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The Authority of Canons at the Birth and Rebirth of the Russian Patriarchate: St Meletius Pigas at the Council of Constantinople in 1593 and St Hilarion Troitsky at the Council of Moscow in 1917

“I think it worthy that this holy and great Council judges it right that the throne of the most devout and Orthodox city of Moscow be and be called Patriarchate (...), that all Russia and the northern regions be subordinate to the Patriarchal throne of Moscow and of the northern regions (...), that [the Bishop of Moscow] be and be called brother of the Orthodox Patriarchs, (...) [being] of the same rank and holder of a throne equal in order and dignity”.¹ At these words of St Meletius Pigas, Pope and Patriarch of Alexandria and Judge of the Ecumene (Κριτής τῆς Οἰκουμένης),² pronounced during the Council of Constantinople in February 1593, the whole assembly “with a spirit of solidarity and unanimity said: ‘Since this has been established according to the sacred laws, we all together approve it wholeheartedly’”.³

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¹ “Δίκαιον οὖν κρίνω καὶ τὴν ἁγίαν ταύτην καὶ μεγάλην Σύνοδος κρίνει ἀξιώ, τὸν θρόνον τῆς εὐσεβεστάτης καὶ ὀρθοδόξου πόλεως Μοσκόβου εἶναι τε καὶ λέγεσθαι Πατριαρχεῖον... πᾶσαν τε Ῥωσίαν, καὶ τὰ ὑπερβόρεια μέρη ὑποτάττεσθαι τῷ Πατριαρχικῷ θρόνῳ Μοσκόβου καὶ πάσης Ῥωσίας, καὶ τῶν ὑπερβόρειων μερῶν... ἀδελφόν τε εἶναι καὶ λέγεσθαι ὀρθοδόξων Πατριαρχῶν... ὁμοταγῆ καὶ σύνθρονον ἴσον τε τῇ τάξει καὶ τῇ ἀξίᾳ”: *Πράξις συνοδική ἐν ἣ ἀποβολή τοῦ νέου καλενταρίου, ἧτοι τῆς περὶ τὸ Πάσχα Λατίνων καινοτομίας*, in: Dositheos of Jerusalem, *Tomos agarēs*, 541-547: 545, ll. 7-25.

² Kyrillos (Kogerakēs), *Hagios Meletios o Pēgas*.

³ “Ἡ ἁγία Σύνοδος ὁμοθυμαδὸν εἶπε· τοῦτο ἐπειδὴ κατὰ τοὺς ἱεροὺς νόμους κέκριται, ἅπαντες στέργομεν”: *Πράξις συνοδική*, 545, ll. 32-34.

One Patriarchate, Two Councils

Any update of the jurisdictional framework of the universal Church, sanctioned by a Council, required the deliberation of a subsequent Ecumenical Council: thus, the prerogatives of jurisdiction or honour, recognised to the great episcopal sees by the Councils of Nicaea (325) and Constantinople (381), were only extended by the Council of Chalcedon (451) and confirmed by the Second Council in Trullo (691/692), which – through Canon 36 – gave formal ratification to the Pentarchy of Patriarchs.⁴ Therefore, when the establishment of the Moscow Patriarchate took place in 1589, the ratification of a general Council became necessary to further update the ecclesiastical-jurisdictional structure and adapt it to the changes in the historical and geo-political profile of Orthodoxy. This happened at the Council of 1593, gathered in Constantinople in the church of the Mother of God, known as the Church of the Consolation (τῆς Παραμυθίας), probably the Παναγία τῶν Παλατίων in the palace of the voivode of Wallachia, patriarchal see from 1587 to 1597 and known as Βλὰχ Σαρᾶι. The pan-Orthodox character of this “holy and sacred great Council (ἁγία καὶ ἱερὰ μεγάλη σύνοδος)” was granted by the participation not only of the Ecumenical Patriarch Jeremiah II Tranos and the Alexandrian Meletius, but also of the Patriarch of Jerusalem Sophronius IV, of the former Patriarch of Antioch Joachim IV ibn Daou (legate of the new Patriarch of Antioch Joachim V ibn Ziâdé), and of the “most sacred bishops from every eparchy of the Eastern Orthodox Church”, as we read in the synodal πράξεις, which reports the minutes of the Council. It was published by Patriarch Dositheos II Skarpetis of Jerusalem in Iași in 1689, in his *Τόμος ἀγάπης κατὰ Λατίνων*, where one can find it, almost hidden among documents related to the controversy against the new Gregorian calendar, unilaterally reformed by the Roman Papacy.

Thus, when the widespread aspiration to restore to the Russian Church the patriarchal dignity, which Tsar Peter I’s ecclesiastical reform had taken away from it (just over a century after its foundation), was realised in 1917, a pan-Orthodox resolution was no longer canonically necessary, but a decision taken by a local council was sufficient. The occasion was the memorable local Council that took place in Moscow, after a long and tormented preparation, from August 1917 to September 1918.⁵ In the course of the lively debate, which saw different opinions opposing

⁴ *Concilium Trullanum (691/692), Canones, XXXVI. De honoris ordine patriarcharum*, in: *Conciliorum Oecumenicorum Generaliumque Decreta*, I, 255, ll. 1373-1390; Nedungatt, Featherstone, *The Council in Trullo*, 114; Joannou, *Discipline générale antique*, I, 1, 170.

⁵ Carpifavé, *Un concilio nella rivoluzione*; Destivelle, *Le concile de Moscou*; Pospelovskij, Schulz, Cypin, Legrand, *Il concilio di Mosca*; Schulz, *Das Landeskonzil der orthodoxen Kirche*.

each other on the advisability of once again having a Patriarch at the head of the Russian Church, there was a deservedly famous speech by Archimandrite Hilarion Troitsky, then a professor at the Moscow Theological Academy.⁶ The future bishop and martyr, with felicitous rhetoric, identified the empty patriarchal stone throne in the Kremlin's Dormition Cathedral (*Uspensky Sobor*) as the Russian people's "Wailing Wall" for the long widowhood of its first episcopal chair, as the place where "the Russian Orthodox heart beats, lacerated by the beak [of the eagle] of the imperial autocracy, when the sacrilegious hand of the impious Peter removed the primate of the Russian Church from his post, held for more than a century".⁷

If one compares this speech at the Moscow Council with the one of St Meletius Pigas at the Constantinopolitan Synod of 1593 – both conducted almost exclusively on the thread of canonical argumentation – one can see how the normative authorities quoted are partly coincident in parts that cannot be deemed as negligible (they are Canons 6 of Nicaea,⁸ 28 of Chalcedon⁹ – including Canon 3 of Constantinople¹⁰ – and Canon 34¹¹ of the Apostles¹²). On the other hand, their use even in the convergence towards a common goal (i.e. the existence of a Patriarchate in Moscow) reveals, in Constantinople and in Moscow, perspectives and problems, which, more than three centuries later, appear very different. Let us anticipate immediately that, even if it is a difference that can be explained by the different typology of the two Councils – general the one and local the other – St Meletius Pigas refers only to the structure of the universal Church, that is to the number and order of the Patriarchal Sees, and he adapts to this purpose – even with obvious strains – all the norms he cites. Instead, St Hilarion Troitsky consid-

⁶ Damaskin, (Orlovskij), "Svjaščennomučenik Ilarion (Troickij)".

⁷ *Dejanija Svjaščennogo Sobora*, II. *Dejanija XVII-XXX* (1994): XXIX, 372-378. See: *Svjaščennyj Sobor, Obzor dejanij*, 94-96. For the Italian translation of this speech, see: Carpifave, *Un concilio nella rivoluzione*, 138-145.

⁸ *Concilium Nicaenum I (325)*, *Canones*, VI. *De primatibus episcoporum*, in: *Conciliorum Oecumenicorum Generaliumque Decreta*, I, 23, ll. 135-158; Joannou, *Discipline générale antique*, I, 1, 28, l. 11-29, l. 13.

⁹ *Concilium Chalcedonense (451)*, *Canones*, XXVIII. *Votum de primatu sedis Constantinopolitanae*, in: *Conciliorum Oecumenicorum Generaliumque Decreta*, I, 150-151, ll. 854-900; Joannou, *Discipline générale antique*, I, 1, 90-93.

¹⁰ *Concilium Constantinopolitanum I (381)*, *Canones*, III. *Ut secundus post Romanum episcopum Constantinopolis episcopus sit*, in: *Conciliorum Oecumenicorum Generaliumque Decreta*, I, 66, ll. 344-350; Joannou, *Discipline générale antique*, I, 1, 47, l. 18-48, l. 3.

¹¹ *Canones Apostolorum*, XXXIV. *De primatu episcoporum*, in: Metzger, *Les Constitutions apostoliques*, III, 284; Joannou, *Discipline générale antique*, I, 2, 24, ll. 1-15; Funk, *Didascalia et Constitutiones Apostolorum*, II, 572-574. On this Canon, see Morini, "Primacia y sinodalidad"; Lanne, "Le canon 34 des Apôtres".

¹² Ceccarelli Morolli, "Eighty-five Canons of the Apostles"; Id., "Alcune riflessioni"; Nautin, "Canoni Apostolici (gli 85)"; Mühlsteiger, "Die sogenannten 'Canones Apostolorum'"; Nau, "Canon des Apôtres".

ers exclusively the particular Church and, with an absolutely correct interpretation, sees in those same canons the primary intent of safeguarding the ecclesiastical autonomy of local jurisdictions and, above all, the need for a Primacy in them.

St Meletius Pigas in 1593: “No Empire without a Patriarch”

The canonical legislation is presented by St Meletius in his second conciliar discourse, where he scrupulously enumerates all the canons that have progressively ratified the gradual establishment of the Patriarchal system in the Church, starting from Canons 6 and 7 of the first Synod of Nicaea. In the first of these two Nicene canons he sees the explicit ratification of “certain ancient customs (παλαιᾶ... συνηθεία)”, in which “the structure of the Patriarchal thrones” had already been “sketched out in broad outline (ἡ τῶν πατριαρχικῶν θρόνων κατάστασις... προχαραχθεῖσα)”.¹³ This is undoubtedly a certain straining, since the main purpose of Canon 6 was – as is clear from its second part – to safeguard the jurisdictional autonomy of the ecclesiastical provinces, prohibiting any intervention within them by the metropolitans of other provinces. However, by guaranteeing a more extensive jurisdictional space to the three great metropolises of Rome, Alexandria and Antioch, the council undoubtedly opened the way for a similar evolution in other civil dioceses, thus configuring the Patriarchal structure. Furthermore, in Canon 2 of the Council of Constantinople, in 381, the Council’s Fathers had interpreted in the same way the sixth Nicene Canon, which not by chance, already in the 5th century, for Socrates Scholasticus represented in a certain sense the constitutive norm of the Patriarchates.¹⁴ On the other hand, the subsequent reference to Canon 7 of the Nicene synod, which conferred to the Bishop of Jerusalem (*Aelia*) not jurisdictional powers, but a purely honorific primacy in the province of *Palaestina Prima*, is entirely inappropriate.¹⁵

The Holy City, together with Constantinople, was to obtain a precise patriarchal configuration in 451, at the Council of Chalcedon, and the so-called Canon 28 of that ecumenical synod was identified by St Meletius Pigas as the key factor justifying the creation of the Russian Patriarchate. The content of this canon con-

¹³ *Πράξις συνοδική*, 543, ll. 35-36.

¹⁴ Socrates Scholasticus, *Historia Ecclesiastica*, V, VIII, 14, in: *Socrates Kirchengeschichte*, 280, ll. 14-16 = Maraval, Socrate de Constantinople, *Histoire ecclésiastique*, III, 170, ll. 39-42.

¹⁵ *Πράξις συνοδική*, 544, ll. 4-7; *Concilium Nicaenum I (325)*, Canones, VII. *De honore episcopi Heliae, id est Hierusolimae*, in: *Conciliorum Oecumenicorum Generaliumque Decreta*, I, 23, ll. 159-166; Joannou, *Discipline générale antique*, I, 1, 29, ll. 14-20.

sisted in substantially conferring full Patriarchal dignity to Constantinople, with the attribution of the relative territorial configuration. The Chalcedonian Fathers had explicitly based the Constantinopolitan “Patriarchate” on Canon 3 of the second ecumenical council of 381, which attributed to the New Rome, as the new imperial city after the First Rome, a primacy of honor in the whole Church. Therefore, for the cultured Alexandrian Patriarch, it is the imperial dignity of Moscow that gives canonical legitimacy to the elevation of the Russian autocephalous Church to the status of Patriarchate. Thus he expressed himself: “I therefore judge it right that the very orthodox city of Moscow, adorned (...) by royal grace, should also in ecclesiastical affairs see its rank elevated according to Canon 28 of the 4th council”;¹⁶ and further on: “I therefore judge it right that the throne of the most devout and orthodox city of Moscow be and be called Patriarchate due to the fact that God has found this territory worthy of the Empire”.¹⁷ Therefore, the conferral of Patriarchal dignity to Moscow was in no way a deplorable novelty for the Pope of Alexandria, but a further application of the authoritative Chalcedonian Canon 28. It was based on the fact that the four Patriarchates no longer had an Empire of reference, while there was an Orthodox Empire that had no Patriarchate. For this reason, it can be said that the creation of the Patriarchate of the Third Rome followed a path already indicated for the Second Rome. The almost mechanical transposition to Russia of the norm sanctioned for Constantinople, also emerges, with all evidence, from the literal reprise – in the technical formula which Meletius proposes to the Council to ratify the creation of the Moscow Patriarchate – of the expression “to be elevated also in the ecclesiastical sphere (καὶ ἐν τοῖς ἐκκλησιαστικαῖς μεγαλύνεσθαι πράγμασι)”,¹⁸ used precisely by the Chalcedonian legislators with regard to Constantinople.

Completing the canonical *dossier* presented to the Council by St Meletius, one finds, at the end of his second speech, Canon 34 of the so-called Collection of the Apostles.¹⁹ The Canon was not used to give a foundation to the Moscow Patriarchal dignity, but to validate the extension of the jurisdictional authority of the new Patriarch over the whole of Rus’ – here identified also with the epithet of “northern regions” (τὰ ὑπερβόρεια μέρη)²⁰ – as constituting a differentiated ethnic group (ἔθνος, in the Canon) within the Orthodox ecumene.

¹⁶ *Πράξεις συνοδική*, 544, ll.11-13.

¹⁷ *Πράξεις συνοδική*, 545, ll. 7-10.

¹⁸ See fnt 16.

¹⁹ *Πράξεις συνοδική*, 545, ll. 17-23.

²⁰ See fnt 1.

St Hilarion Troitsky in 1917: “No Church without a Primate”

This same “Apostolic” Canon 34 is instead the heart of St Hilarion Troitsky’s discourse at the Council of Moscow on October 23th, 1917, a speech in favor of the reestablishment of the Moscow Patriarchate. The Canon unequivocally affirms the absolute co-essentiality, within a particular Church, of the primate and the synodal system: in the ecclesiastical government the one (the primate) can do nothing without the many (the episcopal body) and *vice versa*. According to this principle, the Canon lays the foundation of a correct ecclesiology, expressed in a mystical balance, explicitly referring to the coexistence of unity and multiplicity in the mystery of the Holy Trinity. Here too one recognizes a certain stretching, since the Canon originally refers to the Church of a province, outlining the perfect, almost metaphysical, balance of authority that had to exist there between the Metropolitan and the Synod of its bishops. Once the general principle has been established, it is perfectly legitimate to extend its validity to every level of ecclesial communion, from an autocephalous Church or a Patriarchate to the universal Church. St Hilarion assumes this principle in the context of a lively discussion on the restoration of Patriarchal primacy in the Russian Church, a Church which, moreover, had been governed for almost two centuries by a spurious form of the synodal system. He states that the very authority of this canon “firmly demands a Patriarchate in every local Church”.

The prescriptions of this canon are therefore perfectly functional to his proposal of a perfectly balanced ideal of ecclesiastical government, distant from the authoritarianism experienced in Russia during the period of patriarchal government (1589-1700). And the main argument, put forward at the Council by the speakers opposed to the re-establishment of the Patriarchate was precisely the deplorable excesses in the exercise of primacy by Patriarch Nikon (1652-1666). Thus, Apostolic Canon 34 provided St Iliarion with a model of ecclesiastical government, that tempered the authority of the Patriarch with that of the local Council (*pomestny sobor*, the supreme governing body of the Russian Church), and the authority of the Council with the charisma of government of the Patriarch. Any ecclesiological imbalance was thus avoided, due to the faculty of the local Council to establish the extent and limits of Patriarchal competences. In fact – as can be seen from a subsequent resumption of this Canon towards the end of his discourse – Hilarion interprets the Apostolic Canon as an implicit disavowal of the excess of primacy characteristic of the form of ecclesial government of

Ancient Rome, which he defines as “Papism”. At the same time, he complains that the Orthodox side never appeals to the authority of this Canon in the controversy with the Latins. In conclusion, he states that “it is not ‘Papist’ tendencies that demand the restoration of the Patriarchate (as argued by the speakers opposed to the project), but the Orthodox ecclesial conscience”.

Also, starting from the premise, stated at the beginning of his speech, that “the plagues in the government of the Russian Church were the consequence of a deviation from strict conformity to the canons”, St Hilarion vigorously disputes the previous assertion of Archpriest N.P. Dobronravov that the canons said nothing about the Patriarchates. Therefore, he reconstructed the subsequent phases of ecclesial aggregation, which led first to the formation of the Metropolitanates and then of the Patriarchates, respectively on the basis of the provinces and civil dioceses, based on the correct intuition that originally the individual ecclesiastical provinces were completely independent, that is, autocephalous.

Some canons of the general and provincial Councils ratify this process of aggregation, and with extreme precision St Hilarion mentions those expressly dedicated to the government of the particular Churches, starting with the Canons of the Council of Antioch in 341. Canon 9 of this Council protects both the independence of the individual Bishop and the authority of the Metropolitan;²¹ Canon 16 defines the provincial synod as “perfect (τελεία)”, i.e. legitimate, only if the Metropolitan is present;²² Canons 17²³ and 18²⁴ testify to the broad competences of this “perfect” synod; Canon 19 prescribes that a local Bishop must be elected by the majority of the provincial synod with the indispensable presence of the Metropolitan²⁵, and Canon 20 forbids the Bishops to meet in synod if not under the presidency of the Metropolitan.²⁶ Hilarion also quotes Canon 14 of the Council of Serdica in 343, which establishes the right of a cleric excommuni-

²¹ *Synodus Antiochena (341), Canones, IX. De metropolitanis singularium provinciarum*, in: Joannou, *Discipline générale antique*, I, 2, 110, l. 16-111, l. 23.

²² *Synodus Antiochena (341), Canones, XVI. De vacantibus*, in: Joannou, *Discipline générale antique*, I, 2, 117, ll. 1-13.

²³ *Synodus Antiochena (341), Canones, XVII. De his qui, cum ad episcopatum convocantur, evitant*, in: Joannou, *Discipline générale antique*, I, 2, 117, l. 15-118, l. 3.

²⁴ *Synodus Antiochena (341), Canones, XVIII. De his qui promoventur ad episcopatum nec recipiuntur*, in: Joannou, *Discipline générale antique*, I, 2, 118, ll. 5-18.

²⁵ *Synodus Antiochena (341), Canones, XIX. De episcopalibus in provinciis ordinationibus*, in: Joannou, *Discipline générale antique*, I, 2, 119, ll. 1-25.

²⁶ *Synodus Antiochena (341), Canones, XX. De synodis quae debent ab episcopis suis temporibus in provinciis celebrari*, in: Joannou, *Discipline générale antique*, I, 2, 120, l. 1-121, l. 2.

cated by his own Bishop to appeal to the Metropolitan of his province or, if he is absent, to the metropolitan of the nearest province.²⁷

St Hilarion's main concern is to demonstrate that canon law does not provide for a local Church without a primate and, on the basis of this principle, that the synodal system, introduced by Peter the Great in the Russian Church, was in fact a blatant counterfeit of Orthodox ecclesiology, indeed a dangerous deviation from the structure established, once and for all, by the conciliar legislation of the early Church. For this reason, in his appeal to canonical legislation, he does not consider so much the canons that progressively outlined and sanctioned the Patriarchal system (i.e. Nicaea 6 and 7, Constantinople 3 and Chalcedon 28), but rather those that reaffirmed the independence of Churches assuming direct jurisdiction over several ecclesiastical provinces, and that – above all – ratified the necessary presence in these same Churches of a primate, later called Patriarch. Thus, from the Council of Constantinople in 381, he quotes Canon 2 and Canon 6. The first, while reaffirming the independence of individual ecclesiastical jurisdictions, confirmed the super-metropolitan authority of the Archbishops of Alexandria and Antioch, adding to it that of the “Exarchs” of Ephesus in Asia, Caesarea in Pontus and Heraclea in Thrace.²⁸ The second had a reference to the possibility of a synod of the civil diocese (which then included several metropolises) to judge the Bishops, in cases where the provincial synod felt incompetent.²⁹ Canon 28 of Chalcedon is also cited by Hilarion because, while establishing the Patriarchate of Constantinople, it affirms the presence, in the ecclesiastical-jurisdictional sphere of the New Rome, of the aforementioned Exarchs of Caesarea, Ephesus and Heraclea, who already enjoyed jurisdiction over the metropolises of Pontus, Asia and Thrace respectively. The relevance of all these canons lies, in the context of St Hilarion Troitsky's speech, in their testimony that “the government of the local Church by a primate was considered a necessary complement, as a kind of fulfillment of *sobornost'* (*conciliaritas*)”.

In conclusion, just as the general Council, held in Constantinople in 1593, had established the Russian Patriarchate in accordance with the spirit of the con-

²⁷ *Synodus Sardicensis (343)*, *Canones*, XIV. *De his qui excommunicantur apud vicinos episcopos audiendis*, in: Joannou, *Discipline générale antique*, I, 2, 179, l. 10-181, l. 12.

²⁸ *Concilium Constantinopolitanum I (381)*, *Canones*, II. *De dispositione singularium dioeceseon, et de privilegiis quae Alexandrinis, Anthiocenis Constantinopolitanisque debentur*, in: *Conciliorum Oecumenicorum Generaliumque Decreta*, I, 65, ll. 309-343; Joannou, *Discipline générale antique*, I, 1, 47, l. 8-48, l. 18.

²⁹ *Concilium Constantinopolitanum I (381)*, *Canones*, VI. *Quinam ad accusationem contra episcopos vel clericos recipiendi sint*, in *Conciliorum Oecumenicorum Generaliumque Decreta*, I, 66-68, ll. 370-460; Joannou, *Discipline générale antique*, I, 1, 49, l. 4-53, l. 3.

ciliar legislation, so the local Council, held in Moscow in 1917, would restore it in a form tempered by *sobornost'* (*conciliaritas*). The precious indications provided by St Hilarion Troitsky were therefore substantially acknowledged, in a conscious awareness of the reciprocal implication between primacy and the synodal system, expressly required by the legislation of the Church of the Fathers.

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