

Abrogate the 2007 Act of Canonical Communion

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The Act of Canonical Communion between the Russian Orthodox Church Outside of Russia (ROCOR) and the Russian Orthodox Church (Moscow Patriarchate) must be abrogated.

A 2007 Act of Canonical Communion signed by the Russian Orthodox Church Outside of Russia (ROCOR) and the Russian Orthodox Church (Moscow Patriarchate) reunited the two long-estranged branches of the Russian Church. This act was the result of many years of preparation. Without examining all the steps involved, let us consider the final status of ROCOR after reunification. By way of background, we begin with the original jurisdictional and canonical situation of ROCOR. This is necessary simply to show how ROCOR might resume activities after abrogating canonical communion with the Moscow Patriarchate.

ROCOR in the Soviet Era

The bishops who eventually formed ROCOR were dispersed by the Russian Civil War (1917–22) and emigration. It is estimated that over a million people, including a substantial number of clergy and bishops, left Russia during this period. Recognizing the impossibility of maintaining a unified ecclesiastical administration, Patriarch Tikhon (Bellavin) declared, in Ukase No. 362:

In the event a diocese, in consequence of the movement of the war front, changes of state borders, etc., finds itself completely out of contact with the Supreme Church Administration, or if the Supreme Church Administration itself, headed by His Holiness the Patriarch, for any reason whatsoever ceases its activity, the diocesan bishop immediately enters into relations with the bishops of neighboring dioceses for the purpose of organizing a higher instance of ecclesiastical authority for several dioceses in similar conditions (in the form either of a temporary Supreme Church government or a Metropolitan district, or anything else).¹

This document became the foundation for ROCOR, even though it became available only after the early meetings of ROCOR bishops abroad, presided over by Metropolitan Anthony (Khrapovitsky). The first of these meetings was a gathering in Constantinople in 1920, in which thirty-four bishops participated in person or in writing. The first sobor of representatives of the entire ROCOR was held in Sremskii Karlovtsi, Serbia, in 1921. The sobor of ROCOR bishops abroad on September 13, 1922, ultimately established a temporary synod of bishops, based on Patriarch Tikhon's directive.

¹ Patriarch Tikhon (Bellavin), Ukase No. 362, November 7/20, 1920, https://www.synod.com/synod/engdocuments/enuk_ukaz362.html.

The Patriarch died in 1925 and was eventually replaced by Metropolitan Sergius (Stragorodsky), serving as acting locum tenens, a position of little authority. Metropolitan Sergius sought peaceful reconciliation with the Soviet government. He was imprisoned from November 30, 1926, until March 27, 1927. On July 29, 1927, he issued a declaration in which he professed the absolute loyalty of the Russian Orthodox Church to the government and its interests. The declaration stated:

We need to show, not in words but in deeds, that [believers] can be faithful citizens of the Soviet Union, loyal to the Soviet government. . . . We want to be Orthodox and at the same time recognize the Soviet Union as our civil motherland, whose joys and successes are our joys and successes and whose failures are our failures.² The Sobor of Bishops rejected the declaration of Metropolitan Sergius, however, and determined that the part of the All-Russian Church located abroad must cease all administrative relations with the church administration in Moscow . . . until restoration of normal relations with Russia and until the liberation of our Church from persecutions by the godless Soviet authorities. . . . The part of the Russian Church that finds itself abroad considers itself an inseparable, spiritually united branch of the Great Russian Church. It does not separate itself from its Mother Church and does not consider itself autocephalous.

² Metropolitan Sergius (Stragorodsky), "Declaration on Recognition of the Soviet Regime," July 16/29, 1927, <https://nicefor.info/en/declaration-on-recognition-of-the-soviet-regime-metropolitan-sergius-stragorodsky/>. Translation modified.

³ The terms "Russian Orthodox Church Abroad" and "Russian Orthodox Church Outside of Russia" were used interchangeably; the latter is now the more typical usage.

The émigré hierarchs, while rejecting what later became known as "Sergianism," did not view ROCOR as separate from the church in Russia. The Temporary Fundamental Law (Polozheniye) of ROCOR adopted by the General Sobor of Bishops on September 22–24, 1936, states: "The

Russian Orthodox Church Abroad, which consists of dioceses, spiritual missions, and parishes outside Russia, is an inseparable part of the Russian Orthodox Church, which exists temporarily under autonomous administration."³ This sobor, in effect, established an orderly administrative leadership of the ROCOR for the entire period of its independent existence. Thus, ROCOR considered itself to be part of the Russian Orthodox Church even though it was administratively separate. Some people developed the concept of the three parts of the Russian Orthodox Church: the "Church Enslaved" (that is, the Moscow Patriarchate), the "Catacomb Church" (the secret, persecuted, underground church of confessors within the borders of the Soviet Union), and ROCOR, which was the small but free voice of the Russian Church. This was never a formally adopted ecclesiology but rather an observed reality. ROCOR was certainly a voice of freedom for persecuted Christians in the Soviet Union, participating in human rights meetings, witnessing to religious oppression in the Soviet Union, operating radio stations, attending demonstrations, visiting Congress and the US State Department to call attention to human rights abuses in the USSR, writing on behalf of prisoners about their persecution and suffering. Generations of ROCOR children demonstrated in front of Soviet embassies to protest the Russian Revolution.

In 1991, the communist regime fell and the totalitarian Soviet state ceased to exist. There was ostensibly no more party ideology to interfere with Church communications. Many within ROCOR felt that the rationale for the existence of ROCOR as a separate entity, blessed by Patriarch Tikhon and the founding bishops of ROCOR, had ended. While some clergy sought a formal repudiation of Sergianism by the Moscow Patriarch-

ate, many others were pleased that the Moscow Patriarchate had canonized the royal martyrs—the assassinated Tsar Nicholas II and his family—and felt that this was sufficient demonstration of reconciliation. Travel to the Russian Federation was possible and there were many personal meetings and exchanges among clergy and laity.

Lengthy Reunification Process

The reunification of ROCOR with the Moscow Patriarchate was an important priority for Vladimir Putin. He took the trouble to meet Metropolitan Laurus (Škurla) as far back as 2003 at the All-Diaspora Conference held in Nyack, New York. Metropolitan Laurus traveled incognito in Russia extensively, visited monasteries and met many clergy, including Metropolitan Onufriy (Berezovsky) of Ukraine. Some participants in the reunification meetings report that Metropolitan Laurus and Patriarch Alexey II (Ridiger) of Moscow met many times, had a personal relationship, and collaborated on the reunification project.

According to Archpriest Serafim Gan, who was present at many of the meetings as a secretary:

Everything was exceedingly complicated. The Metropolitan was attacked, and both clergymen and laypersons were rude to him. Yet many of those who were opposed at the time no longer doubt the benefit of unity. People understood that in order to remain Russian, it was necessary to maintain living, stable bonds with good forces in Russia. If the process of rebirth passed us by, this would have been a great sin, because we would have been turning away from Russia, from those positive changes occurring there. We absolutely must insert ourselves into this process and enrich

ourselves spiritually and intellectually through contact with Russia.⁴

While Archpriest Serafim also spoke extensively of spiritual values, such as mutual forgiveness and reconciliation,⁵ also present in his thinking was a desire to “remain Russian.” This desire motivated many in the diaspora. Furthermore, the conservative cultural emphasis promulgated by the “Russkiy Mir” (Russian World) policy and the Moscow Patriarchate was viewed as a positive factor by ROCOR clergy. Even though the laity were not sufficiently involved in the process, they did not object. There was only an objection on the part of some ROCOR women at being excluded from the final decision-making meeting (not typical for previous ROCOR events). Some parishes and clergy protested and departed, but the majority of the laity were pleased. There was a general desire to end the civil war, to come home, to experience a unified Russian church. In this regard, the diaspora ROCOR was an easy target for Putin’s manipulation of anti-Western public opinion and the Russkiy Mir project.⁶

Reunification Was Part of Soft Power Active Measures

Without going through the details of the Russkiy Mir ideological movement and its intellectual leadership, we may just note that the Russkiy Mir Foundation was created by Putin in 2007 as a government-sponsored organization to promote the Russian language worldwide and to form the “Russian World” as a global project, cooperating with the Russian Orthodox Church in promoting values that challenge the Western cultural tradition. This is relatively recent rhetoric and an expression of Russian soft power. It is also linked with Russian appeals to conservative Catholics and Evangelicals in the United States, to the Russian financing of

⁴ Tatiana Veselkina, “Archpriest Serafim Gan: Vladyka Laurus Accepted Everything as a Gift from God,” ROCOR Eastern American Diocese, https://www.eadiocese.org/news_170614_1.

⁵ Seraphim Gan, “There Was No ‘Legalization Of Schism’ in the Reestablishment of Unity Within the Russian Orthodox Church, but Mutual Forgiveness and Reconciliation,” *Православная жизнь*, November 19, 2018, <https://orthochristian.com/117325.html>.

⁶ Heather A. Conley, Donatienne Ruy, et al., *The Kremlin Playbook 3: Keeping the Faith* (Washington, DC: Center for Strategic & International Studies, 2022), 25.

Metropolitan Laurus (Škurla), First Hierarch of ROCOR, and Patriarch Alexey II (Ridiger) of Moscow signing the Act of Canonical Communion, May 17, 2007.



Brexit, and to the Russian financing of Marine Le Pen in France. While it appeared as though Putin wanted to heal a church schism, in reality the Russian regime was operationalizing conservatism for its own authoritarian goals, as is documented in detail in the report *The Kremlin Playbook 3: Keeping the Faith*. Russia has been in search of an ideology for some time, and the Christian fascism of Ivan Ilyin seems to have been selected as the optimal vehicle.

The canonical reconciliation with ROCOR was a key step on this path, reconnecting churches that had been separated throughout the Soviet era and increasing the number of parishes under the Moscow Patriarchate's jurisdiction. In particular, it symbolized continuity with traditional Russian church life. The Moscow Patriarchate seeks to portray itself as the leader of global Orthodoxy and true conservative morality, opposed to Western decadence with its emphasis on minority rights, religious tolerance, and human rights. The emphasis on LGBT issues in Russian propaganda only underscores that effort, as does the cruel prohibition on the adoption of children by Americans on the basis of the "Dima Yakovlev law" that applies to countries that have seized Russian financial assets.

The 2007 canonical reconciliation between the Moscow Patriarchate and

ROCOR served multiple purposes. For the Moscow Patriarchate, it (almost) brought an end to a seventy-year schism and reaffirmed the unity of the Moscow Patriarchate as the Body of Christ in relation to all things Russian. For the Russian state, the reconciliation was seen as confirmation of the end of the Soviet period and a reaffirmation of Russia's millennium-long historical continuity, a central narrative for the regime's nationhood. The need to bring Russian churches around the world back under the Moscow Patriarchate became especially acute after the schism with the Ecumenical Patriarch in 2018 over Ukraine. For the ROCOR diaspora, reunification fulfilled nostalgic dreams and hopes. The focus of the diaspora, as noted by Archpriest Serafim Gan, was on "remaining Russian." This year, at the fifteenth anniversary of reunification, Protodeacon Andrei Psarev expressed the view that "we have no other church, nor do we have any other Russia."⁷

What Changed with the Act of Canonical Communion

Before reunification, ROCOR had still regarded itself as "an indissoluble part" of the Russian Orthodox Church. Until the end of atheist government in Russia, it was self-governing on conciliar principles in accordance with the resolution of the Patriarch's resolution. It was a New

⁷ Vladimir Basenkov, "We Have No Other Church, nor Do We Have Any Other Russia," interview with Deacon Andrei Psarev, *Historical Studies of the Russian Church Abroad*, April 20, 2022, <https://www.rocorstudies.org/2022/06/04/we-have-no-other-church-nor-do-we-have-any-other-russia/>.

York State religious organization since 1950, with tax exemption granted by the US Internal Revenue Service. ROCOR amended its regulations in 1956 and 1964. It set its own diocesan boundaries and had worldwide missions. Its bishops were appointed by sobor, usually unanimously. The First Hierarch, a Metropolitan, was appointed by the Sobor of Bishops.

The Act of Canonical Communion of 2007 resulted in significant changes and loss of autonomy. The supreme authority of ROCOR became the Patriarch of Moscow and the local Russian Orthodox Church Sobor (Moscow Patriarchate). Now Patriarch Kirill of Moscow is commemorated at all services along with the First Hierarch of ROCOR.

The recently elected First Hierarch of ROCOR, Metropolitan Nicholas (Olhovsky), was also subject to the Moscow Patriarchate's approval. Diocesan borders and new bishops must be approved by the Moscow Patriarch and its synod. New regulations must go through a similar approval process, which could affect many aspects of church life.

Problems with the Act of Canonical Communion

The Moscow Patriarchate has become an apologist for the Russkiy Mir ideology of the authoritarian Putin government and supports the invasions of Georgia and Ukraine. As a result, ROCOR is now led by a foreign body that is under increasing international sanctions. ROCOR is now led by and commemorates a hierarch who is an agent of a foreign authoritarian regime, one that denies that Russia has invaded Ukraine and, indeed, denies that Russia has ever attacked any country.

ROCOR has accordingly started to promulgate the Moscow Patriarchate's

anti-Western ideology. Although it has benefited enormously from Western values, religious toleration, and pluralism throughout the United States and the rest of the world, ROCOR now denigrates these ideals. Just one example will demonstrate this unfortunate tendency. In an epistle marking the hundredth anniversary of the Russian Revolution, ROCOR attributes the revolution to only two causes: the perfidy of the West and the apostasy of the educated classes. The epistle asserts without any substantiation that the revolution was organized and supported by Western nations:

Russia was hindered only by a revolution organized and supported by the Western nations. . . . It is important to note that the constant denigration of Russia on the part of "Western civilization" we see today existed a hundred years ago and, in fact, much earlier. The world despised the Russian Empire, the heir to Holy Orthodox Rus. Neither [the Empire's] adherence to its alliances nor the unceasing willingness of the Russian Tsars for cooperation could change that.⁸

This epistle draws parallels between the Putin regime and the tsars, eerily anticipating the current equivalency Putin seeks with Peter the Great. Most historians, of course, view the February Revolution as homegrown and a product of incompetence, not the result of Western machinations. While there have always been Slavophiles and Westernizers in Russia—and while churchmen tended to be Slavophile, and ROCOR tended to be monarchist in orientation—ROCOR did not, in its first half-century in the US, consider itself in opposition to the West. Its current pro-Russian stance is in clear contrast to its earlier support of anti-communist American leaders such as President Ronald Reagan and oth-

⁸ "Epistle of the Synod of Bishops of the Russian Orthodox Church Outside of Russia on the 100th Anniversary of the Tragic Revolution in Russia and Beginning of the Godless Persecutions," March 10, 2017, <https://orthodoxlife.org/epistles/synod-anniversary-revolution-russia/>.

er conservative Republicans. ROCOR clergy and laity were well connected in such circles and did not denigrate Western values such as human rights and tolerance.

Now, however, ROCOR has identified itself with the position of the Russian government on Ukraine. This is bringing it into significant disrepute throughout the world and creating dissent, especially within the parishes that include a multiethnic flock. ROCOR clergy have recently traveled to Russia and expressed support for the Patriarch by publicly serving with him.

Some ROCOR clergy have even become Russian citizens. We need to know who took this step and why. Clergy have arrived from Russia without necessarily receiving proper vetting from ROCOR authorities. Seminarians and other Russian citizens from the Moscow Patriarchate have taken positions in ROCOR institutions. Some ROCOR activities have been financed from Russia, though there is no information on what funds were received or the terms of exchange. There needs to be a parish-by-parish accounting of all money received from the Russian Federation and its institutions.

Russian President Vladimir Putin greeting Metropolitan Laurus during the signing ceremony.



Should ROCOR Abrogate the Act of Canonical Communion?

Have we really met the conditions for “the extermination of atheist government” if the leadership of the Moscow Patriarchate remains beholden to the security apparatus of the Russian Federation and if the Moscow Patriarchate is in effect an agency of the Russian state? It is at least arguable that the Act of Canonical Communion of 2007 was undertaken under false pretenses. Does Putin’s regime really meet the criteria for restoration of church life? Is Patriarch Kirill really an Orthodox patriarch? Or is he an agent of the Federal Security Service (FSB)? He has said that Russia has not invaded Ukraine; he has justified the special operation in Ukraine on multiple spurious grounds, such as false claim of NATO enlargement, ostensible persecution of Russians, immorality, and “gay parades.”

These are troublesome questions that require discussion.

There are also national security implications for citizens and residents of the United States participating in an organization headed by Russian leadership associated with the war on Ukraine. It is possible that ROCOR actions may have in the past required registration under the Foreign Agents Registration Act, if ROCOR has ever facilitated the Moscow Patriarchate’s activity in the United States.

What Would Be Involved in Abrogating the 2007 Act?

Since the 2007 Act appears to be a canonical and not a legal act—not even a contract—it may be possible to renounce it on the grounds that the canonical preconditions for it no longer exist and that it is not feasible to implement given the impediments to

common action between a New York corporation and an agency of the Russian State, which the Moscow Patriarchate is at present. It is unclear what canonical status ROCOR would then have; this needs to be reviewed and options considered. Ukase No. 362 might still be relevant, with its provision that a change in state borders and civil war may result in interrupted communication.

Arguably an invasion creates a situation like the civil war. Russia announced changes in borders and is threatening annexation of Ukrainian territory. As noted above, early ROCOR sobors established a temporary administration based on this ukase. In 1927, the sobor decided to cease administrative relations with the church in Moscow “until restoration of normal relations with Russia.” There are no normal relations now, as Russia intermittently threatens nuclear war against the US.

In 1936, the Temporary Regulation of ROCOR was adopted, providing for temporary autonomous administration. The invasion of Ukraine, the role of the Moscow Patriarchate in supporting the conflict, and the sanctions threatened by the European Commission (only averted by authoritarian Hungary) all militate against considering the current situation as a “restoration of normal relations with Russia.” Sanctions were imposed on the Patriarch personally by Canada and the United Kingdom, two countries with ROCOR parishes, rendering an administrative relationship impossible in those countries at least.

New York corporate status and federal tax exemption would also need to be reviewed. Given these serious geopolitical issues and national security concerns, the laity must be consulted as to appropriate next steps and the

risks of various alternative administrative arrangements.

Parallel Actions by the Ukrainian Orthodox Church

Metropolitan Onufriy (Berezovsky) heads the Ukrainian Church (Moscow Patriarchate). At the beginning of the war, he sent the most heart-rending and eloquent letter, appealing directly to the president of Russia to ask for an immediate end to the “fratricidal war.” “The war between these peoples is a repetition of the sin of Cain, who killed his own brother out of envy,” he stated. “Such a war has no justification either with God or with men.”

He concluded: “I call all to the common sense, which teaches us to solve our earthly problems in mutual dialogue and mutual understanding, and sincerely hope that God will forgive us our sins and the peace of God will reign on our earth and in the whole world!”⁹

He received no response, in spite of repeated appeals. Thus, in May, Metropolitan Onufriy led the Ukrainian Orthodox Church into a separate, autonomous administration. He expressed disagreement with the position of Patriarch Kirill and his churches ceased commemorating the patriarch. He announced that he would make his own chrism, a hallmark of an independent church and something not done in the Kiev Caves Lavra since 1913. In a very interesting way, two points in the resolution follow directly from principles set out in Ukase No. 362—the recognition that martial law makes communication impossible and the imperative that caring for a diaspora take precedence over other concerns:

During the period of conflict, when means of communication between the eparchies and the

⁹Metropolitan Onufriy (Berezovsky), “Appeal of His Beatitude Metropolitan of Kyiv and All Ukraine Onufriy to the faithful and the citizens of Ukraine,” February 2, 2022, <https://news.church.ua/2022/02/27/appeal-beatitude-metropolitan-kyiv-ukraine-onufriy-faithful-citizens-ukraine/?lang=en>.

ecclesiastical centre are complicated or become absent, the Council considered it expedient to grant eparchial bishops the right to decide on certain issues of eparchial life that is usually within the competence of the Holy Synod or the Primate of the Ukrainian Orthodox Church. Subsequently, when the possibility arises and upon restoration of ties to notify the ruling hierarchs.

Recently, a new pastoral challenge that is particularly acute for our Church has presented itself. During the three months of the conflict, more than six million Ukrainian citizens were forced to flee abroad. The Ukrainians mostly hail from the southern, eastern and central regions of Ukraine. Many of them are Ukrainian Orthodox Church (UOC) faithful. That is why the Kyiv Metropolia of the Ukrainian Orthodox Church has received numerous appeals from the Ukrainian refugees currently residing in various countries with requests that Ukrainian Orthodox parishes be established. It is also obvious that many of our compatriots will return to their homeland, but many will become permanent residents in their chosen countries abroad. In this regard, the Council expresses its deep conviction that the Ukrainian Orthodox Church (UOC) cannot leave its faithful without spiritual and pastoral

care, and must be together with them during their current trials and tribulations, and so must help organise Ukrainian Church communities in the diaspora. It is necessary to further develop the mission abroad among Orthodox Ukrainians in order to preserve their faith, culture, language and Orthodox identity.¹⁰

Concluding Thoughts

Reunification held out such hope and it is hard to admit that a mistake was made. It seemed to be part of a new, normal Russia. But the fact remains: the Russian Orthodox Church with which ROCOR reunified has turned out to be the proverbial wolf in sheep's clothing, interested in ROCOR only as part of an ideological war with the West and not as a genuine spiritual undertaking.

ROCOR is not the only religious organization with this administrative challenge. This may be an opportunity for consideration of how a religious body should be organized in a post-Constantinian, pluralist world, in Europe or in the United States. Or it may simply be a time to retreat back into familiar structures developed a hundred years ago, during the Russian Civil War. In any case, we need to admit that the Moscow Patriarchate is not a church living according to the gospel of Christ, and that it is part of a Russia that we hope does not last forever: an authoritarian state run by the security services. ✱

¹⁰ Resolutions of the Council of the Ukrainian Orthodox Church, May 27, 2022, <https://news.church.ua/2022/05/28/resolutions-council-ukrainian-orthodox-church-may-27-2022/?lang=en>.



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