

Taking Legitimacy to Exile: Baltic Orthodox Churches and the Interpretation of the Concept of Legal Continuity during and after the Soviet Occupation of the Baltic States

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Three Baltic states—Estonia, Latvia, and Lithuania—regained their independence in 1991. Established in 1918, the states decided to restore their *de facto* independence in 1991, declaring the years from 1940 to 1991 as a period of occupation.¹

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1. The process of restoring independence had several phases. Estonia was the first to pass a declaration of sovereignty (“Declaration on the Sovereignty of the Estonian SSR”) in November 1988; Lithuania (May 1989), and Latvia (July 1989) followed. The declarations asserted legal supremacy of the three countries over laws of the USSR. Thereafter, Lithuanians were the first to pass a unilateral declaration of full independence on March 11, 1990. Estonia and Latvia were more cautious, with Estonia passing a “Decision of Estonian Statehood” on March 29, 1990 and Latvia issuing a declaration “On the Restoration of Independence of the

Journal of Church and State; doi:10.1093/jcs/csv034

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After Germany and the Union of Soviet Socialist Republics (USSR) signed the Treaty of Nonaggression (i.e., the Molotov-Ribbentrop pact) and its secret protocols in 1939, which gave the USSR freedom to act in Eastern Europe, including the Baltic states, the USSR annexed and occupied three independent states in 1940. In 1944, after a three-year period of German occupation, the states were again occupied by the USSR. Although *de facto* occupied, the states remained *de jure* independent.²

According to international law, the USSR was considered an aggressor. Therefore, Baltic embassies in countries that had not recognized the occupation (e.g., the United States and the United Kingdom) continued their work until 1991.³ Thousands of Lithuanians, Latvians,

Republic of Latvia" on May 4, 1990, both declaring that their republics had been annexed by the Soviet Union in 1940, but in restoring their full independence a transition period was needed. In August 1991, during a putsch in Moscow, Lithuania reaffirmed its independence; Estonia, on August 20, and Latvia, on August 21, passed new declarations confirming now their full independence and reconstituting the pre-1940 state. See Artis Pabriks and Aldis Purs, "Latvia, the Challenges of Change," in David J. Smith, Artis Pabriks, et al., *The Baltic States: Estonia, Latvia and Lithuania* (London and New York: Routledge, 2002), 60–64; Zigmantas Kiaupa, *The History of Lithuania* (Vilnius: Baltos lankos, 2002), 325–29; Andres Kasekamp, *A History of the Baltic States* (Basingstoke: Palgrave Macmillan, 2010), 165–71.

2. The Baltic States were annexed by the Soviet Union in 1940. The annexation of a conquered territory had been considered illegal under international law from the 1930s (Convention for the Definition of Aggression, 1933). As Estonian scholar Professor Lauri Mälksoo stated: "The Baltic states continued to exist on the basis of the principle *ex injuria ius non oritur*" (law does not arise from injustice), defining the annexation and later occupation as quasi belligerent "*occupatio quasi-bellifica*" and emphasizing that the occupation was not recognized by the United States and other leading Western powers. The only difference from similar cases in Ethiopia (1936–41), Czechoslovakia (1939–44), Albania (1941–47), and Austria (1938–55) is that the Baltic states were occupied not just for five or ten years, but for fifty-one years. See Lauri Mälksoo, "Professor Uluots, the Estonian Government in Exile and the Continuity of the Republic of Estonia in International Law," *Nordic Journal of International Law* 69 (2000): 308–309.

3. Until 1991, the position of the United States was defined by US Secretary of State Sumner Wells in July 1940. The United States treated the Baltic states according to the Stimson Doctrine, "which stipulated non-recognition of territorial changes effected by the use of force or by the threat of force." See Eero Medijainen, "The USA, Soviet Russia and the Baltic States: From Recognition to the Cold War," in *The Baltic Question during the Cold War*, ed. John Hiden, Vahur Made, and David J. Smith (London and New York: Routledge, 2008), 28. Britain was more cautious, and while not recognizing the occupation of the Baltic States *de jure*, it in practice recognized it *de facto*. Baltic diplomatic representations in London lost their full status, although they were not removed from the Diplomatic List, but appeared in the annex and were granted a personal diplomatic status. See Craig Gerrard, "Britain and the Baltic States: The Late 1940s and the Early 1990s," in *The Baltic Question during the Cold War*, ed. Hiden, Made, and Smith, 73–74.

and Estonians fled to the West in fear of mass repressions and deportations to Russia.⁴

The last legal prime minister of Estonia, Jüri Uluots, managed to flee to Sweden in 1944, where after his death the most senior government minister, former head of state, and an ambassador to the USSR, August Rei, convened and led the Government of the Republic of Estonia.⁵ The government in exile acted under various leaders in Sweden until 1992, when it relinquished authority to the newly appointed government in the legally elected Estonian parliament. During its existence the government in exile was not recognized by any state nor was it recognized by Estonian diplomatic representations.⁶

Other Baltic states did not have exile governments, and the continuity was carried on by diplomatic representations. However, their authority was not always accepted by the entire émigré community.

4. Altogether one hundred forty thousand Latvians, seventy-five thousand Estonians, and sixty-five thousand Lithuanians fled their homeland. Among them was the intellectual elite, who, like the others, left to avoid probable arrest and repressions. See Kasekamp, *A History of the Baltic States*, 139.

5. The establishment of the government in exile was full of controversies because among the statesmen in exile there were two competing groups representing different views about the continuation of the Estonian Republic. So, at one point two exile governments existed, but only one, led by Rei, managed to survive. See Enn Nõu, "Eesti pagulasvalitsus 1944–1988," in *Töötan ustavaks jääda . . . Eesti Vabariigi Valitsus 1940–1992*, ed. Mart Orav and Enn Nõu (Tartu: Eesti Kirjanduse Selts, 2004), 126–30.

6. Because of controversies among exiled politicians and the lack of recognition by Estonian diplomatic representations and foreign states as well as international organizations, the reputation and the role that the exiled government played during the time of occupation is ambivalent. On the one hand, some Estonian scholars have criticized its position and significance; on the other hand, it has been considered to be a part of the concept of state continuity and as different lines (e.g., the concept of state continuity represented by Estonian diplomatic representations did not contradict, but supplemented each other) it must be valued as part of the entire concept. It becomes even more important because the government in exile was recognized by Estonian constitutional organs in 1992. Nowadays, the presidency of the Republic of Estonia recognizes prime ministers fulfilling the tasks of the president of the Republic of Estonia (an official name of heads of exiled governments) as part of the presidential list of the Estonian Republic during the period of occupation. As stated, other Baltic states did not have exiled governments. The Polish, however, had a situation similar to Estonians. Although the exiled government and the presidency of Poland were from 1945 not recognized by Western allies, the exiled government and the president, located in London, continued their work until 1990, when the last president in exile, Ryszard Kaczorowski, resigned and handed over the presidential insignia to a democratically elected president, Lech Wałęsa. See Vahur Made, "The Estonian Government-in-Exile: A Controversial Project of State Continuation," in *The Baltic Question during the Cold War*, ed. Hiden, Made, and Smith, 134; Mälksoo, "Professor Uluots, the Estonian Government in Exile," 313; Stanisaw Koodziejewski, Roman Marcinek, and Jakub Polit, *History of Poland* (Kraków: Kluszczyński, 2005), 125.

For example, in Latvia there were two competing persons claiming to be presidents in exile—Catholic Bishop Jāzeps Rancāns and Ambassador of the Republic of Latvia to the United Kingdom Kārlis Zariņš. Rancāns had been the second deputy speaker of the parliament in 1934 when the last democratically elected interwar parliament was dissolved by Prime Minister and later authoritarian President Kārlis Ulmanis. Speaker Pauls Kalniņš had died in 1945. The first deputy had met the same fate; therefore it did not come as a surprise that Rancāns, as the only surviving link with the parliamentary period of the Republic of Latvia, was considered to be the head of the state. He had the support of the so-called democratic wing of Latvian emigrants. At the same time Zariņš pointed to a special mandate given to him by the Latvian government in May 1940. The mandate would come into force in the case of an emergency, when the Latvian government would not be able to communicate with its legislators abroad. In 1950 both men met in London but unfortunately did not come to an agreement.⁷

In analyzing the concept of legal continuity, one should take into account not only legal but also political and historical aspects. Even if, according to international law, the question of diplomatic representations and exile government is of secondary importance, it can still be considered as proof, although symbolical by nature, of the *de jure* independence. It is crucial to understand that the preservation of the concept of state continuity throughout the 51-year period has to be considered the basis of the Baltic states' confirmation of their independence in 1991 instead of the formation of new states during the collapse and dissolution of the Soviet Union.⁸ Internationally too, they were now recognized as legal successors of the states, which had been established in 1918 and occupied in 1940.⁹

To fully understand the historical context, one has to take into account that the preservation of the concept of legal continuity was the cornerstone of émigré identity and therefore consistently presented by their social organizations. The churches—both Lutheran and Orthodox—that continued their activity abroad played an

7. Jānis Pleps, "Bīskaps Rancāns un Satversme: Valsts prezidenta vietas izpildīšana," *Jurista Vārds* 9, no. 552 (2009): 18–29.

8. The idea of establishing a new state was, for example, supported by the largest social organization that emerged in Estonia during *perestroika*, the Estonian Popular Front (*Eestimaa Rahvarinne*), and was strongly opposed by the Estonian National Independence Party, which represented the continuity of the state. The idea declared that a third republic must be established (the first republic was established in 1918, the second in 1940), thus recognizing the occupied Soviet republic of Estonia as an independent entity. See *Eesti poliitilise mõtte ajaloo. Valitud artiklid 1987–1991*, eds. Heiki Samel and Anu Saluäär (Tallinn: Jaan Tõnissoni Instituudi kirjastus, 1992), 51–57.

9. Mälksoo, "Professor Uluots, the Estonian Government in Exile," 302–305.

essential part in preserving the national identity of exile communities. Even more important, their position can be viewed as an attempt to present their own organizations not only as symbolically related to the entities that had existed in their homeland before the war but also as legal representatives of these entities. In some churches, the concept was rooted more deeply than in others.

After the states regained their independence, new questions were raised—for example, who was the legal successor of the preoccupation church, the one in exile or in homeland. The newly restored states had a part to play in forming a political line and interpreting the principle of legal continuity. In Estonia it led to a conflict between the Ecumenical Patriarchate and the Patriarchate of Moscow.

The issue of annexation and occupation has been thoroughly analyzed in the context of the three states and international law,¹⁰ but at the same time there has been little research done on the history of the legal continuity of the churches.¹¹

10. Boris Meissner, *Die Sowjetunion, die baltischen Staaten und das Völkerrecht* (Köln: Verlag Politik und Wirtschaft, 1956); Rein Mullerson, "The Continuity and Succession of States by Reference to the Former USSR and Yugoslavia," *International and Comparative Law Quarterly* 42, no. 3 (1993): 473–93; Stefan Talmon, *Recognition of Governments in International Law: With Particular Reference to Governments in Exile* (Oxford: Clarendon Press, 1998); Martti Koskeniemi and Marja Lehto, "Succession d'États de l'ex-U.R.S.S., avec examen particulier des relations avec la Finlande," *Annuaire français de droit international* 38 (1992): 179–219; Lauri Mälksoo, *Illegal Annexation and State Continuity: The Case of the Incorporation of the Baltic States by the USSR* (Leiden/Boston: Martinus Nijhoff Publishers, 2003).

11. Most of the research has focused on the re-establishment of the Estonian Apostolic Orthodox Church in the 1990s, which caused a conflict between the patriarchates of Constantinople and Moscow. The works of the representatives of the Ecumenical Patriarchate and the Russian Orthodox Church are worth mentioning: Grigorios D. Papatomas, and Matthias H. Palli, eds., *The Autonomous Orthodox Church of Estonia: L'Église autonome orthodoxe d'Estonie. Approche historique et nomocanonique* (Katérini: Éditions Épektasis, 2002); Grigorios D. Papatomas, *Õnnetus olla väike kirik väikesel maal. Teoloogiline tõde Eesti Õigeusu Kiriku kohta* (Tallinn: Püha Platoni Õigeusu Teoloogia Seminar, 2007); Nikolai Balašov and Igor Prekup, *Õigeusu probleemid Eestis. Arhimandriit Grigorios D. Papatomase raamatust "Õnnetus olla väike kirik väikesel maal"* (Tallinn: Kristlik Ühendus Immaanuel, 2013). There are a few works about the position of the Republic of Estonia during the restoration process of the EAO in the 1990s: Ringo Ringvee, *Riik ja religioon nõukogudejärgses Eestis 1991–2008* (Tartu: Tartu Ülikooli Kirjastus, 2011); Merilin Kiviorg, "Eesti Apostlik-Õigeusu Kirik ja objektiivne kirikuõigus," *Juridica* 10 (1997): 518–22; Priit Rohtmets and Ringo Ringvee, "Religious Revival and the Political Activity of Religious Communities in Estonia during the Process of Liberation and the Collapse of the Soviet Union 1985–1991," *Religion, State & Society* 41, no. 4 (2013): 355–93. Most of the research about the exile churches has been done by the representatives of the exile churches themselves, but there are some new books and articles published by church historians: Heinrihs Strods, *Metropolīts Augustīns Pētersons:*

The aim of this article is to analyze the interpretation of the concept of legal continuity in the Orthodox churches of the Baltic states during and after the annexation and occupation of the Baltic states. We focus on Orthodoxy because of its transnational, yet territorial, character and connections with neighboring Russia. This enables us to ask how the continuity of Orthodoxy has corresponded to the understanding of state continuity and view the relations between different Orthodox communities not only in a religious (i.e., canonical and historical) but also in a political context. We begin with a historical analysis of the interpretation of the concept in exile and conclude by analyzing the situation from 1991 onward. Understanding the relationship between church and state, as well as wider political and religious context, is crucial in following all aspects of the concept in question.

In addition to the Orthodox and Lutheran communities that formed churches abroad, there were also Catholic refugees. However, they did not form a structure uniting their congregations in various countries on the basis of nationality or common past. Instead, in most cases, they were served by priests, who were integrated to local dioceses.

Evangelical free churches should be mentioned as well because the refugees of 1944 also included Baptists, Pentecostals, Evangelical Christians, and so on. Latvian emigrants managed to establish associations of local churches in Northern America and Brazil. Estonians

dzīve un darbs, 1873–1955 (Rīga: Latvijas Universitātes žurnāla "Latvijas Vēsture" fonds, 2005); Aleksandr Gavrilin, *Latvijskije pravoslavnije svjaschenno-sluziteli na Amerikanskom kontinente* (Moskva: Obschestvo ljubitelei cerkovnoi istorii, 2013); Andrei Sõtšov, "Eesti õigeusu pagulaskirikute ja Moskva patriarhaadi Eesti piiskopkonna suhted aastail 1958–1966," *Acta Historica Tallinnensia* 10 (2006): 193–211. The twentieth-century history of the Baltic Orthodox has also gained attention in books about the history of Orthodoxy; see Sebastian Rimestad, "Orthodox Churches in Estonia," *Eastern Christianity and Politics in the Twenty-First Century*, ed. Lucian N. Leustean (London and New York: Routledge, 2014), 295–311; Katja Richters, *The Post-Soviet Russian Orthodox Church: Politics, Culture and Greater Russia* (London and New York: Routledge, 2013); Lucian N. Leustean, "Other Orthodox Churches behind the Iron Curtain," *Eastern Christianity and the Cold War 1945–91*, ed. Lucian N. Leustean (London and New York: Routledge, 2010), 204–18; Alexander Gavrilin, and Baiba Pazane, "The Orthodox Church in the Twentieth Century in the Baltic States: Latvia Lithuania and Estonia"; Chailot, *The Orthodox Church in Eastern Europe in the Twentieth Century* (Oxford: Peter Lang, 2011), 269–96. We have mainly used archival sources, but we have also referred to the existing scholarship, taking into account the fact that the research done by the representatives of the two patriarchates aims to explain and justify their position, and in some cases the research done by researchers tend to support one or the other side.

first established a central organization of Swedish Baptist congregations and, after the emigration to North America and Australia, an Estonian Baptist Convention of the World.¹² Despite their central organizations, the free churches favored their traditional structure of autonomous congregations, which meant that the concept of legal continuity was not adopted. For the same reason, Estonian emigrants criticized the structure of free churches in Soviet Estonia for being too centralized and therefore violating an essential principle of a congregation-based type of union.¹³

Instead, free churches emphasized a spiritual relationship between congregations abroad and at home, which over time diminished, increasing again during the period of *perestroika*.

In the first meeting of the Union of Latvian Baptists in America in 1950, pastor Fridrihs Čukurs declared that they had to be “ready to re-establish the work of the Union of Baptist Churches in Latvia when we have a chance to return to homeland.”¹⁴ With time passing and hope of returning to their homeland diminishing, Čukurs admitted that, although a small part of Latvian Baptists, who were living in the free world, continued their work without interference, their work in the exile could not ensure the future of Latvian Baptists. In the longer perspective, Latvian Baptism depended on the work of the people who lived or would live in Latvia.¹⁵ In 1974 one of the Estonian Baptist leaders in exile, Richard Kaups, was as pessimistic, admitting that most of the people living abroad had no intimate relations with Estonians living in Soviet Estonia, and after the death of the older generation, much of the religious work abroad would probably come to its end.¹⁶

12. Although the English name remained the same over the entire period, in Estonian it changed, which reflects the identity of the expatriates. At first the organization was called Ülemaailmane Eesti Baptisti Keskkoondis (The World Central Organization for Estonian Baptists); however, in 1960 it was altered to Võõrsilasuvate Eesti Baptistide Keskkoondis (Central Organization for Estonian Baptists Living Abroad), and finally in 1991, Välis-Eesti Baptisi liit (Union of Estonian Baptists Outside of Estonia). See Richard Kaups, *Hea sõnum ja Eesti Baptisti kogudused* (Santa Barbara, CA: Estoprint, 1974), 126–27.

13. Karl Kaups, “Kogudused ja tegelased,” *Usurändur*, 1/1955, 16–22.

14. Oļģts Cakars, *Teici to Kungu. Amerikas Latviešu Baptistu Apvienības 50 gadu jubilejas izdevums* (ASV: ALBA, 2000), 10.

15. Rūdolfs Ekšteins, “Oppression,” in *Pret Straumi: Īss pārskats par latviešu baptistu darbu dzimtenē un trimdā*, ed. Fridrihs Čukurs (Grēvene: Latvijas Baptistu draudžu savienība, 1949), 26; Fridrihs Čukurs, “Dzīvības ceļš,” in *Dzīvības ceļš. Veltījums latviešu baptistu 100 gadu jubilejai*, ed. Fridrihs Čukurs et al. (USA: Amerikas Latviešu baptistu apvienība, 1960), 13.

16. Kaups, *Hea sõnum ja Eesti Baptisti kogudused*, 127.

Question of Legitimacy during the Period of Occupation

A Contextual Approach

To understand the issue of continuity in its full complexity, we should place Estonian and Latvian Orthodox churches into a wider political context.¹⁷ Regarding Orthodox churches, the canonical aspect cannot be ignored because, in addition to its constitution, it is the canonical recognition that defines the existence of a church.

As a result of the Second World War, the map of Central-Eastern Europe was redesigned. Political change (i.e., annexation and occupation of independent states and the introduction of a Soviet sphere of influence) also brought along a change in canonical borders and resulted in the influential rise of the Russian Orthodox Church (ROC). While recognizing the autocephaly of some Central-Eastern and Southern European Orthodox Churches, the ROC in principle wanted to bring as many churches as possible under the jurisdictional care of the Moscow Patriarchate and enlarge its sphere of interest.¹⁸

During the Second World War, the ROC itself had gone through a period of revival. As the USSR faced an external enemy, its leaders re-examined their religious policy and, for internal as well as external purposes (i.e., the demands of its allies), decided to establish a state-orchestrated dialogue with the ROC.¹⁹ Uniting people and fighting against fascist propaganda were not the only issues where churches proved useful because the USSR soon discovered that the ROC could also be used to exert its influence among the allies who, soon after the war, turned into cold war enemies.²⁰ For the ROC, it was vital to emphasize its importance in foreign politics for internal reasons (i.e., to prove its usefulness in order to gain more power in a state that favored atheist propaganda and had from the very beginning in 1917 strongly oppressed any kind of religious expression).²¹

17. We are leaving out the Orthodox Diocese of Lithuania and Vilna because it remained in the jurisdiction of the ROC. From 1917 to 1941 it was led by Metropolitan Jelefrey and Patriarch Aleksius II, *Õigeusk Eestimaal* (Tallinn: Moskva Patriarhaadi Kirjastus, 2009), 376.

18. John Anthony McGuckin, *The Orthodox Church: An Introduction to Its History, Doctrine, and Spiritual Culture* (Malden, Oxford: Blackwell, 2008), 56–59.

19. Michael Bordeaux and Alexandru Popescu, "The Orthodox Church and Communism," in *The Cambridge History of Christianity*, Vol. 5, Eastern Christianity, ed. Michael Angold (Cambridge: Cambridge University Press, 2006), 560–61.

20. Zoe Knox and Anastasia Mitrofanova, "The Russian Orthodox Church," in *Eastern Christianity and Politics in the Twenty-First Century*, ed. Lucian N. Leustean (London and New York: Routledge, 2014), 41.

21. Nickolas Lupinin, "The Russian Orthodox Church," in *Eastern Christianity and the Cold War 1945–91*, ed. Leustean, 21–22.

In January 1945 a local council session of the ROC was officially opened, to which, for the first time, representatives from other Orthodox patriarchates were invited.²² A month later, Metropolitan Aleksy (Simansky) of Leningrad was elected patriarch of Moscow. The following May and June, Aleksy made a pilgrimage to the Holy Land and paid a visit to the three ancient patriarchates of Alexandria, Antioch, and Jerusalem. Aleksy I pointedly avoided the Ecumenical Patriarchate.²³

During the next couple of years the tactics of the ROC became more and more aggressive, aiming to secure its leadership position among the Orthodox community hitherto held by the patriarch of Constantinople as *primus inter pares*.²⁴ By 1948 it had more or less gained control over the Orthodox churches in Central-Eastern Europe. During the interwar period, most of them had been in the canonical jurisdiction of the Ecumenical Patriarchate. To curtail the influence of the Ecumenical Patriarchate, the archbishop of Leningrad followed the footsteps of Patriarch Aleksy in 1947 and visited the three ancient patriarchates, once again leaving out the Ecumenical Patriarchate. This was soon followed by an invitation to the entire Orthodox community to convene in Moscow to celebrate the 400th anniversary of the autocephalous ROC. In practice, Moscow made every possible effort to transform the meeting into a pan-Orthodox conference, which would question the primacy of the Ecumenical Patriarchate.²⁵

For this reason the Ecumenical Patriarchate naturally resisted the claims of the ROC. Even so, the ancient patriarchates sent their representatives to Moscow, although they were instructed to take part only in the festivities and ignore any consultations. The decisions made in the meeting have no standing in Orthodox canon law, but publicly the Patriarchate of Moscow, at least for a short time, managed to outplay the Ecumenical Patriarchate and confuse the Orthodoxy community.

22. Mikhail Vitalievich Shkarovsky, "The Russian Orthodox Church in the Twentieth Century," in *The Orthodox Church in Eastern Europe in the Twentieth Century*, ed. Chaillot, 393–402.

23. Serge Keleher, "Orthodox Rivalry in the Twentieth Century: Moscow versus Constantinople," *Religion, State and Society* 25, no. 2 (1997): 130.

24. The position of the Ecumenical Patriarchate is mentioned in the 28th canon of the Council of Chalcedon, which states that the bishops of Constantinople have equal prerogatives to those of Old Rome and grants explicitly to the bishop of Constantinople the pastoral care for territories beyond the geographical boundaries of the other autocephalous churches. "The Leadership of the Ecumenical Patriarchate and the Significance of Canon 28 of Chalcedon, a statement by Faculty of Holy Cross Greek Orthodox School of Theology in Brookline, Massachusetts on April 30, 2009," *Greek Orthodox Theological Review* 56, nos. 1–4 (2011): 401–403. During the twentieth century this principle has been mostly challenged by the Patriarchate of Moscow.

25. Andreas Nanakis, "History of the Ecumenical Patriarchate of Constantinople in the Twentieth Century," *The Orthodox Church in Eastern Europe in the Twentieth Century*, ed. Chaillot, 31–32.

This was soon followed by several other conflicts initiated by Moscow trying to diminish the authority of the Ecumenical Patriarchate,²⁶ and to some extent, Moscow was successful. For example, Moscow decided to refrain from participation in the ecumenical movement and, considering it primarily as a political tool for Western politics, prevented the majority of Orthodox churches from sending delegates to the first meeting of the World Council of Churches in Amsterdam in 1948.²⁷ The Ecumenical Patriarchate and Greek-speaking Orthodox Churches in Cyprus and Greece were, however, represented.²⁸

It comes as no surprise that the aggressiveness of the ROC had a major impact on the formation and development of Baltic Orthodox churches in exile, causing unrest and even division among Latvian and Estonian émigré circles. In 1947, Metropolitan of the Estonian Apostolic Orthodox Church (EAOC) Alexander (Paulus), residing in Sweden, firmly stated to a former Estonian foreign minister and ambassador, Karl Robert Pusta, who was living in the United States and was trying to organize financial help for EAOC, that as to the Estonian Orthodox community in exile it was useless to count on the support of the Western Orthodox churches, except the Greek Orthodox Church, because they all had fallen victim to the ROC.²⁹ For this reason, Alexander declared that he would refuse cooperation of any sort with them. Instead, he hailed the Catholic Church for its blunt-spoken critical attitude toward Communism and the USSR.³⁰

Soon, however, the situation changed considerably. In 1948 a new patriarch, Athenagoras I, was elected to lead the Ecumenical Patriarchate. Since the 1930s he had served as the archbishop of North and South America, and because of his previous activities, his election, as well as subsequent actions, were backed by the United States. His election was a counteraction to the increasing Soviet threat in the Balkans and the loss of ground of the Ecumenical Patriarchate in the Orthodox world.³¹ It is symbolic that to assume his new post after the election he was flown to Istanbul in the personal

26. Keleher, "Orthodox Rivalry in the Twentieth Century," 131–35.

27. *History of the Ecumenical Movement. Volume I, 1517–1948*, ed. Ruth Rouse and Stephen Charles Neill (Geneva: World Council of Churches, 2004), 667.

28. Evangelia A. Varella, "The Ecumenical Patriarchate and the World Council of Churches," *Greek Orthodox Theological Review* 45, nos. 1–4 (2000): 159–60.

29. During the civil war in Greece (1946–49), the Orthodox Church of Greece closely cooperated with the state to eliminate the Communist threat. See Vasilios N. Makrides, "The Orthodox Church of Greece," *Eastern Christianity and the Cold War 1945–91*, ed. Leustean, 255.

30. Eesti Riigiarhiiv (ERA; Estonian State Archives), stock 1622, ser. 2, item 65, Metropolitan Alexander to Karl Robert Pusta, August 14, 1947.

31. For the very same reason, the election of Athenagoras was supported even by Turkey, whose relationship with the Ecumenical Patriarchate had earlier been very problematic. See Nesim Seker, "The Greek Orthodox Patriarchate of

airplane of American President Harry Truman.³² In 1926, during his service as the metropolitan of Corfu, he had visited Estonia.³³

Two Churches, Two Histories—Comparison of Presumptions and Background

Cold war political order and the aggressive strategy of the ROC amplified certain elements in connection with the exiled Baltic Orthodox Churches. In this respect, the historical and religious, as well as national, identities of clergy and church members deserve close attention. This is why the Latvian Orthodox Church Abroad³⁴ (LOCA) took a completely different path from the EAO, which had a major impact on the church's identity and activities during the period of occupation and after the Baltic states had regained their independence in 1991.

As mentioned, the metropolitan of the EAO spoke bluntly in his criticism of the increased aggressiveness of the ROC.³⁵ In September

Constantinople in the Midst of Politics: The Cold War, the Cyprus Question, and the Patriarchate, 1949–1959," *Journal of Church and State* 55, no. 2 (2012): 268. 32. Oliver Clément, *Dialogues avec le patriarche Athénagoras* (Paris: Fayard, 1969), 85–86.

33. "Patriarh Athenagoras'e (tolleaegne Korfu piiskop) külaskäik Tallinnas, 7. aug. 1926. Pidulik koosviibimine Estonia valges saalis," *Jumala abiga* 4, no. 67 (1964). He had been the head of the Greek delegation in the YMCA World conference in Helsinki and, together with representatives from fifteen countries, visited Tallinn after the conference. See Bernhard Ohse, *Der Patriarch. Athenagoras I. von Konstantinopel. Ein ökumenischer Visionär* (Göttingen: Vandenhoeck & Ruprecht, 1968), 58. In a letter addressed to the synod of the EAO in the 1950s, Patriarch Athenagoras mentioned the visit to Estonia and hailed the Estonians for their hospitality. Eesti Ajalooarhiiv (EAA: Estonian Historical Archives), stock 5355, ser. 1, item 457, The Patriarch of Constantinople to the synod of the EAO (no date given).

34. The Orthodox Church in Latvia was and is called *Latvijas Pareizticīgā baznīca* (The Orthodox Church of Latvia). It was the official name used in the "Regulations on the State of the Orthodox Church" (1926). However, there the term "The Orthodox Church of Latvia" is used side by side with the term "Orthodox Church in Latvia." By-laws of 1936 mention the term "Orthodox Church of Latvia." During the authoritarian period and after the change of jurisdiction, some media editions referred to the church as the "Greek Orthodox Church of Latvia." It was not a legal term, however. Just like the Latvian Lutheran Church, the Orthodox Church of Latvia has often been translated to English as the Latvian Orthodox Church (LOC).

35. The Estonian Apostolic Orthodox Church was the official name of the church after the registration in 1926. According to the Tomos of 1923 the church was called the Estonian Apostolic Orthodox Metropolia. Because of the demands of the German occupation power, this name was again used during the German occupation. Later, the EAO very strictly used the official title of the church, which had been mentioned in the last by-laws of 1935. After the death of Metropolitan Alexander, the new *locum tenens* Archbishop of Thyateira and Great Britain Athenagoras (Kavadas) once referred to the church as EAO in exile, and was instantly

1944 he had been forced by German authorities to leave Estonia with a promise of returning as soon as possible. After spending several years in Germany, he was allowed to move to Sweden in 1947, where he succeeded in reconvening the synod of the EAO. From 1944 to 1947 he had acted according to the constitution of the EAO, appointing priests and making other administrative decisions. Seventeen members of the clergy managed to flee to Germany and Sweden with him, together with five thousand to six thousand EAO members. By the 1960s the purported number of church members had increased to eight thousand.³⁶

Alexander convened the synod in 1948. Until the 1950s the church was not officially registered in Sweden, but like other Baltic Orthodox and Lutheran religious communities (churches or congregations) acting in Sweden, it was recognized by the Church of Sweden, which managed to organize financial support for the clergy and activities. By 1948 at the latest, Metropolitan Alexander also had contacts with the newly elected Patriarch Athenagoras I. In 1945 he had written to Archbishop of Thyateira and Great Britain Germanos (Strenopoulos), who resided in London and was responsible for organizing Orthodox religious life in Western Europe.³⁷

In convening the synod, Alexander referred to the constitution of the EAO as a set of fundamental principles according to which the church was being governed. He had used the rights given to him according to the constitution when summoning the synod. He also appointed most of the members of the synod because only one former member had managed to flee Estonia. It must be noted, however, that originally it had been the competence of the plenary of the EAO to elect the synod. Alexander, on this occasion, claimed that, because it was impossible to summon the parliament, he, as the leader of the EAO, guided by central principles of the constitution, had the right to act correspondingly and convene the synod.³⁸

corrected by the representatives of the EAO synod to use the official term because the EAO in the free world was the legal successor of the prewar EAO.

36. Piiskop Jüri, "Eesti Apostliku Õigeusu Kiriku sinod paguluses," *Eesti Apostlik Ortodoksne Kirik eksilis 1944-1960* (Stockholm: Eesti Apostliku Ortodoksse Kiriku Kultuurfond, 1961), 59-60.

37. EAA, stock 5355, ser. 1, item 295, Patriarch Athenagoras to Metropolitan Alexander, September 11, 1948; Metropolitan Alexander to His Eminence Metropolitan Hermanos, July 20, 1945.

38. In an analysis concerning the legal position of the EAO in exile, a member of its synod, Archpriest Nigul Hindo, mentioned that there were no congregations at that time in Sweden, nor in Germany, so it was impossible for Alexander to organize synod elections. He uses the term "emergency legislation" (or "*Notrecht*") to imply that, because there was an exceptional situation in the church, the metropolitan as the leader of EAO, after a meeting with the majority of the clergy

According to the constitution of EAOC (§11), a metropolitan was responsible for taking care of internal relations and maintaining order in the church and (§39) confirming the elected synod.³⁹

There is no question that he, like other Baltic church leaders, considered the situation in exile to be temporary. It did not mean, however, that the legal status of the EAOC was irrelevant. On the contrary, in an overview written in 1947, Alexander made a strict and steadfast division between the church body in Estonia, which from 1945 acted as a diocese under the jurisdiction of the ROC, and the EAOC, belonging to the jurisdiction of the Ecumenical Patriarchate. They were two separate churches, and because the clergy in Estonia had violated the constitution of the EAOC, as well as holy canons of the Orthodox Church, when forcefully switching canonical jurisdiction in March 1945, there was no EAOC in Estonia anymore.⁴⁰

The EAOC, now acting only in exile, maintained a historical and legal continuity with the church, which had existed in Estonia before 1940. It was vital to preserve the continuity not only to organize religious work in émigré community but also, more important for future purposes, to implement the constitution again in Estonia. It became an acknowledged fact because of its reinstated constitutional bodies, consistent leadership, and canonical acknowledgement by the Ecumenical Patriarchate. The formation and declaration of continuity meant that the EAOC was a political actor that had to be taken into account also by the Orthodox authorities in the USSR.⁴¹

residing in Sweden in 1947, decided to appoint the new synod based on the central principles of the EAOC constitution and the laws of the sovereign Republic of Estonia. See Nigul Hindo, "Eesti Apostlik Ortodoksne Kirik paguluses ja tema õiguslik seisund," *Eesti Apostlik Ortodoksne Kirik eksiliis 1944-1960* (Stockholm: Eesti Apostliku Ortodoksse Kiriku Kultuurfond, 1961), 33-34. Therefore, the act itself was not *contra legem* (against the law), but *praeter legem* (outside of the law), meaning that due to specific circumstances (state of emergency), on account of which the activity of the metropolitan was not regulated by law (the constitution), but at the same time it did not contradict to the central principles of the constitution, the act was not illegal.

39. "Eesti Apostliku-õigeusu Kiriku põhimäärused," *Riigi Teataja* 48 (1935): 1353-76.

40. EAA, stock 5355, ser. 1, item 295, an overview about church life in Sweden and Germany, December 10, 1947.

41. Head of the ROC Diocese of Estonia (from 1990 the patriarch of Moscow and all Russia) Aleksy II had private contacts with the representatives of the EAOC from the 1960s, but the priests in exile remained extremely cautious in connection with the activities of the ROC and tried to avoid face-to-face meetings. For example, before the celebrations of the 800th anniversary of the Uppsala Archdiocese, the EAOC Synod decided that in the procession their clergy had to walk together with the representatives of the Ecumenical Patriarchate and stand in a separate row from the representatives of the ROC. Aleksy was born and raised in Estonia during the period when the Estonian Orthodox belonged to the

In analyzing the differences between the EAOC and the LOC, we should keep in mind that during the interwar period, the EAOC had been under the jurisdiction of the Ecumenical Patriarchate from 1923, whereas the LOC had made the switch from the patriarch of Moscow to the Ecumenical Patriarchate only in 1936. Both churches were autonomous, and although they were not autocephalous, the autonomy was often interpreted as full independence. A clear proof of the violation of that independence in 1940 is that after the ROC had forcefully began to reorganize the EAOC, seventy-six priests of the EAOC (more than 50 percent of the entire clergy) renounced their priesthood to protest against the activity of the ROC. Whereas in Estonia the takeover of the EAOC met with opposition and was not concluded during the first Soviet occupation (1940–41), in Latvia the procedure met less resistance and was carried out more quickly.⁴²

The question of church leaders and their influence within the church can be considered as important because the duration churches had been under the jurisdiction of the Ecumenical Patriarchate. The leader of the LOC, Metropolitan Augustine (Pētersons), consecrated in 1936, was not a leader of much influence. During the interwar period, Metropolitan Alexander of the EAOC also had his battles within the church, but at least in exile he was universally respected.⁴³

Another important aspect related to the previous two was the nationality of church members and the clergy, as well as their understanding of canonical and liturgical tradition. Whereas in Latvia in the 1930s Latvians in the LOC had formed a minority (33–34 percent of the entire adherence), in Estonia up to 70 percent of the EAOC members were Estonians.⁴⁴ In Estonia the number of Estonian

jurisdiction of the Ecumenical Patriarchate. After being ordained a priest in 1950 he served in several congregations in Estonia before becoming a bishop of Tallinn and all Estonia in 1961. He spoke Estonian. See Sõtšov, "Eesti õigeusu pagulaskiriku ja Moskva patriarhaadi Eesti piiskopkonna suhted aastail 1958–1966," 203–204; Patriarh Aleksius II, *Õigeusk Eestimaal*, 410–17.

42. Andrei Sõtšov, *Eesti õigeusu piiskopkond Stalini ajal aastail 1945–1953* (Tartu: Tartu Ülikooli Kirjastus, 2004), 35.

43. In the EAOC there was a conflict between the Russian minority and church leaders over the diocese of Narva and its monastery in Petseri. A question of Russian autonomy within the church was raised also. These conflicts occurred shortly after the Republic of Estonia was established in 1918 and managed to cause unrest until the end of the 1930s.

44. Aleksandrs Černaĵs, *Latvijas pareizticīgā baznīca* (London: Community of St. John, 1996), 91.

priests had exceeded the number of Russian priests prior to Estonia gaining its independence in 1918.⁴⁵

Although the EAO was polarized to some extent as well, in Latvia it meant that, because of the late switch of jurisdiction and canonical, as well as national tradition, which was rooted in the Russian-speaking majority of the LOC, even Orthodox Latvians in many cases objected to the project of Latvianization undertaken by Augustine and at least partly inspired by policies of the authoritarian regime of Latvian President Kārlis Ulmanis from 1934 to 1940.⁴⁶ In Estonia, the nationalization project, which was carried out after a similar coup in 1934 by President Konstantin Päts, was more successful.⁴⁷

These differences between the two churches appeared again during the Second World War. After Germany had invaded the Baltic states, Augustine, in July 1941 declared the return of the LOC under the jurisdiction of the Ecumenical Patriarchate. Metropolitan Alexander took the same decision, but compared with him, Augustine was not

45. It may come as a surprise that the number of Estonians among the clergy was in 1918 higher in the EAO than in the EELC, where the majority of the clergy was Baltic-German. In the Lutheran Church the number of Estonian pastors exceeded the number of Germans in 1920. Among the Estonian Orthodox priests there were some, mostly trained in the Riga Orthodox Academy, who were nationally minded. Having said that, one has to keep in mind that among church members, the number of Baltic Germans in the EELC was much lower than the number of Russians in the EAO. See Priit Rohtmets, *Teoloogilised voolud Eesti Evangeeliumi Luteri Usu Kirikus aastatel 1917–1934* (Tartu: Tartu Ülikooli Kirjastus, 2012), 87; Anu Raudsepp, *Riia Vaimulik Seminar 1846–1918* (Tartu: Eesti Kirjandusmuuseum, 1998), 63–64.

46. In 1936, for example, after Augustine decided to stop celebrating Christmas according to the old Julian calendar, the number of worshipers dropped drastically, reaching only between twenty-five and fifty. Augustine had to accept the pressure of his flock and was forced to allow the celebration of Christmas according to the old calendar. Another initiative fervently opposed by the majority was a decision to celebrate the All Saints Sunday, originally a liturgical practice of the Lutheran Church (in Sunday before the Advent season). Last but not least, a major reason for tensions was the increasing importance of the Latvian language in the LOC. See Ligita Zaula, “Latvijas Pareizticīgās baznīcas latviešu un krievu draudžu attiecības un pastāvēšanas problemātika 20. gs. 30. gados,” *Ceļš* 60 (2010): 244–46.

47. The EAO, similar to the EELC, defined itself as a “peoples’ church,” meaning that the number of adherents was large enough to have an impact on society and a responsibility for religious, social, and educational matters in society. As the EAO attempted to give an Estonian character to parish life and the church was led mostly by Estonians, there were several ethnic conflicts between Estonians and Russians. The overall situation was not as problematic as in Latvia. From 1938 Metropolitan Alexander, together with the bishop of the EELC, belonged *ex officio* to the upper house of the Estonian Parliament. See Riho Altnurme, “Estonian Church Life in the First Period of Independence,” *History of Estonian Ecumenism* (Tartu/Tallinn: University of Tartu/Estonian Council of Churches, 2009), 27–28.

supported by the majority of priests and parishioners, nor was he supported by German authorities.⁴⁸

During the short but violent period of Soviet occupation from 1940 to 1941 the ROC established in February 1941 a Baltic exarchate, which was led by Archbishop Sergey (Voskressensky). In 1940 he had been appointed by the ROC to carry out the unification of two autonomous churches.⁴⁹ After the German invasion Sergey managed to outplay German authorities, and even though he refused to change jurisdiction (or join the Russian Orthodox Church Outside Russia [ROCOR]), he managed to prove himself useful for the Germans. Over the years his credibility and usefulness diminished; he was murdered in April 1944. In the context of this article, it is important to mention that his actions from 1941 to 1942 had an impact on the status of the LOC for the remainder of the twentieth century. According to the official history book of the present day LOC, “[M]etropolitan Augustine broke away from the church with a small number of supporters.”⁵⁰

The truth is that Sergey, with the support of Germans (*Reichskommissariat Ostland*) led the Council of the Baltic Exarchate that forbade Augustine to continue serving in the church because he had announced the return to the jurisdiction of Constantinople.⁵¹ Augustine’s relationship with German authorities remained tense. In his letters to Metropolitan Alexander he described the desperate situation of Latvian parishes—many rural parishes were without priests, and the Latvian congregation in the cathedral of Riga was closed.⁵² What was as important was that Augustine was against the consecration of Jānis (Garklāvs), the new bishop of Riga, belonging to the ROC. When German occupation authorities asked him to participate in the ceremony in 1943, he declined. Bishop Jānis had become a priest in 1936 and had been ordained by Bishop of Jelgava Jacob (Karps). After the annexation of Latvia in 1940, both men belonged to the ROC. With Jānis appointed as bishop of Riga, a

48. In a letter to Archbishop Germanos in 1945, Metropolitan Alexander considered his position and support within the church as the major reason why he was not pushed out like Augustine. EAA, stock 5355, ser. 1, item 295, Metropolitan Alexander to His Eminence Metropolitan Hermanos, July 20, 1945.

49. Patriarh Aleksius II, *Ūģeusk Eestimaal*, 376.

50. Oļegs Peļevins, “Ieskats Latvijas Pareizticīgās Baznīcas vēsturē,” *Latvijas Pareizticīgā Baznīca 1988–2008* (Rīga: Latvijas Pareizticīgās baznīcas sinode, 2009), 10.

51. Gavrilin, and Pazane, “The Orthodox Church in the Twentieth Century in the Baltic States”; Chaillot, *The Orthodox Church in Eastern Europe in the Twentieth Century*, 181. There is an obvious mistake in the quoted text—it should be the Latvian Orthodox Church, not the Lithuanian.

52. Tatjana Shor, “Dokumenti o LPC v fonde Sinoda EAPC Nacionalnovo arhiva Estonii,” *Pravoslavije v Baltii* 10 (2013): 25–28.

native Latvian was formally taking care of the Latvian Orthodox. At the same time, the real leader of the church was still Sergey.⁵³

Meanwhile, the local German authorities in Estonia (*Estonische Selbstverwaltung* and *Generalbezirk Estland*) who were subordinated to the *Reichskommissariat* in Riga tended to support Metropolitan Alexander who had the support of the majority of the EAOC. For this reason, Sergey faced considerable opposition from the EAOC when trying to handle the situation similarly to Latvia.⁵⁴ Still, with the help of *Reichskommissariat* in Riga, he managed to limit the activity of Alexander to a certain extent, so that in addition to Estonian Orthodox Metropolia (the official name given to Estonian Orthodox according to the 1923 Tomos, officially used during the German occupation), a diocese of Narva in Eastern Estonia, together with twenty-four parishes, was registered under the jurisdiction of the Patriarchate of Moscow. Although there were exceptions, the two organizations were divided on the basis of nationality.⁵⁵ Like Augustine, Alexander was also officially removed by Sergey from the Baltic exarchate, but because he had the support of the majority of the EAOC (in 1939, the EAOC had altogether 156 parishes), he carried on as metropolitan of the Estonian Orthodox.⁵⁶

The situation in Estonia appears to be similar to that of Ukraine where two Orthodox churches existed during the German occupation: first, the Ukrainian Autocephalous Orthodox Church with canonical ties to Polish Orthodox Church and Ecumenical Patriarchate and, second, the Autonomous Orthodox Church, subordinated to ROC. Like Estonia, German authorities in Ukraine did not fully support either of the two and used them for their own interests, often playing one against the other.⁵⁷

The Latvian Orthodox Church Abroad

In 1944, with the Red Army approaching from the east, Metropolitan Augustine and Bishop Jānis left Latvia. Like Alexander, they too were forced to leave by German authorities. At first, the situation of the

53. Jānis Kalniņš, *Latvijas Pareizticīgā Baznīca: vēstures komentārs* (Rīga: San Estera, 2007), 147.

54. Harvey Fireside, *Icon and Swastika: The Russian Orthodox Church under Nazi and Soviet Control* (Cambridge, MA: Harvard University Press, 1971), 134.

55. Andrei Sõtšov, *Eesti Õigeusu Piiskopkond Nõukogude religioonipoliitika mõjuväljas 1954-1964. Dissertationes Theologiae Universitatis Tartuensis 14* (Tartu: Tartu Ülikooli Kirjastus, 2008), 23-24.

56. Alexander mentioned in 1945 that German authorities in Riga forbade him to use the title metropolitan of Tallinn and all Estonia and that he was prohibited from using the cathedral in Tallinn. EAA, stock 5355, ser. 1, item 295, Metropolitan Alexander to His Eminence Metropolitan Hermanos, July 20, 1945.

57. Zenon V. Wasyliv, "The Ukrainian Autocephalous Orthodox Church," *Eastern Christianity and the Cold War 1945-91*, ed. Leustean, 156-57.

Latvian Orthodox in Germany remained chaotic. As Latvian Orthodox priest Alexander Cherney has later described, refugees often came from different Orthodox jurisdictions and had different ethnic backgrounds. Priests were not sure which structure to join and therefore prayed in the Divine Liturgy for all bishops and patriarchs.⁵⁸

Nazi Germany supported the activity of the ROCOR. During the Second World War, their relationship had become more restrained, but even then, in March 1942, the Ministry of Church Affairs gave financial support to restore an Orthodox church in Wiesbaden.⁵⁹ The Metropolitan of Berlin and Germany Seraphim (Lade) of the ROCOR established a foundation for helping refugee priests. All of the parishes of the ROCOR German diocese from August 1941 onward organized donations to the fund.⁶⁰ Therefore, it is not a surprise that there were Latvian Orthodox priests who decided to join the ROCOR. In the coming decades some of them or their descendents even managed to reach high positions in the ROCOR. For example, Pēteris Bērziņš became Bishop John of Caracas and South America in 2008. In fact he was the second priest of Latvian origin who reached a high rank in America since Jānis Baumanis had earlier served as an administrator of the ROCOR churches in Venezuela for many years. He died in 1985.⁶¹

However, taking into account the historical background of the two Orthodox Churches, it seems a very farfetched hypothesis to claim that it was only the activity of the ROCOR that influenced the decision of many LOC priests. Metropolitan Alexander of the EAOC had also met in 1944 with Seraphim, who, after the meeting, granted permission for the EAOC priests to hold services in the ROCOR churches and promised financial support for the Estonians, but at that time no Estonian priest joined the ROCOR. As mentioned, already in Germany and during the war, Alexander continued to act according to the constitution of the EAOC and appointed priests to certain districts in Germany as well as to congregations in Sweden.⁶²

At the same time the situation of the LOC remained full of tension. Metropolitan Augustine's health was quite weak, and therefore his ability to call the church to order was restrained. Still, there are some documents that can be interpreted to indicate that according to his

58. Černajs, *Latvijas pareizticīgā baznīca*, 120.

59. Arkadij Makoveckij, *Belaja cerkovj: vdali ot ateisticheskovo terora* (Sankt-Peterburg: Puter, 2009), 147.

60. *Ibid.*, 151.

61. Alexander V. Gavrilin, *Latvijskije pravoslavnije svjaschennosluziteli na Amerikanskom kontinente* (Moskva: Obschestvo ljubitelei cerkocnoi istorii, 2013), 14.

62. Theodor Kolobov, "Eesti Apostliku Õigeusu Kiriku tegevusest Saksamaal," *Eesti Apostlik Ortodoksne Kirik eksilis 1944-1960* (Stockholm: Eesti Apostliku Ortodoksse Kiriku Kultuurfond, 1961), 145-46.

understanding the church in exile was the successor of the LOC. He even mentioned that after the liberation of Latvia from Soviet occupation the church in exile would have an obligation to rebuild the church again. Augustine instructed Antonijs Grāmatiņš, head of the Latvian Orthodox congregation in Great Britain, “to take upon himself the leadership of the LOC after returning to free Latvia together with trustworthy clergymen and try to pluck up the weeds of Moscow abundantly sowed by the red Metropolitan.”⁶³

While Augustine belonged to the jurisdiction of the Ecumenical Patriarchate, Bishop Jānis, being consecrated by Exarch Sergey, continued to support the ROC. In January 1945 Bishop Janis announced that as the ROCOR was considered schismatic by the ROC, it was forbidden to serve the Eucharistic service of Divine Liturgy with priests who had joined the ROCOR. Out of thirty Orthodox priests who had left Latvia, less than half (twelve) supported Jānis. It was not solely a question of loyalty but also an issue of practical importance to him because he was in need of priests.⁶⁴ Later, after he had moved to the United States in 1949, his position became more moderate, and he supported the idea of unity of the Orthodox world in spite of various jurisdictions.⁶⁵

In October 1946 Jānis met with Augustine, and as a result of this meeting, the Latvian Orthodox Church Abroad (LOCA) was established. An agreement reached clearly indicates that the LOCA declared itself to be the successor of the LOC in sovereign Latvia. In the agreement it was stipulated that Jānis (Garklāvs) should hold the title bishop of Riga, which he had received when consecrated in 1943 by the ROC.⁶⁶ This way he was officially incorporated to the LOCA; however, for Jānis it did not resolve the question of subordination.

Another meeting of the Latvian Orthodox clergy and church staff took place in August 1946 in Fellbach, near Stuttgart, where it was decided to contact Archbishop of Thyateira and Great Britain Germanos to take Latvian Orthodox emigrants under the spiritual supervision of the Ecumenical Patriarchate. Their petition was accepted by the Holy Synod of the Patriarchate.⁶⁷ In 1949 Augustine mentioned

63. Kalniņš, *Latvijas Pareizticīgā Baznīca : vēstures komentārs*, 149.

64. At the beginning of 1948, out of approximately thirty Latvian Orthodox priests, eighteen served in permanent parishes organized in refugee camps as well as in smaller groups of Orthodox believers. In total the number of Orthodox served by that group of priests reached about twenty-eight hundred persons. From the end of the 1940s most of them emigrated from Germany, most often reaching North America. See Gavrilin, *Latvijskije pravoslavnije svjaschennosluziteli na Amerikanskom kontinente*, 44–45.

65. *Ibid.*, 66–67.

66. Heinrihs Strods, *Metropolīts Augustīns Pētersons. Dzīve un darbs. 1873–1955* (Rīga: Latvijas Universitātes žurnāla “Latvijas Vēsture” fonds, 2005), 266.

67. Pēteris Starcs, “Latvijas Pareizticīgo baznīca ārpus dzimtenes,” *Latviešu trimdas desmit gadi*, ed. H. Tichovskis (Toronto: Astras apgāds, 1954), 48.

in an appeal addressed to Latvian Orthodox in exile that in that decision the Holy Synod had not mentioned the LOCA. It only declared that the Ecumenical Patriarchate took the Orthodox from Latvia living in Western Europe under its jurisdiction and included them to the Exarchate of Western Europe.⁶⁸

The LOCA was governed by a synod, which during the period from 1947 to 1949, managed to hold twelve meetings and was formally led by Augustine. However, because he was an elderly man with health problems, the real leader running the church at least for some time during his stay in Germany was Bishop Jānis.⁶⁹ He never accepted the jurisdiction of the Ecumenical Patriarchate; in a service during a Latvian singing festival in Esslingen (Germany) in 1947 he prayed for Aleksy, the newly elected patriarch of Moscow.⁷⁰

As the LOCA's canonical status and future perspectives were unclear to Bishop Jānis and the interwar status was not as relevant and unequivocal as one would expect, he, together with his supporters, turned to the Russian Orthodox Greek Catholic Church of America (later Orthodox Church in America) in October 1947 with a request to accept them as part of their church. The request was granted a month later.⁷¹ With Bishop Jānis leaving, the synod of the LOCA decided to continue autonomously and hand all administrative work to Leonid Ladinsky and, after his emigration, to Pēteris Kurzemnieks. In March 1950 Kurzemnieks too moved to the United States.⁷² The emigration from Germany meant that most of the Latvian Orthodox community in Europe ceased to exist, and as Latvian priests in America joined other Orthodox Churches, LOCA remained mainly in Europe and was bound to be on the wane.

In 1951 Augustine officially revoked the agreement of 1946 between himself and Bishop Jānis and appointed Antonijs Grāmatiņš (who resided in London) as his deputy.⁷³ In an overview written in 1953, Grāmatiņš expressed his doubts about the future of the LOC and even questioned his own appointment because, according to the by-laws of 1936, Augustine did not have the right to appoint his successor. Grāmatiņš proposed that a solution about the successor should be achieved through consultations between the Ecumenical Patriarchate and Latvian state representatives abroad (he mentioned

68. Strods, *Metropolīts Augustīns Pētersons. Dzīve un darbs. 1873–1955*, 186.

69. Gavrilin, *Latvijskije pravoslavnije svjaschennosluziteli na Amerikanskom kontinente*, 162.

70. Černaĵs, *Latvijas pareizticīgā baznīca*, 123.

71. Gavrilin, *Latvijskije pravoslavnije svjaschennosluziteli na Amerikanskom kontinente*, 163.

72. *Ibid.*, 181–82.

73. "Pareizticīgo baznīca trimdā," *Latvju enciklopēdija 1962–1982*, vol. 3 (Rockville: Amerikas Latviešu apvienības Latviešu institūts, 1987), 357.

the Latvian ambassador in London, Kārlis Zariņš) “to avoid traitors infiltrating in the church.”⁷⁴ Finally he also mentioned Bishop Jānis (Garklāvs), but mainly to blame him for attempts to liquidate the LOCA instead of taking care of it. Four Latvian Orthodox congregations in Great Britain led by Grāmatiņš have been portrayed to have been the core of the LOCA.

The synod also continued to function, formally still led by Augustine, who died in 1955. Now, the synod once again turned to Bishop Jānis (Garklāvs) and proposed that he should be an interim administrator of the church. The synod suggested that while running the LOCA, he could remain at the service of his church in America. Another important decision was made by the synod to inform Patriarch Athenagoras of their wish to remain in the jurisdiction of the Ecumenical Patriarchate.⁷⁵ That meant that the church in exile considered itself a part of the Ecumenical Patriarchate. However, the decision was criticized by some Latvian emigrants who pointed out that Bishop Jānis had been consecrated by Exarch Sergey of the ROC.⁷⁶ In fact it was not possible for Garklāvs to be involved in affairs of the LOCA because of his work in a church under a different jurisdiction.

During the next years the LOCA, or what was left of it, was led by several priests—by Grāmatiņš until his death in 1969 and after him by protopresbyter Alexander Cherney.⁷⁷ In addition to the Latvian Orthodox community in England, he also served those living in Germany and Sweden. He held a position of dean of the Latvian Orthodox Church abroad. He died in 2008.⁷⁸ There is still a Latvian chapel in London situated within the Anglican Church of St. Thomas the Apostle belonging to Archdiocese of Thyateira and Great Britain of the Ecumenical Patriarchate; however after a query by one of this article’s authors, its representatives were not able to provide any contact information.⁷⁹

The analysis clearly indicates that during the liberation process in the 1980s and the reestablishment of the independent Republic of Latvia, the LOCA, in reality, had ceased to exist. The remaining clergy and the Latvian Orthodox community did not have a synod and no identity of an autonomous church that could make claims of restoration in Latvia.

74. Antonijs Grāmatiņš, “Autonomās Latvijas Pareizticīgās baznīcas stāvoklis,” Latvijas Valsts Arhīvs [State Archive of Latvia], stock 2335, ser. 1, item 370, 23.

75. “Par pareizticīgo baznīcas lietu pagaidu kārtotāju izraudzīts bīskaps Jānis,” *Laiks* (October 19, 1955): 1.

76. “Draudi Latvijas pareizticīgo baznīcai,” *Londonas Avīze* (October 28, 1955): 1.

77. Kalniņš, *Latvijas Pareizticīgā Baznīca: vēstures komentārs*, 150.

78. “+ Protopresbyter Alexander Cherney,” http://www.thyateira.org.uk/index.php?option=com_content&task=view&id=306&Itemid=151.

79. E-mail of Father Vassilios to V. Tēraudkalns, received October 30, 2013.

The Estonian Apostolic Orthodox Church

The Estonian case was somewhat different. Alexander ran the church together with the synod until his death in 1953. In 1948 he had written to Metropolitan Herman of the Finnish Orthodox Church with a request to lead the church if something should happen to him. Herman agreed.⁸⁰ However, shortly before his death, he signed another authorization for his one-time assistant Aleksander Jürisson, now living in the United States. As it was kept secret from the synod, it came as a surprise when Jürisson began to publish his circular letters after Alexander's death, claiming that he had now become the administrator of the EAOC.⁸¹ His actions were criticized by the synod. Having the majority of clergy and Archbishop Athenagoras (Kavadas) on its side, the synod took charge of the EAOC, with Athenagoras appointed as *locum tenens* of the church. Patriarch Athenagoras accepted the move, and according to a contract signed in 1954, the EAOC maintained its constitutional legitimacy. Archbishop Athenagoras and the synod as an administrative body ran the church together.⁸²

In 1956 the EAOC managed to elect a new Estonian bishop, Jüri (Välbe), who was approved soon after the election by the Ecumenical Patriarch. Patriarch Athenagoras stated that the status of the EAOC would remain unchanged; at the same time he also declared that, although, according to the constitution, the EAOC was autonomous and so far had had a right to address the patriarch without mediation, canonically it now belonged to the jurisdiction of the exarchate of Western Europe. The church in exile now consisted of only one diocese.⁸³ The Orthodox Church is a territorial church, based on a one-territory/one-bishop principle, and because the EAOC was forced to exile, it did not act in its territory but was preserved as a church because the situation was considered to be temporary. This way constitutional continuity and canonical legitimacy were both followed and protected.⁸⁴

As stipulated in the constitution, the synod was re-elected regularly. Bishop Jüri died in 1961, and Archbishop Athenagoras (Kavadas) was again appointed as *locum tenens* of the church. After his death in 1963, he was succeeded by Athenagoras (Kokkinakis); after the

80. EAA, stock 5355, ser. 1, item 7, Metropolitan Aleksander to Metropolitan Herman, March 8, 1948.

81. EAA, stock 5355, ser. 1, item 580, Eesti Apostliku Õigeusu vaimulikele vabas maailmas, November 18, 1953.

82. EAA, stock 5410, ser. 1, item 124, Archbishop Athenagoras to the Reverend Members of the Synod of the Estonian Orthodox Church in Exile, February 10, 1954.

83. Sergius Samon, and Silvia Maria Salasoo, *Kiriku ajalugu* (Tallinn: Eesti Apostlik-Õigeusu Kiriku Kultuurifond, 1990), 183.

84. Hindo, "Eesti Apostlik Ortodoksne Kirik paguluses ja tema õiguslik seisund," 38–40.

establishment of the exarchate of Scandinavia, Metropolitan Paul took his position in 1974.⁸⁵

By the mid-1970s the EAOE had functioned in exile for more than thirty years and had congregations worldwide. The Ecumenical Patriarchate fully understood the reasons why the EAOE acted in exile and recognized it as a canonical church. In July 1969 synod members met with Patriarch Athenagoras in Phanar, where the patriarch commiserated with the EAOE and asked them to be patient.⁸⁶ The number of EAOE members was slowly diminishing, the church was still without a bishop, and it was run by *locum tenens* Metropolitan Paul.

This explains why in 1978 Aleksy, Metropolitan of Tallinn, and All Estonia of the ROC addressed Patriarch Demetrios, a successor of Athenagoras about the validity of the 1923 Tomos. The patriarch responded that, because normal connections with Estonia had been cut off, he decided to suspend the Tomos, meaning that when necessary the Tomos could again be reinstated.⁸⁷

In a canonical sense, this meant that the EAOE was now divided between different regional administrations (exarchates) of the Ecumenical Patriarchate. However, the EAOE synod nevertheless continued to act according to the constitution of the EAOE, thus maintaining a constitutional continuity of the church. Because the synod resided in Sweden, they considered Metropolitan Paul as the head of the entire church. Paul in several cases acted accordingly, although his duties were canonically limited only to the Estonian Orthodox in Sweden.⁸⁸ The church still consisted of émigré Estonians, which is why the understanding of their own independent church was very much related to the legal continuity of the autonomous EAOE. The synod held regular meetings and was re-elected as required by the constitution. During the 1980s, with *perestroika* and *glasnost*, several priests from Estonia started visiting synod meetings, thus building a bridge between the EAOE and the Orthodox community in Estonia.⁸⁹

Defining Legitimacy in the Post-Soviet Era

Soviet Heritage

As a result of the Soviet occupation, the religious landscape of Orthodoxy changed considerably. Patriarch Aleksy II in his book about the

85. EAA, stock 5355, ser. 1, item 450, Protokoll 1/1975, March 1, 1975.

86. Ibid., Protokoll no. 8, November 1, 1969.

87. Samon, and Salasoo, *Kiriku ajalugu*, 185.

88. EAA, stock 5355, ser. 1, item 473, Paul of Sweden to Archbishop of Australia Stylianos, March 1, 1979.

89. Rohtmets, and Ringvee, "Religious Revival and the Political Activity of Religious Communities," 377.

history of Estonian Orthodoxy describes the difficulties the ROC diocese in Estonia faced—the most difficult being the closure of parishes in the 1960s as a result of Nikita Khrushchev's new strategy to fight religion.⁹⁰ When compared with other religious associations in Estonia, the ROC diocese suffered the most. The church was hit by an increased insurance tax, which forced parish members to give up their church buildings.⁹¹ At the same time, according to Aleksy, there were other reasons for decline besides state restrictions, most important the decreasing number of the Estonians, especially in rural areas.⁹² The number of Orthodox—mostly Estonian—had already begun to fall in the 1940s, from one hundred thousand in 1947 to sixty thousand by 1950, and it kept falling primarily because of Orthodoxy's weak roots in Estonian society.⁹³ As a result of the mass settlement of Russians in Estonia, the Russians gained a numerical superiority within the diocese.⁹⁴

Latvian scholar Alexander Gavrilin reached the same conclusions about Latvia, stating that during Khrushchev's antireligious campaign most of the parishes that were closed had native Latvians as the majority of parishioners. Latvian Orthodox priest Nils Druvaskalns adds the results of the Second World War, deportations to Siberia, and the fact that Orthodox tradition was not deeply rooted in the hearts of many Latvian people.⁹⁵

Whatever opinion we follow, the fact remains that the number of Latvian and Estonian parishes decreased significantly. In 1955 there were 123 Orthodox parishes in Latvia—fifty-nine Russian, thirty-two Latvian, and thirty-two ethnically mixed. In 1964 there were only ninety-seven parishes—fifty-nine Russian, thirteen Latvian, and twenty-five mixed.⁹⁶ In Estonia the number of registered

90. Patriarh Aleksius II, *Õigeusk Eestimaal*, 420–21. Regarding the fight against religion in Soviet Estonia, see Atko Remmel, *Religioonivastane võitlus Eesti NSV-s aastail 1957–1990: Tähtsamad institutsioonid ja nende tegevus* (Tartu: Tartu Ülikooli Kirjastus, 2011).

91. Sõtšov, *Eesti Õigeusu Piiskopkond Nõukogude religioonipoliitika mõjuväljas 1954–1964*, 143.

92. Patriarh Aleksius II, *Õigeusk Eestimaal*, 422.

93. Riho Altnurme, "Church Life during Occupations," in *History of Estonian Ecumenism* (Tartu/Tallinn: University of Tartu/Estonian Council of Churches, 2009), 116.

94. Vlasios Phidas, "The Church of Estonia," in *The Autonomous Orthodox Church of Estonia. L'Église autonome orthodoxe d'Estonie: approche historique et nomocanonique*, ed. Archimandrite Grigorios Papatomas and Matthias Palli (Athens: Épektasis, 2002), 271.

95. Viesturs Sprūde, "Pareizticīgie latvieši. Vāji ticībā?" <http://www.apollo.lv/zinas/pareizticigie-latviesi-vaji-ticiba/332879>.

96. Gavrilin and Pazane, "The Orthodox Church in the Twentieth Century in the Baltic States"; Chaillot, *The Orthodox Church in Eastern Europe in the Twentieth Century*, 285.

parishes dropped from 134 in 1947 to ninety-six in 1965. The number of clergy decreased also, from 104 in 1947 to fifty-eight in 1965. The majority of parishes closed were Estonian.⁹⁷ One can add that the ROC diocese in Lithuania suffered the same consequences: between 1944 and 1990, nineteen parishes were closed. In 1960 the Vilnius convent of nuns was closed. As in Estonia and Latvia, the number of Russians increased. Because there were no Orthodox parishes in Kaliningrad, the parishes near the border between Lithuania and Kaliningrad flourished.⁹⁸

From Continuity to Restoration—Conflicts over History

As we might conclude from the data presented about Orthodoxy in the Baltic states, during the Soviet period the situation in all three dioceses was more or less similar. However, already during the first years of *perestroika* differences emerged, which in Estonia resulted in the restoration of the EAOC in 1993.

The process of liberalization and restoration of state independence in Lithuania, Latvia, and Estonia also had a religious dimension. Because of the hostile religious policy of the USSR, the churches were deemed to become new heroes of the national awakening. Previously persecuted, now hailed, they faced a new social reality. In addition to thousands of baptisms, confirmations, and so on, churches were now expected to take a stand on social matters, including state independence. This was easier for Catholics in Lithuania and Lutherans in Latvia and Estonia because their clergy and members belonged to majority ethnic groups. Although the heads of the churches were sometimes modest, the clergy actively participated in the formation of new social organizations.⁹⁹

At the same time, the majority of clergy belonging to the ROC were not so eager to support the national cause of Estonians, Latvians, and Lithuanians. In Lithuania, the archbishop of the ROC Lithuanian diocese, Chrysostom (Georgij Martishkin), who himself publicly supported Lithuanian state independence, claimed that out of the entire clergy (twenty-eight) only two expressed their support for independence. He adds, "The others . . . were silent."¹⁰⁰

The case of Latvia is similar to that of Lithuania. Alexander Kudryashov, who from 1989 served as bishop of Daugavpils, thereafter

97. Sõtšov, *Eesti Õigeusu Piiskopkond Nõukogude religioonipoliitika mõjuväljas 1954–1964*, 194–95.

98. Regina Laukaiyte, "The Orthodox Church in Lithuania," in *Eastern Christianity and Politics in the Twenty-First Century*, ed. Leustean, 358–59.

99. Rohtmets, and Ringvee, "Religious Revival and the Political Activity of Religious Communities," 362–69.

100. Regina Laukaiyte, "The Orthodox Church in Lithuania," 359.

bishop of Riga, and since 2002 has held the position of a metropolitan of Riga and all Latvia, took part in the First Congress of the People's Front (1988), greeting the participants and urging them to work together.¹⁰¹ In 1989 the People's Front was among the organizations that presented a demand for the return of the Orthodox cathedral in Riga to the ROC diocese in Latvia.¹⁰²

In general, Orthodox clergy were not active in the People's Front, nor did most of them support its aims. This was partly related to the fact that the People's Front had a wing of more radical nationalists and the Orthodox diocese in Latvia was afraid that its involvement would alienate it from its main audience—the Russian-speaking minority. The only Orthodox priest elected to Supreme Soviet of Latvia was Aleksey Zotov, whose activity can be described as controversial. For example, in a vote on May 4, 1990, on re-establishing an independent Republic of Latvia, he abstained from voting.¹⁰³ In 1990, after Boris Yeltsin had won the elections for the speaker of the Supreme Soviet of Russia, he expressed his happiness, stating that “as a Russian fighting for the independence of Latvia I am at the same time fighting also for the freedom of Russia.”¹⁰⁴ In 1994 he left for Moscow, and it seems that he was not missed because, at least in public, it was suggested that the LOC managed to distance itself from a priest who was damaging the church's image.¹⁰⁵

In Estonia, the ROC diocese was deeply polarized, and a conflict arose in the church toward the end of the 1980s in connection with national issues. Metropolitan Aleksy supported *perestroika* and the change of religious policy in the USSR; at the same time, he found it difficult to take a positive stand on Estonia's national awakening.

According to the recollections of an Estonian priest (now archpriest) Ardalion Keskküla, Estonians opposed a plan to appoint a new Russian bishop, seeing it as a sign of continued Russification. They also

101. The congress had a symbolic meaning for religious life because, after twenty-nine years and in connection to the congress, a worship service was allowed to take place in a former Lutheran Cathedral in old Riga. One of the founders of the People's Front was Lutheran pastor Juris Rubenis. As a result of his and others' contributions, the congress passed a resolution on religion, demanding reforms and the state's dialogue with religious associations in working out the reforms. See *Latvijas Tautas fronte: Gads pirmāis* (Rīga: Latvijas Tautas fronte, 1989), 80, 230.

102. “Latvijas PSR Ministru Padomei,” *Padomju Jaunatne*, April 7, 1992, 2. During Khrushchev's campaign against religion, it had been turned into a planetarium. The cathedral was returned in 1991.

103. See official minutes of the council's historically significant session in “Latvijas PSR divpadsmitā sasaukuma Augstākās padomes pirmās sesijas 1990.gada 4.maija sēdes protokols Nr.3,” *Latvijas Vēstnesis* 158/160 (May 4, 2000), https://www.vestnesis.lv/body_print.php?id=5513.

104. D. Lemešonoks, “Boriss Jeļcins uzvarējis,” *Lauku Avīze* (June 1, 1990): 22.

105. Ringolds Balodis, *Valsts un baznīca* (Rīga: Nordik, 2000), 353.

disapproved of the procedure appointing Kornelius (Jakobs) as the archbishop of the Estonian diocese after Aleksy had been elected patriarch of Moscow in 1990.¹⁰⁶

In November 1990, Aleksy was the first to sign a petition published in the Russian newspaper *Izvestiya* and in *Sovetskaya Estoniya* in December accusing Estonians of discrimination against the Russian population in Estonia. An Estonian archpriest, Emmanuel Kirss, refuted the accusation in a promptly published article.

At the same time, Estonian priests regularly visited the EAOC synod meetings in Stockholm, and their relationship grew closer. Aivar Sarapik, a deacon at that time and later one of the three men who registered the EAOC in the Estonian Ministry of Interior, has claimed that he previously addressed the representatives of the Ecumenical Patriarchate in 1991 during the World Council of Churches meeting in Canberra with a request to reinstate the 1923 Tomos.¹⁰⁷ On December 31, 1992, eight Orthodox priests and thirty-three Orthodox lay people published a declaration on the history of the EAOC before and after the occupation of the Republic of Estonia and emphasized the need to review canonical jurisdiction of Estonian parishes.¹⁰⁸

The Republic of Estonia, according to its legislation, acknowledged organizations whose constitutional activity had not stopped during the Soviet period as legally entitled to re-register themselves and regain their property. In 1992 the ROC diocese in Estonia sent a letter to the Estonian government claiming that the ROC diocese was the legal successor of the pre-war EAOC. Soon after that, the ROC sent a new constitution of its diocese in Estonia (in Russian!) to the Ministry of Culture, who dealt with religious associations at that time. After the Ministry had formulated a negative response, stating that it was a constitution of a diocese and not an autonomous church that had existed before the war, the ROC diocese began to accuse the Republic of Estonia of interfering in its internal matters.

In April 1993, Aleksy visited Estonia and assigned a new Tomos of autonomy to the diocese of ROC in Estonia.¹⁰⁹ Now the ROC diocese was renamed the Estonian Apostolic Church and claimed to be an autonomous church, although the Tomos stated that all decisions of its council had to be confirmed by the patriarch of Moscow. Even though the ROC soon agreed to use the 1935 constitution of the EAOC to claim continuity with the EAOC, the Tomos of 1993 remained

106. Priit Rohtmets, "Development of the Membership of the Council of Churches," in *History of Estonian Ecumenism* (Tartu/Tallinn: University of Tartu/Estonian Council of Churches, 2009), 284.

107. Ringo Ringvee, *Riik ja religioon nõukogudejärgses Eestis 1991–2008*, 128.

108. *Ibid.*, 130.

109. Rimstad, "Orthodox Churches in Estonia," 298–99.

valid (i.e., the church was officially declared autonomous but was, in fact, still a diocese).¹¹⁰

In 1993, less than two months after a new law on religious associations was passed in the Estonian parliament according to which all religious communities had to be re-registered during 1993, the EAO synod in Stockholm, together with several congregations in Estonia who wished to be part of the EAO, was registered in the Estonian Ministry of Interior. It continued to act according to its constitution and claimed its property in Estonia. By then, no application from the ROC diocese in Estonia for registration had been presented to the Ministry of Interior, although they had consulted with the ministry about their application.

Before its registration, the EAO representatives in Estonia established a Foundation of EAO, responsible for restoring the activity of the prewar EAO in Estonia.¹¹¹ Because there had been no ROC diocese at the time the Republic of Estonia had been occupied in June 1940, the Ministry of Interior declared that the newly registered EAO was the lawful successor of the prewar EAO. Thus, the EAO was recognized on the basis of constitutional continuity.

This was followed by a serious conflict between two Orthodox communities and two patriarchates. The Republic of Estonia clearly supported the concept of restoration and legal continuity.¹¹² Of course, a political aspect in the conflict (e.g., diminishing the soft-power influence of Russia) cannot entirely be overlooked. Because there was a clear understanding of an autonomous EAO even in certain numbers of Russian parishes in Estonia, Bartholomeos in 1996 reactivated the Tomos of 1923. It was soon followed by an inter-Orthodox crisis.¹¹³ The conflict was not resolved until 2002. During the period from 1993 to 2002, the Republic of Estonia was pressured by both the ROC and the Russian Federation. From 1994 onward, the ROC accused Estonian Republic of violating human rights.

The ROC diocese in Latvia did not face any serious opposition to its legal claims. In 1992 the ROC decided to rename the diocese of Riga and use the interwar name Latvian Orthodox Church. Similar to Estonia, the new title in Latvia was an expression of a new Tomos of autonomy signed by the patriarch of Moscow. After negotiations between the representatives of the ROC and Latvian Minister of Justice Viktors Skudra, the Republic of Latvia decided to recognize

110. Patriarh Aleksius II, *Õigeusk Eestimaal*, 577.

111. Ringo Ringvee, *Riik ja religioon nõukogudejärgses Eestis 1991–2008*, 128. The foundation guaranteed that the EAO had an official residence in Estonia as stated in the law.

112. Merilin Kiviorg, "Eesti Apostlik-Õigeusu Kirik ja objektiivne kirikuõigus," *Juridica* 10 (1997): 520.

113. Richters, *The Post-Soviet Russian Orthodox Church*, 87.

the LOC as a legal successor of the prewar LOC. On November 12, 1992, the speaker of the Supreme Council of Latvia, Anatolijs Gorbunovs, met with the ROC delegation led by Metropolitan Juvenalijs and the head of the Department for Foreign Affairs Metropolitan Kiril, the present patriarch of Moscow. Less than two months later, on December 29, 1992, the LOC council, after solemnly reading a Tomos, declared the LOC autonomous.¹¹⁴

More important, the fact that the council decided to pass a revised version of the LOC by-laws of 1936 was, in reality, the precondition for recognizing the LOC as the successor of the preoccupation LOC.¹¹⁵ Formally, the LOC was restored, its property returned, and the ruling bishop from now on had a reference to Riga and all Latvia included in his official title.

At present, the LOC tries to shape interwar Latvian history in a way that would allow inclusion in its coherent official history. It coincides with the aim to show its loyalty to the Republic of Latvia.¹¹⁶ In 2011,

114. Oļegs Peļevins, "Baznīca no 1990. līdz 1992. gadam," *Latvijas Pareizticīgā Baznīca 1988–2008*, 54–55.

115. Jānis Silis, "Latvijas pareizticīgo baznīca atgūst patstāvību," *Laiks*, January 9, 1993, 4. Although ROC granted autonomy (in fact self-governance according to the terminology of MP) to both Latvian and Estonian Orthodox, their constitutions in fact are different. It is a consequence of the negotiations held in 1990s. The ROC Estonian diocese was ready to adopt the 1935 constitution of the EAOC to claim continuity, but because the Tomos went against the constitution, the Republic of Estonia declined the application of the ROC. A precondition for that was that the EAOC wished to register itself based on legal continuity. In conclusion the ROC Estonian diocese registered a constitution in 2002, which is in fact a constitution of a diocese. For example, when the heads of both churches need to be confirmed by the patriarch of the ROC, only the Estonian diocese of ROC has to send the decisions of its full board for approval. In that sense, the LOC has more freedom. The amended constitution of the LOC states that the church is "independent in all church matters—administrative, economic, educational, and civil (See paragraph no. 2, "Latvijas Pareizticīgās Baznīcas Statūti." Amended version approved by the LOC Council on December 29, 1992, <http://www.lursoft.lv>). The bylaws of 1992 say that the patriarch should confirm decisions that are related to canonical questions (p. 9). If the head of the LOC disagrees with decisions of the council, he can send them to the patriarch for a final decision (p. 32).

116. The Orthodox Church in Latvia is trying to show that it is loyal to the Republic of Latvia and is not a pro-Moscow organization. From time to time it finds itself in a difficult position where it is impossible to satisfy interests of all political forces involved. For example, in 2009, during the military conflict between Russia and Georgia, there were intercessions for victims on the Georgian side in two Orthodox churches (the Orthodox cathedral in Daugavpils and the Latvian Orthodox Church of Ascension in Riga). Georgian diplomats in Latvia and the local Georgian community played a leading part in these activities. Journalists were quick to notice that news first appeared in the official webpage of the LOC but was later removed. In 2012 Patriarch Kiril in a meeting with the mayor of Riga, Nils Ušakovs, expressed an opinion that Russian should become the second state language of Latvia. On February 18, 2012, a referendum on the Russian language as a

when metropolitan Augustine was reinterred in Latvia, Metropolitan Alexander of Riga held a sermon in Riga Orthodox Cathedral where, among Augustine's other achievements, his translation of liturgy into modern Latvian and his initiation of a publication of Orthodox books in Latvian were mentioned.¹¹⁷ At the same time there was a paper posted on the LOC webpage about the Ecumenical Patriarchate where it was stated in fashion typical to the Patriarchate of Moscow that Constantinople "often ignores canons of holy Orthodoxy and undermines unity and indivisibility of world Orthodoxy."¹¹⁸

In Estonia, the conflict between two patriarchates is in a frozen state. Neither of the two patriarchates recognizes the other's representation in Estonia as an autonomous church. At the same time there is an ideological war going on. In addition to books published by the ROC with a touch of propaganda, there are hints made to each other about the past and future of the Orthodox community in Estonia.¹¹⁹

second national language of Latvia was held (a majority of citizens voted against changes in the constitution). Metropolitan Alexander publicly took a noncommittal position, stating that "the Russian language in Latvia should be of public importance." In most cases Alexander appears to emphasize the need for mutual understanding between Latvians and Russians and avoids statements of a political nature. In comparison, Old Believers, another predominantly Russian-speaking religious community in Latvia, were much more outspoken. On March 13, 2012, their leaders signed a letter to the speaker of the parliament, Solvita Āboltiņa, where they expressed their concerns about the situation related to the referendum—namely, an increase of ethnic tension as a result of the policies of the Republic of Latvia, which allegedly questioned the traditionally good relationship between Old Believers and Latvians. See Elmārs Barkāns, "Latvijas pareizticīgie sanikno Maskavas priekšniecību," <http://www.kasjauns.lv/lv/zinas/7806/latvijas-pareizticigie-sanikno-maskavas-prieksniecibu>; Elmārs Barkāns, "Patriarhs Kirils aicina Latvijā valsts valodas statusu piešķirt krievu valodai," <http://www.kasjauns.lv/lv/zinas/102154/patriarhs-kirils-aicina-latvija-valsts-valodas-statusu-pieskirt-krievu-valodai>; Andis Kudors, "Orthodoxy and Politics in Latvia," 108–109, <http://appc.lv/wp-content/uploads/2013/02/Orthodoxy-and-politics-in-Latvia.pdf>.

117. "Visaugstisvētītā Rīgas un visas Latvijas Metropolita Aleksandra sprediķis Rīgas Kristus Piedzimšanas katedrālē 2011.gada 10. augustā sakarā ar mūžam-piemināmā metropolita Augustīna (Pētersona) mirstīgo atlieku pārapbedīšanu no Vācijas Latvijā," <http://pravoslavie.lv/index.php?newid=3957&id=32&lang=LV>.

118. Nikolajs Tihomirovs, "Konstantinopoles Patriarhāts, vēsture, šodiena, nākotne," <http://www.pareizticiba.lv/index.php?newid=106&id=111&lang=LV>.

119. In 2009 the doctoral thesis of Aleksy about Orthodoxy in Estonia was published in Estonian with an anonymous article at the end, where there is a detailed description about the events of the 1990s and 2000s. The author claimed to be Archpriest Igor Prekup, one of the authors of another book published in 2013 about the Orthodox Church in Estonia. In this bilingual book (in Estonian and in Russian), Prekup, together with the vice-director of the ROC foreign relations

In 2013, both patriarchs visited Estonia. Ecumenical Patriarch Bartholomeus mentioned in an interview that at one point there should be only one church in Estonia, meaning that the EAO has to be recognized by the ROC.¹²⁰ Kiril, too, expressed his wish to overcome the conflicts from the 1990s, but this was followed by a strongly worded request to hand over the properties where the ROC Estonian diocese is holding its services.¹²¹

Kiril mentioned the question of property in connection with the LOC also, but there it serves as a precautionary measure. In a meeting held in Moscow in 2010 between President Valdis Zatlers, Republic of Latvia, and the Patriarch, Kiril referred to claims made by other Orthodox groups about LOC property and expressed his hope that their property will be protected by the law.¹²²

Conclusion

The history of Orthodox churches in the Baltic states has during the twentieth century been shaped by two major factors: political change in the region and internal development of Orthodox communities.

For the Estonian and Latvian Orthodox community, the establishment of independent states in 1918 formed the background for a change of status and jurisdiction. Because of internal differences such as the nationality of church membership, the number of Estonian and Latvian priests, the canonical and liturgical tradition,

office archpriest Nicholai Balašov, describes the conflict over the Estonian Orthodox in a historical and present-day context. It reflects the ROC's understanding of its history in Estonia and the history of the twentieth century, according to which Estonia lost its independence in 1940, and because they do not recognize the fact of occupation, they claim that the loss of independence also meant the loss of autonomy and re-establishment of contacts with the ROC. The book is a demurrer to a book published by Archimandrite and Professor of Canon Law Grigorios D. Papathomas. Papathomas gives a detailed overview and presents a canonical analysis of the position of the Ecumenical Patriarchate on the autonomy of the EAO. In addition to canonical arguments presented, the Ecumenical Patriarchate clearly understands and holds a view similar to the Republic of Estonia that Estonia was annexed and occupied in 1940. The illegal activity of the Soviet Union formed the basis for the change of jurisdiction in 1941 and again in 1945. See Papathomas, *Õnnetus olla väike kirik väikesel maal*; Patriarh Aleksius II, *Õigeusk Eestimaal*, 449–88; Balašov and Prekup, *Õigeusu probleemid Eestis*," 56.

120. <http://www.postimees.ee/1649956/konstantinoopoli-patriarh-bartholomeus-eestis-peaks-olema-uks-oigeusukirik>.

121. <http://uudised.err.ee/v/eesti/22d1007e-b3a0-46a8-9e65-a6b9b99acb98>.

122. "His Holiness Patriarch Kirill meets with President of the Latvian Republic Valdis Zatlers," <https://mospat.ru/en/2010/12/20/news32941/>.

the political line the state took, and so on, the Orthodox community in Estonia initiated a change from the jurisdiction of Patriarchate of Moscow to the Ecumenical Patriarchate together with the Finnish Orthodox Church already in the beginning of 1920s, whereas the Latvian Orthodox Church changed jurisdiction in 1936. Lithuanian Orthodox did not change the jurisdiction at all and remained within the ROC.

In 1940 the Baltic states were annexed and occupied by the Soviet Union. Because this violated international law, Baltic republics remained *de jure* independent during the period from 1940 to 1991 while being *de facto* occupied by the Soviet Union and from 1941 to 1944 by Nazi Germany. The concept of legal continuity carried on in exile and formed the basis for the states regaining their independence in 1991.

The principle of legal continuity was also adopted by Baltic Lutherans and Orthodox. However, the path the Orthodox communities took differed. After the occupation of the Baltic states, a Baltic Exarchate of the ROC was established in 1941, and autonomous churches went through a forceful and illegal reunion with the ROC. This inevitable and politically motivated step was carried out more successfully and faced less opposition in Latvia than in Estonia.

During the German occupation from 1941 to 1944, Metropolitan Alexander of the EAOC managed to re-establish the prewar church order, although the diocese of Narva in Eastern Estonia acted under the ROC, whereas Metropolitan Augustine of the LOC did not win the support of German occupation officials and was therefore forced into internal exile by Sergius, the exarch of the ROC residing in Riga. In 1943 Sergius consecrated Jānis as the new bishop of Riga. With the Red Army approaching from the east, two metropolitans, as well as Bishop Jānis, were obliged to leave their homeland in September 1944 and remained in exile for the rest of their lives.

During the next decades, Metropolitan Alexander, as the legally and canonically recognized church leader, managed to convene the EAOC synod. Based on constitutional continuity, he preserved its canonical ties with the Ecumenical Patriarchate. After Alexander died in 1953, a new bishop was elected; after his death, various church leaders acted as *locum tenens* of the EAOC. In 1978, the 1923 Tomos of autonomy was suspended, but constitutionally the EAOC carried on with its activity, with Metropolitan Paul of the Scandinavian Metropolia as its leader. At the end of the 1980s, Estonian priests serving in Estonia began to communicate with the EAOC synod with regard to an emerging conflict in the ROC Estonian diocese about national and management issues. The EAOC synod, local Estonian priests, and lay people cooperated to re-establish the EAOC on the basis of constitutional continuity. The Republic of Estonia, restored the

same way, recognized them and registered their constitution in 1993. In 1996 the 1923 Tomos was reinstated by the Ecumenical Patriarchate. The ROC, however, was not prepared to agree with the constitutional continuity of the EAOC, nor was it ready to recognize the occupation as well as the illegal change of jurisdiction in 1940s. Therefore, there are two Orthodox communities in Estonia, both claiming to be autonomous churches.

The LOC acting in exile fragmented because of the aged Metropolitan Augustine's difficulties in persuading Bishop Jānis to change his jurisdiction and lead the LOCA, which was formed in 1946 after an agreement was reached between the two. Jānis never changed his jurisdiction, and because less than half of the priests supported him, ultimately there was no unity within the LOCA. Some priests joined the ROCOR, some remained under the jurisdiction of the Ecumenical Patriarchate, and some moved back to the jurisdiction of the ROC without having returned to occupied Latvia. In conclusion, the constitutional continuity was interrupted, and there was no LOCA to re-establish itself in Latvia after 1991.

This did not mean that the Republic of Latvia was prepared to drop the principal of constitutional continuity, but because there was no Orthodox Church acting in exile and no influential force among the Latvian Orthodox who would offer an alternative, they accepted the ROC claims for historical continuity. This continuity was recognized only after the reviewed version of the 1936 church's constitution was adopted. Today, there exists one Orthodox Church in Latvia, and it is under the jurisdiction of the Patriarchate of Moscow. There are some small independent Orthodox parishes besides the large LOC community.

In conclusion, the current situation of Orthodox communities in Estonia and Latvia is a result of a complex process of building religious identities that face opposing political loyalties. In this process, twentieth-century Baltic Orthodox history is selectively used, and it is shaped, especially by the ROC, to serve its current interests.