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Mirroring the Majority?

The Legal Understanding of Finnish Orthodoxy and the 1923 Tomos in the Light of the 1925 Government Decree



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Abstract

This article places particular emphasis on examining the legislative repercussions and interpretations of the 1923 Patriarchal Tomos, a document that played a crucial role in facilitating this transitional period. The first instance of the 1925 government decree marked the beginning of a series of decrees aimed at comprehensively addressing the new circumstances. These included the recognition of the authority of an independent republic, the modification of the Patriarchate, and the provisions outlined in the Tomos. In the context of this article, my research objective is to examine how the process of transforming the Archdiocese into a national minority state church unfolded, particularly in relation to the 1925 Decree and, more specifically, concerning the 1923 Tomos.

Throughout these legislative shifts, distinctive Orthodox features were not only preserved but also, to some extent, protected and accentuated. This was evident not only in the legal frameworks but also in the interpretations endorsed by the Orthodox community. In these complex processes, the boundaries between the realms became intertwined: the Orthodox entity underwent a process of nationalization, while at the same time the State of Finland became intertwined with the principles and organizational framework of Orthodox canon law. These developments underline the need for continued research endeavors in this area.

Introduction and Research Question

Following the declaration of Finnish independence in 1917, the Orthodox minority of the former Grand Duchy in the Russian Empire had to undergo legislative changes in which the former Archdiocese was

adapted to new political and state realities. This article pays particular attention to the impact and interpretation of the 1923 Patriarchal *Tomos*, which became essential in the transition.¹

The Government Decree of 1925² was the first of the decrees that addressed the new situation in its entirety:³ the authority of an independent republic, the change of the Patriarchate, and the stipulations of the *Tomos*. The government issued a total of four decrees concerning the Orthodox in Finland on the same day, 14 January 1925. The most important of these was the revision of the decree of 1918, no. 47, which largely reshaped and surpassed the earlier decrees.⁴ I shall refer to this as the Decree of 14.1.1925, or simply the (Government) Decree of 1925.

The Decree of 1925 on the Orthodox Archdiocese in the Republic of Finland is particularly interesting because it was the first attempt to combine Orthodox peculiarities and existing models of legislation for a socially and politically *significant enough* religious organization within the framework of new constitutional legislation.⁵ It offers a perspective on how a relatively small religious minority (approximately 2% of the population at the time) was integrated into the legal framework of the young Republic. The situation was far from easy for the Orthodox. In the late nineteenth and early twentieth centuries, they had been subjected to the unifying policies of the Russian Empire and even made instruments of these policies – in the Grand Duchy of Finland known as the “Times of Oppression.”⁶

Both Setälä’s (1966) and Nokelainen’s (2010) dissertations focus largely on political decision-making and state relations in shaping of

1 See the 1923 *Tomos*. “*Tomos*” (Greek “section”) is an official Patriarchal document, a decision of the Synod of the Patriarchate, in this case defining the position, responsibilities, and rights of a local church.

2 Decree 14.1.1925.

3 As Metropolitan John (1988, 273) pointed out, the 1918 Decree left the canonical situation of the Local Church deliberately open.

4 Decree 14.1.1925. No. 47. See the abolished earlier regulations of 1918, catalogued at the entry of the decree.

5 After the ratification of the *Tomos* in August 1923 the Finnish Government set up a committee that worked until November of that year to revise the 1918 Decree in order to bring it into line with the *Tomos*. See Metropolitan John 1988, 281.

6 Vahtola 2003, 239–256.

the position of the denomination. Previous research has also emphasized the control of the state in the early proceedings and documents of the twentieth century and the situation in which the minority was regarded as a potential fifth column, a politically dangerous Russian element within the new Republic.⁷ There were public calls for nationalization and state initiatives to nationalize the minority's deviant habits, including priestly vestments, elements of worship, and church interiors. A special committee was set up for this purpose by the Local Church Synod in 1925, and it functioned from functional 1925 to 1935.⁸

Minorities can be required or invited to adapt and modify their practices in and through historical events, and in these processes, hegemonies⁹ can be (re)negotiated, established, and reconsidered. Consent and persuasion become evident. The full corpus of the 1925 Decree with all its aspects is too extensive to be analyzed in its entirety within the scope of this article. The decree consists of a total of 264 sections dealing with "General Regulations"¹⁰ (i.e. the basic power relations), "The Synod of the Greek Catholic Denomination,"¹¹ "The

7 Setälä 1966, 189–190; Metropolitan John 1988, 271; Frilander 1997, 90–91 (concerning the involvement of the "Searching Central Police", i.e., the secret police, in the calendar crisis of 1925); Nokelainen 2010, 155–156, 158–176. See also p. 248.

8 On the efforts of "nationalization" see Laitila 2004, 226–243; Kemppi 2016, 138–168; Metropolitan John 1988, 272.

9 On the concept, see Reiter 2016, 1–5; Fontana 1993, 140 "Hegemony is defined by [Antonio] Gramsci as intellectual and moral leadership (direzione) whose principal constituting elements are consent and persuasion. A social group or class can be said to assume a hegemonic role to the extent that it articulates and proliferates throughout society cultural and ideological belief systems whose teachings are accepted as universally valid by the general population. Ideology, culture, philosophy, and their 'organizers' — the intellectuals — are thus intrinsic to the notion of hegemony. Since, to Gramsci, reality is perceived, and knowledge is acquired, through moral, cultural, and ideological 'prisms' or 'filters' by means of which society acquires form and meaning, hegemony necessarily implies the creation of a particular structure of knowledge and a particular system of values. The social group or class that is capable of forming its own particular knowledge and value systems, and of transforming them into general and universally applicable conceptions of the world, is the group that exercises intellectual and moral leadership."

10 Decree 1925, § 1–15.

11 Decree 1925, § 16–62.

Administration of the Greek Catholic Denomination,"¹² "The Election of Church Officials,"¹³ "The Episcopate,"¹⁴ "The Offices of the Priests,"¹⁵ including "Christian Education" and matters of parish administration, "Itinerant Priests,"¹⁶ "Parish Administration,"¹⁷ and "Specific Regulations"¹⁸.

With these questions and sources in mind, my research objective here is to ask how the adaptation of the Archdiocese into a national minority state church was realized in terms of the 1925 Decree and, more specifically, in terms of the 1923 Tomos. Which hegemonic agencies and structures emerged as identifiable within these sources, and by what means did they manifest themselves? With this goal in mind, my first task is to examine the antecedent legislation, the prevailing political currents, the significant historical events, and the developmental trajectory of society and culture. Together, these factors formed the basis for the emerging restructuring of the hegemonic dynamics between the Church, the State, the Karelian-Finnish people, and the Patriarchate in the new environment. Following this analysis, I will elaborate on my primary findings, focusing on the decree that was forged as a result in 1925.¹⁹

12 Decree 1925, § 63–96.

13 Decree 1925, § 97–121.

14 Decree 1925, § 122–139.

15 Decree 1925, § 140–189.

16 Decree 1925, § 190–195.

17 Decree 1925, § 196–261.

18 Decree 1925, § 262–264.

19 This article will focus primarily on investigating the outcome of the Decree, rather than delving into its preparatory stages. The latter constitutes a separate and substantial study. In addition, there are several interesting provisions in the 1925 Decree that touched on priestly and parish activities and premises, lay participation in administration, possible Lutheran influences (relationship to the 1869 Church Law), ecclesiastical jurisprudence, language, and other issues, but I will deal with these later in another article.

Antecedent Legislation and Influential Historical Background

The Significance of Previous Decrees and Laws (1826–1918)

The 1925 Decree was by no means in isolation from earlier legislation. After the separation from Sweden in 1809, the Grand Duchy of Finland had already issued a decree in 1826 on the ecclesiastical courts for Orthodox clerks and officials.²⁰ In the late nineteenth century, the Decree of 1883 dealt with the question of language and certain practical and economic issues concerning Orthodox parishes (and the question of establishing primary schools for children),²¹ and the Decree of 1895 provided for the establishment of an Orthodox diocese in Finland, Vyborg.²²

Several imperial Decrees regulating educational issues matters were of religious and cultural importance: the Imperial Decree of 15 August 1895 on Russian-language schools,²³ the Decrees of 4 February 1904 and 11 February 1904 on Russian Orthodox school holidays²⁴ and facilitating the establishment of Russian-language children's schools.²⁵ Most important for the inhabitants of the Grand Duchy of Finland, however, was the 1866 Decree on Elementary Schools, which created a largely equal basis for elementary education. Religion was an essential part of the curriculum, but with an implicit Lutheran flavour.²⁶ The development of primary education was an issue of the time, which also affected the Orthodox, and slowly began to create more equal educational opportunities for the population of the Grand Duchy of Finland.

After the turn of the century, the Russian Imperial Decrees of 17 April 1905 and 17 October 1906 on Religious Tolerance meant that the Orthodox of the Empire had to adapt to legal coexistence

20 Decree 25.11.1826.

21 Decree 5.3.1883.

22 Decree 4.12.1895.

23 Decree 15.8.1895.

24 Decree 4.2.1904.

25 Decree 11.2.1904.

26 Decree 11.5.1866. See, e.g., § 24 of the seminar curriculum: "piipliän historia ja raamattu taito; kristillinen uskonto- ja siveys-oppi".

with other religions, especially the Old Believers.²⁷ The 1905 Decree mainly regulated parish meetings and administration.²⁸

The country's move towards parliamentary democracy was fundamentally shaped by the parliamentary reform of 1906, which created both a unicameral parliament and equal suffrage.²⁹ These were the cornerstones of social and political thought at the time.

All these pre-independence legal documents (some of them peripheral and some of them essential) can be seen as essential elements in the legal inculturation of the minority in the Grand Duchy and in the larger framework of the Empire. They were formative in terms of both Lutheran-Orthodox relations and the emerging ideas of the time: popular education, nationalism, and popular rights and participation in administration.

After independence in 1917, the Decree of 1918 already regulated in detail the administration, jurisprudence, various religious activities, and the position of the Archdiocese in the new Republic.³⁰ It was a clear sign that the close relationship between the minority church and the state was considered important. However, the relationship of the Archdiocese with the Patriarchate, was written in 1918 in an open manner to authorize future autocephaly or autonomy.³¹ It has even been stated that with the 1918 decree the government could have created an Orthodox denomination in Finland.³² I find this interpretation to be exaggerated.

27 Pospelovsky 1998, 185; Shevzov 2004, 12; Liviu 2011, 208. See also Loima (2004, 138) according to whom approximately 2000 members left the Orthodox Church in the Grand Duchy between 1905 and 1909 in connection with the decrees.

28 Decree 17.(4.)12.1905; Laitila 2004, 128.

29 Jutikkala & Pirinen 2003, 373–374.

30 Decree 26.11.1918.

31 See Phidas 1998, 113–138; Felmy 1980, 1–4. Basically, these terms make a distinction between the degree of limited or more complete and self-sufficient autonomy of a local Church. Decree 26.11.1918, § 2: “--- The denomination is authorized to organize its spiritual affairs and canonical-religious relations independently.” Nokelainen 2010, 137–139.

32 Nokelainen 2010, the headline of Ch. IV, p. 106, 246; Setälä 1966, 47.

The 1925 Decree and the Process of Constitutionalization (1919–)

In 1923, two decrees dealt with the official – Finnish – language of the Orthodox in Finland and the division of the diocese into two.³³ Finally, the Decree of 1925 not only dealt with patriarchal relationships, canon law, and Orthodox tradition, but was also in line with the guidelines and certain episcopal provisions established by the local Finnish Orthodox Synod in 1922.³⁴ However, it was the Constitution Act of 1919³⁵ and the Freedom of Religion Act of 1923³⁶ that provided the formative legal framework for the development of a minority state church.

The 1919 Act only recognized the special relationship of the Lutheran Church with the State (in the form of a special Church Law) in Chapter IX § 83, while all other religious denominations were to be subject to other, separate provisions.³⁷ The 1923 Law, on the other hand, recognized in its first chapter the special relationship of both the Lutheran and the Orthodox (“Greek Catholic”) Churches with the State.³⁸ This relationship was not a new invention, but a continuation of previous relationships between the Archdioceses, the former Empire, and the State of Finland.

The Decree of 1925 was published in 1935 in a compilation volume together with the Tomos of 1923, extracts from the canons and some other laws, decrees, and ecclesiastical regulations of importance to the Orthodox Church.³⁹ By compiling them, the editors brought together local, national, and canonical perspectives and stipulations, which now formed a volume that was used in the Clerical Seminary in Sortavala. It is obvious that the book was edited under the supervision and authorization of the Archbishop, the Synodal Office, and the state officials, since it was edited by the Rector of the Seminary and published by the Government Printing Office of Finland. In the preface,

33 Decree 3.3.1923. No. 80; Decree 29.12.1923. No. 293.

34 E.g., Valmo 1935, 50–53. See also, e.g., 62–64, 80, 81–82, 102–103 (on ordination, without reference to source).

35 17.7.1919 Suomen Hallitusmuoto.

36 10.3. 1922 Uskonnonvapauslaki [in power 1923].

37 17.7.1919 Suomen Hallitusmuoto, ch. IX § 83.

38 10.3. 1922 Uskonnonvapauslaki; Nokelainen 1999, 103.

39 Valmo 1935 passim.

the editor gave special thanks to the Ministry of Education for a grant and a permission to publish the volume in this way. A high official of the Ministry and the Secretary of the Synodal Office were mentioned with gratitude.⁴⁰

Political Currents, Independency, and the Civil War

The Russian Revolution of 1917, nationalism, and even the desire for a “Great Finland” (Suursuomi) played their part in the politics of the 1920s. The nationalism of the aftermath of the Civil War of 1918 had its influence.⁴¹ When the October Revolution shook the Empire and Finland became independent, the country’s internal tensions exploded in a brief but violent civil war in 1918. When the “White”, nationalist and non-socialist side emerged victorious, with the help of German troops, there was a deep-rooted dislike of Bolshevism, associated with anything Russian.⁴²

Imperial Russia’s quest for hegemony and suppression of Finnish nationalism was replaced by a quest for Finnish national hegemony. The nationalist Finnish Karelians and the Russian emigrants waiting for the restoration of Imperial Russia found themselves in a state of tension.⁴³ The political and military situation around St Petersburg, Ingria, and East Karelia was confusingly complicated, as White generals and Ingrians, together with British, Finnish, and Estonian forces, waged campaigns against the Soviet regime in 1919–1920. The Finns, however, were reluctant to act against St Petersburg.⁴⁴ The Sremski Karlovci Russian Refugee Synod⁴⁵ was not without influence in terms of opposition to the new position of Finnish Orthodoxy in the early 1920s.⁴⁶ This was the broader background to the efforts to nationalize the minority;

40 Valmo 1935, III–IV.

41 Vahtola 2003, 256–262. On the Orthodox and the civil war, see Nokelainen 2009.

42 Kemppi 2016, 56–61; Nokelainen 2010, 106–110; Nokelainen 2009, 124–129; Vahtola 2003, 256–262; Loima 2001, esp. 130–191.

43 Loima 1999, 148–149.

44 See Nokelainen 2010, 110; Zetterberg 2002, 359–362; Nevalainen 1996, 55–66, 95–109, 248–260.

45 The “temporary higher Russian Orthodox church administration abroad”, ROCA. See Hackel 2006, 542–546; Hackel 1999, 429–430.

46 Setälä 1966, 193–197; Frilander 1995, 77; Nokelainen 2010, 220.

to create a hegemonic unity in the nation-building processes that were deemed necessary after the separation from the Empire, the ensuing tragic civil war, and the then uncertain situation with Soviet Russia.

Guiding, Supervising, and Controlling the Minority?

Presumably, the legislator wanted to create a minority state-church configuration that could guarantee both reasonable and satisfactory Orthodox precepts for the local community and certain channels of guidance, supervision, and control over the minority for the government. There is a danger here of anachronistic simplifications: What we can easily interpret from today's Nordic perspective as control or coercive state intervention, as interference in the autonomy of a religious denomination, was presumably more tolerable from a contemporary nineteenth or early twentieth century horizon, even an expected hegemonic discourse for forging the "official" and "public" character of a church. The Byzantine idea of the "symphony" between church and empire⁴⁷, its later Russian applications in which the church became subordinated to the state⁴⁸, and even the Swedish state church after Reformation⁴⁹ all provided models and influences for somewhat analogous interpretations. Church and state could be seen as two sides of the same coin.

The emergence of socialist and anti-religious thinking was another factor that became visible in certain cases in Finland⁵⁰, but it did not have much direct influence on the nationalization process of the Orthodox after the 1918 Civil War. Indirectly, however, the influen-

47 "The greatest gifts which God has in His love of mankind (*philanthropia*) has given from above to men are the priesthood and the Empire, the one ministering to things divine, the other guiding and taking through human affairs." Hussey's (1970, 86) citation of the *Epanogoge*. On Byzantine church-state-relationship, see Hussey 1970, 80–89.

48 See, e.g., Pospelovsky 1998, (133–147), esp. 144–145. See also Shevzov's (2004, esp. 16–17) analysis on the impact of the 1721 *Spiritual Regulation* by Peter the Great: "as John Meyendorff has noted, the ecclesiastical reforms by Peter the Great effectively did away the legal recognition of a faith community distinct or separate from that of state" (p. 17).

49 Knuutila 2012, 4–7, 11–15, 18–19.

50 E.g., in the parliamentary discussion on the 1919 Government Act, see Nokelainen 2010, 181–186.

ce was profound: The victorious right-wing parties were involved in nation-building in the sense of creating a “tribal” communality with the Estonians and dreaming of the “liberation” of the East-Karelian people into the Finnish nation.⁵¹ These two imagined communities⁵² were very important for the nationalization of the Orthodoxy. Lutheranism became one of the cornerstones of Finnish nation-building and hegemony.⁵³

The Incorporation of the Patriarchal Tomos into Finnish Legislation

Patriarchal Requisites: Spiritual and Practical Hegemony

The document’s cautious yet decisive tone becomes clear as one seeks to understand the formative perspectives of the Patriarchate of Constantinople. Russia had fallen into chaos, it seemed, and the Moscow Patriarchate was considered, at least temporarily, incapable of governing the Archdiocese of a new republic.⁵⁴ The 1917 *Sobor* intended to discuss the question of the canonical structures of the Orthodox Church in Finland in 1919, but the session never took place.⁵⁵ In addition, Patriarch Tikhon⁵⁶, also newly and quickly elected to the revived office of Patriarch⁵⁷, had already granted autonomy to the Orthodox

51 Laitila 2004, 186–188, according to whom certain Orthodox actors strived for an ecclesiastical union of the Estonian, East Karelian, and Finnish Orthodox in order to obtain autocephaly. Jutila & Pirinen 2003, 406–409, 415, 429–430; Nokelainen 2010, 203–209.

52 Anderson 2006, 5–7.

53 This was evident, for example, in a publication by the Academic Karelian Society (Akateeminen Karjala-seura) in 1934. In its interpretation, the free Karelian people were oppressed by the Slavs, and Orthodoxy was portrayed as a dangerous Russifier. AKS 1934, 56–65.

54 This, at least, was the interpretation of the party seeking ecclesiastical autonomy or autocephaly. See Setälä 1966, 58–61; Laitila 2004, 181–184; Nokelainen 2010, 209.

55 Hauptmann & Stricker 1988, 204–211.

56 Tikhon (Bellavin) 1865–1925, Patriarch of Moscow and all of Russia 1917–1925. Hauptmann & Stricker 1988, 618–620, 957.

57 Pospelovsky 1998, 204–205.

in Finland in 1921.⁵⁸ Therefore, the Ecumenical Patriarch Meletios IV⁵⁹, addressed by the delegation representing both the Archdiocese and the Government of the Republic⁶⁰, considered the situation ripe for decisive action in a situation in which he himself was almost immediately threatened with exile by the Turkish Government.⁶¹

The timeframe for negotiations was extremely tight – just a few days in the midsummer of 1923. However, the Patriarch and the Synod in Constantinople were able to act effectively in a demanding situation.⁶² As a part of the same convoy, the Archbishop of Estonia presented a similar petition to the Patriarch for the position of his local Church.⁶³ The decisions were made within the general framework of the time: autonomy was favoured over autocephaly. The obvious goal of the Finnish delegation was therefore not achieved.⁶⁴ They had to be satisfied with a lesser ecclesiastical independence in the sense of an autonomy that left certain significant ties with the new Mother Church in Constantinople. This was in line with the policy of the Patriarchate in its efforts to appear and gain legitimacy as the guardian and administrator of Orthodoxy, also with regard to communities in exile, crisis, and minority situations.⁶⁵ The mission of the Ecumenical Patriarchate as the *primus inter pares* ecclesiastical power and the ultimate guardian and spokesperson for Eastern Orthodoxy in the new world order of the post-World War I era became evident.⁶⁶

The way in which the change of the Patriarchate was made in terms of the words of the Tomos highlights the Orthodox theological-legislative-canonical understanding: the legitimization of the Patriar-

58 Inkinen 1966, 83–84.

59 Meletios Metaxakis 1871–1935, Ecumenical Patriarch 1921–1923. See Previous Patriarchs Meletios II Metaxakis.

60 Setälä 1966, 101–103, 131–153; Metropolitan John 1988, 274–275. Concerning the three members of the delegation (Herman Aav, E. N. Setälä, and Rev. Sergei Solntsev), see p. 279.

61 Setälä 1966, 125–127, 144–145.

62 Setälä 1966, 143–14; Jensen 1986, 25–26; Metropolitan John 1988, 279.

63 Setälä V. 1975, 123–124.

64 Setälä 1966, 147–151; Setälä V. 1975, 124–125; Metropolitan John 1988, 279–280.

65 Setälä 1966, 147–150. See also Maximos (1976, 300–313) concerning the nineteenth and early twentieth century politics of the Ecumenical Seat.

66 Maximos 1976, 309–313.

chal government was essential for the organization of a local church, its authentic Orthodox being. It was not enough for local Finnish actors to reformulate the position of the local Church. Without the patriarchal decision and blessing, i.e., the spiritual-administrational use of power, these efforts could not to be considered as valid.⁶⁷

The issue was at once political, administrative, and theological-spiritual.⁶⁸ This entanglement can also be seen in aspects of the 1923 Tomos itself. The Patriarch not only declared the Finnish Archdiocese to be an autonomous part of the realm of Constantinople. He also “proclaims in the Holy Spirit that we, for our part, also bless this autonomy” (which had already been granted once by Patriarch Tikhon of Moscow), and “command that the Orthodox and their institutions living in the Republic of Finland, protected by God,⁶⁹ shall henceforth form a single Christian region, called ‘the Orthodox Archdiocese of Finland’.”⁷⁰ The use of the term “bless” (in Greek εὐλογέω) also indicates the joint spiritual-administrative (and also ecclesiastical-political) nature of the patriarchal decision. Priestly “blessing” in general Orthodox usage means approval or authorization of action. This quotation emphasizes the spiritual-administrative (essentially sacred) hegemony of the institution of the Patriarch; an understanding of power and ecclesiastical hegemony that transcends political and contemporary legislative realities, but takes place in relation to them.

This Patriarchal decision created a position of autonomy that gave the Patriarchal Synod the duty and right to confirm the election of the Archbishop.⁷¹ The Archbishop was then obliged to re-

67 The 1923 Tomos.

68 In previous research the meeting of the high expectations of the Finnish delegation (with the goal of extensive autonomy or even autocephaly) and the cautious patriarchal concern about the factual requirements for a self-sustaining local church have been presented in different tones. Setälä 1966, 148–151; Setälä V. 1975, 124–125; See also Metropolitan John 1988, 279–280.

69 Metropolitan John (1988, 280) pointed out that there is no reference to the *government* of the Republic of Finland in the text of the Tomos. In his interpretation “this suggests that for the Phanar the role of the Finnish government in these matters was that of a mediator, albeit a very involved and deeply interested one.” However, the text of the Tomos in unhesitatingly recognized the “God-protected Republic of Finland”.

70 Tomos 1923, introductory chapter.

71 Tomos 1923, 4.

member the Patriarch in his (public) prayers, and the Holy Myron (essential for certain sacraments and sacramental acts) was henceforth to be sent from Constantinople to Finland. Through the Myron there was “communion with the Orthodox and all the episcopate who correctly understand Christ’s word of truth.”⁷² Interestingly, according to Juha Riikonen, E. N. Setälä considered the use of the Myron from Constantinople as “not dangerous in terms of foreign policy”.⁷³

The ecclesiastical title of the Archbishop was also loosely formulated.⁷⁴ Of particular interest is the part of the document that recognizes the right of the Archbishop (and of the other Bishop) “to organize the conditions of the Orthodox Church of Finland together with his priests and lay people, always freely in detail”.⁷⁵ In practice, this meant that the Synod of the local Church had the right to organize even dioceses⁷⁶ and practical matters “according to the requirements of the laws of their country”.⁷⁷ All future autonomous decisions, however, were to be made “on condition that none of these provisions proves to be in contradiction with the doctrine and canons of the Holy Orthodox Church”.⁷⁸ Thus, the 1923 Tomos did not give detailed instructions on the design of local administrative structures and recognized the autonomous space for the application of local legislation.

Each bishop had the rights and duties derived from tradition and canon law,⁷⁹ and in ecclesiastical court cases the Finnish bishops had the right to appeal to the Patriarchal Synod – which de facto meant that the Synod in Constantinople also denied itself the position of the highest ecclesiastical court of appeal.⁸⁰ The Archbishop also had the right to call bishops from other regions to form a full local Synod of Bishops on “dogmatic and canonical matters” and to keep the Pat-

72 Tomos 1923, 7.

73 Riikonen 2015, 46–47.

74 Tomos 1923, 2.

75 Tomos 1923, end chapters.

76 Tomos 1923, 1.

77 Tomos 1923, end chapters.

78 Tomos 1923, end chapters. The text was largely identical with the 1923 Estonian Tomos. See the translation in Setälä V. 1975, 132–133.

79 Tomos 1923, 6.

80 Tomos 1923, 5.

riarch informed.⁸¹ This arrangement was necessary in order to fulfil the necessary canonical requirement for several bishops to work together as a local Synod of Bishops.⁸² What was in view was cooperation with the local church in Estonia and possibly in East Karelia.⁸³

With regard to these essentially political concerns, the 1923 Tomos left room for speculation about the potential longevity of the change of the Patriarchate and its canonical validity. Was the decision to be seen as temporary – depending on the administrative incapacity caused by the Bolshevik atrocities – or as a never-ending solution that the current situation had called for? Was it, moreover, made in a lawful and canonical manner? Different interpretations were put forward and defended by the Moscow Patriarchate, Finnish nationalists, Soviet, and even Finnish state officials.⁸⁴ Setälä also pondered the question in his 1966 dissertation.⁸⁵ It is even possible, depending on the policy of Meletios IV and the current Patriarchal Synod, that the careful formulation of the Tomos left open whether the state of affairs was to be permanent. This was wise in the situation of 1923, when little was known about the future development of the Russian or Soviet government, the situation of Poland, Ukraine, and other nations of Eastern Europe.

From the Patriarchate's point of view, the Finnish government could neither create nor impose a local church or denomination. In fact, the Patriarchal Synod demonstrated its hegemony (even in a politically difficult situation and within a tight timeframe) by abandoning the main Finnish negotiating objective: autocephaly, a self-governing local church. Constantinople now wanted to allow more

81 Tomos 1923, 3.

82 See Valmo 1935, 3; Ortodoksisen Kirkon Kanonit 1980, 39–40, 85–86, 445–446; and Phidas' (1998, 114–119) comments.

83 Estonian bishops could, if necessary, call Finnish (or other) bishops to form a fully functioning episcopal synod, and conversely the same applied to the Finns (Estonia was specifically mentioned). See Setälä V. 1975, 132–133; Tomos 1923.

84 Concerning the culmination of these differences, the "canonical crisis", see Riikonen 2007, 52–295, esp. 176–193.

85 Setälä 1966, 158–159. He found "certain expressions" of the Tomos to be potentially ambivalent in terms of their interpretation. "To take someone's place" could therefore also imply a *locum tenens* idea", p. 159. See also Setälä 1963, 54–56.

independent, nationalist bodies, thus widening the already existent divisions in the Orthodox realm.⁸⁶ This was only possible with the concurrent policy of the Patriarchate.⁸⁷ Moreover, the constant creation of even smaller, autocephalous local churches could have meant the diminishing influence and even legitimacy of the Patriarchate itself.

How these patriarchal views and prescriptions fit with the reality of Finnish Orthodoxy and the political concerns of the state is a matter of critical reflection. An example of the patriarchal understanding of the responsibilities and powers of the Mother Church in Constantinople was the 1924 letter of Patriarch Gregorios confirming the division of the archbishopric into two dioceses.⁸⁸ This action was not even necessary in the sense of the 1923 Tomos, which left these decisions to the concern of the local Church.⁸⁹

Significant examples of the meeting of two different realities are those elements of the 1925 decree that directly commented on, disregarded or modified the demands of the Tomos.

The Attitude of the Finnish State: Real vs. Symbolic Hegemony

An interesting interpretation, which the Finnish government created as early as in 1923, was presented in a letter from the Ministry of Education to the Archbishop and the Church Government. According to this statement, Professor and member of the government Emil Setälä,⁹⁰ as

86 According to Setälä (1966, 147–150), the reasons for denying autocephaly (i.e., full independence) were the general striving for Christian unity in that era, the canonical problem of the whole autocephaly terminology, the small size of the Orthodox community in question, and the striving to postpone similar issues to an expected Pan-Orthodox Synod. Setälä's analysis is based on the memoirs of E. N. Setälä. See also Maximos (1976, 300–313) on the 19th and early 20th century policy of the Ecumenical Seat on the Russian situation, and the Georgian, Ukrainian, Finnish, Polish, Czechoslovakian, and Albanian appeals.

87 Maximos 1976, 312–313.

88 Valmo 1935, 32, on Decree 1925 § 5, commentary § 4.

89 Tomos 1923.

90 Setälä, Emil Nestor (1864–1935), Professor of Finnish language and

the representative of the State of Finland in the negotiations with the Ecumenical Patriarchate, had given the government's permission to the canonical leadership of the Ecumenical Patriarch regarding the Archdiocese in Finland. The "Finnish Greek Catholic denomination" was to enjoy "extended autonomy", and the decision was made *sous réserve de ratification*, requiring later ratification by the government: the Patriarch's decision was also to be approved by the President of the Republic.⁹¹

In the presidential session, the highest official of the Republic approved the patriarchal decision, but with a significant change. The Patriarch's confirmation, as required by Chapter 4 of the Tomos, could not override the election of the Archbishop of Finland by the local Church Synod in accordance with the government decree and confirmed by the President of the Republic.⁹² Thus, the government recognized the provision for the Patriarchal confirmation of the new Archbishop-elect, but in fact interpreted it as a merely symbolic act of spiritual supremacy. Patriarchal confirmation was thus reduced to a religious formality in the eyes of the national administration, but one with a certain cultural and even political significance. According to researcher Setälä, this interpretation was presented and even accepted during the negotiations.⁹³

The interpretation was significant: first, the young republic could not allow its national sovereignty to be compromised, even religiously, by an ancient religious institution. Religion was a matter of politics and national integrity. Thus, the interpretation represented an old both Swedish as well as Russian mode of policy-making with regard to religious minorities.⁹⁴ Secondly, the position of the archbishop was considered important enough to warrant direct and uncompromising

literature 1893, representative in the Riksdag of the Estates 1904–1906, in the Finnish Parliament 1907–1909, 1910, 1917–1926, senator 1925 and 1926, various occupations and activities. See Autio 1997.

91 Valmo 1935, 29, Opetusministeriön kirjelmä 1923, n:o 1164.

92 Valmo 1935, 29, Opetusministeriön kirjelmä 1923, n:o 1164. See also the 1925 Decree § 104; Metropolitan John 1988, 280: "It is a generally accepted interpretation that the Tomos can be seen as the equivalent of a concordat between the Government of the Republic of Finland and the Ecumenical Patriarchate of Constantinople".

93 See Setälä's (1966, 148–151) account on the negotiations in the Phanar.

94 See, e.g., Isberg 1973, 124–131.

state recognition. And thirdly, this interpretation influenced the understanding of the autonomy of the archbishopric in relation to the state.

Finally, in almost the same way as the majority Lutheran state church, which since the early days of the Swedish Reformation had essentially been regarded as a national state church with no foreign administrative links⁹⁵, the Orthodox Church was now also nationalized in the sense that its patriarchal link was regarded by the state as an administrative detail.

It is clear that the state needed the Tomos of 1923 to free the local Orthodox community from its allegiance to the Russian realm and to re-orient it as much as possible towards Constantinople. Hence the term “extended autonomy” – a substitute for the desired autocephaly. This push for self-sufficiency or autocephaly or autonomy, however, obviously had very little to do with autonomy in relation to the state and its policies. In this regard, the incorporation of the minority and the creation of the minority state church was the essence.⁹⁶ The change of the Patriarchate could later be seen as a restoration of the medieval ecclesiastical situation in Karelia before the era of the Moscow Patriarchate.⁹⁷

This new application of the ancient idea of the “symphony” between Church⁹⁸ and State (a harmonious relationship in which the two bases of power would ideally balance each other⁹⁹) can be seen in effect in the 1925 Decree. In essence, this legal document can be seen as an attempt to harmonize the supremacy of the State in the formation of politics and nationhood, the framework for jurisprudence and reli-

95 Knuutila 2012, 4–7.

96 The 1925 Decree emphasized local, national administration and government and made little reference to supranational, Orthodox structures or statutes. E.g., § 104.

97 See, e.g., Laasonen 2005, 29: “The plan to use the Constantinople road was too far ahead of its time. The situation was the same as three hundred years later, with some changes.” Setälä 1966, 99: “The idea was supported by the history of the Finnish Church: the Karelian parishes had once belonged to the Patriarchate of Constantinople through the Metropolitan of Novgorod.”

98 The “Church” in Orthodox sense: as Apostolic, Catholic, Orthodox, Holy and, essentially One. See Orthodox Church.

99 See the critics by Meyendorff 1987, 128–134.

gious activities, and the spiritual hegemony of the Church, its norms, practices, and leadership. What this meant in detail requires further reflection.

The second paragraph of the 1925 Decree defined that the highest governmental authority in Finland with regard to the Orthodox (“the Denomination”) rested with the Government of the Republic and, in accordance with the Decree, with the administrative organs of the local Church. The fundamental role of Eastern dogmas, canons, “and other ecclesiastical regulations” was noted together with the “bond of union with the Apostolic and Patriarchal, Ecumenical Seat” in the manner described in the 1923 Tomos.¹⁰⁰ Thus, the decree created an interesting mixture of emphasis on the position of governmental authority, local church administration, church tradition and patriarchal leadership.

A close reading of the details of the decree reveals its peculiarities. In fact, the 1925 Decree stated that the government had the supreme authority over the “denomination”, but together with the administrative bodies of the denomination, as stated in the Decree. The denomination, in turn, was to be “founded on the dogmas, canons, and other ecclesiastical regulations” of the Eastern Church (not on previous government regulations) and to maintain “a canonical bond” with the Patriarchal See in Constantinople, “as was said” in the Tomos of 6 July 1923. Despite references to tradition and the “bond” with the Patriarchate, all power ultimately rested with the government.

Within this ecclesiastical framework, the highest “spiritual authority” was to be used by the Meeting of the Bishops and the Local Church Synod of the Denomination. In terms of the “other ecclesiastical matters” that did not require the decision of the State Government, the highest ecclesiastical authority was vested on the Local Church Synod that had a right to propose new laws and decrees on matters that were under the legislative power of the Parliament.¹⁰¹ The bishops

100 Decree 1925, § 2. The 1923 Tomos for the Estonian Orthodox was not incorporated or even mentioned in Estonian legislation. Setälä V. (1975, 128) interpreted this as a careful distancing of the Orthodox from the interference of the Estonian government.

101 Decree 1925, § 2.

and the Church Government were to administer the Denomination “with the power instituted by laws and decrees”.¹⁰²

With regard to this second paragraph and its sub-paragraphs, several interesting questions can be observed. First, whether the division between “spiritual” and “other matters” originated in the ideal of the “symphony” of state and church, or – perhaps more likely – was simply an application of the Lutheran doctrine of the two regimes¹⁰³, it nevertheless created a division that was certainly difficult to realize in practice: a dichotomy that required interpretation in each case. The affairs of a church tend to be more or less spiritual, theological and religious, even if they deal with mundane and everyday matters. Moreover, the “other” matters that required governmental decision were not specified.¹⁰⁴ One motivation for introducing this duality in the decision-making of the local church was probably also an effort to secure a certain autonomy in the core issues of Orthodoxy and the Orthodox tradition, to keep them out of the decision-making of the state and perhaps of the laity.

This tendency can also be seen in the bishops’ right to suspend or even abandon synodal proposals which they consider to be contrary to dogma and tradition. This was laid down in the Decree of 1925, § 125. According to the Decree, confirmation by the local episcopal synod was required in “spiritual” matters. If the bishops’ synod twice rejected a proposal of the local Synod, it was to be abolished.¹⁰⁵

Secondly, according to the third paragraph of § 2, both the bishops and the Synodal Office (an episcopal-laity administrative executive bureau with roots in the former “Spiritual Government” of Vyborg) draw their legitimation from the relevant “laws and decrees”. They were also elected by the local Synod, which in turn consisted of the two bishops of the archdiocese and the elected members, half of whom were priests and half lay people.¹⁰⁶

102 Decree 1925, § 2.

103 Arffman 2009, 167–169(–182).

104 The following commentary in the 1935 compilation by Valmo introduces only stipulations on signets. Valmo 1935, 30–31.

105 Decree 1925 § 125.

106 Decree 1925 § 2, § 22. The synod was to be composed of half laypeople and half priests. Bishops and the members of the Church Government were

Thus, while the 1925 Decree incorporated the Patriarch, canons, and the tradition into the newly formed legislation, it also emphasized the independent, national position of the denomination and the participation of the laity in its administration. The very term “denomination” (in Finnish “*kirkkokunta*”) is revealing of the legislator’s understanding: it was certainly appropriate to use the term to describe the Archdiocese in relation to the State and in relation to the State, but certainly not to describe a local Archdiocese of the Holy Catholic and Apostolic, Orthodox Church in Finland – in the Orthodox understanding.¹⁰⁷ For the Orthodox, the Church or a part of it can never be understood as a mere “denomination”. The Church is universal, one and holy: a humane and divine institution.¹⁰⁸

The Synodal Regulations of 1922, § 1, had already stated that the local Synod represented the “Greek Catholic denomination of Finland”.¹⁰⁹ The rights and duties of the Synod were specified in more detail in Decree § 17 of 1925. The Synod was, for example, to confirm regulations concerning “spiritual matters” and “canonical-religious relations”, to make proposals for new laws, to give opinions on matters referred to the local Church Synod by the government, and to deal with various matters of administration, ecclesiastical supervision, and economy.¹¹⁰ Those decisions which (also) required confirmation by the Government of the Republic were to be accompanied by a statement from the Synodal Office.¹¹¹ As stated above, the local Church Synod also elected the bishops and the Synodal Office and, in general, administered the denomination with the powers conferred by laws and decrees.¹¹²

The procedures for taking initiatives and bringing issues to the decision of the local Synod were the result of the preparatory processes laid down in the Decree and in the 1922 Synodal Directive.¹¹³ The

participants by virtue of their offices.

107 Decree 1925, § 2, § 16. See also Orthodox Church.

108 This general Orthodox understanding is expressed, e.g., in Valmo 1935, 2–4.

109 The 1922 Synod Directive, § 15–19, Valmo 1935, 44.

110 Decree 1925, § 17.

111 Decree 1925, § 62.

112 Decree 1925, § 16, 17.

113 Decree 1925, § 43–49; Valmo 1935, 47, the 1922 Synod Directive, § 15–19.

legislator apparently gave little or no thought to the possibility that the Patriarchal Synod or a possible Pan-Orthodox Episcopal Synod might address the local Church in a way that required a response or action. The local Synod had no direct structural link to the Patriarchate in its provisions, although the local Synod was seen as representing the “Greek Catholic Denomination” and organizing its “canonical-religious relations”.¹¹⁴

Safeguarding the Eastern Understanding of the Church – References to Canons

The Finnish State and the Synodal Office had the right to raise issues and make proposals to the local Synod without prior church preparation. They could present agendas without prior notice to the Synod, even when the Synod was already in session.¹¹⁵ This open access to the heart of ecclesiastical decision-making meant that the state had the opportunity to present agendas and emphasize final outcomes of its preference. On matters declared by the local Church Synod (on the proposal of the Synodal Office and with two-thirds of the votes) to be “fundamental”¹¹⁶, a two-thirds majority was required to make any changes. This procedure meant, together with the episcopal veto on “spiritual matters” mentioned above, meant that the local church could make certain reservations in order to safeguard issues which were considered to be of profound importance.

The Decree of 1925 contained several elements that can be interpreted as efforts to preserve the Orthodox tradition and to strengthen its essential structures. In what follows, I will concentrate on the references to Eastern Canon Law and their significance for the Decree, together with the overall focus and hermeneutical horizon of the Decree. Explicit references to Canon Law and Orthodox tradition in the text of the 1925 Decree can be divided into the following categories:

114 Decree 1925, § 17; The 1922 Synod Directive § 1.

115 Decree 1925, § 48.

116 See, “n. s. peruskysymys”, Decree 1925, § 59.

- 1) The “founding principles” at the beginning of the Decree of 1925, as presented in § 2 of the Decree and already analyzed above.¹¹⁷
- 2) The work of the local Church Synod within the framework of Canon Law and the provisions of § 2.¹¹⁸
- 3) The local episcopal Synod, whose powers and “dogmatic and canonical” concerns are defined both by the canons of the Church and by the Decree of 1925.¹¹⁹
- 4) The episcopate, which the 1925 Decree defined as deriving its authority and legitimacy from the Holy Apostles on the basis of the Holy Bible, the dogmas, holy canons, and other regulations of the Church, “in addition to the relevant regulations concerning the Greek Catholic denomination in Finland”.¹²⁰ The eligibility of a bishop candidate was to be determined according to the canons and relevant state regulations. The consecration of a bishop should also take place in accordance with these two.¹²¹ The role of the bishop according to the “Eastern Catholic and Apostolic Doctrine” was also defined in the 1925 Decree.¹²²
- 5) Questions of jurisprudence, which are referred to as canons or canonicity.¹²³

With regard to Synodal Office, the Decree of 1925 contains no direct references to the canons. These are to be found instead in the Directive on Synodal Office.¹²⁴ The implicit references are many and it is a difficult to consider which provisions and details can be seen as reflecting, commenting on or contradicting the principles or provisions of Canon Law. The very existence of the structure of a local church

117 Decree 1925, § 2.

118 Decree 1925, § 16.

119 Decree 1925, § 63, § 64, § 92, § 96.

120 Decree 1925, § 122. See also § 123.

121 Decree 1925, § 123.

122 Decree 1925, § 126.

123 E.g., Decree 1925, § 87.

124 The Directives of the Church Government 4§, see Valmo 1935, 64: “Spiritual questions and canonical-religious relations”, 5§, p. 67, judicial questions “according to the canons and decrees”, 5 §, p. 68, “Declarations on canonical regulations, questions of faith, and ecclesiastical life”.

and its ministries can be seen as a canonical matter.¹²⁵ The legislation of 1925 was clearly intended to ensure the realization of the synodal and episcopal structure of the Church, in which the collegial episcopal government is combined with the idea of the communion of the Church – *sobornost* – also with regard to the laity involved in the administration.¹²⁶

A Brief Conclusion

Ultimately, it should not come as a surprise that contemporary hermeneutical horizons have the potential to shape legislative and administrative processes – not to mention relevant political realities. How these and canonical perspectives came together in 1923 and 1925 can be seen as a series of fascinating processes.

Which hegemonic agencies and structures emerged as identifiable within these sources, and through what mechanisms were they revealed? This preliminary analysis of hegemonic and counter-hegemonic forces reveals how connections were intricately woven and established, with the supremacy of the nation-state serving as the overarching principle. A nascent nation-state was meticulous in demonstrating and maintaining its sovereignty – a parallel aspiration of the ancient institution of the Patriarchate. A third, intermediate actor in this complex interplay was the nationalist Karelian-Finnish Orthodox people. Their religion was deeply intertwined with the realm of politics, interwoven with all considerations.

The result was an intriguingly complex amalgamation. “Since... reality is perceived and knowledge is acquired, through moral, cultural, and ideological ‘prisms’ or ‘filters’ through which society acquires form and meaning, hegemony necessarily implies the creation of a particular structure of knowledge and a particular system of values.”¹²⁷ This is precisely what happened in the 1920s. Thought the “prism” of nationalist ideology and the “filter” of its Orthodox

125 Rodopoulos 2007, 4–8.

126 Liviu 2011, 208–210. See also p. 69: “Die konstitutiven Bestandteile der Kirche sind der Klerus und die Laien. Deren Gesamtheit bildet die Kirche.” On the Slavophil dimensions of the concept, see Loima 2004, 108–109.

127 Fontana 1993, 140.

interpretation, Orthodox characteristics were preserved and, to a certain extent, protected and accentuated in legislative measures. During these processes, hegemonic influences clashed and perspectives converged on specific historical constructs: Orthodoxy underwent a process of legislative nationalization, while at the same time the State of Finland became intertwined with the principles and structures of Orthodox Canon Law. These unfolding events warrant further research efforts.

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Decree 11.5.1866. No. 12. Keisarillisen Majesteetin Armollinen Julistus Suomen kansakoulutoimen lopullisesta järjestämisestä.

Decree 5.3.1883. No. 12. Keisarillisen Majesteetin Armollinen Asetus, sisältävä erinäisiä määräyksiä papistosta ja kirkoista kreikkalais-venäläisissä seurakunnissa Suomessa. Suomen Suuriruhtinaanmaan Asetus-Kokous vuodelta 1883.

Decree 15.8.1895. No. 28. Keisarillisen Majesteetin Armollinen Asetus siitä, miten oppilaitoksia, joissa venäjä on opetuskielenä, Suomessa perustetaan sekä missä järjestyksessä ja millä tavoin niitä hallitaan.

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Abstrakti suomeksi

Johan Bastubacka: Enemmistön peilikuva? Oikeudellinen käsitys suomalaisesta ortodoksisuudesta: vuoden 1923 tomos ja 1925 hallituksen asetus

Keskityn tässä artikkelissa tutkimaan niitä vuoden 1923 patriarkaalisen tomos-dokumentin lainsäädännöllisiä vaikutuksia ja tulkintoja, jotka olivat keskeisessä roolissa ortodoksisuuden integroimisessa osaksi suomalaista yhteiskuntaa.

Vuoden 1925 hallituksen asetus oli ensimmäinen Suomen ortodokseja koskevista asetuksista, jossa säädettiin kyseisestä vähemmistöstä laajasti uusissa (erityisesti 1923 tomosen jälkeisissä) olosuhteissa. Asetuksessa säädettiin mm. itsenäisen Suomen valtiovallan päätäntävallasta suhteessa vähemmistöön, patriarkaatin muutoksen vaikutuksista ja tomos-dokumentissa esitettyjen määräysten toteuttamisesta. Tässä artikkelissa tutkimuskohteenani on, miten Arkkhiippakunnan muuttuminen kansalliseksi vähemmistövaltiokirkoksi ilmeni sekä vuoden 1925 asetuksessa että vuoden 1923 tomos-dokumentissa ja näiden suhteessa toisiinsa. Tarkastelen myös toteutuneen lainsäädännön historiallisia edellytyksiä.

Lainsäädännössä ortodoksiset erityispiirteet säilytettiin, ja niitä tietyssä määrin jopa suojeltiin ja korostettiin. Tämä näkyi oikeudellisissa säädöksissä ja myös Suomen ortodoksisen yhteisön tulkinnassa. Monimutkaisten prosessien myötä rajat alkoivat sulautua: ortodoksinen paikalliskirkko kävi läpi kansallistamisen prosessin, samalla kun Suomen valtio liittyi ortodoksisen kanonisen lain periaatteisiin ja organisatorisiin kehyksiin. Tämän artikkelin löydökset korostavat edelleen alan uuden, jatkuvan tutkimuksen tarvetta.