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Orthodox Churches and States in Europe: Problems and Perspectives *

ABSTRACT: The article offers a careful analysis on the way the end of the USSR and the growth of the Orthodox presence in the European Union have challenged the concept of canonical territory. In the West, this has produced a phenomenon of the territorialization of the exercise of religious freedom. It is examined how the potential access to the EU of Ukraine, Moldova, Albania and Northern Macedonia will influence the relevance of these Churches in the relations that the Union maintains with them in application of art. 17 TFUE. Indeed, this relation is strengthened by the great consistency of the Orthodox diaspora in the West and by the development and growth of Eparchies abroad, created by the respective national Churches. Therefore, it is appropriate to reflect on the need for identifying self-preservation of all religions and in particular of the Orthodox one, in order to guarantee the balance and orderly development of the Union's institutional political system in a relationship compatible with the needs of separation and secularism of the States. Two key factors are the political crisis of the USSR and the granting of autocephaly to the ecclesiastical communities operating in the states which had become sovereign: this has weakened the Moscow Patriarchate and its role in the Orthodox ecumenical system; at the same time, the ecumenical patriarchate, which claims its exclusive right to grant autocephaly, has proceeded to "contractualize" the nature of his primacy through the structure of the Tomas.

SUMMARY: 1. INTRODUCTION - 2. The political and institutional role of the Orthodox Churches after the Second World War - 3. The Orthodox Churches after the Helsinki Conference between autocephaly and self-administration - 4. The Moscow Patriarchate and the self-administration of its churches - 5. The Ecumenical Patriarchate and the autocephaly market - 6. The problematic management of the Orthodox diaspora - 7. Ecumenism and the supranational role of the Patriarchates - 8. The need for secularism and the end of the symphonic relationship with the state.

1 - Introduction



More than a year after the outbreak of the war, the European Union increased the number of Member States, including Ukraine as a candidate country¹. This certainly constitutes one of the most relevant events in the rearrangement of its borders. This is a preliminary premise for the examination of those decisions regarding the membership of Moldova²

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¹ Unless there is an ad hoc modification of the Treaties and procedures, the path to accession is a complex and articulated procedure which could take decades. To reconstruct it, it is necessary to refer to articles 49 and 2 of the Union Treaty. The former provides the legal basis for any European state intending to join the EU; the second lists the values on which the Union is founded. The candidate country must be geographically part of Europe, respect and commit itself to the values listed in art. 2 of the Treaty on the Union: respect for human dignity, freedom, democracy, equality and the rule of law, human rights, including the rights of persons belonging to minorities; respect for a society characterized by pluralism and non-discrimination, tolerance, justice, solidarity and equality between men and women. The candidate country must also meet the EU eligibility criteria established by the Copenhagen European Council in 1993, which are: have stable institutions guaranteeing democracy, the rule of law, human rights, respect for minorities and their protection; a reliable market economy and the ability to cope with market forces and competition within the Union; possess the ability to assume and effectively implement the obligations of membership, including the main objectives relating to political, economic, and monetary union. Furthermore, the candidate country must be able to apply Community law and to guarantee its transposition into national legislation, implementing it effectively, through adequate administrative and judicial structures (decision of the Madrid European Council, Dec. 1995). And, however, always reserves the right to decide when and if the candidate country has met the accession criteria.

² Moldova, a country whose official languages are Romanian and Russian, sees the presence of two Orthodox Churches: the *Biserica Ortodox a din Moldova (Mitropolia Basarabiei)*, [Orthodox Church in Moldavia, Metropolia of Bessarabia], which is an autonomous Church placed under the jurisdiction of the Romanian Orthodox Church. This Church was created in 1923 and organized in 1925, when the Archbishopric of Chişinău was elevated to the rank of Metropolia. Inactive during the Soviet occupation of Bessarabia (1940-1941) and the annexation of Moldavia to the USSR (1944-1991), it was reactivated on 14 September 1992. In 1995 the Metropolia was elevated to the rank of Exarchate, with jurisdiction over the Romanian Orthodox communities in the former Soviet bloc and the Moldovan diaspora worldwide.

The other Church that operates in Moldova is (Православная церковь) Moldova [Orthodox Church of Moldova] is linked to the Moscow Patriarchate. This Church gave itself its own Statute in 1992. *Statutul Bisericii Orthodox Dyn Molodova*, Aprobato de Guvernul Republicii Moldova, 17 November 1993. http://licodu.cois.it/wp-content/uploads/2013/10/statut_bom.pdf, and obtained the Tomos of granting self-administration on December 2, 1994. Томос Патриарха Алексия II: *Признание автокефалии Православной Церкви Молдовы 1994 г.*,



and, even more rapidly, Albania and North Macedonia. Instead, the membership of Serbia³ and Montenegro⁴ still appears to be spread over time⁵ and that of Georgia is a discussed possibility⁶.

<http://licodu.cois.it/?p=10537> on the grounds that; “читывая, что Православная Церковь в Молдове совершает свое служение на территории независимого государства” [...] considering that the Orthodox Church carries out its ministry on the territory of an independent Orthodox Church in Moldova]. It should be noted that this wording is not found in the analogous provisions of the Moscow Patriarchate which granted self-administration to the Orthodox Churches linked to Moscow in Belarus and Ukraine, despite these being independent states like Moldova. A modification of the Statute made on 26 September 2001 accentuated and underlined the independence of this Church from the Patriarchate of Moscow, while leaving the canonical and spiritual relationships alive: *Hotărîre Nr. 1008 din 26. 09. 2001, privatind aprobarea modificării introduse în Statutul Bisericii Ortodoxe din Moldova (Mitropolia Moldovei)*, <http://licodu.cois.it/?p=10566>. The cult regime in force in the country provides for the registration and recognition of the civil juridical personality of religious confessions, pursuant to the law on religious freedom *Lege privatind cultele religioase și părțile lor component, (nr. 125-XVI din L 11.05.2007 Monitorul Oficial nr. 127-130/546 din 17.08.2007)*, <http://licodu.cois.it/?p=1276>.

³ North Macedonia and Albania, which have made a long journey towards the Union; they seem destined to enter the Union with full rights as member countries, having satisfied the preconditions established by the Treaties. Albania, as is known, is a multi-confessional, separatist and secular country, while North Macedonia has just seen the divisions between the Orthodox denominations present in the country heal but sees the presence of a strong Muslim component in the population, represented by two confessional organizations that compete for representation. **G. CIMBALO**, *Pluralismo confessionale e comunità religiose in Albania*, BUP, Bologna, 2012; **ID.**, *Autocefalia ortodossa e pluralismo confessionale nella Macedonia del Nord*, in *Stato, Chiese e pluralismo confessionale*, *Rivista telematica* (<https://www.statoechiese.it>), no. 13 of 2022, pp. 1-34.

⁴ Montenegro does not have an autocephalous Church, as the majority confession in the country is made up of the structures of the Serbian Patriarchate: The Metropolia of Montenegro and the Littoral, with its seat in Cetinje and the Eparchy of Budimlje and Nikšić, with its seat in the Monastery, of Đurđevi Stupovi, near Berane. The self-styled Autocephalous Orthodox Church of Montenegro is largely a minority in the country and not recognized by any other Orthodox Church and its leaders have been excommunicated by the Ecumenical Patriarchate, a measure accepted by the other Orthodox Churches. To regulate the activity of the religious confessions, a recent much discussed and contested law. See: *Zakon o slobodi vjeroispovimsti ili uyjerenja i pravnom položaju vjerskih zajednica* (Law on freedom of religion or belief and on the legal status of religious communities), <http://licodu.cois.it/?p=12060>. **F. VECCHI**, *Il ruolo della Chiesa Ortodossa Serba nelle dinamiche di transizione e negli scenari riformisti dei Balcani occidentali*, in *Anuario de Derecho Canónico*, 4 [Abril 2015], pp. 331-350; **ID.**, *Il pluralismo confessionale “neutralista”: parametro dominante della legislazione ecclesiastica “transitoria” in Montenegro*, “*Anuario de Derecho Canónico*”, 8 [Abril 2019], 141-230; **F. BOTTI**, *Libertà religiosa, patrimonio culturale e identità: il caso del Montenegro*, in *Stato, Chiese e pluralismo confessionale*, cit., n. 17 del 2021, p. 60.

⁵ The dominant denomination in the country is the Serbian Orthodox Church (Српска



In any case, it is conceivable that, albeit with different times, the Member countries of the European Community with an Orthodox majority will go from the current 4 (Greece, Cyprus, Bulgaria and Romania) out of 27, to 7 out of 31 (9 out of 33, in the case of a further enlargement to include Ukraine and Moldova). This would establish a balance between those countries with an Orthodox majority and the others to about a third of the members of the Union, with a total population, on paper, of more than 110 million inhabitants, also considering the religious believers of the Orthodox Churches of the Baltic countries and Albania⁷.

It is also necessary to take into account the great consistency of the Orthodox diaspora in the West and, lastly, the flow of refugees from Ukraine. They have fuelled and will fuel even more the development and growth of Eparchies abroad. The latter are created by the respective autocephalous national Churches and organically connected to them⁸.

Православна Црква), a church, sixth in importance after those of Constantinople, Alexandria, Antioch, Jerusalem and Moscow. The faithful who live in Serbia and Montenegro fall under its jurisdiction. Bosnia and Herzegovina and Croatia. Its Patriarch is Archbishop of Peć and Metropolitan of Belgrade and Karlovac. The country definitively converted to Christianity in 870 AD and depended for a long time on Byzantium, through the patriarchate of Ohrid; after a first patriarchal experience in 1918 the Serbian Patriarchate was restored and the autocephaly of this Church which, over time, has equipped itself with its own network for managing the diaspora in Europe and in the world.

⁶ Georgia, in Vilnius, signed an association agreement with the European Union on 29 November 2013 and on 3 March 2022, in the wake of the Ukrainian crisis, presented the application for membership, which was then sent to the Presidency of the Council of the Union. The European Union, recognizing that Georgia possesses " the foundations for achieving the stability of the institutions which guarantee democracy, the rule of law, human rights and the respect and protection of minorities (essential requirements of the *acquis communautaire*) " he set out a list of specific issues that Georgia should address quickly, including "political polarization, the proper functioning of all state institutions, and the need for "de-oligarchization" The list of reforms - deemed "essential" - is considerably longer, but not unlike those required of Ukraine and Moldova.

⁷ The war in Ukraine has made it uncertain to evaluate the consistency of its population due not only to war victims, and displaced persons, or due to possible territorial decreases and consequent loss of population. It should be remembered that Ukraine, like Moldova, are part of a demographically depressed area, and that the size of the population, in the absence of a recent referendum in Ukraine that can provide real and verified data, was estimated before the war as oscillating between 32 and 35 million. **S.S. MORGAN**, *Dopo la guerra: quel che resta dell'Ucraina*, June 10, 2022, in *Neodemos* (<https://www.neodemos.info/2022/06/10/dopo-la-guerra-quel-che-resta-dellucraina>).

⁸ In particular, the Romanian Orthodox Church has established the Metropolies of Germany and Central and Northern Europe, on which depends the Archieparchy of



A further result of the war in Ukraine is then the tendency that emerged in the Baltic countries to obtain autocephaly for the autochthonous Orthodox Churches even if they are not majority Churches due to the choice of the States to equip themselves with national Churches, removed from the jurisdiction of external Patriarchates to the territory of the State, as a consequence of a security choice⁹. This new attitude in relations between the State and the Churches can only affect the relevance of these Churches in the relations that the Union maintains with them in application of art. 17 of the TFEU. This relationship is also connected to the states of the Union where the Orthodox believers are a minority¹⁰.

Germany, Austria and Luxembourg and that of Northern Europe and the Metropolia of Western and Southern Europe, the Archieparchy of Western Europe, the two Eparchies of Italy and that of Spain and Portugal. The Bulgarian Orthodox Church created the Eparchy of Central and Western Europe. The Greek Orthodox Church has made a different choice, leaving the management of its diaspora to the Patriarchate of Constantinople. A. TORRES GUTIÉRREZ, (coord.), *Estatuto jurídico de las iglesias ortodoxas en españa. Autonomía, límites y propuestas de lege ferenda*, Dykinson, Madrid, 2020; F. BOTTI, *Sui contenuti di una possibile Intesa con la Chiesa Ortodossa Romana in Italia*, in *Stato, Chiesa e pluralismo confessionale*, cit., March 2008; V.N. MAKRÍDES, *Nuove prospettive dell'omogeneità religiosa: la Chiesa e la fede ortodossa in Grecia alle soglie del terzo millennio*, in A. PACINI (a cura di), *L'ortodossia nella nuova Europa: dinamiche storiche e prospettive*, Torino, Edizioni Fondazione Giovanni Agnelli, 2003, pp. 185-234; I. DIMITROV, *La Chiesa ortodossa nella società bulgara contemporanea*, *ivi*, pp. 285-302; B. BOBRINSKOY, *La diaspora ortodossa in Europa occidentale: un ponte tra le due tradizioni europee?*, *ivi*, pp. 203-221.

⁹ G. CIMBALO, *The Latvian State imposes autocephaly by law on the Orthodox Church in Latvia*, in *Stato, Chiesa e pluralismo confessionale*, cit., no. 22 of 2022, pp. 1-30. In the impossibility of repeating the operation with Vilnius ir Lietuvos arkivyskupija [Eparchy of Vilnius and Lithuania], belonging to the Patriarchate of Moscow, Patriarch Bartholomew went on 23 March 2023 to visit Vilnius, where he created an Eparchy recognized by the Patriarchate of Constantinople to which 5 priests belong, but of a collaboration agreement with the Lithuanian state signed by Prime Minister Ingrida Simonite. All this despite the fact that the metropolitan of Vilnius, Innokentij (Vasilyev) of the Orthodox Church linked to Moscow has condemned the Russian intervention in Ukraine and asked the Muscovite Patriarchate to grant autocephaly or in any case greater autonomy, a request that will be discussed at one of the upcoming Synods of the Russian Orthodox Church. Prime Minister meets with Ecumenical Patriarch Bartholomew, visiting Lithuania for the first time (<https://ministraspirmininkas.lrv.lt/en/news/prime-minister-meets-with-ecumenical-patriarch-bartholomew-visiting-lithuania-for-the-first-time>).

¹⁰ R. MAZZOLA, *Confessioni, organizzazioni filosofiche e associazioni religiose nell'Unione Europea tra speranze disilluse e problemi emergenti*, in *Stato, Chiesa e pluralismo confessionale*, cit., no. 3 of 2014; F. MARGIOTTA BROGLIO, *Confessioni e comunità religiose o "filosofiche" nel Trattato di Lisbona*, in *Riv. di Studi sullo Stato, Dossier, Il Trattato di Lisbona*, 2010; N. COLAIANNI, *Religioni e ateismi: una complexio oppositorum alla base del neo-separatismo europeo*, in *Stato, Chiesa e pluralismo confessionale*, cit., June 2011; G. ROBBERS,



The consistency and stability acquired by the structures of the Orthodox Churches in Western countries, the institutional and social space that they are conquering, despite being private law associations and not public law corporations, partially rebalances the certainly hegemonic role of Catholicism in most of the countries of the Union. Consequently, it represents a growing presence also in the area of Protestant countries or with a strongly multi-religious composition, to the point of placing a serious mortgage on the possible review of the relationship between States and confessions in the political and institutional space of the Union European.

Additionally, the birth of the organized presence of Orthodoxy in Western countries also affects the legacy of values, traditions, customs, and beliefs in the ethical field which contribute to the creation of the *aequis* community: in this perspective, not only the citizens of the new entry states, but many of the current member states will refer to this heritage of values as their founding values.

Indeed, it is appropriate to reflect on what pan-Orthodox relations are today, while trying to predict how they will evolve, since the maintenance of religious peace in Europe also depends on a balanced relationship between the religious groups, secularism and/or tendencies towards secularization. In other words, a balance must be guaranteed to satisfying the need for identity self-preservation of all religions and in particular of the Orthodox one, and the development of the institutional political system of the Union. In this regard, the relationship of compatibility with the requirements of separation and secularism of the States must be observed.

More into depth, nowadays in Europe there is not only a "Muslim question" caused by the spread of Islam - especially as a result of massive emigration, destined to grow, from Muslim countries and some Eastern European countries - but there is also an "Orthodox question"¹¹, which

Europea e religione: la dichiarazione sullo status delle Chiese e delle organizzazioni non confessionali nell'atto finale del trattato di Amsterdam, in *Stato, Chiese e pluralismo confessionale*, n. 2 (1998), pp. 393-398; **M. PARISI**, *Vita democratica e processi politici nella sfera pubblica europea. Sul nuovo ruolo istituzionale delle organizzazioni confessionali dopo il Trattato di Lisbona*, in *Stato, Chiese e pluralismo confessionale*, cit., no. 27 of 2013; **G. FELICIANI**, *Liberté de religion dans le contexte établi selon le Traité de Lisbonne*, in *Stato, Chiese e pluralismo confessionale*, no. 14 of 2012; *Asistencia social, participación y reconocimiento de la diversidad*; ADORACIÓN CASTRO JOVER (ed.), *Un estudio comparado entre Alemania, España, Francia y Italia*, Libellula, Bari, 2015.

¹¹ It is appropriate to recall the organized and legally recognized presence of substantial Muslim communities, of different orientations and traditions, in Albania,



includes religious values and institutional aspects. The widespread and growing presence of citizens, including community citizens, coming from countries of Orthodox traditions in the West, relates to their position not only as individuals, but as cohesive communities, cemented by belonging to their national Churches. This aspect maintains a functional organizational bond and an osmotic relationship with the Mother Church and it encourages the preservation not only of the language, but also of values, habits, customs, traditions, culture, music, etc. All this drives these communities to seek representation, thus playing a social role in the host societies, necessarily enhancing the religious factor as an identity trait, in support of their own material and immaterial community culture. These needs give rise to several consequences that affect the exercise of worship and therefore religious freedom, giving consistency to situations of possible contrast and in any case to disputes. For example, conflicts might relate to the availability of places of worship, to the creation of charitable structures and/or assistance, or to the observance of holidays, to the teaching of religion, etc.¹².

2 - The political and institutional role of the Orthodox Churches after the Second World War

The outcome of the Second World War led to the Soviet occupation of the Eastern European States. Consequently, the inclusion of the majority of Orthodox countries in the political sphere of the USSR was a concrete

North Macedonia, Bulgaria, Montenegro and Serbia.

¹² The Holy and Great Synod of the Orthodox Church of Crete dealt with the canonical organization of the Orthodox Diaspora addressing the theme of the canonical organization of the Orthodox Diaspora. Starting from the acquisitions of the resolutions of the IV Pre-conciliar Pan-Orthodox Conference (Chambésy, 2009) and from the Synaxis of Primate of the Autocephalous Orthodox Churches (21-28 January 2016), it defined its Regulations for the functioning of the Episcopal Assemblies (http://www.ortodossia.it/w/index.php?option=com_content&view=article&id=2322:la-diaspora-ortodossa&catid=286:santo-e-grande-sinodo&lang=it).

These resolutions were approved with some amendments, noting that at the moment it is not possible to ensure the presence of only one bishop in the same place. Therefore, the Episcopal Assemblies are composed of all the bishops recognized as canonical in that territory, who will continue to depend on the canonical jurisdictions to which they currently belong. These resolutions are not shared by the Russian Orthodox Church and by all the others absent from the Council, while some patriarchal Churches are beginning to support the opportunity of establishing autocephalous Churches in the diaspora.



result. In Bulgaria and Romania, the USSR imposed state atheism and separatism, from a formal and institutional point of view¹³, state secularism and a restrictive regulation of freedom of worship; soon, however, an "improper symphonic relationship" was rebuilt with the churches of these States, based on state control of them. This conditioning activity also used the role played by the Muscovite Patriarchate in world Orthodoxy, effectively reproducing the pattern of relations in force in the USSR between the State and confessions; the Churches soon became valid supports for governments that needed to establish strong social control over a population that had to undertake a long process of social, political and value-based transformation with the changing relationships among social classes.

Similar restrictions, both in terms of relations with the State and of freedom of worship, were adopted towards the Orthodox Church in the Federal Republic of Yugoslavia, and therefore towards the Serbian Orthodox Church. However, this was an easier political choice, since there was a majority presence of Catholics in Croatia, a widespread of Protestant traditions in Slovenia, and a consistent Muslim population in Bosnia, in Macedonia (although not in the majority) and in Kosovo. The multi-religious composition of the country was one of the elements that prompted and, at the same time, allowed the Yugoslav state to adopt, albeit gradually, a less restrictive legislation dealing with religious freedom¹⁴.

Belarus, Ukraine, Moldova and Georgia¹⁵, which organically became part of the USSR, underwent the expansion of the Orthodox

¹³ Art. 78. II., of the Constitution of the People's Republic of Bulgaria [Конституция на Народна република България] от 6.12.1947 г. (<http://licodu.cois.it/?p=969>).

¹⁴ The Serbian Orthodox Church was opposed by the Yugoslav government due to the collusion of its clergy with the Chetniks, a Serbian nationalist political movement that collaborated with the German occupiers of the Balkans and opposed the Yugoslav resistance forces led by Josip Broz Tito: even after the end of the hostilities the Serbian Orthodox Church supported Serbian nationalism to the detriment of other nationalities and ethnicities of the Republic.

¹⁵ The Georgian Patriarchate is one of the oldest; founded in the 1st century by the Apostle Andrew, it became the official Church of Georgia starting in the 4th century. Territory at the time part of Tsarist Russia, in 1917 unilaterally restored the autocephaly of the Georgian Orthodox Church, disavowed by Moscow, and rebuilt it by its bishops in 1943 and was recognized by the Patriarchate of Antioch. It suffered the Stalinist repression: hundreds of monks were killed, and many places of worship were closed. With the dissolution of the USSR and the country's independence in 1989, the Ecumenical Patriarchate recognized the autocephaly of the Georgian Orthodox Church (exercised or claimed since the 5th century) as well as the patriarchal honour of the Catholicos, the



Church linked to the Moscow Patriarchate, whose activity had resumed in 1943 at the behest of Stalin. He had sponsored its rebirth in order to meet mobilization needs of the population and fight the Great Patriotic War¹⁶. At the end of the war, Stalin had maintained his support for the Muscovite Patriarchate. This was an instrument of support for the Soviet power and to control, through it and through the clergy, not only the populations of Russia, but also of Belarus, Ukraine, Moldova and Georgia. The same happened with the Churches of those countries with an Orthodox majority that were part of the Soviet sphere of influence, Romania and Bulgaria in particular, also managing and using the relationship that the Muscovite Patriarchate established with the confessions of these countries, in concert with the national governments that they in turn benefited from the support of their respective Churches, with the "assistance" and support of the Muscovite Patriarchate¹⁷. In doing so, the USSR had placed a heavy mortgage on Orthodoxy, thus controlling the Slavic area which is and had been the cultural and ethnic melting pot in which the Eastern Church had developed and spread.

The most immediate reflections of this policy were the strengthening of the Patriarchate of Moscow within the Orthodox world, especially since its Church was certainly and by far the most numerous, by number of faithful and by parishes, by political weight and function in the diptychs among the Orthodox Churches. In the small number of faithful and presence on the territories of the other historical Patriarchates, the

head of the Church, however first mentioned in the tomos, the reference to the supremacy of Constantinople, stating that the Georgian Church: "recognizes and respects the supremacy of our Ecumenical Patriarchal Throne". The reference to the monopoly of the Patriarchate of Constantinople in matters of moderation of inter-religious relations is indicated in a soft way: "we advise". Today there are about 5 million Georgian Orthodox in the world, 3,670,000 of them in the Caucasian Republic. See: **W. THROUGH, T. TIMES**, *A History of the Orthodox Church of Georgia, 1811 to the Present*, Bennett & Bloom, London, 2006.

¹⁶ On the History of the Russian Orthodox Church: **G. CODEVILLA**, *Lo zar e il patriarca. I rapporti tra trono e altare in Russia dalle origini ai giorni nostri*, Casa di Matriona, Milano, 2009; **ID.**, *Chiesa e impero in Russia. Dalla Russ' di Kiev alla federazione russa*, Jaka Book, Milano, 2011; **A. CARPIFAVE**, *Storia della Chiesa Ortodossa Russa. Tra messianismo e politica*, Dehoniane, Bologna, 2009.

¹⁷ At the end of the Second World War Stalin, also to fill the gaps left by the 20 million dead among the peoples of the USSR. caused by the war events, proceeded to move populations aimed at strengthening the Russian-speaking components of the Federation. Thus, the structures of the Russian Orthodox Church in the Baltic Countries were consolidated and the Georgian Patriarchate was suppressed, absorbed into the Russian Orthodox Church.



main element of contrast to the Muscovite Patriarchate was and is the Ecumenical one which, declaring and claiming jurisdiction over the Orthodox diaspora in the world, claimed to possess an uncalculated and not calculable number of faithful. It claimed to be the most numerous, certainly the one with the greatest economic and financial resources, confirming and benefiting from its historical primacy in the hierarchy of honour of the Patriarchates, second only to Rome¹⁸.

With the stabilization of political spheres of influence, the countries of the Eastern bloc created their own constitution on the model of the Soviet one: in 1949 Bulgaria adopted a constitution introducing the principle of separation between Church and State, solemnly stating that "The Church is separate from the State" (art. 78, second par.)¹⁹. Thus, the symphonic relationship that had presided over the birth of the independent Bulgarian state and which had always characterized the relationship between Church and State in the country was thus liquidated, not only by separating the two entities, but by denying in the Constitution a privileged relationship with the Orthodox Church and by introducing a rigid regulation of the activities of the clergy. They were considered as a class component, allied with the previous ruling class, whose negative influence on social relations could have been gradually cancelled at a later stage with the method of conviction and atheist education²⁰. In this first

¹⁸ The Ecumenical Patriarchate is recognized in Orthodoxy as the first in *honorary birthright* (π ρεσ βεια της πμης), of the Patriarchates and as such mentioned in the Diptychs. The Ecumenical Patriarchate affirmed its primacy starting from the first twenty years of the last century, taking advantage of the crisis of the Muscovite Patriarchate caused by the Russian Revolution, it claimed the exclusive exercise of the jurisdiction of the diaspora today contested by many Patriarchates who created their own Eparchies to manage the relationships with their followers. See: **G. GRIGORITA**, *Le concept de la primauté dans l'Église et son rôle dans la synodalité. Les prescriptions des saints canons et les réalités ecclésiales actuelles*, in *Kanon*, 25 (2019), pp.125-175; **ID.**, *Diptycele în Biserica Ortodoxă. O analiză din punct de vedere al teologiei canonice ortodoxe*, in S. ŞELARU, P. VLAICU (eds.), *Misiunea sacramentală a Bisericii Ortodoxe în European context*, Bucharest, 2013, pp. 379-430; **H. DESTIVELLE OP**, *La synodalité dans la vie et dans la mission de l'Église* (CTI, 2018), in *Revue des sciences religieuses*, 96/1-3 (2022), pp. 107-120.

¹⁹ Constitution на Народна republic България 1947, [Constitution of the Republic of Bulgaria, 1947] (<http://licodu.cois.it/?p=969>).

²⁰ "For the first time, in these proportions, the Churches have found themselves a State, even if not openly, in practice atheist, determined to build a type of society for men "emancipated" from religious prejudices and an apparatus in possession of all the economic, political, social and juridical instruments necessary to achieve its ends. Furthermore, the Churches, for the first time, found themselves in a situation of absolute impotence, placed in the dock alongside the exploiting classes to be repressed and



phase "A special law regulated the status, questions of material support, as well as the right of internal self-government of the various faith communities"²¹. The Bulgarian law on cults extended the guarantees provided for them to the protection of freedom of conscience (art. 1) and identifies cults with religious communities, which are separated from the state.

But the Church historically weighed and contributed to defining the identity of the Bulgarian people. Therefore, in art. 13, third par., of the Constitution returns the statement that "The Bulgarian Orthodox Church is the traditional worship of the Bulgarian people; linked to its history, it can be, as such, in form, content and spirit a popular and democratic Church". Despite the affirmation of the principle of separation, therefore, through this provision the reference to the Bulgarian Orthodox Church returns as the traditional and identity-based element of the Bulgarian people, linked to the emancipation of its people and its independence.

The goal was to make the Church lose that influence in public life which had characterized its social and political role, thanks to the alliance between throne and altar. For this reason the last paragraph of art. 78, making a projection of the principle constitutional law of separation between Church and State, concludes by recalling that "It is forbidden use the Church and religion for political purposes, and for the training of political organizations sectarian".

The political power though was well aware of the profound historical and identity ties that linked the Orthodox Church to the nation and needed its support to address and resolve the problem of the historical presence in the country of a Turkish minority of Muslim religion. To achieve this goal, the Bulgarian state, despite having affirmed its secularism, and to sever the relationship of subordination to ecclesiastical culture, suppresses the religious schools created by the Orthodox Church, but over time it develops a favourable attitude towards

liquidated. For religion, the problem of survival in a society that resolutely seeks to make people understand the need to eradicate it from human life has been posed". **G. BARBERINI**, *Stati socialisti e confessioni religiose*, Giuffrè, Milano, 1973, p. 28.

²¹ The approval on February 24, 1949, of the first *law on cults*, with which religious activity is subjected to the financial and administrative control of the State, completes the tools available to the law to transform Bulgarian society. Закон за изповеданията (1 март 1949 г.), [Law on confessions] (<http://licodu.cois.it/?p=953>). For a general comment on the law see the presentation speech of the law given before the national assembly by the Minister of Foreign Affairs and Religions: **V. KOLAROV**, *La loi sur les cultes*, Sofia, 1949.



this confession in defense of the national identity²².

The Soviet occupation of Romania had to deal with the presence of an Orthodox Church deployed on nationalist and monarchist positions, strongly conditioned by the political-military movement of the "Iron Guard"²³ and at the same time institutions had to find a political solution capable of governing a country that has seen ethnic and religious minorities return to its borders, with the recovery of Transylvania and other territories.

The new regime was aware of the difficulties of managing the country and therefore chose to pursue a policy of alliance with the Orthodox Church, also focusing on the good personal relations between the head of the communist party Gheorghe Gheorghiu-Dej and Justinian Marina, bishop of Iași and Metropolitan of Moldavia. As a first act of attention to the Orthodox Church, in 1946 the Government denounced the Concordat with the Holy See²⁴ and drafted a new Constitution²⁵ which

²² K. PETROVA IVANOVA, *La Bulgaria e l'Islam. Il pluralismo imperfetto dell'ordinamento bulgaro*, BUP, Bologna 2015, *passim*.

²³ In doctrine, the collusions of the Orthodox Church with the Legion of the Archangel Michael (Legiunea Arhanghelului Mihail), which later became the Iron Cross (*Garda de Fier*), a fascist movement founded in 1927 in Romania, transformed into a political party. The movement claimed to be anti-capitalist, anti-communist, anti-Magyar, anti-Semitic, against the Gypsy people, fascist and clerical, and to support orthodoxy. These theses are only partially shared even if the sympathy of many Orthodox priests who became its propagandists went to the legion. Expression of the most extremist Romanian nationalism, the movement was responsible for massacres of Jews, Gypsies and the Hungarian minority in Moldavia, Bessarabia and Ukraine southern Italy, in collaboration with the Nazis, and also distinguished himself for having sent the populations to extermination camps. G. ADREESCU, *Right-wing extremism in Romania*, Centrul de resurse pentru diversify ethnocultural, Cluj, 2003; C. RADU, *Right-Wing Extremism in Romania*. in R. MELZER, S. SERAFIN (eds.), *Right-Wing Extremism in Europe. Country Analyses, Counter-Strategies and Labor-Market Oriented Exit Strategies*, Friedrich-Ebert-Stiftung, Cluj, pp. 169-192; M. BĂNICĂ, *Biserica Ortodoxă Română: stat and corporate in the '30s*, Polirom, Bucharest, 2007; I. BILIUȚĂ, *Sowing the Seeds of Hate. The Antisemitism of the Romanian Orthodox Church in the Interwar Period*, SIMON - Shoah: Intervention, Methods, 2016.

The Greek-Catholic Church - which had its own priests involved in the movement - accused the Romanian Orthodox Church of having supported the Legionary Movement, especially after the Romanian Orthodox Church elected Justinian Marina (born Ioan Marina) as Patriarch in 1948, who worked in concert with the communist regime for the forced suppression of the Greek Catholic Church, which was merged into the Orthodox one.

²⁴ *Decreto per la denuncia del Concordato stipulato fra il Regno di Romania e la Santa Sede il 10 maggio 1927, del 17 luglio 1948*, n. 151 (<http://licodu.cois.it/?p=1366>).



sanctioned religious freedom²⁶. With these choices, the Government decided to focus on the Orthodox Church, one of the strongest powers in the country, as an instrument of political and social stabilization. The precondition was to purge it and reduce it to obedience. Therefore, he used the Department, formerly pertaining to the "Ministry of National Education," of cults and the arts "to expel from the Church the elements lined up on nationalist and right-wing positions, to then go on to restructure the entire structure of the cults in the country. To this end, a special decree was issued²⁷ and it was in fact a general law on religious freedom.

The objective of the provision was to introduce a system of registration of cults, in order to control and regulate the activities of religious denominations; it was also an opportunity to reduce the number of clerics and monks of the Orthodox Church, particularly numerous²⁸.

²⁵ *Constituția Republicii Populare Romane*, "Monitorul Oficial", part I, no. 87 bis din 13 April 1948.

²⁶ Art. 78. Citizens are guaranteed freedom of conscience and religion, as well as the freedom to perform religious rites.

The church is separate from the state.

A special law regulates the legal situation, material maintenance issues, as well as the right to internal self-determination and self-government of the various religious communities.

The abuse of the Church and religion for political purposes is prohibited, as is the formation of religiously based political organizations." *Constituția*, cit.

²⁷ *Decreto per il regime generale dei culti religiosi*, 3 August 1948, n. 177 (<http://licodu.cois.it/?p=10260>) and declares in art. 27 that "The Romanian Orthodox Church is autocephalous and unitary in its organization", a reference that will then disappear in the 1952 Constitution.

²⁸ "Article 7/1. Monastic orders are admitted only within authorized monasteries of legally recognized cults. Authorization for the functioning of the monasteries is granted by the Department of Religions.

Graduates of clergy training schools can enter monastic orders at any age, provided they have fulfilled their military obligations.

Other people can be admitted to monastic orders only if they have reached the age of 55 for men and 50 for women, if they renounce their state salary or pension, if they are not married and if they do not have obligations already established on the basis of the family code.

In cases where the exercise of worship requires it, the Department of Worship may authorize some monks to carry out ecclesiastical functions and to receive the agreed salary.

The above provisions also apply to existing monasteries and monks". *Decreto per il regime generale dei culti religiosi* 3 August 1948, n. 177 (<http://licodu.cois.it/?p=10260>).



But the real qualifying rules of this provision were articles 37 and 38, and chapter V as a whole, dedicated to the relations between cults.

The first of the articles established that:

«If at least 10% of the faithful of the local community of a cult pass to another cult, the local religious community of the abandoned cult loses by right a part of its patrimony, proportional to the number of faithful who “have abandoned and this proportional part passes, always by right, into the heritage of the local community of the cult adopted by the new faithful”.

If those who have abandoned the local community form the majority, the church (the place of worship, the house of prayers), as well as the annexed buildings belong by right to the community of the newly adopted cult, while the other assets are devolved to the two communities premises in the proportion indicated in the previous paragraph.

If the people who have passed from one cult to another represent at least 75% of the faithful of the local community of the abandoned cult, the entire estate passes by right to the local community of the adopted cult, with the right of compensation for the abandoned local community, proportional to the number of those remaining, without considering the church (the place of worship, the house of prayers) and the annexed buildings; this compensation will be paid within a maximum of 3 years from when it was fixed.

The cases provided for in this article will be ascertained and resolved by the local people's court»²⁹.

Furthermore, pursuant to art. 38, dedicated to the relationship between cults, it is established that:

“Transitions from one cult to another or the abandonment of a cult are free. A declaration of abandonment of a cult is communicated to the local subdivision of the abandoned cult through the local municipal authority. Upon request, the respective municipal authority is obliged to issue a certificate confirming the successful communication”³⁰.

Through these norms and, together with the prohibition, without prior State control, of communicating with religious authorities residing abroad, the political authorities effectively suppressed the Greek Catholic Church. The latter was the second largest cult in the country by number of

²⁹ *Decreto per il regime generale dei culti religiosi* 3 August 1948, n. 177 (<http://licodu.cois.it/?p=10260>).

³⁰ *Ibidem*.



believers, promoting pronouncements of priests and faithful who decided to join the Orthodox Church, with the consequent transfer of goods and places of worship, creating a dispute that has dragged on until recent years³¹. At the same time the government proceeded to repress the Catholic hierarchy and clergy with arrests and trials, entrusting the custody of Catholic bishops to Orthodox monasteries.

Until 1957 it was the Ministry of Religious Affairs³² which managed "the public service by which the State exercises its right of supervision and control to ensure the use and exercise of freedom of conscience and freedom of religion". The social activity of the Church was severely limited³³. The properties of cults and their organizations are largely confiscated and transferred to state assets³⁴. The Greek-Catholic Church is suppressed and its assets and its ministers of worship are induced to belong to the Orthodox Church³⁵; the Roman Catholic Church of the Latin rite remains functional, without official state recognition; restrictions and expulsions hit the evangelical cults. Limitations were placed on the Orthodox Church and other denominations (number of parishes, eparchies, restriction of missionary activity, etc.) and new statutes and the procedure for a new recognition were imposed³⁶.

Since 1957 relations with religious confessions are managed directly by the Council of Ministers through its own Department; the clash between the state and the Orthodox Church focused on religious orders. On March 5, 1958, a decision of the Council of Ministers gave the measure

³¹ G. CIMBALO, *La legge rumena sulla libertà religiosa. Un'analisi comparata nel decennale dalla sua approvazione*, in G. D'ANGELO (ed.), *Rigore e curiosità, Scritti in memoria di Maria Cristina Folliero*, Vol. I, Giappichelli, Torino, 2018, pp. 197-221.

³² *Decree pentru organizarea Ministerului Cultelor*, n. 1388 din 3 August 1948. M. Of. partea (<http://www.anrp.gov.ro/uploads/pdf/DECRET%20%20%20Nr%20177-1948.pdf>).

³³ Charities and institutions of religious education are abolished and so is education in schools; theological education is drastically restricted. *Decretul privind organizarea și funcționarea Departamentului Cultelor*, nr. 334/1970 MIA, n. 178; *Decizie pentru organizarea ministerului Cultelor*, din 4 February 1949, n. 37; *Decret pentru stabilirea situației de drept a fostului cult greco-catolic*, Nr. 358 din 2 decembrie 1948 (<http://licodu.cois.it/?p=1374>); *Declarație de dizolvare a ordinilor și congregățiilor catholice*, din 1 August 1949, n. 810.

³⁴ *Declarație pentru pasagera proprietății statului bunurilor din biserici, congregări, comunități sau personae private pentru cționarea și întreținerea institutelor de educație generală, tehnică sau profesională*, din 2 aug. 1948, no. 176.

³⁵ *Decree no. 358 din 2 decembrie 1948, pentru stabilirea situației de drept a fostului cult greco-catolic, a ministerul cultelor*, M. Of. n. 281 of 2 December 1948.

³⁶ *Decor, care fixă numărul epariilor (diocă, supraveghere) a culturilor religioase*, 17 noiembrie 1948, no. 243.



of the harshness of the clash to overcome the structure of the 1949 law, judged too permissive: battlefield, a decisive reduction of the properties of the monasteries and a drastic reduction in the number of monks³⁷.

The pressures of the state on the Orthodox Church became increasingly strong and led to its total subordination to government policy, to the extent that the Romanian Orthodox Church was the only one not to send its own official delegation to the Second Vatican Council. It also took distance from the rapprochement between the Patriarchate of Constantinople and the Holy See. Only in 1965, with the coming to power of Nicolae Ceaușescu, the policy of the Romanian state towards the Orthodox Church progressively changed to the point that the construction of churches was resumed and the relations of the Ministry of Religions with the confessions intensified. Indeed, the Orthodox Church³⁸ became a useful support of the Romanian government's policy of independence from Moscow of which it became an international ambassador. Simultaneously, the ban on abortion was declared by the regime for demographic reasons in 1966. It did not displease the clergy and fuelled sympathy towards the regime³⁹.

A common feature of the relationship established by the Bulgarian and Romanian states with the religious confessions was that of proceeding with a rigid purge of the ecclesiastical apparatus. Secondly, they proceeded with the reorganization of their respective Churches, taking care to infiltrate agents of the espionage and security apparatus to make

³⁷ To understand the importance and role of monasticism in the Romanian Church, see for further reference: "Regulamentul pentru organizarea vieții monahale și funcționarea administrativă și disciplinară a mănăstirilor," in *Izvoareprivitoare la istoria monahismului românesc sec. XVI-XXI*, Iasi, Doxologia, 2011., pp. 277-305; Decret privatind completarea Decretului nr.177 din 4 August 1948, pentru regimul general al cultelor orientale, București, 28 Octombrie 1959, nr. 410. For a comment: **O. BOZGAN**, *Stat, ortodoxie și catolicism în România comunistă*, în *Dosarele Istoriei*, an VI, no. 5 (57), 2001, p. 20, ff. In this regard see: *Izvoare privitoare la istoria monahismului românesc secole XVI-XIX*, Doxologia Bukarest, 2011.

³⁸ *National Archive, Inv. nr. 3 323, Inventar Ministerul Cultelor și Artelor 1948-1968*, 2014, <http://arhivelenationale.ro/site/download/inventare/Ministerul-Cultelor-si-Artelor.-1948-1968.-Inv-3323.pdf>.

³⁹ On the development and evolution of family, demographic and abortion policies in Eastern European countries, see: **G. CIMBALO**, *Strategie sovraniste e politiche familiari nell'Est Europa*, in *Quaderni di diritto e politica ecclesiastica*, 2/2018. pp. 3-26. See also **G. GRIGORIȚĂ**, *Cento anni di libertà religiosa in Romania (1918-2018) Una riflessione sulla concezione rumena di libertà religiosa e sul suo esercizio*, in *Quaderni di diritto e politica ecclesiastica* 1/2018, pp. 69-91.



an effective and flexible instrument of social control⁴⁰. From this situation and from the political role entrusted to them, both the Bulgarian and Romanian Orthodox Churches obtained not only the conservation of part of their heritage, but also a recognized social and political role, which allowed them to survive, even if at the price of carrying out an ancillary and subordinate function to power. Interestingly though, they were subjected to frequent campaigns and the effects of legislation in favor of state atheism had effects more on a formal than a substantial level.

Furtherly, the development of the activity of the Orthodox Churches in the Balkan peninsula is more complex and, in particular within the Yugoslav Federative Republic, the Orthodox confession was the majority only in some Republics. This configuration was strongly opposed in Croatia by the Catholics, also for reasons of identity and of opposition to the Serbian-Orthodox component of the country. It was also opposed in Slovenia where the Orthodox were and are a small minority. The same was true for the region of Kosovo, with a Muslim majority, while a precarious balance between the various religious affiliations characterized Bosnia. Additionally, the grip of the Belgrade Patriarchate on Serbia, Montenegro and Macedonia was deeply rooted. It is for this reason that the Federal Government decided to promote the birth of an independent Church in Macedonia which would seek to obtain autocephaly, allocating quite a few resources to this end⁴¹. The initiative did not have the expected results and within a few years the Macedonian Orthodox Church, sponsored by the state, became a schismatic Church banned by all the other Orthodox Churches.

⁴⁰ Romania in 2001 adopted the "Legea lustrăției privind limreas temporară accesului la unele funcții și demnități publice pentru persoanele care au făcut parte din structurile de putere și din aparatul represiv al regimului communist în perioada 6 March 1945-22 decembrie 1989". The law has been the subject of a long and complex dispute before the Constitutional Cote: see in this regard: *Decizia nr. 768 of 28 November 2017 referred to the excepția de neconstituționalitate a dispozițiilor art. 2 lit. b) din Ordonanța de urgență a Guvernului nr. 24/2008 privind accesul la propriul dosar și deconspirarea Securității*, <https://legislatie.just.ro/Public/DetaliiDocument/198046>.

Bulgaria adopted in 2014 the law: For the first time in the document and for the first time in the legal language *ужби на българската народна армия*. [Law on Access and Disclosure of Documents and Announcement of Membership of Bulgarian Citizens in the State Security and Intelligence Services of the Bulgarian People's Army] (<http://licodu.cois.it/?p=5515>). From the consultation of the declassified documents, it emerged that of the 15 members of the Holy Synod of the Bulgarian Orthodox Church, 13 were affiliated to the secret services, including the Patriarch.

⁴¹ **G. CIMBALO**, *Autocefalia vo' cercando ch'è si cara*, in *Stato, Chiese e pluralismo confessionale*, cit., no. 19 of 2020, pp. 24-61.



However, the Federal Republic of Yugoslavia had the ability to recompose, at least temporarily⁴², under the leadership of Marshal Tito, the ethnic and religious mosaic of the country and to ensure coexistence and social cohesion. The federal structure of the Republic was of support to this institutional design. Each Republic enacted its own laws which regulated and administered the religious phenomenon, taking into account the majority and minority cults at the local level. They use to guarantee to minorities from time to time spaces of freedom under the appearance of coexistence and tolerance⁴³.

3 - The Orthodox Churches after the Helsinki Conference between autocephaly and self-administration

The status of the Orthodox Churches in Eastern Europe began to change with the Helsinki conference, which marked an effective watershed in the frontal opposition of the West to the countries of the Soviet bloc. The inclusion in the Final Act of the Conference of Principle VII are related to the "*Respect for human rights and fundamental freedoms, including freedom of thought, conscience, religion or belief*". Third paragraph of this principle provides that "[...] the participating States recognize and respect the freedom of the individual to profess and practice, alone or in common with others, a religion or belief, acting according to the dictates of his or her conscience". These provisions paved the way to religious freedom also in the countries who declared themselves atheists. Furthermore, the principles contained in fifth paragraph state that:

"The participating States recognize the universal significance of human rights and fundamental freedoms, respect for which is an essential factor of the peace, justice and well-being necessary to ensure the development of friendly relations and cooperation between them, as between all States".

These countries constituted from then on the political and juridical coverage of religious freedom not only within the borders of the USSR, but also in the "satellite" countries. This configuration offered the Churches that operated there, and not only in the Catholic one, a space for social

⁴² G. CIMBALO, *Autocefalia ortodossa e pluralismo confessionale nella Macedonia del Nord*, in *Stato, Chiese e pluralismo confessionale*, cit., no. 13 of 2022, pp. 1-34.

⁴³ The texts of the laws of the various Republics relating to religious freedom and the activity of confessions can be found on the site <http://licodu.it>.



intervention and the possibility of playing a political role not subordinate to the interests of the States, a possibility hitherto denied⁴⁴.

The role of the Holy See in Helsinki was the fruit of previous significant events which had prepared and made possible what followed⁴⁵. Among these, the participation in the work of the Second Vatican Council of the delegations of the Churches of the East (Romania excluded) must undoubtedly be mentioned. That was the first opportunity, but not the only one for the Catholic Church, to resume contact with the representatives of those Churches. It was also the occasion for the Ecumenical Patriarchate to re-establish difficult relations with Churches such as the Bulgarian or Serbian ones, which orbited⁴⁶ around the Moscow Patriarchate⁴⁷. As is known, the Russian Orthodox Church participated with its own observers in the conciliar work⁴⁸.

⁴⁴ Contrariwise, the planning of the Holy See's action at the Helsinki Conference was justified by the fact that the dialogue between Catholics and Orthodox was resumed with the mending of ecumenical relations which occurred with the historic meeting between Pope Paul VI and the Ecumenical Patriarch Athenagoras, in 1964 in Jerusalem, on the Mount of Olives. On that occasion, the two spiritual leaders mutually lifted the reciprocal excommunications that had weighed on their respective Churches since the great schism of 1054. The Holy See, endowed with international juridical personality, unlike the Ecumenical Patriarchate, was able to act fully in the confrontation and in diplomatic relations with the States to protect religious freedom and with this act registered the Patriarchate of Constantinople in the western field, facilitated by the fact that Athenagoras had officiated in the United States for a long time before becoming Patriarch. **V. MARTANO**, *L'abbraccio di Gerusalemme. Cinquant'anni fa lo storico incontro tra Paolo VI e Athenagoras*, Edizioni Paoline, Roma, 2014.

⁴⁵ Participation in the Helsinki Conference was prepared by the accession of the Holy See to the Treaty on the Non-Proliferation of Nuclear Weapons, solicited by the Soviet Union. Achille Silvestrini himself, one of the architects of the Conference, was head of the delegation of the Holy See at the UN Conference on the use of atomic energy in 1971 and at the Conference on the Treaty on the non-proliferation of atomic weapons in 1975. The participation of the Holy See, after the crisis in Cuba, was solicited by Soviet diplomacy with repeated interventions.

⁴⁶ The representative of the Bulgarian Orthodox Church at the Second Vatican Council was the former abbot of the Rila Monastery Bishop John Dragovitiyski. **A. MELLONI**, *Storia del Concilio Vaticano II*, Vol. 1: *Il cattolicesimo verso una nuova stagione. L'annuncio e la preparazione (gennaio 1959-settembre 1962)*, il Mulino, Bologna, 2012.

⁴⁷ Indeed, since 1948, the meeting place between the Christian Churches has been the World Council of Churches (WCC), a body which currently has 349 members of all the main Christian traditions, largely Protestant, Anglican and Orthodox. But this is too large a body to make up for the need for closer relations between all the Orthodox Churches. Only in 2016 was the great Synod of the Orthodox Churches held, in which the Muscovite, Bulgarian, Georgian and Antiochian Patriarchates did not participate. These circumstances explain how great was the opportunity for encounter offered by the work



The fruits of this rediscovered ability to communicate were evidently manifested with the participation in the Helsinki Conference and the signing of the final act which thus opened up perspectives of religious freedom for all the Churches of Eastern Europe⁴⁹.

The results of the Conference gave new vigour to the Vatican *ostpolitik*: the trips of Cardinal Silvestrini approached to the solution of the dispute on the detention and restrictions on the prelates at the head of the episcopates of some States: the Cardinals Stepinac in Croatia; Mindszenty, (refugee in the US embassy in Hungary); Beran, in Czechoslovakia; by Wyszyński in Poland. The new environment made possible the restoration of the diplomatic relations of the Holy See with the communist countries of Eastern and Central Europe with concrete and tangible results. In this way the Holy See projected its support onto the Eastern Churches, thus facilitating the development of ecumenical relations which favoured a greater diffusion of the exchange of information between religions and the multiplication of contacts and meetings between different men and confessions. The Holy See became the "direct mediator" of requests in matters of freedom of conscience, religious freedom and it extended its protective umbrella over the Protestant and above all over the Orthodox Churches⁵⁰.

While reconstructing those events the role of the Churches and ecclesial communities should not be underestimated. Equally, the functions of other cultural and political movements of Eastern Europe, including the promotion of dialogue, should not be neglected.

of the Council which developed in sessions held from 1962 to 1965. On the Catholic-Orthodox dialogue: **E.E. MORINI**, *È vicina l'unità tra cattolici e ortodossi? Le scomuniche del 1054 e la riconciliazione del 1965*, Qiqajon, Biella, 2016; **V. PARLATO**, *Commento agli Atti del Santo Grande Concilio delle Chiese Ortodosse*, in *Stato, Chiese e pluralismo confessionale*, cit., no. 3 of 2017.

⁴⁸ The delegates of the Moscow Patriarchate were Archpriest Vitaly Borovoy (1916-2008) professor of theology, since 1961 representative of his Church in the World Council of Churches (CEC) and Archimandrite Vladimir Kotliarov (1929), delegate of the Moscow Patriarchate, deputy superior of the Russian Mission in Jerusalem.

G. BARBERINI, *L'Ostpolitik della Santa Sede. Un dialogo lungo e faticoso*, il Mulino, Bologna, 2007; **ID.**, *Al di là della cortina di ferro. Ricordi di un viaggiatore solitario*, Volumnia editrice, Perugia, 2005; **ID.**, *Pagine di storia contemporanea. La Santa Sede alla Conferenza di Helsinki*, Cantagalli, Siena, 2010; **ID.**, *La Santa Sede e la Conferenza di Helsinki per la sicurezza e la cooperazione in Europa*, in *Stato, Chiese e pluralismo confessionale*, cit., no. 37 of 2014, pp. 1-14.

⁵⁰ **G. BARBERINI**, *La diplomazia di mons. Agostino Casaroli*, Libellula edizioni, Bari, 2009.



If it is certainly true that their commitment contributed not a little to the approval of the Final Act of Helsinki, it must be taken into account that in the shadow of the guarantees it offers, their liberation from the political regimes that managed their respective states will grow, albeit slowly.

From then on, in the years to come, the Orthodox Churches of Eastern Europe will regain autonomy and develop social activities and interventions, operating more and more as autonomous subjects and covering an increasingly less ancillary role towards their respective States. To say it differently, they will restore that symphonic relationship with the State that had always characterized them, and through it, an even stronger relationship with society will be built. When the collapse of the Berlin Wall occurred, these states entered into crisis, and the autocephalous Orthodox Churches were able to offer themselves as subjects of stabilization of the new states emerging from the crisis. With the values of socialism gone, the new and fragile political regimes were left with no other way than to rediscover the historical and ethnic values of the nation and with them also those of religious affiliations with identity functions.

The end of the USSR and the countries of the Soviet area has reopened to a full fruition of religious freedom, not without causing divisions. These divisions were stronger because of the interference of political power in the life of the Church⁵¹. This though has not prevented the Orthodox Churches from recovering political and social operativeness, since for many of these countries they constitute the traditional and majority confession. It was the culmination of a long process that went through various phases, passing - as we have seen - from the instrumental use of these Churches to stabilize the States that emerged from the Second World War, to then venture into a long transition towards full autonomy, which ended with the end of the Soviet bloc.

Since then, the destiny and role of these Churches has taken different paths, which are increasingly diversifying and differentiating, in the face of the changing path of the peoples with whom they identify, their aspirations and their needs. As inevitable, this phenomenon has produced deep divisions and contrasts within the very heart of orthodoxy and conflicts between the Patriarchates, as deep as they led to reciprocal excommunications. Additionally, the reasons for the crisis are not easy to recompose, due to the great diversification of interests, the vision of

⁵¹ We are referring to the schism involving the Bulgarian Orthodox Church which, with difficulty, overcame situations of great tension. On this point see: **K. PETROVA IVANOVA**, *La Bulgaria e l'Islam*, cit., *passim*.



relations between the peoples represented, which translate into profound contrasts between the ecclesiastical apparatuses of the various Patriarchates. This crucial fight has not affected the patrimony of faith and the evangelical message, while it is not far - in our opinion - from cracking unity in the field of ethics and values, and a profound gap is making its way between the Patriarchates in relation to the organizational and managerial structure of the different Churches.

On the basis of these grounds new structure of these religious confessions are destined to be built. They are induced by circumstances: they can either choose between the now anachronistic preservation of an identity space (which nonetheless ensured their survival) or confrontation with open and competitive societies. In this second hypothesis, the Orthodox Churches can no longer prosper or in any case survive under the protective umbrella of the State with which they have established that symphonic relationship. The latter is the basis of their ecclesiology, but must get involved and face globalization, secularism, secularization.

The Orthodox Churches are today called to compete with profoundly secularized societies of which the peoples with whom they identify declare that they want to be part, accepting competition and dealing with the most diverse religious offerings, even if their ambition and temptation is that of clericalizing and retaining societies and states and maintaining the protection offered by a symphonic relationship, perhaps revisited and updated.

4 - The Moscow Patriarchate and the self-administration of its Churches

With the precipitation of the political crisis in the USSR, the Patriarchate of Moscow - taking note of the new scenarios in which it was supposed to operate - brings the new Statute of the Russian Orthodox Church to the attention of the Holy Synod. The aim was to rethink to its organizational structure. The new Patriarch Alexius II (born Aleksej Michajlovič Ridiger), a supporter of Gorbachev and the perestroika policy, was called to articulate this delicate phase of transformation that began in 1990.

They were involved in the organization and management of the relations of the Church with the political power, which - thanks to the reconstructed symphonic relationship with the State - has equipped itself with a widespread and well-articulated ecclesiastical structure throughout the territory of the USSR. It retained the members of the Russian-speaking component of the populations to the values of Russia, even in non-traditional republics and the prevalent presence of Russian-speaking and



culturally speaking populations, such as the Baltic countries, from which the Patriarch came, but also in the endless territories of the east of the⁵²country. Alexius II was well aware that the presence of the Patriarchate was particularly strong and deeply rooted in territories such as those of Belarus and Ukraine which were destined to become autonomous national States and yet are of strategic importance for Russia's security policies.

The independence of the States creates for the Church in the territories concerned institutional problems: these issues involve the relations that are to be maintained with the State in a phase in which it is weak and in an identity crisis. The traditional solution to the problem would be that of granting autocephaly to ecclesiastical communities operating in States which have become sovereign which the Ukrainian Church is already asking for. The Moscow Patriarchate though was aware that by doing so it deprives itself of substantial parts of its canonical territory, reducing itself in number of Eparchies, parishes and faithful, thus weakening its role in the Orthodox world, which is by far the largest Church in terms of organizational consistency, number of faithful and wealth.

The loss of this condition would not only be beneficial for the eternal adversary, the Ecumenical Patriarchate, which claimed the diaspora as its canonical territory⁵³ and it would enable it compete with the Muscovite Patriarchate for the number of faithful and Eparchies, but it

⁵² In the Baltic countries the Orthodox Church, being a minority, cannot play any role in maintaining the cohesion of the republics with Russia; its influence is limited to the Russian-speaking minorities present in the country as a result of the policy of forced migrations, fuelled by the Government of the USSR. Lithuania, Latvia and Estonia are moving towards independence through the so-called "singing revolution". See: **C. THOMSON**, *The Singing Revolution: A Political Journey Through the Baltic States*, Penguin Michael Joseph, London, 1991.

With the appearance of the Orthodox diaspora in the West at the beginning of the 19th century, the Ecumenical Patriarchate, deprived of believers by population exchanges between Greece and Turkey, tries to find a new pastoral identity, and thus redefines itself, claiming to have a sole and exclusive right over the entire Orthodox diaspora. As a basis for this claim, the Ecumenical Patriarchate even invokes a canonical foundation, arguing that canon 28 of the Fourth Ecumenical Synod would confer this right on it. Unanimously contested by the autocephalous Churches, the Ecumenical Patriarchate continues to support this statement as its own, showing great inventiveness in finding a motivation. For a reconstruction of the debate in this regard, see: **G. GRIGORIȚĂ**, *La diaspora ortodossa: realtà attuali e prospettive per il futuro. Un'analisi dal punto di vista canonico*, in *Il diritto ecclesiastico* 130 (2019), no. 3-4, pp. 495-526; **G. BARONE ADESI**, *L'omofonia ecumenica patriarcale in Stato, Chiese e pluralismo confessionale*, cit., no. 17 of 2021, pp. 1-15.



would weaken the Patriarchate's position towards the Russian State, with which it was essential to maintain very close relations.

For its part, the new State was reduced to the territory of the current Russia for geo-strategic reasons. As a consequence, it needed a Church to maintain the integrity of its canonical territory, thus being able to project its control over the Ukraine and Belarus, in order to use them as a buffer State and to protect the borders towards Western Europe⁵⁴.

It is in the geopolitical context of July the 9th 1990, the episcopate of Ukraine sent a request for self-government and independence to the Holy Synod of the Russian Orthodox Church -the result of a mediation between the component that requested autocephaly and the one that wanted to maintain full subordination to the Muscovite Patriarchate. To strengthen its requests, the Metropolia of Kiev of the Russian Orthodox Church announced that the following day, its Synod would adopt a resolution on measures aimed at further expanding the autonomy of the Church in Ukraine, motivating the decision with the need to resist with greater success to the strong pressures that also came from within in favor of union with the other Orthodox Churches of the country. The aim was to give life to an Autocephalous Orthodox Church, fearing the danger of a schism⁵⁵.

The text of the appeal coming from Ukraine was examined at the meeting of the Holy Synod of the Russian Orthodox Church on July 20, 1990, which decided, "given the exceptional importance of the question," to devote the meeting next October to it. A commission headed by Metropolitans Krutitsky and Kolomensky Yuvenaly (*Poyarkov*) was created to prepare a decision on the status of the Ukrainian Orthodox Church (UOC). Its works were approved on October 1, 1990. The proposed resolution provides for:

- «1. The Ukrainian Orthodox Church gains independence and autonomy of its administration. 2. The name "Ukrainian Exarchate" is abolished. 3. The Primate of the Ukrainian Orthodox Church will be elected by the Ukrainian episcopate and blessed by His Holiness the

⁵⁴ In Ukraine, the debate on the need to apply for autocephaly is intense. The request is supported not only by the Orthodox belonging to Churches close to the Ecumenical Patriarchate, but also by quite a few exponents of the Ukrainian Orthodox Church, belonging to the Moscow Patriarchate and by politicians close to this Church, such as the future President Porošenko who belongs to it. On this point, widely: **G. CIMBALO**, *L'evoluzione dei rapporti tra Stato e Chiesa nella Nuova Ucraina. Alla ricerca dell'Autocefalia*, in *Diritto e religioni*, 2, 2021, pp. 252-304.

⁵⁵ **G. CIMBALO**, *L'evoluzione dei rapporti*, cit.



Patriarch of Moscow and All Russia. 4. The Primate of the Ukrainian Orthodox Church will bear the title of "Metropolitan of Kiev and All Ukraine". 5. The Metropolitan of Kiev and All Ukraine within the Ukrainian Orthodox Church is conferred the title of "Blessed". 6. The Metropolitan of Kiev and All Ukraine has the right to wear two panàgie (medallions with the image of Our Lady) and to exhibit a cross during divine services. 7. The Synod of the Ukrainian Orthodox Church elects and appoints reigning bishops and vicars, establishes and abolishes ecclesiastical chairs and offices in Ukraine. 8. The Metropolitan of Kiev and All Ukraine, as primate of the Ukrainian Orthodox Church, is a permanent member of the Holy Synod of the Russian Orthodox Church.

These proposals of the Council of Bishops of the Russian Orthodox Church will be submitted to the Local Council of the Russian Orthodox Church for approval»⁵⁶.

Hence, the Ukrainian Orthodox Church, belonging to the Moscow Patriarchate, (in Ukrainian Українська Православна Церква) was granted independence and self-government on the basis of the resolution of the Holy Synod of the Russian Orthodox Church of 25-27 October 1990. Since then it has been an independent and self-governed Church, with extensive self-government rights. In her life and work it was guided by the resolution of the Holy Synod of Bishops of 1990 of the Russian Orthodox Church, concerning the Ukrainian Orthodox Church⁵⁷.

With this provision, using the provisions of chapter IX of its Statute, the Muscovite Patriarchate took note of the new needs that could have arisen from a possible independence of Ukraine, which was in fact proclaimed on 24 August 1991 and therefore granted to its Church self-administration *status*. Fifty years later, time will demonstrate that the solution identified was not suitable for avoiding the schism. Indeed, the

⁵⁶ Определение Архиерейского Собора Русской Православной Церкви 25 - 27 октября 1990 года об Украинской Православной Holy Orthodox Synod Церкви 5 to 27 October 1990 on the Ukrainian Orthodox Church (<http://orthodox.org.ua/article/opredelenie-arkhiereiskogo-sobora-russkoi-pravoslavnoi-tserkvi-25-27-oktyabrya-1990-goda-ob->).

⁵⁷ You see: Устав об управлении русской Православной Церкви 1990, [Statute of the Russian Orthodox Church Patriarchate of Moscow 1990], <http://licodu.cois.it/?p=11574>. On the canonical legal situation of the self-administered and autonomous Churches of the Moscow Patriarchate, see: **G. GRIGORIȚĂ**, *L'autonomie ecclésiastique selon la législation canonique actuelle de l'Eglise orthodoxe et de l'Eglise catholique*, in *Etude canonique comparative*, Pontificia Università Gregoriana, Roma, 2011, pp. 165-210.



failure to grant autocephaly and control strategies of the Ukrainian Church would contribute to the war between the two countries⁵⁸.

Even more different are the choices made towards Belarus, which the Patriarch knew well not only for having been born there, but also for having exercised his pastoral activity there for a long time. Already on October 16, 1989, the Holy Synod of the Russian Orthodox Church had established the Patriarchal Exarchate of Belarus, appointing Philaret (born Kirill Varfolomeyevich Vakhromeev) Exarch. The Orthodox Metropolis of the Patriarchate of Moscow (in Belarusian: Беларускі Экзархат Маскоўскага Патрыярхату) which represents the Eparchies belonging to this Church operating on the territory of the State was established⁵⁹.

Subsequently, the Episcopal Council of the Russian Orthodox Church, in the meetings of 30-31 January 1990, decided to adopt the "Regulations on Exarchates" and to introduce it into the current Statute of the Russian Orthodox Church. This conferred to the Metropolia of Minsk and to the Eparchies administered by it a definitive structure of "national Church"⁶⁰.

All of this was possible in Belarus because there were no other Orthodox Churches in the country and the requests for autocephaly, even if present, were feeble. These decisions make the Orthodox Church, dependent on the Metropolitan of Minsk, a confession whose jurisdiction on Belarusian territory is exclusive, and therefore the confession does not

⁵⁸ On this point, in addition to the article cited, **G. CIMBALO**, *Il ruolo sottaciuto delle Chiese nel conflitto russo-ucraina*, in *Diritto e religioni*, 2/2021, pp. 487-512; **G. CODEVILLA**, *L'invasione dell'Ucraina da parte della Federazione Russa e la posizione delle Chiese*, in *Il Diritto Ecclesiastico*, anno CXXXIII, 1-2/2022, pp. 21-53.

⁵⁹ The functioning of the Exarchate and its relations with the Muscovite Patriarchate are regulated by chapter IX of the Statute of the Russian Orthodox Church, since the Belarusian one also constitutes a self-administered structure of this Church. The Exarchate of Belarus is administered by the Synod, consisting of the Patriarchal Exarch of All Belarus and all the bishops of the Exarchate. The exarch has the title of "Metropolitan of Minsk and Sluck, Patriarchal Exarch of All Belarus." On the structure of the Orthodox Churches see in general: **G. GRIGORIȚĂ**, *L'orthodoxie enter l'autonomie et Synodalité, les prescriptions des Saints Canon et les reality ecclésiales actuelles*, in V. PARLATO (ed.), *Cattolicesimo e ortodossi alla prova. Interpretazioni dottrinali e strutture ecclesiali a confronto nella società attuale odierna*, Rubbettino, Soveria Mannelli, 2010, pp. 160-163.

⁶⁰ The decisions of this Bishops' Council were approved by the Local Council of the Russian Orthodox Church, which was held from June 7 to 8, 1990. In canonical terms, the Belarusian Exarchate is an administrative-territorial unit of the Russian Orthodox Church, it is managed by the patriarchal exarch, who is also the bishop in charge of governing the Metropolis of Minsk.



need autocephaly in its relations with the State to fulfil its national role of reference.

After lengthy negotiations, the Orthodox Church entered into a general agreement with the State of collaboration. The latter was divided into as many as 20 cooperation protocols on specific matters, followed by cooperation programs⁶¹ that concern all fields of civil and religious life. This is a proof of how the confession has grown, strong and well-rooted since 2003. Today Belarus can be defined to all intents and purposes as a confessional state, not only because of the agreements entered into between the state and the church, but because of the identity and national values recognized by law to the orthodox religion and its exponents. This constitutes one of the reasons of the close cooperation between the two countries.

In order to shed a light on the peculiarity of the different solutions identified for maintaining relations between the Ukrainian Church and the Belarusian Church with the Muscovite Patriarchate, the comparison with the choice of the Holy Synod with regard to its Church in Moldova is worthwhile. The Moscow Patriarchate has recognized in 1994 the status of Self-Administered Orthodox Church of Moldova [Православная Тчерков Автокефальный в Молдове] with the following formula: “whereas the Orthodox Church in Moldova carries out its ministry on the territory of an independent state” [“читывая, что Православная Церковь в Молдове совершает свое служение на территориях независимого государства”], not used for Ukraine and Belarus⁶².

The reasoning for the decision is surprising to say the least, if one only considers that Ukraine and Belarus are also certainly independent countries. Evidently the formulation is influenced by the reference to the imperial dimension of Russia, in the name of the symphonic relationship that binds it to the State; its role and function must be consistent with the interests of the Russian state. Furthermore, the Russian Orthodox Church recognizes the role of guardian and supporter of the traditional values of the Russian people, meaning by this to refer to the Russophony, understood in the broadest sense of the term. All of this is a reason for the Patriarch's support for the war in Ukraine and it is at the basis of the

⁶¹ For the texts of the agreement and those of the cooperation protocols, see: Belarus/national and international agreements (http://licodu.cois.it/?page_id=1039). For a comment on these agreements, allow me to refer once again to **G. CIMBALO**, *La Bielorussia*, cit.

⁶² Томос Патриарха Алексия II: *Признание автокефалии Православной Церкви Молдовы 1994 г.* (<http://licodu.cois.it/?p=1053>).



Patriarchate's contrast with the Ukrainian component of the Church which shows growing intolerance towards it. Additionally, it has also decided not to mention the prayers for Kirril, Patriarch of Moscow in the diptychs and of having unilaterally declared its "complete autonomy and independence" on May 7, 2022. Currently, this Ukrainian Church remains within communion with Moscow, but its future remains to be written, conditioned as it is by the events and outcomes of the ongoing war⁶³.

4 - The Ecumenical Patriarchate and the autocephaly market

The results of the Second World War destroyed the territorial space of Orthodoxy in the West, effectively limiting it to Greece and Cyprus, with the appendage of a patriarchal see. Since 1955, the latter which, could not even have the comfort of the presence of a Greek community in Istanbul⁶⁴. The Orthodox Church gradually reorganized itself around the four Patriarchates - Constantinople, Alexandria, Antioch (in present-day Turkey, on the border with Syria) and Jerusalem - united despite being autonomous. The Patriarchate of Moscow was autocephalous and within the area of Soviet domination it excelled over the other patriarchal Orthodox Churches, while the ancient Georgian Patriarchate was suppressed and incorporated into the Russian Orthodox Church. At that time, Orthodoxy had therefore become a purely Slavic phenomenon,

⁶³ On the growing disagreement between the Muscovite Patriarchate and its Church in Ukraine: **M. DELL'ASTA**, *Uno strappo storico: la Chiesa di Kiev si stacca da quella di Mosca*, in *La nuova Europa* (<https://www.lanuovaeuropa.org/chiesa/2022/05/28/la-chiesa-di-kiev-si-stacca-da-quella-di-mosca/>); **Е. ВОРОПАЕВА** [Evgenia Varopaeva], Украинская церковь Московского патриархата объявила независимость от РПЦ [The Ukrainian Church of the Moscow Patriarchate has declared independence from the Russian Orthodox Church]. (<https://www.rbc.ru/politics/27/05/2022/6290fc3d9a79474fdd8580c1>).

⁶⁴ The 5 and 6 September 1955, instigated by the authorities and under the gaze of the Turkish police, an angry mob stormed the shops and warehouses, the Orthodox churches and cemeteries of the Greek community in Istanbul. The dead were between 13 and 30, hundreds injured; 4,348 Greek properties, 110 hotels, 27 pharmacies, 23 schools, 21 factories, 73 churches and over a thousand Greek-owned private homes were destroyed or seriously damaged. The "Romei" (as the Greeks of Turkey were called) which numbered 116,108 became no more than 3000. The events of the *Septemvriana*, or the Istanbul pogrom, marked the definitive one end of the Greek community from Istanbul. The closure of the Halki island workshop, off the coast of Istanbul, occurred in 1971. Cf. **S.Jr. VRYONIS**, *The Mechanism of Catastrophe: The Turkish Pogrom of September 6-7, 1955, and the Destruction of The Greek Community of Istanbul*, Greekworks Com Inc, New York, 2005.



functional to the system of social and political control exercised by the USSR.

As already mentioned, orthodoxy re-enters the international circuit due to the transformations induced by the Catholic Church in the geopolitical and religious structure with the Second Vatican Council, and in particular with the invitation of the two observers of the Russian Church in Rome, accepted by Moscow. The first fruits of this customs clearance for the Western Patriarchates would come in the debates and comparisons that developed in the general discussion and in the comparisons organized by the *Secretariat for Christian Unity*. The latter will contribute to bringing down mutual mistrust, as it becomes evident with the Conference of Helsinki which, by including religious freedom among human rights, allows the opening of spaces for the exercise of worship and above all the construction of new places of worship in Eastern countries⁶⁵.

With the dissolution of the USSR and the regained independence of the Eastern European countries, Orthodox cultures will re-emerge in Russia and Eastern Europe. In this sense we can also speak of a "return of religion" in Orthodox lands⁶⁶, which will also benefit the Western

⁶⁵ The 45 years of life of socialist democratic countries coincide with a period of massive industrialization and change in the social composition of their populations. The consequences of these structural transformations are the weakening of the rural world, urbanization, the development of large suburban districts in which religious buildings were totally absent. The shortage of places of worship had been reinforced by the destruction of churches in historic centers and their functional transformation into museums, concert halls, etc.). These measures have helped to secularize these countries much more profoundly than the ideological teaching of a militant atheism: indeed, it can be said that the persecutions have strengthened at least a part of the believers in their convictions.

⁶⁶ If in an initial phase the formal openness to religious freedom brought out the activities of cults in the countries of Eastern Europe, over the years the phenomenon has stabilized, bringing out more contained forms of religiosity. See: **J. HABERMAS**, *Rinascita delle religioni e secolarismo*, a cura di L. CEPPA, Marcelliana, Brescia, 2018. It must be said, however, if it is true that the communist regimes imposed a secularization from above, with the explicit aim of destroying religious traditions and resistance manifested itself as an effect of the aversion to these regimes, once liberalized the political system also collapsed the search for God. Despite a relative recovery in the vitality of religious communities and the public role of religion, the thesis that a religious revival is underway in Eastern European countries cannot be found in statistical data. **F. MOLTENI**, *Religious Change among Cohorts in Eastern Europe: A Longitudinal Analysis of Religious Practice and Belief in Formerly Communist Countries*, in *Religion and Society and Eastern Europe*", 10 (1), December 2017, pp. 35-53. Despite this, religious confessions remain a vehicle for the transmission of tradition and collective cultural values. On the rebirth of nationalisms and cultural heritage: **V. CASTRONOVO**, *Europe and the rebirth of*



Patriarchates that will benefit from the return on the religious market of Western Europe of two Orthodox countries, Bulgaria and Romania, of historical patriarchates of autocephalous Churches, which after the formulation of the Copenhagen criteria, begin the process of joining the European Union⁶⁷.

In 1991 the Transitional Patriarchate on the throne of Constantinople of Dimitrios I (born Dimitrios Papadopoulos) ended. In November of the same year Bartholomew (born Dimitrios Archontonis) was enthroned. He was former director of the Patriarchal Office since 1973, and he finalized the strategy for strengthening the Patriarchate through the preparation of the Tomoi for the concession of Autocephaly.

The subsequent crisis in the Balkans and the implosion of the Yugoslav Federation would produce a return of orthodoxy to the functions it performed in the 20th century, when the newly created states wanted the autonomy of their Churches. They wanted to be recognized before the Greek Patriarchate of Constantinople so that the national Churches made autocephalous could support and legitimize the new state entities, recreating a symphony relationship with them and performing an identity function. This re-appropriation of orthodoxy within the framework of the nation-state is the sign of the inclusion of these peoples in the European framework of the time⁶⁸.

The evolution of the policy of the Ecumenical Patriarchate finds its culminating point with the general establishment of independent ("autocephalous") Patriarchates. This practice would continue throughout the 21st century and consecrates the independence of these Churches. This mode of functioning is today that of the Orthodox community. The proof of that is that, over time, the Ecumenical Patriarchate, which claims for itself the exclusive right to grant autocephaly, overcame to its policy of

nationalisms, Laterza, Bari, 2016.

⁶⁷ Since then, an emigration that has the characteristics of an exodus begins, from an area already with low demographic growth, millions of people emigrate to the West, giving life to communities that soon equip themselves with ecclesiastical structures, constituting a network of parishes within abroad, disseminating orthodoxy throughout Western Europe as never before.

⁶⁸ The objectives of this policy are well understood if one recalls that in 1994 Bartholomew applauded the decision of the Greek Orthodox Church to declare the war criminal Radovan Karadžić as "one of the most prominent sons of our Lord Jesus Christ who work for peace", conferring on him the title of knight of the first rank of the secular Order of San Dionisio di Zante. Bartholomew commented that "the Serbian population was chosen by God to protect the western frontiers of Orthodoxy".



primacy over all the Orthodox Churches. It has then proceeded to "contractualize", through the structure of the Tomos, the nature of its primacy to the point of elaborating a standard procedure which provides for some canonical and civil passages and which include the disbursement of a sort of "tribute" in exchange of autocephaly. The characteristics of administration and whose extent are established on a case-by-case basis can be reconstructed through an examination of the contents of the Tomos of recognition of the granted autocephaly⁶⁹.

The conditions for the granting of autocephalies - which can be inferred from the set of Tomos issued - therefore provide for the request to be formulated by the government of an independent state and that this request be supported by that of at least four legitimately enthroned bishops with territorial jurisdiction. At that point the actual negotiations will begin involving the State concerned, the ecclesiastical community which aspires to autocephaly, the conceding Patriarchate. But it is the Ecumenical Patriarchate that claims the right to emanate the Tomos as holder of the primacy over the Orthodox Patriarchates and of the jurisdiction relating to the territories outside the ambit of the historical Orthodox patriarchates and therefore the economic benefits deriving from the procedure must be bestowed on it⁷⁰.

What happened demonstrates that the characterizing element of the procedure is constituted by the granting of certain privileges to the Ecumenical Patriarchate. Among them, the transfer to it of some monasteries which will thus become stavropegynous can be mentioned. Meanwhile, the State will consent to the opening in the country⁷¹ of a

⁶⁹ In addition to the autonomy of the Georgian Church, the Ecumenical Patriarchate has recognized the autocephaly of the Orthodox Church of Albania and, recently, of that of the Ukrainian Orthodox Church and the Church of Ohrid. He granted semi- autonomy to the Orthodox Church of Crete and the monastic community of Mount Athos; recognized the Exarchate of Patmos, the Orthodox Archdiocese of Thyateira and of Great Britain, the Orthodox Archdiocese of Italy and Malta, the Orthodox Archdiocese of America and that of Australia, the Exarchate of the Philippines.

⁷⁰ On autocephaly from the Orthodox canonical point of view and on the current situation in the Orthodox Church, see: **G. GRIGORIȚĂ**, *L'autocéphalie dans l'Eglise orthodoxe : les reality ecclésiales du XXe siècle. Une analyse canonique*, in M.-H. BLANCHET, F. GABRIEL and L. TATARENKO (eds.), *Autocéphalies. L'exercice de l'indépendance dans les Églises slaves orientales (IXe-XXIe siècle)*, Publications de l'École française de Rome, Rome, 2021, pp. 543-580.

⁷¹ Stavropegin (or patriarchal) monasteries are those monasteries for which the Patriarch sends a cross that will be placed on the foundations of the monastery church: with this act the monastery is placed under his jurisdiction. The monastery becomes a source of income for the Patriarchate of reference, since it is obliged to send it an annual sum of money that it draws from its income, enjoying the privilege of owning lands that



stauropegy of the Patriarchate Ecumenical which will be based in a prestigious Church and in its appurtenances, so that there is a constantly open channel of communication between the host State and the Patriarchate⁷².

The next step is that of the "negotiation" on the titles and prerogatives to be attributed to the future hierarchs of the new autocephalous Church. But the main clause for the granting of autocephaly is that the Church undertakes to cede jurisdiction over parishes located outside the national territory to the Ecumenical Patriarchate, proof of which is that in the Tomos of recognition of the Orthodox Church of Ukraine we read that the new Church is autocephalous

"[...] without possessing henceforth the right to establish bishops or to raise extra-territorial altars in regions already legally dependent on the Ecumenical Throne, which has canonical competence over the diaspora, but restricting its jurisdiction to the territories of the State of Ukraine"⁷³.

cannot be expropriated by the State. This status of the monastery is appreciated by the monks who thus escape the controls and the episcopal jurisdiction.

⁷² Already in the *"Tomos of granting autocephaly to the Church of Georgia"* (1990) it is stated that it "recognizes and respects the supremacy of our ecumenical patriarchal throne". The subsequent *"Tomos of Autocephaly of the Orthodox Church of the Czech Lands and Slovakia"* (1998), sanctions the monopoly right of Constantinople as the spiritual guide of all the "barbarous lands", i. e. of the entire Orthodox diaspora "outside the Patriarchal and autonomous Churches". The following Tomos are structured by indicating the Ecumenical Patriarchate as the mother Church and the local autocephalous Churches as sister Churches.

In the vision that Bartholomew adopted from the XVII Canon of the IV Ecumenical Council it follows that when a new State appears, "it can seek autocephaly for its Church, even if this is not obligatory". It follows that, responding to the requests of the Ukrainian government, the Ecumenical Patriarchate, claiming jurisdiction over Ukraine, granted autocephaly to the Ukrainian Orthodox Church. For its part the government of Ukraine has transferred the state-owned St. Andrew's Church (Ukrainian: Андріївська церква) to the Ecumenical Patriarchate "for permanent free use for worship, religious rites, ceremonies and processions". All is was established by a special law in the grounds of which it is written "[...] for the recognition of the Local Orthodox Church in Ukraine by World Orthodoxy and the elimination of grounds for discrimination of believers who belong to it, ensuring the activities of the Throne Stavropygia di Sant'Andrea" which will be located in this building." *Про особливості користування Андріївською церквою Національного заповідника "Софія Київська"*, Відомості Верховновно, 2018, № 46, ст.373.

⁷³ Текст томоса про автокефалію православної церкви України (<http://licodu.cois.it/?p=11646>).



It goes without saying that the same wording appears in the conditions accompanying the granting of the Tomos of recognition of autocephaly to the Church of Horid. This demonstrates that the Ecumenical Patriarchate intends to ensure in its favour, through a solemn commitment of the parties, the exclusive jurisdiction on the dioceses of the diaspora which are the richest ones, no longer by ancient right of *status*, but contractually and with the full consent of the conceding Church⁷⁴.

Despite the Orthodox world has an area of demographic depression as its area of greatest presence, recent events allow us to hypothesize for a very near future its presence within the borders of the EU. Additionally, Orthodox countries together make up about a third of those in the community and have a population which is affected by the cultural hegemony and institutional and social vision of Orthodoxy. It should be added that following the evolution of this process, even the Orthodox Churches present in countries with no Orthodox majority change their role and become the object of the States' interest in establishing their own control over them, transforming them into national churches.

Within the European area there are those who identify four major cultural groups: a Greek-speaking group; a Romanian language ensemble; a Balkan Slavic group (Bulgaria, Macedonia, Serbia, Montenegro), divided, but linguistically close and having a common history (the same medieval experience, followed by several centuries of Ottoman rule) and finally a largely demographically dominant world of approx. two hundred million people heir to the ancient Christianity of Kyivan Russ: Ukraine (42.7 million people), Belarus (9.5 million) and Russia (144.3 million, to which must be added the Russians of the former Soviet republics and those of the diaspora). To these four groups we must add one last country, which alone represents an original culture: Georgia and its four million inhabitants⁷⁵.

The possible events that we have hypothesized bring out in Europe, in the very near future, an "Orthodox question" which joins the Muslim one, but differs profoundly from it in terms of characteristics and peculiarities. The second question concerns the protection of a minority cult of certainly growing dimensions, but not institutionalized. The Orthodox question concerns institutionalized ecclesiastical organizations, well integrated in the official culture, in public schools with the teaching

⁷⁴ G. CIMBALO, *Autocefalia ortodossa e pluralismo confessionale nella Macedonia del Nord* in *Stato, Chiese e pluralismo confessionale*, cit., no. 13 of 2022, p. 8.

⁷⁵ See note 13.



of religion, and equipped with a consolidated network of worship and charitable-welfare structures in the area. They are also capable of influencing both national and community legislators, even with the force of the institutions, inducing behaviours in the field of ethics, morals and values. This power strongly affects the stability of social cohesion and are able to condition, if not to transform from the inside, the very essence of the community *aequis*, albeit through a gradual process of contamination.

One of the objectives and together with the consequences of the ongoing war between Russia and Ukraine is to remove a part of the "fourth bloc" of Orthodoxy from Russian influence. The second objective is to move and orient the minority of Orthodox Churches of the different countries towards the West, bringing them into 'EU with the intention/effect of creating a greater "balance" between religious affiliations and cultural heritages in Europe. The third aim is to make the borders of the continent coincide with the geopolitical ones of Russia, thus rewriting the composition of Europe as a melting pot of Jewish culture, Christians, but also of Protestantism and Orthodoxy, in order to contain its secular and progressive tendencies, balance its secularization, restore the centrality of Christian values, projecting them into the legal system and shared universe of values, to the point of influencing it⁷⁶.

This is an undoubtedly ambitious project which is paradoxically convergent in cultural and political contents with respect to the homologous one of the re-foundations of Russ' that the Muscovite Patriarchate and Putin are pursuing.

6 - The problematic management of the Orthodox diaspora

The opening of the borders of the countries of Eastern Europe has produced the diaspora of millions of believers who have given life to

⁷⁶ In this way, a singular coincidence of objectives and interests is achieved between those who see in the re-proposition of the more traditional values of the West the barrier to the progressive drift and the precondition for the preservation of the dominant social and economic order and on the other oligarchic plutocracies, which in order to maintain their power appeal to and stand up for the defenders of the same values, within an alternative system of power to the Western one.

In this regard, it is useful to read **S.P. HUNTINGTON**, *Lo scontro delle civiltà e il nuovo ordine mondiale. Il futuro geopolitico del pianeta* (italian version of S. MINUCCI), Garzanti, Milano, 2010; **Z. BRZEZINSKI**, *La grande scacchiera* (italian version of M. BACCIANINI), Longanesi, Milano, 1998; **S.K. BANNON**, **D. FRUM**, *The Rise of Populism: Stephen K. Bannon Vs. David Frum*, House of Anansi Press, Toronto, 2019.



ecclesial communities outside the territories of the States and therefore the deterritorialization of their national Churches. The mass migration to the west of the populations has undermined the very concept of canonical territory. Conversely, in the west, it has produced the phenomenon of territorialization of the business of religious freedom, as the effect of the presence of new religions in a territory, historically belonging to cultural-religious areas different from those of the autochthonous population⁷⁷. The presence of "new cults" has forced the legal systems to deal with the needs of religious minorities to spread throughout the territory. The reality has been challenged with respect to the old system of established cults, with which the legal system-maintained relations: it adopted consolidated schemes and procedures through religious⁷⁸ structures, and buildings of worship which stabilized these structures over time. They gave rise to lasting ecclesiastical institutions, organically and functionally linked to the mother Church⁷⁹.

⁷⁷ The phenomenon was already observed and analyzed by us ten years ago with reference also to the effects of the formation of Orthodox enclaves on the territory. **G. CIMBALO**, *Il diritto ecclesiastico oggi: la territorializzazione dei diritti di libertà religiosa*. Intervento al Convegno, in M. TEDESCHI (ed.), *Il riformismo legislativo in diritto ecclesiastico e canonico*, Pellegrini Editore, Cosenza, 2011, pp. 335-386, but also in *Stato, Chiese e pluralismo confessionale*, cit., November 2010, pp. 31- 34.

⁷⁸ In Italy, for example, the regional competence in matters of religious buildings has led the Regions to assume an important role in relation to the concrete exercise of religious freedom. The result was differentiated regional legislation, which was anything but uniform, which allowed for different enjoyment of the rights to freedom of worship in relation to the territories involved. On this point see: **F. BOTTI**, *Edifici di culto e loro pertinenze, consumo del territorio e spending review*, in *Stato, Chiese e pluralismo confessionale*, cit., no. 27 of 2014; **S. BERLINGÒ**, *A trent'anni dagli Accordi di Villa Madama: edifici di culto e legislazione civile*, in *Stato, Chiese e pluralismo confessionale*, cit., no. 1 of 2015; **N. MARCHEI**, *La Corte costituzionale sugli edifici di culto tra limiti alla libertà religiosa e interventi positivi*, in *Stato, Chiese e pluralismo confessionale*, cit., no. 5 of 2020; **A. LICASTRO**, *La Corte costituzionale torna protagonista dei processi di transizione della politica ecclesiastica italiana?*, in *Stato, Chiese e pluralismo confessionale*, cit., no. 26 of 2016, pp. 1-34.

⁷⁹ The Romanian Orthodox Church, for example, in Italy as in Spain, has established solid and robust structures of the Confession abroad, divided into 4 Metropolises, in Western Europe and some Eparchies dependent directly on the Patriarchate. On this point **G. GRIGORIȚĂ**, *La diáspora ortodoxa. Actual reality and perspective for the future. An analysis from the canonical point of view*, in A. TORRES GUTIÉRREZ, (coord.), *Estatuto jurídico de las iglesias ortodoxas en España: Autonomía, límites y propuestas de "lege ferenda"*, Dykinson, Madrid, 2020, pp. 87-124, but also, **V. PARLATO**, *Recenti controversie sulla giurisdizione territoriale nell'Ortodossia: l'esarcato moscovita per l'Africa*, in *Stato, Chiese e pluralismo confessionale*, cit., no. 12 of 2022, p. 69 ss.

As regards Italy, see: **F. BOTTI**, *Sui contenuti di una possibile Intesa con la Chiesa*



Parishes and Eparchies were born, represented in the Synod of Bishops of the respective national Churches, and therefore directly managed by them, without placing the Orthodox faithful of the diaspora under the jurisdiction of the Ecumenical Patriarchate, as it would have liked⁸⁰. More and more these Churches have developed institutional relationships of their structures with the host States which have recognized the de facto activities carried out by the clergy⁸¹ and the juridical personality of the ecclesiastical institutions established in their territory, sometimes stipulating agreements, making pacts in a framework of equality in freedom⁸². But to operate in this way were Churches endowed with autocephaly for centuries - which therefore did not need any representation on the part of the Ecumenical Patriarchate and no legitimation on the part of this - and of too large a dimension to give in to the pressures of the Ecumenical Patriarchate, aimed at to accredit the representation of their diaspora⁸³.

Ortodossa Romena, in *Stato, Chiese e pluralismo confessionale*, cit., March 2008, pp.1-30.

⁸⁰ Own ecclesiastical structures were also created by the Bulgarian Orthodox Church, which established its own Bulgarian Eastern Orthodox Eparchy in Western and Central Europe (in Bulgarian, Българска източноправославна епархия в Западна и Средна Европа), with its own churches in many countries and of a monastery in Germany where Bulgarian emigration is more consistent.

⁸¹ The need to celebrate religious marriages has prompted the ministers of religion of these confessions in Italy to ask to use the procedures provided for by Royal Decree number 289 of February 28, 1930 "Rules for the implementation of the law of June 24, 1929, number 1159 on religious admitted into the State and for its coordination with the other laws of the State" by requesting the appropriate decree of appointment for the minister of religion designated to celebrate the marriage, establishing a first institutional relationship between the two systems. Hence a crescendo of relationships culminating in many countries in relationships, even exclusively administrative ones, established on the occasion of the pandemic in the appropriate register and in requesting the necessary authorisations. In Italy, the need to identify reliable representatives of unrecognized religious denominations has led the Ministry of the Interior to organize a training course for their ministers of religion. See: **F. BOTTI**, *La formazione dei ministri di culto di recente insediamento in Italia*, in *Stato, Chiese e pluralismo confessionale*, cit., no. 25 of 2017, pp.1 -18.

⁸² **G. CIMBALO**, *Le relazioni tra Stato e confessioni religiose sotto lo stress del Covid 19*, in J.M^a. CONTRERAS MAZARÍO (coord.), *El impacto del COVID-19 en la libertad de conciencia y religiosa*, Editorial Tirant lo Blanch, Valencia, 2022, pp. 63-92.

⁸³ In truth, an attempt to accredit the Orthodox faithful residing in Italy to itself was attempted by the Ecumenical Patriarchate by obtaining the stipulation of the agreement of the Italian State with the Orthodox Archdiocese of Italy and Malta (see Law No. 126, *GU* July 8, 2012), above all in order to be able to access the distribution of the 8 per thousand quota, a characteristic trait of the agreements entered into by the Italian State with the religious confessions present in Italy. However, the options of the Orthodox



The management of the Orthodox diaspora today constitutes a strategic and problematic aspect of the relations between those well-established Patriarchates. They certainly not intend to cede to the Ecumenical Patriarchate the management of the structures and of the faithful born in the diaspora. The Ecumenical Patriarchate need them though, since it lacks of a people of faithful, especially since it aspires to confer on the Orthodox of the diaspora the burden of supporting them ⁸⁴. It wants to create a people and a virtual territory, undermined in this role by the Muscovite Patriarchate, which has its own canonical territory, but in turn benefits from the Russian-speaking diaspora and that of the faithful of the Churches connected to it to expand it and play a universal role in contrast to the Ecumenical Patriarchate and its primacy. The strategic and geopolitical objectives of the two Patriarchates are therefore similar in their heritage of values and faith. They are in competition though, while the methods and strategies, as well as the objectives, differ from each other⁸⁵.

faithful are slim due to the strong ties they maintain with the national Churches and also in light of the ongoing negotiations to reach agreements with these cults.

On a more general level, the Ecumenical Patriarchate has reacted by attempting to assign itself "by contract" jurisdiction over the diaspora of the minor Churches, including among the conditions for the granting of the Tomos of recognition of autocephaly the management within its jurisdiction of the ecclesial structures created by the requesting Churches in the diaspora.

⁸⁴ On the reasons supporting this claim, see: **V. PARLATO**, *Recenti controversie*, cit., pp. 68-69. See **G. GRIGORITA**, *L'Orthodoxie enter automomie et synodalité, les prescriptions des Orthodoxie entre automomie et synodalité, les prescriptions des saints canons et les reality ecclesiales actuelles*, in **V. PARLATO**, *Cattolicesimo e ortodossia alla prova, Interpretazioni dottrinali e strutture ecclesiali a confronto nella realtà sociale odierna*, Rubbettino, Soveria Mannelli, 2010, p. 109 ss.

⁸⁵ The Russian Orthodox Church met the Holy Synod on 15 October 2018 in Minsk for the first time, with the intention of making the decision assume an importance that involves all the Churches in communion with the Muscovite Patriarchate. [*What will the rupture of relations between the Russian Orthodox Church and Constantinople lead to ?*].

Today the effects of this decision are beginning to be felt. Proof of this is the "emptying" of the historic Patriarchate of Alexandria by the newly established Exarchate of North and South Africa, constituted by the Muscovite Patriarchate. see **V. PARLATO**, *Recenti controversie*, cit., *passim*, as well as the reunification with the Orthodox Exarchate of Western Europe of Russian tradition with that of Moscow.

Abruptly suppressed by the Patriarchate of Constantinople (November 27, 2018), the Orthodox Exarchate of Western Europe refused dissolution and recommenced ties with the Moscow Patriarchate from which it had separated in 1931. On September 7, 2019, the Assembly Extraordinary General of the Exarchate of Russian Orthodox Churches in Europe has resolved to this effect. See: *Migrazioni dell'Esarcato russo in Europa*,



A clash with no holds barred is underway between the two Patriarchates, of which the Ukrainian crisis is the litmus test constituted by the procedures for granting it autocephaly. The clash is so acute that on October 2018 the 15th the Synod of the Russian Orthodox Church declared that the ecumenical communion with the Patriarchate of Constantinople was interrupted⁸⁶. From then on, not only will his Patriarch no longer be mentioned in the diptych recited in the Churches belonging to the Muscovite Patriarchate and in those connected to it, but it is forbidden for the faithful to maintain any relationship with the Churches belonging to the Patriarchate of Constantinople and to receive the sacraments from ministers of worship who officiate in his name⁸⁷.

The Ecumenical Patriarchate turns its attention and offers its services to the Churches that are weak or lacking in autocephaly. It is unable to impose its needs and requests on all the Patriarchates and proposes an exchange of favours between the support for the hegemonic and the sovereign policies of the States that aspire to have their own autocephalous Churches. Indeed, it transfers sovereignty over their diasporas by the Churches interested in obtaining autocephaly, promising in this way the restoration of the principle of symphony of states with weak identities. For this purpose, the Ecumenical Patriarchate uses the instrument of granting the Tomos of autocephaly by inserting in it a "contractual" clause to build a canonical dependence and a hierarchy among the Churches. This attributes to itself the role of mother Church and to the other Churches the role of sisters, thus recreating in other ways a primacy on the model of the pontifical one. This approach breaks with the episcopal collegiality proper to orthodoxy, transforming the primacy of honour of the Ecumenical Patriarchate into a hierarchical relationship.

<http://www.settimananews.it/ecumenismo-dialogo/migrations-esarcato-russo-europa/>

⁸⁶ More recently on the Ukrainian crisis: **G. CIMBALO**, *The omitted role of the Churches in the Russian-Ukrainian conflict*, in *Stato, Chiese e pluralismo confessionale*, cit., no. 7 of 2022, pp. 1 -28.

⁸⁷ The Russian Orthodox Church deems it canonically unacceptable that the Ecumenical Patriarchate lifted the excommunication of Filaret, (*Denysenko*) Patriarch of the Ukrainian Orthodox Church-Kiev Patriarchate in Macarius, primate of the UAOC, which it had no right to lift, having been pronounced and shared by all the Orthodox Churches. He also recalls that in August 2018 the Patriarchate of Constantinople introduced the possibility of a second marriage for priests, which violates the canons of the Church. Thus, the heresy of an "Eastern papism" takes shape, which is impossible in orthodoxy. It follows that for the Russians the Patriarchate of Constantinople, by its actions, has produced a schism.



In doing so, the Ecumenical Patriarchate becomes one of the main players in international and power politics, arbiter and mediator of relations between States; the Muscovite Patriarchate does the same because it offers a guarantee of self-administration, within the framework of maintaining a solid communion with a deeply territorialized Church, the Russian one. This is indeed a place within a Church that wants to be universal and ecumenical. In this way, the two Patriarchates contribute to the destruction of the Orthodox world and of the Orthodox Church as a Christian Church devoted to peace, putting the latter's relations with the other Christian Churches in crisis. It is no coincidence that there is a profound difference in positions on the war in Ukraine between the two major Orthodox entities and the Catholic Church: while the former invoke war, positioned on opposing camps in support of the warring parties, the latter asks and invokes peace⁸⁸.

In particular, the Ecumenical Patriarchate is committed to acquiring jurisdiction over the diaspora in exchange for the distribution of autocephalies. It does not notice that the new it has helped to create bring the Orthodox Churches back into the European sphere of influence which, after a necessary phase of consolidation, will have to look with new perspectives and new attention to the European institutions. They have indeed decided to operate within the European context, dragged by the political choices of their countries of origin and by the spasmodic search of autocephaly, forced by the choices of the respective countries of origin to accept the rules of legal space, i.e. the Community *aequis*.

Furthermore, with the persistence of the migratory phenomenon, the possibility of giving life to a *melting pot* of Orthodox faithful managed by the non-existent structures of the Ecumenical Patriarchate can only decrease. This might happen in the face of the growth of communities in the territories that respond to the demand for the preservation of identity, all along with religion, linguistics and traditions. This process can only increase the deterritorialisation of these Churches which will materialize

⁸⁸ With regard to the positions expressed by Pope Francis on the war in Ukraine, which have caused so much uproar, see for all the synthesis made by the Vatican correspondent **M. POLITI**, *Le parole del Papa mettono a nudo la mancata iniziativa della troika Draghi-Macron-Scholz* (<https://www.ilfattoquotidiano.it/2022/06/21/le-parole-del-papa-mette-a-nudo-la-mancata-iniziativa-della-troika-draghi-macron-scholz/6633247/>). The controversy underway between the Ecumenical Patriarchate and the Muscovite one counteracts these positions. In this regard, see the Speech of the Ecumenical Patriarch Bartholomew in Abu Dhabi on December 14, 2022 and the response of the Department for External Ecclesiastical Relations of the Russian Church (reproduced in http://www.ortodossiatorino.net/DocumentiSezDoc.php?cat_id=32&id=10699).



in the birth of their own structures in countries characterized by religious pluralism. In this circumstance, the Orthodox one is among the religious components of society, numerically not the majority, in the composite territory of the Union. Although the matter of relations between the State and the Churches falls within the competence of the State, nevertheless the sharing of the community *aequis* that we have recalled, mandatory and necessary, will be the inevitable condition set by the States to allow these Churches access to their own system of relations with religious confessions. In order to do so, they will sign agreements, stipulate memorandum of understandings, assume obligations, and receive benefits from the fact of operating in a system characterized by religious pluralism⁸⁹ and governed by art. 17 of the TEU. It is therefore conceivable that a new situation arises well beyond the old pattern of relationships that we have described up to now, based on the symphonic relationship and goes so far as to hypothesize that these Churches each become national in dimension, while retaining the canonical denomination.

⁸⁹ Spain also has agreements with religious minorities and among these one has been stipulated with the Romanian Orthodox Church in Spain. See: A. TORRES GUTIERREZ (coord.), *Estatuto jurídico de las iglesias ortodoxas en España: Autonomía, límites y propuestas de "lege ferenda"*, Dykinson, Madrid, 2020; A. TORRES GUTIERREZ (coord.), *Libro blanco sobre el Estatuto de las confesiones religiosas sin acuerdo de cooperación en España*, Tirant lo Blanch, Valencia, 2022; A. TORRES GUTIÉRREZ, *¿Límites? en la financiación de las confesiones religiosas en España: una asimetría de difícil encaje en los principios de laicidad y no discriminación*, in *Anuario de derecho eclesiástico del Estado*, no. 35, 2019, pp. 47-123; A. CASTRO JOVER, *Iglesias, confesiones y comunidades religiosas en la Unión Europea*, Editoria Aranzadi, Pamplona, 2020.

France seems on the verge of changing its policy of separation by realizing a "new secularism." See the text of the speech given by President Macron to the French bishops on April 9, 2018, on this matter. <https://vocatempo.it/la-chiesa-di-macron-il-discorso-che-non-riamo-letto/>. In Belgium individual recognition laws regulate relations with the most numerous religious groups in the country: G. CIMBALO, *Federalizzazione dello Stato e rapporti con le confessioni religiose in Belgio*, in *Federalismo e confessioni religiose*, proceedings of the conference "Le confessioni religiose nella prospettiva di una riforma federale dello Stato" (Piacenza, 17-18 novembre 1997) edited by G. FELICIANI, il Mulino, Bologna, 2000, pp. 205-223.

In the Netherlands a general agreement regulates financial relations with cults through the Interkerkelijk Contact in Overheidszaken (CIO). In this regard see: G. CIMBALO, *Le relazioni tra Stato e confessioni religiose sotto lo stress del Covid 19*, in *Il Diritto Ecclesiastico*, 2020, pp. 163- 187.

As far as Italy is concerned, the emergency legislation has in fact changed the legal instrumentation for establishing relations between the state and religious confessions. G. CIMBALO, *Le relazioni*, cit.



It should be considered that over time every legal system tends to achieve its own coherence, expelling those legal instruments, even those of ancient and traditional coinage, which are not consistent with the new systematic arrangement of the legal system; it follows that these "new Churches or religious social formations" of the countries with an Orthodox majority that will enter the European juridical area, will be induced and required to share the pattern of relations between the State and religious denominations proper to the Community *aquis*, that is, *that* complex of rights and obligations shared by all EU Member States, in constant evolution. The latter is made up of principles, political objectives and provisions of the Community Treaties. It is marked by the respect for human rights and the principle of equality, including gender. It is aimed at allowing legal space of "living a life worth living." In this way, references to the protection of purely biological life are modified to acquire a concept of life marked by the quality of life and inspired by greater social justice⁹⁰.

The acceptance and partnership to the system of social formations that relate to the institutions, typical of the Western countries, will lead to a full participation in a complex and articulated system of relations. Different balances and legal instruments characterize most of the systems of the political and legal space of the European Union. The exclusive jurisdictional competence of the ECHR will certainly contribute to strengthening this process. It will encourage the intimate coherence of the legal system, by coordinating and standardizing the use of the law.

It should be remembered that the Union has chosen religious social formations, as well as non-confessional philosophical groups, as interlocutors and vehicles of positive values with which to relate⁹¹. A scheme of institutional relations derives from this assumption: the symphony between the State and its Church has no place and must give

⁹⁰ The trend that has emerged in some countries, such as the Baltic ones - which we have pointed out as an effect of security policies - of requiring that Orthodox Churches, even minority ones, seek autocephaly and establish themselves as national Churches can only have an effect on the values and dogmatic level, favoring a greater listening to the social contexts in which these Churches operate, favoring their secularization and differentiation: **G. CIMBALO**, *The Latvian State*, cit., *passim*.

⁹¹ *Society* in the newly settled territories, their faithful, and therefore also the segment of the Church to which they belong, are led to compare the values they bear with those of other faiths and those of a secularized society which is in many respects the antithesis of one in which the values of the Orthodox faith, supported by an autocephalous Church, are prevalent, because they are legitimized, certified and supported by the symphonic relationship with the State.



way to pluralism, separatism, confrontation with secularism, autonomy of powers, respect of human and gender rights, to secularization.

Over time, this different scheme of relationships can only be transferred to the doctrinal level of the Orthodox world as well, irreparably undermining its unity and its relationship with tradition. It will end up influencing thoughts, behaviours, values, ethics, of the entire ecclesiastical body, as well as reaching out to the faithful, no longer supported and influenced by the symphonic relationship with the State. It will contribute to the definitive disappearance of the reasons of the traditional Orthodox political ecclesiology which motivated their actions and choices. It follows that today Orthodoxy in the West is induced to fight a battle and to follow a path destined to transform it profoundly and to influence, conditioning it, the deep value heritage of the Orthodox confessions⁹².

6 - Ecumenism and the supranational role of the Patriarchates

In this transition towards the future, the Orthodox Patriarchates that operate or are preparing to operate in the juridical space of the European Community are destined to change their role and function. The

⁹² The example of the implementation of the typically secular concept of quality of life, as opposed to the acceptance of pain and suffering as viaticum for the salvation of the soul, is valid for all. The progress of scientific research, the acquisitions in the field of pain therapy, the refusal of therapeutic obstinacy can only prevail in social feeling to the point of "contaminating" the traditional vision of the problem.

There is no doubt that the Churches will combat this "secular drift", seeking alliances with the most conservative components of religious conservatism and traditionalist Catholicism, as certainly through possible alliances with the Polish and Hungarian episcopate regarding the norms on the interruption of pregnancy and gender politics. It is on these issues that a bitter battle will be fought in defense of secularism and freedom, which will see the progressive components of society take the field and pass through the imposition of limitations on the possibility of invoking conscientious objection as a subversive tool of the order. When this is used to hinder the provision of personal services by public structures. See: *Directive 2000/78/ce of the Consejo de 27 de Noviembre de 2000 relating to the establecimiento de un marco general para la igualdad de trato en el empleo y la ocupación*, Diario Oficial de las Comunidades Europeas, L 303/16, December 2, 2000. For a comment also in relation to the reflections of the community protection of values and freedoms in the Union legal system: **A. CASTRO JOVER**, *La tutela de la libertad religiosa en la Unión Europea y su incidencia en el ordenamiento interno español*, in M^a. BARRANCO AVILÉS, O. CELADOR ANGÓN, F. VACAS FERNÁNDEZ (Coord.), *Perspectivas actuales de las Fuentes del Derecho*, Dykinson, Madrid, 2011, pp. 95-119.



management of the diaspora and the osmosis of their faithful on territories that are sociologically, culturally and anthropologically different from their original ones is faced with the need to deal with deterritorialization. They are, albeit gradually, led to confront the *acquis communautaire*. It is to be hoped that this process of confrontation, and at the same time of adaptation to new contexts, will stimulate their corpus of identity to change and they will be induced to assimilate the impact of new cultures; influenced by the secularism of the institutions, they will become permeable to innovations, which will induce them to revisit the ritual. Stimulated by a confrontation-clash with social formations based on secular behaviour, leaning towards contractualism between the State and confessions, they will share the rules. Conditioned by an increasingly growing secularization, those Churches, as they gradually enter the European Union, will end up making their own the peculiar characteristics of the political-institutional space in which their faithful and themselves will find themselves, as institutionalized structures⁹³.

Despite the fact that the crisis of international relations is currently operating a contraction on international relations. It heavily invests the area of greatest presence and relevance of Orthodoxy and there are other side effects. The growth of fleeing populations, and therefore the presence in the various countries of refugees, which adds to that of migrants, will contribute to producing a *melting pot* on the territories which will lead to a transfer and comparison of experiences, helping to make it impossible manage the religious phenomenon through immutable rites, procedures and tools, social relationships, such as those handed down by tradition.

Unless the Ecumenical Patriarchate, which is one of the main players in the questioning of the current structure of international relations, counters the reaction of rejection of its strategy of remittance, the discussion of the community *aequis* does not point to an alliance *or* when less to a convergence with the non-Orthodox Churches of some countries. The latter are very close in their religious message and values to the more traditional ones of the Orthodox Churches. We are referring to the episcopates of the Catholic Churches of Poland, Hungary, Slovakia and Croatia who contest, from within the Union, together with their respective governments, many of the current contents of the Community *aequis*⁹⁴.

⁹³ Of course, those of Alexandria are excluded. Jerusalem and Antioch, historic Patriarchates, unless they succeed in developing their own non-virtual canonical territory and in having a population of the faithful.

⁹⁴ On family policies in Eastern European countries see: **G. CIMBALO**, *Strategie sovraniste e politiche familiari nell'Est Europa*, in *Quad. dir. pol. eccl.*, 2/2018, p. 406 ss. The



From this convergence could arise a political project tending to introduce profound changes in the set of values shared by the Union in ethically sensitive matters. To avoid this danger, it is necessary for the current member countries of the European Union to carefully monitor the accession process. It is necessary to delay and condition it and dilute it over decades⁹⁵. As the accession process develops, the legal system produces the necessary antibodies to maintain coherence and consistency with the Union's system of values, in accordance with the provisions of the Treaties⁹⁶. All the more so as it is difficult to hypothesize further

Polish law of 1993 which regulated the abortion, despite being one of the most restrictive in the world, was judged unconstitutional by the Judgment no. 1/2020 of the Polish Constitutional Court which allows the abortion only in cases of incest, rape or threat to the mother's health. The health service registers pregnant women and verifies the development of the pregnancy to prosecute unauthorized interruptions. See: Wyrok Trybunału Konstytucyjnego, sygn. akt K 1/20 (<https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/wyrok-trybunalu-konstytucyjnego-sygn-akt-k-1-20-19075113>). For a comment on the Judgment: *La disciplina dell'interruzione di gravidanza in Polonia alla luce della sentenza costituzionale n.1/2020 e le peculiari disposizioni in materia* (Edited by M. PIETKUN-CIECHANOWICZ and A. FORTUNATO), in *Ius in itinere* (<https://www.iusinitinere.it/la-disciplina-delleducazione-di-gravidanza-in-polonia-alla-luce-della-sentenza-costituzionale-n-1-2020-e-le-peculiari-disposizioni-in-materia-di-infanticidio-39193>). On Poland, see also the municipal ordinances relating to the establishment of "LGBT-free zones" in which homosexuals are forbidden to reside. **M. ZOLA**, *La Polonia tra "ideologia LGBT" e fondi europei*, October 7, 2021 (<https://www.ispionline.it/it/pubblicazione/la-polonia-tra-ideologia-lgbt-e-fondi-europei-31893>). Similar provisions characterize Hungarian legislation, while the Croatian Constitutional Court ruled in favor of the legal protection of the fetus. See: Rješenje Ustavnog suda Republike Hrvatske broj UI-60/1991 i dr. od 21. veljače 2017. i Izdvojeno mišljenje [Decision of the Constitutional Court n. 25-2017 on the law governing the termination of pregnancy], NN 25/2017 (March 20, 2017.), <http://licodu.cois.it/?p=10593&lang=en>.

This legislation must be strenuously fought and suppressed for contrasting with the Community acquis, but could instead be strengthened by admitting the entry into the Union of countries such as Ukraine where the All-Ukrainian Council of Churches and Religious Organizations (VRCsiRO) has requested unanimously in early 2022 to the Government of Ukraine not to ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), of 11 May 2011. **G CIMBALO**, *Il ruolo sottaciuto*, cit., p. 496 ss.

⁹⁵ On the dynamics and times of the procedures for accession to the European Community see *infra*, note.1

⁹⁶ All this unless you agree to operate from the perspective suggested by some US political scientists who hypothesize a conservative turnaround for Europe with an anti-Russian function: see: **Z. BRZEZINSKI**, *Le grand échiquier. L'Amérique et le reste du monde*, Bayard Editeur, Paris, 1997. On the strategies of orthodoxy and its possible role in the future Europe, see: **T. TANASE**, *Le monde orthodoxe, un objet géopolitics méconnu?*, in *La revue géopolitique*, December 29, 2017.



territorial fragmentations in the area proper to Orthodoxy - namely the Russian territory⁹⁷ - which could offer the right to keep the market of autocephalous alive, fuelling the weight of the Orthodox component in the Union with new entries.

Therefore, the crisis of globalization and the progressive stabilization of the political situation can only take away space and consistency from a future role of the Ecumenical Patriarchate, with a consequent drop in requests for its future interventions. The deterritorialization from which the Ecumenical Patriarchate suffers, having its headquarters in a Muslim country⁹⁸, forces it to be the anomalous structure it is, destined to perish with the progressive integration of the diaspora that it still claims to control in the host societies.

Its Metropolies and Eparchies scattered throughout the world will increasingly resemble a disjointed and virtual body, in which ecclesiastical offices and titles are distributed for honorific purposes, similar to the lay positions of honorary consul, or in the role of mere guardians of ancient ecclesiastical seats. Proof of this is the immobility of the theological debate within it, unable to deal with secularization and the changing of customs and sensibilities. An example is the demonstrated inability to react in the face of the pandemic with respect to which, unlike the other Orthodox Churches, the Ecumenical Patriarchate has not dialogued with the States and much less elaborated interventions on ritual practices aimed at containing the epidemic⁹⁹.

As a virtual structure, the members of its Synod do not bring the requests matured in their experience in the territories. They do not report on the activities of their ministry, but they take part in the comparison and

⁹⁷ This process of osmosis translates into a circularity of experiences that become a collective heritage and reinvigorate Orthodoxy, not only in the diaspora, but throughout the body of the Church, causing it to measure itself against the present and with problems that emerge in social contexts also very different, refounding the Orthodox world on new and more solid foundations. The question was addressed in the Synod of Crete in 2016. On the positions expressed in this regard, see: **V. PARLATO**, *Commento agli Atti del Santo Grande Concilio delle Chiese Ortodosse*, in *Stato, Chiese e pluralismo confessionale*, cit., no. 3 of 2017, pp. 14-18.

⁹⁸ It should be remembered that Bartholomew is the last Patriarch educated in an Orthodox seminary based in Turkey and that, by law, the Ecumenical Patriarch, in order to access his office, must possess Turkish citizenship.

⁹⁹ **G. CIMBALO**, *Ortodossia, pandemia e legislazione degli Stati dell'Europa dell'Est*, in *Stato, Chiese e pluralismo confessionale*, cit., no. 15 of 2021, pp. 19-45; **ID.**, *Le relazioni*, cit., pp. 163-167.



elaboration of the decisions matured within a sclerotic assembly. In doing so, they induce the ecclesiastical structure to reproduce itself, without measuring itself against the feelings of the faithful. With the passing of time, they will create that osmotic relationship between clergy and faithful which makes an ecclesiastical structure live and develop, enlivening it, strengthening it, nourishing it.

His function and that of his clergy will be increasingly similar to that of the many prelates who carry out their ministry in the bureaucracy of the Holy See and the Vatican, awarded the honorific title of some remote and extinct historical diocese of the Church of Rome. There is a difference of no small matter: the members of the Catholic clergy have an osmotic relationship with the episcopates scattered throughout the world and well rooted in the territories and in relations with the faithful and they can return to them, while a crumbling and pulverized people awaits the prelates of the Patriarchate.

Conversely, the Patriarchates of the Churches of the various countries of the European Union, or those preparing to join it, will be called upon to face - as has been said - the real problems of the peoples, evaluating the effectiveness of the solutions identified for solving practical questions of activity and apostolate, using the laws and ordinances as a terrain on which to confront the merits of the problems, having the opportunity to verify that other solutions are possible with respect to those suggested by tradition. They will not adopt them because of the symphonic relationship with the State would create an incurable contradiction on the *modus operandi* of the confession as a whole. It might produce an ever-greater detachment from the faithful from the body of the Church, seen as a structure that merely repropose tradition, without taking into account the changing contexts. Furthermore, the contractualism between states and confessions that characterizes their relations in the European legal space can only be attractive for all confessions.

The gap between the Ecumenical Patriarchate and those operating in the European area can only widen in the direction of a revision of tradition and habits on the part of the former, and therefore of a change in the relationship of hierarchical subordination, in order to speak a language appropriate to the time. This process of osmosis with the people of religious groups is the only one that can produce a new flourishing of adhesions and participation (witness the proselytism and conversions of autochthonous inhabitants in the new settlement territories of Orthodoxy). Unless these Patriarchates do not choose to take the path of blocking doctrinal elaboration, they will make their own ecclesiology of those



Churches which, closed within the enclosure of their own canonical territory, gradually deteriorate. They will lose the capacity for dialogue with reality, limiting themselves to play a mere role of support to the power of the community institutions. For the faithful of the Ecumenical Patriarchate and their identity and spiritual needs, there is a prospect of "navigating by sight" in the ocean created by a virtual Patriarchate which gathers around its stauropegies (embassies) and in its churches a very heterogeneous population of faithful, but out of the century¹⁰⁰.

This choice of managerial and ecclesiastical policy of religious affiliations has as a counterbalance in the *modus operandi* adopted by the Moscow Patriarchate which pursues the same objectives of loyalty in relating to the Russian diaspora with the tool of self-administration, in order to gain an ever-greater space of conquest and expand its influence on the Orthodox of the diaspora, a goal that is difficult to achieve in any case¹⁰¹. But the persistence of the symphonic relationship with the State, indeed its strengthening, can only undermine the social and political role of the Church and make its social program inapplicable, perhaps allowing its survival as an ecclesiastical structure, but for an ever smaller number of citizens and believers¹⁰².

The universalistic ambitions of the two Patriarchates, connected as they are to political rather than ecclesial objectives, are destined to be subordinated to the needs of a world and of relations between states of a multipolar nature, which puts the needs, religious choices and the role universality of the mission they declare they want to carry out.

¹⁰⁰ The considerations that we have previously developed remain valid unless the Ecumenical Patriarchate decides to transform itself definitively into a virtual structure, taking the road of life on the web and adopting the techniques and structures developed by televangelists, but this would require an evolution with unpredictable effects that finds a strong obstacle in the relationship between orthodoxy and the effectiveness of the ritual and the participation of the faithful in the dynamics of affiliation that it stimulates. It should be remembered that the sumptuousness of the rite was the basis of the conversion to orthodoxy of Kievan Russ'.

¹⁰¹ **I. DU QUENOY**, *An Unlikely Reconciliation: The Path of the Russian Orthodox Church Outside of Russia toward Canonical Union with the Moscow Patriarchate*, 2021, *Acta Slavica Iaponica*, 42, pp. 1-22 (<https://eprints.lib.hokudai.ac.jp/dspace/handle/2115/84167>).

¹⁰² **CHIESA ORTODOSSA RUSSA**, *Fondamenti della dottrina sociale* (a cura di I.M. MORARIU), Edizioni Studio Domenicano, Bologna, 2011, pp. 23-66, dedicated to the relations of the Church with the State. **K. STOECKL**, *The Russian Orthodox Church as moral norm entrepreneur*, in *Religion, State and Society*, 2016, no. 44/2, pp. 132-151.



7 - The need for secularism and the end of the symphonic relationship with the state

While the clash for hegemony over Orthodoxy between the Ecumenical Patriarchate and that of Moscow is taking place on a global level, it is convenient for Europe to ask itself about how it should evolve and what the relationship of the Orthodox Churches with the State should be, their role in management of social cohesion, in relation to the ethical and moral values of which they are bearers.

All this takes place while walls and barriers are reborn, the opposition between blocks of countries reorients economic and commercial flows and with them the exchange and interaction of relations, moves the center of economic and productive production towards the Pacific area, and therefore of world trade and development. A crisis scenario is therefore emerging which should push the societies and economies of the countries of continental Europe to turn their attention towards themselves, their own internal cohesion, the satisfaction of the populations in search of material and spiritual well-being which must be combined with the protection of freedom and rights, to achieve this objective it is essential that its institutions, the structure of productive and social relations guarantee a joint management of social relations because only on condition that these problems are tackled and resolved can the European Union seek to remedy the loss of centrality on the international scene, discussing the degree of well-being, social justice, protection of social and personal rights, of the values it is able to guarantee.

Europe is afflicted by a profound demographic crisis. It cannot but question the stability of its own system institutional and political, in relation to the problem of participation in the representation of citizens. This is true if it wants to try to get out of the stagnation that lies ahead and which has not only economic aspects, but it is also the product of a crisis of founding values. This relationship is in crisis everywhere in Europe and the crisis has the effect of transforming liberal democracies into democrats, making them increasingly similar to the oligarchies that a united Europe declares it wants to fight.

Therefore, in order to overcome the crisis of its economic and social system, the European Union must agree to deal above all with inequalities and restore or, even better, adopt income redistribution systems that favor an egalitarian diffusion of well-being. In other words, there is an unresolved social question, in a world where the gap between rich and poor is ever greater, where inequality is growing and the peripheries of the world, devastated by hunger and poverty, besiege the rich and



opulent cities. There is the problem of social justice, together with that of respect for cultures, identities and diversities and also for the climate and the environment.

In terms of freedoms and the values of coexistence, then, Europe must measure itself against new challenges ranging from the crisis of marriage and family relationships, to the problems of emotional relationships of the same sex, to gender issues, to the problem of contraception, of responsible motherhood and abortion, to that of obstinate treatment and the end of life, to that of orderly demographic growth and regulated emigration, measuring oneself against the notion of quality of life. Nor is it enough to remain within the confines of morals and values because, as the Catholic Church has intuited, there are issues such as the salvation of creation, the climate, the exhaustibility of resources, to which a collective response must be given.

In its own way, the Russian Patriarchate has tried to find a solution to these problems, approving its social program in which its vision of society is outlined: a society closed in the preservation of tradition and coherent with the symphonic relationship with the State, which binds own destinies to the revival of an imperial structure based on Russian-speaking populations.

Turkey and China, India, the new emerging powers such as South Africa and Nigeria or Brazil are moving in the same direction, and we could go on, identifying further economic strengths and value proposals, each with a complex structure to examine and specific problems to address, each of these striving to gain hegemony.

Focusing our gaze on Europe, we note that only a balanced and thoughtful contribution of all the cultural, religious and ethnic components of the continent aimed at redefining and strengthening common values, strengthening the community *aequis* without distorting it, but rather reorienting it towards more egalitarian *and* of social justice, can make it possible to rediscover the path for an orderly development of the continent.

The perspective in which the Ecumenical Patriarchate moves instead is to bring orthodoxy into Europe as one of the constitutive components of the unitary *humus*, transferring, transferring, the baggage of values which the more traditional orthodoxy carries over into the community space. Thus the conditions are created for a confrontation with no holds barred in which orthodoxy wants to play a conditioning role, strengthened by the relations it is building on an institutional and political level, finding alliances with those internal components of the Union, the majority in Poland and Hungary, already lined up against the Community



aequis, against which all the secular and progressive forces of the European space will end up mobilizing, fuelling stagnation.

To counter this aggression, the European Community and the countries that wanted and established it have only one way: to address the emerging "Orthodox question" by postponing the accession of countries with an Orthodox component in the Union over decades, conditioning them to a verified and effective sharing of the community *aequis* and meanwhile, intervening on the institutional level, recognizing an autonomous role of representation of religious interests to the religious formations of the diaspora, State by State, attributing to them civil juridical personality, recognizing them as autonomous Churches.

In this way the alleged monopoly of representation of the Ecumenical Patriarchate in favor of the Churches on a national dimension would be broken, opposing its designs the bilateralism of relations with the social formations actually present in the territory. It will oppose religious denominations whose role belongs to them to concur, together with lay associations and non-confessional philosophical associations to envelop that social dialogue. This involves also that harmony of relationships which is proper to an open and supportive society, where values of equality between diverse entities are respected, under the banner of pluralism, gender equality, free emotional unions and for a life that is qualitatively worth living, for growing social justice.