

## FACTORS OF JURISDICTIONAL TRANSFORMATIONS IN THE CANONICAL TRADITION OF THE ORTHODOX CHURCH

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### Introduction

The Orthodox Church, being the mystical Body of Christ, simultaneously exists as a territorially organized institution<sup>1</sup>. From apostolic times to the present day, ecclesial life has been structured according to the geographical principle: each local Church functions within certain boundaries, commonly referred to as its canonical territory. Canonical territory denotes the territorial limits of a local Church's jurisdiction, within which it exercises spiritual authority and pastoral care<sup>2</sup>. Traditionally, Orthodox ecclesiology upholds the rule one territory – one ecclesiastical jurisdictional center, meaning that two canonical authorities cannot coexist simultaneously within the same territory. This principle has been enshrined in canonical law since the era of the earliest Ecumenical Councils.

At the same time, Church history demonstrates that territorial jurisdictional boundaries have not remained unchanged. On the contrary, over the two-thousand-year history of the Orthodox Church, numerous jurisdictional shifts have taken place – transitions of dioceses or even entire regions from the authority of one ecclesiastical center to another. Such changes occurred for various reasons and under diverse circumstances, often posing challenges to the canonical tradition and requiring theological justification.

In this chapter, we will analyze the factors that have conditioned changes of jurisdiction in the history of the Orthodox canonical tradition. We will examine which canonical norms regulate the territorial organization of the Church, what procedures are envisaged for adjusting jurisdictional boundaries, and we will also present historical examples of ecclesiastical territories transitioning under a new authority. Special attention will be devoted to the theological substantiation of such changes: how Church

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<sup>1</sup> Ранця І. Традиційна канонічна територія і нова постмодерна територіальність: дещо про сучасні геоеклезіологічні виклики. *Наукові записки УКУ: Богослов'я*. 2020. Вип. 7. С. 285–303. DOI: <https://doi.org/10.47632/2075-4817-2020-7-285-303>

<sup>2</sup> Чокалок С. Церковна територія та питання юрисдикції. *Труди Київської духовної академії*. 2017. Т. 17. С. 368–380. DOI: <https://doi.org/10.35332/2411-4677.2017.17.31>

canons, conciliar decrees, and theological interpretations explain the permissibility and order of altering ecclesiastical jurisdiction.

The purpose of this study is to conduct a historical-canonical analysis of the phenomenon of jurisdictional change in the Orthodox Church and to identify the principal factors driving these processes (political, national, missionary, theological).

### **1. Canonical principles of the Church's territorial jurisdiction**

The Principle of Territoriality is one of the foundational norms of Orthodox canonical law. The earliest canons already warn against the violation of another's ecclesiastical boundaries. In particular, the Apostolic Canons instruct clergy not to perform liturgical ministry outside the limits of their own diocese or parish: "a bishop or presbyter must not perform sacred rites beyond the bounds of their own dioceses or parishes" (Apostolic Canons 14, 15, 34, 35)<sup>3</sup>. In other words, each bishop is to shepherd only his own flock and refrain from interfering in the affairs of a neighboring Church. Likewise, the 8th Canon of the First Ecumenical Council (325, Nicaea) decrees that there cannot be two bishops in one city, thereby affirming the normative formula: "one city – one bishop." Thus, already in the early Church the principle of exclusive jurisdiction was established: only one canonical authority is recognized within a given territory, and the presence of a parallel hierarchy is regarded as a violation of the canons.

Over the course of historical development, ecclesiastical governance acquired a more complex territorial structure. Gradually, above individual dioceses emerged higher administrative units – ecclesiastical provinces and patriarchates. The 6th Canon of the First Ecumenical Council (325) and the 3rd Canon of the Second Ecumenical Council (381) granted the bishops of the major cities (Rome, Alexandria, Antioch, and later Constantinople) special authority over the surrounding dioceses. On this basis, the system of pentarchy – the five ancient patriarchates – quickly took shape, territorially dividing the entire Christian world among themselves.

By the end of the 4th century, a multi-level system of ecclesiastical jurisdiction had formed in the canonical tradition of the Orthodox Church. The primary administrative unit was the diocese, headed by a bishop who exercised full authority within the local Church entrusted to him. Dioceses, in turn, were united into larger ecclesiastical-administrative structures under the omophorion of metropolitans and patriarchs, who exercised oversight over several regions. Such jurisdictions had canonically defined boundaries,

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<sup>3</sup> Книга правил святих апостолів, Вселенських Соборів, і святих отців / Пер. С. Чокалука. Київ: Видання Київської Патріархії УПЦ КП, 2008. 368 с

ensuring orderliness of ecclesiastical structure and the preservation of canonical discipline.

It is important to note that the term “canonical territory” entered widespread use much later – primarily in the twentieth century – yet in essence it reflects the ancient principle of the Church’s exclusive territorial authority<sup>4</sup>. Ihor Rantsia points out that the concept of canonical territory developed on the basis of an idea borrowed from the state-administrative system of the Roman Empire: after the legalization of Christianity, the Church began aligning its territorial structures with the territorial division of the Empire. In the Roman Empire, the principle operated that one territory is subject to one governor; analogously, within the Church there took root the understanding that one region must be under the authority of only one bishop or one patriarchate. This principle received canonical formulation at the councils and became an integral part of the Church’s self-understanding. As I. Rantsia emphasizes, the principles “one territory – one Church” and “one city – one bishop” became norms firmly established in canonical law.

From the standpoint of Orthodox canonical ecclesiology, jurisdiction over a given territory is of an exclusive nature: any actions carried out by external ecclesiastical authorities within that territory are considered illegitimate and unlawful. Moreover, in the traditional strict interpretation, such actions may even be declared graceless, that is, incapable of producing any genuine sacramental effects. Thus, if a clergyman of one ecclesiastical jurisdiction celebrates the Divine Liturgy within a territory belonging to another Church without the proper blessing of its hierarch, such an act may be regarded as a violation of canonical order. In such cases, certain zealous defenders of canonical discipline tend to describe such liturgical service as “non-canonical.” In an even more radical interpretation, some may voice the opinion that the Sacraments performed are invalid<sup>5</sup>; however, this position does not correspond to the broader theological understanding. The canons, while condemning unauthorized liturgical activity outside one’s own jurisdiction, do not question the ontological validity of the Sacraments performed by a presbyter who possesses the grace of priesthood.

Thus, the canonical tradition established a fundamental rule: the territorial integrity of jurisdiction. This norm is intended to safeguard ecclesial unity and to prevent schisms based on territorial division. As Archimandrite Kyrill (Hovorun) aptly notes, such structural elements as ecclesiastical hierarchy, canonical territory, autocephaly, and primacy are historically changeable

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<sup>4</sup> Ранця І. Традиційна канонічна територія і нова постмодерна територіальність: дещо про сучасні геоєклезіологічні виклики. *Наукові записки УКУ: Богослов'я*. 2020. Вип. 7. С. 285–303. DOI: <https://doi.org/10.47632/2075-4817-2020-7-285-303>

<sup>5</sup> Заплетнюк Є. Чому богослужіння священників на чужій парафії недійсні? *Євген Заплетнюк*: веб-сайт. URL: <https://bogoslov.org/terytoria/>

forms of the Church's organization – a kind of “scaffolding” surrounding the unchanging essence of the Church<sup>6</sup>. They are meant to serve the unity of the ecclesial community, yet they do not belong to the Church's inner divine nature. Therefore, despite the strictness of the canons, in exceptional circumstances these structures could be subject to review or transformation when required for the good of the Church.

## **2. Canonical Foundations and Theological Justification for the Change of Jurisdiction**

Given the aforementioned norms, a natural question arises: how are jurisdictional changes even possible if the canons forbid encroachment upon another Church's territory? The answer lies in the fact that canonical law recognizes certain procedures and principles that allow for the lawful adjustment of ecclesiastical boundaries. Such changes must not occur unilaterally, but rather through agreement between the respective ecclesiastical authorities and, preferably, with the approval of the fullness of the Church. The primary canonical mechanism for altering jurisdiction is the granting of autocephaly or the transfer of a territory from one Church to another by mutual consent.

Historically, the first notable precedent of changed jurisdictional relations was the decision of the Third Ecumenical Council in Ephesus (431), reflected in its 8th canon. The Council examined the dispute between the Patriarchate of Antioch and the Church of Cyprus: Antioch claimed authority over Cyprus, justifying its claims by appealing to an ancient practice whereby the bishops of Cyprus had been ordained by the patriarchs of Antioch<sup>7</sup>. In other words, Antioch appealed to customary ecclesiastical law – a longstanding practice regarded as normative, though not formally codified by conciliar canons. However, the Fathers concluded that this ancient practice by itself did not constitute sufficient grounds to deprive the Church of Cyprus of its actual independence<sup>8</sup>.

The 8th Canon of the Council of Ephesus affirmed the autocephaly of the Church of Cyprus, forbidding any other Church from interfering in its internal affairs. Thus, already in the fifth century, the Universal Church confirmed the possibility of adjusting established jurisdictional relations for the good of the Church and the preservation of just canonical order: Cyprus received

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<sup>6</sup> Говорун С. М. Теоретичні засади православної еклезіології у її історичному розвитку: дис.... д-ра філос. наук: 09.00. 14 / Нац. пед. ун-т імені М. П. Драгоманова. Київ, 2019. 623 с

<sup>7</sup> Downey G. The Claim of Antioch to Ecclesiastical Jurisdiction over Cyprus. *Proceedings of the American Philosophical Society*. 1958. Vol. 102, No. 3. P. 224-229.

<sup>8</sup> Димид М. Форми автономії у Східних Церквах. *Мітрос*. 2011. Ч. 7-8. С. 173-191. URL: <https://er.ucu.edu.ua/server/api/core/bitstreams/2e83fbe0-369c-43d1-8a3d-35b7a187bccd/content>

independence from Antioch, even though it had previously been administratively within Antioch's sphere of influence<sup>9</sup>. This decision was later reaffirmed by the Quinisext (Trullan) Council of 691, which once again proclaimed and confirmed the autocephalous status of the Church of Cyprus (Canon 39). Hence, the case of Cyprus became the first clearly documented precedent demonstrating that, on the basis of a conciliar decision, a particular Church may exit the subordination of a larger patriarchate and attain self-governance, provided that canonical and pastoral grounds exist for such a change.

An additional dimension of this issue emerges in the context of the later reception of the Ephesian decisions within the ecclesiastical tradition. At the Council of Ephesus, a significant matter concerned the determination of the status of the ancient Cypriot Church<sup>10</sup>. Later, according to the results of the work of the Fourth Ecumenical Council (Chalcedon, 451)<sup>11</sup>, certain formulations were added to the decisions of the Ephesian Council – formulations that were not originally included in the text of the decrees confirmed by Emperor Theodosius II. In ecclesiastical-historical literature, these additions appear as the so-called “seventh rule” and “eighth rule”<sup>12</sup>. These supplementary texts further elaborated and clarified the previously accepted position affirming the independence of the Church of Cyprus, refining the relationship between honor and authority among episcopal sees.

In particular, the eighth rule insists that no “episcopal see” may diminish the “honor and authority” of existing metropolitans – that is, it has no right to unilaterally appropriate jurisdictional powers within another Church's boundaries<sup>13</sup>. On this basis, the Church of Cyprus officially receives autocephaly, while the ambitions of the Antiochian metropolis were significantly restricted. The same rule underscores the obligation of every metropolitan to “respect” the rights of any diocese and to safeguard them, thereby affirming the fundamental principle of the inviolability of canonical borders.

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<sup>9</sup> Кобетяк А. Автокефальний устрій як основоположний чинник структури Вселенського Православ'я. *Вісник Львівського університету. Серія філософсько-політологічні студії*. 2019. Вип. 24. С. 47-58. DOI: <https://doi.org/10.30970/2307-1664.2019.24.6>

<sup>10</sup> Downey G. The Claim of Antioch to Ecclesiastical Jurisdiction over Cyprus. *Proceedings of the American Philosophical Society*. 1958. Vol. 102, No. 3. P. 224-229

<sup>11</sup> Падовезе Л. Вступ до патристичного богослов'я / пер. з італ. Г. Теодорович. Львів: Свічадо, 2001. 184 с., с.49

<sup>12</sup> Conciliorum Oecumenicorum decreta: edizione bilingue / a cura di G. Alberigo, G. L. Dossetti, P.-P. Joannou, C. Leonardi, P. Prodi, H. Jedin. Bologna: Edizioni Dehoniane ; Istituto per le scienze religiose, 2002. XXI + 1135 p., Conc. Ephes 7 et 8

<sup>13</sup> Conciliorum Oecumenicorum decreta: edizione bilingue / a cura di G. Alberigo, G. L. Dossetti, P.-P. Joannou, C. Leonardi, P. Prodi, H. Jedin. Bologna: Edizioni Dehoniane ; Istituto per le scienze religiose, 2002. XXI + 1135 p., Conc. Ephes 8

The particular attention of the Council of Ephesus to the ecclesiastical affairs of Cyprus – culminating in the confirmation of the autocephalous status of the ancient Cypriot Church – de jure secured for it, according to V. Melnyk, a conditionally sixth place in the hierarchical order of the most significant sees (Rome – Constantinople – Alexandria – Antioch – Jerusalem – Cyprus)<sup>14</sup>. At the same time, despite Cyprus' removal from the jurisdiction of the Syrians, a separate Cypriot metropolis was never formally established. This underscores the specificity of the Cypriot status: it acquired stable autocephaly while retaining its own ancient internal structure.

As V. Melnyk notes, the political context also played a notable role in shaping decisions regarding the status of the Church of Cyprus. Cypriot ecclesiastical autonomy proved advantageous to Emperor Theodosius II, as it weakened the influence of the Antiochian metropolis in the Eastern Mediterranean and reduced its authority in the strategically sensitive region of southern Asia Minor. Meanwhile, this decision did not strengthen another influential center – the Alexandrian metropolis – which persistently sought to expand its jurisdictional powers and attempted to obtain “honor and authority” over the island.

In this situation, Constantinople, which at that time increasingly perceived its role as a coordinator of inter-Church relations in the eastern part of the Empire, proposed to the Council of Ephesus the conceptual foundations that would later form the basis of the canonical-legal doctrine of autocephaly. This enabled the Council to formally affirm the principle of the non-subordination of the Church of Cyprus to any major metropolis, except for the universal authority of the Ecumenical Throne<sup>15</sup>.

In summary, the case of Cyprus illustrates several fundamentally important theological and canonical points. First, an ancient practice of subordination is not an absolute argument if it contradicts the deeper logic of ecclesial ecclesiology and the principle of conciliarity. Second, the Universal Church recognizes the possibility of revising established jurisdictional boundaries not as an “encroachment,” but as a conciliar correction undertaken for the sake of preserving unity and a just ecclesiastical order. Third, the precedent of Cyprus became a paradigm for subsequent reflection on the phenomenon of autocephaly: it demonstrated that canonical order is not a static scheme, but a living mechanism, capable of organic adaptation through the decisions of Ecumenical Councils and the consensus of the local Churches.

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<sup>14</sup> Мельник В. Постанови Третього Вселенського Собору в Ефесі: конкретизація юридичної суб'єктності та історичного права на територію. Юридичний вісник. 2024. № 3. С. 174–183. С. 179. DOI: <https://doi.org/10.32782/yuv.v3.2024.20>

<sup>15</sup> Meyendorff J. *Imperial Unity and Christian Divisions: The Church 450–680 AD*. Crestwood, NY: St. Vladimir's Seminary Press, 1989. XV + 402 p.

Another illustrative historical mechanism for altering ecclesiastical boundaries in the Byzantine era was the imperial legislative act, which directly influenced the jurisdictional order of the Church. A prime example is the establishment of the Archbishopric of Justiniana Prima by Emperor Justinian I in 535. In his Novella 11, the emperor designated a new ecclesiastical center in the Balkans, granting the archbishop of Justiniana Prima authority over all of Illyricum and precedence over local metropolises. The imperial law declares: “We decree that the bishop of Justiniana Prima shall have primacy over all the bishops of Illyricum, just as metropolitans do, and that all who are normally subject to the jurisdiction of metropolitans shall appeal to him”.<sup>16</sup> Thus, Justiniana Prima was created by imperial decree as a new archiepiscopal center, effectively set apart both from the sphere of the Roman See and from that of Constantinople<sup>17</sup>. Although this archbishopric existed only for a relatively short period, its creation demonstrated that the state authority in Byzantium could directly form new ecclesiastical structures, bypassing the usual canonical mechanisms of consensus and conciliar decision-making. The Patriarchate of Constantinople did not openly oppose the Novella. An important testimony is the fact that in the official episcopal lists – *Notitiae Episcopatum* of the 7th–9th centuries – the Archbishopric of Justiniana Prima appears as an active ecclesiastical structure subordinated to the Ecumenical Throne, which indicates its integration into the canonical system.<sup>18</sup>

This precedent shows that in the context of the close symphonic union of throne and altar, the emperor could initiate reorganizations of ecclesiastical boundaries that later received either approval or tacit acceptance by Church authority. However, from an ecclesiological perspective, such cases are regarded as exceptions that do not represent the usual canonical practice of the Orthodox Church.

Similarly, after the Arab conquests of the seventh century, the Church demonstrated significant flexibility: the Archbishop of Cyprus, together with his flock, was forced to leave the island and relocate to territory under the authority of Constantinople (into the region of the Hellespont)<sup>19</sup>. With the

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<sup>16</sup> *Corpus Iuris Civilis. Novellae* / Ed. Rudolf Schoell, Wilhelm Kroll. Berlin: Weidmann, 1895. C. 94. Novella 11, § 1. <https://archive.org/details/corpusiuriscivil03/krueoft/page/94/mode/2up>

<sup>17</sup> Юстинианови права на Охридска архиепископија, или за църковна независимост и самостоятелност на Охридско-Българско Священноначалие. Цариград: Печатница при Асма-алта у Джалла-ханъ № 8, 1873. 476 с.

<sup>18</sup> Oikonomides Nicolas. *Les listes de préséance byzantines des IXe et Xe siècles*. Paris: CNRS, 1972.

<sup>19</sup> Hackett J. *A History of the Orthodox Church of Cyprus: From the Coming of the Apostles Paul and Barnabas to the Commencement of the British Occupation (A.D. 45–A.D. 1878)*. London: Methuen, 1901. 450 p. C.37

participation of Emperor Justinian II and with the ecclesiastical consent of the Ecumenical Throne, a new residence was established there – the city of Nova Justiniana. The 39th canon of the Quinisext Council proclaimed that the privileges granted by the holy Fathers who had once gathered in Ephesus were preserved intact; that New Justinianopolis (Nea Justinianopolis) was to possess a right equal to that of Constantinople; and that the most reverend bishop appointed over it was to preside over all the bishops of the province of the Hellespontines and be ordained by his own bishops according to ancient custom. The canon continues: “For our divine Fathers decreed that the customs of every Church must be preserved: the bishop of the city of Cyzicus must be subject to the primate of the aforementioned Justinianopolis – for the imitation of other bishops, all of whom must be under the authority of this most reverend primate John; and he, when necessary, shall also ordain the bishop of the city of Cyzicus itself.”<sup>20</sup> In effect, the Church of Cyprus temporarily functioned on the territory of another patriarchate, something ordinarily prohibited by the canons. Yet under the conditions of war and exile, this was accepted as an instance of *oikonomia* – a merciful and pastoral application of the canons. When in 698 the Cypriots returned to their island, the Archbishop retained in his title the designation “Archbishop of New Justiniana and All Cyprus.” This title has survived to the present day as a reminder of a unique historical situation in which an autocephalous Church temporarily functioned outside its own territorial boundaries. Of course, in theological tradition there exists considerable discussion regarding the nature of the privileges granted to the Church of Cyprus during its period of exile, as well as the canonical status of the formula preserved in the 39th canon of the Quinisext Council. However, the historical event itself – where the Ecumenical Throne together with imperial authority permitted the activity of an autocephalous Church within another jurisdiction for the sake of preserving the Church’s life – demonstrates a fundamental reality. Both the Patriarchate of Constantinople and the emperor agreed not only to the temporary functioning of the Church of Cyprus on their territory, but also to the canonical affirmation of its traditional rights, including its autocephalous status and the special title of its primate.<sup>21</sup> Thus, canonical discipline, in exceptional circumstances, could be applied flexibly so as not to harm the good of the Church.

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<sup>20</sup> Книга правил святих апостолів, Вселенських і Помісних соборів, і святих Отців / Пер. С. Чокалока. Київ: Видання Київської Патріархії УПЦ КП, 2008. 367 с.

<sup>21</sup> Hackett J. A History of the Orthodox Church of Cyprus: From the Coming of the Apostles Paul and Barnabas to the Commencement of the British Occupation (A.D. 45–A.D. 1878). London: Methuen, 1901. 450 p. P. 38-47

In later centuries, the primary instrument for changing ecclesiastical jurisdiction became the Tomos – a written decree issued by the primate of the “Mother Church” (traditionally the Ecumenical Patriarch of Constantinople, or another patriarch to whom a given Church was historically subject), which proclaimed a new status for a particular part of the Church. Tomoi could grant autocephaly, autonomy, or change the jurisdictional affiliation of dioceses.

A clear example is the situation that arose after the First World War, when an independent Polish state emerged. The Orthodox dioceses within its borders were effectively cut off from their former ecclesiastical center – the Moscow Patriarchate, which at that time was under severe pressure from the Soviet authorities. In these circumstances, the Ecumenical Patriarchate of Constantinople issued in 1924 a Tomos recognizing the autocephaly of the Polish Orthodox Church. In the Tomos of 13 November 1924<sup>22</sup>, it was explicitly stated that the granting of autocephaly to the Polish Church conforms to the norms and tradition of the Orthodox Church<sup>23</sup>. The Tomos explained that the Russian Church had once received the Metropolis of Kyiv “into temporary administration in view of circumstances” and subsequently lost authority over it after changes in political conditions; therefore, Constantinople, as the Mother Church, had the right to regulate ecclesiastical life in the newly established state of Poland by granting it autocephaly. This case reveals an important canonical principle: when civil borders undergo radical transformation – for example, when an empire collapses or new states emerge – ecclesiastical jurisdiction must adapt to the new realities in order to meet the spiritual needs of the faithful. The Ecumenical Patriarchate justified its decision by appealing to the established tradition of Orthodoxy<sup>24</sup>. Thus, the Tomos of 1924 was presented as an act of restoring canonical justice and order in accordance with the Holy Tradition.

Overall, the canons provide that any adjustment of ecclesiastical boundaries must take place peacefully and conciliarly, through agreement rather than unilateral action. The ideal scenario is the convening of a council with the participation of all interested parties. However, pan-Orthodox councils are extremely rare (the most recent being that of 2016 in Crete). Therefore, in practice, jurisdictional changes have more often been resolved

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<sup>22</sup> Губар А. Патріарший і Синодально-Канонічний Томос Вселенської Константинопольської Патріархії від 13 листопада 1924 року та його значення в історії Української Церкви. *Київське православ'я*. веб-сайт. URL: <http://kyivpravosl.info/2013/05/29/patriarshyj-i-synodalno-kanonichnyj-tomos>

<sup>23</sup> Кобетяк А. Автокефальний устрій як основоположний чинник структури Вселенського Православ'я. *Вісник Львівського університету. Серія філософсько-політологічні студії*. 2019. Вип. 24. С. 47–58. DOI: <https://doi.org/10.30970/2307-1664.2019.24.6>

<sup>24</sup> Книга правил святих апостолів, Вселенських і Помісних соборів, і святих Отців / Пер. С. Чокалюка. Київ: Видання Київської Патріархії УПЦ КП, 2008. 367 с.

through bilateral agreements and post-factum recognition. For example, when a portion of a Church unilaterally proclaimed autocephaly (frequently under political pressure), the act was initially regarded as non-canonical; yet over time, following negotiations, the Mother Church often agreed to issue a Tomos recognizing the new autocephaly – provided that the new Church acknowledged its Mother Church and regularized their canonical relationship. A similar process occurred with the Church of Greece in the 19th century, with the Bulgarian Church in the early 20th century, and with several others, as will be discussed further.

In contemporary Orthodox theology, there is no complete consensus regarding the procedure for proclaiming autocephaly. As scholars note, there is no universally accepted interpretation of the relationship between the principle of conciliarity and the autocephalous structure of the Church. Greek theological thought traditionally assigns the leading role in granting new autocephalies to the Ecumenical Patriarch, whereas the Russian Church insists on the necessity of the consent of all Local Churches, or at least the Mother Church, for the legitimacy of autocephaly. This divergence became particularly evident after the unresolved debate on autocephaly at the Council of Crete (2016) and following the granting of the Tomos to the Orthodox Church of Ukraine in 2019, which resulted in the rupture of eucharistic communion between Moscow and Constantinople<sup>25</sup>.

The question of whether a Tomos granted by the Ecumenical Throne requires subsequent confirmation by other Local Churches remains a subject of active discussion among contemporary scholars of canonical law. Some authors, including Aristotelis Vavoustos, raise the issue of whether other autocephalous Churches must formally endorse such acts of autocephaly. However, no established rule mandating obligatory “ratification” of Tomoi has ever existed within the Orthodox canonical tradition<sup>26</sup>. Therefore, the subsequent recognition of each particular Tomos develops individually and often depends on the configuration of inter-Church relations and the broader ecclesiastical-political context.

In summary, the canonical tradition provides several legitimate mechanisms for the alteration of ecclesiastical jurisdiction: decisions of Ecumenical and local Councils, Tomoi and charters issued by the Mother

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<sup>25</sup> Кобетяк А. Автокефальний устрій як основоположний чинник структури Вселенського Православ'я. *Вісник Львівського університету. Серія філософсько-політологічні студії*. 2019. Вип. 24. С. 47-58. DOI: <https://doi.org/10.30970/2307-1664.2019.24.6>

<sup>26</sup> Вавускос А. Должны ли Томосы об автокефалиях, выданные Вселенским Патриархатом, ратифицироваться поместными церквями? / пер. И. Бей. URL : <https://cerkvarium.org/ru/publikatsii/monitoring-smi/dolznyli-tomosy-ob-avtokefaliyakh-vydannye-vselskim-patriarkhatomratifitsirovatsya-pomestnymi-tserkvami.html>

Church, bilateral agreements between the primates of Local Churches, and, at times, the intervention of secular authority (formerly emperors, later governments) when carried out with the consent of the Church. Each of these mechanisms – when accepted by the other Churches – is ultimately aimed at establishing the new status of a given territory as canonically lawful and, insofar as possible, universally recognized. The theological justification for such changes consistently seeks to demonstrate that the alteration does not contradict the spirit of the canons but, on the contrary, serves the “benefit of the Church” (ὠφέλεια, *salus animarum*) and promotes ecclesial peace. Frequently, appeals are made to *oikonomia* – the principle according to which strict canonical norms may be mitigated or temporarily suspended for the sake of the greater good of the Church. Indeed, a significant portion of historical jurisdictional transformations was carried out according to *oikonomia*, that is, as exceptional measures dictated by specific circumstances. Over time, however, such exceptions – having endured the test of ecclesiastical practice – acquired a stable place within canonical consciousness and began to be perceived as the appropriate and natural order of things.

### 3. Historical Development of Ecclesiastical Jurisdictions and Their Transformations

The history of the Orthodox Church contains numerous examples of jurisdictional change – both peaceful and conflict-driven. Let us consider the most significant stages and cases that illustrate the various factors shaping such transformations.

Already in the first centuries of Christianity, the ecclesial order expanded from the local eucharistic community to broader forms of ecclesiastical organization. At the early stage, the structure of the Church was determined by the coexistence of distinct urban communities, each headed by a bishop, whose unity was sustained primarily through the common dogmatic tradition and eucharistic communion. This stage is well attested in the letters of Ignatius of Antioch, who describes the bishop as the center of the visible unity of every local community<sup>27</sup>. The development of this structure is confirmed by Eusebius of Caesarea, who provides numerous testimonies to the gradual consolidation of episcopal sees in the major cities of the Roman Empire<sup>28</sup>.

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<sup>27</sup> Ignatius of Antioch. *Epistulae. The Apostolic Fathers* / Ed. M. W. Holmes. Grand Rapids: Baker Academic, 2007. 173 p. URL: <https://ru.scribd.com/document/920701075/The-Apostolic-Fathers-Greek-Texts-and-English-Translations-3rd-Edition-Michael-W-Holmes-Ready-to-Read#page=2>

<sup>28</sup> Eusebius of Caesarea. *Historia Ecclesiastica*. Ed. G. A. Williamson. London: Penguin Books, 1989. 838 p. ecl. II–III. URL: [https://www.documentacatholicaomnia.eu/03d/0265-0339,\\_Eusebius\\_Caesariensis,\\_Historia\\_ecclesiastica\\_%5BSchaff%5D,\\_EN.pdf](https://www.documentacatholicaomnia.eu/03d/0265-0339,_Eusebius_Caesariensis,_Historia_ecclesiastica_%5BSchaff%5D,_EN.pdf)

In the 2nd–3rd centuries, ecclesial life began to take shape around distinct regional centers, which gradually acquired the significance of local Churches Alexandria, Antioch, and Rome<sup>29</sup>. By the pre-Nicene period, this “pre-conciliar” structuring led to the emergence of three senior sees, whose status was formally affirmed by the First Ecumenical Council (325). The 6th canon of Nicaea confirms ancient customs: the bishop of Rome is recognized as holding traditional primacy in the West; the Alexandrian bishop is affirmed in his authority over Egypt, Libya, and Pentapolis; and the Antiochian bishop retains his “ancient rights” in the East. The rise of Constantinople as the new imperial capital necessitated a rethinking of ecclesiastical hierarchy. The Second Ecumenical Council (381) placed Constantinople in the second position after Rome as the “New Rome” (canon 3)<sup>30</sup>, while the Council of Chalcedon (451) expanded its jurisdictional prerogatives, granting real authority over the dioceses of Thrace, Asia Minor, and Pontus, as well as among “the barbarians” (canon 28). It was precisely Chalcedon that first systematically delineated the sphere of influence of Constantinople, marking a decisive turning point in the development of the later concept of the pentarchy.

In the 6th–7th centuries, these canonical decisions were incorporated into the broader Byzantine legal tradition, including the *Novellae* of Justinian. The gradual recognition of a balance among the five patriarchates Rome, Constantinople, Alexandria, Antioch, and Jerusalem reflected both in conciliar acts and in subsequent canonical literature, particularly in the works of John Scholasticus, Nilus Doxopates, and Theodore Balsamon<sup>31</sup>. Thus, the pentarchical system did not arise from a single conciliar act but through a long historical process, during which regional prerogatives were progressively standardized and achieved universal ecclesiastical acceptance.

However, even in this early era, jurisdictional boundaries were not immune to revision. A striking example is the case of Cyprus, already discussed above. Initially, the Church of Cyprus fell under the jurisdiction of Antioch, which seemed natural from both geographical and administrative perspectives. Yet the Cypriots insisted on the apostolic origin of their Church (from the Apostle Barnabas) and on the ancient custom of electing their own archbishop independently. When Antioch attempted to impose its jurisdictional authority, the Third Ecumenical Council (431) sided decisively

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<sup>29</sup> Chadwick, Henry. *The Early Church*. London: Penguin Books, 1991. 301 p. P. 45-62. URL: <https://archive.org/details/20200507-early-church/page/n1/mode/2up>

<sup>30</sup> Книга правил святих апостолів, Вселенських і Помісних соборів, і святих Отців / Пер. С. Чокалока. Київ: Видання Київської Патріархії УПЦ КП, 2008. 367 с.

<sup>31</sup> Meyendorff, John. *Imperial Unity and Christian Divisions: The Church 450–680 A.D.* Crestwood, NY: St. Vladimir’s Seminary Press, 1989. 448 p. URL: <https://archive.org/details/imperialunitychr0000meyer/page/n3/mode/2up>

with Cyprus. The 8th canon of the Council of Ephesus decreed: “No bishop shall extend his authority over a province which was not previously under him or his predecessors. Should anyone attempt this, let it be invalid. Let not the rights of any province be violated, according to the canons...”<sup>32</sup>. By this ruling, the Council not only protected Cyprus but also established the broader principle of inviolability of the boundaries of historical ecclesiastical regions without conciliar consent. From that time onward, the Orthodox Church of Cyprus – one of the most ancient autocephalous Churches – has preserved its independence up to the present day<sup>33</sup>.

Another example of early jurisdictional transformation is the case of the Georgian (Iberian) Church. Here we observe one of the earliest instances of a change in jurisdictional status arising from the interaction between local ecclesiastical tradition and external canonical confirmation. The Iberian hierarchy originally emerged under the pastoral influence of the Patriarchate of Antioch. However, by the 5th century, the Georgian catholicoi were already functioning with *de facto* autonomy. In 486, the Patriarch of Antioch Peter III Fullo formally recognized their independent status and consecrated Catholicos Peter I as primate whose authority no longer required external confirmation. This became one of the earliest canonically documented cases of autocephaly granted outside the framework of the major patriarchal sees<sup>34</sup>.

Thus, the fundamental canons delineated the territorial system of the Church; yet at the same time, several entirely canonical jurisdictional changes took place, approved either by Ecumenical Councils or by agreements between patriarchates. Among them were: the separation of Cyprus from Antioch (431), the granting of extensive territories to Constantinople (451), and the emergence of new autocephalous Churches (Georgia, and *de facto* also the ancient Archbishopric of Ohrid in Bulgaria, established in 879 as the successor of the earlier Bulgarian Patriarchate). These events demonstrate that although canonical territory is respected as a stable reality, it is not immutable forever. When necessary, the Universal Church sought solutions that reallocated spheres of influence among the patriarchal thrones, guided either by apostolic heritage or by the principle of ecclesial benefit (ecclesiastical *oikonomia*).

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<sup>32</sup> Книга правил святих апостолів, Вселенських і Помісних соборів, і святих Отців / Пер. С. Чокалока. Київ: Видання Київської Патріархії УПЦ КП, 2008. 367 с.

<sup>33</sup> Hackett J. A History of the Orthodox Church of Cyprus: From the Coming of the Apostles Paul and Barnabas to the Commencement of the British Occupation (A.D. 45–A.D. 1878). London: Methuen, 1901. 450 p.

<sup>34</sup> A Short History of the Georgian Church. London: Saunders, Otley and Co., 1866. 208 p.  
URL: [https://books.google.com.ua/books?id=IHInr\\_DSRzIC&hl=uk&pg=PR3#v=onepage&q&f=false](https://books.google.com.ua/books?id=IHInr_DSRzIC&hl=uk&pg=PR3#v=onepage&q&f=false)

#### 4. The Middle Ages: Jurisdictional Changes under the Influence of Empires and Conquests

In the medieval era (6th–15th centuries), changes in ecclesiastical jurisdictions were often directly connected with political upheavals – the rise and collapse of empires, conquests of new lands, as well as confessional divisions. The most significant of these was, of course, the Great Schism of 1054, which formalized an already long-standing estrangement between the Roman See and the Eastern patriarchates. It led to the definitive rupture of eucharistic communion and the formation of two parallel ecclesial spheres – the Catholic and the Orthodox.

Within the Orthodox world, the second millennium witnessed both the loss of autocephalies and the emergence of new ecclesiastical centers. During the Arab conquests, many ancient patriarchates found themselves in extremely difficult circumstances. Portions of Orthodox lands in the Balkans and the East fell into schism (Monophysitism), forming alternative hierarchies. Yet from the perspective of the Byzantine “official” Church, jurisdictional changes took place primarily within the framework of the Ecumenical Patriarchate: Constantinople assumed oversight of extensive territories that had once belonged to other patriarchates but, due to historical cataclysms, were left without effective governance. Based on the high status of Constantinople as defined by the canons, in subsequent centuries the Ecumenical Patriarch effectively took under his omophorion those dioceses where the Chalcedonian hierarchy had collapsed.

Significant changes occurred in the Slavic lands. For example, in the case of the Bulgarian Church: when the Bulgarian people embraced Christianity in the 9th century, Rome and Constantinople engaged in a struggle for influence over it. Eventually, Constantinople prevailed, but the Bulgarians soon sought ecclesiastical independence. In 927, Byzantium recognized the autocephaly of the Bulgarian Archbishopric, and in 1235 elevated it to the rank of a patriarchate. However, after the Ottoman conquest of the 1390s, the Bulgarian Patriarchate was abolished, and its territories again came under the direct omophorion of Constantinople. Only in the 19th century, in entirely different historical circumstances, did the Bulgarian autocephaly revive<sup>35</sup>.

The Serbian Church underwent a similar historical trajectory. It received autocephaly from Constantinople in 1219 (its first archbishop being St. Sava of Serbia), and in 1346 the Serbs even proclaimed the elevation of their Church to the rank of a patriarchate. This act was not immediately recognized by Constantinople, but after several decades – in 1375 – the Ecumenical

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<sup>35</sup> Nikolov A. The Bulgarian Church in the 9th-10th century. *Autocéphalies. L'exercice De l'indépendance Dans Les Églises Slaves Orientales* / edited by Marie-Hélène Blanchet et al., Publications de l'École française de Rome, 2021, <https://doi.org/10.4000/books.efr.11752>.

Patriarch reconciled with the Serbs and recognized their patriarch, providing an example of post-factum legalization of an autocephaly initially obtained unilaterally. Under the Ottoman Empire, however, the Serbian Patriarchate was abolished in 1459, later briefly restored in 1557, and then abolished again in 1766. Each time, the Serbian dioceses were reintegrated under the authority of Constantinople. The Serbian Church regained its autocephaly only in the modern era, in 1879, when Constantinople issued a Tomos to the newly established Kingdom of Serbia<sup>36</sup>.

Thus, over the centuries, the jurisdiction of the Serbian Church changed multiple times – autocephaly → subordination → renewed autocephaly – in accordance with shifting political circumstances and the strength of national movements.

A particularly illustrative situation unfolded across the vast territories of Eastern Europe and the North. In 1448, the Moscow Metropolis unilaterally proclaimed autocephaly, justifying its action by claiming that Constantinople had entered union with Rome after the Council of Florence. By 1589, Moscow succeeded in obtaining official recognition of its new status: the Ecumenical Patriarch Jeremiah II, having traveled to Moscow, agreed to elevate the Moscow metropolitan to the rank of patriarch. The Moscow Patriarchate was then entered into the diptychs as fifth in honor, receiving jurisdiction over the vast territories of northeastern Europe. However, the Metropolis of Kyiv remained formally under Constantinople and was not included in the newly created Moscow Patriarchate. Only in 1686, under complex historical circumstances, did the Ecumenical Patriarch Dionysius IV issue a charter granting the Moscow Patriarch the right to ordain the Metropolitan of Kyiv<sup>37</sup>. For centuries this act was treated as equivalent to a transfer of the entire Kyiv Metropolis under Moscow's authority. Yet, from a canonical perspective, the charter contained specific conditions – such as preservation of Kyiv's special status, commemoration of the Ecumenical Patriarch, etc. – which Moscow soon violated. In any case, by the end of the 17th century a major jurisdictional shift occurred: the Orthodox dioceses of Ukraine, which had been under the Ecumenical Patriarchate for over 300 years, passed under the omophorion of the Moscow Patriarchate. This example is crucial because the disputed nature of this transfer continues to resonate today. In 2018, the Ecumenical Patriarchate re-examined the validity of the 1686 act, declaring it a purely administrative authorization (not a permanent transfer of territory) and, accordingly, restored its jurisdiction over

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<sup>36</sup> Pavlovich P. *The History of the Serbian Orthodox Church*. Toronto: Serbian Heritage Books, 1989. 363 p. URL: <https://books.google.com/books?id=1hzZAAAAMAAJ>

<sup>37</sup> 1686 рік: Матеріали до історії підпорядкування Київської митрополії московським патріархам. *Інститут історії України*: веб-сайт. URL: <http://resource.history.org.ua/item/0014076>

the Kyiv Metropolis in order to grant it autocephaly (details to follow). The case of Kyiv demonstrates how ambiguous historical arrangements regarding jurisdictions can, centuries later, become subject to differing interpretations and even lead to the reassessment of ecclesiastical borders.

In the Ottoman period (15th–19th centuries), the ecclesiastical landscape of the Orthodox East underwent profound transformation shaped by the new political configuration. After the fall of Constantinople in 1453, the sultans, relying on the millet system, granted the Ecumenical Patriarch the status of ethnarch—the religious head of all Orthodox subjects of the empire (rum millet). This status did not alter the internal canonical principles of the Church, but it created conditions in which the Ecumenical Throne was compelled to assume a much broader administrative burden, since many other Orthodox centers found themselves in far more vulnerable circumstances or lost the capacity to function independently.

As a result of these developments, several ancient Churches—notably the Serbian Patriarchate of Peć and the Bulgarian Archbishopric of Ohrid—ceased to exist in the years 1766–1767. From the viewpoint of the Ecumenical Patriarchate, these decisions were essentially administrative acts of the imperial authorities, and Constantinople found itself in the position of having to integrate the corresponding dioceses to ensure the continuity of pastoral ministry. Throughout this period, the Ecumenical See, retaining its status as first throne of the Eastern Church, effectively served as the guarantor of ecclesiastical order across the Ottoman Empire, coordinating the life of many dioceses that had lost their own governing centers<sup>38</sup>.

At the same time, this model—although contributing to a certain structural cohesion—inevitably generated tensions. The desire of various Orthodox peoples to restore or obtain their own ecclesiastical self-governance grew steadily as modern national identities began to take shape. By the 19th century, these processes became explicit: the Bulgarian church movement, the Serbian revival, and broader national programs in the Balkans enabled the emergence of new autocephalies, each of which was, in due time, canonically recognized by the Ecumenical Patriarchate—though in different ways and through different procedures. Thus, this period may be understood as one of forced historical centralization, dictated by the geopolitical context rather than by theological norm. It should not be regarded as a model reflecting the perennial ecclesiology of the Orthodox Church. On the contrary, in subsequent history, the Ecumenical Throne repeatedly acted as the initiator of restoring national ecclesiastical self-governance, including the

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<sup>38</sup> Frazee, C. A. *Catholics and Sultans: The Church and the Ottoman Empire, 1453–1923*. Cambridge: Cambridge University Press, 1983. 396 p. URL: <https://ru.scribd.com/document/253836930/Catholics-and-Sultans-The-Church-and-the-Ottoman-Empire-1453-1923-1983>

autocephaly of the Serbian Church (1879), Romanian Church (1885), and Bulgarian Church (1945) a pattern consistent with Constantinople's long-standing role as the coordinating Church within global Orthodoxy.

### **5. 19th – Early 20th Century: The “Parade of Autocephalies” and the National-State Factor**

In the 19th century, the Orthodox world entered a phase of profound transformation, driven by the political liberation of the Balkan peoples from Ottoman rule. This period is rightly described as an era in which national movements, seeking to restore statehood, simultaneously gave rise to aspirations for ecclesiastical independence.

The first example of modern autocephaly was the Church of Greece. During the Greek Revolution (1821–1829), the question arose whether the Church of a people fighting for political independence could remain under the authority of Constantinople, which still existed within the borders of the Ottoman Empire. In 1833, the Greek hierarchy, supported by the secular authorities, proclaimed autocephaly – a move that Constantinople initially did not recognize as canonical. Only seventeen years later, after the normalization of church–state relations and the full consolidation of the Greek Kingdom, the Ecumenical Patriarch Anthimus VI issued a Tomos in 1850, recognizing the Greek Church as autocephalous. In this document, particular emphasis was placed on the fact that recognition of autocephaly was granted “out of the love of the Mother Church” and for the spiritual benefit of the Orthodox Greeks who had organized their own state life<sup>39</sup>. This case demonstrated a pattern that would be repeated many times: first, a de facto separation (often under pressure from the government or the people), and later canonical legitimization through a Tomos.

A similar dynamic can be observed in the case of the Romanian Church. After the unification of the principalities of Moldavia and Wallachia in 1859, the question of ecclesiastical autocephaly naturally emerged as a continuation of the state-building process. The unilateral proclamation of autocephaly in 1865 was viewed by Constantinople as premature; however, in 1885, Patriarch Joachim IV issued a Tomos, explaining that recognition was justified by the emergence of a new state that required an appropriate structure of ecclesiastical governance. Scholars note that the Romanian example closely reflects the general model in which the political formation of a nation leads to the desire to organize its ecclesiastical life accordingly<sup>40</sup>.

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<sup>39</sup> Papacosma S. V. The Orthodox Church and Independent Greece, 1821-1852. *Slavic Review*. 1970. Vol. 29(3). P. 511–512. DOI: 10.2307/2493173

<sup>40</sup> Stamatini L. N. Romanian Orthodox Church in the First Decades of Carol I's Reign (1866-1885). *Codrul Cosminului*. 2011. Vol. 17(1). P. 95-115 URL: [https://codrulcosminului.usv.ro/wp-content/uploads/2022/12/Article.8.Vol\\_.17-1.pdf](https://codrulcosminului.usv.ro/wp-content/uploads/2022/12/Article.8.Vol_.17-1.pdf)

The Serbian Church demonstrates a different historical logical return to an earlier canonical status. Its autocephaly, originally granted by St. Sava in 1219<sup>41</sup>, was repeatedly abolished and restored over the centuries, depending on the political fate of the Serbian lands. After Serbia gained international recognition of its statehood in 1878, the Ecumenical Patriarchate issued a Tomos in 1879, confirming the full autocephalous status of the Serbian Church<sup>42</sup>. The final unification of all Serbian dioceses—both those that had been under Constantinople and those functioning within the Austro-Hungarian Empire—was formalized by the Tomos of 1922, which recognized the restored Patriarchate of Peć. Thus, the political unification of the Serbian lands brought about their ecclesiastical unification as well.

The Bulgarian church movement of the 19th century remains one of the most complex examples of jurisdictional transformation<sup>43</sup>. The national aspirations of the Bulgarian people in the 1820s–1860s resulted in a demand for their own ecclesiastical hierarchy and liturgical language, which led to sharp conflict with the Greek hierarchy in Constantinople. The establishment of the Bulgarian Exarchate by the Sultan's firman of 1870, and the proclamation of autocephaly in 1872, precipitated a profound rupture.

The Council of the Ecumenical Patriarchate in 1872 condemned the Bulgarian actions as “phyletistic”, meaning subjecting ecclesial unity to ethnic principles<sup>44</sup>. Only in 1945, amid sweeping political changes in the region, did Constantinople lift the condemnation and recognize the autocephaly of the Bulgarian Church. Later, in 1953, the Bulgarian Synod restored the patriarchal status, which the Ecumenical Patriarchate confirmed in 1961. This experience demonstrated that the national factor can both facilitate the acquisition of autocephaly (through popular support and national conviction) and harm it if it takes the form of ethnic antagonism toward other Churches. The accusation of phyletism remains a permanent warning: Orthodoxy does not endorse autocephaly as a manifestation of nationalism; it must be justified by pastoral necessity and canonical norms, not solely by ethnic arguments.

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<sup>41</sup> Vranich V. The Autocephaly of the Serbian Church in 1219 as a Paradigm of Canonical Acquisition of Autocephaly. *Orthodox Christian Laity*. веб-сайт. URL: <https://ocl.org/autocephaly-of-the-serbian-church-in-1219>

<sup>42</sup> Слијепчевић, Боко. Историја српске православне цркве. Т. 2: Од почетка XIX века до краја Другог светског рата. Минхен: Искра, 1966. 718 с.

<sup>43</sup> Kalkandjieva D. The Bulgarian Orthodox Church. *Orthodox Christianity and Nationalism in Nineteenth-Century Southeastern Europe*. New York: Fordham University Press, 2014. P. 164-202. <https://doi.org/10.1515/9780823256099-007>

<sup>44</sup> Dionysiy (Shlënov). The Condemnation of Phyletism/Ethnophyletism at the 1872 Council of Constantinople: Critical Notes. *Theological Herald*. 2023. Vol. 50(3). P. 245-283. DOI: 10.31802/GB.2023.50.3.012

In the 20th century, the map of autocephalies expanded again under the influence of newly formed state borders in Europe. The Georgian Church, which separated from the Russian Church in 1917, was recognized by Constantinople only in 1990. The Polish Orthodox Church received autocephaly from the Ecumenical Patriarchate in 1924, with the Tomos emphasizing that its canonical status was restored because the Kyiv Metropolis, from which it historically derived, had been “unlawfully placed” under Moscow’s control in 1686. The Albanian Church was recognized in 1937, and the Orthodox Church of the Czech Lands and Slovakia, after a series of complicated steps, received a definitive Tomos from Constantinople in 1998. In all these cases, the Ecumenical Patriarchate acted in accordance with its historical prerogative: to regularize the ecclesiastical life of new Orthodox nations by granting autocephaly when the appropriate conditions had matured.

In this same period, another important theme emerged: the issue of the Orthodox diaspora. The mass emigration of the 20th century resulted in the formation of parallel jurisdictions in many countries: parishes belonging to Constantinople, Moscow, the Serbian Church, and others. This situation contradicts the ancient canonical principle of “one bishop per city,” yet historical circumstances made strict adherence to this rule practically impossible. As researcher I. Rantsia observes, the traditional model of “territorial ecclesiology” is becoming increasingly ambiguous in the context of a globalized world, where church communities are organized not strictly according to place of residence but according to national or cultural identity<sup>45</sup>.

A separate case that merits attention is the Russian Orthodox Church Outside of Russia (ROCOR), which emerged in the 1920s as an association of Russian émigré bishops. It declared itself autonomous from the Moscow hierarchy, which at that time was under the control of the Soviet regime. ROCOR was not recognized as canonical by the majority of the Local Orthodox Churches, yet it effectively functioned as an alternative Russian ecclesiastical jurisdiction throughout the world. This led to the formation of parallel structures within the diaspora: for example, in Paris there existed Russian parishes under the Ecumenical Patriarchate, under the Moscow Patriarchate, and under ROCOR. Such a situation became typical in the twentieth century: in the countries of Western Europe, the Americas, and Australia, various ethnic communities maintained allegiance to their respective “mother Churches” (Greek communities to Constantinople, Russian to Moscow or ROCOR, Serbian to the Serbian Church, and so forth).

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<sup>45</sup> Рання І. Традиційна канонічна територія і нова постмодерна територіальність: дещо про сучасні геоеклезіологічні виклики. *Наукові записки УКУ: Богослов'я*. 2020. Вип. 7. С. 285–303. DOI: <https://doi.org/10.47632/2075-4817-2020-7-285-303>

As noted by I. Rantsia, the Orthodox diaspora and territories without a traditional Orthodox presence became a key arena for debates over “canonical territories” in the twentieth century. Formally, the canons demanded that this situation be regularized so that there would not be several jurisdictions within one city; yet in practice a new paradigm emerged—the parallel existence of Orthodox dioceses belonging to different patriarchates within the same country. For example, in the United States today there are jurisdictions of the Ecumenical Patriarchate, the Moscow Patriarchate, the Serbian Church, the Romanian Church, the Bulgarian Church, and others. This reality is, without doubt, a departure from the ancient canonical principle, brought about by modern historical circumstances—mass emigration and the absence of a unified political authority capable of facilitating the ecclesial unity of the Orthodox in the diaspora. Contemporary theologians speak of a crisis of territorial ecclesiology in the postmodern era. I. Rantsia observes that traditional territorial categories “dissonate with the Church’s lived reality” in a globalized, networked world, where the very notion of a canonical territory becomes increasingly blurred<sup>46</sup>. Nevertheless, this issue goes beyond the historical question of jurisdictional change per se; rather, it concerns the coexistence of multiple jurisdictions.

### **6. The Contemporary Period: New Challenges and Jurisdictional Conflicts**

In the late 20th and early 21st centuries, issues of ecclesiastical jurisdiction once again came to the forefront, largely due to the dissolution of the USSR and the socialist bloc, the revival of religious life, and new geopolitical realities.

Ukraine is one of the most illustrative cases. After the restoration of Ukrainian independence in 1991, three parallel Orthodox jurisdictions existed in the country: the Ukrainian Orthodox Church of the Moscow Patriarchate (canonically recognized, yet a self-governing and autonomous part of the ROC), the Ukrainian Autocephalous Orthodox Church (restored on the basis of the historical UAOC of the 1920s, but unrecognized), and the Ukrainian Orthodox Church of the Kyiv Patriarchate (established in 1992 under Patriarch Filaret, also unrecognized). For nearly three decades, the question of Ukrainian autocephaly remained a matter of dispute and confrontation. The Moscow Patriarchate firmly insisted that Ukraine was its canonical territory, referring to the act of 1686 and three centuries of jurisdiction. The Ecumenical Patriarchate, however, argued that it had never

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<sup>46</sup> Ранця І. Традиційна канонічна територія і нова постмодерна територіальність: децю про сучасні геоєклесіологічні виклики. *Наукові записки УКУ: Богослов'я*. 2020. Вип. 7. С. 285–303. DOI: <https://doi.org/10.47632/2075-4817-2020-7-285-303>

ceded Ukraine permanently and that the Moscow Church had failed to resolve the schism on its own. In 2018, the Holy Synod of Constantinople revoked the validity of the synodal letter of 1686 and restored communion with the hierarchs of the UOC-KP and the UAOC. At the Unification Council in Kyiv in December 2018, the united Orthodox Church of Ukraine (OCU) was proclaimed, and in early 2019 Patriarch Bartholomew granted it a Tomos of Autocephaly<sup>47</sup>. This Tomos explicitly justified the actions of Constantinople on the basis of its historical rights and canonical prerogatives, emphasizing that the Ecumenical Patriarchate has the authority to hear appeals (canons 9 and 17 of Chalcedon) and to determine the fate of ecclesiastical territories that had historically been under its omophorion. As a result, the jurisdictional map of Ukraine changed: most bishops of the UOC-KP and the UAOC, as well as two bishops of the UOC (MP), entered the new autocephalous OCU, which has already been recognized by four local Churches (Constantinople, Alexandria, Greece, and Cyprus). The Moscow Patriarchate, however, refused to recognize the OCU and continues to claim jurisdiction over those dioceses that remain under its obedience. Moscow also broke Eucharistic communion with the Churches that recognized the OCU, accusing Constantinople of violating the canons and encroaching on foreign territory. Thus, the Ukrainian question has become a source of inter-church conflict, exposing longstanding disagreements concerning primacy of authority and the principle of canonical territory<sup>48</sup>.

Another contemporary case is Africa. In 2020–2022, in response to the recognition of the OCU by the Patriarch of Alexandria, the Moscow Patriarchate announced the establishment of its own Exarchate in Africa, receiving under its jurisdiction several dozen clergy of the Alexandrian Church. This was an unprecedented step: for the first time, Moscow openly created a parallel structure on the traditional territory of another ancient patriarchate (Alexandria). The ROC justified its actions by citing allegedly numerous requests from African clergy and “exceptional circumstances.” Alexandria, of course, protested against what it considers a non-canonical intrusion. The conflict is still ongoing, but it reveals an important tendency: when unity between Churches is disrupted, the principle of “canonical territory” may be ignored in response to the actions of the opposing side. As Igor Rantsia already noted in 2020, the ROC, feeling increasingly estranged from Constantinople, has grown bolder in asserting new “canonical

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<sup>47</sup> Патріарший і Синодальний Томос надання автокефального церковного устрою Православній Церкві в Україні. *Православна Церква України*: веб-сайт. URL: <https://www.pomisna.info/uk/document-post/patriarshyj-i-synodalnyj-tomos-nadannya-avtokefalnogo-tserkovnogo-ustroyu-pravoslavnij-tserkvi-v-ukrayini/>

<sup>48</sup> Говорун Кирило (архімандрит). Українського розколу більше немає. *Релігійна правда*. веб-сайт. URL: <https://religionpravda.com.ua/?p=40833>

territories.” Thus, in 2016, the ROC officially added Mongolia to its list of canonical countries.

Hence, a survey of history shows that changes in jurisdiction within the Orthodox Church have been conditioned by a wide range of factors: political (the fall of empires, the formation of states, wars, shifting borders), ethno-national (the desire of peoples to have their own Church), missionary (the expansion of the Church into new lands requiring distinct ecclesiastical structures), internal ecclesiastical (heresies, schisms, the need to safeguard the Church from undue dependence), as well as theological and canonical (re-evaluating ancient prescriptions in light of new circumstances, applying *oikonomia*)<sup>49</sup>.

## **7. The Major Factors Behind Changes in Ecclesiastical Jurisdiction**

Let us examine in more detail the factors that most frequently lay at the foundation of the revision of ecclesiastical boundaries.

The geopolitical factor in Orthodox history is particularly evident in the case of Bukovyna. After the region passed from the Ottoman Empire to the Habsburgs in 1774, the Orthodox parishes – previously belonging to the Moldavian Metropolis under the omophorion of Constantinople – were, during the reforms of Joseph II in the 1780s, removed from the jurisdiction of the Metropolitan of Iași and subordinated to the Serbian Metropolitan in Karlovci, the recognized ecclesiastical centre of the Orthodox subjects of the Habsburg Monarchy. In the mid-19th century, amid the rise of the local elite and imperial debates on “national churches,” a movement for an independent ecclesiastical centre emerged within Bukovynian Orthodoxy. Under Metropolitan Eugen Hakman the Diocese of Chernivtsi was not incorporated into the newly established Romanian ecclesiastical structure; rather, in 1873 it was elevated to the rank of the Metropolis of Bukovyna and Dalmatia. Some scholars consider that this metropolis functioned *de facto* as an autocephalous Church, although its status was never formally defined in terms of a conciliar “*tomos*”. After the incorporation of Bukovyna into the Kingdom of Romania in 1918, the Metropolis of Bukovyna and Dalmatia was integrated into the Romanian Orthodox Church, as part of the general unification of the ecclesiastical structures of the new state. However, in the 1940s, political upheavals led to a new wave of jurisdictional shifts: the Soviet annexation of Northern Bukovyna in 1940 resulted in the *de facto* incorporation of local dioceses into the structures of the Moscow Patriarchate; during the Romanian administration of 1941–1944, Romanian

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<sup>49</sup> Рання І. Традиційна канонічна територія і нова постмодерна територіальність: децю про сучасні геоеклезіологічні виклики. *Наукові записки УКУ: Богослов'я*. 2020. Вип. 7. С. 285–303. DOI: <https://doi.org/10.47632/2075-4817-2020-7-285-303>

jurisdiction was restored, and after the final establishment of Soviet rule the region was once again included within the Russian Orthodox Church. Specialized literature emphasizes that in these transitions the decisive elements were state decisions and international treaties, while proper canonical formalization either lagged behind or was carried out post factum<sup>50</sup>.

The national-cultural factor. Many jurisdictional changes were driven by the desire of a people to have worship in their own language, an ecclesiastical hierarchy composed of representatives of the titular nation, and to free themselves from foreign (often non-native) domination. The factor of ethnic identity became especially pronounced in the 19th century, when Slavic and other peoples, liberating themselves from the Ottoman Empire or other empires, simultaneously struggled against Greek dominance in ecclesiastical administration. Romanians, Serbs, Bulgarians – each case was rooted in a process of national revival. In the case of Bulgaria, a confessional isolation (the schism of 1872–1945) even emerged precisely because the Greeks were unwilling to yield, while the Bulgarians refused to submit – everything rested on national foundations. Kirill Hovorun characterizes autocephaly as a construct that is often filled with political and national content<sup>51</sup>. A. Kobetiak, in his research, concludes that in the 19th–20th centuries autocephaly “becomes an exclusively political superstructure,” although in its ecclesiological essence it proceeds from the very nature of the Church<sup>52</sup>.

The missionary factor. The development of missions also required the establishment of new jurisdictions or the modification of existing ones. A classic example is the Russian Orthodox Mission in Alaska and Japan. When the Russian Church evangelized these lands in the 19th century, they became part of its diocesan structure (Alaska even became a diocese of the Russian Church). However, after Alaska was sold to the United States in 1867, the Russian Orthodox Church remained there, eventually evolving into the independent Orthodox Church in America (OCA). The OCA received autocephaly from Moscow in 1970, but other Churches did not recognize it; thus, various jurisdictions currently coexist in North America. This produces a canonical anomaly, yet one that arose specifically from missionary history. Another dimension is the “right of the first preacher.” In missiology, there exists an unwritten principle that the territory where a particular missionary

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<sup>50</sup> Namee M. Romanian Autocephalies & the Birth of the Modern Patriarchate of Romania. *Global Orthodoxy*, 23 June 2022. веб-сайт. URL: <https://www.orthodoxhistory.org/2022/06/23/romanian-autocephalies-the-birth-of-the-modern-patriarchate-of-romania/>

<sup>51</sup> Говорун Кирило (архімандрит). Українського розколу більше немає. *Релігійна правда*. веб-сайт. URL: <https://religionpravda.com.ua/?p=40833>

<sup>52</sup> Кобетяк А. Автокефальний устрій як основоположний чинник структури Вселенського Православ'я. *Вісник Львівського університету. Серія філософсько-політологічні студії*. 2019. Вип. 24. С. 47-58. DOI: <https://doi.org/10.30970/2307-1664.2019.24.6>

first preached may be regarded as the canonical territory of his Church. The Russian Church, for example, considered China and Japan its pastoral domain because its missionaries first reached these regions. According to I. Rantsia, contemporary Russian authors (such as Metropolitan Hilarion Alfeyev) even articulate the notion of a “missionary canonical territory” – all lands where Russian missionaries were the first to evangelize<sup>53</sup>. This is, of course, a highly debatable concept, yet it illustrates that mission expands the boundaries of the Church, raising the subsequent question: to whom will the newly formed community belong? Often, the mother Church sought to retain jurisdiction, but it also happened that the emerging local Church desired independence (as in the case of the Japanese Church, which aspired to autocephaly but currently holds autonomous status within the ROC). Thus, missionary achievements may lead either to the creation of autonomous or autocephalous Churches, or to disputes among established Churches over newly evangelized territory. Internal ecclesiastical schisms and the restoration of unity. Unfortunately, history records cases in which parallel jurisdictions arose because of doctrinal schisms or political conflicts. For example, in the 5th–6th centuries, the non-Chalcedonian (“Monophysite”) Churches emerged, establishing themselves on certain territories (Egypt, Syria) alongside the Churches that accepted the Council of Chalcedon. Another example is the Union of Brest (1596) in Ukraine and Belarus: a portion of the Orthodox dioceses entered into communion with Rome, forming the Greek-Catholic Church. The Orthodox of the Kyiv Metropolis then turned to Moscow for support, which became one of the factors that reoriented Kyiv toward Moscow (and later influenced the transfer of 1686). When schisms were healed, jurisdictional restructuring could also occur. For instance, after the fall of communism, the ROC and ROCOR were reconciled, and a large part of ROCOR’s parishes entered the Moscow Patriarchate – this, too, was a change of jurisdiction, but one occurring in the context of the restoration of unity rather than the creation of something new. Similarly, when Greek “Old Calendarists” or other schismatics returned to the Church, their structures were either dissolved or incorporated into canonical Churches. In the Orthodox tradition, overcoming schism always presupposes a twofold act: the repentance of those who have lived outside canonical communion and the forgiveness and reception by the Mother Church, which possesses the prerogative of restoring canonical order (κανονική ἀποκατάστασις). For this reason, changes in jurisdictional circumstances may arise from the internal ecclesial logic of restoring communion, when a canonical rupture is healed through a synodal act. Such

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<sup>53</sup> Ранця І. Традиційна канонічна територія і нова постмодерна територіальність: децю про сучасні геоеклезіологічні виклики. *Наукові записки УКУ: Богослов'я*. 2020. Вип. 7. С. 285–303. DOI: <https://doi.org/10.47632/2075-4817-2020-7-285-303>

a scenario – though in contemporary circumstances – can be observed in the case of Ukraine in 2018. The Ecumenical Patriarchate, analyzing the long-standing division within Ukrainian Orthodoxy, made a decision described as a “pastoral intervention” (οικονομική παρέμβασις) for the healing of an ecclesial wound. The synodal communiqué clearly stated that the recognition of the canonical status of the hierarchies of the former UOC-KP and UAOC was carried out “for the salvation of the faithful who had been in prolonged separation.”<sup>54</sup> Within this theological approach, the Ecumenical Patriarchate emphasizes that its decision is understood not as the “legitimization” of a schism but rather as its overcoming – that is, the restoration of Eucharistic unity for those seeking a return to canonical order. For this reason, the official documents of Constantinople underscore that all previous sanctions are “removed” (ἐξαλείφονται) by a conciliar act that returns the community to the fullness of the Church.

The role of the Ecumenical Patriarchate. A distinct factor that must be recognized is the involvement of the Ecumenical Patriarchate of Constantinople. Historically, it has functioned as an arbiter and “mother Church” for many local Churches. As we have seen, almost all new autocephalies were eventually formalized through Tomoi issued by the Ecumenical Patriarchate (with the exception of those Churches that separated from it, yet even they later received Tomoi – for example, Bulgaria, Serbia, and others). The Ecumenical Patriarchate often acted as a guarantor of the canonical legitimacy of such changes. However, in the 20th century an alternative position emerged – that of the Moscow Patriarchate, which held that it had the authority to grant autocephaly to parts of its own ecclesial body (as happened with the OCA in 1970, the Church of the Czech Lands in 1951, and the Georgian Church in 1943). This divergence led to a situation in which the two largest Orthodox Churches effectively compete in determining the structure of Orthodox oikonomia. The Ecumenical Throne, relying on the canons, asserts its responsibility for the entire Orthodox Church and its exclusive right to proclaim new autocephalies<sup>55</sup>. Moscow, by contrast, appeals to the necessity of conciliarity – namely, the desirability of receiving the consent of all, or at least the majority of, the local Churches. In practice, however, no mechanism yet exists that satisfies all parties. Therefore, the factor of inter-Church politics and primacy also plays a significant role in jurisdictional changes: the autocephaly of the OCU was perceived by

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<sup>54</sup> Communiqué of the Holy and Sacred Synod of the Ecumenical Patriarchate. 11 October 2018. *Ecumenical Patriarchate*. веб-сайт. URL: <https://ec-patr.org/en/announcement-11-10-2018>

<sup>55</sup> Кобетяк А. Автокефальный устрій як основоположний чинник структури Вселенського Православ'я. *Вісник Львівського університету. Серія філософсько-політологічні студії*. 2019. Вип. 24. С. 47-58. DOI: <https://doi.org/10.30970/2307-1664.2019.24.6>

Moscow as a blow to its primacy in the post-Soviet space and to its conception of “canonical territory.” Indeed, the Moscow Patriarchate’s concept of a “canonical territory” is itself a factor. The ROC declares that its exclusive canonical jurisdiction extends over 16 countries (Russia, Ukraine, Belarus, Moldova, all post-Soviet republics in Asia, as well as China, Japan, and Mongolia). This list was officially confirmed at the Council of Bishops in 2016. Any attempts by other Churches to operate in these areas are denounced as “aggression” and “schism.” However, as I. Rantsia rightly notes, Russian theologians themselves acknowledge the tenuousness of such a justification and interpret this principle inconsistently. For example, Metropolitan Hilarion (Alfeyev) simultaneously insists that the principle of canonical territory is an internal Orthodox matter, yet applies it also to relations with the Catholic Church; in one context he argues that ecclesiastical territory should coincide with state territory, while elsewhere he denies any dependence on political borders; he approves of ROC dioceses existing beyond its own canonical territory, yet protests when other Churches create structures on what he calls “the canonical territory of the ROC.”<sup>56</sup>

In summary, changes in ecclesiastical jurisdiction occur under the influence of a complex set of causes. In each specific case, several factors operate simultaneously, yet the dominant one often proves to be either political (state-related), national, or pastoral-missionary. At the same time, the Church consistently seeks canonical and theological justification for such changes – whether by appealing to the ancient canons, to the principles of apostolic tradition, or to the idea that the Church is by nature conciliar, and therefore autocephaly represents a normative ecclesial state. On the other hand, opponents typically appeal to the very same canonical tradition, but to its literal form, emphasizing the “immutability” of ancient boundaries and condemning revisions as non-canonical.

## CONCLUSIONS

Changes of jurisdiction within the canonical tradition of the Orthodox Church constitute a complex, yet by no means unprecedented, phenomenon. Although the canons insist on the stability of ecclesiastical boundaries and the inadmissibility of unilateral intrusion by one Church into the territory of another, history demonstrates a considerable flexibility within Orthodoxy in responding to the challenges of its time. Jurisdictional shifts occurred for a variety of reasons – political, national, missionary, and pastoral – and the Church developed instruments for their canonical legitimation: conciliar

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<sup>56</sup> Ранця І. Традиційна канонічна територія і нова постмодерна територіальність: децю про сучасні геоеклезіологічні виклики. *Наукові записки УКУ: Богослов'я*. 2020. Вип. 7. С. 285–303. DOI: <https://doi.org/10.47632/2075-4817-2020-7-285-303>

decisions, tomoi, and inter-church agreements. The canonical tradition, by its very nature, has proven capacious enough to accommodate new historical realities, although each such shift required theological reflection and, at times, painful schisms before harmony was restored.

The contemporary situation indicates that the formation of ecclesiastical jurisdictions is far from complete. Certain questions – the status of the diaspora, relations among patriarchates, and the procedure for proclaiming autocephaly – remain open for pan-Orthodox deliberation. As current events show, the absence of a unified approach can lead to conflict (as in Ukraine and Africa). Modern challenges facing world Orthodoxy reveal not only the strength of geopolitical pressures but also the need for a deeper theological re-examination of the nature of ecclesial unity. Scholars rightly observe that the tensions that have emerged in the inter-Orthodox sphere are largely connected with external factors; yet they also compel a return to the primary ecclesiological intuitions of the ancient Church. Under these circumstances it becomes increasingly evident that territorial boundaries and historical administrative models cannot be regarded as absolute or immutable, for they have always been relative to a higher reality – the unity of faith and the Eucharist.

Orthodox ecclesiology consistently emphasizes that the heart of ecclesial existence is Eucharistic communion rather than external administrative form. Fr. Nikolai Afanasiev articulated this insight in a particularly profound way, stressing that each local Church, preserving the fullness of grace-filled life in the Eucharist, bears within itself the entire fullness of catholicity. From this it follows that changes in external borders – whether political or jurisdictional – do not threaten ecclesial unity so long as Eucharistic and doctrinal communion among the Churches is maintained. On the contrary, history shows that canonical structures have often been reshaped by circumstances, while the faith and the Sacraments remained the unshakable bond holding the Church together in unity.

## **SUMMARY**

The study offers a comprehensive analysis of the determinants that condition changes in ecclesiastical jurisdictions within the canonical tradition of the Orthodox Church. It examines the historical dynamics of the formation and transformation of the borders of local Churches, from early ecclesiology to contemporary inter-Orthodox processes. Special attention is given to the interplay between canonical norms, imperial legislation, and the practice of *oikonomia*, which influenced the jurisdictional map of the Christian East in different historical periods.

It is demonstrated that jurisdictional changes most often arose as a result of political transformations, schisms, missionary needs, or pastoral necessity,

yet attained legitimacy only through their integration into the conciliar consciousness of the Church. Based on historical case studies – Cyprus, Justiniana Prima, and the Bulgarian, Serbian, Romanian, and Georgian Churches – the article traces the mechanisms through which new ecclesiastical structures received canonical recognition.

The study shows that the Ecumenical Patriarchate has played, and continues to play, a decisive role in regulating such transformations, exercising the right of appeal and initiating the restoration of canonical order. An analysis of contemporary developments demonstrates that jurisdictional processes remain dynamic and require theological reflection in the light of conciliarity, the principle of ecclesial benefit, and Eucharistic ecclesiology. The results of the study outline an approach in which canonical stability is combined with the possibility of structural renewal whenever required by the salvific mission and the unity of the Church.

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