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## Cuius Regio, Eius Religio? The Theopolitics of Ukrainian Autocephalies

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### Abstract

This contribution focuses on two Ukrainian autocephalies: the one granted on 6 January 2019 by the Ecumenical Patriarchate to the newly established Orthodox Church of Ukraine, and the de-facto one proclaimed on 27 May 2022 by the Ukrainian Orthodox Church of the Moscow Patriarchate. The ecclesial situation in Ukraine depends on the ongoing war with the Russian Federation, and the Ukrainian dioceses under Russian control are likely to move under the jurisdiction of the Russian Orthodox Church in line with Patriarch Kirill's new policy, with huge repercussions for Orthodox theopolitics.

### The Church of Cancel Culture

In October 2018, the Ecumenical Patriarchate (EP), headquartered in Istanbul, suddenly revoked its Act of 1686 (!), according to which, in its interpretation, it had conceded the Kyiv Metropolitanate to Moscow's ecclesial authority out of leniency (*κατ' οἰκονομίαν*)<sup>1</sup> due to a complicated geopolitical situation at that time. In so doing, the EP simply canceled the relevant church history after 1686, an action in line with the recent cancel-culture boom in Western countries. On 6 January 2019, it granted autocephaly to the ad-hoc founded Orthodox Church of Ukraine (OCU),<sup>2</sup> which was subsequently supported by three Local Orthodox Churches (LOCs): of Greece, of Cyprus, and the ancient Patriarchate of Alexandria, all of them being the so-called "Greek" churches that treat post-Byzantine Constantinople as their cultural authority.

These developments accelerated the uneasy ecclesial transformation in post-Soviet Ukraine. The Moscow Patriarchate (MP), including the Ukrainian Orthodox Church (UOC), broke its communion with the "Greek" churches, except those dioceses that explicitly distanced themselves from the cancellation. The EP substantiated its right to irrevocably pass judgment over the clergy of the Local Orthodox Churches through controversial interpretations of late-antique canon law,<sup>3</sup> thus unilaterally canceling the established *primus-inter-pares* consensus and heralding a *primus-sine-paribus* order for the Orthodox commonwealth.<sup>4</sup> What had been for several

decades wishful thinking on the part of the EP was finally put into practice in Ukraine.

The Ukrainian Orthodox Church of the Moscow Patriarchate, for its part, has carefully avoided the technical term "autocephaly," using instead the locution "complete self-governance and independence" (*повна самостійність і незалежність*) when it passed its historic Resolutions at the Council on 27 May 2022, convened due to the "military aggression of the Russian Federation against Ukraine" (*внаслідок військової агресії Російської Федерації проти України*).<sup>5</sup> My analysis of the Resolutions and their implications for politics and canon law follows.

### The Ukrainian Orthodox Church and Autocephaly

The rhetoric of the UOC Resolutions adopted on 27 May 2022, in fact, bears a discursive resemblance of the EP *Tomos* to the OCU. For example, after stating in the traditional ecclesiastical jargon that the OCU shall exist as "canonically autocephalous" (*κανονικώς αὐτοκέφαλος*), the EP *Tomos* paraphrases this in secular terms as "independent and self-governing" (*ἀνεξάρτητος καὶ αὐτοδιοίκητος*).

Besides the "complete independence" clause (§4), the UOC Council deliberated on making its own myrrh (§6), which is traditionally viewed as one of the attributes of a Local Orthodox Church, instead of receiving it from Moscow. For instance, when in 1970 the MP granted

<sup>1</sup> Ἀνακοινωθέν Ἁγίας καὶ Ἱερᾶς Συνόδου, 11 October 2018, <https://ec-patr.org/nakoinothen-gias-kai-er-s-synodoy-11-okt-2018/>

<sup>2</sup> *Patriarchal and Synodal Tomos for the Bestowal of the Ecclesiastical Status of Autocephaly to the Orthodox Church in Ukraine*, 6 January 2019, <https://ec-patr.org/category/eidika-themata-docs/aytokefalia-oykranikis-ekklisias-docs/tomos-aytokefalias/>

<sup>3</sup> Ponomariov, Alexander. Ukrainian Church Autocephaly: The Redrawing of the Religious Borders and Political Identities in the Conflict between Ukraine and Russia, *Russian Analytical Digest*, 231/2019, pp. 2–9; <https://css.ethz.ch/content/dam/ethz/special-interest/gess/cis/center-for-securities-studies/pdfs/RAD231.pdf>

<sup>4</sup> Lambriniadis, Elpidophoros. *First without Equals: A Response to the Text on Primacy of the Moscow Patriarchate*, 2014, <https://ocf.org/wp-content/uploads/2015/11/First-Without-Equals-elp2014-01-en.pdf>

<sup>5</sup> «Постанова Собору Української Православної Церкви від 27 травня 2022 року», 27 May 2022, <https://news.church.ua/2022/05/27/postanova-soboru-ukrajinskoji-pravoslavnoi-cerkvi-vid-27-travnya-2022-roku/>

independence to the Orthodox Church in America, the autocephaly of which was not recognized by the EP, it emphasized myrrh-making as an integral aspect of real church autocephaly (§2d).<sup>6</sup> The EP *Tomos*, for its part, prescribes that the OCU receive myrrh from Istanbul “as a manifestation of spiritual unity with it” (*εις δὴλωσιν τῆς πνευματικῆς μετ’ αὐτῆς ἐνότητος*).

One more major change bearing on the de-facto autocephaly of the UOC is the decision to establish its parishes and missions abroad (§8), distinct from the existing ones of the ROC. This step is being taken in order for millions of Ukrainian war émigrés to “preserve their faith, culture, language, and Orthodox identity” (*задля збереження своєї віри, культури, мови та православної ідентичності*). Faith and identity can be taken care of by the other LOCs; however, national language and culture are features of modern nation-states, and here the UOC is an institution that transcends the frame of traditional religion. Thus, Ukrainians abroad are, for the first time, to be separated from the rest of the post-Soviet expatriates. This contradicts the EP *Tomos*, which conferred jurisdiction to the OCU strictly within the state borders of Ukraine (*ἐντός τῶν ἐδαφῶν τοῦ Οὐκρανικοῦ Κράτους*), reserving the diaspora exclusively for the EP.

The aforementioned changes were fixed liturgically by the Primate of the UOC, Metropolitan Onufry, who, following the UOC Council, commemorated Patriarch Kirill among the other Orthodox Primates (except the EP-affiliated ones) and not as his feudal “Lord,” as had been the order previously (see 1:31:31).<sup>7</sup> By refusing to acknowledge Kirill as his suzerain, Onufry underscored the new autocephalous status of the UOC. The EP *Tomos*, for its part, requires that the OCU recognize the Ecumenical Patriarch as its head (*γινώσκει ὡς κεφαλὴν τὸν Οἰκουμενικὸν Θρόνον*).

It is evident that the status granted by the Ecumenical Patriarchate to the OCU is not autocephaly *stricto sensu*. The discussed attributes of church existence in the Orthodox world imply complete independence of the UOC (*εἰς ἀтрибутами повної церковної незалежності*),<sup>8</sup> whereas the OCU enjoys symbolic autocephaly.

UOC Metropolitan Filaret of Lviv, who was a delegate at the UOC Council, provided some more insight

into what was agreed there.<sup>9</sup> He reported that the adopted changes imply complete canonical disengagement from the Moscow Patriarchate (*повне канонічне відокремлення*), the amended Charter of the UOC being now that of a full-fledged autocephalous church (*повноцінної автокефальної церкви*). The amended Charter, he indicated, will become accessible following its compulsory registration with the state. The latter is also a felicitous move of the UOC because it played for time leaving the MP bureaucracy wondering.

Other high-profile sources identify the updated Charter of the UOC as de-facto autocephalous, albeit without formal status yet (*notre Église a de facto un statut autocéphale sans avoir pour le moment un statut formel autocéphale*). In particular, the UOC has removed from its books the key clause about its being united with the Local Orthodox Churches through the Russian Orthodox Church (*est unie aux Églises orthodoxes locales par l’intermédiaire de l’Église orthodoxe russe*).<sup>10</sup>

The avoidance of the word “autocephaly” was, hence, a deliberate theopolitical preterition to perplex the UOC’s opponents in both Ukraine and Russia. As such, it has achieved its goal at the start of the painful process of disengaging from the Moscow Patriarchate after more than three hundred years. The Russian Orthodox Church (ROC), as a first reaction, issued on 29 May 2022 a mild provisional statement demanding fact-checking (Journal No. 56).<sup>11</sup> Even its §6, pointing to the violation of Resolution 15 of the Constantinople Council of 861 that prescribes mandatory liturgical commemoration of Patriarchs unless they are lawfully convicted by an authorized synod, expressed helpless regret (*сожаление*) about the Ukrainian developments.

Notably, after the Russian Federation attacked Ukraine on 24 February 2022, a good half of the UOC dioceses broke with commemoration of *their own* (*οἰκῆτος*) Patriarch Kirill who has not been subjected to a conciliar trial, as the original text of the Constantinopolitan canon law requires: “Hence, if any Priest or Bishop, or Metropolitan should venture to depart from the communion with his own Patriarch and not elevate [commemorate] his name in the divine worship according to the determined and assigned order, but create a schism prior to a conciliar sanction and his

6 *Tomos of Autocephaly*, 10 April 1970, <https://www.oca.org/files/PDF/official/tomos-english.pdf>

7 «Онлайн-трансляція соборної Літургії: Неділя 6-та після Пасхи, про сніного», 29 May 2022, [https://www.youtube.com/watch?v=MtILNjSn\\_4c&t=5497s](https://www.youtube.com/watch?v=MtILNjSn_4c&t=5497s)

8 Бурег, Володимир. «Межі (не)залежності: Статут та статус УПЦ», 6 June 2022, [https://lb.ua/society/2022/06/06/519101\\_mezhi\\_nezalezhnosti\\_statut.html](https://lb.ua/society/2022/06/06/519101_mezhi_nezalezhnosti_statut.html)

9 «Циркуляр духовенству та мирянам Львівської єпархії щодо рішень Собору УПЦ», 30 May 2022, <https://upc.lviv.ua/publikatsiji/1990-tsirkulyar-dukhovenstvu-ta-miryanam-lvivskojji-eparkhiji-shchodo-rishen-soboru-ups>

10 *Entretien avec le métropolite Méléce de Tchernovtsy et Bucovine, président du Département des relations ecclésiastiques extérieures de l’Église orthodoxe ukrainienne*, 28 June 2022, <https://orthodoxie.com/entretien-avec-le-metropolite-melece-de-tchernovtsy-et-bucovine-president-du-departement-des-relations-ecclesiastiques-exterieures-de-leglise-orthodoxe-ukrainienne%ef%bf%bc/>

11 «Журнал Священного Синода от 29 мая 2022 года», 29 May 2022, <https://mospat.ru/ru/news/89330/>

[Patriarch] final condemnation, this Holy Council has decreed he [Priest/Bishop/Metropolitan] shall be absolutely alien to any priesthood, if only he were exposed of this transgression.”<sup>12</sup>

The Ancient Greek of this Resolution implies that a departure from communion and commemoration becomes subject to ecclesial punishment even if it occurs only once, given that the verb *ἀποστῆναι* is used in the perfective aspect. According to the *acrybeia* (*ἀκριβεία*) of this canon law, those UOC bishops who gave up the commemoration of Kirill for political reasons must be defrocked. However, the liturgical practice in some other LOCs does not require that parish priests commemorate their Primate (see below), and such practice does not bother the Orthodox world.

For his part, Metropolitan Onufry has continued to commemorate Kirill, albeit not as his “Lord” but as a peer, putting himself on a par with the Orthodox Primates, including the ancient patriarchates of Jerusalem and Antioch. This is a revolt within the Moscow Patriarchate against the established order under the circumstances of wartime. Combined with the revolt from the outside carried out by the EP in 2018, it looks like a second front against the ROC—and, by extension, the Kremlin, considering that the church situation in Ukraine is being used as leverage against Russia by the United States.<sup>13</sup>

After the UOC Council, there began a counter-process of non-commemoration of Metropolitan Onufry as a schismatic by the UOC dioceses in Crimea and in Donbass.<sup>14</sup> It is worth bearing in mind that in December 2015, Onufry allowed UOC parishes to omit the commemoration of Patriarch Kirill if this move would pacify theopolitical tensions among parishioners. Back then, he justified his decision by reference to the Orthodox principle of legal leniency (*οἰκονομία*) and referred to the practice of the Romanian Orthodox Church, where the Patriarch is commemorated only by bishops and not by the lower-rank clergy.<sup>15</sup> It is reported that as late as 2014, Onufry was still entirely opposed to such omis-

sions; his opponents, while admitting his piety and asceticism, used to call him “a Ukrainian with a Russian soul.” Eight years later, however, it was he who threw a curveball of Ukrainian autocephaly without calling it by name.

### Canonical (Dis)order

The ROC’s response on 7 June 2022 was a harsh one.<sup>16</sup> The ROC Holy Synod ousted Metropolitan Hilarion from the position of Chairman of the Department for External Church Relations and other important posts and exiled him to a provincial diocese in Hungary (Journal No. 61). The fall of Hilarion—who had been Kirill’s right hand for many years and who controlled the ROC’s external affairs, including arranging meetings with Pope Francis in 2016<sup>17</sup> and with U.S. Vice President Mike Pence during the Trump administration in 2017<sup>18</sup>—marks a radical change in Kirill’s perception of church diplomacy. Undoubtedly, Kirill’s actions were influenced, if not dictated, by the state in connection with the war in Ukraine.

Kirill made up his mind to transfer the UOC dioceses in Crimea to the jurisdiction of the ROC (Journal No. 59). The ROC based this decision on Resolution 7 of the UOC Council of 27 May 2022, which mandated that the UOC dioceses act independently from Kyiv due to the context of wartime (*πρᾶvo самостійно ухвалювати рішення на період воєнного стану*), as well as on requests from Crimean bishops to bring their respective dioceses directly under Moscow’s authority. As a result, a Crimean Metropolitanate of the ROC was formed, driven by the impossibility of regular ecclesial communication between Russia-controlled Crimea and Kyiv (*невозможність регулярного сообщення этих епархий с Киевской митрополией*).

It is noteworthy that the ROC’s approach to Crimea strikes the same tone as the Ecumenical Patriarchate’s notorious cancelation of the Act of 1686, which had granted the Moscow Patriarchate the right (*ἄδεια*) to ordain bishops in Kyiv “due to the excessive distance [between Kyiv and Constantinople]” (*διὰ τε τὸ τοῦ τόπου*

12 “Ὁστε εἴ τις Πρεσβύτερος ἢ Ἐπίσκοπος, ἢ Μητροπολίτης τολμήσῃ ἀποστῆναι τῆς πρὸς τὸν οἰκεῖον πατριάρχην κοινωνίας, καὶ μὴ ἀναφέρει τὸ ὄνομα αὐτοῦ κατὰ τὸ ὀρισμένον καὶ τεταγμένον, ἐν τῇ θείᾳ Μυσταγωγίᾳ, ἀλλὰ πρὸ ἐμφανείας συνοδικῆς καὶ τελείας αὐτοῦ κατακρίσεως σχίσμα ποιήσει τοῦτον ὄρισεν ἡ ἅγια Σύνοδος πάσης ἱερατείας παντελῶς ἀλλότριον εἶναι εἰ μόνον ἐλεγχθεῖ τούτο παρανομήσας.” Πηδάλιον, Athens: Typography of Blastos C. Barbarregos, 1886, p. 292.

13 Ponomariou, Alexander. International Implications of Ukrainian Autocephaly (2019–2020), *Russian Analytical Digest*, 252/2020, pp. 10–16; <https://css.ethz.ch/content/dam/ethz/special-interest/gess/cis/center-for-securities-studies/pdfs/RAD252.pdf>

14 «Решение собрания благочинных и духовенства Ровеньковской и Свердловской Епархии», 31 May 2022, <https://rovenky-ep.org.ua/2022/05/31/9833/>; «Луганск. Состоялось внеочередное заседание Епархиального совета», 10 June 2022, <https://eparhia.site/?p=7739>

15 «Враження очевидців від епархіальних зборів Київської єпархії УПЦ», 29 December 2015, <https://www.religion.in.ua/main/31430-bozhij-dar-z-yauechneyu-vrazhennya-ocheidiv-vid-eparxialnix-zboriv-kiyivskoyi-eparxiyi-upc.html>

16 «Журналы Священного Синода от 7 июня 2022 года», 7 June 2022, <https://mospat.ru/ru/news/89358/>

17 “After 1,000-year split, pope and Russian patriarch embrace in Cuba,” 12 February 2016, <https://www.reuters.com/article/us-pope-orthodox-cuba-arrival-idUSKCN0VL26B>

18 “Metropolitan Hilarion of Volokolamsk meets with Vice President of the United States Michael R. Pence,” 11 May 2017, <https://mospat.ru/en/news/48516/>

ὑπερβάλλον διάστημα) and “because of the ongoing wars between the two Kingdoms [i.e., Russia and the Ottoman Empire]” (διὰ τὰς συνεχῶς συμβαινούσας ἀναμεταξύ τῶν δύο βασιλειῶν μάχας).<sup>19</sup>

We are thus witnessing a ROC expansion on the back of Russia’s neo-imperial campaign. This is a new development for the post-Soviet ROC, which refrained from the merger and acquisition not only of the Georgian Orthodox Church (GOC) in Abkhazia and South Ossetia in 2008, but also of the church in Crimea, which remained under the jurisdiction of the UOC after 2014. In both cases, Kirill, despite his love for the Byzantine concept of *symphonia* (συμφωνία), kept his distance from the Kremlin’s gains on the ground. This time, his approach was stiffened.

Moreover, Kirill’s strategy mirrors the EP blueprint created by the Agreement on Cooperation and Interaction between Ukraine and the Ecumenical Patriarchate, inked on 3 November 2018 by President Poroshenko and Patriarch Bartholomew.<sup>20</sup> The EP derived its right to grant autocephaly worldwide from “the canon laws and the doctrine of Ecumenical Orthodoxy” (βιθ-повідно до канонічних настанов та віровчення Вселенського Православ’я). Curiously, “Ecumenical” here can mean both “universal” and “according to the Ecumenical Patriarchate.” In particular, the EP refers to Resolution 38 of the Council in Trullo (692)<sup>21</sup> and its prototype, Resolution 17 of the IV Ecumenical Council of Chalcedon (451).<sup>22</sup> This law speaks about church compliance with the administrative division of Byzantium: “If a city is founded by royal authority, or should it be founded, the order of ecclesial matters shall follow the civil and political order.”<sup>23</sup>

Resolution 17 reads “of dioceses” (παροικιῶν) instead of “of matters” (πραγμάτων), and this shift is important not so much for historical reasons as for modern Orthodox theopolitics. The thing is that the Roman admin-

istrative system of 451 disappeared by 692, while the Roman dioceses gradually gave way to the Byzantine *themes* (θέματα).<sup>24</sup> Nevertheless, Orthodox canon law was quite flexible in adjusting to this change, thus setting a precedent for future reinterpretations, including the one that turned up in the EP Agreement with Ukraine in 2018.<sup>25</sup>

The Moscow Patriarchate, which closely monitors the motions of the Ecumenical Patriarchate, appears to have relied on this precedent in 2022. The events of 7 June 2022, when three Crimean dioceses of the UOC were transferred to the jurisdiction of the ROC, can be seen as an application of said precedent in light of EP practice regarding Ukraine: if, from Moscow’s standpoint, Crimea is part of the Russian Federation, then ecclesial matters on its territory should be adjusted to the Russian political order. Consequently, the new policy of the ROC implies the incorporation of UOC dioceses if their respective administrative regions are officially named by the Kremlin as parts of the Russian Federation.

Another lens through which to look at the Ukrainian situation is Resolution 8 of the III Ecumenical Council of Ephesus (431), which the UOC could instrumentalize against the ROC: “[And the same shall be preserved in the other dioceses and provinces everywhere]: that none of the most-god-loving bishops shall take over another province, [it] not being from the very beginning in his hands or rather [in the hands] of the ones prior to him; however, if he took over something and acquired it for himself by force, he shall give it up.”<sup>26</sup> A counter-argument, however, could be that prior to 1990, the UOC was merely an Exarchate of the ROC under Kirill’s immediate predecessors (i.e., “the ones prior to him”).

Whatever way you slice it, Patriarch Kirill faces the collision of multiple legal norms. On the one hand, according to the MP *Tomos* of autonomy issued to its Ukrainian Exarchate in 1990, the UOC “establishes

19 Ченцова, Вера. Копия грамоты константинопольского патриарха Дионисия и синода о передаче московскому патриарху права рукоположения киевского митрополита // «Киевская митрополия между Константинополем и Москвой. 1686», Киев: Дух и Литера, 2020, pp. 391–395, here p. 394.

20 *Agreement on Cooperation and Interaction between Ukraine and the Ecumenical Patriarchate*, 3 November 2018, [https://www.president.gov.ua/storage/j-files-storage/00/65/02/39d5327fe27135d96c04d0f53e1e5745\\_1551875784.pdf](https://www.president.gov.ua/storage/j-files-storage/00/65/02/39d5327fe27135d96c04d0f53e1e5745_1551875784.pdf)

21 Ohme, Heinz (ed.). *Concilium Constantinopolitanum a. 691/2 in Trullo habitum (Concilium Quinisextum)*, Berlin: De Gruyter, 2013, p. 40.

22 Alberigo, Giuseppe (ed.). *Conciliorum oecumenicorum generaliumque decreta: editio critica*, vol. 1: The Oecumenical Councils. From Nicaea I to Nicaea II (325–787), Turnhout: Brepols, 2006, p. 145.

23 “Εἴ τις ἐκ βασιλικῆς ἐξουσίας ἐκαινίσθη πόλις ἢ αὐθίς καινισθεῖν, τοῖς πολιτικοῖς καὶ δημοσίοις τύποις καὶ τῶν ἐκκλησιαστικῶν πραγμάτων ἡ τάξις ἀκολουθεῖτω.”

24 Schreiner, Peter. *Byzanz 565–1453*, 4. aktualisierte Auflage, München: Oldenburg, 2011, pp. 62–66.

25 Ponomariov, Alexander. Theopolitics on the Grand Chessboard: Ukraine between the Church Canons and the Canons of War, *CEES Working Paper*, 2/2019, p. 4; [https://www.cees.uzh.ch/dam/jcr:305943d1-de5a-4be2-929b-9a561805e27b/CEES%20Working%20Paper%20No\\_2%202019.pdf](https://www.cees.uzh.ch/dam/jcr:305943d1-de5a-4be2-929b-9a561805e27b/CEES%20Working%20Paper%20No_2%202019.pdf).

26 “[Τὸ δὲ αὐτὸ καὶ ἐπὶ τῶν ἄλλων διοικήσεων καὶ τῶν ἀπανταχοῦ ἐπαρχιῶν παραφυλαχθήσεται.] ὥστε μηδένα τῶν θεοφιλεστάτων ἐπισκόπων ἐπαρχίαν ἐτέραν οὐκ οὖσαν ἄνωθεν καὶ ἐξ ἀρχῆς ὑπὸ τὴν αὐτοῦ ἡγουν τῶν πρὸ αὐτοῦ χεῖρα καταλαμβάνειν, ἀλλ’ εἰ καὶ τις κατέλαβε καὶ ὕφ’ αὐτὸν πεποιῆται βιασάμενος, ταύτην ἀποιδόναι.” Joannou, Périclès-Pierre (ed.). *Discipline générale antique (IIe–IXe s.)*, 1.1: *Les canons des conciles œcuméniques (IIe–IXe s.)*, Grottaferrata (Roma): Tipographia Italo-Orientale “S. Nilo”, 1962, p. 64.



and abolishes dioceses within Ukraine” (*учреждает и упраздняет епархии в пределах Украины*).<sup>27</sup> On the other hand, Kirill described the Resolution of the UOC Council of 27 May 2022 as permitting UOC dioceses to act independently of Kyiv. In accordance with the legal principle *lex posterior derogat legi priori*, it could be argued that the latter Resolution carries more weight.

Furthermore, Russian law now considers Crimea part of the Russian Federation,<sup>28</sup> leading to another collision between Kyiv and Moscow, one that Kirill until recently attempted to avoid. Yet the UOC’s proclamation of de-facto autocephaly became the straw that broke the camel’s back: Kirill sided with the Kremlin in jurisdictional terms, the war and state interests having finally upended the sensitive religious scales.

### Macedonian Autocephaly and Ukraine

External factors added a further impetus to the Ukrainian autocephaly discourse. On the eve of the UOC Council, on 16 May 2022, the Serbian Orthodox Church (SOC) launched an autocephaly procedure<sup>29</sup> for the previously outlawed Orthodox Church of Northern Macedonia (MOC), which was eventually granted on 5 June 2022. Unlike the EP in the Ukrainian case, the SOC articulated complete autocephaly for the MOC (*полна автокефалија*), including the right to manage the Macedonian diaspora (*и во дијаспората*).<sup>30</sup> Nevertheless, following this act, the MOC announced that it was still awaiting a final *Tomos* from the EP “according to its legal and historical authority” (*согласно неговите законски и историски принадлежности*).<sup>31</sup>

Now, this motion is very interesting because it sets a legal precedent for a *hierarchy* of autocephalies: a minor one granted by a Local Orthodox Church and a major one that can proceed only from the Ecumenical Patriarchate. Conversely, the ROC understands autocephaly as given by what is called a “mother church,” whereafter the mother church informs the rest of the LOCs, which take note of the news and accept the newcomer as a peer.

Yet in the case of the Orthodox Church in America, as we have seen, the EP refused to accept its autocephaly of 1970, continuing to treat it as a canonical part of the MP. The reason for this is the EP’s position that it—and only it—has the prerogative to grant autocephaly worldwide. And in the Macedonian case, we contemplate precisely this: the EP recognized the MOC on 9 May 2022 and mandated that the SOC regulate its relations with the MOC “within the frame of the canonical order and ecclesial tradition” (*ἐν τῷ πλαισίῳ τῆς ἱεροκανονικῆς τάξεως καὶ ἐκκλησιαστικῆς παραδόσεως*).<sup>32</sup>

The frame implied is the one drafted back in 1993 in a pan-Orthodox document that was, however, never signed into law nor ratified by the LOCs: “In expressing the consent of the Mother Church and the pan-Orthodox consensus, the Ecumenical Patriarchate officially proclaims the autocephaly of the applying Church by the publication of a patriarchal *Tomos*.”<sup>33</sup> For the MP, this preliminary consensus is now all water under the bridge, especially because the EP in the Ukrainian case had received no intercession from the ROC as the “mother church.”<sup>34</sup> It remains to be seen if the Macedonian autocephaly in the EP mold can resolve the decades-long impasse in the Balkans. In any case, it further motivated the UOC Council, as voices were raised that the MP could have initiated a similar procedure for the UOC.

### Patriarch Kirill on Trial?

Last but not least, on 27 July 2022, the OCU issued an appeal to the Ecumenical Patriarch and the rest of the Orthodox Primates, calling for Patriarch Kirill to be put on trial.<sup>35</sup> In the rationale, OCU Primate Epiphany referred to Kirill’s three grave “sins” against the Orthodox faith. First, Epiphany wanted the Orthodox commonwealth to condemn the “racist doctrine” (*расистське вчення*) of the “Russian world,” which, Epiphany alleged, denied Ukrainians’ right to their political, ecclesial, and cultural individuality. To make

27 «Определение об Украинской Православной Церкви», 27 October 1990, <http://www.patriarchia.ru/db/text/525408.html>

28 «О принятии в Российскую Федерацию Республики Крым и образовании в составе Российской Федерации новых субъектов – Республики Крым и города федерального значения Севастополя», 21 March 2014, <http://pravo.gov.ru/proxy/ips/?docbody=&nd=102171897>

29 «Саопштење Светог Архиепископског Сабора Српске Православне Цркве», 16 May 2022, <https://spc.rs/saopstenje-svetog-arhijerejskog-sabo/>

30 «Томосот за Автокефалија на Македонската Православна Црква – Охридска Архиепископија доделен од Српската Православна Црква», 6 June 2022, <http://www.mpc.org.mk/vest.asp?id=7639>

31 «Соопштение», 7 June 2022, <http://www.mpc.org.mk/vest.asp?id=7640>

32 Αποφάσεις της Αγίας και Ιεράς Συνόδου σχετικά με το εκκλησιαστικό θέμα του Κράτους της Βορείου Μακεδονίας, 9 May 2022, <https://ec-patr.org/apofasesi-tis-agias-kai-ieras-synodos-3/>

33 *Autocephaly and the Way in which it is to be Proclaimed*, 13 November 1993, <https://orthodoxsynaxis.org/2018/10/01/pre-conciliar-commission-autocephaly-the-way-in-which-it-is-to-be-proclaimed/>

34 «Заявление Священного Синода Русской Православной Церкви в связи с незаконным вторжением Константинопольского Патриархата на каноническую территорию Русской Православной Церкви», 14 September 2018, <http://www.patriarchia.ru/db/text/5268282.html>

35 «Лист щодо притягнення Російського патріарха Кирила до канонічної відповідальності і позбавлення його Патріаршого престолу», 27 July 2022, <https://www.pomisna.info/uk/vsi-novyny/lyst-shhodo-prytyagnennya-rosijskogo-patriarha-kyryla-do-kanonichnoyi-vidpovidalnosti-i-pozbavleniya-jogo-patriarshogo-prestolu/>

this more intelligible to the “Greek” churches, Epiphany portrayed the doctrine as being similar to *phyletism* (φυλετισμός),<sup>36</sup> which those same “Greek” communities labeled as a heresy back in 1872. Kirill’s second “sin” was the decision to excommunicate those “Greek” churches that supported the establishment of the OCU in Ukraine. His third transgression was the December 2021 motion to found a Moscow Patriarchal Exarchate in Africa, in the canonical territory of the Alexandrian Patriarchate (Journal No. 100),<sup>37</sup> whose Patriarch Theodoros had recognized the OCU and thus “defected to the schism” (вследствие уклонения в раскол).

The appeal reflects the “Greek” position in the standoff and emphasizes the status of the OCU as a community dependent on and serving the Ecumenical Patriarchate. At the same time, it betrays the severity of the conflict in the Orthodox commonwealth and confirms the circulating rumors concerning an upcoming “Greek” ecclesial trial of Kirill and the ROC. Such a trial, should it take place, will be rejected by the Moscow Patriarchate and possibly by some other LOCs. Nevertheless, it could become the final nail in the coffin of Orthodox unity as we know it, whereafter the UOC would be left on its own between the two uncompromising camps.

## Conclusion

The term *αὐτοκέφαλος* is relatively new and was never used to describe the ancient Patriarchates (*le terme « autocéphale » n’a jamais été utilisé comme qualificatif des anciens patriarchats*),<sup>38</sup> as is the practice at present. To date, there is neither a uniform procedure of autocephaly proclamation in the Orthodox commonwealth

nor a shared understanding of what autocephaly imports, as there are two variants thereof. The UOC Council on 27 May 2022 introduced changes that imply its real independence from the MP, which differs drastically from the symbolic autocephaly of the OCU.

Since 2014 and especially since 24 February 2022, the UOC has operated under enormous domestic political and even criminal coercion: its status as an entity could be canceled at any time,<sup>39</sup> and its members constantly experience threats and physical violence. It is first and foremost domestic terror that triggered the UOC Council’s agenda due to the urgency of corporate survival. Whether this motion will help the UOC weather the theopolitical storm is quite questionable given the amount of pressure both within and outside the country.

Ukraine has become a battleground in both senses of the word, and the ecclesial situation in Ukraine depends on the outcome of the ongoing war with the Russian Federation. The UOC dioceses under Russian control are likely to move under the jurisdiction of the ROC in line with the new policy of the MP, which seems to reinterpret canon law in line with the *cuius regio eius religio* principle. For believers, there will be no practical difference *if* both jurisdictions are considered lawful, but it will have huge repercussions for Orthodox theopolitics. It remains to be seen whether the Moscow Patriarchate will put up with the existence of an autocephalous Ukrainian church, whatever the latter’s scope might be after the war ends. The Orthodox landscape is undergoing historic changes, swiftly morphing into Multiple Orthodoxies, with church canons indeed being used as canons of war.<sup>40</sup>

## About the Author

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

36 *The Phenomenon of Ethnophyletism in Recent Years*, 4 March 2015, <https://civilrights.goarch.org/-/the-phenomenon-of-ethnophyletism-in-recent-years>

37 «Журналы Священного Синода от 29 декабря 2021 года», 29 December 2021, <http://www.patriarchia.ru/db/text/5877047.html>

38 Blanchet, Marie-Hélène / Vetrochnikov, Konstantinos. Les usages et les significations du terme « autocéphale » (αὐτοκέφαλος) à Byzance, in: Blanchet, Marie-Hélène / Gabriel, Frédéric / Tatarenko, Laurent (eds.). *Autocéphalies*, pp. 47–64, here p. 62.

39 «Про загрози національній безпеці України, пов’язані з діяльністю релігійних організацій, що мають керівні центри на території держави-агресора», 15 June 2022, p. 5; <https://dcss.gov.ua/wp-content/uploads/2022/06/34367.pdf>

40 Ponomariou, Alexander. *Theopolitics on the Grand Chessboard*, [https://www.cees.uzh.ch/dam/jcr:305943d1-de5a-4be2-929b-9a561805e27b/CEES%20Working%20Paper%20No\\_2%202019.pdf](https://www.cees.uzh.ch/dam/jcr:305943d1-de5a-4be2-929b-9a561805e27b/CEES%20Working%20Paper%20No_2%202019.pdf).

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