμήματός των ..., διότι τοῦτο ἀποτελεῖ συστατικὸν στοιχεῖον τῆς πρωτογενοῦς ἐξουσίας, ἣτις παραμένει εἰς τὸν ἀρχικὸν φορέα, δηλαδὴ τὴν μητέρα Ἐκκλησίαν”].

⁶⁴ *Autonomy*, § 1.: “Ὁ θεσμὸς τοῦ Αὐτονόμου ἐκφράζει κατὰ κανονικὸν τρόπον τὸ καθεστῶς τῆς σχετικῆς ἢ μερικῆς ἀνεξαρτησίας ἑνὸς συγκεκριμένου ἐκκλησιαστικοῦ τμήματος ἐκ τῆς κανονικῆς δικαιοδοσίας τῆς Αὐτοκεφάλου Ἐκκλησίας, εἰς τὴν ὁποῖαν κανονικῶς ἀναφέρεται.”

⁶⁵ *Autonomy*, § 1.b.: “Ἡ ἐκλογή τοῦ Πρώτου τῆς Αὐτονόμου Ἐκκλησίας ἐγκρίνεται ἢ διενεργεῖται ὑπὸ τοῦ ἀρμοδίου ἐκκλησιαστικοῦ ὄργανου τῆς Αὐτοκεφάλου Ἐκκλησίας” [“The election of the Primate (First Hierarch) of an autonomous Church is approved or executed by the appropriate ecclesiastical entity of the autocephalous Church”].

⁶⁶ *Ibid.*, § 3.a.: “Ὁ Πρῶτος τῆς Αὐτονόμου Ἐκκλησίας μνημονεύει μόνον τοῦ ὀνόματος τοῦ Προκαθημένου τῆς Αὐτοκεφάλου Ἐκκλησίας” [“The Primate of the autonomous Church only commemorates the name of the primate of the autocephalous Church”].

⁶⁷ *Autonomy*, § 3.b.: “Τὸ ὄνομα τοῦ Πρώτου τῆς Αὐτονόμου Ἐκκλησίας δὲν ἀναγράφεται εἰς τὰ Δίπτυχα” [“The name of the Primate of the autonomous Church is not

an autocephalous church, as I have already mentioned, the primate is elected by the appropriate ecclesiastical organ of that church without any external interference, his name enters the *Diptychs*, and during the Divine Liturgy he commemorates only his brother primates of the other autocephalous churches. A *third* difference between autonomy and autocephaly is related to the fact that the *Tomos* of autonomy is granted by the holy synod of the mother church⁶⁸ and not by the EP, as the *Tomos* of autocephaly. A *fourth* and last difference between the two ecclesiastical status has to do with the obligation of an autonomous Church to realize its inter-Orthodox, inter-Christian and inter-religious relations through its mother church,⁶⁹ unlike to an autocephalous church, which freely and without any intervention exercises its external relations.

The document of the HGC on *Autonomy* introduces a geographical exception to the areas where the status of autonomy may be granted: an autonomous church cannot be established “*in the region of the Orthodox Diaspora, except by pan-Orthodox consensus, upheld by the Ecumenical Patriarch in accordance with prevailing pan-Orthodox practice.*”⁷⁰ In this provision, the phrase “*region of the Orthodox Diaspora*” is introduced, but without any definition. The definition of this phrase is given to another document that was also adopted by the HGC: *The Orthodox Diaspora*. According to this latter document as “*regions of the Orthodox Diaspora*” are defined “*i. Canada, ii. United States of America, iii. Latin*

entered into the Diptychs”]. The *Diptychs* is the list with the names of the Orthodox primates in accordance with their order of precedence that are commemorated by each primate during the Divine Liturgy. For the *Diptychs* see Grigorios D. Papathomas, “The Canonical Issue of the Ecclesial Diptychs: Ecclesiastical-Political Challenges and Ecclesial-Canonical Taxis,” *St Vladimir’s Theological Quarterly* 60 (2016): 111-132.

⁶⁸ *Autonomy*, § 2.b.: “*Εἰς περίπτωσιν θετικῆς ἀποφάσεως ἐκδίδει τὸν σχετικὸν Τόμον, ὁ ὁποῖος καθορίζει τὰ γεωγραφικὰ ὄρια καὶ τὰς σχέσεις τῆς Ἀὐτονόμου πρὸς τὴν εἰς ἣν ἀναφέρεται Ἀὐτοκέφαλον Ἐκκλησίαν, συμφώνως πρὸς τὰ καθιερωμένα κριτήρια τῆς ἐκκλησιαστικῆς παραδόσεως*” [“*In the event of a favorable decision, the autocephalous Church issues a Tomos, which defines the geographical boundaries of the autonomous Church and its relationship with the autocephalous Church to which it refers, in accordance with the established criteria of ecclesial Tradition*”].

⁶⁹ *Ibid.*, § 2.d.: “*Ἡ Ἀὐτόνομος Ἐκκλησία ἐκφράζεται διὰ τῆς ἐξ ἧς ἔλαβε τὴν αὐτονομίαν αὐτῆς Ἀὐτοκεφάλου Ἐκκλησίας εἰς τὰς διορθόδοξους, διαχριστιανικὰς καὶ διαθρησκευτικὰς σχέσεις αὐτῆς*” [“*The autonomous Church realizes its inter-Orthodox, inter-Christian, and inter-religious relations through the autocephalous Church from which it received autonomy*”].

⁷⁰ *Ibid.*, § 2.e.: “*Εἰς τὸν χῶρον τῆς Ὁρθοδόξου Διασπορᾶς δὲν ἰδρύνονται Ἀὐτόνομοι Ἐκκλησίαι, εἰ μὴ μόνον μετὰ πανορθόδοξον συναίνεσιν, ἐξασφαλιζομένην ὑπὸ τοῦ Οἰκουμενικοῦ Πατριάρχου κατὰ τὰ πανορθόδοξως ἰσχύοντα.*”

America, iv. Australia, New Zealand and Oceania, v. Great Britain and Ireland, vi. France, vii. Belgium, Holland and Luxembourg, viii. Austria, ix. Italy and Malta, x. Switzerland and Lichtenstein, xi. Germany, xii. Scandinavian countries (except Finland), xiii. Spain and Portugal."⁷¹

In these regions, in the same place coexist more than one canonically recognized bishops, who are subject to the canonical jurisdiction of different autocephalous Churches.⁷² In the broader NY area,⁷³ for example, reside one hierarch of the EP (with two auxiliary bishops), one hierarch of the Patriarchate of Antioch, two hierarchs of the Patriarchate of Russia, one hierarch of the Patriarchate of Bulgaria, and one hierarch of the so-called Orthodox Church in America,⁷⁴ making thus a total of six ruling bishops in one place, in violation of I/Nic8.

⁷¹ *Diaspora*, § 3: "i. Καναδάς, ii. Ηνωμένα Πολιτεῖαι Ἀμερικῆς, iii. Λατινική Ἀμερική, iv. Αὐστραλία, Νέα Ζηλανδία καὶ Ὠκεανία, v. Μεγάλη Βρεταννία καὶ Ἴρλανδία, vi. Γαλλία, vii. Βέλγιον, Ὀλλανδία καὶ Λουξεμβούργον, viii. Αὐστρία, ix. Ἰταλία καὶ Μάλτα, x. Ἐλβετία καὶ Λιχτενστάιν, xi. Γερμανία, xii. Σκανδιναυϊκαὶ Χῶραι (ἐκτός τῆς Φιλλανδίας), xiii. Ἰσπανία καὶ Πορτογαλία." For the explanation of why these regions were chosen see *Συνοδικὰ XI. Δ' Προσσυνοδικὴ Πανορθόδοξος Διάσκεψις (6-13 Ἰουνίου 2009): Πρακτικά – Κείμενα [Synodica XI. 4th Pre-Conciliar Pan-Orthodox Conference (June 6-13, 2009): Acts - Documents]*, Secretariat on the Preparation of the Holy and Great Council of the Orthodox Church ed. (Chambésy, Geneva: Orthodox Center of the Ecumenical Patriarchate, 2015), 142-171.

⁷² See Panteleimon Rodopoulos, "Ἡ Ὁρθόδοξος Διασπορὰ ἀπὸ ἐκκλησιολογικῆς καὶ κανονικῆς ἀπόψεως" ["The Orthodox Diaspora from an Ecclesiological and Canonical Perspective"], in *Τιμητικὸν Ἀφιέρωμα εἰς τὸν Μητροπολίτην Κίτρον Βαρνάβαν ἐπὶ τῇ 25ετηρίδι τῆς Ἀρχιερατείας του [Honorary Dedication to the Most Rev. Barnabas Metropolitan of Kitros on his 25th Anniversary as Hierarch]* (Athens, 1980), 321-333, at 331: "παρουσιάζεται τὸ φαινόμενον τῆς ὑπάρξεως εἰς μίαν καὶ τὴν αὐτὴν πόλιν ἐπισκόπων περισσοτέρων τοῦ ἑνός, διακρινομένων, παρὰ τὴν θεμελιώδη ἐκκλησιολογικὴν καὶ κανονικὴν διδασκαλίαν τῆς Ἐκκλησίας, κατ' ἐθνικότητα, φυλὴν καὶ γλῶσσαν" ["the phenomenon appears of the coexistence in one and the same city of more than one bishops, distinguished on the basis of ethnicity, race and language, contrary to the fundamental ecclesiological and canonical teaching of the Church"].

⁷³ For the formation of the ethnic Churches in the USA see John H. Erickson, *Orthodox Christians in America – A Short History* (New York, NY: Oxford University Press, 2008), 58-83.

⁷⁴ See Alexei Krindatch, "Inset Maps: Bishops and Parishes of the Assembly of Canonical Orthodox Bishops of the United States: Total Number of Parishes in Each County," <<http://assemblyofbishops.org/assets/maps/US-Bishops-And-Parishes-2018-07-July.pdf>>, May 6, 2020.

The abovementioned “*regions of the Orthodox Diaspora*” constitute a serious attack on strict canonical observance, create a “*canonical chaos*,”⁷⁵ and turn the diaspora into a “*polycephalous monster*”⁷⁶ of overlapping ecclesiastical jurisdictions. This is the consequence of a serious distortion of the territorial principle by some of the local autocephalous churches, which have replaced territoriality with ethnicity, claiming, thus, jurisdiction not only within their canonical boundaries, as defined in their *Tomos* of autocephaly, but upon every individual of the same ethnic origin.⁷⁷

For example, according to the *Statute* of the Church of Russia, its jurisdiction extends “*to persons of Orthodox confession living in the canonical territory of the Russian Orthodox Church*” (territorial principle), as well as “*to the Orthodox Christians living in other countries and voluntarily joining this jurisdiction*”⁷⁸ (ethnic principle), expressing a mentality of colonialism.⁷⁹ Such references to “*other countries*” beyond the jurisdiction of the Church of Russia fail to acknowledge the existence of other canonically established local autocephalous churches and see only diaspora outside the canonical territory of the Patriarchate of Moscow, creating, thus, a universal jurisdiction⁸⁰ of an ethnic nature. For this reason, the Patriarchate of Moscow chooses to call itself “*Russian Orthodox Church*” instead of “*Orthodox Church of Russia*.” This replacement of the local designation “*of Russia*” with the adjectival designation “*Russian*” is not superficial, but it reveals the transition from territorial to ethnic ecclesiology.⁸¹

⁷⁵ John Meyendorff, “Contemporary Problems of Orthodox Canon Law,” *Greek Orthodox Theological Review* 17 (1972): 41-50, at 46

⁷⁶ Jean Gaudemet, *Le gouvernement de l'Église à l'époque classique: Le gouvernement local* [*The Government of the Church in the Classic Period: The Local Government*] vol. VIII/2 (Paris: Cujas, 1979), 124.

⁷⁷ Grigorios Papatomas, “Our ‘Post-ecclesiological’ Age,” *The Messenger* 2 (2007): 26-47, at 35-36.

⁷⁸ “The Statute of the Russian Orthodox Church,” <<https://mospat.ru/en/documents/ustav/i/>>, May 12, 2020: Part I, § 3.

⁷⁹ Elpidophoros Lambriniadis, “Greek Orthodoxy, the Ecumenical Patriarchate, and the Church in the USA,” *St Vladimir's Theological Quarterly* 54 (2010): 421-439, at 428.

⁸⁰ For the universal jurisdiction and its ecclesiology see Nicolas Afanassieff, “L'Église qui preside dans l'Amour” [“The Church Which Presides in Love”], in *La Primauté de Pierre dans l'Église Orthodoxe* [*The Primacy of Peter in the Orthodox Church*], Nicolas Afanassieff, Nicolas Koulomzine, Jean Meyendorff, Alexandre Schmemmann eds. (Neuchâtel: Delachaux & Niestlé S.A., 1960), 9-64, at 10-25.

⁸¹ Papatomas, “The Canonical Orthodox Response,” 117-120 & 125-127.

However, Pauline ecclesiology does not employ an ethnic criterion for the characterization of an ecclesial body. For the “*Apostle to the Nations*” a Church is always in a given place, a locally established Church;⁸² never a Church preceded by a qualitative adjective.⁸³ Paul always refers to the one and only Church, the Body of Christ, incarnated in different locations,⁸⁴ and not to different Churches, as the adjectival designations signify.⁸⁵ It is not an exaggeration to argue that with ethnic ecclesiology the whole New Testament would have to be rewritten.⁸⁶

The Orthodox Church was cognizant of this reality and as soon as this ethnic ecclesiology started emerging during the nineteenth century, at the time of the dominion of the concepts of the ethnic state and church, a Pan-Orthodox Council in Constantinople⁸⁷ condemned ecclesiological ethno-phyletism as heresy.⁸⁸ Nevertheless, during the twentieth century, with the growing tides of

⁸² See, for example, 1 Cor 1:2: “τῆ ἐκκλησίᾳ τοῦ Θεοῦ τῆ οὔσῃ ἐν Κορίνθῳ” [“*the church of God which is at Corinth*”].

⁸³ Such as “*Corinthian Church*.”

⁸⁴ Such as in Corinth, in Thessaloniki, in Russia.

⁸⁵ Corinthian Church, Thessalonian Church, Russian Church

⁸⁶ See Athanasios G. Moustakis, “Τὸ πρόβλημα τῶν ἐκκλησιαστικῶν δικαιοδοσιῶν ὑπὸ βιβλικὴ προοπτικὴ: μερικὲς ἐπισημάνσεις” [“*The Problem of Ecclesiastical Jurisdictions from a Biblical Perspective: A few Highlights*”] *Θεολογία* [Theology] 87 (2016): 369-376, at 376, who emphasizes that “*the division of local Churches for religious or national reasons creates an unprecedented situation, which is condemned by the Apostle Paul as deviation from sound faith*” [“*ἡ διάσπαση τοπικῶν Ἐκκλησιῶν γιὰ θρησκευτικὸν ἢ ἐθνικὸν λόγον δημιουργεῖ μία ἄνευ προηγουμένου κατάστασις, ἢ ὁποῖα καταδικάζεται ἀπὸ τὸν ἀπ. Παῦλο ὡς ἀπόκλιση ἀπὸ τὴν ὀρθὴ πίστιν*”].

⁸⁷ For the Council of Constantinople (1872) see Angeliki Tsagaris, *Οἱ Μείζονες Σύνοδοι τοῦ 19ου αἰῶνα. Οἱ ἐθνικὲς Ἐκκλησίαι τῶν Βαλκανίων στὴ δίνη τῶν νέων πολιτικῶν ἀντιλήψεων* [The Great Councils of the 19th century. The National Churches of the Balkans in the Turbulence of the New Political Conceptions] (Katerini: Editions Epektasis, 2013), 185-210.

⁸⁸ See “*Concilium Constantinopolitanum 1872*” [“*Constantinopolitan Council of 1872*”], in *Conciliorum Oecumenicorum Generaliumque Decreta. Editio Critica – The Great Councils of the Orthodox Churches: Decisions and Synodika, From Constantinople 861 to Constantinople 1872* [Decrees of the Ecumenical and General Councils. Critical Edition – The Great Councils of the Orthodox Churches: Decisions and Synodika, From Constantinople 861 to Constantinople 1872] Vol. IV/1, Giuseppe Alberigo and Alberto Melloni eds. (Turnhout: Brepols Publishers, 2016), 371-373: “*Ἀποκηρύττομεν κατακρίνοντες καὶ καταδικάζοντες τὸν φυλετισμὸν, τουτέστι τὰς φυλετικὰς διακρίσεις καὶ τὰς ἐθνικὰς ἔρεις καὶ ζήλους καὶ διχوستασίας ἐν τῇ τοῦ Χριστοῦ ἐκκλησίᾳ, ὡς ἀντικείμενον τῇ διδασκαλίᾳ τοῦ εὐαγγελίου καὶ τοῖς ἱεροῖς κανόνισι τῶν μακαρίων πατέρων ἡμῶν*” [“*We renounce, decrying and condemning, phyletism, that is the phyletic*”].

Orthodox Christian immigration from the Balkans, the Middle East and Eastern Europe to America, Australia and Western Europe, “*the regions of the Orthodox Diaspora*” were explicitly organized on the basis of the heretically condemned ethnic ecclesiology and its analogous ecclesiology of the diaspora. The concept of the diaspora⁸⁹ is inconceivable in Christianity, where, in accordance with the territorial principle, the whole earth is covered by local churches, which by definition cannot have diaspora, since their jurisdiction is limited only within their canonical borders.⁹⁰

If the territories beyond the canonical borders of a local church were truly “*regions of diaspora*,” Chalcedon would have no reason to adopt Chal28. This canon ecclesologically excludes any possibility of diaspora, since all the Orthodox Christians living in regions outside the borders of their autocephalous church, become *ipso facto* members of the local church in those regions, whose pastoral care is exclusively assigned to the EP. Therefore, all those local autocephalous Orthodox Churches which claim jurisdiction not only over those persons within their canonical territory, but also over those persons of the same ethnic origin who live “*in the regions of the Orthodox Diaspora*,” uncanonically encroach upon the jurisdiction of EP.

During the early 20th century, around the time that the ethnic ecclesiology of the diaspora reached its peak, the jurisdiction of the EP over the ἐν τοῖς βαρβαρικοῖς was questioned by some canonists, who treated the abovementioned interpretation of Chal28 as a “*novel theor[y] of obligatory and exceptional subordination to the Constantinopolitan Church of the entire Orthodox ‘diaspora*,’”⁹¹ which was introduced in 1922 by the then Ecumenical Patriarch Meletios IV (Metaxakis) and was later followed by his successors to the

discriminations and the ethnic discord and envying and dissension in the church of Christ, as opposite to the teaching of the gospel and to the sacred canons of our blessed fathers”].

⁸⁹ Inevitable in the context of Judaism, where there was only one Temple.

⁹⁰ See Grigorios D. Papathomas, “Ἡ ἀντίθετική σχέση κατὰ τόπον Ἐκκλησίας καὶ Ἐκκλησιαστικῆς Διασπορᾶς” (Ἡ ἐκκλησιολογικὴ ἐνότης ἔναντι τῆς ἑσυνεδαφικότητος καὶ ἑπολυ-δικαιοδοσίας”) [The Antithetical Relation between Local Church and ‘Ecclesiastical Diaspora’ (The Ecclesiological Unity Against ‘Co-territoriality’ and ‘multi-jurisdiction’)], *Σύναξις [Synaxis]* 90 (2004): 28-44, at 34-35.

⁹¹ Troitsky, “The Limits,” 60.

Constantinopolitan throne.⁹² Nevertheless, this argument is challenged by the long and steady ecclesiastical practice throughout the centuries.⁹³

As three representative examples of this practice could be mentioned: (a) by the twelfth century, the regions of Russia and Alania⁹⁴ where under the jurisdiction of the EP, which elected and ordained their bishops, as the twelfth century Byzantine canonists testify;⁹⁵ (b) in the mid-fifteenth century, a year before the fall of Constantinople to the Ottomans, the EP responds⁹⁶ with

⁹² See Alexander G. Dragas, “The Constantinople and Moscow Divide – Troitsky and Photiadis on the Extra-Jurisdictional Rights of the Ecumenical Patriarchate,” *Θεολογία [Theology]* 88 (2017): 135-190, at 143 (n. 28)

⁹³ See Grigorios D. Papathomas, “Οἱ διάφορες κανονικὲς ιδιότητες ἄσκησης τῆς δικαιοδοσίας τοῦ Οἰκουμενικοῦ Πατριαρχείου Κωνσταντινουπόλεως” [“The Various Canonical Properties of the Exercise of the Jurisdiction of the Ecumenical Patriarchate of Constantinople”], in *Κανονικὰ Ἄμορφα (Δοκίμια Κανονικῆς Οἰκονομίας)* [Ecclesiologico-canonical Questions (Essays of Canonical Oikonomia)], Grigorios D. Papathomas ed. (Katerini: Editions Epektasis, 2006), 175-229, at 201: “τὰ ἱστορικὰ δεδομένα καὶ κυρίως ἡ πράξις τῆς Ἐκκλησίας ... προσφέρ[ουν] τὶς προϋποθέσεις γιὰ τὴν ἐπίλυση διαφόρων προβλημάτων ποὺ τίθενται στὴν ἐποχὴ μας” [“the historic data and mainly the practice of the Church ... offer the preconditions for solving various problems that arise in our age”].

⁹⁴ North of the Caucasus and ancestors to the modern Ossetians.

⁹⁵ See *Σύνταγμα τῶν θείων καὶ ἱερῶν κανόνων τῶν τε ἁγίων καὶ πανευφήμων Ἀποστόλων, καὶ τῶν ἱερῶν Οἰκουμενικῶν Συνόδων καὶ Τοπικῶν καὶ τῶν κατὰ μέρος ἁγίων Πατέρων, ἐκδοθέν, σὺν πλείσταις ἄλλαις τὴν ἐκκλησιαστικὴν κατάστασιν διεπούσαις διατάξεσι, μετὰ τῶν ἀρχαίων ἐξηγητῶν, καὶ διαφόρων ἀναγνωσμάτων* [Constitution of the Divine and Sacred Canons of the Holy and All-laudable Apostles, and of the Sacred Ecumenical Councils and Local Synods and of Part of the Holy Fathers, Published, with Many Other Provisions Regulating the Ecclesiastical Situation, with the Ancient Exegetes, and Various Readings] vol. 2, Georgios A. Rallis and Michael Potlis eds. (repr. Thessaloniki: Vasileios Rigopoulos Publications, 2002), 283 (Zonaras: “οἱοὶ εἰσὶν οἱ Ἄλανοὶ καὶ οἱ Ρῶσοι· οἱ μὲν γὰρ, τῇ Ποντικῇ διοικήσει, οἱ δὲ Ρῶσοι τῇ Θρακικῇ συμπάκκινται” [“These are the Alans and the Russians; the former are adjacent to the Pontic diocese, the Russians to the Thracian”]); 285 (Valsamon: “Ἐπισκοπὰς δὲ εἶπέ ἐν τοῖς βαρβάροις τὴν Ἀλανίαν, τὴν Ρωσίαν καὶ ἑτέρας. Οἱ μὲν γὰρ Ἄλανοὶ τῆς Ποντικῆς εἰσὶ διοικήσεως, οἱ δὲ Ρῶσοι τῆς Θρακικῆς.” [“Bishoprics among the barbarians say Alania, Russia and others. The Alans are of the Pontic diocese, the Russians of the Thracian”]).

⁹⁶ As “the mother of all the Orthodox and teacher of all and each of the glorious and beloved brothers and sons in Christ of the Bohemians, of its highness the community of the city of Prague, ... as well as of all and each of the Orthodox that exist in extraterritorial regions” (emphasis added) [“ἡ μήτηρ πάντων τῶν ὀρθοδόξων καὶ διδάσκαλος, πᾶσι καὶ ἑκάστοις τοῖς ἐνδόξοις ἀδελφοῖς καὶ υἱοῖς ἐν Χριστῷ ἀγαπητοῖς τῶν ΠΟΕΜΙΩΝ· τῇ ὑψηλοτάτῃ κοινότητι τῆς πόλεως ΠΡΑΓΑΣ, ... ἔτι τε πᾶσι καὶ ἑκάστοις τοῖς ὀπουδήποτε ὑπάρχουσιν ἐν τοῖς ὑπερορῖοις μέρεσιν Ὀρθοδόξοις”]. “Ἡ πρὸς Βοεμοὺς ἐπιστολὴ τῆς Ἐκκλησίας Κωνσταντινουπόλεως κατὰ τὸ ἔτος 1452” [“The

“maternal care,”⁹⁷ cognizant of its canonical duty, to the pastoral request of the Bohemians⁹⁸ for spiritual guidance, as it is proved by the letter that it sent to them in reply; (c) in the early twentieth century, a predecessor of Meletios IV, Ecumenical Patriarch Joachim III and the Holy and Sacred Synod of the EP, in the Patriarchal and Synodal *Tomos* of 1908, declared that “*the canonical order was profoundly violated,*” as a consequence of ethnic ecclesiology,⁹⁹ and reminded that “*no other church or throne was able to canonically extend its power beyond the borders of its own region, with the exception of the Most Holy Apostolic and Patriarchal Ecumenical Throne.*”¹⁰⁰ Despite the fact that with the *Tomos* of 1908 the EP granted¹⁰¹ the administration of its “*canonical right of spiritual protection and supervision of all orthodox Greek churches in the diaspora, in both Europe and America*

Letter of the Church of Constantinople to the Bohemians during the Year 1452”], *Νέος Ποιμὴν* [New Shepherd] 5 (1923): 97-108, at 100.

⁹⁷ Ibid.: “μητρικῆς προνοίας”

⁹⁸ In present day Czech Republic.

⁹⁹ See Patriarchal and Synodal *Tomos* of March 18th, 1908, and of Prot. No. 2388, in “Γράμματα Πατριαρχικὰ καὶ Συνοδικὰ περὶ τῶν ἐν τῇ Διασπορᾷ Ὁρθοδόξων Ἑλληνικῶν Ἐκκλησιῶν” [Patriarchal and Synodal Letters on the Diaspora of the Greek Orthodox Churches], *Ἐκκλησιαστικὴ Ἀλήθεια* [Ecclesiastical Truth] 28 (1908): 180-183, at 181, where it is mentioned that the “*spiritual dependence*” of those communities outside the boundaries of the local autocephalous churches in Europe and America was “*anomalous and unclear:*” “ἐπειδὴ δὲ, [sic] οὕτως ἀνωμάλως καὶ ἀορίστως ἐχόντων τῶν τῆς πνευματικῆς ἐξαρτήσεως τῶν εἰρημένων ἐκκλησιῶν, παρεβιάζετο μὲν προφανῶς ἡ κανονικὴ τάξις” [“*Since the spiritual dependence of the abovementioned churches was anomalous and unclear, the canonical order was profoundly violated*”].

¹⁰⁰ Ibid.: “οὔτε ἄλλη τις Ἐκκλησία ἢ θρόνος ἠδύνατο κανονικῶς πέραν τῶν ὀρίων τῆς οἰκείας περιφερείας ἐπεκτείνειν τὴν ἑαυτοῦ ἐξουσίαν, πλὴν γε τοῦ καθ’ ἡμᾶς ἀγιωτάτου ἀποστολικοῦ καὶ πατριαρχικοῦ Οἰκουμενικοῦ Θρόνου.”

¹⁰¹ Despite the fact that in the *Tomos* of 1908 certain pastoral reasons are mentioned for the granting of the “*spiritual protection and supervision*” of these regions to the Church of Greece, the real reason that led to issuance of this *Tomos* was the pressure—even financial—of the Greek government to the EP and especially to Ecumenical Patriarch Joachim III. See Metropolitan Chrysostomos (Zapheiris) of Peristerion, “Ἡ ἐκχώρησις τῆς Διασπορᾶς εἰς τὴν Ἐκκλησίαν τῆς Ἑλλάδος ἐπὶ Ἰωακείμ Γ’” [“The Conferral of the Diaspora to the Church of Greece during the Tenure of Joachim III”], in *Ἐπιστημονικὴ Παρουσία Ἑστίας Θεολόγων Χάλκης* [Epistemological Presence of the House of the Theologians of Chalki], 541-552, at 547, who highlights that “*the Greek Government, in order to impose its request upon the EP and personally upon the Ecumenical Patriarch, financially blockaded [the EP] till its request becomes accepted*” [“ἡ Ἑλληνικὴ Κυβέρνησις, προκειμένου νὰ ἐπιβάλλῃ τὴν ἀπαίτησιν αὐτῆς εἰς τὸ Οἰκουμενικὸν Πατριαρχεῖον καὶ προσωπικῶς εἰς τὸν Οἰκουμενικὸν Πατριάρχη, προέβη εἰς οἰκονομικὸν ἀποκλεισμόν μέχρις ὅτου γίνῃ ἀποδεκτὸν τὸ αἴτημα αὐτῆς”].

and the other countries,”¹⁰² to the Church of Greece, it set out certain “ecclesiastical conditions” that still safeguarded the EP’s jurisdiction over the abovementioned regions.¹⁰³

Therefore, when in 1922 Meletios IV lifted and revoked¹⁰⁴ the *Tomos* of 1908 with an *Act*,¹⁰⁵ he was not inventing a novel interpretation of Chal28, but he was faithfully following a centuries-old established precedent. Meletios continued this interpretation of Chal28 and after his resignation as EP and his

¹⁰² *Tomos* of 1908, 182: “τὸ κανονικὸν κυριαρχικὸν τῆς πνευματικῆς προστασίας καὶ ἐποπτείας δικαίωμα ἐπὶ πασῶν τῶν ἐν τῇ διασπορᾷ, ἐν τε Εὐρώπῃ καὶ Ἀμερικῇ καὶ ταῖς λοιπαῖς χώραις, ὀρθοδόξων Ἑλληνικῶν Ἐκκλησιῶν.”

¹⁰³ These conditions were: (i) the appointed hierarch by the Holy Synod of the Church of Greece had to receive the blessing of the Ecumenical Patriarch, as well as the Holy Myron; (ii) during the Divine Liturgy the name of the Ecumenical Patriarch had to be commemorated; (iii) the communities in those regions had to annually contribute a sum to the Ecumenical Patriarchate, as an expression of their “intimacy and unity and sonly love.” See *Tomos* of 1908, 182.

¹⁰⁴ For the compliance of the Church of Greece with the Patriarchal and Synodal Act of 1922, see Barnabas D. Tzortzatos, “Ἡ εἰς τὴν Ἐκκλησίαν τῆς Ἑλλάδος ὑπαγωγή τῶν ἐν Διασπορᾷ Ἑλληνικῶν Ἐκκλησιῶν καὶ ἀνάκλησις αὐτῆς” [“The Subjection of the Greek Churches in the Diaspora to the Church of Greece and its Revocation”], *Θεολογία* [*Theology*] 48 (1977): 21-32, at 32.

¹⁰⁵ See Patriarchal and Synodal Act of March 1st, 1922 in “Πρᾶξις ἄρσεως καὶ ἀκυρώσεως τοῦ προεκδεδομένου Πατριαρχικοῦ καὶ Συνοδικοῦ ὑπὸ ἡμερομηνίας 8 Μαρτίου 1908 Τόμου περὶ τῶν ἐν τῇ διασπορᾷ Ἐκκλησιῶν” [Act of lifting and revoking the issued Patriarchal and Synodal *Tomos* of the date March 8th, 1908, on the Churches in the Diaspora], *Ἐκκλησιαστικὴ Ἀλήθεια* [*Ecclesiastical Truth*] 42 (1922): 129-130, at 130, mentioning the “inalienable right [of Constantinople] to freely control and manage the canonical authority—belonging to it by the sacred canons and the ecclesiastical order—in which is also included the ecclesiastical supervision of the Orthodox parishes abroad and in the diaspora” [“τῷ ἀπαραγράπτῳ δικαίωματι αὐτῆς τοῦ διέπειν καὶ διαχειρίζεσθαι αὐτεξουσίως τὴν ἀπὸ τῶν ἱερῶν κανόνων καὶ τῆς ἐκκλησιαστικῆς τάξεως ἀνήκουσαν αὐτῇ κανονικὴν ἐξουσίαν, ἐν ἣ περιλαμβάνεται καὶ ἡ ἐπὶ τῶν ἔξω καὶ ἐν τῇ διασπορᾷ Ὀρθοδόξων Παροικιῶν ἐκκλησιαστικὴ ἐποπτεία”]. It is worth mentioning that contrary to the *Tomos* of 1908, where an explicit reference to “all the orthodox Greek churches in the diaspora” (emphasis added), in the Act of 1922 there is no ethnic qualification to those churches, but the reference is to “the Orthodox parishes abroad and in the diaspora” in general. See Ioannis Or. Kalogirou, “Ἡ Ὀρθόδοξος Διασπορὰ κατὰ τὴν ἐποχὴν τῆς Οἰκουμενικῆς Κινήσεως” [“The Orthodox Diaspora during the Time of the Ecumenical Movement”], in *Ὁ Κόσμος τῆς Ὀρθοδοξίας* [*The World of Orthodoxy*], ed. (Thessaloniki: Society of Macedonian Studies, 1968), 139-182, at 172: “ἀπέβλεπε διὰ τῆς ἐνεργείας του ἐκείνης ὄχι μόνον εἰς τοὺς Ἕλληνας τῆς διασπορᾶς, ἀλλὰ καὶ εἰς ἅπαντας γενικῶς τοὺς Ὀρθοδόξους τῆς διασπορᾶς” [“through that action, he aimed not only at the Greeks of the diaspora, but also to all the Orthodox of the diaspora in general”].

election as Patriarch of Alexandria, as it is proved in a letter that he wrote in 1927 to Metropolitan Anthony of Kiev.¹⁰⁶ Nevertheless, during the same year, Meletios challenged the jurisdiction of the EP over the barbaric lands in Africa and interpreted Chal28 expansively, claiming that, by analogy, this canon was applicable to the Alexandrian Church for those African lands.¹⁰⁷ For this reason, he added the phrase “*and of the whole Africa*”¹⁰⁸ to his title. The EP rejected such an interpretation of Chal28.¹⁰⁹ However, it decided to silently accept the situation in Africa in order to strengthen the welfare of the Alexandrian Throne.¹¹⁰

A successor of Meletios to the see of Alexandria, Peter VII, requested 75 years later from the current EP Bartholomew the official recognition of the jurisdiction of the Patriarchate of Alexandria over the whole African

¹⁰⁶ See Letter of June 22nd/ July 5th, 1927, and of Prot. No. 1551, that Patriarch Meletios of Alexandria sent to Metropolitan Anthony of Kiev in Emmanuel Photiadis, “Εξ άφορμής ενός άρθρου” [“On the Occasion of an Article”], *Όρθοδοξία [Orthodoxy]* 23 (1948): 210-240, at 228-231 (n.56), where (p. 231) Meletios declared that the “*Synod of Russian Orthodox Church Abroad*” “*does not have any power to ordain and install Hierarchs in the barbaric lands and in general outside Russia in Eparchies canonically subjected to the Ecumenical Patriarchate, as those in Europe, where there is already canonical Hierarchical Authority, legally installed*” [“οὐδεμίαν έξουσίαν έχουνσι να χειροτονώσι και να έγκαθιστώσι Αρχιερείς επί των βαρβαρικῶν χωρῶν και έν γένει έκτός της Ρωσσίας εις έπαρχίας κανονικῶς ύπαγομένας εις τὸ Οίκουμενικὸν Πατριαρχεῖον, ὡς έν Εὐρώπη, ένθα ύπάρχει ήδη κανονική Αρχιερατική Αρχή, νομίμως έγκατεστημένη”].

¹⁰⁷ See Theodoros Meimaris, *Η αναδιοργάνωσις τοῦ Αλεξανδρινοῦ Θρόνου επί Μελετίου Μεταξάκη (1926-1935) - Έκ τοῦ διπλωματικοῦ ἀρχεῖου τοῦ Ὑπουργείου Έξωτερικῶν τῆς Ελλάδος και τοῦ Foreign Office τοῦ Ἡνωμένου Βασιλείου [The Reorganization of the Alexandrian Throne during the Tenure of Meletios Metaxakis (1926-1935) – Through the Testimonies of the Diplomatic Archives of the Greek Ministry of Foreign Affairs and the British Foreign Office]* (Thessaloniki: K. & M. Stamoulis Publications, 2019), 606-607.

¹⁰⁸ “Και πάσης Αφρικῆς.”

¹⁰⁹ Reminding that “*only to the Patriarchal Throne of Constantinople has been granted the right to canonically extend its own jurisdiction beyond its immediate boundaries over all the Churches in the diaspora*” [“μόνῳ δέ τῷ Πατριαρχικῷ Θρόνῳ Κωνσταντινουπόλεως δέδοται κανονικῶς επέκτειναι τήν έαυτοῦ δικαιοδοσίαν και πέραν τῶν έαυτοῦ άμέσων ὀρίων έν ταῖς άπανταχοῦ Έκκλησίαις τῆς διασποράς”]. Meimaris, *Η αναδιοργάνωσις*, 616.

¹¹⁰ *Ibid.*, 617.

continent.¹¹¹ With a Patriarchal and Synodal Act,¹¹² the EP decided, by applying *οικονομία*, “to annex the continent of Africa and the islands adjacent to it to the canonical jurisdiction of the ancient Patriarchate of Alexandria.”¹¹³

Interestingly enough, some of the Fathers of the HGC seemed to be ignorant of the abovementioned 2001 Act. Otherwise, it is hard to find an explanation for statements like “there is from the ancient times canonical

¹¹¹ With the Letter of September 1st, 2001, and Prot. No. 705, that Patriarch Peter of Alexandria sent to Ecumenical Patriarch Bartholomew (unpublished): “Διέγνωμεν... μετά λύπης πολλῆς ὅτι, ἐνῶ [sic] πάντες οἱ κατὰ τόπους Προκαθήμενοι τῶν Ὁρθοδόξων Ἐκκλησιῶν ἀποδίδουσι τῇ ἡμετέρᾳ Μετριότητι τόν τίτλον ‘καί πάσης Ἀφρικῆς’, ... ὁ καθ’ Ὑμᾶς Οἰκουμενικός Θρόνος ... ἐμμένει εἰσέτι προσφωνῶν τόν Ἀλεξανδρείας καί ‘πάσης γῆς Αἰγύπτου’. Ἐπιθυμοῦντες, ὅλως φιλαδέλφως καί διά τήν ἐκκλησιαστικὴν εὐταξίαν, ὅπως λήξη ἅπαξ ἡ ὑφισταμένη αὕτη ἐκκρεμότης ..., νά προσδοθῇ ἡμῖν καί τό ‘πάσης Ἀφρικῆς’” [“We have detected with great sadness that while all the other Primates of the Orthodox Churches attribute to our Modest the title ‘and of all Africa’, Your Ecumenical Throne still insists on calling the Patriarch of Alexandria and ‘of the whole land of Egypt.’ Desiring, with great brotherly love and for the sake of ecclesiastical good order, to terminate once and for all this pending case, [we ask] to be granted to us and the [title] ‘of all Africa’”].

¹¹² This is the Πατριαρχική καί Συνοδική Πράξις περί προσαρτήσεως τῆς Ἀφρικῆς εἰς τήν δικαιοδοσίαν τοῦ Πατριαρχείου Ἀλεξανδρείας [Patriarchal and Synodal Act on the Annexation of Africa to the Jurisdiction of the Patriarchate of Alexandria] of October 23rd, 2001, and Prot. No. 908. See the full text of this Act published for the first time in the Appendix to this paper. In this Act, it is stated that, despite the fact that in accordance with Chal28, “the whole barbaric land of the African continent beyond Egypt, as well as the islands adjacent to it, together with those residing in it and in them, were subjected to the caring pastoral concern of the Ecumenical Throne ..., due to the special circumstances, [the Patriarchate of Alexandria] is able more properly to take care of the catechesis, the sanctification, and of the shepherding of the faithful in the African continent” [“πᾶσα ἡ ἐπέκεινα τῆς Αἰγύπτου βαρβαρική γῆ τῆς Ἀφρικανικῆς Ἠπείρου, ὡς καί αἱ παρ’ αὐτῆ νῆσοι, μετά τῶν ἐν αὐτῇ καί ἐν ἐκείναις οἰκούντων ὑπήχθη τῇ στοργικῇ ποιμαντορικῇ μερίμνῃ τοῦ Οἰκουμενικοῦ Θρόνου ... λόγω τῶν ἰδιάζουσῶν συνθηκῶν δύναται αὕτη [ἡ Ἀγιωτάτη Ἐκκλησία Ἀλεξανδρείας] προσφορώτερον μεριμνήσαι ὑπέρ τῆς κατηχῆσεως, τοῦ ἀγιασμοῦ καί τῆς διαποιμάνσεως τῶν ἐν τῇ Ἀφρικανικῇ ἠπείρῳ πιστῶν”].

¹¹³ Letter of December 6th, 2001, and Prot. No. 908, that Ecumenical Patriarch Bartholomew sent to Patriarch Peter of Alexandria, in reply to the latter’s abovementioned letter. See the full text of the Letter of December 6th, 2001, published for the first time in the Appendix to this paper. In the Patriarchal and Synodal Act 908/2001, it is clarified that the territory of the Patriarchate of Alexandria over the whole African continent and its adjacent islands is extended “up to the jurisdictional boundaries of the Most Holy Patriarchs of Antioch and Jerusalem and of the Archbishop of Sinai and Raithu” [“μέχρι τῶν ὁρίων εὐθύνης τῶν Ἀγιωτάτων Πατριαρχῶν Ἀντιοχείας καί Ἱεροσολύμων καί τοῦ Ἀρχιεπισκόπου Σινᾶ καί Ραῖθῶ”].

*jurisdiction of a certain Church, ancient and apostolic, in Africa” and, therefore, “no one can encroach upon it... How would it be possible ethnic Churches, Serbian, Romanian, etc. to be created in the region of Africa?”*¹¹⁴ From the ancient times, the Church of Alexandria had, indeed, canonical jurisdiction in the African continent, but only in the regions prescribed in I/Nic6. The regions ἐν τοῖς βαρβαρικοῖς in the African continent, after Chal28, were jurisdiction of the EP. Truly, after 2001 no ethnic church can be created in the African continent, and as the current Patriarch of Alexandria Theodoros II testified, his immediate predecessor Peter VII deposed three clergymen from Serbia, Romania and Russia for violating the canonical territory of the Alexandrian Church, with these three Churches recognizing their transgression and asking for the forgiveness of the Alexandrian Primate.¹¹⁵ But even before 2001 no ethnic church could be created in the African continent in the regions outside the canonical borders of the Patriarchate of Alexandria, because these regions were not diaspora, but EP’s jurisdiction.

III. Harmonized Interpretation as the Solution to a Seeming Antinomy

If the same continues to be true for the regions in Western Europe, America, Asia and Oceania, why then in 1920, when the Patriarchate of Moscow attempted to send a bishop in Italy and the EP reminded to the

¹¹⁴ This statement was made by Bishop Irinej of Bačka during the HGC’s second day of sessions: *Ἡ Ἁγία καί Μεγάλη Σύνοδος - Πεντηκοστή 2016, “Εἰς ἐνότητα πάντας ἐκάλεσεν”, Ὁρθόδοξος Ἀκαδημία Κρήτης, 18-27 Ἰουνίου 2016: Πρακτικά-Κείμενα [The Holy and Great Council – Pentecost 2016, “He called all to unity,” Orthodox Academy of Crete, June 18-27, 2016: Acts-Documents]*, Pan-Orthodox Secretariat of the Holy and Great Council ed. (under publication), 117: “ὑπάρχει ἀρχαίῳθεν κανονικὴ δικαιοδοσία Ἐκκλησίας τινός, ἰδίως εἰς τὴν Ἀφρικὴν, ἀρχαίας καί παλαιφάτου ἀποστολικῆς Ἐκκλησίας, οὐδεὶς δύναται νὰ εἰσπηδήσῃ ... Πῶς θὰ ἦτο δυνατόν εἰς τὸν χώρον τῆς Ἀφρικῆς νὰ δημιουργηθοῦν τώρα ἐθνικαὶ Ἐκκλησίαι, Σερβικὴ, Ρουμανικὴ κ.ο.κ.,”. Earlier, Archbishop Anastasios of Albania, had emphatically observed, *ibid.*, 105: “Ἡ Ἀφρικὴ δὲν ἀντιμετωπίζει τὰ θέματα τοῦ ἐθνοφυλετισμοῦ ..., διότι ἐκεῖ ὑπάρχει πόνος, πείνα, ἀσθένεια, θὰ ἔλθουν ὅμως διάφοροι ἀργότερον” [“Africa does not face the issues of ethnophyletism, because there is pain, hunger, illness, but they will come various later”].

¹¹⁵ See *ibid.*, 163: “ὁ μακαριστὸς Πατριάρχης Πέτρος καθαιρεῖ τρεῖς κληρικούς ἀπὸ τὴν ἀδελφὴν Ἐκκλησίαν τῆς Σερβίας, καὶ ἀπὸ τὴν Ρουμανίαν καὶ ἀπὸ τὴν Ρωσσίαν ... καὶ αἱ ἀδελφαὶ Ἐκκλησίαι τὸ κατενόησαν καὶ ἐζήτησαν συγγνώμην” [“Patriarch Peter of blessed memory deposes three clergymen from the sister Church of Serbia, and of Romania and of Russia ... and the sister Churches understood that and asked for forgiveness”].

Russian Primate that Western Europe was the EP's territory, Moscow respected that and did not proceed to its attempt,¹¹⁶ and today hierarchs of the same Patriarchate express their disagreement with "such an expansive interpretation" of Chal28, claiming the right to "shepherd their people that were found... outside the boundaries of their canonical Church?"¹¹⁷ Why does it seem that the HGC not only recognized the existence of "regions of the Orthodox diaspora," but it also prohibited¹¹⁸ the EP from granting autonomy to those regions, requiring pan-Orthodox consensus?

If these regions are jurisdiction of the EP, then it should be totally free to exercise its right of "granting autonomy within the borders of its canonical geographical region."¹¹⁹ The deprivation of the EP from its abovementioned right could be seen as an amendment of Chal28 by the newer canonical provision of § 2.e. of the *Autonomy* document, in accordance with the general rule *lex posterior derogat priori*. Nevertheless, this rule cannot be applicable in this case, due to the expressed will of the First Pre-Conciliar Pan-Orthodox Conference¹²⁰

¹¹⁶ This event was narrated by Metropolitan Stephanos of Tallin and of all Esthonia during the HGC's second day of sessions: *Ἡ Ἁγία καί Μεγάλη Σύνοδος*, 125: "Τό 1920, τό Πατριαρχεῖον Μόσχας ἠθέλησε νά τοποθετήσῃ ἐπίσκοπον εἰς τήν Ρώμην, καί τό Οἰκουμενικόν Πατριαρχεῖον ὑπενθύμισεν εἰς τόν Μόσχας ὅτι εἶναι ἰδική του δικαιοδοσία ἡ Δ. Εὐρώπη. Τό πράγμα ἐσταμάτησεν ἐκεῖ καί ἡ Μόσχα δέν ἐπροχώρησε. Διατί σήμερον δέν λέγομεν ὅτι ἡ Δ. Εὐρώπη εἶναι τό ἔδαφος τοῦ Οἰκουμενικοῦ Πατριαρχεῖου καί εὐρίσκομεν προσχήματα ὅτι δῆθεν δέν εἶναι ὀργανωμένη ἡ κατάστασις;" ["In 1920, the Patriarchate of Moscow wanted to place a bishop in Rome, and the EP reminded to the Patriarch of Moscow that Western Europe is under the EP's jurisdiction. The issue ended there and Moscow did not proceed. Why today we do not say that Western Europe is the EP's territory and we find excuses that this situation is supposedly not organized?"].

¹¹⁷ See the statement of Metropolitan Hilarion (Alfeyev) of Volokolamsk at the Fourth Pre-Conciliar Pan-Orthodox Conference in *Συνοδικά XI*, 32: "ὅταν ὁμιλῶμεν περί τῆς Διασπορᾶς ... ἐπιλύομεν πρωτίστως τό ζήτημα τῆς διαποιμάνσεως τῶν πατριωτῶν μας, οἱ ὅποιοι, λόγω τῶν συγκυριῶν ἢ τῆς βουλήσεως τοῦ Θεοῦ, εὐρέθησαν ἐκτός τῶν ὀρίων τῆς κανονικῆς αὐτῶν Ἐκκλησίας ... Ὁρισμένοι ἄλλαι, μεταξύ τῶν ὀποίων καί ἡ ἰδική μας Ἐκκλησία, ἡ ὀποία δέν συμφωνεῖ μέ τήν διηρυμένην ταύτην ἐρμηνείαν τοῦ 28ου κανόνος" ["When we speak about Diaspora, we foremost solve the issue of the shepherding of our people, who, due to the circumstances or the will of God, were found outside the boundaries of their canonical Church ... Some other [Churches], among which and our own Church [of Russia], which does not agree with such an expansive interpretation of canon 28".]

¹¹⁸ See *Autonomy*, § 2.e.

¹¹⁹ *Ibid.*: "νά παραχωρῇ αὐτόνομον καθεστῶς μόνον ἐντός τῶν ὀρίων τῆς κανονικῆς γεωγραφικῆς περιφερείας αὐτῆς."

¹²⁰ Chambésy, 1976. This was one of the preparatory gatherings of representatives from every local Orthodox Church on the long way toward the Council of Crete. See for the

not to remove or cancel any of the existing holy canons, but to interpret them “in order to make them pastorally applicable to the conditions of the contemporary life of the clergy and people.”¹²¹ Employing this unanimously accepted methodology, upon which the decisions of the HGC were formulated and adopted, I am proposing an interpretation of § 2.e. in agreement with Chal28, as a solution to this seeming antinomy¹²² between these two canonical provisions.

The HGC in no way accepted the ethnic ecclesiology as canonical. On the contrary, it characterized the “*Orthodox Diaspora*” as “*problem*” which has to be resolved “*as quickly as possible*” on the basis of “*Orthodox ecclesiology*” and of the “*canonical tradition and practice*.”¹²³ The Fourth Pre-conciliar Pan-Orthodox Conference¹²⁴ had decided that the HGC would give the final “*canonical solution*” to this problem.¹²⁵ However, this was not possible during the Council,

First Pre-Conciliar Pan-Orthodox Conference Viorel Ioniță, *Towards the Holy and Great Council of the Orthodox Church – The Decisions of the Pan-Orthodox Meetings since 1923 until 2009*, Remus Rus trans. (Basel: Friedrich Reinhardt Verlag, 2014), 62-75.

¹²¹ *Συνοδικὰ II [Synodica II]*, Secretariat on the Preparation of the Holy and Great Council of the Orthodox Church ed. (Chambésy, Geneva: Orthodox Center of the Ecumenical Patriarchate, 1978), 42: “Τὰ θέματα τῆς Συνόδου, μὴ ἀποσκοποῦντα τὴν κατάργησιν ἱερῶν κανόνων, μᾶλλον δεόν νὰ ἀποβλέπουν εἰς τὴν ἐρμηνείαν αὐτῶν καὶ νὰ καθιστοῦν τούτους ποιμαντικῶς ἐφαρμοστέους εἰς τὰς συνθήκας τοῦ συγχρόνου βίου τοῦ κλήρου καὶ τοῦ λαοῦ” [“As the themes of the Council do not intent to abolish sacred canons, they should interpret the canons in order to make them pastorally applicable to the conditions of the contemporary life of the clergy and the people”].

¹²² For antinomies in canon law see John J. Coughlin, *Canon Law: A Comparative Study with Anglo-American Legal Theory* (New York, NY: Oxford University Press, 2011), 3-6.

¹²³ *Diaspora*, § 1.a.: “Διεπιστώθη ὅτι ἀποτελεῖ κοινήν βούλησιν πασῶν τῶν ἁγιωτάτων Ὁρθοδόξων Ἐκκλησιῶν, ὅπως ἐπιλυθῆ τό ζήτημα τῆς Ὁρθοδόξου Διασπορᾶς τό ταχύτερον δυνατόν καί ὅπως ὀργανωθῆ αὕτη κατά τρόπον σύμφωνον πρός τὴν ὀρθόδοξον ἐκκλησιολογίαν καὶ τὴν κανονικὴν παράδοσιν καὶ πράξιν τῆς Ὁρθοδόξου Ἐκκλησίας” [“It is affirmed that is the common will of all of the most holy Orthodox Churches that the problem of the Orthodox Diaspora be resolved as quickly as possible, and that it be organized in accordance with Orthodox ecclesiology, and the canonical tradition and practice of the Orthodox Church”].

¹²⁴ Chambésy, 2009. See for the Fourth Pre-Conciliar Pan-Orthodox Conference Ioniță, *Towards*, 93-98.

¹²⁵ See Pre-Conciliar document “Ἡ Ὁρθόδοξος Διασπορά” [“The Orthodox Diaspora”], in *Συνοδικὰ XI. Δ΄ Προσσυνοδικὴ Πανορθόδοξος Διάσκεψις (6-13 Ἰουνίου 2009): Πρακτικά – Κείμενα [Synodica XI. 4th Pre-Conciliar Pan-Orthodox Conference (June 6-13, 2009): Acts - Documents]*, Secretariat on the Preparation of the Holy and Great Council of the Orthodox Church ed. (Chambésy, Geneva: Orthodox Center of the Ecumenical Patriarchate, 2015), 290-295, at 291: § 1.b.: “Ἡ τοιαύτη προετοιμασία δέν θά πρέπει νὰ βραδύνη πέραν τῆς μελλούσης νὰ συνέλθῃ Ἁγίας καὶ Μεγάλῆς Συνόδου τῆς Ὁρθοδόξου Ἐκκλησίας, ὥστε νὰ δυνηθῆ αὕτη νὰ προβῆ εἰς μίαν

since the absence from it of four out of the then fourteen Orthodox autocephalous churches¹²⁶ led the rest of them to the agreement not to make any substantial change to the pre-conciliar document on *Orthodox Diaspora*, which was approved by all of them, in order to make smoother the final document's reception even by the four absent churches.¹²⁷ For this reason, the

κανονικὴν λύσιν τοῦ προβλήματος” [*“Of necessity, this preparation will not extend beyond the convening of the future Holy and Great Council of the Orthodox Church, so that it (the Council) can proceed with a canonical solution of the problem”*].

¹²⁶ This absence did not hold “hostages” the rest of the churches that participated in the Council, in terms of the decision-making process. See Ecumenical Patriarch Bartholomew’s statement during the HGC’s second day of sessions, *Ἡ Ἁγία καὶ Μεγάλη Σύνοδος*, 124: “Οὐδόλως αἰσθανόμεθα ὄμηροι τῶν ἀπουσιαζουσῶν Ἐκκλησιῶν. Διὰ τοῦτο καὶ συνεχίζομεν κανονικῶς τὰς ἐργασίας μας. Ἐάν αἰσθανώμεθα ὄμηροι τῶν τεσσάρων ἀδελφῶν Ἐκκλησιῶν, αἱ ὁποῖαι κακῶς δέν προσήλθον ἐδῶ, θά εἴχομεν διαλυθῆ ἀπὸ τὴν πρώτην ἡμέραν. Θά ἐλέγομεν ὅτι δέν δυνάμεθα νά συνεδριάσωμεν, ἀποχωροῦμεν καὶ ἐπιστρέφομεν εἰς τὰ ἴδια. Δόξα τῷ Θεῷ, αἰσθανόμεθα ἐλεύθεροι καὶ συνεχίζομεν τὰς ἐργασίας μας, ὅπως εἶχον προγραμματισθῆ” [*“We do not at all feel hostages of the absent Churches. For this reason, we regularly continue our sessions. If we felt hostages of the four sister Churches, which sadly did not come here, we would have been dissolved since the first day. We would say that we are not able to deliberate, we leave and we return to our bases. Glory be to God, we feel free and we continue our sessions, as scheduled.”*] In the same spirit, Metropolitan John of Pergamon emphasized, *ibid.*, 132: “Δέν εἶναι Πανορθόδοξον Συνέδριον, ἀλλά Πανορθόδοξος Σύνοδος. Ἐάν μία Σύνοδος δέν ἔχη ἐξουσίαν ἐπὶ τῶν ἐπὶ μέρους Ἐκκλησιῶν, τότε δέν εἶναι Σύνοδος. Εἰς τὴν ἱστορίαν τῆς Ἐκκλησίας, οὐδεμία ὑπῆρξε Σύνοδος, ἡ ὁποία νά μὴ εἶχεν ἐξουσίαν ἐπὶ τῶν τοπικῶν Ἐκκλησιῶν” [*“This is not a Pan-Orthodox Conference, but a Pan-Orthodox Council. If a Council does not have authority over the various Churches, then it is not a Council. In the history of the Church, there was no Council that did not have authority over the local Churches”*].

¹²⁷ This proposal was made by Patriarch Daniel of Romania, *ibid.*, 107: “δέν θά πρέπει νά προσθέσωμεν κάτι νέον, ἀλλά νά παραμείνωμεν εἰς τό ὑπό τῆς Δ΄ Προσυνοδικῆς Διασκέψεως καὶ ὑπό τῆς Συνάξεως τῶν Προκαθημένων (Σαμπεζύ 2016) ἐγκριθέν κείμενον ... εἰς περίπτωσιν προσθηκῶν, ὑπάρχει κίνδυνος νά προκληθοῦν ἀκόμη μεγαλύτεραι τῶν σημερινῶν ἀντιδράσεις ἐπιφυλάξεως καὶ ἀπορρίψεως, δεδομένου ὅτι τέσσαρες Ἐκκλησίαι ἀπουσιάζουν καὶ ὅτι ἡ πραγματικότης τῆς Διασπορᾶς εἶναι πολύπλοκος καὶ ἐνδεχομένως δημιουργηθοῦν νέα προβλήματα” [*“we should not add anything new, but we should stick with the approved document by the Fourth Pre-Conciliar Conference and the Synaxis of the Primates (Chambésy, 2016) ... in the case of additions, there is the danger of even greater concerns and rejections than the current to be caused, due to the fact that four Churches are absent and that the reality of the Diaspora is complicated and it is probable new problems to be created”*]. With this proposal agreed the Primate of the Church of Poland, Metropolitan Sawa of Warsaw, *ibid.*, 108: “εἶναι ἀπαραίτητον νά ἀντιμετωπίσωμεν τό ζήτημα μετὰ προσοχῆς καὶ ἀποφασιστικότητος, πολλῶ δέ

Council “affirmed that during the present phase it is not possible, for historical and pastoral reasons, an immediate transition to the strictly canonical order of the Church on this issue.”¹²⁸

Therefore, the HGC accepted, by applying *οικονομία*,¹²⁹ “the regions of Orthodox Diaspora” only as a temporary measure “until the appropriate time arrives”¹³⁰ for the implementation of the territorial principle “one bishop per city” in these regions that are part of the canonical territory of the EP. Still, though, even for this transitional period, the HGC took care not to undermine the primary role of the EP in these regions, mainly through two measures that it adopted.

First, the HGC proposed the creation of “Episcopal Assemblies,” inspired by their Roman-Catholic equivalent institution,¹³¹ a conciliar organ of all the

μᾶλλον ὅτι ἀπουσιάζουν τέσσαρες μεγάλαι Ἐκκλησίαι, αἱ ὁποῖαι διαθέτουν πολυάριθμον Διασποράν, ἐάν δέ ἡμεῖς ἐπιβάλωμεν κάτι νέον θά δημιουργήσωμεν περαιτέρω προβλήματα. Προτείνω λοιπόν νά ἀποδεχθῶμεν τό κείμενον ὡς ἔχει” [“It is necessary to address the issue with caution and determination, especially since four big Churches with a large Diaspora are absent, and if we impose something new, we will create further problems. I, thus, propose the acceptance of the document as it is”].

¹²⁸ *Diaspora*, § 1.b.: “Διεπιστώθη ὡσαύτως ὅτι κατά τήν παροῦσαν φάσιν δέν εἶναι ἐφικτή δι’ ἱστορικούς καί ποιμαντικούς λόγους ἡ ἄμεσος μετάβασις εἰς τήν ἀνστηρῶς κανονικήν τάξιν τῆς Ἐκκλησίας ὡς πρὸς τό ζήτημα τοῦτο.”

¹²⁹ The notion of *οικονομία* is not explicitly mentioned in the *Diaspora* document. Nevertheless, since the implementation of the territorial principle is characterized in § 1.b. of the same document as “application of canonical exactness (*akribeia*)” [“ἐφαρμογήν τῆς κανονικῆς ἀκριβείας”], the acceptance of “the regions of Orthodox Diaspora” is an application of *οικονομία*. See Metropolitan Jeremiah of Switzerland, “Πρόλογος” [“Prologue”], in *Συνοδικά XI. Δ΄ Προσυνοδική Πανορθόδοξος Διάσκεψις (6-13 Ἰουνίου 2009): Πρακτικά – Κείμενα* [Synodica XI. 4th Pre-Conciliar Pan-Orthodox Conference (June 6-13, 2009): Acts - Documents], Secretariat on the Preparation of the Holy and Great Council of the Orthodox Church ed. (Chambésy, Geneva: Orthodox Center of the Ecumenical Patriarchate, 2015), 5-7, at 6: “ἀπεφασίσθη ἡ ἐφαρμογή τῆς ἀρχῆς τῆς ἐκκλησιαστικῆς οἰκονομίας διὰ τήν ἀνάδειξιν τῆς συνοδικῆς ἐνότητος τῶν ὀρθοδόξων ἐπισκόπων τῶν ἐθνικῶν κοινοτήτων τῆς Διασπορᾶς” [“the application of the principle of ecclesiastical *oikonomia* was decided for the manifestation of the synodal unity of the Orthodox bishops of the ethnic communities in the Diaspora”] (emphasis in the text).

¹³⁰ *Diaspora*, § 1.b.: “ἄχρις οὗ ἐπιστῆ ὁ καιρός.”

¹³¹ See Grigorios D. Papatomas, “Αὐτοκεφαλισμός καί ‘Διασπορά’. Μία σχέση αἰτίου καί αἰτιατοῦ (Συμβολή στήν Θεματολογία τῆς Ἁγίας καί Μεγάλης Συνόδου τοῦ 2016)” [“Autocephalism and ‘Diaspora.’ A Relation of Cause and Effect (Contribution to the Agenda of the Holy and Great Council of 2016)”], *Θεολογία* [Theology] 87 (2016): 123-161, at 137: “κατ’ ἀπομίμηση τῶν Ρωμαιοκαθολικῶν

canonically recognized Eastern Orthodox bishops in each of the abovementioned regions,¹³² with the purpose of manifesting Orthodox unity and of developing common action for the address of the pastoral needs of the Orthodox in these regions.¹³³ An Episcopal Assembly will not, of course, in any case be a local synod and the bishops-members of it will continue to be subject to the canonical jurisdictions of the local autocephalous churches to which they belong.¹³⁴ Despite the peculiar canonical status of an Episcopal Assembly, still the chairman of each of them will be the first among the hierarchs of the EP,¹³⁵ who will directly submit matters of a more general concern that require “*a pan-Orthodox approach*” to the Ecumenical Patriarch “*for further pan-Orthodox actions.*”¹³⁶ In this way, the EP’s right and duty of the pastoral care for these regions is preserved, even if it is restricted.

Ἐπισκοπικῶν Συνελεύσεων” [*in imitation of the Roman-Catholic Episcopal Assemblies*”] (emphasis in the text).

¹³² *Diaspora*, § 2.a.: “ὑπό πάντων τῶν ἐν τῇ περιοχῇ ἐκείνῃ ὡς κανονικῶν ἀναγνωριζομένων ἐπισκόπων” [*of all canonically recognized bishops in each region*”].

¹³³ See *ibid.* § 2.c.: “Ἔργον καί εὐθύνη τῶν ἐπισκοπικῶν τούτων Συνελεύσεων θά εἶναι ἡ μέριμνα διά τήν φανέρωσιν τῆς ἐνότητος τῆς Ὁρθοδοξίας καί τήν ἀνάπτυξιν κοινῆς δράσεως ὅλων τῶν ὀρθοδόξων ἐκάστης περιοχῆς πρός θεραπείαν τῶν ποιμαντικῶν ἀναγκῶν τῶν ἐκεῖ διαβιούντων ὀρθοδόξων, κοινήν ἐκπροσώπησιν πάντων τῶν ὀρθοδόξων ἔναντι τῶν ἑτεροδόξων καί τῆς ὅλης κοινωνίας τῆς περιοχῆς, καλλιέργειαν τῶν θεολογικῶν γραμμάτων καί τῆς ἐκκλησιαστικῆς παιδείας κ.λπ.” [*The work and the responsibility of these Episcopal Assemblies will be the concern for manifesting the unity of Orthodoxy, the development of common action of all the Orthodox of each region to address the pastoral needs of Orthodox living in the region, a common representation of all Orthodox vis-à-vis other faiths and the wider society in the region, the cultivation of theological scholarship and ecclesiastical education, etc.*”].

¹³⁴ *Ibid.* § 2.a.: “θά ἐξακολουθοῦν νά ὑπάγονται εἰς τάς κανονικάς δικαιοδοσίας, εἰς ἃς ὑπάγονται σήμερον” [*The bishops will continue to be subject to the same canonical jurisdictions to which they are subject today*”].

¹³⁵ *Ibid.* § 2.b.: “θά προεδρεύωνται ὑπό τοῦ πρώτου ἐκ τῶν εἰς τήν Ἐκκλησίαν Κωνσταντινουπόλεως ὑπαγομένων ἀρχιερέων” [*will be chaired by the first among the hierarchs of the Church of Constantinople*”].

¹³⁶ *Ibid.* § 6: “Εἰς ζητήματα γενικώτερου ἐνδιαφέροντος, ἀπαιτοῦντα, κατ’ ἀπόφασιν τῆς Ἐπισκοπικῆς Συνελεύσεως, πανορθόδοξον ἀντιμετώπισιν ὁ πρόεδρος αὐτῆς ἔχει τήν ἀναφοράν αὐτοῦ εἰς τόν Οἰκουμενικόν Πατριάρχην διά τά περαιτέρω κατά τά πανορθόδοξως ἰσχύοντα” [*As for matters of a more general concern that require, by the decision of the Assembly of Bishops, a pan-Orthodox approach, the Assembly’s chairman refers it to the Ecumenical Patriarch for further pan-Orthodox actions in accordance with the established pan-Orthodox procedure*”].

Moreover, the Fathers of Crete prohibited, in “*the regions of the Orthodox Diaspora,*” the “*conferment of hierarchal titles that already exist.*”¹³⁷ It has been an uncanonical practice in many of these regions, not only more than one ruling Eastern Orthodox hierarchs to coexist in a city, but also more than one of them to share the same title. For example, in Germany there are currently 3 Metropolitans of Germany:¹³⁸ Metropolitan Augoustinos “*of Germany, Exarch of Central Europe*” (EP); Metropolitan Isaac “*of Germany and Central Europe*” (Patriarchate of Antioch); Metropolitan Seraphim “*of Germany and Central Europe*” (Patriarchate of Romania), and one Bishop (Gregory) “*of Germany*” (Patriarchate of Serbia).

However, the HGC ruled that “*the Orthodox Churches are bound to avoid actions that could hinder the ... process for a canonical resolution of the issue of Diaspora.*”¹³⁹ For this reason, during the deliberations of the Council about the document on *Diaspora* a proposal was made, as a temporary solution, for the inclusion of the preposition “*in*” in the titles of the hierarchs of the other autocephalous Churches—with the exception of the EP—in the “*regions of the Orthodox Diaspora.*” This was how the signatures of the hierarchs from these regions, who took part in the Council, appear at the end of the synodal documents adopted by it.¹⁴⁰ This is also an additional recognition by the HGC that these regions are truly canonical territory of the EP, since only its hierarchs’ titles in these regions are fully recognized and all the hierarchs from the other autocephalous churches are treated, of course, as canonical, but simply as residing bishops “*in*” these regions.

Since all these measures adopted by the HGC in the document on *Diaspora* are only temporary and transitional, until the canonical solution of this

¹³⁷ Ibid. § 7: “ἡ ἀπόδοσις τίτλων ὑφισταμένων ἤδη εἰς Ἀρχιερεῖς.”

¹³⁸ See Ἐπετηρίς τοῦ Οἰκουμενικοῦ Πατριαρχείου Ἔτους 2020 [Yearbook of the Ecumenical Patriarchate 2020], Metr. Athenagoras of Kydoniai ed. (Piraeus: Publication of the Foundation for the Support of the Ecumenical Patriarchate, 2020), 857 (Metropolitan Augoustinos of Germany, Exarch of Central Europe; EP), 1065 (Metropolitan Isaac of Germany and Central Europe; Patriarchate of Antioch), 1119 (Bishop Gregory of Germany; Patriarchate of Serbia) and 1123 (Metropolitan Seraphim of Germany and Central Europe; Patriarchate of Romania).

¹³⁹ *Diaspora*, § 7: “Αἱ Ὀρθόδοξοι Ἐκκλησίαι δεσμεύονται, ὅπως μὴ προβαίνουν εἰς ἐνεργείας δυναμένας νά παραβλάψουν τήν ... πορείαν πρὸς κανονικὴν ἐπίλυσιν τοῦ θέματος τῆς Διασπορᾶς.”

¹⁴⁰ See, for example, in the document on *Autonomy*, in the delegation of the Patriarchate of Serbia, the signature, “*Maksim in Western America,*” instead of “*Maksim of Western America.*”

thorny issue, in the same way, the second provision of § 2.e. of the *Autonomy* document, which prohibits all the autocephalous churches—including the EP—from granting autonomous status “*in the regions of Orthodox Diaspora,*” should be also interpreted as temporary and transitional, just for the period until the final settlement of this issue. This is the only interpretation that harmonizes this provision with Chal28, since any other hermeneutic approach would completely deprive the EP from its jurisdiction over the regions ἐν τοῖς βαρβαρικοῖς.

Concluding Remarks

The EP magnanimously consented to the discussion of the two documents on *Diaspora* and *Autonomy*¹⁴¹ and to their adoption by the HGC, because as true and caring mother,¹⁴² it shows its unceasing pastoral concern for these regions and their welfare. Knowing that the imposition of immediate measures, such as the deposition by the Holy and Sacred Synod of the EP of all the hierarchs from the other Orthodox Churches in these regions and the subjection of their parishes to the EP would cause turmoil and possible schisms, it preferred the way of gradual ascent to the canonical order¹⁴³ that will also safeguard the smooth integration of all the parishes in each region into the Metropolises of the EP, with preservation of their linguistic and liturgical particularities.

The proposed in my paper systematic interpretation of the documents on *Autonomy* and *Diaspora*, as one unit,¹⁴⁴ is not merely advantageous for the

¹⁴¹ Despite the fact that they were finally discussed separately, both during the Pre-Conciliar Pan-Orthodox Conferences and the Holy and Great Council, despite the fact that they were originally introduced together. See for the decision of separate discussion of the document on *Diaspora* by the Fourth Pre-Conciliar Pan-Orthodox Conference, *Συνοδικὰ XI*, 17 and 48.

¹⁴² See Papatomas, “The Canonical Issue,” 120: “*the Church of Constantinople is the only church that can be properly called ‘Mother Church,’ and this quality of ‘mother’ cannot be ascribed to any other church.*”

¹⁴³ See the statement of Metropolitan John of Pergamon at the Fourth Pre-Conciliar Pan-Orthodox Conference in *Συνοδικὰ XI*, 155: “*Ἀπαντες ἀνεχόμεθα μίαν κατάστασιν, ἕως ὅτου ὁμαλοποιηθῆ*” [“*We all tolerate a situation until it is normalized*”].

¹⁴⁴ For the significance of the examination of these two topics as one unit, as well as of the topics on *Autocephaly* and the order of the Orthodox Primates in the *Diptychs*, which were initially in the agenda of the HGC, but they were finally excluded from it,

EP. It is also the only interpretation that respects the Orthodox ecclesiology. The holy canons, contrary to the secular laws,¹⁴⁵ are “*applied ecclesiology*,”¹⁴⁶ i.e. they are based and inseparably linked to theological principles about the nature of the Church.¹⁴⁷ Such a fundamental principle is the territorial one.¹⁴⁸ From the time of Chalcedon, the ecclesiological and canonical unity of the regions of the *ἐν τοῖς βαρβαρικοῖς* has been preserved through their subjection to a single jurisdiction (EP), instead of the current anarchy with the coexistence of overlapping ethnic jurisdictions. The EP is still today the only local Orthodox Church that can successfully carry this pastoral task of shepherding these regions, because it, unlike all the other autocephalous churches, “*is not ethnic in the modern sense of the term.*”¹⁴⁹ It is the continuation of the traditional and patristic expression of Christianity and, therefore, truly Ecumenical in its identity.¹⁵⁰

see Papathomas, “*Αὐτοκεφαλισμός,*” 154, who insists that these four topics are “*one problem with two sides: the side of the cause (Autocephaly) and the side of the effect (Autonomy-Diptychs-Diaspora)*” and estimates (p. 156) that their separation will prevent their “*homogeneous solution,*” creating a “*negative precedent.*”

¹⁴⁵ See Lewis J. Patsavos, *Spiritual Dimensions of the Holy Canons* (Brookline, MA: Holy Cross Orthodox Press, 2003), 21, who underlines that the holy canons “*differ essentially from all other types of law. Even though they are endowed with technical and juridical articulation, their basis is theological and their objective is pastoral.*”

¹⁴⁶ Norman Doe, “*The Category of ‘Legal Theology’ and the Study of Christian Laws,*” *Journal of Law and Religion* (2017): 64-70, at 65.

¹⁴⁷ See Metropolitan John (Zizioulas) of Pergamon, “*Ο Συνοδικὸς Θεσμός. Ἱστορικά, ἐκκλησιολογικὰ καὶ κανονικὰ προβλήματα*” [“*The Synodal Institution. Historical, Ecclesiological and Canonical Problems*”], *Θεολογία [Theology]* (2009): 5-41, at 5.

¹⁴⁸ See Bishop Kirillos (Katarellos) of Abydos, *Ἡ Ἁγία καὶ Μεγάλη Σύνοδος τῆς Κρήτης - Ἡ Ὁρθόδοξη Ἐκκλησία καὶ οἱ Ἑτερόδοξοι [The Holy and Great Council of Crete – The Orthodox Church and the Heterodox]* (Istanbul: Publication of the Sacred Theological School of Chalki, 2020), 360, who mentions that the institution of autonomy can find a canonical basis “*only in the general ecclesiological principle that every local Church under its bishop is an expression of the One, Holy, Catholic and Apostolic Church*” [“*μόνο στή θεμελιώδη γενική ἐκκλησιολογική ἀρχή, ὅτι ἡ κάθε ὑπὸ τὸν ἐπίσκοπο τοπικὴ Ἐκκλησία ἀποτελεῖ ἔκφραση τῆς Μίας, Ἁγίας, Καθολικῆς καὶ Ἀποστολικῆς Ἐκκλησίας*”].

¹⁴⁹ Lambriniadis, “*Greek Orthodoxy,*” 427.

¹⁵⁰ See Metropolitan John (Zizioulas) of Pergamon, “*Primacy, Ecclesiology, and Nationalism,*” in *Primacy in the Church: The Office of Primate and the Authority of Councils* vol. I, John Chryssavgis ed. (Yonkers, NY: St. Vladimir's Seminary Press, 2016), 299-307, at 307: “*The more faithful the Church remains to its eschatological vision, the more likely it is to survive the vicissitudes of history.*”

APPENDIX

Αριθμ. Πρωτ. 908

**ΠΑΤΡΙΑΡΧΙΚΗ ΚΑΙ ΣΥΝΟΔΙΚΗ ΠΡΑΞΙΣ
ΠΕΡΙ ΠΡΟΣΑΡΤΗΣΕΩΣ ΤΗΣ ΑΦΡΙΚΗΣ
ΕΙΣ ΤΗΝ ΔΙΚΑΙΟΔΟΣΙΑΝ
ΤΟΥ ΠΑΤΡΙΑΡΧΕΙΟΥ ΑΛΕΞΑΝΔΡΕΙΑΣ**

+ ΒΑΡΘΟΛΟΜΑΙΟΣ

ΕΛΕΩΙ ΘΕΟΥ ΑΡΧΙΕΠΙΣΚΟΠΟΣ ΚΩΝΣΤΑΝΤΙΝΟΥΠΟΛΕΩΣ

ΝΕΑΣ ΡΩΜΗΣ ΚΑΙ ΟΙΚΟΥΜΕΝΙΚΟΣ ΠΑΤΡΙΑΡΧΗΣ

Τῆς εὐσταθείας καί προόδου τῶν ἀπανταχοῦ Ἁγίων τοῦ Θεοῦ Ἐκκλησιῶν πρόνοιαν ἐς αἰί ποιουμένη ἢ καθ' ἡμᾶς Ἁγία τοῦ Χριστοῦ Μεγάλη Ἐκκλησία οἶδε τοῖς τῷ καιρῷ καί ταῖς περιστάσεσι καταλλήλοις τρόποις ἐνεργάζεσθαι τήν εὐρυθμίαν καί εὐκοσμίαν αὐτῶν καί τά πρὸς οἰκοδομήν αὐτῶν πράττειν. Τοιαύτη τινί προνοία καί φιλοτιμία κινουμένη καί τά πάντα πρὸς οἰκοδομήν, κατὰ τήν Ἀποστολικήν ἐντολήν, διαπράττουσα, προθύμως καί τά παρ' ἑαυτῇ ἀπονέμει ἐτέροις, εἴ γε τοῦτο κρίνεται τῆς καθόλου Ἐκκλησίας εἰς πρόοδον λυσιτελές.

Τῶν γάρ ἱερῶν κανόνων θεσπιζόντων "τόν μὲν Ἀλεξανδρείας Ἐπίσκοπον, τά ἐν Αἰγύπτῳ μόνον οἰκονομεῖν" (Κανὼν Β' τῆς Β' Οἰκουμενικῆς Συνόδου) καί προστιθεμένων "καί τοὺς ἐν τοῖς βαρβαρικοῖς Ἐπισκόπους τῶν προειρημένων διοικήσεων χειροτονεῖσθαι ὑπὸ τοῦ προειρημένου Ἀγιωτάτου Θρόνου τῆς κατὰ Κωνσταντινούπολιν Ἀγιωτάτης Ἐκκλησίας" (Κανὼν ΚΗ' τῆς Δ' Οἰκουμενικῆς Συνόδου), πᾶσα ἢ ἐπέκεινα τῆς Αἰγύπτου βαρβαρική γῆ τῆς Ἀφρικανικῆς Ἠπείρου, ὡς καί αἱ παρ' αὐτῇ νῆσοι, μετὰ τῶν ἐν αὐτῇ καί ἐν ἐκείναις οἰκούντων ὑπήχθη τῇ στοργικῇ ποιμαντορικῇ μερίμνῃ τοῦ Οἰκουμενικοῦ Θρόνου. Ὅθεν, τῆς

Ἀγιωτάτης Ἐκκλησίας τῆς Ἀλεξανδρείας προτεινάσης διὰ τοῦ Μακαριωτάτου καὶ Ἀγιωτάτου Πάπα καὶ Πατριάρχου αὐτῆς, ὅτι λόγῳ τῶν ἰδιαζουσῶν συνθηκῶν δύναται αὕτη προσφορώτερον μεριμνῆσαι ὑπὲρ τῆς κατηχήσεως, τοῦ ἀγιασμοῦ καὶ τῆς διαποιμάνσεως τῶν ἐν τῇ Ἀφρικανικῇ ἡπείρῳ πιστῶν καὶ ὑπὲρ τῆς περαιτέρω διαδόσεως ἐν ταῖς ἀφρικανικαῖς χώραις τοῦ εὐαγγελικοῦ λόγου, ἢ Μετριότης ἡμῶν διασκεψαμένη μετὰ τῶν περὶ ἡμᾶς Ἱερωτάτων Μητροπολιτῶν καὶ ὑπερτίμων, κατίδομεν βásiμόν τε καὶ εὐλογον ἀποδεχθῆναι τό αἴτημα τοῦτο καὶ ἐκχωρῆσαι αὐτοπροαιρέτως καὶ οἰκειοθελῶς καὶ πάντῃ ἐλευθέρως καὶ ἀβιάστως τῇ αἰτησαμένη τοῦτο ἀδελφῇ Ἐκκλησίᾳ τῆς Ἀλεξανδρείας πᾶσαν τὴν ἡμετέραν εὐθύνην τε καὶ δικαιοδοσίαν ἐπὶ πάσης τῆς Ἀφρικανικῆς ἡπείρου καὶ τῶν παρ' αὐτῇ νῆσων, μέχρι τῶν ὁρίων εὐθύνης τῶν Ἀγιωτάτων Πατριαρχῶν Ἀντιοχείας καὶ Ἱεροσολύμων καὶ τοῦ Ἀρχιεπισκόπου Σινᾶ καὶ Ραῖθῶ, μηδαμῶς τῆς πράξεως ταύτης τιθεμένης ἐν κινδύνῳ τὴν ὑπὲρ τῶν ἐν Ἀφρικῇ Ὁρθοδόξων Χριστιανῶν διακονίαν καὶ μέριμναν, οὐδέ τὴν ὁμόφροσύνην καὶ ἐνότητα τῶν Ὁρθοδόξων Ἐκκλησιῶν θίγουσαν, οὐδέ τὰ κανονικῶς τεθεσπισμένα διαταράπτουσαν.

Ἐφ' ᾧ καὶ ἡ παροῦσα Πατριαρχικὴ ἡμῶν καὶ Συνοδικὴ Πρᾶξις κατέστρωται, ὑπογραφείσα ἐν τῷδε τῷ Ἱερῷ Κώδικι τῆς καθ' ἡμᾶς Ἁγίας τοῦ Χριστοῦ Μεγάλης Ἐκκλησίας εἰς διηνεκὴ ἔνδειξιν καὶ μόνιμον παράστασιν.

Ἐν ἔτει σωτηρίῳ β᾽, κατὰ μῆνα Ὀκτώβριον (κγ')

Ἐπινεμήσεως Γ'

[+Ὁ Κωνσταντινουπόλεως Βαρθολομαῖος ἀποφαίνεται]

[+ ὁ Ἐφέσου Χρυσόστομος] Ἰωακείμ]	[+ὁ Χαλκηδόνος]
[+ὁ Ἰμβρου καὶ Τενέδου Φώτιος]	[+ὁ Κολωνείας Γαβριήλ]
[+ὁ Πέργης Εὐάγγελος]	[+ὁ Λύστρων Καλλίνικος]
[+ὁ Ἡλιουπόλεως καὶ Θύρων Ἀθανάσιος] Γερμανός]	[+ὁ Τρανουπόλεως]
[+ὁ Φιλαδελφείας Μελίτων] Χρυσόστομος]	[+ὁ Μύρων]
[+ὁ Μοσχονησίων Ἀπόστολος]	[+ὁ Ἰκονίου Θεόληπτος]

Κώδιξ Συνοδικῶν Τόμων καί Συγιλλίων, σ. 79-80

Ἀριθμ. Πρωτ. 908

Μακαριώτατε καί Ἀγιώτατε Πάπα καί Πατριάρχα Ἀλεξανδρείας καί πάσης γῆς Αἰγύπτου, ἐν Χριστῷ τῷ Θεῷ λίαν ἀγαπητέ καί περιπόθητε ἀδελφέ καί συλλειτουργέ τῆς ἡμῶν Μετριότητος κύριε Πέτρε, τὴν Ὑμετέραν γερασμίαν Μακαριότητα ἀδελφικῶς ἐν Κυρίῳ κατασπαζόμενοι, ὑπερήδιστα προσαγορεύομεν.

Κομισάμενοι τὰ ἀπὸ τῆς α' παρελθόντος μηνός Σεπτεμβρίου, ἀριθμ. Πρωτ. 705/2001, ἀδελφικά Γράμματα τῆς Ὑμετέρας λίαν ἡμῖν ἀγαπητῆς καί περισπουδάστου Μακαριότητος, ἐκτιθεμένης ἐπὶ τῆς ἀσκουμένης πράξει τε καί οὐσίᾳ δικαιοδοσίας τοῦ κατ' αὐτὴν παλαιφάτου Πατριαρχείου τῆς Ἀλεξανδρείας ἐπὶ τῆς ἡπείρου τῆς Ἀφρικῆς καί γειτνιαζουσῶν αὐτῇ νήσων, ἐμελετήσαμεν τό αἶτημα Ὑμῶν κατ' ἰδίαν τε καί ἐν συνεδρίᾳ τῆς περὶ ἡμᾶς Ἁγίας καί Ἱερᾶς Συνόδου, ἔγνωμεν δέ καί ἀπεφασίσαμεν, καίτοι αἱ ἐκτός τῶν ὁρίων τῶν κατὰ τόπους ἀδελφῶν Ὁρθοδόξων Ἐκκλησιῶν κείμεναι περιοχαί ἀνήκουσι κατὰ τὰ θεσπιζόμενα ὑπὸ τῶν θείων καί ἱερῶν κανόνων, καί μάλιστα τοῦ ΚΗ' Κανόνος τῆς Δ' Οἰκουμενικῆς Συνόδου, τῆ δικαιοδοσίᾳ τοῦ καθ' ἡμᾶς πανιέρου Οἰκουμενικοῦ Πατριαρχείου, ὅπως, τῇ φιλαδελφία καί οἰκονομία χρώμενοι, προσαρτήσωμεν τὴν ἡπειρον τῆς Ἀφρικῆς, καί τὰς προσκειμένας αὐτῇ νήσους τῇ κανονικῇ δικαιοδοσίᾳ τοῦ καθ' Ὑμᾶς πρεσβυγενοῦς Πατριαρχείου τῆς Ἀλεξανδρείας, ἐκδόντες καί ἐπὶ τούτῳ Πατριαρχικὴν ἡμῶν καί Συνοδικὴν Πρᾶξιν.

Τὴν Πρᾶξιν ταύτην ἐπιδίδομεν προσωπικῶς ἰδίαις ἡμῶν χερσὶ κατὰ τὴν ἐπ' αἰσίσις καί ἐν εὐλογίαις πραγματοποιουμένην συνάντησιν ἡμῶν ταύτην μετὰ τῆς Ὑμετέρας Μακαριότητος ἐν τῷ Ὄρει Σινᾷ.

Ἐπὶ δέ τούτοις, δεόμεθα τοῦ Κυρίου ὅπως κρατύνῃ Ὑμᾶς, τιμώτατε ἀδελφέ, πρὸς ἐπὶ μήκιστον συνέχισιν τῆς ἱερᾶς διακονίας καί προσφορᾶς Ὑμῶν πρὸς τὸν λαόν τοῦ Θεοῦ, τὴν λαχοῦσαν Ὑμῖν Ἐκκλησιαν καί τὴν ὅλην Ὁρθοδοξίαν, καί διατελοῦμεν μετὰ βαθείας τῆς ἐν Αὐτῷ ἀγάπης καί τιμῆς ἐξαιρέτου.

βα' Δεκεμβρίου ς'

Τῆς Ὑμετέρας γερασμίας Μακαριότητος
ἀγαπητος ἐν Χριστῷ ἀδελφός
[+ὁ Κωνσταντινουπόλεως Βαρθολομαῖος]

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