

**“THE NATIONAL
UKRAINIAN
ORTHODOX CHURCH
KYIV PATRIARCHATE”**

**The Historical and Canonical
Declaration of the Council of Bishops
of the Ukrainian Orthodox Church
Kyiv Patriarchate**

Dated April 19, 2007

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R E S O L U T I O N
OF THE COUNCIL OF BISHOPS
OF THE UKRAINIAN ORTHODOX CHURCH KYIV PATRIARCHATE
APRIL 19, 2007

Having, by God's Grace, convened in the golden-domed city of Kyiv under the leadership of His Holiness Filaret, the Patriarch of Kyiv and all Rus-Ukraine and having heard his report of the current state of Ukrainian Orthodoxy and possible means for overcoming the extant church division, the Council of Bishops of the Ukrainian Orthodox Church Kyiv Patriarchate

RESOLVES

1. To accept and publish the Historical and Canonical Declaration of the Council of Bishops of the Ukrainian Orthodox Church Kyiv Patriarchate entitled "**THE NATIONAL UKRAINIAN ORTHODOX CHURCH KYIV PATRIARCHATE**", which reflects the views of the Kyiv Patriarchate regarding the main causes of the division of the Church in Ukraine.
2. In order to educate the hierarchy, clergy and laity of the Ukrainian Orthodox Church - Moscow Patriarchate (UOC-MP) and the Ukrainian Autocephalous Orthodox Church (UAOC) of the dogma and canonical principles by which the Kyiv Patriarchate is guided, and further as the leadership of the UOC-MP and of the UAOC regularly refer to these canons as an excuse not to discuss with the Kyiv Patriarchate in the creation of a united National Orthodox Church in Ukraine, to bless the study of the historic-canonical Declaration in theological educational institutions of the UOC Kyiv Patriarchate and to widely circulate this Declaration among the Orthodox believers in Ukraine; to translate this Declaration into the Russian language; and to send the Declaration to the Primates of all National Orthodox Churches.
3. To send the Declaration to the President of Ukraine, to the national leaders of Ukraine, to the heads of Oblast and Regional councils and government administrations, and to the administrative organs of local governments.
4. To call special attention of the leadership of the UOC-MP to the utter inadmissibility of the existence, in this church, the practice of so-called "re-baptism" of those who had been baptized in the Kyiv Patriarchate or of the "repeating" by the UOC-MP of the Holy Mysteries and rites (ordination, marriages, funerals, etc.) which previously administered in the Kyiv Patriarchate, for such practice is forbidden by the Holy Writ, the Symbol of Faith, dogma and canons of the Orthodox Church; to demand that the UOC-MP cease this practice; to caution that every bishop and priest who performs such uncanonical practice of "repeating" the Holy Mysteries previously administered by the Kyiv Patriarchate, and the laity who allow repetition of Holy Sacraments, all perform a mortal sin.
5. To confirm that the Kyiv Patriarchate remains open to direct dialogue with the UOC-MP and the UAOC regarding establishing a united National Church in Ukraine, such a

dialogue being possible under conditions of mutual respect and without reference to preconditions.

The Council invokes thankful prayers to our Prime Pastor, our Lord Jesus Christ, for the successful completion of our work and calls for God's blessing upon all faithful of the Kyiv Patriarchate.

His Holiness, Patriarch of Kyiv
and all Rus-Ukraine

Filaret

“The National Ukrainian Orthodox Church Kyiv Patriarchate”

HISTORICAL AND CANONICAL DECLARATION

BY THE COUNCIL OF BISHOPS

OF THE UKRAINIAN ORTHODOX CHURCH

KYIV PATRIARCHATE

The Council of Bishops of the UOC Kyiv Patriarchate proclaims this historical and canonical Declaration for the purpose of providing an explanation of the canonical status of the Ukrainian Orthodox Church Kyiv Patriarchate, and its views of the situation of Ukrainian Orthodoxy, and on the basis of the Holy Scripture, Holy Traditions, canons and historical experience of the Ecumenical Orthodox Church, to propose ways and means for ending the existing division of the Orthodox Church in Ukraine and for establishing a unified National Ukrainian Orthodox Church.

I. THE CHURCH

(I believe) in the One Holy, Universal and Apostolic Church.

Article 9 of the “Symbol of Faith”

“For God so loved the world that He gave His One and only Son, that whoever believes in Him shall not perish but have eternal life” (John 3:16). **The church** is headed by Jesus Christ, God’s Son, and is an assembly of persons (*Gr. ecclesia*) who have heard the Good News (*Gr. Gospel*) as an appeal of the Lord for salvation, believe in Jesus Christ, and follow Him.

The essential features of the Church of Christ are those features that, if lost by the community, deprive it from being the Church of Christ. The four substantial features of the Church are specified in the Symbol of Faith namely: unity, holiness, collegiality and apostolicity. All other features of the Church derive from these four.

“The Holy Universal and Apostolic Church is the **One** Church, a mystical structure - the Body of Christ... Renewed, saintly and deified human nature being in Christ and receiving a new life from Him in One Church. **Unity of the Church is the axiom of the doctrine about the Church and it is self-understandable by every Christian**“. A goal of the Church is to unite man with God. “The essence of Church can be expressed in one word - **Unity**”.

”The unity of the Church, as its qualitative description, distinguishes the Church from all other types of human institutions, because the Church is not simply a community of like-minded persons; unity, in church understanding, is not only solidarity and unanimity. The Church unity foresees the change of the existence of human nature, its transfiguration from individual survival into unity like the Holy Trinity” (Catechism).

For the correct understanding of this natural unity of the Church the prayer words of the Highest-Priest - the Savior are the essential words: “I have revealed You to those whom You gave Me out of the world. They were Yours; and You gave them to Me and they have obeyed Your

word... Sanctify them by the truth; Your word is truth... My prayer is not for them alone. I pray also for those who will believe in Me through their message, that all of them may be one, Father, just as You are in Me and I am in You. May they also be in Us so that the world may believe that You have sent Me. I have given them the glory that You gave Me, that they may be one as We are One: I in them and You in Me. May they be brought to complete unity to let the world know that You sent Me and have loved them even as You have loved Me” (John 17:6, 17, 20-23).

Based on these words we can assert that:

- as a result of sin, mankind lost its primary direct contact with the Lord, as in Paradise before the fall, and Jesus Christ, by His word and acts revived this liaison, revealing His Heavenly Father to man, joining the earthly with the celestial.
- each person who accepts, cherishes, and adheres to Christ’s Gospel as the word of truth, is being sanctified by the Lord;
- to this community of the blessed belong not only those who heard the Gospel directly from Christ His apostles, but also those that truly believe in their word;
- the unity of the believers’ community has the same mystic and spiritual nature as the unity between the Father and the Son, the basis of which consists of love, because “God is Love” (1 John 4:16).

With this comprehension of the Church’s unity, we understand that the Church is for us a mystic subject of faith rather than a visible subject of knowledge. In the Symbol of Faith **we profess our belief in One Church**, by that asserting the Church’s own nature and means of keeping its unity is mystic, mysterious and invisible, because “Now faith is being sure of what we hope for and certain of what we do not see” (Heb.11:1). Therefore, the Eastern **Orthodox Church has never accepted the Latin doctrine of the One Church as a necessarily visible organization headed by the Bishop of Rome as its visible Primate**. Only the Lord Jesus Christ is the eternal and invariable head of the Church “And God placed all things under His feet and appointed Him to be the Head over everything for the Church, which is His Body, the fullness of Him who fills everything in every way” (Eph. 1:22-23), while the temporal visible heads of the Church are those bishops who “rightly administer the word of Your truth” (The Divine Liturgy).

Within the realities of Ukrainian church life, there is a movement to substitute the concept of a mystic unity of the Church with administrative unity with the Moscow Patriarchate. It is proclaimed, that the **administrative submission to the Moscow Patriarchate is a necessary condition of belonging to the Ecumenical Christian Church, that only through an administrative submission to the Moscow Patriarch can be achieved unity of the Ukrainian Orthodox Church with other National Orthodox Churches**.

We, however, refuse a condition of administrative unity with a certain recognized church center as the primary condition for belonging to the unified Christian Church. **The belonging of the Kyiv Patriarchate to the One Holy Universal and Apostolic Church is determined by adherence to the true Orthodox faith transmitted by our Lord Jesus Christ through the**

apostles to all who believe in Him, and not by administrative unity with Moscow or any other Patriarchate. All who belong to the Kyiv Patriarchate belongs to a true Christian Church, first of all, by virtue that the Kyiv Patriarchate acknowledges and professes by word and action the same Orthodox Christian faith and veritable dogmas, that of the entire Plenitude of the One Holy Universal and Apostolic Church.

The Church is called Apostolic, even though it originates not from the apostles, but from Our Lord Jesus Christ. The apostles did not create the Church, and they are not its heads. The apostle Paul in his message clearly says: “Was Paul crucified for you? Were you baptized into the name of Paul?” (1 Cor. 1:13). Therefore, the primary source of the blessed unity of Church (including the apostolic succession of its hierarchy) mainly results from the Holy Spirit acting in the Church, and from unity of faith, unified understanding of the Holy Scripture and Heritage, and unity of the Tradition – spiritual, liturgical, theological, etc. The Church is deemed Apostolic because it received the dogma, and not just succession of consecrations and, through the apostles, and also because it keeps the same faith as that of the apostles. The legal (therefore, rationalistic) understanding of unity of the Church higher than unity and continuity of a chain of consecrations is characteristic more of Catholic rather than Orthodox ecclesiology. Therefore, **while honoring and preserving the apostolic succession in consecrations, the Kyiv Patriarchate reaffirms that the grace of its life depends upon the Holy Spirit, incessantly acting in the Church,** and which “the wind blows wherever it pleases” (John 3:8), rather than wherever some men may wish.

It has not been demonstrated by anyone that the Kyiv Patriarchate is not preaching the truth common to the entire Orthodox Church. Quite the opposite, even one of the senior representatives of the Moscow Patriarchate, Metropolitan Cyril (Smolensky), in his letter addressed to the Primate of the UGCC, Cardinal Lyubomyr Husar, published on July 10, 2006, acknowledges that the parishes of Kyiv Patriarchate in the Lviv region (and, by extension, all parishes) are “Orthodox by confession of faith”.

The Kyiv Patriarchate categorically refuses any attempt to ascribe to her an affiliation with some other “Church” otherwise identical to the existing Ecumenical Christian Church. We acknowledge that, in accordance with the Holy Scripture and the Symbol of Faith, there is only one unified Christian Church, to which belong all National Orthodox Churches, including the UOC Kyiv Patriarchate. A visible sign of invariability of this affirmation is that, during every Divine Liturgy, the Primate of the Kyiv Patriarchate commemorates, in due order by name and title, all Primates of the other National Orthodox Churches, with the exception of the Patriarch of Moscow as a consequence of a schism in the Ukrainian Orthodox Church.

The Kyiv Patriarchate is the National Orthodox Church which serves believers of all nationalities in Ukraine, and not only Ukrainians. Also, in the Diaspora, it is not only Ukrainians that belong to parishes of the Kyiv Patriarchate. Therefore, the Kyiv Patriarchate rejects any accusation that it is a “nationalistic church” in the sense that it is uniquely or exceptionally organized according to a national principle.

A love for one's country and its people – patriotism – is a natural expression of the Christian commandment to love our neighbors. Therefore, the Kyiv Patriarchate adheres to patriotic positions, and by its actions supports the independence of Ukraine. By God's Grace, peacefully, and without bloodshed or violence, the Ukrainian people exercised self-determination and declared the independence of Ukraine. Therefore, **governed by the 17th Canon of the Fourth Ecumenical Council and the 38th Canon of the Sixth Ecumenical Council, which emphasize that “church affairs allotment must follow the civil and county allotment” i.e. that the church and administrative system must conform to the state system, and also following the 34th Apostolic Canon, which defines that “bishops of every people have to be aware of the first among them and to acknowledge him as a Primate”, following the will of the National Council of the UAOC of June 5-6, 1990 and the National Council of the UOC of November 1-3, 1991, the Ukrainian Orthodox Church declared its own autocephaly** – complete administrative independence, while preserving full unity of dogma, liturgical practice, and church structure with all other National Orthodox Churches.

II. THE CANONS

The internal unity of the Church has **external manifestations:**

- *unity of Orthodox faith, to profess one and the same Symbol of Faith;*
- *unity of Holy Sacraments and liturgical practices;*
- *a church hierarchy with apostolic succession;*
- *unity of hierarchy, church structure, and church canons (Catechism).*

The Kyiv Patriarchate professes the Orthodox faith passed through the apostles and dogmas formulated by the Ecumenical Councils, including the Symbol of Faith; its teaching and execution of the Holy Mysteries and liturgical services are the same as the entire Plenitude of the Orthodox Church; its structure is identical to that of the other National Churches; and it acknowledges, and adheres to, all canons of the Orthodox Church. The Kyiv Patriarchate has introduced nothing new either in a dogma, or in practice or execution of Holy Mysteries and liturgical service, or in the canonical order of the ordinary Church life. **The external indication of this is the professing of the faith and oath, which each candidate for bishop utters before the act of consecration.** The text used to profess the faith and the bishop's canonical oath are identical to those used, for example, in the Moscow Patriarchate, with the sole exception of the named National Church and the title of its Primate. Therefore, **according to every visible indication the Kyiv Patriarchate is a part of the One Holy Universal and Apostolic Church.**

For the National Churches, it is imperative to adhere to the foundations of the canonical system that are based on dogmatic teaching; the importance of the canons is further clarified, because they result from the will or consent of the entire Church with a goal of unity, prosperity and growth. However, when considering the obligation of each canon, it is necessary to take into consideration the following important issue. **The canons are not dogmas**, in the sense that they

are dogmatically applied to constantly changing local life conditions. The canons explicitly determine the independence of National Churches, demanding a complete unity in issues of faith, while allowing for complete freedom in the field of administration.

As could be understood from previous considerations, the canons (church laws and rules) are the external fence of the Church's life, and are neither the core of its faith nor its internal life. The Orthodox Church lives and unites all in the unified body of Christ by faith and the action of God's Grace and not by means of canons. For this reason, the canons assume a lower position among the signs of unity of the Church.

The Holy Scripture distinguishes the action of God's Grace, which sanctifies a person and connects him with God, from the action of law, which guards a man against falling into evil. "What, then, was the purpose of the law? It was added because of transgressions... For if a law had been given that could impart life, then the righteousness would certainly have come by the law... So the law was put in charge to lead us to Christ that we might be justified by faith. Now that faith has come, we are no longer under the supervision of the law. You are all sons of God through faith in Christ Jesus" (Gal. 3:19, 24-26). "Therefore, no one will be declared righteous in His sight by observing the law; rather, through the law we become conscious of sin. But now righteousness from God, apart from law, has been made known, to which the law and the Prophets testify. The righteousness from God comes through faith in Jesus Christ to all who believe. There is no difference, for all have sinned and fall short of the glory of God; and are justified freely by His grace through the redemption that came by Christ Jesus" (Rom. 3:20-24). The Russian philosopher V.S. Solovyov wrote: "Law is the lowest verge, the certain minimum of morality that is obligatory for all". The task of a law, he considered: "is not that the world encircled by evil will transform itself into Heavenly Kingdom, but that in its time would not transform into hell".

Therefore, the attempts of representatives of the Moscow Patriarchate to declare as its "Constitution" the canons and norms as the foundation of the Church's life approaches close to the false pharisaic doctrine. Pharisees searched for acquittal through a literal implementation of orders of the God's Law and the Holy Tradition, but the Holy Scripture clearly testifies, "that a man is justified by faith apart from observing the law" (Rom. 3:28), that laws only assist a man on a path to salvation, and do not themselves save him.

The Law of the Old Testament was given by God Himself, but our Savior says that many of His norms were given because of the hardheartedness of people. Therefore, **if the value of grace is higher than that of the Law of the Afflatus, then the sign of unity of faith stands incomparably higher than unity in interpretation and application of canons that are identical for the whole Orthodox Church.**

The practice of representatives of the Moscow Patriarchate to refer to certain canons as proof of the rightness of its negative attitude toward the Kyiv Patriarchate is a practice in direct imitation of the Pharisees, who explained their lawless actions with reference to a law: "We have a law, and according to the law He must die" (John. 19:7). "Has any of the rulers or of the Pharisees believed

in Him? No! But this mob that knows nothing of the law – there is a curse on them” (John. 7:48-49). **Like the Pharisees, the representatives of the Moscow Patriarchate refuse even to begin a theological dialogue with the representatives of Kyiv Patriarchate:** “Nicodemus, who had gone to Jesus earlier and who was one of their own number, asked, ‘Does our law condemn anyone without first hearing him to find out what he is doing?’ They replied, ‘Are you from Galilee, too?’” (John. 7:50-52). Like the Pharisees, the representatives of the Moscow Patriarchate consider themselves to be the sole authoritative source of interpretations of the canons: “‘You are this Fellow’s disciple! We are disciples of Moses! We know that God spoke to Moses, but as for this Fellow, we don’t even know where He comes from’... ‘You were steeped in sin at birth; how dare you lecture us!’ And they threw him out” (John. 9:28-29, 34).

The Kyiv Patriarchate acknowledges all canonical rules whose authority is acknowledged by the Plenitude of the Orthodox Church, and applies them in the growth of practical church life. The Kyiv Patriarchate categorically **rejects the accusation that it is “uncanonical”, and provides detailed substantiation of its position** in this Declaration. Theology and church law **do not even include a concept of a “canonical church” and “uncanonical church”** as introduced by representatives of the Moscow Patriarchate as justification of their illegal actions, and to foster religious enmity and hatred against the Kyiv Patriarchate.

III. THE COLLEGIALLY OF CHURCH. NATIONAL (AUTOCEPHALOUS) CHURCHES

Where is Jesus Christ, there is the Universal Church.

Ignaty Bogonosets

“The Church of Christ is called Universal because it is not constrained to one place, or any time, or any people, but encompasses the genuine believers of all localities, times and peoples”. (Metropolitan Filaret Drozdov, Abstract Catechism). The characteristic of the Universal Church applies to the Church as a whole and to each segment. Universality is a characteristic which clearly mirrors in the church life the image of the Trinity. God is one, but each Divine Person is God, and possesses the fullness of the Divine essence. Therefore, “The Church is universal in both totality and each of its parts. The Plenitude of the whole is not the sum of its parts, because every part possesses the same plenitude as the whole”. **“In other words, each national community possesses the same plenitude of the gifts of grace as does the whole Church in general, because the same Christ is present in it in the same plenitude”** (Catechism).

In essence the Church is one and it is segmented into a number of National Orthodox Churches. National Churches of Christ are the assemblies of those, who not only “love each other as neighbors, but also are the fellow-citizens of the Christian Kingdom, that all together acknowledge the plenitude of love expressed by One Head, One Lord, One Teacher – Christ”.

They are not different or opposite Churches, but identical to each other, segmented not by ideology, but into self-administered territories. When founding National Churches in various countries, the apostles assigned presbyters to the churches, and gave them the right to govern independently and arrange their internal life, to take into consideration the local situation and circumstances. Thus, churches were established by the apostles with independent management. The Holy Scripture refers to National Churches in Corinth (1 Cor.), Thessalonica (1 Thess.), Galatia (Gal.), and Babylonia (2 Pet. 5:13), and also to Ephesian, Smirnian, Pergamian, Sardician, Philadelphian, Laodicean (Rev. 3) and other National Churches.

The management of separate Churches evolved in the main cities of each district or province where bishops located their cathedrals. As an example based on the previous actions of apostles they indicated that the Ecumenical Church must follow the decisions of the Council of Hierarchs of all National Churches, and every National Church – by the decisions of their own hierarchs: “Bishops, who govern the Churches, – specified in the ‘Orthodox confession’, – are called its Primates: it should be accepted in a sense that they are the descendants of Christ and individual Primates in their region”.

The independence of National Churches has a canonical foundation based on proper interpretation of God’s revealed Truth as reflected in the Church’s historical internal structure. As such, the 34th Canon of the Apostles clearly defines the administrative independence of National Churches: “The bishops of every nation must acknowledge him who is first among them and account him as their head, and do nothing of consequence without his consent; but each may do those things only which concern his own parish, and the country places which belong to it. But neither let him (who is the first) do anything without the consent of all; for so there will be unanimity, and God will be glorified through the Lord in the Holy Spirit”. The canonist **Fyodor Val’samon points out that “in antiquity all metropolitans of dioceses were independent (autocephalous) and their own Councils consecrated them”**. According to professor **S. Troitsky, in the time of Second Ecumenical Council, such independent Churches “were the Churches, if not in all Roman provinces (their number rose to approximately 100), of at least all 14 dioceses of the Roman empire”**. The ancient National Churches, having their own hierarchy, were independent in their internal structure and management. Over the course of time, these independent Churches came to be called “autocephalous” (from the Greek “autos” meaning self and “cephaly” meaning head), each having its own head and an independent management structure. The rules of the Ecumenical Church not only prevent the submission of one National Church to another, but even protect the inviolability of each autocephalous church.

The term **“National Church” has two meanings**. On one hand, **it refers to a separate association of Christians (diocese) headed by their own Orthodox Bishop**. However, **the plenitude and perfection of the canonical structure cannot be found in such a “National Church”, because it does not comprise an essential indication of its own structural perfection – an independent Council of Bishops headed by its First Bishop, the Primate of**

the Church. The dependence of a diocese on the Council of Bishops means also that the Council appoints the successor of a reposed diocesan bishop, and without the Council such an appointment is impossible. Therefore, an overriding and dominant value is that a National Church is interpreted to be an **Autocephalous Church with complete administrative independence from other National Churches.** The prerequisite of a National (autocephalous) status of the Church is the availability of at least three bishops, who establish a Council of Bishops. According to the 34th Canon of the Apostles, one of these bishops must be elected by them as the Head, the Primate of the Church.

Regarding administrative structure, the canons describe **three types of Church structures: autocephalous (fully administratively independent), autonomous (partly administratively independent), and administratively dependent dioceses.** Any other status (such as, for example, “independent and independent in management”) is not referred to in any of the canons, and is only a temporary internal status assigned by the National Church. Therefore, **a collection of dioceses, which does not have the status of autocephalous or autonomous Church, can not be deemed a “Church” in the canonically-administrative sense of this word.** An example of this would be the so-called **“The Ukrainian Orthodox Church” within the structure of the Moscow Patriarchate, which is neither an autocephalous church, nor an autonomous church,** but is a grouping of dioceses in Ukraine which is given a “special status”, but which remains an integral part of the Russian Orthodox Church (see Constitution of the ROC, Chapter VIII, paragraph 17).

IV. CONDITIONS FOR THE DECLARATION OF AUTOCEPHALY OF A CHURCH

1. THE REQUIREMENTS

It is an undisputed fact that **the canons of the Orthodox Church do not explicitly grant any particular National Church the authority to determine the method by which autocephaly may be proclaimed by any Church.** Various National Churches have different opinions regarding the appropriate resolution of this issue. The issues of “autocephaly and the method of its proclamation” and “autonomy and the method of its proclamation” are among the catalogue of topics which should be discussed at a future Orthodox Ecumenical Council, but the divergence of opinions regarding these issues is one reason that it has not yet been possible to assemble such an Orthodox Ecumenical Council. **The absence of canons defining a method of proclaiming autocephaly means that it is impossible to violate these non-existent canons. In other words, every autocephalous Church acts canonically if the proclamation of its autocephaly was made according to those canons which somehow relate to the issue of autocephaly and in accordance with the historical tradition.**

A Church can be autocephalous only if it has achieved a state of independency and has the internal capabilities to function independently from the influence from another church. As one

prerequisite, a minimum of three bishops is required, so that, in the event of the death of one of the hierarchs, two bishops will be able to consecrate his successor. A Church can be autocephalous only if there is a sufficient number of clergy and congregations to properly perform its services. **Another factor for the proclamation of autocephaly is the political independence of the people served by the relevant Church.** When a decision is being made regarding autocephaly, the opinion of the civil authorities of the relevant country is taken into consideration. This final condition is an important consideration for a proclamation of autocephaly as reflected in the canons, which substantiate the participation of the civil government in the administrative affairs of the church. The prominent church historians V. Bolotov and E. Golubinsky consider, that **in general, church administrative reforms which do not concern that part of the church system established by our Lord, but only administrative and inter-church relationships, may belong to the competence of the Government.**

An important condition for a proclamation of autocephaly is that it reflects a common desire of the episcopacy, clergy and laity of the relevant Church, expressed through a resolution of a National Council. After the proclamation of autocephaly by the National Council, the process of recognition by its Mother Church and other National Orthodox Churches begins. It must be emphasized that, based on canonical rules and historical tradition of the Christian Church, **autocephaly is not granted, but rather it is recognized by other National Churches. The Church Council has the right to declare autocephaly, in accordance with specific requirements and traditions. Among the requirements are that, upon establishment of the specific conditions pertaining to the appropriate administrative independence, the Mother Church has the right to be the first to recognize this autocephaly.**

2. THE SATISFACTION OF REQUIREMENTS FOR AUTOCEPHALY OF THE UKRAINIAN CHURCH

The independence of Ukraine was officially proclaimed on August 24, 1991, and subsequently approved in the general referendum held on December 1, 1991, when over 90% of the voting population voted in favor of the Act of Independence of Ukraine.

In 1990 the National Council of the UAOC declared the renewal of its activity in Ukraine. Based on the proclamation of independence of Ukraine, on September 6-7, 1991 the Council of Bishops of the UOC (under the jurisdiction of the Moscow Patriarchate) made a decision to convene a National Council of the UOC specifically to consider the question of proclaiming the autocephaly of the UOC. This Council was convened in accordance with the church canons and the Constitution of the UOC. The Council was held on November 1-3, 1991 in the Kyiv-Pechersk Lavra, with the participation of all governing and vicarial bishops of the UOC, delegates from every eparchy and monastery, and representatives of the clergy and the laity. By a unanimous decision the Council approved the resolution of autocephaly for the Ukrainian Orthodox Church. The

Council also confirmed the election of Metropolitan Filaret to the position of the Primate of the UOC, and rejected all of the accusations which had been addressed to him via mass media.

At the present time, the Kyiv Patriarchate is hopeful for recognition of autocephaly from its Ecumenical Mother Church, to which it belonged from 988 till 1686 in the status of the Metropoly of the Ukrainian Church. Appropriate requests concerning the recognition of autocephaly of the Kyiv Patriarchate were sent to the Ecumenical Patriarch on behalf of the National Councils in 1992 and in 2001. Having been created in 1589, the Moscow Patriarchate has no legal foundation for being considered a Mother Church of the Ukrainian Orthodox Church, which was founded in 988. Moreover, all of its actions in regards to the Ukrainian Church over the past 90 years were actions against peace and unity, as they were dictated by a hidden “pride of the mundane power under the guise of a religious rite” (8th Canon of the Third Ecumenical Council).

3. BRIEF STATEMENT REGARDING THE CURRENT STATE OF THE UOC KYIV PATRIARCHATE

The Autocephaly of the Ukrainian Orthodox Church was proclaimed in accordance with the above-mentioned principles and does not violate any canons. Today, the episcopacy of the UOC Kyiv Patriarchate comprises more than 40 bishops, and over 4,000 parishes united within 29 dioceses throughout Ukraine. The institutions of the Kyiv Patriarchate include the Kyiv and Lviv Orthodox Theological Academies, seminaries in Lutsk and Rivno, the theological institute in Ivano-Frankivsk, and the theology department within the philosophical-theological faculty of Chernivtsy National University. According to independent, scientific sociological opinion polls, in excess of 10 million people among the adult population in Ukraine support the Kyiv Patriarchate (compared to 5 million supporters of the Moscow Patriarchate in Ukraine). In a poll completed in December 2006 in Kyiv, the capital of Ukraine, 52% of the adults surveyed associated themselves with the Kyiv Patriarchate and only 8% with the Moscow Patriarchate.

Thus, every one of the conditions necessary for declaring the Orthodox Church in Ukraine autocephalous has been met in accordance with all provisions spelled out in the canons and with the historical tradition of the Church. These issues are more thoroughly considered below.

V. A BRIEF OUTLINE OF THE DECLARATIONS OF AUTOCEPHALY OF THE MAIN NATIONAL CHURCHES

1. ANCIENT PATRIARCHATES AND THE CYPRIAN CHURCH

The present modern system of National Churches is affirmed by the 6th Canon of the First Ecumenical Council (325): “Let the ancient customs in Egypt, Libya and Pentapolis prevail, that the **Bishop of Alexandria** have jurisdiction in all these, since the like is customary for the **Bishop of Rome** also. **Likewise in Antioch** and the other provinces, let the Churches retain their privileges”. The canonist Nikodim (Milas) explains that “the boundaries, to which the Alexandrian bishop could

extend his authority, corresponded to the boundaries which determined the larger political area ('diocese') of Egypt". As for the boundaries of authority of the Roman bishop, Bishop Nikodim notes: "Val'samon in the interpretation of this rule says that the Nicean Council acknowledged the rule over the western areas in favor of the Roman bishop. We consider that these words of Val'samon are the confirmation of the thought of those, who consider that all provinces depending on vicarius urbis (deputies of cities), i.e. those ten provinces of south Italy and islands of Sicily, Sardinia and Corsica, which politically depended on Rome, submitted to the Roman bishop during the Nicean Council. An area submitted to the Antioch bishop coincided with the boundaries of political area of the East (diocese of the East), the capital of which was Antioch" (Bishop Nikodim (Milas)). Thus, **the First Ecumenical Council did not proclaim the autocephaly of the three Churches – Roman, Alexandrian and Antioch, but only recognized it**, on the basis of "**the ancient customs**" and within boundaries corresponding to the political borders of that time. The second important conclusion which follows from this rule and its interpretation consists in that **the scope of jurisdictions of the three above-noted National Churches depend upon the administrative-political division of those days and coincide with the boundaries of this division.**

The 7th Canon of the First Ecumenical Council states as follows concerning the Jerusalem Church: "Since custom and ancient tradition have prevailed that the Bishop of Ælia (Eli Capitolina was the official name of Jerusalem in that time) should be honored, let him, **saving its due dignity to the Metropolis**, have the next place of honor". On the site of the destroyed Jerusalem, the Emperor Adrian rebuilt the small city Eli, with Palestinian Caesarea being its metropolitan capitol. Because, Christians respected Jerusalem as the place of sufferings and Resurrection of our Savior, the bishop of this city was specially honored by the other bishops the Metropoly of Caesarea. However, because, in political terms, Eli was a relatively insignificant small city, the bishop of this small city was deprived of the rights accorded to the bishops of Rome, Alexandria, and Antioch, but also was not even a regional Metropolitan. **It was not until the time of the Fourth Ecumenical Council that the rights of the Patriarch of Jerusalem were finally acknowledged as those of the Primate of a National Church.**

The appointment and recognition by the Church of the new Eastern capital of the empire - Constantinople, founded by Constantine the Great - is asserted by the 3rd Canon of the Second Ecumenical Council: "**The Bishop of Constantinople, however, shall have the prerogative of honor after the Bishop of Rome; because Constantinople is New Rome**". Thus, the administrative independence of the Bishop of Constantinople and his position of being **second on the diptychs did not result from a decision of the Ecumenical Council, but from the political significance of the city. The words from the 28th Canon of the Fourth Ecumenical Council testify that: "...God-loving Bishops ... justly judging that the city which is honored with the Sovereignty and the Senate, and enjoys equal privileges with the old imperial Rome, should in ecclesiastical matters also be magnified as she is, and rank next after her**".

The Autocephaly of the Cyprian Church was based on an “ancient tradition”, and the Third Ecumenical Council defended its autocephalous status from encroachment by the Bishop of Antioch, as stated by its 8th Canon: “let the heads of the holy Cyprian Churches have freedom to appoint by themselves the most reverential bishops without any pressure or oppressions, in accordance with the ancient tradition and rules of the holy fathers”. In his commentary on this rule, Nikodim notes, **“that autocephaly of some other church areas, except for those mentioned [in the 6th Canon of the First Ecumenical Council], must be piously revered, because it is based on an ancient custom”**. During the Fourth Ecumenical Council the Cyprian Church together with its Primate was forced to relocate in the Hellespont region, the Council in accordance with the 39th Canon allowed the Cyprian Church to keep the status and rights of an autocephalous Church.

The 17th Canon of the Fourth and the 38th Canon of the Sixth Ecumenical Councils declare that “the boundaries of church affairs must comply with the civil and national boundaries”, i.e. the church administrative order must correspond to the civil boundaries. The Ecumenical Councils did not proclaim the autocephaly of Churches. They considered only the rights of the Autocephalous Churches and upon their request they resolved the disputes that arose between them in the context of autocephaly. As such, the Ecumenical Councils only affirmed the actual autocephalous status of one or another Church, but in no way granted the autocephaly to these Churches. It should to be noted that the Fourth and Sixth Ecumenical Councils, through their Canons, proved that the basis of National Church status are social and administrative boundaries.

2. THE GEORGIAN CHURCH

The Georgian Orthodox Church proclaimed its autocephaly in 487 A. D. The Independence of Georgia and the ability of its episcopate, clergy and laity to exist independently as a united church manifested this act. In 1811 after Russia’s annexation of Georgia, the Georgian Church was uncanonically deprived of the autocephaly and subjugated to the Russian Church in accordance with a decree of the Russian Tsar. **After the February Revolution of 1917, the Georgian clergy independently broke relations with the Russian Orthodox Church and proclaimed the Georgian Church’s renewal of autocephaly.** Subsequently, organizations of Georgian and Russian Churches operated in parallel within the Georgian territory. The Moscow Patriarchate did not recognize the renewed autocephaly of the Georgian Orthodox Church (GOC) until 1943 when it “consigned to oblivion” all pretensions concerning the GOC and entered into prayerful communion with the GOC. **Only in 1990 did the Ecumenical Patriarchate and other Greek churches recognize the autocephaly of the Georgian Church.** Notwithstanding that neither the Ecumenical Patriarchate nor the Moscow Patriarchate recognized the autocephaly of the Georgian Church, it existed as a National Church, with no doubts professed regarding the legacy of its hierarchy or validity of its Holy Sacraments.

3. THE BULGARIAN CHURCH

The Bulgarian Orthodox Church (BOC) existed as an autonomous church since 870 and was then under the jurisdiction of the Ecumenical Patriarchate. The Autocephaly of the Bulgarian Church was connected to the establishment of the Bulgarian Kingdom in 919. When the power of the Bulgarian Kingdom waned, the Bulgarian Church was again annexed by the Ecumenical Patriarchate. The renewal of autocephaly was connected with the revival of the Bulgarian Kingdom. **At the end of the twelfth century, during the Second Bulgarian Kingdom, the BOC renewed its autocephaly and proclaimed the Tyrnovo Patriarchate. After the fall of the Bulgarian Kingdom, the BOC was again uncanonically deprived of autocephaly and was again annexed by the Ecumenical Church, where it remained until the disintegration of the Ottoman Empire.** From about 1850, Orthodox Bulgarians began an active movement for the revival of the National Bulgarian Church. Until this time, all of the bishops appointed by the Ecumenical Patriarchate to serve in Bulgaria were ethnic Greeks most of whom did not even speak Bulgarian. Bulgarian Christians began to demand from the Ecumenical Patriarchate greater church autonomy and appointment of Bulgarian bishops. To these demands, the Ecumenical Patriarchate reacted very negatively.

Over successive years, the confrontations between the Ecumenical Patriarchate and the Bulgarian Christians increased. It ended on April 2, 1872 when, in response to the Bulgarian's demands, **the Ottoman Sultan issued a decree proclaiming the renewal of the Autocephaly of the Orthodox Church in Bulgaria under provision of the "Bulgarian Exarchate"**.

The Primate of the Bulgarian Exarchate, Exarch Anfim, attempted to meet with the Ecumenical Patriarch, but the latter refused. The Ecumenical Patriarch issued an enforceable directive, according to which Anfim received a 30-day term of "penance" under threat of laicization upon expiration of that term. The Ecumenical Patriarch even threatened to call for a local Council of all Eastern Patriarchs.

Meanwhile, the Exarch declared that all interdictions of the Ecumenical Patriarchate were invalid, and on May 11, 1872, after celebrating a Divine Liturgy in a Bulgarian Church in Constantinople, **read the statement proclaiming the Bulgarian Church to be autocephalous.**

In response to this act **the Synod of the Ecumenical Patriarchate declared that Exarch Anfim was deprived of priesthood; that two Metropolitans, Illarion of Lovchany and Panaret of Plovdiv, were also excommunicated; and that Bishop Illarion of Makariopol was condemned to the blazing inferno and anathematized.** As if these measures were inadequate the Ecumenical Patriarch called a National Council (Great Local Synod) on 16th September, 1872, at which, "filetism" was condemned, it was proclaimed that division of Orthodoxy along national boundaries was hostile to the "United Universal and Apostolic Church", and the Bulgarian Church was declared to be schismatic. For some time thereafter there existed two parallel hierarchies in

the Bulgarian Church, because the Ecumenical Patriarchate named Greek hierarchs to the “cathedral rostrums” occupied by the Bulgarian hierarchs.

The “Bulgarian issue” was not settled until the end of World War II, when as a result of negotiations between the representatives of the Ecumenical Patriarchate and the Bulgarian Church through the mediation of the Russian Church, **the schism was terminated on 22 February, 1945. All anathemas and excommunications were declared nullified.** On February 25, 1945 the Greek and Bulgarian bishops concelebrated a Divine Liturgy for the first time in 73 years at the Patriarchal Cathedral of Constantinople, which was followed on March 4th by another concelebrated liturgy at the Bulgarian Church in Istanbul. On March 13, 1945, a special Tomos signed by Patriarch Veniamin and all members of the Holy Synod of the Ecumenical Church was delivered to representatives of the Bulgarian Church, through which the autocephaly of the thousand-year old Bulgarian Orthodox Church was recognized.

The history of the Bulgarian Church is an instructive example for the Ukrainian Orthodox Church Kyiv Patriarchate. Notwithstanding that Bulgaria has become an independent state, for 73 years the Ecumenical Church, failing to observe both church canons (6th Canon of the First Ecumenical Council, 17th Canon of the Fourth Ecumenical Council, and the 38th Canon of the Sixth Ecumenical Council) and “ancient traditions”, did not recognize the autocephaly of the Bulgarian Church. During that period, the Ecumenical Patriarchate anathematized all of the Bulgarian hierarchs, did not recognize the Bulgarian Church clergy, and labeled all clergy and hierarchy “schismatic”. However, during this long time the Bulgarian Church continued to perform its mission of salvation among the Bulgarian people, and when in 1945 the Ecumenical Church finally recognized the autocephaly of the Bulgarian Church, **despite the plethora of anathemas and other church punishments that had been issued by Constantinople, no re-consecration of the Bulgarian hierarchs and clergy or re-baptizing of the Bulgarian people was required.**

4. THE SERBIAN CHURCH

From its beginning **the Serbian Orthodox Church was under the jurisdiction of the Ecumenical Patriarch. In 1219 it became autonomous.** In the beginning of 1346 the Serbian king Stephan Dushan strengthened the power of his state and **took the title of the Emperor and appointed a Serbian Archbishop to be the Patriarch.** “Hagiography of the Reverend Elder Isaiah” (Athos Paterikon) states: “He did it solely on his own will and without consulting with the Greek Patriarchs, and was not afraid to be excommunicated due to this action”. **In 1346 Stephan called the Church Council in Skopje where the Serbian Church was elevated to the status of Patriarchate and the Archbishop Ioannikiy II was appointed to be the first Serbian Patriarch.**

The new Patriarchate was recognized only by politically dependent on the Serbian king - Patriarch of Tyrnovo and Archbishop of Okhrid. At the same time, the king by his authority, dismissed bishops of Greek origin from provinces conquered by Serbs and appointed Serbian bishops. As a result of this action both Serbian and Greek bishops claimed the cathedral throne.

Because, the Serbian Patriarchate acted on his own initiative in the self-proclamation of the autocephaly and several actions against Greek bishops, **the Ecumenical Patriarch Kalist I imposed the anathema on King Stephan Dushan which said: “By Lord’s mercy, we, Kalist the Archbishop, the Ecumenical Patriarch,** together with the entire Synod of our Great Universal Apostolic Church and with the consent of our king, Cyrus Andronicus, the Junior, and all his Council Meeting; that the sinful and rapacious king of the Serbian people Dushan, a powerful accomplice of the Western Church, who arrived into our Orthodoxy from the Western Mission (that is to say, the Catholic Church). **We command: let it be “Maran ata ee free, free (that is to say, anathema) against all his people of the Serbian lands”.** A strange reason was given regarding justification for anathema: **the insinuation that king Stephan belonged to the Catholic Church in light of the fact that his diplomatic relations with the Pope began only in 1353** when the Hungarian King - Ludwig posed a threat against Serbia.

What was the end result of the anathema **imposed by the Ecumenical Patriarch on King Stephan, as well as on the Patriarch, clergy and all Serbian people?** “There were disputes, dissent and disagreement between the Greek and Serbian church authorities; **Greeks did not allow the Serbian clergy to participate in the Holy Eucharist and Divine Sacraments and abused the Serbian clergy”.**

Nevertheless, **in 1374, after the division which lasted 28 years, it did not prevent the Ecumenical Patriarch Phelophey, through the mediation of the monk Isaiah from Athos, to cancel the anathema imposed by Kalist on “the king, the Patriarch, all living and reposed, and to establish relations for common services and concelebration of all bishops and clergy”.** He even agreed that “Serbians should have their own Patriarch instead of an Archbishop”. In support of his decision the Patriarch sent his representatives to Serbia – hiero-monks Matthew and Moses, who served in the king-court church together with the previously excommunicated Serbian bishops and priests. **The imprudent anathema imposed on all Serbian people ceased to exit by recognition of its invalidity.**

Finally, **the Serbian Church was recognized as autocephalous only in 1879.**

5. THE GREEK, ROMANIAN AND ALBANIAN CHURCHES

The Greek Orthodox Church was established in 1833 after the independence of Greece from the Ottoman Empire. Because the Greek Ecumenical Patriarch resided within the territory occupied by the hostile Ottoman Empire (in Istanbul) and was under its influence, **the government of the Greek Kingdom decided to separate the Greek Church as an organizational unit from the Ecumenical Patriarchate. The latter did not recognize the autocephaly of the Greek Orthodox Church till 1850.** The proclamation of the autocephaly of the Greek Church was connected with the Independence of a sovereign state, and the government of this state was very active in the participation of the proclamation and consolidation of the autocephaly.

The Romanian Orthodox Church proclaimed its autocephaly in 1865 after unifying the princedoms of Walachia and Moldova into the Romanian state (1862), and split from the Ecumenical Patriarchate. The autocephaly of the Romanian Orthodox Church was recognized only in 1885.

The Albanian Orthodox Church owes its autocephaly to the independence of Albania, when both appeared in 1922.

6. THE POLISH CHURCH

In Poland the Orthodox Church historically was connected with the Kyiv Metropoly Church. After World War One, the Orthodox hierarchs within the borders of Polish territory together with the government of Rzecz Pospolita asked the Ecumenical Patriarch to recognize the autocephaly of the Polish Orthodox Church. The Patriarch's Tomos (official document) dated 13th of November, 1924 states that the Ecumenical Patriarch recognizes the autocephaly of the Polish Orthodox Church (POC) with an explanation stating that the annexation of the Kyiv Metropoly Church by the Moscow Patriarchate in 1686 was not in accordance with canonical regulations. Therefore, the Ecumenical Patriarch does not recognize the authority of the Moscow Patriarchate within the territory controlled by the ancient Kyiv Metropoly (including the territory of the present-day Ukraine and Poland).

The Tomos stated that: "The Holy Orthodox Church in the God-protected Poland is granted the right of status of an autonomous church and self government, which proves its strength in faith and zeal in church activities, requested the See of our Holiness Apostolic and Ecumenical Patriarchate to **give blessing** and **approve** its autocephaly. With the understanding that within the present situation of political life and that such approval could only satisfy and safeguard its needs.

With our love, we reviewed this petition and taking under consideration the orders of Holy Canons which specify **"the order of Church government must coincide with political and social laws"** (the 17th Canon of the Fourth Ecumenical Council, as well as the 38th Canon of the Sixth Ecumenical Council), **Photius' Apophthegmatic states: "To accept that the regulation in regard to church activities, specifically those concerning of a parish, must be in accordance with political and administrative changes"**, and on the other hand, to subordinate to demands of the canonic obligation that are imposed by our Holiness Apostolic and Ecumenical See concerning the needs of Orthodox Churches; also considering the fact that is in accordance with history (because it is written that **the first separation from our See of the Kyiv Metropoly and within its jurisdiction of Orthodox Metropoly of Latvia and Poland under Lithuania and their annexation to the Holy Moscow Church was against the canonic rules as well as non-adherence to canonic regulations established for full church autonomy on Kyiv Metropolitan with the title of Exarch of the Ecumenical See**). Our Excellencies and Holy Metropolitans, beloved brothers in Holy Spirit and co-acolytes, have considered that it is their

obligation to listen to the request which the Holy Orthodox Church of Poland submitted to us and **give our blessing and approve its autocephalous and independent existence**".

In 1948, the POC, under pressure from the Moscow Patriarchate and the communist regime of Poland, "refused" to adhere to the Tomos of 1924 and "received afresh the autocephaly" from the Russian Orthodox Church (ROC), but this act was not recognized by Constantinople.

7. THE MACEDONIAN AND MONTENEGRO CHURCHES

The present-day Macedonian Church is the legatee of the autonomous Okhrid Archbishop Province and since 1768 was under the jurisdiction of the Ecumenical Patriarchate. In 1958 the Okhrid Council proclaimed the autonomy of the Macedonian Orthodox Church (MOC) which to this day remains unrecognized by the majority of the National Churches due to the position of the Serbian Church which considers Macedonia to be its "canonical territory". In addition, the status of the Macedonian Church is in limbo because neighboring Greece does not recognize Macedonia as a separate state and claims it as the historical name of the Northern-Greece province of the same name.

Since the abolishment in 1766 of the Pech Patriarchate, the Montenegro Church formally was under the jurisdiction of Constantinople. In fact, it was independently governed because of the existence of independent Montenegro headed by Orthodox Metropolitans through the middle of XIX century. When the Montenegro Church was headed by the Holy Metropolitan Peter I (1781 – 1830) the Holy Synod Meeting of the Russian Orthodox Church recognized the autocephaly of the MOC. In 1919 the autocephaly of the MOC was illegally liquidated and renewed only at the beginning of 1990.

8. THE RUSSIAN CHURCH

When apostolic Prince Volodymyr, equal to the apostles baptized Kyivan Rus in 988, a Metropoly Church was established in Kyiv under the jurisdiction of the Ecumenical Patriarchate. From this Metropoly, the light of Christianity spread to all lands of the ancient Kyivan kingdom, including the provinces of the present-day Russia. It should here be remembered that the first historical mention of Moscow dates to 1147; this fact alone proves that the Moscow Patriarchate's attempts to be considered the Mother Church of the Kyiv Church are groundless.

When the city of Kyiv was sacked in 1240, the Kyiv Metropolitans moved first to Volodymyr-on-Klyaz'ma, the capital of the richer Volodymyr-and-Suzdal' Princedom, and afterwards Moscow was chosen to be their residence. With the transfer of the residence of the Kyiv Metropolitan to Moscow, the political prestige of the latter grew quickly. Meanwhile, the rulers of the Great Princedom of Lithuania came to control the southwestern and western lands of the former Principality of Kyiv. The ruling Bishops of the eparchies within the territory belonging to the Kyiv Metropoly complained many times that the Kyiv Metropolitans who did not reside in Kyiv did not

show proper care for the Kyiv Metropoly Church, but even exploited it. During the 14th and 15th centuries the united Kyiv Metropoly, in accordance with state division, was several times redrawn into the Kyiv and Moscow territorial jurisdictions headed by separate Metropolitans. Finally, the Metropoly was divided in 1448-1458. Therefore, until 1686, the Kyiv Metropoly was under the jurisdiction of its Mother Church, the Ecumenical Patriarchate, until by coercion and bribery, and against canonical regulation, it was subjugated to the Moscow Patriarchate.

The separation of the Moscow Metropoly from the Kyiv Metropoly of the Ecumenical Patriarchate, according to the resolution adopted by the Council of Bishops of the Great Moscow Principdom on December 15, 1448, ultimately led to autocephaly by the appointment of Iona, Bishop of Ryazan' as Metropolitan of "Kyiv" (in reality, of Moscow). **This transpired without the blessing of the Ecumenical Patriarch.**

Some Russian historians justified the self-proclamation of autocephaly by the Moscow Metropoly by the fact that at that time the Ecumenical Patriarchate laws leaning away from Orthodoxy because of the Union with Rome (the so-called Florence Union of 1439). However, **why then did the Northern Russian part of the Kyiv Metropoly and all Russia not return to the jurisdiction of their canonical Ecumenical Primate after 1453 when Constantinople left this Union and Orthodoxy was restored?** Ecumenical Patriarch Dionysus, the disciple of the Metropolitan Marc of Efes and main opponent of the Union, not only recognized the legitimate Metropolitan of Kyiv and all Kyivan Rus to be Grigoriy Bolgarinovich, the former Uniate Church member, who had been elevated to Metropolitan in 1458, but his official document of 18 February 1467 addressed "to the noble and good-faithful princes and princesses, to boyar's children, and to merchants and all people notable for the Christ faith" **accused Moscow of dissension and division of the Russian Church and called upon the renewal of unity of the Kyiv Metropoly.** Patriarch Dionysus addressed to "all Russian lands and to Novgorod the Great" a demand for recognition of the legitimacy of only one Metropolitan Grigoriy. His ambassadors, even with his official documents, were not admitted into the territory of the Moscow Principdom.

Because of the manner in which it was established, the **autocephaly of the Moscow Church was not officially recognized for 141 years** (from 1448 till 1589). The state ruler Boris Godunov proposed that the Ecumenical Patriarch Jeremiah II (Tranos) should move to Moscow from Constantinople, which was under siege by the Turks. The Patriarch arrived for negotiations but upon arrival found that Godunov wished to keep his own Metropolitan in the capital city, and offered "the ancient capital" Volodymyr-on-Klyaz'ma as the residence of the Patriarch. When Jeremiah disagreed, Godunov began to demand the title of Patriarch for the Moscow Metropolitan. It is interesting to note that **hierarchs of the Moscow Metropoly did not even participate in the resolution of these issues.** Finally, the Patriarch Jeremiah, **under pressure from the secular authority and under the circumstances, agreed to accept terms dictated by Boris Godunov.**

9. CONCLUSION

The evidence attests **that in all cited instances autocephaly was first self-proclaimed by the Church which was striving for it, and was only subsequently, after a shorter or longer time, eventually recognized by other National Churches.** One of the decisive factors of a proclamation of autocephaly is the availability of proper political circumstances, in particular, the independence of the people for which the National Church provides its sacred services. **The political authority and patriotic political powers have had an active role in the issue of the proclamation of autocephaly of most Churches.** In the cases of the Serbian and Bulgarian Churches, **anathemas were imposed on the church hierarchy and even on the people for the proclamation of autocephaly, but this did not impede the future renewal of Eucharistic Unity, and all anathemas and interdictions eventually fell into oblivion.** Despite having unrecognized autocephalous statuses, the existence of parallel church hierarchies, and even anathemas imposed on hierarchs of autocephalous Churches, **the respective National Churches continued to exist in a holy manner,** sacraments were performed, and they duly served their respective peoples.

VI. HISTORICAL PREREQUISITES FOR THE ESTABLISHMENT OF THE UKRAINIAN ORTHODOX CHURCH KYIV PATRIARCHATE

“In an independent state, the existence of an independent church is canonically justifiable and historically inevitable.”

Definition ratified by the November 1-3, 1991 National Council of the UOC

1. THE UKRAINIAN CHURCH UNTIL XX CENTURY

The Kyiv Metropoly was established in 988 A.D. as a part of the Ecumenical Patriarchate when Christianity was adopted as the official religion of Kyivan Rus. However, soon thereafter efforts to raise the Metropoly to an autocephalous Church began. In 1051, according to the directives of the Kyivan Prince Yaroslav the Wise, the Council of Bishops of the Kyiv Metropoly independently appointed Illarion, a native of Kyivan Rus, as Metropolitan. Later, in 1147, according to the directives of Prince Izyaslav II, the Council of Bishops of the Kyiv Metropoly, acting independently and without obtaining permission from the Ecumenical Patriarch, appointed Clement Smolyatich as Metropolitan. However, as a result of external political circumstances, the autocephaly of the Kyiv Metropoly did not continue.

The Kyiv Metropoly remained under the jurisdiction of the Ecumenical Patriarchate and only proclaimed its autocephaly after 1448, when the region located in the northeastern territory of the Kyivan Rus joined the Moscow principedom, by appointing its own Metropolitan. The status of the Moscow Church was not normalized until 1589, when the Bishop of Moscow was granted Patriarchal rank. At that time, it was made clear that the Kyiv Metropoly was not included in the newly-established Patriarchate, and Kyiv and the Kyiv Metropoly remained under the jurisdiction of

the Ecumenical Patriarchate until 1686. During these years, the Kyiv Metropoly enjoyed the widest rights intrinsic to an autonomous church. After the Pereyaslav Agreement of 1654 and Ukraine's political union with the Russian Empire, the Moscow government used all available means, and in a most uncanonical manner, to spread the authority of the Patriarch of Moscow to Ukraine. **Although the overwhelming majority of the Ukrainian representatives of the Ukrainian categorically protested against such submission, the Moscow authorities worked to crush this resistance.** The Moscow authorities frequently resorted to outright lies and significant canonical violations, and falsified documents which were submitted to Hetman Yuriy Khmelnytskyi. As one example, the Moscow Church **consecrated Bishop Mephodyi Filimonovich to be the new ruling Metropolitan of the Ukrainian Church while the ruling Metropolitan of Kyiv was alive and active.** For this violation of jurisdictional sovereignty, the Ecumenical Patriarch **anathematized the Patriarch of Moscow, but Tsar Alexey Mikhaylovich defended his Patriarch, and justified the canonical violation of meddling in an alien jurisdiction as necessary to "rescue Orthodoxy".**

In 1685, Hedeon, the bishop of Lutsk (Svyatopolk-Chetvertynsky), betrayed his oath to his ruling Primate, the Ecumenical Patriarch, by accepting the rank of Metropolitan of the See of Kyiv from the Moscow Patriarchate, and then unilaterally and **illegally subjugating the Kyiv Metropoly under the Moscow Patriarchate.** This time, to prevent a repetition of history and a new proclamation of anathema from the Ecumenical Patriarch, the Tsarist government used multiple means to prevent a public proclamation of the illegitimacy of this uncanonical act. Although **Moscow was able, through bribery and political pressure, to obtain from Ecumenical Patriarch Dionysus an official document, this document was so tainted that the Synod of the Ecumenical Church itself declared Patriarch Dionysus' action illegitimate.** To this very day, the **Ecumenical Patriarchate considers the annexation of the Kyiv Metropoly by the Moscow Patriarchate as an illegitimate act, as Constantinople has reconfirmed in multiple** documents and statements, including the Tomos of the Polish Autonomous Orthodox Church issued in 1924, the letter of Ecumenical Patriarch Dimitriy to Moscow Patriarch Alexiy II in 1991, and the March 2005 statements made by Vsevolod, Archbishop of Skopelos, who represented Ecumenical Patriarch Bartholomew in a meeting with the President of Ukraine Victor Yushchenko.

Due to the political might of the Russian Empire and declining power of the Ukrainian state, the **Ukrainian Church was forced during the reign of the Tsarist Monarchy to submit to the authority of the Russian Church.** Although even Moscow stated that a condition of annexation of the Kyiv Metropoly by the Moscow Patriarchate was that the Metropoly would continue to enjoy all autonomy rights which it enjoyed under jurisdiction of the Ecumenical Patriarchate, it was instead transformed into an eparchy of the Russian Church. **The Moscow Church did not live up to any of the conditions presented during the annexation.** From 1800 through 1966 the ROC deliberately refused all ethnic Ukrainian candidates for the Metropolitan Throne of Kyiv. In a further humiliation to the Kyiv Metropoly, Tsar Peter even ordered that the Metropolitan of Kyiv be

appointed as an Archbishop, rather than a Metropolitan, despite the fact that Kyiv had always had a Metropolitan ever since the baptism of Kyivan Rus.

2. THE STRUGGLE FOR AUTOCEPHALY OF THE UKRAINIAN CHURCH BEFORE WORLD WAR II

In 1917, when Russia obtained a new government and the independence of Ukraine was proclaimed, the question of the uncanonical annexation of the Ukrainian Church by Russia suddenly became an issue of importance. The issue of autocephaly was on the agenda of the All-Ukrainian Council in 1918, but supporters of the Moscow Patriarchate impeded its consideration. In view of the fact that within the Ukrainian territory the Orthodox Church enjoyed a legal status, **on January 1, 1919, the Directory (government) of the Ukrainian People's Republic passed the "Law on the autocephaly of the Ukrainian Orthodox Church". Thus began the modern struggle for autocephaly of the Ukrainian Church.** In an attempt to maintain some control over its clergy in Ukraine, the 1918 Council of the Russian Orthodox Church granted some limited autonomy to the Ukrainian Church. Although this autonomy was never formally cancelled or rescinded, in fact the situation lasted only a short time and resolutions adopted by this Council were simply ignored. The ruling hierarchy and some clergy of the Russian Orthodox Church in the territory of Ukraine appeared unwilling to abandon the concept that "Orthodox" and "Russian" were synonymous, as had become a teaching of Russian Orthodoxy. So motivated, and based on national chauvinism rather than on an adherence to Church canons, this group appeared to take every possible step against Ukrainization of the Church in Ukraine. Unable to obtain the understanding or even moderate concessions from the Russian Orthodox episcopate and its clergy supporters, the Ukrainian congregations broke ties with them. The First Council of the All-Ukrainian Orthodox Church was held in October 1921, at which time the Ukrainian Autocephalous Orthodox Church (UAOC) was established.

In 1930, as a result of steady pressure from the NKVD [the forerunner to the KGB], the UAOC formally "self-liquidated" and the remaining parishes joined the Ukrainian Orthodox Church in December of the same year, where they remained until they were completely eliminated in 1937. All of the hierarchs of the UAOC who remained in Ukraine were assassinated by the Communist regime. Among the survivors was UAOC Bishop Ivan Teodorovich who had emigrated to the United States in the 1920's, where he headed the Church in the Diaspora. There, after considering the extraordinary means of consecration of the hierarchy of the UOC at the Council of 1921, he determined that it would be in the best interest of the Church to agree to consecration in the traditional manner. Bishop Joseph Oxiyuk, who had returned from exile during the inter-war years, until his repose in early 1990, worked in a lay manner for the magazine of the ROC Ukrainian exarchate, "Pravoslavniy visnyk". Thus, the hierarchy of **the UAOC of 1921 left no successors.**

That part of the Ukrainian Church which remained under the Moscow Patriarchate jurisdiction in the first half of the 1920's was legalized as the "Ukrainian exarchate of the ROC", but it met the

same fate as the UAOC destroyed during the years of Great Terror. At the start of World War II, there was not a single active bishop in Soviet Ukraine, and only a few churches remained open.

The situation in that part of Ukraine which was occupied by Poland after the Soviet-Polish war of 1920 was drastically different. There, a large number of hierarchs, as well as the clergy and the overwhelming majority of the Orthodox faithful, supported the autocephaly of the Orthodox Church. When the Ecumenical Mother Church recognized the autocephaly of the Orthodox Church in Poland in 1924, the **Tomos** granted autocephaly specifically stated **that the subordination of the Kyiv Metropoly to the Moscow Patriarchate was uncanonical, and the newly established autocephalous Church was recognized as the “legatee” of the Kyiv Metropoly.** The Eastern Patriarchs and other Orthodox Churches recognized the autocephaly of the Orthodox Church of Poland. Thus, the National Churches of Ecumenical Orthodoxy have already recognized the autocephaly of that part of the Ukrainian Church that was in Poland.

In September 1939, the Ukrainian territories previously annexed by Poland were incorporated into the USSR. The Soviet regime considered the subordination to the Moscow Patriarchate of that part of the Autocephalous Orthodox Church of Poland in these lands to be a high priority imperative, which required immediate action. For this purpose an ROC hierarch, Archbishop (later the Metropolitan) Nickolai (Jarushevych) was sent to Lutsk from Moscow as the Exarch of Western Ukraine and Byelorussia. The Moscow Patriarchate assumed that the subordination of that part of the AOC of Poland into the USSR would be sufficient to move the hierarchs of that church to recognize the ROC jurisdiction over that area. However, although some hierarchs did betray the canons and their obligations of obedience to their Primate by recognizing Moscow’s jurisdiction, **Archbishop Alexander (Inozemtsev) and Bishop Polikarp (Sikorskiy) categorically denounced the uncanonical change of jurisdiction, and remained faithful to their Primate, Metropolitan Dionysiy.**

3. THE UKRAINIAN AUTOCEPHALOUS ORTHODOX CHURCH (1942 FORMATION)

At the start of the Soviet-German war in June 1941, the German army quickly occupied most of Ukraine and established the “Reichkommissariat Ukraine” through which the German government directly ruled the occupied territory. On August 18, 1941, without the Church’s knowledge, the “Oblast Council of Bishops of the Orthodox Church in Ukraine”, consisting of 4 bishops, was held in the village of Pochaiv. This Council made the uncanonical decision to leave the jurisdiction of the Polish Orthodox Church and transfer to the jurisdiction of the Moscow Patriarchate, establishing the so-called “Autonomous Church”. Metropolitan Dionysus, the Primate of the Orthodox Church in Poland, denounced the “Council” in Pochaiv and **asserted that the uncanonical action of the bishops created a schism between them and their legitimate Primate.** The German occupation authorities prohibited Metropolitan Dionysiy from engaging in any administrative or clerical activities beyond the boundaries of the so-called General Governorship established within the territory of occupied Poland. Under such restriction, with

dissent spreading, and finding it impossible to act as the Primate in Ukraine, **on December 24 of the same year Metropolitan Dionysiy appointed Polikarp, the Archbishop of Lutsk (Sykorskiy), to the post of the interim Provisional Administrator of the Autocephalous Orthodox Church in Ukraine and also blessed Archbishops Polikarp and Alexander to consecrate new bishops for Ukraine.**

On February 10, 1942, the Council of Bishops of the UAOC in Ukraine meeting in Pinsk responded to the request of the surviving clergy and faithful of the UAOC's 1921-30 formation by accepting them under jurisdiction of the Autocephalous Orthodox Church in Ukraine. The Moscow Patriarchate, evacuated by the Bolsheviks to Ul'yanovsk, would not submit itself to the loss of its control over the Ukrainian Church and attacked the Primate of this church, the legally-appointed administrator Archbishop Polikarp (Sykorskiy). **Although Archbishop Polikarp had never belonged to the ROC, on March 28, 1942 the Council of Bishops of the ROC “convicted him to defrocking” uncanonically and in absentia.** On the basis of this decision, **the ROC did not recognize the hierarchy of the UAOC in the Diaspora even though the Ecumenical Patriarchate recognized this hierarchy to be canonical.** On May 9-17, 1942 the Council of Bishops of the Autocephalous Orthodox Church of Ukraine was held in Kyiv where a resolution was adopted regarding the consecration of new bishops. Mstyslav (Skrypnyk), the Bishop of Pereyaslav and Kyiv and the future Patriarch of Kyiv and all Rus-Ukraine, was among those consecrated. The Council Meeting also resolved to consider Metropolitan Dionysiy to be the Kyiv Metropolitan locum tenens until an All-Ukrainian Church Council could be called. In this manner, the Ukrainian Orthodox Church renewed its autocephaly, and reaffirmed that the canonical relationship with Metropolitan Dionysus was recognized by both the Metropolitan and the Ukrainian Church to be a provisional measure for maintaining the canonical unity of the UOC with Ecumenical Orthodoxy until a genuine National Council could be called. Unfortunately, the ongoing war prevented the assembly of a National Council at that time.

From 1943-44, Soviet troops gradually took control over the lands of the USSR previously occupied by Germans. Remembering the experience of the UOC of 1920-30, aware of the Bolshevik attitude to the Ukrainian hierarchy, and still under German authority, by 1944 the UAOC episcopate and almost the entire church structure went into exile beyond the borders of Ukraine. In Warsaw, the Council of Bishops of the UAOC convened from March 11 to April 8, 1944, and was recognized as the supreme Church body until an All-Ukraine National Council could be convened. This Council was chaired by the Metropolitan-Administrator, titled the “Kyiv Metropolitan throne-keeper”. The administrator Polikarp was elected as the Metropolitan-Administrator with the consent of Metropolitan Dionysiy, the Primate of the Polish Orthodox Church. In that manner **the National UAOC status, proclaimed by the Council of Bishops, was recognized by the Ciryarch, the Primate of the Polish Orthodox Church,** the representative of the apostolic continuity of the UAOC hierarchy.

At the end of World War II, the bishops of the UAOC, headed by Metropolitan Polikarp, the locum-tenens, were scattered over different territories of Europe and the USA, but the episcopate continued to preserve official jurisdictional unity as the Ukrainian Autocephalous Orthodox Church in the Diaspora. Metropolitan Ivan Teodorovich, who was Primate of the UOC in the USA joined the hierarchy of this Church. Metropolitan Mstyslav (Skrypnyk) was the last Kyiv Metropolitan – locum-tenens of the UAOC in the Diaspora.

Notwithstanding its orientation towards the Moscow Patriarchate, the so-called Autonomous Church was, along with surviving remnants of the UAOC in Ukraine, liquidated when the Soviet regime returned to Ukraine. Using its position of strength as an ally of the government, as traditional for the Moscow Patriarchate, the renewed Ukrainian Exarchate of the ROC collected clergy and parishes under Joann (Sokolov), who was appointed with the title “Metropolitan of Kyiv and Halych, the Exarch of the Patriarchate of all Ukraine”. In September 1943, the Soviet regime appointed this ethnic Russian and close ally of Sergiy, the Patriarch of Moscow, as hierarch. Without approval of any Council or other “formalities”, which were deemed unnecessary by the ROC, he incorporated parishes into the Exarchate and also re-consecrated the priests from the UAOC, treating them as uncanonical. As the Soviet regime did not tolerate any active resistance to the actions of the Moscow Patriarchate, until the early 1990’s the Ukrainian Orthodox Church in the Motherland remained forcefully subordinated to the ROC.

4. THE HISTORY OF THE MODERN PERIOD OF THE UKRAINIAN CHURCH

In May 1966, Archbishop, and soon Metropolitan, Filaret (Denysenko) was appointed to the Throne of Kyiv. As the Exarch of all Ukraine, Metropolitan Filaret was the Primate of the Ukrainian Orthodox Church in the Motherland, although, because of the reality of life within the USSR, it was not until 1989 that, due to the efforts made by Metropolitan Filaret, the first signs of autonomy of the Ukrainian Exarchate from the ROC became visible. In accordance with a decision of the Council of Bishops of the Russian Orthodox Church held on June 7-8, 1990 and the Council of Bishops of the ROC held on October 25-27, 1990, on October 27, 1990 Patriarch Alexiy of Moscow issued a Directive, addressed to “Metropolitan Filaret of Kyiv and all Ukraine”, stating that **the Ukrainian Exarchate of the Russian Orthodox Church was independent and self-governing in all affairs of the Ukrainian Orthodox Church**. In July 1990, the Council of Bishops of the UOC unanimously elected Metropolitan Filaret as the Primate of the UOC, which was confirmed at the Council of Bishops of the UOC held in Kyiv on November 1-3, 1991. Unfortunately, when the new status of the UOC was established, there was a large gap in the description of the exact definition of responsibilities of the Moscow Patriarchate and its organizations and those of the UOC. The decision to postpone a final outcome on the status of the UOC to a future Council of the ROC contributed to the difficulty of establishing normal relations of the UOC as a part of the ROC. It should further be noted that although the Constitution of 1988 requires that a Council be convened at least every five years (in 1995, 2000, and 2005), none have been held since 1990. In fact,

personal attributes of the Primate and episcopate of the Ukrainian Orthodox Church define the extent of “independence and self-government” of the UOC as that of a part of the Moscow Patriarchate.

Simultaneously, a spontaneous movement for a fully autocephalous UOC grew and spread in Ukraine. A National Council held in Kyiv in June 1990, elected Metropolitan Mstyslav (Skrypnyk) - the Kyiv Metropolitan locum-tenens, to be the Primate of the UAOC in Ukraine and elevated the Church to the status of a Patriarchate. Finally, after many years, the Ukrainian Autocephalous Orthodox Church had returned from exile to its Motherland.

At that time, when Ukraine was part of the USSR, the hierarchy of the UOC could not foresee the proper conditions for renewing the autocephaly of the Ukrainian Church, but on August 24, 1991 the independence of Ukraine was proclaimed under conditions proper for autocephaly. According to the historical tradition and canonical rules, a National Orthodox Church is established in an independent state where the majority of population professes the Orthodox faith. Therefore, at the UOC Council held in the Kyiv-Pechersk Monastery on November 1-3, 1991, a resolution recognizing the Ukrainian Orthodox Church fully autocephalous was adopted. The resolution was based on the facts that the UOC serves in a fully independent state; that a sufficient number of bishops and clergy, theological educational institutions, and monasteries are available; and that more than half of the Ukrainian population professes the Orthodox faith. **The sum of these factors confirms the UOC to be one of the largest of the Ecumenical Orthodox Churches.**

In response to a mass-media slander campaign directed against the Primate of the UOC, the 1990 Council approved a vote of confidence for the Primate of the UOC, and confirmed his election by the Council of Bishops of the UOC. The Decrees of the Council were signed by all ruling bishops of the UOC, and by delegates representing every eparchy, theological educational institution, and monastery. The National Council of the UOC is the supreme governing body of the Church and as such all resolutions contrary to its Decrees are uncanonical and cannot be recognized.

In response to the Resolution of the UOC Council, the leadership of the ROC made a decision to do everything in their power **to preserve administrative unity with the Moscow Patriarchate, even at the price of violations of canons and schism of the Ukrainian Church.** The Moscow Patriarchate together with respective Special Services (the former Committee of State Security - KGB) began a campaign to discredit the person of the Primate of the UOC. Consideration of the Decrees of the UOC Council were deliberately delayed while the Moscow Patriarchate and the Special Services worked on the slander campaign in order to create an opposition group among the episcopate and clergy of the UOC. It was assumed that this group would support the struggle against the Primate and the autocephaly of the UOC. Emissaries from the Moscow Patriarchate were sent to every eparchy and to the largest monasteries of the UOC to persuade the clergy and the faithful to oppose autocephaly and demand replacement of the Primate of the UOC with a person who would be loyal to Moscow.

On the eve of the referendum concerning the Independence of Ukraine, which was scheduled for December 1, 1991, an Inter-religious Forum was held in Kyiv. Representatives of the UOC and the UAOC both participated in the Forum, and it was evident that there was a strong movement to unite the two churches into one unified National Church.

5. THE SCHISM OF THE UKRAINIAN ORTHODOX CHURCH

Attempts by the leadership of the ROC and their supporters to split the Ukrainian Church had some success. In January 1992, three bishops within the episcopacy formed a coalition and declared their denial of the resolutions of the autocephaly of the UOC which were adopted by the Council on November 1-3 1991, and ceased to commemorate the name of the Primate of the UOC during Divine Services or carry out his instructions, and thus created a schism within the UOC. The 14th Canon of the “Twice-Repeated” Council defines as an act of schism that: “If any Bishop, on the allegation that charges of crime lie against his own Metropolitan, shall secede or apostatize from him before a conciliar or synodal verdict has been issued against him, shall abstain from communion with him, or **fail to mention his name, in accordance with the established practice, in the course of divine celebrations**, the holy Council has decreed that he shall be deposed from office, for merely by seceding from his own Metropolitan he shall create a schism”. The Moscow Patriarchate, which continually cites the canons as its policy instrument, was nevertheless quick to support the schismatics. In a violation of the self-administered status granted the UOC, Patriarch Alexiy demanded that the Primate of the UOC not apply any canonical sanctions against the schismatics and, **in fact, officially supported their actions.**

A Council of Bishops of the ROC to consider the resolutions approved by the UOC Council of November 1-3, 1991 was finally convened on March 30 through April 4, 1992. However, instead of placing these issues on the agenda for consideration by the Council as scheduled, the meeting was used to personally attack the Primate of the UOC. **A portion of the episcopacy of the UOC, including Metropolitan Nikodim of Kharkiv and other representatives who later would participate in the so-called “Kharkiv Council”, protested the agenda violation in a written statement, but their protest was not even considered by the Council.** Metropolitan Filaret was subjected to pressure with a single demand – to resign as Primate and to vacate the Throne of Kyiv. Participants of the meeting attest that the hierarchy of the ROC threatened to act to abolish the independent self-administered status of the UOC if Metropolitan Filaret did not resign as Primate.

Because the Council of Bishops of the ROC had the power to resort to actions that would worsen a very tense religious situation in Ukraine, Metropolitan Filaret agreed, and verbally stated, at the Council meeting, his intent “for the sake of church peace, to submit to the next Council of Bishops of the Ukrainian Orthodox Church a request to be relieved from the position of the Primate of the UOC”.

It should be noted that, according to the canons of the church, quitting the cathedral rostrum by the hierarch who headed it, especially as a result of pressure or fear for his life, is considered to be a mortal sin, as specified in the 9th Canon of the Third Ecumenical Council and the 3rd Canon of the consecrator Cyril of Alexandria. The latter clearly states that bishops who are worthy of serving should do so, and unworthy ones should leave the cathedral rostrum after judgment by a court, not by abdication. On November 1-3, 1991, the Council of the UOC passed a vote of confidence for the Primate of the UOC and dismissed all accusations addressed to him. The council of the ROC did not bring a single official **accusation against the Metropolitan Filaret, but, on the contrary, thanked him for his long years of work as Archpastor and blessed the continuation of his service.**

Having understood that his resignation from the position of Primate could endanger the Ukrainian Church, and further cognizant that his resignation would be an uncanonical act, based on the legitimacy of the resolutions of the UOC Council of 1-3 November, 1991, Metropolitan Filaret, made the decision to continue to serve as Primate of the UOC. Aware that it might lose control over the UOC, the Moscow Patriarchate, in violation of canons and decrees of the Council of Bishops of the ROC, crudely interfered in the affairs of the Ukrainian Orthodox Church and issued decrees by the Holy Synod of the ROC concerning the order of the administration of the UOC. The latter supposedly “deposed” Metropolitan Filaret from the office of the Primate of the UOC, although, according to the church canons such actions can be taken only after court proceedings against the Primate by the entity which elected him, that is to say the legitimate Council of Bishops of the UOC.

An ordinary eparchial bishop, Metropolitan Nikodim of Kharkiv, convened a so-called “Council of Bishops” in Kharkiv on May 27, 1992. There, the same bishops who found no fault with the Primate of the UOC during the Council held in November 1991, “deposed” Metropolitan Filaret from the position of the Primate by the order of Moscow Patriarchate, and, in accordance with the same Patriarchate recommendations, elected Metropolitan Volodymyr (Sabodan) of Rostov, the ROC Administrator, to the position held by the Metropolitan Filaret. The Moscow Patriarchate supported actions of schismatics initiated by its own efforts, and in absentia, without valid legal proceedings, and in violation of church canons, “convicted” Metropolitan Filaret to “defrocking” during the meeting of the Council of Bishops held on June 11, 1992. It is worth noting that **a characteristic traditional of the Russian Orthodox Church is its lack of valid legal proceedings, which is evidenced by the fact that the Church Court established by the Council of Bishops of the ROC in 2000 is to this day nonfunctional.**

Under the circumstances, after the leadership of the Russian Church acted to organize and support the schism of the UOC, there was no longer any formal reason to remain under the jurisdiction of this Church, and, as a result, there was no longer any reason to further continue the division of the Ukrainian Orthodox Church.

On June 25-26, 1992, a Uniting Council was convened in Kyiv for the purpose of uniting two branches into one - the National Orthodox Church in Ukraine.

During this Council the UAOC, as the successor of the Autocephalous Ukrainian Orthodox Church in exile, and the UOC, as the Orthodox Church which served within the Motherland, united into one, unified Church which adopted the name of the Ukrainian Orthodox Church - Kyiv Patriarchate.

Therefore, summarizing the historical journey of the Ukrainian Church, the following conclusions can be made. The UOC Kyiv Patriarchate is a true National Orthodox Church of the Ukrainian people which preserves and teaches the Orthodox dogmas, and observes the canons and traditions of the Ecumenical Orthodoxy. It is a continuation of the Kyiv Metropoly Church and of the UAOC in the Diaspora. The adopted resolutions regarding the autocephaly of the Ukrainian Orthodox Church adopted by the Council of Bishops of the UOC on September 6-7, 1991 and by the National Council of the UOC on November 1-3, 1991 were the legal basis for the actions of the legitimate Primate of the UOC, Metropolitan Filaret of Kyiv and all Ukraine. The so-called "Ukrainian Orthodox Church" headed by Metropolitan Volodymyr (Sabodan) is now a part of the same ROC that provoked and supports the schism of the Ukrainian Church. **Rather than establishing a new religious organization as often claimed by opponents of the Kyiv Patriarchate, the Unifying Council of 1992 renewed the unity of the National Orthodox Ukrainian Church.**

**VII. THE LEGITIMATE NATIONAL COUNCIL OF THE UOC
of NOVEMBER 1-3, 1991
AND THE SCHISMATIC SO-CALLED "KHARKIV COUNCIL"
of MAY 27, 1992**

1. THE LEGITIMATE NATIONAL COUNCIL

The Ukrainian Orthodox Church achieved the status of independence and self-administration based on resolutions adopted by the National Council of the ROC on June 7-8, 1990 and by the Council of Bishops of the ROC on October 25-27, 1990, as a result of which the National Council of the UOC became the UOC's supreme administrative body. In accordance with canons and the Church Constitution of July 9, 1990, the Council of Bishops of the UOC unanimously elected Metropolitan Filaret of Kyiv and Halych as Metropolitan of Kyiv and all Ukraine and Primate of the UOC.

This election was confirmed by Patriarch Alexiy's official document issued on October 27, 1990: "Taking into consideration the wishes and petition rendered by its (UOC's) Most Reverend Archpastors, who met on July 9 this year in the God-Protected City of Kyiv to discuss and decide in matters regarding church life based on principles of independence and self-administration, we bless by means of our Official Document by the All-Holy and Life-giving Spirit that **from now on**

the Orthodox Ukrainian Church will be independent and self-administered, and you (Metropolitan Filaret) who were unanimously elected by the Episcopate of the Ukrainian Orthodox Church will be its Primate". On November 1-3, 1991, the National Council of the UOC, confirmed the election of Metropolitan Filaret as Primate of the UOC: **"Rejecting all slanderous accusations against the Primate of the Ukrainian Orthodox Church brought through the mass media, and considering them as accusations not only against the Primate of the Church but against all its eparchy, clergy, and laity, the Council of the Ukrainian Orthodox Church asserts a full vote of confidence in Metropolitan Filaret of Kyiv and all Ukraine, and confirms his election on July 9, 1991 by the Ukrainian episcopate as the Primate of the Ukrainian Orthodox Church"**.

The Council of Bishops of the UOC, held in Kyiv on September 6-7, 1991, on the basis of the Canons and the Constitution of the UOC, and in accordance with historical precedent, proceeding upon the fact of the independence of Ukraine, approved a resolution to convene a National Council of the UOC for the purpose of settling the issue of the Autocephaly of the Ukrainian Orthodox Church. Based on the previously-adopted resolution by the Council of Bishops, the National Council met in Kyiv on November 1-3, 1991 in the "Trapezna Church" on the grounds of the Pechersk monastery. All ruling and vicar bishops, delegates representing each monastery and theological institution, and clergy and lay representatives of each eparchy (diocese) of the UOC participated in this meeting. The participants of **the National Council represented the entire spectrum of the Ukrainian Orthodox Church and, as its Supreme Administrative Body, had full authority to adopt resolutions regarding the life of the UOC.**

After considering the issue of the autocephaly of the UOC, the Council approved a resolution "Definitions Concerning the Issue of Full Independence of the UOC", which said: "The Council of the Ukrainian Orthodox Church, under the chairmanship of the Most Reverend Filaret Metropolitan of Kyiv and all Ukraine, considered and comprehensively discussed the issue of the full independence of the Ukrainian Orthodox Church. Having been guided by the sacred canons and wishing to bring about the blessed peace, God-commanded Christian love, and brotherhood in union both with the Mother Church and with all National Orthodox Churches which support the faith in God, the Council resolves:

"...The development of the religious situation in Ukraine under the circumstances of the Proclamation of Independence of Ukraine demands a new status for the Ukrainian Orthodox Church. In the spirit of the decrees issued by the before-mentioned Councils (the National and Council of Bishop of 1990 of the ROC), **the Council considers the status of self-administration and independence, i.e. full autocephaly, and further perfection of the independence of the Ukrainian Orthodox Church imperative** for the sake of preventing a separation from Ecumenical Orthodoxy, without violating the sacred canons, in the name of love and peace between our Churches. Understanding the main purpose of the proclamation of autocephaly to be the well being of the Church, the mission of salvation being performed by the activities of the Church, under the

historical circumstances, the Council considers that granting a gift of the autocephaly for the Ukrainian Orthodox Church will contribute to strengthening the unity of Orthodoxy in Ukraine and elimination of schism, to withstand the expansion of the Greek and Roman Catholic Churches, and to serving the reconciliation of and establishment of consent between opposing religious confessions, to rally citizens of all nationalities living in Ukraine and thus contribute to strengthening the unity of all Ukrainian people.

The Council unanimously testifies that at present day the Ukrainian Orthodox Church possesses all necessary conditions for full self-existence, without the need of assistance from another Church”.

Today supporters of the Moscow Patriarchate arrogate the establishment of the independent Church in the independent state and the proclamation of the Kyiv Patriarchate to politicians, and in particular to ex-President L. M. Kravchuk, but this is a distortion of the facts. Reference can be made to the exact definition of the **Council, which stipulates: “The independent Church in the independent state is canonically justified and historically inevitable;** the Council asks the Russian Orthodox Church, after recognition of full independence of the UOC **to promote the establishment of the Kyiv Patriarchate** with the help of the Eastern Patriarchs and Primates of other National Churches”.

The following hierarchs are among those who participated in the Council meetings and signed its documents (*a “+” denotes a deceased hierarch; those who, as of March 1, 2007 are hierarchs of the UOC Moscow Patriarchate are indicated in bold*): Metropolitan Filaret of Kyiv and all Ukraine; **Metropolitan Nikodim of Kharkiv and Bohodukhiv**; (+)Metropolitan Leontiy of Kherson and Tavriya; (+)Archbishop Antoniy of Chernihiv and Nezhin; (+)Archbishop Feodosiy of Vinnytsa and Bratislav; (+)Archbishop Savva of Poltava and Kremenschuh; Archbishop Iov of Zhytomyr and Ovruch; **Archbishop Iriney of Rivno and Ostrog; Archbishop Lazar of Odessa and Izmail**; (+)Archbishop Nikanor of Sumy and Okhtyrka; **Bishop Ioannikiy of Luhansk and Starobel’sk**; (+)Bishop Evfimiyy of Mukachevo and Uzhhorod; (+)Bishop Vasiliy of Kirovohrad and Mykolaiv; **Bishop Varfolomey of Volyn’ and Lutsk; Bishop Nifont of Khmelnitskiy and Kamenets-Podol’skiy**; Bishop Andriy of Lviv and Drohobych; (+)Bishop Hlib of Dnipropetrovsk and Zaporizh’e; **Bishop Vasiliy of Simferopil’ and Crimea; Bishop Onufriy of Chernivtsy and Bukovyna; Bishop Serhiy of Ternopil’ and Kremenets; Bishop Illarion of Ivano-Frankivsk and Kolomya; (retired) Bishop Alipiy of Donetsk and Slovyansk**, and Bishop Yakiv of Pochaiv and Vicar of the Kyiv Eparchy.

Hence, the resolution of the autocephaly of the UOC based on canons and traditions of the Orthodox Church and taken under consideration the fact of independence of Ukraine was adopted at a legitimate Council. The Council attested to the availability of all requirements for self-dependent existence of the Ukrainian Church, an adequate numbers of bishops, clergy, faithful, clergy educational institutions, and monasteries. All delegates of the Council Meeting, **including the entire episcopate of the UOC**, supported the resolutions. **The Moscow Patriarchate did not**

then, and has not since, officially protested any of the Council resolutions or the legitimacy of the Council, nor has it issued any official disclaimers or arguments. To the contrary, rather than rejecting the resolutions on the basis of their validity, the Council of Bishops of the ROC of March 30 – April 4, 1992 considered the resolutions fully. On this basis, it is seen the National Council of the UOC held on November 1-3, 1991 is a canonical one, and its resolutions valid. Despite the strict canonical nature and validity of this National Council, the Moscow Patriarchate and the UOC-MP now pretend that it never happened.

2. THE TRUE REASON OF THE SCHISM – THE DESIRE TO PRESERVE THE ADMINISTRATIVE UNITY OF THE RUSSIAN ORTHODOX CHURCH

Even before the National Council of the UOC was convened, the Holy Synod of the Moscow Patriarchate began to act in violation of the canons, placing secular expediency over the interests of the Orthodox Church. On the eve of the Council which was planned for October 22, 1991, a meeting of the Holy Synod of the ROC was held in Moscow. There, the Synod adopted a “Declaration of the Holy Synod of Russian Orthodox Church” in connection with the issue to be considered by the Council of the UOC in Kyiv on November 1-3, 1991. In particular, the ROC Synod document states that: “The Moscow Patriarchate will continue on the path of further strengthening the unity and unanimity of eparchies under the jurisdiction of the Moscow Patriarchate. Further, we decisively are against changes that are contrary to the will of God’s people, which make up the Church, with disdain to sacred canons and by virtue of political manipulations, alien to the Church”. It is evident from this declaration that the Holy Synod of the ROC took an inflexible stand for keeping the administrative unity of the Moscow Patriarchate, even before adoption of the resolution of the autocephaly by the Council of the UOC. Because of the Synod of the ROC, predefined a request for recognition of autocephaly “as contradicting the will of God’s people and canons”, the **ROC Synod define their will as the will of God’s people, even though, according to the canons of the Church and Constitution of the UOC, it is the Council of the UOC, and not the ROC Synod, which has the right to testify as to the completeness of the UOC.**

At this time, the Moscow Patriarchate used many means to gain time to launch a propaganda war against Metropolitan Filaret and the autocephaly of the UOC. Several periodicals published falsified materials with the intent of discrediting the Primate of the UOC. Although the ROC Synod met four times in September and October 1991, after the UOC Council passed the resolution supporting autocephaly, the ROC did not meet once in the next two months, not until December 25, 1991. On December 25-27, 1991 the participants of the Holy Synod of the ROC meeting in Moscow attempted to place pressure on Metropolitan Filaret, cast doubt on the voluntarism of the resolutions of the UOC Council, and disclaim the need for autocephaly. As a result, the Synod adopted a resolution requiring that all documents of the UOC Council be submitted to the bishops of the Russian Orthodox Church for consideration.

The Synod also adopted an announcement on the occasion of formation of the CIS (Commonwealth of Independent States), which in particular stated: “The historical unity and brotherhood of Slavic people baptized in a united font should not be destroyed. Having received state independence, we should remain spiritually united and derive our strength from this unity for renewing our life... Orthodox Christians hope that new relations between Commonwealth states will exclude attempts to establish a state dominating religion or ideology”.

Based on the above statement, it is clear that the Holy Synod and episcopate of the Russian Orthodox Church were not even willing to consider that the Ukrainian Orthodox Church should receive autocephaly. **The words of Patriarch Alexiy II after the September 3, 1991 Divine Liturgy celebrating the 30th anniversary of his consecration as a bishop unambiguously define the ideology of the leadership of the ROC: “As one of the main tasks of my service, I identified strengthening the unity of Orthodoxy. Yes, today we should be united as never before”.**

These words determined the policy, practiced by the Moscow Patriarch who, together with the leadership of the ROC, have resorted to many means to preserve the Russian Church as an Imperial Church. In his public declarations, Patriarch Alexiy many times underlined **as his main accomplishment, that he succeeded in maintaining administrative unity of the ROC despite the disintegration of the Soviet Union. This, even though historical, the disintegration of an empire was accompanied by proclamations of autocephaly of the Churches in the newly independent states.** Such was the case in the 19th century when the Ottoman Empire disintegrated, and during the disintegration of the Byzantine Empire. The history of the Ecumenical Patriarchate attests, that, despite resistance of the former church center, that under proper circumstances **a new National Church will emerge in a new independent state. Because it so was stated in canons: “After civil and secular separation the separation of church-affairs shall follow” (the 27th Canon of the Fourth Ecumenical Council and 38th Canon of the Sixth Ecumenical Council).** For this reason, the representatives of the Ecumenical Patriarchate today advise the representatives of Moscow Patriarchate not to repeat the errors of the 19th century.

Unfortunately, the leadership of Moscow Patriarchate headed by Patriarch Alexiy, who have been conditioned to be obedient to the FSB and to work towards great-power chauvinism, today base their actions directed against the Ukrainian Church upon the worst examples of medieval papal theories, substituting the idea of administrative unity of the Church for its ideological and mystical unity. On these grounds, the hierarchy of the ROC has acted, subsequent to the resolutions of the UOC Council, to prevent the autocephaly of the UOC at any price, rather than to adopt a resolution for the Ukrainian Church which would benefit Orthodoxy. **The leadership of the ROC is also unwilling to allow the autocephaly of the UOC, because today, as during the Soviet Era, almost half of all parishes of the Moscow Patriarchate are located within the territory of Ukraine. If the ROC loses administrative control over the Church in Ukraine, it will lose one half of its structure, and thus will no**

longer be able to pretend to be the first in Ecumenical Orthodoxy, to be, according to the theory developed by the ROC since the Middle Ages, the “Third Rome”.

3. THE THEORY OF “MOSCOW – THE THIRD ROME”

The leaders of the Moscow Patriarchate still are followers of the Medieval theory of Moscow as “The Third Rome”. This theory was first stipulated in a letter from the Elder Filofey to the Prince of Moscow stating: “All Orthodox kingdoms gathered into your united one, Your Majesty. Because the first Rome fell due to heresies, the second one (Constantinople) fell due to Turks, Moscow is the third Rome, and never shall there be a fourth”. According to this concept, after the fall of Constantinople in 1453, Moscow supposedly became the spiritual and political center for the Slavic world and for all Orthodox people, and was ordained to remain so forever. Actions based upon this theory have caused, and continue to cause, great disputes in Ecumenical Orthodoxy. For several decades, the Moscow Patriarchate, inspired and supported by state authorities, attempted to claim a position as the first among National Churches, and to displace the Ecumenical Patriarchate from the position of honor, accorded to it by tradition, as the first among other equal Orthodox Churches. In order to reach their goal in the late 1940’s, the Moscow Patriarchate even attempted to call an Ecumenical Council in 1948 and to have the Moscow Patriarchate proclaimed the “Ecumenical Patriarchate”, and only the unified resistance of Constantinople and the Greek churches prevented this from occurring. Still, even today, the “Third Rome” theory is behind many actions of the leaders of the Moscow Patriarchate.

In 2004 and 2005 at the “The World-wide Assembly of the Russian People”, a secular Congress under the sponsorship of the Moscow Patriarchate and the Government of Russia, Metropolitan Kirill, one of the hierarchs of the ROC, strongly emphasized that, in order to counter the “single-polarization” of the world, Russia must defend, in contrast, the idea of “multi-polarization”, and that **Moscow, in his opinion, must become the center for all Orthodox people, in his words the “Seat of Orthodox Civilization” and the “Orthodox Vatican”.** According to his opinion, the primary reasoning for such a statement is that, first, the ROC is the largest Orthodox Church, and second (although only implied) Russia is the most influential Orthodox Country. Therefore (according to Metropolitan Kirill), “the Russian Orthodox Church” possesses, de facto, the first place among all Orthodox Churches because of its greater spirituality, morality, and virtues, traditions, and political influence; thus, the ROC “speaks on behalf of 350 million Russians all over the world” (?/). Moreover, the ROC exerts influence over all Orthodox Churches in the Balkans, including those countries where Orthodox believers are a minority. The Greek newspaper “To Vima” further quotes Metropolitan Kirill as saying, “We (Moscow) are the true spiritual successors of Byzantium”.

The Moscow Patriarchate uses more than words to exert its influence on Ecumenical Orthodoxy. Through its initiative, international organizations such as “Fund of Orthodox People Unity” and “Inter-parliament Assembly of Orthodox People” were established under its control. The

latter includes members of the parliaments of various Orthodox countries. The External Relations Department of the Moscow Patriarchate headed by Metropolitan Kirill closely cooperates with the Ministry of Foreign Affairs of the Russian Federation. Besides public support for the interests of the ROC, this cooperation is also demonstrated by the construction throughout the world of churches serving Russian embassies. Plans for establishing a Russian intergovernmental association of Orthodox countries, based along the lines of the International Conference of Islam, have also been unveiled.

There is a steady effort towards **realizing the still unfulfilled embodiment of Moscow being not only the spiritual center, but also the political center for all Orthodox people throughout the world.**

In one interview, Patriarch Alexiy II expressed the opinion that **there are no theological or dogmatic reasons why the Patriarch of Moscow should not to be the first among Orthodox Primates.** It is very clear that, if such could be decided by Patriarch Alexiy himself, he would have been declared first a long time ago. Fulfillment of these plans is prevented by the fact that the Ecumenical Patriarch has occupied this place of honor – the title of New Rome to which Alexiy pretends – for almost one thousand years.

Unfortunately, in the struggle of influence over the Ecumenical Orthodoxy, the politicians of the Moscow Church forget that the Kingdom of God is not of this world. **Ecumenical Patriarch Bartholomew**, quoted in “To Vima”, reminds them: “Uniting of the Orthodox faithful into one group under control of one influential leader, who should fulfill the united control program **inevitably lead to transforming the Church into no more than this leadership body, at the same time, it is done not by those means which serve for human salvation.** Government interference in the Church decision-making process mirrors that of Caesarian Papistry. Similar intolerable politicization of the Russian Church was observed during the communist era... We hoped that after the fall of the terrible system there would be changes in this area. However, to our horror, **we observe that the Russian government continues decisively to interfere with strictly church challenges and even, without doubt, to shape its policy”.**

Patriarch Bartholomew maintains that, “the insipid **theory of ‘the Third Rome’ is arrogant** (in accordance with the ancient Greek definition of this word which means arrogant impudence) **and dirty.** The New Rome (which is the Ecumenical Patriarchate) can be only the first among equal Patriarchs, but will not rule nor manage other Orthodox churches. We recognize the primacy of this Church in the issue of unity, and humbly and without any use of force perform this function”. He asks a rhetorical question of **Metropolitan Kirill: “Do you really state that the unity of Orthodoxy is a question of a quantity, political force, secular and diplomatic influence?”** And he continues: “**All that we heard about the unity of the Church is in sum a dreary echo of the spiritualism of Caesarian Papistry which defines unity as one organizational structure that presents the obvious antagonism to the unity between spirit and conscience which are always professed by the Orthodox Church”.** The newspaper “To Vima” quotes Patriarch

Bartholomew's thoughts: "Those who speak about the Third Rome are absolutely useless for supporting the leading positions of the Orthodox Church, because, they will play a role of **transformation of the Church from Christ-centered religion into the feudal organization based on brute force**".

Unfortunately, the Moscow Patriarchate has no desire to listen to these wise words of the Ecumenical Patriarch and firmly holds the control over the Orthodox Church in this country [Ukraine].

It is obvious that church unity is the last link that chains Ukraine to Russia. Officials of the Moscow Church think that it is impossible to compromise on this issue. They do not cease to stress that the role of the Russian Church is to unify the "Russian", and exert influence on Orthodox, countries, in particular those of the former USSR. Metropolitan Kirill states: "The Church always was and remains the beginning which unites our people, defines its identity, forms and propagates its National self-consciousness". It is sad that, in chasing for the fulfillment of these principles, the Russian hierarchs often forget that **the Church is the Body of Christ and was summoned to save sinners and unite them with God, not with Russia**. It is also true that **Ukraine is not Russia and the Ukrainian people are not obligated to share all aspirations and interests of the Russian people, no matter how worthwhile they may be**.

Obviously, politicians from the Moscow Church are enamored with the theory of "the Third Rome" and the Ukrainian Church is to them simply an important piece on the geopolitical chess-board. **Playing global political games, they were not afraid to introduce schism among Orthodox Ukrainians; they encroach upon the Ecumenical Patriarch's jurisdiction and, by their actions, threaten the unity of Ecumenical Orthodoxy**.

4. THE SCHISMATIC, SO-CALLED "KHARKIV COUNCIL"

Although the Moscow Patriarchate has never officially adopted a single resolution concerning the autocephaly of the Ukrainian Church, for several months after the National Council of the UOC, it continually supported activities to inspire the Church against autocephaly and its Primate. On a daily basis, representatives from the Moscow Patriarchate made telephone calls to eparchies and exerted pressure on bishops of the UOC, and emissaries of the Moscow Patriarchate were sent to eparchies and to the most influential monasteries of the UOC. Behind closed doors, they persuaded many to disobey the resolutions of the National Council of the UOC and to renounce the autocephaly. At the same time, slanderous articles about Metropolitan Filaret appeared in the mass media. Concerned about this campaign against the Primate and autocephaly of the UOC, and the involvement of the Special Services of the Government, the bishops of the UOC gathering on January 23, 1992 to celebrate the birthday of Metropolitan Filaret, signed a declaration addressed to Patriarch Alexiy II and the Synod and episcopate of the ROC, petitioning them to expedite the process of consideration of the UOC Council documents regarding the autocephaly.

In particular the declaration stated: "We have the impression that the positive settlement of this issue is being deliberately delayed".

On the same day, a meeting of the Holy Synod of the UOC took place. In response to his request of January 8, 1992, **Bishop Alipiy of Donetsk** was relieved from administrative responsibilities of the eparchy and appointed a Vicar Bishop to the Kyiv eparchy. Onufriy, the Bishop of Chernivtsy, and Illarion, Bishop of Ivano-Frankivsk, interchanged posts, while Serhiy, the Bishop of Ternopil', was also appointed a Vicar Bishop to the Kyiv eparchy. All of these bishops, with the exception of Illarion (today the Metropolitan of Donetsk under o the UOC Moscow Patriarchate), acting according to **orders sent from Moscow, disobeyed the Synod resolution and did not vacate their previous cathedral rostrums, stopped commemorating the name of the Primate of the UOC during Divine Liturgies, and, by these actions, actually initiated schism.** The main cause was their refusal to honor the resolutions of the UOC National Council of November 1-3, 1991, which they had all signed. Previously deposed Metropolitan Agafangel also began to sow the church discord in his previous eparchy of Vinnytsa, inciting clergy to accept the jurisdiction of the Moscow Patriarch. In that way the Ukrainian Orthodox Church schism arose in the winter of 1992 through the acts of three active bishops and one deposed Metropolitan **with support of the Moscow Patriarchate and government Special Services.** On February 4, 1992, **Patriarch Alexiy II sent a telegram to Metropolitan Filaret defending the schismatic actions deeds of three bishops of the UOC and appealed to Metropolitan Filaret "not to apply canonical punishments to the schismatics"**.

Archbishop Lazar and Bishops Varfolomiy and Andriy delivered the appeal of the episcopate to Moscow. On February 18-19, 1992 in Moscow, the ROC Synod met without Metropolitan Filaret present. Patriarch Alexiy II and the Synod sent an "Epistle" to Metropolitan Filaret and the episcopate of the UOC, which stated: "With all our knowledge, we do affirm that the Holy Synod of the ROC is not involved in those church distempers that developed within the UOC and deeply hurt us. Regarding the anti-church mass-media campaigns, they are primarily directed against our Holy Synod and Church authority and remain on the conscience of their authors... With the aim of preventing a new schism of the *UOC* all of us must act honestly, placidly, cautiously and wisely and not allow that the 'calamities of this world' to triumph over pastoral obligation and responsibility... We pledge to do our best to ensure that a resolution regarding the future of Orthodoxy in Ukraine will be adopted in accordance with the genuine (!) expectations of its pious Orthodox people... Everyone who remains faithful to Orthodoxy will receive our canonical ministerial blessing, and will not be left to the mercy of evil forces." In this manner, the Moscow Patriarchate, without any open discussion, cast doubt upon the validity of resolutions of the National Council of the UOC and communicated its support of schismatic actions directed against the efforts of recognition of the autocephaly of the UOC. The Synod decided to convene a Council of Bishops of the ROC on March 31 - April 4, 1992 to consider the Appeal of the UOC episcopate of November 3, 1991 regarding autocephaly. On March 3-4 the meeting of the Holy Synod of the

UOC was held, and left unchanged the previous resolutions concerning the schismatic bishops. As a result of the Moscow Patriarchate's actions, the state of affairs in the Ukrainian Orthodox Church became dangerously explosive. Having taken into consideration previous declarations and actions of the Moscow Patriarchate, the Council of Bishops of the ROC did not predict a bright future for the UOC.

During the Council of Bishops held in Moscow, instead of considering the issue of the autocephaly of the UOC as scheduled, a planned persecution against Metropolitan Filaret was executed. For nearly an entire day, they accused him of immoral lifestyle and demanded his abdication from Kyiv cathedral rostrum and from the position of the Primate of the UOC. The real independence in administration of the UOC and the autocephaly entirely depended on the Primate; he was the main source of struggling efforts for the autocephaly and by his abdication the Moscow hoped to resolve the issue of the "Gordian knot" – the autocephaly of the UOC. The **Council members threatened to rescind the grant of self-administration** and, for that reason, under extenuating pressure, Metropolitan Filaret agreed to resign from the position of the Primate at the next meeting of the Council of Bishops of the UOC.

As a result of the Council meeting the following decree was adopted: "The Council of Bishops took into account **the statement** of the Most Reverend Filaret, Metropolitan of Kyiv and of All-Ukraine, that for the sake of church peace, at the next Council of Bishops of the Ukrainian Orthodox Church, he will submit a request to be relieved from the position of the Primate of the UOC. Understanding of the position of Metropolitan Filaret, the Council of Bishops **expressed to him its gratitude for the long period of labor as Archbishop of the See of Kyiv and blessed him to serve as Archbishop at another cathedral** of the Ukrainian Orthodox Church." (*A more detailed description about this issue is provided in a separate chapter*).

The coercion of the Primate did not resolve the issue of autocephaly of the UOC. On April 14, 1992, Metropolitan Filaret arrived in Kyiv and held a press conference, where he told the truth about the course of events during the Council in Moscow and recanted his statement of resignation, on the grounds his resignation would not bring peace to the Church, would contradict the will of the believers, and would be uncanonical (in particular, it violates 4th rule of Cyril of Alexandria). In response, **towards the end of April, 1992 the Moscow Patriarchate initiated in Zhytomyr a schismatic meeting of several bishops, among them being the deposed Metropolitan Agafangel "the ruling bishop of the eparchy of Vinnytsa"**. The meeting adopted an "Appeal to leadership of the Moscow Patriarchate" supporting its actions, and requesting help in relieving the Metropolitan Filaret from his position.

Having grossly violated the canons of the Church, the Constitution of the UOC as an autonomous Church, and the rights of the Ukrainian Orthodox as a self-administered entity, the Holy Synod of the ROC commanded in a categorical form, during its meeting on May 6, that Metropolitan Filaret should convene the Council of Bishops of the UOC before May 15 and resign

there, and on May 21st adopted a decree dismissing Metropolitan Filaret from leadership of the UOC.

Although **on April 2, 1992 representatives of the Moscow Patriarchate stated, during an interview with a correspondent from Interfax, that “on the eve of the meeting of the Council of Bishops they were not subjected to any pressure by the Ukrainian or Russian leadership”**, on May 7 Patriarch Alexiy II stated during a press conference that “in the course of preparation for the Council of Bishops and during the meeting he and delegates felt pressure, especially from Leonid Kravchuk, the President of Ukraine”. On May 14, 1992, Interfax broadcast an interview with Metropolitan Volodymyr of Rostov and Novocherkask, who said: “If the Primate of the Ukrainian Orthodox Church Metropolitan Filaret will not abide by the adopted resolutions of the Supreme Organ of the Orthodox Church (ROC) to resign no later than May 15, then he will be judged by the Court of Council of Bishops and the Holy Synod. Filaret must convene a meeting of the Council of Bishops of the Ukrainian Orthodox Church and submit a letter of resignation.” **“The Court of the Council of Bishops can be convened anytime,” stressed Metropolitan Volodymyr, “and hearings concerning this may be held in absentia because, more likely, Metropolitan Filaret will not arrive in Moscow”**.

It is evident that the leadership of the Russian Orthodox Church had already decided the end result even **before the meeting of the Council of Bishops of the UOC**. Therefore, the convening of the so-called “Kharkiv Council” became only the official conclusion of the schism of the UOC which was initiated on January 1992 by the leadership of the Moscow Patriarchate. Today the representatives of the UOC-MP attempt to justify the so-called “Kharkiv Council” as a “Genuine Unification Council”, but, in reality, **this illegitimate gathering of the “Pseudo-Council” only obediently fulfilled the wishes of the Moscow Patriarchate and the Special Services, and this fact is well known to all of its participants.**

The final organizational legalization of the schism of the Ukrainian Orthodox Church took place during the so-called “Kharkiv Council” – the UOC episcopate meeting conducted by Nikodim, the ordinary eparchial bishop and Metropolitan of Kharkiv, without the presence of the UOC Primate, Metropolitan Filaret, who was not even invited. The session of the so-called Council was arranged by the Special Services, and their presence and participation was obvious in this meeting. The so-called council meeting was video recorded, as seen in part on the documentary film “anatomy of Schism” promoted by the UOC Moscow Patriarchate. The participants of this pseudo-council claimed that they were concerned about their safety, and Metropolitan Nikodim supposedly received threats from the President of Ukraine. One wonders then why the Council was video recorded if it could be used as proof in the case of a potential prosecution by the Ukrainian Government. The most likely reason would seem to be that **the recording was made for the report to be sent to Moscow** and to bind all participants in the pseudo-council for collective responsibility.

Contrary to the Orthodox canons and the Constitution of the UOC, the illegitimate meeting of bishops held in Kharkiv, without investigation, convicted Metropolitan Filaret, relieved him of the position of Primate of the UOC, and defrocked him. The illegitimate gathering of bishops in Kharkiv elected the **Metropolitan Volodymyr (Sabodan) of Rostov, the Administrator of the ROC**, an ethnic Ukrainian, but loyal to the Moscow Patriarchate, to the position of Primate of the UOC. **According to the Constitution of the UOC, the Primate must be elected from the episcopate of the UOC, and Volodymyr (Sabodan) as the Metropolitan of Rostov was not even a UOC bishop.**

Based on the resolutions of this pseudo-council, on June 11, 1992 the Council of Bishops of the ROC **uncanonically declared the laicization of Metropolitan Filaret**, and sided with the schismatic representatives of the UOC episcopate.

These actions by hierarchs of the UOC in Kharkiv on May 1992 are a gross violation of the 34th Canon of the Apostles:

“The bishops of every nation must acknowledge him who is first among them and account him as their head, and do nothing of consequence without his consent; but each may do those things only which concern his own parish, and the country places which belong to it. But neither let him (who is the first) do anything without the consent of all; for so there will be unanimity, and God will be glorified through the Lord in the Holy Spirit.” According to the interpretation by Bishop Nikodim (Milas), this rule commands to eparchial bishops that “every church affair, which exceeds their authority and rights, as the eparchial bishops, and is more important, should be settled and solved with knowledge and agreement of the first bishop”. The actions **by Metropolitan Filaret for recognition of the autocephaly of the UOC were based on the resolution adopted by the legitimate National Council of the UOC of November 1-3, 1991 and not on his personal opinion; meanwhile, the adopted resolutions of the so-called “Kharkiv Council”, in the absence of the legitimate Primate, are uncanonical and invalid.**

In addition to violating the sacred canons (the 34th Canon of the Apostles, 14th Canon of the “Twice-Repeated” Council), the participants of the pseudo-council of Kharkiv violated the decree of the Council of Bishops of the Russian Orthodox Church held on October 25-27, 1990 concerning self administration and independence of the UOC. Their violation is based on failing to adhere to the resolutions relating to self-administration and independence, and instead obeying the resolutions adopted by the Moscow Synod of May 7 and 21, 1992. The power of the Moscow Synod does not extend to the administration of the Ukrainian Orthodox Church. In fact, the bishops who repudiated the independence and self-administration of the UOC separated themselves from it.

The Kharkiv meeting participants further ignored the Constitution for the administration of the Ukrainian Orthodox Church, as adopted by the National Council of the UOC and registered with the Government of independent Ukraine.

First, they violated Articles 3 and 7 of Chapter III and Article 9 of Chapter V of the Constitution [of the Ukrainian Orthodox Church] which states that **the Primate of the Ukrainian Orthodox Church, the Metropolitan of Kyiv and all Ukraine, convenes all Councils of the UOC. In reality, Nikodim, the ordinary eparchial bishop and Metropolitan of Kharkiv, by deception convened and chaired the so-called “Kharkiv Council”.**

Second, those who assembled in Kharkiv violated **Articles 2 and 12 of Chapter V**, where it is stated that the Primate of the Ukrainian Orthodox Church **is elected for life**. In the above articles it is specified that “the Holy Synod may elect a locum-tenens only in the event that death, retirement, subjection to trial, or another reason makes it impossible for the Metropolitan of Kyiv and all Ukraine to fulfill his duties as Primate of the Ukrainian Orthodox Church.” None of these reasons were present to give the bishops gathered in Kharkiv the right to elect a new Primate of the UOC.

Third, Article 6 of Chapter III, which specifies that the **Council elects the Primate of the Ukrainian Orthodox Church from the members of the Ukrainian episcopacy**, was violated. **In reality, the pseudo-council elected Metropolitan Volodymyr (Sabodan) of Rostov, the Moscow Patriarchate Administrator and a member of the episcopacy the Russian Church, and not of the Ukrainian Orthodox Church.**

In order to justify their illegitimate actions in favor of the Moscow Patriarchate the participants of the “Council” amended the Constitution in order to promote their protégé. However, **the Constitution regarding the administration of the UOC was accepted during the National Council and only this organization has the right to amend or change the Constitution**. On May 29, 1992 the Committee on Religious Affairs of the Cabinet of Ministry of Ukraine accepted a petition concerning the violation of the Constitution, specifically concerning the administration of the UOC. The Supreme Rada of Ukraine then condemned the actions taken by the Kharkiv schismatics.

This Declaration attests to the fact that Metropolitan Filaret of Kyiv and all Ukraine Filaret was legitimately elected the Primate of the UOC, whose authority was confirmed by the legitimate National Council the UOC acting in accordance with resolutions adopted by the canonical National Council of November 1-3, 1991. The so-called “Kharkiv Council” was organized by the Moscow Patriarchate and Special Services with a goal of illegitimately deposing the Primate of the UOC - Metropolitan Filaret - and to nullify the valid resolutions of the National Council of the UOC. The actions of the so-called “Kharkiv Council” initiated the schism in the Ukrainian Orthodox Church. **During the next 15 years there was an ongoing evaluation by the plenitude of the Church regarding the legitimacy of actions of the National Council and Kharkiv pseudo-council, and it has become widely recognized that the truth of the canons and history are on the side of the National Council and its acceptance of resolutions concerning autocephaly of the Ukrainian Church.**

5. THE ACCEPTANCE BY THE CHURCH OF COUNCIL RESOLUTIONS

In contrast to the teachings of the Roman Church where the Pope is considered infallible, Christian Orthodoxy recognizes that no one person or group, including the hierarchs or Council of Bishops, is infallible, but that this is a property of only the Church in Plentitude, in the fullness of space and time. Every Council resolution must be subjected for recognition (reception) by the full Church Plentitude. And only then, when the Church recognizes and approves these Council resolutions as truly approved according to the will of the Holy Spirit, only then do they assume their full authority.

In the history of the Church there were many examples **when resolutions of one Church Council were eventually recognized as true, even though this meant rejecting latter resolutions, which, judging only by external evidence would have been considered correct.** The Church rejected numerous Council resolutions during the period of Arian disputes. The Church did not accept the resolutions of the Council which illegitimately defrocked the Consecrator John Chrysostom. Polemically, some representatives of the Moscow Patriarchate have declared that John Chrysostom supposedly obeyed the resolution of this Council, but that does not agree with reality, because he did not recognize this Council which, under coercion of the state power, sent him to exile. Under all external appearances, the so-called Ecumenical Council of 449 A.D. convened by Patriarch Dioscorus of Alexandria had all the hallmarks of a legitimate council, but, because it approved the heretical monophysite doctrine, it was rejected and named “the Plunder Council” in Church history, the same fate which would be met by “the Iconoclast Council”.

In more recent times, the Orthodox Church rejected resolutions adopted by the Ferraro-Florence Council of 1438-39 which approved the Union with the throne of the Pope of Rome, although when convened this Council was thought to be a legitimate Ecumenical Council. The Russian Church did not accept the resolutions of the so-called “One Hundred Cupola Council”, as well as the making of the sign of the cross with two fingers and other peculiarities of religious observance, yet the 1971 National Council of the ROC canceled the resolution of the Great Moscow Council of 1666-67 which imposed anathema on old devotions and on all believers who observe them. The Holy Synod as the supreme Church authority “defrocked and deprived the rank of monk of Arsenyi (Matsievich), the Metropolitan of Rostov”, but the National Council of the ROC National of 1917-18 canceled this resolution, and in the year 2000 the Council of Bishops of the ROC **canonized him**. In 1596, the Orthodox Council held in Brest imposed anathema on all those who accepted the Union with the Church of Rome, but in 1946 this resolution did not stop the admission of the Uniates into the Russian Orthodox Church with their existing holy orders and without their re-baptism or re-consecration.

The National Council of the ROC held in 1917-18 introduced the division of this Church into Metropolitan districts and direct election of the episcopate by eparchies, but to the present day no one adheres to this resolution. The Church rejected decrees of the so-called “Second” and “Third” “All-Russian National Councils”, held by the Russian renovators, even though more than one

hundred bishops participated in each of these “council” meetings and the Eastern Patriarchies supported dialogue with those innovators. Numerous examples of similar actions can be cited.

In 1872 the Ecumenical Patriarchate called a Local Council, which condemned “filetism”, the division of Orthodoxy according to nationality. “Filetism” supporters were proclaimed as the enemies of “United Council-based and Apostolic Church”, the Bulgarian Church was declared as schismatic; some of its bishops were laicized, while some others were excommunicated or subjected to anathema and condemned to the blazing inferno. Officially, the Council resolutions were in accordance with canons, but, in essence, they contradicted the divine truth. Hence, the Church never accepted the resolutions adopted by the Council in 1872, and 73 years later, in 1945, the Ecumenical Patriarchate fully recognized the autocephaly of the Bulgarian Church.

It is worthwhile to consider the following issues:

- The Bulgarian Church **did not repent of anything** before the Ecumenical Patriarchate;
- The hierarchy of the Bulgarian Church, **which received the apostolic continuity from “the earlier Bulgarian hierarchy, which was defrocked and subjected to anathema” was recognized as legitimate** without re-consecration;
- **All sacraments that were performed by the Bulgarian Church during the 73 years of schism were recognized as valid.**

In fact, the Church ended up rejecting the resolutions of the Local Council, and recognized the resolutions of the Bulgarian Church to be legitimate and canonical regarding autocephaly.

Let us also remember that on March 28, 1942 the Council of Bishops of the Moscow Patriarchate under the leadership of Metropolitan Sergiy (Starogodskyi) issued a decree “defrocking” Bishop Polikarp (Sikorskyi). Bishop Polikarp belonged to the hierarchy of the Autocephalous Orthodox Church in Poland, where the overwhelming majority of the faithful were Ukrainians, and had never belonged to the episcopate of the UOC. In December 1941, with the blessing of Metropolitan Dionysiy, the Primate of the Polish Church, Bishop Polikarp became the Administrator of the Orthodox Autocephalous Church in Ukraine. In the post-war period all clergy of the UAOC within the territory of the USSR were “re-consecrated” by the Moscow Patriarchate, but, despite the resolution of 1942 by the Council of Bishops of the Moscow Patriarchate, in 1995 the hierarchy of the UAOC in the Diaspora was accepted into the Ecumenical Patriarchate without penance or re-consecration. The Moscow Patriarchate is therefore forced to recognize this Ukrainian episcopacy, because it is a part of the Ecumenical Patriarchate, which is prayerfully united with the ROC. It is one more example that the Council of Bishops Moscow Patriarchate of 1942 was not recognized by the Orthodox Church, that is to say, it was not accepted.

Finally, for most of the 20th century the Moscow Patriarchate and the Russian Orthodox Church Abroad (“ROCA”, also “ROCOR” or the so-called “schism of Karlovy Vary”) repeatedly exchanged mutual excommunications, legal threats, and anathemas. The Council of Bishops of the ROCA imposed anathemas against the heresies of “ecumenism” and “Sergiasm”, while time and again the Moscow Patriarchate imposed excommunications on the Karlovac eparchy. Today,

however, these two Churches are in the process of unification without penance and re-consecration of the hierarchy. This is one of many evidences that even Councils can err. Only the Holy Universal and Apostolic Church is never wrong, because it is a pillar for the consolidation of the truth.

Now the Ukrainian Church awaits the process of recognition of the true nature of the resolutions adopted by the National Council of November 1-3, 1991 and by Kharkiv pseudo-council as of May 27, 1992. The future will demonstrate which will be recognized by the Church, but today it is already understood that the National Council of 1991 is generally recognized by the Ukrainian Orthodox people. This can be seen from the fact that 30% of the adult population of Ukraine supports the Kyiv Patriarchate as the National Ukrainian Orthodox Church, while 20% support the UOC Moscow Patriarchate. The movement for a National Church began in the UOC Moscow Patriarchate, as it is increasingly clear that the National Council of November 1-3, 1991 conforms to the canons and meets the demands of the Ukrainian Church. The decrees of the Kharkiv pseudo-council shows their secular foundation when “arrogance of the secular power creeps in under the guise of holy deeds” (the 8th Canon of the Third Ecumenical Council). The enveloping spirit of hate towards brother Orthodox believers, falsehood and enmity, and numerous violations of dogmas and canons committed by followers of this pseudo-council demonstrate that **this Kharkiv gathering, although it attempts to represent itself as the Council of Bishops of the Ukrainian Orthodox Church, in reality is an ungodly gathering of schismatics** which, guided by their wishes for secular benefits and obeying orders from the Special Services, caused a very deep wound of schism of the UOC; they will answer for their actions on the Last Judgment Day.

VIII. THE GRACE OF HOLY SACRAMENTS:

BAPTISM

“I profess one baptism for the remission of sins”

(Tenth article of the Symbol of Faith)

1. THE UNREPEATED SACRAMENT OF BAPTISM

On the basis of a decision by the Council of Bishops of the UOC-MP, this Church is practicing the so-called “re-baptism”, in other words the repetition **of the Holy Sacrament of Baptism for those who previously were baptized in the Kyiv Patriarchate.**

Such a practice is a direct and conscious violation of the dogmatic teaching on the uniqueness of the Sacrament of Baptism, specified in the Symbol of the Faith, and a violation of the church canons and the practice of the National Orthodox Churches.

This is not the first time in history that the Russian Orthodox Church, to which the UOC-MP belongs, has resorted to the non-Orthodox practice of “re-baptism”. In the XVII century those who were baptized in the Kyiv Metropoly by the pouring of water were re-baptized by the Moscow

Patriarchate on the basis that only complete immersion can be considered true baptism, even though in modern times the practice of baptism by pouring of water is in widespread use by the ROC.

In a book by Archbishop Paul Aleppsky narrating the journey of Patriarch Makariy of Antioch to Moscow in 1654, it is written that baptized Tatars who continued to communicate with their Muslim relatives after baptism were considered impure and were re-baptized. Further, if their wives were not baptized then they were divorced from them and married to the baptized.

Roman Catholics were re-baptized as well: "In such a way they dealt with Poles (i.e. Poles-Catholics) and baptized them a second time, even though it is prohibited, the Muscovites do not accept them without re-baptizing". **Patriarch Makariy opposed the practice at a specially called Council: "The reason of convocation of this Council was the concern about the re-baptism of the Poles (Catholics). The matter is that the Muscovites, as already stated by us, re-baptized them, which is forbidden by the canons... Our teacher requires that the Muscovites adhere to their written church rules. Earlier we found in one ancient book from the Holy Mountain, that all of this was completely clarified, and our ruler Patriarch copied this chapter into a special notebook and affirmed it with his signature.**

He argued with bishops and after long-lasting willy-nilly discussions, in accordance with the testimony of their rules, they had to acknowledge the truth... The Tsar issued a decree which forbids re-baptizing followers of the Pope - the Poles and all French, because they are closer to us from all confessions." (*Archbishop Paul Aleppsky in "Trip of the Patriarch of Antioch Makariy"*)

One Baptism is a truth based on the words of the Holy Scripture: "One Lord, one faith, one baptism" (Eph. 4:5). It is important that the Apostle Paul writes these words in the context of wishes addressed to Christians "I urge you to live a life worthy of the calling you have received. Be completely humble and gentle; be patient, bearing with one another in love; every effort to keep the unity of the Spirit through the bond of peace" (Eph. 4:1-3). Therefore, one Baptism is mystically connected with the One God by one birth ("from a flesh" and "from water and Spirit") and one Church. **A violation of such a truth through repeated baptism violates the faith in One God, one Church and one birth in Christ.** It is necessary to baptize only those who are undoubtedly not baptized. If there are any doubts, then there must be very serious arguments for the "second" Baptism. Therefore, the Orthodox Church, with the understanding that the unity in faith is not completely split, does not re-baptize the persons who were baptized in the Roman or Greek Catholic Churches.

Based on the centuries-old canonical tradition, theological, liturgical and experience of the Church, at the present time Orthodoxy considers baptism to be valid in those cases when the following conditions are met:

– Baptism is performed as a sacrament – “for remission of sins”, i.e. both he who baptizes and he who is being baptized understand the purpose and value of the sacrament.

– Baptism is performed in the name of the Holy Trinity - the Father, the Son and the Holy Spirit. Both the correctness of the formula of baptism and the understanding of the Truth about the Trinity. i.e., both he who baptizes and he who is baptized must believe in the Holy Trinity in the same manner as the Orthodox Church believes, are important.

– Regarding the form of the procedure, the baptism must be performed using water (with the rarest exceptions) and must be a voluntarily act. The person who baptizes must be a Christian priest (or at least, under very rare exceptions, a deacon or layman), and the person being baptized must profess the Christian faith.

On the basis of these criteria, the Orthodox Church acknowledges the baptism of Roman and Greek Catholics (and also acknowledges the effectiveness of other sacraments, including ordinations and the Eucharist). Baptism by Protestants is generally acknowledged as valid, if it complies with the aforementioned requirements. In the Orthodox Church, by tradition, the Baptism is performed together with the sacrament of Chrismation. In the Catholic Church, anointing (confirmation) is performed separately, while most Protestants do not acknowledge the sacrament of anointing.

The issues of Baptism are examined in the following canons:

The 47th Apostolic Canon states: “If any bishop or presbyter baptizes again a person, who has been baptized or if he does not baptise the person desecrated by wicked persons: let him be thrown out as the mocking one at the Cross and death of the Lord and does not distinguish the genuine priests from a false”.

In the interpretation of the authoritative canonist Bishop Nikodim (Milas): “As a general church norm the following is accepted: **the Baptism at its essence, as a Holy Mystery, in general cannot be repeated**, assuming that it is correctly performed both in essence and its external procedure, in other words, if it is performed in accordance with the evangelic established norms, **it is not repeated even for those who join the Church from any heresy**. If the Baptism was done not in accordance with the evangelic established norm and by wicked people, as this Apostolic Canon says, i.e. by a heretical priest, who distorts **the basic dogmas** of the Christian faith, then the act of Baptism performed by him is not true and it is considered invalid, and as such this person must be baptized as if never baptized.

The canons clearly specify which Baptisms performed outside the Orthodox Church by a priest, who is not Orthodox, must be considered invalid and repeated again. **The provisions provided for by these rules must be strictly followed and the smallest deviation from them must be subjected to the canonical punishment.**

Among major non-Orthodox confessions with which we regularly interface are the Greek Catholics. None of the Council canons having a common obligatory value declare baptism

accomplished in accordance with the established procedures of that religion ineffective and, as a result, those who join the Orthodox Church from that religion are accepted in accordance with the known order as described in detail in the Service Book, their baptism being recognized as valid, and they are not baptized again.

This Apostolic canon is important in the description for the exclusion of a bishop or a presbyter who re-baptized a valid Baptism or acknowledged a correct Baptism as false, that based on these grounds it must be considered that **these spiritual persons do not distinguish the genuine priest from a false.**

In order to judge whether the clergy of another heterodox confession may be considered as legitimate and, consequently, to be acknowledged or not to be acknowledged by the Orthodox Church, it is imperative to know if the heterodox (Christian) confession deviates only in some specific items of faith and in some specific ceremonies from the Orthodox Church, or it sins against the basic truths of the Church and has a distorted teaching both in the aspects of dogmas and in the issues of church discipline; in the latter case (i.e. when the basic dogmas of faith are violated) the clergy of a such association cannot be acknowledged by the Orthodox Church. Furthermore, it is necessary to take into account whether this religious association considers the priesthood as the divine establishment and the hierarchical authority, as a power which originates from a divine law, or it perceives the priesthood as an occupation which turns out like every other mundane occupation without participation of the Divine Grace and necessary only in order to maintain certain procedures in execution of any religious duties. In the latter case, there is no true clergy and as such it can not be acknowledged by the Church.

Finally, as an uninterrupted succession of hierarchical authority from the apostles up to our time constitutes a basis of the legal priesthood, when evaluating the heterodox priesthood it is necessary to pay special attention as to whether the apostolic succession has been maintained in the religious association in question. **The priesthood of religious associations which have maintained this continuous succession is acknowledged as canonically correct, regardless of the existence of various opinions (dogmatic digression), assuming they do not deal with basic rules of the Christian faith and the essences and power of the Holy Mysteries;** if this apostolic succession has been interrupted in one or another religious association, which have been separated from the church association and has a unique hierarchy then the clergy of such society can not be acknowledged as canonically correct regardless of the apostolic succession”.

The Kyiv Patriarchate, without exception, professes all dogmas of the Orthodox Church and performs all sacraments in accordance with its directives. In the Kyiv Patriarchate, heresy is not preached, and the hierarchy through the consecration of Patriarch Filaret and of Metropolitan Yakiv (Panchuk), as well as of Metropolitan Andriy (Horak), has valid apostolic succession. Therefore, the Moscow Patriarchate has no reason to fail to acknowledge the baptism performed within the Kyiv Patriarchate, and, for that matter, the righteousness and validity of the episcopacy and clergy of the Kyiv Patriarchate.

The 68th Apostolic Canon specifies: "If a bishop, a presbyter, or a deacon, accepts from anybody a second consecration, let him be thrown out from the holy rank, both he and who consecrated him; only if it will be known for sure, that he was consecrated by heretics. Because anyone, who was baptized or was consecrated by those, can not be either faithful to or servant of the Church".

Explaining this rule, bishop Nikodim writes: "If the first consecration was done rightfully, it is prohibited to repeat the consecration into the same hierarchical status. There is an exception to this rule if the consecration was performed **by a heretical bishop** and for this reason it is deemed to be invalid". The conditions, which allow for consideration for the correctness of a consecration, are the same as those stated in the interpretation of the previous rule. The bishops **of the Kyiv Patriarchate are not heretics; therefore, the consecrations made by them must be recognized. The bishops of the Moscow Patriarchate performing the "repeated" lawless consecrations over those who were consecrated in the Kyiv Patriarchate must, in accordance with the 68th Apostolic Canon, be deprived of their status as abusers of the Holy Spirit, as must those who agree to undergo "repeated consecrations"**.

The 7th Canon of the Second Ecumenical Council specifies that certain heretics, those who distorted the basic dogmas of the Church to a less greater extent, for example, the Arians, were accepted into the Church by anointing, while those heretics who distorted the very basic dogmas of Christianity, for example, the Gnostics, were considered pagans before being baptised. The same practice is defined in the 7th Canon of the Laodikiy Council. The 95th Canon of the Sixth Ecumenical Council also specifies that followers of heresies condemned by the Third Ecumenical Council (Nestorian) and by the Fourth Ecumenical Council (monophysite) are accepted into the Church through repentance alone, and that the hierarchy and clergy are accepted in the present status.

The Holy Sacraments are considered invalid if they are performed by heretics (68th Apostolic Canon; 7th Canon of the 2nd Ecumenical Council; 95th Canon of the Sixth Ecumenical Council.; 1 rule of St. Basil the Great). At the same time, there are differentiations of acceptance of heretics into the Church: some are accepted by a written renunciation from the heresy, some by repentance and anointing, and others – the pagans – through baptism.

It should be noted that the heretics against whom Ecumenical Councils were convened, – Arians (First), Macedonians (Second), Nestorians (Third), Monotheists (Fourth), – were accepted into the Church by means of a written renunciation from the heresy and repentance (or anointing and repentance). The same provisions apply to the heretics referred to in the 7th Canon of Laodikiy Council. It is clearly evident that **the canons of the Ecumenical Councils acknowledge even the baptism of heretics.**

It is possible to distinguish by formal signs which heretics have been baptized, and which have not. Baptism was not acknowledged of those who substantially distorted the dogma of the Deity and the Holy Trinity: Manicheans, various Gnostics and others. However, there was leniency

towards those heretics whose teaching distorted the Orthodox teaching of Jesus Christ as both True God and True Man.

2. WHAT ARE HERESY, SCHISM AND ARBITRARY ASSEMBLAGE?

The first rule of St. Basil the Great specifies: “The Ancient priests decreed to accept the Baptism without yielding from the faith in anything; and those that yielded they called them as a heresy, others - as a schism and others – as an arbitrary assemblage. They named the heretics those, who were quite torn away and deviated from the faith; schismatics – those, who were divided in opinions about some church issues and questions which could be healed; and arbitrary assemblages – the assemblies, which are convened by the rebellious presbyters or bishops or uneducated people.

For example, if someone being exposed in a sin has been forbidden to participate in the divine services, and has not conformed to the canons, but has maintained his error and continues to serve, and then some others join this person in leaving the Universal Church, it is an arbitrary assemblage. It is, however, a schism, when, for example, a group begins to teach about repentance contrary to the Church teachings. Examples of heresies are the Manichean, Valentinian, Marcionic, and Montanist heresies, because of deviation in their faith in God.

Therefore, from the beginning it was simple for the ancient Fathers to reject completely the baptism of heretics; to accept the baptism of schismatics who have not yet strayed far away from the Church; and to heal those who belong to arbitrary assemblages by sincere repentance and efforts to return to the Church.

Thus, those who held church titles, if they left the Church together with the rebellious, even when they repented, rarely were they accepted with the same title. Montanists are obviously heretics. Catharians **[the “clean“, who taught that after baptism repentance is impossible for those who sinned with a mortal sin, such as, for example, renunciation of Christ] are from a group of schismatics.** However, it was convenient for the ancient elders such as Cyprian and Firmilian, to subdue all of these by one definition: Catharians, Encratites, Hydroparasts [**“bearing the water“, who performed the Eucharist with water**], and Apotactites. Although the beginning of deviation took place due to the schism and those who abandoned the Church already did not have the grace of the Holy Spirit, due to the cessation of legal succession the grace diminished. Because the first ones who separated from the Church received the blessing from the Fathers, they, by laying on of hands, had a spiritual grace. However, by rejection of the Church they were laicized and no longer had spiritual authority to baptize or to consecrate, and could not pass on to others the Grace of the Holy Spirit, from which they had fallen away. Therefore, the ancient Fathers ordered that those, who came from these groups to the Church as baptized laymen were to be cleansed by a true Baptism in the church.

However, for some in Asia it was very convenient, for the sake of teaching of many, to accept their Baptism in the present form. [St. Basil continues with a detailed consideration of

aspects of Encratites, whose Baptism, though personally was unacceptable to St. Basil, he considers for possible acceptance, by adherence to practice and grace of the Church. Furthermore, the representatives from their association Zoin and Satornin were appointed to the Bishop's Cathedrals]”.

Therefore, as such there was an opinion (and practice), that baptism of such schismatics, who lost the succession, could not be accepted. However, this practice was generally not common, and many adhered to the opposite practice, i.e. that their baptism was to be accepted; St. Basil the Great himself drew that conclusion, stating: “Let it be accepted!” and “The schismatic Baptism must be accepted” (*The Book of Rules*, Alphabetical guideline, “Schismatic”).

The 1st rule of St. Basil the Great provides valued guidance to questions regarding baptism and degrees of disassociation from the Church. Firstly, St. Basil provides a clear hierarchy of separation from the Church: heretics – their baptism is not accepted; schismatics – their baptism is acknowledged (possibly requiring anointing, but St. Basil does not refer to this); arbitrary assemblage – the followers are accepted after repentance. It should be carefully noted that the criterion of baptism recognition, according to the rule of St. Basil, is a measure **of digression from the faith, and not administrative church structure**. St. Basil the Great defines the heretics – those, who completely became separated from the faith: “The heresies are, for example: Manichean, Valentinian, Marcionic, and Phrygian. Because there is a divergence in their faith in God”; schismatics are those, who were divided in opinions about some church issues and questioning of issues that could be healed: “Those, who teach contrary to Church teachings, means a schism; and arbitrary assemblages – the assemblies, which are convened by the rebellious presbyters, bishops or uneducated people. Thus, a heresy is a division in the issues of a faith, a schism is a division regarding aspects of church practice; an arbitrary assemblage is a division caused by violation of church discipline”.

3. DOES THE KYIV PATRIARCHATE FIT THE DEFINITION OF HERESY, SCHISM, OR ARBITRARY ASSEMBLAGE?

There is no difference in the confession of faith or questions concerning dogmas among the Kyiv Patriarchate, the ROC (UOC-MP), and the whole of Ecumenical Orthodoxy. Therefore, the **Kyiv Patriarchate is not in heresy**. Does the Kyiv Patriarchate differ in the questions of church life? There is a problem regarding the proclamation of autocephaly of the Ukrainian Orthodox Church, however, the Orthodox Church does not have canons defining the method of proclamation of autocephaly or autonomy of churches. This question is not well regulated by the canons, and there is no agreement in Ecumenical Orthodoxy on this issue. There is a difference in practice of divine services – those of the Kyiv Patriarchate are performed mainly in the Ukrainian language. However, this is not prohibited by the canons, but rather this complies with the words of the Apostle Paul: “in the church I would rather speak five intelligible words to instruct others than ten thousand words in an unknown tongue” (1 Cor. 14:19). Further, the UOC-MP itself does not

prohibit serving in the Ukrainian language. Thus, according to the measure of St. Basil, the **Kyiv Patriarchate is not a schism.**

The Kyiv Patriarchate does not fall under the category of “arbitrary assemblage”. The rule specifies: “if someone **being exposed in a sin** has been forbidden to participate in the divine services, and **has not conformed to the canons**, but has maintained his error and continues to serve but has maintained his error and continues to serve, and then some others join this person in leaving the Universal Church, it is an arbitrary assemblage”. However, the Primate of the UOC Metropolitan Filaret **was never denounced in a sin by a church court**, nor has he disobeyed any **canons**, but only the uncanonical decisions of the Council of Bishops of the ROC of June 11, 1992. Therefore, it is the prohibitions imposed on him by the ROC that are invalid (*This subject is examined thoroughly in another section*).

Hence, the UOC-MP has neither theological nor canonical reason for not recognizing baptisms performed in the Kyiv Patriarchate, or the legality of the hierarchy of the Kyiv Patriarchate. To the contrary, the **UOC-MP’s repetition of the Holy Mysteries of baptism, ordination, and so on falls under condemnation in the church canons.** Therefore, the **practice of “re-baptising” of those baptized in the Kyiv Patriarchate** is not only a sign of the theological and canonical ignorance of the UOC-MP, but also borders upon heresy.

4. THE DISPUTE BETWEEN THE ORTHODOX AND THE DONATISTS CONCERNING THE CONSECRATION OF THOSE WHO DENIED CHRIST DURING THE PERSECUTIONS

This dispute has genuine relevance to the present division in Ukrainian Orthodoxy. Therefore, it is imperative that the history of the Church be understood, so that it can be understood how the Church resolved the question of the validity of consecrations during the dispute between the Orthodox and the Donatists over how to treat schismatics who had at one time denied Christ,

A dispute arose regarding the consecration of Caecilian (Orthodox) to the episcopate by Bishop Felix (Orthodox). The Donatists accused Felix of giving the Roman authorities copies of the Holy Scriptures during the persecutions, and of denying them as heretical medical books. During this period, such people were deemed to be traitors and considered to be denying Christians.

The Donatists proceeded from a position, which today has become a peculiar dogmatic reference cited by the Moscow Patriarchate, that “there is no grace outside the Church, in spite of the unity of a dogma”. If Felix was a denying Christian and, in the moment of denial, was outside the Church, then how could he possess a Bishop’s grace during the consecration of Cicilian? How could he perform a spiritual act, when he lost the grace of the Holy Spirit? How could he give that which he did not himself have?

The Donatists not only did not recognize the consecration made by Felix, but were convinced that those baptized by the Orthodox bishops were not baptized, and that it was therefore necessary to consider them to be pagans. In the same manner as the adherents of the UOC-MP today, the Donatists referred heavily to the teaching of Cyprian of Carthage. However, there was

an important difference between Cyprian's teaching and that of the Donatists; the Donatists did not acknowledge the grace of a bishop who sinned but had not been removed by the Church. By the Donatists' teaching, a bishop lost grace in the moment of sin. On the contrary, Cyprian only refused to acknowledge the grace only of those Christian communities which were excommunicated pursuant to decision of the Councils. That is, if they sinned and have not yet been condemned by a Church, in such communities even Cyprian acknowledged their grace. But, beyond just this difference, it is important to recognize that this position of Cyprian is itself only accepted by modern Orthodox theologians with considerable qualifications.

How did the Orthodox view Felix's earlier treacherous actions? For them, Felix's actions were not the determining factor. The Orthodox taught that the Christian Church remains true, in spite of the apostasy of a man. Therefore, they did not doubt the actual fact of the validity of the consecration made by Felix. For them, the Orthodox Caecilian, consecrated by Felix, was a true bishop, and the sacraments performed by him had the fullness of the grace.

Further disputes between the Orthodox and Donatists evolved on the ground of dogma. Both sides did not doubt that Christ founded one Church and that this Church was asserted through the apostles. Who has the genuine Holy Universal and Apostolic Church? Was it present among the Donatists or the Orthodox?

Donatists considered the Holy Church as a subjective value, i.e. an assembly of holy people. To establish the holiness of their Church, the Donatists asserted that they expelled from their midst all obvious sinners. In addition, they referred to the fact that they had been persecuted; if they were not righteous, they argued, they would not be persecuted. The Donatists considered the Orthodox, who they considered to have denied Christ, as traitors. Therefore, the Donatists argued, the Orthodox Church was not holy, and, as such could not be Universal. The Donatists asserted that their own church was "the" Universal Church.

The Orthodox also recognized their Church to be holy, and not only because it performed the Holy Mysteries which sanctify a person, but also because these Mysteries make people holy. At the same time, the Orthodox pointed out to the Donatists that their Church cannot be holy in the literal sense of the word, because the historical Church was not perfectly holy, that, in fact, the righteous and sinners are all a part of the church. From Saint Augustine, it was understood that the Church is without fail the true body of the Lord, both visible and invisible. The visible Church contains not only true members, but also those who belong to only the visible church. Only God knows His people. He prunes off the dead members from the Church, but how this is done is a deep mystery incomprehensible to man. The visible Church could not possibly exclude from its surrounding all sinners because the Church cannot possibly know them all. Even those who appeal to the Church for repentance can do so insincerely, and the Church is unable to expose this hypocrisy. Augustine saw Christ's Church as being in two moments: in the moment of wandering and in the moment of glory.

The Donatists attempted to justify the necessity of separating the sinners from the Church by citing portions of the Holy Scriptures which state that an impure touch desecrates the clean (Hos. 9:4; Num. 16:26). They considered, therefore, that at least the obvious sinners must be excluded from the Church. Thus, they referred to the parable of the fishing net (Math. 13:47-50), in which the bad fish was collected together with the good, but only until the fishing net was drawn ashore; then, after collecting the good fish, the fishermen threw the bad ones away. This parable Donatists adjusted to fit the extant Church's earthly conditions. The Orthodox rejected this understanding of the parable, and recognized the drawing out of the large fishing net from the water to be the Final Judgement.

The Orthodox, meanwhile, referred to the parable about wheat and tares as describing the earthly conditions of the Church (Math. 13:24-30; 37-43). It is evident from this parable that the Lord commanded that the tares be allowed to grow together with the wheat, lest disposing of the tares damage also the wheat.

The Orthodox accused the Donatists of failing to objectively judge their own selves. The Orthodox said: why do the obvious sinners, meeting saints, desecrate them, but the hidden sinners do not desecrate? The Orthodox explained it in the following manner: the collision with impure desecrates only when a Christian feels sympathy with the amoral behaviour of sinners as if he was an accomplice in their sin.

In the opinion of the Orthodox, even assuming that Felix *had* given the books of the Holy Scripture to the persecutors of the Church, Felix was, at the moment of the consecration of Caecilian, a hidden sinner. From that understanding, it can be understood that the hidden African apostates from Christ could not by themselves desecrate the entire Orthodox Church which existed throughout the Byzantine Empire, and which did not know even about their existence. The Donatists are not required to separate from the Church because of the apostates, for "who are you to judge someone else's servant?" (Rom. 14:4); the Donatists themselves especially should not separate from the members of their association who least look like righteous men.

The Orthodox distinguished between heresy and schism. They realized that heresy transforms faith, while schism tears apart church unity, but may not alter the faith. The Orthodox recognized their faith and the faith of the Donatists to be identical. On these grounds, they recognized schismatics as having Grace not only in their baptisms, but in all their Holy Mysteries.

On this topic, Orthodoxy has always accepted the teachings of Saint Augustine, who wrote that it was impossible to specify any reason, that whoever lost the grace of Baptism, could lose the right to baptize others, because both baptism and consecration were equally transferred by the religious rite, i.e. by fulfilment of the Holy Mysteries. Therefore, repeating the Holy Mysteries of either baptism, ordination or consecration (to the diaconate, priesthood, or episcopacy) is forbidden to the Church. In those Churches where these sacraments are accomplished, they are true sacraments, i.e. they have a full grace.

Based on this theory, the Donatist bishops joining the Church were received with the Episcopal dignity, which they received in schism. There were, of course, cases when a Donatist who had repented was forbidden to serve as a bishop, but such decisions were disciplinary, and did not deny the grace of a bishop. It was understood that these persons had the grace of priesthood, but for specific known reasons did not have the right to use it. Possessing an understanding of Christian dogma, the Orthodox had no desire to consecrate Donatist bishops upon their return to the Orthodox Church. The same procedure was observed by the Ancient Church, not because it did not want to offend an “extraordinary Christian” (bishop), but in order not to abuse the grace of sacrament that is in him. **Therefore, safekeeping the grace of sacraments during schism was decisively recognized by the Church.**

In this case how do we understand the teaching of Cyprian of Carthage, that “there is no salvation outside the Church”? Saint Augustine explained it in this manner: he said that **the grace of sacraments indeed was presented by the Donatists, as well as by other church associations, which kept the undistorted teaching of faith.** Schismatic associations which, after their dissociation from the Church, safeguard the church faith similar to streams which branch away from the main river. They contain the same faith, the same water, but constantly run the danger of drying up, if they do not meet with a stream rejoining the main flow of the river. The grace given by the Donatists is true grace. Therefore, the sacraments performed by schismatic Donatists are real sacraments. They are similar to the fire which continues to burn, although externally it is covered by ash. This fire gives neither a complete heat nor a complete light. The glimmering coal must be returned to the clean atmosphere of the Universal Church, and then the fire covered by ash will burn brightly as a complete fire.

From the Orthodox point of view, a person dissociated to some degree from the Church can be a carrier of grace. According to the teachings of Saint Augustine, even those that abandoned the Church do not lose this grace.

The Donatists, holding that there was no grace outside their association, could in no way accept this understanding. Therefore, they re-baptised all who came to them. (Compare the Donatists to the Russian clergy who now re-baptise Orthodox Ukrainians). In the course of time, within the association of Donatists a division occurred into the Primianists (followers of Bishop Primian) and the Maximianists (followers of Bishop Maximian). The Primianists constituted a majority and considered the Maximianists to be renegades and non-Christians. Although the Primianists recognized neither the grace nor the validity of the sacraments among the Maximianists, two zealous Maximianists bishops who appealed to the Primianists were accepted by the Primianists *in their rank of Bishops*. Thus, the Donatists destroyed the foundation on which they stood. From that point, all those who had been baptised and consecrated by these bishops, even though all had previously been considered separated from the Primianists, were acknowledged as baptised or consecrated, i.e. they were accepted into communion without re-baptising or re-consecration. To this, St. Augustine’s justly appreciated words are often quoted:

“Each of the Donatists who has the least amount of blood in his face should blush reading this page from his own history”.

The hierarchs of the Russian Church should now blush at their own history, especially for that period in the 1940's when they accepted the Greek Catholics into the community of the Orthodox Church without re-consecrating the Uniate clergy, yet re-consecrated hundreds of Orthodox priests who had been legally consecrated by the hierarchy of the Autocephalous Orthodox Church of Poland. The Church rightfully cast aside the teachings of the Donatists and overcame their schism, even though they continued to exist through the beginning of the seventh century. The hierarchs, clergy and laity of the Ukrainian Orthodox Church Moscow Patriarchate need to remember this historical lesson when today, erring in the same manner as the Donatists, they **unfairly judge the Kyiv Patriarchate**. For example, Metropolitan Volodymyr (Sabodan), in violation of church canons, “re-consecrated” bishops Antony (Fialko), Mykolay (Hrokh), Panteleymon (Romanovskiy) and Ioan (Siopk), and Patriarch Aleksiy II repeated the consecration of Metropolitan Antony (Masendich) to the episcopate. At the same time, it is unknown on what canonical grounds Ionafan (Yeletsykh) now serves as a bishop in the UOC-MP, after having been justly and under clear guilt (sacrilege and slander) prohibited from performing any liturgical services and removed from the roster of bishops by the Council of Bishops of the UOC in 1991, as further confirmed by the National Council of the UOC.

IX. THE HIERARCHY OF THE KYIV PATRIARCHATE PATRIARCH FILARET AND HIS UNLAWFUL “DEFROCKING”

1. THE HIERARCHY OF THE KYIV PATRIARCHATE AND TODAY'S UAOC

After the Kharkiv schism, Bishop Yakiv of Pochaiv remained under the jurisdiction of the Primate of the UOC. Thus, there was in the UOC the minimum number of two bishops necessary for consecrating a new bishop. The 1st Apostolic Canon clearly specifies the minimum number of bishops required for consecration: “Let two or three bishops consecrate a bishop”. **Representatives of the Moscow Patriarchate have declared that all consecrations performed by Metropolitan Filaret, after the so-called “Kharkiv Council”, are invalid. However, as the so-called “Kharkiv Council” was a non-canonical assembly of bishops, none of its decisions are legal, and all prohibitions imposed on Metropolitan Filaret based on these decisions are baseless. Therefore, all episcopal consecrations performed by Metropolitan Filaret and Bishop Yakiv (Panchuk) after May, 1992 are valid and canonical. Through the episcopal consecrations performed by these two hierarchs, who were later joined by Bishop Andriy (Horak) of Lviv, the legal apostolic succession of consecrations has been maintained by the Kyiv Patriarchate.** Because at the beginning of the rebirth of the UAOC, Bishop Ivan (Bodnarchuk) performed consecrations of bishops individually, and therefore not in accordance of the 1st Apostolic Canon, after the Unification Council of 1992 Metropolitan Filaret

and Bishop Yakiv fulfilled the consecrations of these hierarchs pursuant to the 1st Apostolic Canon. As of January 1, 2007 all bishops of the Kyiv Patriarchate have been validly consecrated within the apostolic succession. Metropolitan Filaret, Bishop Yakiv (Panchuk) and Bishop Andriy (Horak) were themselves consecrated within the structure of the Russian Orthodox Church. **As such, the only bishops of the present-day UAOC who have valid apostolic succession of their consecrations are those who were consecrated in the Kyiv Patriarchate.** A refusal by the hierarchs of the UAOC to recognize the episcopal dignity of Patriarch Filaret is a refusal to recognize the dignity of their own bishops. Consequently, questions arise: if they acknowledge their consecrations, they must acknowledge the episcopal dignity of Patriarch Filaret, from whom they got apostolic succession; if they do not acknowledge the episcopal dignity of Patriarch Filaret, on what grounds do they consider themselves to be bishops? And if they do not consider themselves to be legal Bishops – why do they continue to serve and act as bishops?

2. THE INCRIMINATION AGAINST THE PRIMATE OF THE UOC

The question of validity of the apostolic succession of the episcopacy of the Kyiv Patriarchate directly depends on the acknowledgement of the episcopal dignity (validity) of its Metropolitan – today Patriarch Filaret – and on the rejection of all decisions of the ROC and the UOC-MP concerning his so-called “deprivation of dignity” and “anathematization”.

As was previously noted, on July 9, 1990, Metropolitan Filaret was elected to be the Primate of the UOC by the Council of Bishops of the UOC and confirmed in a Tomos of the Patriarch of Moscow. The National Council of the UOC on November 1-3, 1991 confirmed his election, and also rejected all accusations against the Primate of the UOC, which at that time were appearing in the mass media. The National Council of the UOC proclaimed that: **“The National Council of the UOC expresses complete trust in the Metropolitan of Kyiv and All-Ukraine,** confirms his election by the Ukrainian episcopacy on July 9, 1991 to the position of the Primate of the Ukrainian Orthodox Church, and at the same time **rejects all slanderous verbal attacks toward the Primate of the Ukrainian Orthodox Church** and considers these attacks not only against the Primate of the Church, but also against all of its hierarchy, clergy and laity.” Where did these accusations come from?

The source of these accusations was Ionafan (Yeletsykh), the former bishop of Pereyaslav-Khmel'nitsky and abbot of the Kyiv-Pechersk Lavra, who in March 1991 had been removed from the position of abbot and prohibited from performing divine services by the Sacred Synod of the UOC, until the time of his repentance, for sacrilege (plundering of church property) and other crimes. On June 24, 1991, in this state of suspension after conviction by the Council for obvious guilt, Bishop Ionafan wrote a report addressed to the Patriarch and Synod of the ROC in which he accused Metropolitan Filaret of various canonical crimes. All of these accusations were thereafter repeated verbatim at the so-called “Kharkiv Council” and in the illegal “Judicial Act of the Council of Bishops of the ROC” issued on June 11, 1992, and became the basis for mass media reports

echoing the decision of the "Kharkiv Council". Thus, the original source of the accusations against Metropolitan Filaret was the report submitted by the deposed Bishop Ionafan, who was prohibited from performing divine services. In accordance with the canons of the church, this report has no significance, because the 6th Canon of the Second Ecumenical Council states: "Moreover, if there be any who have been condemned for faults and cast out of the Church, or excommunicated, whether of the clergy or the laity, neither shall it be lawful for these to bring an accusation against the bishop, until they have cleared away the charge against themselves". Therefore, from the viewpoint of canonical law, the accusations by Ionafan towards Metropolitan Filaret cannot be used in church legal proceeding. Afterwards, Bishop Ionafan himself acknowledged, in a written memorandum addressed to Patriarch Aleksiy II and the Holy Synod of the ROC (the original memorandum is in the archives of the Kyiv Patriarchate), that his accusations were lies, stating:

"I must inform Your Holiness and all members of the Holy Synod of the Russian Orthodox Church that my accusations addressed to the Metropolitan of Kyiv and All-Ukraine Filaret, as set forth in a report addressed to Your Holiness and members of the Holy Synod of the Russian Orthodox Church of April 24, 1991 based on legal documents given to me and to the Council of Bishops of the UOC, are a slander, and that the written evidence concerning this issue are ill-intentioned lies, which pursue personal mercenary aims.

I do sincerely repent that, by disclosure of the content of my report, I inflicted moral damage to the Metropolitan of Kyiv and All-Ukraine Filaret, the episcopacy of the UOC, and the Whole Ukrainian Orthodox Church, and that my accusation became the instrument of fight for those who wish to expand the schism and cause disorder in the Ukrainian Orthodox Church. Concerning my position on this issue, I informed the members of the Council of Bishops of the UOC and expressed to them my repentance for my sin with the intent of accepting any of their verdicts, including deprivation of rank.

I beg forgiveness from Your Holiness and the members of the Holy Synod, because, by my act of providing a report with accusations against Metropolitan Filaret of Kyiv and All-Ukraine, I inflicted distress, especially since my accusation was not substantiated by any facts.

Concerning my position on this issue, I also informed the mass media in order to exclude the possibility of my name being used to further compromise the Primate of the UOC. Copies of my position were distributed by me to all members of the Holy Synod of the ROC and all bishops of the Ukrainian Orthodox Church.

In contrition, I beg forgiveness for the sin I have caused.

The unworthy novice of Your Holiness,

Bishop Ionafan

September 9, 1991

City of Kyiv"

On the basis of this handwritten report and also taking into account the seriousness of the crime, on September 6-7, 1991 the Council of Bishops of the UOC defrocked Bishop Ionafan (Yeletskikh). This decision was confirmed by the National Council of the UOC held November 1-3, 1991: "The Council of the Ukrainian Orthodox Church approves the decision of the Council of Bishops (of September 6-7, 1991) concerning the defrocking and prohibition of divine services of the Bishop of Pereyaslav-Khmel'nitsky Ionafan (Yeletskikh)". The defrocked Bishop Ionafan (Yeletskikh) did not appeal this decision to the available appellate entities, either after the Council of Bishops of the UOC or after the National Councils of the UOC. Now, this Ionafan (Yeletskikh) who was defrocked by the church authorities, today performs services in the rank of archbishop in the UOC-MP, a testimony to the fact that the administration of the UOC-MP is willing to consciously and grossly violate the canons of the UOC-MP and ROC in order to obtain a temporal benefit. Furthermore, the facts are well known to the Moscow Patriarchate of the amoral behavior of this former bishop for which, in 1999, he was even outcast by the congregation and clergy from the Sumy diocese of the UOC-MP.

3. THE COUNCIL OF BISHOPS OF THE ROC (APRIL, 1992)

During the session of the Council of Bishops of the ROC held from March 30 to April 4, 1992, ignoring the agenda to consider the request made by the episcopacy of the UOC regarding the autocephaly of the Ukrainian Church, for two days, in violation of the original agenda, personal accusations were made regarding Metropolitan Filaret. Once again, the previously-refuted accusations by the former Bishop Ionafan, which had been rejected by the National Sobor of the UOC, were brought up. There was a sole purpose for these actions – to force Metropolitan Filaret to resign from the position of Primate of the UOC. Witnesses of the Council and accompanying documents testify to that effect. The participants of the Council of Bishops and the episcopacy of the Moscow Patriarchate remember it well.

Eugenie Komarov, then head of Patriarch Aleksiy II's press service, stated in an interview that "[Metropolitan] Kyrill was engaged in preparation of the documents. How well they conducted the work in persuading the Bishops and Archbishops. Which I saw it as a result of their correct vote. During the Council meeting I was sitting at a far corner of the hall. Only three persons who were not bishops were there: [Vsevolod] Chaplin from Kyrill; I, as the press representative for His Holiness; and my friend and colleague with whom I worked together the monk Nikon (Belavinets). I saw how everything worked perfectly from the same sheet of music. Oh well, all of them were obedient people.

At first, a priest from St. Petersburg was invited, who failed completely. At the Patriarchate I saw several suitcases full of letters sent from all over Ukraine that were given to him for processing. There were some serious letters, but a great number of letters were written as carbon copies at the command of bishops from the diocese: here, all parishes, one by one, are against autocephaly, are for the unity with the canonical Mother-Church... and other similar phraseology.

All these letters were given to the priest from St. Petersburg so that he could provide statistics. But his unsuccessful presentation did not convince anyone.

From my observation on the proceedings of the Council, I can affirm that Filaret showed the utmost self-control.

From the point of view of human psychology and presentation skills, there were many interesting events: flawless speeches and oratorical presentations. Metropolitan of Krutitsky and Kolomensky, Yuvenaly Poyarkov spoke very well. 'I know by my own experience, as the Ruler (Sovereign), that it is not so easy to leave', – he said, hinting to his leaving the position of a Primate of Department of the External Church Affairs. Many kept in mind 'the protective speech' (as together we named it) of Metropolitan Filaret. On the first day he said it so: 'I will die, but not leave!', and many spitefully reminded him of this phrase. But in his speech there were a lot of interesting things: for example, harsh words concerning the problem of sexual minorities in the Church. **Filaret almost left the meeting when the proposition was introduced to deprive the Ukrainian Church of its already existing independence.**

The events took place in the following manner: By evening of the first day there were a lot of delays. And someone among the bishops of the dioceses, I do not remember who, in generalities suggested to revert back to the previous status and deprive the Ukrainian Church of even the autonomy and the self-administered status it had already been given. At this moment Filaret stood up from the presidium, began to collect his papers and said – I remember this phrase well, word for word – **'Well, in such a Council I have nothing to do at all; where they are even going to cancel independence'**. (He) got up, collected papers and began to leave. Aleksiy was completely embarrassed. Kyrill, who was sitting on the side, near the right of the presidium, took the floor, collected his thoughts as he appeared to be very confident, and said: 'I want everyone to realize what is going on here. It is a terrible schism of the Church'. I liked the additional words that he spoke very convincingly and clearly. In the summary, Filaret sat down back at his place and they continued to talk.

Only Bishop Yakiv remained with Filaret. When Filaret was getting up from a presidium, Yakiv already managed to leave the hall. He waited there for about 15 minutes and when Filaret did not leave the meeting Yakiv returned to the hall. Some even began to laugh. Finally, when Filaret promised, if his person is part of the problem, then, for the sake of the church peace he will leave his post. Afterwards, it seemed as though a stone was taken from their shoulders, and all were very satisfied and happy".

Thus, at the April Council of Bishops of the ROC there were no legal proceedings regarding Metropolitan Filaret. **Not through canonical church court procedures, but by means of psychological pressure and blackmail, it was demanded from Metropolitan Filaret that he leave his position as Primate of the UOC. Such demands are a direct violation of the church canons, and therefore cannot be executed through canonical means.**

4. ABDICATION FROM THE CATHEDRAL THRONE

The 9th Canon of the Third Ecumenical Council or the Message of the same Holy Third Ecumenical Council to the Holy Council of Pamphylia refers to their former Metropolitan Eustathius. The Primate of the Church of Pamphylia, Metropolitan Eustathius, under pressure from weighty external circumstances and personal attacks against his Primacy, submitted to the Council of Pamfiliy a written resignation from his position. The Council of Pamfiliy accepted his resignation and chose a new Metropolitan, Theodore. Concerning the resignation of Metropolitan Evstafy the rule states the following: “Being [Evstafy] distressed by some people, as he says, and under the unexpected circumstances, also later because of superfluous inactivity, tired by the fight against anxieties, which burdened him, and being unable to cast aside complaints by his opponents, we do not know how, but he submitted in writing his resignation from his diocese. But to him, who once undertook a holy and priestly responsibility, it is necessary for him to hold it with a spiritual strength as if with weapons, embracing the labor, and gladly to overcome the burden which promises requital”. In accordance with the ancient church practice, the former Metropolitan of Pamphylia Eustathius lost not only his diocese, but also in general his episcopal rank and honor. Because of this, he became greatly depressed and appealed to the Ecumenical Council with a request to reinstate him only to the dignity and rank of bishop. Taking into account his advanced age and emotional state, the Council allowed him to retain the rank of bishop, but stated that he should not serve as a diocesan bishop.

Based on the interpretation of this rule, the authoritative Orthodox canonist Bishop Nikodim (Milas) of Dalmatin-Istriysky writes: **“The rules of the Orthodox Church categorically condemns a bishop, a Metropolitan or a Patriarch, who resigns from the administration of that church area that was entrusted to him by the constituted authority; giving such [renunciation], he ceases to be a bishop in the most severe sense of this word...According to the content of the 17th rule of Antioch Council, no bishop may leave the cathedral entrusted to him. Exceptions were allowed only in cases of unwillingness of the clergy and people to accept the elected one.** It is a unique case when a bishop who does not manage the diocese is allowed to keep the rank and honor of bishop; in other cases he is simply just deposed”. Bishop Nikodim also gives an interpretation of the commentary of the Byzantine canonist John Zonara of the 9th Canon of the Ecumenical Council, who writes: “Remarks of fathers in relation to that, by assuming the holy responsibility he (i.e. Eustathius) had to keep it to the end with a spiritual strength, – shows that **submission of renunciations from holy responsibility is not only not permitted, but rather it is prohibited and it is subject to conviction.** Concluding the consideration of this rule, Bishop Nikodim draws a conclusion: “Thus, **according to the teaching of the Orthodox Church, any bishop, regardless of his hierarchical level, has no right to submit his resignation from the cathedral throne entrusted to him, because, by such submission, he**

ceases to be a bishop in the most severe sense of this word, i.e. he loses all rights within the responsibility of a bishop”.

An important remark, that directly relates to this topic, can be found in the 3rd rule of Bishop Cyril of Alexandria. He writes: “It is not in compliance with the church decrees that some priests (i.e. hierarchs) submit a written resignation. Thus, **if they are worthy to serve, let them be; if unworthy, let them leave their service, through condemnation for their actions**, against whom someone can pronounce in a loud voice and as such, that takes place outside the order”. In his interpretation, Bishop Nikodim writes: “The Primate of the Church of Alexandria sees extreme illegality in such an act (resignation from a cathedral throne)... If anyone deserves a hierarchical seat in Church, then he must always remain in this place, **if he is unworthy of it, he must be cast out by a Church court, instead of accepting his voluntary or forcefully imposed renunciation”.**

The authoritative Byzantine canonist Val'samon in the interpretation of this rule says: “[Resignation] is invalid and inconsistent with the church decisions, if those who perform divine service renounce their Churches”. As we understand from the rule of Saint Cyril of Alexandria and from the interpretation given by two authoritative canonists, the renunciation from a cathedral is an uncanonical act. If a bishop has not violated the canonical rules, he must not abandon his cathedral by voluntary or forced resignation. If he has violated canonical rules, then it is necessary to start legal church court procedures against him and to deprive him of his cathedral. This bishop must not leave the cathedral by resignation, but as a violator of canonical rules in accordance with the verdict of the church court.

According to the canons of the church and their interpretations, **Metropolitan Filaret has no right to submit a request to resign from his post in the See of Kyiv, and, by his actions, he behaved in accordance with the canons.** The Council of Bishops acted against the canons by forcing Metropolitan Filaret to draft a resignation from the See of Kyiv. Therefore, the canonical truth was on the side of Metropolitan Filaret, because procedures for relieving a bishop from a cathedral, i.e. only by means of a legal court, are spelled out in the canons.

It is an irrefutable fact that no proper church court proceedings have ever been initiated against Metropolitan Filaret. It should be remembered that the Church Court of the ROC, established only in 2000 by the Council of Bishops of the ROC, has not yet been formalized and to this date has not yet begun to function. In cases of canonical violations by bishops of the ROC, the Holy Synod has always appointed a commission for verification of factual complaints and, based on its decisions, and only then, the Synod of Bishops determined the form of punishment. This is how it was done with Bishop Gabriel of Khabarovsk and Bishop Nikon of Ekaterinburg. Bishop Nikon was accused of blatant homosexual behavior in publications of the central press, but the Synod of the ROC, only after consideration by two commissions (the first having acquitted Nikon) to dispatch him “to retirement” at his own request. Today, this bishop is the abbot of a cathedral monastery in Moscow.

UOC-MP Archbishop Vasily (Zlatolinsky) testifies that he was carefully investigated concerning his living with a woman: "I am not married. I live in one house with my sister. Although, we had different fathers, but we have the same mother. Unfortunately, many times questions were raised about my sister regarding her status as if she was my wife or even mistress. The question for a very long time was captiously investigated. I supplied the documents of my mother, my sister, and also my personal documents. The special commission went to Tashkent, where we had lived earlier, and questioned my relatives and neighbors. The documents summarizing the end result of the investigation are kept by Metropolitan Volodymyr in my personal file. The documents testify that the woman living with me is my stepsister" (The Zaporozhie regional weekly "The Establishment" September 28, 2006).

In 1962, Bishop Filaret was elevated to the rank of Archbishop, and in 1966 appointed to the See of Kyiv, and since that time was a permanent member of the Holy Synod of the ROC. In 1990, he was named the Locum Tenens of the Patriarch of Moscow and, during all this time, there were no accusations made against him. No commission was ever called to investigate Metropolitan Filaret, and **at the April Synod of Bishops of the ROC, no one submitted any written accusations against him. Quite the contrary, the episcopacy of the UOC and the entire National Council had testified earlier that the prosecutions against Metropolitan Filaret are not true.** Therefore, the actions of this Council of Bishops of the ROC is a reminder of the trial of our Savior by the Sanhedrim, when the sentence was known in advance, the perjuries did not coincide with each other, and the accusation was built pursuant to the words of the accused.

In their decision, the April Council of Bishops of the ROC in 1992 testified that Metropolitan Filaret had duly carried out his duties and is worthy to continue as a ruling Bishop: "The Council of Bishops took into account **the statement** of the Most Reverend Filaret, Metropolitan of Kyiv and of All-Ukraine, that for the sake of church peace, at the next Council of Bishops of the Ukrainian Orthodox Church, he will submit a request to be relieved from the position of the Primate of the UOC. Understanding of the position of Metropolitan Filaret, the Council of Bishops **expressed to him its gratitude for the long period of labor as Archbishop of the See of Kyiv and blessed him to serve as Archbishop at another cathedral** of the Ukrainian Orthodox Church."

It is obvious from the preceding consideration, the statement of Metropolitan Filaret on retirement (instead of the "oath", as the sources of Moscow Patriarchate try to present now) was under duress, and that the removal does not comply with the canons or with the Constitution regarding the administration nor by the decisions made by the National Council of Bishops of the UOC. Therefore, it is clear that, upon his return to Kyiv, Metropolitan Filaret decided not to fulfill his previous actions because the canons even forbid of the fulfilling of an oath, much less a statement of intent, if it violates the law.

It should also be noted the decisions approved by the Holy Synod of the ROC of May 7 and 15, 1992, demanded only one thing from the Primate of the UOC., that he resign as Primate of the UOC. All subsequent punishments initiated by the Administration of the ROC and by the so-called

“Kharkiv Council” regarding Metropolitan Filaret refer to nothing other than his refusal to submit to the illegal demand for his retirement. Bishop Nikodim in his interpretation of the 5th Canon of the First Ecumenical Council quotes a passage from the “Rudder” where he compares similar illegal demands and calls them “a passionate wish”: **“It is required to investigate whether the excommunication imposed on someone is unworthy (*not due to pertinent actions and not in accordance with canons*), but rather caused by faint-heartedness, i.e. by a bishop’s fury, or by some dispute, or by some other guilt, because of a passionate wish of a bishop. There is a presence of a passionate wish if the bishop says that, if you did not do this for me then you will be excommunicated”**.

5. THE COUNCIL OF BISHOPS OF THE ROC OF JUNE, 11, 1992 AND SO-CALLED “JUDICIAL ACTION”

The Council of Bishops of the ROC of June 11, 1992 was convened for the trial of Metropolitan Filaret. This so-called “court” was unlawful because only the church authority that elects the Primate of the UOC, i.e. the Council of Bishops or the National Council of the UOC, has the authority to judge the UOC Primate. Previously, the senior church authorities of the UOC had testified that they did not have any canonical questions regarding the Primate of the UOC. The accusations made at the so-called “Kharkiv Council” have no genuine merit, as this gathering was not a legitimate Council, but was an arbitrary assembly of schismatics and bishops, bishops who had earlier signed the decision by the National Council of the UOC which rejected all accusations against Metropolitan Filaret and had voted for the decision of the Council of Bishops of the ROC of April 1992 which expressed gratitude to Metropolitan Filaret for many years of service in the See of Kyiv and acknowledged him worthy to perform further service as an archbishop. Therefore, **the so-called “Judicial Act” of the Council of Bishops of the ROC of June 11, 1992 must be acknowledged as nothing else than the result of a “passionate wish” of the hierarchs of the ROC**, to punish Metropolitan Filaret primarily because he did not proceed to submit his resignation, and for his aspiration of autocephaly for the Ukrainian Church, adherence to the resolutions about autocephaly by the National Council of Bishops the UOC held on November 1-3, 1991, and adherence to the canons and Constitution of the UOC.

If during the Council of Bishops of the ROC of March 30 - April 4, 1992 accusations surfaced against Metropolitan Filaret that he “conducts an amoral way of life, that he has a wife and children, that he tyrannizes the episcopacy and clergy, that he forces them against their will to be in favor of the autocephaly of the Ukrainian Orthodox Church” and so on, then why did the Council not begin investigating any one of these issues? Why did the Council not appoint an appropriate committee of inquiry, and why did it not engage in collecting testimony from witnesses, and other such steps, instead of pressuring Metropolitan Filaret to agree to voluntary reassignment?

Why did the Council, when Metropolitan Filaret was present, express its gratitude for his long labor in the See of Kyiv and bless him for continuation of episcopal service at another cathedral of the UOC and then, the Council of June 11 of the same year, in the absence Metropolitan Filaret, decide to deprive him of his rank? Perhaps these bishops are ashamed to look into the eyes of their concelebrant for many years, a member of the Holy Synod and candidate to the throne of the Patriarch of Moscow, or perhaps the leaders of the Council were afraid that, if open legal proceedings were held, Metropolitan Filaret would be vindicated.

And what happened to the consciences of the Ukrainian bishops? How could bishops by the same hand sign the Act of National Council of the Ukrainian Orthodox Church, which specifically rejected the slander of Metropolitan Filaret of Kyiv and All-Ukraine, the Primate of the UOC, in November 1991, and then in Kharkiv in May of 1992 sign decisions of a pseudo-Council in which they “expressed doubt concerning his moral views”, illegally dismissed him from the position of the Primate, and forbade him to perform the divine services? For this reason these bishops assembled secretly and as far as possible from their Primate, in Kharkiv, – because they did not dare lie to his face.

The Council of Bishops of the ROC accuses Metropolitan Filaret of allegedly violating the 27th Apostolic Canon: “We command to remove from the holy rank of a bishop, or a presbyter, or a deacon, who uses physical force in order to scare the faithful sinners or faithless people, who offend (him)”. However, no evidence of any use of physical violence by Metropolitan Filaret was cited. Meanwhile, the accusation of an “arrogant attitude” toward subordinates can be brought up against any leader. Such accusations are especially popular to those whose illegal acts have been discovered by their leader. In the “Appeal to the Primates of National Churches” Metropolitan Filaret testifies: “First, I did not beat anybody, and I considered it to be my obligation to the Church to admonish people of the requirements of maintaining church discipline among bishops and clergy. To some bishops and clergymen of low morals, these requirements may be received as haughtiness, dictatorial behavior, and blackmail”.

In the “Appeal” it was stated regarding the next accusation: “It is possible that women staying in my house could be under the 3rd Canon of the First Ecumenical Council. However, I do not understand why those who condemn me, including Patriarch Aleksiy II, do not apply this rule to themselves. My judges also have women in their houses. Under the difficult conditions of the Church’s existence in our country, during the period of the communist era, Patriarch Aleksiy II and other bishops allowed themselves to have women in their houses, yet accuse me of similar actions. I think that the Council in this case must be just and true”.

I ask you: “what does the canon forbid?” Metropolitan Filaret declared to the Council of Bishops in April 1992, “the canon does not forbid a woman to reside in the house of a bishop, but it forbids sin, lechery, and cohabitation. I helped a woman and her adopted children, who are close to me and who, because of her serious illness, was abandoned by her husband. I knew that some would try to use this to lay dirt on me, but I could not do it differently. You insinuate that I have

children. I tell you: they are not my children; they are children of my sister. They are her adopted children. Previously they were aware of this issue in Moscow: both the Patriarch and the members of the Council. I helped a poor and sick woman and her children.”

Eugenia Petrovna Rodionova was ill most of her life. In her young age she was bedridden from a serious form of rheumatism. Her convalescence could be called a miracle of healing, as she did not have any hope for a long life.

As a repayment for her healing and for the gratitude of the Merciful God, she raised three children adopted from orphanages (Lyubov was adopted from an orphanage in Yalta, Andrij and Vira from the Sverdlovsk house). She died on October 20, 1997. Therefore, it is completely senseless to consider her having once lived in the house of Metropolitan Filaret as a reason for the schism in the Ukrainian Church. Especially, taking into account the fact that certain UOC-MP bishops viciously accusing Metropolitan Filaret **are indulging in unnatural amoral sins**. The names and the amoral acts of these persons are well known in the UOC, both MP and Kyiv Patriarchate.

“Perjury”

The Council of Bishops of the ROC of June 11, 1992 accused Metropolitan Filaret of perjury. The charge of “perjury” was based on non-performance of the non-canonical offer to vacate the position of Primate of Ukrainian Orthodox Church, as expressed by him at the previous Council of Bishops of the ROC. Is it possible to consider such action by Metropolitan Filaret as a violation of an “oath”? First, there is no evidence that Metropolitan Filaret made an oath.

To the contrary, on April 2, 1992 the Council of Bishops of the ROC issued a resolution containing the following point: “The Council of Bishops took into account **the statement** of the Most Reverend Filaret, Metropolitan of Kyiv and of All-Ukraine, that for the sake of church peace, at the next Council of Bishops of the Ukrainian Orthodox Church, he will submit a request to be relieved from the position of the Primate of the UOC.” The resolution of the Council does not include a single word supporting the groundless criticism that an oath or agreement was broken.

However, on May 7 of that same year, in the Register No. 34 of the meeting of the Full Synod of the ROC, the same action of Metropolitan Filaret is reported in the following manner: “Metropolitan Filaret **agreed** with the criticism addressed to him and, before the Cross and the Holy Gospel, **gave his word as a bishop**, that he would convene in Kyiv the Council of Bishops of the UOC, at which he will submit a petition of his retirement from the position of the Primate.” Within one month a “statement” transformed itself into “his word as a bishop”, and, as if wishing to present something desired as real, the words were appended that Metropolitan Filaret “agreed with the criticism”, which never transpired.

Then, within 20 days, on May 27, the “Appeal of the Council of Bishops (i.e. the Kharkiv arbitrary assembly) of the Ukrainian Orthodox Church to the clergy and believers of Ukraine” states: “He [Metropolitan Filaret] **admitted his guilt**, and for the sake of the church peace and prosperity of the Ukrainian Church **twice gave his vow as a bishop**, before the Cross and the

Gospel, to convene in Kyiv the Council of the Ukrainian bishops and to submit a petition relieving himself of the responsibilities of the Primate of the UOC.”.

Thus, within a period of less than two months, the same actions of Metropolitan Filaret are reported quite differently in the documents published by the Moscow Patriarchate. Given these contradictions, it must be concluded that the decision of the Council of Bishops of the ROC of April 4, 1992, the document published immediately closest to the events reported and the only one signed by Metropolitan Filaret himself as a member of the presidium of the Synod, is accurate in classifying the words of Metropolitan Filaret as a ”statement“, and it seems clear that he did not make any vows to relieve himself from the position of Primate of UOC, and that he never agreed with the criticism addressed at him.

The very fact is that an oath could not have been made. In the authoritative canonical collection *Alphabetical Syntagma* by Hieromonk Matthew (Vlastar), this law is quoted: “Bishops and clergymen are prohibited to swear at all: for them **an oath is changed by written evidence**”. Therefore, Metropolitan Filaret was not in a position to swear an oath at the Council of Bishops, not only in regards to resigning from the position of Primate of the Ukrainian Orthodox Church, but on anything else.

Is it possible to examine the statement done under constraint as an analogue of oath? Following the analysis of the entire chapter 32 of volume “E” of the “Syntagma” it can be concluded that there is a substantial difference between the actual oath and promise given even in the presence of the Cross and the Gospel. The sign of an actual oath is the object or the person by which one is sworn. It can be the Lord God, Ruler, the own life or salvation, etc. If there is no subject of an oath, then there is no the real oath. What in fact was it that Metropolitan Filaret was supposed to have “sworn” to? The documents of the ROC do not answer this question.

Was there a written petition presented by Metropolitan Filaret, which is the analogue of an oath for a clergymen? No, there was no petition; otherwise it certainly would have been attached to the accusatory documents which were circulated, in great number, by functionaries of the ROC.

Although Metropolitan Filaret did not make any vows or any written promises to leave his position, he was condemned, illegally, of “perjury”. The real perjury is that the Ukrainian episcopacy ignored their signatures on the decisions adopted by the National Council of the UOC, and that the episcopacy of the ROC, within a period of less than two and a half months, adopted two mutually exclusive resolutions: on April 2nd “to declare gratitude to Metropolitan Filaret and to bless him” and on June 11th to “deprive him of his rank of bishop”.

We can see in the historical examples the difference between verbal and written statements. During the disputes concerning the legality of the condemnation of Saint John Chrysostom by the Council in Dub, his opponents used as arguments the rules of the Arian Antioch Council directed against Saint Athanasius the Great. In order to stop the dispute, Bishop El'pidiy, an adherent and follower of John Chrysostom, offered to the Emperor the following: “Let Antioch, Akakius and others declare in writing that they accept the dogma of that Council whose decisions they quote,

then I will acknowledge myself defeated, and the dispute will be resolved”. The noted bishops quietly consented, promising to formalize a written statement the next day. History records that the Emperor Arcadius never received their statement or any document bearing their signature.

There is another example concerning this case, which happened in 1,666-67, the judgment of Patriarch Nikon during the Great Moscow Council. At the judicial meeting he stated that “The Greek rules are indirect and were published by heretics.” In response, the Eastern Patriarchs answered, “Write and sign by your hand that our Book of Rules is heretical, and the rules in it are indirect, and specify what exactly in this book is heretical.” Nikon did not specify any heresy in those rules and no handwritten testimony was given. Therefore, this “perjury” of Metropolitan Filaret is a fiction, invented by the bishops of the Moscow Patriarchate.

The next accusation is based on the 28th apostolic rule that talks about those clergymen, who “were justly excommunicated for the obvious guilt”. If they “dare to perform the divine service, which once was entitled to them – let them be completely separated from the Church”. Metropolitan Filaret did not violate this rule, because never was he deprived “justly and for the obvious guilt” from the rank of bishop. We also would like to indicate the absence in formulation of the elementary logic for accusation against the Primate of the UOC: the mentioned rule specifies a punishment for those already deprived of their clergy rank, while the “Judicial act” was intended for “the deprivation of the rank of bishop” of Metropolitan Filaret.

“Schism”

The final charge of the indictment touches on the alleged violation by Metropolitan Filaret of the 15th Canon of the Second Council of Constantinople: “If any presbyter, or any bishop, or any metropolitan dares to cease the interface with his Patriarch and will not commemorate his name in a certain established order in the course of sacramental service prior to the Council consideration of his guilt then he creates a schism; and when proven of his lawlessness, the Holy Council determines him to be deprived of any priesthood.” The so-called “Judicial Act” does not provide any evidence that Metropolitan Filaret ceased to commemorate the name of Patriarch Aleksiy II during divine services before June 11, 1992.

The defendant in the “Appeal” asserts quite the opposite: **“I was extolling the name of the Holy Patriarch of Moscow and of All-Russia Aleksiy during my divine service until my unfair condemnation by the Moscow Council of Bishops on June 11 of the current year and I did not create a schism...** The culprits of the new schism in Orthodoxy in Ukraine are the participants of the so-called ‘Kharkiv Council’. Some of them (for example, Bishop Onufriy of Chernivzi, Bishop Sergiy of Ternopil, Bishop Alipiy of Donetsk) ceased to commemorate the name of the UOC Primate, Metropolitan Filaret of Kyiv and All-Ukraine, during divine services, even before the illegal election of Metropolitan Volodymyr as Primate of the UOC. Therefore, not I, but the so-called ‘Kharkiv Council’ created a new schism in Ukraine.”

Not one of the accusations directed against Metropolitan Filaret, on the basis of which he was defrocked by the so-called “Judicial Act” of the Council of Bishops of the ROC of June 11, 1992,

have been proven. The meeting of the Council did not follow proper procedures, acting in the absence of the defendant, who was not even informed about this event. A witness present at the Council, Eugen Kormarov affirms: "The [April] Council was interesting, vivid, something lively and real took place, it was felt that indeed some real issues of the Church were decided. I was sitting there, and did not want either to eat or to drink. We sat up till midnight and felt that we were a part of history. At the next Council everything was staged by [Metropolitan] Cyril, and we were disappointed because we knew the results ahead of the meeting, we were bored and not interested in the proceedings. It was worse than a CPSU [Communist Party of the Soviet Union] Congress. Someone got up and languidly muttered some words. All voted unanimously and that was it. It was dull and not interesting. All they wanted was to give the impression of some meaningful pomposity, but it did not come to fruition. Everyone was disappointed because they understood that they had been set up".

6. THE APPEAL OF METROPOLITAN FILARET TO THE PRIMATES OF NATIONAL CHURCHES

Immediately after the unjust sentence by the Moscow hierarchy, Metropolitan Filaret published the "Appeal of Metropolitan Filaret of Kyiv and All-Ukraine to the Holy Orthodox Patriarchs and to all Primate of National Orthodox Churches". According to the canons, no verdict is enforceable until this appeal has been reviewed. The Appeal of Metropolitan Filaret is still under consideration, and none of the Primate of the National Orthodox Churches has yet to comment.

The representatives of the Moscow Patriarchate have attempted to avoid canonical consideration of the case of Metropolitan Filaret citing telegrams of Primate or representatives of other National Churches addressed to Metropolitan Volodymyr (Sabodan), or by quoting their utterances during interviews on festive occasions.

However, **from the point of view of canonical standing, all these actions are private opinions of individual persons, expressed without consideration of the pertinent circumstances of the case.** It is reckless and wicked to present such thoughts and statements as the position of Ecumenical Orthodoxy. On behalf of every National Church, only the Primate or proper assembly is authorized to speak, and any opinion expressed by them **must be** based on the canonical grounds. The opinions of Primate or Councils, which are not based on canonical grounds, do not have a deciding value.

7. THE TRIAL OF SAINT ATHANASIUS OF ALEXANDRIA

It is not only in our time that Councils of Bishops have adopted anti-canonical decisions. Defenders of the truth also suffered from unfair legal proceedings in the Ancient Church. The acts of the Arian councils against Saint Athanasius, Patriarch of Alexandria set the stage for the First Ecumenical Council, and the Nicene Creed. As historian A.I. Kartashev wrote: "The enemies of Athanasius knew well, that in the time of Constantine it was difficult to achieve a direct abolition of

the Nicean Creed and resorting to the most unceremonious and slanderous approaches began their anti-Nicean and pro-Arian struggle against the defenders of Nicea, and Athanasius was the first of them.”

The enemies of Saint Athanasius resorted to the most ludicrous accusations against him. They stated, for example, that Athanasius illegally imposed a new tax in Alexandria. The bishop of Memphis, John Arcaph complained to the capital of Athanasius’ extra demands. Another accusation was that, at Athanasius’ command, the Presbyter Makarius grabbed a chalice from the schismatic Presbyter Ischyras and smashed it.

Ischyras, at the request of St. Athanasius, supplied a written statement to the authorities, stating that there was no attack against him, and that he was sick at the time Presbyter Makarius came to visit him. In order to slander Athanasius in front of the Emperor, Athanasius was accused of treason, that he sent gold to the rebel Philumenus.

The Saint was even accused of having murdered Bishop Arsenius, and using his dismembered hand for witchcraft. Enemies of the Saint even hid Arsenius in a monastery so that he could not be summoned to disprove this charge. Eventually, supporters of Athanasius found Arsenius, and Arsenius wrote a letter begging Athanasius for his forgiveness.

As a result of the slanderous campaign against Athanasius, in 335 in Tyre, on the occasion of the consecration of the newly built Church of Christ’s Resurrection in Jerusalem, a Council was convened with the trial of Athanasius on the agenda.

Once again, the charges of the broken chalice and Bishop Arsenius were raised. Saint Athanasius brought along the previously “killed” Arsenius, and presented him to the participants of the Council, alive and with both hands. The opponents of Athanasius continued their lies, now alleging that Plusian, a bishop faithful to Athanasius, burned down the house of Arsenius, placed him in a detention cell, and tortured him there. Arsenius escaped through a window and was in hiding, they claimed, and his supporters thought that he had been killed.

When the lies of the assembled bishops were uncovered, they began to shout “Tormentor! Sorcerer! Unworthy to be a bishop!” Servants escorted Athanasius out of the hall. The Saint clearly understood that his personal life was in danger, and fled.

During the Council, it was decided to confirm the accusations, which were in doubt after the refutations of Saint Athanasius, and for this purpose a commission was sent to Egypt. This commission was deliberately composed of enemies of Athanasius.

None of Athanasius’ supporters were allowed to join the commission, and none of his clergy were included. The work of the commission was finished secretly and quickly. For a large bribe, an official of the Alexandrian prefecture wrote the necessary report.

”Athanasius”, Kartashev writes, “was not so naive, that he would passively give himself up to the hands of his enemies. Outcast from the meeting of the Council, he disappeared immediately”. The Council of Tyre deposed Athanasius in absentia, and banished him from Egypt. All bishops

were ordered to break any relations with Athanasius. His act of fleeing was used to impeach him, and was declared as a proof of his guilt.

Apparently feeling that they had completed a “job well done”, the members of the Council departed for Jerusalem, where they together dedicated the Church of the Resurrection of Christ Church which had been built by the Emperor Constantine. From Jerusalem, they wrote to the Emperor that **the Council had acted to attain church peace and unity. “And by what a small price! It is worth to remove one disagreeable person, and the Church is entirely unified!”**, gave Kartashev as the opinion of the members of Council in his study *Ecumenical Councils*. Presently, the same thoughts are being spread out by the adherents of the Moscow Patriarchate regarding Patriarch Filaret and the so-called “Kharkiv Council”.

The Emperor exiled Athanasius to the west European city of Trier. The revered Anthony the Great wrote letters to Emperor Constantine in defense of the unjustly condemned Saint, and the Emperor responded, that “it is impossible that such a numerous assembly of bishops, educated and wise, would condemn an innocent man. Simply, Athanasius is a proud, unceremonious, quarrelsome man”.

”When our wise Filaret [Drozdov, Metropolitan of Moscow] expressed to one secular interlocutor who was rejecting the rightness of some judicial sentence, ‘a Court does not make mistakes’, he [the layman] objected, ‘Your Grace, you forget about the trial of Jesus Christ!’. Blessed Filaret with a deep breath contritely acknowledged, ‘In this minute the Lord forgot me.’ ” (*Ecumenical Councils*)

It is possible to dismiss the example, stating that because Saint Athanasius was driven out by heretics, the trials *in absentia* of Athanasius and Metropolitan Filaret cannot be compared. This is probably true, but the approaches of the “legal proceeding” of the Arian heretics and of the ROC in the 20th century are very similar, and the unjustness of the trial of Saint Athanasius was eventually acknowledged even by Emperor Constantine, Equal to the Apostles.

8. THE TRIAL OF SAINT JOHN CHRYSOSTOM

To further refute potential objections, let us analyze another trial, the trial by Orthodox bishops of Saint John Chrysostom.

After arriving in Constantinople in 381, Saint John Chrysostom began to deliver sermons which surprised the people. For the common people, it was especially incongruous to hear from the mouth of the Archbishop of Constantinople accusations addressed to the “mighty of this world”, because, before St. John, they had never heard such.

St. John’s predecessor, Nektarios, continued to live a very secular life even after being named Patriarch, and did not seem to care about the discipline of the clergy. Saint John began to impose canonical prohibitions on the violators. Such actions by a new Primate immediately increased the number of his enemies. Especially, the Empress Eudoxia began to grow discontented with him.

On one occasion, the bishops of the Ephesian Metropoly asked Saint John Chrysostom, as the bishop of the capital city, the New Rome, to come to them as an impartial arbitrator to settle a dispute among them. The bishops accused Metropolitan Anthony of Ephesus of performing several improper episcopal consecrations. Saint John, after reviewing this issue, deposed Metropolitan Anthony and the 13 wrongfully appointed bishops.

These actions by the Saint outside his diocese raised a jealous reaction from the Patriarch of Alexandria, Theophilus. Theophilus could not reconcile himself with the increased authority of the Capital See of Constantinople, seeing it as a humiliation of his own See of Alexandria. As a consequence, it appeared that Theophilus would gladly have accepted any action that would slow down another “parvenu” from Constantinople. The opponents of Chrysostom in Constantinople used the position of Theophilus to their advantage.

John, a defrocked deacon banished from Constantinople for murder, devoted himself to the campaign against Chrysostom. Those who were discontented with the consecrator accused him of having consecrated bishops, even four at a time, without having consulted with any one; having ordained a deacon outside the Holy Liturgy; and having given a woman, the deaconess Olympiad, the right to carry out charity work at her discretion.

With the consent of the Emperor, a Council was convoked in Dub, a suburb of Constantinople. At this Council, the majority was comprised of obvious enemies of Saint John. As a condition of his presence at the meeting the Saint demanded that his personal enemies Patriarch Theophilus, Akakius of Veria, Antioch of Ptolemaida and Severian of Gabala be excluded, because they could not be objective judges in his case. However, it was not the intention of the chair, Patriarch Theophilus, to oversee impartial legal proceedings, but rather it was to dethrone Saint John Chrysostom from the Cathedral Throne, and thus the noted persons all sat as participants of the Council. Chrysostom refused to appear before this assembly, and was judged in absentia.

Based on the groundless accusations, and mainly upon the grounds that Saint John did not attend the unfair trial, he was condemned and deprived of his rank of Archbishop. On the same day, the decisions of a pseudo-Council were signed by the Emperor and reported to the clergy of the Church of Constantinople. To compel the Emperor to sign the order, among the charges listed against John was the crime of “contempt of the Imperial Throne”, based upon his impassioned homilies.

Chrysostom was secretly whisked out of Constantinople, but the people revolted and demanded his return. Empress Eudoxia, who had become a dire enemy of the Saint, grew fearful and wrote to the Saint asking him to return. A joyful populous greeted the returning Archpastor.

The government sent invitations for a new Council to solve the question of legality of the Council in Dub. Although the members of this Council did not reach a consent, the political authorities counted the votes favoring a decision condemning Saint John Chrysostom. The **Saint did not acknowledge the decision of either the Council in Dub or the second Council**, and was held under house arrest. When at last the empress found the courage to exile him to the

“regions unknown to man”, there was again rioting in Constantinople. The Saint was again secretly whisked out of the city, and force marched through Asia Minor to his place of exile. Wherever the dethroned Archbishop of Constantinople was conveyed, the bishops hid out of fear of being suspected of having sympathy or respect for the Saint. They did not even provide him with basic comfort.

In 407, Saint John Chrysostom died near the settlement of Komany (in present day Georgia). It is said that his final words were: “Thanks to God for everything!”

Writing to please Patriarch Theophilus, Saint Hieronymus described John Chrysostom as a “wicked, robber, sacrilege, Judas and Satan, who cannot be properly punished even by hell”. Saint Cyril of Alexandria, the nephew of Theophilus, replied to a request to rescind the condemnation of Saint John by writing: “To include the dethroned John among the episcopacy would be the same as including Judas among the apostles”. That is what these contemporaries of St. John, who would later be recognized as saints, wrote about John Chrysostom. Later they would recant, but at the time, only these evaluations existed about Saint John; therefore it is necessary to remember that **only the Lord God is faultless and Holy.**

X. THE SO-CALLED “ANATHEMATIZATION” OF PATRIARCH FILARET

Having failed to attain their desired ends through the illegal and unfair trial of the Primate of the UOC, the leaders of the Moscow Patriarchate in February 1997 then decided to destroy the Kyiv Patriarchate through “imposition of anathema” on His Holiness the Patriarch of Kyiv and of All Rus-Ukraine. The decision **on “anathematizing” Patriarch Filaret was adopted by the Council of Bishops of the ROC. Such a decision is lawless, non-conforming to church practices, and without power over Patriarch Filaret.** The episcopacy, clergy, and laity of the Ukrainian Orthodox Church - Kyiv Patriarchate, who number no less than ten million faithful Orthodox Ukrainians, do not acknowledge the decisions of the Moscow Council of Bishops of June 1992 and February 1997, or any of the decisions of the so-called “Kharkiv Council” of May 1992, regarding the so-called “deprivation of episcopal rank” and “anathematizing” of Patriarch Filaret, or otherwise they would not participate in the spiritual life and acceptance of Holy Mysteries in Kyiv Patriarchate.

1. HOW THE APOSTLES USED THE ANATHEMA (CONDEMNATION)

The Greek word “anathema” means to separate, to remove. In the Christian Church, the authority to separate is based on the words of our Lord, Jesus Christ, who stated, “If the offender refuses to listen even to the church, let such a one be to you as a Gentile and a tax collector” (Matthew 18:17). By these words the Lord taught the apostles to relate to those people rebellious to the Church in the same manner that the Jews related to the Gentiles and tax collectors, who were separated from the Jews and not allowed to enter the synagogues. Similarly, those who did not listen to the Christian Church should not be welcomed as faithful people.

The Apostles separated the unworthy from the faithful. Therefore, the Apostle Paul excommunicated a sexually immoral Corinthian (1 Cor. 5:1), telling the people to “hand this man over to Satan” (1 Cor. 5:5). He considered separation from the Church community a punishment for guilty people. Not just the sexually immoral, but also those who committed other crimes were subject to excommunication (1 Cor. 5:9-11). In the opinion of Saint Paul, the separation of a sexually immoral Corinthian must lead him to repentance and correction. He was punished for his vicious life, i.e. for violation of Christian morals. However, the Apostle Paul also excommunicated people for delusion and wicked teaching. In his message to Timothy he writes: “By rejecting conscience, certain persons have suffered shipwreck in the faith; Among them are Hymenaeus and Alexander, whom I have turned over to Satan, so that they may learn not to blaspheme” (1 Tim. 1:19-20).

The Apostle Paul imposed excommunication and use of the word “anathema” (condemnation) on those who taught contrary to the teaching of the apostles. He wrote to the Galatians: “But even if we or an angel from Heaven should preach a gospel other than the one we preached to you, let him be eternally condemned! “ (Gal. 1:8; also 1 Cor. 12:3).

During the Apostolic period there were many heretics, but we do not see from the writing of the apostles that all of them were excommunicated. The Apostle Paul anathematized only when he foresaw a benefit both for the excommunicated and for the Church. He handed the flesh over to Satan when he knew that the soul of the sinner would be saved (1 Cor. 5:5).

St. John Chrysostom explained that the Apostle Paul suffered in pronouncing an anathema: “The very Soul of Apostle Paul burned, when he stated ‘I fill up in my flesh what is still lacking in regard to Christ’s afflictions’ (Col. 1:24). Having such love, he never caused any violence to any one, otherwise he would not have been able to bring to Christ so many peoples and entire cities; he performed it by submission, suffering hits, slaps, mockeries from all, asking, begging”.

2. HOW THE ANATHEMA WAS USED BY THE ANCIENT CHURCH

Based on the example of the apostles, excommunications took place in the Ancient Church. During that period, there were two types of excommunication: partial and complete. Those who had sinned but repented were subject to a partial excommunication. They lost the right to participate in the Holy Mysteries and be present at their performance; they were required to leave the premises of the Church and, during the performance of the Eucharist, they stood at the doors of the church and asked those inside to pray for them. However, these people were not considered to be outside of the Church. The interface between them and the faithful was partially interrupted. The faithful were in a certain way associating with them. They sympathized and breathed with them. The Church, as a good mother, cried with them and, according to the expression of St. Amvrosiy Mediolansky, tried to wash their sins by its own tears.

Complete excommunication was imposed on heretics and violators of the Christian morals, who had neither love for nor obedience to the Church. These people did not wish to return to the truth, to repent and to acknowledge church teaching. The Church did not wish to have any type of association with such people. It treated them as persons who do not belong to its body. The Church deprived such heretics of the Holy Mysteries and participation in liturgical services.

It did not express love to them, and the excommunicated did not love the faithful members of the Church. The Holy Church did not accept them in their midst and called upon the faithful not to associate with them. The Apostolic Saint John the Theologian wrote that “Anyone who runs ahead and does not continue in the teaching of Christ does not have God; whoever continues in the teaching has both the Father and the Son. If anyone comes to you and does not bring this teaching, do not take him into your house or welcome him” (2 John 9, 10).

By the time of Saint Augustine, the partial had come to be named “medicinal” and the complete “mortal”. The former was considered temporary, and the latter eternal. By the example of the apostles, the Ancient Church anathematized only after means of persuasion and threat of punishment were attempted, and only then was it believed necessary to use stronger measures in order to stop and decrease the evil which was spread by heretics.

The Church softened the severity of its laws in order to encourage the return of heretics, and Councils facilitated the laws for repented heretics and schismatics. For the sake of peace, the Church allowed them to maintain their priesthood, episcopal dignity, and rank.

The First Ecumenical Council allowed the bishops who were part of the Meletian schism to maintain their episcopal dignity. The Council applied the same procedure to bishops who were in the Novatian schism.

The bishops who interfaced with the Arian heretics were accepted back into the Church without any punishment, in the rank of bishop. It was also permitted to accept the Donatists in episcopal dignity. The Seventh Ecumenical Council permitted the return of heretic iconoclasts to the Church in their existing rank. It must not be forgotten that all heretics were anathematized and, as such, were removed from the Church. The Church did not perform repeated consecrations on the returning heretics. It is worthwhile then to note the acts of the Moscow Patriarchate, who perform repeated consecrations on the Orthodox.

For example, Metropolitan Volodymyr (Sabodan), in violation of church canons, repeated the consecrations of Bishops Antoniyy (Fialko), Mykolay (Hrokh), Panteleymon (Romanovskiy), and Ioan (Siopk), while Patriarch Aleksiy II performed a second consecration on Metropolitan Antoniyy (Masendich), even though every one of these bishops had been consecrated into the apostolic succession by non-heretics.

The Ancient Church anathematized heretics, but, following the ancient exhortation, did so with sorrow. Arius was condemned by the Alexandrian bishop Alexander only after he had been repeatedly asked to abandon his heretical teaching about the Son of God, and bishop Alexander was distressed by the death of this heretic and his followers. The Fathers of the Third Ecumenical

Council wrote that it was with tears in their eyes that they sorrowfully declared their decision against Nestorius. The Fathers of the Fourth Ecumenical Council also expressed grief concerning the verdict they were forced to declare against Dioskor. **Saint John Chrysostom went as far as to state that he did not believe it should be possible to condemn (anathematize) any one. In his words, the Saint stated “that neither living nor dead may be damned. But who are you that appropriate yourself such a power [to condemn] and such great strength? Those, who abuse the commands by the Lord and commit a man to the church anathema by appropriating themselves the dignity of the Son of God, they impose on themselves a complete destruction”.**

Saint Augustine defines an anathema legal in those cases when a person is excommunicated and openly acknowledges their guilt, and does not renounce it. **According to Saint Augustine, if a person who is excommunicated does not acknowledge their guilt, it is impossible, according to Saint Augustine, for anyone, no matter who, to excommunicate that person.** He states: **“If a person does not confess openly his or her guilt... we can not excommunicate anyone from the interface with the Church”.** Therefore, **no one should be anathematized without their own acknowledgment of their guilt (of heresy or trampling of Christian morality); such is illegal, that is, invalid.**

In the experience of the Ancient Church, anathemas were generally imposed not on individuals, but more commonly on false doctrines, i.e. heresy. The Church teaching was taught under the umbrella of so-called “anathematisms“. The “anathematisms” were structured in the following manner: “If somebody does not believe, that ... (a formulation of the truth of the faith), let there be anathema“. The Councils imposed anathemas not on the individuals but rather on a false doctrine, i.e. heresy. Any person that supported a heresy was included in the anathema, but a heretic who renounced the heresy was absolved from the anathema. There are well-known examples of anathemas imposed on certain persons, such as Arian, Nestorian, Dioskor and others, but all of these individuals were leaders, promoters and symbols of a specific heresy, and it was as such that the anathema was imposed on them. While the Ancient Church used anathemas for the purpose of defending cleanliness of dogma and morality, in the second millennium a new era brought a new use for anathemas: they came to be used as a tool in power struggles. Anathematizing in a struggle for power cannot be justified from an evangelical point of view because it conflicts with the words of Jesus Christ: “The kings of the Gentiles lord it over them; and those who exercise authority over them call themselves Benefactors. But you are not to be like that” (Luke 22:25-26). No benefit could be derived for the Church from such anathemas. For example, the mutual anathemas of Rome and Constantinople did not help in achieving the unity of the Church. History and church practice has shown that neither the East nor the West acknowledged these anathemas as actual, because both the Orthodox Church and the Catholic Church acknowledged, and continue to acknowledge, the reality of each other’s Mysteries.

3. THE ANATHEMA AGAINST METROPOLITAN GREGORY (TSAMBLAK)

The Russian Orthodox Church imposed anathema on many of its heretical leaders and the spreaders of heretical teachings. The anathema was imposed on heretics, (“strigolnics”), “hair-cutters”, the followers of Jewish heresies, and other heretics. Such methods of struggle for the cleanliness of Christian dogma is confirmed by the old tradition of the Church.

Additionally, **the Russian Church began to use anathemas as a tool for retaining its ecclesiastical authority over the Kyiv Metropoly which was located in the territory of the Lithuanian state. In the Ancient Church no such practice existed.**

One example is the anathema imposed by Metropolitan Fotiy (+1431) and the Moscow Synod on Metropolitan Hryhoriy (Tsamblak) of Lithuania. He was condemned not for heresy, but for appropriation of ecclesiastical authority. Fotiy stated that he was a rebel appointed by an “unfair assemblage” (!) instead of by the Canons of the Saints, and without the blessing of the Patriarch; on those grounds he was stripped of his episcopal rank by the Holy Synod and by Patriarch Evfimiya, and was further defrocked from the priesthood and condemned. Metropolitan Fotiy wrote: “Also we consider him to be excommunicated and condemned by all of our bishops, priests and all Christians”, and further specified that individuals desiring to associate with Hryhoriy would not inherit the Kingdom of God.

This anathema was rejected by the bishops of the Kyiv Metropoly. In a declaration of the Synod, they justified the appointment of Metropolitan Hryhoriy on the grounds that Metropolitan Fotiy despised the Kyiv Church and cared only about the collection of church taxes. And that the Lithuanian Prince Vytautas asked the Greek Emperor Manuil and Patriarch to provide Lithuania a separate Metropolitan, but Emperor Manuil did not agree by the reason of his personal covetousness. The bishops, archimandrites, abbots, monks, and priests, and also the princes, grandees, and boyars of Lithuania then assembled on November 15, 1416 in the church of the Virgin Mary in the city of Novogrudka, and, following the Canons of the Apostolic Saints, appointed Hryhoriy Tsamblak as Metropolitan of Kyiv and All Rus.

The contemporary Russian historian Metropolitan Makariy (Bulgakov), when chronicling the anathematization of Hryhoriy Tsamblak not only called him “our Metropolitan of that time”, but even regarded him higher than Metropolitan Fotiy. Metropolitan Makariy wrote: “Hryhoriy outpaces Fotiy with a higher natural gift and mind, and by the existing references about him, in general, he was a man very scientific and educated”.

All of this proves that **the anathema imposed on Metropolitan Hryhoriy (Tsamblak) by Metropolitan Fotiy in 1416, not for heresy, but in the struggle for ecclesiastical authority, was ignored by both his contemporaries and descendants. None, in future generations, denied the priesthood of Metropolitan Hryhoriy or of the bishops he consecrated.**

4. MUTUAL ANATHEMATIZING DURING BREST COUNCILS OF 1596

The Councils of Brest of 1596 were a genuine struggle for the ecclesiastical authority of the Church. In every way, Rome, through the Union, attempted to subjugate the Kyiv Metropoly. This struggle relied very much on anathemas. Metropolitan Mychail Rohoza of Kyiv, together with the other bishops, clergy, and laity who took part in the Union Council defrocked and condemned Bishop Hedeon of Lviv, Archimandrite Tur of Kyiv-Pechersk, and all other clergy which took part in the Orthodox Brest Council. The actions of the Orthodox Council were no less decisive. Nikifor, the Exarch of the Ecumenical Patriarch stood up on a platform and, holding a cross in his right hand and the Gospel in the left, loudly proclaimed: "The Holy Divine Church of the East orders us and this Council, that Metropolitan Mychail (Rohoza), and with him bishops listed herein, are deprived of the rank of bishop, divine communion, and every spiritual dignity".

What were the results of the mutual defrocking and anathemas? For more than four hundred years the Uniate Greek Catholic Church, which does not acknowledge the depravation of episcopal dignity and defrocking of its clergy, has continued to exist. The Orthodox Church during this period increased its authority and also rejected both the anathema and defrocking of its clergy. During all this time, whenever a **"Uniate" bishop or priest joined the Orthodoxy, they were not re-consecrated, and neither did the Uniate bishops re-consecrate the Orthodox.** Although the Brest anathemas were never officially rescinded, in reality they are inapplicable. In accepting the Greek Catholic clergy into the ROC in 1946 without re-consecration, the Moscow Patriarchate placed political expedience over all other concerns.

In connection with the acceptance of the Greek Catholic clergy in their existing dignity, it should also be noted that in the same period of the 1940's, the Russian Church in the territory of Ukraine was re-consecrating all clergy of the Ukrainian Autocephalous Orthodox Church, even though this clergy had been consecrated by a legitimate hierarchy with apostolic succession. In this latter case, the Russian Church sinned against Church dogma and canons.

5. ANATHEMAS BY THE RUSSIAN CHURCH FOR NON-RELIGIOUS REASONS

The Ancient Church did not know anathemas for other than religious reasons. Secular crimes were punished in civil courts. The Church did not interfere in state affairs, and, as such, did not punish political prisoners in a Church court. However, first in the Roman Church, and later in Byzantium, the practice of "political anathemas", imposing anathemas for political rather than religious reasons, began. In Muscovy, anathemas became a means of using pressure for the benefit of princely and tsarist authorities. Great Prince John of Moscow (1327), unable to force Pskov into submission by armed force, applied the anathema. He convinced Metropolitan Feognost to impose a condemnation on Prince Alexander and all inhabitants of Pskov. Muscovite bishops threatened to impose an anathema on the Prince of Uglich Dmitry Yur'evich if he did not submit to Great Prince Vasiliy (1447). Metropolitan Herontiy (1486-1489) sent messages addressed to Vyatichs urging him to submit to the Great Prince and not to join his enemies, lest all

be anathematized. Also in a letter (in 1537), the Great prince John Vasil'evich and Metropolitan Daniel ordered the Staritsky Prince Andrew to come to Moscow, lest he be anathematized.

In such a manner, the anathemas served as a means for forcing submission to the authority of the Prince of Moscow, and had nothing in common with the church understanding of anathematization.

Later, the names of the most famous politically anathematized were even included in the ranks of those remembered during the week of the Triumph of Orthodoxy, and the anathemas of the following have been renewed annually: "Grishka Otrep'ev, Sten'ka Razin, Emel'ka Pugachev, Ivashka Mazepa", and others. The persons that were considered to be dangerous to the state were included in the ranks of the anathematized using diminutive humiliating diminutive forms of their names as a sign of contempt for them. For the same purpose, abusive language was included in the texts of the anathemas. The many abusive words in the anathematizing acts signed by the bishops are in general **conflict with the commandments of the Lord to love your enemies and bless those who condemn you.**

6. EXCOMMUNICATION AND CHURCH PUNISHMENTS DURING THE SOVIET ERA

Historians researching Russian history during the Soviet period consider that the authority of the "Deputy Throne-keeper", and later the locum tenens, Metropolitan Sergiy (Stragorodsky) did not have an undisputed canonical legality.

The issue of legality or illegality of the primacy of Metropolitan Sergiy of the Russian Church is connected with the appointment of the locum tenens by Patriarch Tikhon on the instructions of the Council of 1917-1918 while the Primate was still alive. This method did not have any precedent in the history of the Church and directly conflicts with the canons, which forbid bishops to appoint their successors. The revolutionary situation in the country and the fact that the Patriarch acted in accordance with decisions of the Council were cited as justifications for Patriarch Tikhon's actions.

If the historical circumstances can provide an excuse for the Russian Church's violations of church canons, why must the national movement for autocephaly of the Ukrainian Church abide by the letter of these canons? The church in Ukraine faced no less difficulty than the church in Russia.

Metropolitan Sergiy encountered strong opposition: from the bishops of Solovetsk, and from the "Living Church", the Gregorian dissidence, and the Josephians, to say nothing of the Russian Church Abroad. All of these strongly condemned the violation of church canons by Metropolitan Sergiy.

The Council of Bishops which took place in Karlovtsy (Yugoslavia) accused Metropolitan Sergiy and those who supported him of being apostates of the faith, in the same vain as the ancient libellists, the Christians, who refused to openly revile Christ or offer sacrifice to idols, but who obtained from the pagan priests false certificates as if they were in full agreement with the

pagan religion. These certificates saved the libelists from persecution.

The Ancient Church anathematized such Christians but allowed those who repented to return after 15 years. The Karlovatsky Council (Karlov Vary) acted the same way regarding Metropolitan Sergiy and his followers for pronouncing their loyalty to the godless Soviet authority.

Metropolitan Sergiy was criticized for applying only light canonical sanctions against the dissidents in Russia and abroad. Perhaps, it was his intent to use these sanctions on those who opposed his authority, to strengthen his unsteady leadership position. The end result of these sanctions was that the division in the church was exacerbated, with the strongest opposition members accusing the “Sergiev Church” of being without God’s Grace.

Adopting the tactics of the revisionists who defrocked Patriarch Tikhon, Metropolitan Sergiy resumed the old method of Synodal administration and under state pressure, church sanctions, were imposed, on the guilty and the innocent.

On April 11, 1929, Metropolitan Sergiy and his Synod adopted a decision to prosecute, forbid from performing divine services and send into retirement Metropolitan Iosyf (Petrovykh), Bishop Ierofey (Afonin), Bishop Evheniy (Kabanov), Archbishop Serafim (Samoylovych), Archbishop Varlaam (Ryashentsev). Metropolitan Agafangel (Preobrazhenskiy), taking into account his “former merits for the Church”, was allowed to remain in the rank of Metropolitan for one month repentance, whereupon he was subjected to laicization. Such sanctions were applied on all other bishops who refused canonical submission to Metropolitan Sergiy.

On December 24, 1930 Metropolitan Sergiy and his Synod defrocked Metropolitan Evlogiy (Georgievsky) and the bishops loyal to him, and informed the Ecumenical Patriarch of this decision. The reason given was the refusal to declare loyalty to the Soviet authority. After this sanction, Metropolitan Evlogiy was accepted into the jurisdiction of the Ecumenical Patriarch and, naturally, continued to be a priest. The Patriarch did accept the sanctions of Metropolitan Sergiy, or the sanctions of the Karlovatsky Council concerning Metropolitan Evlogiy. This Council not only imposed sanctions, but also explained that “his divine service is without God’s Grace, sacraments carried out by him, are not true sacraments, and consecrations performed by him are non-canonical”.

We should call attention to the fact that none of the anathematized Bishops subjected to laicization by either Metropolitan Sergiy or the Karlovatsky Council acknowledged these acts. Moreover, the Ecumenical Patriarch did not consider them valid. Patriarch Vasily in his appeal to Metropolitan Evlogiy writes: “The sanctions imposed on you by the so-called Council of Bishops is an act of canonical lawlessness, and therefore has no church authority”. The Ecumenical Patriarch was supported by the Patriarch of Alexandria and the Primate of the Greek Church.

The bishops of Solovtsy shared the same point of view. In their message concerning the “Declaration” of Metropolitan Sergiy they wrote that the church sanctions imposed by him on the archbishops who emigrated from Russia violated the decisions of the National Council of 1917-

1918, which explained the canonical impermissibility of similar sanctions and rehabilitated all of those who had been subjected to laicization on account of political transgressions.

However, **Metropolitan Sergiy and his clergy took their own sanctions seriously. The clergy re-christened with Holy Oil (“mhyrr”) the priests which were not in prayerful union; Metropolitan Sergiy re-blessed the marriages that were already blessed by them, and would not perform requiem services for their dead.**

In 1944-45 in Ukraine, all priests from the Autocephalous Church headed by the Metropolitan Polykarp (Sikorskiy) who had been consecrated by bishops under Metropolitan of Warsaw Dionisiy, about whom there was no question of validity, were again “consecrated”.

As stated before, the extreme opposition also accused the “Sergiev Church” of being without “God’s Grace”. However, this point of view was not shared by the Bishops of Solovetsk or by other venerable Russian Bishops, such as Metropolitan of Kazan Cyril, Metropolitan of Yaroslavl Agafangel and so on. For example, Metropolitan Cyril, in his exile, wrote to Metropolitan Sergiy: “You and the Synod with the negative attitude in the administration of church activities are perceived as a rejection of the Church, its sacraments and the whole of its sacred being”.

It should also be remembered that in 1811 the Georgian Orthodox Church was deprived of autocephaly by a decree of the Tsar and annexed by the Russian Church as an Exarchate. In this case, no question regarding the adherence to canons was raised because a completely secular person – the Russian Tsar – by his own authority abolished the autocephaly of this National Church. In 1917, the Georgian hierarchy and clergy declared the renewal of the illegally abolished autocephaly, but this Church was not recognized by neither Patriarch Tikhon or Metropolitan Sergiy (Stragorodsky). Only in 1943, under pressure from Stalin, did the Moscow Patriarchate allow to “fall into oblivion” all claims against the Georgian Church and enter into prayerful communion with her. Here, the Divine Truth won again, because the Church overcame the illegal actions of both the Russian Empire and the Moscow Patriarchate.

7. CONFLICT BETWEEN THE MOSCOW PATRIARCHATE AND ROCA

During the twentieth century, from 1920 through the 1990s, the Moscow Patriarchate and the Russian Orthodox Church Abroad (ROCA, the organization established at the Karlovatsky Council) on numerous occasions exchanged between themselves mutual threats of church separation, threats of legal action in secular courts, and even anathemas. The Council of Bishops of the ROCA anathematized the “heresy of ecumenism”, which, although not formally imposed on the Moscow Patriarchate, was directed towards it because the Moscow Patriarchate was very active in the ecumenical movement during the decades of the 60's through the 80's. ROCA condemn the Moscow Patriarchate of the “heresy of Sergiacy”. However, none of this prevented the process of ROCA from joining with the Moscow Patriarchate. Although both sides had earlier repeatedly called on their opponents to repent, there is not a single word in the union documents regarding repentance of either side. **This precedent can be used as an example of how, by the virtue of a change in a political situation, previously imposed sanctions and anathemas simply “give**

way to oblivion". Therefore, under the present circumstances, if the UOC-MP indeed wishes to unite the Orthodox Church in Ukraine, its bishops must cast aside their requirement for "repentance" by the Kyiv Patriarchate. From our side, the Kyiv Patriarch imposes no similar requirement on the UOC-MP, although the promoters of the Moscow Patriarchate have committed many sins against God and the Church for which they should confess.

On the issue of the canonical sanctions there is a very interesting statement regarding the decisions of the Holy Synod of the ROC of December 26, 2006 (the Register Books No. 118 and 119). The first decision is to restore the rank of the priest to Vladimir Karelin, who was defrocked because in 1993 he switched to the jurisdiction to ROCA:

"Taking into consideration that the deposition of the priest Vladimir Karelin

1. was not confirmed by the Higher Church Authority;
2. that it was pronounced without following all the established canonical procedures;
3. that it was adopted in connection with his joining the Russian Orthodox Church Outside Russia, with which the Moscow Patriarchate did not have canonical communion, whereas such communion is now being reestablished;
4. taking into consideration the recommendations of His Grace, Bishop Michael of Kurgan and Shadrin and of His Grace, Bishop Evtikhy, the conclusions of the the Commission of the Moscow Patriarchate for Dialogue with the Russian Church Abroad, as well as the repenting petition of Vladimir Karelin, -- it is resolved to accept Vladimir Karelin in the rank of presbyter".

Regarding ROCA Bishop Yevtikhiy (Kurochkin), who before his episcopal consecration was prohibited from performing divine services in the Moscow Patriarchate, the Synod adopted the following resolution: "on December 22, 2006 (four days prior to the Synod's meeting) the Right Reverend Antoni, presently the Archbishop of Krasnoyarsk and Yeniseisk, who in 1990 defrocked Father Superior Yevtikhiy (Kurochkin), released him from earlier imposed prohibition. Recognizing the removal of the canonical prohibition imposed on the Right Reverend Yevtikhiy during his tenure as an abbot, and to acknowledge him in the dignity of a bishop".

According to the teachings of the Orthodox Church, the priestly grace is transmitted only during the sacrament of consecration. Therefore, the term "renewal of sacred dignity" is a fiction, invented to justify illegally imposed sanctions on Priest V. Karelin "without the observation of all procedures established by canons". Thus, the Synod acknowledged the unjust laicization of Priest V. Karelin, and from 1993 until 2006 the representatives of the Moscow Patriarchate lied in the assertion that he was not a priest. The Synod also acknowledged the validity of the episcopal consecration on Abbot Yevtikhiy (Kurochkin), even though during the act of consecration he was under sanction placed upon him by a bishop of the Moscow Patriarchate.

This remains unclear: **given the above, why are the consecrations performed by Metropolitan Filaret and Bishop Yakiv, during the time of their subjection to laicization by the Moscow Patriarchate, not acknowledged as valid?** Previously, it was been proven that the decision regarding the "deprivation of dignity" of Metropolitan Filaret "was made without

adherence to all procedures established by the canons”. The decision about “deprivation of dignity” and “anathematization” of Patriarch Filaret also “was not ratified by the Supreme Church Authority”, i.e. by the National Council of the ROC. There are no official answers to the “Appeal” addressed to the Primate of the National Churches. Therefore, for Patriarch Filaret and the Kyiv Patriarchate the prohibition and anathematizing by the Moscow Patriarchate also cannot be considered valid.

XI. THE POSITION OF THE KYIV PATRIARCHY TOWARD THE UOC-MP AND THE UAOC

1. THE POSITION TOWARD THE UOC-MP

The present structure of the UOC-MP was organized as the result of a schism, planned and conducted by the management of the Moscow Patriarchate with the assistance of the Special Services and by some bishops of the UOC. Created at the so-called “Kharkiv Council”, the UOC-MP is a part of the Ukrainian Orthodox Church which broke away from its Primate, violated the decision of autocephaly by the National Council, and was subjugated by the Moscow Patriarchate.

2. THE UOC-MP, AS A CHURCH ADMINISTRATIVE STRUCTURE, CANNOT BE CALLED A “CHURCH”

The UOC-MP, as an administrative church structure, can not be called a Church or even a National Church, because it does not have a status of the autocephaly, or of the autonomy.

The Orthodox Church acknowledges only two types of church structure: an autocephalous Church or an autonomous Church. The All-Orthodox assembly in the course of preparation for the All-Orthodox Council could not formulate a common rule (cannon) for creation of autocephalous and autonomous Churches because of discrepancies for the last 30 years between the Moscow and Ecumenical Patriarchates. The Church canons do not contain provisions for the Church structure of an “independent and self-administered” status, and this status is not acknowledged by Ecumenical Orthodoxy. On this basis, the so-called “Ukrainian Orthodox Church” within the structure of the Moscow Patriarchate can not be called a Ukrainian Church; it is only a part of the Russian Orthodox Church. The bishops, clergy and laity of the UOC-MP should be aware of this and not mislead themselves, the people, or the nation.

The Ecumenical Patriarch Bartholomew does not acknowledge the UOC-MP as the National Church; in his letter dated August 2, 2000 he wrote to Metropolitan Volodymyr (Sabodan): “With a great sorrow and a deep pain we received, despite the lack of proper protocol in communicating church problems, through the administrative ranks by hierarch of the National Churches, and we read your text sent to our Modesty, adopted at the meeting (instead of, indisputably, at the Council or the Synod) of 35 bishops of Ukraine on the 28th day of the month of July in the Lavra of the Assumption of Theotokos in the city of Kyiv”. **Patriarch Bartholomew does not consider**

Metropolitan Volodymyr to be the Primate of a National Church, and reminded him of the proper procedure of bishops of one church to communicate through their own Primate with another Primate. **He does not consider the UOC-MP to be a Church, because he specifically states it is an aggregate of dioceses belonging to the Moscow Patriarchate in Ukraine and that it has no authority to convene Councils or Synods.**

3. A WARNING TO THE HIERARCHY, THE CLERGY AND THE LAITY OF THE UOC MOSCOW PATRIARCHATE

Considering that the UOC-MP is a part of the Unified Holy Universal and Apostolic Church, the Kyiv Patriarchate cautions its hierarchs, clergy and laity regarding those numerous violations of dogmas and canons, which came about into its life.

In particular:

- **distortion of teaching about Church**: the substituting for faith in spiritual unity in the Mystery of Christ's Body the requirement of administrative unity, which is inherent to Roman Catholicism and not in accordance with Orthodox dogma;
- **stirring up permanent enmity** against the Kyiv Patriarchate, which conflicts with the commandments of love given by the Lord to his disciples;
- **conscious violation of the dogma regarding the sacrament of baptism** by applying the practice of repeated "baptism" prohibited by the canons;
- **conscious violation of the canons which forbid the performing of repeated consecrations** of those consecrated in the apostolic succession any other than repentant heretics, which do not have the apostolic succession;
- **permanent abuse of the Holy Spirit**, which is being expressed in asserting that the Holy Spirit does not act in sacraments performed in the Kyiv Patriarchate, and also in disrespect of the Kyiv Patriarchate as a part of the One Holy Universal and Apostolic Church;
- **distortion of the importance of canons in the Church life** and proclaiming the canons (human laws) as equal to the Dogmas – the formulas of God-revealed Truth; and
- **recognizing political anathemas as valid**, lawlessly imposed by ignoring the injunction of the Holy Scripture and traditions of the Church.

The Kyiv Patriarchate supports the achievement of unity of the Ukrainian Orthodox Church on the basis of unity of Faith and pursuant to the canons. Therefore, we call upon all who belong to the UOC-MP, which calls itself a "canonical Church", to correct those numerous violations of dogmas and canons explained in this Declaration.

These and certain other violations which are present in the current activity of the UOC-MP **are mortal sins, for which each who is guilty will personally answer on the Day of Judgment.** Therefore, the Kyiv Patriarchate calls upon every bishop, priest and layman not to associate with their words and actions in spreading these sins, because they make it harder to achieve the salvation of man. For salvation it is not important which Orthodox church one visits or

where to receive the sacraments – in Moscow or Kyiv Patriarchate – and it does not matter to which Orthodox community one belongs – Kyiv, Moscow, or another. However, each person who is personally guilty of the above-mentioned sins must remember that *they* are the reason why they will not approach the Heavenly Kingdom, and are instead being removed farther from it.

For the past 15 years, the Kyiv Patriarchate has repeatedly turned to our brothers in the UOC-MP with an appeal to enter into a dialogue for the renewal of the unity of the Ukrainian Church. Each time, the UOC-MP has replied by putting forward lawless requirements testifying to the unwillingness of representatives of this denomination to conduct a dialogue with the Kyiv Patriarchate. However, remembering words of the Lord: “Knock and the door will be opened to you” (Matthew 7:7), the Kyiv Patriarchate again and again calls unto our brothers of the Orthodox faith from the UOC-MP to begin a dialogue regarding reconciliation and a mutual search for the means for achieving the unity of the Ukrainian Church.

The Kyiv Patriarchate is convinced that **the state should not interfere in church affairs, but does have the right to be, and in the future must act as, a mediator in a dialogue of union, and to effectively cooperate in the establishment in Ukraine of a Unified National Orthodox Church.**

4. POSITION TOWARD THE UAOC

With grief we attest that the current administrative status of the Ukrainian Autocephalous Orthodox Church appeared as a result of a split from the Kyiv Patriarchate of the UAOC’s former and present leaders. There are no differences in dogma, liturgical practice, or attitude towards autocephaly between the Kyiv Patriarchate and the present UAOC, but the later has been used by internal and external forces as a tool against the Kyiv Patriarchate. During 2000-2001, and again in 2005, the bishops and primates of the Kyiv Patriarchate and the UAOC signed agreements intended to bring unity to our Churches. In particular, a joint petition by the bishops of the Kyiv Patriarchate and the UAOC to Ecumenical Patriarch Bartholomew (November 2000) states: “We, the Orthodox bishops of Ukraine, in a hope for paternal care of Your All-Holiness and concern of the Mother-Church of Constantinople, wish a renewed unity of the torn Orthodox Church in Ukraine and establishing of canonical and Eucharistic unity with Your All-Holiness, with the Great Mother Christian Church of Constantinople and all National Orthodox Churches”. For the UAOC this statement was signed by Metropolitans Mefodiy and Andriy; Archbishops Roman, Ihor and Ioan; and Bishops Makariy and Yakiv. After this petition was presented, on November 8, 2000 the following “Simfonitikon” (“Agreements”) was signed in Constantinople:

”Having met before the Ecumenical Patriarchate, we, the undersigned representatives of two Orthodox church associations of Ukraine: Andriy, Metropolitan of Lviv and Sokal'sk; Danyil, Archbishop of Rivno and Ostrozh; and Dymytriy, Bishop of Pereyaslav-Khmel'nitsk of the Ukrainian Orthodox Church Kyiv Patriarchate, and Mefodiy, Metropolitan of Ternopil and Podilsk; Andriy Metropolitan Halytsky; and Makariy, Bishop of Lviv of the Ukrainian Autocephalous Orthodox

Church, **mindful of the requirement and necessity of unity with the purpose of formation of the Unified National Orthodox Ukrainian Church**, agreed for implementation of our intentions and wishes to set up a mixed committee in order to search for possible ways leading to achieving this unity with the following preconditions:

1. From this point onwards all mutual recriminations at all levels between our Churches will halt;

2. From the time of acceptance of these preconditions, no congregations, communities or clergy shall change jurisdiction without an agreement and against the canonical rules;

3. Henceforth our Churches will mutually avoid performing canonical actions (elections and consecrations of bishops, removal of dignity, etc.) up to the date of final resolution of the union;

4. At every stage of its work, the established commission will turn to the Ecumenical Patriarchate to request advice regarding its work. In the event of some doubt raised during the period of its activity, the commission shall turn to the Ecumenical Patriarchate for an evaluation and proposal before making a concrete decision.

After completion of the mission of this commission:

1. Both sides will jointly report a summary of their work to the Ecumenical Patriarchate;

2. The Ecumenical Patriarchate will resolve canonical issues and situation with bishops and clergy of their Churches; and

3. Shall request the Ecumenical Patriarchate to take under its responsibility (guardianship) and make its best effort for the formation of a unified, independent Orthodox Ukrainian Church with a pre-condition to unite all separated Orthodoxies in Ukraine into one unified Orthodox Church”.

After negotiations in Ternopil and Kyiv, on July 10, 2001 delegations of the Kyiv Patriarchate and the UAOC headed by their Primate signed an Agreement which, in particular, stated: “We once again confirm our previous agreements and declare that **the goal of our negotiations is the establishment of the Unified National Ukrainian Orthodox Church by uniting our Churches**, and the acknowledgement of it by the Mother Church of Constantinople and by other Orthodox National Churches. Taking into account that we are identical in professing the Orthodox faith and adhere to the church canons, our **delegations reached a consent regarding Eucharistic unity of our Churches at the pastoral level**. We consider also that there **are no dogmatic or canonical obstacles for concelebration at the episcopal level**”. Bishops Mefodiy, Andriy, Roman, Ioan and Yakiv all signed this document. As such, today’s statements by the bishops of the UAOC regarding the “impossibility” of Eucharistic communion with Patriarch Filaret are puzzling.

That the noted Agreements and other documents were all signed either in the presence of the Ecumenical Patriarch or in agreement with representatives of the Ecumenical Patriarchate confirms the aspiration of the Constantinople Mother-Church that the Kyiv Patriarchate and the UAOC become united. Therefore, present references by the bishops of the UAOC implying that Ecumenical Orthodoxy is against such union are an intentional lie.

Unfortunately, neither the agreements of 2000-2001 nor similar agreements of the autumn of 2005 led to the union of the Kyiv Patriarchate and the UAOC. The reason for this has been the conscious and persistent actions of the Episcopacy of the UAOC to use all means to dismiss Patriarch Filaret from the position of the Primate. These actions are evidence of the connection of these hierarchs with the Moscow Patriarchate, which since 1991 has strived to attain the same purpose.

Furthermore, there is evidence that the present hierarchs of the UAOC are being used by the Moscow Patriarchate as an instrument for destroying the Kyiv Patriarchate through the revmoval of Patriarch Filaret from the Primacy.

The hierarchs of the UAOC also strive to trade the autocephaly of the Church for acceptance into the Moscow Patriarchate, as evidenced by their actions in common with the UOC-MP. However, the clergy and believers of the UAOC were, and remain, faithful to the idea of autocephaly of the Ukrainian Church and do not share the aspirations of the episcopacy.

The Kyiv Patriarchate is especially surprised by the verbal attacks made by the bishops of the UAOC on Patriarch Filaret, and their expressions of doubt regarding His Holiness' episcopal dignity. **If Patriarch Filaret is not a bishop, then a considerable portion of the hierarchs of the UAOC are also not bishops**, as they derive their apostolic succession from consecrations performed by the Patriarch. It should also be noted that not all Bishops of the UAOC have indisputable apostolic succession, and that **it is therefore unworthy for these persons to level accustations in matters in which they are not clear.** It is also not worthy for the bishops of the UAOC to condmen the Kyiv Patriarchate for being in communion with certain national churches which are not yet acknowledged by Ecumenical Orthodoxy when these same bishops are the source of consecrations for such hazardous church groups as the “Russian True Orthodox Church” and others, which have neither justifiable grounds for existence nor any prospect for recognition.

The Council of Bishops of the Kyiv Patriarchate believes that sober-minded and patriotic forces in the UAOC will ultimately move it to union with the Kyiv Patriarchate in a Unified National Ukrainian Orthodox Church.

CONCLUSION

Fifteen years have passed since the events that divided the Orthodox Church in Ukraine. During these years, we have witnessed many sad events. Remembering the words of our Savior: “Do not judge, or you too will be judged. For in the same way you judge others, you will be judged, and with the measure you use, it will be measured to you” (Matthew 7:1-2), we profess that determination of guilt belongs to God for each in all of it, because only He is an unhyprocritical judge. However, all persons must also remember that for all acts each of us will personally give an answer before Him.

Our Lord Jesus Christ names love the main sign of affiliation with His Church : **“By this all men will know that you are my disciples, if you love one another”** (John 13:35) If the Savior obligates us to love our enemies, to bless those who despise us, to do good things to haters and pray for our persecutors (Mathew 5:44), all the more He obligates us to show love to our brothers in faith – not with words, but by deeds. “Love is patient, love is kind. It does not envy, it does not boast, it is not proud. It is not rude, it is not self-seeking, it is not easily angered, it keeps no record of wrongs. Love does not delight in evil but rejoices in truth. It always protects, always trusts, always hopes, always preserves” (1 Cor. 13:4-7). Only those who show such a love can consider themselves to be part of Christ’s Church.

Now that the Faithful and all of society have been convinced how harmful are those who carry on disputes among Orthodox jurisdictions of the Church and the people, it is necessary to listen to the words of the Apostle Paul, who calls on us: “But now you must rid yourselves of such things as these: anger, rage, malice, slander, and filthy language from your lips. Do not lie to each other... Therefore, as God’s chosen people, holy and dearly loved, clothe yourselves with compassion, kindness, humility, gentleness and patience. Bear with each other and forgive whatever grievances you have against one another. Forgive as the Lord forgave you. Let the peace of Christ rule in your hearts, since as members of one body you were called to peace” (Col.3:8-15).

It is time to stop battling each other. In the context of secularization of society, raging amorality, and today’s faithlessness, Orthodox Christians must, as never before, be united, and, by their deeds, be the light for the world and the salt of the earth (Matthew 5:13-14). Therefore, we believe, that the words of the Apostle Paul will become a guide towards mutual understanding among all of us: “Do not let any unwholesome talk come out of your mouths, but only what is helpful for building others up according to their needs, that it may benefit those who listen. And do not grieve the Holy Spirit of God, with whom you were sealed for the day of redemption. Get rid of all bitterness, rage and anger, brawling and slander, along with every form of malice. Be kind and compassionate to one another, forgiving each other, just as in Christ God forgave you” (Eph. 4:29-32).

On behalf of the faithful brothers and sisters of the Kyiv Patriarchate, through the words of the Apostle Paul, we wish all the Faithful of the UOC-MP and the UAOC: **“Peace to the brothers, and love with faith from God the Father and the Lord Jesus Christ. Grace to all who love our Lord Jesus Christ with an undying love”** (Eph. 6:23-24).

FILARET,

PATRIARCH OF KYIV AND ALL RUS-UKRAINE

(SIGNED BY THE BISHOPS OF THE UOC KYIV

PATRIARCHATE)

FILARET,
PATRIARCH OF KYIV AND ALL RUS-UKRAINE

ANDRIY,
METROPOLITAN OF LVIV AND SOKALSK

ADRIAN,
METROPOLITAN OF DNIPROPETROVSK AND
KRYVORIH

EVSEVIY,
METROPOLITAN OF RIVNO AND OSTROH

VOLODYMYR,
ARCHBISHOP OF MYKOLAIV AND
BOHOYAVLENSK

IOASAF,
ARCHBISHOP OF BELHOROD AND OBOYANSK

DANYLO,
METROPOLITAN OF CHERNIVTZI AND
KITSMANSK

SERAFYM,
ARCHBISHOP OF KYROVOHRAD AND HOLOVANIV

OLEXANDER,
ARCHBISHOP OF BILA TSERKVA

IZYASLAV ,
ARCHBISHOP OF ZHYTOMYR AND OVRUTSCH

VARLAAM,
ARCHBISHOP OF CHERNIVTZI AND BUKOVYNA

IOV,
ARCHBISHOP OF TERNOPIL AND KREMENETZ

HRYHORIY,
ARCHBISHOP OF ZAPOROZHIA AND
MELITOPOL'S'KIY

ANTONIY,
ARCHBISHOP OF KHMEL'NITSKIY AND KAMIANEZ-
PODILSKY

IOASAF,
ARCHBISHOP OF IVANO-FRANKIVSK AND
HALIZSKIY

DAMIAN,
ARCHBISHOP OF KHERSON AND TAVRIYSKIY

JURIY,
ARCHBISHOP OF DONETSK AND MARIUPIL

DYMYTRIY,
ARCHBISHOP OF PEREYASLAV-KHMEL'NYTSKIY

IOAN,
BISHOP OF KOLOMIYA AND KOSIV

YAKIV,
BISHOP OF ODESSA AND BALTSKIY

KLYMENT,
BISHOP OF SIMPFEROPIL AND CRIMEA

MYCHAIL,
BISHOP OF LUTSK AND VOLYN

SERHIY,
BISHOP OF SLOVIANSK

IOAN,
BISHOP OF CHERKASSY AND CHYHYRYN

VSEVOLOD,
BISHOP OF LUHANSK AND STAROBILSK

KYRYL,
BISHOP OF UZHGOROD AND TRANSCARPATHIAN

MEFODIY,
BISHOP OF SUMY AND OKHTYRKA

LAVRENTIY,
BISHOP OF KHARKIV AND BOHODUKHIV

FILARET,
BISHOP OF FALESY AND EASTERN-MOLDOVA

ONUFRIY,
BISHOP OF VINNITSA AND BRATSLAV

NESTOR,
BISHOP OF TERNOPIL AND BUCHANY

FEDIR,
BISHOP OF POLTAVA AND KREMENCHUH

MATFEY,
BISHOP OF DROHOBYCH AND SAMBIR

SEVASTIAN,
BISHOP OF CHERNIHIV AND NEZHIN