

## STATEMENT

### **On the Reception of Clergy of the Russian Orthodox Church outside Russia by the Moscow Patriarchate Archdiocese of Orthodox Churches of Russian Tradition in Western Europe.**

1. On 23 August 2021, a group of thirteen Russian Orthodox clergy in the United Kingdom (hereafter “the clergy”) moved from the ROCOR Diocese of Western Europe (hereafter “the ROCOR Diocese”) to the Moscow Patriarchate Archdiocese of Orthodox Churches of Russian Tradition in Western Europe (hereafter “the MP Archdiocese”). This transfer was formally announced by the MP Archdiocese in its Communiqué of 3 September 2021:

*Suite à leur demande instante et répétée ainsi qu'à leur Pétition, par économie canonique pour qu'ils puissent vivre en plénitude la grâce de l'Église orthodoxe, les 21 et 23 août dernier ont été reçus au sein de l'Archevêché des églises orthodoxes de tradition russe en Europe occidentale les communautés et les clercs du Royaume-Uni ci-dessous mentionnés: ... [Whereafter follow the names of the major clergy transferring from ROCOR to the MP Archdiocese.]*

2. This transfer was motivated by two principal factors. Firstly, the clergy sought to escape the situation of schism into which they had been placed by the ruling Bishop of the ROCOR Diocese, Bp Irenei Steenberg. Secondly, the clergy could not reconcile themselves either with the Bp Irenei's attack upon Russian Orthodox tradition, or with anti-canonical actions of Bp Irenei, actions which greatly exceed the limits of his own canonical jurisdiction within the Church.

3. The clergy had hoped that their transfer would occur quietly and without controversy. Unfortunately, due to subsequent actions of Bp Irenei Steenberg and a small number of clergy within the ROCOR Diocese, this has not been possible. Various misrepresentations of this transfer have been circulated, online and in correspondence – most significantly the false assertion that this transfer did not take place in a canonical manner. Subsequent to their transfer, Bp Irenei himself, in violation of both the Holy Canons of the Orthodox Church and ROCOR's own procedures, issued several of the clergy with notices of suspension and summons to appear before his Diocesan Court. To date, these recriminatory actions are ongoing.

4. In consequence, it has become necessary to prepare the following statement. This statement will have four components. (1) It will present the reasons for the transfer of the clergy from the ROCOR Diocese to the MP Archdiocese in August 2021. (2) It will correct the erroneous claim that the transfer of the clergy did not take place in a canonical manner. (3) It will highlight violations of the Holy Canons, ROCOR's own procedures, and natural justice by Bp Irenei Steenberg and his Diocesan Court in Bp Irenei's recriminatory actions against the clergy. (4) It will attempt to outline what is required to end the current schism into which the ROCOR Diocese has been placed by Bp Irenei, and what is needed for a constructive path forward.

#### **I.**

#### **The Reasons for the Transfer.**

5. The transfer of clergy from the ROCOR Diocese to the MP Archdiocese was prompted by three issues: (i) the breach of ROCOR's sacramental communion and canonical unity with the MP Archdiocese in the United Kingdom in January 2021; (ii)

the non-canonical action of the ROCOR Bishop of Western Europe in publicly judging clergy outwith his jurisdiction in February 2021; and (iii) the statement of intention to cease ROCOR's sacramental communion with the Diocese of Sourozh, in April 2021.

*(i) The Schism of ROCOR from the MP Archdiocese in the United Kingdom.*

6. On 17 December 2020, Metr John of Dubna, the ruling Metropolitan of the MP Archdiocese, received the Greek Catholic Priest, Fr Jacob Siemens into the ranks of its clergy at the Cathedral of St Alexander Nevsky in Paris. In receiving Fr Jacob, Metr John did not perform a reordination, but rather received Fr Jacob by vesting and concelebration.

7. Upon learning of this event, the ruling Bishop of the ROCOR Diocese, Bp Irenei Steenberg, rejected the reception of Fr Jacob Siemens by vesting and concelebration. In his Directive № 359/E, dated 23 January 2021, Bp Irenei stated that it is absolutely impossible for a Catholic Priest to be received into the Orthodox Church as a Priest by vesting and concelebration:

... the 'reception' on 4th / 17th December 2020 by the Archdiocese of an heterodox individual by the name of James [*sic*] Siemens, resident in the environs of Cardiff, Wales, purportedly into the ranks of the Holy Orthodox clergy but in a manner that appears to us to be in violation of the Holy Orthodox Canons as well as the firm practices of the Russian Orthodox Church as a whole: namely, that this individual, who was a Ukrainian Catholic Uniate priest, was 'received' into Orthodoxy apart from the sacramental measures of Baptism or Chrismation, and further, was thereafter acknowledged as an Orthodox Priest, without having an Orthodox ordination. While the former situation (reception into Orthodoxy 'by confession') is canonically highly irregular, but not an entirely unprecedented misapplication by economia of the canonical measures meant to apply to one who has an Orthodox baptism/chrismation and returns from schism (in this case, improperly applying it to a man who never had either), the latter issue, or 'recognising' a heterodox ordination as if it constituted the establishment of a man as an Orthodox priest, is wholly uncanonical and goes against the most basic foundations of the Holy Orthodox Church, to whose true nature we are called to be obedient and, when it is challenged, to defend, for the sake of the faithful.

8. In the same Directive № 359/E, of 23 January 2021, Bp Irenei Steenberg responded to the MP Archdiocese's reception of Fr Jacob Siemens by formally directing his clergy (in boldface), as follows:

**You may neither concelebrate nor participate liturgically, or in any ecclesiastical measure, with the aforementioned James Siemens, nor with any clergy or local institutions of the Archdiocese / Exarchate in the British Isles. Further, if You have any spiritual children or parishioners who at times have attended Exarchate parishes in the UK for reasons of proximity, etc., you must inform them that until this matter is resolved, they may not receive the Sacraments at any parish of the Exarchate in the British Isles.<sup>1</sup>**

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1. NB In Directive № 359/E and elsewhere, Bp Irenei conflates the terms "Archdiocese" and

9. With this Directive, Bp Irenei Steenberg ruptured the unity of the Russian Orthodox Church in the British Isles. On the one hand, since there can be no sacramental communion without concelebration and liturgical participation, Bp Irenei's Directive to forbid the concelebration and liturgical participation of ROCOR with the MP Archdiocese in the British Isles amounted *ipso facto* to a rupture of ROCOR's sacramental communion with the MP Archdiocese in the British Isles. On the other hand, since canonical unity is realised precisely through reciprocal ecclesiastical measures, there can be no canonical unity between two Dioceses or Churches without both participating in such common ecclesiastical measures. As such, Bp Irenei's Directive to forbid all ROCOR participation in any ecclesiastical measure with the MP Archdiocese amount *ipso facto* to a rupture of ROCOR's canonical unity with the MP Archdiocese in the British Isles. And since a rupture of sacramental communion and canonical unity is a schism, Bp Irenei's Directive to effect a rupture of ROCOR's sacramental communion and canonical unity with the MP Archdiocese in the UK amounted to the initiation of a schism of ROCOR from the MP Archdiocese in the British Isles.

10. Bp Irenei Steenberg's decision to initiate a schism with the MP Archdiocese on this basis could not be accepted by the clergy.

10.1. Principally, as Russian Orthodox Christians, the clergy could not accept Bp Irenei Steenberg's absolute dogmatic denial of the reception of Catholic Priests into the Russian Orthodox Church by vesting and concelebration. For the reception of Catholic Priests in this manner is entirely standard practice in the Russian Orthodox Church. Indicatively:

- The MP Archdiocese receives Catholic clergy by vesting and concelebration, as witnessed for example by the reception of Fr Jacob Siemens by Metr John of Dubna.
- The Moscow Patriarchate receives Catholic clergy by vesting and concelebration, as was the case for example with the reception of Hmk Gabriel Bunge by Metr Hilari-on (Alfeev) of Volokolamsk.
- Hierarchs of the Russian emigration, such as St Tikhon of Moscow, Metr Evlogy (Georgievsky), and Abp Georges (Wagner) all consistently received Catholic Priests by vesting and concelebration.
- It was through vesting and concelebration that St Alexis (Toth) of Wilkes-Barre, and the many Catholic Priests who followed him, were received from Catholicism into the Russian Orthodox Church.

By absolutely rejecting the reception of Catholic Priests into the Orthodox Church by vesting and concelebration, Bp Irenei was in fact rejecting Russian Orthodox practice and the witness of canonised Russian Orthodox saints. As Russian Orthodox Christians, the clergy could not accept such a rejection of the practice and witness of canonised saints of the Russian Orthodox Church.

10.2. Despite Bp Irenei Steenberg's assertions of loyalty to "the firm practices of the Russian Orthodox Church as a whole," his schism was in fact based, not upon fidelity to Russian Orthodoxy, but rather on a rejection of the traditions and saints of the Russian Orthodox Church. And, as Russian Orthodox Christians, it was not possible for the clergy to follow Bp Irenei into a schism based upon a rejection of Russian Orthodox tradition and the witness of canonised Russian Orthodox saints.

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"Exarchate," in a manner liable to mislead. To be clear, in the quoted passage, Bp Irenei is speaking solely about the MP Archdiocese (which is not an Exarchate), and not about the Patriarchal Exarchate in Western Europe, which is in reality a different ecclesiastical body from the MP Archdiocese.

***(ii) The Public Summary Judgment by Bp Irenei of Clergy beyond his Jurisdiction.***

**11.** After having initiated a schism with the MP Archdiocese in the British Isles, Bp Irenei Steenberg proceeded to issue his Notice № 390/E, dated 26 February 2021 – a Notice which was, by his instruction, publicly read from the Amvon of the ROCOR parish in Cardiff:

In December of last year, the Archdiocese, based in Paris, supposedly received a Dr James [*sic*] Siemens into Holy Orthodoxy, though without Baptism or Chrismation, and now promotes him as a ‘priest,’ though this individual has no Orthodox ordination – in direct violation of the Holy Canons of the Church. ... Dr Siemens is, according to the Holy Canons of the Orthodox Church, not a priest but a layman, and therefore has not received the grace of ordination to perform any rite or sacrament of the Orthodox Church. A ‘baptism’ performed by a non-priest is not a Baptism; ‘confession’ performed by a non-priest is not sacramental Confession; the ‘liturgy’ celebrated by a non-priest is not the Divine Liturgy and those who approach a chalice offered therein do not receive Christ’s precious Body or Blood, whatever may be said by the individual offering it or those in authority over him. This is but spiritual deception, and risks leading the unwitting faithful into the trap of false sacraments and false faith.

**12.** With this Notice, Bp Irenei Steenberg formally and publicly passed summary judgment upon Fr Jacob Siemens, not merely raising a question about Fr Jacob’s ordination, but categorically stating that Fr Jacob was not ordained, that he was not an Orthodox Priest, and that he was, rather a “non-Priest.” Moreover, with this Notice, Bp Irenei passed a thinly-veiled summary judgment upon Metr John of Dubna, stating that a Bishop who recognised Fr Jacob as an Orthodox Priest was in fact guilty of “spiritual deception.”

**13.** However, these actions of Bp Irenei could not be accepted by the clergy.

**13.1.** The clergy could not accept the judgment of Fr Jacob Siemens as a “non-priest,” for reasons following from those stated above (paragraph 10.1). Just as Fr Jacob was a Catholic Priest received into the Orthodox Priesthood through vesting and concelebration, so too (to take one example of many) was St Alexis of Wilkes-Barre a Catholic Priest received into the Orthodox Priesthood through vesting and concelebration. By the logic of Bp Irenei Steenberg’s judgment, were it the case that, owing to his manner of reception, Fr Jacob was not a Priest but a “non-Priest” exercising a sacramentally fictitious ministry, then so too would St Alexis of Wilkes-Barre have been a “non-Priest” who spent the entirety of the Orthodox clerical service – a service for which the Russian Orthodox Church recognises him as a saint – exercising a sacramentally fictitious ministry. Such a position, however, is unacceptable, as it is a direct rejection of the authenticity of the ministry of a canonised Russian Orthodox saint. As Russian Orthodox Christians, the clergy could not accept any judgment entailing such a consequence, and as such they could not accept the content of Bp Irenei’s judgment of Fr Jacob Siemens.

**13.2.** Nor could the clergy accept Bp Irenei Steenberg’s judgment – however explicitly or implicitly stated – that Hierarchs of the Russian Orthodox Church, such as Metr John of Dubna, are guilty of “spiritual deception” when they recognise the Priesthood of Russian Orthodox Priests received from Catholicism by vesting and concelebration. For, were Metr John of Dubna guilty on this basis of “spiritual deception,” then so too (in light of paragraph 10.1, above) would St Tikhon of Moscow, Metr Evlogy

(Georgievsky), Abp Georges (Wagner), Metr Hilarion of Volokolamsk, and many other Russian Orthodox Hierarchs be guilty of “spiritual deception” – since they too recognise as Orthodox Priests those Priests who were received from Catholicism by vesting and concelebration. But such a judgment – which judges even canonised Russian Orthodox saints to be guilty of “spiritual deception” – is not only incompatible with Russian Orthodox tradition, but is a direct attack upon Russian Orthodox tradition. As Russian Orthodox Christians, the clergy could not accept any judgment entailing such a consequence, and as such they could not accept the content of Bp Irenei Steenberg’s judgment of Metr John of Dubna as guilty of “spiritual deception.”

**13.3.** Moreover, just as the clergy could not accept the content of Bp Irenei Steenberg’s public judgments regarding Fr Jacob Siemens and Metr John of Dubna, neither could they accept the fact that Bp Irenei had issued such public judgments at all. For, as attested by, indicatively, Canon 14 of the Protodeutera Synod, Canon 2 of the Second Ecumenical Synod, and Canon 13 of the Synod of Antioch, it is a general principle of canonical order in the Orthodox Church that each Hierarch respect the limits of his own jurisdiction:

Each [Bishop] needs to know his own due limits ...<sup>1</sup>

Bishops are not to go beyond their jurisdiction to Churches lying beyond the limits of that jurisdiction, so that there be no confusion of the Churches ...<sup>2</sup>

Let no Bishop dare to go from one Eparchy to another ... unless, having been called upon to do so, he arrive with letters from the Metropolitan and from the Bishops into whose territory he goes. If, without being called by anyone, a Bishop depart in an irregular manner to ... impose himself on ecclesiastical matters which are not for him to be concerned with, then the things done by him shall be void; and, for his irregularity, he shall be subject to punishment for his unreasonable undertaking, being immediately deposed by the Holy Synod.<sup>3</sup>

However, neither Fr Jacob Siemens nor Metr John of Dubna are clergy under Bp Irenei Steenberg’s jurisdiction. Indeed, not only are neither clergy within Bp Irenei’s own ROCOR Diocese, but neither are clergy within ROCOR at all. And as such, Bp Irenei had no canonical jurisdiction to pass public summary judgment on either. Rather, any concerns which Bp Irenei had about either Fr Jacob Siemens or Metr John of Dubna ought to have been referred by him to the appropriate body which does possess the canonical jurisdiction to judge the matter of concern. In the case of Fr Jacob, this would mean referring the concern to Fr Jacob’s Diocesan Bishop; whilst in the case of Metr John, it would mean referring the concern to the Archiepiscopal Synod of the Moscow Patriarchate. Then, in each case, having referred the matter, Bp Irenei should have left it with the body in question to investigate and pass judgment (or indeed, to decide whether or not to pass judgment at all). However, by failing to follow the canonical path, but instead choosing to pass summary judgment upon Fr Jacob and Metr John, Bp Irenei acted *ultra vires*, assuming for himself the jurisdiction that

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1. ΠΡΩΤΟΔΕΥΤΕΡΑΣ ΙΔ': «Δεῖ γὰρ ἕκαστον τὰ οἰκεῖα μέτρα γινώσκειν ...»

2. Β' ΟΙΚΟΥΜΕΝΙΚΗΣ ΣΥΝΟΔΟΥ Β': «Τοὺς ὑπὲρ διοίκησιν Ἐπισκόπους ταῖς ὑπερορίοις Ἐκκλησίαις μὴ ἐπιέναι, μηδὲ συγχέειν τὰς Ἐκκλησίας ...»

3. ἘΝ ἈΝΤΙΟΧΕΙΑΙ ΙΓ': «Μηδένα Ἐπίσκοπον τολμᾶν ἀφ' ἑτέρας ἐπαρχίας εἰς ἑτέραν μεταβαίνειν ... εἰ μὴ παρακληθεὶς ἀφίκοιτο διὰ γραμμάτων τοῦ τε Μητροπολίτου καὶ τῶν σὺν αὐτῷ Ἐπισκόπων, ὧν εἰς τὴν χώραν παρέρχοιτο. Εἰ δὲ μηδενὸς καλοῦντος ἀπέλθοι ἀτάκτως ἐπὶ ... καταστάσει τῶν ἐκκλησιαστικῶν πραγμάτων, μὴ προσηκόντων αὐτῷ, ἄκυρα μὲν τὰ ὑπ' αὐτοῦ πραττόμενα τυγχάνειν, καὶ αὐτὸν δὲ ὑπέχειν τῆς ἀταξίας αὐτοῦ, καὶ τῆς παραλόγου ἐπιχειρήσεως τὴν προσήκουσαν δίκην, καθηρημένον ἐντεῦθεν ἤδη ὑπὸ τῆς Ἀγίας Συνόδου.»

belongs (in the one case) to the Metropolitan of the Moscow Patriarchate, and (in the other case) to the Archiepiscopal Synod of the Moscow Patriarchate. And, as Russian Orthodox Christians, faithful to the canonical structure of the Russian Orthodox Church, the clergy could not accept such anti-canonical action on the part of Bp Irenei – action whose anti-canonical nature is of such gravity that Canon 13 of the Synod of Antioch (quoted above) requires punishment with deposition.

***(iii) The Intention to cease ROCOR's Communion with the Diocese of Sourozh.***

14. Following the above events, on 25 April 2021, Bp Irenei Steenberg stated verbally to Archpriest Andrew Phillips that he intended to sever the sacramental communion of the ROCOR Diocese with the Diocese of Sourozh – the UK Diocese of the Moscow Patriarchate's Patriarchal Exarchate in Western Europe – should the latter not follow Bp Irenei in severing sacramental communion with the MP Archdiocese in the United Kingdom. With this statement, Bp Irenei made it clear that he was both willing and actively planning to extend the schism of the ROCOR Diocese, beyond simply a schism with the MP Archdiocese in the United Kingdom, to a schism with the entirety of the Moscow Patriarchate in the British Isles.

15. The clergy understood that the Diocese of Sourozh would not accept Bp Irenei Steenberg's rejection of the standard Russian Orthodox practice of receiving Catholic Priests by vesting and concelebration, and that as such the Diocese of Sourozh would not follow Bp Irenei into a schism with the MP Archdiocese on that basis. And the clergy could not accept Bp Irenei's plan of extending the schism of the ROCOR Diocese to a schism with the entirety of the Moscow Patriarchate in the British Isles. The clergy were, and are, committed to the unity of the Russian Orthodox Church – both to the 2007 *Act of Canonical Communion* between ROCOR and the Moscow Patriarchate, as well as to the 2019 Patriarchal *Gramota* uniting the MP Archdiocese to the Moscow Patriarchate. As such, within the context of the British Isles, the clergy could not follow a plan which would push them further into a situation of involuntary division from the rest of the Russian Orthodox Church – and especially not one based upon a position which was itself a rejection of Russian Orthodox tradition and sanctity.

***(iv) The Decision to transfer to the MP Archdiocese.***

16. The clergy attempted to bring the situation of the ROCOR Diocese in the British Isles to the attention of the ROCOR Synod in New York. However, this attempt was unsuccessful, and the clergy came to understand that the schism of the ROCOR Diocese in the British Isles was not going to be resolved by the Synod.

17. In this extremely difficult situation, the clergy recognised that that there existed no Canon stipulating precisely and explicitly what action clergy ought to take in the circumstance where, belonging to one of three territorially-overlapping jurisdictions of the one Patriarchate, they were being pushed into a situation of schism from the other two overlapping jurisdictions, for reasons which were themselves a rejection of the practices and tradition of sanctity of that same Patriarchate. Here, the clergy looked to the general principle underlying Canon 14 of the Synod of Sardica, which, in a related context, directs clergy whose communion with their Church is being jeopardised by their Diocesan Bishop, but who find themselves in a situation in which they lack access to their own Metropolitan, to proceed instead by approaching the Metropolitan of a nearby Eparchy:

... the Presbyter or Deacon is to have the power to flee for refuge [καταφυγεῖν] to the Metropolitan of his Eparchy – or, if the Metropolitan be absent, he is to have the power to run [κατατρέχειν] to the Metropolitan of a neighbouring Eparchy ...<sup>1</sup>

Here, the clergy were aware that, belonging to a European ROCOR tradition whose particular founding context was that of the Russian emigration in Western Europe, they had a particular affinity with the MP Archdiocese, whose émigré history and traditions substantially overlapped with their own. As such, after much deliberation, the clergy took the decision to turn to Metr John of Dubna, the ruling Metropolitan of the MP Archdiocese, seeking refuge from the schism of the ROCOR Diocese through a transfer of jurisdiction to the MP Archdiocese.

18. Had Bp Irenei Steenberg not instituted a schism based upon reasons which were deeply opposed to Russian Orthodox tradition; had Bp Irenei not acted *ultra vires* in a manner which disregarded the canonical order of the Church; and had Bp Irenei not forced them into a position of effectively sectarian isolation from the rest of the Russian Orthodox Church in the United Kingdom, these clerics would not have sought a transfer of jurisdiction. Rather, their decision to transfer was a decision made out of the need to escape from the schismatic position in which they had been placed by the ruling Bishop of the ROCOR Diocese, and to return to sacramental communion and canonical unity with the fulness of the Moscow Patriarchate.

## II.

### Refutation of False Claims about the Transfer of Clergy to the MP Archdiocese.

19. In line with his Directive № 359/E of 23 January 2021 – in which he terminated ROCOR's participation in all ecclesiastical measures with the MP Archdiocese – Bp Irenei Steenberg chose not to follow the standard ecclesiastical practice of issuing letters of the release for the transferring clergy. Instead, he claimed that, because he was choosing not to issue such letters of release, the clergy either could not be received canonically, or could not be received at all, by the MP Archdiocese, and that therefore they remained under his sole canonical jurisdiction.

For example, in his Decree № 24E/2021 of 26 August 2021, sent to several of the clergy who had transferred, Bp Irenei stated:

Claims that you now belong to the jurisdiction of another bishop or diocese are canonically impossible and groundless, and you are hereby reminded that you remain under the sole canonical authority of the Russian Orthodox Church Outside Russia ...

Similarly, in his internet Communication of 2 September 2021, published on the ROCOR Diocese's website, Bp Irenei wrote:

Despite whatever claims may be made either by these individuals or by any cleric from any other jurisdiction, including the Paris Archdiocese's representatives in the UK or elsewhere, these clerics have not been released by the Church Abroad and therefore have not been, and cannot be, canonically received by anyone else; and similarly, no par-

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1. ἘΝ ΣΑΡΔΙΚΗΙ ἰδ': «[Ὁ Πρεσβύτερος ἢ Διάκονος] ἐχέτω ἐξουσίαν ἐπὶ τὸν Ἐπίσκοπον τῆς Μητροπόλεως τῆς αὐτῆς Ἐπαρχίας καταφυγεῖν· εἰ δὲ ὁ τῆς Μητροπόλεως ἄπαστιν, ἐπὶ τὸν πλησιόχωρον κατατρέχειν ...»

ish has been released to the Paris Archdiocese, nor has any been canonically received by them, whatever claims may be erroneously made. ... the clergymen and parish involved remain under the sole canonical jurisdiction of the Russian Orthodox Church Outside Russia ...

And in a letter of 12 October 2021, sent to Metr John of Dubna from the ROCOR Synod of Bishops, but apparently written by Bp Irenei, it was asserted that:

Regarding the situation of our clergymen in the United Kingdom, ... Your Eminence was directly told in writing ... that they were not released and therefore could not be received by You ...

We therefore request that the Archdiocese formally clarifies the reality, namely, that the clergyman supposedly 'received' from our W. European Diocese and our Western Rite Vicariate could not, in fact, be received, since they were not released, and rightly acknowledge the fact that they remain under the sole canonical authority of the Church Abroad.

These texts make three related, but distinct, assertions: (i) that in principle clergy *cannot be received* by another Diocese or Church without letters of release; (ii) that the clergy *have not in fact been received* by the MP Archdiocese; and (iii) that the clergy *have not been canonically received* by the MP Archdiocese. Each of these claims is false.

#### ***(i) The Possibility of Jurisdictional Transfer without Letters of Release.***

**20.** It is untrue that in principle clergy cannot be received by another Diocese or Church without letters of release.

**21.** Certainly, it must be recognised that there are canons which state that a Bishop may only receive a cleric who has a letter of dismissal from his previous Bishop. For example, Quinisext canon 17 states that:

... no cleric, regardless of the rank he happens to have, has permission, without a written dismissal from his own Bishop, to be enrolled in a different Church ...<sup>1</sup>

However, it must also be recognised that a canon is neither a dogma nor a universal law, absolutely binding on every concrete case. Rather, as Bp Irenei Steenberg himself has affirmed:

... the canons [are] not so much ... a code of canon law that sets out legal parameters for action, but ... guidelines setting the standard for healthy Church life ...<sup>2</sup>

That is to say, as guidelines, the canons are not necessarily applied with exactitude (*κατ' ἀκρίβειαν*) in every situation. Rather, in certain circumstances, particular canons are, by the principle of economy (*κατ' οἰκονομίαν*), either only partially applied, or not applied at all. This holds for the canons which require clergy be received with letters of release, just as it holds for other canons.

**22.** This principle of economy is not only recognised generally by ROCOR (e.g. in

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1. ΠΕΝΘΕΚΤΗΣ ΙΖ': «... μηδένα τῶν ἀπάντων κληρικῶν, κἂν ἐν οἴῳδῇποτε τυγχάνῃ βαθμῶ, ἄδειαν ἔχειν, ἐκτὸς τῆς τοῦ οἰκείου Ἐπισκόπου ἐγγράφου ἀπολυτικῆς, ἐν ἐτέρᾳ κατατάττεσθαι Ἐκκλησίᾳ ...»

2. BP IRENEI (STEENBERG) [M. C. STEENBERG], "On the Canonical Situation of Russian Orthodoxy in Britain," 1.



Article 2 of the *Addendum to the Act of Canonical Communion*), but is also recognised to apply to the specific canons relating to letters of release. For example, between 28 October 2018 and 25 January 2019, Bp Irenei Steenberg received the clerics Archpriest Georges Blatinsky, Priest Oleg Turcan, and Priest Denis Baykov from the Russian parishes in Florence and Sanremo, into the ROCOR Diocese of Western Europe, without requiring or receiving letters of release from their previous Bishop. In the letter of 12 October, sent from the ROCOR Synod to Metr John of Dubna, it is explained that in such cases letters of release are not required by ROCOR, as the Diocese or Church from which the clergy in question are being received is not one with which ROCOR is in a state of canonical unity:

The parishes in Florence and Sanremo [were] directly under the omophor of the hierarchy of Constantinople, whose current canonical status was not and is not recognised by the Russian Orthodox Church. When the parishes in question approached our Church Abroad to be rescued from their non-canonical status under Constantinople, our Synod ... agreed to rescue them from their non-canonical status in early 2019, ... in accordance with the canonical norms of receiving parishes from non-canonical environments. ... they were clergymen under Constantinople, whose non-canonical status meant that letters of canonical release could not be sought from their local hierarchy.

As such, by ROCOR's own understanding of the canonical order of the Church, the canons prohibiting the reception of a cleric without a letter of release from his previous Bishop do not apply in every circumstance. Precisely, for ROCOR itself, these canons do not apply in a situation where there is an absence of canonical unity between the Diocese or Church from which the cleric in question is departing and the Diocese or Church into which that cleric is being received. In such situations, ROCOR holds that such clergy are to be received, *κατ' οἰκονομίαν*, without the reception of a letter of release.

**23.** Moreover, nowhere do the constitutional documents of the MP Archdiocese state that the Archdiocese cannot receive a cleric *κατ' οἰκονομίαν*, without a letter of release from the Bishop of that cleric's previous Diocese. Rather, Article 4 of the Archdiocese's Statutes specifies that any association requesting to join the Archdiocese is to be accepted or rejected finally by the decision of the Archbishop, without reference to letters of release. Accordingly, the MP Archdiocese, by its own constitution, is entitled to receive a parish, which includes clergy and laity, without letters of release from a previous Bishop.

**24.** Indeed, there is no constitutional possibility for imposing upon the MP Archdiocese an interpretation of the Canons which, in opposition to Article 4 of the Archdiocese's Statutes, insists that letters of release must be required, without exception, in every concrete case of the reception of an association from another Diocese or Church. Specifically, Article 3 of the Patriarchal *Gramota* to the MP Archdiocese mandates that the Archdiocese is to be administrated according to its own Statutes. And Article 1 of the Archdiocese's Statutes states that the Archdiocese's Statutes themselves indicate how the Holy Canons of the Church are to be applied within the MP Archdiocese. As such, Article 4 of the Archdiocese's Statutes – which specifies that any association's request to join the Archdiocese is to be accepted or rejected finally at the decision of the Archbishop, without reference to letters of release – itself guides how relevant Canons are to be understood within the Archdiocese. Therefore, any attempt to impose upon the MP Archdiocese an interpretation of the Canons in conflict with Article 4 of the Archdiocese's Statutes would itself be a violation of both Article 1 of the MP Archdiocese's Statutes and of Article 3 of the Patriarchal *Gramota* to the MP

Archdiocese.

25. Consequently, not only the nature of the Holy Canons as Canons, but also the practical actions and statements of ROCOR, which align with the constitution of the MP Archdiocese itself, show that there is no truth in Bp Irenei Steenberg's claim that in principle a transfer for clergy from one Diocese or Church to another is impossible without letters of release.

***(ii) The Reality of the Transfer from the ROCOR Diocese to the MP Archdiocese.***

26. It is untrue that the clergy who transferred to the MP Archdiocese have not in fact been received by the MP Archdiocese.

27. Most basically, the claim that the clergy have not in fact been received by the MP Archdiocese is contradicted by the most basic fact of this case – namely that, as formally announced in the MP Archdiocese's Communique of 3 September 2021, the MP Archdiocese did in fact receive the clergy, on 23 August 2021 (see paragraph 1, above).

28. Moreover, Bp Irenei Steenberg has himself recognised the reality of the transfer of clergy to the MP Archdiocese. Thus, in several (unfortunately undated) letters which, via his Diocesan Chancellery, he sent to the clergy, accusing them of canonical crimes and summoning them to his Ecclesiastical Court, Bp Irenei accused each cleric, in identically-worded statements, as follows:

**Charge: Seeking incardination into the jurisdiction of another bishop without canonical release.**

Namely, that '[Name] has sought to be incardinated into the jurisdiction of another Bishop without seeking or obtaining canonical release from his own Bishop; moreover, that he, not having obtained said release, nevertheless went under the jurisdiction of another Bishop and in so doing fled the canonical authority of his own Church and its hierarchy.'

Despite whatever else may be said about this charge, Bp Irenei's statement that the clerics "nevertheless went under the jurisdiction of another Bishop" is a recognition that *de facto* the transfer of clergy from ROCOR to the MP Archdiocese has occurred. Even a recognition of the transfer made *malgré lui*, in accordance with the principle, *Quae non fieri debent, facta valent*, is nonetheless a recognition of the reality of the transfer.

29. Consequently, there is no legitimacy in Bp Irenei Steenberg's claim that the transfer of clergy has not in fact occurred. Not only does this claim deny the most basic facts of the case, but it is contradicted by Bp Irenei's own recognition, in multiple formal documents, of the reality of this transfer.

***(iii) The Canonical Nature of the Transfer from ROCOR to the MP Archdiocese.***

30. It is untrue that the clergy who transferred to the MP Archdiocese have not been canonically received by the MP Archdiocese. In particular, Bp Irenei Steenberg's choice to act in line with his Directive № 359/E of 23 January 2021, and not follow the standard ecclesiastical practice of issuing letters of the release for the transferring clergy, does not in the circumstances hinder, in any way, the canonical nature of the transfer of the clergy from the ROCOR Diocese to the MP Archdiocese.

31. Most basically, the issuing of letters of release is a normal administrative procedure between canonically united Dioceses and Churches. In a normal canonical situation,

letters of release would be withheld only if there were some significant disciplinary issue (e.g. a suspension or defrocking). However, in the case of the clergy transferring from ROCOR to the MP Archdiocese, there were no such disciplinary issues, and hence no such reason to withhold letters of release. Nor has Bp Irenei Steenberg contended otherwise.

32. Beyond this, the issuing of letters of release – precisely as a normal administrative procedure between canonically-united Dioceses and Churches – is an administrative procedure which is required only in the situation of clerical transfer between Dioceses and Churches sharing reciprocal canonical unity. The canons, such as those discussing letters of release, which describe normal relations between Churches sharing reciprocal canonical unity, do not hold for relations between Churches divided by schism – something which ROCOR itself recognises (see paragraph 22, above). Therefore, by rupturing the canonical unity of the ROCOR Diocese and the MP Archdiocese through his Directive № 359/E of 23 January 2021 (see paragraphs 8–9, above), Bp Irenei Steenberg thereby removed from the MP Archdiocese any obligation to relate to the ROCOR Diocese in the manner which the Holy Canons require of those Dioceses and Churches which share reciprocal canonical unity. As such, Bp Irenei, by initiating a schism of the ROCOR Diocese from the MP Archdiocese, thereby removed from the MP Archdiocese any canonical requirement to receive letters of release from Bp Irenei for clergy transferring from the ROCOR Diocese to the MP Archdiocese. And because there was, as such, no canonical requirement for the MP Archdiocese to receive clergy from the ROCOR Diocese only with letters of release, the canonical nature of the transfer of the clergy from the ROCOR Diocese to the MP Archdiocese was not in any way hindered by Bp Irenei's choice not to provide such letters.

33. Consequently, there is no legitimacy in Bp Irenei Steenberg's claim that the clergy could not transfer canonically from the ROCOR Diocese to the MP Archdiocese without the issuing of letters of release. Rather, by virtue of Bp Irenei's severing the ROCOR Diocese's canonical unity with the MP Archdiocese, Metr John of Dubna was canonically entirely justified in receiving clergy from the ROCOR Diocese, *κατ' οἰκονομίαν*, without letters of release from Bp Irenei. Bp Irenei cannot institute a schism with another Diocese or Church and then legitimately require that Diocese or Church to act toward him as if they were still in a situation of full canonical unity, without any schism.

### III.

#### **Further Canonical and Procedural Violations by Bp Irenei Steenberg.**

34. Subsequent to the canonical transfer of the clergy from the ROCOR Diocese to the MP Archdiocese, Bp Irenei Steenberg initiated a course of recriminatory action against the clerics, by issuing them with charges of ecclesiastical criminality, to be judged at a session of Bp Irenei's Diocesan Court. The actions of Bp Irenei and his Diocesan Court have been abusive, conducted in violation of the Holy Canons, ROCOR's own procedures, and natural justice. As such, not only do they have no validity, but they constitute a further example of Bp Irenei acting *ultra vires*, in opposition to the canonical order of the Church.

#### **(i) Bp Irenei Steenberg lacks Jurisdiction over the accused Clergy.**

35. As Diocesan Bishop of the ROCOR Diocese of Western Europe, Bp Irenei Steen-

berg's canonical jurisdiction is limited to that Diocese, and he has no canonical jurisdiction over clergy who are members of a different Diocese (cf. paragraph 13.3, above).

However, at the time when Bp Irenei issued these charges of ecclesiastical criminality to the clergy, they had already transferred to the MP Archdiocese, and so were no longer within Bp Irenei's canonical jurisdiction. As such, Bp Irenei no longer possessed any jurisdiction entitling him to charge them with ecclesiastical crimes and to have these charges judged at a session of his Diocesan Court. Rather, in so doing, Bp Irenei once again acted *ultra vires*, violating the canonical limits of his jurisdiction, and assuming for himself the jurisdiction which canonically belongs to the ruling Bishop of the MP Archdiocese. Because Bp Irenei has no jurisdiction to charge the clergy, the charges he has issued are invalid, and because his Diocesan Court has no jurisdiction to judge the clergy, any judgments which it may make regarding these charges are null and void.

***(ii) The Accuser cannot be Judge of his own Case.***

36. Bp Irenei Steenberg's Diocesan Court has been organised in such a way that there is no clear distinction between judge and accuser. Thus, each of the Notices of Ecclesiastical Charges received by the clergy begin with the following identically-worded paragraph:

By this letter, the Diocesan Ecclesiastical Court informs you, [Name], a cleric of the Diocese of Great Britain and Western Europe of the Russian Orthodox Church Outside Russia and under her sole canonical authority, of a canonical hearing to be held on WEDNESDAY, 7 / 20 OCTOBER 2021, at which the following charges against you will be examined; namely that you are hereby accused by the Court of:  
[Whereafter follows the list of charges.]

The words "you are hereby accused by the Court of ...," make explicit that the Court assembled to judge the accusations being made against each cleric is also the accuser making these accusations.

However, to conduct a trial in which the accuser is also the judge is a basic violation of natural justice – *nemo iudex in causa sua* – and no trial in which the accuser is also the judge can ever reckoned be a fair trial. Therefore, because the Diocesan Court proceedings organised by Bp Irenei against the clergy establish the accuser as the judge of the case, those Court proceedings are illegitimate, and any judgments they may issue are null and void.

***(iii) The Accused must be Informed of the Time and Place at which the Court will sit.***

37. Bp Irenei Steenberg's Diocesan Court failed to inform the clergy being accused of precisely where and when his Diocesan Court would sit to try these accusations. Rather, the clergy were notified only of a date, but not of the location and time of day, at which the Diocesan Court would sit to judge the accusations being made against them.

However, it is a basic violation of natural justice for a Court to try a case without informing the accused of where and when it will sit to try their case. No one can defend himself at a trial, if he does not know where and when it will occur.

Moreover, Bp Irenei's Diocesan Court is here in direct violation of regulation 53 of

ROCORA's governing document, the *Regulations on the Ecclesiastical Court*, according to which:

The time and place of the hearing must be announced to the parties, the accusers and the accused, and also the witnesses who will give information to the Court, in advance, by special notice.

No Court which so basically violates natural justice, and no ROCORA Court which so directly violates ROCORA's *Regulations on the Ecclesiastical Court*, can be considered legitimate. Rather, the proceedings of Bp Irenei's Diocesan Court against the clergy are, on this basis too, evidently illegitimate, and any judgments they may issue are null and void.

**(iv) *The Accused must receive Clear Statement of the Charges being made against him.***

**38.** Bp Irenei Steenberg's Diocesan Court failed to provide each of the clergy being accused of clear statements of the charges being made against them, in precisely formulated accusations.

However, it is a basic violation of natural justice for a Court to try a case without informing the accused of precisely what he is being accused of. No one can properly prepare a defence, if he does not know the precise nature and cause of the accusations being made against him.

Moreover, Bp Irenei's Diocesan Court is here in direct violation of regulation 54 of ROCORA's *Regulations on the Ecclesiastical Court*:

The accused or respondent must be charged via written notice in a timely manner by the Diocesan legal authority on the basis of evidentiary material obtained, precisely describing the accusations (*точно формулированные обвинения*), to which he has the right in his defence to respond in written form before the Court sits, and to respond orally during the hearing.

However, no Court which so basically violates natural justice, and no ROCORA Court which so directly violates ROCORA's *Regulations on the Ecclesiastical Court*, can be considered legitimate. Rather, the proceedings of Bp Irenei's Diocesan Court against the clergy are, on this basis too, evidently illegitimate, and any judgments they may issue are null and void.

**39.** By way of example to clarify the failure of Bp Irenei Steenberg's Diocesan Court to provide the clergy being accused with precisely formulated statements of the charges being made against them, one may consider indicatively the following charge, issued to a cleric of the rank of Reader, quoted here *in extenso*:

**Charge 5: Serving whilst under suspension.**

Namely, that 'Reader [Name] has committed the canonical crime of serving while himself under canonical suspension, and thus engaging in liturgical / administrative acts from which he has been prohibited, contrary to the instructions of the Church Authorities.' (*Cf. Canon 4 of Antioch, Canon 13 of Sardica.*)

The format of the charge is entirely typical of the charges received by clergy from Bp Irenei: a numbered charge in boldface, followed by a vague sentence, and then supplemented with an invitation to "compare" certain canons.

Here, firstly, the lack of precision of this charge is evident from the failure to state pre-

cisely *in which particular acts* the Reader is being accused of engaging. The charge does not name any single action; it does not say *when* or *where* the acts of which the Reader is being accused are alleged to have taken place. The charge is vague even as regards whether the acts in question are liturgical, administrative, or both. Such lack of clarity prevents the accused from knowing precisely what it is he is being accused of having done, and hence makes it impossible for him to adequately defend himself.

Secondly, the lack of precision of this charge is clear from the failure to cite which Canon or governing regulation the accuser is being alleged to have violated. An invitation to “compare” certain Canons is not a statement that the accused is being accused of having broken these Canons.

Moreover, that these canons are not the basis of the charge is evident from the fact that neither is relevant to the accused:

- Canon 4 of the Synod of Antioch concerns a Bishop, Presbyter, or Deacon who, after having been deposed (*καθαιρεθείς*), liturgizes in some way. However, the accused is neither a Bishop, Presbyter, nor a Deacon. Neither has the accused been deposed. So this canon is irrelevant to the charge being made, and could never have been its real basis.
- Canon 13 of the Synod of Sardica concerns an excommunicated cleric (*τις τῶν κληρικῶν ἀκοινώνητος*) who attempts to receive Holy Communion from the Bishop of another Diocese. However, the Reader who was the recipient of this charge has not been excommunicated. So this Canon is also irrelevant to the charge being made, and could never have been its real basis.

In this situation, the suspicion is inevitably that these canons have been referenced to give a *prima facie* appearance of legitimacy to a charge whose real basis lies elsewhere, but which Bp Irenei’s Diocesan Court does not wish to commit to paper. That said, the basic situation is clear: the Reader being accused has not really been told what he is accused of having done, and has not really been told what Canon or regulation he is being accused of having violated.

40. Overall, by organising his Diocesan Court to hear cases over which it has no jurisdiction; by setting up his Diocesan Court in a manner which identifies the accuser as the judge; by failing to tell the accused when and where the Court will sit; and by failing to tell the accused precisely what they are being accused of, Bp Irenei’s actions have amounted to a profound violation of canonical order, ROCOR regulations, and natural justice. Not only does such violation render the proceedings of his Diocesan Court illegitimately, but it gives the appearance of an abuse of power, in which Bp Irenei is using the Diocesan Court to conduct a show trial.

#### IV.

#### Suggestions to move forward.

41. The situation of schism and recrimination within which Bp Irenei Steenberg has placed the ROCOR Diocese in the British Isles is deeply damaging to the Russian Orthodox Church. For both the sake of ROCOR and for the sake of the Russian Orthodox more widely, this schism needs to be healed. The healing of this schism requires: (i) an end to the actual schism itself; (ii) a reconciliation over the issues which formed the proximate causes of the schism; and (iii) further discussion and dialogue concerning the underlying issues that led to this schism. With respect to these goals, the following two groups of suggestions are here offered.

**(i) What is needed to end the Schism itself.**

42. With respect to the schism itself, it must be recognised that neither the MP Archdiocese nor the Diocese of Sourozh has severed communion or canonical unity with ROCOR, and that it is only ROCOR which has instituted this schism. Therefore, the responsibility to end the schism of the ROCOR Diocese falls principally upon ROCOR itself. Here, two primary actions are necessary:

Firstly, and most basically, *ROCOR needs to rescind Bp Irenei Steenberg's Directive № 359/E of 23 January 2021, which prohibited the ecclesiastical participation, liturgical participation, and concelebration of ROCOR in the British Isles with the MP Archdiocese.* Without this action, the schism cannot end, and this is an action which only ROCOR can perform. If (as seems clear) Bp Irenei is unwilling to do this himself, then ROCOR's Synod of Bishops needs to take the matter in hand.

Secondly, and in addition, *ROCOR should to disavow the non-canonical actions of Bp Irenei performed during the period of the schism.* Specifically:

- ROCOR should to dissociate itself from the claims of Bp Irenei's Notice № 390/E of 26 February 2021, clarifying both that it recognises the priesthood of Fr Jacob Siemens, and that it disavows any accusation of Metr John of Dubna as being somehow guilty of "spiritual deception."
- ROCOR should recognise that, due to the schism initiated by Bp Irenei, there did not exist regular canonical unity between the ROCOR Diocese and the MP Archdiocese during August 2021, so that, as a consequence, the transfer of clergy from ROCOR to the MP Archdiocese during that month did not require the transmission of letters of release, but rather is entirely canonical, *κατ' οἰκονομίαν*.
- ROCOR should declare null and void all recriminatory actions undertaken by Bp Irenei against the clergy who transferred to the MP Archdiocese to escape his schism.

**(ii) What is needed for Reconciliation over the Proximate Issues which led to the Schism.**

43. With respect to the proximate issues which led to the schism of the ROCOR Diocese from the MP Archdiocese, here again the principal responsibility lies with ROCOR. This schism arose through Bp Irenei's rejection of the Russian Orthodox practice of receiving Catholic Priests into the Orthodox Church by vesting and concelebration – a practice attested by multiple canonised Russian Orthodox saints. Here, *ROCOR needs to clarify that, as a Church, it recognises the legitimacy of this Russian Orthodox practice, and that as such it recognises the reality that a Catholic Priest received by vesting and concelebration is thereby constituted as an Orthodox Priest.* This, of course, does not mean that there is no room for continuing disagreements or differences in estimation regarding, for example, what is to be considered as best practice, or indeed as normal practice, in the reception of Catholic Priests into the Orthodox Church. What it does require is a recognition that an Orthodox Priest who has been thus received is not a "non-Priest," lacking the grace of ordination.

**(iii) The Need for Deeper Discussion.**

44. With respect to further discussion and dialogue concerning the underlying issues that led to this schism, matters are more complicated.

45. There is a need for frank discussion and dialogue regarding ROCOR's continuing commitment to the 2007 *Act of Canonical Communion*. Schism should be an absolute last resort, not something into which a Bishop jumps in a period of just over four weeks. But the speed, if not eagerness, with which Bp Irenei Steenberg, as a ROCOR Bishop, instituted a schism with an Archdiocese of the Moscow Patriarchate, and thereby jeopardised the unity of the Russian Orthodox Church more broadly, suggests that such a course of action enjoys broader support within ROCOR. And the *Act of Canonical Communion* will not remain viable if ROCOR Bishops are so quick to jump into schism whenever a Diocese of the Moscow Patriarchate does not fall into line with their criticisms. As such, the events of Bp Irenei's schism call forth a need for ROCOR to make clear its continued commitment to the *Act of Canonical Communion*, and hence its commitment to sacramental communion and canonical unity with the larger Russian Orthodox Church, whose internal practices and theology is not always the same as that of ROCOR.

46. There is also clearly a need for serious discussion and dialogue between ROCOR and the Moscow Patriarchate (including the MP Archdiocese) regarding the question of the reception of heterodox – a question on which ROCOR, particularly in North America, has come to differ greatly from the Moscow Patriarchate. But such a dialogue cannot be simply a one-way criticism, in which primarily North American ROCOR participants survey the history of the Moscow Patriarchate's practice, making criticisms on points where such practice differs from their own. Rather, what is especially needed at this point is to consider how ROCOR's sacramental theology and practice has come to diverge so greatly from the Moscow Patriarchate's practice that a ROCOR Bishop could lead his Diocese into schism from an Archdiocese of the Moscow Patriarchate, ostensibly to "protect" his Diocese from the standard practice of the Russian Orthodox Church itself. Here, in particular, there is need for a serious consideration of the transformation of North American ROCOR's sacramental theology since approximately the late 1960s, particularly under the influence of Greek Old Calendarist thought. A discussion on the question of reception with reference to ROCOR can only be fruitful if there is an understanding of how Greek Old Calendarists were able to lead substantial elements of ROCOR to reject the settled sacramental traditions of the Russian Orthodox Church – the very Church whose traditions ROCOR was established to preserve – in favour of extreme positions of modern Greek origin which diverge so greatly from Russian Orthodox tradition. It is to be hoped that – through such a consideration, in which not only do ROCOR participants offer criticisms the Moscow Patriarchate's historical particularities, but in which the Moscow Patriarchate's participants criticise these historical transformations in ROCOR – a new clarity would be achieved, across the Russian Orthodox Church, of the need to hold fast to the standard Russian Orthodox practices regarding reception, as these are expressed not only in the liturgical books of the Moscow Patriarchate, but above all in the living witness of Russian Orthodox saints such as St Tikhon of Moscow and St Alexis of Wilkes-Barre.

Feast of St Michael, First Metropolitan of Kiev.  
30 September / 13 October, 2021.