



All Roads Lead to New Rome: The Canonical Origins and Status of the Orthodox and Greek Catholic Churches of Ukraine

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This article provides a brief account of the historical origins and canonical status of the three modern Orthodox and Greek-Catholic churches of Ukraine: the Orthodox Church of Ukraine, the Ukrainian Orthodox Church-Moscow Patriarchate, and the Ukrainian Greek-Catholic Church. It contains four parts. The first briefly recounts the origins of Byzantine Christianity and the fused form of state and church governance that developed in Constantinople from the 4th to the 15th centuries. The second examines the Great Schism of 1054, which cleaved Eastern and Western Christianity, sending Eastern Orthodox Christianity down the path of territory- or nation-based churches constituted by eucharistic ecclesiology; this would ultimately give rise to the Ukrainian Orthodox Church-Moscow Patriarchate in the Slavic lands that would become Ukraine. The third part considers two modern schisms, the Little Schism of 1596, which produced the Ukrainian Greek-Catholic Church, and the Final Schism of 2018–2019, which brought into existence the Orthodox Church of Ukraine. Drawing upon eucharistic ecclesiology, the final part offers brief concluding reflections concerning the ongoing implications of these three schisms for Orthodox Christianity in Ukraine.

INTRODUCTION

Shortly after Russia’s invasion of Ukraine on 24 February 2022,¹ Timothy Snyder of Yale University announced that his lecture series ‘The Making of Modern Ukraine’, consisting of 23 lectures totalling over 24 hours, would be freely available online to anyone who cared to use it. Many viewers expressed surprise that Ukraine’s history was so long, complex, and deeply integrated with the story of Europe. As Snyder put it: ‘Ukraine tends to exemplify the major trends in European and world history, but sometimes in forms so intense or radical that they escape notice and classification. Ukraine provides

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1 For a full background to the conflict, see *The Talbott Papers on Implications of Russia’s Invasion of Ukraine* (Brookings Institution, 2022), available at: <<https://www.brookings.edu/series/the-talbott-papers-on-implications-of-russias-invasion-of-ukraine/>>, accessed 10 February 2023.

an early example of European state formation and an early example of anti-colonial rebellion.² Put simply, to tell the story of Ukraine is to weave a vast tapestry sewn into the very fabric of both European and world history.³

An important part of Ukraine's story involves its Christian Orthodox and Greek Catholic churches; and as with the story of Ukraine itself, one can be forgiven for thinking that the story of Ukrainian Christianity forms a neatly contained sub-plot within the wider Ukrainian narrative. It does not. Instead, the history of Ukraine's Orthodox and Greek Catholic churches constitutes an important part of the broader story of Ukraine and of Christianity itself. There is no simple overview of the origins and canonical status of Ukraine's Orthodox and Greek Catholic churches. The story is one of bewildering complexity in its detail, emerging from the story of the Byzantine Empire—the continuation of the Roman Empire for over 1000 years from the founding of Constantinople in 330 until its fall to the Ottomans in 1453—and its fusion of church and state. There, in the imperial city of Constantinople, the fusion of the historic Roman law with Chalcedonian Christianity gave rise to an experiment in 'territory-based religion' that continues to this day.⁴

The fact that Christianity took form around political components that would later become nations is a function of the fusion of church and state which characterised the Byzantine Commonwealth.⁵ The relationship between civic governance and Christianity in Byzantium was one in which the state:

saw itself as a universal Empire. Ideally it should embrace all the peoples of the earth, who, ideally, should all be members of the one true Christian church, its own Orthodox Church. Just as man was made in God's image, so man's kingdom on earth was made in the image of the Kingdom of Heaven. Just as God ruled in Heaven, so an Emperor, made in His image, should rule on earth and carry out his commandments.⁶

- 2 T Snyder, *The Making of Modern Ukraine*, Yale Online (2022), available at: <<https://online.yale.edu/courses/making-modern-ukraine>>, accessed 10 February 2023.
- 3 T Snyder, *The Making of Modern Ukraine*, Yale Podcasts (2022), available at: <<https://yalepodcasts.blubrry.net/category/making-of-modern-ukraine/>>, accessed 10 February 2023. For a complete history, see O Subtelny, *Ukraine: A History* (4th edn) (Toronto, 2009); S Plokhly, *The Gates of Europe: A History of Ukraine* (rev edn) (London, 2021).
- 4 B Hughes, 'Introduction', in K Lygo, *The Emperors of Byzantium* (London, 2022), 11.
- 5 D Obolensky, *Byzantine Commonwealth: Eastern Europe 500–1453* (Sheffield, 2000).
- 6 See, e.g., S Runciman, *The Byzantine Theocracy* (Cambridge, 1977), 1. See also G Ostrogorsky, *History of the Byzantine State* (J Hussey trans) (New Brunswick, NJ, 1969), 30–32; P Magdalino, 'The Medieval Empire (780–1204)', in C Mango (ed), *The Oxford History of Byzantium* (Oxford, 2002), 206–2108; C Humfress, 'Law and Legal Practice in the Age of Justinian', in M Maas (ed), *The Cambridge Companion to the Age of Justinian* (Cambridge, 2005), 167–171; R Krautheimer and S Curcic, *Early Christian and Byzantine Architecture* (4th edn) (New Haven, CT, 1986), 218–219; G Cavallo, 'Introduction', in G Cavallo (ed), *The Byzantines* (Chicago, 1997), 1–13.

To understand the nature of the Byzantine form of the Christian church, then, one must understand civic governance, and to understand civic governance, one must understand the church. The two were fused in a way that continues to affect the nature of the modern Orthodox Churches, including those, like Ukraine's, that emerged from Constantinople.

Given the complexity of the Byzantine origins, this brief article makes no pretence to provide a comprehensive account of the canonical origins and current status of Ukraine's Orthodox and Greek Catholic churches. Rather, drawing upon a few authoritative sources, it serves as an overview of both the history and current position for those who seek a general account of the complexity that characterises what we find today. The journey taken in this article, then, is twofold. First, it is a story of Byzantium: the complexity that one finds, in both the historical account and the current state of affairs, has shed nothing of Byzantinism and the mindset that characterised the original emergence of church and state in Byzantium. As such, the account presented here cannot pretend to capture the richness that a detailed analysis would yield; instead, it provides a broad overview of a deeply complex field. The story begins in New Rome, or Constantinople as it was known until 1453, and from there we venture into the Slavic lands evangelised from the imperial capital and that would become Ukraine.

In telling a story of Byzantium and Byzantine in its complexity, the second part of this story identifies three signposts that allow us to make sense of the events—this part of the story is one of three schisms, one ancient and two modern. The first, the ancient Great Schism of 1054, cleaved Eastern from Western Christianity and remains to this day an open wound in the Body of Christ. The second, the early modern Little Schism of 1596, as it is called in this article, was a split among the Orthodox bishops of Ukraine that gave rise to a Greek-Catholic Orthodox Church. The third, the late modern Final Schism of 2018–2019, produced the contemporary Orthodox Church of Ukraine. Ultimately, then, the story of Ukraine's Orthodox and Greek Catholic churches is one of three schisms that find their origins in Byzantium. Or, put another way, as we will see, it is a story in which all roads lead to Constantinople, the New Rome.

The article contains four parts. The first briefly recounts the origins of Byzantine Chalcedonian Christianity in Constantinople from the 4th to the 15th centuries. The second examines the Great Schism of 1054, which split Eastern from Western Christianity, sending the Eastern Orthodox Church down the path of territory- or nation-based churches constituted by eucharistic ecclesiology; this would ultimately give rise to the Orthodox Churches in the Slavic lands that would later become Ukraine. The third part considers the two modern schisms, the Little Schism of 1596, which produced the Ukrainian Greek-Catholic Church, and the Final Schism of 2018–2019, which brought

into existence the Orthodox Church of Ukraine. Drawing upon eucharistic ecclesiology, the final part offers some brief concluding reflections concerning the ongoing implications of the Great Schism for the nature of Orthodox Christianity in Ukraine.

CONSTANTINOPLE – NEW ROME

The origins of Ukraine's churches begin in the Byzantine Christianity that emerged in the 4th century Eastern Roman Empire. This part of the story itself has two parts: first, the role played by the Byzantine Empire in shaping the history and governance of the church and, second, how the Chalcedonian eucharistic ecclesiology organises the internal life of the church. Both, as we will see, play a part in the canonical history of Ukraine's churches.

Byzantine governance

The Byzantine governance which emerged in Constantinople had two important consequences that continue to shape Orthodox Christianity today, and which played a central role in the establishment of Ukraine's churches: a mindset, or way of thinking of governance that fuses church and state, and from which emerges Orthodox canon law, itself consisting of, above all, the canons promulgated by ecumenical councils through a eucharistic ecclesiology.

Fusion of church and state: a mindset

In the 4th century, following his conversion and the cessation of state persecution of Christianity, the Emperor Constantine left the Old Rome and established a new capital at the site of Byzantium, an ancient Greek city on the Bosphorus.⁷ Constantine named this new capital Constantinople—it became the 'New Rome'.⁸

The shift in treatment of Christianity and of the capital's location forged a Christian Empire, with faith to some degree influencing government, and government to a degree influencing faith.⁹ Law and legal structures traced their origins to the secular Roman law,¹⁰ and the Byzantine state 'Christianised' those laws¹¹ through Justinian's 6th century codification of Roman law in the *Corpus Juris Civilis*.¹² The combined effect of this mutual

7 J Meyendorff, *Byzantine Theology: Historical Trends and Doctrinal Themes* (2nd edn) (New York, 1999), 1; J Binns, *An Introduction to the Christian Orthodox Churches* (Cambridge, 2002), 4.

8 Binns (note 7), 6.

9 J Meyendorff, *The Orthodox Church: Its Past and Its Role in the World Today* (N Lossky 4th rev edn) (Yonkers, NY, 1996), 16.

10 Runciman (note 6), 3.

11 Humfress (note 6), 167.

12 Tribonian led the group of scholars commissioned by Justinian to compile the *Corpus Juris Civilis*. See T Honoré, *Tribonian* (Ithaca, NY, 1978); B Nicholas, *An Introduction to Roman Law* (Oxford, 1969), 38–45.

influence was to achieve a synthesis such that to speak today of a separation of church and state is to 'mak[e] a distinction which would have been meaningless to the Byzantines; and in making it we... commit [] a historical and philological error'.¹³ At the very least, whether it was state or church that enjoyed paramouncy, any 'exceptions do not invalidate the rule: Church and State were indissolubly wedded, thus depriving Byzantium of that tension between the spiritual and the secular that did so much to shape the conscience of western Europe'.¹⁴ Yet, paradoxically, it was in this way that the modern separation of state and church emerged as a product of this fusion or synthesis, for 'although emperor and patriarch were united in promoting Christian policies, they maintained their separate legal systems. By insisting on a distinct sphere for the church, governed by its own law, Byzantium sowed the seeds of a secular state administered by civil law'.¹⁵

Nonetheless, for those living in Byzantium, fusion existed, although it was not so much a formal juridical conclusion as it was a way of thinking about the relationship between civic and secular governance.¹⁶ The real outcome of the fusion was a mindset, a way of thinking about the relationship between church and state and of governance in both spheres. The curious feature of this mindset or way of looking at the world was that while it combined a high degree of formality within a system of ceremony or ritual, the organisation of the broader society, while clearly hierarchical, also nonetheless required the involvement of all segments for the system to function as a whole¹⁷—it did not understand ceremony or ritual as being either solely civic or solely religious—both were necessary. Or, even more succinctly, governance of the two was indistinguishable: it simply was. Guglielmo Cavallo captures this integration by recounting the most frequent exemplification of the Byzantine mindset—the imperial procession:

In skilfully elaborated events, each individual and social group had a specific role to play. The procession was led by standard bearers, followed, in ascending order, by the civil and military hierarchies, and finally by the emperor himself surrounded by handpicked members of the imperial guard and by eunuchs of the bedchamber. The procession passed before the capital's civil authorities, public servants of varying

13 Runciman (note 6), 4.

14 C Mango, 'Introduction', in C Mango (note 6), 15. See also J Meyendorff, *Rome, Constantinople, Moscow: Historical and Theological Studies* (Yonkers, NY, 1996).

15 J Herrin, *Byzantium: The Surprising Life of a Medieval Empire* (Princeton, 2007), 79. On the place of the emperor within this structure, see M McCormick, 'Emperors', in Cavallo (note 6), 230–254; on the place of the bishop, see V von Falkenhausen, 'Bishops', in Cavallo (ed) (note 6), 244. See also H Maguire (ed), *Byzantine Court Culture from 829 to 1204* (Dumbarton Oaks, 1997).

16 Meyendorff (note 9), 18.

17 See, generally, Cavallo (note 6); Maguire (note 15).

ranks, groups of scribes and schoolteachers, doctors and lawyers, the compact ranks of merchant and artisan guilds, and a crowd of soldiers, peasants, day workers, slaves, paupers, holy men, and outcasts of every kind, while choirs, named after the ancient Circus factions, sang the praises of the emperor, ‘God’s lieutenant’ on earth, in rhythmical, repetitive cadences, like those of the holy liturgy. When the emperor reached Hagia Sophia, he entered the church, received the welcome of the patriarch, bishop of bishops, disappeared behind a screen where his eunuchs removed his crown in honor of the heavenly lord, and participated in the service according to the complex rules of the ceremony. After having left the church, he distributed gold to the priests, the choristers, and above all to the poor, since Christ himself might be dressed in the rags of a beggar.¹⁸

For the Byzantines, then, the world was one in which both civic and religious life blended formally; but in a way in which it would be impossible to say where one ended and the other began. We will see how this Byzantine mindset continues to this day to shape the Orthodox worldview, and how its lack of clear process—whatever must happen simply is; it is impossible to point to a sole, defined process, or one part of a process—results in what can only be described as a tenuous, messy, means of establishing new local churches.¹⁹

Ecumenical councils: canon law

Byzantine governance, and its mindset informed by fusion, or a way of seeing the relationship between state and church, bequeathed a means of resolving doctrinal disputes concerning elements of the faith: the synod, or council, in which bishops of the whole inhabited or ecumenical world,²⁰ summoned by the emperor²¹ and guided by the Holy Spirit, issued resolutions which became both laws of the Empire and normative of the faith.²² Over time, these took on the form known today as the ecumenical council. During the first millennium of Christianity, the ecumenical bishops dealt with three disputes which

18 Cavallo (note 15), 1–13.

19 Meyendorff (note 9), 20.

20 On the place of the episcopal office in the operation of the ecumenical council, see von Falkenhausen (note 15), 172–196; P Rodopoulos (Metropolitan of Tyrolöe and Serention), *An Overview of Orthodox Canon Law* (Rollinsford, 2007), 135–56.

21 On the role of the emperor in ecclesiastical life, see von Falkenhausen (note 15), 172–196; G P Majeska, ‘The Emperor in His Church: Imperial Ritual in the Church of St. Sophia’ in H Maguire (note 15), 1–12.

22 See J A McGuckin, *The Ascent of Christian Law: Patristic and Byzantine Formulations of a New Civilization* (Yonkers, NY, 2012), 167–192.

became full-blown heresies—the Arian, the Monophysite, and iconoclasm—in seven ecumenical councils.²³ These seven councils:

were afforded the highest juridical status in the governance structure of Christianity (incomparably greater in weight as far as the Eastern Church was concerned, than any emperor, patriarch, theologian, bishop, or local synod), [and] it follows that their canonical, or legal decisions assumed archetypal status in the formation of the systems of Christian law.²⁴

The period of the seven ecumenical councils continues to be normative in modern Eastern Orthodoxy. Indeed, the canons promulgated by the seven ecumenical councils form the rudiments of Orthodox canon law.²⁵

The body of Orthodox canon law is complex, gathered together in *The Rudder (Pedalion) of the Holy Catholic and Apostolic Church*,²⁶ consists of holy scripture, holy tradition, ecclesiastical ordinances, and a range of supplementary and auxiliary sources.²⁷ A full account is beyond the purposes of this article; instead, we need only focus on the legacy of three of the councils: the First Council of Nicaea (325), which condemned Arius and defined the incarnate Son of God as consubstantial with the Father, the second, the First Council of Constantinople (381), which settled the Arian controversy and adopted the present Creed, the Nicaean-Constantinopolitan Creed, and the fourth, the Council of Chalcedon (451), which established the Christology of the Eastern Orthodox Church (of which Ukraine would become a part), condemning the Monophysite heresy, and affirming that the Son of God must be confessed in two natures unconfusedly, immutably, indivisibly, inseparably, united in one Person or hypostasis. This last council is integral to the story of Eastern Orthodoxy as it would develop in Byzantium, for its statement of Christology resulted in non-Greek elements of the Empire to leave and form the Monophysite or Oriental Orthodox churches. Those that remained in the Constantinopolitan fold became the Chalcedonian or Eastern Orthodox churches.²⁸

23 Meyendorff (note 9), 24–25, 27–30.

24 McGuckin (note 22), 193.

25 Rodopoulos (note 20), 31–112. See also P D Viscuso, *Sexuality, Marriage, and Celibacy in Byzantine Law: The Alphabetical Collection of Matthew Blastares* (Brookline, 2008), 1–19.

26 The comprehensive treatment of the Orthodox canon law is typically taken to be Sts Nicodemus & Agapius (eds), *The Rudder (Pedalion) of the Holy Catholic and Apostolic Church* (Nicolaidis Press, 1908; English edition: D Cummings (tr) (Amann, 1957); repr Luna Printing Co, 1983).

27 Rodopoulos (note 20), 31–112. See also Viscuso (note 25), 1–19.

28 Meyendorff (note 9), 24–25, 27–28; P T R Gray, 'The Legacy of Chalcedon: Christological Problems and Their Significance' in M Maas (ed), *The Cambridge Companion to the Age of Justinian* (Cambridge, 2005), 215–238; L von Rompay, 'Society and Community in the Christian East', in M Maas (ed), *The Cambridge Companion to the Age of Justinian* (Cambridge, 2005), 239–266.

Thus, the canonical origins of the Eastern Orthodox churches, and so of Ukraine's churches, can be found in two important legacies of the period of the ecumenical councils. First, Chalcedonian Christology perhaps best exemplifies and characterises the Byzantine mindset, and certainly the way in which law was viewed: 'the commonwealth is identified as a Christian empire combining divine and human law in a manner similar to the Chalcedonian definition of the two natures of Christ'.²⁹ It is this way of thinking or mindset concerning the relationship between and interplay of the civic and the secular that influenced the way in which the Ukrainian churches would be created. Moreover, the councils leave an important canonical legacy—three of the canons promulgated during this period form the core of the power of Constantinople to establish new churches in new territories.

First, while the relationship between empire and church meant that both spheres were adapting similar forms of government, Canon VI of the First Council of Nicaea created an exception for the greater sees of Rome, Alexandria and Antioch—they were permitted to exercise their own governance due to the overwhelming importance of those cities within the Empire.³⁰ This canon 'legitimises a principle that "large city" should mean "large weight" in Christian polity', a 'principle [] which ha[s] ever afterwards been applied to Christian polity in the Christian East'.³¹

Second, Canon III of the First Council of Constantinople contained an exception similar in terms to Canon VI of Nicaea, allowing for Constantinople to develop its own system of governance, again, because of its status as New Rome. Still, because it was New Rome, it remained subject to the overall primacy of the Old Rome.³² J A McGuckin writes that 'from this time onwards...Constantinople rose in prominence, attracting to itself a greater and greater ecclesiastical territory from the regions of Thrace and Asia Minor. By the time of Chalcedon less than a century later its undisputed imperial status was matched by an unrivalled ecclesiastical prestige'.³³

And, third, Canon XXVIII of the Council of Chalcedon completed the division of the Empire into five patriarchates, or the pentarchy of Rome, Constantinople, Alexandria, Antioch and Jerusalem.³⁴ This canon, perhaps above all others, ensured the paramount role of Constantinople in the Orthodox polity, McGuckin writing:

29 Viscuso (note 25), 8 (citation omitted).

30 *A Select Library of Nicene and Post-Nicene Fathers of the Christian Church, Second Series, Volume XIV: The Seven Ecumenical Councils*, P Schaff and H Wace (eds) (London, 1899), I. Nice A.D. 325, Canon VI, 15. See McGuckin (note 22), 200–201; Meyendorff (note 9), 28–30.

31 McGuckin (note 22), 201.

32 *A Select Library of Nicene and Post-Nicene Fathers of the Christian Church, Second Series, Volume XIV* (note 30), I. Constantinople A.D. 381, Canon III, 178. See McGuckin (note 22), 206–207; Meyendorff (note 9), 30.

33 McGuckin (note 22), 207.

34 *A Select Library of Nicene and Post-Nicene Fathers of the Christian Church, Second Series, Volume XIV* (note 30), Chalcedon A.D. 451, Canon XXVIII, 287. See Binns (note 7), 11–12.

The canon went far beyond the statute established by Canon 3 of Constantinople I, effectively giving to the imperial city a vast ecclesiastical hinterland of influence. When the city had been founded in 330, it was ecclesiastically a parvenu. It had no territory of its own and was constantly subjected to the claims of the ancient sees of Alexandria and Antioch which ranked above it in canonical precedent. As it grew in major importance as a center of world affairs, the true seat of the Roman Empire, so it grew in weight as an ecclesiastical center ... The Chalcedonian iteration ... give[s] to New Rome the same rights and privileges of Old Rome (indeed far greater ones) in the matters of legal court of appeal and jurisdictional influence over large dioceses in the East. It retains for Old Rome only a priority of rank in precedence or honor, protocol as it were This is signified by the manner of ordaining the metropolitans of the vast surrounding hinterland of Pontus, Asia Minor and Thrace.³⁵

So important was Canon XXVIII that Justinian gave it imperial legal force as part of the *Corpus Juris Civilis*.³⁶ Following the completion of this compilation of civil law by Tribonian, a form of legislation known as new constitutions, *novellae constitutiones*, or ‘Novels’³⁷ continued to be issued by Justinian. Novel 131 contained the application of Canon XXVIII to the empire as civil law.³⁸ In this way, the Byzantine mindset—the fusion of state and church—took concrete form in relation to the place and status of Constantinople as imperial city, New Rome, and Mother Church of the local churches within the territory of its ecclesiastical jurisdiction.

The seven ecumenical councils remain both origin and source of the meaning of church in the Orthodox tradition: “The canons are given a status as elements revealing the “mind of the Church” as endowed with some sense of inspiration value, part of the deposit of Christian tradition, not alienated from it as sidelined matters of external rules and regulations. The canons of the great Councils significantly advance the concept of the Church as issuer and maintainer of law, and of the rule of law’.³⁹ For present purposes, Canons VI of Nicaea 325, III of Constantinople 381, and XXVIII of Chalcedon 451 meant that the patriarchs of the pentarchy could preside over metropolitan elections and consecrate local bishops within the territory of those patriarchal sees.

35 McGuckin (note 22), 219–220.

36 S P Scott, *The Civil Law, XVII, The Enactments of Justinian: The Novels* (Cincinnati, 1932), CXXXI—Concerning Ecclesiastical Titles and Privileges, and Various Other Matters. See McGuckin (note 22), 219–221.

37 Nicholas (note 12), 38–42.

38 McGuckin (note 22), 221.

39 *Ibid.*, 234–235.

Moreover, those canons affirmed the power of Constantinople, the New Rome, within that order.⁴⁰ The picture of Orthodox canon law is not complete, however, until we add the *source* of episcopal power, of the place of the bishop as constitutive of church; for that we must understand the ecclesiology of Eastern Orthodoxy.

Eucharistic ecclesiology

Orthodox canon law can be characterised as a subject of study of ‘the rules which govern the lives of the faithful’; but in addition to the study of rules, canon law is constituted by ‘the ecclesiology of the theology of the Church. Canon law is an expression of the Church’s existence in history and constitutes knowledge about the Church’.⁴¹ Because it forms the heart of the nature of church in the Orthodox tradition, this part examines the office of bishop as it emerged in Constantinople; ‘in contemporary Orthodox theology, the claim that the Church is constituted in the eucharistic assembly has the status of a first principle in ecclesiology’.⁴²

While a number of earlier theologians of the 19th and 20th centuries developed it,⁴³ the foremost modern exponent of this ‘eucharistic ecclesiology’ is Metropolitan John Zizioulas. In his magisterial and seminal *Being as Communion*, Zizioulas develops a Patristic synthesis which places the bishop—an office borrowed from Byzantine administrative units (dioceses), each with an *episkopos* (bishop), as overseer, inspector, or guardian⁴⁴—at the centre of the liturgical expression of worship. That emerged in one of its earliest forms in the Great Church of Constantinople, Hagia Sophia (Holy Wisdom), where, Zizioulas says, at the centre of the whole church, behind the one altar, was the throne of the one bishop, seated in the place of God, and understood as the living image of Christ. Around the bishop gathered the presbyters, assisted by the deacons, and in the presence of the people of God, the faithful.⁴⁵ Zizioulas writes: ‘Thus the bishop would become the one through whose hand the whole community would have to pass in its being offered up to God in Christ, i.e. in the highest moment of the Church’s unity’.⁴⁶ Thus, the ontology of the episcopacy is that ‘the “one”—the bishop—cannot exist without the “many”—the

40 Meyendorff (note 9), 30. See also McGuckin (note 22), 234–235.

41 P Viscuso, *Orthodox Canon Law: A Casebook for Study* (Berkeley, 2006), 2–3.

42 A Papanikolaou, ‘Integrating the ascetical and the eucharistic: current challenges in Orthodox ecclesiology’ (2011) 11(2–3) *International Journal for the Study of the Christian Church* 173.

43 See Papanikolaou (note 42).

44 On the civic and secular origins of the episcopal office, see von Falkenhausen (note 15), 172–196.

45 Metropolitan J D Zizioulas, *Being as Communion: Studies in Personhood and the Church* (Yonkers, NY, 1997), 152–153. See also Metropolitan J D Zizioulas, *The One and the Many: Studies on God, Man, the Church, and the World Today* (Alhambra, CA, 2010); Metropolitan J D Zizioulas, *Communion & Otherness: Further Studies in Personhood and the Church* (London, 2006); Metropolitan J D Zizioulas, *The Eucharistic Communion and the World* (London, 2011).

46 Zizioulas, *Being as Communion* (note 45), 153.

community—and the “many” cannot exist without the “one”⁴⁷. We get an idea of what eucharistic ecclesiology might have looked like, practically speaking, from Justinian’s own words, upon entering the reconsecrated church in 537, who is said to have exclaimed ‘O Solomon, I have surpassed thee!’. The historian Procopius writes of the church that it:

is distinguished by indescribable beauty, excelling both in its size, and in the harmony of its measures, having no part excessive and none deficient; being more magnificent than ordinary buildings, and much more elegant than those which are not of so just a proportion. The church is singularly full of light and sunshine; you would declare that the place is not lighted by the sun from without, but that the rays are produced within itself, such an abundance of light is poured into this church . . . No one ever became weary of this spectacle, but those who are in the church delight in what they see, and, when they leave, magnify it in their talk. Moreover it is impossible accurately to describe the gold, and silver, and gems, presented by the Emperor Justinian, but by the description of one part, I leave the rest to be inferred. That part of the church which is especially sacred, and where the priests alone are allowed to enter, which is called the Sanctuary, contains forty thousand pounds’ weight of silver.⁴⁸

And ‘the scale of the liturgical life is hinted at by the reforms of Patriarch Sergius, who, in 612, decided that things were getting out of control, and reduced the number of clergy who served at the Haghia Sophia to a mere 80 priests, 150 deacons, 40 deaconesses, 70 subdeacons, 160 readers, 25 cantors and 100 doorkeepers.’⁴⁹ To a lesser extent, of course, the church replicated the splendour of the church building and the liturgical service throughout the Byzantine empire.

Each Eucharistic community, or local church, Zizioulas explains, is not a *part* of Christ, but the whole Christ and not a *partial or local* unity, but the full eschatological unity of all in Christ.⁵⁰ The unity of these various local eucharistic communities was achieved through episcopal ordination—each bishop was consecrated (ordained) by at least two or three bishops from the neighbouring churches, and this tied the episcopal office, and so each community, with the rest of the eucharistic communities in the world.⁵¹ Each

47 Ibid, 136–137.

48 Procopius of Caesarea, *On the Buildings* (H B Dewing (trans), Loeb Classical Library, vol VII, 1940), I.I.

49 Binns (note 7), 5–6.

50 Zizioulas, *Being as Communion* (note 45), 154–155.

51 Ibid, 155.

local church was in full unity or communion because each one represented the whole Christ, and the bishop as head of those communities was in communion with the others.⁵² ‘The rank of bishop is the highest ecclesiastical rank. . . ; all other titles (metropolitan, archbishop, and patriarch) are administrative titles, which require not the sacrament of ordination, but the rite of installation.’⁵³ Thus, the senior bishop in each diocese was a metropolitan; more senior still was the patriarch, recognised as the bishop of one of the five major sees of the pentarchy.⁵⁴ In the same way that the individual is constituted by communion, that the local eucharistic community is constituted by the one in many and the many in one of the bishop, the universal church consists of many local, but whole, eucharistic communities, the whole of the eschatological Christ, made one through the communion of the many, or ecumenical bishops.⁵⁵ This, combined with the power of patriarchs of the pentarchy to ordain bishops within their territory—established by Canon III of Nicaea 325, Canon VI of Constantinople 381, and Canon XXVIII of Chalcedon 451—meant that the patriarch of Constantinople now had that power within the Byzantine Empire.

In the Byzantine world, a new church was given its independent status by a mother church on which it previously depended—typically one of the sees of the pentarchy. The new church would then be recognised by the Patriarchate of Constantinople and by other national-local churches, thus establishing the universal communion among them. Two levels of independence were possible. ‘Autocephalous’ or ‘autocephaly’: designating self-governance in all respects: ‘a church reaches its utmost maturity when all other autocephalous churches recognize it is autocephalous; consequently, the Ecumenical Patriarch issues a *tomos* stating the church’s rights to set up a synod of bishops, to elect a primate of the church (archbishop or patriarch), to exercise ecclesiastical authority over a specific territory, and to sanctify the holy myrrh needed in the sacrament of chrismation.’⁵⁶ And, ‘autonomous’ or ‘autonomy’: ‘a church that does not reach full maturity and is dependent on the mother church in some of its functions.’⁵⁷ The primary difference between the two is over the selection and consecration of bishops—the autocephalous has authority to select and consecrate its own leadership, while the autonomous requires the blessing and agreement of the mother church in order to consecrate its head.

52 Ibid, 158–159.

53 Fr V Mihai, *Orthodox Canon Law Reference Book* (Brookline, 2014), 73, ‘Bishop’.

54 Binns (note 7), 11.

55 Zizioulas, *Being as Communion* (note 45), 257.

56 Mihai (note 53), 63–64, ‘Autocephaly (Self-Governance)’, citing Canons of the Holy Apostles, Canon 34, and Second Ecumenical Council, Constantinople (381), Canon II.

57 Mihai (note 53), 65, ‘Autonomy (Limited Governing)’.

There was and is, then, no clear process for independence, and often a church will be recognised by one Church but not another;⁵⁸ similarly, while the boundaries of the various autocephalies may coincide with nations, that need not always be so.⁵⁹ In short, the emergence of a new local eucharistic community was, and remains, somewhat messy. Moreover, while they are joined by the episcopal eucharistic ontology and by their Byzantine-Chalcedonian origins, the Orthodox churches established through this messy process formed, and today form, nothing more than a loose federation, each church of which emerged over time in response to local needs: either a newly formed nation state or a mission church that had sufficiently developed to become independent of the larger Mother Church.⁶⁰ The Byzantine mindset failed to provide anything more than this loose assemblage.

A final word about Constantinople. Eucharistic ecclesiology confirms that the bishop constitutes church, and the ecumenical councils conferred upon the bishop, or patriarch, of Constantinople significant power in respect of the establishment of new churches. What is not so clear, however, is how that power was to be exercised. Again, inherent in the Byzantine mindset is the power of governance without a defined process. And that would lead to a final question about the place of the patriarch of Constantinople: while the city held priority as one of the pentarchy, how was the patriarch himself viewed? As a local bishop, or as an ecumenical or universal patriarch? This matters to the story of Ukraine. The Councils of Constantinople (381) and Chalcedon (451) made the patriarch of Constantinople second in honour to Rome, and after the Great Schism of 1054, he became the first in honour in the Eastern Chalcedonian world. Of the powers which the Ecumenical Patriarch enjoys today, found in the ecumenical councils, one stands out as important on our journey to understanding Ukraine, and that is the power to give consent to the setting up of a new independent or autocephalous church.⁶¹ To get from there to Ukraine, though, we need first to consider very briefly the Great Schism of 1054.

GREAT SCHISM 1054

Of course, in the Christian world, 1054 is a date and an event well known. Here, we need pause only briefly to consider the disagreement at the heart of what would become the Great Schism. The debate over the status of the patriarch of

58 Binns (note 7), 10.

59 Meyendorff (note 9), 96, note 1.

60 Binns (note 7), 10.

61 *Ibid.*, 13–14.

Constantinople raised the issue of the primacy of Rome. The West considered it to be of direct apostolic and hence 'divine' origin and, therefore, Meyendorff writes, Rome held a 'traditional primacy of honor and authority [that] must be transformed into a real power of jurisdiction, universal in scope and absolute in nature'.⁶² The East, though, saw that primacy as one of 'ecclesiastical law', the exact significance of which was to be defined by ecumenical councils.⁶³

Outright hostility over these divergent views emerged in the late 9th century over the filioque, a theological dispute that went to the core of ecclesiology and so of canon law as understood by the two sides. For those in the East, it was eucharistic ecclesiology and episcopal ontology alone that could give witness to truth, including in matters of Christology, and so the filioque. What might appear the innocent inclusion of the filioque in the Western Mass was considered anything but in the East, where the Creed, established by the only body capable of pronouncing on a matter of faith, the ecumenical council of Nicaea in 325, was unalterable, even by the Pope, whose position was one of the traditional primacy of honour and authority, but not that of jurisdiction universal in scope and absolute in nature. This animated a canonical legal dispute, for, as Bishop Kallistos Ware writes, 'the doctrinal definitions of the councils possess an absolute and unalterable validity[;]... doctrinal definitions deal with eternal truths...';⁶⁴ 'where Rome thinks in terms of the supremacy and the universal jurisdiction of the Pope, Orthodoxy thinks in terms of the five Patriarchs and of the Ecumenical Councils; where Rome stresses Papal infallibility, Orthodox stress the infallibility of the Church as a whole'.⁶⁵ What mattered in the dispute between East and West was the doctrinal definition of eternal truths—only an ecumenical council had the power to make and to alter such definitions. And therein lay the difference with respect to the filioque.

The final, catastrophic, conclusion of the dispute over the filioque came when Papal legates to Constantinople, ostensibly there to seek rapprochement over this issue, were ignored by the Ecumenical Patriarch, Caerularius, following which:

they stalked into Hagia Sophia during the celebration of the liturgy, deposited their famous sentence of excommunication on the high altar, and then stalked out again, shaking the dust symbolically from their feet. The patriarch and his clergy were excommunicated for the most unlikely of crimes: for having omitted (!) the filioque from the Creed and for allowing the marriage of the clergy, among others. Caerularius replied by

62 Meyendorff (note 9), 40.

63 Ibid, 31.

64 T Ware (Metropolitan Kallistos of Diokleia), *The Orthodox Church: An Introduction to Eastern Christianity* (3rd edn) (London, 2015), 199.

65 Ware (note 64), 233.

summoning a synod and having the legates excommunicated, in spite of attempts of the emperor to smooth things over.⁶⁶

The schism was complete, and remains so to this day. And that set the course for the later events that would result in the establishment of Ukraine's modern churches. With this understanding of the Byzantine mindset concerning governance and ecclesiology, and the fracture over the nature of church emerging from the Great Schism, we can turn now to the arrival in 988 of Christianity in the Slavic lands that would later become modern Ukraine.

BYZANTINE CHRISTIANITY IN UKRAINE

Our journey from Constantinople, through the Great Schism, takes us now through three periods: the pre-Great Schism period from 988 until 1054, the post-Great Schism period from 1054 until 1596, and the period from 1596 until the Final Schism in 2018–2019.

Pre-Great Schism: evangelisation of the Slavic lands

There is evidence of missionary activity in the Slavic lands that would become Ukraine as early as 867, largely associated with Sts Cyril and Methodius, Byzantine Theologians, known as the Apostles to the Slavs. The two missionaries translated the Bible and Greek liturgical books into the local spoken language, creating the written Church Slavonic or Old Slavonic, still the common liturgical language of all Slavic peoples.⁶⁷ A century later, Prince Volodymyr of Kyiv sent representatives to Constantinople to investigate the nature of Christianity as it was practised there: 'they reported their impressions of attending the liturgy at [Hagia Sophia]... with open-mouthed amazement. "We knew not whether we were in heaven or on earth for surely there is no such splendour or beauty anywhere on earth. We cannot describe it to you. We cannot forget that beauty."⁶⁸ This led to Volodymyr's baptism, followed in 988 by the mass baptism, or Christianisation, of the Slavic peoples. Jaroslav, Volodymyr's son (1036–1054) built a Hagia Sophia in Kyiv, which used the liturgy of Constantinople.⁶⁹

Through the power conferred by eucharistic ecclesiology and the ecumenical councils, the Ecumenical Patriarchate of Constantinople, as mother church, had canonical jurisdiction over new territories within the Empire. That territorial jurisdiction included the whole of the eastern Slavic lands as a centralised

66 Meyendorff (note 9), 49.

67 Ibid, 93.

68 Binns (note 7), 6.

69 Meyendorff (note 9), 93–94.

missionary diocese comprised of one Metropolitanate of Kyiv and all Rus'.⁷⁰ The Metropolitans of Kyivan Rus' came from Byzantium, and enjoyed canonical and administrative authority over the bishops and clergy, who were chosen locally.⁷¹ As such, in the pre-schism period between 988 and 1054, the Metropolitanate of Kyivan Rus' was one Ukrainian missionary church in the lands that would become Ukraine.

Post-Great Schism: Ukrainian Orthodox Church(es)

Post-Great Schism, the journey takes two branches. The first involves the emergence of the modern Russian Orthodox Church, its ecclesiastical jurisdiction over the Slavic lands that would become Ukraine, and from which would be established the Ukrainian Orthodox Church-Moscow Patriarchate. The second part of the story recounts the establishment of a 'self-consecrated' Ukrainian Autocephalous Orthodox Church, from which would split the Ukrainian Orthodox Church-Kyiv Patriarchate.

Russian Orthodox Church (ROC) and Ukrainian Orthodox Church-Moscow Patriarchate (UOC-MP)

The first branch of the post-Great Schism journey concerns the events that led to the emergence of the Kyivan Rus' Church, which would ultimately come to be known as the Russian Orthodox Church (ROC). During the mid-14th century, Kyivan powers were defeated by the Tatars and absorbed into the Mongol Empire, and what is now Ukraine, including Kyiv itself, was absorbed by Lithuania and Poland, the Crowns of which were united under a single ruler in 1386 and which came under Roman Catholic jurisdiction.⁷² This began the process of disintegration of the political unity of the Kyiv Metropolitanate, and Kyiv itself fell into ruin and was largely abandoned. During this period, 'in general, the patriarchs of Constantinople preferred to retain the unity of the Ky[iv] Metropolitanate and to entrust its headquarters to the steadfastly Orthodox princes of Moscow rather than to the Catholic kings of Poland or to the pagan, and after 1386, Catholic rulers of Lithuania.'⁷³ As a consequence, Metropolitan Peter (1308–1326) moved the Metropolitanate of Kyiv to Moscow.⁷⁴

During the ensuing instability between the 15th and 16th centuries, three events led to the autocephaly of the Kyivan Rus' Church.⁷⁵ First, in 1448, acting on its own, the Kyivan Rus' Church declared autocephaly and

70 F E Sysyn, 'The Formation of Modern Ukrainian Religious Culture: The Sixteenth and Seventeenth Centuries', in G A Hosking (ed), *Church, Nation and State in Russia and Ukraine* (Edmonton, 1990), 1–22.

71 Meyendorff (note 9), 94.

72 Sysyn (note 70), 4–5.

73 Ibid, 5.

74 Ibid, 4–5.

75 Meyendorff (note 9), 96.

enthroned a new Metropolitan of Kyiv and all Rus', Jonas, to the See of Moscow;⁷⁶ in 1458 the title was changed to "Metropolitan of Moscow and all Rus'".⁷⁷ These events brought about a permanent break between two parts of the Kyivan Metropolitanate and, in 1488, Constantinople formalised that split by granting autonomy to the Kyivan Rus' Church.⁷⁸ Finally, in 1589, Patriarch Jeremias of Constantinople visited Moscow to seek support in the struggle against Ottoman rule; while there, he installed the Metropolitan of the Kyivan Rus' Church, Job, as Patriarch of Moscow, thus elevating the Kyivan Rus' church to patriarchal status.⁷⁹ Still, it was only accorded fifth position in the hierarchy of Eastern sees (Rome being part of the West due to the Great Schism), a position which it still has today, after Constantinople, Alexandria, Antioch and Jerusalem.⁸⁰

The ROC grew rapidly, becoming an alternative centre to Constantinople's authority. Meyendorff concludes that 'Moscow was henceforth the "Third Rome." Ancient Rome was now heretical, the New Rome was groaning under the yoke of the Turks, the Third Rome alone remained intact. The theocratic ideal of a universal Christian empire thus found its last refuge in Moscow.'⁸¹ For the purposes of our journey, the ROC that we know today was thus recognised by Constantinople and the Orthodox world as an autocephalous church within the universal ecclesiological structure.

Following the enthronement of Jonas to the see of Moscow in 1448, there remained a metropolitan bishop in Kyiv, Isidore, who retained at least nominal authority. When Isidore resigned in 1458, because Kyiv was within Polish Roman Catholic jurisdiction, Rome appointed his successor, Gregory Bolgarin, who was consecrated not by the Ecumenical Patriarch, but by a patriarch of Constantinople appointed by and resident in Rome—a Western, Roman, patriarch. In this way, Bolgarin maintained union with Rome for 12 years, after which he accepted the authority of the Ecumenical Patriarch of Constantinople, who appointed Bolgarin's successor as metropolitan of Kyiv.⁸²

During the 17th century, the lands including Kyiv were annexed to the Romanov Muscovite Empire, and in 1686, the Ecumenical Patriarch of Constantinople formally approved the canonical jurisdiction, albeit in qualified terms, of the ROC over the Metropolitanate of Kyiv in a 'Letter of Issue' (permission) of 1686.⁸³ In other words, the political events of the mid-15th to the late-17th centuries brought about the autocephaly and canonical authority

76 Ibid, 97.

77 Sysyn (note 70), 5.

78 Binns (note 7), 18–19.

79 Ibid; Meyendorff (note 9), 99; Sysyn (note 70), 6.

80 Meyendorff (note 9), 99.

81 Ibid, 97. See also Meyendorff (note 14).

82 Meyendorff (note 9), 101.

83 Ibid, 102–103.

of the ROC—itself the product of ecclesiological developments from the 14th to the 16th centuries—over the lands that would become modern Ukraine. What emerged from 1686, then, was a Ukrainian Orthodox Church-Moscow Patriarchate (UOC-MP) under the authority of the ROC.⁸⁴

Ukrainian Autocephalous Orthodox Church (UAOC) and Ukrainian Orthodox Church-Kyiv Patriarchate (UOC-KP)

The lands that would become Ukraine remained part and under the authority of the ROC, through the UOC-MP, until the 1917 October Revolution⁸⁵ when, ‘catalysed by the revolution, the Ukrainian church movement emerged as a reaction against [UOC-MP domination] ... nourished by a combination of indignant nationalism, ecclesiastical radicalism, and fundamentalist religious zeal’.⁸⁶ The resulting autocephalist movement emerged, which, in 1921, held the First All-Ukrainian Church Sobor, or synod, in Kyiv.⁸⁷ The delegates, unable to find an Orthodox hierarch either to attend the Sobor or to consecrate a bishop,⁸⁸ and:

after a prolonged debate, ... Volodymyr Chehiv’skyi, the ... most prominent lay ideologist, argued that since the bishops in the apostolic times were consecrated by presbyters, the exclusive assumption of this right by the bishops represented a violation of the apostolic practice. Since the grace of the Holy Spirit resides in the entire Church, it should have the right to ordain its episcopate through its Sobor representatives, despite the fact that none of them were bishops; after all, this would be consistent with the ancient practice of the Alexandrine Church ... [T]he majority of the Sobor delegates accepted [this view] ... Having declared itself the genuine voice of the Ukrainian Church ‘inspired by the Holy Spirit’, the 1921 Sobor resolved that it should have ‘the right to change those canons of the Orthodox Church which, although established by the first seven Ecumenical Councils and justified in the past, could no longer meet the present vital needs of the Ukrainian Church or further its organic development.’⁸⁹

The 1921 Sobor thus restructured the constitution of the ROC-MP in an effort to make it egalitarian and conciliar—this it hoped to achieve by making all church

84 On this history, see Sysyn (note 70).

85 On the relationship between the Ukrainian Orthodox churches and the Soviet state, see Robert Conquest (ed), *Religion in the USSR* (London, 1968).

86 B R Bociurkiw, ‘The Rise of the Ukrainian Autocephalous Orthodox Church, 1919–22’ in Hosking (note 70), 228–249, 229.

87 On the background to the emergence of the UAOC, see Bociurkiw (note 86), 229–239.

88 Bociurkiw (note 86), 239.

89 *Ibid.*, 239–240 (citations omitted).

offices, including the Metropolitanate of Kyiv and All Ukraine, elected offices, confirming the autocephaly of the church, and repudiating the 17th century annexation of the Metropolitanate of Kyiv by the ROC.⁹⁰ On 23 October 1921, the Sobor unanimously elected Archpriest Vasyl Lypkiv'ski as Metropolitan of Kyiv and All Ukraine, who was consecrated in Hagia Sophia Cathedral in Kiev by 30 priests and 12 deacons.⁹¹

Known as the Ukrainian Autocephalous Orthodox Church (UAOC), the rest of the Orthodox world never recognised its 'self-consecrated' hierarchy. As Bociurkiw writes:

What emerged from the ... 1921 Sobor was a new Church which, while professing to be Orthodox, severed its canonic links with other Orthodox Churches. Its canons, doctrines and organisation combined elements of Orthodoxy with such seemingly 'Protestant' features as an elected, married episcopate; less rigid distinctions between priesthood and lay believers; lay preaching; conciliar self-government at all levels of the Church; and a pragmatic approach to the Orthodox canons.⁹²

In fact, not only was it rejected by the Orthodox world, the UAOC continued to endure political repression at the hands of the Soviets. Liquidated during the 1930s, the UAOC was revived during the Second World War, suppressed again at the end of the war, before finally being revived again in 1989.⁹³ Thus, by 1989, there existed in Ukraine the UOC-MP and the self-consecrated UAOC.

The break-up of the Soviet Union and the emergence of nationalist movements, including that in Ukraine following its independence in 1991, brought further change. John Binns writes of this immediate post-Soviet period that 'the same aspirations that produce a new nation also encourage a new Church ... The situation is further complicated by political and personal rivalry and ambition. The most confused situation is found in Ukraine'.⁹⁴ Indeed, with an independent state, many Ukrainians wanted an independent Church, and in the mid-1990s, the UAOC split into two, leaving the UAOC and a new Ukrainian Orthodox Church-Kyiv Patriarchate (UOC-KP). Neither of the two resulting churches was recognised by the Orthodox communion; most notably, neither were ever recognised by the ROC.

The post-Soviet break-up left three Orthodox churches in Ukraine: (i) UOC-MP—the largest Orthodox group; (ii) UAOC—the smallest of the three

90 Ibid, 240–241.

91 Ibid, 241.

92 Ibid, 242.

93 Ware (note 64), 160; Bociurkiw (note 86), 246; B R Bociurkiw, 'The Soviet Destruction of the Ukrainian Orthodox Church' (1987) 22 *Journal of Ukrainian Studies* 3.

94 Binns (note 7), 27.

Orthodox churches; and (iii) the new UOC-KP—the second largest Orthodox group.⁹⁵ By 2016, the picture was about to change again; yet before we can take that part of the journey, we must turn back to the late 16th century, to the first of two modern schisms that will complete the picture of modern Ukraine's churches.

Two modern schisms

Two modern schisms complete the picture of Christianity in Ukraine, resulting, first, in the Ukrainian Greek-Catholic Church and, second, in the Orthodox Church of Ukraine.

Little Schism 1596: Ukrainian Greek-Catholic Church (UGCC)

The Council of Florence, held in 1438–1439, attempted a short-lived re-union of East and West Christianity, using a simple formula: 'acceptance of the authority of Rome, acceptance of specifically Roman doctrines, including the filioque; but retention of Eastern liturgy and traditions'.⁹⁶ As we have seen, by the 14th century, the united Polish-Lithuanian Crown and the majority of the population of what is now Ukraine were Roman Catholic, although there were a sizable number of Orthodox. The Ecumenical Patriarch of Constantinople had limited authority in the face of the ROC, and bishops were, as we have already seen, being appointed by Rome.⁹⁷ Unsurprisingly, this led to political friction between Orthodox faithful and Roman Catholic rulers.⁹⁸ In 1596, in an effort to alleviate the friction, the Metropolitan of Kyiv, Michael Ragoza, and a majority of Ukrainian bishops, using the Florence formula, signed the Union of Brest-Litovsk.⁹⁹ In exchange for certain guarantees, the signing bishops, including Ragoza, agreed to recognise the authority of the Pope.¹⁰⁰ This established what would come to be known as the Ukrainian Greek-Catholic Church (UGCC).

From the perspective of those who signed the Union, Kucharek writes, it was to ensure:

...retention in toto of [the UGCC's] rite, liturgical usage and discipline and that all of these matters be left in their own hands and jurisdiction.¹⁰¹ Nor

95 US State Department, *International Religious Freedom Report* (2015).

96 Binns (note 7), 35.

97 Ware (note 64), 91; Meyendorff (note 14), 131–147.

98 Sysyn (note 70), 6.

99 'Articles for Which We Need Guarantees from the Lord Romans before We Enter into Unity with the Roman Church', as translated in B Gudziak, *Crisis and Reform: The Kyivan Metropolitanate, the Patriarchate of Constantinople, and the Genesis of the Union of Brest* (Cambridge, MA, 1998), Appendix 3.

100 Ware (note 64), 91.

101 'Articles for Which We Need Guarantees' (note 99), articles 1–8, 16, 19 and 21–33.

were there any doctrinal or dogmatic difficulties to be resolved. Union with the Holy See, therefore, consisted chiefly of shifting ecclesiastical jurisdictional dependence from the Orthodox Patriarch of Constantinople to that of the . . . See of Rome.

The Holy See concurred completely on all counts and gladly guaranteed that all liturgical matters would be left to the Ukrainian prelates and their successors. To quote from the official Constitution of Pope Clement VIII of 23 December 1595 regarding the Union: ‘. . . we receive, unite, join, annex and incorporate our members in Christ, and to enhance more greatly the meaning of our love for all the sacred rites and ceremonies themselves, which the bishops and clergy use, as established by the holy Greek Fathers. . . with Apostolic graciousness we permit, concede and allow (them) to the same [Ukrainian] bishops and clergy . . .’¹⁰²

But while the hierarchs accepted the Union, many Orthodox faithful remained Orthodox; in 1620 the Patriarch of Jerusalem re-established an Orthodox succession in Ukraine,¹⁰³ and it was not until 1677, when Bishop Iosyf Shumlians’kyi accepted it, that many Ukrainians began to embrace the Union.¹⁰⁴ The church only came to be known by its modern name, the Greek-Catholic Church, in 1774, when the ‘Austrian Empress Maria Theresa recognised it that way to underscore the equality of this church with the Roman Catholic church’.¹⁰⁵

Following the partitions of Poland in the late 18th century, many Greek Catholics returned to Orthodoxy, although the majority remained faithful to Rome until 1946 when the church was liquidated by the Soviets, after which it became a church underground or church of the catacombs.¹⁰⁶ Mikhail Gorbachev’s *glasnost* legalised the UGCC in 1989; by the mid-1990s, the UGCC, having emerged from the catacombs,¹⁰⁷ had around 2,700 parishes in Ukraine and numbered about 7 million people worldwide.¹⁰⁸

The canonical status of the UGCC depends upon Catholic canon law, which, in one important respect, differs from its Orthodox counterpart. Where the latter is

102 C Kucharek, ‘The Roots of “Latinization” and its Context in the Experience of Ukrainian Catholics in Canada’, in D J Goa, *The Ukrainian Religious Experience: Tradition and the Canadian Cultural Context* (Edmonton, 1989), 69–79, 70 and 79, citing *Pontificum Romanorum, Historiam Ucrainae, Vol I* (1953), 242–243.

103 Meyendorff (note 9), 102; Ware (note 64), 91; Sysyn (note 70), 7.

104 John-Paul Himka, ‘The Greek Catholic Church in Nineteenth-century Galicia’ in Hosking (note 70), 52–64.

105 *Ibid.*, 53.

106 On the history of the UGCC during the 18th to 20th centuries, see Himka (note 104), 52–64; and during the Soviet period, see Conquest (note 85), 81–96; Ware (note 64), 159.

107 Meyendorff (note 9), 103.

108 Ware (note 64), 159–160.

a loose and informal collection of canons and pronouncements accumulated over the first millennia of Christianity in *The Rudder*, the former is found in two formal codifications of all relevant laws and customs promulgated by the Holy See: the *Codex Iuris Canonici* (CIC, or Western Code)¹⁰⁹ and the *Codex Canonum Ecclesiarum Orientalium* (CCEO, or Eastern Code).¹¹⁰ Yet these codifications are similar to the Orthodox understanding of canon law in the sense that they are nothing more than accretions of rules and laws promulgated by Church councils convened from the earliest Christian era to the present. It is only the status as promulgated law that distinguishes these collections—in the Eastern Orthodox tradition, these are gathered informally and loosely in *The Rudder*, while in the West, they are codified in the formal CIC and CCEO.

The CCEO applies to the entire Eastern Catholic communion and to all Eastern Catholics everywhere. Without going any further into the intricacies of Catholic canon law, then, for our purposes it is enough to know that the CCEO governs the establishment and life of the UGCC. Thus, the UGCC is canonically a church *sui iuris* within the Catholic communion,¹¹¹ and its hierarch is the Major Archbishop of Kyiv-Halych and All Ruthenia. The title ‘Major Archbishop’ itself, introduced in 1963, is not one found in Byzantine Christianity—rather, it is unique to the Eastern Catholic churches through the CCEO.¹¹² Ukrainian Catholics, though, refer to their hierarch, canonically a Major Archbishop—currently Major Archbishop Sviatoslav of Kyiv-Halych and All Ruthenia—as ‘Patriarch’, although requests for canonical recognition as such have been unsuccessful. This brings us to a significant and ongoing consequence of the Union.

Whether the Union of Brest is viewed as schism or union depends on one’s perspective. From the Catholic, it is a reunion of East and West on the Florentine formula of 1438–1439. From the Orthodox perspective, it is a break, perhaps a ‘little schism’, which produced ‘a sharp division’ between the continuing Orthodox, on one side, and the ‘Greek Catholics’, on the other.¹¹³ Whatever view is taken, ‘from 1596, Ukrainian ... believers have been permanently divided into two churches—one which rejects the Union and

109 *Codex Iuris Canonici* (CIC) (Washington, DC: Canon Law Society of America, 1983).

110 *Codex Canonum Ecclesiarum Orientalium* (CCEO) (Washington, DC: Canon Law Society of America, 1990), Title II. See also G Nedungatt and L Lorusso, ‘Churches *Sui Iuris* and Rites (cc. 27–41)’, in G Nedungatt SJ and G Ruysen SJ (eds), *A Guide to the Eastern Code: A Commentary on the Code of Canons of the Eastern Churches* (2nd edn) (Kanonika, 2020) 121–152; P Babie, ‘Australia’s Ukrainian Catholics, Canon Law and the Eparchial Statutes’ (2004) 81 *Australasian Catholic Record* 32; P Babie, ‘Embracing the Other: Ecclesiology, Canon Law and Ukrainian Catholics in Australia’ (2003) 17 *Australian Slavonic and East European Studies Journal* 159.

111 CCEO (note 110), Title II. See also Nedungatt and Lorusso (note 110), 121–152; Babie, ‘Australia’s Ukrainian Catholics’ (note 110); Babie, ‘Embracing the Other’ (note 110).

112 CCEO (note 110), Title V. See also J D Faris, ‘Major Archiepiscopal Churches (cc. 151–154)’, in Nedungatt and Ruysen (note 110), 231–238.

113 Ware (note 64), 91–92.

holds to Orthodoxy and one which accepts the Union and adheres to Catholicism. Both claim to be the true continuation of the church that was formed by the conversion of Rus' in 988.¹¹⁴ Far from alleviating friction, the Union appears to have prolonged it, in other forms. In the late 1980s, it caused difficulties in the work of the Joint International Commission for theological dialogue between Orthodoxy and Rome.¹¹⁵ This intensified when, in 2004, Roman efforts to discuss the possibility of a UGCC Patriarchate were met with opposition from both the Ecumenical Patriarch of Constantinople and the Patriarch of Moscow, as well as all heads of the local-national Orthodox churches; there was unanimous agreement among them that any Roman pursuit of a UGCC Patriarchal church would result in breaking off ecumenical dialogue.¹¹⁶ In the 35 years since emerging from the catacombs, then, very little progress has been made on this stalemate, be it the Orthodox attitude to what are pejoratively called 'Uniats', or the Roman treatment of these refugees from Byzantium. While the Ukrainian Greek-Catholics might be seen as a bridge between East and West, more often they prove to be a stumbling block.¹¹⁷

In any case, the Little Schism of 1596 meant that by 2016 there was a fourth Byzantine-Chalcedonian church, along with the UOC-MP, UAOC and the UOC-KP—the UGCC, the country's second largest Christian church and its largest in the western part of Ukraine.¹¹⁸ But in 2016, the picture was about to change again, with the second of two modern schisms: the Final Schism of 2018–2019.

Final Schism 2018–2019: Orthodox Church of Ukraine (OCU)

In 2015, Bishop Kallistos Ware wrote that 'the only long-term solution would seem to be a fully independent Ukrainian Autocephalous Church; this would need the recognition of the Moscow Patriarchate and also that of the Ecumenical Patriarchate, to whose jurisdiction Ukraine belonged before [the Letter of Issue] 1686.'¹¹⁹ That solution seemed a real possibility when, in 2016 and 2018, then President of Ukraine, Petro Poroshenko, made two separate

¹¹⁴ Sysyn (note 70), 4.

¹¹⁵ Ware (note 64), 308–309.

¹¹⁶ 'Bartholomew I Opposes a Greek-Catholic Patriarchate in Ukraine Orthodox Warns Pope of Break in Ecumenical Ties', *ZENIT* (4 February 2004), available at: <Zenit.org>, accessed 10 February 2023; Russian Orthodox Church, Department for External Church Relations, Office of Communication, 'Orthodox Churches express negative reaction over the possibility of establishment of a Greek Catholic Patriarchate in Ukraine Responses of the Heads of the Local Orthodox Churches to the letter of His Holiness Patriarch Alexy II of Moscow and All Russia and the Memorandum of Cardinal Walter Kasper on the problem of establishing a Uniate Patriarchate in Ukraine (Press Release)' (17 February 2004), available at: http://www.mospat.ru/text/e_news/id/6388.html, accessed 10 February 2023.

¹¹⁷ Binns (note 7), 36–37.

¹¹⁸ US State Department (note 95); Binns (note 7), 36.

¹¹⁹ Ware (note 64), 161.

requests to the Ecumenical Patriarchate of Constantinople for the establishment of an autocephalous Ukrainian Orthodox Church.

Following these political requests for an independent church, on 11 October 2018, after a regular [synod](#), the Patriarchate of Constantinople made four historic announcements. First, that it would ‘proceed to the granting of autocephaly to the Church of Ukraine’ independent of the [ROC](#). Second, that it would re-establish a *stauropegion* (church body ruled directly by the Ecumenical Patriarch) in Kyiv. Third, that it was withdrawing the 332-year-old qualified acceptance of the Russian Orthodox Church’s canonical jurisdiction over the Kyivan Church contained in the 1686 Letter of Issue. And, finally, that it was lifting the excommunication of Metropolitan Makariy of the UAOC and of Patriarch Filaret of the UOC-KP, canonically reinstating both bishops to their hierarchical rank and their faithful to communion with the Orthodox Church.¹²⁰ These actions both re-established Constantinople as the mother church capable of establishing a new local autocephalous church in Ukraine, and laid the groundwork to effect that unification from the two existing self-consecrated churches—the UAOC and the UOC-KP.

Following these decisions of the Ecumenical Patriarchate, on 15 December 2018, clergy of the UOC-MP, the UAOC and the UOC-KP convoked a Unification Church Council in Hagia Sophia in Kyiv.¹²¹ And, on 5 January 2019, Patriarch Bartholomew of Constantinople signed the *Patriarchal and Synodal Tomos for the Bestowal of the Ecclesiastical Status of Autocephaly to the Orthodox Church in Ukraine* (a decree of autocephaly).¹²² This founded the Orthodox Church of Ukraine (OCU), uniting the UAOC, the UOC-KP, and those of the UOC-MP hierarchy that chose to join the union. This also constituted the OCU as one of the 15 local-national Orthodox churches in the world; for the first time, a local Ukrainian Orthodox church had the recognition of both the Patriarchate of Constantinople and of the Orthodox communion of churches.¹²³

120 Announcement 3, *Ecumenical Patriarchate* (11 October 2018).

121 *Patriarchal and Synodal Tomos for the Bestowal of the Ecclesiastical Status of Autocephaly to the Orthodox Church in Ukraine* (6 January 2019). For a full English translation of the text of the Tomos, see V Rozanskij, ‘Full official text of Ukrainian Tomos. Primacy of Constantinople over Kiev’, *PIME asianews* (16 January 2019), at <https://www.asianews.it/news-en/Full-official-text-of-Ukrainian-Tomos.-Primacy-of-Constantinople-over-Kiev-45981.html>, accessed 10 February 2023. See also ‘Tomos of Autocephaly of Orthodox Church of Ukraine Signed Two Years Ago’, *Ukrinform* (5 January 2021), at <https://www.ukrinform.net/rubric-society/3166079-tomos-of-autocephaly-of-orthodox-church-of-ukraine-signed-two-years-ago.html>, accessed 10 February 2023; V Burega, ‘The Tomos for Ukraine: What’s Typical and What’s Specific’, *Orthodoxsynaxis.org* (1 October 2019), at <https://orthochristian.com/u8524.html>, accessed 10 February 2023.

122 For a detailed background to and analysis of the Tomos, see A Mykhaleyko, ‘The New Independent Orthodox Church in Ukraine’ (2019) 67(4) *Comparative Southeast European Studies* 476. See also B Talant, ‘Ukraine’s Word of 2018: Tomos’, *Kyiv Post* (21 December 2018), at <https://www.kyivpost.com/ukraine-politics/ukraines-word-of-2018-tomos.html>, accessed 10 February 2023; ‘Tomos of Autocephaly of Orthodox Church of Ukraine Signed Two Years Ago’ (note 121).

123 *Patriarchal and Synodal Tomos* (note 121). See also Burega (note 121).

What this did not mean, however, was that the UOC-MP ceased to exist; rather, those hierarchs who did not accept union remained part of the UOC-MP. This is a clear example of the Byzantine mindset in relation to governance. Far from a formal process, the events which led to the OCU were messy; and that, in turn, means that while it is recognised by much of the Orthodox world, it remains canonically unclear whether the UOC-MP falls under the jurisdiction of the ROC or of the Ecumenical Patriarchate. Both sides make the claims which might be expected—the UOC-MP, that the events of 2016 to 2019 change nothing; the Ecumenical Patriarchate that, of course, they change everything. Still, following the Russian invasion of Ukraine in 2022 and the support expressed for that action by the ROC's Patriarch Kirill of Moscow, on 27 May 2022, the UOC-MP itself passed a resolution removing all mention of the Moscow Patriarchate from its statute; and many parishes have since left the UOC-MP.¹²⁴

As a result, instead of the three Orthodox churches that existed in Ukraine up until 2016–2018, of which only the UOC-MP was a recognised canonical body in the Orthodox world, there now exist two: the OCU, headed by Metropolitan Epiphanius of Kyiv and All Ukraine, who had been elected at the 2018 Unification Church Council,¹²⁵ and the continuing UOC-MP, headed by Metropolitan Onuphrius of Kyiv and All Ukraine.

And how, one might ask, does the rest of the Orthodox world recognise the two Ukrainian Orthodox churches? Not surprisingly, the decision of Constantinople to exert authority as the mother church, and to establish the OCU, led the ROC, on 15 October 2018, to break communion with the Ecumenical Patriarchate, marking the beginning of what James Sherr calls the 'final schism'.¹²⁶ Put simply, then, just as two views exist of the events of 1596 and the UGCC, two views also exist concerning the effect of the 2019 *Tomos*. While some saw it as an organic development, both theologically and politically, in the emergence of the Ukrainian nation and of its Christian faithful, consistent with the establishment of autocephalous local-national churches according to the ancient Byzantine-Chalcedonian tradition, for others, particularly the ROC, it was seen very differently. In 2019, Sherr wrote that 'the granting of [the] tomos ... might well signify the greatest cleft in Orthodox Christianity since the Muscovite church declared its independence from Constantinople and proclaimed its own Patriarchal status in 1589'.¹²⁷ Thus, while uniting many Orthodox Christians in

124 Resolution of the Council of the Ukrainian Orthodox Church of 27 May 2022, Ukrainian Orthodox Church (Moscow Patriarchate) [in Ukrainian], available at: <https://news.church.ua/2022/05/27/postanova-soboru-ukrajinski-pravoslavnoji-cerkvi-vid-27-travnja-2022-roku/>, accessed 10 February 2023.

125 Talant (note 122).

126 J Sherr, 'A Tomos for Ukraine's Orthodox Church: The Final Schism?', *International Centre for Defence and Security* (10 January 2019), available at: <https://icds.ee/en/a-tomos-for-ukraines-orthodox-church-the-final-schism/>, accessed 10 February 2023.

127 Sherr (note 126).

Ukraine, these events also precipitated division, if not ecclesiological schism, in the wider Orthodox world. The ROC's strong opposition, for instance, is why many UOC-MP parishes continued to exist following the union. Moreover, because the ROC has made clear that it would break communion with any hierarch of the Church of Greece that entered into communion with the OCU, the events of 2019 have made for difficult relations between those two Orthodox churches.¹²⁸

CONCLUSION

And so, we come to the end of our journey from Byzantium and through three schisms. Today, through the messiness of the Byzantine mindset as applied to the complex history of Orthodox Christianity in the Slavic lands, we have the current position: three Ukrainian Churches, the OCU, the UOC-MP, and the UGCC.

But what might eucharistic ecclesiology say about this state of affairs? There are three hierarchs, two with the title Metropolitan of Kyiv and All Ukraine, and a third with the title of Major Archbishop of Kyiv-Halych and All Ruthenia. This raises the question of 'confessional entities'. Metropolitan John Zizioulas writes that this 'concept [confessionalism] ... is historically a late phenomenon [which] ha[s] come to complicate the ecclesiological situation to an alarming degree'.¹²⁹ Simply put, is a confessional body to be regarded as church? If there is more than one bishop for any episcopal see, is that community really church? Zizioulas is clear: 'the answer is definitely negative. A Church must incarnate people, not ideas or beliefs. A confessional Church is the most disincarnate entity there is; this is precisely why its content is usually borrowed from one or other of the existing cultures and is not a *locality* which critically embraces all cultures'.¹³⁰ Instead, 'we must be ready to admit that as long as a confessionalism prevails no real progress towards ecclesial unity can be made'.¹³¹ It may be a hard truth to accept, but if eucharistic ecclesiology lies at the heart of what church means, the core of the very canonical existence of church, then while what one currently finds in Ukraine may be canonically sound and politically expedient in a way not present prior to the final schism, it may not be true church in the sense of one ecclesial community which both transcends and brings together a diversity of peoples.¹³² For that, we continue to wait.

128 'Holy Synod of Russian Church Will Evaluate Greek Church's Decision on Ukraine at Fall Session', *Orthodox Christianity* (14 October 2019), available at: <https://orthochristian.com/124645.html>, accessed 10 February 2023.

129 Zizioulas, *Being as Communion* (note 45), 259.

130 *Ibid.*

131 *Ibid.*, 260.

132 *Ibid.*, 259.