

**The Road to Eucharistic Union
and
The Status of the UOCC within the Ecumenical Patriarchate**

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Introduction

The Church is a godly institution that exists on earth. It was founded by Jesus Christ Himself for the salvation of all who believe in Him as Savior. Thus salvation is possible only in the Mystical Body of Christ, the Church. Christ called twelve Apostles to preach the Gospel and during the Last Supper, in which they were participants, Jesus Christ proclaimed the Holy Eucharist as the basis of Church unity (Matthew 26: 26-28; I Corinthians 11: 23-25). Unity in the Church is achieved through unity with its Founder, Jesus Christ, in Holy Communion.

The teaching of the Orthodox Church states that the Church is One and Holy. One -- because it is Christ who is the source of life within the Church. The Church is Universal and Apostolic -- because it serves all and maintains the Apostolic Succession. Its unity lies in the Apostolic Succession of the Episcopate. The outward expression of its internal unity is uniformity in canonical-dogmatic teaching and liturgical services, in concelebration and communion within the Holy Liturgy, as well as in entering into mutual relations to arrive at decisions relating to church matters. A particular expression of church unity is "prayerful unity" that follows communion from the Common Cup during Holy Liturgy. This is the reason for the persistent search for ways to achieve eucharistic union with the Ecumenical Church.

In terms of its organization, the Orthodox Church consists in part of churches of individual nations; these are the Particular Churches of which, at present, there are fourteen. Their internal system is based on the principle of autocephaly. Such churches possess: a) the right to decide, independently of others, on all internal matters; and, b) the right to elect and consecrate their bishops including the installation of their Primate. The unity of particular churches with each other is expressed through their mutual recognition of the grace of their episcopate and concelebration of the Holy Liturgy.

The Orthodox Church, also, has churches which are autonomous in their governance. This autonomy may lie in the exercise of a very broad range of rights, or the range of these rights might be limited. Autonomous churches, generally, are self-governing in their internal life, although there might be limits on their system of administration and their more important decisions might require the approval of a higher ecclesiastical authority, namely, the Patriarch within whose jurisdiction they exist. Other autonomous churches might need only to commemorate the Patriarch in the Liturgy and to receive approval when choosing new bishops.

In the first decades of the twentieth century, Ukrainian Orthodox parishes in Canada and the U.S.A. were under the care of Metropolitan Germanos (Shegedi) of the Antiochian Patriarchate and thus were under the jurisdiction of Antioch. They were then in union with the Orthodox world. In 1924 when they passed under the jurisdiction of Archbishop Ioan (Teodorovych) their prayerful union within the Orthodox Church was severed. Other Orthodox churches did not recognize the Kyiv canons that were adopted in 1921 and the bishops appointed then through "all-popular consecration"¹ to be canonical. One of these bishops was Ioan. In 1921, candidates for episcopacy were consecrated not by bishops, but by priests and laity, and thus, in the view of the Orthodox world, were not canonically consecrated. They were considered to lack Apostolic Succession and thus deemed uncanonical. Priests ordained by them were, in turn, considered not to have been ordained canonically and so to be without grace. No Orthodox priest, knowingly, concelebrated the Liturgy or shared the Holy Sacraments with them.

I. The Search for Prayerful Union with the Ecumenical Orthodox Church

The Ukrainian Orthodox Church, outside Ukraine, has made many unsuccessful attempts to achieve prayerful oneness and eucharistic union with the broader Orthodox Church. Among them are the following examples:

1. By Archbishop Ioan (Teodorovych)

a) On July 22, 1931, Archbishop Ioan, then ruling bishop of the Ukrainian Greek Orthodox Church of Canada (UGOC of Canada) and U.S.A. wrote to the Ecumenical Patriarch, Photios II, asking to be recognized as a bishop of the Ukrainian Autocephalic Orthodox Church (Ukrainian abbreviation: UAPT, the Ukrainian acronym of *Ukraïns'ka Avtokefálna Pravoslavna Tserkva* – Ukrainian Autocephalic Orthodox Church¹). No answer was received.

b) Four years later, on March 13, 1935, the Archbishop wrote once more to Photios. Again, he did not receive a reply. By then, 23 priests ordained by Archbishop Ioan were in service in Canada and the U.S.A.

c) In Canada there was resistance against Archbishop Ioan's ties with the Ecumenical Patriarchate. Union with the Patriarchate, it was felt, would necessarily entail re-consecration of Archbishop Ioan which might also affect all the priests ordained by him, which in turn, could lead to confusion and disarray among the laity. After the 1935 Sobor in Yorkton, the "Brotherhood for Defense of the Native Church" (*Bratstvo oborony Ridnoji Tserkvy*), headed by Vasyl' Swystun, was organized and became active in both Canada and the U.S.A. The Brotherhood based itself on maintaining the decisions of the 1921 Kyiv Sobor and on unity with the Kyiv UAPT of 1921.

The movement headed by Swystun stimulated the development of a theory of "self-sufficiency and independence" of the UGOC of Canada. This in turn led to another theory, one that gained currency at the beginning of the 1960's: that there existed in the emigration three independent Ukrainian Orthodox Churches, and that each of these was based on its own separate autocephaly.

¹ For more on the 1921 Kyiv Sobor see the study in *Ridna Nyva*, 2005, pp. 292-3165.

d) After unsuccessful negotiations with the Episcopate of the UAPTs in the Emigration, (this was not the UAPTs of 1921), Archbishop Ioan, again, turned to the Ecumenical Patriarchate. On October 7, 1948, the Consistory of the Ukrainian Orthodox Church of the United States directed him to take steps to unite with the Patriarchate through acceptance of a new episcopal cherotony (consecration). The Patriarchate continued to offer no reply.

e) Two years later, on July 27, 1949, Archbishop Ioan agreed to accept a new cherotony. This was fulfilled by the Exarch of the Alexandrian Patriarchate, Metropolitan Christophoros, together with Archbishop Mstyslav. The next day saw the eucharistic union of Archbishop Ioan and Archbishop Mstyslav. In October 1950, a united Ukrainian Orthodox Church of the U.S.A., headed by Metropolitan Ioan, was formed.

2. a) In 1929, in the U.S.A., a group of parishes which had left the Ukrainian Greek-Catholic Church with their priests formed the **Ukrainian Orthodox Church in America** and looked for admission into the jurisdiction of the Patriarch of Constantinople. The Patriarchate did not haste to consecrate their candidate, Fr. Josyf Zuk, to be their bishop.

b) In 1932, Bishops Euthymios and Sophronios of the Syrian Church did consecrate Fr. Josyf as bishop. Thus the Ukrainian Orthodox Church in America became part of the Eastern Orthodox Catholic (Universal) and Apostolic Church.

c) Bishop Josyf died in 1934. The priests and parishes of the Ukrainian Orthodox Church in America passed into the jurisdiction of the Ecumenical Patriarchate's Exarch in America. In February 1937, Archbishop Athenagoras consecrated Archimandrite Bohdan (Shpylka) to be the next bishop of the Ukrainian Orthodox Church in America.

3. **By the Episcopate of the Ukrainian Autocephalic Orthodox Church in the Emigration (UAPTs in the Emigration)**

(This church body arose in occupied Ukraine in 1942. Although, apparently there were no real grounds for doubting the canonicity of its bishops, the fact that it had assumed the name of the 1921 church, created much misunderstanding. As the war ended, many of its bishops and priests found refuge in Western Europe.)

a) On March 17, 1946 the Episcopate, which was then in Germany, sent a "Fraternal-in-Christ Circular Informational Epistle" to all the heads of Orthodox churches with a request that they extend it a brotherly hand of prayerful union. In part, the epistle read: "The Ukrainian Autocephalic Orthodox Church stands on the grounds of Ecumenical Orthodoxy and Canonicity and does not consider itself to be other than a constituent part of the Universal Eastern Orthodox Church". No reply related to possible Eucharistic union was received.

b) The newly-elected Patriarch Athenagoras during a meeting with a Ukrainian delegation in Paris (January 25, 1949) expressed a desire for information about the UAPTs in the Emigration and its bishops. On March 4 of that same year Metropolitan Polikarp (Sikors'kyj) sent the Patriarch, requested information in the Ukrainian and French, about the eleven UAPTs bishops then in Western Europe and about the state of the Church itself. He did not receive a reply.

The Patriarchate did not know on what basis those surviving priests, ordained by bishops elevated through "all-popular laying-on-of-hands" in 1921, had been accepted into the UAPTs in 1942. It did, however, know that some of the UAPTs bishops in the Emigration had declared themselves to be in sympathy with the actions of the 1921 Kyiv Sobor.

c) After the Sobor of the Ukrainian Orthodox Church of America held in Allentown, Pennsylvania, December 8-9, 1948, Archbishop Mstyslav (Skrypnyk), with the blessing of Metropolitan Polikarp, wrote to Patriarch Athenagoras (January 15, 1949) requesting that he be admitted into the episcopate of the Ecumenical Patriarchate. At the time Mstyslav considered himself to be under Metropolitan Polikarp's jurisdiction. The Patriarchate did not respond to the request.

d) On September 4, 1952, after arriving in New York, Archbishop Ihor (Huba) a member of the Episcopate of the UAPTs in the Emigration requested the Patriarchal Exarch, Archbishop Michael of New York, be accepted into prayerful union. Two years later, on September 26, 1954, he was accepted into prayerful union with the Ecumenical Church. Archbishop Ihor, together with Archbishop Paladij (Vydybida-Rudenko), established a separate Ukrainian Orthodox jurisdiction that was in eucharistic union with the Ecumenical Church. (During the Second World War, Archbishop Paladij, and Metropolitan Ilarion belonged to the Warsaw Metropolis).

4. By Metropolitan Ilarion (Ohienko)

Metropolitan Ilarion, who became head of the UGOC of Canada in 1951, on numerous occasions expressed to the Consistory of the Church his desire to travel to Constantinople with the aim of drawing the UGOC of Canada closer to Ecumenical Orthodoxy. Finally, on October 19, 1964, he wrote to Metropolitan Athenagoras (Kokkinakis) in Toronto stating his intention to travel to Constantinople and asking for his assistance and auspices. No answer was forthcoming.

Ilarion, again raised the question of relations with the Ecumenical Patriarchate at the plenary session of the Consistory in December 1965. He then turned to Patriarch Athenagoras (April 19, 1966) asking that a "formula be found" for the union of the Canadian with the Ecumenical Patriarchate. In the letter he also provided information about the current state of the UGOC of Canada. Still there was no reply, the Holy Synod having reservations regarding the status of the priests in Canada who had been ordained by Archbishop Ioan.

5. By Archbishop Mstyslav

a) In January, 1960, Archbishop Mstyslav approached the Exarch of the Ecumenical Patriarchate, Archbishop Iakovos, in New York asking that prayerful union with the Patriarchate be established. Iakovos placed the matter for discussion before the Standing Conference of Canonical Orthodox Bishops in America, which in turn, established a commission to examine the canonical status of the Ukrainian bishops' consecration. The main point was a new consecration for Archbishop Ioan. A meeting between the commission and the Ukrainian bishops set for September 26, 1961 did not take place. For the Ecumenical Patriarchate the matter of Ioan's 1949 cherotony remained unresolved.

b) In 1971 the Seventh Sobor of the Ukrainian Orthodox Church of the USA directed its episcopate to establish relations with the Ecumenical Patriarchate. Metropolitan Mstyslav wrote a letter dated February 19, 1972 to Patriarch Athenagoras requesting that the UOC of the USA be accepted into the jurisdiction of the Patriarchate. However, Athenagoras died that summer and the reply dated February 6, 1972 from the recently-elevated Patriarch Demetrios I, presented conditions which unacceptable to Mstyslav. With this, in the U.S. matters came to a standstill.

II. New Developments in UGOC of Canada/Patriarchate Relations

With the election of Archbishop Wasyly (Fedak) to be Metropolitan of the UGOC of Canada came changes in attitudes toward relations with the Orthodox world. The need for fresh negotiations now arose.

Beginning of Relations

1. a) In February 1985, Archbishop Wasyly stated during a meeting in Winnipeg with the Greek Bishop Sotirios (Athanasoulas) that the priests ordained by Archbishop Ioan had been ordained anew and that he, being one of them, had undergone re-ordination by Archbishop Mstyslav in 1949. Wasyly confirmed this in letters to Sotirios dated March 5 and June 18, 1985. This opened the way for new talks with Constantinople.

b) In October 1987, a Delegation from the UGOC of Canada visited the Patriarchs of the East. The Delegation consisted of Metropolitan Wasyly and Fr. Stepan Jarnus, Chair of the Consistory's Presidium. A meeting with Patriarch Dimitrios took place on October 15, during which the delegation presented a Memorandum to the Patriarch. Dated September 23 of that year, it stated of the current state of the Canadian Church and asked that its relations with the Ecumenical Patriarchate be normalized. The memorandum proposed six articles as the basis on which the Canadian Church considered that normalization might be achieved.

c) In the autumn of 1987, the session of the Consistory received the Delegation's report and decided to renew the activities of its Commission of Inter-Church Relations, directing it to enter into a dialogue whose purpose would be to normalize relations primarily with the Ecumenical Patriarchate. The Consistory set the composition of the Commission, appointing Fr. Stepan Jarnus, Chair of its Presidium, to be its head.

d) On January 2, 1989, Patriarch Dimitrios informed Metropolitan Wasyly that the Patriarchate's Holy Synod had reached a decision favorable to the proposals submitted by the UGOC of Canada in the Memorandum transmitted the previous October. Metropolitan Wasyly, or a delegation from the Church, was invited for negotiations.

III. Negotiations of the UGOC of Canada with the Patriarchate

1. a) On March 18, 1989, Metropolitan Wasyly and Fr. S. Jarmus met with Patriarch Dimitrios in Constantinople. Later they held talks with the Commission on Inter-Orthodox Relations of the Patriarchate's Holy Synod. The topic of discussion was the six articles proposed by the UGOC of Canada in its Memorandum of September 23, 1987.

b) In May 1989, Metropolitan Wasyly received a letter from the Secretary of the Patriarchate's Holy Synod, Archimadrite (now Metropolitan) Meliton (Karas), containing a draft "agreement" with the Patriarchate. The document, "Acceptance of Viewpoints" contained eleven articles reflecting the position and proposals of the Holy Synod. This document differed from the six articles given in the UGOC of Canada Memorandum of September 23, 1987.

c) Beginning with May 24, 1989, the Commission of Inter-Church Relations of the UGOC of Canada Consistory held frequent meetings to develop its proposals regarding conditions for a Eucharistic union with the Patriarchate, and taking into consideration the proposals of the Holy Synod's Commission for Inter-Orthodox Relations. At its August 24, 1989 meeting, the UGOC Commission approved its draft of an agreement with the Patriarchate: "Points of Agreement between the Ukrainian Greek Orthodox Church of Canada and the Ecumenical Patriarchate of Constantinople". This document contained twelve articles. On September 15, 1989, the Commission dispatched its draft of the "Agreement" to the Ecumenical Patriarchate for discussion and acceptance by the Holy Synod, and for approval by the Patriarch.

d) The Plenary session of the Consistory, held October 19-20, 1989, approved the measures taken by the Commission of Inter-Church Relations and adopted a resolution which emphasized that the direction taken is "appropriate, and to authorize the Commission to continue its work to a successful conclusion". The Consistory made the resolution its recommendation to the Extraordinary Sobor.

e) The Extraordinary Sobor of the UGOC of Canada on October 21, 1989 approved the resolution proposed by the Consistory. Commending the work of the Commission for Inter-Church Relations, it added: "this first step must be taken, not limiting negotiations to the said eight points."

IV Ratification of the Agreement between the UGOC of Canada and the Ecumenical Patriarchate

1. a) On March 2, 1990, Patriarch Dimitrios informed Metropolitan Wasyiy that the draft of the agreement sent by the Commission had been received, found to be mutually satisfactory (συμφωνηθέντας ὅρους) and approved. The Metropolitan was invited to come to Constantinople on either April 1 or April 8 for the official act of reception.

b) The text of the agreement sent by the Patriarchate (in the Greek language) differed but little from the Commission's draft. In it, the participation of the Patriarchate's Exarch of the Americas in the Sobors of the UGOC of Canada and meetings of the Council of Bishops, as advisor and representative of the Patriarchate, was emphasized.

2. a) Metropolitan Wasyly delegated his vicar, Bishop Yuriy (Kalistobuk), and Fr. S. Jarmus to travel to Constantinople to participate in the act of union with the Ecumenical Patriarchate. Their concelebration of the Holy Liturgy took place in the patriarchal Cathedral of St. George on April 1. After the concelebration, Patriarch Dimitrios presented the Patriarchal Decree, dated April 1, 1990, to Bishop Yuriy. The Decree contains the points of the mutual Agreement with some modifications. (The text of the Patriarchal Decree has appeared in *Visnyk*, No. 8, 1990, p.3; in *Ridna Nyva*, 1991, pp. 115-119; *The Herald*, No. 9, 1990, p. 9. On the internet it can be accessed at <http://www.uoc.ca/doc-current.html>.)

b) The plenary meeting of the Consistory on May 3-4, 1990 discussed all aspects of the eucharistic union of the UGOC of Canada with the Ecumenical Patriarchate, and welcomed the successful conclusion of the negotiations conducted by the Commission. Inter-Church Relations. It also decided to present the Agreement, as accepted, to the 18th Sobor of the Church for ratification.

c) The pre-Sobor session of the Consistory, held July 4, adopted a resolution related to eucharistic union for submission to the 18th Sobor.

d) The 18th Sobor of the UGOC of Canada, which met July 4-8, 1990 ratified the Agreement with the Ecumenical Patriarchate and accepted the Patriarchal Decree of April 1, 1990 through a resolution which, in part, said that the Sobor:

“a) approves this act as an event of great significance for the Ukrainian Orthodoxy and thanks the Commission of Inter-church Relations for bringing the matter to a successful resolution;

“b) approves the articles of agreement between the Ukrainian Orthodox Church of Canada and the Ecumenical Patriarchate in Constantinople, at the same time affirming that in case of any internal-administrational conflict, priority is retained by the Charter and Constitution of the Ukrainian Orthodox Church of Canada as a distinct Church body in a separate, sovereign state.”

The Sobor accepted this resolution by a majority vote, with 262 delegates participating. The resolution was supported by 196 votes with 60 opposed. There were six spoiled ballots.²

V. The Status of the UOC of Canada within the Ecumenical Patriarchate

Here by “status” is meant the legal or canonical position from 1990 of the Ukrainian Orthodox Church of Canada within the structure of the Patriarchate of Constantinople. This position is based on the bilateral Agreement between the UGOC of Canada and the Patriarchate and as proclaimed by the Patriarchal Decree of April 1, 1990. These are two legal documents dealing with relations between two parties. The bases for juridical agreements are the principles stated by the parties to them. The Orthodox Church is a hierarchical institution. This is the position espoused by the Holy Synod of the Patriarchate. The Ukrainian Orthodox Church of Canada is an institution that arose in a democratic country. The pertinent documents reflect the views of both sides.

An important factor is the language in which the Agreement is written. The Patriarchate’s documents are in Greek. The Consistory’s Commission of Inter-Church Relations drew up its draft of the Agreement in English. Thus, in terms of the pertinent documentation, the two languages should be considered official. The Patriarchal Decree is in an English and a Ukrainian translation. As happens, translations do not always express the contents completely, and particularly the meaning of individual word’s. In the Agreement some points are presented in a simplified way whose undefined character is quite evident. This provides an opportunity for

² Minutes of the 18th Sobor of the UOC of Canada, July 4-8, 1990, p. 15; Visnyk, 1990, No. 8,

individual points of the Agreement and the Decree to be interpreted differently. The resolution of the 18th Sobor ratifying the results of the negotiations does not mention the Patriarchal Decree.

The present article is intended to present the status of the Ukrainian Orthodox Church of Canada within the structure of the Ecumenical Patriarchate and will not seek to interpret individual points of the Agreement. For comparison, it will refer to what is given in the Patriarchal Decree.

1. According to the Agreement, Article 1, the Ukrainian Orthodox Church of Canada at the time negotiations were proceeding its official name was the “Ukrainian Greek Orthodox Church of Canada” is under the omophoron (in the Commission’s document “under the umbrella”), the Patriarchate’s wording reads (ὕπὸ τὴν σκεπήν) – meaning “under the protection” (τοῦ Οἰκουμενικοῦ Πατριαρχείου) of the Ecumenical Patriarchate as a separate ecclesiastical entity. It exists in Canada independently of the Greek Metropolis as is evident from the reference book issued by the Patriarchate.³

The first article of the Agreement is included in the introduction to the Patriarchal Decree: “to receive the Orthodox Ukrainians under the canonical, spiritual province of their Mother, the Church of Constantinople, in order to afford them ecclesiastical stability and safety” (ὕπὸ τὴν ἀνωτάτην κανονικὴν δικαιοδοσίαν τῆς Μητρὸς αὐτῶν Ἐκκλησίας τῆς Κωνσταντινουπόλεως). The Ukrainian Orthodox Church of Canada is within the canonical jurisdiction of its Mother Church of Constantinople and is directly dependent on her.

2. Article 1 of the Agreement states that the Ukrainian Orthodox Church of Canada, after its acceptance into the structure of the Ecumenical Patriarchate, will “maintain its present distinct internal structure and organization” (ἰδιαιτέρων ἐσωτερικῆν δομὴν καὶ διοργάνωσιν). This is repeated in the introduction to the Patriarchal Decree. This could be taken to mean that the Patriarchate agrees to the conciliar governance and consistorial administration of the UOC of Canada as they are established by its Statute. Our understanding is that the Statute and the

³ Ἡμερολόγιον Οἰκουμενικοῦ τοῦ Πατριαρχεῖ ἔτος 2001. Πόδαρι: Οὐκρανικὴ Ὁρθόδοξος Ἐκκλησία ἐν Καναδά pp. 893-907

Charter govern the internal structure and organization of the UOC of Canada. Neither the Agreement nor the Decree mentions the normative character of the Statute and Charter of the UOC of Canada. Conceivably, the Holy Synod of the Patriarchate might say that it knows nothing about the current organization or administration of the Canadian Church. During negotiations, the Holy Synod considered that it was the “Ukrainian Orthodox Communities in Canada” that were to be admitted into the jurisdiction of the Patriarchate. The Consistory’s Commission of Inter-Church Relations argued against the use of this term. It pointed out that Ukrainian Orthodox Parishes on receiving their federal charter in 1929 had officially adopted the name: “Ukrainian Greek-Orthodox Church of Canada”. The Holy Synod accepted the validity of this argument and therefore the agreement was titled: “Articles of Agreement between the Ukrainian Greek Orthodox Church of Canada and the Ecumenical Patriarchate of Constantinople”.

3. Article 3 of the Agreement states that with jurisdictional unification with the Ecumenical Patriarchate the canonical head of this ecclesiastical entity is the Ecumenical Patriarch. The very brevity of this statement and the lack of elaboration might give rise to differing interpretations. Article 2 of the Decree, however, provides clarification, stating that “this body has reference in all things canonical” to the Patriarch (πρός ὃν ἔχη αὐτὴ τὴν κανονικὴν ἐν πάσιν ἀναφοράν). This is to be understood to mean that in cases when the Council of Bishops of the UOC of Canada is unable to resolve some dogmatic-canonical matter then reference should be made to the Patriarch as the canonical head, as the highest instance, in the Patriarchate of which the UOC of Canada is a canonical component.

4. a) The Agreement makes no mention of a formal canonical status of the UOC of Canada within the Patriarchate of Constantinople. After the first talks held March 18, 1989 by Metropolitan Wasyly and Fr. S. Jarmus with the Patriarchate’s Commission for Inter-Orthodox Relations, the Holy Synod of the Patriarchate submitted its draft of the agreement titled “Acceptance of Viewpoints”. In this document, Article 1 stated that, while accepting “the Orthodox Community in Canada” into the jurisdiction of the Ecumenical Patriarchate, “all aspects of autocephaly or autonomy are rejected”. The canonic law of the Orthodox Church

does not provide for the recognition of autocephaly or autonomy for a component in the diaspora of an Orthodox Church.

(In 1970 the Patriarchate of Moscow bestowed autocephalic status on one of the three Russian jurisdictions in the U.S.A. – the Russian Orthodox *Metropolia* in America. This action evoked indignant protests from the Ecumenical Patriarchate and also other patriarchates. They refused to recognize the autocephaly granted by Moscow and the autocephalic *Metropolia* has not achieved pan-Orthodox recognition.)

The Commission of Inter-Church Relations of the Consistory by-passed this question and chose instead to concentrate on the six articles contained in the Memorandum of September 23, 1987, and on maintaining the identity of the Ukrainian Orthodox Church of Canada.

b) Article 5 of the Agreement provides that only the Primate of the UOC of Canada (Ο Προκαθήμενος της Ουκρανικής Έλληνικής Ορθοδόξου Εκκλησίας του Καναδά μνημονεύει τοῦ σεπτοῦ Ὀνόματος τῆς Αὐτοῦ Θειοτάτης Παναγιότητος τοῦ Οἰκουμενικοῦ Πατριάρχου Κτίλους) “commemorates the name of the presiding Ecumenical Patriarch” during Holy Services. The position of Metropolitan, the Primate, is defined as “Head” of the Ukrainian Orthodox Church of Canada (Ο ἐπί κεφαλῆς τῆς Ουκρανικής Ἑλληνικής Ορθοδόξου Εκκλησίας του Καναδά). During Holy Services bishops of the UOC of Canada commemorate only their Primate (Οἱ ἐπαρχιοῦχοι (των Διοικήσεως) Ἐπίσκοποι μνημονεύουσι τοῦ ὀνόματος τοῦ Προκαθημένου) and priests, as is the custom, commemorate the Primate and their eparchial bishop.

c) Article 7 of the Agreement and the Decree provides that the UOC of Canada receives the Holy Myrrh (Chrism) from the Patriarchate; The Metropolitan, in turn, distributes it to his priests (καί θά διανέμῃται ὑπό τοῦ Μητροπολίτου). The UOC of Canada receives Holy Antimensia with inscriptions in Ukrainian also from the Patriarchate. The Metropolitan provides the antimensia to parishes under his signature (ὑπό τοῦ Μητροπολίτου μετὰ τῆς ὑπογραφῆς του). There being no Holy Relics in Canada for insertion in the antimensia, the relics are also to be received from the Patriarchate.

d) Mutual relations between the UOC of Canada and the Ecumenical Patriarchate are to be conducted by the Metropolitan directly with the Patriarch (Η μεταξύ τής Ούκρανικής Έλληνικής Όρθοδόξου Έκκλησίας τοϋ Καναδά καί τοϋ Οίκουμενικού Πατριαρχείου έπικοινωνία επιτελείται άπ' εύθείας διά τοϋ Μητροπολίτου).

e) Article 6 in the Agreement and the Decree regulates the process for electing the Metropolitan and Bishops of the Ukrainian Orthodox Church of Canada. The Primate or the *Locum tenens* of the Metropolitan Cathedra turns to the Patriarch in the matter of consecrating a new Bishop or Metropolitan. (Ο Προκαθήμενος ἢ ὁ Τοποτηρητής τής Πρώτης Καθέδρας τής Ούκρανικής Έλληνικής Όρθοδόξου Έκκλησίας τοϋ Καναδά... θά υποβάλλη ἕνα κατάλογον υποψηφίων διά τό άξίωμα τοϋ Μητροπολίτου καί των Έπισκόπων πρός τήν Γενικήν Σύνοδον (Σομπόρ)... θά υποβάλλωνται κατόπιν εἰς τήν Άγία καί Τεράν Σύνοδον τοϋ Οίκουμενικού Πατριαρχείου, δι' ἔγκρισιν πρός χειροτονίαν). The process itself begins with the Metropolitan or the *Locum tenens* of the Metropolitan Cathedra conferring with the Patriarchal Exarch regarding the intended candidate. The purpose of this negotiation is to review whether the qualifications of the candidate correspond to the demands for episcopal service in the Orthodox Church and if any canonical obstacles might be present. Then, in the first instance, the name of the candidate is presented to the Sobor (either General or Extraordinary) of the UOC of Canada for election. In the second instance, the nominated candidate is presented for election to the Holy Synod of the Ecumenical Patriarchate. Every Orthodox bishop is a member of the Episcopate of the Ecumenical Orthodox Church and for that reason should be elected by the highest ecclesiastical instance of the Particular Orthodox Church.

5. The mutual-relations with the Ecumenical Patriarchate described above show that in its practical life the Ukrainian Orthodox Church of Canada enjoys the rights associated with broad autonomy even without a formal specific recognition of such a canonical status. In practical terms these rights are manifested by the fact that only the Metropolitan commemorates the Patriarch during services. Neither the Bishops nor Priests commemorate the Patriarch. The Metropolitan communicates directly with the Patriarch in all matters, without the intermediacy of

the Patriarchal Exarch, including consecration of new bishops. As well, the Ukrainian Orthodox Church of Canada has no financial obligations towards the Ecumenical Patriarchate.

For comparison, in 1918 the Orthodox Church in Ukraine achieved autonomy from the Moscow Patriarchate. In the Statute it was stipulated that the Patriarch of Moscow, Tikhon, was to be commemorated during services not only by the Metropolitan of Kyiv, but also by all bishops and all priests in all parishes and monasteries. The bishops in turn were to take part in sessions of the Holy Synod in Moscow. In addition, all directives of the Holy Synod of the Moscow Patriarchate, including those relating to administrative and financial matters, were binding on all eparchies and parishes in Ukraine. In October 1990, the second time the Church in Ukraine was “granted” autonomy, the Patriarch of Moscow made it mandatory that he be commemorated in all services and obliged bishops to attend sessions of the Holy Synod. As was the case in 1918, the Metropolitan of Kyiv is a permanent member of the Holy Synod. In the decision of the Synod of Bishops of the Patriarchate of Moscow dated October 25-7, 1990, and in the Patriarchal Decree the canonical term “autonomy” is not used in relation to Ukraine.

Such demands are absent from the present Agreement and Patriarchal Decree. The UOC of Canada is not bound to such subservience in relation to the Ecumenical Patriarchate, even though the “gift” of official canonical recognition has not been granted.

6. a) Accepting the Ukrainian Orthodox Church of Canada into its jurisdiction, the Ecumenical Patriarchate has accepted its organizational structure. In 1951 the Canadian Church was divided into three eparchies, with a bishop in each. It was foreseen that, to assist bishops, vicar (auxiliary) bishops may be appointed. The Extraordinary Sobor of 1951 proclaimed it to be the Ukrainian Orthodox Metropoly of Canada. The Patriarch has confirmed that every bishop carries the title of his cathedral city (ἐκάστου Ἐπισκόπου φέροντος τὸν τίτλον τῆς πόλεως καὶ τῆς Ἐπαρχίας (Διοικήσεως). The Agreement provides that every Primate of the UOC of Canada is titled “Archbishop of Winnipeg and the Central Eparchy, (Ἀρχιεπίσκοπος Γουίνιπεγκ καὶ Κεντρικῆς Ἐπαρχίας (Διοικήσεως), Μητροπολίτης τῆς Οὐκρανικῆς Ἑλληνικῆς Ὁρθοδόξου Ἐκκλησίας τοῦ Καναδά) Metropolitan of the Ukrainian Orthodox Church of Canada.” His vicar is the Bishop of Saskatoon. The second ruling bishop is the Bishop of Toronto and the Eastern Eparchy (Ὁ Ἐπίσκοπος Τορόντο καὶ Ἀνατολικῆς Ἐπαρχίας(Διοικήσεως). The Bishop of

Montreal is his vicar. The third ruling bishop is the Bishop of Edmonton and the Western Eparchy (Ο Επίσκοπος Έδμοντον και Δυτικής Έπαρχίας (Διοικήσεως). In turn, his vicar is the Bishop of Vancouver. Patriarch Dimitrios accepted that the Ukrainian Orthodox Church of Canada is divided into three eparchies, a bishop at the head of each, with a vicar bishop to assist him, if needed. Every bishop carries the title of his cathedral city and eparchy. It is the practice of the Orthodox Church that bishops carry as titles their monastic name and the city in which the episcopal cathedral church is located. The designation of the episcopal cathedral church is permanent.

b) Neither the Agreement nor the Decree specifies which instance has the authority to transfer bishops and to assign new bishops to widowed cathedras. In Orthodox Churches the practice is that this is done by the Holy Synod. The practice of the Canadian Church is that this is done by a Sobor on motion of the Consistory. Here the possibility of differing interpretations arises. Article 1 of the Agreement states that the UOC of Canada “continues to maintain its present distinct internal structure and organization”, in the Decree (τηροῦσα ἀμετάβλητον τὴν ἄχρι τοῦδε ἐσωτερικὴν δομὴν καὶ ὀργάνωσιν αὐτῆς). Article 2 of the Agreement, however, reads that the Canadian Church states it will maintain strictly the “ecclesiological and canonical order and tradition of Orthodoxy, and especially of the Ecumenical Patriarchate”. When points of an agreement are stated without precise formulation, they could provide grounds for varying interpretations.

7. Article 5 of the Agreement mentions the need to create a Council (Conference) of Bishops. The same reason for creating such a Council was stated at the Extraordinary Sobor of the UGOC of Canada in 1951. In the Patriarchal Decree this is dealt with in a separate Article 5, emphasizing the importance that there be a Council of Bishops in the Canadian Church. Neither the Agreement nor the Decree specifies the rights and duties of such a Council. The 1951 Statute lists the duties but says nothing about the binding effect of its decisions except that its decisions are implemented through the Consistory. It may be considered that Patriarch Dimitrios assumed that the rights and duties of the Council are those generally-accepted in every Particular Orthodox Church.

8. The election and consecration of a Metropolitan and bishops is dealt with briefly in Article 6 of the Agreement and the Decree. The Primate, or the *Locum tenens*, after consultation with the Patriarchal Exarch, submits the names of candidates for approval to the Sobor of the Church, after which they are submitted to the Holy Synod of the Patriarchate. There are differences in how this is seen by the two parties. The "election" of a bishop for consecration is presented in two ways: "for approval for consecration" in the Agreement, and the Patriarchal (ὁὐ ἔγκρισιν πρὸς χειροτονίαν). There is a divergence in the wording between the Consistory Commission's "for approval" and the Patriarchal "for election". There is also a divergence in the Patriarchal Decree where [in the Greek text] it is stated "for election and approval through chirotony" (πρὸς ἐκλογήν καὶ ἔγκρισιν διὰ χειροτονίαν) which differs from what the Agreement states. Given the absence of a much more precise statement of this article different interpretations are possible both on the part of the Holy Synod and of the Consistory.

9. a) Specifying the relationship of the Patriarchal Exarch of the Americas to the Canadian Church was an important question for the Patriarchal Holy Synod and for the Consistory's Commission of Inter-Church Relations. In its draft the Commission stated that the Exarch was a "spiritual counsel" and "may be present" at Sobors of the Church, and Council of Bishops sessions. He would not obtrude into the affairs of the Ukrainian Orthodox Church of Canada. The Patriarchal Decree confirms that the Exarch is the "spiritual counselor and in this role is present at the General Synods (Sobors) and at the meetings of the Bishops of the Ukrainian Greek Orthodox Church".

b) In the fifteen years of union with the Ecumenical Patriarchate, in practice the Exarch has not been present either at Sobors of the Church or meetings of Bishops. No comments regarding this matter have come from the Patriarchate. It is possible that this matter had been placed in abeyance due to the reorganization of the Exarchate of the Americas. Certainly no directions regarding this have been received from the Patriarchate.

During the fifteen years of union with the Ecumenical Patriarchate there have been no evident misunderstandings. The Metropolitan and the Bishops have been invited to participate in meetings of the Ecumenical Patriarchate's Episcopate. Consultative meetings between the Metropolitan and the Patriarch are needed to avoid misapprehension that might follow from

imprecise formulation of individual articles of the Agreement. Such meetings would flow from the fact that the Metropolitan has the right to communicate directly with the Patriarch.

The 18th Sobor, ratifying the Agreement with the Patriarchate, affirmed that “in case of any internal-administrative conflict, priority is retained by the Charter and Constitution of the Ukrainian Orthodox Church of Canada”. A possible difficulty that might stem from this resolution is that nothing is said in the Agreement regarding the binding force of the Statute of the Ukrainian Orthodox Church of Canada.

VI. Position of the UOC of Canada Regarding Church Matters in Ukraine

1. a) The Ukrainian Orthodox Church of Canada is within the canonical jurisdiction of the Ecumenical Patriarchate and is a part of it. Article 11 of the Agreement states that “this, however, does not restrict” the Canadian Church from having fraternal “communication between ... other Orthodox communities and/or sister Churches” (’Ορθοδόξου Ἐκκλησίας του Καναδά μετ’ ἄλλων Ὀρθοδόξων Κοινοτήτων ἢ ἀδελφῶν Ἐκκλησιῶν). Fraternal ties with the Orthodox in Ukraine are particularly understandable and needed. No one can forbid them to Ukrainians.

b) It is important, however, to distinguish between fraternal-unofficial links and links that are official, canonical, and eucharistic. Official, canonical, and eucharistic relations require the blessing of the Patriarch of Constantinople, the canonical head of the Ukrainian Orthodox Church of Canada. This duty is similar to that of every priest. Every priest must have the blessing of his bishop for liturgical involvement outside his parish.

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