

Ecumeny and Law

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Remaining United in Diversity

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Part One

Ecumenical Theological Thought



JERZY SZYMIK

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Unity through Diversity Ecumenical Theses and Questions of Joseph Ratzinger/Benedict XVI

Abstract: Christian unity is desired by Christ Himself and, consequently, it is also a continuous imperative of Christian conscience and particular care on part of each pope. The starting point of J. Ratzinger/Benedict XVI's thought and teaching is clear distinction between seeking unity through human strategy and the way to unity ultimately accepted as the gift of God Himself. Consequently, it paves the way for thinking about Christian schism in the context of "Divine retribution," that is, the situation where God still acts and attracts to Himself. Such a perspective protects against vanity and ambition to organise the world as if according to "God's way," but — in practice — without God. Joseph Ratzinger/Benedict XVI copes with ecumenically tempting notions-proposals (e.g., pluralism) that lead to an apprehensive forgetting of one's own identity. His lodestars are: Christ — the Truth — longing — patience — suffering — good — conversion.

Keywords: ecumenism, unity, *communio*, dialogue, Christocentrism, truth, *logoi spermatikoi*, *praeparatio evangelica*, modernity

"At the beginning of his ministry in the Church of Rome which Peter bathed in his blood, Peter's current Successor takes on as his primary task the duty to work tirelessly to rebuild the full and visible unity of all Christ's followers" — we read already in the "First Message" from 20 April 2005 delivered to the college of cardinals in the Sistine Chapel addressed not only to "venerable brother cardinals," but also to "dear brothers and sisters in Christ" and "all men and women of good will."¹

¹ P. HÜNERMANN, Th. SÖDING: Introduction. In: J. RATZINGER: *Słowo Boga. Pismo — Tradycja — Urząd*. Trans. W. SZYMONA. Kraków 2008 [hereafter: SBPTU], p. 13.

Ecumenism is a dimension of Christian and ecclesiastic *communio* which Peter is obliged to serve, so to speak, *ex definitione*, *ex officio* and at any price: offering his own blood and any possible effort. The service to the unity is understood by Benedict XVI broadly, which has been proven by his practical moves during his almost eight years of pontificate. Not only does it encompass “rebuilding [...] the unity of all Christ’s followers” (which is ecumenism in the strict sense, inter-Christian ecumenism; it is this ecumenism which, in the strict sense, is “the primary task” of the Holy Father),² but it does it in a broader sense — inter-religious dialogue, and in the broadest sense — an attitude that unites everybody and everything, the entire reality around the Truth, in line with the conciliar understanding of sacramentality of the Church, the irreducible component of which is, according to *Lumen gentium*, being “the sign and the tool of the entire mankind.”³

Ecumenism is for J. Ratzinger/Benedict XVI both an important and fascinating issue. I firmly believe that this is the key issue for understanding the essence of what is really new, fresh and creative in his message with respect to modern and post-modern thought (in the classical sense of the term). Creative novelty of theological works of J. Ratzinger/Benedict XVI is outstanding, when juxtaposed with what in “modern” and “post-modern” theories (the notions no longer correspond directly to the already obsolete content) is *passé* in the face of the dynamically changing spiritual position of our world and time... Nothing ages quicker than compulsive and egotistical attempts to find novelty that enslaves everything, including the truth (which can be clearly seen in post-modern attempts to preserve the youth — it makes one laugh, embarrassed, sad...). The ecumenical dimension of Logos-oriented, sense-giving Christology and communal ecclesiology of J. Ratzinger/Benedict XVI shows clearly freshness and originality of this thought.

Partly because his movements in the area of ecumenical dialogue have been perceived for many years by some commentators as controversial to say the least major documents of the Congregation for the Doctrine of the Faith signed by the Prefect, such as *Letter to the bishops of the Catholic Church on some aspects of the Church understood as communio* “*Communio notio*” from 28 May 1992 and *Declaration “Dominus Iesus” on the unity and salvific universality of Jesus Christ and the Church* from 6 August 2000 were seen by many, as Ratzinger himself admits, as “ecumenical train derailment.”⁴ Such opinions (most of them concerned his position

² SBPTU, p. 13.

³ SOBÓR WATYKAŃSKI II: *Konstytucja dogmatyczna o Kościele ‘Lumen gentium’*, No. 1.

⁴ T. ROWLAND: *Wiara Ratzingera. Teologia Benedykta XVI*. Trans. A. GOMOLA. Kraków 2010, p. 163.

of the Prefect of the Congregation for the Doctrine of the Faith) were at best misdirected (I presume that most of them were without prejudice, although this has not always been the case in the heat of the debate), often short-sighted and sometimes under the irresistible influence of the liberal spirit of the times (under reckless masks there are facial features known too well to theology: the crooked smile of Mephistopheles). This is mainly thanks to Ratzinger's civil courage — he never subdues to the temptation of cowardly irenic compromises for the sake of peace of mind and firmly defends the doctrine against all types of relativity.

His standpoint has always been and still is clear: equal personal dignity of the participants of the ecumenical and inter-religious dialogue is indisputable, however this does not apply to the status of the doctrinal content represented or proclaimed by them. Moreover, the position of the founders of religions is not equal to the position of Jesus Christ. Tracey Rowland explains it by a popular metaphor: they say that “God is like an elephant (Catholics grabbed its trunk, Protestants its ears, Buddhists its tail, Muslims its rear legs, etc., however none of the religions gets a picture of the entire elephant)”⁵ — relativistic theories try to justify religious pluralism not only *de facto*, but also *de iure*. Ratzinger emphasises (many a time and in various ways) that the liberal model of the dialogue is unacceptable for Christians.⁶ The impassable frontier is the truth. Rowland: “Catholics can see the entire elephant, not only its trunk and ears.”⁷

Also, when in 1999 Joint Declaration on the Doctrine of Justification was signed with the leaders of the Lutheran community, bishop George Anderson, the then leader of the Evangelical Lutheran Church in America, said: “It was Ratzinger who untied the knots.”⁸ Because it has never been a matter of doubt for him that ecumenism is an imperative of a Christian conscience (which in Poland is repeated so strongly after John Paul II and his encyclical *Ut unum sint* by Archbishop Alfons Nossol⁹), what follows is a patient conversation, listening to arguments of the other side, which quite often brings a new and richer light to the areas of the truth that so far “have not been sufficiently exposed.” Respect for the conscience of the others are an indispensable moral duty of every Catholic. But not con-

⁵ Ibidem, pp. 160—161.

⁶ J. RATZINGER: “Dialogue, Communion and Martyrdom: Thoughts on the Relation between Intra-ecclesial and Intra-religious Dialogue.” *Communio: International Catholic Review* 27 (2000), p. 817 (quoted after T. ROWLAND: *Wiara Ratzingera...*, p. 163).

⁷ T. ROWLAND: *Wiara Ratzingera...*, p. 163.

⁸ Ibidem (the author quotes: J.L. ALLEN JR: “Ratzinger credited with saving Lutheran pact.” *National Catholic Reporter*, 10 September 1999).

⁹ A. NOSSOL: *Ekumenizm jako imperatyw chrześcijańskiego sumienia. Przez dialog i pojednanie ku ekumenicznej jedności*. Opole 2000.

formistic, compulsive concordism¹⁰: “progress [in the ecumenical dialogue — J.S.] reached as the consequence of oblivion is deceptive, and unity that does not like the truth is not going to survive”¹¹ (“Einheit, der die Wahrheit ärgerlich ist, hält nicht”¹²; the original version sounds even stronger: unity, [for] which the truth is irritating...).

1. “Logic” of decomposition and the mystery of unity

Fractures and schisms and all the forms exemplifying the lack of unity amongst Christians are profound. As far as the beginnings of Christianity are concerned, Ratzinger often refers to the emblematic case of gnosis. To divide the Bible into spiritually incompatible testaments, to separate the Bible from the Church, Scriptures, and the Tradition, to split Christians into the wise and the barbarians, and eventually to see two Gods, the good one and the bad one, and — perhaps most importantly — to see in the splitting division the critical rational factor, the key to understand and sort out the reality, and what follows the appropriate model of life — this is gnosis in its essence, anti-ecumenical heritage and the effect of sin and the sin itself. The greatest of the Fathers knew it only too well: The Church is Christ’s seamless tunic — unity is its indispensable characteristic feature¹³ (Cyprian of Carthage); by breaking up the flock, preachers of false teaching prove to be cruel wolves that ravage the flock of Christ¹⁴ (Eusebius of Caesarea). But most of all Irenaeus of Lyon,¹⁵ Justin, and many, many others. Ratzinger makes a thought-provoking and sharp comment on the depth of the phenomenon of hermeneutics and the existence of division in the gnostic context: “[...] whoever has been fascinated by the ‘logic’ of division, will always have problems with putting things together again.”¹⁶

¹⁰ P. MILCAREK: *Przedmowa*. In: *Sakrament i misterium. Teologia liturgii*. Trans. A. GŁOS. Ed. M. KOZA. Kraków 2011, pp. 18—19.

¹¹ *Formalne zasady chrześcijaństwa. Szkice do teologii fundamentalnej*. Trans. W. SZYMONA. Poznań 2009 [hereafter: FZCh], p. 321.

¹² *Theologie Prinzipienlehre. Bausteine zur Fundamentaltheologie*. Donauwörth 2005 [hereafter: ThP], p. 250.

¹³ *Ojcowie Kościoła. Od Klemensa Rzymskiego do Augustyna*. Poznań 2008 [hereafter: OK], p. 63.

¹⁴ OK, p. 69.

¹⁵ *Śludzy waszej radości. Chrześcijaństwo, apostołstwo, kapłaństwo*. Trans. T. JAESCHKE, K. WÓJTOWICZ. Wrocław 1990 [hereafter: SWR], p. 98.

¹⁶ SWR, p. 99.

However, in his opinion, the core of the phenomenon goes even deeper: the primal fault, metaphysics and theology that in the Bible is expressed in the story of Babel.¹⁷ It is God who scattered sinful mankind. It is Him who possesses free omnipotence, entirely independent from the world, and therefore it is Him who limits the power and capacity of men. The idea of *cosmopolis* in the “Babelian,” Egyptian, Greek, Roman, Mongolian, Napoleonic, communist or “EU-ropean” form cannot be achieved in its full form solely by human efforts.¹⁸ Unity of the gift of God, a sovereign gift of sovereign God, eschatological hope the final fulfilment of which remains in God — it is not a utopia that we can fix ourselves, our tower, “whose top may reach unto heaven” (Genesis 11.4). “A man cannot himself, intrinsically, bestow or return unity to the world, since he is subdued to division due to the sovereign will of God.”¹⁹ And it is only the latter, received as the gift, that restores communion. Its quintessence, beginning, and fulfilment is the mystery of Christ, which in its very nature and content is the mystery of unity²⁰ that saves mankind from sin and its disintegrating effects, mystery of the theandric communion that unifies God with people and therefore everybody with everyone.

What is suitable to men is humbleness of his freedom, humbleness of receiving the Divine gift of unity. And the road to this humbleness leads through: faithfulness to the truth, honest search for it, effort to “probe with the eyes of love its internal scope” (in order not to confuse it, for example, with historical “overgrowth,”²¹ or to strangle it with timid compromise²²) honest pursuit for consent, giving up violence, *metanoia*, conversion of the heart, purification of memory.²³ And most of all: getting closer to Christ, to His mystery, which is getting closer to the very heart of ecumenism, the mystery of unity.²⁴ For unity can only be

¹⁷ A. NICHOLS: *Myśl Benedykta XVI. Wprowadzenie do myśli teologicznej Josepha Ratzingera*. Trans. D. CHABRAJSKA. Kraków 2006, p. 196.

¹⁸ Ibidem, p. 197. Cf. D. DELILLO: *Cosmopolis*. Trans. R. Sudół. 2nd edition. Warszawa 2012.

¹⁹ *Die Einheit der Nationen: eine Vision der Kirchenväter*. Salzburg 1971, p. 21 (quotation after: A. NICHOLS: *Myśl Benedykta XVI...*, p. 196); *Kościół — Ekumenizm — Polityka*. Edited and translated by L. BALTER et al. Poznań—Warszawa 1990 [hereafter: KEP], pp. 191—192.

²⁰ Henri de Lubac believed that this is, according to “the Church Fathers” the essence of Christology. Cf. M. NICHOLS: *Myśl Benedykta XVI...*, p. 199.

²¹ FZCh, p. 268.

²² FZCh, p. 321.

²³ FZCh, p. 286.

²⁴ S. KOZA: *Chrystus w centrum pojednania i dialogu*. In: *Chrystus naszym pojednaniem*. Papers prepared by the Ecumenical Institute of the Catholic University of Lublin to commemorate teaching and academic activities of bishop Professor D. Sc. Alfons Nossol at the Catholic University of Lublin, edited by P. JASKÓŁA, S. KOZA, Opole 1997, pp. 241—248.

given to us by eschatologically “returning” Christ. “By walking towards Him we are approaching unity.”²⁵

2. Thorn of otherness — *felix culpa?*

But how should it look like in practice? In other words: *was sollen wir tun, wenn es so steht*²⁶ (what shall we do in such a situation)²⁷: theological, historical, civilisation- and cultural-wise? What next, and how to proceed with ecumenism? How should it look like in the future? What ecumenism should look like today?

Among various contemporary answers to the question, the closest to Ratzinger/Benedict XVI approach has been offered by Oscar Cullmann: *Einheit durch Verschiedenheit*²⁸ (“unity through diversity”²⁹; other possible translations of the word *Verschiedenheit* — ‘otherness, plurality, distinctiveness’). Both Cullmann and Ratzinger/Benedict XVI offer several versions of the phrase — *Einheit durch Vielfalt*, *Einheit in der Verschiedenheit*, *versöhnte Verschiedenheit*³⁰: unity through variety, unity in diversity, reconciled diversity³¹ — which do not change the major sense of the suggested answer.

The split is wrong, especially if it leads to hostility and leaner Christian testimonial; but on the other hand there is “the dimension of God’s design,”³² “some sort of divine ‘necessity’”³³ — which seems to be in accord with the message of the aforementioned biblical story of confusing languages in the land of Shinar and scattering the men (Genesis: 11. 1—9), as well as the mysterious words of Saint Paul addressed to Corinthians: “there have to be differences in among you” (1 Corinthians 11,19a).³⁴ The divisions are “somehow” (we do not understand it using solely our human,

²⁵ *Kościół. Pielgrzymująca wspólnota wiary*. Trans. W. SZYMONA. Kraków 2005 [hereafter: KPWW], p. 246.

²⁶ *Kirche — Zeichen unter den Völkern. Schriften zur Ekklesiologie und Ökumene* (Gesammelte Schriften, t. 8/1—2). Freiburg—Basel—Wien 2010 [hereafter: K-ZudV], p. 734.

²⁷ KEP, p. 191.

²⁸ K-ZudV, pp. 734—736.

²⁹ KEP, pp. 191—193.

³⁰ O. CULLMANN: *Einheit durch Vielfalt*. Tübingen 1990²; K-ZudV, pp. 734—736, 743.

³¹ KPWW, p. 236; KEP, pp. 191—193.

³² KEP, p. 192.

³³ KPWW, p. 236.

³⁴ KEP, p. 191; KPWW, p. 235.

inborn logics) “indispensable for our purification.”³⁵ We do not understand, or we understand only vaguely, but we have spiritual intuition, memory of wholesomeness of the fruits of trust in “God’s inconceivable decrees” in other situations of human fate and the history of mankind, and most of all humility of remaining with God in faith, and the silhouette of Jesus’ back against the light when you follow Him. The light to which He is leading us. Of course we are not talking about perverse fostering of evil: we must do everything that is within our human power and use all the good will we possess to achieve unity and be worthy of it — “so that the whip of divisions would no longer be needed.”³⁶ However we are not able to do it by ourselves, using our human powers: it is beyond our power to simply cancel the divisions...

For the time of cancellation of the division and disappearance of “the obligation” mentioned in the Pauline letter is to be decided upon by God himself. God who knows everything, who judges and forgives.³⁷ But for the time being, if “[...] we take away the poison of hostility from the division and if thanks to our mutual acceptance diversity will no longer bear impoverishment but new richness of mutual listening and understanding, the division may reach the transitional state to *felix culpa*, before it becomes totally removed.”³⁸

So for the time being we should search for (and find!) “unity by diversity,” which means taking the venom away from the division, use fruitful elements of the division and positive aspects of diversity³⁹ — of course we should do it to eventually annul the division and transform it into merely otherness that does not hurt any more. Most of all we cannot cancel the division “by all means,” in a hurry and by ourselves (without patience in the face of God’s actions), for the price of the truth.

What is at stake here, therefore, is an exceptional type of communion and “communication”: to suffer the thorn of otherness and transform in this way the division into mutual giving, *communio*. To suffer

³⁵ KPWW, p. 236.

³⁶ KPWW, p. 236.

³⁷ KEP, p. 192.

³⁸ KEP, p. 191.

³⁹ Here are two examples and at the same time illustrations of the German context of the issue. Ratzinger asks rhetorically: “[...] was it not good in many ways for the Catholic Church in Germany and somewhere else that right next to it there was Protestantism with its liberalism and its devotion, with its divisions and high spiritual requirements? It is true that in the times of religious wars the division was almost exclusively antagonism; however later it contributed to some positive aspects on the both sides [...] on the other hand — can we imagine solely Protestant world? Isn’t it so that Protestantism, with all its claims, has, precisely as a protest, such a complete point of reference in Catholicism, that without it the entire system would be inconceivable?” KEP, p. 192.

the thorn patiently: without the desire to impose on others things that still undermine the very essence of their identity (e.g., accepting papacy by Protestants and inter-communion by Catholics).⁴⁰ Respecting things that “force” the both sides to maintain the division does not postpone unity, on the contrary: it reduces aversion, increases love and therefore proximity.⁴¹ Ecumenism in its essence cannot be “smoothing habits,” a search for compromise between traditions, but should be a profound question about the truth and shared search for it. Traditions must be respected, but it cannot be located on the level of the truth of the Revelation.⁴²

That is the ecumenical model of “unity through diversity”: mutual acceptance of the division and meeting with each other in this situation (of the division).⁴³ Internal integrity that rejects both the attitude of false concordism and disregard for brethren who hold different beliefs. This is very characteristic of thinking and arguments of J. Ratzinger/Benedict XVI: faith is a gift, it is greater than ourselves. It should be looked after by authentic search for the truth; we cannot create (the shape) of faith by ourselves and reign over it. To put it another way, we should approach the issues of faith and religion in the way that does not dominate them (according to our own preference) but wishes to be humbly subdued to them. When we do so, the light that shines through faith and religion will not be dimmed. The light that is bigger than us and able to brighten up our reality and show us the way.

Let us listen to J. Ratzinger/Benedict XVI. Here is the conclusion of his *Afterword (Nachwort)*⁴⁴ written in 1987 and appended to the earlier (1983) interview given to the international Catholic magazine *Communio*:

The division — as long as the Lord allows for it — may also be fruitful, may lead to greater riches of faith and in this way pave the way to the Church that is both diverse and united, the one that today still remains beyond our mental grasp, in which nothing of the positive accomplishments of history will be lost, wherever the accomplishments might come from. Maybe this separation is needed, so that we might reach this total fullness the Lord is waiting for.⁴⁵

⁴⁰ KEP, pp. 193—194.

⁴¹ KEP, p. 194.

⁴² KEP, pp. 182—186. “Our disputing fathers were as a matter of fact much closer to one another, for in spite of all the contradictions they knew, that they can be servants of only one truth, which should be seen by all of us as great and pure, as it has been designed by God.” KEP, p. 187.

⁴³ KPWW, p. 236.

⁴⁴ K-ZudV, p. 956.

⁴⁵ KEP, pp. 157—158.

3. What kind of dialogue?

Dialogue and the good that springs from it cannot be replaced by the ideology of dialogue, and these two cannot be confused.⁴⁶ Dialogue is the way to discover the truth, it is love of the other and truth; it is assistant in revealing to the other the hidden depth of things he/she feels vaguely and what he/she realised in his/her own religious experience and what in the encounter with Jesus Christ (that is with the definite and full Revelation of God) is subject to purification, completion and fulfilment. Meanwhile, the ideology of dialogue is understanding and practising dialogue within the meaning and shape of liberal-and-leftist “correctness,” which is radically different from the dialogue exhibited by, for example, the Second Vatican Council.⁴⁷ Dialogue is equated here with relativistic thinking ideologically subdued to the rules of post-Enlightenment egalitarianism. Thinking which puts faith on the same level as convictions of others and consists in an exchange of relative and equivalent ideas and positions. The aim is not a shared search for truth, but merely integration of views and cooperation. “Dialogue” understood in such a way is supposed to replace the “mission,” and the Enlightenment ideology of equality is meant to take the place of conversion⁴⁸: the effort to draw one’s own heart and the heart of the other towards the Truth.

This may have a lot in common with the radical version of ideological-and-cultural *aggiornamento*, but very little to do with a real Christian identity or service to the human community. For sooner or later giving up the truth turns against the *communio*, the one with God and with people. In *Granice dialogu*⁴⁹ (in German, in *Gesammelte Schriften: Die Church und die Vielfalt der Religionen*⁵⁰) Joseph Ratzinger quotes “very wise words,” as he himself evaluates them, uttered by Jacques-Albert Cuttat.⁵¹ They concern the issue that they both call *die subtilste luziferische Versuchung*⁵² — “the most subtle luciferic temptation.” But those words also concern love, the union of all in love of the true God and protection of this love:

⁴⁶ Cf. *Wiara — prawda — tolerancja. Chrześcijaństwo a religie świata*. Trans. R. ZAJĄCZKOWSKI. Kielce 2004 [hereinafter: WPT], pp. 86—89 („Modlitwa wieloreligijna i międzyreligijna”).

⁴⁷ KPWW, p. 191.

⁴⁸ KPWW, p. 191. Compare WPT, pp. 20—21.

⁴⁹ *Granice dialogu*. Trans. M. MIJALSKA. Kraków 2000 [hereafter: GD] — This item is an independent from WRiJP Polish translation of the same book (*Die Vielheit der Religionen und der eine Bund* from 1998).

⁵⁰ K-ZudV, p. 1019.

⁵¹ The quotation after J.A. CUTTAT: *Begegnung der Religionen*. Einsiedeln 1956, p. 84.

⁵² K-ZudV, p. 1129.

To strive to ensure that thanks to reunification of religions humanity becomes happier and better, is one thing. To beg with a burning heart for unity of all people in love of the same God, is another thing. The former is probably the most subtle luciferic temptation that seeks to lead the latter to disaster.⁵³

* * *

The question concerning the future of ecumenism for J. Ratzinger/Benedict XVI is the question about forces of the contemporary Christianity and the contemporary Church that will be decisive for their future.

Two attitudes object the implementation of the ecclesial unity *communio*. One of them is “confessional chauvinism,” which — notwithstanding the appearances — does not look for the truth, but follows its own habits. It holds on tightly to itself and is attached mainly to “the issues that are precisely against the other.”⁵⁴ The other one is indifference in important matters of faith. The truth is seen as an obstacle and the criterion of unity is *Zweckmäßigkeit*⁵⁵ (“convenience,”⁵⁶ but it seems the term “pragmatism” would be more suitable here) and by this criterion the covenant concerning external affairs is made — which is pregnant with new divisions.⁵⁷

For Christians a solution of “modern” ecumenical issues and all the other ones cannot be either tightness of a heart and mind, which is “contracture of self-esteem” or pragmatism for the price of betrayal of the truth; that is neither a confessional ghetto, nor “very enthusiastic acceptance of the new.”⁵⁸ “Razing the Bastions,”⁵⁹ advocated already in 1952 by Hans Urs von Balthasar was (and still is) an urgent and necessary task indeed, but it does not mean that there are no things that we should protect from razing, or that the Church — I am reading these words over and over again and the reading is always a thrill — “should now owe her life to powers other than those that gave birth to her: blood and water from the wounded side of the crucified Lord (John 19. 31—37).”⁶⁰

⁵³ WRiJP, p. 104; GD, p. 116.

⁵⁴ FZCh, p. 275.

⁵⁵ ThP, p. 214.

⁵⁶ FZCh, p. 275.

⁵⁷ FZCh, p. 275.

⁵⁸ FZCh, p. 524.

⁵⁹ H. URS VON BALTHASAR: *Burzenie bastionów*. Trans. J. ZAKRZEWSKI, E. MARSZAŁ. Kraków 2000.

⁶⁰ FZCh, p. 525.

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JERZY SZYMIK

Unité par variété. Thèses et questions œcuméniques de J. Ratzinger/Benoît XVI

Résumé

L'unité des chrétiens est le désir du Christ même et, par là, l'impératif continu de la conscience chrétienne et un souci singulier de chaque nouveau pape. Le point de départ de la réflexion et de l'enseignement de J. Ratzinger/Benoît XVI est la distinction nette entre les démarches entreprises pour obtenir l'unité par l'intermédiaire de la stratégie humaine et la voie vers l'unité que l'on considère en définitive comme le don de Dieu lui-même. En effet, cela fait penser à la scission chrétienne comme à « la volonté de Dieu », à la situation où Dieu continue à agir et dirige les gens vers Lui. Une telle perspective protège contre l'orgueil et l'ambition d'organiser le monde en quelque sorte « à la manière divine », mais sans Dieu. J. Ratzinger/Benoît XVI réfléchit sur les notions-propositions œcuméniquement tentantes (par exemple le pluralisme) qui conduisent à une omission craintive de l'identité. Ses fils conducteurs sont : le Christ — la Vérité — la nostalgie — la patience — la souffrance — le bien — la conversion.

Mots-clés : œcuménisme, unité, *communio*, dialogue, christocentrisme, vérité, *logoi spermatikoi*, *praeparatio evangelica*, modernité

JERZY SZYMIK

L'unità attraverso la diversità. Tesi e quesiti ecumenici di J. Ratzinger/Benedetto XVI

Sommario

L'unità dei cristiani è il desiderio di Cristo stesso e pertanto è l'imperativo incessante della coscienza cristiana e la preoccupazione particolare di ciascun pontefice che si avvicenda. Il punto di partenza della riflessione e dell'insegnamento di J. Ratzinger/Benedetto XVI è la distinzione chiara tra il prodigarsi per l'unità attraverso la strategia umana e il cammino verso l'unità che viene considerata in definitiva un dono di Dio stesso. Ciò apre conseguentemente il pensiero sullo scisma cristiano come “volontà di Dio”, situazione nella quale Dio continua ad agire e conduce verso di sé. Tale prospettiva previene dalla superbia e dall'ambizione di organizzare il mondo in un certo qual modo “secondo i canoni di Dio”, ma comunque senza Dio. J. Ratzinger/Benedetto XVI si misura con concetti-proposte allettanti dal punto di vista ecumenico (come ad es. il pluralismo) che portano ad un'omissione timorosa dell'identità. I suoi punti di riferimento sono: Cristo — la Verità — la nostalgia — la pazienza — la sofferenza — il bene — la conversione.

Parole chiave: ecumenismo, unità, *communio*, dialogo, cristocentrismo, verità, *logoi spermatikoi*, *praeparatio evangelica*, modernità



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The Theological Aspects of the Road to Christian Unity in Polish Lutheranism in the Light of Church Documents

Abstract: What is the subject of this study is the theological reflection of Polish Lutheranism in the field of Christian unity, based on synodal studies and other documents of institutional ecumenical dialogue conducted by the organs of the Evangelical-Augsburg Church in Poland. The first document, which was an important step in achieving the unity of Evangelical denominations in Poland, was the Sandomierz Agreement, an accord between Lutherans, Calvinists and Czech Brethren in 1570. For more than four centuries it was the inspiration and legitimacy of efforts to establish joint provincial synods and a national synod during the Polish-Lithuanian Commonwealth, the functioning of a common general consistory in the 19th century or the strengthening of organizational cooperation at the beginning of the 21st century. After 1945, the first major ecumenical event which was reflected in undertaken synod works, was the confirmation of the altar and pulpit (the Lord's Table and the pulpit) fellowship between the Evangelical-Augsburg and the Evangelical Reformed Churches in Poland. In the case of the Methodists, they joined the altar and pulpit fellowship in 1994. The key document of ecumenical dialogue at the European level between the Churches of the Protestant tradition is the Leuenberg Agreement, adopted in 1973 in Leuenberg in Switzerland, and accepted by the Evangelical-Augsburg Church in Poland. During the 1980s, the Synod of the Church also responded positively to the "Lima Text," a document prepared by the World Council of Churches. The multilateral dialogue between the Churches belonging to the Polish Ecumenical Council and the Roman Catholic Church resulted in the signing of a fundamental inter-church agreement on Baptism.

Keywords: Evangelical, Augsburg, Lutheran, unity, dialogue, documents, Synod

The Evangelical-Augsburg (Lutheran) Church was one of the first to undertake activities in the area of ecumenism, both as part of bilateral talks and by participating in the creation of inter-church organizations. Initially, actions aimed at achieving unity among Christians included, above all, efforts to reconcile both reformation movements: Lutheran and Calvinist. In the 20th century, this dialogue also covered all the main trends of Christianity, which was possible thanks to the cooperation undertaken within the Polish Ecumenical Council, and also the dialogue with the Roman Catholic Church after its opening brought by the Second Vatican Council.¹ Also included in the Lutheran-Reformed Church community was the Methodist Church.

The Evangelical-Augsburg Church participates in ecumenical dialogue, following the Word of God, truly laid out in *The Book of Concord*.² The most famous of these books, the “The Augsburg Confession,”³ states in Article VII that “[a]lso they teach that one holy Church is to continue forever. The Church is the congregation of saints, in which the Gospel is rightly taught and the Sacraments are rightly administered. And to the true unity of the Church it is enough to agree concerning the doctrine of the Gospel and the administration of the Sacraments. It is unnecessary that human traditions, that is, rites or ceremonies, instituted by men, should be everywhere alike. As Paul says: *One faith, one Baptism, one God and Father of all*, etc.” The Church, being a community of saints or true believers, is of spiritual nature, and as such it is not identified with an ecclesiastical organization, which opens the faithful of the Evangelical-Augsburg Church to searching a community of faith with members of other visible denominational churches. For this reason, for the Evangelists, the unity of the Church is of a spiritual nature.⁴

The subject of this study covers the theological reflection of Polish Lutheranism in the field of Christian unity, based on synod studies and other documents of institutional ecumenical dialogue conducted by the organs of the Evangelical-Augsburg Church in Poland. Additionally presented will be the dynamics of these works and ecumenical contacts. A significant share of the documents is presented for the first time, thanks to the queries in the central Archives of the Evangelical-Augsburg Church (AKEA).

¹ A. NOSSOL: *Ekumenizm jako imperatyw chrześcijańskiego sumienia*. Opole 2001, pp. 185–198.

² *Księgi Wyznaniowe Kościoła Luterskiego*. Bielsko-Biała 1999.

³ See also for ecumenical context: J. GRZYŃKOW: “Recepcja Wyznania Augsburgskiego.” In: *Recepcja — nowe zadanie ekumenizmu*. Lublin 1985, pp. 49–55.

⁴ M. UGLORZ: *Od samoświadomości do świadectwa wiary*. Warszawa 1995, p. 123.

Historical outline of ecumenical commitment

The lack of agreement between Lutherans and Reformers (Calvinism, Zwinglianism) in the German Reich translated into the weakening of the position of Protestants in general in Poland. For this reason, they undertook independent initiatives aimed at reconciliation. The first institutional unification efforts date back to 1555, that is, the joint synod in Koźminek.⁵ However, the most important achievement was the adoption⁶ of the Sandomierz Agreement in 1570, forming a loose community of followers of Lutheranism, Calvinism, and the Czech Brethren. As pointed out by the most famous Lutheran ecumenist, Professor Karol Karski, “in accordance with the agreement, the faithful of the three confessions could listen to the Word of God and receive the sacraments in congregations other than their own. At the same time, the desire was expressed to achieve full unification.”⁷ The Sandomierz Agreement was subsequently confirmed at the General Synod in Toruń in 1595.⁸

The Sandomierz Agreement was also a vivid inspiration for both confessional and geographical unification activities in the Evangelicalism of the end of the 18th century. An important catalyst for the Reformed Lesser Poland and Masovian congregations of both denominations was the Augustine Union of 2 May 1777. The next step, promoted with special attention by August Stanisław Golcz (von Goltz), general of the Crown troops, Lutheran senior of Wielkopolska (died in 1788), was the unifying of Evangelicals from all four parts of the Polish-Lithuanian Commonwealth. For this purpose, in August 1781, a General Synod was called in Węgrów, and on 28 August 1781 it adopted a resolution approving Church Act (*Corpus Evangelicorum*), or the first comprehensive church law act with a supra-provincial and ecumenical rank in Poland.⁹ However, this Union did not last long. After the partitions, the Lutherans and the Reformers lost their right to internal autonomy and were subjected to the

⁵ E. JÓZWIĄK: “Osobno czy razem? Dążenia ekumeniczne wewnątrz polskiego ewangelicyzmu — perspektywa reformowana (do 1945 roku).” *Rocznik Teologiczny ChAT*, LVI, vol. 2 (2014), p. 183.

⁶ „Ugoda Sandomierska. Tekst przekładu z XVII wieku.” *Jednota* (1970), nr 10, pp. 10—11; K. DŁUGOSZ-KURCZABOWA: *Konfesja Sandomierska*. Warszawa 2001.

⁷ K. KARSKI: “Dialog międzywyznaniowy.” In: *Porównanie wyznań: rzymskokatolickiego, prawosławnego, ewangelicko-augsburskiego, ewangelicko-reformowanego*. Warszawa 2002, p. 174.

⁸ W. SŁAWIŃSKI: *Toruński synod generalny 1595 roku: Z dziejów polskiego protestantyzmu w drugiej połowie XVI wieku*. Warszawa 2002.

⁹ M. HINTZ, M. HUCAŁ: *Wielowymiarowość ewangelickiego prawa kościelnego. Analiza porównawcza i teologiczno-prawna*. Warszawa 2018, pp. 58—59.

partitioning law. Nevertheless, from 1808, Rev. Karol Diehl (1765—1831), the superintendent of the Evangelical Reformed Church, was undertaking actions aimed at reunification, which resulted in the appointment of the office of General Consistory for both denominations, which operated in 1828—1849. Its liquidation by the Tsar's edict was justified with the fear of the partitioning sides over Lutherans being Polonized by the Reformed.¹⁰ The new framework for the activities of the re-separated Churches made it impossible to establish an institutional ecumenical dialogue aimed at regaining independence. In 1926, established was the Council of Evangelical Churches, the creation of which was aimed at preventing conflicts and intensifying cooperation between the Churches. However, national conflicts prevented its sensible use at the ecumenical level.¹¹ During the Second World War, some new ecumenical initiatives appeared (*Wyznanie Wiary Polskich Chrześcijan — Konfesja Polska z 1944 r.*, *Deklaracja współpracy na okres wojny z 1945 r.* [unofficial translations: *Confession of Faith of Polish Christians — Polish Confession of the year 1944*, *Declaration of Cooperation for the War of the year 1945*¹²]), however, from the Lutheran perspective they had the character of personal initiatives undertaken by some representatives of the clergy, especially Rev. Zygmunt Michelis (1890—1977), later an adjunct-bishop and precursor of the Lutheran-Catholic dialogue during the communist period.

After the war, the Evangelical-Augsburg Church initially focused on the reconstruction of parish structures and national-level authorities, and on the protection of Polish Evangelicals inhabiting the so-called Recovered Territories (Polish *Ziemie Odzyskane*). Nevertheless, in 1951, the Cooperation Committee was created by the office of Consistory of the two Churches, and the proclamation was accepted: “because all the breakdown and split contribute — as evidenced by the history of Evangelicalism in Poland — to the weakening of the Reformed Churches, and, conversely, the unity of efforts and solid cooperation strengthens their significance — both fraternal Churches now want to walk together one road towards the fulfilment of their mission” [unofficial translation].¹³ In the process

¹⁰ W. GASTPARY: *Historia protestantyzmu w Polsce od połowy XVIII wieku do I wojny światowej*. Warszawa 1977.

¹¹ J. GRYNIAKOW: *Ekumeniczne dążenia protestantyzmu polskiego od traktatu wersalskiego 1767/1878 do II wojny światowej*. Warszawa 1972, pp. 92—156; J. KŁACZKOW: *Kościół Ewangelicko-Augsburski w Polsce w latach 1918—1939*. Toruń 2017; E. ALABRUDZIŃSKA: *Protestantyzm w Polsce w latach 1918—1939*. Toruń 2004.

¹² E. JÓZWIĄK: *Osobno czy razem? [...] (do 1945 roku)...*, pp. 194—200.

¹³ Quoted after: R. MICHALAK: *Kościół protestancki i władze partyjno-państwowe w Polsce (1945—1956)*. Warszawa 2002, p. 81.

of tightening the relationship there appeared even the concept of merging the two Churches into one, and although it was not implemented,¹⁴ it led to the acceptance, by both synods, of the declaration of the community of the altar and pulpit in 1970, at the 400th anniversary of the Sandomierz Agreement. It was later extended to the Methodist Church — first by the Evangelical-Reformed Church in 1990,¹⁵ and then by the Lutherans in 1994.¹⁶ Additionally, in 2012 the authorities of both traditional Evangelical Churches signed an agreement on the participation of their followers in the parish life of the other ecclesiastical party, including their electoral rights.¹⁷

At the same time, during the period of the People's Republic of Poland, the Evangelical-Augsburg Church co-founded the modern ecumenical movement, whose special implementation was the establishment and functioning of the Polish Ecumenical Council (hereafter: PRE). It was established on 15 November 1946 in Warsaw as Chrześcijańska Rada Ekumeniczna — the Christian Ecumenical Council (the current name has been official since 1958), bringing together the Evangelical-Augsburg Church, the Polish Evangelical Christian Baptist Church, Zjednoczenie Kościołów Chrystusowych [the Union of Christ Churches], the Christian Church of the Evangelical Faith, the Seventh-day Adventist Church, the Old Catholic Mariavite Church, the Polish National Catholic Church, Old Catholic Church and Polish Autocephalous Orthodox Church. The aforementioned priest the Zygmunt Michelis became its first president.¹⁸ The PRE has also become the main plane of institutional ecumenical contacts with the Roman Catholic Church for the Evangelical-Augsburg Church, in particular thanks to the established Mixed and Dialogue Commissions. What was a unique area of ecumenical cooperation on a global scale was

¹⁴ E. JÓZWIĄK: "Osobno czy razem? Dążenia ekumeniczne wewnątrz polskiego ewangelicyzmu — perspektywa reformowana (po 1946 roku)." *Rocznik Teologiczny ChAT*, LVII vol. 2 (2015), pp. 245—266..

¹⁵ Deklaracja braterskiej współpracy. Dokument metodystyczno-reformowany, http://www.reformowani.pl/index.php?option=com_content&ta-sk=view&id=333&Itemid=63 (accessed: 31.08.2018).

¹⁶ Deklaracja współpracy. Dokument luterkańsko-metodystyczny, <http://www.ekumenia.pl/index.php?D=46> (accessed: 31.08.2018).

¹⁷ Porozumienie o wzajemnym dopuszczaniu wiernych do czynnego korzystania z praw i obowiązków wynikających z udziału w życiu Kościoła Ewangelicko-Augsburskiego w RP i Ewangelicko-Reformowanego w RP zawarte w dniu 22 lutego 2012 roku pomiędzy Kościołem Ewangelicko-Augsburskim w RP z siedzibą w Warszawie przy ul. Miodowej 21 a Kościołem Ewangelicko-Reformowanym w RP z siedzibą w Warszawie przy al. Solidarności 76a. In: M. HINTZ, M. HUCAŁ: *Ewangelickie Prawo Kościelne 1918—2018. Zbiór tekstów prawnych Kościołów ewangelickich w Polsce*. Warszawa 2018, p. 321.

¹⁸ K. KARSKI: *Od Edynburga do Porto Alegre. Sto lat dążeń ekumenicznych*. Warszawa 2007, pp. 267—279.

also the Christian Theological Academy in Warsaw, educating theologians of the Protestant, Orthodox, and Catholic denominations.¹⁹

The turn of the 20th and 21st centuries saw many important ecumenical events, both on a global and national scale, which were the fruit of the cooperation initiated after the Second Vatican Council.²⁰ On 31 October 1999, representatives of the Catholic Church and the Lutheran World Federation in Augsburg (hereafter: LWF) signed the Joint Declaration of the Doctrine of Justification,²¹ which was a significant achievement of the dialogue of the LWF and the Pontifical Council for Promoting Christian Unity, later weakened by the unilaterally issued declaration of the Catholic Congregation for the Doctrine of the Faith — *Dominus Iesus*.²² The attempts to adopt a joint document on Baptism by the main Christian denominations, which started in the period of the People's Republic of Poland, resulted in the signing of the “Sakrament Chrztu znakiem jedności. Deklaracja Kościołów w Polsce na progu Trzeciego Tysiąclecia” [“Sacrament of Baptism as a sign of unity. Declaration of the Churches in Poland on the threshold of the Third Millennium”²³] in 2000, in which the document of the main Churches that accept the Baptism of the children have recognized the validity of the sacrament administered in one another. In 2016 in Poznań an occasional “Rzymskokatolicko-Luterańskie przesłanie w 1050-lecie chrztu Polski” [“Roman Catholic-Lutheran message for the 1050th anniversary of the Baptism of Poland”] was prepared, issued by the Lutheran-Roman Catholic commission. But mostly, the Jubilee of the 500th anniversary of the Reformation provided an opportunity for drafting joint theological works by Roman Catholic and Evangelical-Augsburg theologians to celebrate this anniversary together. These works resulted in the document

¹⁹ Ibidem, pp. 314—315.

²⁰ See also S.C. NAPIÓRKOWSKI: “Wszyscy pod jednym Chrystusem. Ogólnokościelny dialog katolicko-luterański,” Part 1: 1965—1981. Lublin 1985; *Bliżej wspólnoty. Katolicy i luteranie w dialogu 1965—2000*. Eds. K. KARSKI, S.C. NAPIÓRKOWSKI. Lublin 2003.

²¹ “Deklaracja o Usprawiedliwieniu,” Bielsko-Biała 2000; see also J. JEZERSKI: „Luterańsko-katolickie porozumienie na temat usprawiedliwienia.” *Studia Warmińskie*, nr XXXVII (2000), pp. 195—200; S. C. NAPIÓRKOWSKI: “Wspólna deklaracja o usprawiedliwieniu czy początek końca transformacji?” *Symposium*, nr 4 (2000), pp. 61—94; M. NIEMIEC: *Nauka o usprawiedliwieniu w dialogu luterańsko-rzymskokatolickim*. Bielsko-Biała 2011.

²² “Deklaracja *Dominus Iesus* o jedyności i powszechności zbawczej Jezusa Chrystusa i Kościoła”, https://opoka.org.pl/biblioteka/W/WR/kongregacje/kdwiary/dominus_iesus.html (accessed: 31.08.2018).

²³ “Sakrament Chrztu znakiem jedności. Deklaracja Kościołów w Polsce na progu Trzeciego Tysiąclecia,” <https://ekumenia.pl/czytelnia/dokumenty-ekumeniczne/sakrament-chrztu-znakiem-jednosci> (accessed: 31.08.2018).

“Od konfliktu do komunii” [‘From conflict to communion’], also published and officially promulgated in Poland.²⁴

The Lutheran-Reformed-Methodists dialogue

The first document, which was an important step in achieving the unity of Evangelical denominations in Poland, was the Sandomierz Agreement (Latin *Consensus Sandomiriensis*), that is, an agreement between Lutheran, Calvinist, and Czech Brothers’ denominations concluded on 14 April 1570.²⁵ For the following four centuries it provided the inspiration and legitimacy of efforts to establish common provincial and national synods during the Polish-Lithuanian Commonwealth, the functioning of a joint General Consistory in the 19th century and confirmation of the Church unity in 1970, and the strengthening of organizational cooperation at the beginning of the 21st century.²⁶

After 1945, the first significant ecumenical event, reflected in the synod works, was the confirmation of the altar and pulpit fellowship (the Lord’s Table and the pulpit) between the Evangelical-Augsburg and the Evangelical Reformed Churches in Poland. A call in this regard was adopted unanimously: its reading at the Synod of the Evangelical-Augsburg Church met an extremely emotional, positive reception of the members of the Synod and was treated as “a special gift of God’s grace.”²⁷ The Bishop of the Evangelical-Augsburg Church, Rev. Dr. Andrzej Wantuła called it “the unity of spirit in the cohesion of peace.”²⁸ During the meeting of the Synod, the then Superintendent of the Evangelical-Reformed Church, Bishop Jan Niewieczera (1914—1981), described the event as “joining hands in the service of Christ for good and for bad,” and indicated the efforts towards removing “in the future, all obstacles that hinder this true brotherhood that make it difficult for us to love in a true Chris-

²⁴ *Od konfliktu do komunii*. Trans. D. BRUNCZ. Dzięgielów 2017.

²⁵ See also J. LEHMANN: *Konfesja Sandomierska na tle innych konfesji w Polsce XVI wieku*. Warszawa 1937.

²⁶ See also Joint Message of the Synods of the Evangelical-Augsburg Church and the Evangelical-Reformed Church for the Jubilee of the 500 years of the Reformation announced during the meeting in Cieszyn on 15 October 2016, https://www.luteranie.pl/nawosci/wspolne_przeslanie_synodow,4342.html (accessed: 31.08.2018).

²⁷ AKEA, Protokół drugiej sesji V Synodu Kościoła Ewangelicko-Augsburskiego w PRL, która odbyła się w sobotę i niedzielę 21 i 22 lutego 1970 r. w Warszawie.

²⁸ *Ibidem*, p. 17.

tian way and unite in the service of this matter, which is the greatest and most sacred for humans: in building the Church of Jesus Christ, building our churches together, building our home together so that we can tell each other: You, Brothers and Sisters from the Augsburg Church are in our Church, and we want to be in yours” as tasks that both Churches are faced with.²⁹

On 21 February 1971, the Synod of the Church adopted an additional resolution, later passed to the Lutheran World Federation in connection with its inquiry of 13 January 1971. The Resolution stipulated that the Evangelical-Augsburg Church “not only recognizes but also feels to be in pulpit and altar fellowship with all Lutheran churches in the world,” adding that this also includes “human fellowship and fellowship in everyday life.” Thus, Synod stressed that it was in such community not only with the members of the LWF, but also with other Lutheran Churches that are not members of the LWF, for instance, Lutheran Church Missouri Synod in the USA or the Polish Evangelical-Augsburg Church in Exile, with whom the then Bishop of the Church, Rev. Dr Andrzej Wantuła, maintained personal relationships dating back to the war times.

In the case of the Methodist Church, the foundation of the altar and pulpit fellowship was based on a motion dated 1 March 1994, proposed by Rev. Jan Szarek, Presiding Bishop of the Evangelical-Augsburg Church, adopted by the Synod of the Church on 10 April 1994, with one abstaining vote. The joint Declaration was also adopted by the Annual Conference of the Evangelical-Methodist Church, and stipulated that the two Churches “express the will to form a community in the service of the Word and celebrating the sacraments.” This act was based on the “compliance in the understanding of the content of faith and the call to give testimony to the world.” Compliance in the understanding of the content of faith was presented in the next part of the Declaration listing the reforming principles:

- *Solus Christus*: “Together we believe that Jesus Christ is the incarnate Son of God, the only Lord and Mediator between God and people”;
- *Sola Scriptura*: “The Holy Scriptures of the Old and New Testaments are the only norm of our faith and life”;
- *Sola Gratia et Fides*³⁰: “According to the Scriptures, justification is the work of God in Christ. We are justified by grace through faith in the Son of God and not by our own merits.”

²⁹ AKEA, Przemówienie Superintendenta Generalnego Kościoła Ewangelicko-Reformowanego podczas Synodu Kościoła Ewangelicko-Augsburskiego z 22 lutego 1990 r.

³⁰ See also R.E. OLSON: *The Story of Christian Theology: Twenty Centuries of Tradition and Reform*. Westmont 1999, pp. 437—438.

In the context of *Sola Scriptura* it was also confirmed “the conformity of the understanding of the Gospel mission [...] [and] the validity of the Sacrament of Holy Baptism and the Lord’s Supper granted in both the Churches and the legitimacy of the ordination of the clergy.” The altar and pulpit fellowship was also to be expressed through mutual pastoral help related to the renunciation of proselytism: “[...] wherever needed, we will, by common consent of Churches’ ministries give pastoral service to the faithful of our Churches, without expecting them to change their religion.” It was also pointed out that there was the need to implement the Declaration in everyday life, in the confession of faith and in the community of prayer, as well as through other efforts “aimed at developing and deepening fraternal cooperation in all areas of ecclesiastical life.”

The Lutheran-Methodist Joint Declaration of 1994 also pointed to a further practical path to unity by referring to the pneumatological aspect: “We trust that the Holy Spirit will show us other forms of testimony and service that will demonstrate our obedience to God and love for our Lord Jesus Christ. With God’s help, we want to work together, fulfil the mission of proclaiming the Gospel, promote faith in Christ, deepen spiritual life, encourage one another, observe moral principles in all spheres of human activity in honour and praise of the living God.”

Participation in the European and global ecumenical dialogue

The most important document of ecumenical dialogue at the European level between the Churches of the Evangelical and Methodist tradition is the Leuenberg Agreement (*Leuenberg Concordia*), adopted on 16 March 1973 in Leuenberg in Switzerland.³¹ Its signatories were mainly of the European Churches of the Lutheran and Reformed denominations, and of the unionist tradition linking both these denominations and the pre-Reformation Churches of the Waldenses and the Czech Brethren. Later, selected Methodist Churches joined them, too. The importance of this act results from the establishment of an ecclesial community between parties, that is, the altar and pulpit fellowship — the mutual recognition of the sacraments and the spiritual ministry between them. This is the highest form of unity in the Evangelical sense apart from formal organizational unity. As the text of the Concordia indicates, the “foundation of

³¹ K. KARSKI: “Konkordia Leuenberska z perspektywy 20 lat.” In: *Nauka, Kościół, ekumenizm*. Ed. IDEM, pp. 7–14.

the Church is only Jesus Christ. He gathers and sends his Church, giving salvation through preaching and the sacraments. That is why the Reformation recognized the agreement on the proper teaching of the Gospel and the proper administration of the sacraments as a necessary and sufficient condition for the true unity of the Church.”³² On its basis, on 1 October 1974, a supranational ecclesiastical organization was established — the Leuenberg Association of Churches. In 2003, it changed its name to the Community of Protestant Churches in Europe (*Gemeinschaft Evangelischer Kirchen in Europa*).

Synodal works in Poland on the adoption of the Concordia Leuenberg project began with the resolution of the Synod of the Evangelical-Augsburg Church of 20 February 1972, on the basis of which the Bishop of the Church commissioned the Synod Commission Committee to analyse the text of the Concordia and prepare an appropriate motion for the Synod.³³ In addition to the chairman of the Commission, the then rector of the Christian Theological Academy in Warsaw, Rev. Prof. Doc. Woldemar Gastpary (1908—1984), in works on the document Rev. Ryszard Trenkler (1912—1993) was involved, then senior (bishop) of the diocese of Warsaw, who penned the first translation into Polish.³⁴ On 24—25 January 1973, during the sixth session of the Fifth Synod of the Evangelical-Augsburg Church in the Polish People’s Republic, the proposal of the Confession Commission was unanimously approved in the following wording: “Considering the Concordia regarding the needs and aspirations of Protestantism in Poland, which always sought to connect, or at least bring closer the Reformation Churches, and recently expressed this desire in the resolution of the Synod of the Evangelical-Augsburg Church in the Polish People’s Republic in 1971 on the altar and pulpit fellowship with the Evangelical Reformed Church, the Confession Commission proposes to accept the whole of the Leuenberg Concordia.”³⁵ In addition, on 20 October 1973, the Confession Commission received from the Consistory another version of the Leuenberg Concordia, created as a result of further work, which was also positively evaluated by the Synodal authorities.³⁶

³² *Wspólnota Kościołów Ewangelicki w Europie. Wybór dokumentów 1973—2012*. Ed. K. KARSKI. Warszawa 2018, p. 29.

³³ AKEA, Pismo Prezesa Synodu do Przewodniczącego Komisji Konfesyjnej Synodu z 24 lutego 1972 r.

³⁴ AKEA, Pismo Prezesa Synodu do Przewodniczącego Komisji Konfesyjnej Synodu z 19 kwietnia 1972 r.

³⁵ AKEA, Protokół z obrad Synodu Kościoła w dniach 24—25 stycznia 1973 r., p. 29.

³⁶ AKEA, Pismo Prezesa Synodu do Przewodniczącego Komisji Konfesyjnej Synodu z dnia 20 października 1973 r.; Pismo Prezesa Synodu do Przewodniczącego Komisji Konfesyjnej Synodu z dnia 12 stycznia 1974 r.

The second of the supranational ecumenical organizations that influenced the synodal work of the Church was the World Council of Churches, based in Geneva, founded on 22 August 1948 in Amsterdam.³⁷ It associates the Christian Churches of all currents from Orthodoxy to Protestantism, with the exception of the Roman Catholic Church, which, however, participated in the dialogue with the LWF and a portion of its work.³⁸ One of the key documents created by LWF was: *Baptism, Eucharist, Ministry — Lima Text*,³⁹ adopted by the Faith and Order Committee in Lima (Peru) in January 1982.⁴⁰

On 12 December 1985, the Consistory of the Evangelical-Augsburg Church led by the then Bishop of the Church, Rev. Janusz Narzyński, commissioned the Synod's Confession Commission to prepare a draft of the Church's position on the subject of the *Lima Text*.⁴¹ The following year, the Commission presented Synod with a draft position regarding its first and second parts, and in 1987 with respect to the third part. Additionally, by the Synod's decision, in 1987, a temporary synod commission was appointed to examine the presented project. The commission was composed of: Rev. Prof. dr. hab. Jerzy Gryniakow (1925—1992), Rector of the ChAT, Rev. Józef Pośpiech (1930—2003), Bishop of the Diocese of Wrocław, and Elwira Rańczuch, a member of the Synod of the Church from Trójmiasto, who gave positive opinions on the effects of the work of the Committee.⁴² However, the work on accepting the project of the Synod's position has experienced a significant slowdown,⁴³ so the final position of the Church was determined by the Synod in 1989. The content of the position was sent to the World Council of Churches in Geneva. The only other institution from Poland to inform about its stance the Central Commission, apart from the Evangelical-Augsburg Church, was the Roman Catholic Church.

³⁷ K. KARSKI: *Dążenia ekumeniczne we współczesnym świecie*. Warszawa 1974, pp. 103—116.

³⁸ J.E. VERCRUYSE: *Wprowadzenie do teologii ekumenicznej*. Kraków 2001, pp. 64—69.

³⁹ The Evangelical-Augsburg Church used the translation penned by H. PAPROCKI: *Studia i Dokumenty Ekumeniczne* (1983), nr 1.

⁴⁰ *Chrzest. Eucharystia. Posługiwanie duchowne. Dokument z Limy 1982. Tekst i komentarze*. Eds. S.J. KOZA, W. HRYNIEWICZ. Lublin 1989, pp. 15—63.

⁴¹ AKEA, Pismo Biskupa Kościoła do Przewodniczącego Komisji Konfesyjnej Synodu z 16 grudnia 1985 r.; the Head of Commission was Rev. Ryszard Janik, a member of Church Consistory.

⁴² AKEA, Sprawozdanie Synodalnej Komisji Konfesyjnej na 6. Sesję VIII Synodu Kościoła Ewangelicko-Augsburskiego 29 i 30 kwietnia 1989 r.

⁴³ AKEA, Pismo Przewodniczącego Komisji Konfesyjnej Synodu do członków Komisji Konfesyjnej Synodu z 10 kwietnia 1989 r.

The doctrinal compliance in the area of sacramentology was determined by the Commission which based its judgments on the Book of Concordia.⁴⁴ The study was prepared by the Commission's Working Committee composed of: Ryszard Janik, Rev. Prof. Manfred Uglorz, Rev. Tadeusz Konik, and Rev. Erwin Mikler. The Committee set itself the task of finding answers to three questions: 1) to what extent the Evangelical-Augsburg Church can recognize its faith in the text of the document; 2) what statements raise any doubts; 3) what positive elements worthy of the reflection and reception does the document bring.⁴⁵

The drafters positively assessed how the *Lima Text* handles the topic of Baptism, recognizing that it reflects "the faith of the Evangelical-Augsburg Church over the centuries."⁴⁶ The formulation of the document on the soteriological aspect of Baptism, which also emphasizes Christian unity, was particularly appreciated: "Through Baptism, Christians are immersed in the freeing death of Christ, in which their sins are buried, 'old Adam' shares crucifixion with Christ and the power of sin is destroyed. Therefore, the baptized are no longer slaves of sin, but free. Completely involved in the death of Christ, they are buried with Him and are resurrected, here and now, into a new life, in the power of the resurrection of Jesus Christ, confident that they will also one day be united in Him in a resurrection like his."⁴⁷ At the same time, the Committee distanced itself from "the Baptism and faith" in Chapter III — the causal treatment of faith. "Faith is treated functionally in our Church."⁴⁸ The element worthy of the reception for the Baptism liturgy was the stronger appeal to the responsibility of the whole congregation for the Christian upbringing of baptized children, as postulated by the *Lima Text*.⁴⁹

In the field of the doctrine on the Eucharist, in the light of the Augsburg Confession positive reference was made to the "distributional character (meaning) of this sacrament as a means of grace."⁵⁰ The coherence of the Lutheran Communion liturgy and the statement of the LWF was emphasised: "Christ unites the faithful with His person and their prayers with His own intercession, so that the faithful are changed and their prayers are accepted. This sacrifice of glory is possible only through

⁴⁴ On the subject of the Sacraments in *The Book of Concordia*, see: J. SOJKA: *Widzialne Słowo. Sakramenty w luterńskiej „Księdze zgody”*. Warszawa 2016.

⁴⁵ AKEA, Projekt stanowiska Kościoła Ewangelicko-Augsburskiego w PRL na temat Dokumentu z Limy, p. 1.

⁴⁶ *Ibidem*, p. 2.

⁴⁷ *Ibidem*, p. 3.

⁴⁸ *Ibidem*, p. 4.

⁴⁹ *Ibidem*, p. 5.

⁵⁰ *Ibidem*, p. 7.

Christ, with Him and within Him”⁵¹ and the aspect of the Christian community emphasized by the words “Eucharist reveals to the world what it is supposed to become: [...] a universal community in the Body of Christ.”⁵² The authors of this position positively commented on the pneumatological aspects of the Sacrament of the Altar, but pointed out that in the Evangelical-Augsburg Church this sacrament “is, however, primarily read in a Christocentric perspective.”⁵³ The Commission also considered important to quote the *Lima Text* regarding the Sacrament of the Altar as a communion of the faithful of the entire Christian world: “Participation in the same bread and the same cup in a given place shows and completes the unity of participants with Christ and with all communicators in all times and in all places [...]. The celebration of the Eucharist always takes place in relation to the whole Church and the whole Church is present in every Eucharistic celebration.”⁵⁴ However, some issues caused doubts of the Committee, namely the use of theological nomenclature closer to the Orthodox and Catholic traditions than to the Protestant tradition,⁵⁵ as well as — in the context of the principle *Solus Christus* and the lack of “the causal treatment of the Sacrament of the Altar” in Evangelicalism — wording regarding “Church giving its intercession to all people and even the intercession of Christ and the Church, the unique sacrifice of the cross, operating effectively in the Eucharist.”⁵⁶ The committee also took distanced position to the “extended institutionalism of prayer and spiritual life,” which was noticed in some of the statements of the LWF. An important drawback of the *Lima Text* was the lack of “sufficient emphasis on the dignity of receiving the sacrament.”⁵⁷ Among the elements the committee found worthy of reflection and reception, was a trinitarian view of the Sacrament of the Altar, treating it as a “foretaste of the Parousia” and pointing it to be the central act of the Church’s cult (including performing it every Sunday), recalling in the context of Christian unity the words: “the celebration of the Eucharist always takes place in relation to the whole Church and the whole Church is present in every Eucharistic celebration.”⁵⁸

The ecumenical dialogue regarding the clerical office had a significant impact on its reform in the Evangelical-Augsburg Church in the 1990s,

⁵¹ Ibidem, pp. 8—9.

⁵² Ibidem, p. 9.

⁵³ Ibidem, p. 14.

⁵⁴ Ibidem, pp. 14—15.

⁵⁵ Ibidem, p. 15.

⁵⁶ Ibidem, p. 16.

⁵⁷ Ibidem, p. 17.

⁵⁸ Ibidem, pp. 17—18.

that is, after the Church regained complete internal autonomy. At that time, three ministries were introduced under one clerical office: deacon, presbyter, and bishop. Also, separate ordinations were determined for each of them. At the same time, the obligation to hold the Sacrament of the Altar on every Sunday was also introduced to the new ecclesiastical law.

Dialogue with other Christian denominations in Poland

In 1971, Ecumenical Directorate of the Secretariat for Christian Unity and resolutions of the Fourth General Assembly of the World Council of Churches in Uppsala prompted the Roman Catholic Church to engage in dialogue with the Churches of the Polish Ecumenical Council, covering the issue of Baptism, which met with limited enthusiasm of the minority the Churches. Initially, Rev. Dr Tadeusz Wojak and Rev. Ryszard Trenkler were assigned to participate in the dialogue, but due to the uniqueness of this inquiry, the matter was presented at the Synod of the Church on 20 February 1972, which, at the request of Rev. Jan Motyka (1910—2006), then secretary of the Synodal Department, passed a resolution to refer the matter to the Confession Commission of the Synod in order to “discuss the matter on a national scale and prepare motions for the next Synod session.”⁵⁹ At the same time, each member of the Synod was asked to send his comments and opinions in this regard, and additionally, pastoral conferences of the Cieszyn, Katowice, and Wrocław dioceses, as well as parish councils in the diocese of Cieszyn presented their views on the matter. However, the matter was not resolved during the term of office of Bishop Andrzej Wantuła, and his successor, Bishop Janusz Narzyński, returned to it.⁶⁰

On 18 April 1978, Bishop Władysław Miziołek (chairman) and Rev. Łucjan Balter (secretary) on behalf of the Roman Catholic Bishops' Commission for Ecumenism again appealed to the Presiding Bishop of the Evangelical-Augsburg Church in the People's Republic of Poland, Rev. Janusz Narzyński, to undertake an ecumenical dialogue in the field of preparing “the basis for the mutual recognition of Baptism and mutual commitment to issuing a Baptism certificate to faithful asking for it.”⁶¹

⁵⁹ AKEA, Pismo Prezesa Synodu do Przewodniczącego Komisji Konfesyjnej Synodu z dnia 30 czerwca 1972 r.

⁶⁰ AKEA, Pismo Prezesa Synodu do Przewodniczącego Komisji Konfesyjnej Synodu z dnia 26 maja 1978 r.

⁶¹ AKEA, Pismo Komisji Episkopatu ds. Ekumenicznych do Kościoła Ewangelicko-Augsburskiego w PRL z dnia 18 kwietnia 1978 r.; Pismo Przewodniczącego Sekcji Teolog-

The Roman Catholic side delegated for the talks Rev. Professor A. Skowronek as chairman, Rev. Professor S. Moysa and Rev. Professor M. Czajkowski. On 28 December 1978, the Presidium of the Consistory commissioned the Confession Commission of the Synod to “develop a new instruction regarding our attitude to the Roman Catholic Church” in cooperation with the Polish branch of the LWF, expanding the scope of the task — as a result of the first session of the Seventh Synod of the Church.⁶²

By the end of the 1980s, the synodal theological work in the field of ecumenical relations with the Roman Catholic Church significantly accelerated in the Confession Commission of the Synod, led by Rev. Ryszard Janik.⁶³ Using partially published in the Church press *Tezy Polskiego Oddziału Światowej Federacji Luteranńskiej wobec ekumenizmu rzymskokatolickiego* [Theses of the Polish Branch of the Lutheran World Federation regarding the Roman Catholic ecumenism],⁶⁴ the commission prepared a draft document entitled *Stanowisko Kościoła Ewangelicko-Augsburskiego w PRL wobec ekumenicznych dążeń Kościoła Rzymskokatolickiego w Polsce* [The stance of the Evangelical-Augsburg Church in the People’s Republic of Poland towards the ecumenical aspirations of the Roman Catholic Church in Poland].⁶⁵ The document indicates that “the will of the Lord of the Church is the unity of His followers,” referring so to the high priest prayer of Jesus Christ “that all of them may be one, Father, just as you are in me and I am in you. May they also be in us so that the world may believe that you have sent me” (Jn 17: 21). It was emphasized, however, that this unity in the light of *The Book of Concord* means preserving diversity, because “for true unity in the Church, it is enough to agree about the teaching of the Gospel and the use of the sacraments”

icznej Komisji Episkopatu ds. Ekumenicznych do Kościoła Ewangelicko-Augsburskiego w PRL z dnia 13 listopada 1978 r.

⁶² AKEA, Pismo Prezesa Synodu do Przewodniczącego Komisji Konfesyjnej Synodu z dnia 17 września 1980 r.

⁶³ AKEA, Sprawozdanie Synodalnej Komisji Konfesyjnej na 7. Sesję VIII Synodu Kościoła Ewangelicko-Augsburskiego 28 i 29 kwietnia 1990 r.; Protokół posiedzeń Koła Roboczego Komisji Konfesyjnej Synodu Kościoła Ewangelicko-Augsburskiego w PRL w dniach 8.02.1988 i 15.04.1988 r.; members: Rev. Prof. Mandred Uglorz, Rev. Tadeusz Konik and Rev. Erwin Mikler; compare the intensification of relations with the Roman Catholic Church, for example the conference „Znamiona chrześcijaństwa w Polsce” organized in April 1987 in Wisła-Jawornik with the participation of, among others, Roman Catholic Bishop Alfonso Nossol, Orthodox Bishop Jeremiah (Jan Anchimiuk) and Methodist Rev. prof. Witold Benedyktowicz.

⁶⁴ *Zwiastun* nr 3 (564) dated 1.02.1970

⁶⁵ AKEA, Projekt opracowany przez Koło Robocze Komisji Konfesyjnej Synodu Kościoła Ewangelicko-Augsburskiego w PRL „Stanowisko Kościoła Ewangelicko-Augsburskiego w PRL wobec ekumenicznych dążeń Kościoła Rzymskokatolickiego w Polsce”.

(Augsburg Confession, Article VII). In relation to that, the striving for the institutional unification of the Churches “into one, visible, historic Church” was rejected.⁶⁶

Stanowisko identifies the theological principles that cannot be jeopardised in ecumenical dialogue, which are all related to four reformation rules:

- 1) *Solus Christus*: “Christ is the only mediator between God and man. He is also the only Lord and Head of the Church” (1 Tim 2:5, Col. 1:18, Eph. 1:22—23);
- 2) *Sola Scriptura*: “The only source of revelation is God’s deed in history, the document of which is the Bible, as the only source of faith”;
- 3) *Sola fide*: “God justifies man only by grace, thanks to the unique Jesus Christ’s Sacrifice on the Cross” (Rom 3:24, Heb 10:10);
- 4) *Sola gratia*: “Our deeds cannot appease God or earn forgiveness of sins and grace, we only get them through faith” (Eph 2:8).⁶⁷

The authors concluded that theological differences “do not determine ecumenical coexistence with the Roman Catholic Church,” and in it they noticed, as a result of the Second Vatican Council, “the implementation of a number of postulates of the Reformation, for instance, turning to the Bible or introducing into the liturgy a language that people can understand.” At the same time, it was noticed that the Evangelicals see with anxiety in the Roman Catholic Church:

- non-recognition of the clerical office of the Evangelical-Augsburg Church;
- the issue of approach to mixed marriages, expressed mainly “in the failure to recognize marriages concluded in the Evangelical-Augsburg Church”;
- increase in Marian devotion;
- “[...] unilateral offering of the teaching of the Roman Catholic Church to Protestants as the completeness of revealed truth,” and thus perceiving the Evangelical-Augsburg Church as possessing only “certain ecclesiastical signs.”⁶⁸

Rejecting and recognizing as “unecumenical efforts aimed at uniting all Christians under the authority of the Pope,”⁶⁹ the authors of *Stanowisko* recognized as the goal of ecumenism the cooperation of the Churches “in joint and partner engagement in the problems of the modern world

⁶⁶ Ibidem, points 1—2.

⁶⁷ Ibidem, point 3.

⁶⁸ Ibidem, points 4—6.

⁶⁹ Cf. contemporary writings on this matter: M. HINTZ: *Prymat papieski w służbie jedności Kościoła. Perspektywa teologii luterńskiej*, <http://www.teologia.pan.pl/index.php/component/content/article?id=129:hintz> (accessed: 31.08.2018).

— justice, peace, preservation of creation,” “constructive doctrinal dialogue” and “awakening co-existence in mutual respect.”⁷⁰ Finally, the Confession Commission called on the faithful of the Church to “remember in daily co-existence with Catholics about the commandment of love to which Jesus Christ obliged us and to refer to them as brothers in Christ and children of the same homeland in all manifestations of social and national life.”⁷¹

With a positive opinion of the Synodal Confession Commission submitted to the Synodal Department (Polish *Wydział Synodalny*) at the beginning⁷² of the 1990s, the Roman Catholic World organized the World Day of Prayer for Peace. It was emphasized that “the prayer of Christians for peace is a response to the missionary call of Jesus (Mt 28:20),” especially to pagans, adding firmly that “a church that distances itself from giving testimony, including testimony of calling for peace, ceases to be the Church of Christ.”⁷³

The multilateral dialogue between the Churches belonging to the Polish Ecumenical Council and the Roman Catholic Church resulted in the signing of a fundamental inter-church agreement between the Evangelical-Augsburg, Evangelical Methodist, Evangelical Reformed, Catholic, Polish Catholic and Old Catholic Mariavite Churches, as well as the Polish Autocephalous Orthodox Church, on 23 January 2000 in Warsaw. *Sakrament Chrztu znakiem jedności. Deklaracja Kościołów w Polsce na progu Trzeciego Tysiąclecia* (The sacrament of Baptism as a sign of freedom. Declaration of the Churches in Poland on the threshold of the Third Millennium).⁷⁴ The churches, referring to the *Lima Text* from 1982, “joyfully recognize and confirm their ministry through Baptism,” that is “signed churches solemnly recognize the validity of the Baptism given by the clergyman of these Churches.” Theological justification stresses that Baptism “leads to unity in Jesus Christ, where the divisions of social status, race or sex are overcome (Gal 37: 27—28, 1 Cor 12: 13)” and that Baptism “unites the

⁷⁰ AKEA, Projekt opracowany przez Koło Robocze Komisji Konfesyjnej Synodu Kościoła Ewangelicko-Augsburskiego w PRL „Stanowisko Kościoła Ewangelicko-Augsburskiego w PRL wobec ekumenicznych dążeń Kościoła Rzymskokatolickiego w Polsce”, point 6.

⁷¹ Ibidem, point 9.

⁷² AKEA, Pismo Synodalnej Komisji Konfesyjnej do Biskupa Kościoła z 19 czerwca 1991 r.; AKEA, Pismo Biskupa Kościoła do członków Wydziału Synodalnego z 8 lipca 1991 r.

⁷³ AKEA, Stosunek Synodalnej Komisji Konfesyjnej do projektu uchwały Synodu w sprawie Dni Modlitwy o Pokój z 19 czerwca 1991 r.

⁷⁴ *Sakrament Chrztu znakiem jedności. Deklaracja Kościołów w Polsce na progu Trzeciego Tysiąclecia* <https://ekumenia.pl/czytelnia/dokumenty-ekumeniczne/sakrament-chrztu-znakiem-jednosci> (accessed: 31.08.2018).

baptized with Christ, and Christians among themselves.” For this reason, “baptized people living in one place and time collectively bear responsibility for the testimony given to Christ and the Gospel,” and “Baptism in Christ is a call for the churches to overcome their divisions and manifest their community in a visible way.”

This ecumenical act was referred to on 15 April 2016 in Poznań when signing the *Rzymskokatolicko-luterańskie przesłanie w 1050-lecie chrztu Polski*⁷⁵ (Roman Catholic-Lutheran message in the 1050th anniversary of the Baptism of Poland). The content of the message was developed during a meeting of the Roman Catholic-Lutheran Commission in Poznań, which included Bishop Roman Pindel from the Bielsko-Żywiecka Diocese, Bishop Marek Solarczyk, auxiliary bishop of the Warsaw-Praga Diocese, Rev. Professor Józef Budniak (Roman Catholic side) and Rev. Jerzy Samiec, the Presiding Bishop of the Evangelical-Augsburg Church, Rev. Professor Marcin Hintz, the Bishop of the Pomorze-Wielkopolska Diocese, Rev. Professor Marek Jerzy Uglorz, a member of the Synodal Council of the Church (Lutheran side). The message refers to common ancestors in the Polish lands of both Church parties from the pre-Reformation era and their evangelization activities, stressing at the same time that “Baptism is the foundation of our unity” and the fact that “awareness of being baptised, despite the ongoing painful division among us, allows us to be happy that we share much more than what we are divided by.”

Summary

Christian unity from the perspective of Lutheran theology exists in its essence here and now, because all true believers, regardless of their confessional affiliation, belong to the spiritual Church whose head is Jesus Christ. This belief means that Evangelicals should be open to their brothers and sisters from other visible denominational Churches, while remaining faithful to the Reformation principles: *Solus Christus*, *Solum Verbum*, *Sola Fide*, and *Sola Gratia*. For this reason, the institutional Church is committed to seeking understanding with other Christian Churches, starting with fraternal Protestant Churches inspired by Calvinism through Methodists to other Churches.

For Reformers and Methodists the fundamental documents are bilat-

⁷⁵ *Rzymskokatolicko-Luterańskie przesłanie w 1050-lecie chrztu Polski*, <http://poznan.luteranie.pl/?p=8107> (accessed: 31.08.2018).

eral agreements regarding the altar and pulpit fellowship, as well as the multilateral Leuenberg Agreement, uniting the majority of the Evangelical churches in Europe. With regard to the other confessions, cooperation within the Polish Ecumenical Council and the World Council of Churches remains the most comprehensive one, complemented by an institutional dialogue with the Roman Catholic Church. It resulted in an agreement on Holy Baptism as well as taking closer positions regarding the Sacrament of the Altar and church ministry on the grounds of the *Lima Text*.

Certainly, the Evangelical-Augsburg Church does not expect the organizational perspective of the unification of all Christians because it is not needed to achieve the unity of Christians in Christ. For Lutherans, it is not institutional unity that counts, but the unity of faith, which means faithful teaching of the Gospel and proper administration of the sacraments. For this reason, it is extremely important to undertake a sacramental dialogue in the sphere of the Lord's Supper also in the Polish ecumenical conditions.⁷⁶ Thanks to the community of the Body and the Blood, all Christians will be able to truly understand that "one holy Church will last for all times" (CA Article VII).

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⁷⁶ See the obstacles in this regard: P. KANTYKA: "Dialog ekumeniczny katolicko-protestancki — założenia, zakres, rezultaty." In: *Ekumenizm w posoborowym półwieczu. Sukcesy i trudności katolickiego zaangażowania na rzecz jedności chrześcijan*. Eds. M. SKŁADANOWSKI, T. SYCZEWSKI, pp. 43—44; W. HANC: *Ekumeniczny wymiar sakramentów chrześcijańskiej inicjacji. Studium ekumeniczne*. Włocławek 2003, pp. 786—829.

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MICHAŁ HUCAŁ

Aspects théologiques de la voie vers l'unité des chrétiens dans le luthéranisme polonais à la lumière des documents d'Église

Résumé

L'objet de l'article est la réflexion théologique du luthéranisme polonais dans le domaine de l'unité des chrétiens sur la base des études synodales et d'autres documents du dialogue œcuménique institutionnel mené par des organes de l'Église évangélique de la confession d'Augsbourg (luthérienne) en Pologne qui ont pour vocation de s'en occuper. Le premier document constituant une démarche importante visant à unir l'unité des confessions évangéliques en Pologne a été Zgoda sandomierska (Accord de Sandomierz)

de 1570. Durant plus de quatre siècles subséquents, il était l'inspiration et la légitimation des efforts en faveur de l'instauration des synodes provinciaux communs et du synode national à l'époque de la République des Deux Nations, du fonctionnement consistoire général au XIX^e siècle, de la confirmation de la communauté ecclésiastique en 1970 et de l'intensification de la coopération organisationnelle au début du XXI^e siècle. Après 1945, le premier événement œcuménique important, se manifestant dans les travaux synodaux, a été la confirmation de la communauté de l'autel (Table de la communion) et de la chaire entre l'Église évangélique de la confession d'Augsbourg et l'Église évangélique réformée en Pologne. Dans le cas des méthodistes, l'établissement de la communion de l'autel et de la chaire a eu lieu en 1994. C'est la Concorde de Leuenberg — adoptée en 1973 à Leuenberg en Suisse, acceptée aussi par l'Église évangélique d'Augsbourg en Pologne — qui est le document crucial du dialogue œcuménique au niveau européen entre les Églises de la tradition évangélique. Dans les années quatre-vingt du XX^e siècle, le Synode de l'Église s'est montré bienveillant à l'égard du « Document de Lima », préparé par le Conseil œcuménique des Églises. La conclusion de l'accord « Sakrament Chrzty znakiem jedności. Deklaracja Kościołów w Polsce na progu Trzeciego Tysiąclecia » (Le Sacrement du Baptême est le signe de l'unité. La Déclaration des Églises en Pologne au seuil du Troisième Millénaire) entre les Églises en 2000 a été le fruit du dialogue multilatéral entre les Églises appartenant au Conseil œcuménique polonais et l'Église latine.

Mots-clés : évangélique, confession d'Augsbourg, luthérien, unité, dialogue, documents, Synode

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Aspetti teologici del cammino verso l'unità dei cristiani nel luteranesimo polacco alla luce dei documenti ecclesiastici

Sommario

L'articolo ha come oggetto la riflessione teologica del luteranesimo polacco nell'ambito dell'unità dei cristiani, sulla base degli studi sinodali e di altri documenti del dialogo ecumenico istituzionale condotto dagli organismi della Chiesa Evangelica-Augustea (Luterana), nominati a tal scopo in Polonia. Il primo documento che costituì un passo significativo nel conseguimento dell'unità delle confessioni evangeliche in Polonia fu l'Accordo di Sandomierz del 1570. Per più di quattro secoli esso costituì l'ispirazione e la legittimazione degli sforzi intrapresi per la convocazione dei sinodi provinciali comuni e del sinodo nazionale nel periodo della Repubblica delle Due Nazioni, il funzionamento del concistoro generale comune nel XIX sec., l'approvazione della comunità ecclesiastica nel 1970 e l'accrescimento della collaborazione organizzativa agli inizi del XXI secolo. Dopo il 1945 il primo evento ecumenico rilevante che ebbe un riflesso nei lavori sinodali fu la conferma della comunione dell'altare e del pulpito (della Tavola del Signore e dell'ambone) tra le Chiese Evangelica-Augustea ed Evangelica-Riformata in Polonia. Nel caso dei metodisti alla creazione della comunione dell'altare e del pulpito si arrivò nel 1994. Il documento chiave del dialogo ecumenico a livello europeo tra le Chiese di tradizione evangelica è la Concordia di Leuenberg, approvata nel 1973 a Leuenberg in Svizzera, accettata anche dalla Chiesa Evangelica-Augustea in Polonia. Negli anni '80 del XX secolo il Sinodo della Chiesa si esprime positivamente anche in merito al "Docu-

mento di Lima” preparato dal Consiglio Mondiale delle Chiese (ing. *World Council of Churches*). Il dialogo multilaterale tra le Chiese appartenenti al Consiglio Ecumenico Polacco e la Chiesa cattolico-romana nel 2000 ha portato i suoi frutti nella sottoscrizione dell'accordo interecclesiale intitolato “Sacramento del Battesimo come segno di unità. Dichiarazione delle Chiese della Polonia alle soglie del Terzo Millennio”.

Parole chiave: evangelico, augusteo, luterano, unità, dialogo, documenti, Sinodo



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About the *Ecumenical Directory* of 1993 An Orthodox Perspective

Abstract: Since the *Decree on Ecumenism (unitatis redintegratio)* — promulgated on 21 November 1964 by the Second Vatican Council — provided only some general principles and instructions for the upcoming ecumenical activity of the Roman Catholic Church on 25 March 1993, Pontificium Consilium ad Christianorum Unitatem Fovendam published the *Directory for the Application of Principles and Norms on Ecumenism*. In the present study we analyse the text of the *Ecumenical Directory* of 1993 from the Orthodox perspective, which is animated by the honest desire to contribute to a better understanding of the ecumenical theology of the Roman Catholic Church among the Eastern theologians and canon law scholars, and, *ipso facto*, to bring a real contribution *ad fovendam christianorum unitatem*.

Keywords: Christian unity, theological dialogue, ecumenical activity

About the *Decree on Ecumenism (unitatis redintegratio)* promulgated on the 21 November 1964 by the Second Vatican Council it was said that it “[...] does not define any specific manner or way of establishing unity, but it certainly provides guidelines for future ecumenical activity.”¹

Indeed, this decree does not define the manner or the way of establishing the ecumenical unity, yet in its text we find the main principles and instructions on ecumenism.

Since the promotion of the restoration of Christian unity was one of the main objectives of the Second Vatican Council, the Fathers of the Council also insistently demanded the drafting of an *Ecumenical Directory* which also specifically confirmed that the Catholic Church was commit-

¹ R. Kısıc: “Unitatis Redintegratio after 50 years: An Orthodox Reading.” *Pontifical Council for Promoting Christian Unity. Information Service*, II, 144 (2014), p. 67.

ted “to the ecumenical movement with an irrevocable decision.”² Their request resulted in the publication in two parts of this *Ecumenical Directory*, that is, “one in 1967 and the other in 1970”³ by the Secretariat for the Promotion of Christian Unity (hereafter: SPCU).

On 5 February 1988, in the General Assembly of SPCU Pope John Paul II admitted that “*Ecumenical Directory* has done the most valuable service in directing, coordinating, and developing the ecumenical effort,”⁴ which the Second Vatican Council suggestively called “spiritual ecumenism.”

However, the extent of the “Ecumenical Movement” and “the increasing number of (ecumenical) dialogue documents”⁵ determined the revision of the two versions of this *Ecumenical Directory*, “in the spirit and in light of these developments.”⁶

About the *Ecumenical Directory*, revised in 1988, it has been claimed that the document was “much fuller than the earlier versions published in 1967 and 1970. Not only does it give Vatican II’s teaching on ecumenism (especially in the Decree *Unitatis Redintegratio*), but it also gathers together the teaching, legislation and guidance issued since that time by successive popes, the Holy See, and the Code of Canon Law.”⁷

Both the first version from 1967 and the subsequent, revised versions — from 1970, 1988, and 1993 — are based on the same principles and norms of the Roman Catholic Church on ecumenism set forth by the Second Vatican Council documents and “in particular, in *Lumen Gentium* and *Unitatis Redintegratio*” (I, 10 of the *Ecumenical Directory* of 1993).⁸

² JOHN PAUL II: “Address to the Roman Curia, June 28, 1985, The Twenty Fifth Anniversary of the Secretariat for Promoting Christian Unity.” *Secretariat for Promoting Christian Unity. Information Service*, III—IV, 59 (1985), p. 5.

³ PONTIFICIUM CONSILIUM AD CHRISTIANORUM UNITATEM FOVENDAM: *Directory for the Application of Principles and Norms on Ecumenism*. Vatican City, 25 March 1993. Online: http://www.vatican.va/roman_curia/pontifical_councils/chrstuni/documents/rc_pc_chrstuni_doc_25031993_principles-and-norms-on-ecumenism_en.html (accessed: 27.05.2018).

⁴ IOANNIS PAULI PP. II: “Ad eos qui plenario coetui Secretariatus ad Unitatem Christianorum fovendam interfuerunt coram admissos.” *Acta Apostolicae Sedis. Commentarium Officiale*, LXXX (1988), p. 1204.

⁵ A speech by His Holiness Pope JOHN PAUL II: “Ad quosdam seiunctos Fratres coram admissos.” *Acta Apostolicae Sedis. Commentarium Officiale*, LXXX (1988), pp. 1299—1300.

⁶ A. IȘTOC: *Îndreptar pentru aplicarea principiilor și normelor cu privire la ecumenism (Directory for the Application of Principles and Norms on Ecumenism)*. Ed. Presa Bună, Iași, 2001, p. 5.

⁷ *The Search for Christian Unity, A popular version of the Directory for the Application of Principles and Norms on Ecumenism*. Ed. CATHOLIC BISHOPS OF ENGLAND AND WALES. London 2002, p. 7.

⁸ *Directory for the Application of Principles and Norms on Ecumenism...*

It is worth noting that the *Ecumenical Directory* of 1993, published by the Pontificium Consilium ad Christianorum Unitatem Fovendam, did not intend to “deal with the relationships of the Catholic Church with cults or new religious movements,”⁹ but rather “deals [...] with the relationships with the brethren from the Churches and church communities who are not in full communion yet with the Catholic Church.”¹⁰

Since the content of this *Ecumenical Directory* calls for an assessment by all the Churches — therefore, including the Orthodox Church — in this paper I focused both on those parts relating to general principles of Catholic ecumenism and those which concern the Orthodox Church.

Among others, in the *Ecumenical Directory* it is mentioned that at the level of the Catholic Church there is “a Department of Roman Curia,” namely, the Pontifical Council for Promoting Christian Unity which “has the competence and the task of promoting full communion among all Christians” (II, 53).¹¹ According to the very same *Ecumenical Directory*, “the Pontifical Council is concerned with the proper interpretation of the principles of ecumenism, and the means of putting them into effect; it implements the decisions of the Second Vatican Council with regard to ecumenism” (II, 53 § a).

The new *Ecumenical Directory* issued by the Holy See — which gave the expression to a twenty-five-year-long experience of the Roman Catholic Church in the field of Ecumenism¹² — would also be a useful tool in the work of those with a pastoral-missionary duty to actively and effectively contribute to the application of the principles and norms of ecumenism decreed by the Second Vatican Council.

If the Roman Catholic Church did not have the *Decree on Ecumenism*, we certainly could not speak only about its beneficial consequences,¹³ among others materialized in the form of *Ecumenical Directory*, but in the initiation and carrying out of the works of the bilateral theological dialogue (Orthodox—Roman Catholic) whose results eventually transformed into bilateral dialogue between the theologians of the Catholic Church and of the Orthodox Church.¹⁴

⁹ A. IȘTOC: *Îndreptar pentru aplicarea (Directory for the Application)...*, p. 6.

¹⁰ Apostolic Constitution *Pastor Bonus*, 1988, Art. 136 § 3. Online: http://w2.vatican.va/content/john-paul-ii/en/apost_constitutions/documents/hf_jp-ii_apc_19880628_pastor-bonus.html (accessed: 23.04.2018).

¹¹ *Directory for the Application of Principles and Norms on Ecumenism...*

¹² See A. IȘTOC: *Îndreptar pentru aplicarea (Directory for the Application)...*, p. 3.

¹³ See J.W. CROSSIN, O.F.: *The Decree on Ecumenism and its Effects: Past, Present and Future*. Online: <https://www13.shu.edu/academics/artsci/catholic-studies-department/upload/The-Decree-on-Ecumenism-and-Its-Effects5-Crossin7.pdf> (accessed: 21.04.2018).

¹⁴ See N.V. DURĂ: “Primatul papal în perspectiva dialogului ortodoxo-romano-catolic. Considerații ecleziologice (Papal primacy in the perspective of the Ortho-

Regarding ecumenism, the second important document of the Roman Catholic Church remains the Papal Encyclical *Ut Unum Sint*, 2000, in which it is peremptorily emphasized that “the Catholic Church embraces with hope the commitment to ecumenism,”¹⁵ which is expressed by “the primacy of prayer” and “ecumenical dialogue.” According to this Encyclical Letter, the ecumenical dialogue also implies a dialogue between “sister Churches,” namely, the Orthodox Church and the Roman Catholic Church, which was “weakened in the course of the centuries,” but was “strengthened through the Second Vatican Council” (*Ut Unum Sint*, no. 50).

In the same apostolic letter, Pope John Paul II says that “the Council Decree *Unitatis Redintegratio* has in mind the unity which, in spite of everything, was experienced in the first millennium and in a certain sense now serves as a kind of model” (*Ut Unum Sint*, no. 55), since the Eastern Church and the Western Church were “sister Churches.”¹⁶

In 2002, Cardinal Walter Kasper pointed out that “at the beginning” the Catholic Church did not have a favourable attitude towards “this new ecumenical awareness,” which appeared in the 20th century through “the foundation of the World Council of Churches in Amsterdam in 1948,” that is, in turn, represented “an important milestone” on our “ecumenical journey.”¹⁷ The same cardinal — at that time the President of the Pontifical Council for Promoting Christian Unity — recognized that “the encyclical letters *Satis cognitum* of Leo XIII (1896) and *Mortalium animos* of Pius XI (1928) even condemned the ecumenical dialogue which seemed to have relativized the claim of the Catholic Church to be the true Church of Jesus Christ. [...] However, only the initiative of Pope John XXIII († 1963) and the Second Vatican Council (1962—1965) brought a shift.”¹⁸

By the Council’s Decree on Ecumenism *Unitatis Redintegratio* (1964), the Catholic Church, indeed, opened “[...] the way for the ecumenical

dox—Roman Catholic dialogue. Ecclesiological considerations)” *Mitropolia Banatului*, XXXVII, 5, (1987), pp. 23—30; IDEM: “Considerații asupra dialogurilor teologice ale Bisericii Ortodoxe cu Bisericile: Romano-Catolică, Anglicană, Veche-Catolică, Orientală (necalcedoniană) și Luterană (Considerations on the theological dialogues of the Orthodox Church with the Churches: Roman Catholic, Anglican, Old Catholic, Oriental (Nechalcedonian) and Lutheran)” *Ortodoxia*, XXXVII, 3, (1985), pp. 390—449.

¹⁵ IOANNES PAULUS PP. II: *Ut Unum Sint. On commitment to Ecumenism*, 25 May 1995. Online: http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_25051995_ut-unum-sint.html (accessed: 11.05.2018).

¹⁶ Unfortunately, as it is known, this syntagm, “sisters Churches” was later on eliminated.

¹⁷ W. KASPER: *Nature and Purpose of Ecumenical Dialogue*. Online: http://www.vatican.va/roman_curia/pontifical_councils/chrstuni/card-kasper-docs/rc_pc_chrstuni_doc_20030227_ecumenical-dialogue_en.html (accessed: 15.05.2018).

¹⁸ Ibidem.

movement and highlighting the importance of dialogue”¹⁹ for the promotion of the Unity of the Church. In fact, the discussed document appears as a natural consequence of the adherence of the Roman Catholic Church to the spirit of the principles outlined by the ecumenical movement.

The ecumenical movement has its roots in 1919—1920, but its organization in the form of a World Council of Churches was established only on 22 August 1948 in Amsterdam.

The Romanian Orthodox Church has also been a member of the ecumenical movement since its beginnings, that is since 1920, within the framework of which it has worked through its delegates in both Commissions: Doctrine (Faith and Order) and Practice (Life and Work), and from 1961 has been a member of the Ecumenical Council of Churches.²⁰

In the bilateral relations between the Orthodox and the Catholics, the ecumenical theological dialogue established in 1979 via the Joint International Commission for Theological Dialogue between the Catholic Church and the Oriental Orthodox Churches had a fundamental role.

It should also be noted that, despite some differences in attitudes and opinions, the results of the Orthodox—Roman Catholic bilateral theological dialogue have proved to be quite promising.²¹

During the fourth session of the Second Pan-Orthodox Conference (Rhodes, 1963), it was unanimously agreed that each Orthodox Church “was free to send observers to the Vatican Council II,” however, “they should not be bishops, but only inferior clergy or lay theologians.”²²

Consequently, Orthodox observers were present at the Vatican II’s third and fourth sessions (1964) and the session of 1965. At the same

¹⁹ Ibidem.

²⁰ See D. STĂNILOAE: “Ortodoxia și Mișcarea Ecumenică (Orthodoxy and the Ecumenical Movement).” *Glasul Bisericii*, XXII, 3—4, (1963), pp. 305—326; I.G. COMAN: “Temeiurile atitudinii Bisericii Ortodoxe Române față de dialogul ecumenic cu celelalte Biserici creștine (The Reasons for the attitude of the Romanian Orthodox Church towards the ecumenical dialogue with the other Christian churches).” *Ortodoxia*, XXII, 1 (1970), pp. 20—44.

²¹ See N.V. DURĂ: “Relațiile ecumenice actuale dintre Biserica Ortodoxă și Biserica Romano-Catolică și bazele lor ecleziologice (Current ecumenical relationships between the Orthodox Church and the Roman Catholic Church and their ecclesiological foundations).” *Glasul Bisericii*, XLII, 9—12 (1983), pp. 625—633; IDEM: “Sensul receptării textelor rezultate din dialogurile teologice ecumenice (The meaning of receiving texts resulting from ecumenical theological dialogues).” *Ortodoxia*, XXXVI, 3 (1984), pp. 379—390; IDEM: “Receptarea textelor rezultate din dialogurile teologice ecumenice. Considerații ecleziologice-canonice (Receiving texts resulting from ecumenical theological dialogues. Ecclesiological and canonical considerations).” *Mitropolia Banatului*, XXXIV, 11—12 (1984), pp. 692—706.

²² T.A. MEIMARIS: *The Holy and Great Council of the Orthodox Church and the Ecumenical Movement*. Thessaloniki 2013, p. 51.

time, the Second Pan-Orthodox Conference of Rhodes decided to open a theological dialogue with the Roman Catholic Church and according to the proposal of the Ecumenical Patriarch Athenagoras, to start a “dialogue on an equal footing with the Church of Rome.”²³

In order to prepare and to study the ways for dialogue with the Roman Catholic Church, the patriarch Athenagoras convoked a new Conference, namely the Third Pan-Orthodox Conference (Rhodes, 1964),²⁴ where the Orthodox Church proposed a bilateral dialogue between the Eastern and Western Churches.

At the Fourth Pan-Orthodox Conference²⁵ (Chambey, 1968), in turn, the delegates of Orthodox Churches unanimously recommended “the continuing systematic preparation for theological dialogue with the Roman Catholic Church.”²⁶

In the 1970s — when the first version of the *Ecumenical Directory* appeared — this was in fact the attitude of the Orthodox Churches regarding the bilateral theological dialogue with the Catholic Church. But, right at the beginning of the next decade, one of the theologians of these Orthodox Churches — on a working visit to the Vatican Secretariat — noticed after having met the Roman Pontiff that “Pope Paul VI continues to assert his jurisdictional primacy and his infallibility” and “therefore, in addition to the theoretical disapproval of the papal primacy, the representatives of Orthodoxy must also be careful to prevent any method by which Rome attempts *de facto* to extend this primacy over the Orthodox.”²⁷

As such, at that time a climate of confidence had not been yet established, even though it was present among some Orthodox theologians, especially regarding the possibilities of the bilateral theological dialogue to restore Christian unity. The debates pertaining to the bilateral theological Orthodox—Roman Catholic dialogue would, in fact, stumble because of an inappropriate theological approach to the papal primacy doctrine,

²³ Ibidem, p. 52.

²⁴ N.V. DURĂ: “Hotărârile celei de-a III-a Conferințe Panortodoxe Presinodale (Cambesy—Geneva, 28 octombrie 1986). O evaluare ecleziologică-canonică (Decisions of the Third Pan-Orthodox Pre-synodal Conference (Cambesy—Geneva, October 28 1986). An Ecclesiological-canonic assessment).” *Ortodoxia*, XL, 3 (1988), pp. 75—102.

²⁵ See N. V. DURĂ: “Temele celei de-a IV-a Conferințe Panortodoxe Presinodale în lumina doctrinei canonice ortodoxe (The themes of the 4th Pan-Orthodox Pre-Synodal Conference in light of Orthodox canonical doctrine).” *Mitropolia Banatului*, XXXIX, 1 (1989), pp. 20—28.

²⁶ T.A. MEIMARIS: *The Holy and Great Council...*, pp. 65—66.

²⁷ D. STĂNILOAE: “Relațiile ecumenice ale Bisericii Ortodoxe Române în ultimul sfert de veac (Ecumenical relationships of the Romanian Orthodox Church in the last quarter of a century).” *Ortodoxia*, XXV, 2 (1973), p. 173.

which must of course be formulated and expressed in a new language, of ecumenical substance.

Anyhow, we are convinced that the theologians and canonists of the two Churches will succeed in giving to this doctrine an ecclesiological formulation and expression in the spirit of the Fathers of ecclesial unity — ecclesiology, such as St. Cyprian of Cartagena († 258) and those of the Constantinople Synod of 879 AD which was called “ἡ ἅγια καὶ οἰκομενικὴ σύνοδος”²⁸ (“the Holy and the Ecumenical Synod”) and which has in fact become known in history as *synodus pacis* (“the synod of peace”) between the two Christian Churches of that time, that is, Eastern and Western.

It must be acknowledged, however, that in the Orthodox world the reluctance to accept the results of the ecumenical, theological, bilateral Dialogue was to some extent due to the fact that the text of the *Ecumenical Directory* states, among others, that Roman Catholics “hold the firm conviction that the one Church of Christ subsists in the Catholic Church” (I, 17), and that “the fullness of the unity of the Church of Christ has been maintained within the Catholic Church while other Churches and ecclesial communities, though not in full communion with the Catholic Church, retain in reality a certain communion with it” (I, 18). In fact, the text of the *Ecumenical Directory* states that “Dialogue is at the heart of ecumenical cooperation and accompanies all forms of it” (V, 172), and, consequently, only via theological dialogue we could overcome our own theological opinions.

Undoubtedly, from the text of *Ecumenical Directory*, an Orthodox can find out not only the divergent aspects that stand in the way of such a bilateral, ecumenical, theological dialogue, but also convergent aspects. For example, in the text of *Ecumenical Directory* “particular Churches” are specifically referred, meaning “Local Churches” (II, 37) — a phrase used in Orthodox ecclesiology and canonical doctrine via the words *Ecclesia localis*, that is local Church.²⁹ In the same text, an orthodox could also find out that there is a necessity for the knowledge “of the history of divisions and of efforts at reconciliation, as well as the doctrinal positions of other Churches and ecclesial communities” (III, 57 § b). And, above all the Orthodox Church also shares and promotes, the opinion regarding the “contribution” that “Liturgy” has on the affirmation “to the unity of all who believe in Christ” (III, 62) etc.

²⁸ Canon 1 of the Synod assembled in Constantinople in 879 (apud *Σύνταγμα των θειων και ιερών κανόνων* [“Syntagma”]. Ed. G. A. RHALLI, M. POTLI. Vol. II. Athens 1852, p. 705).

²⁹ N. V. DURĂ: *Le Régime de la synodalité selon la législation canonique, conciliaire, oecuménique, du I^{er} millénaire*. Ed. Ametist 92, București, 1999, pp. 81—106; 415—417; 490—530; 916—982.

One of the forms of this bilateral, ecumenical, theological dialogue is obviously the necessity of identifying and evaluating *sine ira et studio* the points in which the interlocutors of such a dialogue “differ.” And in the case that “differences are recognized as being a real barrier to communion,” the Orthodox and the Roman Catholics have to “try to find ways to overcome them in light of those points of faith which they already hold in common” (V, 172).

Naturally, both the Roman Catholics and the Orthodox fully agree that “the spirit of charity, of respect, and of dialogue demands the elimination of language and prejudices which distort the image of other Christians” (III, 68 § a), and that “students must learn to distinguish [...] between apostolic Tradition and strictly ecclesiastical traditions,” and they “should be prepared to appreciate the legitimate diversity in theology which derives from the different methods and language theologians use in penetrating the divine mysteries” (III, B, 74).³⁰

In the same *Ecumenical Directory*, the assertion is justified that only by the agency of “Ecumenical Dimension of Individual Theological Disciplines” (III, B, 76 § 3) the students of theology could better “compare their own patrimony with the riches of the other Christian traditions of East and West, whether in their ancient or modern expression,” they could “become more deeply conscious of this fullness” (III, B, 77).

Certainly, “this comparative study is important in all subjects: in the study of Scripture [...]; in the study of the apostolic Tradition in the Fathers of the Church and in other Church writers of East and West; of liturgy, [...], in dogmatic and moral theology, [...], in canon law, which must distinguish clearly between divine law and those ecclesiastical laws which can change with time, culture or local tradition; and finally, in pastoral and missionary training [...]” (III, B, 78).

Regarding the history of the ecumenical movement and, in fact, of ecumenical theology, it should be noted that the *Ecumenical Directory* also specifically refers to these. For example, among other things, the text of *Ecumenical Directory*, also speaks of the necessity to teach “in the first cycle” of the faculties of theology a “course in ecumenism” (III, B, 79).

Such courses, especially those that would involve “the study of the patrimony and traditions of other Christians, Eastern and Western” (III, C, 88 § b), also have the role of highlighting the contribution that “theologies” of different Churches and denominations can bring not only to the theological approach to contemporary ecumenism, but also to the promotion of concrete efforts to restore Christian unity.

³⁰ See A. Iștoc: *Îndreptar pentru aplicarea (Directory for the Application)...*, p. 68.

In the Romanian Orthodox Church, the teaching of such a “course in ecumenism” — in faculties of theology — already has an old tradition. Indeed, the first courses in ecumenism began in the 1950s, and their themes concerned not only the history of the ecumenical movement, but also the assessment of the results of various types of ecumenical theological dialogues (bilateral, confessional, inter-religious etc.).³¹

In the text of *Ecumenical Directory* we find that also some of the statements of the Second Vatican Council are reiterated, such as the one according to which “between the Catholic Church and the Eastern Churches not in full communion with it, there is still a very close communion in matters of faith,” and “although separated from us, these Churches still possess true sacraments, above all — by apostolic succession — the priesthood and the Eucharist” (IV, B, 122).

In *Ecumenical Directory*, it is also used the phrase “Oriental Churches”, which encompasses both Chalcedonian (Orthodox) Churches, that is, the Eastern Orthodox Churches, and the Non-Chalcedonian Churches (Old Oriental Churches), whose bilateral, ecumenical, theological dialogue regarding the question of mutual recognition of the orthodoxy of their teaching was, in fact, a success story.³² What remains, however, a *causa dirimens* of their ecclesial unity are, obviously, some ecclesiological-canonical realities, such as, for instance, the *protia* of their patriarchal Chairs and their jurisdictional area.

Unfortunately, we find the same ecclesiological reality in the case of the theological dialogue between the Orthodox Church and the Roman Catholic Church.

But, concerning communion in the field of faith between the Catholic Church and the Orthodox Church, it must be noted that the results of the theological, bilateral dialogues have confirmed that, with regard

³¹ See N. V. DURĂ: “Perspective ale dialogului teologic între Bisericile Ortodoxe și Bisericile Orientale (necalcedoniene) (Perspectives of the theological dialogue between the Orthodox Churches and the Oriental Churches (non-Chalcedonian)).” *Îndrumătorul Pastoral*, 1981, pp. 49—73; IDEM: “Considerații canonic-eceziologice privind Documentul de la Lima (B.E.M.) (Canonical-Ecclesiological Considerations on the Lima Document (B.E.M.)).” *Orthodoxia*, XXXVIII, 2 (1986), pp. 119—147.

³² Concerning the outcomes of this Dialogue, and its consequences, see largely N. V. DURĂ: “Dialogul teologic între Calcedonieni și Necalcedonieni. Considerații și evaluări eceziologico-canonic (Theological dialogue between the Chalcedonians and the Non-Chalcedonians. Ecclesiological-canonical considerations and assessments).” *Revista de Teologie Sfântul Apostol Andrei*, 1 (2012), pp. 9—60; IDEM: “Dialogul teologic între Biserica Ortodoxă și Bisericile Vechi Orientale. Rezultate și Perspective (Theological Dialogue between the Orthodox Church and the Old Oriental Churches. Results and Perspectives).” In: *Autocefalie și comuniune. Biserica Ortodoxă Română în dialog și cooperare externă (Autocephaly and Communion. The Romanian Orthodox Church in foreign dialogue and cooperation) (1885—2010)*, Ed. IBMBOR. București 2010, pp. 272—297.

to the Orthodoxy of their faith, the Sacraments and the Apostolic Succession there are obvious premises that the two Churches can come to a *communio in sacris*,³³ that is, to a full communion³⁴ (dogmatic, canonical, and liturgical).

The “Spiritual Ecumenism” promoted by the people of the two Churches was perceived by the authors of *Ecumenical Directory* as “a response to the gift of God’s grace” (I, 9), under whose guidance we can obviously overcome any obstacle of an ecclesiological-canonical nature, and we will be able to find ourselves again “in full communion” that had persisted until the “Great Schism” of 1054.

We also mention that the authors of *Ecumenical Directory* have recommended not to organize “ecumenical services on Sundays,” since the Catholics “are obliged to attend Mass on that day and on days of precept,” and “when Catholics participate in ecumenical services or in services of other Churches and ecclesial communities, the obligation of participating in Mass on these days remains” (IV, B, 115).

However, as a Catholic theologian expressly mentioned, “our participation in any such services never substitutes for our Sunday Mass obligation,” and consequently, the *Ecumenical Directory* “does not prevent our participating in each other’s liturgical worship and devotions,” hence his suggestion that, “by agreement, our sacramental liturgies would be on Sunday mornings and vigils.”³⁵

In November 2014, the Roman Catholics celebrated the 50th anniversary of the Second Vatican Council’s *Decree on Ecumenism (unitatis redintegratio)*.³⁶ In 2013, His Holiness Pope Francis declared that the res-

³³ See N. V. DURĂ: “Intercomuniune sau comuniune sacramentală? Identitatea eclezială și unitatea în credință (Intercommunion or sacramental communion? Ecclesial identity and unity in faith).” *Ortodoxia*, XL, 4 (1988), pp. 15—58; IDEM: “Îndatorirea credincioșilor privind viața creștină în lumina Sfințelor canoane (Dedication of Christians regarding christian life in light of the Holy canons).” *Altarul Banatului*, XLIII, 10—12 (1993), pp. 18—26.

³⁴ From an orthodox point of view, the impediment or *causa major* to realizing the sacramental communion — and not just an “intercommunion” — remains, obviously, the dogma of the papal primacy (according to Canon 330 of the Latin Canon Code) (See the distinction between “communion” and “intercommunion” in: L. STAN: “Iconomie și intercomuniune (Oikonomia and intercommunion).” *Ortodoxia*, XXII, 1 (1970), pp. 5—19.

³⁵ † P. J. CULLINANE: *Comments on New Ecumenical Directory*. August 1993, p. 4, online: <https://pndiocese.org.nz/wp-content/uploads/1993-08-Comments-on-New-Ecumenical-Directory.pdf> (accessed: 13.05.2018).

³⁶ See *A Church in Dialogue. Catholic Ecumenical Commitment, Celebrating the 50th Anniversary of the Second Vatican Council’s Decree on Ecumenism, Unitatis Redintegratio, 1964—2014*, online: https://www.scsba.ca/wp-content/uploads/2015/11/A_Church_in_Dialogue_short_version_EN.pdf (accessed: 12.05.2018).

tauration of unity among Christians could be done only by “dialogue, dialogue, dialogue,”³⁷ that continues indeed to be a useful instrument for the theologians participants to the works of the theological ecumenical dialogues.

Among the bilateral theological dialogues — from which we have rich documentation — we could mention the dialogue held in Munich (June 30 to July 6, 1982),³⁸ Bari (June 1987),³⁹ New Valamo (19—27 June 1988),⁴⁰ Balamand (17—24 June 1993),⁴¹ Baltimore, U.S.A. (9—19 July 2000),⁴² Ravenna⁴³ (13 October 2007) and Chieti⁴⁴ (Italy, 16—21 September 2016).

Some renowned Roman Catholics theologians of our days have underlined “the role of theologians promoting Christian Unity,” namely in the processes of “the development of theological issues and the reception of the ecumenical movement and its work.”⁴⁵

On the some occasion, the same Catholic theologians mentioned that “the 1993 *Ecumenical Directory* differs so little in substance from the 1967/1970 *Directory*,” and this fact could be — according to their asser-

³⁷ *Apostolic Journey to Rio de Janeiro on the Occasion of the XXVIII World Youth Day, Meeting with the Brazil’s Leaders of Society, Address of Pope Francis, Rio de Janeiro, 27 July 2013*, online: http://w2.vatican.va/content/francesco/en/speeches/2013/july/documents/papa-francesco_20130727_gmg-classe-dirigente-rio.html (accessed: 15.04.2018).

³⁸ *The Ministry of the Church and of the Eucharist in the Light of the Mystery of the Holy Trinity*. Online http://www.vatican.va/roman_curia/pontifical_councils/chrstuni/ch_orthodox_docs/rc_pc_chrstuni_doc_19820706_munich_en.html (accessed: 18.04.2018).

³⁹ *Faith, Sacraments and the Unity of the Church*. Online http://www.vatican.va/roman_curia/pontifical_councils/chrstuni/ch_orthodox_docs/rc_pc_chrstuni_doc_19870616_bari_en.html (accessed: 19.05.2018).

⁴⁰ *Orthodox—Roman Catholic International Dialogue, Documentation Supplement*. Online http://www.vatican.va/roman_curia/pontifical_councils/chrstuni/ch_orthodox_docs/rc_pc_chrstuni_doc_19880626_finland_en.html (accessed: 19.05.2018).

⁴¹ *Seventh Plenary Session*. Online http://www.vatican.va/roman_curia/pontifical_councils/chrstuni/ch_orthodox_docs/rc_pc_chrstuni_doc_19930624_lebanon_en.html (accessed: 17.05.2018).

⁴² *Communiqué, Emmitsburg-Baltimore USA, July 9—19, 2000*. Online http://www.vatican.va/roman_curia/pontifical_councils/chrstuni/ch_orthodox_docs/rc_pc_chrstuni_doc_20000719_baltimore_en.html (accessed: 18.05.2018).

⁴³ *Ecclesiological and canonical consequences of the Sacramental nature of the Church Ecclesial Communion, Conciliarity and Authority, Ravenna, 13 October 2007*. Online http://www.vatican.va/roman_curia/pontifical_councils/chrstuni/ch_orthodox_docs/rc_pc_chrstuni_doc_20071013_documento-ravenna_en.html (accessed: 19.04.2018).

⁴⁴ *Synodality and Primacy During the First Millennium. Towards a Common Understanding in Service to the Unity of the Church*. Online http://www.vatican.va/roman_curia/pontifical_councils/chrstuni/ch_orthodox_docs/rc_pc_chrstuni_doc_20160921_synodality-primacy_en.html (accessed: 17.04.2018).

⁴⁵ J. MCGUIRE, J. D. WEISENBECK: “The New Ecumenical Directory: the Role of Theologians in Promoting Christian Unity.” *C.T.S.A. Proceedings*, 49 (1994), p. 166.

tion — a proof “that the ecumenical vision of Vatican II has not been adequately received by the entire Church.”⁴⁶ But, they added that “the numerous references from Canon Law in the Directory suggest that the Code has responded to the ecumenical challenge.”⁴⁷

But, just these numerous references to *Codex Juris Canonici* — promulgated in 1983 — prove “à l’évidence” the fact that the ecumenical vision of Vatican II, regarding ecumenism, became a reality.

Indeed, it is true that not only the Code of Canon Law of 1983, but also the Catholic canonists — by their comments — responded positively to the ecumenical vision of Vatican II.

His Holiness Pope Francis declared — in his Letter addressed to the Plenary Assembly of the Pontifical Council for Promoting Christian Unity, on 20 November 2014 — that “50 years after the promulgation of *Unitatis Redintegratio*, the pursuit of full Christian unity remains a priority for the Catholic Church, and thus it is daily one of my chief concerns.”⁴⁸

Certainly, we, the Orthodox, are indeed pleased to hear such words pronounced by the Leader of the Catholic World, therefore the pursuit of full Christian Unity has to be a priority.

On the same occasion of the commemoration of the 50th anniversary of the Second Vatican Council *Decree on Ecumenism* (20—21 November 2014), in his speech, His Excellency Cardinal Koch, urged the academic world to keep “alive the question of unity,”⁴⁹ and reminded that the *Decree on Ecumenism (unitatis redintegratio)* distinguished only between two specific categories of division “namely, the great schism in the Church between East and West in the 11th century and the great division in the Western Church in the 16th century.”⁵⁰

At the same time, Cardinal Koch acknowledged that “serious theological questions” also played a role “in the increasing alienation between East and West”. And, as it is known, among these “serious theological questions,” the primacy and the synodality remain the ones of the first importance in our bilateral ecumenical theological dialogue. This was

⁴⁶ Ibidem, p. 167.

⁴⁷ Ibidem.

⁴⁸ Letter of Pope FRANCIS: November 20, 2014, “The Goal of Ecumenism: Principles, Opportunities and Challenges Fifty Years After ‘Unitatis redintegratio.’” *Pontifical Council for Promoting Christian Unity. Information Service*, II, 144 (2014), p. 28. Online: http://www.vatican.va/roman_curia/pontifical_councils/chrstuni/information_service/pdf/information_service_144_en.pdf (accessed: 15.03.2018).

⁴⁹ K. KOCH: “The Sacred Mystery of the Unity of the Church: A Reading of *Unitatis redintegratio* after 50 Years. (Commemorative Public Celebration at the Pontifical Gregorian University, 21 November 2014).” *Pontifical Council for Promoting Christian Unity. Information Service*, II, 144 (2014), p. 60.

⁵⁰ Ibidem, p. 63.

in fact the main reason that since 1979, when the bilateral ecumenical theological dialogue was initiated, the two Churches were “engaged in the question of the relationship between primacy and synodality.”⁵¹

Obviously, it must be acknowledged that the writing and assessment of some documents resulting from the bilateral, ecumenical, theological dialogue require from the theologians of our Churches not only thorough theological knowledge (biblical, dogmatic, canonical, liturgical etc.), but also a critical, but objective spirit, which could contribute to the affirmation of the confessional theologies of ecumenical substance and orientation.⁵²

This kind of theology calls on ecclesiologists, dogmatists, and canonists of the two Churches in question that — in their theological, ecumenical approach — to report *nolens volens* to the theology of the first millennium,⁵³ in which its basic principles, *Libertas* (Liberty) and *in omnia Caritas* (in all Love), were its determinant instruments both in the inter-religious theological Dialogue⁵⁴ and in the area of “spiritual ecumenism” (III, B, 79 §g),⁵⁵ and the “Rule of faith” and “liturgical prayer for Christian unity”⁵⁶ were the *norma normans* for the entire Christian *oikoumène* from *illo tempore*.

Thus, it is not surprising that the theologians and canonists of the Romanian Orthodox Church speak of “Ecumenism, Christian reconciliation and European unity,”⁵⁷ and, at the same time, they see in the “Ecu-

⁵¹ Ibidem.

⁵² See N. V. DURĂ: “Teologia ortodoxă și teologiile confesionale în ecumenismul contemporan (Orthodox Theology and confessional theologies in contemporary ecumenism).” *Ortodoxia*, XXXVIII, 3 (1986), pp. 61—88; IDEM: “Sfântul și Marele Sinod Ecumenic. Considerații ecleziologice privind textele redactate de Comisia pregătitoare a celei de-a III-a Conferințe Panortodoxe Presinodale (The Holy and The Great Ecumenical Council. Ecclesiological considerations on the texts drafted by the Preparatory Commission of the Third Pan-Orthodox Pre-synodal Conference).” *Mitropolia Moldovei și Sucevei*, LXIV, 5 (1988), pp. 33—45.

⁵³ See N. V. DURĂ: *Le Régime de la synodalité...*, pp. 266—286.

⁵⁴ See N. V. DURĂ: “Ecumenismul interreligios. Dialogul teologic cu religiile necreștine (Iudaismul și Islamismul) (Inter-religious Ecumenism. Theological Dialogue with non-Christian religions (Judaism and Islamism)).” *Glasul Bisericii*, XLIII, 7—9 (1984), pp. 611—621; IDEM: “‘Forum-ul Mondial al celor trei Religii’ și cea de-a 35-a Filială a sa din România — 10 septembrie 2004 și 17 februarie 2005 (‘The World Forum of the Three Religions’ and its 35th Branch in Romania — 10 September 2004 and 17 February 2005).” *Biserica Ortodoxă Română*, CXXIII, 1—3 (2005), pp. 353—364.

⁵⁵ A. IȘTOC: *Îndreptar pentru aplicarea (Directory for the Application)...*, p. 73.

⁵⁶ See N. V. DURĂ: “Regula de credință și rugăciunea pentru unitatea creștină. O evaluare ecleziologico-canonice (The Rule of Faith and prayer for Christian unity. An Ecclesiological-Canonical Assessment).” *Ortodoxia*, LV, 3—4 (2004), pp. 7—25.

⁵⁷ N. V. DURĂ: “Bisericele Europei și Uniunea Europeană. Ecumenism, reconciliere creștină și unitate europeană (partea I) (The Churches of Europe and the European

menism” promoted by our Churches (Orthodox and Roman Catholic) a real contribution brought also “to the construction of Europe,”⁵⁸ including the European Union, which really needs “the Dialogue with Culture and the sciences,” as Pope Francis wrote in his Apostolic Exhortation *Evangelii Gaudium*,⁵⁹ hence the necessity to proclaim the Gospel in today’s world in an ecumenical spirit, but, simultaneously, to remain faithful to the text of the Bible and of the Holy Tradition (dogmatic, canonical, and liturgical) of the first millennium.

In fact, this is exactly the spirit in which the *Directory for the Application of Principles and Norms on Ecumenism* of 1993, published by Pontificium Consilium ad Christianorum Unitatem Fovendam, was read and evaluated.

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⁵⁸ N. V. DURĂ: “Bisericile creștine și aportul lor la construcția Europei (The Christian Churches and their contribution to the construction of Europe).” *Ars aequi. Journal of Social and Legal Studies and Research*, I, 4 (2006), pp. 177—183.

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CĂTĂLINA MITITELU

Sur le *Directoire œcuménique* de 1993
Perspective orthodoxe

Résumé

Puisque le Décret sur l'œcuménisme *Unitatis redintegratio* — promulgué le 21 novembre 1964 par le Concile Vatican II — fournissait uniquement des instructions et principes généraux pour la future activité œcuménique de l'Église catholique, le 25 mars 1993, le Conseil Papal à la promotion de l'unité des chrétiens (Pontificum Consilium ad Christianorum Unitatem Fovendam) a publié le *Directoire sur la réalisation des principes et normes concernant l'œcuménisme* (*Dyrektorium w sprawie realizacji zasad i norm dotyczących ekumenizmu*). Le présent article analyse le texte *Le Directoire œcuménique* (*Dyrektorium ekumeniczne*) de 1993 dans la perspective orthodoxe tout en désirant sincèrement propager un meilleur entendement de la théologie œcuménique de l'Église catholique parmi les théologiens et les canoniques orthodoxes et, dans le fond, en voulant apporter une contribution *ad fovendam christianorum unitatem*.

Mots-clés: unité des chrétiens, jedność chrześcijan, dialogue théologique, activité œcuménique

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Del *Direttorio ecumenico* del 1993
La prospettiva ortodossa

Sommarío

Siccome il Decreto sull'ecumenismo *Unitatis redintegratio* — promulgato il 21 novembre 1964 dal Concilio Vaticano II — forniva solamente principi generici ed istruzioni per la futura attività ecumenica della Chiesa cattolica, il 25 marzo 1993 il Pontificio Consiglio per la Promozione dell'Unità dei Cristiani (Pontificum Consilium ad Christianorum Unitatem Fovendam) pubblicò il *Direttorio per l'applicazione dei principi e delle norme sull'ecumenismo*. Il presente articolo analizza il testo del *Direttorio ecumenico* del 1993 dalla prospettiva ortodossa lasciandosi guidare in tale intento dal desiderio sincero di promuovere una comprensione migliore della teologia ecumenica della Chiesa cattolica tra i teologi ed i canonisti ortodossi, e sostanzialmente dalla volontà di contribuire *ad fovendam christianorum unitatem*.

Parole chiave: unità dei cristiani, dialogo teologico, attività ecumenica



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Dialogue as an Ecumenical Paradigm within the Context of Regulations of the *Directory for the Application of Principles and Norms on Ecumenism* (1993)

Abstract: The Second Vatican Council in the Decree on Ecumenism *Unitatis redintegratio* touches upon “the sacred mystery of the unity” (ED 2), the “highest exemplar and source [of which is] the unity of the Persons of the Trinity: the Father and the Son in the Holy Spirit, one God” (ED 2). That is why everyone who asks about the mystery of unity of the Church has to still bear in mind the fact that the origin of the final the unity towards which all beings wander is the Triune God. The mystery of the Church’s unity is and will remain in its earthly existence an imperfect reflection of the mystery of the unity of Divine Persons (see J 17, 21n). It gives the very concept of unity a dynamic character. This unity is inseparable from the acts of the Holy Spirit. The variety of His gifts causes the very concept to be marked by multitude and diversity. It is realized in diversity on the model of one and at the same time diverse in terms of persons, life of the Holy Trinity Persons, which is realized in the incessant dialogue between Them. Therefore, deeply formulating the essence of the ecclesial mission are the words of John Paul II: “The way of ecumenism [is] the way of the Church” (*Ut Unum Sint*, 7), and ecumenism is “a duty [imperative] of the Christian conscience enlightened by faith and guided by love” (*Ut Unum Sint*, 8), since every division in the Church is contrary to the Christ’s will (cf. *Unitatis Redintegratio*, 1), and as a result directed against the Church. Christ calls all his disciples to unity, that is why all believers, “united in following in the footsteps of the martyrs, cannot remain divided” (*Ut Unum Sint*, 1), since “the sin of our separation is very serious” (*Oriente Lumen*, 17). Every division seriously weakens the unanimous co-existence of the Church members and weakens the daughterly-brotherly ecclesial relations. The hope of “being one” in Christ (see J 17, 21) rushes Christians to reflect upon their own ecclesial identity, upon the gift of faith they have in common and the consequences of divisions. Aware of the indestructibility of ontological unity of the Church they discover the will of the Lord in order to, while respecting the variety of forms of practicing faith, undertake the effort of looking for effective ways of justifying and

deepening also the visible unity in the Church. The authors of the 24 March 1993 *Ecumenical Directory*, evoking the principles of implementing the “ecumenical programme” of the Roman Catholic Church prepared by the Second Vatican Council decided that dialogue is the elementary paradigm of *ecumenia*. This assumption stems from, among others, their belief that ecumenism can bear good fruit only when it is characterized by an increase of respect in mutual relations between Christians and Churches. Where the parties are open to dialogue, is a chance to get to know the partner better and as a result a chance to mutually respect his or her beliefs and the way of experiencing faith.

Keywords: dialogue, ecumenism, ecumenical formation, paradigm of *ecumenia*, imperative, Second Vatican Council, Decree on Ecumenism, *Ecumenical Directory*

The 1993 *Directory for the Application of Principles and Norms on Ecumenism*¹ is one of the crucial Church documents and has played an important role in defining the ecumenical paths in the Roman Catholic Church. Its elementary objective is to implement the ecumenical directions and principles prepared by the Second Vatican Council. The authors of the *Directory*, having in mind the conciliar teaching, decided that dialogue is the basic paradigm of *ecumenia*. This assumption stems from, among others, their belief that ecumenism can bear good fruit only when it will be characterized by the increase of respect in mutual relations between Christians and Churches. Where the parties are open to dialogue, partners to the dialogue have a better chance to get to know one another, and as a result, show better mutual respect towards opinions, as well as ways of experiencing faith.

This study is part of a trend of searching for the elementary paradigm, which would be conducive to create new hermeneutics for building good social references. It concerns references both of a secular and religious character. These two realities, while maintaining their full autonomy, cannot, as a matter of fact, be radically separated from each other. Even though they have completely different foundations and structures, they concern, after all, the same human beings and the very same societies. Therefore, I would like to draw the attention, first and foremost, to the dialogue as an elementary paradigm of ecumenism and hermeneutical principle of an integrative character, both in the inter-Church references and in the social references in general.

¹ PONTIFICIUM CONSILIUM AD CHRISTIANORUM UNITATEM FOVENDAM: *Directory for the Application of Principles and Norms on Ecumenism* [25.03.1993] [hereafter: *Directory* 1993].

1. Dialogue as a paradigm of universal character

In a democratic, and at the same time pluralistic society, dialogue constitutes a commonly adopted and commonly accepted means of interpersonal and social communication. Without dialogue there is neither inter-human understanding, nor there can be appropriate cognition of things. Therefore, dialogue has to be perceived as a fundamental hermeneutical category, based on which correct interpersonal and social relations should be created. A dialogue teaches, builds and cognitively opens to novelty and difference. It means that especially where there is difference of opinions, conflict or also division, dialogue should constitute an elementary paradigm based on which it is possible to work out a compromise with a view to achieving agreement. Hence, dialogue constitutes a chance, necessity and a challenge of a universalistic character.

The Christian dialogue does not differ in any aspect from the other forms of a dialogue. However, when it is understood as a man's attitude, it finds deep justification in the specifically theological and religious Christian motives. It is something like a prolongation of the form of God's revelation and constitutes the continuation of the eternal dialogue between God and humanity.² It is worth noticing that all behaviours and actions of Jesus Christ were characterized by a deep dialogic attitude.³

Therefore, the dialogue of the Church, in its deepest essence, has a universal character. By nature it is devoid of any features of excluding anyone from the space of its interaction.⁴ First of all, it spans the internal dialogue in the very Church, ecumenical dialogue with other Churches and Christian Communities, as well as dialogue with non-Christian religions and finally dialogue with non-believers.⁵ Thus, the Christian dia-

² Cf. VATICAN COUNCIL II: *Dogmatic Constitution on Divine Revelation* "Dei Verbum" [18.11.1965], no. 1.

³ See e.g. John 3,1-21: conversation with Nikodemus; John 4,1-26: conversation with a Samaritan Woman; John 7,14-36: polemics with adversaries.

⁴ Cf. VATICAN COUNCIL II: *Pastoral Constitution on the Church* "Gaudium et spes" [7.12.1965], no. 92.

⁵ The conciliar Decree *Ad gentes* on the missionary activity of the Church we will find the following words: "Thus other men, observing their good works, can glorify the Father (cf. Matt. ES:16) and can perceive more fully the real meaning of human life and the universal bond of the community of mankind. In order that they may be able to bear more fruitful witness to Christ, let them be joined to those men by esteem and love; let them acknowledge themselves to be members of the group of men among whom they live; let them share in cultural and social life by the various undertakings and enterprises of human living; let them be familiar with their national and religious traditions; let them gladly and reverently lay bare the seeds of the Word which lie hidden among

logue is not limited to the inter-Church dimension. Nor is it limited to the religious dimension. It spans the entire space of “being in dialogue with the world,” so the contemporary culture, cooperation in the humanitarian, social, economic, and political area.⁶

In its social dimension, dialogue is an elementary and essential condition of peace. Quite often it is the only way of reaching agreement, overcoming antagonisms, conflicts, and divergent interests. Should there be no agreement, sometimes the only alternative is violence and war.

The authors of the *Ecumenical Directory* put great emphasis on educating to dialogue.⁷ According to them, the formative environments which have a special obligation of shaping dialogic attitudes are: family, school, various groups, associations and Church movements.⁸ It is also there — the *Directory* says — that “care must be taken not to entertain prejudices, but on the contrary to search for the truth in all things.”⁹ Family is a particularly convenient environment “to be a community for others, a community not only open to the Church but also to human society, ready

their fellows. At the same time, however, let them look to the: profound changes which are taking place among nations, and let them exert themselves to keep modern man, intent as he is on the science and technology of today’s world from becoming a stranger to things divine; rather, let them awaken in him a yearning for that truth and: charity which God has revealed. Even as Christ Himself searched the hearts of men, and led them to divine light, so also His disciples, profoundly penetrated by the Spirit of Christ, should show the people among whom they live, and should converse with them, that they themselves may learn by sincere and patient dialogue what treasures a generous God has distributed among the nations of the earth. But at the same time, let them try to furbish these treasures, set them free, and bring them under the dominion of God their Savior. The presence of the Christian faithful in these human groups should be inspired by that charity with which God has loved us, and with which He wills that we should love one another (cf. 1 John 4:11). Christian charity truly extends to all, without distinction of race, creed, or social condition: it looks for neither gain nor gratitude. For as God loved us with an unselfish love, so also the faithful should in their charity care for the human person himself, loving him with the same affection with which God sought out man. Just as Christ, then, went about all the towns and villages, curing every kind of disease and infirmity as a sign that the kingdom of God had come (cf. Matt. 9:35ff; Acts 10:38), so also the Church, through her children, is one with men of every condition, but especially with the poor and the afflicted. For them, she gladly spends and is spent (cf. 2 Cor. 12:15), sharing in their joys and sorrows, knowing of their longings and problems, suffering with them in death’s anxieties. To those in quest of peace, she wishes to answer in fraternal dialogue, bearing them the peace and the light of the Gospel.” Vatican Council II: *Decree on the Mission Activity of the Church “Ad gentes”* [7.12.1965], no. 11—12.

⁶ JOHN PAUL II: *Encyclical Letter “Centesimus Annus”* [1.05.1991], no. 38.

⁷ *Directory* 1993, no. 65—68.

⁸ *Ibidem*, no. 66.

⁹ *Ibidem*

for dialogue and social involvement.”¹⁰ Whereas, school should educate to dialogue, peace and ability of a skillful building of positive interpersonal relations.¹¹

The elementary condition of every dialogue is openness and readiness to undertake it, willingness to understand a partner in the same way that he/she understands themselves, and awareness of distinctness and one’s own identity, as well as the awareness of a partner’s identity. A real dialogue assumes respecting a partner’s dignity and is expressed in readiness to a mutual search for the truth. It also signifies a full awareness of the fact that the good of one person cannot be achieved at someone else’s expense.

However, dialogue must never mean compromising the truth. Since the dialogic process is about its constant unveiling and deepening, which often takes place owing to the “second party,” which is a partner of the dialogue. It is then about a mutual enrichment through sharing the joint discovering and deepening of the gift of faith in the entire width of the meaning of this concept.

In the face of the above, a question has to be posed: Are there any borders of dialogue? Indeed, these are defined by personal and religious identity.¹² It assumes faithfulness towards the learnt truth, especially the truth of faith and towards the fundamental moral principles. However, it should always be borne in mind that subjective learning of the truth can be perfected and complemented.

2. Dialogue in the ecumenical context

Dialogue is a paradigm based on which the inter-Christian relations, as well as interfaith communication and communication with the world are shaped. As Christians we are even obliged to create dialogic attitudes in us and other people, or even dialogic hermeneutics. Christianity, after all, in its deepest strata is a religion of dialogue. Even God Himself is engaged in dialogue, which constitutes a symbiosis of the divine and human element. Owing to it, Christians learn how to grow “together” in the mystery of Christ and His Church. Dialogue creates new possibilities of getting to know each other and a mutual penetrating into the depth of the truth

¹⁰ Ibidem, no. 66a.

¹¹ Ibidem, no. 68.

¹² Cf. Ibidem, no. 66a.

of Christian revelation.¹³ John Paul II in the first in Church's history encyclical entirely devoted to ecumenism, having a characteristic title *Ut Unum Sint*, writes that "the capacity for 'dialogue' is rooted in the nature of the person and his dignity."¹⁴ It is about an attitude, the external expression of which has a very deep integral establishment. In the 1993 *Directory* we read that the ecumenical dialogue constitutes a peculiar "tool" of real friendly relations established with the mutual service of the Gospel and a closer cooperation in transforming the mentality of everyday life of communities in mind. It has created "new relationships which, if they are well understood, can lead to collaboration and peace."¹⁵ Thus, it is about more than only a conversation. The elementary objective that follows from the essence of dialogue is to lead to a genuinely personal meeting.

However, dialogue cannot develop exclusively within the horizontal dimension and be restricted to a meeting, exchange of thoughts or even exchange of gifts. Dialogue is first and foremost transferred into a vertical dimension, turning towards the one who as the Redeemer and the Lord of acts is our reconciliation.¹⁶ It concerns, most of all, a mutual prayer and aiming at taking part together in "holy things." After all, through the mutual prayer of Christians the very Christ is called. The Holy Spirit, who opens the believers to the gifts of the Father and Son, is called as well. So, what is indispensable is a permanent calling of the power of Triune God, since reconciliation signifies turning to God and to one another and making a decision to follow the step of Christ in the newness of life and shape it after the Trinitarian unity. Dialogue constitutes, therefore, an elementary paradigm for the ecumenical path and for the entire process of shaping better and better social relations.¹⁷ John Paul II defines this entire process "as a duty [in the Italian original: *un imperativo*] of the Christian conscience enlightened by faith and guided by love."¹⁸

If ecumenism is the imperative of the Christian conscience, then dialogue, as a basic "tool" of *ecumenia*, as well as all social relations, is also a significant obligation of human conscience. Analyzing John Paul II's expression we should notice that what we are facing here is a neutral, when it comes to content, concept of "imperative" (obligation, duty), which when juxtaposed with a different, how important, expression

¹³ See Z. GLAESER: "Ku eklezjologii 'Kościołów siostrzanych.'" *Studium ekumeniczne*, Opole 2000, p. 237.

¹⁴ JOHN PAUL II: *Encyclical letter "Ut unum sint"* [25.05.1995] [hereafter: UUS], no. 28.

¹⁵ *Directory* 1993, no. 61e.

¹⁶ Cf. UUS, no. 35.

¹⁷ Cf. *Directory* 1993, no. 172; 180.

¹⁸ UUS, no. 8.

“conscience” takes on an unambiguous ethical connotations. The first one to use the term “imperative,” in the ethical meaning, was Immanuel Kant, when he formulated the fundamental principle of morality. What he aimed at was to formulate law that would be common, emphatic, binding regardless of the life circumstances. Specifically, it meant that aiming at happiness, love, or also inclination for external good does not mean that an action is moral. What makes it moral is only when it is subordinated to the fundamental moral law (*Sittengesetz*), which Kant referred to as “categorical imperative,” the content of which is: “In your behaviour follow only these principles, which you could expect to be commonly binding.”¹⁹

The term “imperative,” which refers to the Kant’s concept of “categorical imperative” as a principle of moral acting, did not find its way to the *Ut unum sint* encyclical by accident. Obviously what John Paul II had in mind was to make ecumenism not only a doctrinal and cognitive objective, but *par excellence*, also an object of moral acting, which should have (to some extent) a “Kant” character in the meaning of a moral imperative that would be binding for all Christians.

However, the final criterion, or the final principle of moral duty and moral acting in the ecumenical space should not be Kant’s categorical imperative (*Sittengesetz*), but — as John Paul II says — the Christian conscience. Saint Thomas Aquinas very radically states that man should die under excommunication rather than betray his voice of conscience (Sent. II, 2d, 38q. 2a).²⁰ Owing to the conscience, a judgment is delivered, which informs man about good and evil connected with the decisions he makes. It is the conscience which decides if a given deed is good or bad. So it is in the conscience that the judgment concerning the moral character of a deed is made.²¹

In the above-mentioned context John Paul II’s call to Christians to perceive ecumenism as an imperative and as a fundamental obligation of conscience, and in the building of relations between one another and the world, follows the dialogic hermeneutics, takes on a new meaning. It means that without an ecumenical openness, without a dialogic and ecu-

¹⁹ I. KANT: *Grundlegung zur Metaphysik der Sitten*, Warszawa 1971, p. 50. See also A. SZOSTEK: “Imperatyw [English *imperative*].” In: *Encyklopedia katolicka KUL*, vol. 7, Lublin 1997, 87—88; K. MÜLLER: *Glauben-Fragen-Denken*, vol. 1. Münster 2006, pp. 165—167, 321—323.

²⁰ D. MIETH: *Gewissen*. In: *Christlicher Glaube in moderner Gesellschaft*. Ed. F. BÖCKLE. Freiburg i. Br. 1981, vol. 12, p. 168.

²¹ THOMAS DE AQUINO: *Questiones disputatae: De Veritate (De Conscientia)*, 17q, <http://www.corpusthomaticum.org/qdv15.html> (12.02.2018). Cf. also H. MAJKRZAK: “O prasmusieniu według św. Tomasza z Akwinu.” *Człowiek w kulturze* 13 (2000), p. 121.

menical attitude towards one another and towards the world, in fact it is not possible today to be an authentic Christian. Since it is not possible to be a Christian and at the same time adopt an attitude that is in opposition to the Christ's Testament: *Ut unum sint!* (J 17, 21).

3. Indications of the *Ecumenical Directory* regarding the principles of conducting ecumenical dialogue

The authors of the 1993 *Ecumenical Directory* underline that the "Dialogue is at the heart of ecumenical cooperation and accompanies all forms of it."²² It requires listening and answering the asked questions, as well as from the parties to the dialogue to aim at getting to know one another and in that way understand one another better. Therefore, dialogue signifies readiness to ask questions and openness in answering them. The essence of a dialogue is "forthcoming about oneself and trustful of what others say about themselves. The parties in dialogue must be ready to clarify their ideas further, and modify their personal views and ways of living and acting, allowing themselves to be guided in this by authentic love and truth. Reciprocity and mutual commitment are essential elements in dialogue, as is also a sense that the partners are together on an equal footing."²³ Therefore, all members of the community of the People of God are obliged to care for shaping of the dialogic sensitivity. A dialogic attitude is conducive to the People of God "to look at themselves together in the light of the Apostolic Tradition."²⁴ So it is not about something that everyone does individually. We should "together" discover the gift of the evangelical message and give it to one another. Shaping of such sensitivity turns out to be a difficult process of learning together with others and from others. Everyone has "to re-examine himself in the light of the Gospel and the great Tradition."²⁵ Dialogic sensitivity, understood in such a way, carries an ability to contemplate self-critically. After all, it is an "exchange of gifts," "mutual looking for truth," and it persuades one to enter into a dialogue that would be open and full of understanding. After all it is about discovering the inscrutable richness of the

²² Directory 1993, no. 172. See also Vatican Council II: *Decree on Ecumenism* "*Unitatis redintegratio*" [21.11.1964] [hereafter: UR], no. 9.

²³ Directory 1993, no. 172.

²⁴ UUS, no. 16.

²⁵ *Ibidem*, no. 17.

truth. It is the truth about God and man, who was called, incessantly calling the Holy Spirit, to build communion between people and Churches.²⁶

The dialogic sensitivity is not limited to the doctrinal issues, but instead it engages entire man: It is also the “dialogue of love.” Owing to the direct contacts at various levels, between shepherds and between members of Churches and communities the testimony, which they give “together” about God, becomes more credible. John Paul II noticed that “a vast new field has thus opened up for the whole ecumenical experience, which at the same time is the great challenge of our time.”²⁷ The dialogic openness of Christians results in discovering newer and newer areas and the spiritual goods that are connected with them and which are mutual within this context. It has a crucial meaning for both *ecumenia* and social integration as such. Since the goods of the Christ’s Church are of an integrative character by nature. What follows from it is the fact that aiming at the unity of Christians is not something random or connected with short-term circumstances, but it is a requirement, which stems from the very essence of Christianity.

The dialogic sensitivity is also of a pedagogical character. The pedagogy of dialogic reasoning in theology is a “way” that leads to a real community (*koinonia*), which is realized in mutual prayer and acting. It enables incessant discovering of newness in understanding community, shaped by Churches, which are still divided externally. Their meeting constitutes a still new event. It is the fruit of the gifts of the Holy Spirit. *Koinonia* of the Churches, though still externally not full, is the sign of the essence of one, not divided Church, which in its depth remains a mystery. The communion of Churches presents a new spiritual unity of those who constitute it. It stems from their internal, charismatic life. H. Langkammer in his biblical monograph about Church entitled one of the chapters in the following way: “Ecclesiology of ‘Community’ as a Chance for the Contemporary Ecumenical Theology.” He writes that: “The Church is called to become a community of reconciliation and still become reconciled. Her unity as an act of God’s mercy should also become the tool of Church’s actions. In its essence it is a sign of internal unification with God and unity of the entire humankind.”²⁸ Everything that Christians do, say and even think “together,” is of an ecclesiological and integrative meaning. It leads to an awareness of living in one, in its essence indivisible Church, in which what is torn should be cured and renewed. So shaping of the dialogic Church and social relations should be commenced with leaving the positions of opponents, quarreling parties, in order to build once again relations based on the

²⁶ See Z. GLAESER: “Ku eklezjologii ‘Kościołów siostrzanych’...,” pp. 243—245.

²⁷ UUS, no. 48.

²⁸ H. LANGKAMMER: *Nowy Testament o Kościele*. Wrocław 1995, p. 206.

principles of partnership and mutual respect. When taking up a dialogue, each of the parties has to assume that his or her counterpart shows the will of conciliation, so unity in truth. In order for all of that to come true, the symptoms of mutual combat must disappear. Only then a dialogue can help in overcoming divisions and may be used to bring the unity closer, that is both in the ecclesial and social dimensions. The spirit of denominational competition and fight has to give space to a truly ecumenical mentality. The strategy aimed at enfeebling the other always triggers defensive reactions. Therefore, it is important to drift away from the inherited from the past logic of victories and defeats and to opt for the Christian logic of mutual responsibility for one another. For Christians it means something more: openness to the mutual testimony in the face of the world.

What shapes human conscience is the truth. It is the truth that gives the direction to the new quality of references in the Church and in the world. It is, however, always important to bear in mind that the truth judges both Christian conscience and deeds within the context of the Christ's prayer for unity. In turn, it is discovered and built in an incessant dialogue with God and people among themselves.

In the *Ecumenical Directory* the principles of conducting dialogue, especially the ecumenical one, were discussed in detail. However, it is not only about this dialogue, but to some extent also about a social dialogue that would be conducted in the Christian spirit. The authors of the document emphasized that the Roman Catholic Church is open to a dialogue "at a diocesan level, at the level of Episcopal Conferences or Synods of Eastern Catholic Churches, and at the level of the universal Church. Its structure, as a universal communion in faith and sacramental life, allows it to present a consistent and united position on each of these levels."²⁹ The content-formal assumptions regarding the partners to the dialogue were also specified: "Where there is just one partner Church or Community in the dialogue, it is called bilateral; when there are several it is described as multilateral."³⁰

The document includes also a clear encouragement to undertake dialogue on a great many levels of social life: "On the local level there are countless opportunities for exchanges between Christians, ranging from informal conversations that occur in daily life to sessions for the common examination in a Christian perspective of issues of local life or of concern to particular professional groups (doctors, social workers, parents, educators) and to study groups for specifically ecumenical subjects. Dialogues may be carried on by groups of lay people, by groups of clergy,

²⁹ Directory 1993, no. 173.

³⁰ Ibidem.

by groups of professional theologians or by various combinations of these. Whether they have official standing (as a result of having been set up or formally authorized by ecclesiastical authority) or not, these exchanges must always be marked by a strong ecclesial sense. Catholics who take part in them will feel the need to be well informed about their faith and to deepen their living of it, and they will be careful to remain in communion of thought and desire with their Church.”³¹

If dialogue is conducted in the name of the Roman Catholic Church, it should always be conducted in agreement with a relevant Church authority authorized to delegate authority to represent the Church in various dialogic bodies. It is, depending on the character and scope of a given dialogue: “the local Ordinary, the Synod of Eastern Catholic Churches or the Episcopal Conference within its territory, or by the Holy See.”³² It was also underlined that “in these cases, the Catholic participants have a special responsibility towards the authority that has sent them. The approval of that authority is also needed before any results of the dialogue engage the Church officially.”³³

It was emphasized that when it comes to the Catholic doctrine, the Catholic parties to the dialogue are guided by the principles described in the *Unitatis redintegratio* Decree of the Second Vatican Council.³⁴ They are as follows: “The manner and order in which Catholic belief is expressed should in no way become an obstacle to dialogue with our brethren. It is, of course, essential that the doctrine be clearly presented in its entirety. Nothing is so foreign to the spirit of ecumenism as a false conciliatory approach which harms the purity of Catholic doctrine and obscures its assured genuine meaning. At the same time, Catholic belief needs to be explained more profoundly and precisely, in ways and in terminology which our separated brethren too can easily understand. Furthermore, Catholic theologians engaged in ecumenical dialogue, while standing fast by the teaching of the Church and searching together with separated brethren into the divine mysteries, should act with love for truth, with charity, and with humility. When comparing doctrines they should remember that in Catholic teaching there exists an order or ‘hierarchy’ of truths, since they vary in their relationship to the foundation of the Christian faith. Thus the way will be opened for this kind of fraternal rivalry to incite all to a deeper realization and a clearer expression of the unfathomable riches of Christ.”³⁵

³¹ Ibidem, no. 174.

³² Ibidem, no. 175.

³³ Ibidem.

³⁴ Ibidem, no. 176.

³⁵ Ibidem; cf. UR, no. 11.

The authors of the *Directory* described the crucial “subject of the dialogue” in a general way. It might be “a broad range of doctrinal issues covered over an extended period of time, or a single issue dealt with in a definite time framework; or it may be a pastoral or missionary problem about which the Churches wish to find a common position in order to eliminate conflicts that arise between them and to promote mutual help and common witness.”³⁶ When it comes to the character of the bodies it was concluded that “for some questions a bilateral dialogue may be found more effective, for others a multilateral dialogue gives better results. Experience shows that the two forms of dialogue complement one another in the complex task of promoting Christian unity.”³⁷

Attention was also drawn to the fact that “the results of a bilateral dialogue should be promptly communicated to all other interested Churches or ecclesial Communities.”³⁸ Also the procedures of conduct at the particular stages of the doctrinal dialogues were established: “A commission or committee set up to engage in dialogue on behalf of two or more Churches or ecclesial Communities may reach various degrees of agreement about the subject assigned to it and formulate their conclusions in a statement. Even before such agreement is reached, it may sometimes be judged useful by a commission to issue a statement or report that marks the convergencies that have been established, that identifies the problems that remain and suggests the direction that future dialogue might take.”³⁹ The necessity of presenting documents to competent Church authorities, in order to obtain approval regarding their content, was deemed to be a crucial formal requirement.⁴⁰ Additionally, the status of declarations prepared by dialogic committees was defined. It was established that they “have intrinsic weight because of the competence and status of their authors. They are not, however, binding on the Catholic Church until they have been approved by the appropriate ecclesiastical authorities.”⁴¹

The competent Church authority evaluates and verifies the particular fruit of the dialogue. When the authority deems it to be appropriate it can subject such fruit to the process of reception in the community of the People of God, which in harmony with its role and charisma should remain engaged in the entire process of critical evaluation of the dialogic agreements.⁴² “The faithful, as a matter of fact, are called to exercise: ‘the

³⁶ *Directory* 1993, no. 177.

³⁷ *Ibidem*.

³⁸ *Ibidem*.

³⁹ *Ibidem*, no. 178.

⁴⁰ See *ibidem*.

⁴¹ *Ibidem*.

⁴² *Ibidem*, no. 179.

supernatural appreciation of the faith (*sensus fidei*) of the whole people, when ‘from the Bishops to the last of the faithful’ they manifest a universal consent in matters of faith and morals. By this appreciation of the faith, aroused and sustained by the Spirit of truth, the People of God, guided by the sacred teaching authority (*magisterium*), and obeying it, receives not the mere word of men, but truly the Word of God, the faith once for all delivered to the saints. The people unfailingly adheres to this faith, penetrates it more deeply with right judgment, and applies it more fully in daily life.”⁴³

The authors of the *Directory* deemed the process of reception of ecumenical agreements to be a crucial element of inter-Church dialogues. It was underlined that a special function is held by “the life of faith and the prayer of faith, no less than reflection on the doctrine of faith,”⁴⁴ realized “under the inspiration of the Holy Spirit ‘who distributes special graces among the faithful of every rank’ and guides in a special way the ministry of those who teach, makes its own the fruits of a dialogue, in a process of listening, of testing, of judging and of living.”⁴⁵ In the face of the above we can conclude that “every effort should be made to find appropriate ways of bringing the results of dialogues to the attention of all members of the Church. In so far as possible, an explanation should be provided in respect of new insights into the faith, new witnesses to its truth, new forms of expression developed in dialogue — as well as with regard to the extent of the agreements being proposed. This will allow for an accurate judgment being made in respect of the reactions of all concerned as they assess the fidelity of these dialogue results to the Tradition of faith received from the Apostles and transmitted to the community of believers under the guidance of their authorized teachers. It is to be hoped that this manner of proceeding would be adopted by each Church or ecclesial Community that is partner to the dialogue and indeed by all Churches and ecclesial Communities that are hearing the call to unity. Cooperation between the Churches in this effort is most desirable.”⁴⁶

The authors of the *Directory* emphasized the fact that “in assessing and assimilating new forms of expression of the faith, which may appear in statements issued from ecumenical dialogue, or even ancient expressions which have been taken up again in preference to certain more recent theological terms”⁴⁷ attention has to be drawn to “the distinction

⁴³ Ibidem; cf. VATICAN COUNCIL II: *Dogmatic Constitution on the Church* “*Lumen gentium*” [21.11.1964] [further: LG], no. 12.

⁴⁴ *Directory* 1993, no. 180.

⁴⁵ Ibidem; cf. LG, no. 12.

⁴⁶ Ibidem, no. 179.

⁴⁷ Ibidem, no. 181.

[...] between ‘the way that Church teaching has been formulated’ and ‘the deposit of faith itself,’”⁴⁸ in harmony with the way “in which the Second Vatican Council [...] applied this distinction in its own formulation of Catholic faith.”⁴⁹ It is also important to take into consideration the principle of the “hierarchy of truths” in the Catholic teaching, which is mentioned in the Decree on ecumenism of II Vatican Council.⁵⁰

It was emphasized that “the process of reception includes theological reflection of a technical nature on the Tradition of faith, as well as on the contemporary liturgical and pastoral reality of the Church. Important contributions to this process come from the specific competence of theological faculties. The whole process is guided by the official teaching authority of the Church which has the responsibility of making the final judgment about ecumenical statements. The new insights that are thus accepted enter into the life of the Church, renewing in a certain way that which fosters reconciliation with other Churches and ecclesial Communities.”⁵¹

* * *

Concluding the foregoing contemplation it should be acknowledged that the spirit of ecumenical, interreligious and social dialogue should be shaped by a radical call to recognize one’s own sinfulness and to reform. If a dialogue does not become an “examination of conscience,” to some extent the “dialogue of conscience,” can we believe, as John the Apostle assured, that “if anyone does sin, we have an advocate with the Father, Jesus Christ the righteous,” who “is the propitiation for our sins: and not for ours only, but also for those of the whole world” (1 J 2, 1—2)? That is why the unity of all Christians, all believers and also all people — also after all sins, which brought about the historical divisions — is possible. The only condition is a humble awareness that we sinned against unity and a feeling that we need reformation. After all it is about truth, which we are all looking for and which constitutes the only possible foundation of building future pluralistic societies that live in peace, and which follow the logic of a dialogue and mutual responsibility in their actions.

The ecumenical dialogue makes it possible for members of various Churches and ecclesial communities to reach better mutual understanding of one another, to identify the content of faith and practice, which they share, as well as this which is different. They will aim at understanding

⁴⁸ Ibidem; cf. UR, no. 6; GS, no. 62.

⁴⁹ Directory 1993, no. 181.

⁵⁰ Ibidem; cf. UR, no. 11.

⁵¹ Ibidem, no. 182.

the roots of these differences and properly understand the extent to which they constitute a real obstacle for mutual faith.

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Dialogue en tant que paradigme de l'œcuménisme
dans le contexte des directives du
*Directoire sur la réalisation des principes
et des normes concernant l'œcuménisme* (1993)

Résumé

Le Concile Vatican II, dans le Décret sur l'œcuménisme *Unitatis redintegratio*, parle du « mystère sacré de l'unité » (UR 2) dont « le modèle suprême et le principe est dans la trinité des personnes, l'unité d'un seul Dieu le Père, et le Fils, en l'Esprit-Saint » (UR 2). Cela étant, chacun qui pose la question sur le mystère de l'unité de l'Église doit toujours avoir à l'esprit le fait que la première source de l'unité finale, vers laquelle se dirigent tous les êtres, est seul Dieu un et trine. Aussi, le mystère de l'unité de l'Église est et restera dans son existence terrestre un reflet imparfait du mystère de l'unité des personnes saintes (cf. Jn 17, 21). Cela octroie à la notion même d'unité un caractère dynamique. Cette unité est inhérente à l'action de l'Esprit-Saint. La variété de ses dons fait que la seule notion d'unité est marquée d'abondance et de différenciation. Elle se réalise dans la diversité à l'exemple d'une vie, mais en même temps personnellement différenciée, des personnes de la Trinité qui se concrétise dans le dialogue continu entre Elles. Cela dit, comme largement englobant l'essentiel de la mission ecclésiale peut-on définir la constatation de Jean-Paul II que « la voie de l'Église est la voie de la recherche œcuménique » (US 7) et l'œcuménisme est « un impératif de la conscience chrétienne éclairée par la foi et guidée par la charité » (US 8), car toute division à l'Église est contradictoire à la volonté de Jésus (cf. UR 1). Le Christ appelle tous ses disciples à l'unité, c'est pourquoi ceux qui croient en Lui « unis sur la voie tracée par les martyrs, ne peuvent pas rester divisés » (US 1), car « le péché de notre division est très grave » (OL 17). Chaque division endommage gravement la coexistence concordante des membres de l'Église et affaiblit les relations ecclésiales à caractère fraternel. L'espoir d'« être un » en le Christ (cf. Jn 17, 21) pousse les chrétiens à réfléchir sur leur propre identité ecclésiale, sur leur don commun de foi et sur les résultats des divisions. Conscients de l'indestructibilité ontologique de l'unité de l'Église, ils découvrent de plus en plus courageusement la volonté du Seigneur pour — en respectant la diversité des formes d'exprimer la foi — entreprendre la peine de chercher des voies efficaces justifiant et aussi approfondissant l'unité visible à l'Église. Les auteurs du *Directoire œcuménique* du 25 mars 1993, en rappelant les règles de mettre en pratique le « programme œcuménique » de l'Église latine élaboré par le Concile Vatican II, ont constaté que c'est le dialogue qui est le paradigme fondamental de l'œcuménisme. Cette prémisse résulte entre autres de leur conviction que l'œcuménisme peut donner de bons fruits uniquement quand il sera marqué de l'augmentation du respect dans les relations mutuelles entre les chrétiens et les Églises. Là où les parties sont enclines à engager un dialogue, là on commence à connaître de mieux en mieux le partenaire de ce dialogue et, par voie de conséquence, on respecte mieux ses points de vue et les moyens d'expérimenter et de vivre la foi.

Mots-clés : dialogue, œcuménisme, formation œcuménique, paradigme de l'œcuménisme, directoire œcuménique, Concile Vatican II, Décret sur l'œcuménisme, impératif

ZYGFRYD GLAESER

Il dialogo come paradigma dell'ecumenismo
nel contesto delle disposizioni del
*Direttorio per l'applicazione dei principi e delle norme
sull'ecumenismo* (1993)

Sommario

Il Concilio Vaticano II nel Decreto sull'ecumenismo *Unitatis redintegratio* parla del "sacro mistero dell'unità" (DE 2) il cui "supremo modello e principio [...] è l'unità nella Trinità delle Persone di un solo Dio Padre e Figlio nello Spirito Santo" (DE 2). Ecco che chiunque chieda del mistero dell'unità della Chiesa deve avere continuamente presente il fatto che la fonte remota dell'unità definitiva alla quale aspirano tutte le creature è Dio Unico e Trino. Il mistero dell'unità della Chiesa è quindi e rimane nella sua esistenza terrena l'espressione imperfetta del mistero dell'unità delle Persone Divine (vedi G 17, 21n). Ciò conferisce al concetto stesso di unità una natura dinamica. Tale unità è inscindibile dall'azione dello Spirito Divino. La diversità dei Suoi doni fa sì che il concetto stesso di unità sia caratterizzato dalla molteplicità e dalla varietà. Si realizza nella diversità sul modello di un'unica Vita, ma nel contempo differenziata personalmente, delle Persone della Santa Trinità che si concretizza nel dialogo incessante tra Loro. Pertanto è possibile definire profondamente espressiva dell'essenza della missione ecclesiale l'affermazione di Giovanni Paolo II secondo la quale "la via ecumenica è la via della Chiesa" (US 7) e l'ecumenismo è "l'imperativo della coscienza cristiana illuminata dalla fede e guidata dalla carità" (US 8) in quanto ciascuna divisione nella Chiesa si oppone alla volontà di Cristo (DE 1) e, di conseguenza, è rivolta contro la Chiesa. Cristo chiama tutti i suoi discepoli all'unità, perciò coloro che credono in Lui "uniti nella sequela dei martiri, [...] non possono restare divisi" (US 1) in quanto "il peccato della nostra separazione è gravissimo" (OL 17). Ciascuna divisione compromette gravemente la coesistenza pacifica dei membri della Chiesa ed indebolisce le relazioni ecclesiali sororalì e fraterne. La speranza di "essere uno" in Cristo (vedi G 17,21) spinge i cristiani alla riflessione sulla propria identità ecclesiale, sul dono della fede comune per loro e sulle conseguenze delle divisioni. Consapevoli dell'invulnerabilità dell'unità ontologica della Chiesa scoprono sempre più arditamente la volontà del Signore della Storia per intraprendere, rispettando la diversità delle forme di espressione della fede, lo sforzo di ricercare vie efficaci che giustifichino ed approfondiscano anche l'unità visibile nella Chiesa. Gli autori del *Direttorio ecumenico* del 25 marzo 1993, ricordando i principi di attuazione del "programma ecumenico" della Chiesa cattolico-romana, elaborato dal Concilio Vaticano II, hanno riconosciuto che il paradigma fondamentale dell'ecumenismo è il dialogo. Tale premessa scaturisce tra l'altro dalla loro convinzione secondo la quale l'ecumenismo potrà dare buoni frutti solo quando sarà caratterizzato dalla crescita del rispetto nelle relazioni reciproche tra i cristiani e le Chiese. Laddove le parti sono aperte al dialogo, anche la conoscenza del partner del dialogo sarà sempre migliore e di conseguenza saranno migliori il rispetto reciproco delle sue opinioni e dei modi di sperimentare e di vivere la fede.

Parole chiave: dialogo, ecumenismo, formazione ecumenica, paradigma dell'ecumenismo, direttorio ecumenico, Concilio Vaticano II, Decreto sull'ecumenismo, imperativo



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Communicatio in spiritualibus: Sharing Spiritual Activity and Resources with our Separated Brethren according to the *Ecumenical Directory*

Abstract: The article depicts the rules concerning the sharing of spiritual activity and resources (*communicatio in spiritualibus*) according to the documents of the Catholic Church, especially the *Ecumenical Directory*. In subsequent sections there are described: the question of mutual recognition of baptism based on the example of Polish solution; the rules concerning the sharing of sacred places and things; possibility of participation in liturgical and non-liturgical prayer; the ability to provide and receive “Eucharistic hospitality.” The last part of the article explains the reasons for upkeeping the restrictions in sacramental, especially in Eucharistic sharing.

Keywords: recognition of baptism, sharing sacred places and things, intercommunion, Eucharistic hospitality

Fraternal charity in the relations of daily life is not enough to foster the restoration of unity among all Christians. It is right and proper that there should also be allowed a certain *communicatio in spiritualibus* — i.e., that Christians should be able to share that spiritual heritage they have in common, in a manner and to a degree permissible and appropriate in their present divided state.

From those elements and endowments which together go to build up and give life to the Church herself, some, even very many, can exist outside the visible boundaries of the Catholic Church.¹

¹ SECRETARIAT FOR PROMOTING CHRISTIAN UNITY: *Directory for the Application of the Decisions of the Second Ecumenical Council of the Vatican Concerning Ecumenical Mat-*

With these words, the *Ecumenical Directory* of 1967 opens the chapter entitled “Sharing of Spiritual Activity and Resources with our Separated Brethren — *Communicatio in spiritualibus*.” Today, common prayer, mutual participation in worship, and even — to some extent — the possibility of receiving the sacraments together no longer shock anyone (well, perhaps except some of the Lefebrists...). At that time, however, these were the regulations of the nature of the Copernican revolution, which was *nota bene* just effectuated by the Second Vatican Council, promulgating the *Decree on Ecumenism*, in which the statement about the salvific value of Christian rituals exercised by non-Catholics was found:

The brethren divided from us also use many liturgical actions of the Christian religion. These most certainly can truly engender a life of grace in ways that vary according to the condition of each Church or Community. These liturgical actions must be regarded as capable of giving access to the community of salvation [...]. For the Spirit of Christ has not refrained from using them as means of salvation [...].²

There is no doubt, therefore, that we should approach at least with respect and kindness the spiritual and liturgical practices of other Christians, that is, non-Catholics. Great spiritual wealth, whose existence is not always expected in other Christians’ spiritual practices, cannot harm us, but we can only be enriched by the same.

Directory for the Application of the Decisions of the Second Ecumenical Council of the Vatican Concerning Ecumenical Matters published in 1967 has been updated afterwards, although in the points that interest us here, it was basically not changed much. The necessity of making the *Ecumenical Directory* up-to-date in 1993 by the Pontifical Council for Promoting Christian Unity was due to the publication in 1983 of the new Code of Canon Law. Then a new *Ecumenical Directory* was issued.³ Due to the far-reaching similarity of these two *Directories*, it is appropriate to discuss them together.

It is worth noting after the *Decree on Ecumenism* of the existence of a “real, even if imperfect, communion” between Christians, which can also be expressed in sharing prayer and liturgical worship.⁴ Such a sharing should

ters, May 14, 1967, Part I. AAS 59 (1967) pp. 574—592 (further: *Ecumenical Directory Part I*).

² SECOND VATICAN COUNCIL: Decree on Ecumenism *Unitatis redintegratio*. AAS 57(1965), pp. 90—112, (hereafter: *Unitatis redintegratio*) no. 3.

³ PONTIFICAL COUNCIL FOR PROMOTING CHRISTIAN UNITY: *Directory for the Application of Principles and Norms on Ecumenism*, 25 March 1993. AAS 85(1993) pp. 1039—1119 (hereafter: *New Ecumenical Directory*).

⁴ *New Ecumenical Directory*, no. 104a.

reflect from one hand the real communion in the life of the Spirit which already exists among Christians and, on the other hand, the incomplete character of this communion.⁵ The new *Directory* also reiterates, after the *Decree on Ecumenism*, the principle of the Catholic fullness of the means of salvation: “The Catholic Church has been endowed with the whole of revealed truth and all the means of salvation as a gift which cannot be lost.”⁶

The narrow frames of this article do not allow us to discuss all the matters comprised in the term *communicatio in spiritualibus*, so here we will limit ourselves to the explanation of the matters connected with:

- mutual recognition of baptism;
- sharing sacred places and things;
- participation in liturgical and non-liturgical prayer;
- the ability to provide and receive so-called Eucharistic hospitality.

1. The mutual recognition of baptism

The mutual recognition of baptism is one of the major postulates of the new *Ecumenical Directory*: “It is strongly recommended that the dialogue concerning both the significance and the valid celebration of baptism take place between Catholic authorities and those of other Churches and ecclesial Communities at the diocesan or Episcopal Conference levels.”⁷ According to this postulate in many countries, including Poland, documents on mutual recognition of baptism were developed in a multi-lateral ecumenical dialogue. In our country, such a document was signed in the jubilee year 2000. It is entitled:

THE SACRAMENT OF BAPTISM: A MARK OF UNITY. DECLARATION OF CHURCHES IN POLAND IN THE BEGINNING AT THE THIRD MILLENIUM

Thanking the Triune God, Father and Son, and Holy Spirit, for two thousand years of the New Covenant and for more than a thousand years of Christianity in the Polish lands, the Churches signed below, in reference to the many years of theological and ecumenical work in the world and in Poland and considering the jointly adopted documents (especially the *Lima statement*, 1982), happily acknowledge and confirm their ministry through baptism and declare:

⁵ Ibidem, no. 104c.

⁶ Ibidem, no. 104b.

⁷ Ibidem, no. 94.

1. Jesus Christ, our Saviour, instituted the sacrament of baptism himself and instructed to administer it (Mt 28:19; Mk 16:16). Baptism is the way out of slavery (1 Cor 10:1-2), incarnates in the crucified and risen Christ, introduces into the New Covenant, is a sign of a new life in Christ, of washing sins away (1 Cor 6:11), enlightenment through Christ (Eph 5: 14), new births (Jn 3:5), putting on Christ (Gal 3:21), renewing by the Spirit (Tit 3:5), an appeal to God for a good conscience (1P 3:21) and liberation which leads to unity in Jesus Christ, where are overcome the divisions because of social status, race or gender (Gal 3:27-28; 1 Cor 12:13).

2. Baptism is in water and the Holy Spirit; it is administered in the name of the Father and of the Son and of the Holy Spirit. Baptism unites the baptised with Christ, and Christians among themselves. Baptism introduces to the Church and is the beginning of life in Christ, the purpose of which is “the praise of his glory” (Eph 1:14).

3. The baptized living in one place and time share responsibility for the testimony given to Christ and the Gospel: Baptized people live for Christ, for his Church and for the world that he loves, waiting in the hope of the new revelation of God’s creation and for the time when God will be everything in all (Rom 8:18-24; 1 Cor 15:22-28.49-57) (*Lima statement*, 1982, No. 9). Baptism in Christ is a call for the Churches to overcome their divisions and to manifest in a visible way their community.

The undersigned Churches solemnly recognize the validity of the baptism given by a priest:

Evangelical Church of the Augsburg Confession,
 Evangelical-Methodist Church,
 Evangelical Reformed Church,
 Polish National Catholic Church,
 Polish Autocephalous Orthodox Church,
 The Old Catholic Mariavite Church,
 The Roman Catholic Church (together with the Greek Catholic Church).⁸

There can be no doubt, then, that the baptism administered in one of the above-mentioned Churches is certainly valid. If the baptism was administered in the Orthodox Church (in the temple and by a priest, not in a hospital by a lay person), confirmation and the first Communion were granted at the same time.

⁸ *Sakrament chrztu znakiem jedności. Deklaracja Kościołów w Polsce na progu trzeciego tysiąclecia*, https://opoka.org.pl/biblioteka/T/TE/chrzest_deklaracja.html (accessed: 12.04.2018).

2. Sharing sacred places and things

Sacred places and things are places or things blessed or intended for worship. They can (and often must) be shared. The places and things that can be shared include cemeteries, churches and chapels, liturgical paraments, lectionaries, but not missals and rituals.

The sharing of the cemetery is usually regulated by state law. Nevertheless, one should approach with bold generosity the provision of a place in the Catholic cemetery, when a non-Catholic party cannot be buried in the denominational cemetery of his/her ecclesial community, or if there is an opportunity but the family wants to use the Catholic cemetery.

Sharing churches, chapels and other buildings in which liturgical and non-liturgical worship takes place requires appropriate arrangements and consent of the local Ordinary. Such consent may be temporary or permanent. Sometimes temples are co-built and then shared by various Christian denominations. This happens sometimes (e.g., in England) with a strong pressure from the state authorities.

It is also possible to share liturgical paraments (like chalices or vestments) and the Bible or lectionaries, prayer and hymn books. It is impossible to share the missal or its equivalent, because it contains the liturgical rite of a given denomination, not of another one. The tabernacle is not usually shared, although it is possible to combine two or more tabernacles into one complex.⁹

3. Participation in liturgical and non-liturgical prayer

Participation in non-liturgical prayer is not subject to any restrictions, it is even recommended. This also applies to the study of the Bible, retreats, spiritual exercises, as well as non-sacramental services.¹⁰ They should be organized in such a way so that they do not interfere with the discipline of the Catholic Church and do not occupy a place of Catholic worship. Under certain circumstances, it is also possible to give the non-Catholics a blessing or even a funeral.¹¹

⁹ The *Directory* explains the rules concerning common use of sacred places and things in a paragraph "Sharing Other Resources for Spiritual Life and Activity" (*New Ecumenical Directory*, nos. 137—142).

¹⁰ *New Ecumenical Directory* nos. 108—118.

¹¹ *Ibidem*, nos. 120—121.

Some restrictions apply to participation in liturgical prayer. At present, there is no possibility of inter-celebration, that is, the Eucharistic concelebration with ministers from other Churches and ecclesial Communities. It results from the conviction that the Eucharistic concelebration “is a visible expression of the full communion of faith, worship and the common life of the Catholic Church,”¹² which excludes the possibility of inter-celebration with those who are not in full communion with the Catholic Church. This argument with equal force was repeated in the encyclical letter of John Paul II *Ecclesia de Eucharistia*:

Precisely because the Church’s unity, which the Eucharist brings about through the Lord’s sacrifice and by communion in his body and blood, absolutely requires full communion in the bonds of the profession of faith, the sacraments and ecclesiastical governance, it is not possible to celebrate together the same Eucharistic liturgy until those bonds are fully re-established. Any such concelebration would not be a valid means, and might well prove instead to be an obstacle, to the attainment of full communion, by weakening the sense of how far we remain from this goal and by introducing or exacerbating ambiguities with regard to one or another truth of the faith.¹³

Although these words refer directly to inter-celebration, they will also apply — as we shall see in the following paragraphs — to the full Eucharistic communion of the faithful.

4. The ability to provide and receive so-called Eucharistic hospitality

The *Ecumenical Directory* of 1967 uses the name: *communicatio in sacris* — participation in the spiritual resources. As a starting point, the 8th point of the *Decree on Ecumenism* was used:

Yet worship in common (*communicatio in sacris*) is not to be considered as a means to be used indiscriminately for the restoration of Chris-

¹² Ibidem, no. 104e.

¹³ JOHN PAUL II: Encyclical Letter *Ecclesia de Eucharistia* of His Holiness Pope John Paul II to the Bishops, Priests and Deacons, Men and Women in the Consecrated Life and All the Lay Faithful on the Eucharist in its Relationship to the Church, https://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_20030417_ecclesia-de-euch.html (hereafter: EEv) no. 44.

tian unity. There are two main principles governing the practice of such common worship: first, the bearing witness to the unity of the Church, and second, the sharing in the means of grace. Witness to the unity of the Church very generally forbids common worship to Christians, but the grace to be [received] from it sometimes commends this practice (DE 8).

Both in the *Ecumenical Directory* of 1967 and in the one of 1993 the principles of Eucharistic hospitality were defined separately in the case of the Eastern Churches and “other Churches and Ecclesial Communities.”

4.1. With the faithful of the Eastern Churches

The Catholic Church recognizes the existence of true sacraments in the Eastern Churches, “especially in virtue of apostolic succession, the priesthood and the Eucharist.” Thanks to this, participation in the Eucharist is possible, although it is limited to “appropriate circumstances” and requires the consent of the ecclesiastical authority.¹⁴

The circumstances in question are the physical or moral impossibility of reaching the minister of one’s own confession. A Catholic may, therefore, ask the minister of one of the Eastern Churches for the sacrament of the Eucharist, the Sacrament of Penance and Anointing of the Sick.¹⁵ The same can be requested from a Catholic minister by a faithful of an Eastern Church.¹⁶ Such a request is possible not only in case of necessity (which suggests being in danger of death), but — which should be emphasized — also for “real spiritual goodness.”¹⁷ Sufficient reason for the application of this sacramental hospitality is the real desire of a faithful to receive the sacrament. This hospitality is not limited to a single act, but can last as long as there is — as already mentioned — a physical or moral inability to reach the minister of one’s own denomination.

The *Ecumenical Directory* of 1967 also provided for the possibility of Catholics’ participation in the liturgical worship of the Eastern Christians “for a just cause, namely because of public office or duty, because of kinship, friendship or a desire to learn [about this particular Church] more deeply.”¹⁸ What is more, on the basis of general principles, it was pos-

¹⁴ *New Ecumenical Directory* no. 122.

¹⁵ *Ibidem*, no. 123.

¹⁶ *Ibidem*, no. 125.

¹⁷ *Ibidem*, no. 123.

¹⁸ *Ecumenical Directory Part I*, no. 50.

sible for the Catholics to receive the Eucharistic communion.¹⁹ On the basis of the same principles, the faithful of the Eastern Churches could participate in the Catholic liturgical worship. It is regrettable that these provisions were withdrawn in the new *Ecumenical Directory* of 1993. A valuable remark in the case of the Eucharistic hospitality is the obligation to maintain the sacramental discipline of the host Church, as far as to refrain from Eucharistic communion when a given Church reserves it for its faithful, with the exclusion of all others.²⁰ When giving Eucharistic hospitality, one must at the same time beware of “even purely apparent proselytizing.”²¹

4.2. With the faithful of other Churches and ecclesial Communities

The possibility of intercommunion with the faithful from other Churches and ecclesial Communities is somewhat different. The Catholic minister may give them the sacrament of the Eucharist, the sacrament of penance and anointing of the sick always in danger of death, and besides, only in a situation of “great and urgent necessity,” in accordance with the instructions of the bishop of the diocese and after fulfilling certain requirements.²² It is therefore required that a person asking a Catholic minister for a sacrament would not be able to receive it from the minister of his/her own confession, that he/she would ask for it fully voluntarily, be duly disposed of and manifest Catholic belief in this sacrament.²³

It seems that it may be particularly difficult to meet this last condition. Such a person would have to be instructed in advance about the Catholic teaching on the Eucharist, and the minister who administers the sacrament should in some way state that a person has such a Catholic faith. John Paul II reminds this requirement in the Encyclical *Ecclesia de Eucharistia*, stating that, “It is not possible to give communion to a person who is not baptized or to one who rejects the full truth of the faith regarding the Eucharistic mystery.”²⁴ John Paul II specifies that this is because “[...] the denial of one or more truths of the faith regarding these

¹⁹ Ibidem, nos. 42 and 44.

²⁰ *New Ecumenical Directory*, no. 124.

²¹ Ibidem, no. 125.

²² Ibidem, no. 130.

²³ *New Ecumenical Directory*, no. 131.

²⁴ *EEv*, no. 38.

sacraments and, among these, the truth regarding the need of the ministerial priesthood for their validity, renders the person asking improperly disposed to legitimately receiving them.”²⁵

In the records of the new *Ecumenical Directory* noteworthy is the fact of not limiting the possibility of acceding to the Eucharist in the Catholic Church by the faithful of “other Churches and ecclesial Communities” to individual cases. It seems that this may provide an opportunity, if the above given conditions are fulfilled, of long Eucharistic hospitality, until the cessation of the inability to receive the sacraments from the minister of someone’s own denomination. Another view was contained in the “Instruction”²⁶ following the *Ecumenical Directory* of 1967. The instruction provided for the possibility of admitting to the Eucharistic communion the faithful of the Community, “who does not have the sacrament of the priesthood” and in which “faith in the Eucharist differs from that of the [Catholic] Church” only in the event of an “urgent need.” Here, one should ask about the validity of the provisions of this manual, which developed and explained the provisions of the first *Ecumenical Directory*: Is it still binding with regard to the new *Directory* of 1993?

However, while in principle the Catholic Church admits to the Eucharistic table, in certain circumstances, faithful from “other Churches and ecclesial Communities,” the situation of Catholics who want to use the sacramental service of a non-Catholic minister and who is not a minister of one of the Eastern Churches is more complicated. It concerns many more restrictions on the part of their own Catholic Church. The *Directory* provides that a Catholic “may ask for these sacraments only from a minister in whose Church these sacraments are valid or from one who is known to be validly ordained according to the Catholic teaching on ordination.”²⁷ Such a formulation causes the necessity for the Catholic to have both detailed knowledge of the assessment of the validity of the sacraments in a given Community by the Catholic Church, as well as the ability to decide whether a minister of a given Community has been validly ordained.

²⁵ EEv, no. 46.

²⁶ SECRETARIAT FOR PROMOTING CHRISTIAN UNITY: “Instruction on Particular Circumstances of Admission of Other Christians to the Eucharist in the Catholic Church.” AAS 64 (1972), pp. 518—525.

²⁷ *New Ecumenical Directory*, no. 132.

4.3. Reasons for restrictions

Why so many restrictions? Why does the Catholic Church disagree with the model of “open communion,”²⁸ which consists in allowing those faithful from other Communities who are disposed to join the Eucharist in their own community to take part in the Eucharistic communion in the Catholic Church? The answer is found in the already quoted statement in *Decree on Ecumenism* of the Second Vatican Council, which provides:

Yet worship in common (*communicatio in sacris*) is not to be considered as a means to be used indiscriminately for the restoration of Christian unity.²⁹

The Catholic Church invariably holds that the full Eucharistic communion is the ultimate goal of uniting Christians and not the means to achieve this unity. Therefore, John Paul II in the Encyclical Letter *Ecclesia de Eucharistia*, quoting the statement of the *Decree on Ecumenism* on the Western Community not retaining “the proper reality of the Eucharistic mystery in its fullness, especially because of the absence of the sacrament of Orders,”³⁰ recommends:

The Catholic faithful, therefore, while respecting the religious convictions of these separated brethren, must refrain from receiving the communion distributed in their celebrations, so as not to condone an ambiguity about the nature of the Eucharist and, consequently, to fail in their duty to bear clear witness to the truth. This would result in slowing the progress being made towards full visible unity.³¹

The reason why the Catholic Church refuses to treat participation in Eucharistic communion as a means of achieving ecclesial unity is the conviction that such activities do not bring the desired unity any nearer. Rather, the congregation at the one Eucharistic table is to be a confirmation of the fully achieved unity in faith. In other words, full intercommunion is the summit towards which we are going while restoring unity in faith, not a way of reaching visible unity, without removing the differences in faith; it is the goal, not a means to reach the goal.

²⁸ On the concept of “open communion,” see: G. WAINWRIGHT: “Intercommunion.” In: *Dictionary of the Ecumenical Movement*. Eds. N. LOSSKY, J.M. BONINO, J. POBEE et al. Geneva 2002², pp. 686—589.

²⁹ *Unitatis redintegratio*, no. 8.

³⁰ *Ibidem*, no. 22.

³¹ *EEv* no. 30.

The inability to establish a full intercommunion does not, however, exclude the possibility of an intercommunion on an individual basis, the purpose of which is — according to the encyclical *Ecclesia de Eucharistia* — “to meet a grave spiritual need for the eternal salvation of an individual believer.”³² Hence, the legal provisions cited above, gathered in the new *Ecumenical Directory* based on the documents of Vatican II and subsequent codes of canon law.³³

Conclusions

Participation in spiritual goods and resources seems to be a natural need of Christian brothers and sisters who share one sacrament of baptism. After 50 years of a common path towards unity, we have the right to show ecumenical impatience. How much more can we wait so that we can stand together at the Lord’s Table and receive the Lord’s Body and Blood? However, this holy impatience should not lead us to choose shortcuts and to decide ourselves — regardless of the authority of our religious communities — to cross the barriers still existing. It would not be an ecumenical courage, but a false gesture that does not really testify to the reconciliation of communities to the point where the Eucharistic community is possible. Let us therefore take advantage of what is already permitted and work for a full reconciliation that will result in full ecclesial communion.

³² EEv no. 45.

³³ These principles were included in the following documents of the Second Vatican Council: Decree on Ecumenism *Unitatis redintegratio* and Decree on the Catholic Churches of the Eastern Rite *Orientalium Ecclesiarum*. AAS 57(1965) pp. 76—89). On the basis of the Council’s guidelines, relevant provisions were included in the Code of Canon Law and the Code of Canons of Eastern Churches.

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PRZEMYSŁAW KANTYKA

Communicatio in spiritualibus:
coparticipation dans les biens et les ressources spirituelles
avec nos frères séparés
selon le *Directoire œcuménique*

Résumé

L'article présente les règles concernant la coparticipation dans les biens et les ressources spirituelles (*communicatio in spiritualibus*) conformément aux documents de l'Église catholique, et surtout le *Directoire œcuménique*. Dans les chapitres subséquents, on a décrit: la question de l'acceptation mutuelle du baptême; les règles concernant le partage des lieux et des objets sacrés; la possibilité de participer à la prière liturgique et non liturgique; la possibilité de conférer et de recevoir l'« hospitalité eucharistique ». Dans la dernière partie de l'article, on a expliqué les raisons de maintenir les limitations dans le partage des sacrements, en particulier celui de l'Eucharistie.

Mots-clés: acceptation du baptême, partage des lieux et des objets sacrés, intercommunion, hospitalité eucharistique

PRZEMYSŁAW KANTYKA

Communicatio in spiritualibus:
la compartecipazione ai beni ed alle risorse spirituali
con i nostri fratelli separati
secondo il *Direttorio ecumenico*

Sommario

L'articolo presenta i principi riguardanti la compartecipazione ai beni ed alle risorse spirituali (*communicatio in spiritualibus*) in conformità con i documenti della Chiesa cattolica ed in particolare con il *Direttorio ecumenico*. Nei capitoli successivi sono stati descritti: la questione del riconoscimento reciproco del battesimo sull'esempio della soluzione polacca, i principi riguardanti la condivisione dei luoghi e degli oggetti sacri, la possibilità di partecipare alla preghiera liturgica e non liturgica, la possibilità di amministrare e di ricevere l'"ospitalità eucaristica". Nell'ultima parte dell'articolo sono state chiarite le ragioni per le quali vengono mantenute le restrizioni nella condivisione dei sacramenti, specialmente dell'Eucarestia.

Parole chiave: riconoscimento del battesimo, condivisione dei luoghi e degli oggetti sacri, intercomunione, ospitalità eucaristica



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Constantine the Great — a Precursor of Ecumenism?

Abstract: Constantine the Great was undoubtedly a colourful character and divisive to some extent. He left significant mark in the history of Christianity, owing to his presence and commitment that led in the 4th century, through specific activities, to establishing Christians' unity. Firstly, the unity expressed itself in the ability of professing faith freely and abiding by it. Secondly, the very testimony of Constantine's life and his decisions confined heresies that were threatening the orthodoxy of Christian doctrine, especially the heresy of Arianism and pagan beliefs. The presented text has proved there are sufficient number of arguments to justify calling Constantine "a pioneer of ecumenism." The results of analysis has led to two conclusions. Firstly, given the notion of ecumenism at times of Constantine, one must conclude that the emperor was not merely a pioneer but an implementer of ecumenism. His endeavour to expand the territory of the empire, strengthening political power, unification of culture and religion by promoting Christianity — served the expansion and unity of the Roman Empire. Secondly, Constantine can be perceived as the one who discovered the value of Christian unity and struggled to achieve it in his idiosyncratic way.

Keywords: Constantine the Great, ecumenism, Christian unity

From its beginnings, the Church of Christ has been exposed to numerous threats to its unity, both physical and doctrinal ones. Such doctrinal errors as Monarchianism, Arianism, or Arian subordinationism, which appeared during the first centuries, threatened the unity of Christian faith. Retaining faith was not easy also because of continuing persecution. Subsequent centuries produced other difficulties within the Church, including ambitious, political and moral difficulties. First, in 1054, they led to a permanent division of the Church into Eastern and Western Churches. Another division happened during the period of Reformation in the West-

ern Church in 16th century and resulted in the establishment of Protestant congregations.

The desire of Christ for his disciples to be one (cf. Jn 17:21) has not been fulfilled. However, the sensitivity of faith does not allow Christians to remain indifferent to the reality of this division and that is the reason for ecumenical action for the unity of Christians.

The ecumenical movement was started in Protestant circles. Lutherans as well as the followers of John Calvin and the Reformed Anglican Church took the initiatives to overcome growing divisions between them. However, the first stage of this action, which took place at the turn of the 17th and 18th centuries, did not bring the expected results. The real ecumenical movement in Protestantism dates back to the end of the 19th century and at this stage it was mostly limited to social and charitable actions. The Roman Catholic Church at first adopted a rather reserved or even hostile position with regard to ecumenical actions. This was justified by doctrinal legitimacy as well as the behaviour of the representatives of the ecumenical movement. It should be noted that at the time individual unification initiatives were undertaken. The Second Vatican Council and the popes of this Council, starting from Saint John XXIII, to Paul VI, Saint John Paul II, Benedict XVI and Francis, brought a major breakthrough in this case. Now the ecumenical movement in the Catholic Church is going through exceptional time and is experiencing doctrinal, spiritual, and practical development.¹

The history of schism in Christianity is disproportionately longer than the ten decades of development striving towards ecumenism. However, it is important to look for the right models for the contemporary believers in Christ, to act for the benefit of grace and the miracle of actual unity of Christians.

In the *Decree on Ecumenism*² (hereafter: DE) the Second Vatican Council provides Catholics with means and modes to answer God's call and the grace to reestablish unity between all Christ's disciples.³ The council fathers explicitly call Catholics to take action to support the unity of Christians both by eliminating various prejudices and by doctrinal dialogue:

[...] when such actions are undertaken prudently and patiently by the Catholic faithful, with the attentive guidance of their bishops, they promote justice and truth, concord and collaboration, as well as the

¹ Cf. A. NAPIÓRKOWSKI: *Teologia jedności chrześcijan*. Kraków 2011, pp. 25—75.

² Decree on ecumenism *Unitatis redintegratio* (21.11.1964). AAS 57 (1965), pp. 90—112.

³ Cf. DE, Introduction.

spirit of brotherly love and unity [...]. Catholics, in their ecumenical work, must assuredly be concerned for their separated brethren, praying for them, keeping them informed about the Church, making the first approaches towards them. But their primary duty is to make a careful and honest appraisal of whatever needs to be done or renewed in the Catholic household itself, in order that its life may bear witness more clearly and faithfully to the teachings and institutions which have come to it from Christ through the Apostles.⁴

These words constitute a specific essence of ecumenical tasks, developed in subsequent parts of the Decree to be fulfilled by the faithful.

The desire for unity of Christians has history as long as Christianity itself and it is Jesus Christ who is the source of this desire. When looking for Christian exemplary models, including exemplary models concerning ecumenical aspirations, I would like to find out whether Constantine the Great could be accurately called the precursor of ecumenism.⁵ It may seem that taking up this issue is rather risky and inconsistent with the ecumenical movement. However, I will try to prove that, while it is not explicit, it is justified and I am curious of the outcome of my research.

The attitude of the author of the *Edict of Milan* is without a doubt colourful and in some cases dubious. Nevertheless, this is a person who left a trace of his presence and engagement in the Christian world and who by particular actions contributed in strengthening the unity of Christians in 4th century. At first this unity was expressed by the possibility to practice one's faith freely and act according to its rules. What is more, by the witness of his life and decisions, Constantine limited the threat posed by orthodoxy to Christian doctrine — here I am referring mainly to Arian heresy or pagan beliefs.

Are these arguments enough to call Constantine “the precursor of ecumenism”? Certainly, they require a more explicit discussion and analysis, which I am going to conduct in the following sections.

⁴ DE 4.

⁵ Flavius Valerius Constantinus, born on 17 February between 273 and 275 AD in Naissus (present-day Nish), died 22 May 337 in Acyron near Nicomedia, a Roman emperor in the period 306—337. He was the son of Constantinus Chlorus and Helena. He died during preparations for war with Persia. Cf. P. RUDNICKI: “Konstantyn Wielki.” In: *Encyklopedia Katolicka*, vol. 9. Lublin 2002, pp. 697—700.

The Constantine's way from paganism to Christianity

Constantine's appellation "the Great" proves the significance of this character both in common history and in the Christian world, in relation to his openness to believers in Christ and stopping the persecution. The Russian Orthodox Church worships Constantine the Great as a saint equal to the Apostles. In this rite his intercession falls on 21 May (3 June in the Gregorian calendar). In Orthodox iconography he is depicted as a man in the prime of life, with frizzy hair and dressed in richly decorated imperial robes and a crown. Very often he is depicted by his mother's, Saint Helena's, side. On each icon he is accompanied with a cross, sometimes a big one, standing at the level of his feet, sometimes a medium-sized one, which he keeps with his mother, in other cases he holds a small cross in his hand. Apart from his mother, Saint Helena, and metropolitan bishop Makarios, emperor Constantine is one of main characters depicted on icons showing the Raising of the Holy Cross.⁶

Is it right that he has not been worshiped so much in the Catholic Church? I believe that it is worth asking this question. However, in this article I would like to focus on another issue, namely whether Constantine's actions for the benefit of Christianity can be defined as ecumenical. Can his attempt to reestablish the freedom of religion and orthodoxy of the Christian teaching can indicate that somehow he was way ahead of his time and became the precursor of future ecumenical movements?

The biography penned by Eusebius of Caesarea is believed to be the essential work on the life of Constantine the Great,⁷ nevertheless, it has to be understood, that it is impossible to get to know the emperor described there in an objective manner. After reading this piece, the reader might have the impression that it is rather an eulogy, a kind of panegyrics to praise the religious life of Constantine and his attitude to Christians, and the author does not hide his admiration by writing that: "The subject and aim of my work is to talk and mention only those circumstances of [Constantine's — R.S.] life which are related to his religious activity."⁸

In the first part of his work, when writing about Constantine and his relation with God, Eusebius does not directly specify that he refers to Christian God since he was maturing to accept this faith. The emperor was brought up in a monotheistic religion. His father, Constantinus Chlo-

⁶ Cf. J. CHARKIEWICZ: "rów. ap. Konstantyn Wielki, cesarz." Available online: http://www.typo.cerkiew.pl/index.php?id=swieci&tx_orthcal%5Bsw_id%5D=431&cHash=5822f192789f9c668e3efb2faa918eae (accessed: 23.07.2016).

⁷ EUZEBIUSZ Z CEZAREI: *Życie Konstantyna*. Trans. T. WNĘTRZAK. Kraków 2007.

⁸ *Ibidem*, I 11, p. 106.

rus, worshiped the only Highest God,⁹ and believed that the god of Sun was the Highest creature.¹⁰ At this stage of his life, Constantine the Great shared similar religious views. Rev. Ludwik Wrzoł highlighted that in a neo-Platonic sense, the god of Sun was for him the Highest god among other minor gods. Until 312 AD Constantine is believed to have been a pagan and the empire was dependent on only native gods. Only the events of 313 AD, his prayer to God for victory over Maxentius and the vision of the cross, a symbol under which he would win, brought the stage at which he started to convert to believe in the Christian God.¹¹ This “moment of conversion,” important not only to him, but to whole Christian world, was described by Eusebius in detail:

[Constantine the Great — R.S.] judged it to be folly indeed to join in the idle worship of those who were no gods, and, after such convincing evidence, to err from the truth; and therefore felt it incumbent on him to honour his father’s God alone. Accordingly he called on him with earnest prayer and supplications that he would reveal to him who he was, and stretch forth his right hand to help him in his present difficulties. And while he was thus praying with fervent entreaty, a most marvelous sign appeared to him from heaven, the account of which it might have been hard to believe had it been related by any other person. But since the victorious emperor himself long afterwards declared it to the writer of this history, (1) when he was honoured with his acquaintance and society, and confirmed his statement by an oath, who could hesitate to accredit the relation, especially since the testimony of after-time has established its truth? He said that about noon, when the day was already beginning to decline, he saw with his own eyes the trophy of a cross of light in the heavens, above the sun, and bearing the inscription, CONQUER BY THIS. At this sight he himself was struck with amazement, and his whole army also, which followed him on this expedition, and witnessed the miracle. He said, moreover, that he doubted within himself what the import of this apparition could be. And while he continued to ponder and reason on its meaning, night suddenly came on; then in his sleep the Christ of God appeared to him with the same sign which he had seen in the heavens, and commanded him to make a likeness of that sign which he had seen in the heavens, and to use it as a safeguard in all engagements with his enemies.¹²

⁹ Cf. *ibidem*, I 27, p. 116.

¹⁰ Cf. *ibidem*.

¹¹ Cf. L. WRZOŁ: “Konstantines des Grossen persönliche Stellung zum Christentum.” *Weidenauer Studien*. Heft I. Wiednau 1906, pp. 231—232.

¹² EUZEBIUSZ Z CEZAREI: *Życie Konstancyntyna...* I 27—29, pp. 116—117.

It is said that after his vision, Constantine ordered to make the sign of the cross and that he called upon Christian priests to ask them about the God and the sign he had seen in his vision. This is the time when he received his first catechesis about God, Jesus Christ and His victory over death and sin, as well as on events which happened during the public activity of the Saviour and the reasons of the Incarnation of the Son of God. Encouraged by the knowledge he received, the emperor devoted himself to reading the Holy Bible.¹³ This experience certainly was a turning point in Constantine's conversion to Christianity.

Theodore Keim differentiates three stages in the public and religious life of the emperor. The first stage (until 312 AD) is the pagan stage. The subsequent stage starts with the above described events from 312 and 313. The religious experience is of importance here, but Heim also highlights political issues in the change in the manner of Constantine's thinking. Paganism was said to be drawing to a close, whereas the Church proved everywhere as invincible power — in the last phase of persecution in the pagan society, the aversion to Christians seemed to end and pagans stopped to accept persecution. It should also be added that the new religion had given up on a distanced attitude to the state long ago, and even offered its services through a high dignitary Hosius of Corduba. Therefore, the Church could not only be freed, but enjoy a privileged position.¹⁴

At this stage, Constantine's religiousness is complicated. On one hand, he undergoes a personal religious experience, on the other hand, the interest of the state seems to be more important to him, and as long as the "magical" sign on his banner brings him victory, it is worth attention and respect. His pagan beliefs are a basis for a pagan and Christian blend, identifying Christian God with the god of Sun.¹⁵

Theodore Keim rightly described Constantine's attitude at this stage of his conversion, claiming that the god of Sun was in Constantine's view a neutral god both for paganism and Christianity. He was a companion of pagans and Christians' God, treated by the emperor as a personal advisor and companion bringing victory.¹⁶

This specific merging of paganism and Christianity in the life of Constantine remains his personal religious conviction and a religious and political programme until receiving autocracy.¹⁷ The victory over Maxentius and entering Rome has all traits of the transformation of his person-

¹³ Cf. *ibidem*, I 32, p. 119.

¹⁴ Cf. L. WRZOŁ: *Konstantines...*, p. 231.

¹⁵ Cf. *ibidem*, p. 232.

¹⁶ Cf. *ibidem*

¹⁷ Cf. *ibidem*, p. 233.

ality and reference to God. As a sign of victory he ordered a statue representing him holding a cross to be raised in the centre of the Eternal City. The inscription on the statue carries the following message: “by virtue of this salutary sign, which is the true test of valour, I have preserved and liberated your city from the yoke of tyranny. I have also set at liberty the Roman senate and people, and restored them to their ancient distinction and splendour.”¹⁸ Eusebius indicates that “thus the pious emperor, glorying in the confession of the victorious cross, proclaimed the Son of God to the Romans with great boldness of testimony.”¹⁹

This act of triumph and faith was strengthened by Constantine by acts of grace honours given to bishops, construction of new churches, help given to the poor and organization and participation in synods of bishops which resolved disputes and worked towards unity.²⁰

This attitude led Constantine to the third stage of his religious life. According to researchers, it began with the war with Licinius. It made the emperor believe that the two worlds, pagan and Christian one, are incompatible. He elevated Christianity to the level of the rightful religion of the empire, expressly prohibited idolatry, erecting statues of gods, making pagan sacrifices, practicing fortune-telling or other similar “false practices.” At the same time he ordered oratories to be built and Christian churches to be enlarged.²¹ Constantine’s religious transformation is also visible in numerous prayers,²² one of which is quoted below:

And truly our worship is no new or recent thing, but one which thou hast ordained for thine own due honour, from the time when, as we believe, this system of the universe was first established. And, although mankind have deeply fallen, and have been seduced by manifold errors, yet hast thou revealed a pure light in the person of thy Son, that the power of evil should not utterly prevail, and hast thus given testimony to all men concerning thyself.²³

Without a doubt, this is a special profession of faith, confirmed by the witness of life, care of churches, even in Palestinian province, by building *inter alia* a temple in the place where Christ was resurrected (the Basilica of Holy Sepulchre),²⁴ in Bethlehem, and on the Mount of Olives.²⁵ He also

¹⁸ EUZEBIUSZ Z CEZAREI: *Życie Konstancyjna...*, I 40, p. 123.

¹⁹ Ibidem, I 41, p. 123.

²⁰ Cf. ibidem, I 41—45, pp. 123—126.

²¹ Cf. ibidem, I 45, p. 126.

²² Cf. ibidem, II 55—59, pp. 158—160.

²³ Ibidem, II 57, p. 159.

²⁴ Cf. ibidem, III 25—36, pp. 182—188.

²⁵ Cf. ibidem, III 41, p. 189.

had a special ambassador in the Holy Land — his mother Helena, who took care of the right commemoration of places related to Christianity.²⁶

Personal conversion as a source of new quality of political-religious life

Calling the Council to Nice in 325 AD was without a doubt a confirmation of Constantine's care for the Church and orthodoxy of Christian teaching, in the context of divisions started by Arius. The gathering of 250 bishops (almost all of whom came from the East, the only person who came from the West was Hosius of Corduba) was later recognized by the whole Church as ecumenical council and binding, as a standard of faith for everyone.²⁷ It is worth mentioning that Constantine called bishops in matters he considered important. He did it eight times, from 313 when he called bishops for the first time on the matter of Donatism.

It was him who as *Pontifex Maximus* was responsible for all religions and cults in the Roman Empire. He was not a priest, but a kind of controlling body and authority, whose duty was to organize the order of festivals of individual religions and to store all holy books. He also made decision whether a particular cult would be legal in the Roman Empire or not. Since the beginning of the emperors ordered to be appointed to this honourable and important position and, in this way, they exerted influence on the entirety of religious life. Constantine acted by means of the same authority and by deciding to accept Christianity, he took it under the wings of his pontifical authority. Emperors gave up this title in 379.²⁸ The last act of acknowledging Christ by Constantine was his request to receive the sacrament of baptism:

The time has arrived which I have long hoped for, with an earnest desire and prayer that I might obtain the salvation of God. The hour has come in which I too may have the blessing of that seal which confers immortality; the hour in which I may receive the seal of salvation [...].²⁹

²⁶ Cf. *ibidem*, III 42—46, pp. 189—192.

²⁷ Cf. *ibidem*, III 6—16, pp. 171—177. Cf. also: H. PIETRAS: *By nie milczeć o Bogu. Zarys teologii Ojców Kościoła*. Kraków 1991, p. 119.

²⁸ Cf. A. BARON, H. PIETRAS: *Dokumenty Soborów Powszechnych. Tekst grecki, łaciński, polski*, vol. 1: 325—787. Kraków 2007, pp. 9—10.

²⁹ EUZEBIUSZ Z CEZAREI: *Życie Konstancyjna...*, IV 62, p. 240.

After having been baptized, Constantine is said to have worshipped God by the following words: “Now I know that I am truly happy, now I believe that I am worthy of immortal life, now I am permitted to partake in the Divine light.”³⁰ Rev. Ludwik Wrzoł refers to more arguments for justified recognition of Constantine the Great as converted to Christianity in his dissertation. For him, he certainly was a zealous, devout Christian.³¹

Constantine was aware of the fact that compared to paganism, Christianity imposed much higher moral requirements. The awareness of this truth and probably the wish to come up to the Christian thought ordered Constantine to first take care of respect for human dignity. He did this *inter alia* by refraining from participation in gladiator fights, which he forbade completely in subsequent years of his rule. Offenders who were sentenced to participate in such fights were sent to work in mines instead. Because of people’s specific avocation for those fights, this right was not fully respected, but the above aspirations showed what was the importance of humanity in Christian culture.³²

The legislation applicable in the Roman Empire was also affected by the Christian spirit by restricting the law on killing slaves or the ban on branding faces of offenders. This was justified by the fact that the human face is created in the image and likeness of God. Legislation in the Christian spirit strongly opposed cruel treatment of people imprisoned in dungeons, supported and facilitated liberation of slaves. The emperor was also famous for his charity and supporting the poor. He took care of children and by supporting their parents financially he prevented the practice of abandoning, killing, selling, or pledging them.³³

He also imposed moral requirements on himself in his marriage, deciding to be faithful to his wife, which was not easy and disrespected in the pagan world at the time. Constantine took also legal action against adultery, imposed penalties for dishonouring virgins, he opposed their abductions and prohibited under penalty castrating boys and turning them into eunuchs. He allowed divorce only for serious reasons. He took action to restrict cohabiting in the society, he opposed idolatry, prohibited raising new statues of gods and in this matter removed pagan cults and demolished their temples. He also made a deep bow to Christian celibacy — he lifted the ban on celibacy and worshiped virgins dedicated to God.³⁴

Constantine the Great was baptized only when he was on his deathbed. However, history has shown that in 4th and 5th centuries postpon-

³⁰ Ibidem, IV 63, p. 241.

³¹ Cf. L. WRZOŁ: *Konstantines...*, p. 242.

³² Cf. ibidem, pp. 243—244.

³³ Cf. ibidem, pp. 244—245.

³⁴ Cf. ibidem, pp. 245—246.

ing baptism until late old age was nothing unusual. Eusebius of Caesarea, a biographer of Constantine, was not shocked by this fact either.³⁵

The opinion of his being the murderer of his closest relatives, however, is not in favour of Constantine. He is also blamed for the death of Maximianus Herculus, Licinius's brother-in-law and his young son, and also his own son Crispus and his wife Fausta.³⁶ Constantine got angry easily and his decisions made in this mood very often were particularly regrettable.

At the same time he made a show of his religiousness, he highlighted that he is God's chosen and favourite one. He made religious speeches to his subjects, pointing out their mistakes, for which he received applause. His weakness was his avocation for splendour, aspiration to win favours and extravagance, which is said to have been founded by high taxes and injustice for the poor.³⁷

Another negative example is the fact that Constantine was accused of believing in superstitions and demons. This was reflected in his behaviour before a battle and almost "totemic" treatment of the banner with the symbol of the cross. This is confirmed by the fact that because of visions witnessed in a dream he is said to have ordered a new capital — Constantinople — to be built in the place of ancient Troy. The emperor's poor education could facilitate his belief in superstitions. He was not knowledgeable about philosophy or literature, he did not explore the Christian teaching in greater depth. For him peace in his country was more important than the truth, which was manifested *inter alia* in the case of Arian heresy. He did not seek to resolve the doctrinal conflict between Arius and Alexander, but to maintain peace.³⁸

Political rather than religious aims are also visible in granting Christians and pagans equal status in the empire. Therefore, everybody could profess religion they believed to be true. At the same time he restricted the spread of paganism and prohibited raising statues of gods or making sacrifices to them. State officials were disallowed to participate in pagan cults, all of them were obliged to celebrate Sunday and to commemorate martyrs. In the end, it is possible to conclude that Constantine wanted religious unity in uniform Christianity. This wish, however, did not result only from religious, but also imperialist reasons. This was a plan to unify the world in a single Christian religion that would support propitiousness and importance of the empire.³⁹ Both this attitude and the emperor's

³⁵ Cf. *ibidem*, p. 247.

³⁶ Cf. *ibidem*, p. 248.

³⁷ Cf. *ibidem*, pp. 250—252.

³⁸ Cf. *ibidem*, pp. 252—254.

³⁹ Cf. *ibidem*, pp. 259—261.

treatment of Arianism show that Constantine was a politician rather than a Christian.⁴⁰

Nevertheless, this does not mean he was not a Christian. General outline of his religiousness is a reference to all-powerful God. Strong God was by his side, supported him in battles, strengthened his power and in a way “anointed” him, he was his servant, as he would call himself.⁴¹ He was not surely a perfect servant, it would be difficult to start the process of canonization in the face of numerous violations he committed and weaknesses he succumbed to. However, he was instrumental in the hands of God by opening the empire to Christianity, supporting this way, supporting (even if for political and imperialistic reasons) its unity, building temples. Constantine’s role in the history of Church is without a doubt of great importance, but it is difficult to say that it is holy and fully in line with ecumenical spirit to suit our times.

“Ecumenism” of Constantine the Great

From the very start the history of the Catholic Church was marked by misunderstandings and divisions. Attempts to amend these wrongs, described explicitly by the Church as sin, accompany the history of Christianity even though the matter of unity among Christians has been an important element of its mission.⁴² In practice all actions aimed at unity in the Christian world is commonly called “ecumenism.” However, this term has taken on different meanings in history. This phenomenon has been described *inter alia* by Rev. Alfons Skowronek, who indicates that ecumenism at first was a geographical term referring to entire inhabited land. This geographical meaning was quickly extended to include cultural aspect as well, namely it described an inhabited piece of land permeated by Hellenistic or Roman culture. At the time of the Roman Empire this “ecumenism” coincided with the political-legal formation of the Roman Empire. Nero was called “a saviour and benefactor of ecumenism.” Septuagint and the New Testament use the term “ecumenism” in all of the above mentioned meanings. Since then geographical, cultural, and politi-

⁴⁰ Cf. *ibidem*, pp. 265—266.

⁴¹ Cf. *ibidem*, pp. 266—269.

⁴² Cf. J. BUDNIAK: “Troska o jedność chrześcijan w posłudze biskupiej Tadeusza Rakoczego.” In: *In aedificationem Corporis Christi. W 50-lecie święceń prezbiteratu Księdza Biskupa Tadeusza Rakoczego Pierwszego Pasterza Diecezji Bielsko-Żywieckiej*. Ed. T. BORUTKA. Bielsko—Biała—Kraków 2013, p. 775.

cal meaning of ecumenism has been used in the Christian world to refer to something which is a part of the Church as a whole, ecumenism is the field of operation of the Church. The Council of Constantinople of 381 for the first time referred to the Council of Nice (325) as a “ecumenical council.” The appellation “ecumenical” also refers to some Fathers of the Church: Saint Basil the Great, Gregory of Nazianzus or John Chrysostom. The meaning of ecumenism has been gradually changing, that is, losing its geographical, cultural, and political aspect for the benefit of matter-of-fact ecclesial matters: it is something which refers to all Christians, it is an important and binding matter.⁴³

Subsequent centuries see greater elaboration of this term. It saw its renaissance in the 19th century when it was used by Henry Dunat — the founder of the Red Cross, who indicated that Christians of different denominations can and should unite in love to cooperate in service to their neighbours, to God’s glory, at the same time retaining their identity. In today’s use of the term “ecumenism” we find two basic meanings which permeate each other: the universal and missionary meanings with global range and everything which is related to the unity of Churches. Both these elements are connected with each other, even though the former finds its supporter mainly among Evangelicals and the latter in the Catholic world.⁴⁴

The attitude of ecumenism has evolved like human mentality and attitudes. Therefore, it can be said that had Constantine the Great lived longer, he would have changed and cleansed his attitudes, also in the spirit of “ecumenism.” There is no doubt that he would have implemented postulates resulting from the meaning of this term, which was binding in the Roman Empire in his day. As it has already been mentioned, his actions aimed at geographical expansion of the Empire — to achieve this he wanted to use the power of unity of the Christian faith. Rejecting pagan cults and accepting the only religion and culture probably convinced him that the majority of lands he ruled would expand and gain strength. Therefore, Constantine the Great was surely an “ecumenist” worthy of his day. However, can he be granted this title also in the case of religious matters? Were his actions aimed to make sure that the teaching of St. Paul would be reflected in the reality of the Roman Empire of the 4th century? The Thirteenth Apostle taught us: “There is one body and one Spirit — just as you were called to the one hope that belongs to your call — one Lord, one faith, one baptism, one God and Father of all, who is over all and through all and in all” (Eph 4:4–6).

⁴³ Cf. A. SKOWRONEK: “Czym jest ekumenizm?” In: *Ku chrześcijaństwu jutro. Wprowadzenie do ekumenizmu*. Eds. W. HRYNIEWICZ, J. S. GAJKA, S. J. KOZA. Lublin 1997, pp. 28–29.

⁴⁴ Cf. *ibidem*.

Constantine the Great searched for God, he wanted to get to know the God of Christians. We are aware of the fact that there are as many paths to Christ as there are many people — as Cardinal Joseph Ratzinger, later known as Pope Benedict XVI, said. When answering the question of Peter Seewald: “How many paths lead to God?” he replied:

As many as there are people. The reason is that in the same religion each person’s path has its personal character. Christ says: I am the path. Therefore, ultimately there is one path and everyone who follows it to be with God, will find Jesus Christ as well. However, this does not mean that at the level of consciousness or at the level of will all paths are identical. It is quite the contrary: this single path is so broad that it becomes a personal one for each human being.⁴⁵

Constantine the Great followed his path to God. It is difficult to judge now why he decided to be baptized only when he was at his deathbed, it is difficult to ignore the murders, aiming for things at all costs, totemism, hypocrisy... But who is without sin? Can any Christian or a person seemingly believing or looking for faith claim to lead unblemished life?

The actions of Constantine the Great in the sphere of life of the Church were not marked by purely religious intentions. He was favourably inclined towards Christianity for imperialistic reasons as he saw it, that is, the religion as a guarantee to maintain peace and unity in the world he wanted to create. He did not seek the truth in relations with Arius and its sect — this was not an exemplary “doctrinal ecumenism” that we know today — he was more interested to appease his enemies and enjoy the “peace of mind.” His statement on faith and morality were not supported by the witness of his life as well. Thus, on the basis of even these synthetic observations it cannot be concluded that he was an “ecumenist” in the light of contemporary terms. Nevertheless, it can be concluded that he was the precursor of these actions. Even though they did not result from religious reasons, their aim was of similar character: preserving the unity of Christians in the entire Empire, under a single “banner” carrying a sign of the cross of Jesus Christ.

Constantine the Great fulfilled his political plans, but at the same time he discovered the value of Christianity as a route to Salvation in a single Church rather than social movement, which guarantees the success of one’s actions. It could be said that he somehow anticipated in his life what the Church teaches today, for instance in the statement of Cardinal Walter Kasper:

⁴⁵ J. RATZINGER: *Salt of the Earth. Christianity and the Catholic Church at the End of the Millennium*. Trans. A. WALKER. San Francisco 1997, pp. 27—28.

For it is God's wish that all people should be saved, but he does not want this to happen without people's participation. "The glory of God is a living man," as Ireanaeus wrote. Therefore, the call to convert and to faith is all about the decision about death and life. There is also a possibility of eternal failure. [...] God acts in us and we should let Him act in us and through us.⁴⁶

The task we undertook, namely the attempt to answer the question whether Constantine the Great can be named the precursor of ecumenism, leads us to two answers. Firstly — taking into consideration the meaning of the word "ecumenism" in his days, it must be stated that he was a contributor to ecumenism rather than its precursor. His actions aimed at expanding the territory of the Empire, political power and unification of culture and religion by promoting Christianity facilitated expansion and uniformity of the Roman Empire.

When analyzing the nature of Constantine's religious involvement and his strive for unity in the Christian world, which resulted from the need for faith, many more doubts appear. This results from the fact that it is difficult to find in his attitude desires resulting from Christ's calling, the tactics of a ruler of a secular world still comes to attention first. Nevertheless, we cannot deny that Constantine contributed to the development in this sphere of life and cleansing his intentions until his death bed, where he explicitly declared his belonging to Christ. The fruit of his effort to put the persecution of Christians to an end, discovering the Triune God and finding the truth in Christianity is visible during his lifetime, but also in subsequent centuries of Christianity. Constantine can be perceived as the one who discovered the value of the unity of Christianity and strived for it in his own manner. If he had lived longer and truly strengthened himself in the grace of faith, without a doubt his actions would have been more credible, in the spirit of the Gospel, the witness of life going hand in hand with his beliefs. However, history teaches us that it took many centuries for the divided Christianity to find its ideal. The turn of the 19th and the 20th centuries brought the definition of ecumenism fulfilled in our days.

Whereas Rev. Prof. Józef Budniak points to the Convention for Unification in Velehrad in 1907, other authors commonly refer to Edinburgh 1910 World Missionary Conference as the beginning of ecumenical actions.⁴⁷ Undoubtedly, the Second Vatican Council, which started in 1962, was a breakthrough in this matter. It is at least 1570 after the death

⁴⁶ W. KASPER: *Barmherzigkeit. Grundbegriff des Evangeliums — Schlüssel christlichen Lebens*. Freiburg—Basel—Wien 2015, p. 112, [trans. mine].

⁴⁷ Cf. J. BUDNIAK: *Troska o jedność...*, pp. 775—776.

of Constantine. During this time we have grown up to accept the truth about the unity of Christianity wounded with schisms.

Conclusions

Constantine the Great was a “unifier” in his days. Despite the fact that his actions are evaluated differently, in the end they turned out to be a success. Our times require different attitudes and engagement in the work of care of the unity of the Christian world. Both spiritual ecumenism (considered to be most important⁴⁸) and doctrinal and practical one require personal formation, the act of faith, the witness of life and truth, without consent to false compromise or aims other than those which result from the desire for the Christian Church to be unified again. This is the task of our day and for the future generations. Constantine the Great can serve as one of the examples of what should be done and what should be avoided. I do not think that the question addressed in the title of this article has been answered satisfactorily. Surely it can be an incentive for an in-depth study of the ruler in question and, at the same time, a call for a serious discussion. Above all, this matter should encourage each Christian to take increased efforts to restore the lost unity of Church.

⁴⁸ Cf. A. SKOWRONEK: *Czym jest ekumenizm?...*, p. 32.

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ROBERT SAMSEL

Constantin le Grand — précurseur de l'œcuménisme ?

Résumé

Constantin le Grand était sans aucun doute une personne intéressante, dans certains aspects ambigü, qui a laissé dans le monde chrétien une empreinte significative de sa présence et de son engagement, tout en contribuant — grâce à ses diverses activités — à la consolidation des chrétiens au IV^e siècle. Cette unité s'est manifestée tout d'abord dans la possibilité de confesser librement sa foi et d'observer ses préceptes. Deuxièmement, suite au témoignage de la vie de Constantin même et ses décisions, on a limité certaines hérésies menaçant l'orthodoxie de la doctrine chrétienne, surtout l'hérésie arienne et les confessions païennes. Le texte présenté prouve que ce sont des arguments suffisants pour pouvoir appeler Constantin « précurseur de l'œcuménisme ». Deux conclusions découlent de nos analyses. Premièrement, en prenant en considération la signification de la notion d'œcuménisme à l'époque contemporaine à Constantin, il faut constater qu'il n'était pas tant précurseur que son réalisateur. Les actions visant à élargir les territoires de l'Empire et du pouvoir politique ainsi que l'unification de la culture et de la religion servaient — en propageant le christianisme — l'expansion et l'homogénéité de l'Empire romain. Deuxièmement, Constantin peut être perçu comme celui qui découvrait la valeur de l'unité du christianisme et il y aspirait de manière qui lui était propre.

Mots-clés: Constantin le Grand, œcuménisme, unité des chrétiens

ROBERT SAMSEL

Tytuł Costantino il Grande — precursore dell'ecumenismo?

Sommario

Costantino il Grande fu indubbiamente un personaggio colorito, sotto alcuni aspetti ambiguo, che lasciò nel mondo cristiano un segno significativo della propria presenza e dell'impegno, contribuendo a consolidare con diverse attività l'unità tra i cristiani nel IV secolo. Tale unità si esprime dapprima attraverso la possibilità di professare liberamente la fede e di comportarsi secondo i suoi principi. In secondo luogo furono limitate le eresie che minacciavano l'ortodossia della dottrina cristiana, specialmente l'eresia ariana e le credenze pagane, attraverso la testimonianza di vita di Costantino stesso e le sue decisioni. Il testo presentato dimostra che sono argomentazioni sufficienti per poter chiamare Costantino "precursore dell'ecumenismo". Le analisi hanno come effetto due conclusioni. Innanzitutto, tenendo conto dell'importanza del concetto di ecumenismo ai tempi di Costantino, occorre affermare che non fu tanto un precursore quanto piuttosto un suo realizzatore. Le attività di ampliamento dei territori dell'impero, del potere politico e l'uniformazione della cultura e della religione mediante la promozione del cristianesimo servivano all'espansione ed all'uniformità dell'Impero Romano. In secondo luogo Costantino può essere considerato colui che scoprì il valore dell'unità del cristianesimo e mirò a perseguirla a suo modo.

Parole chiave: Costantino il Grande, ecumenismo, unità dei cristiani



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Polish Ecumenism as a Movement towards Unity in Diversity

Abstract: Since the beginning of Christianity, the consequences of the separations (regarding doctrine and tradition) have been permanent and painful. Twenty years before the Roman Catholic Church was officially involved in the ecumenical activity, the Polish Ecumenical Council, which includes the Churches of Protestant and Old Catholic tradition and the Orthodox Church, had already been working. The Roman Catholic Church entered the ecumenical path during the Second Vatican Council and since that time, together with all Churches and Ecclesial Communities, has been fulfilling the will of Christ “that they may all be one.” Polish ecumenism is performed in three fields: spiritual, scientific (doctrinal) and practical. It has become not merely “the sign of the times,” but it is seen as a duty and responsibility in the face of God and His saving plan. It is the duty and responsibility of those who through Baptism became Christ’s Body and His new people. The multitude and variety of Christian communities is simultaneously the multitude and variety of the professed content of faith. Polish ecumenists, seeking for the full unity which is still absent, take part in the process which leads towards unity in diversity.

Keywords: Roman Catholic Church, Polish Ecumenical Council, dialogue, ecumenism, unity, diversity

Introduction

The Decree on Ecumenism *Unitatis redintegratio* passed by the Second Vatican Council on 21 November 1964 became a crucial document for shaping the cooperation between the Roman Catholic Church and Churches other than the Catholic Church, as well as Christian communities. The document is often referred to as a Magna Charta of involve-

ment of both the Council and the Roman Catholic Church in the unity of Christians. It presents a thorough change of Roman Catholic thinking about inter-Church references. Its important element is a new language devoid of words that condemn and exclude “those who believe differently,” in favour of words which show respect and recognition for the believers of other Churches and Christian communities. Meanwhile, Polish ecumenism was ahead of the Council’s decree on ecumenism. It is rooted in the Protestant unification movements. Even 20 years before the Roman Catholic Church was officially involved in the ecumenical activity, the Polish Ecumenical Council, which includes the Churches of Protestant and Old Catholic traditions and the Orthodox Church, had already been working. The ecumenical initiatives of Churches beyond the Catholic Church have in principle been and are still being implemented based on the structures of this very Council.

At the beginning of the 1960s, the Roman Catholic Church in Poland started its ecumenical activity. With the consent of the Polish Prime, Cardinal Stefan Wyszyński, the services began to be organized in Warsaw, during which prayers for the unity of Christians took place. At the Pastoral College in Warsaw, an Ecumenical Section was created, and later on 1 October 1962, the Center for Christian Unity was raised at the Warsaw Metropolitan Curia by Cardinal Stefan Wyszyński. The Prime nominated Fr. Władysław Miziołek,¹ the then rector of the Warsaw Metropolitan Seminary in Warsaw and later auxiliary bishop, as the manager of the Center. After Vatican II, the Roman Catholic Church in Poland together with Churches affiliated with the Polish Ecumenical Council undertook many spiritual, doctrinal, and practical initiatives. The desire for unity which was born during the Vatican II aroused great hope among Christians and a sense of responsibility for Our Lord’s words of prayer “that they may all be one” (J 17, 21). The Council ended in 1965 and since that time all subsequent popes, theologians, as well as Christians, involved in the ecumenical movement have believed that the previous divisions between the disciples of Christ openly oppose His will and are a scandal for the world. Such awareness encourages us to make efforts to find ways that lead to unity. How to reach unity? How to find it? According to the Evangelical theologian Oscar Cullman (1902—1999), “unity through multiplicity, through diversity”² charts a common path towards Christ. Considering this idea, then Cardinal Joseph Ratzinger said: “We

¹ Cf. K. NITKIEWICZ: “Kościoł katolicki w dialogu ekumenicznym — ludzie, nauczanie, działania.” In: *Lublin — miasto zgody religijnej. Ekumenizm w historii, teologii, kulturze*. Eds. S. PAWŁOWSKI, S.J. ŻUREK. Lublin 2017, p. 219.

² O. CULMANN: *Einheit durch Vielfalt — Grundlegung und Beitrag zur Diskussion über die Möglichkeit ihrer Verwirklichung*. Tübingen 1986, *passim*.

should try to find unity through diversity, it means to draw from the split what is fruitful, deprive it of venom and take from the diversity what is positive — of course, in the hope that eventually the tear will cease to be a tear and will become only a polarization without contradiction.”³ The efforts of Churches and Christian communities aiming at unity through multiplicity should be based on “widening of the Catholic width, Evangelical depth and Orthodox dynamics in the sense of pneumatic dimension.”⁴

The Church in Poland, remaining on its path towards unity in diversity, should profit from its extensive history.

1. Roman Catholic Church in ecumenical dialogue with the Polish Ecumenical Council

Ecumenism is a word which describes reality. The word has entered the scene of today’s Christianity, also in Poland, and refers to experiences starting at the beginnings of the Church’s activity.

Polish ecumenism has its roots in the Protestant unification movement. By the end of 1942, based on the experience of the National Department of the World Association for Promoting Friendship among Nations through Churches, the Provisional Ecumenical Council was constituted in Warsaw. The Council was the result of unofficial ecumenical meetings organized for more than two years. At the beginning of its activity, it was more an association of people representing various Churches than an organized forum of Churches. In that time, “Polish Christians’ Confession of Faith” (Polish Confession) formulating the dogmatic principles recognized as the common good of all Christians, was developed. It was signed in the Methodist chapel in Warsaw in March 1944 by the clergy of the following Churches: the Evangelical Church of Augsburg Confession, the Evangelical Reformed, the Evangelical Methodist, the Old Catholic Church of the Mariavites and the Polish National Catholic Church. The official presentation of the Provisional Ecumenical Council took place in Warsaw on 14 October 1945. Besides the representatives of the five above mentioned Churches, Polish Baptists and Orthodox also declared their participation in the work of the Council. The meeting started with

³ J. RATZINGER: *Pielgrzymująca wspólnota wiary. Kościół jako komunია*. Trans. W. SZYMONA. Kraków 2003, p. 231.

⁴ A. NOSSOL: “Teologiczne przeszkody na drodze do jedności chrześcijan.” In: *Kościół chrześcijański w Europie narodów*. Eds. P. JASKÓŁA, H.J. SOBECZKO. Opole 1992, p. 20.

an ecumenical service. At the plenary session of the Council, the representatives of the above mentioned Churches declared their willingness to belong to the Council in order to deepen their ecumenical commitment. Simultaneously, they decided to promote in their own confessional circles the ecumenical spirit of brotherhood and cooperation, according to the adage: “What connects us is of higher quality than that what divides us.”⁵

Twenty years before the Roman Catholic Church began to be officially involved in the ecumenical activity, the Polish Ecumenical Council had already started to operate. The Council consists of the Churches of Protestant and Old Catholic tradition, and the Orthodox Church. Other initiatives than Catholic were and are still being accomplished based on the structure of this Council. The official constitution of the Polish Ecumenical Council was officiated in Warsaw on 15 November 1946.⁶ At the turn of 1950s and 1960s, after Pope John XXIII had announced the idea of convening the general council, an ecumenical opening took place in the Roman Catholic Church. This opening could have also been felt in Poland. After the Second Vatican Council, the Roman Catholic Church undertook a number of spiritual, doctrinal, and practical ecumenical initiatives. In 1968, the Conference of Polish Episcopate issued a pastoral letter in which Catholics were called to show fraternal respect for the Christian Orthodox, Protestants, and members of other Christian communities. The bishops expressed their desire to overcome mistrust and avert malevolence, which would allow establishing closer ecclesiastical contacts and a fruitful dialogue.⁷

Polish Episcopate Commission for Ecumenism (now Polish Bishops' Council for Ecumenism) faced a very important task — first to make contact, and later start cooperation with the Churches associated in the Polish Ecumenical Council, as the modern ecumenical movement seeks reconciliation and reconstruction of unity with Churches and not only with individual persons or groups of Christians. On 7 December 1977, a Subcommittee for Doctrinal Dialogue was established. It began its work with discussions with the Churches associated in PEC about the issue of respecting Baptism administered in particular Churches, and the mutual recognition of this sacrament. The Roman Catholic Church in Poland and the Churches associated in the Polish Ecumenical Council signed the declaration about mutual recognition of the Sacrament of the Holy Baptism on 23 January 2000.

⁵ K. KARSKI: “Powstanie i rozwój Polskiej Rady ekumenicznej.” *Studia i Dokumenty Ekumeniczne* 12 (1996), no. 2, p. 38.

⁶ *Ibidem*, p. 38.

⁷ *List Pasterski Episkopatu „O dążeniu do jedności chrześcijan”* (Warszawa, 23.10.1968). In: *„Ut unum”*. *Dokumenty Kościoła katolickiego na temat ekumenizmu 1982—1998*. Ed. S.C. NAPIÓRKOWSKI. Lublin 1998, pp. 209—214.

It means that a person's baptism in one of these Churches is acknowledged by the remaining ones and it does not need to be repeated. Baptism administered in the Roman Catholic Church and in the following Churches: Evangelical-Reformed, Polish Catholic, Polish Autocephalous Orthodox Church and Old Catholic Church of the Mariavites, is considered valid. At the end of *The Declaration of Churches in Poland at the Beginning of the Third Millennium* there is an optimistic — ecumenical — tone:

Baptism in Christ is a call to the Churches for overcoming their divisions and for manifesting their unity in a one visible way.⁸

In the practice of Christian Churches, baptism shows how important it is for the unity of Christians. At the same time it is the basis for creating Christian community — ecumenism of communion.

The other issue the Subcommittee for Doctrinal Dialogue dealt with was the question of marriages between the members of different Christian denominations. A pastoral instruction, developed by the Subcommittee and discussed with the representatives of PEC, was approved by the Conference of Polish Episcopate and handed on to the bishops to be put into practice in the dioceses.

One of the important areas in the ecumenical cooperation in Poland has been, since 1994, the engagement of the Churches in the new, joint translation of the Scriptures. On 17 March 2018, Warsaw was the place where the Ecumenical Bible was launched. It is a new translation of the Holy Scripture of the Old Testament and New Testament (ecumenical translation from native languages) prepared by the International Translation Team of the Bible Society in Poland. The Synod of the Evangelical Church of Augsburg Confession, during the debates on 4 April 2018, adopted a resolution about the use of the Ecumenical Bible during liturgy. That way the Evangelical Church of Augsburg Confession in Poland has become the first Church associated in the Polish Ecumenical Council to use this Bible in liturgy and the texts from the Bible will be used in meditations during ecumenical services. In the process of making the visual unity of Christians real — according to the documents of Christian Churches and interfaith dialogues — spiritual ecumenism takes a special place. Its essence is the inner transformation which is the result of the Holy Spirit's action and shows the way to live according to the Gospel in the spirit of following Christ. Therefore, in the centre of the pursuit for unity is the prayer, whose source is the desire of Jesus Christ “that they may

⁸ “Sakrament chrztu znakiem jedności. Deklaracja Kościołów w Polsce na progu trzeciego Tysiąclecia.” In: *Encyklopedia ekumenizmu w Polsce (1964—2014)*. Eds. J. BUDNIAK, Z. GLAESER, T. KAŁUŻNY, Z.J. KIJAS. Kraków 2016, pp. 514—515.

all be one [...], that the world may believe” (J 17, 21). “This conversion of the heart and the sanctity of life including public and private prayers for the unity of Christians — as it was underlined in the Council’s Decree on Ecumenism — should be considered as the soul of the whole ecumenical movement” (DE 8). One of the oldest and most developed forms of spiritual ecumenism in Poland is the Week of Prayers for Christian Unity, traditionally celebrated from 18 to 25 January each year.

When thinking about ecumenism in Poland, we arrive at the conclusion that the unification movement in our country is one which runs on two rails. It is a movement full of contrasts, quite similar to Polish reality. This twofold movement consists of:

1.1 The beginnings of Polish ecumenical movement

It started in the year 1925 (Bishop Juliusz Bursche, Fr. Prof. Dr Jan Szeruda, Fr. Zygmunt Michelis), was continued during the Second World War and in the first postwar years. People of different denominations were truly united by their shared misery. It is no wonder, though, that after the war they kept to what they had vowed to each other in concentration camps, bunkers or the underground. It was how the Christian Ecumenical Council in Warsaw started. Later on, it was transformed into the Polish Ecumenical Council.

1.2 Contemporary Polish ecumenical movement

This movement began when the Roman Catholic Church started to cooperate with the Polish Ecumenical Council after Vatican II (1962—1965). As Karl Rahner said “new seed germs” presented themselves after Vatican II. Soon after the Council was concluded, the Polish translation of the Council’s documents appeared. Looking at the development of ecumenical relations between Churches in Poland, it can be said that the words spoken by the Malachite patriarch Maximos IV in the Council’s aula, are true: “Ecumenism is a door opened for us by the Holy Spirit, a door which nobody can close any more.”⁹

⁹ Cf. A. SKOWRONEK: *Teologiczne zbliżenia*. Warszawa 1993, p. 137.

Following the collapse of the communist totalitarian system in Eastern Europe (1989), more Churches joined the ecumenical movement — Seventh-Day Adventists, Christ's Congregations and Pentecostal. However, the cooperation between the Churches joined in the Polish Ecumenical Council and the Roman Catholic Church was not so easy. Not always were the Churches to blame. There was another “partner” that always tried to stand between them; the state authorities. It must be said that the then authorities did their best to prevent the Catholic-Protestant-Orthodox-Old Catholic meetings. They did everything to prevent the Protestant Church from selling their church buildings to the Catholic Church. As a consequence, particularly in the Mazury Region, Catholics illegally occupied the unused Protestant churches, but unfortunately those in use, too. It led to great controversies in the relations between the Churches. Also in the post-war times in Mazury, the communist authorities played a big role in stirring up arguments between Lutherans and Methodists.

The first contacts between the Protestant Churches and the Roman Catholic Church were established by the already mentioned bishop Zygmunt Michelis in 1959. The first ecumenical service in history took place in the Warsaw Roman Catholic St. Marcin church on 10 January 1962. Bishop Zygmunt Michelis was preaching. Similar services took place in Cieszyn Silesia and the moderator of those meetings was — from the Catholic side — Bishop Herbert Bednorz, and from the Protestant — Rev. Jan Gross, the precursor of the ecumenical movement in Silesia. At first, both met on a private ground. In that region, the first ecumenical service took place in a Catholic parish church in Pruchna in January 1969. In the 1970s, ecumenical services and concerts were organized both in Catholic and Protestant churches. Those were the beginnings of ecumenism on a large scale. Later on, two other true ecumenists joined the group — Archbishop Alfons Nossol and Fr. Arkadiusz Miś from Drogomyśl.

As it was already said, our ecumenism moves forward somehow on two rails of one track. One rail is the one which has been used for many years by the Churches associated in the Polish Ecumenical Council, gathering three Christian traditions: Protestant, Orthodox and Old Catholic. The second, younger rail set up in the 1960s and 1970s, is the Roman Catholic rail. Both rails run in parallel, sometimes closer and at other times more distant from each other. But they should not be too far away from each other and they should not drift apart if they want to fulfill together the prayer of our Lord, particularly the words: “Holy Father, keep them in thy name which thou hast given me, that they may be one, even as we are” (J 17, 11).

2. Selected positive and negative ecumenical experiences

In the ecumenical activities one may encounter positive and negative experiences which arise from historical separations, conflicts, and differences. Among the ecumenical experiences a few selected examples — positive and negative — can be presented.

On 23 January 2000 in Warsaw Lutheran Holy Trinity Cathedral, the Churches of the Polish Ecumenical Council, except the Baptist Church (for dogmatic reasons), and the Roman Catholic Church signed a common declaration about their mutual recognition of the Sacrament of Holy Baptism.

After the introduction of religion lessons at schools (1990/1991), on the one hand the Churches got closer with each other because they organized many events together, especially in the Christmas time, or they organized biblical competitions. But on the other hand, there occurred misunderstandings among the children of different denominations caused by lack of tolerance, as the children had been brought up in the environment filled with hatred for the other religion. In one of the secondary schools in Cieszyn Silesia in the 1960s, there was a teacher who used to put the letters *p* and *k* (as in *protestant* and *katolik*, Polish for ‘a Protestant’ and ‘a Catholic’, respectively) next to his pupils’ names in the class register forgetting that school is a place free of religious prejudices. Within theological universities and faculties in Poland, separate departments and sections of ecumenical theology were founded. They initiated the foundation of several dynamically operating Ecumenical Institutes. The first of them was established at the Theological Faculty of the Lublin Catholic University that in 2018 celebrated its 100th anniversary. These examples should be seen as another positive ecumenical experience in our country.

In 1994, the University of Opole with a Theological Faculty was established. Since the very beginning of this university, there has been a Chair of Ecumenism and Comparative Theology.

The academic community in Cieszyn is also worth mentioning as at the Branch of Pedagogical-Artistic Faculty of the University of Silesia, in the academic year 1998/1999, a department of religious education was opened which took on a new, that is, ecumenical dimension. In the building of Alma Mater in Cieszyn, an ecumenical chapel was established and consecrated on 12 May 1998. At the premises of the university, members of the Polish Region of International Ecumenical Fellowship organized an International Ecumenical Congress (21—28 August 1995) for the first time in Poland. The Congress attracted more than three hundred repre-

sentatives of various Churches from almost all over the world. The theme of the meeting was: *Renew us through prayer and work*.¹⁰

Following the example of the World Day of Prayer for Peace that was organized for the first time on John Paul II's initiative in Assisi in 1986, where Christians from different Churches and ecclesial communities prayed for peace in the world, in Poland such initiative was also taken. Among others, there was held an international ecumenical service for peace in St. John the Baptist church in Brenna, in Cieszyn Silesia on 18 March 2002. The service gathered clergy from five Christian Churches in Poland and the Czech Republic.¹¹ The president of Poland, Bronisław Komorowski, appreciating the role and the significance of ecumenical dialogue in Cieszyn Silesia, came to Cieszyn to participate in the ecumenical prayer for peace in the world on 1 September 2011. Also Catholic and Lutheran bishops took part, as well as many faithful of both religions. Referring to the geographical position of Cieszyn, President Komorowski said that: “[...] a voice from here, from the border of nations, languages, cultures, and religions proves that being different does not mean misfortune but beauty and wealth of Poland and all world's nations.”¹²

Another positive aspect of Polish ecumenism is the ecumenical translation of New Testament and Psalms published in autumn 2001. The translation was accomplished by theologians of different Christian denominations. The whole Bible, the Old and New Testaments, as it was mentioned before, was published in 2018.

Rev. Jan Gross, the ex-president of the Silesian Branch of Polish Ecumenical Council, wrote in his diaries: “When I was a child, at school I often heard my Catholic friends say that entering a Protestant church is for them such a great sin that immediately they have to confess what they had done. When I started my work as a priest in Szczytno, one day I was showing the teachers around our Protestant church. When I pointed to the statue of Our Lady with Little Jesus in the main altar, the Catholic teachers told me, that it was really strange because they had always been told that a picture of Our Lady was buried under the threshold of every Protestant church, and everyone who went through the threshold trampled on Her. And here in your church is a statue of Our Lady!”

These examples show the lack of ecumenical knowledge. Nowadays you do not hear such statements any more. Undoubtedly, the ecumeni-

¹⁰ Cf. J. BUDNIAK: *Ekumenizm jutra na przykładzie Śląska Cieszyńskiego*. Katowice 2002, pp. 162—173.

¹¹ See “Brenna jak Asyż.” *Głos Ziemi Cieszyńskiej* Cieszyn 22.03.2002, pp. 1—2.

¹² J. BUDNIAK: “Wkład społeczności lokalnej w proces pojednania chrześcijan.” In: *Człowiek dialogu*. Ed. Z. GLAESER. Opole 2012, p. 617.

cal education, ecumenical documents and the dialogues have had a great influence on the improvement of the situation.

John Paul II entered Protestant churches more than once. The best example is his visit in Skoczów on 22 May 1995. After the canonization of St. Jan Sarkander, the Pope participated in an ecumenical prayer in the Holy Trinity Evangelical Church of Augsburg Confession. In his speech, John Paul II stressed the importance of the ecumenical dialogue in the Bielsko-Żywiec Diocese. He said: “[...], Cieszyn Silesia is well known in Poland as a place of particular ecumenical testimony. For a long time it has been a region of harmonious coexistence of the faithful from the Catholic Church and the Evangelical Church of Augsburg Confession, and an intensive ecumenical dialogue. The dialogue is conducted with a deep conviction that we have so much in common, and what joins us is the common faith in Christ and our common homeland.”¹³

Further example of positive ecumenical experience is the fact that after 55 years, the Roman Catholic Church represented by Archbishop Damian Zimoń from Katowice, returned the Protestant Martin Luther church in Siemianowice Śląskie (German *Laurahütte*), built by the Protestants in 1895 and confiscated, with the help of the communist authorities, by the nuns from the Order of the Visitation of Holy Mary who arrived from Vilnius in 1945. This is undoubtedly an important experience in our Polish reality.

There are also some negative experiences. During the parliamentary elections in 1997, the Liga Polskich Rodzin (League of Polish Families) party hung calumnious posters about Protestant candidates (Prof. Jerzy Buzek and the Senate Deputy Speaker Marcin Tyrna). The posters called on the constituency to boycott those candidates to the Parliament (“The Protestants disappointed us, the communists, too! Look for Catholic candidates on the lists”).

In a village run for 12 years by a local leader who was a Protestant lady, two Catholic priests tried actively to persuade the Catholics that she should not be re-elected. When she finally was elected, there were people who managed to call another vote in a part of the constituency. As an end result, she received almost 400 votes more than the Catholic candidate. And who re-elected her? Mostly Catholics, because there are only about 70 Protestant inhabitants there. This experience has negative overtones as far as the priests are concerned, but very positive as far as the Catholic faithful are concerned. Because of that, that village did not have the traditional ecumenical harvest festival which is organized in many other Silesian villages every year.

¹³ Ibidem, p. 784.

The numerous ecumenical initiatives, which have found their permanent place in the region's calendar of events, also serve the integration of the communities on both banks of the Olza River. The examples of ecumenical experiences can be found in many Polish regions, but Cieszyn Silesia belongs to the most outstanding regions as far as the ecumenical experiences are concerned. The members of the Roman Catholic Church and the Evangelical Church meet during the celebrations of public holidays, such as the Third of May (Constitution Day), 11 November (Independence Day), when new educational, cultural, or charity institutions are opened, or many other jubilees. The meetings are accompanied by shared prayers, and there is always the possibility to learn about each other — how they celebrate their ceremonies, church fairs, the day of the parish founding. There are many inspirational forms of help provided by the entire community, not only for those in need but also when a church building is being renovated or a new one is built. All those various forms of help evoke the statement made by Jan Martyniak, the bishop of the Byzantine-Ukrainian rite, during the 28th International Ecumenical Congress in Cieszyn: "The world needs unity, but there will be no unity if we don't meet."¹⁴ Meetings are an inspiration for the inter-confessional dialogue which is an important element of the ecumenical movement, that is, the movement of unity in diversity.

Catholics, Protestants, and Christians of other denominations live next to one another as neighbours, interact at work and learn how to live among people of different religions. We should constantly develop in our minds the things that we share in our faith and we should become conscious of them. We should also seek unity in spite of the differences that are still present between us. Baptism and Eucharist are the two sacraments accepted by all Christians. As to Baptism, there is a basic agreement of all the Churches. Baptism administered in one Church is accepted in others. There is a lack of similar agreement concerning Eucharist. The fact that Baptism is accepted does not mean that we are allowed to share in one Eucharist. Despite the Christians' longing, they still cannot be united around one altar to consume the same eucharistic bread and drink from the one chalice. This situation is against the will of Jesus who prayed during the Last Supper, "that they may all be one." Eucharist is the sacrament of communion, which means the unity of man not only with the Lord, but also unity of the people with one another. This context highlights the drama of separation best. Christians must not be indifferent to it.

¹⁴ J. BUDNIAK: *XXVIII Międzynarodowy Kongres Ekumeniczny w Cieszynie. Ora et labora*. Cieszyn 1996, pp. 30—31.

Conclusions

During the ecumenical service in Armenia, John Paul II formulated his appeal for the ecumenical movement: “As we work for full communion, let us do together what we do not have to do separately. Let us work together, with full respect for our distinctive identities and traditions. Never again Christians against Christians, never again Church against Church! Rather, let us walk together, hand in hand, so that the world of the twenty-first century and the new millennium may believe!”¹⁵ Those words show the path of life in peace and selfless love and solidarity not only to the ecumenism of tomorrow, but to all mankind reconciled in diversity. Christians should seek to shape together sister-brotherly references between the divided Churches at least for the reason that “anything wrought by the grace of the Holy Spirit in the hearts of our separated brethren can be a help to our own edification” (DE 4).

All Christians are responsible for seeking unity, and the prospect that no ecumenical effort is in vain should encourage us. Each good initiative is worth undertaking and makes sense. Unity is not the goal alone. Ecumenism is, as John Paul II formulated it: “a movement towards unity,”¹⁶ and: “those belong to it who invoke the Triune God and confess Jesus as Lord and Saviour, doing this not merely as individuals but also as corporate bodies. For almost everyone regards the body in which he has heard the Gospel as his Church and indeed, God’s Church. All however, though in different ways, long for the one visible Church of God, a Church truly universal and forth into the world that the world may be converted to the Gospel and so be saved, to the glory of God” (cf. DE 1).

Polish ecumenism is a movement towards unity in diversity. It is an irreversible process both on the spiritual level and in everyday practice. Ecumenism is not merely the “sign of the times,” but it is a duty and responsibility in the face of God and His saving plan. It lies with those who through Baptism became Christ’s body and His people. At the same time, the pursuit for reconciliation should be the inner voice of Christian conscience enlightened by faith and guided by love.

¹⁵ Przemówienie papieża Jana Pawła II na nabożeństwie ekumenicznym w Eczmiazynie. *Wiadomości KAI* nr 40, 7.10.2001, p. 25.

¹⁶ JOHN PAUL II: *Wiara przeniknięta pragnieniem jedności chrześcijan* (26.06.1985). Available online: <https://www.apostol.pl/janpawelii/katechezy/bog-ojciec/wiara-przeniknieta-pragnieniem-jednosci-chrzescijan> (accessed 3.05.2018).

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JÓZEF BUDNIAK

L'œcuménisme polonais — un mouvement vers l'unité dans la diversité

Résumé

Les effets des divisions (concernant la doctrine et la tradition) sont, dès le début du christianisme, stables et douloureux. Vingt ans avant l'engagement officiel de l'Église latine dans l'activité œcuménique, avait déjà fonctionné le Conseil œcuménique polonais qui comprend les Églises de la tradition protestante et vieille-catholique, ainsi que

L'Église orthodoxe. L'Église latine est entrée sur la voie œcuménique durant le Concile Vatican II et à partir de ce moment-là, de concert avec toutes les Églises et Communautés ecclésiastiques, réalise le testament de Jésus afin que « tous soient un ». L'œcuménisme polonais est réalisé dans trois domaines: spirituel, scientifique (doctrinal) et pratique. L'œcuménisme est donc devenu non seulement « le signe du temps », mais c'est l'obligation et la responsabilité à l'égard de Dieu et Son intention salutaire qui reposent sur ceux qui, après être baptisés, sont devenus le Corps de Jésus et Son nouveau peuple. La multitude et la diversité des communautés chrétiennes sont à la fois la multitude et la diversité de la substance de la foi. Les œcuménistes polonais, aspirant à l'unité complète, qui n'existe pas encore, participent au processus qui vise l'unité dans la diversité.

Mots-clés: Église latine, Conseil œcuménique polonais, dialogue, œcuménisme, unité, diversité

JÓZEF BUDNIAK

L'ecumenismo polacco come movimento verso l'unità nella diversità

Sommario

Le conseguenze delle divisioni (riguardanti la dottrina e la tradizione) dall'inizio del cristianesimo sono permanenti e dolorose. Vent'anni prima del coinvolgimento ufficiale della Chiesa cattolico-romana nell'attività ecumenica operava già il Consiglio Ecumenico Polacco del quale fanno parte le Chiese della tradizione protestante, vetero-cattolica e la Chiesa Ortodossa. La Chiesa cattolico-romana intraprese il cammino ecumenico durante il Concilio Vaticano II e da quel momento, insieme a tutte le Chiese e le Comunità ecclesiali realizza il testamento di Gesù "perché tutti siano una sola cosa". L'ecumenismo polacco viene realizzato in tre campi: spirituale, accademico (dottrinale) e pratico. L'ecumenismo è quindi divenuto non solo un "segno del tempo", ma costituisce un obbligo e una responsabilità dinanzi a Dio ed al Suo progetto salvifico che gravano su coloro che, per mezzo del battesimo, sono divenuti Corpo di Cristo ed il Suo nuovo popolo. La molteplicità e la diversità delle comunità cristiane sono al tempo stesso molteplicità e varietà dei contenuti di fede professati. Gli ecumenisti polacchi, aspirando a realizzare l'unità completa che ancora non c'è, partecipano al processo finalizzato all'unità nella diversità.

Parole chiave: Chiesa cattolico-romana, Consiglio Ecumenico Polacco, dialogo, ecumenismo, unità, diversità

Part Two

Ecumenical Juridical Thought



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Ecumenical Cooperation in the Field of Catechesis, Religious Education, and Universities as well as *Communicatio in Sacris* according to the *Ecumenical Directory*

Abstract: The five-hundredth anniversary of the Reformation falling in 2017 has raised awareness for the ecumenical movement and emphasized common efforts and convergences, but it has made us aware of the lasting division between the Christian denominations. At first, the essay illuminates approaches to ecumenism of the Roman Catholic Church. As faith manifests itself not only in announcement and teaching, but also in Christian doing and acting as well in liturgical celebration, the article also presents on the basis of the *Ecumenical Directory* and other relevant texts ecumenical formation and cooperation in the field of catechesis, religious education and universities and spiritual activity among the baptized. Finally, there will be suggestions for future ecumenical development and cooperation in these areas.

Keywords: canon law, ecumeny, Roman Catholic Church, education, Catechetics, teaching, worship, liturgy, mixed marriages

The five-hundredth anniversary of the Reformation falling in 2017 has raised awareness for the ecumenical movement and emphasized common efforts and concurrences but also alerted us to the lasting division between denominations. At first, approaches to ecumenism within the Roman Catholic Church shall be considered. Afterwards, on the basis of the *Ecumenical Directory* and other relevant texts, ecumenical cooperation in the field of catechesis, religious education, and universities shall be examined in detail.

1. Approaches to ecumenism of the Roman Catholic Church

An ecumenical movement has already flourished at the beginning of the 20th century. Due to the fact that it gained in strength on the eve of Second Vatican Council, Pope John XXIII founded the Secretariat for Promoting Christian Unity on 5 June 1960, as a tentative commission for the Council,¹ which was confirmed in 1966 by Pope Paul VI as a permanent establishment of the Holy See.² Following the request of Pope John XXIII “to let the participation of the Catholic Church in the ecumenical movement become a major concern of the council,” the Second Vatican Council adopted *Unitatis redintegratio* on 21 November 1964 with 2,137 votes in favour but only eleven restricting.³ This decree is still considered as a Magna Charta of ecumenism and tries to comply with the requirement of Paul VI, who declared the recovery of Christian unity as the primary objective of the Second Vatican Council.⁴ Whilst the Catholic Church

¹ Cf. JOHN XXIII: *Litterae Apostolicae Motu Proprio datae „Superno Dei Commissionis Concilio Vaticano Secundo apparando instituuntur* (5.06.1960). *Acta Apostolicae Sedis* [hereinafter: AAS] 52 (1960), pp. 433—437; see https://w2.vatican.va/content/john-xxiii/la/apost_letters/1960/documents/hf_j-xxiii_apl_19600605_superno-dei.html (accessed 5.12.2018); on history see: http://www.vatican.va/roman_curia/pontifical_councils/chrstuni/documents/rc_pc_chrstuni_pro_20051996_chrstuni_pro_ge.html (accessed 5.12.2018); cf. JOHN XXIII: *Litterae Encyclicae „Ad petri cathedram“ ad Venerabiles Fratres Patriarchas, Primate, Archiepiscopos, Episcopos aliosque locorum Ordinarios, pacem et communionem cum Apostolica Sede habentes, itemque ad universum Clerum et Christifideles Catholici Orbis de veritate, unitate et pace caritatis afflatu provehendis* (29.06.1959), No. 48. AAS 51 (1959), pp. 516—517; in English: https://w2.vatican.va/content/john-xxiii/en/encyclicals/documents/hf_j-xxiii_enc_29061959_ad-petri.html (accessed 5.12.2018), in which the Pope called towards unity in faith and in Church.

² Pope John Paul II changed the name to *Pontificium Consilium ad Unitatem Christianorum Fovendam* in 1988. Cf. JOHN PAUL II: *Constitutio Apostolica de Romana Curia „Pastor bonus“* (28.06.1988), Art. 135—138. AAS 80 (1988), pp. 895—896; cf. http://w2.vatican.va/content/john-paul-ii/de/apost_constitutions/documents/hf_jp-ii_apc_19880628_pastor-bonus-index.html (accessed 5.12.2018); cf. H. SCHMITZ: “Römische Kurie.” In: *Handbuch des katholischen Kirchenrechts*³ [hereinafter: HdbKathKR³], pp. 514—515.

³ Cf. SACROSANCTUM CONCILIVM OECUMENICUM VATICANUM II: *Decretum de Oecumenismo „Unitatis redintegratio“* (21 November 1964). AAS 57 (1965), pp. 90—112; in English: http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decree_19641121_unitatis-redintegratio_en.html (accessed 5.12.2018); see B. J. HILBERATH: *Theologischer Kommentar zum Dekret über den Ökumenismus „Unitatis redintegratio“*, in: P. HÜNERMANN, B. J. HILBERATH (Ed.), *Herders Theologischer Kommentar zum Zweiten Vatikanischen Konzil*, Vol. 3, Freiburg—Basel—Wien 2005, pp. 69—223.

⁴ Cf. PAUL VI: *Allocutio ad Patres Conciliares habita, cum altera Oecumenicae Synodi sessio inchoaretur* (29.09.1963), in: AAS 55 (1963), pp. 852—854; see <https://w2.vatican>

had quite reservedly observed the ecumenical movement until then, the *Decree* appreciated it for the first time.⁵ Since, according to ecclesiology and the legal situation provided by *Codex Iuris Canonici* of 1917, the Church of Jesus Christ had been identified with the Roman Catholic Church and, therefore, it was necessary to make non-Christians subjects to ban (*obex*) or penalty (*censura*) in line with legal restrictions. Non-specifically, they were considered heretics or schismatics who remained outside the Church.⁶ Generally, the CIC of 1917 interdicted the administration of sacraments to non-Catholic Christians (cf. Canon 731 § 2 CIC/1917). Receiving a sacrament outside the Catholic Church was not exceeded under any circumstances. Faithful Christians were forbidden to attend non-Catholic divine services, except when it was passive participation obtaining the mere presence for a significant reason, for instance, in the case of a marriage or a funeral (cf. Canon 1258 §§ 1 and 2 CIC/1917). Whoever acted against this, was suspected to be heretical (cf. Canon 2316 CIC/1917). Furthermore, Catholic Christians were forbidden to participate in discussions with non-Catholics without the permission of their diocesan bishop or the Holy See (cf. Canon 1325 § 3 CIC/1917).⁷ The

.va/content/paul-vi/la/speeches/1963/documents/hf_p-vi_spe_19630929_concilio-vaticano-ii.html (accessed 5.12.2018).

⁵ Cf. Katholisch.at, Stichwort: *Konzilsdekret „Unitatis redintegratio“*. *Das am 21. November 1964 nach intensiven Diskussionen angenommene Dokument zur Ökumene hat Christen unterschiedlicher Kirchen und Konfessionen einander näher gebracht* (08.10.2015): <https://www.katholisch.at/aktuelles/2015/10/15/stichwort-konzilsdekret-unitatis-redintegratio> (accessed 5.12.2018); see J. ERNESTI, W. THÖNISSEN (Ed.): *Die Entdeckung der Ökumene. Zur Beteiligung der katholischen Kirche an der ökumenischen Bewegung* (= Konfessionskundliche Schriften des Johann-Adam-Möhler-Instituts, No. 24), Paderborn und Frankfurt am Main 2008.

⁶ Comment: The quotes from secondary literature are translated by the author of this text. They are translated to the best of knowledge, but they are not authorized by the original writers. Cf. T. A. AMANN: *Der ökumenische Auftrag*, in: HdbKathKR³, p. 947; see K. MÖRSDORF: *Der Codex Iuris Canonici und die nichtkatholischen Christen*, in: Archiv für katholisches Kirchenrecht [futher: AfkKR] 130 (1961), pp. 31—58; H. HEINEMANN: *Die rechtliche Stellung der nichtkatholischen Christen und ihre Wiederversöhnung mit der Kirche* (= MThS.K, Volume 20), München 1964; H. HALLERMANN: *Rechtliche Grundlagen des ökumenischen Miteinanders. Ein Blick auf offizielle Texte und Verlautbarungen*, in: W. REES (Ed.): *Ökumene. Kirchenrechtliche Aspekte* (= KRB, Vol. 13), Wien und Berlin 2014, pp. 69—73; W. REES: *Die Strafgewalt der Kirche. Das geltende kirchliche Strafrecht — dargestellt auf der Grundlage seiner Entwicklungsgeschichte* (= KStT, Vol. 41), Berlin 1993, pp. 86—91, 230—231; W. REES: *Kirchenrechtliche Anmerkungen zur ökumenischen Gemeinschaft in der Feier der Sakramente und in anderen liturgischen Feiern*, in: W. REES: *Ökumene*, pp. 161—162.

⁷ On provision in CIC/1917 see M. WIJLENS: *Sharing the Eucharist. A Theological Evaluation of the Post Conciliar Legislation*, Lanham, New York, Oxford 2000, pp. 37—74.

Second Vatican Council stated the division of Christianity as an offence which contradicts the will of Christ and qualified the restoration of full and visible unity of all Christians as a main objective to the Council (Art. 1 VatII UR). It admonished the Catholic Christians “to recognize the signs of the times and to take an active and intelligent part in the work of ecumenism” (Art. 4 VatII UR). Now, instead of excommunicated, there was the talk of separated brethren and sisters. As Thomas A. Amann emphasizes, “a renovation of the ecumenical dynamics and a canonical revision of the ecumenical order has been initiated.”⁸ The decree is in line with the Dogmatic Constitution on the Church *Lumen Gentium*, which entailed an entirely new understanding of the Church and prioritized the *Communio*.⁹ The Constitution stresses that “many elements of sanctification and of truth are found outside of its [the Church’s — W.R.] visible structure” (Art. 8 VatII LG).

The demand for an ecumenical directive already came up during the Second Vatican Council and it was published afterwards in two parts: *Ad totam Ecclesiam* (14 May 1967)¹⁰ and *Spiritus Domini* (16 April 1970).¹¹ The first part regulated the formation and operation of ecumeni-

⁸ T.A. AMANN: *Auftrag* (fn. 6), p. 944; W. REES: *Gemeinschaft* (fn. 6), pp. 163—164.

⁹ Cf. SACROSANCTUM CONCILIUM OECUMENICUM VATICANUM II: *Constitutio Dogmatica de Ecclesia „Lumen gentium“* (21st of November 1964), in: AAS 57 (1965), pp. 5—71; in English: http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19641121_lumen-gentium_en.html (accessed 5.12.2018); see also P. HÜNERMANN: *Theologischer Kommentar zur dogmatischen Konstitution über die Kirche Lumen gentium*, in: P. HÜNERMANN, B. J. HILBERATH (Ed.), *Herders Theologischer Kommentar* (fn. 3), Vol. 2, Freiburg, Basel, Wien 2004, pp. 263—582; G. GÄNSWEIN: *Kirchengliedschaft — Vom Zweiten Vatikanischen Konzil zum Codex Iuris Canonici. Die Rezeption der konziliären Aussagen über die Kirchenzugehörigkeit in das nachkonziliäre Gesetzbuch der Lateinischen Kirche* (= MthS.K., Vol. 47), St. Ottilien 1995.

¹⁰ Cf. SECRETARIATUS AD CHRISTIANORUM UNITATEM FOVENDAM: *Directorium ad ea quae a Concilio Vaticano Secundo de re oecumenica promulgata sunt exsequenda*. Pars I: „*Ad totam Ecclesiam*“ (14.05.1967), in: AAS 59 (1967), pp. 574—592; in German: *Ökumenisches Direktorium. Erster Teil. Einführung von Bischof Jan Willebrands. Erläuterungen von Eduard Stakemeier* (= Konfessionskundliche Schriften des Johann-Adam-Möhler-Instituts, No 8), Paderborn 1967, pp. 24—85; see [http://www.kathpedia.com/index.php?title=Ad_totam_ecclesiam_\(Wortlaut\)](http://www.kathpedia.com/index.php?title=Ad_totam_ecclesiam_(Wortlaut)) (accessed 5.12.2018); see also SECRETARIATUS AD CHRISTIANORUM UNITATEM FOVENDAM: *Verlautbarung zur Anwendung des Ökumenischen Direktoriums vom 6. Oktober 1968*, in: *L'Osservatore Romano* (6th October 1968), in German: *Kirchliches Amtsblatt für die Diözese Münster* 102 (1968), p. 150; *AfkKR* 137 (1968), pp. 539—541; G. MAY: *Katholische und evangelische Richtlinien zur communatio in sacris*, in: *Österreichisches Archiv für Kirchenrecht* [hereinafter: ÖAKR] 16 (1965), pp. 309—349; WIJLENS: *Sharing* (fn. 7), pp. 242—271.

¹¹ Cf. SECRETARIATUS AD CHRISTIANORUM UNITATEM FOVENDAM: *Directorium ad ea quae a Concilio Vaticano Secundo de re oecumenica promulgata sunt exsequenda. Pars altera de re oecumenica in institutione superiore „Spiritus Domini“* (16.04.1970), in: AAS 62 (1970),

cal commissions, the legal force of Baptism administered by an official of a separated Church or ecclesial community as well as the support of spiritual ecumenism and the *communicatio in spiritualibus*, the communion in spiritual action with separated brothers and sisters.

The second part implied general principles and resources for ecumenical education, ecumenical guidance in religious and theological education as well as directives for ecumenical training and institutional and personal cooperation between Catholic and non-Catholic Christians. As Eva Maria Synek notes, “the directorate intended to specify the general implementations of the ecumenical decree.”¹²

As the responsibilities in the area of theological education at university and academy already attracted the attention of the Secretariat for Promoting Christian Unity during the preparation for the ecumenical decree,¹³ the second part of the directorate sought to realize the ecumenical instructions of the Second Vatican Council.¹⁴ The confessional structured university education almost called for ecumenical cooperation.¹⁵ Neither in the United States of America nor in Europe there had been an interaction between Catholic faculties or seminaries and other Christian academies or other institutions. Similarly, the first part also demands to build ecumenical commissions on the level of diocese or conference of bishops (No 3—7 ÖD I), which was invited to support the cooperation with the separated brethren in promoting the testimony of Christian faith (cf. No 6 e ÖD I) — especially in the field of education, sciences and art (cf. No 6 e ÖD I i. V. m. No 12 VatII UR).

The requests and instructions were included by further documents, as for example in *Ratio Fundamentalis Institutionis Sacerdotalis* of 1970 (RFIS/1970)¹⁶: Here it is claimed that “the whole priestly vocation has

pp. 705—724; in German: *Ökumenisches Direktorium. Zweiter Teil: Ökumenische Aufgaben der Hochschulbildung. Geleitwort von Lorenz Kardinal Jaeger. Erläuterungen von Eduard Stakemeier* (= Konfessionskundliche Schriften des Johann-Adam-Möhler-Instituts, No. 9), Paderborn 1970, pp. 17—83; See [http://www.kathpedia.com/index.php?title= Spiritus_Domini_\(Wortlaut\)](http://www.kathpedia.com/index.php?title= Spiritus_Domini_(Wortlaut)) (accessed 5.12.2018).

¹² E.M. SYNEK: *Das neue ökumenische Direktorium*, in: ÖAKR 42 (1993), p. 449; referring to *Acta Synodalia Sacrosancti Concilii Oecumenici Vaticani Secundi*, Vol. 2, Typis Polyglottis Vaticanis 1970, pp. 476—477.

¹³ Cf. E. STAKEMEIER: *Erläuterungen zum Zweiten Teil des Direktoriums*, in: *Ökumenisches Direktorium II* (fn. 11), p. 85.

¹⁴ Cf. E. STAKEMEIER: *Erläuterungen zum Zweiten Teil* (fn. 13), p. 159.

¹⁵ Cf. STAKEMEIER: *Erläuterungen zum Zweiten Teil* (fn. 13), p. 91.

¹⁶ Cf. SACRA CONGREGATIO PRO INSTITUTIONE CATHOLICA: *Ratio Fundamentalis Institutionis Sacerdotalis* (6.01.1970), in: AAS 62 (1970), pp. 321—384; in German: http://www.kathpedia.com/index.php?title=Ratio_fundamentalis_institutionis_sacerdotalis_1970 (accessed 5.12.2018).

to be characterized by the spirit of the Second Vatican Council as they are derived in the decree *Optatam totius* and in other constitutions and decrees, which deal with the education of clericals” (No 77 RFIS/1970, referring to No 4, 5, 6, 10, 17 VatII UR). “Before the number of disciplines is increased, it has to be ensured that new questions are included appropriately into the existing disciplines. This kind of process is to be used for leading the alumni to a deeper knowledge on those churches separated from the Apostolic See, in order to support the restoration of Christian unity. Therefore, the Ecumenical Directory and the Decree on Ecumenism enacted by the Holy See are to be guiding” (No. 80 Ratio, unter Hinweis auf Art. 17 VatII OT, Art. 9 VatII UR and Art. 16 VatII AG).

Until then, for ecclesiastical universities as well as for Catholic-theological faculties at state-owned universities which were involved in theological teaching and research, the Apostolic Constitution *Deus scientiarum Dominus* (24 May 1931) along with their implementation rules (ordinationes, 12 June 1931) were valid.¹⁷ These provisions did not take ecumenical aspects into account, wherefore they were replaced by the apostolic constitution “*Sapientia Christiana*” (SapChrist) on 15 April 1979 and by the related *Ordinationes* (OrdSapChrist) of the Congregation for the Catholic Education on 29 April 1979.¹⁸ Different developments required¹⁹

¹⁷ Cf. PIUS XI: *Constitutio Apostolica „Deus scientiarum Dominus“ de Universitatibus et Facultatibus Studiorum Ecclesiasticorum* (24.05.1931), in: AAS 23 (1931), pp. 241—262; see http://w2.vatican.va/content/pius-xi/la/apost_constitutions/documents/hf_p-xi_apc_19310524_deus-scientiarum-dominus.html (accessed 5.12.2018); see also SACRA CONGREGATIO DE SEMINARIIS ET STUDIORUM UNIVERSITATIBUS: *Ordinationes ad Constitutionem Apostolicam „Deus scientiarum Dominus“ de Universitatibus et Facultatibus Studiorum Ecclesiasticorum rite exsequendam of the 12th of June 1931*, in: AAS 23 (1931), pp. 262—284; H. SCHMITZ: *Die Entwicklung des kirchlichen Hochschulrechts von 1917—1980*, in: *AfkKR* 151 (1982), pp. 435—440. Art. 27 *OrdDSD* demands to deal with theological questions that considers Oriental Churches.

¹⁸ Cf. JOHN PAUL II: *Constitutio Apostolica „Sapientia Christiana“ de Studiorum Universitatibus et Facultatibus Ecclesiasticis* (15.04.1979), in: AAS 71 (1979), pp. 469—499; see https://w2.vatican.va/content/john-paul-ii/de/apost_constitutions/documents/hf_jp-ii_apc_15041979_sapientia-christiana.html (accessed 5.12.2018); see SACRA CONGREGATIO PRO INSTITUTIONE CATHOLICA: *Ordinationes ad Constitutionem Apostolicam „Sapientia christiana“ rite exsequendam* (29.04.1979), in: AAS 71 (1979), pp. 500—521; cf. H. SCHMITZ: *Kirchliche Hochschulen nach der Apostolischen Konstitution Sapientia Christiana von 1979*, in: *AfkKR* 150 (1981), pp. 45—90 and p. 477—527; in Polish: <http://upjp2.edu.pl/sites/default/files/180/Sapientia-christ-Ordin-Lat-Pol.pdf>. (accessed 5.12.2018).

¹⁹ At the same time, the Secretary for Promoting Christian Unity published considerations and recommendations on ecumenical dialogue, that also considers theological studies and inter-confessional marriages are seen as a possible form. Cf. SECRETARIATUS AD CHRISTIANORUM UNITATEM FOVENDAM: *Reflexions et suggestions concernant le dialogue oecuménique. Document de travail à la disposition des autorités ecclésiastiques pour l'application concrète du Décret sur l'oecuménisme* (15.08.1970); in German: *AfkKR*

(23) a revision of the directorate in 1993²⁰ (22): on the one hand, there was the promulgation of the *Codex Iuris Canonici* of 1983 (CIC/1983)²¹ and *Codex Canonum Ecclesiarum Orientalium* (CCEO),²² which emphasizes the ecumenical thought and contains a separate title considering the ecumenism and the promotion of the Christians unity (cf. Titel XVIII, Canon 902—908 CCEO).²³ On the other hand, there was the release of the Catholic catechism as well as the increase of the ecumenical relationships after the Second Vatican Council. Furthermore, the *Motu proprio Matrimonia mixta*, which had already been enacted by Paul VI in

140 (1971), pp. 522—538; see SECRETARIATUS AD CHRISTIANORUM UNITATEM FOVENDAM: *La collaboration oecuménique au plan régional, au plan national et au plan local* (22.02.1975); in French and German: NKD 56, Trier 1976, pp. 58—147.

²⁰ cf. PONTIFICIUM CONSILIUM AD UNITATEM CHRISTIANORUM FOVENDAM: *Directoire pour l'application des Principes et des Normes sur l'Oecuménisme* (25.03.1993), in: AAS 85 (1993), pp. 1039—1119; in English: http://www.vatican.va/roman_curia/pontifical_councils/chrstuni/documents/rc_pc_chrstuni_doc_25031993_principles-and-norms-on-ecumenism_en.html (accessed 5.12.2018).

²¹ Following JOHN PAUL II: *Constitutio Apostolica „Sacrae disciplinae leges“ Venerabilibus Fratribus Cardinalibus, Archiepiscopis, Episcopis, Presbyteris, Diaconis ceterisque Populi Dei Membris* (25.01.1983), in: AAS 75 (1983), Pars II, pp. VII—XIV; see: http://w2.vatican.va/content/john-paul-ii/de/apost_constitutions/documents/hf_jp-ii_apc_25011983_sacrae-disciplinae-leges.html (accessed 5.12.2018), the CIC/1983 wants to translate conciliar ecclesiology into canonical language. Cf. W. AYMANS: *Ökumenische Aspekte des neuen Gesetzbuches der lateinischen Kirche Codex Iuris Canonici*, in: AfkKR 151 (1982), pp. 479—489, esp. pp. 484—489; W. KASPER: *Canon Law and Ecumenism*, in: *The Jurist* 69 (2009), pp. 171—189; W. KASPER: *Diritto canonico ed ecumenismo*, in: M. GRAULICH (Ed.): *Il Codice di Diritto Canonico al servizio della missione della chiesa*. Roma 2008, pp. 53—69; T.J. GREEN: *Changing Ecumenical Horizons: Their Impact on the 1983 Code*, in: *The Jurist* 56 (1996), pp. 427—455.

²² Cf. JOHN PAUL II: *Constitutio Apostolica „Sacri canones“ Venerabilibus Fratribus, Patriarchis, Archiepiscopis, Episcopis, ac dilectis filiis presbyteris, diaconis ceterisque christifidelibus orientalium Ecclesiarum* (18.10.1990) zur Promulgation des CCEO, Abs. 5, in: AAS 82 (1990), pp. 1033—1044, p. 1035; see http://w2.vatican.va/content/john-paul-ii/la/apost_constitutions/documents/hf_jp-ii_apc_19901018_sacri-canones.html (accessed 5.12.2018).

²³ Cf. A. KAPTIJN: *Die Öffnung des „Rechtskodex der Ostkirchen“ in Richtung Ökumene*, in: *Concilium* 37 (2001), pp. 323—336; D. SALACHAS: *Ecumenism: The Promotion of the Unity of Christians* (Canons 902—908), in: G. NEDUNGATT (Ed.): *A Guide to the Eastern Code* (= Kanonika 10), Rome 2002, pp. 607—618; C. G. FÜRST: *Ökumenismus im Codex Canonum Ecclesiarum Orientalium*, in: H. PAARHAMMER, A. RINNERHALER (Ed.): *Scientia canonum. Festgabe für Franz Pototschnig zum 65. Geburtstag*. München 1991, pp. 415—428; D. SALACHAS: *Implicanze ecumeniche del “Codice dei Canonici della Chiesa orientale” alla luce del nuovo Direttorio Ecumenico*, in: K. BHARANIKULANGARA (Ed.): *Il Diritto Canonico Orientale nell'ordinamento ecclesiale* (StudG, Volume 34). Città del Vaticano 1995, pp. 76—105; V. POSPISHIL: *Eastern Catholic Church Law*. Staten Island, New York ²1996, pp. 657—668.

1970, demanded a reorganization of the confessional mixed marriages.²⁴ This *Motu proprio* constituted, as Ulrich Mosiek noticed, a notable and timely advance with impact on ecumenism²⁵ towards the provisions of the CIC/1917 as well as the instruction *Matrimonii sacramentum* which was declared by the Congregation for the Doctrine of Faith in 1966. In 1970 and over the following years the Secretary for the Promotion of Christian Unity published different documents: a declaration on common Eucharist celebration of confessionally mixed Christians,²⁶ an instruction for the admission of non-Catholic Christians to Roman-Catholic Eucharistic Holy Communion in particularly issues (1 June 1970)²⁷ and an interpretative declaration to this instruction (17 October 1973).²⁸ Moreover, the Congregation for the Doctrine of Faith passed a decree about the mass in the case of deceased non-Catholic Christians as an execution regulation to the *Ecumenical Directory* in 1976.²⁹ Alike Paul VI,³⁰ John Paul II

²⁴ Cf. PAUL VI: *Litterae Apostolicae Motu Proprio datae „Matrimonia mixta“ Normae de matrimoniis mixtis statuuntur* (31 March 1970), in: AAS 62 (1970), pp. 257—263; see http://w2.vatican.va/content/paul-vi/en/motu_proprio/documents/hf_p-vi_motu-proprio_19700331_matrimonia-mixta.html (accessed 5.12.2018); on new provision of confessional mixed marriages according to the Second Vatican Council, see H. HEINEMANN: *Exkurs: Die Konfessionsverschiedene Ehe*, in: J. LISTL, H. MÜLLER, H. SCHMITZ (Ed.): *Grundriß des nachkonziliaren Kirchenrechts*. Regensburg 1979, pp. 614—625, esp. pp. 614—616.

²⁵ U. MOSIEK: *Kirchliches Eherecht. Nachkonziliare Rechtslage und konzipierte Neufassung* (= rombach hochschul paperback, Volume 5). Freiburg ³1976, p. 125; see SACRA CONGREGATIO PRO DOCTRINA FIDEI: *Instructio „Matrimonii sacramentum“ de Matrimoniis mixtis* (18 March 1966), in: AAS 58 (1966), pp. 235—239; see https://w2.vatican.va/content/john-paul-ii/la/apost_constitutions/documents/hf_jp-ii_apc_07101982_magnum-matrimonii-sacramentum.html (accessed 5.12.2018).

²⁶ Cf. SECRETARIATUS AD CHRISTIANORUM UNITATEM FOVENDAM: *Déclaration sur la position de l’Eglise Catholique en matière d’Eucharistie commune entre chrétiens de diverses confessions vom 7. Januar 1970*. AAS 62 (1970), pp. 184—188.

²⁷ Cf. SECRETARIATUS AD CHRISTIANORUM UNITATEM FOVENDAM: *Instructio de particularibus casibus admittendi alios christianos ad communionem eucharisticam in Ecclesia Catholica* (1.06.1972). AAS 64 (1972), pp. 518—525.

²⁸ Cf. SECRETARIATUS AD CHRISTIANORUM UNITATEM FOVENDAM: *Communicatio quoad interpretationem Instructionis de peculiaribus casibus admittendi alios Christianos ad communionem eucharisticam in Ecclesia Catholica die 1 mensis Iunii 1972 editae* (17.10.1973). AAS 65 (1973), pp. 616—619.

²⁹ Cf. SACRA CONGREGATIO PRO DOCTRINA FIDEI: *Decretum de missa publice celebranda in Ecclesia Catholica pro aliis christianis defunctis* (11.06.1976), in: AAS 68 (1976), pp. 621—622; see http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19760611_alii-christianis-defunctis_lt.html (accessed 5.12.2018).

³⁰ Cf. PAUL VI: *Adhortatio Apostolica „Evangelii nuntiandi“ ad Episcopos, Sacerdotes et Christifideles totius Catholicae Ecclesiae de Evangelizatione in mundo huius temporis* (8.12.1975), in: AAS 68 (1976), pp. 5—76; see http://w2.vatican.va/content/paul-vi/de/apost_exhortations/documents/hf_p-vi_exh_19751208_evangelii-nuntiandi.html (accessed 5.12.2018).

turned towards questions of announcement and catechesis, too.³¹ The *Directory for the Application of Principles and Norms on Ecumenism* compiled by the Secretary for the Promotion of Christian Unity, was approved by John Paul II on 25 March 1993 and promulgated on 8 June 1993.³² In legal terms it can be seen as an executive decree according to canon 33 CIC/1983. Following the considerations on how to find Christian Unity in the first chapter and after the thoughts on developing the service to Christian Unity in the Catholic Church in the second chapter, the third chapter addresses ecumenical education inside the Catholic Church. The fourth chapter explores community in life and spiritual sharing among those who were baptized, whereas the fifth chapter deals with ecumenical cooperation, dialogue and common testimony. As Heribert Hallermann notes, in his encyclical *Ut unum sint* (25 May 1995) John Paul II unequivocally expressed once more that the Catholic Church made a strong commitment to ecumenism.³³

2. Announcement and education in the perspective of ecumenism

The Catholic Christianity as a revealed religion lives from the Word of God. Thus, announcing the Gospel and educating the faithful in

³¹ Cf. JOHN PAUL II: *Adhortatio Apostolica "Catechesi tradendae" ad Episcopos, Sacerdotes et Christifideles totius Catholicae Ecclesiae de catechesi nostro tempore tradenda* (16.10.1979), in: AAS 71 (1979), pp. 1277—1340; see http://w2.vatican.va/content/john-paul-ii/de/apost_exhortations/documents/hf_jp-ii_exh_16101979_catechesi-tradendae.html (accessed 5.12.2018).

³² Cf. PONTIFICIUM CONSILIUM AD UNITATEM CHRISTIANORUM FOVENDAM: *Directoire* (fn. 22); see E. M. SYNEK: *Direktorium* (fn. 12); U. RUH: *Ökumene: Das neue Direktorium der katholischen Kirche*, in: *Herder Korrespondenz* 47 (1993), pp. 332—334; G. SEMBENI: *Direttorio ecumenico 1993. Sviluppo dottrinale e disciplinare* (= Tesi Gregoriana. Serie Diritto Canonico 19). Roma 1997.

³³ Cf. H. HALLERMANN: *Grundlagen* (fn. 6), p. 78. Cf. JOHN PAUL II: *Litterae Encyclicae „Ut unum sint“ de Oecumenico Officio vom 25. Mai 1995*, in: AAS 87 (1995), pp. 921—982; see http://w2.vatican.va/content/john-paul-ii/de/encyclicals/documents/hf_jp-ii_enc_25051995_ut-unum-sint.html (accessed 5.12.2018); see K. KOCH: *Die Gesetzgebungstätigkeit John Pauls II. und die Förderung der Einheit der Christen*, in: L. GEROSA, L. MÜLLER (Ed.): *John Paul II. — Gesetzgeber der Kirche. Mit einem Geleitwort von Georg Gänswein*. Paderborn 2017, pp. 151—167; L. MÜLLER: *Aktuelle Fragen des ökumenischen Dialogs aus der Sicht des Päpstlichen Rats zur Förderung der Einheit der Christen*, in: W. REES: *Ökumene* (fn. 6), pp. 47—65; M. PLATHOW: *Unabgegoltene: Seelsorge und Recht im Pontifikat John Paul II.*, in: W. BOCK (Ed.): *Gläubigkeit und Recht und Freiheit. Ökumenische Perspektiven des katholischen Kirchenrechts*. Göttingen 2006, pp. 77—98.

a Christian way are rated among the key tasks of the Catholic Church. Christians obtain the right to receive the announcement on the part of the ecclesiastical legislator (Canon 213 CIC/1983; Canon 16 CCEO). All ecclesiastical officials, which includes the pope as well as bishops, ministers, priests, deacons, and members of institutes of consecrated life, are admonished to comply with this duty (cf. Canons 756—759 CIC/1983). Moreover, laymen can be appointed to collaborate on the ministry of the word, too (cf. Canon 760 CIC/1983). They are empowered to obtain knowledge about Christian teaching (Canon 229 § 1 CIC/1983; Canon 404 § 1 CCEO) and “knowledge in theological sciences” (Canon 229 § 2 CIC/1983; Canon 404 § 2 CCEO). According to the regulations of CIC/1983 the different available methods of announcement should be applied, which refers especially to “sermon and catechetical instruction”³⁴ as well as “the presentation of doctrine in schools, academies, conferences, and meetings of every type and its division through public declarations in the press or in other instruments of social communication by legitimate authority on the occasion of certain events” (Canon 761 CIC/1983; Art. 13 Abs. 3 VatII CD).

2.1 Ecumenical education of all Catholics

The Second Vatican Council considered the restitution of Christian Unity as a task for the entire Church (cf. Art. 5 VatII UR). Therefore, the *Ecumenical Directory* of 1993 turns especially towards ecumenical education of all Roman Catholic faithful drawing upon the instructions of the Council. Hence, it contains something like an ecumenical curriculum for all of those, who are involved in pastoral work.³⁵ Ecumenical education is an important condition for mutual togetherness and dialogue as it serves to overcome misunderstanding and unawareness. Ecumenical

³⁴ Cf. C. OHLY: *Die Verkündigung in Predigt und Katechese*, in: *HdbKathKR*³, pp. 922—934; C. OHLY: *Der Dienst am Wort Gottes. Eine rechtssystematische Studie zur Gestalt von Predigt und Katechese im Kanonischen Recht* (= *MThSt.K.*, Volume 63). St. Ottilien 2008; on formation in preaching cf. M. CARRAGHER: *The training of ministers and preaching: Canon 256 § 1*, in: *Angelicum* 85 (2008), pp. 67—102; see N. LÜDECKE: *Das Bildungswesen*, in: *HdbKathKR*³, pp. 989—1017.

³⁵ Cf. SYNEK: *Direktorium* (fn. 12), p. 450; on the responsibility of diocesan bishop see B. S. ANUTH: *Die Lehraufgabe des Diözesanbischofs*, in: S. DEMEL, K. LÜDICKE (Ed.): *Zwischen Vollmacht und Ohnmacht. Die Hirtengewalt des Diözesanbischofs und ihre Grenzen*. Freiburg—Basel—Wien 2015, pp. 130—160.

education requires “a pedagogy that is adapted to the concrete situation of the life of persons and groups, and which respects the need for gradualness in an effort of continual renewal and of change in attitudes” (No. 56 ÖD/1993). It has to be the ultimate objective “that all Christians be animated by the ecumenical spirit” (No. 58 ÖD/1993). In order to meet this objective especially catechesis,³⁶ which is geared towards the ecumenical issue, has to be prioritized besides the hearing and the studying of the Word of God (No. 59 ÖD/1993) and the sermon (No. 60 ÖD/1993). According to the *Ecumenical Directory* catechesis means “not only the teaching of doctrine, but initiation into the Christian life as a whole, with full participation in the sacraments of the Church” (No. 61 ÖD/1993). As the directory emphasizes, catechesis “can help to form a genuine ecumenical attitude” (No. 61 ÖD/1993) in addition to this clearly stated task. The CCEO requires ecumenical alignment more intensely than the CIC/1983 as it considers it necessary for catechesis “to present the correct image of other Churches and ecclesial communities” (Canon 625 CCEO). The catechetical concern is incumbent “upon all members of the Church according to each one’s role” (Canon 774 §1 CIC/1983). Catholic parents as well as those who are their representatives as, for instance, sponsors are “obliged to form their children by word and example in faith and in the practice of Christian life” (Canon 774 §2 CIC/1983; canon 618 CCEO).³⁷ In the case of a confessional mixed marriage the Catholic spouse has to agree to eliminate risks of apostasy on the one hand. On the other hand, he/she “is to make a sincere promise to do all in his or her power so that all offspring are baptized and brought up in the Catholic Church” (Canon 1125 1° CIC/1983). The catechetical concern “is a proper and grave duty especially of pastors of souls to take care of the catechesis of the Christian people so that the living faith of the faithful becomes manifest and active through doctrinal instruction and the experience of Christian life” (Canon 773 CIC/1983; Canon 617 CCEO).

As Christoph Ohly notices, from the awareness of ecumenical dimension of catechesis the rise of ecumenical cooperation is possible. Though,

³⁶ Cf. T. MECKEL: *Die Herde am Laufen halten. Lebendige Hirtensorge mit dem Kirchenrecht*, in: H. HALLERMANN (Ed.): *Menschen diener — Gottes diener. Anstöße — Ermutigungen — Reflexionen* (= Würzburger Theologie, Volume 4), Würzburg 2010, pp. 181—211, esp. pp. 209—211; C. OHLY: *Dienst* (fn. 34); C. OHLY: *Verkündigung* (fn. 34), pp. 930—934; D. A. BARTON: *Education and Catechesis of Children: Rights of parents and rights of Bishops*, in: *CLSA Proceedings* 62 (2000), pp. 63—92; R. J. BARRETT: *The right to adequate catechesis as a fundamental right of the faithful*, in: *Apollinaris* 70 (1997), pp. 185—223.

³⁷ Cf. R. KNITTEL: *Anmerkungen zur „Familienkatechese“ im CIC 1983*, in: J. KREIML, T. H. STARK, M. STICKELBROECK (Ed.): *Weg, Wahrheit, Leben. Im Dienst der Verkündigung. Festschrift für Bischof Klaus Küng*, Regensburg 2010, pp. 313—324.

this cooperation is limited by its nature, it is able to clarify the teaching of the Catholic church.³⁸ Further details on catechetical ecumenical cooperation are described by the *Ecumenical Directory* 188—189. The Catholic Church recognizes, “that, in situations of religious pluralism, cooperation in the field of catechesis can enrich her own life as well as that of other Churches and ecclesial communities” and that it “can also strengthen their ability to give a common witness to the truth of the Gospel, in so far as this is possible (No. 188 ÖD/1983). Though, the *Ecumenical Directory* refers to John Paul II, who already pointed out “the basis of this cooperation, its conditions and its limits [...] in the Apostolic Exhortation *Catechesi Tradendae*” (cf. No. 188 ÖD/1993 i. Canonw. No. 33 Cat. Trad.). According to the Pope, “such experiences have a theological foundation in the elements shared by all Christians.” However, given the fact that “the communion of faith between Catholics and other Christians is not complete and perfect,” but that “in certain cases there are even profound divergences,” the ecumenical cooperation “is by its very nature limited; it must never mean a ‘reduction’ to a common minimum.” Indeed, it has to be considered “that the education of Catholics in the Catholic Church should be well ensured in the matters of doctrine and Christian living.”³⁹ A clear confession of the Church to convey the own doctrine is not missing here. However, this must not reduce or exclude ecumenical efforts regarding the announcement. Such efforts not only refer to catechesis in general, but also with a view to the new evangelization which is largely needed in Europe.⁴⁰ It may be the task of bishops’ conference or actual bishops to publish catechism (cf. Canon 775 §§ 1 and 2 CIC/1983; cf. Canon 623 §§ 1 and 2; Canon 621 §§ 1—3 CCEO) taking ecumenical thoughts into account.

Regarding education, schools are underlined (vgl. Canons 796—806 CIC/1983; Canons 631—639 CCEO).⁴¹ With reference to Article 6—9 Vat

³⁸ Cf. C. OHLY, *Dienst* (fn. 34), p. 731.

³⁹ JOHN PAUL II: *Catechesi tradendae* (fn. 31), No. 33, pp. 1305—1306.

⁴⁰ See W. REES: „Keine Angst, bei Neuevangelisierung aus sich heraus zu gehen“ (*Papst Franziskus*). *Neuevangelisierung und schulischer Religionsunterricht. Kirchenrechtliche Überlegungen angesichts von Säkularisierung und schwindendem Glaubensbewusstsein*, in: *AfkKR* 183 (2014), pp. 387—440; see JOHN PAUL II: *Adhortatio Apostolica Post-Synodalis „Ecclesia in Europa“ ai vescovi, ai presbiteri e ai diaconi, ai consacrati e alle consacrate ed a tutti i fedeli laici su Gesù Cristo, vivente nella sua Chiesa, sorgente di speranza per L’Europa* (28.06.2003), in: *AAS* 95 (2003), pp. 649—719; see http://w2.vatican.va/content/john-paul-ii/de/apost_exhortations/documents/hf_jp-ii_exh_20030628_ecclesia-in-europa.html (accessed 5.12.2018).

⁴¹ Cf. K. SCHMITZ-STUHLTRÄGER: *Das Recht auf christliche Erziehung im Kontext der Katholischen Schule. Eine kanonistische Untersuchung unter Berücksichtigung der weltlichen Rechtslage* (= Kirchenrechtliche Bibliothek, Volume 12), Münster 2009; A. RINNER-

II GE the *Ecumenical Directory* emphasizes that “especially schools run by the Catholic Church should give an ecumenical dimension to its religious teaching.” Thus, “the spirit of charity, of respect, and of dialogue demands the elimination of language and prejudices which distort the image of other Christians.” This applies particularly to Catholic schools, “where the young must grow in faith, in prayer, in resolve to put into practice the Christian Gospel of unity” (No. 68 a) ÖD/1993). “Where possible, in collaboration with other teachers, different subjects, e.g. history and art, should be treated in a way that underlines the ecumenical problems in a spirit of dialogue and unity. To this end it is also desirable that teachers be correctly and adequately informed about the origins, history and doctrines of other Churches and ecclesial Communities especially those that exist in their region” (No. 68 b) ÖD/1993). It is firstly evident, that this issue is hard to realize in public schools.

The *Ecumenical Directory* also mentions religious education at school. Although, there is no trace of awareness therein of such religious teaching as it was (and still is) common in Austria or Germany in public schools at the time the *Directory* was published,⁴² there are some hints to possible ecumenical cooperation in section “Ecumenical Cooperation, Dialogue and common Witness.” It is recalled that “in some countries a form of Christian teaching common to Catholics and other Christians is imposed by the state or by particular circumstances” which may include school-books and curricula. “In such cases, we are not dealing with true catechesis nor with books that can be used as catechisms. But such teaching, when it presents elements of Christian doctrine faithfully, has authentic ecumenical value. In these cases, while appreciating the potential value of such teaching, it still remains indispensable to provide a specifically Catholic catechesis for Catholic children” (No. ED 189/1993). In case of religious education given in collaboration with members of non-Christian Churches or religious communities, “a special effort should be made to ensure that the Christian message is presented in a way that highlights the unity of faith that exists between Christians about fundamental matters, while at the same time explaining the divisions that do exist and the

THALER (Ed.): *Das kirchliche Privatschulwesen — historische, pastorale, rechtliche und ökonomische Aspekte* (= Wissenschaft und Religion. Veröffentlichungen des Internationalen Forschungszentrums für Grundfragen der Wissenschaften, Volume 16). Frankfurt am Main u. a. 2007.

⁴² Cf. W. REES: *Der Religionsunterricht*, in: *HdbKathKR*³, pp. 1018—1048; on religious teaching in Poland, see P. STANISZ: *Relations between the Staate and Religious Organizations in Comtempory Poland from Legal Perspective*, in: W. REES, M. ROCA, B. SCHANDA (Ed.): *Neuere Entwicklungen im Religionsrecht europäischer Staaten* (= KStT, Volume 61). Berlin 2013, pp. 687—704.

steps that are being taken to overcome them” (No. 190 ED/1993). Despite the fact, that religious education in public schools in Austria as well as in Germany is confession bounded, cooperation between Churches and ecumenical candor are not impossible.⁴³ Nowadays, the establishment of confessional religious education is being considered.⁴⁴ Ecumenism and interreligious dialogue are realized, for example at the Kirchlich Pädagogische Hochschule Wien/Krems, where teachers of religion are trained together.⁴⁵

2.2 Formation of those engaged in pastoral work

From the earliest times, particularly since the Council of Trent, the Catholic Church has devoted special attention to the formation of their priests and since the Second Vatican Council the formation of laypersons in the ministry of Church is involved, too. Besides ecumenical education of all Catholic faithful concerning the announcement in the form of reli-

⁴³ See W. REES: *Die kirchenrechtlichen Rahmenbedingungen für den katholischen Religionsunterricht*. In: B. KÄMPER, K. PFEFFER (eds.): *Essener Gespräche zum Thema Staat und Kirche* 49. Münster 2016, pp. 75—106; A. VAN DELLEN, G. KATZINGER: *Ökumene in Schule und Religionsunterricht*. In: W. REES: *Ökumene* (fn. 6), pp. 219—231; A. RINNERTHALER (ed.): *Historische und rechtliche Aspekte des Religionsunterrichts* (= Wissenschaft und Religion. Veröffentlichungen des Internationalen Forschungszentrums für Grundfragen der Wissenschaften Salzburg, Volume 8), Frankfurt am Main u. a. 2004; T. MECKEL: *Religionsunterricht im Recht. Perspektiven des katholischen Kirchenrechts und des deutschen Staatskirchenrechts* (= KStKR, Volume 14). Paderborn 2011; M. PULTE: *Ökumenischer Religionsunterricht? — Möglichkeiten und Grenzen aus der Perspektive von Kirchenrecht und Staatskirchenrecht*. In: *AfkKR* 173 (2004), pp. 441—464.

⁴⁴ Cf. W. REES: *Rechtliche Rahmenbedingungen für einen konfessionell-kooperativen Religionsunterricht in den öffentlichen Schulen Österreichs*. In: M. KRAML, W. REES, Z. SEJDINI, W. WEIRER (eds.): *Zukunftsperspektiven für den konfessionellen Religionsunterricht in Österreich: ÖRF 27* (2018), pp. 47—68; see <http://unipub.uni-graz.at/oerf/periodical/titleinfo/2946602> (accessed 5.12.2018); W. REES, J. BAIR (eds.): *Religionsunterricht in der öffentlichen Schule im ökumenischen und interreligiösen Dialog* (= Conference Series Religion und Staat im Brennpunkt, Volume 2). Innsbruck 2017.

⁴⁵ Cf. B. S. MOSER-ZOUNDJIEKPON: *Ökumene im Bildungsbereich — die Kirchliche Pädagogische Hochschule Wien/Krems*. In: *ÖAKR* 56 (2009), pp. 433—446. According to Roman Catholic ecclesiastical law pedagogical institutions are those that are governed by provisions for “Catholic Universities“ according to Canons 807—814 CIC/1983 and by the Apostolic Constitution *Ex corde Ecclesiae*. Cf. JOHN PAUL II: *Constitutio Apostolica “Ex corde Ecclesiae” de Universitatibus Catholicis* (15.08.1990). In: *AAS* 82 (1990), pp. 1475—1509; see https://w2.vatican.va/content/john-paul-ii/de/apost_constitutions/documents/hf_jp-ii_apc_15081990_ex-corde-ecclesiae.html (accessed 5.12.2018).

religious education at school and catechesis, the Ecumenical Directory also turns towards education and formation of those engaged in pastoral work (No. 70—86 ED/1993). It distinguishes between ordained and non-ordained or clerics and laypeople.

2.2.1 Ecumenical education of ordained ministers

Since the Second Vatican Council brought wide innovations and relevant hints, the CIC/1983 contains an extensive section on the formation of clerics (cf. Canon 232—264 CIC/1983 and Canon 328—356 CCEO).⁴⁶ More precisely the graduates are “to be instructed about the needs of the universal Church in such a way that they have solicitude for the promotion of vocations and for missionary, ecumenical [...] and other [...] questions” (Canon 256 § 2 CIC/1983; Canon 352 § 3 CCEO). The *Directory* considers the shaping of personality as a duty to every future ordained minister, who “needs to develop fully those human qualities [...] checking regularly his own language and capacity for dialogue so as to acquire an authentically ecumenical disposition” (No. 70 ED/1993). Special attention is drawn to “doctrinal formation” which is why the bishops conferences are to “ensure that plans of study give an ecumenical dimension to each subject and provide specifically for the study of ecumenism” and that the curricula “are in conformity with the indications contained in this Directory” (No. 72 ED/1993). Moreover, “ecumenical openness is a constitutive dimension of the formation of future priests and deacons” (No. 76 ED/1993). The *Directory* recalls the demand of Article 10 VatII UR indicating that theological and historical subjects have to “be taught with due regard for the ecumenical point of view” (No. 76 ED/1993).⁴⁷ As teaching has to be “interdisciplinary” and not just “pluridisciplinary,” it requires “cooperation between the professors concerned and reciprocal coordina-

⁴⁶ See SACROSANCTUM CONCILIUM OECUMENICUM VATICANUM II: *Decretum “Optatam totius” de Institutione sacerdotali vom 28. Oktober 1965*. In: AAS 58 (1966), pp. 713—727; in German: http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decree_19651028_optatam-totius_ge.html (accessed 5.12.2018); O. FUCHS, P. HÜNERMANN: Theologischer Kommentar zum Dekret über die Ausbildung der Priester *Optatam totius*. In: P. HÜNERMANN, B. J. HILBERATH (eds.): *Herders Theologischer Kommentar zum Zweiten Vatikanischen Konzil*, Volume 3 (fn. 3), pp. 315—489.

⁴⁷ Cf. No. 76 ÖD/1993, referring to Canon 256 § 2 CIC/1983 and Canons 350 § 4 and 352 § 3 CCEO; see further H. SCHWENDENWEIN: *Priesterbildung im Umbruch des Kirchenrechts. Die „Institutio Sacerdotalis“ in der vom II. Vatikanum geprägten Rechtslage* (= *Kirche und Recht*, Volume 9). Wien 1970, pp. 3, 209 f., 213 f.

tion” (No. 76 ED/1993). In each subject “the elements of the Christian patrimony of truth and holiness which are common to all the Churches and ecclesial Communities, even though these are sometimes presented according to varying theological expressions” (No. 76 a) ED/1993) have to be emphasized. “Even though an ecumenical dimension should permeate all theological formation, it is of particular importance that a course in ecumenism be given at an appropriate point in the first cycle” (No. 79 ED/1993), which is why such courses have to be compulsory.⁴⁸ The *Directory* designs recommendations for study plans: students should receive “a general introduction to ecumenism [...] fairly early” which deals with the basics of ecumenism “so that the students could be sensitized, right from the beginning of their theological studies, to the ecumenical dimension of their studies” (No. 80 a) ED/1993). Special instruction on ecumenism should take place at the end of the first study cycle or of seminary course (No. 80b ED/1993) wherefore it could be useful to invite professionals from other traditions (No. 81 ED/1993). The introduction on ecumenism must not be “cut off from life” which is why “encounters and discussions can usefully be organized with other Christians, at the universal and the local level” in sense of a specific ecumenical experience (No. 82 ED in correlation with No. 192—194 ED/1993). It is essential to mention that this type of teaching was forbidden about a hundred years ago.⁴⁹

2.2.2 Ecumenical education of ministers and collaborators not ordained

Besides ordained ministers there are catechists, teachers and other laypeople whose formation takes place in training and further education institutes organized by the particular churches. Though this field is not attached by the Code of Canon Law, which merely regulates the formation of priests, the hints of the *Directory* towards this type of education must not be underestimated.

The *Directory* states that — under some adjustments — “the same study programmes [sic!] and norms as for the theological institutes apply here” (No. 83 ED/1993). It refers to the work of monasteries, of institutes of consecrated life and societies of apostolic life, which participate in the churchly efforts for renewal including the ecumenical ones

⁴⁸ No. 79 ÖD/1993 notes explicitly possible contents.

⁴⁹ See Section 1.

(No. 84 ED/1993 referred to in No. 2 VatII PC). Formation of their members “should start in the novitiate and continue through the further stages,” which is why the *Ratio formationis* of the various institutes should, in analogy with the curricula of the ordained ministers, stress both an ecumenical dimension in every subject and provide for a specific course of ecumenism appropriately adapted to the circumstances and local situations. At the same time, it is important that the competent authority of the institute sees to the formation of specialists in ecumenism to serve as guides for the ecumenical commitment of the whole institute (No. 84 ED/1993). With a view to ecumenical experiences it is recommended to “encourage contacts and exchanges between Catholic monasteries and religious communities and those of other Churches and religious Communities” (No. 85 ED/1993). Laypersons responsible for ecumenism shall be emboldened to “develop contacts and exchanges with other Churches and ecclesial Communities” (No. 86 ED/1993).

To sum up, the *Ecumenical Directory* states clearly that formation of ordained and non-ordained ministers has to occur in ecumenical candour, although the concern about formation and growing of one’s own faith and religion has to be paramount. For those involved in teaching and pastoral work the following rules apply: “Knowledge of Scripture and doctrinal formation are necessary from the outset” (No. 57 a) ED/1993) as well as “Knowledge of the history of divisions and of efforts at reconciliation, as well as the doctrinal positions of other Churches and ecclesial Communities” (No. 57 b) ED/1993).

2.3 Special ecumenical formation by ecclesiastical faculties and Catholic universities

The *Directory* also turns towards special formation by ecclesiastical faculties and Catholic universities⁵⁰ which “play an especially important

⁵⁰ Cf. U. RHODE: *Die Hochschulen*. In: *HdbKathKR*³, pp. 1049—1085; W. REES: *Katholisch-Theologische Fakultäten und Studium der Katholischen Theologie in der Bundesrepublik Deutschland und der Republik Österreich*. In: A. EGLER, W. REES (eds.): *Dienst an Glaube und Recht. Festschrift für Georg May zum 80. Geburtstag* (= *KStT*, Volume 52). Berlin 2006, pp. 723—789; W. REES: *Katholisch-Theologische Fakultäten und Priesterausbildung in Österreich. Historische Entwicklung, kirchen- und religionsrechtliche Vorgaben und Zukunftsperspektiven*. In: C. OHLY, S. HAERING, L. MÜLLER, W. REES (eds.): *Priesterausbildung* (in press); W. REES: *Kirchenrecht an der Theologischen Fakultät Innsbruck. Kirchenrechtler und Selbstverständnis des Faches in Vergangenheit und Gegenwart*.

part in the preparation for and conduct of ecumenical dialogue and for progress towards that Christian unity which dialogue itself helps Christians to attain” (No. 87 ED/1993). Legal provisions that apply to ecclesiastical faculties are Canon 815—821 CIC/1983 (Canon 646—650 CCEO), on the one hand, and the provisions of Apostolic Constitution *Sapientia christiana* from 1979 as well as the related implementation rules (*ordinationes*) on the other hand.⁵¹ Both were replaced due to the Apostolic Constitution *Veritatis gaudium* (27 December 2017) promulgated by Pope Francis.⁵² What constitutes legal provisions which apply to Catholic faculties are Canon 807—814 CIC/1983 (Canon 640—645 CCEO) as well as the Apostolic Constitution *Ex corde Ecclesiae* (1990) promulgated by Pope John Paul II.⁵³ Institutions for higher education in Austria which are concerned by *Ex corde Ecclesiae* serve to train the teachers of religious education.⁵⁴ The Apostolic Constitution *Sapientia Christiana* applied to eight institutions: to the Catholic-theological faculties in Graz, Innsbruck, Salzburg, and Vienna, to the Katholische Privat-Universität Linz (institution funded by the Roman-Catholic Church), to the Philosophisch-Theologische Hochschule Benedikt XVI. Heiligenkreuz, the Philosophisch-Theologische Hochschule St. Pölten and to the International Theological Institute in Trumau. Currently these institutions try to modify the curricula in accordance with *Veritatis gaudium*.

In relation to ecclesiastical faculties, the *Ecumenical Directory* states with reference to Art. 51 Ziff. 1b *OrdSapChrist* “that in the first cycle of the [studies at] theology faculty, fundamental theology should be studied with reference also to ecumenical questions” (No. 88 ED/1993).⁵⁵ In the second cycle, “ecumenical questions should be carefully treated” by giving “courses of specialization in ecumenism” (No. 88 ED/1993).

In: K. BREITSCHING, W. REES (eds.): *Tradition — Wegweisung in die Zukunft. Festschrift für JOHN Mühlsteiger SJ zum 75. Geburtstag* (= Kanonistische Studien und Texte, Volume 46). Berlin 2001, pp. 317—341.

⁵¹ Cf. JOHN PAUL II: *Sapientia christiana* (fn. 18); SACRA CONGREGATIO PRO INSTITUTIONE CATHOLICA: *Ordinationes* (fn. 18); see further CONGREGATIO DE INSTITUTIONE CATHOLICA: *Decretum quo ordo studiorum in Facultatibus Iuris Canonici innovatur* (2 September 2002). AAS 95 (2003), pp. 281—285; CONGREGATIO DE INSTITUTIONE CATHOLICA: *Decretum super reformatione ecclesiasticorum Philosophiae* (1 of February 2011). AAS 103 (2011), pp. 145—161.

⁵² Cf. FRANZISKUS: *Constitutio Apostolica „Veritatis gaudium“ de universitatibus et facultatibus ecclesiasticis* (27 December 2017); see https://w2.vatican.va/content/francesco/de/apost_constitutions/documents/papa-francesco_costituzione-ap_20171208_veritatis-gaudium.html (accessed 5.12.2018); W. Rees: *Katholisch-Theologische Fakultäten* (fn. 50).

⁵³ Cf. JOHN PAUL II: *Ex corde Ecclesiae* (fn. 45).

⁵⁴ Cf. U. RHODE: *Hochschulen* (fn. 50), pp. 1056—1057; see R. MOSER-ZOUNDJIEKPON: *Ökumene* (fn. 45).

⁵⁵ On particular cycle see U. RHODE: *Hochschulen* (fn. 50), p. 1064.

Catholic universities are also invited “to provide sound ecumenical formation” (No. 89 ED/1993). To chaplains, student counsellors, and professors it is warmly recommended “to carry out their tasks in an ecumenical spirit” (No. 89 h) ED/1993), for instance, by organizing initiatives indicated by the *Ecumenical Directory*. Specialized ecumenical institutes are of particular importance as they “should carry on ecumenical research in cooperation, as far as possible, with experts from other Christian traditions and their faithful” as well as initiating ecumenical meetings, such as conferences and conventions (No. 90 ED/1993).

2.4 Permanent formation

The *Ecumenical Directory* places particular emphasis on permanent formation. As the ecumenical movement is located in a “continual evolution,” the *Directory* “asks for a continuous *aggiornamento* of the ordained ministers and pastoral workers” (No. 91 ED/1993). By giving “careful attention to ecumenism,” bishops and religious superiors are obliged to organize programmes for pastoral further training. “Priests, religious, deacons and laity [should be instructed systematically] on the present state of the ecumenical movement, so that they may be able to introduce the ecumenical viewpoint into preaching, catechesis, prayer and Christian life in general” (No. 91a ED/1993). It could help “to invite a minister of another Church to expound its tradition or speak on pastoral problems which are often common to all. All of those who are engaged in pastoral work should take part in interconfessional meetings and a steady revision of such ecumenical activities is stated as desirable (No. 91f ED/1993).

2.5 Cooperation in institutions of higher education

Besides instructions on general ecumenical cooperation (cf. No. 163—165 ED/1993) and ecumenical collaboration regarding specific institutions (cf. No. 166—171 ED/1993), the *Ecumenical Directory* also expands on ecumenical cooperation in institutions of higher education (cf. No. 191—203 ED/1993).⁵⁶ It mentions that “there are many opportunities

⁵⁶ On ecumenical collaboration in catechesis, see Section 2.1.

for ecumenical cooperation and common witness in the scientific study of theology and the branches of learning associated with it” and that the “cooperation contributes to theological research” (No. 191 ED/1993), because it “improves the quality of theological research” and “facilitates the ecumenical formation of pastoral agents” (No. 191 ED/1993). As the *Directory* claims, “ecumenical cooperation in study and teaching is already desirable in programmes of the first stages of theological education, such as are given in seminaries and in first cycles of theological faculties” (No. 192 ED/1993).⁵⁷ The *Directory* instructs the synods of Catholic Eastern Churches and their contemporary bishops conferences to determine “norms for promoting and regulating cooperation between Catholics and other Christians at the level of seminary and first cycle theological studies [...] particularly in so far as they affect the education of candidates for ordination” (No. 193 ED/1993). Catholic students are also allowed to participate in courses “of other Churches and ecclesial Communities” (No. 194 ED/1993).

The *Directory* suggests involving professors from other Churches after a fundamental ecumenical formation during the first study section “to give lectures on the doctrinal positions of the Churches and Communities they represent, in order to complete the ecumenical formation the students are already receiving from their Catholic professors” (No. 195 ED/1993).

Ecumenical cooperation presents itself as reasonable mainly in higher education and theological research. It opens up a wide field of ecumenical collaboration especially for those “who are engaged in theological research and teaching on a post-graduate level that is possible on the level of seminary or undergraduate (institutional) teaching” (No. 196 ED/1993; cf. No. 197 ED/1993). “Ecumenical cooperation particularly indicated in the interest of those institutes that are set up within existing faculties of theology for research and specialized formation in ecumenical theology or for the pastoral practice of ecumenism” (No. 198 ED/1993) as well as for independent institutes. The *Directory* attributes particular importance to inter-confessional institutes (No. 200 ED/1993), which could be established for “joint study of theological and pastoral questions” (No. 201 ED/1993). For Catholic institutions it is highly recommended to participate in ecumenical associations (No. 203 ED/1993).

The World Council of Churches emphasizes that “ecumenical theological education, in all regions of the world, is vital for the future of

⁵⁷ See SECRETARIATUS AD CHRISTIANORUM UNITATEM FOVENDAM: *Rundschreiben an die Bischöfe über gewisse Aspekte ökumenischen Lehrens*, No. 6; in English available from: *Information Service*, No. 62 (1986), p. 197; cf. hint in fn. 177 ED/1993.

the ecumenical movement so that the Churches may grow closer.” The council wants to help “create networks of ecumenical theological institutions around the world, which allow analyzing and valuing the richness of Christianity in diverse contexts. [...] Theological education and ministerial formation enable the Church and community leaders, theologians, and theological educators to become interpreters of the Gospel in the world, and to build viable bridges of understanding between Churches of different traditions and the fractured societies of contemporary times.”⁵⁸

Faith manifests itself not only in receiving the word of God and teaching, but also in Christians’ acting as well as in liturgical celebration which applies to parishes and schools, seminaries, Catholic-theological faculties and ecclesiastical institutions of higher education. Though there is only a small number of non-Catholic Christians,⁵⁹ the situation in Austria calls for working together in liturgical field, and in Germany, where both Christian Churches are very much about the same size, the situation is analogous. Hence the declarations of the *Ecumenical Directory* on communion in life and spiritual activity among the baptized should be considered next.

3. Communion in life and spiritual activity among the baptized

As Thomas A. Amann mentions, ecclesiastical law “understands every ecumenical communion within divine service as *Communicatio in sacris*.”⁶⁰ Though the chapter “Communion in life and spiritual activity among the baptized” is in the service of this *Communicatio in sacris*, according to Eva Maria Synek the “traditional distinction between communication *in sacris* and communication *in spiritualibus* is missing.”⁶¹

⁵⁸ ÖKUMENISCHER RAT DER KIRCHEN: *Ökumenische Theologie-Ausbildung*. Online: https://www.oikoumene.org/en/what-we-do/ecumenical-theological-education?set_language=en (accessed 5.12.2018).

⁵⁹ Cf. STATISTA: *Statistiken zu Religionen in Deutschland*. Online: <https://de.statista.com/themen/125/religion/> (accessed 5.12.2018).

⁶⁰ T. A. AMANN: *Ökumenische Gottesdienstgemeinschaft*. In: *HdbKathKR*³, pp. 1097—1098; see I. RIEDEL-SPANGENBERGER: Art. *Communicatio in sacris*. In: S. HAERING, H. SCHMITZ (eds.): *Lexikon des Kirchenrechts* (= Lexikon für Theologie und Kirche kompakt). Freiburg—Basel—Wien 2004, columns 160—162; I. RIEDL-SPANGENBERGER: Art. *Communicatio in sacris*. LKStKR, Vol. 1 (2000), pp. 353—355; S. HAERING, H. SCHMITZ (eds.): *Die „communicatio in sacris“*. in: H. HALLERMANN (ed.): *Ökumene und Kirchenrecht — Bausteine oder Stolpersteine?* Mainz 2000, pp. 63—83.

⁶¹ E. M. SYNEK: *Direktorium* (fn. 12), p. 450.

3.1 Ecumenical worshipping community

Both, CIC/1983 and CCEO contain, according to the Second Vatican Council, provisions on ecumenical worshipping and sacramental communion.⁶² Canon 844 CIC/1983 and canon 671 CCEO “are driven by the idea that sacraments are not so much a resource for restoration of Christian unity, but rather signs of the reality of unity in faith, ritual, and sacramental life of Christian communion. At the same time, members of other Churches are in real but incomplete communion with the Catholic Church.”⁶³ According to Astrid Kaptijn, this explains “access to the sacraments of the Roman Catholic Church as well as restrictions.”⁶⁴ Following the section on the sacrament of Baptism (cf. No. 92—101 ED/1993),⁶⁵ which is the shared element between all Christian confessions, the *Directory* turns towards “Sharing spiritual activities and resources.”⁶⁶ Christians shall be encouraged to participate in and to share these activities and resources (cf. No. 102 ED/1993). This especially affects the common prayer with Christians from other Churches as well as “sharing in liturgical worship in the strict sense” (No. 103 ED/1993). There should be a “certain ‘reciprocity’ since sharing in spiritual activities and resources, [...] is a contribution, in a spirit of mutual good will and charity, to the growth of harmony among Christians” (No. 105 ED/1993). Responsible authorities of the Catholic Church as well as those of other Churches are invoked “to seek out the possibilities for lawful reciprocity” (No. 106 ED/1993). Furthermore, the *Directory* differentiates between “non-sacramental liturgical worship” and “sharing in sacramental life, especially Eucharist.” It is about worship carried out according to books, prescriptions and customs of a Church or ecclesial Community, presided over by a minister or delegate of that Church or Community” (No. 116 ED/1993), not about private actions of particular members.

⁶² Cf. T. A. AMANN: *Gottesdienstgemeinschaft* (fn. 60). CIC/1917 hardly knew passive participation of Catholics in non-Catholic liturgy. Cf. Canon 1258 §§ 1 and 2 CIC/1917.

⁶³ A. KAPTIJN: *Öffnungen* (fn. 21), p. 329, referring to No. 129 ÖD/1993.

⁶⁴ *Ibidem*.

⁶⁵ See SECRETARIATUS AD CHRISTIANORUM UNITATEM FOVENDAM: *Directorium I* (fn. 10), Chapter II.

⁶⁶ *Ibidem*, chapters III and IV.

3.1.1 Common non-sacramental liturgical worship

Regarding the non-sacramental celebration, the *Directory* notes that “in some situations, the official prayer of a Church [e.g. the morning or evening prayer — W.R.] may be preferred to ecumenical services specially prepared for the occasion” (No. 117 ED/1993). Participation in this official prayer helps the faithful of different liturgical traditions as Catholic, Eastern, Anglican, or Protestant Christians “to understand each other’s community prayer better and to share more deeply in traditions which often have developed from common roots” (No. 117 ED/1993). Conversely, it is recommended to Catholics to participate in liturgical worship of other Churches, provided that they not only sing and pray along but are also allowed to assume “a reading or to preach” as long as they are invited to do so by their hosts (No. 118 ED/1993). Therefore, a “mutual guest status within active parts is supported, as long as it matches the Catholic interpretation of faith.”⁶⁷ Ecumenical services on Sundays are not recommended (No. 115 ED/1993).

3.1.2 Communion in sacramental life, especially Eucharist

As distinguished from common non-sacramental liturgy, communion in sacramental life, especially in Eucharist, is merely possible in a limited way. As communion in sacraments assumes church communion in its full meaning, common sacramental life is forbidden by ecclesiastical law mostly (cf. Canon 844 §1 CIC/1983; Canon 671 §1 CCEO). It has been prohibited by CIC/1917 to bestow sacraments to non-Catholic Christians (cf. Canon 731 §2 CIC/1917). Ecclesiastical law determines unambiguously that Catholic contributors “administer licitly to Catholic members of the Christian faithful alone, who likewise receive them licitly from Catholic ministers alone” (Canon 844 §1 CIC/1983; Canon 671 §1 CCEO).⁶⁸ Despite the adherence to interdiction of sacramental commun-

⁶⁷ T. A. AMANN: *Auftrag* (fn. 6), p. 959.

⁶⁸ Full sacramental community is given just with the Eastern Catholic Churches. Cf. F. COCCOPLAMERIO: *La „communicatio in sacris“ nel Codice di Diritto Canonico e negli altri documenti ecclesiali*. In: GRUPPO ITALIANO DOCENTI DI DIRITTO CANONICO (ed.): *La funzione di santificare della Chiesa. XX. Incontro di Studio Passo della mendola — Trento 5 luglio — 9 luglio 1993 (= Quaderni della mendola 2)*. Milano 1995, pp. 221—232; P. GEFAELL: *Il nuovo Direttorio ecumenico e la “communicatio in sacris”*. *Ius Ecclesiae* 6

ion in general, ecclesiastical law establishes “ecumenical exceptional law as a counterbalance, which enables limited sacramental communion.”⁶⁹ According to Canon 844 § 2 CIC/1983 Catholics are allowed “to receive the sacraments of penance, the Eucharist, and anointing of the sick from non-Catholic ministers in whose Churches these sacraments are valid.” Hence, this perception is limited in its regularity as it is just permitted “whenever necessity requires it or true spiritual advantage suggests it, and provided that danger of error or of indifferentism is avoided” (Canon 844 § 2 CIC/1983, Canon 671 § 2 CCEO). Furthermore, it has to be impossible to see a Catholic contributor which includes Orthodox Churches (No. 123 ED/1993).⁷⁰ According to Rüdiger Althaus, “Old Catholic Church comes into question,”⁷¹ too. Pursuant to Canon 844 § 3 CIC/1983 Catholic contributors are permitted to administer the sacraments mentioned “licitly to members of Eastern Churches which do not have full communion with the Catholic Church if they seek such on their own accord and are properly disposed. This is also valid for members of other Churches which in the judgment of the Apostolic See are in the same condition in regard to the sacraments as these Eastern Churches.” For members of other Churches who are not in full sacramental communion with the Catholic Church, administration of penance, the Eucharist and anointing of the sick is more limited (cf. 844 § 4 CIC/1983; Canon 671 § 4 CCEO). Thus, it is solely permitted, “if the danger of death is present

(1994), pp. 259—279; P. GEFAELL: *Principi dottrinali per la normativa sulla “communicatio in sacris”*. *Ius Ecclesiae* 8 (1996), pp. 509—528; M. WIJLENS: *Sharing* (fn. 7), pp. 300—334; W. REES: *Communicatio in sacris und consortium totius vitae. Kirchenrechtliche Überlegungen mit Blick auf die konfessionsverschiedene Ehe*. In: *DPM* 7 (2000), pp. 69—95; R. ALTHAUS: *Kommentar*. in: *MKCIC*, Canon 844 (Juli 2005).

⁶⁹ J. HIRNSPERGER: *Getrennt im Glauben — vereint im Gottesdienst? Der Codex Iuris Canonici von 1983 und die ökumenische Gottesdienstgemeinschaft*. In: J. HIRNSPERGER, C. WESSELY (eds.): *Wege zum Heil? Religiöse Bekenntnisgemeinschaften in Österreich: Mennonitische Freikirche und Pfingstkirche Gemeinde Gottes. Ökumenische und interreligiöse Perspektiven* (= *Theologie im kulturellen Dialog*, Volume 7b). Innsbruck—Wien 2005, p. 137; see E. M. SYNEK: *Sakramentenankennung in rechtsvergleichender Perspektive*. In: *ÖAKR* 61 (2014), pp. 193—223.

⁷⁰ Cf. Pastorale Vereinbarungen der deutschen Bischöfe mit der syrisch-orthodoxen Kirche vom 24. Januar 1994 zur Umsetzung der weitgehenden Kirchengemeinschaft auf dem Gebiet der Sakramentenspendung. In: *Abl. Speyer* 87 (1994), pp. 96—98; abgedr. in: *AfkKR* 163 (1994), pp. 155—156; on generally ecumenical agreements see H. PREE: *Kirchenrecht in der Ökumene*. In: EGLER, REES: *Dienst* (fn. 50), pp. 527—539; H. HALLERMANN: *Grundlagen* (fn. 6), pp. 97—102; E. M. SYNEK: *Ökumenisches Kirchenrecht*. In: *ÖARR* 49 (2002), pp. 53—68; H. J. F. REINHARDT: *Ökumenische Perspektiven der katholischen Kirchenverfassung*. In: BOCK: *Gläubigkeit* (fn. 33), pp. 112—114.

⁷¹ Cf. R. ALTHAUS: *Kommentar*. In: *MKCIC*, Canon 844, RdNo 5a and 5b (as of July 2005).

or if, according to the judgment of the diocesan bishop or conference of bishops, some other grave necessity urges it.” Moreover, it is provided that those Christians cannot “approach a minister of their own community and who seek such on their own accord, provided that they manifest Catholic faith in respect to these sacraments and are properly disposed.” To Winfried Aymans a difficult point of ecclesiastical law “is the (missing) specification of the situations’ urgency,” for which there are no examples neither in ecclesiastical law nor in *Ecumenical Directory*.⁷² The ecumenical research group of the University of Innsbruck, a predecessor of today’s research centre “Synagoge und Kirche,”⁷³ already tried to clarify this definition. The group also classified “mental need of spiritual kind” (*necessitas spiritualis*) as an urgent situation, which also includes living in a confessional mixed marriage.⁷⁴ Forbidden worship communion is considered punishable by CIC/1983. Canon law prohibits Catholic priests “to concelebrate the Eucharist with priests or ministers of the Churches or ecclesial communities which do not have full communion with the Catholic Church” (Canon 908 CIC/1983; Canon 702 CCEO).⁷⁵ The *Ecumenical Directory* confirms this prohibition and justifies it by reason, “that Eucharistic concelebration is a visible manifestation of full communion in faith, worship and community life of the Catholic Church, expressed by ministers of that Church, it is not permitted to concelebrate the Eucharist with ministers of other Churches or ecclesial Communities” (No. 104e ED/1993). As the contributor “is to celebrate the sacra-

⁷² Cf. *Kanonisches Recht. Lehrbuch aufgrund des Codex Iuris Canonici. Begründet von Eduard Eichmann, fortgeführt von Klaus Mörsdorf, neu bearbeitet von Winfried Aymans*, Volume II: *Verfassungs- und Vereinigungsrecht*. Paderborn—München—Wien—Zürich 1997, pp. 44—45. Winfried Aymans mentions that the German Bishops’ Conference had no reason to enact new particular norms after promulgation of CIC/1983.

⁷³ See: <https://www.uibk.ac.at/forschung/profilbildung/synagoge-und-kirche.html> (accessed 5.12.2018).

⁷⁴ Cf. S. HELL: *Die Frage der Zulassung nichtkatholischer Christen zur Kommunion in der römisch-katholischen Kirche. Antrag an die Österreichische Bischofskonferenz*. In: *Ökumenische Rundschau* 47 (1998), pp. 534—542.

⁷⁵ Cf. further CONGREGATIO PRO DOCTRINA FIDEI: *Epistula ad exsequendam ecclesiasticam legem a Congregatione pro Doctrina Fidei missa ad totius Catholicae Ecclesiae Episcopos aliosque Ordinarios et Hierarchas interesse habentes de delictis gravioribus eidem Congregationi pro Doctrina Fidei reservatis* (18.05.2001): AAS 93 (2001), p. 786; see http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20010518_epistula-graviora-delicta_it.html (accessed 5.12.2018); John Paul II: *Litterae Encyclicae “Ecclesia de Eucharistia”* *Cunctis Catholicae Ecclesiae episcopis presbyteris et diaconis viris et mulieribus consecratis omnibusque christifidelibus laicis de Eucharistia eiusque necessitudine cum Ecclesia* (17 April 2003). AAS 95 (2003), pp. 433—475; see http://www.vatican.va/holy_father/special_features/encyclicals/documents/hf_jp-ii_enc_20030417_ecclesia_eucharistia_ge.html (accessed 5.12.2018).

ments according to the minister's own rite," concelebration is forbidden likewise.⁷⁶ Those who are guilty of forbidden worship communion are to be punished with a fair penalty (Canon 1365 CIC/1983; cf. Canon 1440 CCEO). As Winfried Aymans emphasizes, the offense is committed by "every sacramental worship with non-Catholics that is not expressly permitted."⁷⁷ However, Ulrich Rhode mentions that a facultative imposition of punishment would be sufficient.⁷⁸ The draft version of new Catholic Church penal law maintains this imposition of punishment.⁷⁹ As a result of placing forbidden concelebration among *delicta graviora*, the situation tightened up between 2001 and 2010. Forbidden concelebration with ministers of other Churches which are not in charge of apostolic succession and do not know the dignity of ordination is rated as an offence against holiness of the Eucharist and is to be punished by the Congregation for the Doctrine of Faith (cf. Article 3 § 1, 4° Normae 2010; cf. Article 2 Normae 2001). Therefore, it is withdrawn out of diocesan bishop's section.⁸⁰ While it is rated as *delictum graves* in the case of common Eucharist worship with Protestant minister, it is not in the case

⁷⁶ Cf. L. SCHICK: *Art. Interzelebration*. In: S. HAERING, M. SCHMITZ: *Lexikon* (fn. 60), column 425; W. REES: *Gemeinschaft* (fn. 6), pp. 172—173; P. KRÄMER: *Interkommunion und Interzelebration. Stolpersteine oder Wegemarken für die Ökumene? Römisch-katholische Perspektiven*. In: S. DEMEL, L. GEROSA, P. KRÄMER, L. MÜLLER (eds.): *Im Dienst der Gemeinde. Wirklichkeit und Zukunftsgestalt der kirchlichen Ämter* (KRB, Volume 5). Münster 2002, pp. 195—196; J. TRACK: *Interkommunion und Interzelebration. Stolpersteine oder Wegemarken für die Ökumene? Evangelisch-lutherische Perspektiven*, *ibid.*, pp. 201—215.

⁷⁷ *Kanonisches Recht. Lehrbuch aufgrund des Codex Iuris Canonici. Begründet von Eduard Eichmann, fortgeführt von Klaus Mörsdorf, neu bearbeitet von Winfried Aymans und Ludger Müller unter Mitarbeit von Christoph Ohly, Volume IV: Vermögensrecht. Sanktionsrecht und Prozeßrecht*. Paderborn—München—Wien—Zürich 2013, pp. 206—207; see W. REES: *Strafgewalt* (fn. 6), pp. 430—432; U. RHODE: *Die Verhängung von Strafen wegen verbotener Gottesdienstgemeinschaft*. *AfKR* 171 (2002), pp. 420—441.

⁷⁸ Cf. U. RHODE: *Verhängung* (fn. 77), p. 440.

⁷⁹ Cf. PONTIFICIUM CONSILIUM DE LEGUM TEXTIBUS: *Schema recognitionis Libri VI Codicis Iuris Canonici* (Reservatum), Typis Vaticanis 2016, Canon 1381; abgedr. In: M. PULTE (ed.): *Tendenzen der kirchlichen Strafrechtsentwicklung* (= KStKR, Volume 25), Paderborn 2017, p. 228; see <https://www.iuscangreg.it/pdf/SchemaRecognitionisLibriVI.pdf> (accessed 5.12.2018).

⁸⁰ Cf. CONGREGATIO PRO DOCTRINA FIDEI: *Normae De Gravioribus Delictis: Art. 3 § 1, 4°*. *AAS* 102 (2010), p. 422; see http://www.vatican.va/resources/resources_norme_lt.html (accessed 5.12.2018); Art. 2 Normae 2001 (unpublished); see H. SCHMITZ: *Der Kongregation für die Glaubenslehre vorbehaltene Straftaten*. *AfKR* 170 (2001), pp. 451—453; W. REES: *Delicta graviora im Recht der römisch-katholischen Kirche und der katholischen Ostkirchen*. In: E. GÜTHOF, S. KORTA, A. WEISS (eds.): *Clarissimo Profesori Doctori Carolo Giraldo Fürst. In memoriam Carl Gerold Fürst* (= AIC, Volume 50). Frankfurt am Main u. a. 2013, pp. 467—506, esp. pp. 480—482.

of common Eucharist worship with priest of Orthodox Churches. In this context the distinction between Churches and ecclesiastical communities has to be mentioned, which is emphasized by the declaration of the Congregation for the Doctrine of Faith *Dominus Iesus* (6 August 2000).⁸¹

Regarding the communion in sacramental life, especially the Eucharist, the *Ecumenical Directory* also distinguishes between members of different Oriental Churches (cf. No. 122—128 ED/1993) and Christians of other Churches and ecclesiastical communities (cf. No. 129—142 ED/1993). With the former ones there is still a very close communion in matters of faith (No. 122 ED/1993 referring to Art. 14 VatII UR). If these Churches have, on the basis of their own ecclesiological understanding, “more restrictive disciplines in this matter,” those has to be respected (No 122 ED/1993).⁸² The *Directory* repeats the provisions of Canon 844 § 3 CIC/1983 and emphasizes that Catholic contributors “lawfully administer the sacraments of penance, the Eucharist and the anointing of the sick to members of the Eastern Churches, who ask for these sacraments of their own free will and are properly disposed” (No. 125 ED/1993). An Eastern Christian is allowed to assume a reading in Catholic Churches sacramental worship (No. 126 ED/1993).

Prior to expanding on provisions on communion in sacramental life with Christians of other Churches, especially with those of reformed Churches,⁸³ the *Ecumenical Directory* states regarding Canon 840 CIC/1983 (Canon 667 CCEO) that a sacrament “is an act of Christ and of the Church through the Spirit [and] its celebration in a concrete community is the sign of the reality of its unity in faith, worship and community life. [...] Thus Eucharistic communion is inseparably linked to full ecclesial communion and its visible expression” (No. 129 ED/1993). Yet the *Directory* invokes as Doctrine of Church referring to Article 3 VatII UR “that by baptism members of other Churches and ecclesial Communities are brought into a real, even if imperfect communion, with the Catholic Church” (No. 129 ED/1983). Pursuant to these basic principles “the Catholic Church permits access to its Eucharistic communion and to the sacraments of penance and anointing of the sick, only to those who share its oneness in faith, worship and ecclesial life [in general]” (No. 129

⁸¹ Cf. CONGREGATIO PRO DOCTRINA FIDEI: *Declaratio „Dominus Iesus“ de Iesu Christi atque Ecclesiae unicitate et universalitate salvifica vom 6. August 2000*, No. 17. AAS 92 (2000), pp. 758—759; see http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20000806_dominus-iesus_ge.html (accessed 5.12.2018).

⁸² E. M. SYNEK: *Direktorium* (fn. 12), p. 463.

⁸³ I. RIEDEL-SPANGENBERGER: *Communicatio* (fn. 60), p. 30, counts also Anglicans and members of the Old Catholic Church among this group of persons.

ED/1983).⁸⁴ For the same reasons the Catholic Church recognizes “that in certain circumstances, by way of exception, and under certain conditions, access to these sacraments may be permitted, or even commended, for Christians of other Churches and ecclesial Communities” (No. 129 ED/1983).⁸⁵ As Ilona Riedel-Spangenberg rightly mentions, the *Ecumenical Directory* respects “the situation of peremptory pastoral necessities, in which a remedy must not be deprived”; whereas, the *Directory* “does not permit ostentatious intercommunion as long as there is no representative unity of the community in faith for the church.”⁸⁶ The decree of Second Vatican Council has already emphasized that those communities who arisen out of Reformation “have not retained the proper reality of the Eucharistic mystery in its fullness, especially because of the absence of the sacrament of Orders” (Article 22, 3 VatII UR). As Eucharistic intercommunion with those Christians is not possible (cf. No. 1400 CCC) Catholic Christians “while respecting the religious convictions of these separated brethren, must refrain from receiving the communion distributed in their celebrations, so as not to condone an ambiguity about the nature of the Eucharist and, consequently, to fail in their duty to bear clear witness to the truth.”⁸⁷ Such acting would lead to a delay on the way to full visible unity. Pope Benedict XVI also called attention to the relation of the Eucharist and *Communio* within his Apostolic writing *Sacramentum caritatis*.⁸⁸

Following the provisions of CIC/1982 the *Ecumenical Directory* determines the conditions under which Catholic contributors are allowed to administer the sacrament of penance, Eucharist and anointing of the sick to a baptized person in case of danger of death: “the person [has to] be unable to have recourse for the sacrament desired to a minister of his or

⁸⁴ Referring to Article 8 VatII UR, Canon 844 § 1 CIC/1983 and Canon 671 § 1 CCEO.

⁸⁵ Referring to Canon 844 § 4 CIC/1983 and Canon 671 § 1 CCEO; cf. E. M. SYNEK: *Direktorium* (fn. 12), pp. 463—465; N. WYRWOLL: *Aspekte des Interkommunionbegehrens*. In: H. ZAPP, A. WEISS, S. KORTA (eds.): *Ius Canonicum in Oriente et Occidente. Festschrift für Carl Gerold Fürst zum 70. Geburtstag* (= AIC, Volume 25). Frankfurt am Main u. a. 2003, pp. 791—798; WIJLENS, *Sharing* (fn. 7), pp. 335—356; I. RIEDEL-SPANGENBERGER: *Kirchrechtliche Gesichtspunkte zum Verhältnis von Kirche und Eucharistie*. in: H. HALLERMANN: *Ökumene und Kirchenrecht* (fn. 60), pp. 187—191.

⁸⁶ I. RIEDEL-SPANGENBERGER: *Der ökumenische Auftrag*. In: *HdbKathKR*², p. 696.

⁸⁷ JOHN PAUL II: *Ecclesia de Eucharistia* (fn. 75), No. 30, pp. 453—454.

⁸⁸ Cf. BENEDIKT XVI: *Adhortatio Apostolica Postsynodalis „Sacramentum caritatis“ ad Episcopos Sacerdotes Consecratos Consecratasque necnon Christifideles laicos de Eucharistia vitae missionisque Ecclesiae fonte et culmine* (22 February 2007). AAS 99 (2007), pp. 105—180; see http://w2.vatican.va/content/benedict-xvi/la/apost_exhortations/documents/hf_ben-xvi_exh_20070222_sacramentum-caritatis.html (accessed 5.12.2018).

her own Church or ecclesial Community, ask for the sacrament of his or her own initiative, manifest Catholic faith in this sacrament and be properly disposed” (No. 131 ED/1993). “In other cases, it is strongly recommended that the diocesan Bishop, taking into account any norms which may have been established for this matter by the Episcopal Conference or by the Synods of Eastern Catholic Churches, establish general norms for judging situations of grave and pressing need and for verifying the conditions mentioned below (No. 130)” (No. 130 ED/1993). To determine the norms is incumbent upon the particular bishop who has to refer to the “Instruction on admitting other Christians to Eucharist Communion under certain circumstances” (1972) and to related interpretation (1973).⁸⁹ Thereby he should meet the needs of valid particular norms which are defined by bishops’ conferences or by the synods of the Catholic Eastern Churches. Regarding to those certain circumstances CIC/1983 indicated that bishops or bishops’ conferences are “not to issue general norms except after consultation at least with the local competent authority of the interested non-Catholic Church or community” (Canon 844 § 5 CIC/1983; Canon 671 § 5 CCEO). “Catholic ministers will judge individual cases and administer these sacraments only in accord with these established norms, where they exist. Otherwise they will judge according to the norms of this Directory” (No 130 ED/1993). “On the basis of Catholic doctrine concerning the sacraments and their validity” Catholics are allowed to “ask for these sacraments only from a minister in whose Church these sacraments are valid or from one who is known to be validly ordained according to the Catholic teaching on ordination” (No 132 ED/1993). The bishop may give permission to a member of another church or ecclesial community “to take on the task of reader” (No 133 ED/1993). However, the homily remains reserved for the priest or deacon (No 134 ED/1993) as it is given in Canon 767 § 1 CIC/1983 (cf. Canon 614 § 4 CCEO). As the Catholic and the Protestant Church in Austria agreed upon, participation of both churches ministers is not just possible, but preferable. Furthermore, homily by guests, reading, interpretational words, intercessions and prayers of blessing are mentioned.⁹⁰

⁸⁹ Cf. No. 130 Anm. 135 ÖD/1993; see SECRETARIATUS AD CHRISTIANORUM UNITATEM FOVENDAM: *Instructio de particularibus casibus* (fn. 27); SECRETARIATUS AD CHRISTIANORUM UNITATEM FOVENDAM: *Communicatio quoad interpretationem* (fn. 28).

⁹⁰ Cf. ÖSTERREICHISCHE BISCHOFSKONFERENZ: *Richtlinien für Ökumenische Gottesdienste*, No. 3. 1. In: *Amtsblatt der Österreichischen Bischofskonferenz No. 36*, 1 September 2003, No. 2. 2., p. 8; see https://www.bischofskonferenz.at/dl/pmnrJKJKoonkJqx4NJK/Amtsblatt_der_Bischofskonferenz_No_36_-_01.09.2003.pdf (accessed 5.12.2018) as well as <https://www.uibk.ac.at/praktheol/kirchenrecht/teilkirchenrecht/oebiko/oekumene.html> (accessed 5.12.2018); as well as: https://evang.at/wp-content/uploads/2015/07/richtlinien-oekum-gottesdienste_01.pdf (accessed 5.12.2018). Provisions are compiled by the Mixed

3.2 Mixed marriages

Provisions of CIC/1983 on confessional mixed marriages (cf. Canons 1060—1064 CIC/1917) “experienced a reorganization in post-conciliar legislation due to the discussion which had begun long before the Second Vatican Council, was captured by it”⁹¹ and was continued by CIC/1983. Pope John Paul II already supported a positive perception of confessional mixed marriages within his Apostolic Exhortation *Familiaris Consortio* (22 November 1981).⁹² As Eva Maria Synek emphasizes, the *Ecumenical Directory* also “grades mixed marriages as an ecumenical opportunity in general without understating the option of any difficulties.”⁹³ The *Directory* does not attempt to give an extended treatment of all the pastoral and canonical questions” but restricts itself to deal with “specific issues related to mixed marriages and should be understood in that context” (No. 143 ED/1993). “Because of problems concerning Eucharistic sharing which may arise from the presence of non-Catholic witnesses and guests, a mixed marriage celebrated according to the Catholic form ordinarily takes place outside the Eucharistic liturgy” (No. 159 ED/1993). However, the diocesan bishop is allowed to permit the celebration of the Eucharist for a just reason, whereby it is to be made in keeping with the general norms existing in the matter both for Eastern Christians and for other Christians, taking into account the particular situation of the reception of the sacrament of Christian marriage by two baptized Christians” (No. 159 ED/1993, referring to No. 125 and No. 130—132 ED/1993, see also Canon 1055 § 1 CIC/1983; Canon 776 §§1/2 CCEO).⁹⁴ “Although the spouses in

Catholic-Protestant Commission and enacted by the Austrian Bishops’ Conference on 25 June 2003 or rather by Evangelischen Oberkirchenrat A. und H. B. on 19 August 2003.

⁹¹ HEINEMANN, *Ehe* (fn. 24), p. 614.

⁹² Cf. JOHN PAUL II: *Adhortatio Apostolica „Familiaris Consortio“ ad Episcopos, Sacerdotes et Christifideles totius Ecclesiae Catholicae de Familia Christianae muneribus in mundo huius temporis* (22.11.1981), No. 78. AAS 74 (1982), pp. 178—180; see http://www.vatican.va/holy_father/john_paul_ii/apost_exhortations/documents/hf_jp-ii_exh_19811122_familiaris-consortio_ge.html (accessed 5.12.2018).

⁹³ E. M. SYNEK: *Direktorium* (fn. 12), p. 454; see T. A. AMANN: *Gottesdienstgemeinschaft* (fn. 60), pp. 1102—1104; W. REES: *Communicatio in sacris* (fn. 68), pp. 87—88; B. LAUKEMPER-ISERMANN: *Die konfessionsverschiedene Ehe — Gedankengänge und Praxisvorschläge der deutschen Verwaltungskanonisten seit 1967*. In: R. ALTHAUS, R. OEHMEN-VIEREGGE, J. OLSCHESKI (eds.): *Aktuelle Beiträge zum Kirchenrecht. Festgabe für Heinrich J. F. Reinhardt zum 60. Geburtstag* (= AIC, Volume 24). Frankfurt am Main u. a. 2002, pp. 177—203; see B. J. BERKMANN: *Die Ehen von/mit Nichtkatholiken vor der Lateinischen Kirche. Das neue Ehe-Kollisionsrecht in Dignitas Connubii* (= AIC, Volume 44). Frankfurt am Main u. a. 2008.

⁹⁴ Cf. W. REES: *Kirchenrecht und Eucharistiegemeinschaft. Kirchenrechtliche Vorgaben für ein ökumenisches Anliegen*. In: S. HELL, L. LIES (eds.): *Taufe und Eucharistiegemein-*

a mixed marriage share the sacraments of baptism and marriage, eucharistic sharing can only be exceptional and in each case the norms stated above concerning the admission of a non-Catholic Christian to Eucharistic communion, as well as those concerning the participation of a Catholic in eucharistic communion in another Church, must be observed” (No 160 ED/1993).⁹⁵ Austrian Bishops’ Conference enacted provisions on the celebration of confessional and religious mixed marriages explicitly.⁹⁶ In doing so they determined that “considering the non-Catholic part, confessional mixed marrying happens during a liturgy of the word normally.” Furthermore, they mention that applicable ecclesial provisions have to be observed, if the marriage takes place during a celebration of the Eucharist (No. 5). German Bishops’ Conference went further as they enacted a brochure in February 2018 entitled “Mit Christus gehen — Der Einheit auf der Spur. Konfessionsverbindende Ehen und gemeinsame Teilnahme an der Eucharistie” which was approved by three-quarter of the German bishops.⁹⁷ The handout resulted in discussions and widely spread reac-

schaft. Ökumenische Perspektiven und Probleme. Innsbruck-Wien 2002, pp. 87—108; see K. BREITSCHER: *Eucharistiegemeinschaft im Rahmen der konfessionsverschiedenen Ehe. Theologische und kirchenrechtliche Erwägungen*, *ibid.*, pp. 109—152; S. HELL: *Wechselseitige Anerkennung der Taufe und die Frage der Zulassung zur Kommunion*, *ibid.*, pp. 63—86.

⁹⁵ Cf. H. HALLERMANN: *Das Problem der eucharistischen Gastfreundschaft bei konfessionsverschiedenen Ehen und Familien.* In: H. HALLERMANN: *Ökumene und Kirchenrecht* (fn. 60), pp. 194—214; A. WOLLBOLD: *Zur Kommunion der evangelischen Ehepartner katholischer Christen.* In: *Theologie und Glaube* 92 (2002), pp. 235—250.

⁹⁶ Cf. ÖSTERREICHISCHE BISCHOFSKONFERENZ: *Ausführungsbestimmungen für konfessionsverschiedene Eheschließungen nach dem neuen kirchlichen Gesetzbuch* (can. 1124—1128). In: *Amtsblatt der Österreichischen Bischofskonferenz*, No. 1, 25. Jänner 1984, No. 4, pp. 2—5; see <https://www.uibk.ac.at/praktheol/kirchenrecht/teilkirchenrecht/oebiko/konfessionsverschiedenheit.html> (accessed 5.12.2018); ÖSTERREICHISCHE BISCHOFSKONFERENZ: *Dekret über die rechtliche Ordnung konfessionsverschiedener Eheschließungen zwischen Katholiken und orientalischen Nichtkatholiken nach dem neuen kirchlichen Gesetzbuch* (can. 1124—1128). In: *Amtsblatt der Österreichischen Bischofskonferenz* No. 2, 1. Juni 1984, No. 25, pp. 13—16; see https://www.uibk.ac.at/praktheol/kirchenrecht/teilkirchenrecht/oebiko/konfessionsverschiedenheit_2.html (accessed 5.12.2018); ÖSTERREICHISCHE BISCHOFSKONFERENZ: *Dekret über die rechtliche Ordnung religionsverschiedener Eheschließungen nach dem neuen kirchlichen Gesetzbuch* (can. 1086 und can. 1129). In: *Amtsblatt der Österreichischen Bischofskonferenz* No. 2, 1. Juni 1984, No. 26, pp. 16—18; see <https://www.uibk.ac.at/praktheol/kirchenrecht/teilkirchenrecht/oebiko/religionsverschiedenheit.html> (accessed 5.12.2018).

⁹⁷ Cf. VATICAN NEWS: *Kommunionstreit: Was bisher geschah. Die Bischöfe Deutschlands haben an diesem Mittwoch ihre Handreichung “Mit Christus gehen — Der Einheit auf der Spur. Konfessionsverbindende Ehen und gemeinsame Teilnahme an der Eucharistie“ veröffentlicht. Vorher war es zu Briefwechseln, Treffen und Papstäußerungen gekommen. Hier ein Überblick* (27.06.2018): <https://www.vaticannews.va/de/kirche/news/2018-06/kommunionstreit-eucharistie-marx-woelki-ladaria-brief-oekumene.html> (accessed 5.12.2018); see H. HALLERMANN: *Darum geht es beim Kommunionstreit der Bischöfe. Die deutschen Bis-*

tions. Even though Rome did not consider the brochure ready for publication, it was published in the same year.⁹⁸ As a guideline it should give alignment “onto a personal justified and ecclesiastically acknowledged manner to open up a way for Protestant spouses to celebrate the Eucharist actively” (No. 9, the brochure). Regarding the Eucharist hospitality in confessional mixed marriages, the Commission for Ecumenism of the German Bishops’ Conference had already stated in 1997 that spouses who live in confessional mixed marriages are permitted to receive Holy Communion under certain circumstances in pastoral emergencies.” These emergencies have to be determined by the responsible minister.⁹⁹ Marriage and family are considered as domestic Church, which means that they are considered a Church in a smaller setting.

4. Evaluation and forecast

As its former instalments of the years 1967 and 1970, the 1993’s *Ecumenical Directory* underlines the end of polemical age. Generally, the *Directory* is all about ecumenical education of all faithful, appropriate formation of clerics and laypeople and about supporting specific institutions in the field of ecumenism. Those who are engaged in the service of the Church shall be instructed to think and act in a way that exemplifies ecumenism. By working in parishes and schools they should

chöfe streiten über den Kommunionempfang für evangelische Ehepartner. Kirchenrechtler Heribert Hallermann erklärt, welcher Punkt strittig ist und wie eine Lösung aussehen könnte (10.04.2018): <https://www.katholisch.de/aktuelles/aktuelle-artikel/darum-geht-es-beim-kommunionstreit-der-bischofe> (accessed 5.12.2018).

⁹⁸ Cf. DEUTSCHE BISCHOFSKONFERENZ: Mit Christus gehen — Der Einheit auf der Spur. Konfessionsverbindende Ehen und gemeinsame Teilnahme an der Eucharistie. Orientierungshilfe, 20. Februar 2018: https://www.dbk.de/fileadmin/redaktion/diverse_downloads/dossiers_2018/08-Orientierungshilfe-Kommunion.pdf (accessed 5.12.2018).

⁹⁹ Cf. DEUTSCHE BISCHOFSKONFERENZ — ÖKUMENE-KOMMISSION: *Zur Frage der eucharistischen Gastfreundschaft bei konfessionsverschiedenen Ehen und Familien. Schreiben an die Arbeitsgemeinschaft christlicher Kirchen in Nürnberg*, No. 2 und No. 5, in: *Una Sancta* 52 (1997), pp. 87—88; see *Zur Frage der eucharistischen Gastfreundschaft bei konfessionsverschiedenen Ehen und Familien. Eine pastorale Orientierungshilfe für den Bereich der Erzdiözese Wien*. Ed. von der Diözesankommission für ökumenische Fragen der Erzdiözese Wien mit Zustimmung von Dr. Christoph Schönborn, Erzbischof von Wien, Juni 1997; SEKRETARIAT DER DEUTSCHEN BISCHOFSKONFERENZ UND KIRCHENKANZLEI DER EVANGELISCHEN KIRCHE IN DEUTSCHLAND (Ed.): *Gemeinsame kirchliche Empfehlungen für die Seelsorge an konfessionsverschiedenen Ehen und Familien*. Gütersloh 1981, esp. No. 2. 5. 5., pp. 26—30.

work towards enabling all faithful to act and live ecumenically. Catechesis, religious teaching and school, especially schools founded and funded by Catholics,¹⁰⁰ do their bit to further ecumenical education. The foregoing notwithstanding, in comparison to religious instruction in schools, a tangential role of catechesis is rated high in German-speaking countries. Catechesis practiced therein to prepare the receiving of sacraments of the Eucharist and confirmation, has to orientate itself towards Catholic doctrine while imparting and supporting it. Nonetheless, ecumenical education and openness are not rejected within this scheme. The *Directory* explicitly comments on the religious teaching as it is placed within the responsibility of the Churches in Austria (cf. Article 17 StGG referring to Article 15 StGG) and as it proceeds as a state-maintained subject in Germany (cf. Article 7 GG). Ecclesiastical law determines scholastic religious teaching as a firmly confessional institution which is used for spreading the faith and Catholic education.¹⁰¹ In German-speaking countries ecumenical openness in teaching and catechesis is essential. As there is a similar number of Catholics and Protestants in Germany (as of the year 2017: 23.3 million Catholics, 21.5 million Evangelical Christians),¹⁰² the German Bishops' Conference dealt with ecumenical openness on state-maintained religious teaching early, earlier than the Protestant Churches did. There are numerous documents which address such openness, and which seems to enable an actual opening of confessional religious teaching for other pupils. Within their memorandum *Identität und Verständigung* (1974), the Protestant Church in Germany already considered "confessional-cooperative religious teaching as an appropriate form of confessional religious teaching for the future." In 2005, regional Protestant and Catholic bishops signed an agreement for confessional cooperation on religious teaching at general schooling in Baden-Wuerttemberg. The

¹⁰⁰ Cf. RADIO VATICANA: *Papst: Katholische Schulen sollten offen für alle sein* (5.12.2015): http://www.archivioradiovaticana.va/storico/2015/12/05/papst_katholische_schulen_sollten_offen_f%C3%BCr_alle_sein/de-1192229 (accessed 5.12.2018); KONGREGATION FÜR DAS KATHOLISCHE BILDUNGSWESEN: *Die katholische Schule an der Schwelle zum dritten Jahrtausend vom 28. Dezember 1997*, No 11: http://www.vatican.va/roman_curia/congregations/ccatheduc/documents/rc_con_ccatheduc_doc_27041998_school2000_ge.html (accessed 5.12.2018), referring to JOHN PAUL II: *Adhortatio Apostolica Postsynodalis „Ecclesia in Africa“ Episcopis, Presbyteris et Diaconis, Religiosis Viris et Mulieribus omnibusque Laicis Christifidelibus de Ecclesia in Africa eiusque evangelizandi opere bis millesimum sub annum* (14.09.1995), No. 102; see: http://w2.vatican.va/content/john-paul-ii/la/apost_exhortations/documents/hf_jp-ii_exh_14091995_ecclesia-in-africa.html (accessed 5.12.2018).

¹⁰¹ Cf. W. REES: *Religionsunterricht* (fn. 42), pp. 1019—1026.

¹⁰² S. STATISTA: *Statistiken zu Religionen in Deutschland* (fn. 59): <https://de.statista.com/themen/125/religion/> (accessed 5.12.2018).

German Bishops' Conference explicitly gave recommendations on cooperation of Catholic and Protestant religious teaching in 2016.¹⁰³ Likewise there has been a project in Vienna since 2008/2009 named "Cooperative Confessional Religious Teaching" (in German: *Kooperativer Konfessioneller Religionsunterricht* — KoKoRu), which is commonly maintained by the Roman Catholic, Protestant, and Eastern Churches. To some extent, religious teaching in Austria is still seen in its catechistical function,¹⁰⁴ even though there are hints at ecumenical opening.¹⁰⁵ In the case of Austria it is necessary to develop cooperative types of religious teaching according to regional conditions. Such considerations are actually made by religious pedagogy and those canonical religious communities which are enabled to provide religious teaching at public schools.¹⁰⁶

Ecumenical education as an integral part of all subjects as well as in form of special courses is considered to start as soon as possible within theological studies. By implementing the Bologna reform, Austrian Bishops' Conference enacted a framework for studies in Catholic Theology and Catholic Religious Pedagogy,¹⁰⁷ which refer to ecumenical theology

¹⁰³ Cf. DEUTSCHE BISCHOFSKONFERENZ: Die Zukunft des konfessionellen Religionsunterrichts. Empfehlungen für die Kooperation des katholischen mit dem evangelischen Religionsunterricht vom 22. November 2016 (= *Die deutschen Bischöfe*, No. 103), Bonn 2016; see https://www.dbk-shop.de/media/files_public/jqtklhwbddqg/DBK_11103.pdf (accessed 5.12.2018).

¹⁰⁴ Cf. W. REES: *Rahmenbedingungen* (fn. 43), pp. 101—103; H. SCHWENDENWEIN: *Das österreichische Katechetenrecht. Religionsunterricht in der österreichischen Schule. Eine Handreichung für Religionslehrerinnen und -lehrer* (= *Kirchenrecht im Taschenbuch*, Volume 2). Wien 2009.

¹⁰⁵ Within total population of 8,032,926 Austria currently counts 5,050,000 Catholics and 292,597 Protestants. See: STATISTA: Anzahl der Gläubigen von Religionen in Österreich im Zeitraum 2012 bis 2018: <https://de.statista.com/statistik/daten/studie/304874/umfrage/mitglieder-in-religionsgemeinschaften-in-oesterreich/> (accessed 5.12.2018). Cf. ÖSTERREICHISCHE BISCHOFSKONFERENZ: Aktuelles. 5,05 Millionen Katholiken leben derzeit in Österreich. Die Gesamtzahl der Katholiken in Österreich blieb 2018 weitgehend stabil, auch wenn die Zahl der Kircheng Austritte mit 58.378 wieder leicht gestiegen ist: <https://www.bischofskonferenz.at/124286/505-millionen-katholiken-leben-derzeit-in-sterreich> (accessed 5.12.2018).

¹⁰⁶ Cf. M. KRAML, W. REES, Z. SEJDINI, W. WEIRER: *Zukunftsperspektiven* (fn. 44) Heft 2.

¹⁰⁷ Cf. ÖSTERREICHISCHE BISCHOFSKONFERENZ: *Kirchliche Rahmenordnung für das Studium der Katholischen Fachtheologie in Österreich bzw. Kirchliche Rahmenordnung für das Studium der Katholischen Religionspädagogik in Österreich (Bachelor- und Masterstudium)*, beide von der Österreichischen Bischofskonferenz am 15. März 2007 beschlossen und von der Kongregation für das Katholische Bildungswesen am 10. Juli 2008 approbiert, in Kraft getreten am 1. September 2008, in: *Amtsblatt der Österreichischen Bischofskonferenz* No 46, 1. September 2008, No. II. 2. und II. 3., pp. 7—21; see https://www.bischofskonferenz.at/pages/glossary_list.siteswift?s=3804&t=1a23a3a28a715167&ts=1548343149 (accessed 5.12.2018); see D. PINTARIC: *Die Situation der Katholischen Theologie in Österreich*,

explicitly within the section on “departments and subjects” (cf. respectively §2). More precisely, ecumenical theology is one’s “own department as well as a continuous perspective in studies on Catholic Theology, especially in dogmatics” (respectively §2, No. 4). However, a glance at the curricula of public universities demonstrates that ecumenism is a particular subject (respectively 5 ECTS) but does not achieve the extent requested by the *Ecumenical Directory*. Ecumenical and interreligious character appears with a view to teachers of religion at Kirchliche Pädagogische Hochschule Wien-Krems where 12 out of 16 legally recognized Churches and religious communities are represented by now. The appealed frameworks are part of the framework on formation of priests which was enacted by Austrian Bishops’ Conference in 2007.¹⁰⁸ Besides given ecumenical elements within the studies, the Austrian framework on formation of priests also mentions ecumenism in connection with pastoral formation (No. 3.1.1) which also has to include an ecumenical dimension. Though, the Basic Order on Priests Formation (*Ratio Fundamentalis Institutionis Sacerdotalis*, 8 December 2016)¹⁰⁹ is mainly about shaping the Catholic spirit (No. 123 RFIS/2016), also ecumenism is seen as an “integral part of the course of theological studies” (No. 175 RFIS/2016). Ecumenical cooperation in a practical way is not made a subject of discussion in here. The Apostolic Constitution *Veritatis gaudium* approved by Pope Francis on 27 December 2017 replaces the Apostolic Constitution *Sapientia christiana* along with related *ordinationes*. Within his revolutionary preface he mentions dialogue on all levels among “the fundamental criteria for a renewal and revival of the contribution of ecclesiastical studies to a Church of missionary outreach” (No. 4 VG). In theological faculties “Ecumenical questions are to be carefully treated, according to the norms

in: P. BECKER (ed.): *Studienreform in der Theologie. Eine Bestandsaufnahme* (= *Theologie und Hochschuldidaktik*, Volume 2), Münster 2011, pp. 51–75.

¹⁰⁸ Cf. ÖSTERREICHISCHE BISCHOFSKONFERENZ: *Neufassung der Rahmenordnung für die Priesterbildung, verabschiedet von der Österreichischen Bischofskonferenz am 15. März 2007 und von der Kongregation für das Katholische Bildungswesen am 21. Juni 2007 approbiert*, in: Amtsblatt der Österreichischen Bischofskonferenz No. 48, 1. Juli 2009, No II. 1., pp. 6–32; see: https://www.bischofskonferenz.at/pages/glossary_list.siteswift?s=3804&t=593cb27e76f99fc3&ts=1547283573 (accessed 5.12.2018) here section 5. 1. und 5. 2., p. 28. The framework for Priest’s formation from 2003 explicitly mentions ecumenical cooperation (No 82). Cf. SEKRETARIAT DER DEUTSCHEN BISCHOFSKONFERENZ: *Rahmenordnung für die Priesterbildung vom 12. März 2003* (= *Die deutschen Bischöfe* No. 73), Bonn 2003, pp. 55–56; see <http://www.akast.info/LinkClick.aspx?fileticket=dAJkb64D6ik%3D&tabid=62&language=de-DE> (accessed 5.12.2018).

¹⁰⁹ Cf. SACRA CONGREGATIO PRO CLERICIS: *Das Geschenk der Berufung zum Priestertum. Ratio Fundamentalis Institutionis Sacerdotalis* (8.12.2016), Vatikanstadt 2016; see <http://www.clerus.va/content/dam/clerus/Ratio%20Fundamentalis/Das%20Geschenk%20der%20Berufung%20zum%20Priestertum.pdf> (accessed 5.12.2018).

of competent Church authorities” (Article 72 §1 VG). “Also to be carefully considered are relationships with non-Christian religions” (Article 72 §2 VG). Within the related *ordinationes* “fundamental theology regarding the difficulties of ecumenism, non-Christian religion, atheism and other current tendencies of thinking” is rated as a mandatory course in the first cycle of studies (cf. Article 55 1b OrdVG). As Ulrich Rhode mentions, the main focus of *Ex corde Ecclesiae* is on “describing and ensuring Catholic identity of universities.”¹¹⁰ Ecumenical aspects and cooperation must not be excluded. Referring to CIC/1983, the *Ecumenical Directory* regulates administration and reception of the Eucharist in a limited way. As Ilona Riedel-Spangenberg notes, “the *Communicatio in sacris* which is allowed for Catholics and non-Catholics of other Churches and ecclesiastical communities” matches the differentiated *Communio* received by CIC and ecumenical varying staggered.”¹¹¹ For Jürgen Olschewski it is noticeable “that the right of receiving Catholic sacraments is also given to non-Catholic Christians in certain cases of emergency.”¹¹² Therefore, non-Catholics are “able to claim the fundamental right of Canon 213 CIC/1983, if they ask for receiving the sacraments in the Catholic Church just like Catholic contributors are bound to administer sacraments to non-Catholics.”¹¹³ Thomas A. Amann claims that participation in Holy Communion is finally within the “conscientious responsibility of the particular Catholic or non-Catholic and has to be refused only if the integrity of the Church is at risk in its outer legal matters.”¹¹⁴ It has to be considered that the 1983’s Code of Canon Law does not mention ecumenical worship in the form of liturgy of prayer or word, while the Second Vatican Council requested these forms as a way to recover Christian unity (cf. Article 8 VatII UR). The Austrian Bishops’ Conference enacted provisions on ecumenical worship in 2003.¹¹⁵ Equally, education authority

¹¹⁰ U. RHOIDE: *Hochschulen* (fn. 50), p. 1053.

¹¹¹ I. RIEDEL-SPANGENBERGER: *Der ökumenische Auftrag...*, p. 695.

¹¹² J. OLSCHESKI: *Das Recht auf Sakramentenempfang. Zur Entwicklung eines Fundamentalrechtes der Gläubigen vom Konzil von Trient bis zur Gegenwart* (= AIC, Volume 6). Frankfurt am Main u. a. 1998, p. 331. However, Olschewski notes (ibid., p. 332) that non-Catholic Christians “barely have the right“ to receive Eucharist in the Catholic Church beyond these situations of emergency.

¹¹³ J. OLSCHESKI: *Recht* (fn. 112), p. 333.

¹¹⁴ T. A. AMANN: *Gottesdienstgemeinschaft* (fn. 60), pp. 1100 f., referring to cc. 915—916 CIC/1983; I. RIEDEL-SPANGENBERGER: *Gesichtspunkte* (fn. 85), pp. 170—171; *Kanonisches Recht. Lehrbuch aufgrund des Codex Iuris Canonici. Begründet von Eduard Eichmann, fortgeführt von Klaus Mörsdorf, neu bearbeitet von Winfried Aymans, Volume III: Verkündigungsdienst und Heiligungsdienst*. Paderborn—München—Wien—Zürich 2007, pp. 267—270.

¹¹⁵ Cf. ÖSTERREICHISCHE BISCHOFSKONFERENZ: *Richtlinien für ökumenische Gottesdienste* (fn. 90).

of the Diocese of Innsbruck published a guideline to ecumenical multi-religious celebration in 2016 named “Miteinander Feiern in der Schule. (Religiöse) Feiern im multireligiösen Schulkontext.” Liturgical hospitality is brought up whereby “the responsibility for preparation and performance lies with inviting community.”¹¹⁶

Bishops and bishops’ conferences are obliged to support Christian unity and to enact norms on the promotion of ecumenism (cf. Canon 755 §2 CIC/1983; Canon 941 §§1—3). The diocesan bishop “is to act with humanity and charity toward the brothers and sisters who are not in full communion with the Catholic Church and is to foster ecumenism as it is understood by the Church” (Canon 383 §3 CIC/1983; Canon 192 CCEO). The *Ecumenical Directory* requires every diocese to name a representative for ecumenism and to establish a council, a commission or a secretary which realizes the provisions of its bishop and supports the ecumenical work in its diocese (No. 41—44 ED/1993).¹¹⁷ Likewise, the Directory For the Pastoral Ministry of Bishops *Apostolorum Successores* (22 February 2004) addresses the ecumenical responsibility of particular bishops as well as the responsibility of bishops’ conference (cf. No 18 AS).¹¹⁸ However, the CIC fails to address the obligation of minister or to ecumenical acting within the specific parish explicitly.¹¹⁹ Though the commitment to ecumenism of parishes is brought up (No. 45 ED/1993).

It is interesting that the CCEO emphasizes ecumenism in a stronger way than CIC/1983. Even one of the leading guidelines on revision of previous law of Eastern Catholic Churches mentioned the “ecumenical character” of the future law and “emphasizes the mission of Eastern Catholic Churches regarding the ‘special task to support Christian unity.’”¹²⁰ Like-

¹¹⁶ Cf. SCHULAMT DER DIÖZESE INNSBRUCK: *Orientierungshilfe „Miteinander Feiern in der Schule. (Religiöse) Feiern im multireligiösen Schulkontext“*, September 2016; see *ibid.* p. 9: “Therefore, a recognizable confessional profile is given. Religious symbols and formula of confession have their self-evident place within liturgy.”

¹¹⁷ Cf. P. PLATEN: *Die Diözesankurie*, in: *HdbKathKR*³, pp. 650—651.

¹¹⁸ Cf. CONGREGATION FOR BISHOPS: Directory for the Pastoral Ministry of Bishops *Apostolorum Successores*, No. 18; engl.: http://www.vatican.va/roman_curia/congregations/cbishops/documents/rc_con_cbishops_doc_20040222_apostolorum-successores_en.html (accessed 5.12.2018); H. HALLERMANN: *Direktorium für den Hirtenamt der Bischöfe. Übersetzung und Kommentar* (= *KStKR*, Volume 7). Paderborn—München—Wien—Zürich 2006, pp. 46—47.

¹¹⁹ Cf. H. HEINEMANN: *Der Pfarrer*, in: *HdbKathKR*², p. 502, referring to H. HEINEMANN: *Ökumenische Implikationen des neuen kirchlichen Gesetzbuches*, in: *Catholica* 39 (1985), pp. 4—6.

¹²⁰ A. KAPTIJN: *Öffnungen* (fn. 21), p. 324, referring to PONTIFICIA COMMISSIO CODICI IURIS CANONICI ORIENTALIS RECOGNOSCENDO: *Guidelines for the Revision of the Code of Oriental Canon Law*, No. 3; abgedr. in: *Nuntia* 3 (1976), p. 20 and No. 24 VatII OE; see R. POTZ: *Der Codex Canonum Ecclesiarum Orientalium*, in: *HdbKathKR*³, pp. 107—108.

wise, the preface of CIC/1983 states that the reform of CIC/1917 “follows that which constitutes the substantial newness of the Second Vatican Council, in line with the legislative tradition of the Church, especially in regard to ecclesiology, constitutes likewise the novelty of the new Code.”¹²¹

In his Apostolic Constitution *Sacrae disciplinae leges* which enacted CIC/1983, Pope John Paul II explicitly rates the “Church’s commitment to ecumenism” “among the elements which characterize the true and genuine image of the Church.”¹²² While the CIC/1983 merely underlines the pope’s and bishops’ responsibility to care and support the ecumenical movement (cf. 755 § 1 and 2 CIC/1983), CCEO initially calls the faithful as responsible for the Church (cf. Canon 904 §§ 1—3 CCEO). Ecclesiastical law therefore emphasizes the concerns and responsibilities without limiting the provisions in detail. By doing this it opens up new opportunities for development. Generally, CIC/1983 has to be interpreted in the sense of the Second Vatican Council, thus in the sense of ecumenism.¹²³ Though a stagnation in ecumenism is claimed in medial public as well as within the Roman-Catholic Church, provisions of *Ecumenical Directory* on catechesis, religious teaching, priest’s formation, ecumenical education as well as on the required cooperation of ecclesiastical education institution contain innovation and movement. These new developments are not recognizable until one gets a glance at provisions of CIC/1917 that prohibits every contact, discussion or liturgical communion with non-Catholics, and that did not even mention ecumenical efforts. Nevertheless, it is to say that — despite the progress regarding ecclesiastical documents and even practice — ecclesiastical texts are characterized by the intent of shaping one’s own faith. An anxious concern about possible blurring or laxity concerning one’s own faith can be heard especially by listening to limitations, such as “with faithfulness to the Church” (No. 70 ED/1993), “following the disposition [...] in the universal Church and in the single local Churches” (No. 71 ED/1993), “to stimulate a further deepening of Catholic doctrine” (No. 80 d) ED/1993) etc. Eva Maria Synek evaluates the “orientation along local Churches” as remarkably positive. “It is not only a byword for the interest in common framework of ecumenical initiative of the Catholic Christianity as a whole, but it is also characterized by an insight for regionally different contexts of Catholic ecumeni-

¹²¹ Codex Iuris Canonici (Praefatio), in: AAS 75 (1983), Pars II (Separatfaszikel), pp. XX—XXI.

¹²² JOHN PAUL II: *Sacrae disciplinae leges* (fn. 19), p. XII.

¹²³ Cf. L. MÜLLER: *Codex und Konzil. Die Lehre des Zweiten Vatikanischen Konzils als Kontext zur Interpretation kirchenrechtlicher Normen*, in: *AfkKR* 169 (2000), p. 491; see KOCH: *Gesetzgebungstätigkeit* (fn. 33), pp. 162—167; H. HALLERMANN: *Grundlagen* (fn. 6), pp. 82—91.

cal acting.”¹²⁴ If current *Ecumenical Directory* speaks about reinforcement of local Churches (No. 4, 15 ED/1993), should there not be more room for development according to context and needs? And should those responsible not support this room in a more powerful way? Pope Francis often talks about decentralization and reinforcement of the particular bishop or bishops’ conferences.¹²⁵ This is what particular bishops are strongly recommended these days. Indeed, one has to agree to Alphonse Borras, who writes: “the establishment of ecumenical structure is mainly governed by specific diocesan right or by right of bishops’ conferences otherwise.”¹²⁶

Despite the currently satisfying situation in Austria,¹²⁷ we are in need of strong impulses and appropriate acting. As the *Directory* mentions, the whole Church is recommended, men and women as well as preachers and faithful (cf. No. 4 ED/1993). Thus, the Common Word for Protestant and Catholic Church in Upper Austria (6 January 2017) highlights not only “important, painful but productive sections on the way of history.” In fact, “the common proceeding on an ecumenical way and the work assignment to both Churches regarding this proceeding” are made a subject of discussion.¹²⁸ With all due to dialogue between Christian Churches and church communities, the necessity of interreligious dialogue must not be ignored.

¹²⁴ E. M. SYNEK: *Direktorium* (fn. 12), pp. 452—453.

¹²⁵ Cf. FRANCIS: *Apostolic Exhortation „Evangelii gaudium“ to the Bishops, Clergy, Consecrated Persons and the Lay Faithfull on the Proclamation of the Gospel in Today’s World* (24.11.2013); in English: http://w2.vatican.va/content/francesco/en/apost_exhortations/documents/papa-francesco_esortazione-ap_20131124_evangelii-gaudium.html (accessed 5.12.2018).

¹²⁶ A. BORRAS: *Für eine ökumenische Auslegung des Codex Iuris Canonici der lateinischen katholischen Kirche*, in: *Concilium* 37 (2001), p. 312.

¹²⁷ S. KARL, W. SCHWARZ: *Ökumenischer Dialog und ökumenische Praxis — aus evangelischer Perspektive*, in: W. REES: *Ökumene* (fn. 6), pp. 243—253; further ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH (Ed.): *Begegnung und Inspiration. 50 Jahre Ökumene in Österreich*. Wien—Graz—Klagenfurt 2008.

¹²⁸ Cf. EVANGELISCHE KIRCHE A. B. OBERÖSTERREICH: *Katholische Kirche in Oberösterreich, 500 Jahre Reformation 2017. Gemeinsames Wort für die Evangelische und Katholische Kirche Oberösterreich zum Reformationsgedenken 2017 vom 6. Jänner 2017*. Linz 2017; see https://www.dioezese-linz.at/dl/KOntJKJmNMIKJqx4KJK/Gemeinsames_Wort_PDF.pdf (accessed 5.12.2018).

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La coopération œcuménique dans la catéchèse,
l'enseignement religieux et les écoles supérieures
ainsi que *Communication in Sacris* selon le *Directoire œcuménique*

Résumé

Le cinquième anniversaire de la Réforme protestante, qui échoit en 2017, a élargi la conscience sur le mouvement œcuménique, tout en mettant en relief les démarches communes et les points convergents entre les Églises, mais elle nous a aussi démontré les divisions de longue date qui existent entre les fractions chrétiennes. Au début, l'auteur de l'article décrit les approches de l'œcuménisme qui sont présentes à l'Église catholique. Étant donné que la foi se manifeste non seulement dans la révélation et l'enseignement, mais aussi dans les actes chrétiens et la célébration liturgique, l'article présente aussi — sur la base du *Directoire œcuménique* et d'autres textes importants — le processus de la formation œcuménique et de la coopération dans le domaine de la catéchèse, de l'enseignement religieux et des écoles supérieures, et aussi l'activité spirituelle parmi les baptisés. À la fin de l'article sont présentées les suggestions concernant le futur développement œcuménique et la coopération dans les champs mentionnés.

Mots-clés: droit canonique, œcuménisme, Église catholique, éducation, catéchèse, enseignement, culte, liturgie, mariages mixtes

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La collaborazione ecumenica nel campo della catechesi,
dell'istruzione religiosa e delle università nonché
la *Communicatio in Sacris* secondo il *Direttorio ecumenico*

Sommario

Il cinquecentesimo anniversario della riforma che ricadeva nel 2017 ha accresciuto la consapevolezza in merito al movimento ecumenico, mettendo in evidenza nel contempo gli sforzi comuni ed i punti convergenti tra le chiese, ma ci ha anche fatto comprendere le divisioni tuttora esistenti tra le frazioni cristiane. All'inizio l'autore dell'articolo tratta l'approccio all'ecumenismo presente nella Chiesa cattolica. Poiché la fede si manifesta non solo attraverso la rivelazione e l'insegnamento ma anche nelle azioni cristiane e nella celebrazione liturgica, l'articolo presenta anche il processo di formazione ecumenica e di collaborazione nei campi della catechesi, dell'istruzione religiosa e delle università ed anche dell'attività spirituale tra i battezzati, sulla base del *Direttorio ecumenico* e di altri importanti testi.

Alla fine vengono presentati suggerimenti riguardanti lo sviluppo ecumenico futuro e la collaborazione nei campi menzionati.

Parole chiave: diritto canonico, ecumenismo, Chiesa cattolica, istruzione, catechesi, insegnamento, culto, liturgia, matrimoni misti



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Reception of the 1993 *Ecumenical Directory* in the Episcopal Conferences Documents Regarding Mixed Marriages

Abstract: The subject of the author's attention in the presented study was the problem of the reception of the 1993 *Ecumenical Directory* in the documents of Episcopal Conferences concerning the issue of mixed marriages. The conducted analyses suggest that, generally speaking, the influence of the Holy See on the process of making law by the Episcopal Conference is insignificant, since many Episcopal Conferences after 1993 did not issue any new documents that would touch upon this subject matter, whereas, among these which did issue such documents were instances of barely repeating the code provision regarding this matter. The author explained that a clear reception of the *Ecumenical Directory* regarding Canon 1125, no. 1—3 of CIC is present exclusively in Italian and German documents. According to the author, the regulations they include clearly adapt the provision of the *Ecumenical Directory* to the local conditions. He believes that the stimulus to undertake such legal steps was the denominational situation in the aforementioned countries. A separate group of legal acts are the documents of a great many Episcopal Conferences, in which the reasons of issuing dispensation from the canonical form, presented by ED 153—154, were explained in detail. According to the author such means of reception are correct and understandable, since the Episcopal Conferences know better the conditions in which local churches function.

Keywords: *Ecumenical Directory*, Episcopal Conference, mixed marriages, general executive decree

Introduction

The name of the document, which is *Directory for the Application of Principles and Norms on Ecumenism*,¹ and its content suggest that in this case we are faced with a general executive decree.² What implies such a character of this legal act is the indication towards its addressee in no. 4, as well as the specification of the purpose of introducing this document in no. 6. According to Canon 31—33 of CIC,³ the functioning of such decrees in the canonical order is connected with, among others, defining the means of executing this act.⁴

The fundamental problem in this contemplation will be the issue of the reception of the ED provision concerning mixed marriages in the documents of one of the addressees of this act, namely Episcopal Conference. Touching upon this issue I would like to notice that in law the mechanism of reception can take a great many shapes. However, this contemplation will concentrate on the analysis of the reception in one aspect, that is, in the meaning of the process of acceptance of the act and adjusting it to the conditions in which the addressees function, which in this case will be Episcopal Conferences.⁵

Touching upon these issues I would like to highlight that the Pontifical Council for Promoting Christian Unity addressed the issue of mixed marriages in the ED (ED 143—160). Due to the ecumenical nature of the document the provisions it includes concern, which is completely understandable, only one category of this types of marriages, which are marriages concluded between a Catholic and a follower of a Church or church community which is not in a full contact with the Catholic Church (Canon 1124 of CIC).⁶

¹ PONTIFICIUM CONSIGLIUM AD UNITATEM CHRISTIANORUM FOVENDAM: *Directoire pour l'application des principes et des normes sur l'oecuménisme*—25.03.1993. AAS 85 (1993), pp. 1039—1119; Polish text: PAPIESKA RADA DO SPRAW JEDNOŚCI CHRZEŚCIJAN: *Dyrektorium w sprawie realizacji zasad i norm dotyczących ekumenizmu*—25.03.1993. *Communio* 14 (1994), no. 2, pp. 3—93 [hereafter: ED].

² This document was characterized in such a way in, among others: M. MAZZIA: *Gli atti amministrativi generali nel Codice di Diritto Canonico*. Roma 2010, p. 159.

³ *Codex Iuris Canonici auctoritatae Joannis Pauli PP. II promulgatus*, 25.01. 1983, AAS 75 (1983) pars II, pp. 1—317; Polish text: *Kodeks Prawa Kanonicznego. Przekład polski zatwierdzony przez Konferencję Episkopatu*. Poznań 1984.

⁴ G. DZIERŻOŃ: “Ogólne dekrety wykonawcze w kanonicznym porządku prawnym.” *Forum Iuridicum* 4 (2005), pp. 191—192.

⁵ H. ZAPP: “Recepción.” In: *Diccionario enciclopédico de Derecho Canónico*. Eds. S. HAERING, H. SCHMITZ. Trans. H. BERNET. Barcelona 2008, p. 724.

⁶ G. SEMBENI: *Direttorio ecumenico 1993: sviluppo dottrinale e disciplinare*. Roma 1997, p. 187.

Bearing in mind the aim of this inquiry connected with the process of reception of the ED provisions in the documents of Episcopal Conferences, we should ask: What new content, in comparison with the code provision, were included in the legal act issued by the Holy See? When answering the question we need to acknowledge that the primary subject of our attention will be two code regulations which are canons 1126 and 1127 § 2 of CIC, in which the legislator obliges Episcopal Conferences to issue appropriate legal acts regarding the defining of the means of providing the required by law declarations and pledges by the Catholic party and means of notifying the non-Catholic party (Canon 1126 of CIC),⁷ as well as to publish norms, according to which the dispensation from the canon form should be in a uniform way given (Canon 1127 § 2 of CIC).

Coming back to the raised question we should notice that the issue of legal requirements regarding both the Catholic and non-Catholic party was expanded in ED 150. This provision does not rule out the fact that the second party can have similar obligations; after which it was added that no pledges are required on his or her side. According to Luigi Sabbarese, the issue of notifying the second party, from a legal point of view, is problematic (Canon 1125, no. 2 of CIC).⁸

The author does not support the solution, according to which there should be no agreement between the future spouse about the baptism and the Catholic upbringing of the child. In no. 151, in turn, the authors referred to the particular situation regarding the impossibility of baptizing and upbringing offspring in the Catholic Church. The fundamental reason for such a solution results from the desire to guarantee, by the Catholic legislator, the freedom of religion and conscience of the non-Catholic party. Taking such a possibility into consideration, it was simultaneously underlined, with a strong emphasis, that despite this fact the Catholic spouse still incurs the responsibility of sharing their faith with their children.

What was also presented in the ED were the principles of issuing dispensation from the canonical form. The decisions adopted in no. 154 constitute a repetition of these which are presented in Canon 1127 § 2 of CIC. Furthermore, this regulation includes examples pointing towards the reasons of issuing a rescript. Among these were: preserving family harmony, obtaining parents' consent to enter into marriage, particular religious engagement of the non-Catholic party, as well as the relation

⁷ For more on this topic see: G. DZIERŻON: *Ewolucja doktryny oraz dyscypliny dotyczących przeszkody „różności religii” w kanonicznym porządku prawnym*. Warszawa 2008, p. 326.

⁸ L. SABBARESE: *L matrimonio canonico nell'ordine della natura e della grazia*. Roma 2016, p. 342.

of kinship of the non-Catholic party with the minister of the Church or ecclesial community that is not in a full connection with the Catholic Church.

Having in mind the aim of this inquiry I would like to emphasize that what should be subjected to an analysis are the decisions adopted in the Episcopal Conferences documents issued after 25 March 1993, that is, in the period of time after the issuance of ED. What will be examined first will be the legal acts published in a volume entitled *Legislazione delle Conferenze Episcopali complementare al C.I.C.*, prepared by José Martín de Agar and Luis Navarro⁹; subsequently, the decisions adopted in other documents not published in this volume will be presented.

Proceeding to the presentation of the issues described in the title of the present study, I would like to acknowledge that in the “Appendix” to the quoted source document there is a register entitled “Tavola per Paesi e canoni,” which presents, among others, the Episcopal Conferences that issued the appropriate documents with reference to canons 1226 and 1127 § 2 of CIC. The register shows that the Episcopal Conferences of Australia, the Czech Republic, Ecuador, Ireland, Lithuania, Luxemburg, Nicaragua, Papua New Guinea, Portugal, Slovakia, and Uruguay have not issued any legal acts regarding this issue.¹⁰

1. The reception of provisions regarding the means of providing declarations and pledges of the Catholic party and defining the means of notifying the non-Catholic party (Canon 1126 of CIC, Articles 150—151 of ED)

The analyzed documents of the Episcopal Conferences include two types of reception, namely, provisions of a general character and provisions in which there is a clear reception of the ED.

⁹ *Legislazione delle Conferenze Episcopali complementare al C.I.C.* Eds. J. MARTÍN DE AGAR, L. NAVARRO. Roma 2009² (hereafter: LCE).

¹⁰ *Tavola per Paesi e canoni*, in: LCE, pp. 1366—1367.

2. Simple reception

Analyzing the Episcopal Conferences' documents regarding the issue of the application of the instructions of Canon 1126 of CIC, regarding the conditions included in Canon 1125, no. 1—2 of CIC, at the beginning we have to acknowledge that admittedly some of them did realize the postulate expressed in Canon 1126 of CIC, however, these acts include only provisions which are a repetition of the instructions imposed by Canon 1125, no. 1—2 of CIC.

For instance, the American Episcopal Conference did not issue any new documents; only approved the norms established on 16 November 1970, in connection with issuing *motu proprio* "*Matrimonia mixta*", so originating as far as from the period before the promulgation of the 1983 Code of Canon Law.¹¹

In turn, in Article 19 of the document issued by the Episcopal Conference of Ghana, the provision of Canon 1126 of CIC was recalled, based on which it was underlined that among the competences of the Episcopal Conferences is the necessity to define the submission by the parties of the declarations required by law.¹² In Appendix no. 2 to the document, the only thing that was included were the sample declarations which should be filed by the parties to the matrimonial contract.¹³ Similar were the actions undertaken by the Episcopal Conferences of Paraguay and Hungary, which published only samples of the documents that the parties should sign, the content of which is not different from the content of Canon 1125, 1—2 of CIC.¹⁴

A slightly dissimilar editorial technique was applied in the documents of two different Episcopal Conferences. In these documents of the Episcopal Conference of Guatemala the provisions of canons 1125, no. 1—3 of CIC were repeated¹⁵; in the meantime the document of the Episcopal Conference of the Pacific include the provisions of Canon 1125, no. 1 of CIC.¹⁶

In a few different general executive decrees of the Episcopal Conferences there are provisions, according to which requirements specified in Canon 1125, no. 1—3 of CIC should be filed in writing (India, Mex-

¹¹ United States National Conference of Catholic Bishops, LCE, p. 1199.

¹² Ghana Bishops' Conference, LCE, p. 465.

¹³ Ibidem, pp. 479—480.

¹⁴ Conferencia Episcopal Paraguaya, LCE, p. 953; Magyar Katolikus Püspöki Konferencia, LCE, p. 1318.

¹⁵ Conferencia Episcopal de Guatemala, LCE, p. 528.

¹⁶ Conferentia Episcopalis Pacifici, LCE, p. 892.

ico, Peru, Scandinavia, Sri Lanka, Tanzania, Venezuela).¹⁷ The act issued by the Episcopate of Sri Lanka contains a detailed clarification of this requirement, namely, if a Catholic refuses to affix a signature, then it is possible to contact the ordinary of the diocese.¹⁸

Such general types of provisions should be addressed in a critical way since from the point of view of the way legal systems function they are unnecessary. The functioning of a canonical legal order means that the addressees of acts are obliged to observe them. Hence repeating the content of the respective canons is useless. In the case of documents that are of such a character it is difficult to speak about any reception of the ED. As it has been demonstrated, some acts also include samples of declarations that the parties have to provide. In their content, however, there is no reference to the ED; instead they have a connection with Canon 1125, no. 1—2 of CIC. Within this version once again there is no reception of the ED.

3. Provisions in which there is clear reception of the ED

It is possible to find clear reception of the ED in documents of some Episcopal Conferences. What has an ecumenical character is the mutual document of the Italian Episcopal Conference and the Waldensian Evangelical Church issued on 25 August 2000 and entitled *Testo commune per un idirizzo pastorale dei matrimoni tra Cattolici e Valdesi o Metodisti. Testo Applicativo*.¹⁹ It is rich with content that clearly remains in a close relation with the ED guidelines. Therefore, let us analyze them.

In no. 7, by referring to no. 144 of the ED, which says the following: “[...] practical experience and the observations obtained in various

¹⁷ Conference of Catholic Bishops of India, LCE, p. 569; Conferencia del Episcopado Mexicano, LCE, p. 775; Conferencia Episcopal Peruana, LCE, p. 972; Conferencia Episcopal Scandiae, LCE, p. 1091; Catholic Bishops’ of Sri Lanka, LCE, pp. 1182—1183; Tanzania Episcopal Conference, LCE, p. 1295; Conferencia Episcopal de Venezuela, LCE, p. 1341.

¹⁸ Catholic Bishops’ of Sri Lanka, p. 1183. According to M. Bucciero, the Episcopal Conferences have a full liberty when it comes to defining legal formalities connected with fulfilling the obligations imposed by law. See M. BUCCIERO: *I matrimoni misti. Aspetti storici, canonici e pastorali*. Roma 1997, pp. 149—150.

¹⁹ Conferenza Episcopale Italiana, Chiesa Evangelica Valdese, *Testo commune per un idirizzo pastorale dei matrimoni tra Cattolici e Valdesi o Metodisti. Testo Applicativo-25.08.2000*, http://chiesavaldese.org/documents/txt_com_matr_it.pdf (access: 15.12.2016) [hereafter: TC].

dialogues between representatives of Churches and ecclesial communities indicate that mixed marriages frequently present difficulties for the couple themselves, and for the children born to them, in maintaining their own faith and commitment and for the harmony of family life” the authors of the Italian legal act underlined that the indispensability of having to obtain the license, described by Canon 1124 of CIC does not result from a negative attitude of the legislator to mixed marriages, but from a conviction that life in such relationships carries some difficulties. Therefore, competent Church authority should separately consider every case and assess whether all the conditions of a valid and fruitful celebration of marriage are met (TC 7). Subsequently, based on the ED provision no. 150 (Canon 1125, no. 1 of CIC), in which it was stated that the Catholic party should express its readiness to overcome the threat of abandoning its faith, in no. 8a of the Italian agreement, it was explained that in this situation the threat results not from the appearance of the phenomenon of faith of the Protestant party, but from the risk of weakening the own Church identification of the Catholic party connected with the risk of falling into indifferentism or religious relativism. Within this context what was strongly emphasized was that the duty to care for their own faith rests on both parties (TC 8a).

No. 8 includes a reference to yet another problem, which is the pledge of the Catholic party to baptize and bring up offspring, which will be born in the marriage, in the Catholic Church. Once again referring to ED 150 it was repeated that the Protestant party has equal right-duty within this area, which results from its calling and belonging to their own Church. Moreover, the authors of the document noticed that specific conditions in which the marriage has to function might trigger conflicts — in such a situation the action of the betrothed should aim at a mutual agreement which will, on the one hand, strengthen the matrimonial community, and on the other hand, secure spiritual good of the offspring (TC 8b). The principle in question found its translation in the formula of the pledge, which should be provided by the Catholic party, and the content of which is as follows: “I promise: to do whatever possible to make sure that all my children are baptized and brought up in the Catholic faith, being at the same time aware that my spouse has the same right-obligation that results from his or her own calling and belonging to the Church that he or she belongs to. I will pursue agreement with my spouse regarding the decisions that will be necessary for the preservation and deepening of our communion, as well as spiritual good of our children” (TC 16).

What became the object of attention in no. 8c was the particular hypothesis connected with a situation in which the offspring is neither to be baptized nor brought up in the Catholic Church. While try-

ing to solve this problem it was established that the Catholic party is not exempt from the duty of giving the testimony of faith through emphasizing the particular value of Catholic tradition and its cultivation (TC 8c). This postulate was provided with more details in one of two declaration sample, which the Catholic party should provide. Its content is as follows: “I declare that I will involve myself in preserving my Catholic faith, similarly as my spouse involves himself/herself in preserving his/her Protestant faith, building community and simultaneously avoiding indifferentism” (TC 16).

Finally, in no. 9 of the document attention was given to the requirement codified in Canon 1125, no. 2 of CIC by establishing that the Protestant party has no obligation to sign the document; should the Protestant party not sign the document, it (the document) will have to be certified by a parish priest (TC 9). I would like to notice that the content of no. 9 corresponds with the subsequent ED 150 provision, in which it was established that: “It should be noticed, therefore, that the canon law does not require the other party to give any written or verbal pledge.”

Continuing this contemplation, it is important to bear in mind that the clear reception of the ED regarding baptism and bringing up offspring in the Catholic Church is to be found in the act of the German Episcopal Conference published on 24 September 2002 and entitled *Matrimony (Ehe)*.²⁰ Namely, in no. 15 of the “Appendix” entitled *Anmerkungstafel zum Ehevorbereitungsprotokoll der Deutschen Bischofskonferenzen* it was established that the problem of baptizing and bringing up children is a matter of both spouses. Subsequently, it was added that regarding this issue we cannot act against the conscience of both parties. According to the provision a Catholic can only give the consent to the baptism and upbringing of children in a non-Catholic spirit, if fulfilling his or her own obligation would prove impossible. Simultaneously, within this context it was strongly emphasized that the occurrence of such a situation does not exclude a Catholic from the religious process of upbringing offspring. Then, it was suggested that such activities should consist in: firstly, active co-shaping of marriage and family life; secondly, on a care for the religious bringing up of children, thirdly, on an exemplary attitude, which would aim at bringing the child to the Catholic faith, fourthly, on deepening one’s own faith, as well as having fruitful conversations with one’s own spouse, which would make it possible to answer questions posed by children and concerning the difficult issues of faith; fifthly, on prayer, especially for the unity in faith (*Ehe* 15).

²⁰ DEUTSCHE BISCHOFSKONFERENZ: *Ehe, Anmerkungstafel zum Ehevorbereitungsprotokoll*, 24.09.2008, http://recht.drs.defileadmin/rechtsdoku/4/2/8/09_01_03a.pdf (access: 15.12.2016) [hereafter: *Ehe*].

The suggestion of conducting discussion between the betrothed before entering into marriage and concerning baptism and upbringing of offspring, touched upon in ED 150, was also referred to in the legal acts of the Episcopal Conferences of Namibia and the Republic of South Africa. In “Decree No. 24” of the Namibian and in point No. 2 of the South African document it was recorded that a Catholic should make a pledge regarding baptism and a Catholic upbringing of offspring after a prior discussion between the parties.²¹

4. Reception of the provision regarding issuing dispensation from observing canonical form (Canon 1127 § 2 of CIC, Articles 153—154 of ED)

As it was already signalled in the “Introduction”, we need to submit to analysis one more problem regarding the issue of the reception of the ED guidelines that refer to issuing dispensation from the canonical form (ED 153—154). According to Canon 90 of CIC dispensation can be issued if there is a justified and rational reason. When commenting upon Canon 1127 § 2 of CIC Fredirico Aznar Gíl underlined that the task of Episcopal Conferences is to prepare a list of causes which would justify the issuing of dispensation.²²

In the legal acts of Episcopal Conferences the maintenance of family harmony was mentioned as the first reason. While presenting this problem I would like to quote the general provision of a large degree of abstractness, such as: threat to family (Ghana),²³ good of the family (India),²⁴ family peace (Kenia),²⁵ threat of losing trust (friendship) (Guatemala, Mexico),²⁶ economic crisis (*quebranto económico*) (Bolivia, Guatemala, Mexico),²⁷ and threat of cohabitation (Ghana).²⁸

²¹ Namibian Catholic Bishops Conference, LCE, p. 800; Southern African Catholic Bishops’ Conference, LCE, p. 1251.

²² F. Aznar Gíl, *Derecho matrimonial canónico*, vol. 3, Salamanca 2003, p. 102.

²³ Ghana Bishops’ Conference, p. 479.

²⁴ Conference of Catholic Bishops of India, p. 569.

²⁵ Kenya Episcopal Conference, LCE, p. 691.

²⁶ Conferencia Episcopal de Guatemala, p. 529; Conferencia del Episcopado Mexicano, p. 776.

²⁷ Conferencia Episcopal de Boliwia, LCE, p. 160; Conferencia Episcopal de Guatemala, p. 529; Conferencia del Episcopado Mexicano, p. 776.

²⁸ Ghana Bishops’ Conference, p. 479.

In several different documents, where the issue of a serious aversion of a non-Catholic family to the Catholic form of entering into matrimony was touched upon (Namibia),²⁹ this issue was provided with more details; apart from this it was pointed towards a situation in which the refusal to grant dispensation would inflict damage to the Catholic party or also have an impact on the harmony of the spouses life (New Zealand),³⁰ or on the spiritual good of the non-Catholic party or its family (Scandinavia).³¹ Finally, in the decrees of the Episcopates of Peru and Sri Lanka it was recorded that the dispensation should be issued if there is a risk of breaking up the bond with parents or losing their trust.³²

In the subsequent group of documents we can find reference to yet another reason mentioned in the ED, which is obtaining permission of parents to enter into matrimony. In the analyzed legal acts there are provisions such as: objection of a significant part of a family in relation to the canonical form (Bolivia, Pacific, Paraguay, Hungary, Venezuela),³³ as well as uncompromising attitude of the non-Catholic party or its family in relation to the canonical form (Sri Lanka, Republic of South Africa, Tanzania).³⁴

A different reason presented in the ED refers to the freedom of conscience of the non-Catholic party. In order to provide this principle, in the analyzed legal acts of the Episcopal Conferences, with details the following expressions were used: serious threat to the spiritual good of the non-Catholic party connected with its attachment to the family religion (Scandinavia),³⁵ uncompromising attitude of the non-Catholic party towards the canonical form (Guatemala, Mexico, Namibia, Pacific, Paraguay, Peru),³⁶ serious conflict of conscience in the non-Catholic party

²⁹ Namibian Catholic Bishops Conference, p. 801; Conferencia Episcopal de Venezuela, p. 1341.

³⁰ New Zealand Catholic Bishops Conference, LCE, p. 852.

³¹ Conferencia Episcopal Scandiae, p. 1091.

³² Conferencia Episcopal Peruana, p. 972; Catholic Bishops' of Sri Lanka, p. 1183. J. Martín de Agar addressed the issue of reasons of an ecumenical nature, J. Martín de Agar, *Le comptenze della Conferenza Episcopale: cc. 1126 e 1127 §2*, p. 21, <http://bibliotecacanonica.net/docsa/btcajw.pdf> (access: 2.01.2017).

³³ Conferencia Episcopal de Boliwia, p. 160; Conferentia Episcopalis Pacifici, p. 892; Conferencia Episcopal Paraguaya, p. 954; Magyar Katolikus Püspöki Konferencia, p. 1319; Conferencia Episcopal de Venezuela, p. 1341.

³⁴ Catholic Bishops' of Sri Lanka, LCE, p. 1183; Soutern African Catholic Bishops' Conference, LCE, p. 1252; Tanzania Episcopal Conference, LCE, p. 1296.

³⁵ Conferencia Episcopalis Scandiae, p. 1091.

³⁶ Conferencia Episcopal de Guatemala, p. 529; Conferencia del Episcopado Mexicano, p. 775; Namibian Catholic Bishops Conference, p. 801; Conferentia Episcopalis Pacifici, p. 892; Conferencia Episcopal Paraguaya, p. 954; Conferencia Episcopal Peruana, p. 972.

(Guatemala, Venezuela),³⁷ serious conflict of conscience in parties (Mexico, Sri Lanka, Hungary),³⁸ as well as relentless attitude of the non-Catholic party (Paraguay).³⁹ The document of the Episcopacy of Scandinavia mentions also the relation of the non-Catholic party with a non-Catholic minister or a non-Catholic place of worship.⁴⁰

5. Conclusion

In the provisions of canons 1126 and 1127 §2 of CIC the legislator, by referring to the principle of subsidiarity, gave some powers to the Episcopal Conferences. The fundamental reason behind codifying such type of solution stems from the assumption that one of the objectives of Episcopal Conferences is to adapt the common Church law to the conditions in which local Churches function. On the margin it is worth adding that such *ratio legis* is not new. Since such a reason was highlighted in the “Introduction” to *motu proprio “Matrimonia mixta”* underlining that the discipline regarding mixed marriages cannot be uniform (*uniforme*); it should be adapted to various circumstances in which particular churches function.⁴¹

Taking into consideration the legal value of the ED we should acknowledge that the regulations it includes should be treated as a transmission belt between common law and particular law. In the reception process the objective of Episcopal Conferences does not consist in a simple acquisition of normative ED provisions, but in adapting them to the conditions in which the particular Churches operate.

The conducted analyses suggest that taking into consideration the common character of the Church, generally speaking, the influence of the ED on making law by the Episcopal Conferences is negligible. Since after 1993 many Episcopal Conferences did not issue any new documents

³⁷ Conferencia Episcopal de Guatemala, p. 529; Conferencia Episcopal de Venezuela, p. 1341.

³⁸ Conferencia del Episcopado Mexicano, p. 776; Catholic Bishops’ of Sri Lanka, p. 1183; Magyar Katolikus Püspöki Konferencia, p. 1319.

³⁹ Conferencia Episcopal Paraguaya, p. 954.

⁴⁰ Conferencia Episcopalis Scandiae, p. 1091; Tanzania Episcopal Conference, p. 1296.

⁴¹ PAULUS VI: *Motu proprio Matrimonia mixta* — 31.03. 1970, AAS 62 (1990), p. 259: *Hisce prae oculis habitus, nemo profecto mirabitur, si etiam disciplina canonica matrimoniorum mixtorum uniformis esse nequeat, eaque ad varia casuum adiuncta accommodanda sit [...];* J. MARTÍN DE AGAR: *Le comptenze...*, p. 7.

regarding this field; whereas among these which did issue them some Conferences merely repeated the code provisions within this area.

A clear reception of the ED with reference to Canon 1125, no. 1—3 of CIC can be found in German and Italian documents. I believe that the regulations they contain clearly adapt the provision of the ED to the local conditions. Surely, the stimulus to take such legal steps was the peculiar denominational situation in these countries. My impression is that in this case the reception of the ED is extremely crucial, since as José Martín de Agar wrote the requirements specified in Canon 1125 of CIC are to harmonize and become a guarantor of values of a peculiar *gravitas*, such as faith, religious freedom, *ius connubi*, as well as stability of marriage.⁴²

What constitutes a separate group of legal acts are documents of many Episcopal Conferences, in which the reasons of issuing dispensation from the canonical form that ED 153—154 touch upon, were provided with details. Such a means of reception is proper and understandable since Episcopal Conferences are more familiar with the conditions, in which local churches function.

⁴² Ibidem, p. 11.

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GINTER DZIERŻON

La réception du Directoire œcuménique de 1993 dans les documents de la Conférence épiscopale dans la matière des mariages mixtes

Resume

Dans le présent article, l'objectif de l'analyse de l'auteur est le problème de la réception du Directoire œcuménique de 1993 dans les documents de la Conférence épiscopale dans la matière des mariages mixtes. Des analyses faites il résulte que, généralement parlant, l'influence du Saint-Siège sur les décisions juridiques prises par les Conférences épiscopales est faible. Beaucoup de Conférences épiscopales n'ont pas du tout, après 1993, publié de nouveaux documents concernant cette matière. En revanche, parmi ceux qui ont été publiés, les Conférences épiscopales ont seulement répété dans certains d'entre eux les dispositions du code dans cette matière. L'auteur a démontré que la réception patente du Directoire œcuménique relativement au can. 1125, n. 1—3 CIC est incluse dans les documents italiens et allemands. À l'avis de l'auteur, les réglementations y incluses adaptent nettement les dispositions du Directoire œcuménique aux conditions locales. D'après lui, c'est la situation confessionnelle de ces pays qui est devenue le stimulant ayant incité à entreprendre de telles démarches juridiques. Les documents de bien des Conférences épiscopales où l'on a spécifié les raisons d'accorder une dispense de la forme canonique dont traite DE 153—154 constituent un autre groupe d'actes juridiques. Selon l'auteur, une telle façon de la réception est juste et compréhensible, car les Conférences épiscopales connaissent mieux les conditions dans lesquelles fonctionnent les églises locales.

Mots-clés: Directoire œcuménique, Conférence épiscopale, mariages mixtes, décret exécutif général

GINTER DZIERŻON

La ricezione del Direttorio Ecumenico del 1993 nei documenti delle Conferenze Episcopali in merito ai matrimoni misti

Sommario

Nello studio presentato l'Autore ha focalizzato la sua attenzione sul problema della ricezione del Direttorio Ecumenico del 1993 nei documenti delle Conferenze Episcopali relativamente ai matrimoni misti. Dalle analisi condotte risulta che, in linea generale, l'influenza della Santa Sede sulla promulgazione del diritto da parte delle Conferenze Episcopali è esigua. Infatti dopo il 1993 molte Conferenze Episcopali non hanno pubblicato affatto nuovi documenti in tale materia; invece tra quelle che ne hanno pubblicati, alcune Conferenze hanno ripetuto solamente quanto codificato in tale materia. L'Autore ha dimostrato che una ricezione esplicita del Direttorio Ecumenico per quanto concerne il can. 1125 n. 1—3 CIC, è presente nei documenti italiani e tedeschi. Secondo l'Autore le prescrizioni contenute negli stessi adattano espressamente alle condizioni locali quanto contemplato nel Direttorio Ecumenico. A suo avviso la situazione delle confes-

sioni religiose di quei paesi è diventata l'impulso ad intraprendere tali misure giuridiche. Un gruppo distinto di atti giuridici è costituito dai documenti di molte Conferenze Episcopali nei quali sono stati precisati i motivi di concessione della dispensa dalla forma canonica trattati in DE 153—154. Secondo l'Autore tale modalità di ricezione è corretta e comprensibile in quanto le Conferenze Episcopali conoscono meglio le condizioni in cui operano le Chiese locali.

Parole chiave: Direttorio Ecumenico, Conferenza Episcopale, matrimoni misti, decreto generale esecutivo



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On the Limits of Ecumenical Relations between Churches

Abstract: The Catholic Church accepted the ecumenical movement at the Second Vatican Council, whose ground-breaking document in this respect was the Decree on ecumenism *Unitatis redintegratio* (1964). The canonical norms of post-conciliar codes and ecumenical directories receive and expand on the issues hinted at by the Council. However, canon law is often seen as a brake in ecumenical efforts and initiatives. Nevertheless, canon law is based on theological premises given by the teaching of the Church; therefore, it cannot go beyond the limits of the Catholic tradition and the partial success of the common ecumenical dialogue. The article concentrates on two issues which can be overcome only with great difficulty. The first is the institution of the papacy whose concept is unacceptable both for the non-Catholic Eastern Churches as well as the Churches coming out of the Reformation, in spite of the good reputation the individual popes have gained in their communities lately. Another obstacle is the limited possibility of sacramental intercommunion. The Catholic canon law opens up the possibility to access the sacrament of reconciliation, the Eucharist and the anointing of the sick to the non-Catholic Eastern Churches. The Reformation-based Churches, however, understand the sacraments in a very different way, therefore the regulation of canon law in this respect remains quite restrictive. The article also presents the particular legal regulation of the sacramental intercommunion issued by the Czech Bishops' Conference. The conclusion of the article focuses on the need of inner unity within the Catholic Church itself and mentions also the efforts to integrate the Fraternity of St. Pius X into the structures of the Church.

Keywords: Church, ecumenism, canon law, papacy, Reformation, Orthodoxy, sacraments, the Eucharist

1. Introduction: Ecumenism and the Canon Law

On 21 November 1964, Pope Paul VI promulgated the Decree on ecumenism of Vatican II, *Unitatis redintegratio*. Given the earlier development of the relations between the Catholic Church and the non-Catholic ones, it was certainly a pioneering and generously conceived document. However, even here the Catholic Church defines the theological foundations which it cannot abandon, if it is to be faithful to the will of Christ: “This Sacred Council exhorts the faithful to refrain from superficiality and imprudent zeal, which can hinder real progress towards unity. Their ecumenical action must be fully and sincerely Catholic, that is to say, faithful to the truth which we have received from the apostles and Fathers of the Church, in harmony with the faith which the Catholic Church has always professed, and at the same time directed towards that fullness to which Our Lord wills His Body to grow in the course of time.”¹ Although the document talks about a “full and perfect unity” between the Christian Churches,² there remain major ecclesiological principles, which the Catholic Church must respect, if it wants to retain its own identity.

Nevertheless, it is not theology, but canon law, which is even more often understood as a tool of inappropriate and harmful decelerating of the open relations between the Catholic Church and its non-Catholic partners. Canon law is often denounced as a sort of *deus ex machina*, hindering the “blow of the Spirit,” since it is no longer understood as a law based on theological principles and suppositions found also in the documents of Vatican II. However, the law itself — even without this theological foundation — does not necessarily present an instrument of suffocating embrace in relation to the life of the Church or in the field of ecumenical relations: “In many ways the ecumenical activity is a legal activity, i.e. a synthesis of different approaches and acts. The most characteristic activity of a lawyer is the restoration of unity, reconciliation of conflicting sides and their respective claims. This can be achieved by the application of principles and rules onto the existing inconsistency.”³

The law of the Catholic Church must also express the actual theological ground from which it grows; it is not created in vacuum but in continuity with the doctrine and life of the Church: “Church law cannot help form the ecumenical community otherwise than by the possible reception

¹ VATICAN COUNCIL II: *Unitatis redintegratio* [hereafter: UR], n. 24,1.

² UR, n. 5.

³ N. DOE: “The Principals of Canon Law.” *Ecclesiastical Law Journal* 7 (1999), p. 236.

of the ecumenical statements about the consensus and convergence of the individual Churches and Church communities. For the further legal development within the Catholic Church two things are important: the reception of the results reached in ecumenical dialogue, but also the ecumenism lived on a local basis.”⁴ Moreover, canon law makes sure that the Catholic Church will not limit itself to mere “sentimental ecumenism” (R. Schutz). In its norms, it stipulates the universally binding rights and duties of Catholic Christians for their conduct *ad extra*. However, it is also true that the law of the Church “is not content only with the literal observance of its norms but demands that its addressees fill them with the Christian spirit.”⁵

2. Ecumenical relations and the papacy

Ecumenical efforts of Catholics were endorsed already under the pontificate of Pius XII: “Already during WWI there arose individual, esp. lay groupings, which were aware of the necessity of ecumenism. However, they were not simultaneously supported by the Catholic hierarchy. This came only after WWII with the instruction *Ecclesia Catholica* of the Roman congregation of the Holy Office (promulgated on 20 December 1949), where numerous private initiatives in favour of ecumenism were given official backing and the bishops were called upon not only to keep an eye over this spiritual movement, but also to endorse it.”⁶

The need to take part in the ecumenical movement on the side of the Catholic Church was programmatically expressed by Pope John XXIII in his Apostolic Constitution *Humanae salutis* which summoned the Second Vatican Council: “Furthermore, at a time of generous and growing efforts being undertaken in various areas to reconstitute that visible unity of all Christians which corresponds to the will of the divine Redeemer, it is quite natural that the forthcoming Council provide the premises of doctrinal clarity and of mutual charity that will make even more alive in our separated brethren the desire for the hoped-for return to unity and

⁴ F. BERNARD: “Der ökumenische Auftrag — Möglichkeiten und Grenzen des katholischen Kirchenrechts.” In: *Kirchliches Recht als Freiheitsordnung. Gedenkschrift für Hubert Müller*. Eds. U. BEYKIRCH AND G. BIER. Würzburg 1997, pp. 62—63.

⁵ S. BALÍK, A. HRDINA: *Kanonické právo. Dějiny, teorie, obecná část*. Plzeň 1997, p. 31.

⁶ H. MÜLLER: “Der ökumenische Auftrag.” In: *Handbuch des katholischen Kirchenrechts*. Eds. J. LISTL, H. MÜLLER, H. SCHMITZ. Regensburg 1983, pp. 553—554.

will smooth the way to it.”⁷ In the period during and after Vatican II, all the popes have pursued ecumenical relations with the representatives of non-Catholic Churches and also the theological reflection of ecumenism. With all the due respect and sympathy which these figures have awakened with many ecumenical partners, it is the very institution of the papacy that, however, often seems to be an obstacle for the further development of a broader structural foundation, on which one could reach the goal of the visible unity of the Church. The Decree on ecumenism unanimously defends the papacy as a necessary aspect of the full unity: “For it is only through Christ’s Catholic Church, which is ‘the all-embracing means of salvation,’ that they can benefit fully from the means of salvation. We believe that Our Lord entrusted all the blessings of the New Covenant to the apostolic college alone, of which Peter is the head, to establish the one Body of Christ on earth to which all should be fully incorporated who belong in any way to the people of God.”⁸

However, already the council pope, Paul VI, was aware of the fact that for the ecumenical partners the papacy in the current form can no longer represent a necessary element of the generally accepted model of leadership within the Church: “We know well enough that the pope is undoubtedly the most important on the path of ecumenism.”⁹ In the most important magisterial document on ecumenism, the encyclical *Ut Unum sint*¹⁰ of John Paul II, the great pope admits “the Catholic Church’s conviction that in the ministry of the Bishop of Rome she has preserved, in fidelity to the Apostolic Tradition and the faith of the Fathers, the visible sign and guarantor of unity, constitutes a difficulty for most other Christians, whose memory is marked by certain painful recollections.”¹¹

All other legal reforms dealing with the institution of the papacy must be preceded with ecumenical dialogue: “It is nonetheless significant and encouraging that the question of the primacy of the Bishop of Rome has now become a subject of study which is already under way or will be in the near future.”¹² The ecumenical attitude to the papacy must likewise overcome the earlier negation “the pope? No way!” by a question “the pope? How?” A stimulating instance for this may be found in the attitude

⁷ *Constitutio apostolica “Humanae salutis”*: Concilium Oecumenicum Vaticanum II indicitur. In: *Acta Apostolica Sedis* [hereafter: AAS] 54 (1962), pp. 5—13. In: C. V. POSPÍŠIL: *II. vatikánský koncil očima Jana XXIII. a Pavla VI.* Kostelní Vydří 2013, p. 37.

⁸ UR, n. 3,5.

⁹ “Le Pape, Nous le savons bien, est sans doute l’obstacle le plus grave sur la route de l’œcuménisme.” — In: AAS 59 (1967), p. 498.

¹⁰ In: AAS 87 (1995), pp. 921—982 [hereafter: UUS].

¹¹ UUS, n. 88.

¹² UUS, n. 89.

of the Anglican Church, since “[...] the Anglican side points out that under altered circumstances, the Anglican community could become able to recognize the development of the Roman primate as a gift of the divine Providence — in other words, as the activity of the Holy Spirit which leads the Church.”¹³

In the relation between the Catholic Church and the Orthodox Churches, the discussion about the papacy is of crucial importance: “For the oriental, Orthodox theology, the actual particular Church realizes the mystical-sacramental aspect of the Church. Beyond that there exists only a sum of particular Churches in communion: *communio ecclesiarum*. This thesis is based on the “totalizing” character a particular Church claims to possess (i.e. the whole is contained within a part). Thus, the particular Church fully realizes the image of a universal Church. Because of this character of wholeness, the bishop as the pastor of the highest order, is united with other bishops in a collegial communion of equals. To such a communion or the whole of equals who have gathered on a permanent synod or a Council, the highest decision-making in terms of discipline and the magisterial office [...] This thesis of the Orthodox Christian East is not orthodox for the Catholic doctrine; if it were true, it would be necessary to deny — as it indeed denies — the jurisdictional primacy of the pope.”¹⁴

The Catholic conception found in the Code of Canon Law for Latin Churches, as well as the parallel regulation of the Code used for the Eastern Catholic Churches, however, does not contrast the primacy with the autonomy of particular Churches. In fact, quite the contrary is the case: “By virtue of his office, the Roman Pontiff not only possesses power over the universal Church but also obtains the primacy of ordinary power over all particular Churches and groups of them. Moreover, this primacy strengthens and protects the proper, ordinary, and immediate power which bishops possess in the particular Churches entrusted to their care.”¹⁵ Besides the necessary legal embedding of the papal powers, it is also necessary to consider the form of their exercise and a renewed model of Petrine office, which can also appeal to a number of movements within Christendom in the world in favour of an ecumenical rapprochement with the Catholic Church. Pope John Paul II in his encyclical letter on ecumenism says the following: “I am convinced that I have a particu-

¹³ I. RIEDEL-SPANGENBERGER: “Der Juridiktions- und Lehrprimat des Papstes in der Diskussion.” *Archiv für katholisches Kirchenrecht. Mit besonderer Berücksichtigung der Länder deutscher Sprache* 165 (1996), pp. 51—52.

¹⁴ J. HERVADA: *Diritto costituzionale canonico*. Milano 1989, p. 75.

¹⁵ *Codex iuris canonici 1983* [hereafter: CIC/1983], can. 333 § 1; Cf. *Codex canonum Ecclesiarum Orientalium* [hereafter: CCEO], can. 45 § 1.

lar responsibility in this regard, above all in acknowledging the ecumenical aspirations of the majority of the Christian Communities and in heeding the request made of me to find a way of exercising the primacy which, while in no way renouncing what is essential to its mission, is nonetheless open to a new situation.”¹⁶

3. Sacramental inter-communion

The 1917 Code of Canon Law prescribed a universal ban on ministering the sacraments to non-Catholics: “It is forbidden to minister the sacraments of the Church to the heretics and schismatics, even though they are in good faith and ask for them, unless they have first renounced their errors and been reconciled to the Church.”¹⁷ The idea “that Catholics could receive the sacraments beyond the Catholic Church was altogether beyond the horizon of the Code.”¹⁸

Vatican II approaches the issue of sacramental *communicatio in sacris* differently. The Decree on Catholic Eastern Churches *Orientalium Ecclesiarum* presents a programmatic norm on the possible intercommunion between the Catholics and the Christians of Eastern Churches who are not in full communion with the Catholic Church: “Without prejudice to the principles noted earlier, Eastern Christians who are in fact separated in good faith from the Catholic Church, if they ask of their own accord and have the right dispositions, may be admitted to the sacraments of Penance, the Eucharist and the Anointing of the Sick. Furthermore, Catholics may ask for these same sacraments from those non-Catholic ministers whose Churches possess valid sacraments, as often as necessity or a genuine spiritual benefit recommends such a course and access to a Catholic priest is physically or morally impossible.”¹⁹ The same decree, however, refers to the actual divine right (*ius divinum*), as if it were a confused practice which fails to express the Catholic faith: “Common participation in worship (*communicatio in sacris*) which harms the unity of the Church or involves formal acceptance of error or the danger of aberration in the faith, of scandal and indifferentism, is forbidden by divine law.”²⁰ This

¹⁶ UUS, n. 95.

¹⁷ *Codex iuris canonici 1917* [hereafter: CIC/1917], can. 731 § 2.

¹⁸ M. KAISER: “Ökumenische Gottesdienstgemeinschaft.” In *Handbuch des katholischen Kirchenrechts...*, p. 643.

¹⁹ *Orientalium Ecclesiarum* [hereafter: OE], n. 27.

²⁰ OE, n. 26.

is the basis of the future definitive legal regulation which is subsequently found in the Code of Canon Law²¹ and in the Code of Canons of the Eastern Churches.

Orthodoxy, as long as it sticks to its ancient canonical sources, is totally uncompromising in relation to intercommunion: “According to strictness (*akribia*), all communication with a heretic during the divine worship is condemned [...] If, under this rule, a common prayer with heretics is condemned, it follows that it is not possible to be ‘in communion with them’ in the mysteries (sacraments). [...] Thus it follows that the sacraments of the dissenters can ‘as such’ never be affirmed as valid from the orthodox point of view.”²² However, one should also add that the Orthodox concept — in contrast to the canon law of the Catholic Church — does not distinguish between validity (*validitas*) and liceity (*liceitas*) of a legal act, which is the result of the legal development in the Christian West only in the second millennium: “While earlier all violation of the law resulted in an invalid legal-sacramental act, from that moment onwards one distinguishes between validity and liceity; i.e. the violation of the majority of the disciplinary and liturgical norms only result in non-liceity.”²³ Moreover, the practice of the Orthodox and other Eastern non-Catholic Churches is very variable — from the unwillingness to recognize baptism in a non-Orthodox Church, although ministered with the appropriate Trinitarian formula, to practically complete communion in sacramental life, including the Eucharistic inter-celebration of non-Catholic ministers with the Catholic ones (which the Catholic Church prohibits). The criteria of the factual responsiveness or negativity are in these cases given by personal, local, practical or historically conditioned circumstances.

The Catholic concept, however, is based on “objectively” given sacramental and theological principles. In the Catholic doctrine, the Eastern Churches not unified with the Holy See minister valid sacraments, it is, therefore, possible that it may in justified cases be possible for the Catholics to receive these sacraments, as it is under certain conditions likewise possible for the non-Catholics to receive Catholic sacraments administered by Catholic ministers: “The main reason for this Catholic legal regulation is the conviction that the original and full celebration of the Lord’s Supper is secured only if it is administered under the leadership of a bishop who shares succession in office or to a priest who is subordinate to him. This office of the bishop is the guarantee of identity,

²¹ B. W. ZUBERT: “Interkomunia w świetle nowego Kodeksu.” *Prawo Kanoniczne* 31 (1988) nr 1–2, pp. 13–29.

²² P. I. BOUMIS: *Kanonické právo Pravoslávnej cirkvi*. Prešov 1997, p. 213.

²³ S. PŘIBYL: “Rudolph Sohm a jeho kritika církevního práva.” In: *Církevněprávní studie*. Ed. S. PŘIBYL. Brno 2012, p. 199.

authenticity and unity in the celebration of the Eucharist.”²⁴ Orthodoxy has a similar concept: “From the period of the apostles until now, the bishop has been designated to ‘bring gifts to God.’ (Hebrews 5,1), to be in charge of the Eucharistic communion, to lead the local Church in every way and to unite his own Church with the universal Church by the means of *chirotonia* (ordination), common service and community with other bishops.”²⁵

In relation to the communion in sacraments, both of the valid canonical codes in their normativity first point out the principle under which the “Catholic ministers administer the sacraments licitly to Catholic members of the Christian faithful alone, who likewise receive them licitly from Catholic ministers alone.”²⁶ After that we find “relieving” norms to the Catholic faithful: “Whenever necessity requires it or true spiritual advantage suggests it, and provided that danger of error or of indifferentism is avoided, the Christian faithful for whom it is physically or morally impossible to approach a Catholic minister is permitted to receive the sacraments of penance, the Eucharist, and anointing of the sick from non-Catholic ministers in whose Churches these sacraments are valid.”²⁷

The regulation in the Code here chose the criterion of validity of the sacramental discipline in the given Church. On the top of that, the ecumenical directory adds a personal criterion because a Catholic Christian can also ask for these sacraments from a minister “who is known to be validly ordained according to the Catholic teaching on ordination.”²⁸ A regulation of extraordinary importance within the *Ecumenical Directory* is the one which commands the practice of those Oriental Churches which reject the communion in sacred things: “A Catholic who legitimately wishes to communicate with Eastern (non-Catholic) Christians must respect the Eastern discipline as much as possible and refrain from communicating if that Church restricts sacramental communion to its own members to the exclusion of others.”²⁹

If Orthodox Churches understand intercommunion unfavourably, this reservation is justified also theologically, that is, in a way that is

²⁴ S. DEMEL: *Handbuch Kirchenrecht. Grundbegriffe für Studium und Praxis*. Freiburg im Breisgau 2010, p. 207.

²⁵ Š. PRUŽIŇSKÝ, M. NAZDAM: *Teologické východiská pravoslávnej cirkevnej misie I*. Prešov 1994, p. 109.

²⁶ Cf. CIC/1983, can. 844 § 1; CCEO, can. 671 § 1.

²⁷ CIC/1983, can. 844 § 2; CCEO, can. 671 § 2.

²⁸ *Directorium oecumenicum noviter compositum*. In: AAS 85 (1993), pp. 1039—1119 [hereafter: DE], n. 132.

²⁹ DE, n. 124.

essentially in accordance with the position of the Catholic Church prior to Vatican II and which dominated the normativity of the 1917 Code: “From the Orthodox point of view, the Eucharist is not only an individual act separated from the rest of the Church’s life. Thoughtful members of the Orthodox Church can under no circumstances imagine a Eucharist separated from the fullness of their Church, i.e. that someone who seems to be strange from this perspective could receive the body and blood of Christ without fully accepting the community which celebrates the mystery and without full obligation to it, esp. as regards the faith of the Church which is and remains unchangeable. In other words, there is no separation between the Church and the Eucharist. If someone wants to have the first thing, he/she must necessarily accept the other thing as well.”³⁰

It seems as a paradox that the faithful from the Church communities descended from the Reformation demand to be admitted to the Eucharistic communion in the Catholic Church, even though — historically speaking — the problem of the sacraments and the concept of the Eucharist belonged amongst the most controversial issues in the Reformation polemic with Catholicism. Moreover, even the Reformers and their Church communities did not quite establish a unified conception. The historical controversy about the Eucharist between Luther and Zwingli failed to reach a solution, as it is documented in the conclusion of Article 15 of the Marburg Articles from 1529: “And although we have not been able to agree at this time, whether the true body and blood of Christ are corporally present in the bread and wine [of communion], each party should display towards the other Christian love, as far as each respective conscience allows, and both should persistently ask God the Almighty for guidance so that through his Spirit he might bring us to a proper understanding.”³¹ A crucial problem, however, is the Reformation-based rejection of the existing sacramental structures based on the authority of the bishop in apostolic succession, and in the case of the Eucharist also the exclusively spiritual conception on the side of the Reformers. If the Eucharist is ministered by the glorified Christ, it makes no real difference what kind of Church minister actually celebrates the Eucharist: “From the Catholic point of view, the validity of the Eucharist is based essentially on the action of the properly ordained priest. However, reformational theology entrusts the sacramental initiative fully to the resurrected Christ who is completely free in his choice of his grace-filled action, not bound by

³⁰ Š. PRUŽIŇSKÝ: *Aby všetci jedno boli. Pravoslávie a ekumenizmus*. Prešov 1997, p. 279.

³¹ P. FILIPI: *Hostina chudých. Kapitoly o večeři Páně*. Praha 1991, p. 78.

any rules of an earthly Church. Practically, it means that in reformational Churches the Eucharistic celebration may be presided over by anybody whom the community discerned to be filled with a certain charisma, even if it was just a singular case.”³²

Obviously, this is a reference to the theology and practice of the Catholic Church (and — certainly — also to non-Catholic Eastern Churches): “However, the Roman Church reversely also does not allow its members to take part on the Lord’s Supper in the Evangelical Church. The reason for that is — typically — that there is not valid priestly ordination within the Evangelical Church (*defectus ordinis*); because the Lord’s Supper may be ministered only by a “validly ordained minister [...], i.e. ordained in the line of apostolic succession. Indeed, there have been efforts to interpret the canonical rule in the widest possible way and make it possible for mixed marriages to receive the communion, at ecumenical gatherings etc. Some bishops tacitly tolerate the practice. We can understand it as a courageous anticipation of the situation we all long to achieve — i.e. to come together to the Lord’s Table. There is, however, also a certain danger in this: it may become just a demonstration of the experienced community, where it is no longer Christ and his gifts received at the table, but it is us and our ecumenical courage.”³³

In this context, the *Ecumenical Directory* expresses a clear and unanimous ecclesiological principle which should govern the Catholic practice of intercommunion: “Eucharistic communion is inseparably linked to full ecclesial communion and its visible expression.”³⁴ Thus it is not possible to anticipate a situation which has not yet been achieved: “The celebration of sacraments within a particular community is a sign of unity in faith, liturgy and the life of the community. In that sense, the celebration of the sacraments, especially the Eucharist, is the source of unity for the Christian community and its spiritual life.”³⁵ This is in accordance with Pope John Paul II’s warning in his encyclical addressed to the Catholic faithful about the Eucharist: “At times one encounters an extremely reductive understanding of the Eucharistic mystery. Stripped of its sacrificial meaning, it is celebrated as if it were simply a fraternal banquet. Furthermore, the necessity of the ministerial priesthood, grounded in apostolic succession, is at times obscured and the sacramental nature of the Eucharist is reduced to its mere effectiveness as a form of proclamation. This has led here and there to ecumenical initiatives which, albeit well-intentioned,

³² P. FILIPI: *Křesťanstvo. Historie, statistika, charakteristika křesťanských církví*. Brno 2012, pp. 93—94.

³³ P. FILIPI: *Hostina chudých...*, p. 109.

³⁴ DE, n. 129.

³⁵ F. BERNARD: “Der ökumenische Auftrag...,” p. 51.

indulge in Eucharistic practices contrary to the discipline by which the Church expresses her faith.”³⁶

Especially in relation to the faithful of the non-Catholic Eastern Churches, the canonical norm found in the Code provides a limited possibility to comply with their wishes: “Catholic ministers administer the sacraments of penance, the Eucharist, and anointing of the sick licitly to members of Eastern Churches which do not have full communion with the Catholic Church if they seek such on their own accord and are properly disposed. This is also valid for members of other Churches which in the judgment of the Apostolic See are in the same condition in regard to the sacraments as these Eastern Churches.”³⁷ There are two conditions for non-Catholics to receive the sacraments: a spontaneous request and a proper disposition. The legislator makes clear that the Catholic Church is not interested in ignoble expansion so that “any suggestion of proselytism should be avoided.”³⁸ The potential longing of some Eastern Christians to receive the Eucharist in the Catholic Church of the Latin rite may also be hindered by the absence of epiclesis, which is considered to be a necessary element mediating the sacramental presence of Christ: “The home of the ceremonial epiclesis as the invoking of the Holy Ghost after the account of the institution is the Syrian-Byzantine liturgical environment. Originally, it took shape from an epiclesis to the communion and this was transformed into the epiclesis for the transubstantiation. It thus became a request to God to transform the gifts into the body and blood of Christ by the descent of the Holy Spirit in order to grant us a fruitful communion.”³⁹

In the Code law, there is a very restrictive regulation about the permissibility of admitting non-Catholic Christians coming from the Reformed Churches to the sacraments ministered by Catholic ministers. The given absence of some of the fundamental doctrinal and structural parameters led the legislator to cumulate several conditions: “If the danger of death is present or if, in the judgment of the diocesan bishop or conference of bishops, some other grave necessity urges it, Catholic ministers administer these same sacraments licitly also to other Christians not having full communion with the Catholic Church, who cannot approach a minister of their own community and who seek such on their own accord, provided that they manifest Catholic faith in respect to these sacraments and are properly disposed.”⁴⁰ The criterion for placing the given Church under

³⁶ *Ecclesia de Eucharistia*, n. 10,2.

³⁷ CIC/1983, can. 844 § 3; Cf. CCEO, can. 671 § 3.

³⁸ DE, n. 125.

³⁹ L. POKORNÝ: *Liturgika II. Dějiny liturgie v přehledu*. Praha 1976, p. 101.

⁴⁰ CIC/1983, can. 844 § 4; Cf. CCEO, can. 671 § 4.

the legal regime of this regulation is justified especially by the fact that the sacrament of Eucharist in these Churches without sacramental priesthood is — from the Catholic point of view — not celebrated and ministered validly. The sacraments of reconciliation and the anointing of the sick are either not administered at all, or the celebrations resembling these sacraments are not understood as sacraments. From the very beginning, an exception to the rule amongst these Churches has been Anglicanism; however, now it more and more follows the mainstream of protestant Churches: “The basic model of the Christian initiation changed the most: baptism (without the complement of the confirmation) became the one and only condition for the Lord’s Supper regardless the age.”⁴¹ Nevertheless, the different number and understanding of the sacraments can be overcome by the differentiation of the meaning and the necessity of the sacraments: “The tradition of the Church distinguishes [...] between both ‘major’ sacraments: Baptism and the Eucharist and the ‘minor’ sacraments: confirmation, forgiveness of sins (penance), anointing of the sick, ordination (calling, benediction and mission) and marriage.”⁴²

Although the regulation of the Code about the admission conditions of Christians whose Churches or ministers lack the inclusion into the structure formed by sacramental priesthood and by apostolic succession very detailed about the limiting conditions, we should take into account the regulation found in the 1917 Code, which limited the very presence of the Catholics at the celebrations, let alone to open the question whether non-Catholics could be admitted to the sacraments administered/officiated in the Catholic Church: “It is unlawful for the faithful to assist or to take part in the sacred services of non-Catholics. Merely passive or material presence may be tolerated on account of a civil office, or for the purpose of showing respect to persons, to be approved in doubtful cases by the bishop for grave reasons, at funerals of non-Catholics, at marriages, and similar solemnities, provided there is a danger of neither perversion or scandal.”⁴³

Even though the concept of Vatican II means a significant turning point in this issue, it does not mean that the Council decree on ecumenism considered the theological differences between the Catholic Church and the Churches formed coming from the Reformation as trivial and calls for a dialogue and not for a hasty participation on the sacraments: “Though the ecclesial Communities which are separated from us lack the fullness of unity with us flowing from baptism, and though we believe

⁴¹ P. FILIPI: *Malá encyklopedie evangelických církví*. Praha 2008, p. 20.

⁴² H. SCHÜTTE: *Ekumenický katechismus I. — Víra všech křesťanů*. Praha 1999, p. 151.

⁴³ CIC/1917, can. 1258 § 1, § 2.

they have not retained the proper reality of the eucharistic mystery in its fullness, especially because of the absence of the sacrament of orders, nevertheless when they commemorate His death and resurrection in the Lord's Supper, they profess that it signifies life in communion with Christ and look forward to His coming in glory. Therefore, the teaching concerning the Lord's Supper, the other sacraments, worship, the ministry of the Church, must be the subject of the dialogue."⁴⁴

There are altogether five limiting conditions for "to other Christians not having full communion with the Catholic Church" and want to receive the sacrament of reconciliation, the Eucharist, or the anointing of the sick. The first one is "the danger of death or some other grave necessity." In the case of the danger of death (*periculum mortis*) the legislator magnanimously applies the canonical principle, which stipulates that the supreme law is the salvation of the soul.⁴⁵ However, the assessment of what exactly this other "grave necessity" amounts to, as well as further concretization of other conditions of the intercommunion is not based on unlimited wilfulness of the minister, but on the legal framework given by the legislators of the particular Churches.

4. The particular law of the Czech Bishops' Conference

The Czech Bishops' Conference issued a decree provisionally approved by the Apostolic See called "The communion in sacraments with the Christians of other Churches" (*Společenství ve svátostech s křesťany jiných církví*),⁴⁶ where it expands on some of the coordinates found in the Code. The document understands grave and urgent necessity as the "impossibility caused by persecution, prison, army service, sojourns in hospitals and social institutions where the minister of their own Church is unavailable, and the situation of the diaspora, where the non-Catholic Christian feels

⁴⁴ UR, n. 22,3.

⁴⁵ "Canon Law is a religious law which predetermines its purpose: that is, its purpose is not only the regulation of the 'horizontal' relations in the Church in accordance with the will of the Church authority, but also and in particular — the formation of Christians in their existential 'vertical' (transcendental) orientation to God following the main principle of Canon Law *suprema lex salus animarum* ('the supreme law is the salvation of souls — see Canon 1752 CIC)." — A. HRDINA: *Kanonické právo. Dějiny pramenů, teorie, platné právo*. Plzeň 2011, p. 60.

⁴⁶ M. KOLÁŘOVÁ (ed.): *Sbírka právních norem Arcidiecéze pražské z let 1945—2009*. Praha 2009, pp. 107—116. [hereafter: SpSv].

a real need of sacramental support and cannot find it, because a minister from his Church is unavailable or available with some grave difficulty (either great effort or major expenses).”⁴⁷

While in these cases the minister may be led in his decision making by his own consideration, the document enumerates other cases which presuppose a special approval of the ordinary: “the celebration of a mixed marriage, an extraordinary event in a marriage, such as the baptism of babies, an important wedding anniversary, funeral mass for a deceased member of the family, consolidation of the life of grace in a confessionally mixed families (as an exception, in case of a really grave need), the supplicant is a Catholic by faith and orientation, but grave circumstances protect him/her from formally converting to the Catholic Church.”⁴⁸

The impossibility of reaching the minister from their own community is formulated sensitively by the *Ecumenical Directory*: “the person is unable to have recourse for the sacrament desired to a minister of his or her own Church or ecclesial Community.”⁴⁹ For these cases the German-speaking literature and practice use the term *geistliche Notlage*. The document of the Czech bishops stipulates that in the given cases where the permission of the ordinary is needed, it is a matter of “moral impossibility” to reach the minister of their own Church.⁵⁰ It is clear that the decree does not intend to be instrumental in the uncontrollable massive growth of practical Church discipline. Thus, it emphasises the following: “In order to strengthen the life of grace and faith in confessionally mixed families [...] it is first of all necessary, e.g. in a pastoral dialogue, to make clear whether and how the given married couple (or their children) understand this separation at the Lord’s Table as a burden and threat to their community of life and faith and then ask the ordinary to make a decision. If the non-Catholic spouse is given the chance to participate fully in the celebration of the Eucharist, it is necessary to make sure that such a unique case does not become a general precedent for all mixed marriages indiscriminately. The situations where the receiving of the sacraments by non-Catholic Christians causes scandal should be avoided by appropriate explanation on the side of the Catholic minister.”⁵¹

As for the other conditions for the receiving of sacraments by non-Catholics, we should emphasise the requirement to hold the Catholic faith about these sacraments. While with Eastern-rite Christians this faith is presupposed, with Christians coming from different Church communi-

⁴⁷ SpSv III. B., 1 a) — c).

⁴⁸ SpSv III. B., 2 a) — d).

⁴⁹ DE, n. 131.

⁵⁰ SpSv III. B., 3 a).

⁵¹ SpSv III. B., 4.

ties one needs to make sure that they individually hold such a faith. The Catholic Church pays attention to making the sacraments understandable and unburdened by needless misunderstandings. “Representing Jesus Christ in the Eucharist is neither a magical nor a mechanical act. It comes about by a prayer to receive the gift of the Holy Ghost (*epiclesis*), oriented towards God the Father in the name of Jesus Christ.”⁵² This doctrinal obligingness must be — in the case of the desire to receive the sacraments — responded to by the receiver’s confession about the given sacrament: “The faith must be assessed according to the situation, e.g. in relation to the education and cultural background of the person. In this sense, one requires neither a thorough knowledge of the dogmatic doctrine of the Catholic Church, nor the theological interpretation of the sacraments. With the sacrament of reconciliation and anointing of the sick, the necessary minimum is the conviction that for a person in question they provide what they signify. The faith can be expressed with the consensus with the biblical texts that are traditionally given in relation to these sacraments [...]. For the worthy reception of the sacraments one needs to have a minimum faith on the side of the receiver, i.e. the conviction that the crucified and glorified Lord really present in the Eucharist is given to us as the giver and the gift under the species of bread and wine; and in that way he builds His Church. It is also desirable that this faith includes other doctrines concerning the Eucharist and the consensus with the conditions of the Church for the ministering of these sacraments.”⁵³ It was Pope Paul VI in the period of Vatican II, who considered it necessary to defend the Catholic and obligatory Catholic doctrine on transubstantiation⁵⁴ in an encyclical devoted to the Eucharist and the Mass.⁵⁵

The readiness of the receiver must follow the concept of the Catholic Church, which is here — in contrast to the doctrinal foundations — more easily defined on the basis of canonical regulations: “Prior to the reception of the sacraments, it is necessary to point out the usual conditions under which one may receive them (the sacrament of reconciliation before

⁵² BERLINER BISCHOFSKONFERENZ (ed.): *Katholischer Erwachsenen-Katechismus. Das Glaubensbekenntnis der Kirche*. Leipzig 1985, p. 305.

⁵³ SpSv III. B., 5 a).

⁵⁴ “Catholic seminarians follow the Aristotelian-scholastic philosophy which in material things distinguishes between the substance (*substantia*) and accidents (*accidentia*); with the substance they distinguish the first matter (*materia prima*) and the substantial form (*forma*). With the transubstantiation there comes such a transformation that the whole substance of bread and wine stops existing and comes to be the body and blood of Christ, while only the species remain in their original state.” — R. ŠPAČEK: *Katolická věrouka Díl III., kniha V.—VII. O milosti, svátostech a dokonání*. Praha 1922, p. 292.

⁵⁵ *Mysterium fidei*. In: AAS 57 (1965), pp. 753—774.

the reception of the Eucharist, if one is conscious of having committed a grave sin; valid marriage etc.) and one needs to make sure they have been fulfilled. If it seems necessary after the dialogue has taken place, the person prepares for the Eucharist with the reception of the sacrament of reconciliation with the usual conditions. The matter of the confession of sins should consist of moral questions. The legal questions should be dealt with in accordance with the traditions, regulations, and customs of a given Church.”⁵⁶

This legacy of legislature expressing the individual respect to the Christians formed by traditions different from the Catholic perception of things follows the respect to the Church communities found in the self-limiting norm of the universal Catholic legislator directed to the particular legislator, namely, the bishops and the bishops’ conferences. They may issue general regulations about intercommunion only after “they have been negotiated with the appropriate superiors at least of the local non-Catholic Church or the community that is involved.”⁵⁷ The Catholic legislator thus accepts voluntary self-limitation which has no precedent in the previous development of the canonical discipline.

5. Conclusion: The requirement of the internal unity of the Church

It is true that the given detailed norms of the decree of the Czech bishops related to the intercommunion offer a certain degree of deliberation to both the ministers and the ordinaries; in fact, this is also the term that these very norms use.⁵⁸ The ecumenical way of thinking urges magnanimity and ecumenical formation should be a part of the preparation of the ministers: “Students learn about the needs of the whole Church to support the vocations, missionary activities, ecumenical and other pressing issues, including the social ones.”⁵⁹ Moreover, the ecumenical directory prepared a synthetic summary of the ecumenical aspects of the given subjects taught “[...] in relation to the study of the Scriptures, which is

⁵⁶ SpSv III. B., 5 b).

⁵⁷ CIC/1983, can. 844 § 5; Cf. CCEO, can. 671 § 5.

⁵⁸ “Because the organ of public Church power [...] applies the legal norm as a general rule onto a concrete, particular case, it cannot bypass the necessity to interpret this norm, as well as certain deliberation in its actual application.” — P. FILIPI: *Hostina chudých...*, p. 132.

⁵⁹ CIC/1983, can. 256 § 2.

the common source of faith for all Christians; the study of the apostolic tradition of the Church Fathers and other Church thinkers of the East and West; the study of the liturgy, in which the different forms of worship and their doctrinal and spiritual significance are scientifically compared; in dogmatic and moral theology, especially in relation to the problems emerging in ecumenical dialogue; in the study of Church history which should carefully research the issues of the unity of the Church and the reasons for the separation; in Church law which should carefully distinguish between the divine law and Church laws which can change with time, culture and local tradition; and last but not least, the pastoral and missionary doctrine and in the study of sociology which should take into account the conditions faced by all Christians in the modern world.”⁶⁰ Moreover, the directory presupposes a separate series of lectures about ecumenism: “Even if the ecumenical dimension penetrates the whole theological formation, it is crucially important to include separate lectures on ecumenism at an appropriate moment during the first cycle.”⁶¹

However, we should note that also within the Catholic Church there are some communities with reserved, if not downright negative positions towards the ecumenical movement and the participation of the Church in it. They have their own seminaries and other formational institutions where future clergy is trained for their ministry. Full unity with the Church is the goal of the Fraternity of St. Pius X, which in its discussions with the Apostolic See seriously considers the option of becoming a personal prelature as a legal form.⁶² The Fraternity, however, selects the content of the documents of Vatican II on the basis of their own understanding of the previous tradition and practice of the Church, that is, it does not find adequate the wide-reaching concepts of ecumenical cooperation, and so it avoids ecumenical relations altogether. Similarly, the tense relations of some Catholic and some non-Catholic Eastern Churches block the factual realisation of the goals which the Catholic Church set to achieve in the ecumenical efforts: “The conversion into the Roman Catholic Church has always been understood as a betrayal of the original mother Church, therefore it is mistaken to think these were ecumenical acts [...]. Contemporary discussions deal with a single problem only, i.e. the union. If one can find a solution to this problem, the dialogue can move forward, if not, it is over.”⁶³ Nevertheless, the encyclical of Pope John Paul II on ecumenism understands the ecumenical activities of the Church today as an inseparable element of its activities: “[...] ecumenism, the movement pro-

⁶⁰ ED, n. 78.

⁶¹ ED, n. 79.

⁶² CIC/1983, kán. 294—297.

⁶³ Š. PRUŽIŇSKÝ: *Aby všetcí jedno boli...*, pp. 52—53.

moting Christian unity, is not just some sort of ‘appendix’ which is added to the Church’s traditional activity. Rather, ecumenism is an organic part of her life and work, and consequently must pervade all that she is and does; it must be like the fruit borne by a healthy and flourishing tree which grows to its full stature.”⁶⁴

The Church, however, is also obliged to build her own inner unity which was disturbed by the schism caused by the ordination of the four bishops of the Fraternity of St. Pius X in 1988. The efforts of Pope Benedict XVI to reconcile with this group of the faithful follow his earlier efforts; thus, they can positively continue in the process: “I myself saw, in the years after 1988, how the return of communities which had been separated from Rome changed their interior attitudes; I saw how returning to the bigger and broader Church enabled them to move beyond one-sided positions and broke down rigidity so that positive energies could emerge for the whole.”⁶⁵ The very same pope explains the misunderstanding caused by the remission of excommunication to the four illegitimately ordained bishops of the Fraternity of St. Pius X: “But should not the great Church also allow herself to be generous in the knowledge of her great breadth, in the knowledge of the promise made to her? Should not we, as good educators, also be capable of overlooking various faults and making every effort to open up broader vistas? And should we not admit that some unpleasant things have also emerged in Church circles?”⁶⁶

There are many theological orientations and spiritual movements within the Catholic Church, but such a plurality — unfortunately — comes with a number of opposing interests and mutual misunderstandings. The mentioned schism is only in the external, legally tangible expression of this lack of concord which exists also in other fields of Church life. Magnanimity *ad extra* in ecumenical relations to the non-Catholic Churches must necessarily be balanced with a willingness to listen to one another within the Catholic Church: “Finally, all of you, be like-minded, be sympathetic, love one another, be compassionate and humble. Do not repay evil with evil or insult with insult. On the contrary, repay evil with blessing, because to this you were called so that you may inherit a blessing.”⁶⁷

⁶⁴ UUS, n. 20.

⁶⁵ BENEDICT XVI: *List biskupům katolické církve ohledně zrušení exkomunikace čtyř biskupů vysvěcených arcibiskupem Lefebvrem z 10. března 2009*. In: *Acta České biskupské konference* 4 (2008), p. 41.

⁶⁶ *Ibidem*, p. 42.

⁶⁷ 1 Pt 3: 8—9.

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STANISLAV PŘIBYL

Sur les limitations dans les relations œcuméniques entre les églises

Résumé

L'Église catholique a accepté le mouvement œcuménique durant le Concile Vatican II dont le document capital était le Décret sur l'œcuménisme *Unitatis redintegratio* (1964). Les normes canoniques des codes postconciliaires et des directoires œcuméniques constituent le développement des objectifs indiqués par le Concile. Pourtant, le droit canonique est souvent perçu comme un obstacle empêchant les démarches et initiatives œcuméniques. Malgré cela, le droit canonique s'appuie sur les prémisses théologiques découlant de l'enseignement de l'Église, à cause de quoi il ne peut pas outrepasser les limites indiquées par la tradition catholique et, par voie de conséquence, le succès du dialogue œcuménique commun ne peut qu'être partiel. L'article se concentre sur deux obstacles que l'on peut surmonter uniquement avec une grande peine. Le premier résulte de la conception du poste papal non accepté aussi bien par les Églises non catholiques orientales que par les Églises réformées, malgré la bonne opinion dont jouissent dans les dernières années les successeurs subséquents du Saint Pierre dans ces communautés religieuses. Le second obstacle résulte des possibilités limitées de l'intercommunion sacramentelle. Le droit canonique catholique donne aux fidèles appartenant aux Églises non catholiques orientales la possibilité d'accéder au sacrement de réconciliation, de l'Eucharistie et de l'onction des malades. Toutefois, les Églises protestantes comprennent autrement la notion même de sacrement, donc le droit canonique doit être plus restrictif dans cette matière. Dans l'article, on a présenté également des réglementations juridiques concrètes de l'intercommunion sacramentelle proposées par l'Épiscopat tchèque. Les conclusions finales de l'article se concentrent sur le besoin de l'unité dans l'Église catholique même, tout en mentionnant les efforts visant à intégrer à l'Église la Fraternité sacerdotale Saint-Pie-X.

Mots-clés: Église, œcuménisme, droit canonique, papauté, Réforme, orthodoxie, sacrements, Eucharistie

STANISLAV PŘIBYL

Intorno alle limitazioni nelle relazioni ecumeniche tra le chiese

Sommario

Durante il Concilio Vaticano II la Chiesa cattolica accettò il movimento ecumenico il cui documento emblematico fu il Decreto sull'ecumenismo *Unitatis redintegratio* (1964). Le norme canoniche dei codici post-conciliari e dei direttori ecumenici costituiscono lo sviluppo degli orientamenti indicati dal Concilio. Ciò nonostante il diritto canonico viene spesso percepito come un ostacolo agli sforzi ed alle iniziative ecumeniche. Malgrado ciò il diritto canonico si basa sulle premesse teologiche risultanti dal magistero della Chiesa, per cui non può oltrepassare i confini delimitati dalla tradizione cattolica ed il successo del dialogo ecumenico comune può essere solo parziale. L'articolo è focalizzato su due ostacoli che possono essere superati solamente con grande

sforzo. Il primo risulta dalla concezione del papato non accettato sia dalle chiese non cattoliche di rito orientale, sia dalle chiese riformate, nonostante la buona opinione di cui godono negli ultimi tempi i diversi successori di san Pietro in quelle comunità religiose. Il secondo ostacolo risulta dalla possibilità limitata dell'intercomunione sacramentale. Il diritto canonico cattolico apre la possibilità di accesso al sacramento della riconciliazione, dell'Eucarestia e dell'unzione degli infermi ai fedeli non cattolici delle chiese di rito orientale. Tuttavia le chiese riformate comprendono diversamente il concetto stesso di sacramento, pertanto il diritto canonico in tal merito deve essere più restrittivo. Nell'articolo sono state presentate anche norme giuridiche concrete dell'intercomunione sacramentale, proposte dall'Episcopato ceco. Le conclusioni finali dell'articolo si concentrano sulla necessità di unità nella Chiesa cattolica stessa, ricordando gli sforzi volti all'integrazione della Fraternità Sacerdotale San Pio X nella Chiesa.

Parole chiave: Chiesa, ecumenismo, diritto canonico, papato, riforma, ortodossia, sacramenti, Eucarestia



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Sensus fidei fidelium Legal and Ecumenical Reflection

Abstract: Two documents of the International Theological Commission from 2011 and 2014 constitute a source of inspiration for undertaking important research in the areas of ecclesiology, ecumenical theology and canon law. What is located in the latter area is — as it is attempted to meticulously present in this study — a contemporarily relevant issue whether *sensus fidei fidelium* is the meaning of the Church law. Indeed, with the awareness that the legal structure of the Church cannot take into account the universal service of redemption, according to the unquestionable paradigm: the Church law is the law of freedom. We can hope that the results of research “programmed” in such a way, open to the “exchange of gifts” in the ecumenical dialogue, will positively influence the intensification of the pastoral efforts of the entire People of God, guided by the Holy Spirit along the ways of faith revival — in an indefatigable evangelization and construction of Church *communio*. Indeed, time will tell whether the ten-year-long research conducted by the council of theologians on the issue of *sensus fidei fidelium* in the life of the Church — having many points in common with the vital issue of Church synodality — fulfilled their task sufficiently enough.

Keywords: *sensus fidei*, the signs of the times, ecclesiology of *communio*, the law of the Church, synodality, ecumenism

1. The context of the “signs of the times”

In 2014 the International Theological Commission announced its new document, entitled *Sensus fidei in the life of the Church*,¹ the result

¹ INTERNATIONAL THEOLOGICAL COMMISSION: *Sensus fidei in the life of the Church* (2014) — http://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_cti_20140610_sensus-fidei_en.html [accessed: 9.01.2018].

of research conducted in the years 2009—2014. We should add that the announcement (or even programming) of this research was the presentation of the significance of the subject matter issues in the earlier document, crowning the work of the mentioned experts' body in the years 2004—2011. Indeed, already in 2011 the International Theological Commission document, where a significant space was dedicated to “the signs of the times”² (an issue strongly discussed during the Second Vatican Council³), a prominent position of *locus theologicus* is held by *sensus fidei fidelium*.⁴ It is difficult not to notice that the famous formulas in which the Vaticanum II fathers used to define our title concept *sensus fidei*: “the whole peoples' supernatural discernment in matters of faith”⁵ and “penetrating understanding of the spiritual realities”⁶ — constitute the context of the significant theological speech in Chapter 2 of the document, bearing a very peculiar title: “Abiding in the Communion of the Church”. In the point entitled “Attention to the *sensus fidelium*” (*nota bene* adroitly located between the following concepts: “Fidelity to Apostolic Tradition” and “Responsible adherence to the ecclesiastical magisterium”) experts explain the quintessence of the conciliar thought: “The subject of faith is the People of God as a whole, which in the power of the Spirit affirms the Word of God. That is why the council declares that the entire people of God participates in the prophetic ministry of Jesus, and that, anointed by the Holy Spirit (cf. 1 John 2:20, 27), it ‘cannot err in matters of belief’ (*Lumen gentium*, n. 12).”⁷

In the development of this thought the authors of the document once again refer to the objective doctrine of the Council — fundamental magisterium (as it was clearly emphasized⁸) for the Catholic theology: “The pastors who guide the People of God, serving its faith, are themselves first of all members of the communion of believers. Therefore *Lumen Gentium* speaks first about the People of God and the *sensus fidei*

² INTERNATIONAL THEOLOGICAL COMMISSION: *Theology today: perspectives, principles and criteria* (2011), nn. 51—58 — http://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_cti_doc_20111129_teologia-oggi_en.html [accessed: 9.01.2018].

³ VATICAN COUNCIL II: *Pastoral Constitution on the Church “Gaudium et spes”* [7.12.1965] [hereinafter: GS], n. 4,1.

⁴ “For theologians *sensus fidelium* is of great importance. It is not only an object of attention and respect, it is also a base and a *locus* for their work.” INTERNATIONAL THEOLOGICAL COMMISSION, *Theology today...*, n. 35.

⁵ VATICAN COUNCIL II: *Dogmatic Constitution on the Church “Lumen gentium”* [21.11.1964] [further: LG], n. 12,1.

⁶ VATICAN COUNCIL II: *Dogmatic Constitution on Divine Revelation “Dei Verbum”* [18.11.1965], n. 8,3.

⁷ INTERNATIONAL THEOLOGICAL COMMISSION: *Theology today...*, n. 33.

⁸ *Ibidem*.

that they have (cf. *Lumen Gentium*, Chapter 2), and then of the bishops (cf. *Lumen Gentium*, Chapter 3) who, through their apostolic succession in the episcopate and the reception of their own specific *charisma veritatis certum* ('sure charism of truth' — cf. *Dei Verbum*, n. 8), constitute, as a college in hierarchical communion with their head, the bishop of Rome and successor of St Peter in the Apostolic See (cf. *Lumen gentium*, nn. 21, 24—25), the Church's magisterium. Likewise, *Dei Verbum* teaches that the Word of God has been 'entrusted to the Church', and refers to the 'entire holy people' adhering to it, before then specifying that the pope and the bishops have the task of authentically interpreting the Word of God (*Dei Verbum*, n. 10)."⁹

This fragment of the International Theological Commission document of 2011 somehow announces the detailed contemplation of the quoted content in the subsequent document of the Commission, this time from 2014 — especially in its two last chapters (Chapter 3: "The *sensus fidei fidelium* in the life of the Church" and Chapter 4: "How to discern authentic manifestations of the *sensus fidei*"). What should be highlighted already in the introduction is that the contextual ecclesiological accents that accompany this new exposition are worth noticing beyond all measures — let us add, convergent with the post-conciliar theologians¹⁰ and canonists'¹¹ research work agreements — with a primary (!) emphasis of the pneumatological aspects of the Church (alongside the Christological), invariably in connection with the idea of common priesthood of all followers.¹² And that because of, on the one hand — presenting the role of the Holy Spirit granting unusual and usual charismatic gifts (alongside the hierarchical gifts), on the other hand — presentation of the dynamics of the testimony of faith by the priestly people, permanently "open" to the influence of the Spirit and "signs of

⁹ Ibidem.

¹⁰ See e.g. J. SANCHO BIELSA: *Infalibilidad del pueblo de Dios: Sensus fidei e Infalibilidad organica de la Iglesia en la Constitución Lumen Gentium del Concilio Vaticano II*. Pamplona 1979.

¹¹ See e.g. R. BERTOLINO: "Sensus fidei et coutume dans le droit l'Eglise." *Freiburger Zeitschrift für Philosophie und Theologie* 33 (1986), pp. 227—243.

¹² Cf. INTERNATIONAL THEOLOGICAL COMMISSION: *Sensus fidei...*, nn. 75, 110. Rinaldo Bertolino's remark on the mutual connection of the idea of *sensus fidei* with common priesthood of all followers remains characteristic: "Senza una corretta comprensione del sacerdozio comune dei fedeli non è invero possibile immaginare la partecipazione del cristiano all'ufficio profetico del Cristo e, conseguentemente, fondare una plausibile dottrina del »sensus fidei« dell'intero popolo di Dio." — R. BERTOLINO: *Il nuovo diritto ecclesiale tra coscienza dell'uomo e istituzione. Saggi di diritto costituzionale canonico*. Torino 1989, p. 64.

times” (in this meaning: *sensus fidei fidelium* constitutes a vital resource for the new evangelization¹³).¹⁴

Such is the image that emerges from the passages concerning the *praxis* of life by faith in the Catholic Church — like the one that presents a close connection¹⁵ between *sensus fidei fidelium* and popular piety: “popular piety [...] is the first and most fundamental form of faith’s ‘inculturation’.” Such piety is ‘an ecclesial reality prompted and guided by the Holy Spirit’, by whom the People of God are indeed anointed as a ‘holy priesthood’. It is natural for the priesthood of the people to find expression in a multitude of ways.”¹⁶

In the same theological perspective, in which the discovering of the “signs of times” is invariably inscribed, namely “the discernment of [...] new ways, opened up and illumined by the Holy Spirit,”¹⁷ a thought is being developed by the authors of the document (2014), which infers that “all of the baptized have a *sensus fidei*, and the *sensus fidei* constitutes the most important resource for the new evangelization.”¹⁸ An ecclesiological profile, defined in such a way, is characteristic of the remarks made by the International Theological Commission concerning the “ecumenical aspects of *sensus fidei*.”¹⁹ We can read in the document entitled: “*Sensus fidei* in the life of the Church” that: “The notions, *sensus fidei*, *sensus fidelium*, and *consensus fidelium*, have all been treated, or at least mentioned, in various international dialogues between the Catholic Church and other churches and ecclesial communities. Broadly speaking, there has been agreement in these dialogues that the whole body of the faithful, lay as well as ordained, bears responsibility for maintaining the Church’s apostolic faith and witness, and that each of the baptized, by reason of a divine anointing (1 John 2:20, 27), has the capacity to discern the truth in the matters of faith. There is also general agreement that certain members of the Church exercise a special responsibility of teaching and oversight, but always in collaboration with the rest of the faithful.”²⁰

¹³ INTERNATIONAL THEOLOGICAL COMMISSION: *Sensus fidei...*, n. 2; cf. FRANCIS: *Apostolic Exhortation “Evangelii Gaudium”* [24.11.2013] [hereinafter: EG], nn. 119—120. “The Holy Spirit also enriches the entire evangelizing Church with different charismas. These gifts are meant to renew and build up the Church”. EG, n. 130. “As such a wisdom, principle and instinct, popular religiosity is clearly very closely related to the *sensus fidei*, and needs to be considered carefully [...]”

¹⁴ See e.g. R. BERTOLINO: “Sensus fidei et coutume dans le droit l’Eglise.” *Freiburger Zeitschrift für Philosophie und Theologie* 33 (1986), pp. 227—243.

¹⁵ INTERNATIONAL THEOLOGICAL COMMISSION: *Sensus fidei...*, n. 108.

¹⁶ *Ibidem*, n. 110; cf. EG, nn. 122—126.

¹⁷ INTERNATIONAL THEOLOGICAL COMMISSION: *Sensus fidei...*, n. 127.

¹⁸ *Ibidem*

¹⁹ *Ibidem*, nn. 85—86.

²⁰ *Ibidem*, n. 85. As the authors of the document emphasize, this statement reached consensus during the work of the common committees conducted in the bilateral for-

Indeed, even if the theologians-experts in the analysed document did not decide to deepen the ecclesiological basis of the idea presented in such a way, we can assume that this role is comprehensively fulfilled by the reference (in the footnote)²¹ to the Declaration of Ravenna, prepared in 2007 by the Joint International Commission for the Theological Dialogue between the Roman Catholic Church and the Orthodox Church (alongside the reference to other testimonies concerning the bilateral arrangements between churches). In turn, here — which is explicitly proved by the very title of the declaration (“...Ecclesial Communion, Conciliarity and Authority”)²² — the message is more than clear: the priestly community of God is guided by the Holy Spirit through the common path towards the great communion (“mystery of salvific *koinonia* with the Blessed Trinity”²³). As a result, in the manifold structure of *communio Ecclesiarum*, two — closely connected — spiritual elements are ontically rooted: “synodality” (or “conciliarity”) and “authority”. Both the first and second element are immanently inscribed in the gift of the Holy Spirit — be it through the charisma triggering in the community of God the conciliar joint responsibility for the good of the entire Church community,²⁴

mula, which found expression in particular records of arrangements, e.g. the 2007 Declaration of Ravenna issued by the Joint International Commission for the Theological Dialogue between the Roman Catholic Church and the Orthodox Church: “The whole community and each person in it bears the ‘conscience of the Church’ (*ekklesiastike synoidesis*), as Greek theology calls it, the *sensus fidelium* in Latin terminology. By virtue of Baptism and Confirmation (Chrismation) each member of the Church exercises a form of authority in the Body of Christ. In this sense, all the faithful (and not just the bishops) are responsible for the faith professed at their Baptism. It is our common teaching that the people of God, having received ‘the anointing which comes from the Holy One’ (1 John 2, 20 and 27), in communion with their pastors, cannot err in matters of faith (cfr. John 16, 13).” JOINT INTERNATIONAL COMMISSION FOR THE THEOLOGICAL DIALOGUE BETWEEN THE ROMAN CATHOLIC CHURCH AND THE ORTHODOX CHURCH: *Ecclesiological and Canonical Consequences of the Sacramental Nature of the Church Ecclesial Communion, Conciliarity and Authority*, Ravenna, 13 October 2007, n. 7 — http://www.vatican.va/roman_curia/pontifical_councils/chrstuni/ch_orthodox_docs/rc_pc_chrstuni_doc_20071013_documento-ravenna_en.html [accessed: 9.01.2018].

²¹ INTERNATIONAL THEOLOGICAL COMMISSION: *Sensus fidei...*, n. 85, note 106.

²² JOINT INTERNATIONAL COMMISSION FOR THE THEOLOGICAL DIALOGUE BETWEEN THE ROMAN CATHOLIC CHURCH AND THE ORTHODOX CHURCH: *Ecclesiological and Canonical Consequences...*, n. 2.

²³ *Ibidem*, n. 6.

²⁴ “The Eucharist manifests the Trinitarian *koinônia* actualized in the faithful as an organic unity of several members each of whom has a charisma, a service or a proper ministry, necessary in their variety and diversity for the edification of all in the one ecclesial Body of Christ (cfr. 1 Cor 12, 4—30). All are called, engaged and held accountable — each in a different though no less real manner — in the common accomplishment of the actions which, through the Holy Spirit, make present in the Church the ministry of Christ, ‘the way, the truth and the life’ (John 14, 6).” *Ibidem*.

or through the gift of authority in the Church, which always remains service (*diaconia*) in the community of faith; whereas both the charismatic gifts and the hierarchic gifts converge in the service of the bishop²⁵ realizing in Spirit the fullness of Christ's service: prophet, priest and king (*tria munera Christi*).²⁶

Within this doctrinal context we should analyze the message of the 1993 *Ecumenical Directory*, located in the last, 5th chapter of the document of the Pontifical Council for Promoting Christian Unity entitled. "Ecumenical Cooperation Dialogue and Common Witness" — the message still very topical (!), since not only referring to the concept of the "signs of times,"²⁷ accepted in the conciliar Decree on ecumenism, but connecting this social and theological phenomenon with the once again awakened by the Spirit of Truth *sensus fidei fidelium*: "When the results of a dialogue are considered by proper authorities to be ready for submission for evaluation, the members of the People of God, according to their role or charisma, must be involved in this critical process. The faithful, as a matter of fact, are called to exercise: the supernatural appreciation of the faith (*sensus fidei*) of the whole people, when from the Bishops to the last of the faithful they manifest a universal consent in matters of faith and morals. By this appreciation of the faith, aroused and sustained by the Spirit of truth, the People of God, guided by the sacred teaching authority (*magisterium*), and obeying it, receive not the mere word of men, but truly the Word of God, the faith once for all delivered to the saints. The people unfailingly adhere to this faith, penetrate it more deeply with right judgment, and apply it more fully in daily life."²⁸

²⁵ "All charisms and ministries in the Church converge in unity under the ministry of the bishop, who serves the communion of the local Church. All are called to be renewed by the Holy Spirit in the sacraments and to respond in constant repentance (*metanoia*), so that their communion in truth and charity is ensured." Ibidem, n. 21.

²⁶ Ibidem, n. 19.

²⁷ VATICAN COUNCIL II: *Decree on Ecumenism "Unitatis redintegratio"* [21.11.1964] [further: UR], n. 4; cf. JOHN PAUL II: *Encyclical letter "Ut unum sint"* [25.05.1995] [hereinafter: UUS], n. 8.

²⁸ PONTIFICIUM CONSILIVM AD CHRISTIANORUM UNITATEM FOVENDAM: *Directory for the Application of Principles and Norms on Ecumenism* [25.03.1993] [hereinafter: Directory 1993], n. 179. In turn, in John Paul II's encyclical *Ut unum sint* we read: "While dialogue continues on new subjects or develops at deeper levels, a new task lies before us: that of receiving the results already achieved. These cannot remain the statements of bilateral commissions but must become a common heritage. For this to come about and for the bonds of communion to be thus strengthened, a serious examination needs to be made, which, by different ways and means and at various levels of responsibility, must involve the whole People of God. We are in fact dealing with issues which frequently are matters of faith, and these require universal consent, extending from the Bishops to the lay faithful, all of whom have received the anointing of the Holy Spirit. It is the same Spirit

2. *Sensus fidei* — dynamic principle of creating and developing law

It is difficult not to appreciate the professional effort of theologians (here presented merely in a brief outline), which undoubtedly goes out to meet the contemporary urgent evangelizational needs — according to the paradigm based on Pope Francis' teaching: *sensus fidei fidelium* constitutes a vital resource for the new evangelization²⁹ or the revival (charismatic) and constructing the Church *communio*³⁰; however, will it fulfill its objective sufficiently enough?

In order to clearly realize the meaning of the research conducted by the International Theological Commission (the most recent ones, but also the previous ones, spanning altogether one decade of the new millennium), we need to compare the results of these works with the previous opinions of reputable experts in this subject matter, theologians of Vaticanum II: Yves Congar — from time to time quoted in the document from 2014,³¹ and Wolfgang Beinert. In their speeches, delivered in the previous century, both of them^{32 33}

who assists the Magisterium and awakens the *sensus fidei*. Consequently, for the outcome of dialogue to be received, there is needed a broad and precise critical process which analyzes the results and rigorously tests their consistency with the Tradition of faith received from the Apostles and lived out in the community of believers gathered around the Bishop, their legitimate Pastor." UUS, no. 80.

²⁹ EG, nn. 119—120.

³⁰ EG, no. 130.

³¹ The Commission justly attributes the influence on the development of the Catholic doctrine concerning the *sensus fidei* to this outstanding theologian: "Yves M.-J. Congar (1904—1995) contributed significantly to the development of the doctrine of the *sensus fidei fidelis* and the *sensus fidei fidelium*. In *Jalons pour une Théologie du Laïcat* (orig. 1953), he explored this doctrine in terms of the participation of the laity in the Church's prophetic function. Congar was acquainted with Newman's work and adopted the same scheme (i.e. the threefold office of the Church, and the *sensus fidelium* as an expression of the prophetic office) without, however, tracing it directly to Newman. He described the *sensus fidelium* as a gift of the Holy Spirit 'given to the hierarchy and the whole body of the faithful together', and he distinguished the objective reality of faith (which constitutes the tradition) from the subjective aspect, the grace of faith. Where earlier authors had underlined the distinction between the *Ecclesia docens* and the *Ecclesia discens*, Congar was concerned to show their organic unity. 'The Church loving and believing, that is, the body of the faithful, is infallible in the living possession of the faith, not in a particular act or judgment', he wrote. The teaching of the hierarchy is at the service of communion." INTERNATIONAL THEOLOGICAL COMMISSION: *Sensus fidei...*, no. 43.

³² Y. CONGAR: "La 'reception' comme réalite ecclésiologique." *Revue des sciences philosophiques et théologiques* 56 (1972), pp. 369—403.

³³ W. BEINERT: *Die Rezeption und ihre Bedeutung für Leben und Lehre der Kirche*. In: *Glaube als Zustimmung. Zur Interpretation kirchlicher Rezeptionsvorgänge*. Ed. IDEM. Freiburg 1991, pp. 15—49.

pointed towards a lack of consistency in the process of reception of *Lumen gentium*, coherent with the implications of the renewed ecclesiology (*communio* ecclesiology), first and foremost in a failure to adapt the idea of *sensus fidelium*; expressing at the same time opinion about an extraordinary timeliness of this postulate.

Next to the voice of theologians (what is worth mentioning also Protestant³⁴), the drawback of the lack of transplanting the teaching of the no. 12 of *Lumen gentium* (with the key concept of *sensus fidei*) onto the legal plane was strongly emphasized by such canonists as Ilona Riedel-Spangenberg,³⁵ Norbert Lüdecke,³⁶ or the author of the monograph entitled *Sensus fidei fidelium...* Christoph Ohly.³⁷ However, the most resounding was the standpoint of Sabine Demel, who in the very title of her study from 2004³⁸ — where the author took up the topic yet again³⁹ —

³⁴ See e.g. M. PLATHOW: *Unabgeholtenes: Seelsorge und Recht im Pontifikat Johannes Paul II.* In: *Glaubigkeit und Recht und Freiheit. Ökumenische Perspektiven des katholischen Kirchenrechts.* Ed. W. BOCK. Göttingen 2006, pp. 93—95.

³⁵ I. RIEDEL-SPANGENBERGER: *Der Verkündigungsdienst (munus docendi) der Kirche und der Glaubenssinn des Volkes Gottes (sensus fidelium).* In: *Wege der Evangelisierung. Heinz Feilzer zum 65. Geburtstag.* Ed. A. HEINZ, W. LENTZEN-DEIS, E. SCHNECK. Trier 1993, pp. 203—204.

³⁶ N. LÜDECKE: *Die Grundnormen des katholischen Lehrrechts in den päpstlichen Gesetzbüchern und neuen Äußerungen in päpstlicher Autorität* [Forschungen zur Kirchenrechtswissenschaft. Eds. H. MÜLLER, R. WEIGAND. Vol. 28]. Würzburg 1997, pp. 160—161, 299—302. The canonist places his critical remarks concerning the content of can. 750 CIC within the context of the question about the legal relevance of *sensus fidei*. He believes that in the course of the reform the crucial content of the canon in preparation — worked out in can. 56 of 1969 *Schema "Legis Ecclesiae Fundamentalis"* — was lost, in the shape that would be in harmony with the teaching of LG 12: “[Der can. 750 — A.P.] ist das Überbleibsel eines ursprünglich vorgesehenen Canons über den Anteil des Gottesvolkes am prophetischen Amt Christi, über die Unfehlbarkeit der Gesamtheit der Gläubigen im Glauben und über den Glaubenssinn, den das Gottesvolk unter der Führung des heiligen Lehramts ausübt. Die Streichung dieses Canons im Laufe der Reform belegt, dass der Gesetzgeber im Lehrrecht als dem Bereich, in dem grundsätzlichen Aussagen zum *sensus fidei* anzusiedeln wären, diese für positiv-rechtliche Ordnung der Kirche nicht rezipiert hat. Dieser Verzicht ist konsequent, denn er wahrt eindeutig die im Titel des dritten Buchs signalisierte Perspektive aus der Sicht des hierarchischen Lehramts.” N. LÜDECKE: *Die Grundnormen des katholischen Lehrrechts...*, pp. 300—301.

³⁷ CH. OHLY: *Sensus fidei fidelium. Zur Einordnung des Glaubenssinnes aller Gläubigen in die Communio-Struktur der Kirche im geschichtlichen Spiegel dogmatisch-kanonistischer Erkenntnisse und der Aussagen des II. Vaticanum.* St. Ottilien 2000; cf. IDEM: “Der Glaubenssinn der Gläubigen. Ekklesiologische Anmerkungen zum Verständnis eines oft mißverstandenen Phänomens im Beziehungsverhältnis von Dogmatik und Kanonistik.” *Archiv für katholisches Kirchenrecht* 168 (1999), pp. 51—82.

³⁸ S. DEMEL: “Dringender Handlungsbedarf. Der Glaubenssinn des Gottesvolkes und seine rechtliche Umsetzung.” *Herder Korrespondenz* 58 (2004), pp. 618—623.

³⁹ S. DEMEL: *Mitmachen — Mitreden — Mitbestimmen. Grundlagen, Möglichkeiten und Grenzen in der katholischen Kirche.* Regensburg 2001, pp. 19—28.

announced an “urgent need to act” (“Dringender Handlungsbedarf”) in the subject of introducing the idea of *sensus fidei* of the People of God into the canon law.

Mainly two factors decide about the power of reasoning of the stance of the German study of canon law. The first one is an immediate reference to the “signs of times.”⁴⁰ The second one, primarily, deftly connects the conciliar ideas of *sensus fidei fidelium* and the true equality of all members of the People of God, and secondly, affirms the ecclesiological paradigm of the conciliar exercising of *potestas sacra* (within *tria munera Christi*),⁴¹ according to which the common priesthood of all followers is ontic and functionally first-order in relation to ministerial priesthood of ordained people⁴² — elevates even higher the constructiveness of the opening thesis of the mentioned study. An unquestionable value of this study are — comprehensively depicted (also using Christoph Ohly’s suggestion) clear conclusions *de lege ferenda* towards a normative strengthening in the subject scope of the conciliar responsibility of secular followers — so conducting a real transformation, onto the language of law, the conciliar teaching about the supernatural sense of faith of the entire People of God⁴³ — through appropriate amendments in Can. 747, Can. 212 § 1, Can. 208—223.⁴⁴

⁴⁰ S. DEMEL: “Dringender Handlungsbedarf...,” pp. 618—619.

⁴¹ See P. KRÄMER: *Dienst und Vollmacht in der Kirche. Eine rechtstheologische Untersuchung zur Sacra Potestas-Lehre des II. Vatikanischen Konzils* [Trierer Theologisches Studien, vol. 28]. Trier 1973; E. CORECCO: *Sinodalità e partecipazione nell’esercizio della “potestas sacra”*. In: *Esercizio del potere e prassi della consultazione*. Atti dell’VIII Colloquio internazionale romanistico-canonistico (10-12 maggio 1990). Eds. A. CIANI, G. DIURNI. Città del Vaticano 1991, pp. 69—89; L. GEROSA: *Vollmacht und Gemeinschaft in der Kirche*. In: *Krönung oder Entwertung des Konzils? Das Verfassungsrecht der katholischen Kirche im Spiegel der Ekklesiologie des Zweiten Vatikanischen Konzils*. Eds. S. DEMEL, L. MÜLLER. Trier 2007, pp. 39—55.

⁴² “Die Frage, die gestellt werden muss, lautet: [...] Ist die Hierarchie Grundlage der Gemeinschaft, so dass Gemeinschaft aus der Verbundenheit mit der Hierarchie und damit aus einem Rechtsverhältnis besteht? Oder ist die Gemeinschaft Grundlage der Hierarchie, so dass Hierarchie in der der Gemeinschaft eine Funktion erfüllt: sie steht in ihrem Dienst. Diese Alternative ist kein akademisches Problem. Im einen Fall steht die Hierarchie über allem, im anderen bildet sie einen Teil des Ganzen. *Lumen gentium* ist in Aufbau und Aussage eindeutig. Die Hierarchie ist Teil des Volkes Gottes und leistet in ihm ihren Dienst. E. KLINGER: Die dogmatische Konstitution über die Kirche *Lumen gentium*.” In: *Vierzig Jahre II. Vatikanum. Zur Wirkungsgeschichte der Konzilstexte*. Eds. F.X. BISCHOF, S. LEIMGRUBER. Würzburg 2004, p. 89; cf. E. CORECCO, *Sinodalità e partecipazione*, p. 85; S. DEMEL, L. MÜLLER: *Einführung*. In: *Krönung oder Entwertung des Konzils?...*, p. 15.

⁴³ LG, no. 12,1.

⁴⁴ S. DEMEL: “Dringender Handlungsbedarf...,” pp. 621—622.

However, the significance of the primary ecclesiological assumptions made by the canonist can hardly be overlooked. As we will live to see, the emphasized “new accents”⁴⁵ concerning the common priesthood and the *sensus fidei fidelium* in the teaching of Vaticanum II — with an essential reach out for the model of the People of God and the structural principle of *communio* in revealing the mystery of the Church — open a wider horizon for the presentation of the basis of the creation, interpretation, application and observance of law. This follows the rule — obvious for the ecclesiastically-oriented canonist — that at any of the mentioned stages of Church’s legal practice *modus iuridicus* cannot become separated from its theological basis. Sabine Demel suggests a way of resolving the tension in the Church and its law between the community (here: protection of the faith community, especially the authenticity of the redemptive means: word and sacrament) and an individual (here: protection of the realization of subjective rights)⁴⁶ — through strengthening the synodal dimension of the Church: pneumatological and charismatic (*pneumatologisch-charismatische Dimension*), on a par with the still dominating in ontic and structural depictions *Ecclesiae et ius Ecclesiae* Christological and hierarchical dimension (*christologisch-amtliche Dimension*). Both dimensions, fundamental in the same way — indeed, ecclesologically inseparable — plead an equal theological-pastoral and canonical application.⁴⁷

Within this point the observations of the German canonist remain convergent with Remigiusz Sobański’s⁴⁸ standpoint, conceptualized in his speech during the Roman Symposium in 1993, on the 10th anniversary of promulgation of CIC, entitled *Charisma et norma canonica* — an important lecture, illuminating the relation between charismas and Church legislation. The author, affirming the above delineated synodal perspective, concludes: “It is of paramount importance that the Church law and its legal practice harmonize with the mission, entrusted to it by Christ and bearing fruit owing to the Holy Spirit. Here we touch upon the most fundamental concepts of contemporary study of canon law boiling down to the fact that the appropriate gifts of the Holy Spirit were given to both the

⁴⁵ S. DEMEL: *Mitmachen — Mitreden — Mitbestimmen...*, p. 19.

⁴⁶ Cf. R. SOBAŃSKI: “*Omnis institutio ecclesiasticarum legum ad salutem referenda sit animarum*. Uwagi o zbawieniu dusz jako celu prawa kościelnego.” *Ateneum Kapłańskie* 134 (2000), pp. 212—213.

⁴⁷ S. DEMEL: “Dringender Handlungsbedarf...,” p. 619.

⁴⁸ “The canonical contemplation cannot be separated from the ecclesiological basis, which includes not only the christological, but also the pneumatological aspects of the Church.” R. SOBAŃSKI: *Charisma et norma canonica*. In: *Ius in vita et in missione Ecclesiae. Acta symposii internationalis Iuris Canonici occurrente X anniversario promulgationis Codicis Iuris Canonici diebus 19—24 aprilis 1993 in Civitate Vaticana celebrati*. Città del Vaticano 1994, p. 89.

shepherds announcing and constituting law, as well as the addressees of their acts. The scope of the issues connected with it spreads from the very concept of Church act through the importance of the acceptance of law in the Church, to the implementation of a canonical norm in a particular case. If the canonical contemplation of these concepts is not to miss the genuine reality of the Church they cannot go without taking into consideration its pneumatological aspects.”⁴⁹

It is worth reminding today the twenty-five-years old, yet still very topical, ideas of the mentioned prominent Polish canonist, who deliberately connects the synodal paradigm: optimal realization of Church’s goal and its *ius* (in the complex depiction of the issues of creating, interpreting, applying and observing the Church law) with stress on the creative role of charismas and the sense of faith of the People of God (*sensus fidelium*).⁵⁰ Such a methodological approach is manifested by the author when he concentrates his attention on three key subjects: profound exposure to customary law, Church “movements” and associations (namely: clear emanation of bottom-up legislative processes) and on the structures of shared responsibility (with a heavily underscored postulate of activation of secular followers in the synodal processes: representation and consultancy). What is more, the exemplary (!) steps of the further reasoning referred to in the titles of the subsequent points: “The Positive Divine Law should be considered within the context of the granted grace” [*Ius divinum positivum in contextu gratiae elargitae conspiciendum*],⁵¹ “The articulation of the Divine Law is conducted under the influence of the Holy Spirit” [*Ius divinum sub ductu Spiritus articulatur*],⁵² “The Church Law is shaped under the influence of the Holy Spirit in contact with the legal culture” [*Ius Ecclesiae efformatur ‘Spiritu Sancto suggerente’ in nexu cum cultura iuridica mundi*]⁵³ — lead to a topical proclamation: given the gifts of the Holy Spirit every member of the People of God — a Christian, whose inalienable attributes are human dignity and freedom in Christ — is a subject (not an object!) of the Church Law. Since the Holy Spirit,

⁴⁹ Ibidem, p. 82.

⁵⁰ Ibidem, pp. 76—80.

⁵¹ Ibidem, p. 80. “St. Thomas does not hesitate to call the new law, so the Law of Christ, the grace of the Holy Spirit given to the followers. To highlight the positive Law of God the following expressions are crucial: ‘the law of grace’ (John 1:17), ‘the law of faith’ (Romans 3:27), ‘the law of the Spirit who gives life’ (Roman 8:2), perfect law, the law of freedom (James 1:25). They express the fact that the imperativeness of the positive Law of God is justified by the redemptive will of Christ and vocation contained in the given grace.” Ibidem.

⁵² Ibidem, p. 81.

⁵³ Ibidem, p. 82.

by the means of charismas, consecrates and leads all People of God⁵⁴ and the followers have the sense of faith (*sensus fidei fidelium*) together and in community with their shepherd,⁵⁵ then it cannot remain without influence on the contemporary perception of the Church and *ius Ecclesiae*.⁵⁶

In the same way that in 1994 Libero Gerosa, another prominent experts in this field, asked — we may think: rhetorically — whether the canon law is a synodal law,⁵⁷ also today — equally justifiably — we can pose a question whether *sensus fidei fidelium* is the meaning of the Church law. Especially when we notice in the “sense of the faith” a dynamic principle of creating and developing law.⁵⁸ In such a broadened perspective it is obvious that “the Church law is rooted stronger in the order of faith, not only because of the source (legislator and at the same time teacher of faith), but primarily because of the constitutive meaning of religious practice and ethical behaviour as a testimony of faith to which the Church is called.”⁵⁹

⁵⁴ LG, no. 12,2.

⁵⁵ LG, no. 12,1.

⁵⁶ “The Church seen through the eyes of a legal scholar is no different from the one that we say we belong to in *Credo* and nothing that is included in *credo Ecclesiae* is indifferent for the Church law. It comprises both hierarchic and charismatic aspects. ‘There exists among all the Christian faithful a true equality regarding dignity and action’ (can. 208), they are given the gifts of the Holy Spirit that constitute the basis of their position in the Church and is the source of their rights. In the same way that the awareness of subjectivity of followers was not shaped in isolation from the social and cultural context, the legal culture of the World in which the Church functions inspires the role of Church law in the protection of this subjectivity. Moreover, in the same way human freedom became the topic of secular law, the freedom of a Christian, strengthened in the dignity of a person and gifts of the Holy Spirit, became the topic of the Church law.” R. SOBAŃSKI: *Charisma et norma canonica...*, p. 83.

⁵⁷ L. GEROSA: *Rechtstheologische Grundlagen der Synodalität in der Kirche. Einleitende Erwägungen*. In: *Iuri Canonici Promovendo. Festschrift für Heribert Schmitz*. Eds. W. AYMANS, K.-TH. GERINGER. Regensburg 1994, pp. 54—55; L. GEROSA: *Gesetzesauslegung im Kirchenrecht. Anregungen und Zukunftsperspektiven für die katholische Kanontik*. Münster 1999, p. 202.

⁵⁸ “Im kirchlichen Rechtssystem ist die Gesetzgebung als Weg zur Schaffung kirchlicher Rechtsnormen nicht einseitiger, sondern dialogischer und gemeinschaftlicher Vorgang, weil er das Volk Gottes als Ganzes einbegreift. Und das gilt auch in technischer Hinsicht. Zum einen ist nämlich mit der Promulgation eines kanonischen Gesetzes der Gesetzgebungsvorgang der Kirche noch nicht abgeschlossen, weil — wenn auch nicht im konstitutiven, aber doch in einem juristisch irgendwie bedeutsamen Sinn — die positive Antwort der betroffenen kirchlichen Gemeinschaft, die *receptio legis* hinzukommen muss. Zum anderen beginnt ein Gesetzgebungsvorgang, der in die Promulgation mündet, mit der Festlegung der Inhalte des kanonischen Gesetzes, die, auch wenn sie sich außerhalb der synodalen Strukturen vollzieht, nie vom *sensus fidei* des ganzen Gottesvolkes völlig absehen darf.” L. GEROSA, *Gesetzesauslegung im Kirchenrecht...*, p. 123.

⁵⁹ R. SOBAŃSKI: *Charisma et norma canonica...*, p. 90.

3. “Ecumenical aspects of the *sensus fidei*” — a canonist’s approach

In the document of International Theological Commission from 2014, in the above mentioned segment “Ecumenical aspects of the *sensus fidei*” — “in the context of the ecumenical dialogue to which the Catholic Church is irrevocably committed”⁶⁰ — two questions, reaching the very foundation of this dialogue, were formulated. The first one: “Should only those doctrines which gain the common consent of all Christians be regarded as expressing the *sensus fidelium* and therefore as true and binding?”⁶¹ The answer comes without undue delay: “This proposal goes against the Catholic Church’s faith and practice. By means of dialogue, Catholic theologians and those of other traditions seek to secure agreement on Church-dividing questions, but the Catholic participants cannot suspend their commitment to the Catholic Church’s own established doctrines.”

The second question is to some extent the continuation of the first one: “Should separated Christians be understood as participating in and contributing to the *sensus fidelium* in some manner?” Theologians-experts have no doubts: “The answer here is undoubtedly in the affirmative. The Catholic Church acknowledges that ‘many elements of sanctification and truth’ (*Lumen gentium*, n. 8) are to be found outside its own visible bounds, that ‘certain features of the Christian mystery have at times been more effectively emphasized’ in other communities (*Ut unum sint*, n. 14), and that ecumenical dialogue helps it to deepen and clarify its own understanding of the Gospel.”⁶²

As we can see, the impulse for the formulation of the significant theological and dogmatical statement by the Catholic theologians is the truth about ecumenical dialogue, which according to the 1993 ED is situated in the very heart of cooperation⁶³ of Christian Churches and church com-

⁶⁰ INTERNATIONAL THEOLOGICAL COMMISSION: *Sensus fidei...*, no. 86.

⁶¹ *Ibidem*, no. 86.

⁶² *Ibidem*. “How many important things unite us! If we really believe in the abundantly free working of the Holy Spirit, we can learn so much from one another! It is not just about being better informed about others, but rather about reaping what the Spirit has sown in them, which is also meant to be a gift for us. To give but one example, in the dialogue with our Orthodox brothers and sisters, we Catholics have the opportunity to learn more about the meaning of Episcopal collegiality and their experience of synodality. Through an exchange of gifts, the Spirit can lead us ever more fully into truth and goodness.” EG, no. 246.

⁶³ Directory 1993, no. 172.

munities, aimed at — as St. John Paul II taught in the *Ut unum sint* encyclical — overcoming divisions, reconciliation, getting closer to the unity in truth,⁶⁴ but also the “exchange of gifts.”⁶⁵ In the *Evangelii gaudium* encyclical, referring to the context of charismas, Pope Francis goes on with this thought: “How many important things unite us! If we really believe in the abundantly free working of the Holy Spirit, we can learn so much from one another!”⁶⁶ And earlier on the pope notices: “The credibility of the Christian message would be much greater if Christians could overcome their divisions and the Church could realize ‘the fullness of catholicity proper to her [the Church] in those of her children who, though joined to her by baptism, are yet separated from full communion with her’ (*Unitatis redintegratio*, n. 4.).”⁶⁷

That is how we achieve — already on the legal and canonical plane — the possibility of verifying on the elementary (we can say: ontic) level the previously formulated hypotheses suggesting that the canon law is a synodal law and *sensus fidei fidelium* is the meaning of this law; let us add — adopting the supposition that the legal structure of the Church cannot take into account the universal (!) service of redemption, according to the unquestionable paradigm: “the law of the Church is the law of freedom.”⁶⁸

Yet another argument is supplied by a highly esteemed expert Helmut Pree, who in a well known study entitled *Kirchenrecht in der Ökumene*, in reference to the constitutive event of baptism,⁶⁹ methodically justifies that ecumenism is not only a moral but also a legal obligation. An obligation to answer Christ’s commandment: “all of them may be one”⁷⁰ — divided ecclesial communities, as well as the followers that belong to them, simply owe it to one another! What we mean here is the responsibility of the entire Christ’s Church, all Christians — intensive multi-plane striving for, by the means of a real dialogue, unity in truth — for uniting in *communio*. In a word, the unity of the Church constitutes — in relations between the partners of ecumenical dialogue

⁶⁴ UUS, no. 29.

⁶⁵ UUS, no. 28.

⁶⁶ EG, no. 246.

⁶⁷ EG, no. 244.

⁶⁸ See A. PASTWA: “The Law of the Church — the Law of Freedom.” *Ecumeny and Law* 4 (2016), pp. 110—119.

⁶⁹ Cf. *Codex Iuris Canonici* (Code of Canon Law, promulgated: 25.01.1983) [hereinafter: CIC], can. 96, can. 204 § 1, can. 205, can. 849; *Codex Canonum Ecclesiarum Orientalium* (Code of Canons of the Eastern Churches, promulgated: 18.10.1990) [hereinafter: CCEO], can. 7 § 1, can. 8, can. 675 § 1.

⁷⁰ John 17:11.

(institutional, personal)⁷¹ — *res iusta, ex iustitia* so a mutual legal obligation.⁷²

A serious approach to unity in Christ as the quintessence of the event of the first sacrament,⁷³ and at the same time applying to the general legal principles regarding ecumenism,⁷⁴ determines a deeper glance at the content of the elementary obligation of all the baptized, formulated in Can. 209 CIC.⁷⁵ As far as the canon directly refers to the relation of a follower-Catholic with the Catholic Church, the ecumenical perspective suggests a significantly wider application horizon of this law, spanning the entire Church of Jesus Christ.⁷⁶ Indeed constructing — according to the paradigm: the gift of the Holy Spirit and the obligation of the baptized — every ecclesial community, also incomplete, constitutes the construction of Christ's Church.⁷⁷ Therefore, we can boldly say that in this perspective the mentioned obligation assumes the proportions of a universal Christian duty (*ökumenische Grundpflicht*).⁷⁸

The thought of the prominent professor from Munich to some extent culminates when he, referring *implicite* to *sensus fidei fidelium*, gives expression of his belief that results directly from the event of baptism, the elementary obligation of the baptized and their churches, looking

⁷¹ The Code of Canon Law stipulates that the significant responsibility of “supporting the ecumenical movement and managing it among Catholics,” is first and foremost the competence of the College of Bishops and the Holy See (CIC, can. 755 § 1). Not less important within this context is the competence — preserving the hierarchical order — of Episcopal conferences and bishops, who working according to regulations published by the highest Church authority, are entitled to issue practical norms of ecumenical activity (CIC, can. 755 § 2; cfr. CCEO, can. 904 § 1).

⁷² H. PREE: *Kirchenrecht in der Ökumene*. In: *Dienst an Glaube und Recht. Festschrift für Georg May zum 80. Geburtstag*. Eds. A. EGLER, W. REES. Berlin 2006, p. 530.

⁷³ “Baptism [...] establishes a sacramental bond of unity.” UR, no. 22.

⁷⁴ Here we should completely agree with Helmut Pree's opinion, who concludes: “Folgende rechtliche Prinzipien lassen sich schon nach einer ersten Bestandsaufnahme ökumenischer Dokumente festhalten: (-) Verbot des Proselytismus vgl. DH 4; cc. 31, 905, 1465 CCEO; (-) vorbehaltlose Respektierung der Gewissensfreiheit des Dialogpartners: DH passim; AG 13; cc. 586 und 905 CCEO; c. 748 § 2 CIC; (-) das Dialogprinzip (c. 905 CCEO); gegenseitige Anerkennung der fundamentalen Gleichheit der Gesprächspartner als rechtliche Gleichheit [...]; (-) *gegenseitige Anerkennung der iusta autonomia der beteiligten Dialogpartner*.” H. PREE: *Kirchenrecht in der Ökumene...*, pp. 529—530.

⁷⁵ CIC, can. 209 § 1: “The Christian faithful, even in their own manner of acting, are always obliged to maintain communion with the Church”; cf. CCEO, can. 12 § 1.

⁷⁶ H. PREE: *Kirchenrecht in der Ökumene...*, p. 531.

⁷⁷ Cf. R. SOBAŃSKI: *Ökumenismus und Verwirklichung der Grundrechte der Getauften*. In: *Les Droits Fondamentaux du Chrétien dans l'Eglise et dans la Société*. Actes du IV^e e Congrès International de Droit Canonique, Fribourg 6—11.X.1980. Eds. CORECCO EUGENIO, HERZOG NIKLAS, SCOLA ANGELO. Fribourg—Freiburg—Milano 1981, p. 730.

⁷⁸ H. PREE: *Kirchenrecht in der Ökumene...*, p. 531.

together (*gemeinsam*) for the truth.⁷⁹ It seems just to refer here to the words of Can. 748 § 1: “All persons are bound to seek the truth in those things which regard God and his Church [...]” According to the canonist, the content of this universal (ecumenical) legal obligation of the baptized and their communities is possible to be formalized in the following way: together look for the truth in the way of a real dialogue,⁸⁰ with the implementation of various forms of exchange and communication — with a frequently useful usage of the means of Church legislation.⁸¹

It is difficult not to notice within this context the inspirational words of Pope Francis, who goes on with the previously quoted thought in *Evangelii gaudium*: “[Learning from one another] is not just about being better informed about others, but rather about reaping what the Spirit has sown in them, which is also meant to be a gift for us. To give but one example, in the dialogue with our Orthodox brothers and sisters, we Catholics have the opportunity to learn more about the meaning of Episcopal collegiality and their experience of synodality. Through an exchange of gifts, the Spirit can lead us ever more fully into truth and goodness.”⁸²

Not forgetting the rule that *sensus fidei fidelium* constitutes (potentially) the meaning of the law of a given ecclesial community neither the truth about the universal intersystem implication of the event of baptism (“sacramental bond of unity”⁸³), it is worth appreciating the profundity of the quoted magisterium. Above all it is visible to what extent the papal statement meets the needs of the canonists’ postulates emphasizing the contemporary significance of the pneumatological and charismatic dimension of the Church with the leading idea of synodality — in its key aspects: representation and consultancy. Regarding the first aspect, what seems really constructive is the remark delivered by Libero Gerosa. He reminds us that the members of various Church councils, although chosen, are not representatives of a parliamentary character, but followers (witnesses), who were chosen to testify about their faith and support — “according to the knowledge, competence, and prestige which they possess”⁸⁴ — the Christian faithful, who are referring to the holy orders and *missio canonica* wields power in the same Church community.⁸⁵

⁷⁹ CIC, can. 748 § 1: “All persons are bound to seek the truth in those things which regard God and his Church and by virtue of divine law are bound by the obligation and possess the right of embracing and observing the truth which they have come to know.”

⁸⁰ Cf. DE, nn. 172—182, UUS, nn. 28—32.

⁸¹ H. PREE: *Kirchenrecht in der Ökumene...*, p. 529.

⁸² EG, no. 246.

⁸³ UR, no. 22.

⁸⁴ CIC, can. 212 § 3; CCEO, can. 15 § 3.

⁸⁵ L. GEROSA: *Gesetzesauslegung im Kirchenrecht...*, p. 181.

When it comes to the second aspect, canonists⁸⁶ emphasize the possibility and necessity of further developing the consultancy forms in the Church. This, among others, with an indication towards the crucial content modifications, which the legislator (John Paul II) decided to introduce in the norm of Can. 934 CCEO,⁸⁷ in relation to the analogous norms — from seven years ago — Can. 127 CIC.⁸⁸ It is clearly visible that the conducted change means: generally speaking — strengthening of the obligation incumbent on the authority to accept consent and advice, and precisely speaking — strengthening of the obligation to supply the followers

⁸⁶ See E. GÜTHOFF: *Consensus und consilium in c. 127 CIC/1983 und c. 934 CCEO*. Würzburg 1994; S. BERLINGÒ: *Consensus, Consilium (cc. 127 C.I.C/934 C.C.E.O.) e l'esercizio della potestà ecclesiastica. Ius Canonicum* 75 (1998), pp. 87—118; L. GEROSA: *Gesetzesauslegung im Kirchenrecht...*, pp. 149—151.

⁸⁷ CCEO, can. 934: “§ 1. When the law determines that in order to place a juridical act a superior requires the consent or counsel of a group of persons, the group must be convoked according to the norm of can. 948, unless particular law provides otherwise for cases stated in that law when counsel only is to be sought; however, for such a juridical act to be valid it is required that the consent of an absolute majority of those present be obtained or that the counsel of all who are present be sought, taking into account 2, n. 3. § 2. When the law determines that a superior in order to place certain acts requires the consent or the counsel of certain persons as individuals: if consent is required, the action of the superior is invalid if the superior does not seek the consent of those persons or acts contrary to the opinion of the persons or person (n. 1); if counsel is required, the action of the superior is invalid if the superior does not consult to those persons (n. 2); although in no way obliged to accede to their recommendation, even if it be unanimous, nevertheless the superior should not act contrary to it, especially when there is a consensus, unless there be a reason which, in the superior’s judgment, is overriding (n. 3). § 3. The authority which requires consent or counsel has the duty to provide those whose consent or counsel is required with the necessary information and to see that in every way they have freedom to speak their mind. § 4. All whose consent or counsel is required are obliged to offer their opinion sincerely observing secrecy, and this obligation can be insisted upon by the authority.”

⁸⁸ CIC, can. 127: “§ 1. When it is established by law that in order to place acts a superior needs the consent or counsel of some college or group of persons, the college or group must be convoked according to the norm of can. 166 unless, when it concerns seeking counsel only, particular or proper law provides otherwise. For such acts to be valid, however, it is required that the consent of an absolute majority of those present is obtained or that the counsel of all is sought. § 2. When it is established by law that in order to place acts a superior needs the consent or counsel of certain persons as individuals: if consent is required, the act of a superior who does not seek the consent of those persons or who acts contrary to the opinion of all or any of them is invalid (n. 1); if counsel is required, the act of a superior who does not hear those persons is invalid; although not obliged to accept their opinion even if unanimous, a superior is nonetheless not to act contrary to that opinion, especially if unanimous, without a reason which is overriding in the superior’s judgment (n. 2). § 3. All whose consent or counsel is required are obliged to offer their opinion sincerely and, if the gravity of the affair requires it, to observe secrecy diligently; moreover, the superior can insist upon this obligation.”

who provide consulting with essential information and protection of the right to voice opinion regarding a topic.

The given emblematic example strengthens us in conviction that *sensus fidei fidelium* constitutes the system *locus theologicus* while constituting law in a Church community. It concerns the issue of optimization of the conditions of realization of the fundamental rights of Christian faithful (taking into account the common good of the Church⁸⁹), worth affirmation and promotion in the same way as the bottom-up processes of customary-law creation.⁹⁰ Indeed, what we are facing here is strengthening consultancy as a typical instrument of *ius Ecclesiae* — invaluable vehicle of realization of the synodality principle in the Church. So if all the followers who constitute a community with their shepherd have the sense of faith (*sensus fidei*), then the expression of obedience to the Holy Spirit⁹¹ will be making sure by the legislator-shepherd (leading the entire community) in the own law of the given community that the optimal conditions of consultancy and other acts of synodal shared responsibility are secured.

Conclusions

Two documents of the International Theological Commission from 2011 and 2014 will constitute — as it was attempted to present — an important source of inspiration for undertaking further objective research in the areas of ecclesiology, ecumenical theology and canon law. The latter area will be the field of a particularly detailed contemplation of the question whether *sensus fidei fidelium* is the meaning of the Church law. Indeed, with the awareness that the legal structure of the Church cannot take into account the universal service of redemption, according to the unquestionable paradigm: the Church law is the law of freedom.

We can hope that the results of this research, open to the “exchange of gifts” in the ecumenical dialogue, will positively influence the intensification of the pastoral efforts of the entire People of God, guided by the Holy Spirit along the ways of faith revival — in an indefatigable evangelization and construction of Church *communio*. In such a way the fundamental point of reference for the supposition, formulated in the first

⁸⁹ CIC, can. 223 § 1; CCEO, 26 § 1.

⁹⁰ Cf. R. BERTOLINO: *Il nuovo diritto ecclesiale...*, pp. 56—57.

⁹¹ Cf. LG, 12,1—2.

part of the study is shaped. The supposition suggests that time will tell whether the ten-year-long research conducted by the council of theologians on the issue of *sensus fidei fidelium* in the life of the Church — having many points in common with the vital issue of Church synodality — fulfilled their task sufficiently enough.

In the conclusion it is worth referring to a well known statement delivered by Cardinal Kurt Koch. This authority in the area of Catholic dogmatic theology, the chair of the Pontifical Council for Promoting Christian Unity since 2010 (closely investigating the “synodal component of the Church legislation” remaining in a “close connection with the personal principle of Church pastoral responsibility”) concludes that what is currently embedded in synodality as an institutional expression of *communio Ecclesiae Ecclesiarum* is a great potential to a further development of Church law and canonical institutions. “Indeed, it is exactly in a consistent revival of the synodal principle in a specific Church environment and in its legalizing that the answer to the sudden pressing needs of a moment lies, an answer which is capable of introducing a correction of the contemporary calling — very often too general, so incapable of conducting distinction — for a wider democratization in the Church, since, first of all, the theological synodality renders much more than the secular democracy, and secondly principles standardizing Church life should have a theological and not international nature.”⁹²

We can surmise that similar subject matter arguments are concealed behind the enthusiastic statements of the Chair of the Pontifical Council, after recent announcing in Chieti by the Joint International Commission for the Theological Dialogue between the Roman Catholic Church and the Orthodox Church of the mutual document entitled: “Synodality and Primacy during the First Millennium: towards a Common Understanding in Service to the Unity of the Church”⁹³; a document in which one really meaningful statement comes up into the foreground: “Synodality is a fundamental quality of the Church as a whole.”⁹⁴

⁹² K. KOCH: *Nachwort*. In: L. GEROSA: *Gesetzesauslegung im Kirchenrecht...*, p. 207.

⁹³ JOINT INTERNATIONAL COMMISSION FOR THE THEOLOGICAL DIALOGUE BETWEEN THE ROMAN CATHOLIC CHURCH AND THE ORTHODOX CHURCH: *Synodality and Primacy during the First Millennium: towards a Common Understanding in Service to the Unity of the Church*, Chieti, 21 September 2016 — http://www.vatican.va/roman_curia/pontifical_councils/chrstuni/ch_orthodox_docs/rc_pc_chrstuni_doc_20160921_synodality-primacy_en.html [accessed: 9.01.2018]; K. KOCH: *Wichtiger Schritt im Dialog mit Orthodoxie* — <https://www.onetz.de/regensburg/politik/kardinal-kurt-koch-wichtiger-schritt-im-dialog-mit-orthodoxie-d1698920.html> [accessed: 9.01.2018].

⁹⁴ JOINT INTERNATIONAL COMMISSION FOR THE THEOLOGICAL DIALOGUE BETWEEN THE ROMAN CATHOLIC CHURCH AND THE ORTHODOX CHURCH: *Synodality and Primacy...*, n. 3.

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ANDRZEJ PASTWA

Sensus fidei fidelium. Réflexion juridique et œcuménique

Résumé

Deux documents de la Commission théologique internationale de 2011 et 2014 constituent une source d’inspiration importante pour entreprendre des travaux de recherches importants dans les domaines de l’ecclésiologie, de la théologie œcuménique

et du droit canonique. Dans ce dernier domaine est située — comme on a essayé de prouver dans le présent article — une question actuellement relevante, à savoir si *sensus fidei fidelium* est le sens du droit canonique. Bien évidemment, mais avec la conscience que la structure juridique de l'Église ne peut pas ne pas prendre en considération le service universel du salut, conformément au paradigme incontestable: le droit de l'Église est le droit de la liberté. On peut espérer que les résultats des études ainsi « programmées », enclines à accepter les « échanges de dons » dans le dialogue œcuménique, influenceront positivement l'intensification des efforts pastoraux du Peuple de Dieu tout entier, conduit par le Saint-Esprit à travers les voies du renouvellement de la foi — dans une évangélisation infatigable et la formation de *communio* ecclésiastique. Le temps montrera si les études, durant depuis une décennie, de la commission des théologiens sur la problématique *sensus fidei fidelium* dans la vie de l'Église — ayant beaucoup de points communs avec la problématique de la synodalité ecclésiastique — ont réalisé leur tâche à un degré satisfaisant.

Mots-clés: *sensus fidei*, signes du temps, ecclésiologie *communio*, droit de l'Église, synodalité, œcuménisme

ANDRZEJ PASTWA

Il *Sensus fidei fidelium*. Riflessione giuridica ed ecumenica

Sommario

Due documenti della Commissione Teologica Internazionale del 2011 e del 2014 costituiscono una fonte di ispirazione importante per intraprendere rilevanti attività di ricerca nei campi dell'ecclésiologia, della teologia ecumenica e del diritto canonico. In quest'ultimo campo è collocata — come si è cercato di dimostrare nel presente studio — la questione rilevante nei tempi contemporanei: il *sensus fidei fidelium* è il senso del diritto ecclésiastico? Certamente, con la consapevolezza che la struttura giuridica della Chiesa non può non tener conto dell'opera universale di redenzione, secondo il paradigma indiscusso che recita che la legge della Chiesa è la legge della libertà. Si può sperare che i risultati delle ricerche così “programmate”, aperte allo “scambio di doni” nel dialogo ecumenico, influiscano in modo positivo sull'intensificazione degli impegni pastorali dell'intero Popolo di Dio, guidato dallo Spirito Santo lungo le vie del rinnovamento della fede — nell'infaticabile evangelizzazione e nell'edificazione della *communio* ecclésiastica. Il tempo dimostrerà se gli studi della commissione di teologi, in corso da un decennio, sulla problematica del *sensus fidei fidelium* nella vita della Chiesa — che ha molti punti comuni con la problematica altrettanto nodale della sinodalità ecclésiastica — avranno espletato in misura soddisfacente il loro compito.

Parole chiave: *sensus fidei*, segni dei tempi, ecclésiologia, *communio*, diritto della Chiesa, sinodalità, ecumenismo



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The Celebration of Holy Easter on the Same Date — an Eloquent Testimony to Our Unity in Diversity

Abstract: The reader of this article has the opportunity to get acquainted with the ecumenical approach adopted by the Christian Churches over the past decades, particularly by the Orthodox Church and the Roman Catholic Church, in order to establish a common date for the Feast of Holy Easter through which they have actually given evident expression to their desire for the realization of ecumenical Christian unity. From the texts resulting from conferences and theological consultations attended by the representatives of the Christian Churches, the reader can also learn about the testimonies provided by the liturgical and canonical Tradition of the Ecumenical Church of the first centuries, regarding the date of the Holy Easter celebration in *illo tempore*, which remains prime documentary source of the Easter date determination, too. In assessing the statements made by the relevant literature regarding the Easter date determination, I have taken into account not only the results offered by theological and historical papers, but also those provided by the science of astronomy, in the times past and nowadays.

Keywords: the Christian Churches, Christian Easter, Christian unity, the Ecumenical Movement

Introduction

Over the last decades representatives of Christian Churches (Orthodox, Catholic, and Protestant) have met frequently to find a general consensus regarding, among others, the date of the Holy Easter celebration.

Some of their theological conferences were held under the aegis of the Ecumenical Council, thus evidently demonstrating their desire to promote

and affirm the unity of Christians in accordance with the provisions of principles stated by the ecumenical movement. In order to achieve this ecumenical *desideratum*, we must of course be animated by the willingness to restore Christian unity and to know the history of Christian Easter issues, and in fact its liturgical-canonical bases.

In addition to this desire and this knowledge, we must also make an express reference to the Easter date determination, for which, over time, various “*Paschalia*”, that is Easter dates schedules, called “Pascal Tables”, have been made. Such *Paschalia* actually date back to the 3rd century AD, according to which Easter dates may vary between March 22 and April 25.

Last but not least, it must be known that this Easter date determination depends on “two natural (astronomical) phenomena, of which one with a fixed date, linked to the apparent movement of the Sun on the celestial vault (spring equinox, which is always on March 21), and the other with a moveable date, connected to the Lunar Rotation Movement around the Earth (the Full Moon after the spring equinox, also called the Easter Full Moon). The latter makes the Easter date vary every year, for the Easter Full Moon appears in the sky before the equinox, while in others, farther from it. Thus, when the Full Moon coincides with the equinox (March 21) and it is a Saturday, Easter can be celebrated on the following day, Sunday, March 22; this is the earliest acceptable date of Easter. But if the Full Moon took place just before the equinox (March 20), then it is not an Easter-related one, and we must wait for the one after the equinox, which will only appear in 29 days, that is on April 19, and if it occurs during the same month, Easter cannot be celebrated until the following Sunday, namely on April 25; this is the latest acceptable date of Easter.”¹

In the liturgical year of the Eastern Orthodox Church, Holy Easter — that is a part of the “Royal Feasts with changing dates”² — is considered to be “the Feast of Feasts and the Festival of Festivals” (*apud* the Easter Canon, in Pentecostarion), that is, “the greatest feast,” which, “from a calendar point of view, generates the drawing up of the entire moveable cycle of feasts of the church (liturgical) year.”³

¹ E. BRANIȘTE: *Liturgica Generală* (General Liturgical Studies). 4th Edition. Ed. Partner, Galați, 2008, p. 205.

² These “Great Feasts” or “royal feasts with changing dates” are: 1. Palm Sunday; 2. Holy Easter; 3. The Feast of Our Lord’s Ascension to Heaven; 4. Pentecost, and 5. Blessed Trinity Ibidem, pp. 199—216).

³ Ibidem, pp. 200—201.

Christians have been celebrating the Resurrection of Christ “since the Apostolic age,”⁴ and the feast of Holy Easter coincided with the Jewish Passover since as early as the year 33 AD.

In the 2nd century Christians in some areas of today’s Syria — and under their influence Christians in Asia Minor — celebrated Holy Easter at the same time as Pascha (Passover) of the Old Testament was celebrated. And since “the Jewish Easter” (the Passover) was usually celebrated on Nisan 14 (April), the Christians who “celebrated Easter on Nisan 14, that is at the same time as the Jews,”⁵ were called *Quatrodecimans*.

Those who celebrated Easter before 14 Nisan were called *Protopaschites*. There were Christians — such as those in Gaul — who celebrated Easter on a fixed date, namely March 25 or March 27.⁶

On the initiative of Emperor Constantine the Great, the First Ecumenical Synod (Nicaea, 325 AD) adopted the practice based on the Easter date determination established by the Church of Alexandria, according to which Easter should always be celebrated according to the following rules:

- a) Easter was always to be celebrated only on Sunday, after the spring equinox (for that is how the Jews, too, calculated the date of their Passover, to which the date of the Christian Easter was linked);
- b) In case that Nisan 14 (or the First Full Moon after the spring equinox) occurred on Sunday, Easter was celebrated the following Sunday, so that it would be celebrated neither at the same time with the Jewish Passover nor before it.⁷

However, Easter continued to be celebrated on different dates both in the East and in the West, also after the proclamation of some provisions by the Holy Fathers of the First Ecumenical Synod, which were in fact reaffirmed by Emperor Constantine the Great in the Epistle addressed to the Archbishop of Alexandria.

Nowadays in the Eastern Church there is no uniformity concerning celebration of Easter, since the Churches that adopted in 1924 the adjusted calendar (New Style) namely, the Gregorian calendar, introduced to the West since 1582, celebrated Easter according to the New Style only for a few years (1924—1927), because in 1927 the decision was reached “by general consensus, that Easter shall be celebrated in all Orthodox Christianity after the *Paschalia* of the old style, that is with the Churches still using the unadjusted calendar.”⁸

⁴ Ibidem, p. 201.

⁵ Ibidem, p. 204.

⁶ See T.M. POPESCU: “Problema stabilizării datei Paștilor” (Problem of fixing the Easter date). *Ortodoxia*, XVI, 3 (1964), p. 430.

⁷ E. BRANIȘTE: *Liturgica Generală...*, p. 205.

⁸ Ibidem, p. 206.

As a result of this decision, the world of Eastern Christianity continued thus to celebrate Easter “following the old, mistaken *Paschalia* of the Julian Calendar [...].”⁹

Some ancient liturgical-canonical testimonies on the date of celebrating Holy Easter

As for the celebration of Holy Easter in the first Christian millennium, we have doubtless testimonies both in the texts of the 3rd—5th-century liturgical-canonical Ordonnances and in the text of the canonical legislation of the Eastern Church of the 4th—9th centuries, such as the Apostolic Constitutions (Book 5, Chapters XVII—XIX) written in Antioch of Syria in the 3rd—5th centuries (today’s Antakya, Turkey) — and the texts of some canons of the 4th century (as for example Apostolic Can. 7 and Can. 1 of the Synod of Antioch, assembled in the year 340/341 AD), drafted under the influence of the provision of principle of the First Ecumenical Synod.

These liturgical-canonical and canonical texts did not, however, take into account the astronomical calculus of that time, established in Alexandria at the express request of the Fathers of the First Ecumenical Synod with the consent of Emperor Constantine the Great. And this very gap was the main cause of the Feast of Holy Easter being celebrated at the same time as Jewish Passover, even after the First Ecumenical Synod.

Indeed, as Jews remained followers of their old monthly calendar, they would often celebrate their Easter (the Passover) twice a year, as Emperor Constantine the Great observed in his letter to Archbishop Alexander of Alexandria, who had been authorized by the Fathers of the First Ecumenical Synod to announce the date of Easter celebrations to the entire Christendom, but taking into account the date of the spring equinox established by the Astronomical Observatory of Alexandria.

Thus, this reality — caused by the erroneous calculation of the Easter date, because the data provided by the best astronomers of the time were not taken into account — has often made the “chosen people” to celebrate Passover twice a year. This is precisely what determined the Ecumenical Church to forbid Christians to celebrate Easter on the same day as the Jews, as confirmed specifically not only by the letter of Emperor Constantine the Great, but also by two canons from the 4th century, namely

⁹ Ibidem.

the apostolic Can. 7, written after the First Ecumenical Synod period and Can. 1 of the Synod of Antioch.

It must also be noted and borne in mind that, with regard to the Holy Easter date, the two canons were not written against “the celebration of Easter on the same date on which Jews celebrate Passover, but against following the Jewish calculations; in other words, the canons required to be independent of the Jewish calculations on the question of the determination of the Easter date.”¹⁰

The texts of these canons were, however, misinterpreted from the 4th century on, and in the 14th century this misinterpretation was even “canonized” by the Byzantine canonists.¹¹ Indeed, in their comments to these canons they, namely John Zonaras, Theodore Balsamon and Alexios Aristen from the 12th century, and Matthew Blastares¹² from the 14th century, tried to justify at any rate this misinterpretation and to give it also a canonical basis.¹³

Among others things, the Byzantine canonists of the 12th century — especially John Zonaras — wrote that in their times “Pascha always seemed to have followed the first day of Passover. But, after the formula had been decided in Nicaea, Pascha actually often coincided with Passover.”¹⁴

As some Orthodox theologians pointed out, in the Orthodox Church, the Feast of the Easter lasts “more than one day. It is not like the Jewish feast,” which “is over the first day,” hence their conclusion that the Christian Pascha did not have to be “after the Passover,” as it wrongly happened “in 2014, for instance, Pascha was on April 20, while Passover was April 14 (evening) to April 22 (morning). In 2011, Pascha was on April 24, while Passover was April 18—26. The same is essentially also true for 2001, 2004, 2005, 2007, 2008, 2010 and 2017.”¹⁵

¹⁰ E. TSAKADZE: “Historical, Canonical, Mathematical and Astronomical Aspects of the Paschalion Question.” *International Journal of Orthodox Theology*, 8: 1 (2017), p. 155, *apud* <http://orthodox-theology.com/media/PDF/1.2017/Erekle.Tsakadze.pdf> [accessed: 30.04.2018].

¹¹ See their comments in *Σύνταγμα των θείων και ιερών κανόνων* [hereinafter: Syntagma] ed. by G. A. RHALLI, M. POTLI, vol. II, Athens, 1852, pp. 10—11 (for the apostolic canon) and vol. III, Athens, 1854, pp. 124—125 (for the first canon of Antioch).

¹² See *Alphabetical Collection* of Matthew (Blastares).

¹³ About the canonical doctrine of these byzantine canonists, regarding the date of Pascha, see Archbishop Peter (L’HUILIER): “On The Date of Pascha.” *The Orthodox Church Newspaper*, April—May 1994 (*apud* https://web.facebook.com/notes/oca-youth-young-adult-and-campus-ministries/on-the-date-of-pascha/447698538648244/?_rdc=1&_rdr [accessed: 3.05.2018]).

¹⁴ A. S. DAMICK: “No, Pascha does not have to be after Passover (and other Orthodox urban legends).” March 31, 2015, *apud* <https://blogs.ancientfaith.com/roadsfrommaus/2015/03/31/no-pascha-does-not-have-to-be-after-passover-and-other-orthodox-urban-legends/> [accessed: 13.05.2018].

¹⁵ *Ibidem*.

The Paschal Mystery in the Roman liturgical calendar

In one of his apostolic letters, namely *Mysterii Paschalis: On Liturgical Year and New Universal Roman Calendar* published in 1969, His Holiness Pope Paul VI reminded the fact that Vaticanum II spoke also about the “supreme importance” of the Paschal Mystery in Christian worship, as well as that the Pascal Mystery’s celebration should receive more attention “in the reform of the liturgical year,” hence the universal norms given by the Sacred Synod concerning the “revision of the Roman Calendar.”¹⁶

Consequently, in the year 1970 *Universal Norms on the Liturgical Year and the General Roman Calendar*, were published and among others things it is mentioned that “Holy Church” celebrates the Resurrection of the Lord “once a year in the great Paschal Solemnity, together with his blessed Passion,” and that the Roman Catholic Church commemorates the Resurrection of the Lord “each week, on the day called the Lord’s Day.”¹⁷

In the same *Universal Norms* it is written that “the Paschal Triduum of the Passion and Resurrection of the Lord begins with the evening Mass of the Lord’s Supper, has its centre in the Easter Vigil, and closes with Vespers (Evening Prayer) of the Sunday of the Resurrection.”¹⁸

In the Roman Catholic Church, “it is only for the supreme ecclesiastical authority (*supremae ecclesiasticae auctoritatis*) to establish, transfer, and suppress feast days (*dies festos*) and days of penance common to the universal Church (*universae Ecclesiae communes*)” (Can. 1244 § 1).

In their Comments to this canon (1244) of the Code of Canon Law, some canonists of the Roman Catholic Church claim that, in this regard “the supreme authority is Ccan. 331, 336),”¹⁹ and others declare that “the Holy See is the exclusive power.”²⁰

¹⁶ PAUL VI: *Apostolic Letter, Motu Proprio: Mysterii Paschalis: On Liturgical Year and New Universal Roman Calendar*, apud https://w2.vatican.va/content/paul-vi/en/motu_proprio/documents/hf_p-vi_motu-proprio_19690214_mysterii-paschalis.html [accessed: 15. 05. 2018].

¹⁷ *Universal Norms on the Liturgical Year and the General Roman Calendar*, Chapter I, 1, p. 5 apud <http://www.liturgyoffice.org.uk/Calendar/Info/GNLY.pdf> [accessed: 21.05.2018]

¹⁸ *Ibidem*, Chapter I, Title II, 19.

¹⁹ J. HUELS: *Commentary on the Canon 1244*. In: *New Commentary on the Code of Canon Law*. Ed. J. P. BEAL et al., New York: Paulist Press 2000, p. 1442.

²⁰ J. T. MARTIN DE AGAR: *Comment on the Canon 1244*. In: *Code de droit canoique*. Edition bilingue et annotée sous la responsabilité de l’Institut Martin Azpilcueta, Montréal 1990, p. 713.

Regarding paschal time, in the same Latin Code of Canons²¹ it is stipulated that this one must be calculated according to canon law provisions, namely according to canons 201—203, “unless the law expressly provides otherwise” (Can. 200).

The Roman canon law does not refer to the Lord’s Resurrection Feast, but only to the paschal Mystery (*Mysterium pascale*), which, “in the name of the apostolic tradition (*ex apostolica traditione*), is celebrated on Sunday (*dies dominica*)” (Can. 1246 § 1), and not in a form of three-days’ feast (honouring), as in the case of the Orthodox Church.

For the Lord’s Resurrection Feast, the Code of Canon Law indeed provides only a day of feasting, namely on a “Sunday”, the Resurrection of the Lord Day, in which “the faithful are obliged to participate in the Mass,” and “to abstain from those works and affairs which hinder the worship to be rendered to God, the joy proper to the Lord’s day (*diei Domini*), or the suitable relaxation of mind (*mentis*) and body (*corpore*)” (Can. 1247).

Roman Catholic canonists have also noted that “il codice pone come giorno centrale festivo la Domenica, Pasqua del Signore ricordata ogni settimana”²² (the code also reaffirms that Sunday is the central feast day, because it is the the Lord’s Passover, celebrated every Sunday).

Another Roman Catholic canonist, however, also points out that “the paschal mystery is the life, passion, death, Resurrection and ascension of Jesus Christ — the central theological realities of every liturgical celebration which are most especially experienced by the Christian community on Sunday, the day of Resurrection,”²³ and that Can. 1247 of the Code of Canon Law “reflects the renewed importance placed on Sunday by the Second Vatican Council.”²⁴

With regard to holiday days, we find the same canonical provisions — and in almost wording — also in the *Codex Canonum Ecclesiarum Orientalium*, that is, in the Code of Canons of the Eastern Churches. Besides, this code also lacks any reference to the Feast of Holy Easter, instead it states that — in the spirit of the Eastern Orthodox liturgical tradition — “participation in the *divinam Liturgiam* (Divine Liturgy) [...] it is established that due time derives from the eve songs of the eve until the end of

²¹ *Cod de drept canonic* (Code of Canon Law). Official text and translation into Romanian. Iași: Sapiientia, 2014.

²² PIO VITO PINTO: *Comment on the Canon 1246*. In: *Commento al Codice di Diritto Canonico*. Urbaniana University Press, Roma 1985, p. 708.

²³ J. HUELS: *Commentary on the Canon 1246*. In: *New Commentary on the Code of Canon Law...*, p. 1444.

²⁴ *Ibidem*.

Sunday or of a feast of commandment (*usque ad finem diei dominica vel festi de praecepto*)”²⁵ (Can. 881 § 1 and 2).

Towards a common Easter (Pascha) date determination

According to the rules for calculating the date of Pascha issued during the Council of Nicaea, Easter should fall on Sunday following the first vernal full moon, “and thus, the Orthodox must wait for Passover to be celebrated by the Jewish community before Pascha can occur.”²⁶

As an Orthodox theologian remarked, “the reason why Orthodox Pascha frequently occurs so much later than Easter celebrated by Roman Catholics and Protestants has nothing to do with the Orthodox Church following the paschal formula of Nicaea and the Western Churches not doing so, nor is it because the Orthodox must wait for Jewish Passover to be celebrated. Rather, Orthodox Pascha frequently occurs later than Western Easter because the Orthodox Church uses inaccurate scientific calculations that rely on the inaccurate Julian Calendar to determine the date of Pascha for each year.”²⁷

The reason why the Orthodox Church does not celebrate Pascha on the same date with Catholics is indeed due to the fact that the former Church follows Julian Calendar revised in 1923. Indeed, in the Eastern Christendom of our days, non-moveable Christian feasts are still celebrated by some churches according to the “revised Julian Calendar.”

In the opinion of an Orthodox canonist of our days, the Orthodox did not accept the New (Gregorian) Calendar because “the celebration of Easter would be altered: contrary to the injunctions of canon 7 of the Holy Apostles, the decree of the First Ecumenical Synod, and canon 1 of Ancyra, Easter would sometimes coincide with the Jewish Passover in the Gregorian calendar.”²⁸

In reality, neither the First Ecumenical Council nor the Synod of Ancyra (314 AD) decree any canon concerning the date of Easter. The only canon of the ancient Church on the date of Easter is the one attrib-

²⁵ *Codul canoanelor Bisericii orientale* (Code of Canons of the Eastern Churches). Cluj-Napoca: Presa Universitară, 2001, p. 457.

²⁶ J. FOTOPoulos: “Some common misperceptions about the date of Pascha/Easter,” *apud* <https://publicorthodoxy.org/2018/03/15/easter-date-2018/> [accessed: 24.04.2018].

²⁷ *Ibidem*.

²⁸ L. PATSAVOS: “The Calendar of the Orthodox Church,” *apud* <https://www.goarch.org/-/the-calendar-of-the-orthodox-church> [accessed: 26.05.2018].

uted to the Holy Apostles (cf. Can. 7), which was in fact written after the First Ecumenical Synod.

Since in the Orthodox Churches all calendar systems are based on the Easter date, “most of the churches, with some exceptions,”²⁹ celebrate Easter on the same date, hence the necessity to be also acquainted with the ancient Paschal table, based on the nineteen-year Metonic cycle, which is still in use nowadays.

The “Paschal table” was developed between the 4th and 6th centuries in Alexandria, and it was also used in Rome by a great scholar (theologian, canonist, astronomer etc.) originated from Scythia Minor (today’s Dobruja, Romania), namely Denys Exiguus (The Humble) († 545).³⁰ Among other things, Denys Exiguus also wrote a Paschal table, aiming to contribute even in this way to the promotion of the Christian unity.³¹

²⁹ E. TSAKADZE: “Historical, Canonical, Mathematical and Astronomical Aspects”..., p. 106.

³⁰ Hieromonk Denys Exiguus, who was advisor to eight popes, endowed the Roman Church with the first Ecumenical Canonical Collection, hence his name of father of western canon law (See, in details, N. V. DURĂ: “Denis Exiguus (Le Petit) (465-545). Pré-cisions et correctifs concernant sa vie et son oeuvre.” *Revista Española de Derecho Canonico*, L (1993), pp. 279—290; IDEM: “Străromânu Dionisie Exiguul și opera sa canonică. O evaluare canonică a contribuției sale la dezvoltarea Dreptului bisericesc” (The forefather Dionysius Exiguus and his canonical work. A canonical assessment of his contribution to the development of Church law). *Ortodoxia*, XLI, 4 (1989), pp. 37—61; IDEM: “Monahismul în Dacia Pontică. Călugării scliți (daco-romani) și contribuția lor la afirmarea unității ecumenice și la dezvoltarea culturii umanist-creștine europene” (Monasticism in Pontic Dacia. The Scythian monks (Daco-Romans) and their contribution to the affirmation of ecumenical unity and to the development of the European humanist-Christian culture). *Biserica Ortodoxă Română*, CXXII, 3—4 (2004), pp. 347—357; IDEM: “The ‘Scythian Monks’ (Daco-Roman) and their Contribution to the European Christian Humanist Culture.” In: *Dialogue of Civilizations*. Ed. D. MUSKHELISHVILI. New York: Nova Science Publishers, 2010, pp. 33—42; C. MITITELU: “Dacian-Roman Cultural Personalities from Scythia Minor (4th—6th Centuries) and their Contribution to the Affirmation and Promotion of a Humanistic-Christian Culture at European Level.” In: 3rd Central & Eastern European LUMEN — New Approaches in Social and Humanistic Sciences, 2018, Iași—London, pp. 316—331; IDEM: “Daco-romanul „Cassianus Johannes” și aportul său la dezvoltarea patrimoniului spiritual-religios și cultural al Europei” (Daco-Roman “Cassianus Johannes” and his contribution to the development of Europe’s spiritual, religious and cultural heritage). In: *Tradiție și continuitate în teologia tomitană. Două decenii de învățământ teologic universitar la Constanța (1992—2012)*. Constanța: Arhiepiscopiei TOMISULUI, 2012, pp. 376—393.

³¹ See N. V. DURĂ: “Christianism in Pontic Dacia. The ‘Scythian Monks’ (Daco-Roman) and their Contribution to the Advance of Ecumenical Unity and the Development of the European Christian Humanist Culture.” *Revue Roumaine d’Histoire*, 1—4, 2003, pp. 5—18; IDEM: “Religion and Culture in Scythia Minor.” *Annals of “Ovidius” University of Constanța. History Series*, vol. 10—11, 2013—2014, pp. 15—26; N. V. DURĂ, C. MITITELU: *L’École roumaine du Droit canonique et sa contribution au développement du*

From the ancient sources of the Eastern Church, we may learn that the establishment of the Easter date required from the people of the Church not only knowledge of theology and canon law, but also being well versed in mathematics and astronomy, which was not always the case.

The latest contributions of the scientists prove that, for the period of 2000—2050, “the Alexandrian method used in the majority of Orthodox churches often deviates from the astronomical reality and canonical rules, and its accuracy can reach only 29% for the given period of years. On the other hand, the accuracy of the Gregorian method used in the Catholic and Protestant world can be as high as 92%.”³²

In our days, according to the two existing paschal systems among the Orthodox churches, that is, the Alexandrian and the Gregorian one, the dates of Easter are, however, “calculated and compared with the astronomical dates defined by the Church canonical requirements for the Easter date determination.”³³

Taking into consideration the fact that the astronomers of that time realized that “the ‘Julian’ vernal equinox — March 21 — was already behind the real astronomical vernal equinox by several days,”³⁴ Pope Gregory XIII³⁵ initiated — in the year 1582 — a reform of Julian calendar which was based on a project supervised by an Italian astronomer, Aloysius Lilius (1510—1576).

Due to the Gregorian reform, the Julian calendar and the nineteen-year Metonic cycle were corrected by the introduction of the system of leap years, by which “the Catholic Church significantly improved accuracy about the Tropical year compared to the one given by the Julian calendar; the Gregorian calendar’s inaccuracy became one day in 3,333 years, while the Julian calendar’s inaccuracy is one day in 128 years.”³⁶

By this reform of the Julian calendar, the date of Pascha became closer to the astronomical dates, but “the limits of the Easter dates: March 22—April 25, they were not changed, but they were counted according to the Gregorian calendar.”³⁷

Droit canonique de l’Eglise Orthodoxe Œcuménique. In: *Tradiție și continuitate în teologia tomitană ...*, pp. 37—60.

³² E. TSAKADZE: “Historical, Canonical, Mathematical and Astronomical Aspects”..., p. 107.

³³ *Ibidem*.

³⁴ *Ibidem*, p. 119.

³⁵ See the bull of Pope GREGORY XIII: *Inter Gravissimas*, February 24, 1582, *apud* <http://www.bluewaterarts.com/calendar/NewInterGravissimas.htm> [accessed: 28.05.2018].

³⁶ E. TSAKADZE: “Historical, Canonical, Mathematical and Astronomical Aspects”..., p. 120.

³⁷ *Ibidem*.

On March 5—10, 1997, Catholic and Orthodox delegates assembled in Aleppo (Syria) for a theological consultation, sponsored by the World Council of Churches and the Middle East Council of Churches,³⁸ in order to tackle the subject of common Easter (Pascha) date.

The main goal of this theological consultation was to determine a common day of Easter based on basic principles stated by the First Ecumenical Council in Nicaea (325 AD), but taking into account the astronomical data measured on the Jerusalem meridian.³⁹

Among other things, in the statement issued on March 5—10, 1997 by the theological consultation held in Aleppo (Syria), it was stated that the question of a common date for Easter “was put to the wider Christian world in a 1920 encyclical of the ecumenical patriarchate of Constantinople and addressed in a 1923 Pan-Orthodox congress...”, and that “the Orthodox returned to the paschal question from 1961 onwards, in the context of preparations for the Great and Holy Council of the Orthodox Church; the Constitution on the Sacred Liturgy of the Second Vatican Council (1963) gave renewed impetus in the Roman Catholic Church to discussion of this issue; and since 1965 the World Council of Churches has taken up the subject on a number of occasions.”⁴⁰

In October 25—31, 1998, the North American Orthodox-Catholic theological consultation — held in Washington — studied and endorsed “The Aleppo Statement on the Date of Easter Pascha.” The theological consultation held in Washington, however, brought some explanations regarding the statement of the date of Easter made in Aleppo. For example, the Orthodox and Catholic theologians of North America stated that “the practice of continuing to celebrate Pascha according to the ancient Julian calendar,” which “has often been defended by some Eastern Christians as resting on a decision associated with that council prohibiting the churches from celebrating the Paschal feast ‘with the Jews’ [...] this prohibition was directed against making the calculation of the date of Easter based upon contemporary Jewish calculations, not against a coincidence of date between the two festivals.”⁴¹

³⁸ See “Common Response to the Aleppo Statement on the Date of Easter/Pascha,” *apud* <http://www.usccb.org/beliefs-and-teachings/ecumenical-and-interreligious/ecumenical/orthodox-response-aleppo-date-of-easter-pascha.cfm> [accessed: 27.04.2018].

³⁹ See, in details, WORLD COUNCIL OF CHURCHES AND MIDDLE EAST COUNCIL OF CHURCHES CONSULTATION: “Towards a Common Date for Easter” (1997), *apud* <https://www.oikoumene.org/en/resources/documents/commissions/faith-and-order/i-unity-the-church-and-its-mission/towards-a-common-date-for-easter/index> [accessed: 27.05.2018].

⁴⁰ *Ibidem*.

⁴¹ “Common Response to the Aleppo Statement”...

On October 1, 2010, Georgetown University in Washington D.C. hosted a theological conference of the Orthodox and Catholics of North America regarding the determination of a common Easter (Pascha) date.

Among other things, the representatives of the two churches recognised the fact that “Catholics and Orthodox in fact celebrate Easter on different days,” and thus even “inter-church families find themselves in conflict observing two Lenten cycles and two paschal dates.”⁴²

The participants in this theological consultation also underlined the fact that they reaffirmed “the decision of the Council of Nicaea to celebrate the Paschal Feast on the first Sunday following the first full moon after the Spring Equinox,” but “the key today to resolving the issue in accordance with the mandate of Nicaea is to determine the Equinox from the meridian of Jerusalem (Longitude 35°13’47.1) using the most accurate scientific instruments and astronomical data available.”⁴³

But, as it is known, the Easter date coincided only in 2010, 2011, 2014, and 2017. Therefore, for another shared Pascha, we have to unfortunately wait until the years 2020, 2028, and 2034. Here is why we could really ask ourselves: What kind of unity exists between the Catholics and Orthodox concerning the celebration of the Easter date?

A glance at a Paschal schedule regarding the dates of Western and Eastern Churches for the years 2010—2030 is sufficient to understand that — until now — the two Churches (Catholic and Orthodox) had the opportunity to celebrate Easter on the same date only four times. As a consequence, such a reality proves *à l’évidence* the fact that two Churches have not managed to do anything concrete for the promotion of their unity,⁴⁴ at least when it comes to the celebration of Easter on the same date, but merely expressed their “pious desire” (*pium desiderium*) on the occasion of different ecumenical conferences or theological consultations.

In the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief — proclaimed by General Assembly of the United Nations by Resolution 36/55 of 25 November 1981 — there were provided both the liberty of any religious denomination “to observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one’s religion or belief” (Art. 6, para. h),

⁴² “Celebrating Easter / Pascha Together,” *apud* <http://www.usccb.org/beliefs-and-teachings/ecumenical-and-interreligious/ecumenical/orthodox/celebrating-easter-together.cfm> [accessed: 20.04.2018].

⁴³ *Ibidem*.

⁴⁴ Regarding the search for Christian Unity, see also *Directory for the application of Principles and Norms on Ecumenism*. Vatican City, 1993, *apud* http://www.vatican.va/roman_curia/pontifical_councils/chrstuni/documents/rc_pc_chrstuni_doc_25031993_principles-and-norms-on-ecumenism_en.html [accessed: 22.05.2018].

and the liberty “to establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels” (Art. 6, para. i).⁴⁵

Therefore, under the provisions of this international law — which has the force of *Jus cogens* — any Church, and in fact members of any religious denomination, not only have “the freedom of religion and the right to religious freedom”⁴⁶, but also the right to celebrate their feasts according to their own religious belief, and to initiate and maintain (written or spoken) communication with both individuals and religious communities, whether nationally or internationally.

Within the scope of these rights is included not only the celebration of Holy Easter by every Christian church or denomination according to their own tradition and doctrinal, canonical, and cult-related teachings, but also their legal justification to establish a common date and celebrate the most important Christian feast, the Lord’s Resurrection.

Establishing a common date for the celebration of the Feast of Holy Easter remains, of course, an obligation, first of all for Christian clerics and theologians, irrespective of their religious denomination, as proven by the foregoing reasoning.

Surely, the specification of the notion of Easter also remains their obligation, hence the need to study the origin of this word by theologians who have a real interdisciplinary and multidisciplinary training, namely in such fields as linguistics, theology, astronomy, canon law, history, etc., for the word Easter — which does not have a purely theological connotation — rather than Pascha, was preferred in the common theological debates or consultations.

Indeed, in the statements issued by ecumenical theological consultations regarding the date of the Pascha, we find the word Easter⁴⁷, instead of the Greek word “Pascha” which “derived from the Hebrew word *Pesah*, which means ‘Passover’”.

In English, the word Easter is not derived from the Hebrew word *Pesah*, or from the Greek transliteration *Pascha*, but “from a pagan spring

⁴⁵ Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. Proclaimed by General Assembly resolution 36/55 of 25 November 1981, apud <https://www.ohchr.org/en/professionalinterest/pages/religionorbelief.aspx> [accessed: 23.05.2018].

⁴⁶ N. V. DURĂ, C. MITITELU: “The Freedom of Religion and the Right to Religious Freedom”. In: *SGEM Conference on Political Sciences, Law, Finance, Economics & Tourism*, Albena, I (2014), pp. 831—838; C. MITITELU: “About the Right to the Freedom of Religion”. In: *LUMEN: Rethinking Social Action. Core Values*, Bologna: Medimond, 2015, pp. 833—838.

⁴⁷ Fr. M. HARPER: “It is Pascha not Easter!,” apud <http://orthochristian.com/61203.html> [accessed: 22.04.2018].

festival in honour of Eastr or Ostara a Teutonic goddess.”⁴⁸ Therefore, it is not suitable to use the word Easter in English to describe the celebration of the most significant day of the Christianity

With regard to the paschal theology, and, *ipso facto*, the establishment of a common date, there is still much to be done, such as: acquiring solid knowledge in the field of astronomical calculations; changing antiquated mentalities; identifying semantic equivalences of the notion of Pascha (Passover); the detachment from the old clichés on the paschal calculus — for which the so-called canons of the First Ecumenical Synod (Nicaea, 325) were also invoked — the promotion of an ecumenical theological dialogue that would address and resolve the date of the celebration of Holy Easter, etc. Indeed, all these desires can become realities only if we are animated by the real spirit of Christian unity.

In lieu of conclusions

As it is known, the will of Our Lord Jesus Christ was to be all *Unum* (In. XXVII, 21), but from the pages of this article the reader could easily understand that the Christian world is still celebrating the Feast of Pascha on different dates, hence our common obligation to return *ad fontes*, in order to achieve a consensus on the date of Pascha, and as a result to prove that we, Christians, are *Unum*.

Therefore, the ecumenical theological dialogue and the movement of ecumenism have yet a great role in the realization of the Christian Unity, that is *Ut Unum Sint*.

The pertinent examination and evaluation of theological (canonical and liturgical) and historical texts, concerning the date of Holy Easter (Holy Pascha), allowed us to ascertain that the Christian Churches affirmed their ecclesial unity even with respect to the paschal date, although they continue to follow their customs and ancient traditions of their own Church.

However, it has to be recognized that the Roman Catholic and the Orthodox Churches have an experience of their ecclesial unity *in diversitatis* (in diversity) that goes back a long time, including the celebration of Holy Easter on the same date, which is also expressed in the *Ecumenical Directory* published in 1993 by Pontificium Consilium ad Christianorum Unitatem Fovendam (Pontifical Council for Promoting Christian Unity).

⁴⁸ Ibidem.

Among other things, the text of this *Directory for the Application of Principles and Norms on Ecumenism* stipulated that the “students (of theology) must learn to distinguish [...] between the apostolic tradition and strictly ecclesiastical traditions,” and, consequently, they “should be prepared to appreciate the legitimate diversity in theology” (III, B, 74).⁴⁹

Indeed, we cannot enter into an ecumenical theological dialogue bilaterally, without being well acquainted with the distinction between the apostolic tradition and the Church traditions, specific to every local Church.

Certainly, we must also make a clear distinction between the “Holy Tradition”⁵⁰ — which includes the dogmatic, canonical, and liturgical tradition of the ecumenical Church in the first millennium, and which it was a decisive criterion for “the ecumenicity of the Councils”⁵¹ — and the Church tradition which, among other things, also confirms that the lack of celebration of the Feast of Holy Easter on the same date did not affect the affirmation of *unitatis in diversitatis* between Christian Churches, as it was also proven by our foregoing reasoning.

⁴⁹ *Directory for the Application of Principles and Norms on Ecumenism ...*

⁵⁰ See L. STAN: “Despre Sfânta Tradiție (About Holy Tradition).” *Glasul Bisericii* (The Voice of the Church), XVI, 7—8 (1964), pp. 642—645.

⁵¹ N. V. DURĂ: *Le Régime de la synodalité selon la législation canonique, conciliaire, oecuménique, du 1^{er} millénaire*. Ametist 92: București, 1999, pp. 512—530.

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NICOLAE DURĂ

La célébration de la fête de Pâques le même jour — témoignage patent de notre unité (chrétienne) dans la diversité

Résumé

Les lecteurs du présent article ont la chance de faire connaissance avec le processus œcuménique réalisé par les Églises chrétiennes durant les dernières décennies, notamment par l'Église orthodoxe et l'Église latine, qui veulent parvenir à établir la date commune de la célébration de la fête de Pâques, grâce à quoi on a exprimé le désir œcuménique authentique de l'unité des chrétiens. Des textes qui sont le résultat de nombreux colloques et consultations théologiques entre les représentants des Églises chrétiennes les lecteurs peuvent aussi apprendre sur les témoignages procurés par la Tradition liturgique et théologique de l'Église œcuménique datant des premiers siècles du christianisme concernant la date de la célébration de la fête de Pâques à cette époque-là. Ces documents constituent la source primaire servant à indiquer la date de la fête de Pâques. En évaluant la valeur des constatations se trouvant dans ces documents, j'ai pris en considération non seulement les articles théologiques et historiques, mais aussi ceux relevant de l'astronomie, aussi bien anciens que contemporains.

Mots-clés: Églises chrétiennes, Pâques, unité des chrétiens, mouvement œcuménique

NICOLAE DURĂ

La celebrazione della Pasqua nello stesso giorno — la testimonianza visibile della nostra unità (cristiana) nella molteplicità

Sommario

I lettori del presente articolo hanno l'opportunità di conoscere il processo ecumenico condotto dalle chiese cristiane nel corso degli ultimi decenni, in particolare dalla

Chiesa ortodossa e dalla Chiesa cattolico-romana, processo che mira a stabilire una data comune di celebrazione delle feste pasquali attraverso cui è stato espresso il desiderio autentico di unità ecumenica dei cristiani. Dai testi che sono il risultato di numerose conferenze e consultazioni teologiche tra i rappresentanti delle chiese cristiane i lettori possono anche venire a conoscenza delle testimonianze fornite dalla Tradizione liturgica e teologica della Chiesa ecumenica dei primi secoli del cristianesimo riguardanti la data di celebrazione della Pasqua in quell'epoca. Tali documenti costituiscono la fonte primaria che serve a definire la data delle feste di Pasqua. Durante la valutazione del valore delle affermazioni che si trovano in quei documenti ho considerato non soltanto gli articoli teologici e storici, ma anche quelli concernenti l'astronomia, sia del passato, sia contemporanei.

Parole chiave: chiese cristiane, Pasqua, unità dei cristiani, movimento ecumenico



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Christian Conscience as a Sign of Unity in the Ecumenical Dialogue

Abstract: In one of the interviews, answering the question asked by a Lutheran living in matrimony with a Catholic about the possibility of receiving the Eucharist, Pope Francis told her to reflect with her husband on the consequences they can draw from the fact that — as St. Paul wrote — there is one Lord, one faith, and one baptism. Francis did not specify any conditions but added important words: Talk to the Lord and move forward. The author of the study analyzes this response in the context of papal teaching about the role of conscience in Christian life and the possibility to receive the Eucharist in the case of people living in second civil marriages. He wonders whether it is possible to refer to Christian conscience when a non-Catholic expressing the Catholic faith towards the Eucharist is urged by a serious necessity not accepted as such by a diocese Bishop or Episcopal Conference (Canon 844 §4 Code of Canon Law).

Keywords: mixed marriages, ecumenical dialogue, conscience

In the interview which was published in the Italian Catholic daily newspaper *Avvenire* on 17 November 2016¹ Pope Francis, referring to the announcement of the Conciliar Decree *Unitatis redintegratio*, stated that more than 50 years ago, when we discovered a new Christian brotherhood based on one baptism and one faith in Christ, our pursuit of unity moved forward by small or huge steps and bore fruit.² Answering the journalist's question about the steps that need to be taken on the way to unity, the Pope points out that one should first think about the processes which

¹ FRANCIS: “Nie rozmywam doktryny. Wywiad z papieżem Franciszkiem.” *Tygodnik Powszechny* 49 (2016), pp. 15—17.

² *Ibidem*, p. 15.

ought to be developed and not about the space which can be occupied.³ He notices that there are three ways that lead to sanctity: joint charitable works, common prayer, and shared profession of faith in martyrdom for Christ — ecumenism of blood. However, it is hard to find in this short interview more specific indications concerning the ways of shared journey along the paths mentioned by the Pope. The Pope points them out in his speeches or spontaneous meetings. I would like to refer to one of such encounters. Words uttered by the Pope during this meeting indicate an element of community journey along the way of Christian unity in the state of confessional differences between the spouses. The words said by Francis will become the main inspiration in the further part of the essay in reference to interfaith marriages, colloquially called mixed marriages.

The question about intercommunion in marriages of different confessional affiliation

The encounter which I mentioned took place in the Lutheran church in Rome in October 2016. The Pope's utterance concerned intercommunion between Catholics and Lutherans. In the ecumenical dialogue the above issue arouses controversy between these two parties, especially on the Catholic side, who explain that it is impossible to distribute the Holy Communion to a Lutheran in a Roman Catholic Church due to the lack of doctrinal unity, particularly in reference to the office of priesthood ministry. Well, during this meeting the Pope was asked by a Lutheran, the wife of a Catholic, about the conditions which would allow her to receive the Holy Communion together with her husband. The woman does not ask about the conditions of a common possibility of intercommunion between Catholics and Lutherans. Her query concerns the specific situation of her Christian marriage. The Pope advised her then "to reflect together with her husband on the consequences of the fact that — as St. Paul wrote — there is one Lord, one faith and one baptism." Francis did not define precisely specific conditions, but added important words: "Talk to the Lord and move forward." By the same token, he pointed to common prayer, which is a fundamental element in the process leading to unity, which he mentioned in the interview and gave a guideline in the form of a decision of a person's conscience judging the possibility of taking steps towards bonding two people living in marriage and constituting

³ Ibidem, p. 17.

a Christian family. Nevertheless, the Catholic bishop W. Kenney commenting on this utterance drew attention to the fact that the intention of the Pope's statement is not clear and the Pope himself has not referred to it ever again.⁴

The significance of the question resulting from the situation of marriage of a Catholic and a Lutheran suggests that one should not treat the Pope's response as an element of ordinary teaching. The Pope answers the question directed at him by a person looking for a solution to an important issue in the life of a Christian family. The Pope's response can be interpreted differently by commentators. For the person who received it, despite the ambiguity regarding further demeanour, it remained a meaningful indication. The Pope did not refer to the possibilities of receiving the sacrament of the Eucharist by a Christian of Lutheran confession, which regulate the above situation. He could respond like Jesus in the Gospel: "[...] you know the commandments" (Mc 10, 19), which would indicate that receiving the Eucharist is unavailable for her. He spoke "in his own manner", which does not mean he pointed to the possibility of receiving the Eucharist. According to the binding regulations of the Code of Canon Law the possibility of receiving the Eucharist in the Catholic Church is not unavailable for a Lutheran if "the danger of death is present or other grave necessity, in the judgment of the diocese bishop or the conference of bishops."⁵ The Pope reminded about this fact in *Amoris laetitia*⁶ stating that "although the spouses in a mixed marriage share the sacraments of baptism and matrimony, Eucharistic sharing can only be exceptional and in each case according to the stated norms."⁷

Referring to the generally applicable norms in the context of deliberations connected with mixed marriages, he reminds us that receiving communion in these relationships is subject to common regulations.

One of the conditions of receiving the Eucharist in the described situations is expressing (manifesting) the Catholic faith towards it.⁸ A lot of non-Catholic Christians, who may confess the Catholic faith with regard to the presence of Christ in the sacrament of the Eucharist, can be in a similar situation to the woman asking the Pope the question. In a situ-

⁴ As cited in A. FILAK: "Ekumeniczne nadzieje na interkomunię," <http://www.ekumenizm.pl/ekumenizm/na-swiecie/ekumeniczne-nadzieje-interkomunie/> [accessed: 18.02.2017].

⁵ Can. 844 § 4.

⁶ FRANCIS: Post-Sinodal Apostolic Exhortation *Amoris laetitia* (March 19, 2016), n. 247.

⁷ The mentioned norms are contained in THE PONTIFICAL COUNCIL FOR PROMOTING CHRISTIAN UNITY: *Directory for the Application of Principles and Norms on Ecumenism* (March 25, 1993), no. 159—160.

⁸ Cf. can. 844 § 4.

ation when the norms established by Church authorities and regulating reception of the Eucharist do not exist, the Pope's utterance is something more than merely a sign of hope. The question then arises whether the situation of inter-faith marriages in specific cases might not be an urgent and grave necessity, especially in the judgement of Christian conscience of Christ's believers living in marriages which are valid and sacramental relationships. I reckon this question gains meaning in the context of Francis's teaching about family expressed in Exhortation *Amoris laetitia*. What principles of conduct does Francis's response given to the female Lutheran suggest in the light of teaching about family and recognizing individual pastoral situations?

Interfaith marriages on the ecumenical way

The situation described by the Lutheran who met the Pope is not the only one among "certain complex situations"⁹ of Christian interfaith marriages which "require particular attention"¹⁰ and at the same time are the reason for conflicts connected with the confessed faith. Realizing that "they involve special difficulties regarding both the Christian identity of the family and the religious upbringing of the children,"¹¹ they should be appreciated and developed since "marriages between Catholics and other baptized persons have their own particular nature, but they contain numerous elements that could well be made for the contribution that they can make to the ecumenical movement."¹²

Difficulties arising in interfaith marriages are not disregarded. These marriages are a chance for bringing together Christian communities within one Church of Christ since ecumenical activity aims at searching for the elements integrating different faiths. Therefore, the proposal to use the term "marriages integrating faiths" instead of mixed or interfaith marriages seems to be fair.¹³

The difficulties that mixed marriages encounter include the issues concerning the upbringing of the children as well as those connected

⁹ Cf. subtitle *Amoris laetitia* including the issues 247—252.

¹⁰ AL, n. 247.

¹¹ AL, n. 248.

¹² AL, n. 247.

¹³ A. SKOWRONEK: *Sakramenty wiary. Spotkania z Chrystusem w Kościele. W profilu ekumenicznym*. Vol. 3. *Małżeństwo i kapłaństwo jako spotęgowanie chrześcijańskiej egzystencji*. Włocławek 1996, p. 124.

with practising one's own faith in a way that prevents its loss or religious indifference. The latter problem entails the necessity of care for the development of one's faith, but also the search for its deeper understanding or expressing it by means which are not available in one's own faith in a way they are disclosed in personal experience.

The issue concerning receiving the Eucharist by a non-Catholic married to a Catholic at this stage of development of the ecumenical dialogue was presented in the above-mentioned Directory. It has been 25 years since the Directory was issued. In the meantime, the dialogue between the Catholic and Protestant side regarding understanding of the Eucharist has moved forward, a sign of which is the document entitled *From conflict to communion* and the documents signed after it. The said document refers to the issues which indicate common elements in understanding the Eucharist by Catholics and Lutherans, including the real presence of Christ in it as well as understanding the Eucharistic sacrifice. Catholics and Lutherans agree with regard to the reality of the presence of Christ — true God and true human being with his own body and his own blood in the Lord's Supper. The difference concerns the way of grasping this presence expressed by the term of transubstantiation and its duration. There is also agreement regarding understanding of the Eucharistic Sacrifice, in which "the exalted Lord is present in the Lord's Supper in the body and blood he gave with his divinity and his humanity through the word of promise in the gifts of bread and wine in the power of the Holy Spirit for reception through the congregation." The difference in comprehending Christ's sacrifice concerns the interpretation of the scale of effectiveness of the sacrifice performed among the community.¹⁴

The achievements of the ecumenical dialogue with regard to the real presence of Christ in the Eucharist shed some more light on the Pope's response to the Lutheran's question. One might guess that her desire to participate in the Eucharist reflects her faith in the real presence of Christ and her desire to follow Him. The Pope in his response does not exclude the possibility of receiving the Eucharist by stating clearly that in the present situation it is not possible. He points to three elements which set the direction of the development of first of all a Christian family and possibly in the future of the community also the Eucharistic table: talk to the Lord, move forward, draw conclusions from the fact that there is one Lord, one faith, and one baptism. Reading the Pope's words one can observe two things: between the spouses exists the community of the table of God's

¹⁴ *From Conflict to Communion. Lutheran-Catholic Common Commemoration of the Reformation in 2017. Report of the Lutheran-Roman Catholic Commission on Unity.* Leipzig—Paderborn 2013, no. 153—161.

Word, which is the reference point for their Christian life together — one faith enabling them to keep moving on together and skilfully benefit from what is common and what they share and not what divides them and determines the specific nature of their own Christian faith in which the spouses happen to live. As A. Skowronek rightly observes, such marriages participate in something that is not a result of their own decision. These marriages bear the consequences of earlier break of communion in Christianity. They are valuable in themselves, as was confirmed by Francis in *Amoris laetitia*, and they contribute to the development of ecumenical movement. Such marriages, unless they consciously experience their Catholicism (universality) and Evangelicism (Evangelic promise of unity) manifest one Church, one Body of Jesus Christ.¹⁵

Another indication raising if not sustaining hope for participation in the Eucharist together is describing marriage and family as home Church, that is, in other words, Church in mesoscale or the smallest unit of Church Christian community. In a small church community, which is a sacrament, sign and instrument of Salvation, the confessional affiliation of spouses does not differentiate but emphasizes common faith in Jesus Christ. In a church community which is constituted by a sacramental marriage there is space for the Eucharist. Church community itself is a condition for the Eucharistic community. Thus, isn't there in such home Church room for the Eucharist, genuinely present Christ, who guides and whom, according to Francis's advice, spouses are supposed to follow together?

Another complex situation in interfaith marriages which is mentioned by Francis in *Amoris laetitia* is connected with the religious upbringing of the children. The Pope points out that in the situation of such marriages it is important that "the religious freedom of all be respected."¹⁶ According to the binding legal norms, there exists a duty of upbringing the offspring in the Catholic faith, which the Catholic party pledges to do by making "a sincere promise to do all in their power to have all the children baptized and brought up in the Catholic Church."¹⁷ Such disposition, especially that resignation from this kind of statement by the Catholic party is not possible, can be in contradiction with the analogous pledge, which might be required from the non-Catholic party. Statements jointly produced by Christian faiths serve to solve possible tensions. An example is one common statement devised by Italian Episcopal Conference and the Waldensian Evangelical Church, which says in reference to bringing up children by the Catholic side: "I pledge to do everything in

¹⁵ A. SKOWRONEK: *Sakramenty wiary...*, p. 127.

¹⁶ AL, n. 248.

¹⁷ Can. 1125, 1°.

my power so that all my children will be baptised and brought up in the Catholic faith, taking into consideration the fact that my spouse has the same right-duty resulting from faith in the context of his/her vocation which he/she responds to in the Church to which he/she belongs. That is why I will seek agreement with my spouse, make appropriate choices to maintain and deepen our unity and for the sake of our spiritual life.”¹⁸

The proposed draft of a document worked out together by Polish Episcopal Conference and Churches associated in Polish Ecumenical Council concerning marriages of people of different religious confessions went much further.¹⁹ The draft of the project, described as pioneering,²⁰ was accepted, as it is reported by the portal of Polish Ecumenical Council, by Polish Episcopal Conference on 14–16 October 2011²¹ at the 356th plenary session. The official statement from the plenary session does not mention this document.²² As regards the statements of spouses, the draft quotes formulations of the document drawn up in Italy. The document was sent to be approved of by the Holy See. Unfortunately, the statements approved by Polish Episcopal Conference in 1986²³ are still in force, which can suggest that the above document was not entirely accepted. According to the applicable norms the statement of the Catholic side says as follows: “[...] I make a sincere promise that I will do everything in my power to baptise and bring up our offspring in the Catholic Church.” In the context of deliberations concerning the possibility of receiving the Eucharist in the situation presented in the beginning, the mentioned draft is noteworthy. Chapter III of this draft is dedicated to common teaching about the marriage of people of different religious affiliation. It emphasizes the

¹⁸ As cited in: L. ADAMOWICZ: “Wybrane problemy katolickiego prawa małżeńskiego w kontekście emigracji w wielokulturowej Europie.” *Roczniki Nauk Prawnych* 19 (2009) 2, p. 155.

¹⁹ “Małżeństwo chrześcijańskie osób o różnej przynależności wyznaniowej. Deklaracja Kościołów w Polsce na początku Trzeciego Tysiąclecia” (draft of the project of 10 May 2011). <http://ekumenia.pl/czytelnia/dokumenty-ekumeniczne/malzenstwo-chrzescijanskie-osob-o-roznej-przynaloznosci-wyznaniowej/> [accessed: 1.03.2017] [hereafter: Projekt Deklaracji].

²⁰ ISB/KAI: “Pionierski dokument o małżeństwach mieszanych.” *Posłaniec Warmiński* 23 (2009), p. 9.

²¹ M. KARSKI: “Biskupi katoliccy zaaprobowali dokument o małżeństwach mieszanych,” <http://ekumenia.pl/aktualnosc/biskupi-katoliccy-zaaprobowali-dokument-o-malzenstwach-mieszanych/> [accessed: 1.03.2017].

²² KONFERENCJA EPISKOPATU POLSKI: “Komunikat z 356. Zebrania Plenarnego Konferencji Episkopatu Polski,” <http://episkopat.pl/komunikat-z-356-zebrania-plenarnego-konferencji-episkopatu-polski/> [accessed: 1.03.2017].

²³ KONFERENCJA EPISKOPATU POLSKI: “Instrukcja o przygotowaniu do małżeństwa w Kościele katolickim z dnia 5 września 1986 r.” *Akta Konferencji Episkopatu Polski* 1 (1998), n. 84

fact that marriage between Christians belonging to different confessions is made “in the Lord” (1 Cor 7, 39), “and thus in his Body, which is Church.” In this way, it has been emphasized that marriage and family which create home Church are the fundamental form of church community, in which the Lord is present. The foundation of this marriage is its rooting in the same faith in the same one Three-consubstantial God. The draft points out that the call for unity thanks to one’s being open to the Holy Spirit can “have different meanings and express itself in various ways, making it possible for the spouses to gain common ecumenical experience — free from coercion or instrumentalization. It could also awaken in each of them readiness to participate in important moments of the life of their spouse’s religious community.”²⁴ The final formulation which refers to the opportunity to take part in the life of one’s spouse’s religious community, obviously excluding the loss of faith or religious indifference, is especially noteworthy. Therefore, if a non-Catholic’s faith in the real presence of Christ in the Eucharist expresses the Catholic faith, cannot this fact become the foundation of a serious necessity enabling one to approach the Eucharistic table? Is it appropriate in this situation to appeal to the believer’s ecumenical patience? Pope Francis in his response given to the Lutheran sustains her hope for regulating her sacramental life. But is this support enough in the face of one’s desire to build marital and family community in one faith and one Lord?

The draft of a joint Declaration of Polish Episcopal Conference and Polish Ecumenical Council Project in its Chapter IV highlights the principles of treating interfaith marriages. In the first place it mentions the principle of equal dignity of consciences and equal respect towards them. It expresses the belief that “neither side, the fiancés, spouses and their parents shall not constraint the conscience of the other side, but shall give a testimony of faith and morality.”²⁵ The statement which refers to respecting conscience with regard to giving a testimony of faith and morality is particularly meaningful. It does not seem that respecting conscience refers only to conduct in line with the spouses’ religious affiliation, as can be read in the content of the document, after all based on the existing solutions used with regard to interfaith marriages and expressed in the ecumenical language. In my view, this statement opens not so much the possibility to search for further general solutions as the possibility to apply the voice of conscience to specific situations in the case of serious necessity, which can be a desire for the community of the Eucharistic table expressing genuine home Church constituted by a sacramental con-

²⁴ Projekt Deklaracji, III. 2.

²⁵ Projekt Deklaracji, IV, 1.

fessional marriage. The ecumenical Directory also refers to the matter of conscience when it mentions the situation of passing on faith and care for the unity and permanence of marriage and maintaining the family communion.²⁶

Pedagogy of a person and conscience of Pope Francis

Pope Francis drew attention to the issue of recognition and conscience in respect of the possibility to receive the Eucharist by people living in second civil marriages in the Apostolic Exhortation *Amoris laetitia*. Moving along this way and taking into account the advice to consider the consequences resulting from faith in one God and one baptism, given to the Lutheran during the meeting in the Roman Lutheran church, one can elaborate on the role of Christian conscience in special and individual situations concerning religious life of inter-faith marriages' families. Taking into consideration the legal status regulating their current position, they will rather remain a matter for debate. However, it is this very personal question affecting a particular couple that provoked the Pope to respond to the question asked by the Lutheran.

This response can be perceived in the light of the Pope's attitude to the vision of Church and every, even most forgotten person being in a complicated situation and looking for the truth, which in Christianity is personal Truth, that is, Christ. In this search the person is not alone. The concept of truth is accompanied by the concept of love and its experience. These two concepts determine the character of Christian faith, which is not merely an intellectual act. The truth about personal God is revealed to the human by the experience of love and by his response to the gift of love that God brings to him.²⁷ God unveils himself in a person's response to His love. Getting to know God is not just an intellectual act. It is embarking on the experience of the relationship with personal God.²⁸ It also occurs, as Pope Benedict XVI points out, in the experience of human love. It carries a sign of God in it and refers to His love. The response to God's love does not happen through words, but through growth and striving for fullness during the internal journey, which is reflected in external

²⁶ *Directory for the Application of Principles and Norms on Ecumenism*, n. 151.

²⁷ Cf. BENEDICT XVI: Encyclical Letter *Deus caritas est* (25.12.2005), n. 1.

²⁸ M. TYKFER: "Duszpasterstwo nawrócone, czyli pedagogika Franciszka." *Więź* 59 (2016) 4, p. 102.

action. “Love is now no longer a mere ‘command’; it is the response to the gift of love with which God draws near to us.”²⁹

This reality of recognition was emphasized by Francis in his Encyclical *Lumen fidei* pointing out to the light of faith which accepts, enlightens and purifies this road.³⁰ Faith is the process of recognition, which is shaped together with the human accordingly to the stages of his development.³¹ It is the process which happens inside a believer and for which everybody is responsible in the way appropriate for them and, at the same time, different from others. When judging the situation of a person’s faith, one should take into consideration individual cases and factors which influence their ability to take the decision of faith. Therefore, as it is emphasized by Francis, one should “avoid judgements that do not take into account the complexity of various situations, and they are to be attentive, by necessity, to how people experience and endure distress because of their condition.”³² While highlighting the fact that teaching should be clearly expressed, the Pope has a lot of tolerance towards each person and the situation in which they remain. He calls everyone “to make room for the consciences of the faithful, who very often respond as best they can to the Gospel”³³ and not to replace their consciences.

In the Exhortation Francis underlined the irreplaceable role of conscience in the life of every person. He indicates the existence of unchanging norms but, at the same time, states that one should recognize them in their conscience since it concerns and operates on the level of human existence, when a person takes a binding decision about specific action. Decisions are in the first place made according to this pressure of conscience and not on the basis of the existing norms. Conscience does not create new norms but recognizes a specific situation. Decisions of conscience do not become the foundation for a new law. They do not have law-making character. Conscience places a person between a generally applicable norm and a specific situation, which they have to judge and shape in the existing circumstances.³⁴ The truth which the person pursues and which is the foundation for actions undertaken by him/her has an inner dimension, in which its objective character complements itself through subjective recognition, thereby shaping the person’s life.

²⁹ Benedict XVI: *Deus caritas est*, n. 1

³⁰ FRANCIS: Encyclical Letter *Lumen fidei* (June 29, 2013), n. 35.

³¹ John Paul II: Apostolic Exhortation *Familiaris consortio* (November 22, 1981), n. 34.

³² AL, 79.

³³ AL, 37.

³⁴ A. WIERZBICKI, Z. NOSOWSKI: “Rachunek sumienia z prymatu sumienia.” *Więź* 60 (2017) 1, p. 117.

Truth and Love on the way of conscience

Pope Francis in his answer to the question about the possibility of receiving the Eucharist jointly by married couples of different religious affiliation recommends drawing consequences from one faith and one baptism. He does not unequivocally indicate that this issue is legally regulated and one should adhere to the existing norms. The person asking the question certainly knows them. Otherwise, the question would not have been asked. The question goes deeper and concerns the situation that the aforementioned Lutheran was in. Answering the question, the Pope pointed out the consequences which she can draw not from norms but from her faith. It is the faith of a person living in holy matrimony, which is the reflection of Christ's love to Church. The existing and growing love between the spouses makes the perfect love of Christ towards His Church present. Simultaneously, the conjugal love which is a gift the spouses give to each other leads to their mutual recognition. Recognition in the truth of love does not leave the person on their own. The criterion of this love is ultimately the perfect image of love, which is personal truth or the experience of Love, Christ. This truth is achieved by the experience of love. It is not static. The human constantly strives to learn it and make it their own. Therefore, can the possibility to experience it, which is reflected in receiving the Eucharist only occur at the moment of conversion? Isn't the sacramental marriage which constitutes the home Church a sign of *sensus fidei* and a community of faith *in agendo*?

Pope Francis's sense of faith and his care for each person and the situation they are in does not seem to only sustain hope but the voice (crying in the wilderness?) encouraging further ecumenical activity and solutions which will take into account not only doctrinal differences but also the situation of the home Church. This road is also not closed by current legal solutions which allow other Christians to receive the Eucharist not only in danger of death, but also in other urgent needs. Isn't there room among these needs for a desire which is the consequence of Truth and Love imposing through Christian conscience?

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TOMASZ GAŁKOWSKI

La conscience chrétienne — un signe de l'unité dans le dialogue œcuménique

Résumé

Dans l'une des interviews, le pape François — à la question d'une luthérienne, vivant dans la relation maritale avec un catholique, sur la possibilité de participer au sacrement de l'Eucharistie — a répondu en proposant qu' « elle et son mari s'interrogent quelles conclusions ils peuvent tirer des propos du Saint Paul qui a écrit — qu'il y a un seul Seigneur, une seule foi et un seul baptême ». François n'a pas précisé de conditions concrètes, mais il a ajouté des propos très importants: « Parlez avec le Seigneur et allez en avant ». L'auteur de l'article analyse cette réponse dans le contexte de l'enseignement papal sur le rôle de la conscience dans la vie chrétienne et la possibilité de participer au sacrement de l'Eucharistie dans le cas des personnes vivant dans les nouvelles relations maritales civiles. Il s'interroge quelle est la possibilité de se référer à la conscience chrétienne quand, dans l'opinion d'un non-catholique exprimant à l'égard de l'Eucharistie la foi catholique, presse dans un cas concret une nécessité sérieuse non considérée comme telle par un évêque diocésain ou la Conférence de l'Épiscopat (*canon 844 §4 CIC*).

Mots-clés: mariages mixtes, dialogue œcuménique, conscience

TOMASZ GAŁKOWSKI

La coscienza cristiana come segno di unità nel dialogo ecumenico

Sommario

In una delle interviste, alla domanda di una luterana unita nel vincolo del matrimonio con un cattolico, riguardante la possibilità di accostarsi all'Eucarestia papa Francesco ha risposto alla stessa di “riflettere insieme al marito su quali conseguenze possono trarre dal fatto che, come scrisse san Paolo — c'è un solo Signore, una sola fede, un

solo battesimo”. Francesco non ha precisato condizioni concrete, ma ha aggiunto parole importanti: “Parlate con il Signore e andate avanti”. L’autore dell’articolo analizza questa risposta nel contesto del magistero pontificio sul ruolo della coscienza nella vita cristiana e sulla possibilità di accostarsi all’Eucarestia nel caso delle persone che hanno contratto un nuovo matrimonio civile. Si interroga su quanto sia possibile richiamarsi alla coscienza cristiana quando nel giudizio di una persona non cattolica che manifesti circa l’Eucarestia la fede cattolica, in un caso concreto urga la grave necessità non considerata tale dal vescovo diocesano o dalla Conferenza Episcopale (can. 844 § 4 CIC).

Parole chiave: matrimoni misti, dialogo ecumenico, coscienza



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Sponsors for Baptism and Confirmation Sacraments, and Witnesses to Marriage in Ecumenical Perspective

Abstract: The article contains an analysis of old and current canon law on the possibility for non-Catholics to perform the functions of godparents, witnesses of confirmation, and witnesses at marriage. The regulations that are now in force are far from the severity of the old law, which assumed as the rule that the above functions in the Catholic Church should be performed by the Catholics who, at the same time, were not allowed to undertake similar tasks in the other Churches or Christian communities. Exceptions to this rule were relatively rare — especially in case of godparents — and had to be robustly justified. Today's regulation keeps the general rule, but the possibility of exceptions is quite broad and included in the law, so that it is not necessary to refer to the ecclesiastical superior in individual cases. This relaxation of discipline is due both to ecumenical considerations and to the desire to overcome practical problems, especially in mixed marriages.

Keywords: ecumenism, baptism, godparenthood, godparents, confirmation, confirmation witnesses, *communicatio in sacris*, canonical marriage, form of marriage

The subject of this article was inspired by the 50th anniversary of the first *Ecumenical Directory*.¹ Also today, after the publication of the new *Ecumenical Directory* in 1993,² which replaced the previous one, the per-

¹ SECRETARIAT FOR PROMOTING CHRISTIAN UNITY: *Directory for the Application of the Decisions of the Second Vatican Council Concerning Ecumenical Matters* [part I: 14.05.1967; part II: 16.04.1970]. AAS 59 (1967), pp. 574—592 and 62 (1970), pp. 705—724 [hereafter: ED 1967].

² PONTIFICAL COUNCIL FOR PROMOTING CHRISTIAN UNITY: *Directory for the Application of Principles and Norms on Ecumenism* [26.03.1993]. AAS 85 (1993), pp. 1039—1119 [hereafter: ED 1993].

formance of these functions, that is, sponsors for baptism and confirmation, and witnesses of marriage is considered a manifestation of the *communicatio in sacris* “*extra sacramenta*.”³

Sponsors for baptism

The institution of the sponsors for baptism (godparents) (in Latin: *patrini*) is known in various Christian denominations because it dates back to the time of the indivisible Church.⁴ There is no much difference among Christian denominations in the perception of the function of godparents and the tasks assigned to them. According to Can. 872 of the Code of Canon Law of 1983, the sponsor is to assist a person during a rite of Christian initiation or, in the case of an infant baptism, his/her role is together with the parents to present the child for baptism, and to help a child to live a Christian life befitting the baptized and faithfully to fulfil the duties inherent in baptism.⁵ Similarly, in a fundamental way, the role of the sponsors for baptism is reflected in the Orthodox Church,⁶ and Christian denominations that have their roots in Protestantism, which both dogmatically and liturgically recognize the sacramental character of baptism, and the indications for the exercise of their function by the godparents do not differ substantially from the legal and religious regulations of the Catholic Church.⁷ It should be remembered that the

³ Cf. A. S. SÁNCHEZ-GIL: *Communicatio in sacris*. In: *Diccionario General de Derecho Canónico*. Ed. J. OTADUY, A. VIANA, J. SEDANO. Vol. II, Pamplona 2012, p. 280.

⁴ On the history of the institution of godparents cf. M. PASTUSZKO: *Prawo o sakramentach świętych*. Vol. 1. *Normy ogólne i sakrament chrztu*. Warszawa 1983, pp. 277—287; J. BIAŁOBOK: *Instytucja rodziców chrzestnych w ustawodawstwie kościoła rzymskokatolickiego (studium historyczno-prawne)*. Tarnów 2001, pp. 31—258.

⁵ More about the role and tasks of godparents in the doctrine and law of the Catholic Church, cf. G. DAMMACO: “Missione dei genitori e munus dei padrini.” *Monitor Ecclesiasticus* 115 (1990), pp. 627—646; A. PERLASCA: *La figura e il ruolo dei padrini nei sacramenti dell’iniziazione cristiana*. In: *Quando si diventa cristiani. I sacramenti dell’iniziazione: indicazioni canoniche e pastorali*. Ed. G. TREVISAN. Milano 2003, pp. 321—344; J. SAN JOSÉ PRISCO: *El padrino de bautismo y su recuperación jurídico-pastoral*. *Revista Española de Derecho Canónico* 61 (2004), pp. 41—64.

⁶ Cf. D. SAWICKI: “Sakrament świętego chrztu.” *Elpis* 13 (2011), p. 273.

⁷ Cf. G. TRIER: *Paten*. In: *Lexikon für Kirchen- und Staatskirchenrecht*. Eds. A. VON CAMPENHAUSEN, I. RIEDEL-SPANGENBERGER, R. SEBOTT. Vol. III. Paderborn 2004, pp. 168—170; *Leitlinien kirchlichen Lebens der Vereinigten Evangelisch-Lutherischen Kirche Deutschlands (VELKD)*. *Handreichung für eine kirchliche Lebensordnung*, Gütersloh 2003, pp. 41—42; *Die Taufe. Eine Orientierungshilfe zu Verständnis und Praxis der Taufe*

requirement of the presence of at least one sponsor for baptism is not an absolute requirement, but it is conditioned in the canon law by the following clause “insofar as possible” (Ccan. 872 CIC).

As regards the ecumenical dimension of the institutions of godparenthood, from a Catholic point of view it is necessary to address the question of the possibility of allowing non-Catholic Christians to perform functions of the sacramental sponsors in question in the Catholic Church. Important seems also the question about the admissibility of Catholics as godparents for the celebration of this sacrament in other Churches or communities.

Both the old law⁸ and the Code of Canon Law of 1917 strongly rejected the possibility of allowing non-Catholics to become godparents in the Catholic Church. The decision on the particular case was based on the principle that it was better to be baptized without any sponsor than allow that a sponsor would be a heretic.⁹ Canon 765 2° of the 1917 Code excluded — under pain of nullity¹⁰ — calling as godparents those who belonged to heretical or schismatic community (including those who were born, baptized, and raised in non-Catholic communities).

Such a severity of the canon law of that time, although it was understandable in some way in those circumstances, today certainly seems offensive, not least because of the language used at the time, which is fortunately alien to us today. It certainly was an obstacle to living the Christian faith in a spirit of reconciliation and love in marriage and families, or in areas where faithful of different Christian denominations lived side by side.¹¹

The first sign of liberalization was the decision of the Second Vatican Council expressed in the Decree on Eastern Catholic Churches *Ori-*

in der evangelischen Kirche. Vorgelegt vom Rat der Evangelischen Kirche in Deutschland. München 2008. pp. 46—48.

⁸ Cf. M. PASTUSZKO: *Prawo o sakramentach...*, pp. 290—291; J. BIAŁOBOK: *Instytucja rodziców chrzestnych...*, pp. 142—151.

⁹ See S. CONGREGATIO S. OFFICII: *Resp. part. 3 maii 1893.* In: *Codicis Iuris Canonici Fontes.* Ed. P. GASPARRI. Vol. IV. Romae 1951, p. 481, n. 1163.

¹⁰ It was not about the importance of baptism, but about the importance of performing the function of godfather, which was connected with the contracting of a marital obstacle breaking the spiritual relationship between the godparent and Christian. (Cf. can. 1079 in connection with z can. 768 CIC 1917). Today, the Code of Canon Law no longer contains this obstacle, but it appears in the Code of the Eastern Catholic Churches (cf. can. 811 §1 Code of Canons of the Eastern Churches, hereafter: CCEO). Hence the can. 685 §1 CCEO also provide conditions for a “valid” godparenthood assignment, which does not appear in an analogous can. 874 §1 CIC.

¹¹ Cf. J. H. WIDUCH: “Współuczestnictwo w świętych czynnościach w świetle Dekretu ‘O Kościołach wschodnich katolickich’ Soboru Watykańskiego II.” *Śląskie Studia Historyczno-Teologiczne* 12 (1979), p. 287.

entalium Ecclesiarum to allow the participation of the Catholics with the separated Eastern Brothers in holy activities, things and places for a just reason.¹² However, in the document, there was no *expressis verbis* mention of performing the sponsors' function in interfaith relations. It was only ED 1967 that allowed this possibility for non-Catholic Eastern Christians, with whom, as recalled in the Council's *Ecumenical Decree*¹³ — the deep community of faith and the sacraments unite with the Catholic Church. With respect to the non-Catholic Eastern Churches ED 1967, referring to the close community with these Churches, decided that "It is permissible for a just reason to accept one of the faithful of an Eastern Church as godparent at the baptism of a Catholic infant or adult, as long as Catholic upbringing of the one being baptized is provided for and there is assurance that the person is fit to be a godparent."¹⁴

The same document allowed the Christians from other Christian communities — that is those which arose from the Reformation — to be "admitted with a Catholic godparent as a Christian witness of the baptism."¹⁵ The reason to do so were: "ties of blood or friendship" and "faith in Christ".

ED 1967 also allowed Catholics to take up the function of godfathers (in the Eastern Church) or witnesses of baptism (in another Christian community), if they were asked to do so.¹⁶

However, the Code of Canon Law promulgated in 1983, did not take over these regulations completely. Canon 874 §2 states this: "A baptized person who belongs to a non-catholic ecclesial community may be admitted only in company with a Catholic sponsor, and then simply as a witness to the baptism." Therefore, the principle of the Directory for mem-

¹² Cf. n. 28. Please note that can. 1258 §1 of the CIC 1917 prohibited any active participation in holy activities by non-Catholics. Only passive participation in funerals or in the ceremony of marriage was tolerated, either because of his secular office or for social reasons (§2).

¹³ VATICAN COUNCIL II: *Decree on Ecumenism "Unitatis redintegratio"*, n. 15: "These Churches, although separated from us, possess true sacraments, above all by apostolic succession, the priesthood and the Eucharist, whereby they are linked with us in closest intimacy. Therefore some worship in common (*communicatio in sacris*), given suitable circumstances and the approval of Church authority, is not only possible but to be encouraged."

¹⁴ ED 1967, n. 48.

¹⁵ ED 1967, n. 57.

¹⁶ This was previously strictly prohibited under can. 1258 §1 CIC 1917. Cf. S. ALONSO MORÁN: *Del culto divino*. In: A. ALONSO LOBO, L. MIGUÉLEZ DOMÍNGUEZ, S. ALONSO MORÁN: *Comentarios al Código de Derecho Canónico con el texto legal latino y castellano*, vol. II. Madrid 1963, p. 862. A Catholic who did not comply with this prohibition was burdened with the suspicion of the crime of heresy, as stated by the canon of the time. 2316 CIC 1917.

bers of Christian ecclesial communities was adopted, allowing them to participate as witnesses of baptism. For unknown reasons, the specific link between the Catholic Church and the Eastern Churches was not taken into account, and no exception was made. The possibility of allowing Eastern Christians to act as godparents was tacitly ignored.

However, the distinction between the faithful of non-Catholic Eastern Churches and other non-Catholic Christians is valid in the second edition of the “Rite of Baptism for Children,” which takes into account the provisions of the Code of Canon Law of 1983: “At the request of parents, a baptized and believing Christian not belonging to the Catholic Church may act as a Christian witness along with a Catholic godparent. In the case of separated Eastern Christians with whom we do not have full communion the special discipline for the Eastern Churches is to be respected.”¹⁷

Although there is no explicit mention about the admissibility of Eastern non-Catholics to serve as godparents, the special relationship that the Catholic Church has with the Eastern Churches is taken into account.

The canon law legislator again made a clear distinction between the Eastern Churches and other non-Catholic Christians in the Code of Canons of the Eastern Churches promulgated in 1990. Canon 685 of the Code, after laying down a general requirement that the godparent must be a member of the Catholic Church, notes the exception to this principle in § 3: “For a just cause, it is permitted to admit the Christian faithful of another Eastern non-Catholic Church to the function of a sponsor, but always at the same time with a Catholic sponsor.”¹⁸

Similarly, the new ED 1993 maintains the distinction between non-Catholic Eastern Christians and other Christians. After recalling the general principle that “godparents, in a liturgical and canonical sense, should themselves be members of the Church or ecclesial Community in which the baptism is being celebrated,” hereby states: “based on the common baptism and because of ties of blood or friendship, a baptized person who belongs to another ecclesial Community may be admitted as a witness to the baptism, but only together with a Catholic godparent. [...] Because

¹⁷ RITE OF BAPTISM FOR CHILDREN: *Christian Initiation. General Introduction*, n. 10, 4.

¹⁸ The CCEO does not explicitly mention that other non-Catholics (not Eastern) can witness a baptism, which has been criticised. Cf. I. PÉREZ DE HEREDIA: “I profili ecumenici della *salus animarum* nella codificazione della Chiesa cattolica.” *Ius Ecclesiae* 12 (2000), pp. 488—489, fn. 80. Nevertheless such a possibility is admitted by the doctrine on a basis of a provision of the *Ecumenical Directory*, at least that is how it was explained during the works on the CCEO (Cf. *Nuntia*, 28 [1989], p. 86). Cf. J. SAN JOSÉ PRISCO: *Sub can. 685*. In: *Código de Cánones de las Iglesias Orientales. Edición bilingüe comentada por los profesores de la Facultad de Derecho Canónico de la Universidad Pontificia de Salamanca*. Madrid 2015², p. 272.

of the close communion between the Catholic Church and the Eastern Orthodox Churches, it is permissible for a just cause for an Eastern faithful to act as godparent; together with a Catholic godparent, at the baptism of a Catholic infant or adult, so long as there is provision for the Catholic education of the person being baptized, and it is clear that the godparent is a suitable one.”¹⁹

It is not clear why the Code of Canon Law, unlike all the other norms in this field, does not mention the possibility of an Eastern Christian being a non-Catholic godparent in the Catholic Church at all, but only allows a baptized non-Catholic to participate as a witness to baptism (next to the Catholic godfather).²⁰ In the situation of the silence of the Code, some commentators also ignore this issue, considering that a non-Catholic Christian (any non-Catholic Christian, and therefore also an Orthodox) may only be a witness to baptism, not to be a godparent.²¹ The majority, however, recognize that even if the Code of Canon Law does not say anything about it, its Can. 874 § 2 should be interpreted in conjunction with Can. 685 CCEO and the new *Ecumenical Directory*, so that the faithful of the non-Catholic Eastern Churches can be godparents.²²

This situation leads to a certain confusion also due to the legislative technique and hierarchy of canonical norms. ED 1993 published by the Pontifical Council for Promoting Christian Unity is a normative docu-

¹⁹ ED 1993, n. 98.

²⁰ The more so because during the works on the reform of the Code of Canon Law such a possibility was foreseen explicitly, but it was rejected. Cf. *Communicationes* 3 (1971), p. 201; 13 (1981), pp. 230—231; 15 (1983), p. 184. Cf. F. COCCOPALMERIO: *La «communicatio in sacris» nel Codice di Diritto Canonico e negli altri documenti ecclesiali*. In: *La funzione di santificare della Chiesa: XX Incontro di Studio. Passo della Mendola-Trento 5 luglio–9 luglio 1993*. Milano 1995, pp. 228—229.

²¹ Cf. V. I. PAPEŽ: *Diritto canonico ed ecumenismo*. In: *Ius in vita et in missione Ecclesiae. Acta Symposii Internationalis Iuris Canonici occurrente X anniversario promulgationis Codicis Iuris Canonici diebus 10—24 aprilis 1993 in Civitate Vaticana celebrati*. Libreria Editrice Vaticana 1994, pp. 1198—1199; M. BLANCO: *Sub can. 874*. In: *Comentario Exegético al Código de Derecho Canónico*. Ed. A. MARZOA, J. MIRAS, R. RODRÍGUEZ-OCAÑA. Vol. III. Pamplona 1996, p. 496; A. E. HIEROLD: *Taufe und Firmung*. In: *Handbuch des katholischen Kirchenrechts*. Eds. J. LISTL, H. SCHMITZ. Regensburg 1999, p. 817. One of the authors explicitly states that in this situation can. 874 § 2 abolished n. 48 ED 1967, allowing Eastern non-Catholics to perform godparenting duties. Cf. S. ARDITO: *Battesimo: Aspetti teologici e canonistici*. *Monitor Ecclesiasticus* 115 (1990), p. 63. Nevertheless, after the publication of this article, the norm allowing the Orthodox believer to participate in the role of the godparent appeared again in ED 1993.

²² One attempt to clarify the silence of the CIC on this issue is to refer to the opinion expressed during the work on the reform of the Code that the expression “non-Catholic ecclesial community” contained in can. 874 § 2 does not apply to Eastern Orthodox Churches not in full communion with the Catholic Church. Cf. *Communicationes* 5 (1983), p. 182: This sentence is also referred to in ED 1993, footnote 2. 107.

ment of a lower order than the Code of Canon Law promulgated by the power of the Pope. A provision enacted by one of the dicasteries of the Roman Curia cannot change the law enacted by the supreme ecclesiastical authority, and in this case, according to some, we are dealing with an amendment.²³

The possibility that the faithful of the non-Catholic Eastern Churches may be godparents to the Catholics does not override the general rule that a godfather should be a Catholic.²⁴ The justification for this rule can be found in ED 1993: “It is the Catholic understanding that godparents, in a liturgical and canonical sense, should themselves be members of the Church or ecclesial Community in which the baptism is being celebrated. They do not merely undertake a responsibility for the Christian education of the person being baptized (or confirmed) as a relation or friend; they are also there as representatives of a community of faith, standing as guarantors of the candidate’s faith and desire for ecclesial communion.”²⁵

So the reason for the rule: “godparent from the same Church as the subject of baptism” is twofold. First, it is the responsibility of the godparents to support the natural parents in bringing up their baptized child.²⁶ If it is to be a Catholic education — and Catholic parents are obliged to do so²⁷ — it seems obvious that the godparent of the person baptized in the Catholic Church should be a Catholic in order to be able to provide Catholic education, if necessary.

The second reason is that the godfather represents the Catholic Church, to which the newly baptized is admitted. Baptism, given that through this sacrament entering into the Church is made,²⁸ is given in a specific community expressing the faith and desire for communion of

²³ Cf. P. GEFAELL: “Il nuovo Direttorio ecumenico e la «communicatio in sacris».” *Ius Ecclesiae* 6 (1994), pp. 260—265, 275.

²⁴ Cf. can. 874 § 1, 3° CIC.

²⁵ ED 1993, n. 98: The previous Directory also stated that a Christian from a separated community must not perform the function of godparent, since he/she does not only act as a family member or friend of the baptized, but also represents a community of faith and is a guarantor of the faith of the neophytes. Cf. ED 1967, n. 57.

²⁶ Cf. can. 774 § 2 CIC.

²⁷ Can. 868 § 1, 2°; 793 § 1 and 2 and 798 consider the obligation of Catholic parents to take care about “Catholic education.” Can. 226 provides for the care of “Christian upbringing of children,” however, “according to the doctrine handed on by the Church.” One cannot fail to notice a change in comparison with CIC 1917, where in the canon of that time 1372 § 2 refers to “Christian” education. Cf. P. KROCZEK: *Wychowanie. Optyka prawa polskiego i prawa kanonicznego*. Kraków 2013, pp. 82—83.

²⁸ Cf. can. 96 and 849 CIC. Cf. R. CORONELLI: *La rilevanza canonica dei sacramenti dell’iniziazione cristiana in ordine alla incorporazione alla Chiesa*. In: *Iniziazione cristiana: profili generali. XXXIV Incontro di Studio. Hotel Planibel di La Thuile (AO), 2—6 luglio 2007*. Milano 2008, pp. 98—103.

a candidate for baptism or, in the case of a child, of his or her parents and, precisely, of the godparents. He or she is baptized and integrated not only into the wider Christian community, but also into the Catholic Church, in the sense of jurisprudence as well.²⁹ He or she is not only called to the Christian life, but also to the community of the Catholic Church.³⁰ “In the baptism of children, as well, godparents are to be present in order to represent both the extended spiritual family of the one to be baptized and the role of the Church as a mother.”³¹ A person who is not in full communion with the Church cannot represent the Church and express her faith.³²

Therefore, even if a faithful belonging to the non-Catholic Eastern Church is admitted to perform the function of godparent, he/she can perform this task only next to a godparent Catholic, never on his/her own. Although canon law allows for a situation in which there would be only one godparent,³³ if this function were to be performed by an Eastern non-Catholic, this provision does not apply — there must be two of them, and they must be of different sexes.³⁴

It should also be stressed that the non-Catholic godparent must be considered fitting for that function and, therefore, meet the same requirements as the Catholic to be a godparent.³⁵ The suitability of a candidate for a godparent is assessed, as in every case, by the pastor or ministers of the baptism.³⁶

The previous and current ecumenical directories agreed that a Catholic should be able to perform the sponsors’ function in one of the non-Catholic Eastern Churches, if he/she is invited to do so.³⁷ Attention must be paid to the need to be “invited” to assume the role of godparent. It is not a right of a Catholic. The functions must be fulfilled in accordance

²⁹ Cf. B. ZOTZ: *Katholisch getauft — katholisch geworden. Kanonistische Kriterien für die Zugehörigkeit zur römischen Kirche*. Essen 2002, pp. 47—81.

³⁰ Cf. A. PERLASCA: *La figura e il ruolo dei padrini...*, p. 337.

³¹ RITE OF BAPTISM FOR CHILDREN: *Christian Initiation. General Introduction*, n. 8.

³² Cf. S. ARDITO: *Battesimo...*, p. 64.

³³ Cf. can. 873 CIC.

³⁴ Can. 873 states that it is to be one godfather or one godmother or a couple of godfathers: a man and a woman (*unus et una*). This provision, which is not always understood and applied in practice, is subject to a critical analysis by J. TRUDEAU: “Les parrains: note canonique sur problème pastoral dans canons 873 et 874 § 2 du CIC.” *Studia Canonica* 42 (2008), pp. 205—217. Interestingly, a similar can. 684 § 1 CCEO does not explicitly require that godfathers be of different sexes (nor does it prohibit more than two of them), stating: “According to the most ancient tradition of the Churches the person who is to be baptized should have at least one sponsor.” There is also no “insofar as possible” clause in the eastern law, so the participation of the godparent is compulsory.

³⁵ Cf. can. 872 § 1 CIC.

³⁶ This is indirectly due to the provision of can. 872 § 1, 2° CIC.

³⁷ Cf. ED 1967, n. 48 and ED 1993, n. 98.

with the law of the Church in which baptism takes place. Both documents stressed that in such a situation, the duty to care for Christian education rests primarily with the godfather (or godmother), who is a member of the Church in which the child is to be baptized.

The laws and practices of the Orthodox Church with respect to non-Orthodox Christians are, *mutatis mutandis*, basically similar to those established in the Catholic Church. It is reserved that the godparent at the baptism given in the Orthodox Church is to be faithful of that Church. A Catholic, on the other hand, can only be allowed to be a godparent on an economic basis, to perform this function alongside the godparent belonging to the Orthodox Church. However, the practice in specific cases may turn out to be different. It is stressed that, according to the canons that make up the law of the Orthodox Church, only one godfather is sufficient, who is to be of the same sex “and absolutely of the same faith as the child.”³⁸ On the other hand, the requirement of two godparents is a later practice, which probably results in tolerating the other godparent from a different denomination than the Orthodox one and from a different sex than the child being baptized.

Witness to baptism

The institution of “witness to baptism” is provided by the canon law of the Catholic Church for the faithful coming from non-Catholic Christian communities other than the Eastern Churches, and therefore primarily for those who originate from the Reformation.³⁹ The possibility of accepting a non-Catholic faithful in such a role was, as mentioned above, determined by the *Ecumenical Directory* of 1967, although this possibility had already appeared in the individual decisions of the Roman Curia.⁴⁰

³⁸ D. SAWICKI: *Sakrament świętego chrztu...*, p. 273, fn. 8.

³⁹ Critically about this see H. BANSE: “Il Direttorio ecumenico tra teoria del diritto e prassi del diritto. Una presa di posizione critica sul “Direttorio per l’applicazione dei principi e delle norme sull’ecumenismo.” *Quaderni di diritto ecclesiale* 7 (1994), p. 72.

⁴⁰ The Congregation of the Holy Office, in the instruction issued in January 1763, did not allow for the admission of a non-Catholic to be godparents, and if he/she were at baptism, he/she would be warned that he/she would only speak of *tamquam testis non tamquam patrinus*. Cf. S. CONGREGATIO S. OFFICII: *Resp. part. 3 maii 1893*. In: *Codicis Iuris Canonici Fontes*. Ed. P. GASPARRI. Vol. IV. Romae 1951, p. 93, n. 817. Similar indications were provided in textbooks of canon law and moral theology. Cf. M. CONTE A CORONATA: *Compendium Iuris Canonici ad usum scholarum*. Vol. III. *De sacramentis*. Taurini—Romae 1949, p. 49.

According to Can. 874 §2 CIC, “A baptized person who belongs to a non-Catholic ecclesial community may be admitted only in company with a Catholic sponsor, and then simply as a witness to the baptism.” The expression *ut testis tantum baptismi* is undoubtedly intended to underline that there is not only a nominal, but also a substantive difference between the godparent and the witness to baptism. On the other hand, neither the prescriptions of the universal canon law, nor the liturgical norms explain what the function of a baptismal witness should be. It seems that it cannot be limited to being present and, if necessary, to being able to testify to the child’s having been baptized,⁴¹ that is to say, the role of the witness at the time of the celebration of the marriage.⁴² Such a function is performed by the witnesses referred to in Can. 875 and Can. 876 CIC⁴³

As the authors emphasize,⁴⁴ a witness to baptism discussed in Can. 874 §2 CIC means more than just a person whose mere function is to corroborate the fact of baptism if necessary. Such a task can be fulfilled by any person, regardless of religion or denomination.⁴⁵ On the other hand, a witness to baptism even being a Christian, cannot fulfill functions of the godparent. He or she is a witness of faith in God and Jesus Christ the Saviour. He or she can also witness a Christian life. This role of baptism witness is highlighted in some particular Church and local documents.⁴⁶ Some of them recognize a certain “gradation” of the godparent’s function or use in practice the concepts of godparent and baptismal witnesses interchangeably, recognizing the witness of baptism as “godparent in the wider sense.”⁴⁷ Others authors go even further and allow Western non-

⁴¹ Cf. E. SZTAFROWSKI: *Podręcznik prawa kanonicznego*. Vol III. Warszawa 1986, p. 146.

⁴² Cf. can. 1108 §1 CIC. See G. TREVISAN: *Sub can. 874*. In: REDAZIONE DI QUADERNI DI DIRITTO ECCLESIALE: *Codice di diritto canonico commentato*. Milano 2001, p. 734.

⁴³ Can. 875 — Whoever administers baptism is to take care that if there is not a sponsor present, there is at least one witness who can prove that the baptism was conferred. Can. 876 — To prove that baptism has been conferred, if there is no conflict of interest, it is sufficient to have either one unexceptionable witness or, if the baptism was conferred upon an adult, the sworn testimony of the baptised person.

⁴⁴ Cf. A. PERLASCA: *La figura e il ruolo dei padrini...*, p. 337; J. TRUDEAU: *Les parrains...*, p. 213, fn. 24.

⁴⁵ Cf. R. ALTHAUS: *Sub can. 874*. In: *Münsterischer Kommentar zum Codex Iuris Canonici (unter besonderer Berücksichtigung der Rechtslage in Deutschland, Österreich und der Schweiz)*. Ed. K. LÜDICKE. Vol. III. Essen 2003, n. 5.

⁴⁶ Cf. document adopted in 1985 by the Austrian Bishops’ Conference in accordance with a draft agreed by the Catholic-Evangelical Commission: *Interpretation der Taufzeugenschaft nach can. 874 §2 CIC*. *Österreichisches Archiv für katholisches Kirchenrecht* 36 (1986), pp. 98 and 129. Cyt. za A. PERLASCA, *La figura e il ruolo dei padrini...*, pp. 339—340.

⁴⁷ Cf. R. ALTHAUS: *Sub can. 874*, n. 5.

Catholics to fulfil godparents' tasks, at least in exceptional cases.⁴⁸ Nevertheless, it should be stressed that since one of the tasks of the godparents is to give the example of the sacramental life, this mission cannot be performed properly by the non-Catholic Lutheran, given his/her limitations on access to the sacraments in the Catholic Church.⁴⁹ A witness of baptism is not a substitute for a godparent, but is permitted only next to a godparent who is a Catholic.⁵⁰

Certainly, some of the postulates formulated (and even the decisions already made) deviate from the binding law, in practice equating the witness of baptism with the godfather. However, the witness is different from the godparent, but it should be noted that the task of a baptism witness cannot be limited only to the evidential function. It is therefore with disapproval that it should be assessed that in Can. 874 §2 of the CIC and in ED 1993 the term "a Christian witness" (*testis christianus*),⁵¹ as it was called in ED 1967, was abandoned. Such a name could underline the Christian and religious character of a baptism witness during the ordinance of celebrating the sacrament and in the baptized life, and above all the difference between that who is to bear Christian witness to the faith, and that who merely serves as a witness according to Can. 875 and 876 of the CIC.

The choice of a baptism witness instead of a godparent does not have to be dictated by special reasons and is limited, for example, to mixed marriages. The introduction to the Children's Baptismal Rites states that a baptismal witness can be chosen "at the request of parents."⁵² It is stressed

⁴⁸ Cf. H. HALLERMANN: *Patedienst*. In: *Lexikon für Kirchen- und Staatskirchenrecht*. Ed. A. VON CAMPENHAUSEN, I. RIEDEL-SPANGENBERGER, R. SEBOTT. Vol. III. Paderborn 2004, p. 171. The author refers to a pastoral instruction issued by the bishop of Eichstätt, Germany on the 29th of April 2002: *Der Dienst der Tauf- und Firmpaten. Pastoralinstruktion und Kommentar. Pastoralblatt für das Bistum Eichstätt* 149 (2002), n. 51, pp. 93—100.

⁴⁹ Cf. can. 844 § 3 and 4 CIC.

⁵⁰ However, only a baptismal (or Orthodox) witness who would appear alone is being considered if it were not possible to find a godfather who could legitimately perform his function. Cf. R. ALTHAUS: *Sub can. 874*, n. 5a. The bishop of the German diocese of Regensburg explicitly recognises that in such a situation, it is possible to grant an appropriate dispensation from CIC. Cf. "Dispensmöglichkeit bei den Anforderungen an einen Tauf- bzw. Firmpaten (can. 874 § 1, 3° und § 2 CIC), 29.01.2015." *Amtsblatt für die Diözese Regensburg* 2 (2015), p. 20.

⁵¹ Cf. n. 57. However, the name "Christian witness" remained in use in: RITE OF BAPTISM FOR CHILDREN: *Christian Initiation. General Introduction*, n. 10.4.

⁵² Cf. RITE OF BAPTISM FOR CHILDREN: *Christian Initiation. General Introduction*, n. 10.4. W ED 1993, n. 98 we may read a phrase: "because of ties of blood or friendship." It is worth noting that we are only talking about the parents' choice of the child to be baptized. At baptism of children the participation of godparents is not obligatory (can. 872 CIC speaks in the context of all candidates: "insofar as possible"), but in *General*

in the literature, however, that a baptism witness should, *mutatis mutandis*, have the same qualities and meet the same requirements as a godparent (Can. 874 § 1 of the CIC).⁵³ It also indirectly follows from the wording of the *Ecumenical Directory* that a non-Catholic may be “admitted” as a witness to baptism. This means that his/her appointment to the post is not only determined by the choice of the baptized parents, but must also be confirmed by the pastor, after verification that the candidate meets the appropriate criteria (e.g., age, intention, life of faith).⁵⁴ Of course, the basic and absolutely necessary condition is that the candidate for a baptism witness should be validly baptized.

There are no liturgical indications for the actions of a witness during a baptismal ceremony. During the celebration, he or she participates in the baptism ceremony, taking his/her place with the parents and the godparent, but he/she does not fulfill the tasks provided for in the ordinance for the godfather and does not have to answer any questions asked by the celebrant during the baptismal liturgy. The name of the witness shall be recorded in the certificate of baptism.⁵⁵

The Evangelical Church of Augsburg Confession in Poland does not recognize the function of a baptism witness in the sense described in the foregoing paragraphs. According to the norms of the community, the godparent should be a Lutheran, but the second godparent is accepted of another Christian faith, apart from the Evangelical godparent. The *Pragmatyka* of the Church in the provides that the godparents should be members of the Evangelical-Augsburg Church or members of another Church remaining in the community of the altar and ambo; it is permissible for

Introduction to the rites of Christian initiation we read: “It is a very ancient custom of the Church that adults *are not admitted* to baptism without godparents.” It seems, therefore, that this should be a godfather, not just a witness of baptism. This is required by the greater involvement of the adult godparent : to accompany the candidate in the preparation for the initiation of the sacraments and to continue his work even after the baptism of the neophytes. Cf. RITE OF BAPTISM FOR CHILDREN: *Christian Initiation. General Introduction*, n. 8.

⁵³ Cf. A. PERLASCA: *La figura e il ruolo dei padrini...*, pp. 336—337.

⁵⁴ Sometimes the parents of a child who is to be baptized, present a Catholic who does not meet the requirements set by law for being a godparent as a witness to baptism (most often he/she is in unregulated marital situations or Catholics who have not received the sacrament of Confirmation). Such a practice, which should be regarded as an act *in fraudem legis*, as circumvention of the law by means of the institution of a witness of baptism, should be strongly opposed. A Catholic without the qualities required by law for being a godparent cannot be a witness of baptism. Cf. J. SAN JOSÉ PRISCO: *El padrino...*, p. 54: The institution of a baptism witness is intended for the non-Catholics who cannot be godfathers not because they do not meet their personal requirements, but because they are not in full communion with the Catholic Church.

⁵⁵ Cf. can. 877 § 1 CIC.

one of the godparents to be of another Christian denominations. However, they must not be godparents of persons who have come from the Church, non-believers, religiously indifferent, or not belonging to any Church.⁵⁶ The document of the Council of Lutheran Churches in Germany adopts similar principles.⁵⁷

Confirmation sponsors

The confirmation sponsor has the same requirements as the godparent.⁵⁸ The law is silent, however, on whether the confirmation sponsor may be a non-Catholic. It is simply not mentioned. Some authors, based on the similarity between the confirmation sponsor and the godparent — they are to be the same person⁵⁹ — claim that the same rules apply to godparents and the witnesses of baptism. Therefore, the confirmation sponsor could be a non-Catholic of the Eastern rite, while a Christian from the Reformation Churches could perform a function comparable to a witness of baptism,⁶⁰ that is, act as *testis confirmationis*. However, there is a serious difficulty, because the canon law and liturgical regulations provide for only one confirmation sponsor.⁶¹ Heretofore, if non-Catholics were allowed to perform this function, it would not be a condition that it acted in this role only next to a confirmation sponsor of the Catholic.⁶²

When it comes to the possibility of Catholics to participate as confirmation sponsors in the non-Catholic Churches or Christian Communities, it should be noted that in the Eastern Churches the function of a confirmation sponsor does not exist. It is because this sacrament is given

⁵⁶ *Pragmatyka Służbowa Kościoła Ewangelicko—Augsburskiego w Rzeczypospolitej Polskiej zatwierdzona na 4. Sesji Synodu X Kadencji ze zmianami dokonanymi do 10. Sesji Synodu XIII Kadencji*, § 74, e-f. <https://bik.luteranie.pl/files/Prawo/2017-01-01PragmatykaSu-bowa-tekstujednolicony.pdf> [accessed 10.05.2017].

⁵⁷ Cf. *Leitlinien kirchlichen Lebens...*, p. 42; G. TRÖGER: *Paten*, p. 169.

⁵⁸ Cf. can. 893 § 1 CIC.

⁵⁹ Cf. can. 893 § 2 CIC.

⁶⁰ Cf. W. AYMANS: “Das Thema Ökumene im neuen Codex Iuris Canonici.” *Münchener Theologische Zeitschrift* 37 (1986), pp. 27—28; A. E. HIEROLD: *Firmung*. In: *Lexikon für Kirchen- und Staatskirchenrecht*. Eds. A. VON CAMPENHAUSEN, I. RIEDEL-SPAN-GENBERGER, R. SEBOTT. Vol. I. Paderborn 2000, p. 701; D. KONRAD: *Der Rang und die grundlegende Bedeutung des Kirchenrechts im Verständnis der evangelischen und katholischen Kirche*. Tübingen 2010, p. 165.

⁶¹ Cf. can. 892 CIC; RITE OF CONFIRMATION: *Introduction*, n. 5.

⁶² Cf. A. PERLASCA: *La figura e il ruolo dei padrini...*, p. 343.

together with baptism, with the participation of the godparents. The principles for godparents set out above are therefore applied. However, in the case of the Lutheran communities that emerged from the Reformation, since they do not recognize the sacrament of confirmation, there is no basis for considering this an issue at all.

Witness of marriage

The role of witnesses of marriage is significantly different from that of godparents and confirmation witnesses. Their function is extremely evidential, although the presence of two witnesses is a canonical condition for the legal validity of a marriage.⁶³ However, they do not perform any special tasks with respect to the spouses, they do not assume any obligations resulting from faith. The liturgical books do not provide for any actions to be performed by witnesses during the wedding ceremony.

It would seem that there is no reason to place particular demands on the witnesses in relation to their faith or practice of faith. Since the participation of the non-Catholics as witnesses is not expressly prohibited, it should be allowed without special authorization. Indeed, in many of the comments on the Code of Canon Law, both old⁶⁴ and modern⁶⁵ — there is no requirement that witnesses to the celebration of a marriage should be Catholics. The most common point is that, unlike an official witness (the priest assisting at a marriage), they do not have an active role. They are not required to participate formally with the specific intention of being witnesses. They do not have to even be aware of their function. The validity of the marriage does not require that their personal data be officially recorded in the documents, as long as, they are able to testify about the marriage with minimum perceptive capacity.⁶⁶

⁶³ Cf. can. 1108 § 1 CIC.

⁶⁴ Cf. np. L. BENDER: *Forma iuridica celebrationis matrimonii. Commentarius in canones 1094—1099*. Romae 1960, pp. 45—46.

⁶⁵ Cf. np. A. BERNÁRDEZ CANTÓN: *Compendio de derecho matrimonial canónico*. Madrid 1991, p. 220; L. SABBARESE: *Il matrimonio canonico nell'ordine della natura e della grazia. Commento al Codice di Diritto Canonico. Libro IV, Parte I, Titolo VII*. Roma 2006, p. 304.

⁶⁶ Therefore, ordinary witnesses must not suffer from a severe mental disorder, have their sight or hearing impaired, be intoxicated or have their perception impaired in any other way.

Nevertheless, there is a rule in the historical sources of law, that the witnesses must be Catholic.⁶⁷ Although, it was not included in the norms of the Code of Canon Law, it was cited by some of authors as the requirement *ad liceitatem* of marriage (it was stressed that the validity of marriage was not affected by the fact that the witness of marriage was an excommunicated, heretical, schismatic, or even non-Christian).⁶⁸ On the other hand, the ban on the participation of Catholics as witnesses in (religious) marriages by non-Catholics was derived from the prohibition in the former Code on the participation in sacred rites.⁶⁹

Perhaps, this is why ED 1967 explicitly allowed the non-Catholics, both Eastern and Protestant to act as witnesses to Catholic marriage,⁷⁰ and the Catholics to marry non-Catholics in accordance with the law.⁷¹ It is decided in a similar way in ED 1993.⁷²

The Pontifical Council for the Family in document of 13 May 1996 on the preparation for marriage indicates that the role of witnesses at the celebration of marriage in the Catholic Church is incomparably broader than the capacity to be a witness to marriage. The demands on the witnesses are greater than their physical capacity to perceive the reality correctly. They are not only guarantors of the legitimacy of a juridical act, but also they are “the representatives of the Christian community which, through them, participates in a sacramental act relevant to it, because a new family is a cell of the Church.”⁷³ For this reason, it “should be invited also to prepare themselves properly for the sacrament of Reconciliation and the

⁶⁷ The Congregation for the Holy Office did not allow the non-Catholics to act as witnesses to the marriage of the Catholics, but the Ordinary could tolerate their participation for an important reason and avoiding the scandal of the faithful. Cf. S. CONGREGATIO S. OFFICII: *Resp. part. 19 augusti 1891*. In: *Codicis Iuris Canonici Fontes*. Ed. P. GASPARRI. Vol. IV. Romae 1951, p. 469, n. 1144.

⁶⁸ Cf. P. GASPARRI: *Tractatus canonicus de matrimonio*. Vol. II. Romae 1932, p. 120; F. X. WERNZ, P. VIDAL, P. AGUIRRE: *Ius canonicum*. Vol. II. *Ius matrimoniale*, Romae 1946, pp. 685—686; M. CONTE A CORONATA: *Institutiones Iuris Canonici ad usum utriusque cleri et scholarum. De Sacramentis. Tractatus canonicus*. Vol. 3. *De matrimonio et de Sacramentalibus*. Taurini 1948, pp. 769—770; J. BÁNK: *Connubia canonica*. Romae-Friburgii Brig.-Barcinone 1959, p. 475.

⁶⁹ Cf. see above, fn. 13.

⁷⁰ ED 1967, art. 49 and 58.

⁷¹ The use of the word “rite” seemed to emphasize that the Catholics can only act as witnesses in marriages of convenience. Catholics should therefore not take part as witnesses in marriages contracted after a divorce from one of the parties, which is permitted in many non-Catholic religions. It is worth noting that this restriction no longer exists in ED 1993.

⁷² ED 1993, nn. 128 and 136.

⁷³ PONTIFICAL COUNCIL FOR THE FAMILY: *Preparation for the Sacrament of Marriage* [13.05.1996], n. 55.

Eucharist.”⁷⁴ It follows that the witnesses of a marriage should, in principle, be Catholics, although, of course, this is not requirement *ad valorem* of a matrimony. This is also important given the apostolic dimension of the form of conclusion of the sacramental marriage, which cannot be reduced to official formalities or the legalization of the common life. Marriage is concluded *in prima facie Ecclesiae*, “before God and the Church,” and witnesses are representatives of the community of the Church.⁷⁵

Therefore, although the provisions of the Code of Canon Law do not require for validity or fairness that the witnesses of a marriage are Catholics, the permission contained in the *Ecumenical Directory* allowing non-Catholics to perform this function is neither unreasonable nor unnecessary. This provision should be seen as a *lex specialis*. Even if the general norm is not explicitly formulated, the principle that witnesses should be Catholics is based on the importance of the function of witnesses to marriage in the community of the Church.⁷⁶

Interestingly, in harmony with what has been written above, in the draft of the reform of canonical criminal law that was sent for consultation by the Pontifical Council for Legislative Texts among the prohibitions that may be a penalty was the ban of being a witness to marriage (*prohibitio “adstandi ut testis in celebratione canonica matrimonii”*).⁷⁷ Since we could speak of a ban on acting as a witness to the celebration of marriage (as in the case of Can. 685 § 1, 6^o CEEC there is a ban penalty for being a sponsor for baptism), we should not forget about the fact that the meaning to witness to a marriage must be understood more broadly than just the function of evidence. It refers to the community of believers in which the marriage is celebrated and whose representatives are the witnesses. If ecclesial communion is violated as a result of a crime, the presence of the faithful person as a representative of the ecclesial community at the time of marriage may be restricted.⁷⁸

⁷⁴ Ibidem, n 55.

⁷⁵ See more about it: P. MAJER: “Znaczenie kanonicznej formy zawarcia małżeństwa.” *Annales Canonici* 11 (2015), pp. 135—155.

⁷⁶ Comment on this provision, see: J. KOWAL: “Communicatio in sacris nei matrimoni inter-religiosi.” *Periodica* 100 (2011), p. 833. Since universal law does not lay down any requirement that would entitle a person to act as a witness, the author considers that ED 1993 does not so much permit non-Catholics to act as witnesses to mixed marriages in the Catholic Church as it encourages non-Catholics to do so.

⁷⁷ Cf. PONTIFICIUM CONSILIUM DE LEGUM TEXTIBUS: *Schema recognitionis Libri VI Codicis Iuris Canonici*. Typis Vaticanis 2011, p. 24, can. 1336 § 3, 11^o.

⁷⁸ In the same spirit, the ban on those Catholics who have withdrawn from the Church by a formal act as witnesses should be interpreted. Cf. POLISH EPISCOPAL CONFERENCE: “Dekret ogólny w sprawie wystąpień z Kościoła oraz powrotu do wspólnoty Kościoła.” *Akta Konferencji Episkopatu Polski* 27 (2015), p. 102, art. 3, p. 4.b.

Participating in the celebration of the marriage of witnesses who do not belong to the Catholic Church causes another difficulty, which is mentioned in ED 1993.⁷⁹ Due to the lack of communion with the Catholic Church and the differences in the doctrine of the Eucharist, the witnesses of marriage will not be able to join the Table of the Lord during the ceremony. This may cause some discomfort not only to the witnesses themselves, the non-Catholic spouses, the relatives and guests from outside the Catholic Church, but also to the Catholic side itself. It is for this reason (and not, as it is sometimes claimed, for the indefinite sanctions for the Catholic side for marrying a non-Catholic) mixed marriages in the Catholic Church are generally celebrated outside the Eucharistic liturgy.⁸⁰ The inability of the witnesses to receive Holy Communion would be a visible sign of the painful differences between believers of different Christian denominations during the rite itself, while the pronouncement of the rite of marriage is quite different.⁸¹

According to the provisions of ED 1993, Catholics may become a witness to marriage in non-Catholic Churches and Christian Communities, in compliance with the laws and rules applicable there. However, there is no objection in ED 1967 that Catholics may participate only in legitimate marriages. However, it would not be desirable for a Catholic to act as a witness in a marriage concluded, for example, by a Catholic with a baptized non-Catholic without being given dispensation from the canonical form, or in a situation where one of the parties is already married to another. This could be seen as encouraging marriage, which in the light of doctrine and the law of the Catholic Church appears to be invalid.

However, the law of the Orthodox Church is not open to the participation of witnesses from outside the Church in the celebration of marriage and categorically does not allow witnesses of “other faith” (also in the case of marriages concluded with Catholics).⁸² According to the law of the Augsburg Church in Poland, “witnesses should be adults, believ-

⁷⁹ Cf. ED 1993, n. 159.

⁸⁰ Cf. can. 1124 CIC.

⁸¹ Cf. P. MAJER: *Małżeństwa mieszane. Wybrane zagadnienia z praktyki kurialnej. Studia Oecumenica* 11 (2011), pp. 215—217.

⁸² Cf. J. MARČIN: *Communicatio in sacris w ustawodawstwie i praktyce Kościoła łacińskiego na Słowacji*. In: *Zagadnienia międzywyznaniowe w realizacji misji uświęcającej Kościoła*. Eds. J. KRUKOWSKI, M. SITARZ, K. DZIUB. Lublin 2010, p. 119; F. ČITBAJ, *Súčasná situácia miešaných kánonických manželstiev katolíkov a pravoslávnych na Slovensku. Studia Oecumenica* 11 (2011), p. 262. Both authors refer to P. I. BOUMIS: *Kánonické právo pravoslávnej cirkvi*. Prešov 1997, pp. 212—213. Cf. teŕ V. PARLATO: *Rigor iuris e misericordia nel matrimonio delle Chiese ortodosse. Stato, Chiese e pluralismo confessionale. Rivista telematica* (www.statoechiese.it), n. 2/2016, p. 13.

ers, aware of the essence of the act.”⁸³ The words “believers,” without any specification, means that non-Catholics, including non-Christians, are allowed to act as witnesses at the time of marriage.⁸⁴

* * *

Current canon regulations on godparents, confirmation witnesses, and marriage witnesses are far away from the severity of the old law, which assumed that the above functions should be performed in the Catholic Church by Catholics, who were not allowed to undertake similar tasks in other Churches or Christian Communities. Exceptions to this rule were relatively rare — especially for godparents — and had to be duly justified. Today’s regulation keeps the general rule, but the possibility of exceptions is quite broad and included in the law, so that it is not necessary to refer to the ecclesiastical superior in individual cases. This relaxation of discipline is due both to ecumenical considerations and to the desire to overcome practical problems, especially in mixed marriages.

⁸³ *Pragmatyka Służbowa Kościoła Ewangelicko-Augsburskiego w Rzeczypospolitej Polskiej*, § 123

⁸⁴ Cf. M. HUCAŁ: *Prawo małżeńskie Kościoła Ewangelicko-Augsburskiego w Rzeczypospolitej Polskiej*. In: *Prawo małżeńskie Kościołów chrześcijańskich w Polsce a forma wyznaniowa zawarcia małżeństwa cywilnego*. Eds. T. J. ZIELIŃSKI, M. HUCAŁ. Warszawa 2016, p. 84.

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PIOTR MAJER

Le parrain et la marraine, les témoins de la confirmation et les témoins de la conclusion du mariage dans la perspective œcuménique

Résumé

L'article contient l'analyse des prescriptions anciennes et actuelles du droit canonique sur la possibilité de l'exercice par les non catholiques des fonctions de parrain et de marraine, de témoins de la confirmation et de témoins lors de la conclusion du mariage. Les prescriptions qui sont aujourd'hui en vigueur diffèrent considérablement de l'austérité du droit ancien selon lequel il était de règle que les fonctions susmentionnées doivent être exercées à l'Église catholique par les catholiques, qui d'ailleurs ne pouvaient pas exécuter de services analogues dans d'autres Églises ou Communautés chrétiennes. Les exceptions à cette règle étaient admises relativement rarement — surtout dans le cas du parrain et de la marraine — et elles ont dû être solidement justifiées. La réglementation d'aujourd'hui garde la règle générale, mais la possibilité d'appliquer les exceptions est assez vaste et elle est incluse dans les prescriptions du droit, si bien qu'il ne faut pas se référer à un supérieur d'Église dans des cas particuliers. Un tel adoucissement de la discipline résulte aussi bien des prémisses œcuméniques que du désir de surmonter les problèmes pratiques, surtout dans les mariages mixtes.

Mots-clés: œcuménisme, baptême, parrain et marraine, confirmation, témoins de la confirmation, *communication in sacris*, mariage canonique, forme de la conclusion du mariage

PIOTR MAJER

I padrini, i testimoni di cresima e i testimoni di matrimonio nella prospettiva ecumenica

Résumé

L'articolo contiene l'analisi delle norme del diritto canonico vigenti nel passato e attualmente concernenti la possibilità di svolgimento della funzione di padrini, testimoni di cresima e testimoni di matrimonio da parte di persone non cattoliche. Le norme attualmente vigenti si scostano notevolmente dalla severità del vecchio diritto che assumeva come regola il fatto che le suddette funzioni nella Chiesa cattolica dovevano essere svolte da cattolici ai quali non era consentito intraprendere compiti analoghi nelle altre Chiese o Comunità cristiane. Eccezioni a tale regola erano ammesse piuttosto raramente — specie per quanto concerneva i padrini — e dovevano essere pienamente giustificate. La norma attuale mantiene la regola generale ma la possibilità di applicare eccezioni è abbastanza ampia e contenuta nelle prescrizioni del diritto, tanto che non è necessario far riferimento al superiore ecclesiastico nei singoli casi. Un allentamento simile della disciplina scaturisce sia da premesse ecumeniche, sia dal desiderio di superare problemi pratici, specialmente nei matrimoni misti.

Parole chiave: ecumenismo, battesimo, padrini, padrino e madrina, cresima, testimoni di cresima, *communicatio in sacris*, matrimonio canonico, forma di celebrazione del matrimonio



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Ecumenical Aspects of Financing Churches and Religious Communities in the Czech Republic

Abstract: This contribution deals with the financing of churches and religious communities in the territory of the Czech Republic. On the basis of the description of the assets changes since the foundation of Czechoslovakia in 1918, and especially during the period of the communist regime since 1948, it describes the very slow and difficult realisation of the settlement of property relations between the state and churches and religious communities since 1990. It presents especially two draft laws on this topic, the failed first one from 2008 and the successful second one from 2012. Focusing on the ecumenical aspects, it demonstrates the search for a common position of the churches and religious communities towards the question of economic separation from the state, even at the cost of a greater degree of uncertainty and insecurity, but in favour of their real autonomy. This position formed the basis of the first failed bill of Property Settlement Act of 2008 and it was accomplished at the turn of 2012/2013, in a modified way which was less favourable for the churches and religious communities. As expected, it has brought about great legal, economic, and social problems that the churches and religious communities still have to deal with today. The indisputable result of the property settlement is not only the strengthening of the autonomy of churches and religious communities, but also the deepening of the ecumenical dialogue and ecumenical co-operation.

Keywords: state, law, Catholic Church, canon law, state ecclesiastical law, financing, ecumenism

Introduction

Financing issues are always a very important but, at the same time, controversial topic. To point out the ecumenical aspects of the financing

of the churches and religious communities¹ in the Czech Republic, it is not possible to avoid recalling past events affecting their financing. Although the present situation has very deep historical roots, it is sufficient for us to describe the period since the establishment of Czechoslovakia in 1918.

In Section 1 of this article, we summarise important facts from the long period from 1918 to 1989, from the establishment of Czechoslovakia to the fall of the communist totalitarian regime. We do not deal only with the Roman Catholic Church, although it has been affected by the predominant majority of property injustices, but we highlight the important facts regarding other CRCs.

Section 2 introduces predominantly unsuccessful attempts both to remedy property misconduct against CRCs in the past and to find and implement a new model of financing CRCs. These events took place between 1990 and 2009.

Section 3 deals with the property settlement with CRCs adopted by Act No. 428/2012 Coll. at the end of 2012. It shows both the history of the adoption of the law, as well as its focus and its main features. Above all, however, it shows how and to what extent ecumenical cooperation has been manifested in it.

The conclusion summarises the results of the research.

1. Historical background of church property administration in Czechoslovakia from 1918 to 1989

1.1 Czechoslovakia from October 1918 to February 1948

After the founding of Czechoslovakia in October 1918, the Austro-Hungarian juridical system was retained in the Czech lands and the Hungarian system in Slovakia, and (with some modifications) in Carpathian Ruthenia. Therefore, in Czechoslovakia, there were limited government subsidies for the CRCs either in the form of *Congrua* or in the form of state dotation: both of them guaranteed the minimal income to clergymen.

¹ We use a common term “churches and religious communities” (hereafter: CRCs), although another term “churches and religious societies” comes from the traditional terminology in Czech (and also Slovak) legal language and is still used today in the legislature.

On the other hand, the CRCs, in particular the Catholic Church, were noticeably affected by the first land reform (Act No. 215/1919 Coll., on requisition of large land assets) in 1919: the Catholic Church lost 16% of its property, with compensation, based on the act on compensation No. 329/1920 Coll. — this compensation was by no means equivalent.²

Shortly after the end of World War II, property ownership was dramatically changed by extraordinary legal means: decrees of the president of the Republic, which substituted the usual laws in the transitory period immediately after the war. Very important were the decrees No. 5/1945 Coll. II, on the invalidity of certain property-legal acts from the time of the lack of freedom and on the national administration of the property values of Germans, Hungarians, traitors and collaborators, and certain organisations and institutions, No. 12/1945 Coll. II, on the confiscation and accelerated division of agricultural property of Germans, Hungarians, as well as traitors and enemies of the Czech and Slovak nations, No. 28/1945 Coll. II, on the settlement of agricultural land of Germans, Hungarians, and other enemies of the state by Czech, Slovak, and other Slavic farmers, and No. 108/1945 Coll., on the confiscation of enemy assets and on National Recovery Funds. These decrees were often applied to church property, especially of the legal persons of the Catholic Church, despite the protests of the Apostolic Internunciature in Prague.³

Another legal intervention led in the same direction: Act No. 131/1948 Coll., on the liquidation of the legal position of the German Evangelical Church in Bohemia, Moravia and Silesia, which indeed even stated the downfall of this church on 4 May 1945 (!) and confiscated its assets. The buildings of the churches and of parish houses were mostly assigned to other churches (mainly to the Czechoslovak Church and to the Evangelical Church of Czech Brethren), and the remainder thereof was overtaken by the state.⁴

Since the first land reform from 1919 was not fully implemented in the interwar period, it came in 1947 to a revision of the land reform by the new Act No. 142/1947 Coll., but its application began only in March 1948, albeit under the communist government, which did not provide financial compensation previewed in the mentioned act. Under this act, all land over 50 hectares was confiscated.⁵

² S. PŘIBYL. *Tschechisches Staatskirchenrecht nach 1989*. Brno 2010, p. 139.

³ M. JANIŠOVÁ, K. KAPLAN: *Katolická církev a pozemková reforma 1945—1948. Dokumentace*, pp. 8—9.

⁴ J.R. TRETERA, Z. HORÁK: *Konfesní právo* (State Ecclesiastical Law). Praha 2015, p. 347.

⁵ *Ibidem*, pp. 346—347; J. KŘÍŽ, V. VALEŠ: *Zákon o majetkovém vyrovnání s církvemi a náboženskými společnostmi. Komentář* (Act on Property Settlement with Churches and Religious Communities. Commentary). Praha 2013, p. 28.

1.2 Czechoslovakia under the communist regime (February 1948 to 1989)

Shortly after the Communist Party of Czechoslovakia seized power on 25 February 1948, the era of “socialist legality” began.

Already by March 21, 1948, due to the law regarding the second land reform stated by Act. No. 46/1948 Coll., almost all properties of the CRCs were confiscated: after the confiscation, CRCs owned only churches, parish buildings, and gardens of up to one hectare. According to the mentioned Act, a financial compensation should be defined by another act, but such an act has never been issued; the compensation was never realised. Thus, the material basis of the CRCs was almost liquidated.

After negotiations between representatives of the communist regime and the representatives of the Catholic Church failed in 1949, the regime passed new laws designed to secure its power, among other things Act No. 218/1949 Coll. from October 1949, on the economic provision of the CRCs, with subsequent government regulations. These norms affirmed and consolidated the CRCs’ dependence on the state for transferring all sources of income (donations of the faithful) to the state, including patronage.

Another significant loss of wealth was the liquidation of the Catholic monasteries of men and women in April and autumn 1950 (some women’s monasteries continued their life and activities in a very limited measure in the following years) with subsequent confiscation of their property, which was carried out not only without any legal basis, but was even — according to the then legal situation — against the constitution of the state. The assets were partly stolen and partly transferred to the administration of the Religions Fund, which, despite a lack of competence, in some cases either sold or even donated the goods away, mostly to the State.

In the same year 1950, the Greek Catholic Church “returned home” to the Orthodox Church through an illegitimate and staged *Sobor* (Council). Its assets became the property of the Orthodox Church.

Despite the lack of relevant laws, the state continued the practice of the acknowledgement of CRCs or withdrawal of such acknowledgement in 1950. This fact had far-reaching consequences for the financial situation of the Seventh-day Adventist Church, whose acknowledgement was granted in 1951, taken away in 1952, and restored in 1956. The withdrawal in 1952 was connected with the confiscation of the Church property, but the restoration in 1956 was not connected with restitution of its former assets.⁶

⁶ J.R. TRETERA, Z. HORÁK: *Konfesní právo* (State Ecclesiastical Law), pp. 349, 354—356, 361; J.R. TRETERA, Z. HORÁK: “The Financing of Religious Communities in the

The confiscations finally culminated in 1960 in the nationalisation of the remaining charitable and social institutions of the CRCs on the basis of government resolution No. 1047/1959, on the takeover of care institutes of the Czech Catholic charities and of churches and religious communities in the administration of National Committees, from 9 December 1959. As a consequence, the earlier flourishing charitable and diaconal activities were liquidated, and only a few institutions dedicated to the care of elderly and fragile monks and priests remained (popularly called “establishments for dying”).

The lessening of the persecution of the CRC from 1968 to 1970 was too short to introduce any fundamental changes, especially in the area of property rights. One of the rare stable modifications was the re-approval of the activity of the Greek Catholic Church in 1968, but without restitution of its former assets.⁷

1.3 Consequences of different expropriations for the financing of churches and religious communities

The changes after World War II, especially in the period of the communist regime since 1948, caused two important facts. First, the CRCs were nearly totally deprived of their assets. Second, therefore the CRCs became dependent on the state budget, and this was intensified by strict state control. The said control regarded not only the administration of the property, but a far stricter influence in personal affairs. The only significant source of income, independent of the state, was the donations of the faithful.

Among the CRCs, the Roman Catholic Church was inflicted the most. The state not only took practically all its property base, but the loss of its property represented approximately 98.5 % of confiscated assets of all CRCs in the actual Czech Republic. The Greek Catholic Church was involved in the confiscation to a very limited extent; it was related only to a few buildings. Among the remaining CRCs, the Evangelical Church of Czech Brethren was the most inflicted, and the Seventh-day Adventist Church also.

Czech Republic.” In: *The Financing of Religious Communities in the European Union*. Eds. B. BASDEVANT-GAUDEMENT, S. BERLINGÒ. Leuven—Paris—Dudley, MA 2009, pp. 120—122.

⁷ J.R. TRETERA, Z. HORÁK: *Konfesní právo (State Ecclesiastical Law)*..., p. 366.

2. Unsuccessful efforts to remedy from 1990 to 2010

2.1 Czechoslovakia after the “Velvet Revolution” until the separation of the federal state (1990—1992)

With the turn of the years 1989/1990 there began the huge project of the democratisation of the state, above all by amendments to the valid norms. The constitutional law was considerably improved not only by anchoring the obligations of the state arising from international treaties, but also by the adoption of the Charter of Fundamental Rights and Fundamental Freedoms in the form of the constitutional law in 1991.

The necessary restitution of the confiscated assets was an essential part of democratisation. However, it soon became apparent that redress for church property (as well as those for other legal persons) would not be so easy. First, as a provisional and one-time stopgap measure, some 170 buildings were returned to the Catholic orders and religious congregations and the Archdiocese of Olomouc in 1990 and 1991 by the enumeration acts No. 298/1990 Coll. and No. 338/1991 Coll. to enable their mere community life and their elementary activities. But it was clear soon that the life, activities and maintenance of their buildings was not possible without restoring the former land property.

In order to protect the property previously belonging to the CRCs from privatisation, there were two laws, namely Act No. 92/1991 Coll., on the conditions for the transfer of state property to other persons, and Land Act No. 229/1991 Coll., incorporated articles of blockage. The blockage not only obliged the state institutions, but also local self-governing units (municipalities, districts, and regions) which received notable parts of the former Church property shortly before the entry into force of these paragraphs according to the act No. 172/1991 Coll., on the transfer of certain things from the property of the Czech Republic to the ownership of municipalities.

These articles of blockage were introduced because of the expectation of a prompt systematic solution of the restitution of the Church's assets. Nevertheless, all attempts made in this short period of time failed. One of them was the bill submitted to the Federal Assembly in 1992 to provide a material basis for the future autonomous financing of the CRCs, not only by returning the buildings but also the adjacent plots of land.

Furthermore — and for that reason — the system of state financing of the CRCs remained the same due to the (amended) act No. 218/1949 Coll., on the economic provision of CRCs.

2.2 The Czech Republic before the attempt at systematic legal solution (1993—2006)

It quickly became clear that the problem of restitution of the CRCs' assets would not be an easy one to solve. It was repeatedly used (or rather abused) in the political debate, especially in parties' election campaigns .

In such a situation, the government tried in 1996 to take a different approach: some buildings should be reimbursed by administrative decision as an executive restitution, along with the land they were on, in an administrative way, but on the condition that the buildings were intended for social, charitable, educational or training purposes, provided that no public interest objected to it. However, the process was complicated and lengthy, so the number of returned property was very low. However, when the Czech Social Democratic Party formed the new minority government after the snap election of 1998, it repealed the government decision.

The Czech Social Democratic Party repeatedly stated that it wanted to carry out the restitution of the church's assets; however, it had not chosen the form of a generally formulated norm but, for the sake of legal certainty, the enumeration law. This solution has been severely criticised both by the CRCs and by the experts, because such a law would have to consist of thousands of positions that would certainly contain errors; besides, it would be unimaginably long. Thus, the Czech Social Democratic Party did not present such a bill to the parliament during two government mandates (1998—2006).

Under such circumstances, only one law of restitution was passed during this long period: Act No. 212/2000 Coll., on alleviating the abnormalities of property rights caused by the Holocaust. The relevant period for this restitution was 29 September 1938 (the Munich Agreement) to 8 May 1945 (the end of World War II).

2.3 The attempt at comprehensive legal solution (2007—2009)

During the governing period of the centre-right coalition in 2006—2009 (in 2009—2010 there was a caretaker government) a comprehensive bill was drafted between 2007 and 2008 addressing both the property settlement with the CNSs (the restitution of ecclesiastical property) and the future financing of CRCs. In April 2008, this proposal was submit-

ted to the Chamber of Deputies of the Parliament of the Czech Republic under the long title: ‘Governmental bill of the act on the settlement of some property misconduct caused to churches and religious communities at a time of lack of freedom, on the regulation of property relationships between the State and churches and religious communities and on the amendment of some laws (Act on property settlement with churches and religious communities)’.⁸

Within the framework of political negotiations in the Czech Republic, for a long time until 2006, the proposed solutions included two unified legal paths: on the one hand, the natural restitution of at least the restitutable parts of real estate; and, on the other hand, financial compensation in the form of either an annuity or fund, and eventually of their combination. Agreement failed to be attained between the CRCs, nor within the greater part of the Roman Catholic Church, where the dioceses represented by the Czech Bishops’ Conference preferred the way of financial compensation, while the male orders and congregations represented by the Conference of the Male Major Superior (especially Benedictines, Premonstratensians, and Knights of the Cross with the Red Star) preferred natural restitution, albeit to a limited extent.

During the drafting of the bill, a combination of both legal paths was chosen in 2007–2008, with respect to the diverse predominant wishes of individual groups. The natural restitution consisting in the return of a part of the original movable and immovable property of the CRCs actually owned by the state, which became the property of the state in the relevant period from 25 February 1948 to 1 January 1990, should be allowed only to religious orders and congregations, to other clerical and religious communities of the Roman Catholic Church, and to the Religious Foundation; the other authorised persons could only demand from state property the issuance of immovable property that was either functionally connected with their property or which served purposes of cult or charity. The extent of such a natural restitution was estimated at about 38% of the confiscated church property. Some real estate, mainly built-up areas, real estate serving for the purposes of the Ministry of Defence and real estate used for police purposes were excluded from this restitution.

Financial compensation for non-recovered assets was agreed at the amount of CZK 83 billion at a joint meeting of the government and the

⁸ It is possible to find a detailed description of the draft law in D. NĚMEC: “The 2008 Proposal of the Law on the Property of Churches and Religious Communities in the Czech Republic in the Light of Valid Concordat Treaties with Post-Communist Countries.” In: *Clara pacta — boni amici, Zmluvné vzťahy medzi štátom a cirkvami — Contractual Relations between State and Churches*. Eds. ŠMID, M., MORAVČÍKOVÁ, M. Bratislava 2009, pp. 229–240.

Church Commission on the basis of an expert estimate. It should be paid for 60 years and capitalised at a fixed interest rate of 4.85% p.a. (the amount of interest rate of government bonds). The compensation should be broken down in an exact proportion incorporated in the text of the law: the Roman Catholic Church should receive 83% and the other CRCs (including the Greek Catholic Church) in total 17%, although the original property owned by the Roman Catholic Church was 98.5% of the total.

The existing financial support of the CNSs has been modified for a transitional period of 20 years, decreasing linearly by five percentage points each year. This support should not be revalued.

Although this is a law, that is, a unilateral normative act of the state, the contractual principle was enshrined in the bill itself, with two provisions. First, it is necessary to conclude settlement agreements between the state and individual CRCs according to the Civil Code, where the state should have the status of debtor and the individual CRCs the status of the creditors. Second, only the conclusion of settlement contracts subsuming at least 85% of the total financial compensation quota (i.e., undoubtedly with the Roman Catholic Church, which has 83% of the compensation, and with several other CRCs) should lead to the full application of the Act, including the abolition of articles of blockage and the beginning of a transitional period associated with the reduction of the state's contribution to assets of the CRCs — this de-blocking should primarily enable the necessary development of municipalities.

However, the proposal was not finally approved by the Chamber of Deputies in April 2009, and because of a simultaneous government crisis, the new discussion of these issues was moved to the post-election period in the Chamber of Deputies, which did not take place (in spite of the expectation of early elections) before May 2010 when the scheduled elections took place.

3. Act on property settlement with churches and religious communities No. 428/2012 Coll. of 5 December 2012

3.1 History of the Act

In the period of consecutive coalition governments (more = right-leaning) led by the Civic Democratic Party since 2010, a proposal of the relevant law was drafted in 2011—2012. This proposal is de facto a fairly modified version of the previous proposal from 2008.

Discussions in both the Chamber of Deputies and the Senate of the parliament were very heated and strongly influenced by the campaign before the elections to the Senate of the Parliament of the Czech Republic in autumn 2012. Finally, in November 2012, this proposal was legislatively enforced in spite of the resistance of the Senate of the Parliament of the Czech Republic and despite the reservations of the President of the Czech Republic, Václav Klaus, who neither signed nor enforced it.

The law was promulgated as Act No. 428/2012 Coll., on property settlement with churches and religious communities and on amendments to certain acts (Act on property settlement with churches and religious communities), dated 5 December 2012. The act (with the exception of some its provisions) came into effect on 1 January 2013.

The state undertook to conclude a settlement agreement with the CRC mentioned in the law within a period of nine months from the entry into force of the law, and to send the text proposal of each of them within a period of two months after entry into the force of law, so the draft should have been sent by the end of February. This time matters went quickly. It was first published on 12 February 2013 that the extraordinary congress of the Baptist Union of the Czech Republic had decided on 19 January not to accept financial compensation from the State. The treaties with other mentioned CRC were solemnly signed on 22 February 2013, even despite strong opposition from political opponents.

The law became the object of several constitutional complaints since December 2012. The constitutional court rejected the majority of complaints, but it made one amendment to the law: according to the amended text it is possible to review the issue only if its expropriation was not provided with **any** compensation, whereas the original wording allowed the request for extradition in the absence of a **fair** compensation.

It is estimated that the amount of physical restitution will be so reduced by 5—10%.

Prior to the Act coming into force, an amendment to the Income Tax Act was made, in which the first sale of the regained property was originally exempted from the tax.

As of today (the end of 2017), this law is the subject of political debate. The left-wing parties consistently prefer to consider settlements with the CRCs as an unauthorised donation by the state, so that financial compensation should be subject to income tax (19%).

3.2 Focus of the law

The focus of the law is often misunderstood and misinterpreted. Usually, the law is named the “Church Property Restitution Act”, but a very important and essential difference should be considered. Since the restitution acts are oriented to pass with the aim of settling some property misconduct and to restore fair legal relationships as far as possible, the act on property settlement with CRCs is oriented towards the future. Its primary focus is to realise the economic separation between the state and CRCs connected with autonomous auto-financing of CRCs which really strengthen their autonomy.

For this purpose, it is necessary to create an asset base of CRCs, because self-financing is not possible without it. The state helps to create this base by alleviation of property-related injustices (through property settlement), in which the physical restitution plays an important role. Apart from this, there is still considerable financial compensation, which is also provided to CRCs which did not take possession of the property, or even to those who were not recognized by the Czechoslovak state during the decisive period and started to be financed by the state only after 1989.

3.3 Ecumenical cooperation

The drafting of the bill proved to be a strong match between churches and religious communities. The common search for the sense of coexistence with the state, with an emphasis on its own mission, independent of the state, was of paramount importance. This search was then followed

by a gradual ripening of the conviction that it is better to be financially independent from the state, even at the cost of a more difficult economic situation. It certainly leads to a greater degree of poverty and uncertainty, but it is part of following Christ.

This crucial step was followed by the negotiation of economic parameters in such a way as to allow as much as possible the real economic independence of individual CRCs. This could not be gained without the generosity of the Roman Catholic Church, which gave up much of the economic base to which it could claim, in favour especially of the smaller CRCs. Since physical restitution is always in favour of the original owners or their legal successors, a vast majority for the benefit of legal entities of the Roman Catholic Church, an entire fifth of the financial compensation is designated for the other CRCs. They also agreed on a particular division of this compensation. This is where the fruits of ecumenical cooperation are clearly shown.

In fact, however, it must be noted that there is a much lesser degree of cooperation in the area of specific ways of administering restored assets and compensations. The greatest cooperation exists within the framework of the Czech Bishops' Conference and within the Conference of Women's Major Superiors.

Conclusions

Very often, the property of individual churches and religious communities was the subject of both confiscation and illegitimate withdrawal of property historically. This also applies to the territory of today's Czech Republic in the period since the inception of Czechoslovakia in 1918, when there were several waves of the demise of the property of churches and religious communities, but mostly under the communist regime since 1948 when churches and religious communities were completely deprived of their economic base and issued thus at the expense of state power. These interventions concerned most of the Roman Catholic Church.

Since 1990, there has been an attempt to redress these property injustices, but this did not happen for churches and religious communities until 1992. It has then become increasingly clear that the political will is lacking in a fundamental solution of the financing of churches and religious communities. On the contrary, this issue has been strongly politicised and repeatedly abused in political struggle, especially in the context of pre-election campaigns.

For the churches and religious communities themselves, it was not easy to find a common position on how their future financing would be. The conviction that it was better to take the way of economic separation from the state, even at the cost of a greater degree of uncertainty and insecurity, has been achieved only in the first decade of the 21st century. It was connected with the confession that it is the path of evangelical poverty. This position formed the basis of the first failed bill of Property Settlement Act of 2008.

The implementation of the property settlement was accomplished only at the turn of 2012 and 2013, in a modified way less favourable for churches and religious communities. As expected, it has brought about great legal, economic and social problems that churches and religious communities have to deal with still today.

The indisputable asset of property settlement is not only the strengthening of the autonomy of churches and religious communities, but also the deepening of the ecumenical dialogue and ecumenical co-operation that this contribution tries to describe.

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DAMIÁN NĚMEC

Aspects œcuméniques du financement des Églises et organisations religieuses dans la République tchèque

Résumé

L'article aborde la question du financement des Églises et organisations religieuses dans la République tchèque. Sur la base de la description des changements de propriété du moment de la fondation de la Tchécoslovaquie en 1918 et surtout à l'époque du régime communiste depuis 1948, il décrit le processus très lent et pénible de l'adoucissement des rapports patrimoniaux entre l'État et les Églises ainsi que les organisations religieuses depuis 1990. Il représente principalement deux propositions de lois sur ce sujet: la première, non réussie, de 2008 et la seconde, réussie, de 2012.

Il se concentre sur les aspects œcuméniques et montre comment la recherche du point de vue commun des Églises et des organisations religieuses conduisait à l'adoption de l'idée de la séparation économique avec l'État, même au prix du plus haut degré de l'incertitude et manque de sécurité, mais en faveur de la véritable autonomie. Cette attitude était la base de la première loi non réussie concernant l'adoucissement des rapports patrimoniaux de 2008 qui, dans une forme modifiée, a été réalisée à la charnière des années 2012 et 2013, et cela s'est produit de manière moins favorable aux Églises et organisations religieuses. Conformément aux attentes, cela avait beaucoup de conséquences juridiques, économiques et sociales constituant jusqu'aujourd'hui un défi pour les Églises et organisations religieuses. Le résultat indubitable de l'adoucissement des rapports patrimoniaux est non seulement le renforcement de l'autonomie des Églises et organisations religieuses, mais aussi l'approfondissement du dialogue œcuménique et de la coopération œcuménique.

Mots-clés: État, droit, Église catholique, droit canonique, droit confessionnel, financement, œcuménisme

DAMIÁN NĚMEC

Aspetti ecumenici del finanziamento delle Chiese e delle organizzazioni religiose nella Repubblica Ceca

Sommario

L'articolo tratta il finanziamento delle chiese e delle organizzazioni religiose nella Repubblica Ceca. Sulla base della descrizione dei cambiamenti in materia di proprietà dal momento in cui nacque la Cecoslovacchia nel 1918 ed in particolare fortemente nel periodo del regime comunista dal 1948, descrive il processo molto lento e difficile di attenuazione dei rapporti patrimoniali tra lo Stato e le chiese e le comunità religiose dal 1990. Presenta principalmente due proposte di legge in tale materia: la prima, non riuscita, del 2008 e la seconda, riuscita, del 2012.

Si concentra sugli aspetti ecumenici e mostra come la ricerca di una posizione comune delle chiese e delle associazioni religiose abbia portato ad accettare i pensieri

di separazione economica dallo Stato, persino a costo di un grado di incertezza maggiore e della mancanza di sicurezza, ma in favore dell'autonomia autentica. Tale condotta è stata il fondamento della prima legge non riuscita del 2008 sull'attenuazione dei rapporti patrimoniali che, in forma modificata, è stata realizzata a cavallo tra il 2012 e il 2013, e ciò in modo meno vantaggioso per le Chiese e le organizzazioni religiose. Conformemente alle aspettative, ciò ha avuto molte conseguenze giuridiche, economiche e sociali che fino ad oggi rappresentano una sfida per le Chiese e le organizzazioni religiose. Il risultato indiscusso dell'attenuazione dei rapporti patrimoniali è costituito non solo dal rafforzamento dell'autonomia delle Chiese e delle organizzazioni religiose ma anche dall'approfondimento del dialogo ecumenico e della collaborazione ecumenica.

Parole chiave: stato, legge, Chiesa cattolica, diritto canonico, diritto ecclesiastico, finanziamento, ecumenismo



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Ecumenical Aspects of Health Care Chaplaincy in the Czech Republic

Abstract: This article analyses the ecumenical dimension of pastoral care in health care in the Czech Republic and the particular character of health chaplains, understood differently from CIC 1983 (not strictly confessional meaning). Health care chaplains in the Czech Republic are also members of churches and religious communities other than the Catholic Church, very often they are women. In the Czech Republic (as a largely secularized country), such a wider, ecumenical form of pastoralism seems to be necessary. The said ecumenical foundation is based on the Standards for Health Care Chaplaincy in Europe. This model of pastoral care in the Czech Republic has been gradually developed since 1990 and was contractually enshrined in 2006 (the Agreement between the Czech Bishops' Conference and the Ecumenical Council of Churches in the Czech Republic). However, the legislative definition in the Czech legal system is given only by a general and subordinate norm (Methodical Guideline of the Ministry of Health of 2017), the conceptual form given by the special legal norm is still missing and is at the stage of negotiations and preparations.

Keywords: ecumenism, health care, ministry of health, guidelines, pastoral care, health chaplaincy, churches and religious communities, Czech Bishops' Conference, Ecumenical Council of Churches, professional associations

Introduction

Pastoral care in the Czech Republic has a broad ecumenical character, similarly as it is with other areas of church work in the public sphere (the army, the police, prisons) in the country. Health care chaplains are not strictly understood in the sense of can. 564 CIC/1983, but are posted by their churches upon agreement with health facilities. Their activities have to

be of an ecumenical and non-missionary character. Health care chaplains in the Czech Republic are therefore also members of other churches and religious communities and include women as well. The ecumenical foundation follows the Standards of Health Care Chaplaincy in Europe.¹ The described model of pastoral care in health care in the Czech Republic is built upon the limited possibilities of pastoral care originating in the totalitarian period, having been gradually developed *de facto* since 1990, and was contractually (*de iure*) embedded in 2006.² The legislative definition in Czech law is provided only generally or upon a sub-legal norm (a methodological instruction of the ministry). The conceptual form, given by a special legal regulation, is still missing and it is at the stage of negotiation and preparation.

1. The role of Christians in healing service

Christ approached the world of human suffering first and foremost by taking it on himself, and in addition to the Gospel, he also provided an answer to the issue of the approach of Christians towards the sick.³ The work of the Church is connected with human suffering and illness, healing and help, and service to the sick has been part of the diakonia of the Church since its very beginnings. The institutional form of this assistance is contained in the work of the helping professions: doctors, health professionals, pharmacists, charitable workers, volunteers, and workers providing health care in health care service. If such service is performed in cooperation with the Church or other Christian communities and societies, it is based on the teachings of the Gospel and may also be classified as an apostolate.⁴ Just as in the early Church, the testimony of Christ's healing activities has been an integral part of the kerygma, and health service has also been organically linked with the Gospel-spreading activity of the Church. A situation involving pain and illness may create a

¹ *Standards of Health Care Chaplaincy in Europe*. Available online: http://enhcc.eu/turku_standards.htm (accessed 8.04.2017).

² Agreement on Health Care in Health Services between CBC and ECC of 20 November 2006 and Appendix No. 1 of 12 December 2011 (effective as of 1 January 2012). Available online: <http://kaplan-nemocnice.cz/slovakia-dokumenty-a-odkazy/> (accessed 9.03.2017).

³ Cf. Luke 10: 29—37 (the parable of the Good Samaritan), and other passages which speak of Christ as a doctor/physician, for instance, Mark 2:17; John 9:1—34; Mark 6:56; Luke 4:40 and others.

⁴ Cf. JOHN PAUL II: *Apostolic Letter Salvifici Doloris on the Christian Meaning of Human Suffering* (11 February 1984), no. 29.

space for greater reflection on the sense of suffering and one's life, as well as opening up to Christ's message (especially in the context of his crucifixion and triumph over death in the Resurrection).

The importance of health facilities (mainly connected with the Church) resides not only in the provision of care to the sick and the dying, but also in the fact that anxiety, pain, and death are experienced and interpreted there in their own human and profoundly Christian meaning. In this context, Pope John Paul II emphasized the special responsibility of Christian health care personnel, which makes them protectors and servants of human life and, as a measure of moral responsibility, recalls the ever-valid Hippocratic Oath, according to which every physician has to work with absolute respect for human life and its sacred character.⁵ Pastoral service includes both the sacramental dimension (James 5: 14–15), the charismatic dimension (1 Corinthians 12: 9 and 28), the dimension of prayer (James 5: 16), as well as regular care for the sick. All these types of services are addressed to the suffering sick person and serve the same goal — restoring health. Prayer support, complementary to medical interventions, can help on different levels: alleviating illness, accelerating the healing process, reducing pain, or acquiring a better tolerance for it, better ways of coping with the situation for the patient's family. The so-called holistic (complete) approach, which is currently emphasized by health care facilities, views the spiritual dimension of care as part of the healing process which is important for health. Therefore health care chaplains have to be increasingly involved in the nursing team, taking care of the existential, spiritual, and religious needs of both the sick and those who take care of them. This diakonia of health care chaplains is not only provided to the sick, but also to their relatives, families, other loved ones, visitors and hospital staff. The dimensions in which they operate are diverse: protecting the dignity of each person, presenting the spiritual dimension of suffering and illness, listening with empathy to those who experience anxiety, proclaiming the healing and reconciling power of religious beliefs, acting as mediators or conciliators for those in need of advocacy in the system of health care, supporting research programmes and evaluating the effectiveness of health service in health care, etc. The ecumenical dimension of the activities of health care chaplains is described as follows: ensuring that the spiritual needs of people of different religions and cultural circles are met while respecting their personal convictions, protecting patients from inappropriate and undesirable spiritual harassment or proselytism, performing worship services, rites and providing the sacraments, each person according to his/ her religious tradition.⁶

⁵ Cf. JOHN PAUL II: *Encyclical Letter "Evangelium Vitae" on the Value and Inviolability of Human Life* (25 March 1995), nos. 88 and 89.

⁶ Cf. *Standards for Health Care Chaplaincy in Europe*, chapter 3, nos. 4, 5, 7.

2. The ecumenical principle of cooperation in the context of health care

Just as divisions within Christianity are viewed in a negative light by the world, co-operation between denominations in various areas of human activity can serve as a common witness of Christ's disciples and the practical realization of the Lord's prayer of suffering: "May they all be one! Even as you, Father, are in me and I am in you, so let them be in us, so that all men may come to have faith that you sent me" (John 17:21). Humanity is the first and fundamental path of the Church, as established by Christ himself, and without any alternative, it leads through the mystery of redemption and incarnation. No situation a person finds himself/herself in should remain indifferent to the Church. Its service is intended to allow the original image and dignity shine in each person⁷ with this also applying to the area of diakonia in health care. In addition, the *Decree on Ecumenism*, in the recapitulation of its principles, also mentions (in addition to shared prayer, experience, and formation) cooperation in the social area (UR 12). If the Church is to be credible, it has to enter into specific areas of human life: politics, the social sphere, science and culture, as well as health care. The 1993 *Ecumenical Directory*⁸ sets out health care issues in nos. 204 and 216. It reminds us that, in certain situations, it is possible to serve the religious needs of Christians more effectively if people from different denominations and church communities active in pastoral care, both ordained and lay, work together. This type of ecumenical co-operation can be successfully used in pastoral care for those in hospitals, prisons, the armed forces, large industrial complexes and universities, the mass media, etc. Above all, the area of health care needs to be carefully coordinated with the local pastoral structures of the denominations involved, this being a major challenge for ecumenical cooperation. The provision of adequate health care depends in certain countries on the ecumenical cooperation of denominations. In addition, cooperation in this field, whether it be in research or in health practice, raises questions about medical ethics, which are both a challenge and an opportunity for ecumenical co-operation (e.g., in the field of genetics or the moral suitability of certain interventions and treatments). In *Ecumenical Directory*, the following areas can be found which are relevant to the activities of health care chaplains: shared prayer (nos. 108—111), shared

⁷ Cf. JOHN PAUL II: *Redemptor hominis*, nos. 12 and 14.

⁸ PONTIFICIUM CONSILIUM AD UNITATEM CHRISTIANORUM FOVDAM: *Directorium oecumenicum noviter compositum*. AAS 85 (1993), pp. 1039—1119.

celebration of the non-sacramental liturgy, for example *liturgia horarum* (no. 117), Christian funerals (no. 120), blessings (no. 121); the sacraments within the intercomunio standards: the anointing of the sick, penance, the Eucharist (nos. 125, 130—131), the sharing of spaces for worship services (no. 137—140), care of the sick of various confessions (no. 142).

In addition, the external living conditions in the Czech Republic⁹ force denominations to cooperate far more actively than in more religious countries. Any activity on the part of denominations in the public space, including the health sector, only has a chance if it is ecumenically open, true, and serving. This is the only way in which it can be viewed as valuable for both individuals and society, and be a credible testimony. After the transformation of political circumstances in 1989, ecumenical co-operation manifested itself in all areas where the various denominations again became involved in public life (the army, prisons, education) and it has deepened in the development of a model of clinical spiritual care, as subsequently described. The ecumenical Council of Churches in the Czech Republic summed up the basic theses for health service in health care facilities in the Czech Republic in 2006.¹⁰ This health service applies to all patients, relatives, and health professionals regardless of church affiliation and religion. It is primarily governed by the wishes of those who it is provided for and takes into account their human dignity and moral integrity, above all according to the standards of *Health Care Chaplaincy in Europe*. It is performed with the help of health care chaplains as fundamentally ecumenical. This concept does not in any way substitute for the services provided by the clergy of the individual denominations for their believers, but assumes their close cooperation.

⁹ The denominations in the Czech Republic were forced to accept the fact of their minority status, not only as a negative but as a specific condition of their mission (not to seek privileges but to serve in the Gospel spirit). This was what Pope Benedict XVI spoke about during his visit to the Czech Republic in September 2009, when he reminded the Catholic Church of the need to accept the role of a creative minority, which has a heritage of values applicable to current society. Cf. *Speech by Pope Benedict XVI (26 September 2009) in a prayer service of vespers in the Cathedral of St. Vitus, Wenceslas and Vojtech in Prague*. Available online at: <http://www.navstevapapeze.cz/clanky/Promluvy> (accessed 8.04.2017).

¹⁰ Cf. ECUMENICAL COUNCIL OF CHURCHES *ECC Thesis for Health Service in Health Facilities in the Czech Republic*. Available online at: http://www.ekumenickarada.cz/in/529/teze_erc_pro_duchovni_sluzbu_ve_zdravotnickych_zarizenich_v_cr#.WOj2vGekLIU (accessed 8.04.2017).

3. The legislative establishment of the health care chaplaincy in Church law and insufficient adjustments in Czech legislation — terminological specification

A document of the Pontifical Council for Pastoral Care entitled *The Charter for Health Care Workers*,¹¹ which defines health care in the service of the Church, was issued in 1996. Currently, the Dicastery for Promoting Integral Human Development established by Pope Francis in August 2016, replacing the current papal counsel for promoting pastoral care for health professionals, has been the coordination body on the all-Church level (PB 152).¹² A *health care chaplain* (as understood in the Czech Republic) is a qualified clergyman providing care to patients, staff and visitors of health facilities. He or she is a member of a multidisciplinary medical team. He or she provides spiritual accompaniment to all who are in need without regard to their religion or worldview. This definition is not entirely normatively consistent with the Code of Canon Law, which also covers the sphere of activities of the chaplains (canons 564–572) in health care as a specific form of diakonia, which is covered by the general provision of can. 383 Section (§) 1¹³ and can. 564 CIC.¹⁴ A *volunteer*

¹¹ THE PONTIFICAL COUNCIL FOR PASTORAL ASSISTANCE TO HEALTH CARE WORKERS: *The Charter for Health Care Workers*. Vatican City 1995: http://www.vatican.va/roman_curia/pontifical_councils/hlthwork/documents/rc_pc_hlthwork_doc_19950101_charter_en.html. Czech translation: PAPEŽSKÁ RADA PRO PASTORACI MEZI ZDRAVOTNÍKY, *Charta pracovníků ve zdravotnictví* (1995). Praha 1996, 109 pp. (accessed 28.09.2017).

¹² FRANCISCUS: *Litt. apost. motu proprio datae Humanam progressionem quibus dicasterium ad integram humanam progressionem fovendam*. Available online: http://w2.vatican.va/content/francesco/la/motu_proprio/documents/papa-francesco-motu-proprio_20160817_humanam-progressionem.html (accessed 8.04.2017). The Dicastery began operation on 1 January 2017 under the new statutes summarizing four abolished offices: the Pontifical Council for Justice and Peace, the Pontifical Council *Cor Unum*, the Pontifical Council for the Pastoral Care of Migrants and Itinerant People and the Pontifical Council for Pastoral Care of Health Care Workers.

¹³ CIC 1983, can. 383, section (§) 1: “Within the framework of performing his pastoral service, the bishop takes care of all the Christians entrusted to his care [...] and those who cannot be adequately cared for by ordinary shepherd care [...]”

¹⁴ CIC 1983, can. 564: “Specific units are established for larger groups, different from parishes, in which a special spiritual administration is carried out and its head is a priest with the title chaplain (cappellanus). This would mean, however, the exclusion of deacons, laymen and women from this concept. Within the framework of ecumenical relations, the Catholic Church in the Czech Republic has accepted a wider use of this term, which more closely corresponds to the Christian diakonic emphasis. It has been established as a basic term in the Ecumenical Council of Churches in the Czech Republic (hereinafter: ERC). The term was also incorporated into tripartite contracts between the

(unlike the health care chaplain who provides this care on an ongoing basis and usually professionally) is a person posted by the CBC and the ECC, involved in spiritual care of the sick under the leadership of a health care chaplain and in his or her spare time. The posting itself requires the agreement of a particular health facility and the conclusion of a required written agreement between it and a particular denomination.¹⁵

According to the Czech law, religious freedom is generally guaranteed in Article 16 paragraph 1 of the Charter of Fundamental Rights and Freedoms,¹⁶ and in Section (§) 2 of Act No. 3/2002 Sb.¹⁷ Unlike the army or the penitentiary, which is dealt with in Section (§) 7 subsection 3/2002 Sb. regulating churches and religious communities (the so-called special rights of churches and religious), the area of activities of denominations in health care is not addressed here. The right to receive spiritual support while staying in health care facilities was introduced relatively late at least in health care legislation.¹⁸ The foundation for the provision of the health care chaplaincy is Act No. 372/2011 Sb. regulating health services, which in Section (§) 28 (The rights of patients), subsection 3 specifies that: “A patient in a health care facility with long-term care (bedridden) or day care may receive health service and spiritual support from the clergymen of denominations and religious communities registered in the Czech Republic or the persons entrusted with the exercise of spiritual activities in accordance with the internal rules and in a manner that does not violate the rights of other patients and with respect to their health condition, unless otherwise provided by another legal regulation. The visit of a clergyman cannot be denied to a patient in life-threatening cases or serious damage to health, unless otherwise provided by another

Czech Bishop Conference (hereinafter: CBC), the ERC and the relevant state administration body (e.g., for the area of the army, prisons). Its variety is the expression “Health Services”, which was used in the 2006 bilateral agreement between the CBC and the ERC for the area of health care. For details on terminological specification, see: D. NĚMEC: “Právní zakotvení pastorační péče v necírkevních zdravotnických zařízeních v České republice.” *Revue církevního práva*, no. 601 (2015), pp. 53–78.

¹⁵ Agreement on Health Care in Health Service of 20 November 2006.

¹⁶ Article 16, paragraph 1: “Everyone has the right freely to manifest her religion or faith, either alone or in community with others, in private or public, through worship, teaching, practice, or observance.”

¹⁷ Section (§) 2: “Freedom of thought, conscience and religion is guaranteed. Everyone has the right to freely express their religion or belief, either alone or jointly with others, privately or publicly, by worship service, teaching, religious acts or observance of the ceremony. Everyone has the right to change their religion or belief or to be free of religious beliefs.”

¹⁸ Act no. 20/1966 Sb. regulating the health of the people valid at that time from 1990, which was amended a number of times, did not include such a possibility.

legal regulation.”¹⁹ Although this Act does not explicitly define the status of health care chaplains, the general provision of Section 2 subsection 2 specifying the health services can be viewed as covering this.²⁰ Health care chaplains are therefore understood as another professional workers in health care (a non-medical profession). A more detailed definition of health care chaplains is missing, however, both in Act no. 96/2004 Sb. regulating non-medical health professions and the Decree of the Ministry of Health no. 55/2011 Sb. regulating activities of health care workers and other professionals. Government Decree no. 222/2010 Sb. regulating the catalogue of works in public services and administration, Annex no. 1. contains a general regulation that includes the position of a chaplain.²¹ The definition of the position of a chaplain is missing, however, in the national qualification system. In summary, the Czech Law creates only basic conditions for the implementation of the services of health care chaplains, but does not contain more detailed regulation of their status or qualifications.

The operation of denominations and religious communities in the field of health care, unlike the armed forces, prisons and the public media, has been organized at a national level.²² An extremely concise “inter-church” treaty, which creates an ecumenical model of clinical pastoral care, currently deals with the details: the Agreement on Health Care in Health Services between CBC and ECC of 20 November 2006²³ and Appendix

¹⁹ Act no. 372/2011 Sb. regulating Health Services, Section 28 (§), subsection 3, subparagraph (j).

²⁰ Health services are understood to mean: (a) the provision of health care under this Act by health care professionals, as well as the activities performed by other professionals, while these activities are carried out in a direct connection with the provision of health care.

²¹ Government Decree No. 222/2010 Sb. Annex no.1, Part 1.05, Joint Specialized Works: 1.05.04 “CHAPLAIN Income class 11: 1. Providing health services in prisons, health, social and other facilities, including contact with individual denominations. Income class 12: 1. Methodological and coordinating activities in the field of health services in prisons, health, social and other facilities. Coordination of regional issues of health services in relation to the related areas. income class 13: 1. Creation of fundamental concepts of health service and its management in prisons, health, social and other facilities. Systemic coordination of health services with an overlap into related social areas. Synchronization of spiritual activities at an international level with participation in the systemic solution of European multicultural issues.”

²² Cf. J.R. TRETERA:, *Stát a církev v České republice*. Kostelní Vydří 2002, p. 66. This means a contract where one of the contracting parties would be, for example, the Ministry of Health.

²³ It defines the concept of health care chaplains and volunteers and their mission, the method of posting, qualification assumptions, ethical code. Cf. *Agreement on Spiritual Care in Health Care between the Czech Bishops' Conference and the Ecumenical Council of Churches in the Czech Republic* (cited 8 April 2017).

1 of 12 December 2011 (effective as of 1 January 2012) to this Agreement.²⁴ This agreement is not a part, however, of the Czech legal code.

The question of health service in health care was also discussed during the preparation of the Concordat Agreement between the Apostolic See and the Czech Republic from 2000 to 2002. Article 14 only contained the basic principles²⁵, and further sub-agreements between the Church and three relevant administrative bodies were assumed, along with more detailed arrangements, in the form of partial agreements between the Church and the relevant administrative body. The Chamber of Deputies did not ratify the Concordat Agreement, however, in May 2003. There had been no normative legislation at the state or ministry level thus far. In addition to the Catholic Church, non-Catholic churches were looking for ways to anchor the position of chaplains and denominations as well, for example, the Evangelical Church of Czech Brethren (ECCB) at the 32nd Synod on 29 May 2010. The ECCB approved a concept of health services that also defines the basic concepts and follows up, within the Church, the Agreement of CBC and ERC of 2006.²⁶ The above-mentioned agreement, including the annexes and appendices, applies to the following denominations: the Roman Catholic Church, the Greek Catholic Church, the Apostolic Church, the Baptist Unity, the Church of Brethren, the Czechoslovak Hussite Church, the Evangelical Church of Czech Brethren, the Evangelical Church of the Augsburg Confession in the Czech Republic, the Evangelical Methodist Church, the Unity of Brethren, the Orthodox Church in the Czech Lands, the Old Catholic Church in the Czech Republic, the Silesian Church of the Augsburg Confession, and the Seventh-day Adventist Church.²⁷

²⁴ The Appendix is more extensive than the Agreement itself. It specifies the method of posting health care chaplains and volunteers and also newly defines the qualification and specifies precisely the contracting parties (ERC).

²⁵ Draft of the Agreement with the Czech Republic of 2002, Article 14: "(1) The Catholic Church has the right to establish and operate health facilities under the conditions established by the Law of the Czech Republic. (2) The Catholic Church has the right to practice health and pastoral service in health facilities for persons placed in them who request it. (3) Further conditions for the performance and provision of health and pastoral service in health facilities may be established upon agreement between the relevant church representative and the relevant health facility."

²⁶ On the concept of hospital spiritual service, see: <https://www.ustredicce.cz/data/att/Koncepce%20nemocni%c4%8dn%c3%ad%20duchovensk%c3%a9%20slu%c5%beby%20%c4%8cCE.pdf> (accessed 8.04.2017).

²⁷ Cf. Appendix 1 of 12 December 2011 to the Agreement on Health Care in Health Services, Part V, points 5 and 6.

4. Performance of clinical pastoral care in the Czech Republic

In the field of law: As stated above, Act No. 372/2011 Sb. regulating health services in Section (§) 28 mentions the right, namely the possibility of the patient to receive health services in health care, not the obligation of the health facility to organize this care. The initiative therefore has to be based on the denominations themselves. The Agreement on Health Service in Health Care of 2006 envisages the conclusion of agreements between health care facilities and individual denominations or religious communities specifying the provision of clinical pastoral care with the necessary details in the area of organization and above all personnel and financial matters.²⁸ The Church guarantees: the selection of suitable persons and their education, ecclesiastical commissions in ecumenical co-operation, co-ordination of the services of authorized persons and often also the labour-law relationship with health care chaplains.²⁹ Health facilities may, in their internal standards, define in a specific way the principles for all participating denominations and religious communities and must also include the fundamental principles of providing clinical pastoral care.³⁰ For a systematic solution, however, there would be a need to anchor the issue of clinical pastoral care, both in Act No. 96/2004 Sb. on non-medical health care professions (detailing the legal status of non-

²⁸ Cf. D. NĚMEC: *Otázka právního zakotvení kaplanství...*, p. 57. However, we are dealing with quite heterogeneous solutions according to the individual health facilities even though they are in one region, especially in terms of personnel issues. Respecting religious pluralism, for example, necessarily raises the practical question of the number of chaplains from particular churches, especially with regard to the religious situation in the particular territory. This could be solved by setting quotas for individual churches and religious as it is in the Czech Army.

²⁹ Cf. D. NĚMEC: *Právní zakotvení...*, p. 67: Usually, the chaplains' wages are fully covered by the churches and religious communities posting them, which leads to uncertainty about the status of the health care chaplain in the facility, especially in terms of access to medical records; or the chaplain has a fractional part-time job in the facility (e.g. 0.05) or an out-of-work agreement, which gives him/her a clearer position amongst hospital staff. Chaplains are fully employed by the hospital itself only exceptionally.

³⁰ Cf., for instance, Methodological Guideline no. MP-L004-02 of the University Hospital in Olomouc for the provision of clinical pastoral care in the hospital FNOL of 2011, which was elaborated in close cooperation with the health care chaplains in the hospital and their church superiors. Since the text of the guidelines is not publicly available, following source is quoted here: D. NĚMEC, *Otázka právního zakotvení kaplanství v oblasti zdravotnictví*. In: BENÁK, Jaroslav (ed.). *Církev a stát 2016: Potřebujeme nový zákon o církvích (?)* Brno: 2016. pp. 49—63.

medical personnel in health facilities)³¹ and in the Decree of the Ministry of Health no. 55/2011 Sb., which defines in Section (§) 44 the position of other professionals in health care.

The actual implementation of the health care chaplaincy has been developing successfully, and because its dimension is existentially human, its ecumenical dimension has been deepening as well. After the revolution of 1989, this service began to be restored, first on a confessional basis, and since the Catholics were the largest community of followers among the sick, the service was most often performed by priests of the Roman Catholic Church. They came on request and the worship service took place once a week. This practice was not treated contractually and seemed insufficient to the faithful, for example, of other denominations. The clients, however, mainly expected psychological support and help in loneliness, hope, and solutions to the needs in the spiritual area, not necessarily in relation to their own religious affiliation. This also led to a search for additional models of care.³² The health care chaplain serves as part of a multidisciplinary health care team, primarily in non-evangelistic, non-missionary and ecumenical ways, while performing worship services, ceremonies, and sacraments according to his/her possibilities and religious tradition, and, if necessary, he/she mediates contact with a clergyman of the Church. Ecumenical aspects include service provided to everyone, including non-believers. He or she respects personal convictions and also takes into consideration religious and cultural differences. He or she prevents unwanted spiritual harassment and proselytism, especially by cults. He or she is posted to perform the activity of his/her denomination (upon the Appointing Decree) and the denomination posting him/her enters into a written contract with the health facility related to the posting.³³

³¹ The law should specify the basic requirements in relation to a health care chaplain, especially in terms of professional competence. It presupposes the existence of a qualification course of health care chaplaincy accredited by the Ministry of Health, where the persons would acquire professional competence.

³² Cf. M.T. MATĚJKOVÁ: *Duchovní služba nemocným ve Fakultní nemocnici Olomouc*. Brno 2010. An Unpublished BA thesis, p. 112.

³³ Cf. Appendix 1 of 12 December 2011 to the Agreement on Health Care in Health Services, Part 1. In the case of the Catholic Church, the chaplains are posted by diocesan bishops and in the case of the denominations that are members of ERC, the church being the authority of the individual denomination determined by its internal regulations posts the health care chaplains. Posting usually takes place during a communal ecumenical worship, to which the representatives of the Roman Catholic Church, the Greek Catholic Church and the member denominations of ERC operating in the given area are invited.

As the number of chaplains grows, intra-church co-ordination of their services has proved to be essential; in the case of the Roman Catholic Church at the diocese level in the form of regular formative and supervision meetings. The Czech experience in practice indicates that it is preferable for this service to be performed part-time, because otherwise there is a risk of a rapid burnout syndrome.

The Czech Society for Clinical Pastoral Care at the Czech Medical Society of Jan Evangelista Purkyně (hereinafter referred to as CMS JEP) was established in February 2009 to coordinate the initiatives of denominations and health care facilities, which seeks to promote health care chaplaincy in an ecumenical spirit and create procedures to meet the spiritual needs of patients under the International Accreditation Standards for Hospitals. It follows up the activities of the Standards for Health Care Chaplaincy in Europe.³⁴

5. Umbrella organizations of health care chaplains

Two associations for health care chaplains were created in the Czech Republic almost in parallel and after some initial hesitation, have been trying to cooperate in an ecumenical spirit, as they constituted in their statutes. The associations are: the Association of Health Care Chaplains (ANK) associating non-Catholic churches and the Catholic Association of Health Care Chaplains (KANK). At the beginning of the negotiations, the ERC created a proposal to establish one ecumenical association of health care chaplains. Following the meeting concerning the draft and statutes in 2010, the CBC commented on these documents and expected amendments to be made. At the next meeting in 2011, however, the amendments were found to be insufficient and the association was not established. One of the reasons was that the CBC insisted on the ecclesiastical establishment of this service, while the ERC preferred a different legal form without any link to a particular denomination. Another reason was that there exists a separate Catholic association in European countries with strong representation of the Catholic Church.³⁵ There was also a need to establish a professional organization for Catholic chaplains with a direct link to the CBC.

³⁴ International Accreditation Standards for Hospitals. The organization's website: <http://www.cskpp.wz.cz/> (accessed 9.04.2017).

³⁵ Cf. "Health Care Chaplaincy Contacts in Europe." European Network of Health Care Chaplaincy: <http://www.enhcc.eu/members.htm> (accessed 9.04.2017).

The Association of Health Care Chaplains was established on the ERC Platform: the election of the officials took place in June 2011. Its statutes were registered by the Ministry of the Interior in September 2011³⁶ and the ceremonial establishment of the Association took place on 22 October 2011.³⁷ The association then accepted certain Catholic health care chaplains as its members.³⁸ The ANK is a civic association with voluntary membership, depending on the decisions of the individual chaplains. The commissioning and posting of the health care chaplains is regulated in Appendix No. 4 and in Appendix 1 to the Agreement on Health Care in Health Services and is carried out by the respective body of each of the individual denominations.

The Catholic Association of Health Care Chaplains was founded, not as a separate legal entity, but as an expert part of the CBC itself in July 2012. The respective Bishop-Delegate, Jan Baxant, was appointed and the Temporary Committee and the Temporary Review Committee of the Association were also established. The first Plenary Session of the Association, in connection with the elections of its proper bodies, took place in Velehrad on 2 October 2012.³⁹ In the first year of the functioning of the Association, the disadvantages of this legal framework became apparent and steps were taken to constitute the KANK as a separate legal entity established as a special purpose facility of a registered denomination.⁴⁰ The existing statutes of the association, as well as the rules of procedure, were amended, leading to the modified establishment of the Catholic Association of Health Care Chaplains in the Czech Republic upon pub-

³⁶ Cf. "Statutes." The Association of Health Care Chaplains: <http://www.nemocnicnikaplan.cz/rubrika/3-Stanovy/index.htm> (accessed 9.04.2017).

³⁷ Cf. press releases from 17 October 2011 and 22 October 2011. The Association of Health Care Chaplains: <http://www.nemocnicnikaplan.cz/clanek/22-Tiskova-zprava-17-rijna-2011/index.htm>, <http://www.nemocnicnikaplan.cz/clanek/48-Tiskova-zprava-22-rijna-2011/index.htm>. Statutes .In: *The Association of Health Care Chaplains*: <http://www.nemocnicnikaplan.cz/rubrika/3-Stanovy/index.htm> (accessed 9.04.2017).

³⁸ Cf. D. NĚMEC: *Otázka právního zakotvení kaplanství...* p. 62: This occurred during the negotiations related to the text of Appendix 1 to the Agreement on Health Care in Health Services. The Association tried to act outwardly as a representative of all health care chaplains, which unfortunately led to a negative reaction on the part of the CBC.

³⁹ See "The Catholic Association of Health Care Chaplains has begun its activities" („Katolícká asociace nemocničných kaplanů zahájila svou činnost“). In: *The Czech Bishops' Conference* Available online at: <https://www.cirkev.cz/archiv/121004-katolicka-asociace-nemocnicnich-kaplanu-zahajila-svou-cinnost/> (accessed 29.09.2017)..

⁴⁰ According to the provisions of Section (§) 15a, Sub-section 1, Paragraph b) and Section (§) 16a of Act no. 3/2002 Sb. regulating the churches, as amended, because this association is intentionally a part of the structures of the Catholic Church.

lication of the *Charter of the Foundation* of 24 October 2013.⁴¹ As it was not actually a new foundation but a legal transformation of the preceding one, the existing bodies of the Association continued in its functions. The association was registered by the Ministry of Culture of the Czech Republic in the Register of Legal Entities on 31 January 2014.⁴² The membership of the chaplains does not depend on their decision here. The health care chaplain automatically becomes a member of the Association.⁴³ From the point of view of the canon law, the KANK is according to can. 114–117 and can. 312 CIC a public association of believers, that is, a legal entity directly under the CBC (as the incorporator) which is, however, not part of the CBC.⁴⁴ The ecumenical dimension is more emphasized in the statutes of ANK.⁴⁵ The Catholic Association only states that the association operates in accordance with the Agreement on Health Care in Health Services, which was concluded between the CBC and ACC in the Czech Republic.⁴⁶

On the practical level, cooperation is demonstrated in accordance with Appendix 1 upon verification of the qualification requirements for posting health care chaplains, which has the form of an examination supervised by a commission appointed by the respective authority of the Catholic Church (the Bishop's Vicar for pastoral care of the sick) or upon

⁴¹ *The Founding Charter of the Catholic Association of Health Care Chaplains*, File no. N.E.550/2013 of 24 October 2013: <http://kaplan-nemocnice.cz/wp-content/uploads/2014/03/Zakl%C3%A1dac%C3%AD-listina.pdf>. Statutes of the Catholic Association of Healthcare Chaplains of 23 October 2013: <http://kaplan-nemocnice.cz/wp-content/uploads/2014/03/Stanovy.pdf> (accessed 29.09.2017).

⁴² On 31 January 2014 the registration was implemented under registration number 8/1-00-740/2014-7847. See “the copy of an entry into the Registry of Legal Entities” („Výpis z Rejstříku evidovaných právnických osob“). In: MINISTRY OF CULTURE [online]. Status on 30 September 2014. Available online at: http://www3.mkcr.cz/cns_internet [see the entry of 1 October 2014].

⁴³ Cf. Statutes of the KANK Article 3.

⁴⁴ Cf. Statutes of the KANK Article 1.

⁴⁵ Cf. Statutes of the KANK Article 1.5: “The Associations operate on the basis of cooperation and mutual tolerance of churches and religious communities in an ecumenical spirit according to the current version of the Agreement on Health Care in Health Services, which was concluded between the CBC and ECC in the Czech Republic. In Article 2, one of the aims is: [...] in an ecumenical spirit to promote contact with relevant ecclesiastical committees and communities and maintain active relations with organizations associating army and prison chaplains and clergy performing pastoral service in the police forces of the Czech Republic and f) to promote dialogue with clergy of non-Christian world religions who provide spiritual care in health care facilities. And in Article 3 c) the tasks include cooperation with all denominations through the Ecumenical Council of Churches, while keeping an ecumenical spirit.”

⁴⁶ Cf. *Statutes of the KANK*, Article 1.3, <http://kaplan-nemocnice.cz/wp-content/uploads/2014/03/Stanovy.pdf> (accessed 19.11.2019).

a member meeting of the ERC. The commission is always attended by a representative of the other Contracting Party, who is in the position of an observer who may or may not recommend to the other party to post a particular health care chaplain or pastoral assistant. Both associations cooperate with the European Network of Health Care Chaplaincy (ENHCC).⁴⁷

6. The current effort to legislate health care chaplains as health care workers

The Ministry of Health in 2010—2013 (when headed by Minister Leoš Heger) originally took the initiative of preparing the new legislation in the form of an agreement between the CBC and ERC. The meetings of the Ministry and the CBC were very fruitful and the amendments of Act No. 96/2004 Sb., as well as Decree No. 480/2004 Sb. were prepared. Unfortunately, these meetings ended in 2012 at the time of the collapse of the Czech government (of Prime Minister Nečas) and there has currently been no political will for such changes in the Czech Republic.⁴⁸

⁴⁷ Cf. *Joint Declaration of the Representatives of the ANK and KANK*, http://enhcc.eu/2014_salzburg_statement_czech.pdf (accessed 19.11.2017).

⁴⁸ Cf. D. NĚMEC: *Právní zakotvení...*, p. 72: “The concept should be redefined as follows: A graduate of an accredited qualification course in clinical pastoral care after completing a Master’s program in theology (health care chaplain): a) Provides clinical pastoral care (i.e. care for the existential, spiritual and religious needs of patients, their relatives and staff, with respect to autonomy, personal values and the client’s preferred cultural framework) in accordance with the legal regulations and standards; b) Provides spiritual and psychological support to the dying and their relatives; c) Improves the quality of life of patients through early detection, evaluation and resolution of existential, spiritual and religious difficulties; d) Ensures that clinical pastoral care is made available to anyone who needs it without undue delay; e) Provides information to the patient in accordance with his/her professional competence, or according to the doctor’s instructions; f) Coordinates the provision of clinical pastoral care in health care, including the provision of contact with the clergy of the denominations and religious communities registered in the Czech Republic, as well as professional training and management of volunteers in clinical pastoral care aimed at direct work with patients; g) Indicatively assesses the patient’s social situation, identifies the need for cooperation with a social worker and mediates assistance in connection with social and socio-legal issues; h) Indicatively assesses the psychological condition of the patient, identifies the need for cooperation with a clinical psychologist and mediates assistance in connection with the psychological problems of the patient; i) Provides counseling in the field of medical ethics and protects against proselytism; j) Provides training to health care workers in the field

A two-year educational programme of an accredited qualification course for health care chaplains at three public universities was prepared, however, at that time which was extensively commented on by the Ministry and eventually implemented.⁴⁹ The course complies with the requirements for the performance of the profession of health care chaplains contained in Part II of the *Qualification Requirements of Health Care Chaplains*, Appendix 1 (valid and effective as of 1 January 2012) to the Agreement on Health Care in Health Services between the CBC and ERC concluded on 20 November 2006. It also complies with the Decree of the Ministry of Health No. 39/2005 Sb., which stipulates the minimum requirements for study programmes related to acquisition of professional competence for the performance of a non-medical profession (it has not been formally approved, however, by the Ministry of Health). The health care chaplain is understood here as another health care professional. A course for volunteers was also implemented in the Olomouc Archdiocese in 2016. Another similar volunteer course is to take place from February 2017 in the Ostrava-Opava diocese.⁵⁰

The meetings were renewed in autumn 2016 and a certain consensus was reached in 2017, when the methodological guidelines which should contribute to the consensual resolution of the disputed issues were prepared and published in the *Journal of the Ministry of Health* before Good Friday of 2017.⁵¹ The most important change is that based upon the said guidelines, the Ministry of Health will establish the Council for Health

of clinical pastoral care; k) Participates in the preparation of standards and development of the field of clinical pastoral care; l) Gives lectures and publishes in the area of clinical pastoral care within the framework of lifelong learning; m) Continuously educates himself/herself in the field of clinical pastoral care and participates in the supervisions performed by the health care chaplain with at least seven years of practice in the field; n) The work of the health care chaplain is part of the work of a multidisciplinary team.”

⁴⁹ The courses took place within the framework of lifelong learning at the Protestant Theological Faculty of Charles University in Prague and at the Sts Cyril and Methodius Faculty of Theology, Palacký University in Olomouc. A similar course has been held at the Faculty of Theology of the University of South Bohemia in České Budějovice as of October 2016.

⁵⁰ Cf. Press Release of 15 December 2016: <http://kaplan-nemocnice.cz/kurz-pro-dobrovolniky-v-pastoracni-peci-zacne-v-unoru-2017-v-ostrove/> (accessed 19.11.2017) .

⁵¹ Cf. Press Release of 3. April 2017: <http://kaplan-nemocnice.cz/ministerstvo-zdravotnictvi-vydalo-metodicky-pokyn-pro-duchovni-peci-v-nemocnicich/> (accessed 19.11.2017); Cf. MINISTRY OF HEALTH OF THE CZECH REPUBLIC: *Methodological Guidelines Regulating Spiritual Care in Bed-Care Facilities of Health Care Providers no. MZDR 8352/2017/ONP of 13 April 2017*. Published in the *Journal of the Ministry of Health* (Věstník MZČR 4/2017). Available online at: http://www.mzcr.cz/Legislativa/dokumenty/vestnik-c-4-/2017_13683_3699_11.html (accessed 19.11.2017).

Services,⁵² which will address the conceptual issues of health service in bed-care facilities. The guidelines specify the requirements for the qualification of health care chaplains, defines the concepts of spiritual care in bed-care facilities, including the aims and principles of this form of care.⁵³ Providing spiritual service is a non-medical activity that does not interfere with the provision of health care services and medical treatments.⁵⁴ According to the guidelines, a chaplain may be a person who has completed an MA degree in theology and passed a course in health care chaplaincy. He or she also has to have at least three years of practice in general pastoral care. The health care chaplain is appointed based upon a joint mandate by the Czech Bishops' Conference and the Ecumenical Council of Churches in the Czech Republic.⁵⁵ The Methodological Guidelines further regulate the approach to health care chaplains by health care staff and also applies to their confidentiality of facts of a personal or confidential character.⁵⁶

⁵² Cf. *Methodological Guidelines*, 1a, b.

⁵³ Cf. *Methodological Guidelines*, 2b: "Spiritual care in bed-care health facilities is due to its specifics a voluntary, non-medical service to patients, staff and visitors dealing with their personal, existential, spiritual, ethical and moral issues and needs. This service has a non-missionary character. Such care will continue to be provided to patients, staff, and even visitors exclusively by ordained (in this sense commissioned, note of the author) persons — chaplains."

⁵⁴ Cf. *Methodological Guidelines*, 3c.

⁵⁵ Cf. *Methodological Guidelines*, 6.

⁵⁶ Cf. *Methodological Guidelines*, 7. Obligations: "a) The chaplain is specifically obliged to: — Follow the applicable laws and decrees regulating the provision of health care services, as well as the internal and organizational rules of bed-care health facilities while performing his/her activities there. Comply with the organizational guidelines of the management of a bed-care health facility and the instructions of the executives of the individual clinics and departments. Cooperate and assist the health care staff. Maintain confidentiality of all facts and information of a personal, confidential or professional character. Enable or mediate a visit of clergy of another denomination or religious organization registered in the Czech Republic upon the request of the patient. According the rights mentioned in subparagraph b): the chaplain does not have access to the patient's medical records, but he/she may know the diagnosis with the patient's consent. He/she may enter the bed-care and public spaces of clinics and the bed-care department of health facilities. Entry to other indoor areas of the bed-care health facility is only possible upon the explicit consent of the staff. Based on current possibilities, conduct a dialogue with a patient, member of staff or visitor in reasonable privacy. He/she may bring worship articles and equipment into the premises of the bed-care health facility in a quantity corresponding to the extent and manner of the activities performed."

Conclusions

There are still considerable shortcomings in the legislative establishment of clinical pastoral services in the Czech Republic. The establishment in constitutional law is sufficient, yet there is neither explicit establishment in the CNS Act nor regulation in health care legislation. The basic establishment of clinical pastoral services has already been included in Act No. 372/2011 Sb., regulating health services, although only in terms of the point of view of patient care. The Methodological Guidelines of the Ministry of Health 2017 is only a small step forward, although it basically defines certain terms. The definition of clinical pastoral care as an integral part of health services, the definition of chaplains as full members of a multidisciplinary team and the clear definition of their occupational and professional status in relation to providers of health care has been missing. It is recommended that the chaplain should be employed by a medical facility, however, the reimbursement of this care from the public health insurance system has not been addressed, and it is therefore expected that many health facilities will be reluctant to employ the chaplains. The issues of the workload and the number of chaplains in the facilities and others have not been resolved either. Probably it would be the most appropriate to create a tripartite agreement, as in the case of other areas in the Czech Republic (probably upon extension of the current inter-church agreement). There is a need, however, to introduce regulation of these issues into the health legislation, preferably in the form of an Act, although there will probably be no political will to do so. Similarly, there will be eventually a need to regulate the issue of reimbursement of the costs of the health care chaplain service and the operations of the necessary premises, preferably from the public health insurance system, which could also be legislatively treated by sub-statutory standards (Decree of the Ministry of Health). From the point of view of ecumenical cooperation, mutual awareness has been slowly improving, especially on the level of education, joint conferences, involvement in European projects by the ANK and KANK, as well as the establishment of a common procedure in the preparation of legislation and negotiations with the representatives of the Ministry. Additional activities are currently being developed by KANK.⁵⁷ The development of experience in ecumenically non-conflict areas, with the necessary support of health care chaplains — spiritual accompaniment, supervision, further education,

⁵⁷ Cf. *The Annual Report of the KANK of the year 2015*, p. 8 Available online at: <http://kaplan-nemocnice.cz/wp-content/uploads/2014/03/V%C3%BDro%C4%8Dn%C3%AD-zpr%C3%A1va-KANK-v-%C4%8CR-r.-2015.pdf> (accessed 9.04.2017).

prevention of burnout, that is, addressing the general issues of human life and passing away, health and disease without confessional delimitation, have been seen as important topics for cooperation.

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MONIKA MENKE

Aspects œcuméniques de la prêtrise dans le domaine du service médical dans la République tchèque

Résumé

Dans l'article, j'analyse la dimension œcuménique de la prêtrise dans le service médical dans la République tchèque ainsi que la position spécifique des chapelains d'hôpitaux qui, en Tchéquie, sont compris autrement que l'indique CIC/1983 (non strictement au niveau confessionnel). Les chapelains d'hôpitaux en Tchéquie sont également les membres d'autres Églises et organisations religieuses, aussi les femmes. Dans la République tchèque (en tant que pays ayant un plus grand nombre de population non comprise dans les églises), une telle forme œcuméniquement plus large de la prêtrise semble nécessaire. Les fondements œcuméniques s'appuient sur les standards du Réseau européen des chapelains d'hôpitaux. Ce modèle de la prêtrise dans le service médical en Tchéquie se développe graduellement depuis 1990, et l'accord a été conclu en 2006 (Accord entre la Conférence épiscopale et le Conseil œcuménique des églises dans la République tchèque). Pourtant, les directives législatives dans le système juridique tchèque sont présentées seulement de manière générale et par les instructions dont le pouvoir juridique est plus faible (Directives du Ministère de la Santé de 2017); il n'y a pas toujours de norme juridique particulière qui définirait normativement ce domaine, car elle est à l'étape de négociations et de préparations.

Mots-clés: œcuménisme, service médical, ministère de la Santé, instruction méthodique, soin pastoral, prêtrise d'hôpitaux, Églises et organisations religieuses, conférence épiscopale en Tchéquie, conseil œcuménique des Églises, associations professionnelles

MONIKA MENKE

Aspetti ecumenici dell'opera pastorale nel campo del servizio sanitario nella Repubblica Ceca

Sommario

Nell'articolo mi occupo della dimensione ecumenica dell'opera pastorale nell'assistenza sanitaria della Repubblica Ceca e della posizione specifica dei cappellani ospedalieri che nella Repubblica Ceca sono intesi diversamente da come vengono considerati dal CIC/1983 (in modo non strettamente legato alla religione). Anche i membri di altre chiese e organizzazioni religiose, e pure le donne sono cappellani ospedalieri nella Repubblica Ceca. Nella Repubblica Ceca (paese con un numero di popolazione maggiore non appartenente alle chiese) una simile forma di pastorale più ampia pare essere necessaria. I fondamenti ecumenici si basano sugli standard della Rete Europea dei cappellani ospedalieri. Tale modello di pastorale nell'assistenza sanitaria della Repubblica Ceca si sta sviluppando gradualmente dal 1990 mentre l'accordo è stato stipulato nel 2006 (Accordo tra la Conferenza Episcopale ed il Consiglio Ecumenico delle Chiese nella Repubblica Ceca). La definizione legislativa nel sistema giuridico ceco è tuttavia indicata solamente in modo generico e da istruzioni di validità giuridica inferiore (Direttive del Ministero della Sanità del 2017); continua a mancare una norma giuridica speciale che definisca normativamente tale area, è in fase di trattativa e di preparazione.

Parole chiave: ecumenismo, assistenza sanitaria, ministero della sanità, istruzione metodica, cura pastorale, pastorale ospedaliera, chiese e organizzazioni religiose, conferenza episcopale ceca, consiglio ecumenico delle chiese, associazioni professionali

Part Three

Reviews



Lublin — miasto zgody religijnej
Ekumenizm w historii, teologii, kulturze
(Lublin — the City of Religious Concord
Ecumenism in History, Theology, Culture),
eds. Sławomir Pawłowski, Sławomir Jacek Żurek
Lublin: Towarzystwo Naukowe KUL, 2017, pp. 407

For seven hundred years Lublin has been a town where the faithful of various religions and Christian denominations live in mutual consent and cooperation. Every place in the town is full of religious and cultural mementos which are testimony to its religious diversity and multiculturalism. Lublin is marked with the presence of three religious traditions, among which there are three Christian denominations and Judaism.

The year 2017 was rich in historical anniversaries — 700th of granting the town city rights (1317), 500th of Reformation (1517), 100th of the Catholic University of Lublin (1918), where, for more than thirty years, the Institute of Ecumenism has been operating. The three momentous events were the inspiration to organize the Ecumenical Congress in this town. The fruit of the event is a monography *Lublin — the City of Religious Concord. Ecumenism in History, Theology, Culture*. It is a set of several articles written by leading Polish and foreign specialists in ecumenical and comparative theology about the history of certain Christian denominations and ecumenism, and research on modern religious tendencies.

The publication consists of three parts. The first one refers to Orthodoxy, the second one contains chapters on Roman Catholic and Old Catholic traditions, and the third one deals with issues connected to Protestantism.

The first part of the monograph — Orthodoxy — familiarizes the reader with the beginnings of Orthodoxy. Quoting A. Mironowicz, the author of the first chapter (“The Orthodox Church in the First Polish Republic”), “Orthodoxy has always been a great gift for the man.” In his text “Freedom and Conciliarity of Orthodoxy and the Contemporary Anthropological Crisis,” Artur Aleksiejuk shows many problems of Orthodox communities. The problems can be found mostly in the liturgy full of signs (cf. M. Wideryński, “Orthodox Mysteries”; M. Abijski, “The Renaissance of Byzantine Singing in Poland”; D.A. Vanca, “Liturgical Identity and Ecclesiastical Conscience”). The end of the first part focuses on the ecumenical dialogue which the Orthodox Church carries out with other Churches.

The second part of the monograph shows the paths of the Roman Catholic and the Old Catholic tradition. The following authors present their academic research: A. Pietrzak (“Catholicism: Farewell to Eurocentrism”), M. Lisak (“Polish Catholicism in the Light of Sociological Research at the Beginning of 21st Century”), S. Palka (“What the Holy Spirit Tells the Church in Poland”), K. Nitkiewicz (“The Catholic Church in Ecumenical Dialogue — People, Teaching, Actions”), W. Henn (“The Importance of the Ecumenical Document *The Church: Towards a Common Vision*”) and K. Mielcarek (“The Experience of Dialogue on the World Forum”). At the end of the second part, there are three chapters in which the authors, who belong to the Old Catholic Church, present the state of contemporary dialogue with the Roman Catholic Church.

Protestantism today and its dialogue are the third part of the publication. The dialogue which Protestantism holds with other ecclesiastical communities, both from the historical and ecclesiastical point of view, has been presented here in a really interesting way. Excellent theologians and academicians have written their articles in this part of the monograph (M.J. Uglorz, M. Ševčíková, R. Hacker, J.T. Maciuszko, J. Sojka, I.A. Murzaku, G. Brudny, J. Szarek). In the final chapter of this part entitled “The Sermon Commemorating the 500th Anniversary of Reformation, Preached during the Service in the Holly Trinity Church in Lublin on October 31st, 2017,” Bishop Jan Szarek reminds the congregation that Reformation is always a reformation of the heart, transformation, and personal renewal. The author of the chapter also quotes the words of Pope Francis who — referring to the father of Reformation — said that “the spiritual experience of Martin Luther is a challenge for all of us and we should really base our lives on Christ.”

Catholicism, Orthodoxy, and Protestantism, and before the Second World War Judaism, had for many centuries formed the spiritual, intellectual and also everyday life of Lublin.

The interdisciplinary monography *Lublin — the City of Religious Concord...* edited by Sławomir Pawłowski S.A.C. and Sławomir Żurek is an academic monument devoted to this significant event — the International Ecumenical Congress (Lublin, October 29—31, 2017). We all hope that apart from the above discussed publication it will bear other fruit and will be continued in many other ways.

Józef Budniak



Ewangelickie Prawo Kościelne 1918—2018
Zbiór tekstów prawnych kościołów ewangelickich w Polsce
(Evangelical Canon Law 1918—2018. Collection of Legal
Texts of the Evangelical Churches in Poland),
eds. Marcin Hintz, Michał Hucał. Warszawa:
Wydawnictwo Naukowe ChAT, 2018

The publication *Evangelical Canon Law 1918—2018. Collection of Legal Texts of the Evangelical Churches in Poland* is the outcome of the project “Multi-dimensionality of Evangelical Canon Law. Comparative, Theological and Legal Analysis together with the Edition of Legal Texts of the Polish Evangelical Churches” carried out as a part of the programme of the Ministry of Science and Higher Education entitled National Programme of the Development of Humanities in the years 2016—2018.

Evangelical Canon Law 1918—2018 contains legal rules specifying the system, representation and inner affairs of the Evangelical Church of Augsburg Confession, Evangelical Reformed and Evangelical Methodist Churches, which are members of the Polish Ecumenical Council. The first volume included the collection of legal documents introduced by the government or Church authorities based on the then enforceable law, namely from November 11, 1918 on, after Poland regained its independence.

The publication was edited by excellent theologians-ecumenists and experts in canon law — Bishop Professor Marcin Hintz and Doctor Michał Hucał. It consists of two parts: “Regulations coming into effect on January 1, 2018” and “Old regulations introduced after November 11, 1918.” Both parts deal with separate rules for each of the three Churches. At the end of each part the readers will find “Documents/regulations common

for Evangelical Churches.” The publication concludes with “Biographical notes of academic editors” and “Index of abbreviations.”

Volume I, as we read in the “Introduction”, “refers to the tradition started by two Lutheran collections (*Collection of Legal Rules of the Evangelical Church of Augsburg Confession in the Polish People’s Republic*, Zwiastun publishing house, Warszawa 1972; *Collection of Legal Rules of the Evangelical Church of Augsburg Confession*, Augustana publishing house, Bielsko-Biała 1999), published by the Evangelical Church of Augsburg Confession authorities, and ‘ecumenical’ legal collections of many religious communities but limited to their internal basic legislation.” It is worth mentioning that some of these legal acts are being published for the first time.

The book is a valuable work that can be used by lawyers, theologians, ecumenists, theology and law students, and those who are interested in problems of canon law. Moreover, the authors prove not only their knowledge of the issues in question, but also particular ecclesiastical and legal sensitivity necessary in such a study. The work has also become part of the 70th Anniversary of the World Church Council and 45th Anniversary of *Leuenberg Concord* that were celebrated in 2018.

The conclusion of the ecclesiastical community is not complete and Churches have to face an increasing number of new tasks. Moreover, both *Leuenberg Concord* and *Evangelical Canon Law* call us to deepen the achieved bond, to test it in the face of theological-legal agreements and to do everything to make it fruitful in the service of the Church of Christ. The publication provides us with priceless material for further research.

Józef Budniak



*Conclusion of Marriage by Proxy in the Internal Law
of Churches and Other Religious Associations,*
eds. L. Świto, M. Tomkiewicz. Studi Giuridici vol. CXXIII
Città del Vaticano: LEV, 2018, pp. 211

The book *Conclusion of Marriage by Proxy in the Internal Law of Churches and Other Religious Associations* follows up on the international scientific conference “Entering into Marriage by Proxy in the Internal Law of the Churches and Other Religious Organizations” held in Rome on May 24—25, 2018, organised by the Pontifical University Antonianum, Faculty of Canon Law and by the University of Warmia and Mazury in Olsztyn, Faculty of Theology, with cooperation of the following institutions: Pontifical University of John Paul II in Kraków, Faculty of Canon Law, the John Paul II Catholic University of Lublin, Faculty of Law, Canon Law and Administration, and University of Silesia, Faculty of Theology.

The goal of the book is to provide an overview of the celebration of marriages in traditions of different religions and confessions. Because such a subject is extremely broad, it has to be narrowly defined, with a dual emphasis: on the one hand, on marriage by a proxy, and on the other hand, on the legal situation in the Republic of Poland. Therefore, there is discussed the legal regulation both of the Polish state and of the legislative of the most widespread religious congregations in Poland, which creates a very rich content.

The book presents the legal position of the following religious congregations, written by fourteen specialists taking part in the above-mentioned conference, almost all of them belonging to the mentioned religious congregations, generally working in Polish institutions:

- Islam (Miroslaw Sadowski, University of Wrocław, “Entering into Marriage by Proxy in Islamic Law”).
- Judaism (Rabbi Avi Baumol, Kraków, “Marriage by Proxy in Judaism”).
- Orthodox Christianity (Andrzej Pastwa, University of Silesia in Katowice, “Consent and Sacrament in the Orthodox Matrimonial Law. An Ecumenical Perspective”, Volodymyr Vakin, Volyn Orthodox Theological Academy in Lutsk, Ukraine, “Classification of Obstacles to Entering into Marriage and the Particularities of Worship of the Sacrament of Marriage in the Orthodox Church”, Volodymyr Lozynskyi, Volyn Orthodox Theological Academy in Lutsk, Ukraine, “Types of Kinship in the Marriage Law of the Orthodox Church”).
- Karaim Religious Union (Rev. Zdzisław Kieliszek, Faculty of Theology, University of Warmia and Mazury in Olsztyn, “Endogamy in Karaites. An attempt to Outline the Development Prospects of the Karaite Community Based on the ‘Potential’ of the Fichtean Concept of a ‘Closed State’”).
- Seventh-day Adventist Church (Małgorzata Tomkiewicz, University of Warmia and Mazury in Olsztyn, “Contracting Marriage by Proxy in the Seventh-day Adventist Church in the Republic of Poland”).
- Christian Baptist Church (Piotr KroczeK, The Pontifical University of John Paul II in Kraków, “Marriage in the Baptist Christian Church in the Republic of Poland (Including Marriage by Proxy)”).
- Evangelical Churches (Michał Hucal, Christian Theological Academy in Warsaw, “Conclusion of Marriage in the Law of Polish Evangelical Churches”).
- Roman Catholic Church, (Elżbieta Szczot, The John Paul II Catholic University of Lublin, “Entering into Marriage in the Polish Catholic Church”, Lucjan Świto, University of Warmia and Mazury in Olsztyn, “Entering into Marriage by Proxy in the Roman Catholic Church”).
- Old Catholic Mariavite Church (Tomasz Dariusz Mames, Paris, France, “Canonical and Theological Issues of Marrying in the Mariavite Old Catholic Church”).
- Pentecostal Church (Małgorzata Chojara-Sobiecka, The Pontifical University of John Paul II in Cracow, “Marriage in the Pentecostal Church in the Republic of Poland”).
- Old Believers Eastern Church (Karol Jasiński, Faculty of Theology, University of Warmia and Mazury in Olsztyn, “Manichaeic and Ascetic Tendencies and the Concept of Marriage in the Eastern Old-Rite Church in Poland”).

It is to be regretted that the presentation of Jehovah’s Witnesses is omitted there, since their presence and activities are rather visible in Poland.

It is to be regretted, too that some lecturers did not deliver their texts, since the themes of their lectures were interesting and the written contributions would be enriching the already rich book: Mons. Cyril Vasiľ SJ, Congregation for the Oriental Churches, Rome, “Entering into Marriage by Proxy in the Internal Law of the Catholic Church of the Eastern Rite”, Francisco José Regordán OFM, Pontifical University Antonianum, Italy, “Entering into Marriage by Proxy in Spain. Civil-Canonical Perspectives”, Mr. Michael Schudrich, Chief Rabbi of Poland, “Entering into Marriage in the Mosaic Religion. Selected Aspects”, Pavol Dancák, František Čitbaj, Greek-Catholic Theological Faculty, University of Prešov, Slovakia, “Entering into Marriage by Proxy in Slovakia by Greek Catholics”.

At the beginning of the book, there are two texts indicated as introductory texts: the foreword and the editorial, at the end the common bibliography for all the articles. There is no text indicated as conclusions, but in fact, the editorial offers the results obtained by the comparison and synthesis of the particular articles, therefore, in my opinion, this text should be placed rather at the end of the book.

On the other hand, the coherence of the view is strengthened by the emphasis on historical development, especially in the field of Roman law and canon law, and on describing the doctrine and practice of marriage in individual religious congregations, especially in the less widespread, and therefore, the lesser known ones, the more so that some of them do not practice marriage by a proxy.

It is possible to conclude that this publication provides a needed and useful comparative view and therefore it can be not only a source of information, but an incentive to exchange views and attitudes both in the theoretical field and in the practice of religious life, including the creation and implementation of the legal order of individual religious congregations.

Damián Němec



Jan Hus: Życie i dzieło. W 600. rocznicę śmierci
(Jan Hus. Life and Legacy
On the 600th Anniversary of his Death),
eds. Anna Paner, Marcin Hintz. Gdańsk:
Wydawnictwo Uniwersytetu Gdańskiego, 2016, pp. 199

The collective work edited by Anna Paner, Ph.D., professor at the University of Gdańsk, and Bishop Marcin Hintz, Ph.D., professor of the Christian Theological Academy in Warsaw and the head of the diocese of the Pomeranian-Greater Polish Diocese of the Evangelical Church of the Augsburg Confession in Poland, is one of the most interesting publications dedicated to the Czech reformer, Jan Hus, and the context of his activity. The uniqueness of the work stems not only from the wide range of research results presented, but also from the diversity of its authors. They represent several research centres in Poland (Gdańsk, Warsaw, Kraków, and Kielce) and the Czech Republic (Prague) and various scientific disciplines (history and theology), but also belong to various Christian denominations (Roman Catholic, Lutheran, and Pentecostal). Additionally, the publication is a way to express gratitude to Klemens Bruski, Ph.D., professor at the University of Gdańsk, for many years of his scientific and didactic work at the Institute of History of the University of Gdańsk.

The publication begins with a several-page-long preface recalling the events of July 1415, that is, the ending of the trial of John Hus and his execution, as well as historiographic information about attempts to review this process and scientific reflection on the legacy and life of the Czech reformer.

The first article entitled “The ideological and political crisis in the reign of Wenceslaus IV of Luxembourg” was authored by Anna Paner. The author’s aim is to show the historical context for the actions of

Hus, leading to the weakening of the monarch's (Wenceslaus IV) position compared to that of his father, Holy Roman Emperor Charles IV of Luxembourg (family, church, elective, and internal conflicts), which found its symbolic dimension in his dethronement in August 1400 and in the betrayal on the part of his brother Sigismund. Moreover, the conflicts between Wenceslaus IV and the Archbishop of Prague Jan of Jenštejn made room for a certain freedom in the theological and charitable reflections by Jan Milíč z Kroměříže, Tomáš Štítný and Matěj z Janova, as well as Hus himself. As the author concludes, "with his death, Wenceslaus IV of Luxembourg opened the way to a nationwide Hussite movement, which would transform from revolt to revolution."

The next author, Wojciech Gajewski, is a historian, habilitated doctor of humanities, professor at the University of Gdańsk, but also a pastor of the Pentecostal Church. In his article "Postulates of Church reform: Waldo — Wycliffe — Jan Milíč z Kroměříže — Matěj z Janova", he outlined the main postulates of circles associated with the reformers mentioned in the article's title: the first two were active in Italy and England respectively, and the other two were Czech predecessors of Hus. The author emphasises that their postulates concerned the ideals of poverty and stressed the particular authority of the Holy Scriptures.

The third article entitled "Jan Hus a pražská univerzita" by Martin Nodel, Ph.D., a historian at the Centre for Medieval Studies and the Charles University in Prague, outlines — unfortunately only in the Czech language — the academic context of Hus' activity. An increase in the role of the Czech nation at the university in Prague together with the openness of its lecturers and students to church reforms constituted an important basis for the reformer, who in 1409 was elected rector. The article "Homo politicus" by Professor Petr Čornej, another historian from the Centre for Medieval Studies and the Charles University in Prague, is featured in the publications also only in Czech.

In the next article entitled "Jan Hus at the Council of Constance", Professor Wojciech Iwańczak, Ph.D. from the Jan Kochanowski University in Kielce, presents the reconstruction of the reformer's presence at the Council. The author underscores the lack of official sources in the form of conciliar documents, thanks to which knowledge about the events comes first of all from the eyewitness report of Piotr from Mladenovice and from Hus' letters. His problems with the church hierarchy are presented, which led to his trial, but the course of the trial is described in most detail. The author does not avoid pointing out the psychological aspects that contributed to the conviction, namely, the principledness of Hus, combined with a strong tendency to lecture others regardless of their status (including that of a monarch).

Professor Jerzy Sperka, Ph.D. from the University of Silesia in Katowice, in his lecture points to the Polish-Lithuanian context of Hussitism in the article “King Władysław Jagiełło and his court towards the Hussite Kingdom of Bohemia”. He showed that the attitude of the Poles and Lithuanians to the Czech monarchy was directly related to the king’s internal and external policies. The king played both sides of the conflict, considering the proposals to accept the Czech crown, using the Hussites to fight against the Teutonic Knights, or offering Sigismund of Luxembourg mediation.

The attitude of the Roman Church towards the main problems of Hussitism until the end of the Poděbrady period was the subject of scientific reflection by Janusz Smołuch, Ph.D., professor at the Jesuit University of Philosophy and Education Ignatianum in Kraków. He explains, among other things, how the compromise approach to the Hussite issue unfolded at the Council in Basel, where the discussion the *Four Articles of Prague*, regarding communion under two forms, punishing mortal sins by secular authority, the freedom to preach and poverty of the clergy. The Roman curia did not accept the ratification in Jihlava of the so-called *Compacta* by representatives of the Czech crown and the Council in Basel (1436), which meant the introduction in the Czech Kingdom of two rites of the same Catholic religion. However, it was not until 1462 that the diplomatic situation allowed Pope Pius II to announce them invalid with the commencement of the procedure for removal from the throne of George of Poděbrady, and then Pope Paul II excommunicated the king, supporting the rebels and began diplomatic talks for the appointment of a new ruler of the Kingdom of Bohemia.

Jerzy Grygiel, Ph.D. from the Jagiellonian University in his text “Jan Hus — between sanctity and heresy” briefly sketches the image of Jan Hus’ activity, the church crisis associated with the anti-papal period, and allegations from the reformer’s trial. However, it seems that the author wanted to make the main thread of the article his criticism of the ecumenical efforts of Catholic theologians for the rehabilitation of the Czech preacher. He even seems to attempt to justify Hus’ burning, because the consequences of his teachings were so-called Hussite wars. These comments and conclusions draw the attention away from the author’s really interesting idea, which was the presentation of the titular controversy related to the persona of Hus.

“The Hus case as an element of polemic during the Council in Basel” is the title of the article by Paweł F. Nowakowski, Ph.D. from the the Jesuit University of Philosophy and Education Ignatianum in Kraków, showing the presence of the subject of teachings and conviction of Hus at the Council in Basel. The author pointed to different strategies of rep-

representatives of moderate and radical Hussitism in this regard. The personas of Hus and Wycliffe also appeared in the speech of the Englishman Peter Payne, as well as in the dispute between Jan of Rokycany and Jan of Ragusa. The positions of the Council of Constance were defended by Aegidius Carleri, while Cardinal Giuliano Cesarini took a more conciliatory position. The author emphasises that “invoking and referring to the teachings and fate of Jan Hus was what connected the Czech delegation, a binder in moments of difference and controversy.”

The penultimate article of the volume, authored by Bishop Professor Marcin Hintz from the Christian Theological Academy in Warsaw, under the title “Jan Hus and Martin Luther — continuation and theological complementation”, presents the role that Hus played in further initiatives for the reform of the Church, mainly by pointing out the theological and life similarities and differences in the case of the two reformers. It also enabled the wider presentation of the Czech champion. The author emphasises, however, that in fact Hus was not a prelude to Luther’s activity, which was more a reference point in the critique of the papacy. This allowed propagating the theology of Jan Hus among other nations as part of the heritage of the Evangelical camp.

The second contributor from the Christian Theological Academy in Warsaw, Jerzy Sojka, Ph.D., presented in his publication the historical context and the contents of the reflections by Jan Hus and Martin Luther on the pericope of Mt 16,13—19. The inspiration for the topic were Luther’s thoughts after having familiarised himself with Hus’ work *De ecclesia*: “Unconsciously, all of us are Hussites. With regard to their words, even Paul and Augustine were Hussites” and the so-called Leipzig Debate. The author points out that despite some consistency of the two reformers regarding the use of this pericope to criticise the papacy, in a broader context, their train of thought was different.

The high scientific value of this work and its thematic diversity are huge advantages that make it important reading material for people interested in Hussitism, its historical context and its impact on Martin Luther. The only minor disadvantages of the whole volume are conciseness or lack of summaries of some articles, lack of abstracts (even of the publications in the Czech language, which reduces the likelihood of their scientific impact in Poland) and incoherent approach to the division of articles into sections. These weaknesses, however, cannot overshadow the positive assessment of this publication.



Wspólnota Kościołów Ewangelickich w Europie
Wybór dokumentów (The Community of Protestant
Churches in Europe. Selection of documents),
ed. Karol KARSKI. Warszawa: Wydawnictwo Warto, 2018,
pp. 496

The Community of Protestant Churches in Europe (CPCE) was established in 1974, but until 2003, it had functioned under the name Leuenberg Church Fellowship. As of today, it is an association of 94 Churches and is one of the most important ecumenical communities in the world. The founding document of the community and, at the same time, one of the most important documents of ecumenical dialogue was the Leuenberg Concord, adopted on March 16, 1973 in Leuenberg in Switzerland. Its signatories were the majority of the European Churches of the Lutheran and Reformed denominations, as well as United churches connecting the two denominations, and the pre-reformist Churches of the Waldensians and the Czech Brethren. Later, selected Methodist churches joined the Community. The importance of this act results from the establishment of an ecclesial community between the signatories, that is, the altar and pulpit fellowship, or celebration and service – the mutual recognition of the sacraments and the spiritual ministry between them. This is the highest form of unity in the Evangelical sense apart from formal organisational unity.

The discussed publication begins with the “Bishops’ Foreword” by the leaders of the three Protestant Churches: the Evangelical Church of the Augsburg Confession in Poland, the Evangelical Reformed Church in the Republic of Poland, and the Evangelical Methodist Church in Poland, due to the involvement of the Tripartite Commission of these religious associations in this publication. Then in the “Introduction”, Karol Karski pre-

sents an outline of the history and achievements of the CPCE from the moment of its creation until 2012, that is up to the General Assembly in Florence. In particular, he presents the results of the works of the General Assemblies (Sigtuna, Driebergen, Strasbourg, Vienna, Belfast, Budapest, and Florence), as well as makes note of the participation of Polish representatives in them. The “Selection of Documents” itself, that constitutes the main part of the publication, consists of seventeen parts, the majority of which are a presentation of individual CPCE documents. The first of these are, of course, the Leuenberg Concord and the Statute, and then the following studies by CPCE on the contribution to the reformation: on Church unity (1987/1994), on the doctrine and practice of Baptism (1994) and the Lord’s Supper (1994), on the model of Church unity (1998), on Church relations with Israel (2001), on the national and state context (1995—2000), on evangelisation (2006), on the shape and profile of Protestant Churches in Europe undergoing change (2006), on the Church office (2012), and on the 40th anniversary declaration. Subsequent chapters present the effects of ecumenical discussions with members of Methodists, Baptists, Orthodox, and Anglican denominations. The final part of the publications constitutes a list of member Churches of the CPCE in geographical terms together with the presentation of the dynamics of change.

The publication under the guidance of Professor Karol Karski, Ph.D. fills an unquestionable gap, as it provides translations of key documents of ecumenical dialogue within the Community. The editor’s persona is widely known in the ecumenical community, which naturally predestined him to undertake this very challenge. Karol Karski is the President of the Management Board of the Ecumenical Foundation “Tolerance” (Fundacja Ekumeniczna „Tolerancja”) and, at the same time, he is the editor-in-chief of the ecumenical periodical *Studies and Ecumenical Documents* („Studia i Dokumenty Ekumeniczne”), in which for many years already, he has been publishing key documents of ecumenical dialogue. It should be noted that the professor was not only the scientific editor of this publication, but also the author of the introduction and translator of various texts. Undoubtedly, this is the culmination of the long-term contribution of Professor Karski to the dissemination of the effects of international ecumenical dialogue in Poland.

Michał Hucal



Monika Miczka-Pajestka: *Opowiadanie rzeczywistości
Konwergencja i jej przejawy
a możliwości ponowoczesnego „bycia” w świecie*
(*Narrating Reality. Convergence and Its Manifestations
and Possibilities of Postmodern “Being” in the World*)
Toruń: Wydawnictwo Adam Marszałek, 2018, pp. 251

In her book Monika Miczka-Pajestka presents an in-depth and multifaceted analysis of the postmodern telling reality. She believes that the main problem is the possibility of postmodern “being” in the world. The author concentrates particularly upon crucial, from this point of view, convergence and its manifestation.

The introduction here is of a slightly mystagogical and initiatory character. It is a direct introduction into the depth of the postmodern telling of reality and — as far as this peculiar type and language of a story allows us — it reveals the issues connected with the possibility of the postmodern “being” in the world. What becomes apparent here is the issue of struggling with the language used for postmodern telling of reality, which reveals and, at the same time, to some extent, obfuscates, since it does not express the promise of the transparency of the postmodern “being” in the world. In the introduction Monika Miczka-Pajestka openly expresses the adopted pluralistic outlook on the issue she analyses: “In postmodernity everything reveals itself to the man in a great many scenes, many spaces and dimensions for acting open, a set of signs, meanings or ideas as well as rationalities is unveiled. Every aspect of “being” of the man requires discovering various codes, references, and forms of updating meanings. What is also disclosed is the problem of impossibility of determining or delineating, in a clear way, the proper

place the man has in culture, which is connected with the specificity of the developed, over a span of ages, culture and various forms of acting and expression adopted by it.

In the first part, the title of which presents three elementary and conjoined categories: story — culture — reality, Monika Miczka-Pajestka locates postmodern telling of reality in the context of convergence, virtualization and hybridization in culture. In the first chapter she contemplates the relations, in which planes of convergence with various way of perceiving reality are created. The subject of the interesting investigation included in the second chapter are processes which make narration instances universal. In the third chapter Monika Miczka-Pajestka reflects on the way connection, adjustment, and at the same time “permeating” of elements of various traditions occurs, in what relation to one another the old stories and creating of new mythologies remain.

In the second part, in the title of which Monika Miczka-Pajestka as a leading topic of investigation indicates the circumstances of the functioning of the subject, particularly in the fourth chapter thereof, she undertakes inquiry regarding the relation between the story and the subject. She dedicates particular attention to the clearly stressed problem of the context and current circumstances of shaping “fragmentary” man. In the next (fifth) chapter she focuses on the “fragmentary man”. The sixth chapter concerns the relations between convergence and pluralism, and in particular analyses of telling about postmodern education.

The seventh chapter focused on the question: Is and should the story be perceived as teaching, or rather is and should teaching be perceived as a story?

In the third part, the title of which includes one of the main, programme thesis of the entire dissertation: “narrating reality as a key to discovering the place of man as a subject in culture”, a fundamental question, in the eighth chapter, is posed: “Is convergence a necessity?” and it is contemplated how is it possible to currently develop stories, myths, and tales from this point of view which the philosophy of convergence generates.

The subject of contemplation in the ninth chapter is a reference to — and even a more elementary issue: existential location — the young generation in the face of convergence. It is accompanied by a question which aims to ask about how the suggested anthropological depiction allows us to perceive resistance as a speculative moment. The ninth chapter, the title of which partially sounds like an authorial confession: “Way of seeing reality as the way of telling reality. From anthropology to philosophy”, to a large extent collects and systematizes, and at the same time once again supplies problems for the previous contemplation.

The conclusion is somehow “a new opening” and leads — in harmony with its title — towards a multi-context “being” in the world and the “fragmentary” man.

The book is a quite coherent presentation of the author’s real reflections and outlooks, the undertaken issues are well thought-out. The book presents a consistent reasoning and proper ordering (segmentation) of the content.

I really recommend Monika Miczka-Pajestka’s book *Convergence and Its Manifestations and Possibilities of Postmodern “Being” in the World* as a reading for people interested in the contemporary humanistic thought. Moreover, I believe it is an original and important voice in the current philosophical and pedagogical debate over the conditions and transformations of the human shape.

Marek Rembierz

Notes on Contributors

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