

Prof. Hdr. Archim. Grigorios D. Papathomas

**The oppositional relationship
between the locally established Church and the ecclesiastical “Diaspora”
(Ecclesiological unity
faced against “co-territoriality” and “multi-jurisdiction”)¹**

- If the first millennium of the Church’s existence is troubled by quarrels of *Christological* nature, then the entire second millennium is instead beset by *ecclesiological* problems, which, to this day, remain without even a rudimentary solution. Indeed, the three major problems of this second millennium are: a) the one thousand year old “rupture of communion” of the Eastern and Western Church (1054), b) the birth of Confessionalism (1517) in the West and c) the emergence of ecclesiological Ethno-phyletism (1872) in the East. These last two constitute, as will be shown in what follows, a *twin ecclesiological problem* and make up a *symmetric deviation* precisely because of the rupture of ecclesiastical unity and communion.

- If, moreover, the ecumenical and local Councils successfully handled the precise and systematically formulated *Christological* problems of the first millennium, the *ecclesiological* problems of the second millennium followed different paths, took different forms, becoming autonomous and lost in imprecision, such that, today, there is neither the possibility nor even the conciliar will to resolve them (even though Councils are convoked for this purpose).

¹ Text published in *Synaxis*, vol. 90 (4-6/2004), p. 28-44 (in Greek). The same, in *L’Année canonique*, vol. 46 (2004), p. 77-99, in *Contacts*, t. 57, n° 210 (4-6/2005), p. 96-132, in Ast. ARGYRIOU (Texts edited by), *Chemins de la Christologie orthodoxe*, Paris, Desclée (coll. Jesus et Jesus-Christ, n° 91), 2005, XX, p. 349-379, and in Archim. Grigorios D. PAPATHOMAS, *Essais de Droit canonique orthodoxe [Essays on the Orthodox Canon Law]*, Firenze, Università degli Studi di Firenze/Facoltà di Scienze Politiche “Cesare Alfieri” (series: Seminario di Storia delle istituzioni religiose e relazioni tra Stato e Chiesa-Reprint Series, n° 38), 2005, Ch. II, p. 25-50, in Archim. Grigorios D. PAPATHOMAS, *Essais d’Économie canonique. Esquisse d’introduction à la Théologie canonique [Essays on Canonical Economy. Outline of an Introduction of the Canonical Theology]* (Manuel for the students), Paris, ed. by the “Saint Serge” Orthodox Institute of Theology (series: Formation Théologique par Correspondance [FTC 2]), 2005, p. 137-163, et in Archim. Grigorios D. PAPATHOMAS, *Kanonika; a[morfa (Dokivmia Kanonikh`" Oijkonomiva")* (Ecclesio-

Having outlined these basic observations, it is clear that the problem under examination concerns, temporally, the second millennium, principally the later years, although, as will be subsequently shown, its roots go back to the first millennium.

Three parameters are being examined in this complex issue, each parameter corresponding to one part of the present study. The first part refers to the ecclesiological image which “the exterior” of the locally established Orthodox Churches evokes, in other words, the territories which, as we shall see, is incorrectly, from an ecclesiological perspective, referred to as the “Diaspora”; the second part examines the oppositional relation between the locally established Church and the ecclesiastical “Diaspora”; lastly, the third part attempts to show, through examples and statutory texts in force, the ecclesiological problems confronted by the institutional and statutory life of the locally established Churches, and consequently also by the communion of Churches. In other words, the present study aspires to discerningly illustrate, if at all possible in so brief a discussion, a) ecclesial reality, b) ecclesiological reality and c) the non-ecclesiological and, as such, problematic, statutory reality.

A. Confessional co-territoriality and ethno-ecclesiastic multi-jurisdiction

Until the Reformation (16th century), the sole canonical criterion which, at a specific geographical location, determined the establishment or existence of a local Church, as well as a locally established Church, was that of *territoriality*². Of course, at this point, it is implied that the *ecclesiological* criterion for the establishment of a Church already exists, that is, the Eucharist celebrated under the bishop. However, the *canonical* criterion results (as it ought) from the *ecclesiological* criterion. The Reformation, then, not so much because of its spatial separation from the Western Church, from whence it came, but rather because of its different *mode of existence*, introduces a new criterion needed for the establishment of a Church, a criterion ecclesiological and canonically inconceivable until that time. Its only objective was to provide a basis to the newly formed ecclesial communities and to justify their

Canonical Questions [Essays on the Orthodox Canon Law], Thessaloniki-Katerini, “Epektasis” Publications (series: Nomocanonical Library, n° 19), 2006, ch. III, p. 107-144 (in Greek).

² The canonical terms “local Church” and “locally established Church”, as well as the term “Church spread across the Cosmos” (Canons 57 of the Local Synod of Carthage (419) and 56 of the Ecumenical Quinisexte Synod in Trullo (691)) have an exclusively *canonical*, and not necessarily *ecclesiological*, content. Here, they should only be understood through their canonical meaning since, from an ecclesiological perspective, the Church should only be understood as a “locally established Church” (diocese) or “Church spread across the Cosmos”, Eucharistic and Synodal at once (see below). In the Canonical Tradition of the Church, these two terms have become specialised: the first, “local Church”, means diocese, whereas the second, “locally established Church” refers to the geo-ecclesiastic entity of a broader region, an entity formed according to a specific territorial and canonical criterion, either geographic or national (eg. Cyprus, Russia, etc).

autonomous existence. This new... ecclesiological criterion was *co-territoriality*. According to its etymology, co-territoriality refers to the coexistence of several local Churches or locally established Churches, at the same geographical location, on the same ecclesial territory.

Though inadmissible from an ecclesiological point of view, co-territoriality, during the last five centuries, gave shape to a politico-ecclesial concept and practice which, as is well known, provoked virulent reactions, religious wars, deportations and relocations of people and communities, difficulty or refusal to communicate between Christian Confessions, etc. All this lasted almost until the 1st Vatican Council (1870) and, principally, until the formation of the Ecumenical Movement (start of the 20th century), when, from that point onwards, co-territoriality became a de facto standard and an uncontested ecclesiological given, commonly accepted by everyone, and, finally, a *constitutive element of territorial expression* for every locally established Christian Confession. It is precisely this which led to the birth of Confessionalism³, an ecclesial experience unknown until that time. As a consequence, the confessional – and not territorial – establishment of an ecclesial community at a specific location is the first severe ecclesiological problem which appears after 1054, because of the “rupture of communion” within the bosom of the Western Church, mainly. It is thus that the criterion of *exclusive territoriality*, which lasted from the 1st century AD to the 16th century, the sole ecclesiological and canonical criterion needed for the establishment and the existence of a local or locally established Church, gradually but steadily lost ground, and was progressively weakened on a local as well as an ecumenical level.

At the time during which “*confessional co-territoriality* definitely and irrevocably replaces *exclusive territoriality*”, officialising itself in mindset, in mentality, in practice and in the common spaces of ecclesial communities, which had already become confessional during the time of the 1st Vatican Council, at this same time, especially starting from the end of the 19th century, the national Diaspora of the Orthodox people was introducing, in its own way, another criterion, just as new to ecclesiology: ethno-phyletic multi-jurisdiction, introduced mainly in western countries in territories which were considered “not to have” (sic) ecclesial territorial identity and basis. Indeed, different ecclesial jurisdictions (*hyperoriae*) appear almost simultaneously in the same territory and on the same land, exerted from afar from diverse National Orthodox Churches, each one for its own sake, on ethnically homogeneous (homoethnic) ecclesial communities, mainly, if not exclusively, according to national and

³ To confessionalise oneself means to determine a trend, an approach, an understanding.

ideological criteria. Consequently, in the case of Orthodox Christians as well, the ethno-phyletic – not the territorial – establishment of an ecclesial community in “Diaspora” – and we shall see that this problem goes beyond the area of the “Diaspora” – equally constitutes another serious ecclesiological problem within the bosom of the Orthodox Church, comparable to the confessional ecclesiological problem mentioned above.

It is thus that during the 19th and 20th centuries, in Western Europe and, in general, in the western world, confessional co-territoriality becomes institutionalised, and subsequently, having been lawfully legitimised, it becomes daily reality and standard ecclesiological practice for everyone – even institutionally for the World Council of Churches (WCC). In these same centuries, within the bosom of the multinational orthodox “Diaspora” in western lands, multi-jurisdiction imposed itself, despite ecclesiological reactions of theologians and canonists, and prevailed for reasons which are well known today; reasons which are mainly ethno-political or, more familiarly, ethno-phyletic, but are, in parallel, also due to the loss of ecclesiological sensibility...

What followed, and *how* it followed, still referring to the West, where the issue of the “Orthodox Diaspora” is born, is generally well known. It would, however, be useful, in order to illuminate and deepen this issue, to make a remark. Given that in recent years, catholic as well as protestant confessionalism have strongly influenced Orthodox Theology, they have contributed *volentes nolentes* to the institutional and ecclesiological alteration of the Orthodox ecclesial bodies of the Patriarchal and Autocephalous Churches. Therefore, in these western countries and those of the “Orthodox Diaspora”, when these two characteristics – confessional co-territoriality and ethno-phyletic multi-jurisdiction – met, they mutually complemented one another and effortlessly blended into each other, as if they were similar practices and tendencies, despite their conceptual differences. Their union engendered, not only on the level of Ecclesiology, but also on the level of the Ecumenical Movement, the aforementioned firm ecclesiological conception which, in times predating the Reformation, particularly during the first millennium, would have been immediately canonically and conciliarly condemned as ecclesiological heresy. A heresy which could go by the name of *multi-jurisdictional co-territoriality* (ie. confusion of the Churches⁴).

In short, the rupture of ecclesiological unity in the West brought about the creation of *confessionalism*, whereas the rupture of ecclesiological unity in the territories of the

Orthodox Tradition brought about the emergence of *ethno-phyletism*. Thus, this rupture engendered a two-faced ecclesiological problem which, in turn, had tangible consequences, that is, co-territoriality and multi-jurisdiction in the East and West. Consequently the problem, both for the Western and the Orthodox Churches, is neither *confessional* nor *ethno-phyletic*, but primarily ecclesiological, concerning the ontological communion of the Churches. And when our sensitisation to this issue bears its fruit, the evolution of the complex ecclesiological problems of the second millennium will be very different, and the expected results more visible.

However, already by 1872, the Panorthodox Council of Constantinople had condemned ethno-phyletism as heresy. Today, the theology of that Council is unanimous, and yet the ecclesial practice which followed from it, and continued during the whole of the 20th century, is nothing short of its opposite: *the total affirmation of ethno-phyletism*. And so we still accept ethno-phyletism in our lives, notably in the territories of the Diaspora, as if it were self-evident and uncontested; it is being slowly but tenaciously accepted as a canonical principle of the organisation of contemporary “Orthodox Diaspora”, without facing any form of protest from National Orthodox Churches. There is, similarly, an *informal pluralism* of ecclesial jurisdictions in the same geographical location, essentially founded on the principle of co-territoriality. Therefore, if there is a term resulting from an authentic and consequential practice of Ethno-phyletism, or even Autocephalism, which describes, at the same time, the whole ecclesiological structure and the state of the “Orthodox Diaspora” today, then that term would be “*multi-jurisdictional co-territoriality*”.

Analysis of this twin ecclesiological problem shows that co-territoriality preceded multi-jurisdiction. Here, we can see the influence of confessional theology on orthodox ecclesiology. Indeed, ecclesiastical multi-jurisdiction is only possible when co-territoriality already exists, but not vice versa. Multi-jurisdiction cannot justify its existence, as it has no ecclesiological support. From the time, however, that co-territoriality imposes itself *de facto*, multi-jurisdiction easily finds the support for its founding, its existence and its development. And it is precisely this co-territoriality which in recent orthodox ecclesiology and practice becomes, *mutatis mutandis*, multi-jurisdiction.

The acceptance of this new ecclesiological conception on the part of the Orthodox people or, better yet, the unprecedented adoption of this ecclesiological practice when it should

⁴ See canons 2/II, 71/Carthage and 10, 20/IV

instead have been rejected as undue, dissident, heteroclitic and anti-canonical, engendered, in the same places, parallel or, more precisely, overlapping ecclesial “jurisdictions” (sic), as is erroneously used today in the plural, but, in fact, also engendered multiple overlapping and juxtaposed local Churches, in the same territories, in the same town, in the same geo-ecclesiastic province, *within the same borders and under the same designation*. Historical experience, this last century, has shown that it is National Orthodox Churches themselves who maintain and encourage, out of their canonical bounds, ethno-ecclesial multi-jurisdiction in the broader region of the “Diaspora” and for this reason, let us not deceive ourselves, in these regions the ecclesial body will never find the ecclesiological solution and its consequence, ie. ecclesial unity, as desired by... everyone (!), as long as these proceedings exist and prosper...

B. Local or locally established Church and the “Diaspora”

Essentially, the Church has always been *Eucharistic* and, as far as geographical areas are concerned, *territorial* in the expression of its identity and its presence in history. Paulinian ecclesiology, as well as the whole patristic ecclesiology which followed, has never designated a “local” or “locally established” Church in any other way but through a geographical name, as the terms themselves indicate. The defining criterion of an ecclesial community, an ecclesial body or an ecclesiastic circumscription has always been the *location* and never a racial, cultural, national or confessional category. A Church’s identity is described, and has always been described, by a local designation, ie. a local or locally established church (eg. Church at Corinth⁵, Church of Galatia⁶, Patriarchate of Serbia etc), but a Church preceded by a qualitative adjective (eg. Corinthian Church, Galatian Church, Serbian Church etc) has never previously existed as it exists today. And this is because, in the first case, we always refer to the one and only Church, but established at different locations (eg. Church at Corinth, at Galatia, at Serbia etc), whereas in the second case it appears not to refer to the same Church, since it is necessary to describe it using an adjective (ethno-phyletic or confessional category) in order to define it and to differentiate it from some other Church: Serbian, Greek or Russian Church – just as we say Evangelic, Catholic, Anglican or Lutheran Church. We have seen that the Lutheran Church, having lost its local “canonical” support for reasons which were confessional and related to the expression of its identity, resorted to other forms of self-definition. Similarly, within the territory of the “Orthodox Diaspora”, while we cannot in any way say “Church of Serbia of France”, which would be ecclesiological unacceptable,

⁵ 1 Cor 1, 2 ; 2 Cor 1, 1.

specifically because it would cause total confusion between the Churches, we can instead, for purely ethno-phyletic reasons relating to the expression of its identity, easily say – as we do, not only orally but also in institutional and statutory texts – “Serbian Church of France”.

Indeed, in Lutheranism and Calvinism, i.e. in traditional Protestantism, where dogma is emphasised more than anything else, a dependence of the Church on the Confession of Faith (Confessio Fidei [cf. Confession of Augsburg – 1530]) is observed. It is from this confession that the adjectival designation originates, i.e. the designation of the Church as “Lutheran” or “Calvinist”⁷. By exact analogy, the same happens in the *National* Orthodox Church, where the messianism of the Nation, another form of a confession of faith, consciously or subconsciously prevails, while, at the same time, a perverse relation and dependence of the Church on the Nation and the dominant national ideology is observed. And so, derived from this dependence on the state or nation, the adjectival designation follows naturally, i.e. Serbian, Romanian, Russian, for each Church respectively.

The exact same symptom appears in Greece today, notably since 1924/1935, with the appearance of the “Old-Calendarists”. When these Communities detached themselves from the corpus of the Church and started to proliferate disorderedly, their need for self-designation became immediately apparent, just as had been the case with the Protestants. The ecclesial identity of the Old-Calendarist communities was person-centred, as each community was founded, linked and concentrated around a single cleric, usually a metropolitan. In this way, in order to make clear which group of “Genuine Orthodox Christians” (“G.O.X.”) is being referring to, and thus to avoid confusion, the practice of naming them after the founder and spiritual initiator has been established, such as “Matthewites” (after their founder Metropolitan Matthew), “Chrysostomists” (after they separated from the Matthewites following the initiative of their spiritual father, Metropolitan Chrysostomos), “Methodists” (after their founder Metropolitan Methodios), and so on, just as had happened with Luther, Calvin, etc. These person-centred names are related to the adjectival designation of each Old-Calendarist community. They all coexist independently of each other, and, according to a general estimate, they number about seventeen (17), with an equal number of “Holy Councils”. Each one of these “Holy Councils” consists of “Metropolitans” having active jurisdictional competence in almost the same geographical territories – “Metropolises”, where

⁶ Gal 1, 2.

ecclesiastic jurisdiction is exerted not only by the Orthodox Church of Greece but also by other Old-Calendarist Communities. Here, obviously, we are dealing with the combination of both ecclesiological phenomena: co-territoriality and multi-jurisdiction.

At this point, for completeness, we should simply mention that, for example, again in Greece, where the Catholic Church, because it had considered the “rupture of communion” of 1054 as a *schism (sic)*, founded, firstly, a “Roman Catholic Church of Greece” (1835) next to the “Orthodox Church of Greece”, in the same ecclesiastical circumscription as the “Orthodox Church of Greece”, and, much later, a “Roman-Catholic Oriental Church of Greece” (1911/1932). Thus three overlapping homonymous ecclesiastical jurisdictions were created in Greece. The same, of course, had already occurred at the time of the Crusades (1095-1204) in Jerusalem, in Antioch, etc, where locally established (*patriarchal*) Churches dating from the time of the New Testament already existed. In other words, what occurred in the West during the 16th century, ie what Protestants did vis-à-vis the Catholic Church, had already been carried out ecclesiologicaly by the Catholic Church since the 12th century in the territories and within the bosom of the Orthodox Church of the East (cf. the institution of the *Latin Patriarchate* of Jerusalem in 1099 at the end of the first crusade [1095-1099]). Nowadays, the *Code of Eastern Canon Law* of the Catholic Church, though published recently (1991), preserves the continuance of this *confessional-like ritualistic*⁸ practice, dating from the middle ages, and exhibits a *relativism*, also *ritualistic*, of the locally established Church. Thus, the *post-ecclesiological* tendencies which characterise Christianity today date from the beginning of the second millennium and from the application of ideological conceptions inherent to the politico-religious movement of the Crusades (13th century). At the depth of this thorny issue, it is not difficult to understand that the three ecclesiological problems of the whole 2nd millennium are all *internally tied* and *interdependent*.

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This new and unheard of phenomenon of ecclesiastical adjectival designation can be explained with little difficulty as, subconsciously, since the ecclesiological centre of gravity moved from being *territorial* to *ethno-phyletic*, or, in the corresponding case in the west,

⁷ Initially, we saw the appearance of Protestant Churches with an *adjectival* designation, and, later, *territorial* Protestant Churches. But both types of Church ultimately favoured, by definition, the practice of *ecclesial co-territoriality*.

⁸ By *ritualism*, we mean the different *rites* (the ancient liturgical traditions) which continued to *coexist* in the bosom of the Roman Catholic Church and on which are founded religious groups or ecclesial entities, in parallel, overlapping and universal.

confessional, we have replaced the *local* designation with an *adjectival* designation and, if adjectival categories are used, this is driven by precisely the same need for self-designation motivating the use of confessional adjectival categories. However, as far as Ecclesiology is concerned, there is no such thing as a *confessional* Church or, in the corresponding case, a *national* Church – only a *territorial* Church or, more precisely, a *locally established Church*, or a *Church established at a location*⁹, designated by its corresponding geographical name. Moreover, history has shown how important the use of proper and appropriate terms is for Theology, as an unsuitable word would deform the concepts and meanings and, by extension... the consciences.

Closely linked to this matter is the prominent issue of the “Diaspora”. It has already been mentioned that the Church has always been *Eucharistic* (concerning its *mode*) and *territorial* (concerning its *expression*)¹⁰; in other words, it has always been *eucharistically territorial*. The notion and practice of the Diaspora is unavoidably linked with the Jewish emigration, since, in Judaism, literally, *the Temple is unique*, as the Temple is the tangible symbol of their unity, their centre of reference on a *global scale*. The mentality, centred around this uniqueness and exclusivity does not recognise any “link of brotherhood” with other non-jewish people; it gives rise to a closed society, to which one belongs by hereditary right, which emphasises not only *religious belief* engendered by the uniqueness of the Temple, but also the descent of the people¹¹, traced back to the Nation “without brothers”, united at the Temple by a religious link (eg. the descent from Abraham causing, until today, the eternal Semitic problem ie. two people sharing the same descent. It is a fatal religious antagonism; these religions, too attached to the past, will be deprived of any future). It is exactly this which is deplorable about National Orthodox Churches today: they are also too attached to the past and to their national centre... They obviously sustain the idea that the “heir” should remain *there*, to ensure the continuity of the “heritage”, while the Kingdom is clearly *elsewhere* and comes, not from glorious national past, but from the future¹². It is why exclusivities and exclusions determine our actions, while we know very well, and we usually even declare it officially, that *distinctions are abolished within the Church*, a communion of love and self-surpassing...

⁹ Here, let us remember that, as far as Ecclesiology is concerned, the Church does not define its hypostasis through a location, but it is established in a given location precisely to transform this location ontologically.

¹⁰ Recall Saint Maximus the Confessor

¹¹ It is interesting to see, in the third part of the study, how far a people’s descent can be viewed as a ecclesiological basis in the Constitutional Charters of some National Orthodox Churches today (see below)

¹² Cf. Hb 13, 14.

Though *the Temple is unique* in Judaism, this concept, however, cannot be applied to Christianity, to Christian ecclesiology, or to our ecclesiology, because *neither the local nor the locally established Church is unique* in such a way (exclusivity), since there is a *plurality of locations* (*local and locally established Churches*). In other words, Diaspora presupposes a centre, a unique and exclusive centre, while for the people of God, “*the Temple is the Body of Christ*”¹³, His Church, which exists wherever there is an altar of a local Church. However, *it is always the same Church everywhere, even though the locations differ*. If it is so, it is clear that the much-discussed issue of the “Orthodox Diaspora” is, from an ecclesiological point of view, a myth. It is a fabrication of the National Church during the 19th and 20th centuries, under the influence of the State’s ideology, and by imitating the foreign policy of the nation-state. There is no “Diaspora issue” within the Church!... (What we have is a latent but prosperous Ethno-phyletism, though, due to its conciliar condemnation (1872), we do not always have the courage to admit it, as consequences would have to be faced and, much more, ecclesiological responsibilities would have to be assumed... without accounting for the fact that we live in an age where there is an considerable lack of ecclesiological sensibility...).

The Jewish Diaspora, as it is defined biblically, corresponds exactly to the definition of a nation’s or state’s Diaspora. Indeed, there is a national emigration, *outside the frontiers of the State*, since the State, centre of a Nation “without brothers” (!), is unique, as is the case of the Temple of Jerusalem. But in the case of the Church? Every location, everywhere in the world, is destined to become, is destined to be, “Church across the cosmos”¹⁴ – and not a location for “Diaspora” – “to bring together the scattered as one”¹⁵ in the Kingdom (and not within the metropolitan borders of a nation-state)!...

Consequently, the local or locally established Church guarantees ecclesiological unity, while the ethno-phyletic “Diaspora”, as lived by the Orthodox Christians during the whole 20th century, unavoidably gives rise to *co-territoriality* and *multi-jurisdiction*, steadily and constantly undermining ecclesial unity at a given location, and, in fact, undermining the Church itself. Here is why *Church* and *Diaspora* are two antithetical and incompatible terms: The term “Diaspora” exclusively refers to an entity with a specific point of reference, one which is *unique* in the world (state, national borders), while the Church has a Eucharistic point of reference, the altar of each local Church representing the image of the Kingdom. In

¹³ Cf. Jn 2, 20.

¹⁴ Cf. Canons 57 of the local council of Carthage (419) and 56 of the Quinisexte ecumenical council *in Trullo* (691).

practice, Diaspora is the means through which the national identity is preserved. This essentially means, by definition, that Diaspora is not an ecclesiological category, but an eonistic category, and so its concept implies an ethno-phyletic situation, the unacknowledged repercussion of ethnocentric actions and attitude. It is the presence of the Kingdom's image that excludes the practice of the Diaspora within the bosom of the Church. Therefore, a *nation-state* can legitimately have its own *national* Diaspora. But, by definition, a *local* or *locally established* Church cannot have, nor cultivate, nor claim a Diaspora. For the same reason, a State grants a nationality and provides a passport to its citizens, while a locally established Church, Patriarchal or Autocephalous, cannot grant "ecclesial nationality" and provide an "ecclesial passport" to its faithful, when they are far away, outside its bounds. This is partly because it only exerts its jurisdiction within its canonical boundaries, but also because, outside these boundaries, there is another locally established Church, and so on, throughout the world. This means that, when the faithful leave the canonical bounds of their locally established Church, they automatically become body and members of the ecclesial body in their new location, an ecclesial body part of the One and only Church, the unique Body of Christ.

That is precisely the vision and the spirit of the much misunderstood 28th canon of the 4th Ecumenical Council of Chalcedon. When the issue of resolving the "canonical problem of the Diaspora" is raised, it is usual to refer to elements found within the Canonical Tradition of the Church, especially to conciliar canons. It is true that, amongst the canons, the most dominant and discussed is canon 28/IV. As a contribution towards the resolution of this thorny problem, the present research discusses two interrelated issues. The first is related to the question of whether or not the concept of a "Diaspora" can exist within the bosom of the Church, while the second, obviously dependant on the first, is to determine how far canon 28/IV is related to the resolution of the specific canonical problem of the "Diaspora".

1. Indeed, canon 28/IV does not mention the Diaspora, in fact it does not even imply it. It refers to the possibility of creating a locally established Church outside the territories of other patriarchal Churches already defined by this same Ecumenical Council, those of the five Patriarchates, by giving the constitutive authority of founding local Churches to the Patriarch of Constantinople, within this "locally established Church of the outside". This canon thus affirms the existence of a Church outside the borders of other locally established Churches,

¹⁵ Jo. Jn 11, 52.

and designates who its primate is. It is remarkable that this very same Ecumenical Council of Chalcedon, which founded the five Patriarchates, neither distributed the territories outside the borders of the five locally established Churches into... five respective geo-ecclesial jurisdictions, nor placed them in parallel or superposed them, resorting to co-territoriality or multi-jurisdiction, if necessary, to secure the ecclesiological unity of those territories and, by extension, of the existing, or future, local Churches situated on these territories. It is, after all, the reason that the Autocephalous Archbishops of these territories depend, from the 5th century until today, directly on the Patriarchal Council of Constantinople.

Canon 28/IV addresses how the territories “outside canonical territories” ie. the territories outside those of the locally established Churches, are dealt with, from an ecclesiological point of view, with one and only purpose, to maintain, on those territories, a *mono-jurisdictional* and *undivided ecclesiological unity*. In other words, canon 28/IV is the one which allows for the existence of local Churches across the known world in the Cosmos, thus ruling out every notion or possibility of Diaspora. On the contrary, if we suppose that the Church considered the territories “outside canonical territories” to be areas of “Diaspora”, then it would have had no reason to promulgate canon 28/IV... Consequently, it is perhaps the only canon which so clearly affirms that the whole Cosmos, potentially and practically, is home to the Church, is destined to become a place of Eucharistic gatherings, and thereby the concept of a “Diaspora” is not applicable in any corner of the World. So it is stunning that we appeal to this canon to resolve the “Diaspora issue” as, not only does the canon ignore it, but it also forbids it ecclesologically.

2. Furthermore, following from all that has been said, another issue can be raised, relating to the geographical borders of the “Diaspora”. By the term “Diaspora” we encompass, from a territorial point of view, the American continent, Australia and Central and Eastern Asia, and define these as one unique category of “Diaspora”. However, in reality, the case of Western Europe differs from the case of the other continents. After the first erroneous use of the term “Diaspora”, which in fact undermined the local and locally established Church, we have joined these two cases into a single unique canonical category and have been dealing with them on an equal footing, from an ecclesiological and canonical point of view, even though they are different territorial categories. Indeed, Western Europe not only is not a land for diaspora, assuming for a moment that, ecclesologically, a Diaspora could exist elsewhere, but it also already is a conciliarly constituted locally established Church (451), that of Rome’s

Patriarchate¹⁶. And here a question is raised. How can we explain the fact that, on one hand, we are engaged in dialogue with the Western Church to restore *full communion*, after the “rupture of communion” of 1054, and on the other hand, we Orthodox Christians consider its canonical territory as a place of “Diaspora”, in other words, as generally defined, empty land and, consequently... without existence of a Church!... within which, in addition, every National Orthodox Church illegitimately penetrates, and founds the *extension (sic) of its jurisdiction*? There have even been orthodox bishops who have recently received and wear already existing titles, ie. titles belonging to local bishops of an already existing Church. So in addition to homonymous local Churches, we recently also have homonymous Episcopal titles!... But, in this way, we are effectively transforming a conciliarly constituted locally established Church (even though today it is in a *situation of disunion*) into an area, etymologically speaking, of dispersion (“Dia-spora”)!...

C. Constitutional dispositions of non-ecclesiological content

Since the further object of this meeting is the publication of a new Statutory Charter of the Church of Serbia, one endowed with properties aiming to be as canonical and ecclesiological as possible, it would be constructive to carry out, through examples, the comparative study of two existing statutory charters in force, in order to reveal, as far as possible, the deepest ecclesiological problem of the Orthodox Statutory Charters. I suggest, for a start, that we examine just one article from the Statutory Charters of a hellenophone and slavophone Church, specifically, the Statutory Charter of the Church of Cyprus and the Statutory Charter of the Church of Russia.

- “*Members of the Orthodox Church of Cyprus are:*
 - all Cypriot Orthodox Christians, who have become members of the Church through baptism, and who are *permanent residents* of Cyprus¹⁷ *as well as*
 - *all those of Cypriot origin*¹⁸, who have become members of the Church through baptism, and *are currently residing abroad*” (Article 2, statutory charter of the Church of Cyprus-1980)¹⁹.

¹⁶ See Yv. M.-J. CONGAR, “The Pope as Patriarch of the West. An approach to a neglected reality”, in *Istina*, t. XXVIII, n° 4 (1983), p. 374-390 ; also, in Yv. M.-J. CONGAR, *Church and papacy. Historical outlooks*, Paris, Le Cerf (coll. “Cogitatio fidei”, n° 184), p. 11-30.

¹⁷ Cf. *jus soli*

- “*The jurisdiction of the Russian Orthodox Church extends to*
 - people of *orthodox confession* residing in the USSR [1988]; residing on the *canonical territory* of the Russian Orthodox Church [2000], *as well as*
 - *people*²⁰ *who reside abroad and who voluntarily accept its jurisdiction*” (Article I, § 3, Statutory Charter of the Church of Russia-**1988** and **2000**)²¹.

First of all, these articles are representative of Statutory Charters with three main and common non-ecclesiological properties:

a) The jurisdiction of these Churches extends itself, deliberately and principally, to *people* – just as in the ecclesiology of the Reformation... – and not exclusively to territories. In other words and without further analysis, the exertion of ecclesiological jurisdiction on people simply means that this single statutory fact gives these Churches the right to penetrate, by definition, into the canonical bounds of other locally established Churches... On “people” therefore, and not on “canonical territory”, as we shall see further on, which is only invoked in self-defence, in order to prevent external ecclesiastical interventions on their own ecclesial territory on the part of some other jurisdiction acting according to the same principles, since they themselves statutorily practice such ecclesiastic interventionism on the canonical territory of other Churches.

b) The Churches statutorily declare that they are unwilling, for any reason, to limit the exertion of their jurisdiction to territories situated within their canonical boundaries, as they should ecclesilogically since, not only are they both locally established Churches, but also because the principle of Autocephalism, which determines their ecclesiological and institutional existence, demands it.

c) Most importantly, these Churches, when referring to territories *outside their frontiers*, knowingly and purposely make no distinction between territories plainly of the “Diaspora” and principal canonical territories of other locally established Churches. By extension, this

¹⁸ Cf. *jus sanguinis*

¹⁹ Article 2 of the Statutory Charter of the Church of Cyprus. See first edition text in the *Apostolos Barnabas* Review, 3rd period, t. 40, n° 11 (11/1979), p. 407-512 (in greek). Also, in French, in Archim. Grigorios D. PAPATHOMAS, *The Autocephalous Church of Cyprus in the European Union (nomocanonical approach)*, [L’Église autocéphale de Chypre dans l’Europe unie (Approche nomocanonique)], Thessalonica-Katerini, Ed. Epektasis (coll. Bibliothèque nomocanonique, n° 2), 1998, p. 229 ; italicised by us.

²⁰ Probably refers to people of orthodox faith.

²¹ Italicised by us.

particular statutory reference to *people* obliterates the elementary canonical distinction of “canonical territories” and “territories of the Diaspora”, creating another anti-ecclesiological phenomenon and characteristic: a *global ethno-ecclesial jurisdiction*.

Indeed, on the basis of what we have just examined, it is easy to realise that the ecclesiological innovations of non-canonical content, introduced in these two Statutory Charters no less than into the “General Dispositions” of the statutory text, not only create, by definition, within the territories of the “Diaspora” – and not only – a situation of *co-territoriality*, but also its inevitable direct product, *multi-jurisdiction*. Furthermore, another element common to both these Statutory Charters, when they speak of the members of their respective Church, is the total absence of the most elementary ecclesiological distinction between the “faithful of the ethno-ecclesial Diaspora” and the “faithful of other locally established Churches”. In practice, this means that they consider their members to be, not only the faithful of first category, but also all faithful without exception, ie. *the faithful who are outside their canonical boundaries*, whether they are in the territories of the “Diaspora”, whether they are on the canonical territory of another locally established Church or, worst of all, whether they are fully and territorially members of another Church (cf. Statutory Charter of the Church of Russia)... Finally, the *statutory possibility of choosing, of their own accord, the ecclesiastical jurisdiction of their preference (sic)* is given to all these faithful, wherever they might find themselves, but also wherever their preferred Church might be (Statutory Charter of the Church of Russia)...

Consequently, these two Statutory Charters, although they are not the only ones in the orthodox world, cause, from an ecclesiological point of view, such a *confusion of Churches* – to use the fitting expression from canon 2/II – which has no institutional parallel or precedent in the Church’s two-thousand year existence. One example suffices. If what the Statutory Charters enounce is really true, then a Cypriot, who resides in Cyprus and who, according to the Statutory Charter of the Church of Russia, “places himself of his own accord under the jurisdiction of the Russian Church”, has the possibility of not being a member of the Church of Cyprus, as the Statutory Charter of the Church of Cyprus would assert since the faithful resides there, but instead would be a member of the Russian Church. It follows that, if such people are more numerous – and we could suppose that they are or might become... – the Statutory Charter of the Church of Russia directly and immediately gives the canonical right to the Church of Russia of forming a Russian ecclesial community within the territories of the Church of Cyprus and, also, to place a bishop at the head of this community, as it seems

fashionable these days given the “hypermobility” observed in many Orthodox Churches, in order to elevate, through the enthronement of the bishop, the community to the status of “local Church”..., obviously not dependant on the locally established Church, but rather on its “Mother-Church”, to which it belongs “ecclesially”, according to the latter, or under the jurisdiction of the Church it has chosen of its own accord...

So let us not deceive ourselves. If these statutory phenomena just described can happen *legitimately since they are statutory*, and they do happen in the territories of locally established Churches, how can we dream to resolve the “problem of the Diaspora”, when on these territories [of the Diaspora], there is no canonical ecclesial regime for every National Orthodox Church, and, consequently, *we can develop any form of ecclesial activity*, since “our Statutory Charter” not only allows it, but also encourages it? This is why, by definition, given that a “intra-confessional co-territoriality” exists, not only can there be no *communion* between the “national orthodox jurisdictions” (*sic*), but there is not even basic *cooperation*, humanly speaking, on a practical corporate level (not to bring up the painful reality that there is only *antagonism...*). Such has already happened once, with the Christian confessions in the West... Perhaps this is why in the future there will be a need to develop an... *Orthodox Ecumenical Movement* specifically for the “territories of the Orthodox Diaspora”!...

Furthermore, in these statutory dispositions we have a fourth important element, as a consequence of the combination of the previous three: the creation of a “*global ethno-ecclesial jurisdiction*” which, naturally, goes against the ecclesiology of the locally established and Autocephalous Church, for the simple reason that it undermines and abolishes the other locally established Patriarchal and Autocephalous Churches, or tacitly implies, *a priori*, that in practice, these Churches do not exist and so neither do their communion. In this way, each National Orthodox Church has *global jurisdiction* with two territorial categories in which it exerts its jurisdiction: a) *its canonical territory* and b) *all the remaining territory of the World*, regardless of whether this territory is that of the supposed “Diaspora” or whether it is the canonical territory of another locally established Orthodox Church. It is clear by now that these Statutory Charters are totally devoid of ecclesiological criteria and priorities, but are written, rather, according to ideological, political and national, not to say nationalist, criteria, and as such have absolutely no resemblance and connection – none whatsoever – to the Canonical Tradition of the Church. And most disappointing of all is the fact that these two Statutory Charters of locally established Churches are among the most recent, written by the last generation of orthodox theologians.

Returning to our example, if we tried to apply the statutory disposition of the Church of Cyprus outside its canonical boundaries, the Patriarchate of Moscow would answer that Russia constitutes its *canonical territory* and that no external ecclesial intervention of any form is permitted there... The same response would be given by the Church of Cyprus in the opposite case of applying the Statutory Charter of the Church of Russia, ie. the Church of Cyprus would respond that the island of Cyprus is its *canonical territory*... The painful conclusion of this statutory activity and practice is that we have, in practice, *two ecclesiologies* which are tragically in conflict with each other: on one hand, a) an *ecclesiology of "canonical territory"* of each locally established Church and, on the other hand, b) an *ecclesiology of the "national worldwide Church"*. So we have two contradictory ecclesiologies, though both are applied in overlap, by the near totality of the National Orthodox Churches *simultaneously*. This is where the ecclesiological problem lies today: in these two dual and overlapping ecclesiologies, which in turn create multiple parallel and overlapping "ecclesial jurisdictions" (*sic*) at one and only location, essentially bringing about a *jurisdictional fragmentation of the ecclesial body* and giving rise to a *confusion of Churches* without historical precedent. This by itself is enough to demonstrate the downward plunge which characterises the Orthodox Church in the world today. Finally, the Church of Russia's proposition for the constitution of a "*Russian Autonomous Metropolis in Western Europe*" (April 2003), consisting of all the kinds of *Russian* communities existing there, is completely in line with the statutory ecclesiology of that locally established Church.

Here, I'd like to tell of a recent occurrence to illustrate what has just been said. One day, a professor of catholic theology in Paris, while speaking about the Orthodox Church of Russia's refusal to allow Catholic clerics in Russia, gave me the following account: "During a recent congress, I asked a Russian Archimandrite theologian (today a bishop): *Where is the Russian Church situated?* He answered: *Wherever there are Russian Orthodox Christians!*... [cf. the juridical principle of *jus sanguinis*]. *We are in total agreement*, I said. *According to catholic ecclesiology as well*, the Catholic Church exists wherever there are people of catholic faith. The same which applies to you applies to us. So why don't you allow our clerics to enter Russia for the catholic communities existing there, since they "accept of their own accord the jurisdiction of the Catholic Church"²² (January 2002) especially considering that we do allow Russian orthodox clerics into the canonical territories of the Western Church? *No!* he replied,

²² Cf. Statutory Charter of the Church of Russia, see above.

*Russia is the canonical territory of the Church of Russia [cf. the juridical principle of *jus soli*] and no other has the right to enter!...”.*

Herein lies the supplementary problem of dual ecclesiology. The example is striking. On one hand we have *canonical territory*, the incontestable argument of “self-protection” and self-defence, and on the other hand we have *ethno-ecclesial global jurisdiction*, the expansionist (not to say imperialist) ecclesiastical practice. This amounts to a different ecclesiology for the interior of the country and the interior of the territories of the locally established Church, and a different ecclesiology for the exterior of the country and the territories outside the canonical boundaries of the Church, regardless of whether these are territories of the “Orthodox Diaspora” or the canonical territories of other locally established Churches, or even territories of the Patriarchate of Rome... Ecclesiological principles of this kind, as inaugurated by the Statutory Charters, leave no margin for *ecclesiological communion* between Churches and, worst of all, they completely disregard other locally established Churches, thus clearly confirming the rupture of ecclesiological unity and the weakening of the communion of Churches. A priori, such charters directly give, to every locally established Church in this mindset, the feeling of being a *totally autonomous and unique “ecclesial being” on a global level*, thus creating *autocephalism* and *hydrocephalism*, but never *communion of Churches*...

* * * * *

Lastly, these two Statutory Charters that we have examined are imbued with the spirit of the time of their writing. They do not shape the statutory canonical ethos of a Church, but rather reflect and diffuse the dominant ethno-phyletic ecclesiology of the 20th century, experienced through the climate of the Ecumenical Movement and the latent practice of ethno-phyletism. This, as we have seen, is *the ecclesiology of global ecclesiastical jurisdiction, of co-territoriality and of multi-jurisdiction*, which is so clearly present in this last generation of Statutory Charters while, at the same time, remaining completely unacceptable for the theology of the Church. However, it is not only the Statutory Charters which are imbued with this ecclesiological spirit. We also encounter people who deal with sensitive aspects of ecclesial life with precisely these ecclesiological conceptions. It suffices to mention one fact from the life of the “*Orthodox Diaspora*” in *Western Europe (sic)*, which has to do with the present meeting and the Church of Serbia.

In March of the year 2000, the Church of Serbia sent Rev. Metropolitan Constantine to Paris, to enthrone Bishop Luka, at the *Serbian Church*, as we like to call it nowadays, at 23 rue Simplon. He read out a text relating to the enthronement, laconic enough for us to present it here just as it was spoken:

“The *Serbian Orthodox Church*, as a canonical Church with patriarchal dignity, does not cease caring for its members, *wherever these may be*. Beyond the dioceses established on traditional *canonical ground*, where its ecclesiastical organisation has been present for centuries, the *Serbian Orthodox Church* has been led, following the emigration of the populace due to financial or political reasons, *to organise its presence in the New World as well as in European countries*, in order to preserve the faith of its members, to carry the message of Orthodoxy to non-Orthodox countries, and thus to make Orthodoxy known to the world. *The presence of more orthodox bishops in this city [Paris] does not corrupt the order of the Orthodox Church*, or the idea that a city should have one and only bishop, since *each one of the canonical bishops deals only with the members of his local Church*. The adherence to a local Church within the body of the Orthodox Church has never been perceived as the adherence to different or opposed Churches, but clearly only as the adherence to one and only Church, whose supreme pastor is Our Lord Jesus Christ. And this, at a time when we are all in His service, each one of us having specific obligations, foremost of these being to preach in a language which is comprehensible and *to watch over the ecclesial tradition of the local Church*, a tradition with so rich an ecclesial patrimony.

Your Reverence, by delivering this sceptre unto you, symbol of Episcopal authority, in the name of His Beatitude the *Serbian Patriarch Paul* and of the Holy Synod of Bishops, I invoke the prayers of Saint Sava and of all the saints of *Serbian land*, of the country, and of the whole cosmos, so that your service as bishop as well as the service of God on the part of the clergy and of the pious orthodox people, contribute to the glory of God, to the joy of the Orthodox Holy Church, and to the salvation of the faithful who are entrusted to you”²³

Three points of this monumental text call for some final remarks, or rather questions, concerning the two previous statutory cases:

a) By which criterion are we considered to be a member of a locally established Church: the criterion of baptism or that of “ethnicity”? Furthermore, according to which canonical

²³ Translation of Metropolitan Constantine’s speech; italicised by us.

principle is “ethnicity” considered a valid criterion of adherence to a local Church? Finally, based on what canonical right are we introducing a distinction between “ethnicities” amongst the members of Christ and in the ecclesiological constitution of His Body, thus forming a *particular ecclesiastic entity*, distinguishing it from any other, on one and only territory?

b) If it is really possible to have more than one bishop in the same city, using the argument that everyone belongs to the same Church of Christ, then why does canon 8/I expressly forbid it? Was it perhaps unaware of this... “ecclesiological truth” which we so sincerely invoke today? And yet, these overlapping Episcopal “jurisdictions”, even in a situation of “Diaspora”, constitute an enormous ecclesiological problem which brings about the canonical penalty of the “*rupture of communion*”. Some would remark: But this is an ecclesiological problem which will in time *be resolved!*... In this case, one might wonder why we are not in full communion with the Catholics, even though the ecclesiological problem of the “*rupture of communion*” (1054) is still pending between us, since one day it will be resolved...

c) The salvation of the faithful has always been related to *ecclesial unity* and to the *communion of the faithful*. Can this really be achieved regardless of the existence of an ecclesiological problem which alters consciences, *ecclesial unity* and the *communion of the faithful*, ie. the constitutive elements of this salvation?

However, we could ask ourselves why it should be so important to have a unique bishop in each local Church, and to exercise *mono-jurisdiction*. What is in fact the profound reason which prevents us from accepting an administrative ecclesiological reformation, which would allow the coexistence of multiple bishops in the same ecclesiastical district? If the question’s nature was purely administrative, one could consider it a question of secondary importance. But the problem resides in the fact that this problem, taken as a whole, has ecclesiological ramifications which are directly linked to the unity of the Church.

More precisely, the unity of the Church consists of numerous aspects. It is expressed through the unity of faith, by the communion existing between its members, etc, but first and foremost by the participation of faithful in the mystery of the unique Eucharist, as it is through the common participation in this sacrament that the tight communion of the faithful with Christ and among each other can be accomplished²⁴. By receiving the Body of Christ, each

²⁴ On this matter, see Jean ZIZIULAS, *Eucharist, Bishops and Church during the first three centuries* (translated from Greek into French by Jean-Louis Paliernerne), Paris, Desclée de Brouwer (coll. Théophanie), 1994, in particular pages 73 onwards.

member of the ecclesial community enters perfect communion with Christ and with all who share the same Body. It is not fortuitous that in the first years of Christianity, the *Eucharistic synaxis* and the *Church* were synonymous; the word “Ecclesia” (Church) did not have the same meaning as today, ie. that of the whole Christian body believing in the Christian doctrine’s truth and conforming to it. The word signified, first and foremost, the Eucharistic assembly of the faithful in which *all members* of the local Church participated. If the semantic content of the word “Ecclesia” (Church) has developed with time, its the essence has stayed the same. The holy Eucharist, being the union of the faithful with Christ and among each other, constitutes the Church itself, and the direct consequence of this identification is the conservation of a single Eucharist in each local Church. By extension, the unity of the faithful in view of the Eucharist is both a prerequisite condition for the unity of each local Church and a reality identical to it.

The privilege of celebrating the Eucharist has always been associated to the person of the unique bishop who, acting in place of [the unique] Christ, is recognised as the head and the centre of Eucharistic assembly. This reality manifested itself more strongly during the early years of Christianity when, in each local Church, there was a single and unique celebration of the Eucharist, presided over by the local bishop – and by him alone. At the same time, in this president the Church saw the person uniting within himself the whole of the local Church by virtue of the fact that he offers the Eucharist as the body of Christ to God. This was also expressed in the fundamental conception of the Eucharist: *the unity of the multitude within one self*. This is precisely the definition of *mono-jurisdiction*, which demands the existence of a single ecclesial organisation – composed of all [four] *charisms* (bishop[s], priests, deacons, seculars) – at a specific location under *a single* local bishop (*unus episcopus in uno territorio*). Indeed, what the bishop’s charisma accomplishes arises from the unique altar of the unique Eucharistic Assembly. In other words, the historical genesis of the parishes and, later, the celebration of the Eucharist by priests, did not lead, in ecclesiastical terms, to a fragmentation of the Eucharist centred on the bishop: *one bishop – one Eucharist – one local Church – one territorial jurisdiction*. The unity of the Eucharist was thus preserved, which is the *sine qua non* condition for the unity of each *territorially local Church* which, in turn, is completely unrelated with the notion and conception of the *diaspora (sic)*. Nowadays, within the ecclesial “diaspora” this time, there are not just one, but many Eucharistic assemblies held on the same territory because of its division into several Episcopal dioceses and ecclesial multi-jurisdictions, and therefore the celebration of the Eucharist has ceased depending

uniquely and exclusively on a unique bishop who guaranteed the ecclesiological unity of the Church at a given location.

This very clearly shows why the existence of more than one bishop in a *mono-jurisdictional* ecclesial district is not, and cannot, be acceptable. The ecclesiological result of such a situation, frequently encountered within the orthodox diaspora, is the immediate fragmentation of the Eucharist since there is no longer a single bishop for each local Church, and so no longer a single ecclesial body. The institution of a unique Eucharist under its own local bishop automatically ceases to exist. This has the other consequence of rupturing the unity of the local Church itself, since the unity of the Holy Eucharist is the prerequisite condition for the Church's unity. In other words, *ecclesiological unity* without *Eucharistic unity* is inconceivable, and such a unity can only be realised by assembling all the faithful of the local Church under one unique bishop who, in Christ's place, presides over the holy Eucharist. This is the objective of *mono-jurisdiction*. It is precisely here that the serious problem of the orthodox "diaspora" lies, which undermines all the ecclesiological reality of the local Church and, by extension, that of the locally established Church.

To resolve this particular ecclesiological problem and restore the canonical *taxis*, it is essential and indispensable that the organisation of Orthodox Christians and of the "Diaspora" is ensured by a unique ecclesiastical authority, responsible of their organisation in dioceses. Ecclesial conscience must become more and more sensitive to this necessity by putting aside all ecclesiological deviation so widespread today in our ecclesial praxis. In fact, given that the administrative ecclesiological organisation of the bishops of the "diaspora" must be based on territorial criteria and not national ones, which supposes the existence of a unique bishop in each *mono-jurisdictional* ecclesial district, the question which arises is: which ecclesial authority will name these bishops and under whose authority will they be placed? The canons of the Church clearly show the way and provide a definitive solution to the problem of the "diaspora", and so it is a deliberate lie to assert that these canons had been promulgated for a time past... As long as one insists on this lie, the orthodox Church will remain divided between its appearance and its existence, with the coexistence, in one and the same *mono-jurisdictional* ecclesial district, of multiple different pastors and of multiple communities of different faithful, a reality undermining, by definition, the unity of the Church, or even undermining the Church itself...

Remarks - Conclusions

Patristic literature and the very first canons of the first three centuries, referring to the Church, speak of “*en-oria*” [“within the borders” = circumscription] meaning, of course, the “city”. The Ecumenical Councils, ie. the 1st of Nicaea, the 2nd of Constantinople, and the 4th of Chalcedon, and all the ones which followed speak of “the city and the land-within-territories”, by which they refer to a single territorial unity and geo-ecclesial entity. We must equate the “ecclesiology of the city” of the first three centuries with the “ecclesiology of the city and the land-within-territories” or the “ecclesiology of Episcopal province” of the fourth century and thereafter, in order to fully come to realise the problem of the “Diaspora” today. This means that in every “city” (1st-3rd century) and in every “Episcopal province” or “diocese” or “local Church” (4th-21st century) we do not, and we cannot legitimately have more than one altar, that of the bishop, even if there are 30, 50 or 100 parishes (we consider the Eucharist celebrated by priests as the extension of the Eucharist of the bishop which, for this reason, was celebrated in the name of the bishop. All the Eucharistic Assemblies of the various parishes were manifestations of the Eucharist of the bishop, on who they depended). This is why we cannot legitimately have more than one *Episcopal altar* for each *Episcopal circumscription*, whether in the territory of a locally established Church, or in the territories of the “Orthodox Diaspora”. At this point, it is evident that Ecclesiology is indissolubly *Eucharistic* and *territorial* and thus, *mono-jurisdictional*. Therefore, these two thematic characteristics (“city” and “city and land-within-territories”) constituted the exclusive ecclesiological and canonical criterion of territoriality, well known since that time (2nd/4th century), which remained unique and incontestable until the 16th century and the emergence of the Reformation. Since then, things have changed and the principle of *co-territoriality* was introduced into ecclesiology, which in turn encouraged the formation of *multi-jurisdiction* and, by extension, the multiplicity of “heterogeneous” and “different” ecclesial communities in the same region, at the same location.

One obviously wonders how such an Ecclesiology, which had withstood the test of time through so many centuries, almost disappeared, to be replaced by a *confessionalist*, *ritualistic*, and thus *multi-jurisdictional* form of a layered ecclesiology (*multi-jurisdictional co-territoriality*), so that we have all today inherited the syndromes of an exogenous ethno-phyletic ecclesiology and a globalised ecclesial jurisdiction, where all the primates of the locally established Churches exert a *hyperoria* (“across frontiers”) macro-jurisdiction on “their nationals”. Naturally, it is not sufficient to attribute this alteration to teaching, or to the erroneous approach of Western Christians and western theology. We ought to recognise that

we were also drawn by a national “eonistic”²⁵ (from eon, secular) ideology of global extent, and, to indulge in similar or equivalent secularised ethno-phyletic passions, we even resort to a charade of an ecclesiology.

Recently, *multi-jurisdiction* has been the ecclesiological construct of the “Orthodox Diaspora”, a symptom of ethno-phyletism and of the insistence on the ‘partial’, while at the same time *co-territoriality* has not only been the parallel ecclesiological construct of confessionalist and ritualistic ecclesiology but also of the Ecumenical Movement, which perceived it as a compulsory *de facto* reality, imposed by the ineluctable and irreversible course of the Reformation. Similarly, the practice leading to the coexistence of parallel or overlapping confessional Churches, was paradoxically adopted by the ecclesiology of the “Orthodox Diaspora” which most naturally accepted – and recently, even statutorily and institutionally – the coexistence of parallel or overlapping Orthodox Churches. This is why every attempt of statutory arrangement and every effort to exert any form of ecclesial jurisdiction must take this deviation into account, all the more so when it has been encouraged throughout the 20th century by an environment imbued with ecclesiastical ethno-phyletism, whether hidden or exposed. The “diaspora”, fabricated on a national level and implied on an ecclesiological level, favours the emergence and growth of this ecclesiologico-canonical deviation. In other words, a statutory ecclesiology which desires and aspires to be faithful to canonical ecclesiology, is required to keep with the “unconfused and undivided” chalcedonic orthodoxy!... In statutory practice this means that both the local and the locally established Churches are required to live “unconfused and undivided”, ie. this ecclesiologico-canonical practice prescribes, unwaveringly and incessantly, the existence and life of Churches worldwide, “without confusion” between them, but also “without division”. This is precisely what Ecclesiology and the Canonical Tradition of the Church insist on: that the local and locally established Churches distinguish themselves ontologically, escaping territorial *confusion* (of confessional type or by territorial interpenetration) and jurisdictional *expansion* (the situation of the “diaspora”).

If we correctly interpret the Canonical Tradition of the Church, it appears that the earliest statutory philosophy of each local church is the indispensable ecclesiological “distinction” between each locally established Church (this is the meaning of the Diptychs) and not the “confused jurisdictional expansion”, based on the pretext that we are in “a situation of

²⁵ According to the expression of P. Alexander Schmemmann.

diaspora”!... This precisely refers to the necessary alterity of a church in relation to another. This constitutes “the experience of alterity”, which has repercussions on ecclesiology, and of course, it concerns “the experience of the local church” and “the experience of the communion of Churches”... For this reason, laying claim to “members” and “faithful” of a locally established Church outside its canonical boundaries, but also the exertion of any form of *hyperoria* (out of bounds) jurisdiction, constitutes an “ecclesiological ethno-phyletism”, given that such a claim completely disregards the possibility of communion between the locally established Churches, and causes *confusion* of distinct ecclesial alterities.

The acceptance of the term “diaspora”, but even more of its non-ecclesiological perspective due to the confessional influence the Orthodox Church was exposed to, which led to a “Babylonian captivity” – to recall the expression of G. Florovsky – inaugurated the instauration and institutionalisation of that which we all condemned during the 19th century, namely Ethno-phyletism (1872). It is true that the condemnation of ethno-phyletism as heresy was based on *the ecclesial experience of the local and locally established Church: not more than one local or locally established Church at a given location* (canons 8/I and 28/IV). So the acceptance of the “situation of diaspora” which, as we have repeatedly seen, took place purely because of confessional influence, is essentially equivalent to the acceptance of ethno-phyletism and to the abolishment of the local and locally established Church.

Before reviewing and drawing conclusions, let us remember a key fact for this hermeneutic attempt. With unequalled discernment, the 28th canon of the 4th Ecumenical Council of Chalcedon inaugurates a dynamic constitution of local and locally established church “across the cosmos”²⁶. It was written and published conciliarly to anticipate the existence and the functioning of, firstly, a local Church, followed by a locally established Church, in locations and on territories where no distinct ecclesial entities existed, but where, at any time there was the possibility of ecclesial communities being formed, or of faithful of other regions, even proselytes, arriving and installing themselves after population displacements. With the bishop at the ecclesiologico-canonical centre, acting as the recapitulative and constitutive personality of the local Church, the 4th Ecumenical Council (canon 28) designates a bishop, under whose *mono-jurisdiction* these newly formed

²⁶ Canons 57 of the Local Council of Carthage (419) and 56 of the Quinisext Ecumenical Council *in Trullo* (691).

communities are placed²⁷, who ensures the ecclesial unity of the territories situated outside other locally established Churches, thus transforming these territories into the land of a local or locally established Church *and not into territories of “Diaspora”*. Conforming to the 28th canon, together with canons 9 and 17 of this same Council, the primate of Constantinople regulates the ecclesiastical emergence of these local churches “of the outside”, for which he is also the canonical interlocutor, given that this canon does not attempt to resolve disputes and diaspora issues, but rather ensures the dynamic canonical constitution of local and locally established Churches. It was inconceivable for the 4th Ecumenical Council to hold the five primates, the Patriarchs, *also* jurisdictionally responsible for the territories “of the barbarians” (the territories “outside canonical boundaries”), something that today, unfortunately, tends to be the *majority practice* and dominant orthodox ecclesiology, despite the insistence of Ecclesiology and the Canonical Tradition of the Church.

All those, either locally established Churches, or canonists, who today, after 15 centuries, still doubt this conciliar practice, do so because they deliberately consider the “exterior” territories as “territories of diaspora” rather than as “territories of a local or locally established Church”, because they are aware, canonically, that: a) within a “local Church”, we are not legitimately allowed to designate two or more bishops (canon 8/I) and b) within a “locally established Church”, we are not legitimately allowed, from an ecclesiological point of view, to have two or more active primates, either on “the territories inside” or on the “the territories outside” of the locally established Churches (canon 28/IV), whilst, on the contrary, we are “legitimately allowed” (*sic*) to designate as many as we wish in the “confessionalist [or ritualistic] form of the local or locally established Church”, or even in the “ethno-phyletic form of the diaspora”. This latter practice reveals not only how much we are lacking the *experience of the local Church*, but also how much we are slipping towards the eonistic pattern “of the current century”²⁸, that of *multi-jurisdictional co-territoriality*... Finally, this reveals that the ecclesiological problems of the 2nd millennium are essentially the Christological problems of the 1st millennium but under a different guise and on a different level.

In addition, concerning the issue of the “diaspora”, the State, every State, conforming to the principles of International Law, which secures its existence, has the legitimate right to

²⁷ We refer to the “autocephalous” ecclesial communities who, after their establishment, are governed by “autocephalous bishops”.

²⁸ See Rm 12, 2 ; 2 Tm 4, 10.

have, and does indeed have, its own diaspora. This, however, does not apply to the locally established Patriarchal or Autocephalous Church which, mainly by its nature, but also its identity and being, does not and cannot have, without undermining its ecclesiological existence, *two categories of ecclesiological body*, one in a situation of “egataspora” and another – outside its ecclesiological borders, ie. outside the Church body – in a situation of “diaspora”. This relatively recent and literally unheard of concept of having a dual ecclesial body has its origins in the confessionalist [and ritualistic] ecclesiology and relies on the newly formed National Church, after the ethnocentric exigencies of statehood were imposed on the Church or, to be more honest, were chosen by the Church.

Consequently, in the territories of today’s so-called “Orthodox Diaspora”, and not only, we are not building the local Churches of the future; we are simply abolishing already existing ones (see canon 28/IV)... thereby preparing History to accept orthodox *national ecclesial jurisdictions* at one location, just as it ultimately accepted, two centuries ago, *confessional ecclesial jurisdictions* at a single location. In this way, *Western Christian confessions* and *national orthodox jurisdictions*, always at one location, will be the only dividing and separating parameters in tomorrow’s European, or even globalised, society... After which we all wonder why the European Union did not take Christianity, its principal historical component, into account in the currently being prepared constitution. Why because the historical heir of Christianity, which once united the Roman Empire, is today, as a whole (*Western Christian confessions* and *national orthodox jurisdictions*) the only dividing social parameter on European ground and in tomorrow’s globalised and multicultural society...

European institutions do not focus on the historical past, as we do, proudly, on our glorious Christian history, but instead focus on the present and, above all, on the future of European citizens and of the European continent, while at the same time Christians are all organising themselves, in parallel, each in their own way in order to secure their own confessional, ritualistic or ethno-phyletic “assets”... thereby bringing about division, either voluntarily or not. We Christians, and indeed Orthodox Christians, are to blame for this refusal to integrate ourselves, because, today, when everyone is striving towards European unity and integration, we, ecclesiastics foremost, are experiencing a neo-confessional and neo-ethnic resurgence, purely of post-ecclesiological nature. This resurgence is destructive not only to ecclesial unity but also for European integration, since we persist in forming national parishes and dioceses in locations where local and locally established Churches already exist. Life itself brings confirmation to what is true. For nothing is true if not revealed

and confirmed in life. But today, in a crucial and perhaps unique moment, our message, a message of life and salvation of the people, proves to be untrue and vain, since it is devoid of *meaning*... This responsibility is no longer national or confessional, as it was mostly considered until today, but it is a solely soteriological responsibility towards God, History and the people of the world...

It is thus that within the orthodox “diaspora”, orthodox ecclesiology, through a complex approach to plurality, attempts to demonstrate that *mono-jurisdictional* ecclesiological unity can be conjugated with *diversity*. However, after the precedent analysis, it is no longer difficult to understand why *confessional and ritualistic co-territoriality* of Western Christians and the *ethno-phyletic co-territoriality and multi-jurisdiction* of the National Orthodox Churches constitute a *twin ecclesiological problem* and a *symmetric deviation*. Both co-territoriality and multi-jurisdiction constitute the two principal ecclesiological problems of our time, two coinciding problems which the Ecclesiology of the Church of Christ is called to confront and, if such is not too ambitious, to resolve, and to do so in a Christian age which is, by definition, *post-ecclesiological!*... Our faith is a Person, is related to Persons and the *communion of persons*; it is not an *eonistic homeland*, nor is it *linked to the land (jus soli)*²⁹ or *the blood (jus sanguinis)*³⁰. It is linked to the adventure of the salvation of humankind. An adventure where humankind is, after Apostle Paul³¹, *human, image of God, and citizen of the Kingdom*, be him Jewish or Greek...

* * * * *

In our life, today and always, we are born as Monophysites... we are born as Pre-Chalcedonians... and we are called to participate in the whole ecclesial life as... Chalcedonians, or better yet, as Post-Chalcedonians... Called to experience the dialectic relation of the ecclesiological “*unconfused and undivided*”, *personally*, but also *institutionally*, and, in the present case, *statutorily*, “*everywhere, always and by all*”³²!... Otherwise, as was demonstrated by the Statutory Charters examined above, we shall remain Monophysites and Pre-Chalcedonians forevermore...

²⁹ “For here we have no lasting city...” (Hb 13, 14).

³⁰ “...not by natural generation nor by human choice nor by a man's decision...” (Jn 1, 13).

³¹ See Gal 3, 28.

³² Cf. “Id teneamus quod ubique, quod semper, quod ab omnibus creditum est” (Saint Vincent of Lerins).

