

III.3. "MATER SEMPER EST CERTA, OR NORMATIVE-CANONICAL PRINCIPLES OF CONTEMPORARY ECUMENISM"

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Allow me to start this paper with an aphorism, taken from the fable 'The Swan, the Pike and the Crayfish' written by Léonide Hlibov and Ivan Krylov, which will serve as an initial statement: "and yet the carriage is still there."

These are metaphorical words which unfortunately give quite an exact description of the contemporary phenomenon of the ecumenical movement. One should not criticize this statement hastily or accuse in advance the chosen approach of not being scientific as what we have here is "error in forma" not "error in re." In addition the very framework of this report does not presuppose an extrapolation of the allegorical figures of either the swan, the pike or the crayfish, nor further determining "who is who." What we shall dwell upon here is the achievement of the deep understanding of what inter-Christian unity is in its essence with the preliminary aim to eliminate all «vis major»¹ in order to move from its place the allegorical «carriage of ecumenism» mentioned above.

The issue of inter-Christian unity is becoming especially prominent in the world today. It is equally concerning to those who want to unite numerous Christian denominations, Churches and traditions; and those who consider on the contrary that any ecumenically-aimed steps connected with tradition, liturgy or theology lead to the betrayal of their ancestors' faith. All Christian history can serve as a good demonstration

¹ From Latin—external factors (of the events), which make impossible the fulfillment of any task

of this search for ways-out and solutions aimed at the restoration of unity. Moreover, the last century dazzles us by its intense ecumenical enthusiasm. Although the sphere of ecumenical dialogue is expanding on different levels and in different dimensions: sacramental, interpersonal communication, interreligious dialogue, etc.; we realize nonetheless that de facto the world ecumenical movement has been defeated.² Certainly we are not speaking here about the absolute retreat from the essence of the Christian movement for unity, but rather about a kind of new beginning, which a priori contains the whole previous experience.

This all the more relevant given that the issue of the realization of Christ's imperative "that they may all be one" (Jn 17:21) has become even more urgent and crucial here in Ukraine. As Myroslav Marynovych remarks: "Ukraine and mainly the Ukrainian Diaspora has produced the so called "Ukrainian ecumenism" which is the striving to unite a few fragments of the old Kyivan Church, existing in different Christian worlds now. In this case the Christian understanding becomes a kind of national understanding and people are interested in ecumenism because it is impossible to do without it in solving the problem of unity in a Ukrainian Self-Governing Church. It is clear that such 'exiguous' ecumenism is considerably different from the 'genuine' one..."³ Speaking about Ukrainian ecumenism, it should be mentioned that a great part of the Ukrainian population is distrustful of the so called 'unifying processes', which are not what they claim to be, but constitute a political background for the lobbying of certain interests. In fact, it appears that nowadays the words of Christ serve as a convenient shield for different Christian centres as they control and divide the spheres of influence.⁴

In light of the situation in which "Ukrainian Churches are objects rather than subjects of the ecumenical process,"⁵ it is not surprising that

² Report at the international conference "The call for unity in multiplicity", Seriate (Bergamo), 6–8 June 1997; see: http://www.reshma.com.ru/texts/dokl_nov_put_hr_edin.htm

³ M. Marynovych. *Incentives to and warnings against ecumenism*; see: <http://www.ucu.edu.ua/irs/text/12.html>

⁴ *The cardinal of Vatican—in Moscow*; see: http://www.bbc.co.uk/Ukrainian/indepth/story/2004/02/printable/040219_cardinal_moscow.html

⁵ M. Marynovych. *Ecumenical processes in Ukraine: The analysis of history and the perspectives*; see: <http://www.ucu.rdu.ua/irs/text/7.html>

Ukrainian Christianity is antipathetic to the ecumenical movements and the existing partnership positions. Nevertheless, Ukrainians as a nation have always been, and remain today loyal members of the Christ's flock who long for the real unity of the Church and prove this longing by the whole of their church history. Finally, this strong wish for unity is expressed in different, desperate steps, exceeding the so-called correct schemes of the ecumenical movement, which are "uniatism" or "non-canonical autotherapy."

Thus I think it is the right time to introduce the next statement of my report, which is "Ab abusu ad usum non valet consequentia"⁶, which means that the condemnation of the simple use of something from the abuse made of the latter is not valid .

In the apostolic Constitution "Sacri Canones," on the basis of which the Eastern Churches Canons Code was published, a Roman lawmaker expresses his deep conviction that "what pertains to the universal ecumenical movement, stirred up by the Holy Spirit to perfect the unity of the whole Church of Christ, the new Code is in no way the least obstacle but rather greatly advances it. For the Code guards this fundamental right of human persons, namely that the faith be professed in whatever their rite, for the most part derived by them in their mothers' wombs, which is the rule of all ecumenism. Nor is it in any way neglected that the Eastern Catholic Churches, content in the tranquility of order desired by the Second Vatican Council, "may flourish and execute with a new apostolic vigor the task entrusted to them" (OE 1)."⁷

This conviction of the lawmakers can be explained by the fact that "... the Eastern Churches which are not yet in full communion with the Catholic Church, are governed by the same and fundamentally one patrimony of canonical discipline, that is "the sacred canons" of the Church of the first centuries."⁸ It can be confirmed that these Sacred Canons of the first ecumenical Councils, local synods and

⁶ From Latin: «The abuse of something while using it is not an argument against the usage». The consequences of abuse do not apply to general use (rights abused by some are still rights); a conclusion about the use of a thing from its abuse is invalid.

⁷ ECCC. Latin-Ukrainian edition. Rome 1993, p. 10–11.

⁸ ECCC. Latin-Ukrainian edition. Rome 1993, p. 10.

the Holy Fathers were taken into consideration not only as the main source of codification but often also as the source of interpretation. It is especially true regarding the application of liturgical instructions⁹. As far as the issues of hierarchical appointments, subordination and beatifications are concerned, the situation is completely different.

Presenting a new Code on 25 October 1990, the Pope wanted to assure the Orthodox Churches that “this new Code was conceived and elaborated on the basis of the principles of veritable ecumenism and the Catholic Church great respect for these ‘Churches-sisters.’”¹⁰

From an ecclesiological point of view, these statements of the Pope, acknowledged by everyone as Peter’s successor, are long-sighted. They are based on the relations of separate Self-Governing Churches and have a practical aim of restoring unity. It means that if the UGCC (Ukrainian Greek-Catholic Church) really ensured all rights granted to it by Christ, it will influence positively its relations with other separated blood sisters (these are for example the Ukrainian Orthodox Church of the Moscow Patriarchate, Russian Orthodox Church, Ukrainian Orthodox Church of Kyiv Patriarchate, Ukrainian Autocephalous Orthodox Church, Old Church believers, Polish Orthodox Church, Orthodox Church of America, Greek Church, Belorussian Church, ...). This also means that the primordial unity of the UOC MP and UGCC, for example, is based on the Kyiv Church, followed by its jurisdiction prerogatives and historical relations with the Holy Sees of Rome, Constantinople and finally that of Moscow.

In this connection let us observe the codification of the ECCC from a practical point of view.

Canon 8 of the ECCC describes the main elements of full unity, accentuating the spatial dimensions of ecumenism: “In full communion with the Catholic Church on this earth are those baptized persons who are joined with Christ in its visible structure by the bonds of profession of faith, of the sacraments and of ecclesiastical governance”. The term

⁹ Congregation for Eastern Churches. *Instructions for applying the liturgical prescriptions of the Code of Canons of the Eastern Churches*. Città del Vaticano 1996.

¹⁰ *Commento al Codice dei Canoni delle Chiese Orientali*, a cura di Pio Vito Pinto. Città del Vaticano 2001, p. 27.

“full communion with the Church” is distinctly defined as being united with Christ through the Church with the following obligations:

- practice of the Nicea- Constantinople Symbol of Faith;
- participation in Sacraments;
- church subordination.

It is worth citing here a well-known canonist of the UGCC, archimandrite Viktor Pospishil, who writes: “It is therefore important that the Catholic Church at large of our time become aware that the Eastern Catholic Churches are not some extraordinary creations of heresies and schism, but that Christianity from its very beginning was not “one” in respect to administration and government; the existence of these Churches, alongside the Latin Church of Rome, is therefore equally “apostolic” for each of them, and not some unfortunate relics of a better forgotten past.

Re-unions of parts of these Eastern Churches with the Holy See of Rome began in the sixteenth century. While recognizing to the Roman Pontiff ruling power over all Churches, the agreements were entered for doctrinal reasons, after assurance that their self-governing status would be accepted. However, because of the relative weakness of these new Catholic Churches, the Roman Curia assumed over them a firm tutelage which imitated the authority exercised over the various particular Churches of the Latin or Western Church, denying thereby the autonomous and ecclesial character to these true Catholic Churches. Vatican II attempted to reestablish their autonomy vis-à-vis the Latin Church and the other Eastern Churches. The Eastern Code was to define their distinct existence within the Catholic Communion of Rome. To what degree this aim has been achieved, will be seen in the interpretation of the canons of the new Code.”¹¹

Here we should address two notions from Canon 8 that are non-ecumenical, the notions of “catholic” and “ecclesiastical governance.” Pospishil remembers the decree on Ecumenism (*Unitatis Redintegratio*) of the II Vatican Council, which focuses on law and order, in the context of jurisdiction, as full autocephaly of the Eastern Churches. The decree says the following: “Already from the earlier times the Eastern

¹¹ V. D. Pospishil. *Eastern Catholic Church Law: According to the Code of Canons of the Eastern Churches*. Brooklyn, New York 1993, p. 11.

Churches followed their own forms of ecclesiastical law and custom, which were sanctioned by the approval of the Fathers of the Church, of synods, and even of ecumenical councils. Far from being an obstacle to the Church's unity, a certain diversity of customs and observances only adds to her splendor, and is of great help in carrying out her mission, as has already been stated. To remove, then, all shadow of doubt, this holy Council solemnly declares that the Churches of the East, while remembering the necessary unity of the whole Church, have the power to govern themselves according to the disciplines proper to them, since these are better suited to the character of their faithful, and more for the good of their souls."¹²

Regarding the term "catholic", I have already referred to the justified account made by Pospishil on it being inadmissible to mix up the theological and the denominational meanings of the word "catholic" in theological, ecumenical and consequently canonical contexts. The correct definition for the word "catholic" is given in the Encyclopedic Dictionary of Brockhaus and Efron: "From the beginning of Christianity to the ninth century only one Christian Church, universal or catholic (*ecclesia catholica*—in the Slavic translation of the Symbol of Faith: "соборная церковь" i. e. "Conciliar Church") existed in the whole world. The period running from the ninth through eleventh century mark the period which saw its split into two separate parts—Eastern and Western, while each of them retained the name, for the Greek world, of *kath' holon*, or, in Roman Latin pronunciation, *catholic* (Eastern Cath'olic and Roman Catholic Churches)".

Another encyclopedic dictionary, "Christianity", published in Moscow in 1913 gives the following definition of "cath'olic": "(from the Greek word—*universal*). First of all this name is accepted by the Christian Church, which has its followers in all countries of the world; it is used in relation to all functions of Church activity as they are of importance to all of the Christian world. For example: *Cath'olic* faith—the faith of the whole Christian world; *Cath'olic* dogma—the dogma of the whole of Christianity, *Cath'olic* education and so on. In the Symbol of Faith this term Cath'olic with regard to the Church, is translated by the term 'sobornij (conciliar)'."

¹² Decree On Ecumenism, 16.

On these grounds we can state that the Kyivan Metropolitan Church, for example, was an Orthodox-Catholic Church even before it adopted the scheme of unity with the Roman Church dictated in 1596. This can be seen from the liturgical books before the 30-ies of the 20th century and the proofs of this fact can be found in the “Little service-book (Missel)” published in L’viv in 1930 and blessed by the metropolitan Andrey (Sheptytsky) and other bishops of the “Holy Eastern Catholic Church,”¹³ gathered in Rome in 1929. This *Μικρὸν Λειτουργικόν* contains ectenias (prayers of intercession-supplication) which call for the «consolidation of the Orthodox-Catholic faith.”¹⁴

The ECCC does not accept such a theological way of thinking; moreover it rejects the explaining of the “Catholic Church” provided by the dogmatic Constitution of the Church “*Lumen Gentium*” of the II Vatican Council, as it distinguishes distinctly “catholics” and “non-catholics”. The above-mentioned Council used the term “catholic members” (clause 14), but added in clause 15: “The Church recognizes that in many ways she is linked with those who, being baptized, are honored with the name of Christian, though they do not profess the faith in its entirety or do not preserve unity of communion with the successor of Peter. For there are many who honor Sacred Scripture, taking it as a norm of belief and a pattern of life, and who show a sincere zeal. They lovingly believe in God the Father Almighty and in Christ, the Son of God and Saviour. They are consecrated by baptism, in which they are united with Christ. They also recognize and accept other sacraments within their own Churches or ecclesiastical communities. Many of them rejoice in the episcopate, celebrate the Holy Eucharist and cultivate devotion toward the Virgin Mother of God. They also share with us in prayer and other spiritual benefits. Likewise we can say that in some real way they are joined with us in the Holy Spirit, for to them too He gives His gifts and graces whereby He is operative among them with His sanctifying power. Some indeed He has strengthened to the extent of the shedding of their blood. In all of Christ’s disciples the Spirit arouses the desire to be peacefully

¹³ Μικρὸν Λειτουργικόν сирічь Мальный Служэбникъ. Во Львові 1930, р. I.

¹⁴ Μικρὸν Λειτουργικόν сирічь Мальный Служэбникъ. Во Львові 1930, р. 103–104.

united, in the manner determined by Christ, as one flock under one shepherd, and He prompts them to pursue this end. Mother Church never ceases to pray, hope and work that this may come about. She exhorts her children to purification and renewal so that the sign of Christ may shine more brightly over the face of the earth.”¹⁵

So we can see how in the perspective of the II Vatican Council there is a possibility for those who are baptized, even not being in the full union with the Catholic Church, to maintain with it a veritable, real, true, even if not perfect, unity on different levels. What we have here is the rejection of the doctrine of the Catholic and Christ's Churches exclusive identity and the acknowledgement of the existence of church communities outside the Roman-Catholic Church. Even though the difference in the level of interaction between different separated religious communities and the Catholic Church is a matter of importance, these communities remain part of the Church, established by Jesus Christ.

Regarding the definition of *non-catholic members* (can. 901) and their *Churches and church communities* the ECCC also uses the expression *non-Catholic Churches or ecclesiastical communities* (can. 671 § 5; can. 896; can. 906). Thus the Code in its definitions differs from the definition provided by the II Vatican Council, which stuck to the notion that these Churches and Communities were catholic, despite calling them *Separated Churches and Communities* and their members *separated brothers*. In other words those who were seen by the II Vatican Council within the *Catholic communion* were deprived of the name *Catholic* by the ECCC.

We should be reminded here a canon 1490 of the ECCC, which develops this idea: “Merely ecclesiastical laws bind those baptized in the Catholic Church or those received into it, who have sufficient use of reason and, unless the law itself expressly provides otherwise, who have completed their seventh year of age.” It is clear that the Catholic Church does not have the authority and does not want to impose its legislation on non-Catholics; as far as its relations with these Churches are concerned,

¹⁵ Dogmatic Constitution on the Church *LumenGentium*, 15. see: www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19641121_lumen-gentium_en.html.

it ensures the divine right and recognizes that these Churches are free to rule according to their own canonical disciplines.

It is still not fully clear why these laws have become exclusive, alienating those who are in communion with the Roman Church from those who remained with their own structure of their maternal Church. We should emphasize here the fact that Eastern Catholic and Orthodox Churches are regulated by the same *sacred canons* of the first centuries of the Church and fundamentally the same common heritage of canonical discipline, which gives them the possibility of working together to find ways to restore their full unity. Nobody can retreat from such a basis.

The good ecumenical intentions of the Roman lawmaker of the ECCC, mentioned at the beginning of the article, are reflected in the 18th title of the Eastern Churches Canons Code, entitled *Ecumenism, or fostering the unity of Christians*, which proves that using the terminology of the Code the lawmaker attributes to the Eastern Catholic Churches the same normative potential in the ecumenical task of the Catholic Church as to the Roman-Catholic Church. These 7 canons (can. 902–908) explain the main principles and organization of the practice of Christian unity in the Eastern Churches. In particular it is canon 902 that underlines that ecumenical activity in the Church is evoked by the grace of the Holy Spirit. This is confirmed in the Ecumenical Directory clause 22: “the grace of God, given by the Father in answer to the prayer of Jesus [35] and the supplications of the Church inspired by the Holy Spirit.”¹⁶

Compared to the western Code of Canonical Law, which contains only one canon about ecumenism (can. 755), the ECCC devotes an entire title, mentioned above (containing 7 canons), and its structural placement in the Code is apart from the 15th title about The ecclesiastical magisterium. The latter presents a different perspective on the position of the Eastern Churches which are in communion with the Roman Church regarding questions of ecumenism, and reads this position in a special manner due to the following reasons:

- the search for unity between Christians leads to the unification of the Churches and communities separated from one another.

¹⁶ Pontifical Council for Promoting Christian Unity. *Directory for the Application of Principles and Norms on Ecumenism*. Vatican city 1993.

These divisions relate not only to the doctrinal issues of faith. In order to reach and establish unity in the way that Christ intended, Churches must follow the way of different activities (can. 907, 908), one of which is ecumenical dialogue;

- for it to be acceptable and effective, no side of the ecumenical dialogue can claim to teach another side, but both of them have to accept each other as a partner of the dialogue, to recognize their equal dignity and right without obliging the other side to sacrifice their own dogmatic presumptions and convictions. In other words, if I want to teach someone what the unity of Christ should be and which Church is the right one (i. e. mine!) it will lead to the end of any dialogue.

In every separate Church (can. 904) initiatives of the ecumenical movement should be organized. Special norms of particular or self-governing jurisdiction have to be presented for this aim. These initiatives should be thoroughly practised and should always be adjusted to the diverse problems of both local and general character. This seems to coincide with the conviction of the Eastern Churches, which are in communion with the Roman Church, for no universal level of ecumenical initiative towards the Orthodox Churches can bring concrete results without the respective contribution of the Eastern Catholic Churches or if the Eastern Catholic Churches are not taken into consideration. In the encyclical *Ut unum sint* the Bishop of Rome underlines that “A recognition of the right of the Eastern Catholic Churches to have their own organizational structures and to carry out their own apostolate, as well as the actual involvement of these Churches in the dialogue of charity and in theological dialogue, will not only promote a true and fraternal mutual esteem between Orthodox and Catholics living in the same territory, but will also foster their joint commitment to work for unity.”¹⁷

To conclude I may say that ecumenism was considered for a long time to be a priority of the Protestant churches, where Eastern Orthodox churches participated only partially, leaving aside the Roman Catholic Church. In fact, canon 1325 § 3 (Code of Canonical Law of the Western Church 1917) prohibited holding discussions with

¹⁷ Encyclical of John Paul II *That they may all be one* (*Ut unum sint*), p. 60.

non-Catholics on the matters of faith. After Pope John XXIII became the head of the See of Rome the situation changed drastically. In 1960 the Secretariat for Promoting Christian Unity was created in Rome. Pope Paul VI continued the work in the same direction, having announced that the ecumenical movement would be one of the main objectives of the II Vatican Council. On 14 May 1967 the Secretariat published an important ecumenical directive, which despite not being introduced into the Code of Canonical Law of the Western Church was later reflected in the Eastern Churches Canons Code. It is evident that the intention of the lawmaker was to create in the ecumenical field a partially new disciplinary situation for the members of the Eastern Catholic Churches.

Despite its certain limits the ECCC opens new perspectives in the ecumenical field. I shall finish my report with the words of Viktor Pospishil: "The Eastern Catholic Code reflects a profound influence of the Latin law and mentality on the Eastern Catholic Churches from the time of their unification with the Apostolic See of Rome. Thus, this is not a collection of laws, extremely wished for in this era of ecumenism, as it can not demonstrate to the Eastern Catholic Christianity the intention of the Roman See to ensure the preservation of all authentic Eastern traditions in case of new subsequent unions. The II Vatican Council realized that and indicated in the document *On the Eastern Churches (Orientalium Ecclesiarum)* (30) the following: 'All these legal instructions regard modern circumstances, until Catholic Church and non-united Eastern Churches attain full unity.' Nevertheless, this short statement was not repeated in any form in the new Code, even though outstanding ecumenists expressed the wish for such a statement, for the simple reason that, in this case, the Code seems to be some temporary work with limited influence, whereas any codification would prefer to demonstrate a long-lasting character"¹⁸.

¹⁸ V. D. Pospishil. *Eastern Catholic Church Law: According to the Code of Canons of the Eastern Churches*. Brooklyn, New York 1993, p. 55.