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## Canon Law in the Service of Ecumenism\*

**Abstract:** An event from 25 years ago is written in thick letters in the history of ecumenism. On 7—9 May 1999, the head of the Catholic Church, Pope John Paul II, made an apostolic journey to Romania, a first visit by any pontiff to a country of Orthodoxy. A specific climax of the event was the papal words delivered at the departure ceremony: “Here, on Romanian soil it is especially clear that the Church breathes with both lungs.” That is how the idea of the two lungs of the Church (already present in the Pope’s teaching before) became permanently inscribed as a keystone and the first element of the magisterial “triad,” delineating the hermeneutic horizon of the contemporary interpretation of the words: *Ut unum sint*. The two remaining, equally essential elements — identified in the great encyclical bearing the same title, are: the idea/postulate of Eucharistic ecclesiology and the idea/postulate of a new form of exercising the primacy (synodality). This article constitutes an attempt to show the inseparable role of *ius ecclesiasticum* (both in the area of legislation and execution of law) within the context of the need of a multi-level activity — consistent but also pressing, the proof of which is Pope Francis’ synodal engagement — of implementing the paradigms of John Paul II’s ecumenical thought.

**Keywords:** ecumenism, John Paul II’s paradigm of ecumenical thought, Eucharistic ecclesiology, synodality, ecumenical dialogue as an essential dimension of canon law

I take today’s pleasant event, first of all, as a good opportunity to emphasize the importance of the involvement in initiating and deepening ecumenical dialogue of many great representatives of the “sister Churches” — the Catholic Church and the Orthodox Churches. And it is to someone of all merit in this dialogue, who, like me, has managed to get to know

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the beauty of the hospitable Romanian land up close, that I would like to dedicate this honourable award. This person is, of course, the “Great and Holy Pope” — according to what the well-known Orthodox theologian Hilarion Alfeyev (then Bishop of Vienna and the Russian Orthodox Church’s representative to the European Union) said about John Paul II in a special statement shortly after his departure to the Father’s house.<sup>1</sup>

Well, out of the necessity of my heart, today I repeat this modest gesture after 15 years, when in the monograph dedicated to “John Paul II’s idea of canonical marriage” I included a dedication: “In tribute to the Holy Father, a great Pole.” And little bit later, at the invitation of Professor Nicolae V. Dură, then Vice-Rector of the “Ovidius” University, I had the honour — before the venerable audience of the Faculty of Theology — to present the main theses of this book.

However, the focus in my speech today on the figure of the great promoter of ecumenism, on the Pope of the “turn of the millennia,” marks first of all a special context, which here on the Romanian soil it is impossible not to highlight. The great ecumenical event at the end of the 20th century, familiar to us all — I will talk about it in a moment — is worth placing on the “map” of historical steps in the process of uniting Christians:

- 1910            Edinburgh World Missionary Conference
- 1920            Encyclical from the (Orthodox) Synod of Constantinople
- 1948            Founding of the World Council of Churches (WCC)
- 1961            Romanian Orthodox Church: WCC Member<sup>2</sup>
  
- 1964, 1967    “Historical” Meetings of Pope Paul VI with the Patriarch of Constantinople Athenagoras
- 1962—1965   Second Vatican Council; Decree on Ecumenism
  
- 1979, 1987    Joint Declarations of Pope John Paul II and Patriarch Dimitrios I
- 1980            Establishment of the Joint International Commission for Theological Dialogue Between the Catholic Church and the Orthodox Church
- 1993            Balamand (Liban) — a Joint Document of the Catholic-Orthodox Commission Rejecting Uniatism as a Method for Church Union

<sup>1</sup> T. P. TERLIKOWSKI: “Jan Paweł II wobec Rosji.” *Teologia Polityczna* 3 (2005—2006), p. 113, fn. 1.

<sup>2</sup> See “Romanian Orthodox Church,” <https://www.oikoumene.org/member-churches/romanian-orthodox-church> [accessed 15.01.2024].

As we know, Orthodox Churches, like the Churches of the Reformation have been participating in the ecumenical movement longer than the Catholic Church. However, the latter's ecumenical accession, linked to the breakthrough event of Vatican II and the promulgation of the Decree on Ecumenism *Unitatis redintegratio*<sup>3</sup> we can boldly call a new — throughout the Christian world — stage in the realization of Christ's words *Ut unum sint* ["That they may be one"]. Wide opening of the way to seek unity between Orthodox and Catholics was confirmed by the meetings of Pope Paul VI and Patriarch Athenagoras of Constantinople — in 1964 and 1967. The relations of the highest representatives of these Churches were the beginning of the historical "Dialogue of Love" (a term coined by Metropolitan Meliton of Chalcedon) as shown, based on correspondence and archives John Chryssavgis, Archdeacon of the Ecumenical Patriarchate.<sup>4</sup>

After all, progress on the road to Christian unification was conditioned not by the "Dialogue of Love" alone, but above all by the bold step into the deeper Area of Ecumeny — in the network of paths of ecumenical dialogue<sup>5</sup> — namely, by placing the focus on the "Dialogue of Truth":

- The Dialogue of Love
- The Dialogue of Truth
- The Dialogue of Life, amounting to:
  - spiritual ecumenism (the primacy of prayer),
  - pastoral ecumenism,
  - practical ecumenism,
  - cultural ecumenism.

In this regard, it was St. John Paul II who showed great, genuine ecumenical concern and commitment, and this from the very beginning of his pontificate! Already in the year of his election to the See of Peter (1979) the result of a meeting with Patriarch Dimitrios of Constantinople in Istanbul<sup>6</sup> was the joint decision to establish the Joint International

<sup>3</sup> VATICAN COUNCIL II: *Decree on Ecumenism* "Unitatis redintegratio" [1964], [https://www.vatican.va/archive/hist\\_councils/ii\\_vatican\\_council/documents/vat-ii\\_decree\\_19641121\\_unitatis-redintegratio\\_en.html](https://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decree_19641121_unitatis-redintegratio_en.html) [accessed 15.01.2024].

<sup>4</sup> J. CHRYSSAVGIS: *Pilgrimage Toward Unity: Ecumenical Patriarch Athenagoras and Pope Paul VI in Jerusalem* (1964). *Based on Correspondence and Archives*, <https://www.apostolicpilgrimage.org/historicmeeting.html> [accessed 15.01.2024].

<sup>5</sup> See PONTIFICAL COUNCIL FOR PROMOTING CHRISIAN UNITY: *The Bishop and Christian Unity: An Ecumenical Vademecum*. Città del Vaticano 2020, pp. 13—39.

<sup>6</sup> GIOVANNI PAOLO II: *Discorso a Dimitrios, Patriarca di Costantinopoli*, Istanbul, 29 novembre 1979, [https://www.vatican.va/content/john-paul-ii/it/speeches/1979/november/documents/hf\\_jp-ii\\_spe\\_19791129\\_dimitrios-turchia.html](https://www.vatican.va/content/john-paul-ii/it/speeches/1979/november/documents/hf_jp-ii_spe_19791129_dimitrios-turchia.html) [accessed 15.01.2024].

Commission for Theological Dialogue Between the Catholic Church and the Orthodox Church — a theological commission composed of representatives of the Catholic Church and 14 autocephalous Orthodox Churches. The year of the Commission's establishment (1980) is widely recognized as the beginning of the Catholic—Orthodox doctrinal dialogue.

The further steps to sustain the “Dialogue of Truth” with the “Dialogue of Love” in personal relations between the head of the Catholic Church and the Ecumenical Patriarch of Constantinople notes “Common Declaration” of 2004.

- 1987 Patriarch Dimitrios' Visit to Rome
- 1995 Meeting in Rome on the Feast of Sts Peter and Paul
- 2002 2nd Meeting at Assisi for the Day of Prayer for Peace in the World (1st Meeting — 1986)
- 2002 “Common Declaration of Pope John Paul II and the Ecumenical Patriarch Bartholomew I on Environmental Ethics for the Safeguard of Creation”
- 2004 “Common Declaration of Pope John Paul II and the Ecumenical Patriarch Bartholomew I.”<sup>7</sup>

But before that, a major event from almost exactly 25 years ago had been written in thick letters in the history of ecumenism. On 7—9 May 1999, the head of the Catholic Church, Pope John Paul II, made an apostolic journey to Romania, a first visit by any pontiff to a country of Orthodoxy. As it was then, also today the Romanian Orthodox Church, with her approximately 20 million of faithful, remains the second biggest community of faithful of this denomination in the world.

A truly jubilant occasion (for it has been 25 years!), prompts at this point to recall the papal words addressed to His Beatitude Patriarch Teoctist († 2007) and Venerable Members of the Holy Synod; I will add — words with which I wholeheartedly identify today:

- During the meeting with Patriarch Teoctist (Bucarest, 8 May 1999):

Your Beatitude, dear Fathers of the Holy Synod [...] Thank you for wanting to be the first Orthodox Church to invite the Bishop of Rome to her country; thank you for giving me the joy of this fraternal meeting; thank you for the gift of this pilgrimage, which has allowed me to

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<sup>7</sup> “Common Declaration of Pope John Paul II and the Ecumenical Patriarch Bartholomew I,” Vatican, 29 June 2004, [https://www.vatican.va/content/john-paul-ii/en/speeches/2004/july/documents/hf\\_jp-ii\\_spe\\_20040701\\_jp-ii-bartholomew-i.html](https://www.vatican.va/content/john-paul-ii/en/speeches/2004/july/documents/hf_jp-ii_spe_20040701_jp-ii-bartholomew-i.html) [accessed 15.01.2024].

strengthen my faith through contact with the faith of fervent brothers and sisters in Christ!<sup>8</sup>

- At departure ceremony (Bucarest Airport, 9 May 1999):

Your country has a unique ecumenical vocation stemming from its very roots. Because of its geographical location and long history, its culture and tradition, Romania in a way is a house where East and West meet in natural dialogue. The Church too breathes here with her two lungs in a particularly visible way.<sup>9</sup>

This last sentence of John Paul II, probably delivered with great conviction, has a special weight of its own: Here, on Romanian soil it is especially clear that the Church breathes with both lungs.

Let us be clear, the idea of the Church's two lungs is one of the most important paradigms of John Paul II's ecumenical thought. It is with the invocation of this idea in *Ut unum sint* (no. 54) — in the historic first encyclical dedicated to the issue of ecumenism — that John Paul II precedes the beautiful verses about our “sister Churches” (nos. 55—58):

The Church must breathe with her two lungs! In the first millennium of the history of Christianity, this expression refers primarily to the relationship between Byzantium and Rome. From the time of the Baptism of Rus' it comes to have an even wider application: evangelization spread to a much vaster area, so that it now includes the entire Church. If we then consider that the salvific event which took place on the banks of the Dnieper goes back to a time when the Church in the East and the Church in the West were not divided, we understand clearly that the vision of the full communion to be sought is that of unity in legitimate diversity.<sup>10</sup>

It remains significant that in Gniezno (the first capital of Poland), where right at the beginning of John Paul II's pontificate his message about the two lungs of Europe resounded strongly, a representative of the

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<sup>8</sup> JOHN PAUL II: *Address to the Patriarch of the Romanian Orthodox Church*, 8 May 1999, no. 7, [https://www.vatican.va/content/john-paul-ii/en/speeches/1999/may/documents/hf\\_jp-ii\\_spe\\_19990508\\_romania-patriarc.html](https://www.vatican.va/content/john-paul-ii/en/speeches/1999/may/documents/hf_jp-ii_spe_19990508_romania-patriarc.html) [accessed 15.01.2024].

<sup>9</sup> JOHN PAUL II: *Address at Departure Ceremony*, 9 May 1999, no. 2, [https://www.vatican.va/content/john-paul-ii/en/travels/1999/documents/hf\\_jp-ii\\_spe\\_09051999\\_romania-departure.html](https://www.vatican.va/content/john-paul-ii/en/travels/1999/documents/hf_jp-ii_spe_09051999_romania-departure.html) [accessed 15.01.2024].

<sup>10</sup> JOHN PAUL II: *Encyclical Letter “Ut unum sint”* [1995], no. 54, [https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf\\_jp-ii\\_enc\\_25051995\\_ut-unum-sint.html](https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_25051995_ut-unum-sint.html) [accessed 15.01.2024].

Eastern churches, the aforementioned Bishop Hilarion Alfeyev (currently: Metropolitan of Budapest-Hungary, *nota bene* declared opponent of the war) in the year when the Pope passed away, referred to this message — as he would to a testament. In a paper entitled: “Can Europe Breathe with One Lung? Catholic—Orthodox Dialogue Today” — Bishop Hilarion called for a Roman Catholic—Orthodox alliance to combat secularism, liberalism, and relativism in Europe:

Christianity must breathe with two lungs, Eastern and Western. This metaphor belongs to the Russian poet Vyacheslav Ivanov and derives from the worldview of Vladimir Soloviev. [...] It was used by the late pope John Paul II in his public addresses. [...] Today, as never before, we need a united Christian voice in Europe which is rapidly secularized and dechristianized; [...] nothing should prevent us from uniting our efforts in order to defend Christian tradition, without waiting for the restoration of full unity between the two lungs of European Christianity.<sup>11</sup>

Let me repeat: the *idea of the two lungs* of the Church can be boldly described as the first ecumenical programmatic idea of John Paul II’s pontificate. But in the aforementioned great encyclical *Ut unum sint* — to which my venerable colleague Professor Nicolae Dura and I recently dedicated two volumes of our journal *Ecumeny and Law*<sup>12</sup> — recognized experts identify two other programmatic ideas. Both fit firmly into the Catholic—Orthodox ecumenical dialogue, but also the global ecumenical dialogue.

Well, the second idea is revealed by the Pope when, quoting explicitly the words of the Second Vatican Council’s *Decree on Ecumenism*, referring to the Orthodox Churches, he draws attention to the importance of Eucharistic ecclesiology — fundamental for understanding the Church in Eastern theological thought:

Through the celebration of the Holy Eucharist in each of [...] churches, the Church of God is built up and grows in stature and through concélébration, their communion (*communio*) with one another is made manifest.<sup>13</sup>

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<sup>11</sup> H. ALFEYEV: “Can Europe Breathe with One Lung? Catholic-Orthodox Dialogue Today.” In: *6th Gniezno Convention: “The Europe of Dialogue. Being a Christian in a Pluralist Europe”* [2005]. *Europaica Bulletin*, no. 74, 22.08.2005. Available online: <http://orthodoxeurope.org/page/14/74.aspx> [accessed 15.01.2024].

<sup>12</sup> *Ut Unum Sint* (I), *Ecumeny and Law* 10/1 (2022); *Ut Unum Sint* (II), *Ecumeny and Law* 10/2 (2022).

<sup>13</sup> JOHN PAUL II: *Encyclical Letter “Ut unum sint”*, no. 12; cf. VATICAN COUNCIL II: *Decree on Ecumenism*, no. 15.

The nodal importance of the *idea of Eucharistic ecclesiology* in the implementation of Christ's words *Ut unum sint*, was often recalled in publications the Metropolitan of Pergamon Ioannis Zizioulas († 2023), an outstanding theologian, professor of Dogmatic theology at the University of Thessaloniki. With regard to Eucharistic ecclesiology, which we owe to such prominent Eastern thinkers as Nikolai Afanasiev, Metropolitan Ioannis Zizioulas states that: "the Divine Eucharist is the center of Christians' unity with Christ, in the body of the Church and as the Body of Christ is communion (*koinonia*) of the Holy Spirit."<sup>14</sup>

And what should already be emphasized at this point, Metropolitan Zizioulas shows a close connection of the idea of Eucharistic ecclesiology with the institution of Councils and more broadly with the *idea of synodality*:

It is evident that the "catholicity" of each episcopal Church cannot be understood independently of her full unity with the rest of the Churches in the one Body of Christ. Cut off from the others, any such Church ceases to be "catholic." This forms the theoretical basis for the necessity of the institution of Councils. [...] The institution of Councils, in consequence, arose during the first three centuries as the supreme way of verifying the "common union" of the local Churches in one body."<sup>15</sup>

Without losing sight of the idea of Eucharistic ecclesiology, the third ecumenical idea of John Paul II should be mentioned. Well, Cardinal Professor Walter Kasper, a widely known and respected Catholic dogmatist, in the book *Searching for Christian Unity*, which presents the equal positions of the Churches, highlights another equally fundamental idea of John Paul II, which resounds in numbers 88 and 95 of the encyclical *Ut unum sint*: "The essential problem in the relationship between East and West is the Petrine office (UUS, 88). Pope John Paul II has issued an invitation to a fraternal dialogue on the future exercise of the Petrine office (UUS, 95)."<sup>16</sup> It is worth adding that in 2003 Cardinal Kasper as President of the Pontifical Council for the Promotion of Christian Unity in Rome convened an academic symposium on the theme of the Petrine ministry.

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<sup>14</sup> J. D. ZIZIOULAS: *Eucharist, Bishop, Church: The Unity of the Church in the Divine Eucharist and the Bishop During the First Three*. Brookline, MA 2001, p. 238.

<sup>15</sup> Ibidem, pp. 260—261.

<sup>16</sup> W. KASPER: "The Decree on Ecumenism — Read Anew After Forty Years." In: JOHN PAUL II, W. KASPER, I. ZIZIOULAS, G. WAINWRIGHT a.o.: *Searching for Christian Unity*. New York 2007, p. 33.



As you can see from the publication,<sup>17</sup> a very interesting lecture was given by Professor Nicolae V. Dură.<sup>18</sup>

Canonist Georg Bier, on the other hand, focuses his attention on passages from the 95th, but also from the 99th number in the encyclical:

Pope John Paul II [...] saw the Peter's ministry and its exercise as an ecumenical challenge of the first order. He repeatedly characterized the "ecumenical task" as "one of the pastoral priorities" of his pontificate. [...] He expressed the conviction that "he has a particular responsibility in this regard," especially when he "expresses the ecumenical aspirations of the majority of the Christian Communities." In order to advance ecumenical dialogue, he considered it necessary to find a new "form of exercising the primacy which, while in no way renouncing what is essential to its mission, is nonetheless open to a new situation."<sup>19</sup>

How, then, do the ecumenical ideas-postulates that grow into the spiritual testament of St. John Paul II present themselves? They can be put in three points:

1. The idea/postulate of the two lungs of the Church.
2. The idea/postulate of Eucharistic ecclesiology.
3. The idea/postulate of a new form of exercising the primacy (synodality).

Testimony to how these fundamental ideas are connected is once again given by Metropolitan Professor Ioannis Zizioulas, when he concludes his speech in the ecumenical debate, in the already cited book *Searching for Christian Unity*, with an overly pertinent take on the sensitive issues:

The question to which the Orthodox would eagerly await an answer is this: how far can the Roman Catholic Church go with a reformation of the way in which papal primacy is exercised? How far can eucharistic ecclesiology be accepted by the Roman Catholics and applied to ecu-

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<sup>17</sup> *The Petrine Ministry: Catholics and Orthodox in Dialogue: Academic Symposium Held at the Pontifical Council for Promoting Christian Unity*. Ed. W. KASPER. New York 2006.

<sup>18</sup> N. V. DURĂ: "The 'Petrine Primacy': The Role of the Bishop of Rome according to the Canonical Legislation of the Ecumenical Councils of the First Millennium, an Ecclesiological-Canonical Evaluation." In: *The Petrine Ministry...*, pp. 159—187.

<sup>19</sup> G. BIER: "Das Verhältnis zwischen Primat und Episkopat. Anknüpfungspunkt für einen ökumenischen Konsens über den Petrusdienst?" In: *Gläubigkeit und Recht und Freiheit. Ökumenische Perspektiven des katholischen Kirchenrechts*. Ed. W. BOCK. Göttingen 2006, p. 53.



menism? And how far can the idea of communion affect the concept and practice of primacy?<sup>20</sup>

The demands arising from the central idea of Eucharistic ecclesiology in an obvious way determined the ecumenical dialogue in the 21st century. As John Paul II emphasized in the cited encyclical, the recognition of the role of the Orthodox Churches in carrying “on the banners” of this idea is an imperative of truth. But the realization of Christ’s words *Ut unum sint* should mean not an exchange of ideas, but a true dialogue, which is always an exchange of gifts.<sup>21</sup> This was made unequivocally clear by Pope Francis right at the beginning of his pontificate:

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.<sup>22</sup>

The second decade of the 21st century brought two major synodal events in the East and West.

In the East — in 2016 there was the Holy and Great Council of the Orthodox Church also called: the Pan-Orthodox Council or the Council of Crete. Among the items officially approved for referral to and adoption by the Council were:

- The Mission of the Orthodox Church in Today’s World
- Relations of the Orthodox Church with the Rest of the Christian World.<sup>23</sup>

*Nota bene*, the “political” absence of the Russian Orthodox Church (the largest Church of the East in terms of population) in this Pan-Orthodox Council, does not prove that this church is among the declared opponents of ecumenism, like the Churches of Bulgaria and Georgia. For example, testimony to the current commitment to ecumenical dialogue resounds in the last words of the 2017 Draft of *Catechism of the Russian Orthodox Church*: “The Russian Orthodox Church responded with

<sup>20</sup> I. ZIZIOULAS: “Unitatis reintegratio: An Orthodox Reflection.” In: JOHN PAUL II, W. KASPER, I. ZIZIOULAS, G. WAINWRIGHT a.o.: *Searching for Christian Unity...*, p. 54.

<sup>21</sup> JOHN PAUL II: *Encyclical Letter “Ut unum sint”*, no. 28.

<sup>22</sup> FRANCIS: *Apostolic Exhortation “Evangelii gaudium”* [2013], no. 246, [https://www.vatican.va/content/francesco/en/apost\\_exhortations/documents/papa-francesco\\_esortazione-ap\\_20131124\\_evangelii-gaudium.html](https://www.vatican.va/content/francesco/en/apost_exhortations/documents/papa-francesco_esortazione-ap_20131124_evangelii-gaudium.html) [accessed 15.01.2024].

<sup>23</sup> HOLY AND GREAT COUNCIL: *Encyclical of the Holy and Great Council of the Orthodox Church. Crete 2016*, nos. 6, 10—14, <https://holycouncil.org/encyclical-holy-council> [accessed 15.01.2024].

the desire to enter into a dialogue of truth and love with non-Orthodox Christians, a dialogue inspired by the call of Christ and the divinely commanded goal of Christian unity.”<sup>24</sup>

In the West — since 2021, the Catholic Church has been living the event of the Synod on Synodality, held under the concept of “For a Synodal Church: Communion, Participation and Mission.”<sup>25</sup> This synod, unique in its universal character — as it is divided into three stages: local, continental, and universal — will conclude in October 2024.

The programme framework for the Synod was developed by the International Theological Commission under the Congregation for the Doctrine of Faith’s produced in 2018 a document “Synodality in the Life and Mission of the Church.” Here was an overly accurate reference to the results of the Catholic—Orthodox and worldwide dialogue in *Chieti Document* of 2016 and a 2013 document issued by the World Council of Churches’ Commission on Faith and Order (which includes Catholic theologians):

In the dialogue between the Catholic Church and the Orthodox Church, the recent *Chieti Document* states that, in the First Millennium, in East and West, ecclesial communion, with firm roots in the Blessed Trinity, developed “structures of synodality inseparably linked with primacy” [...]

The document of the World Council of Churches’ Commission on Faith and Order, *The Church: Towards a Common Vision*, emphasizes that “under the guidance of the Holy Spirit, the whole Church is synodal/conciliar, at all levels of ecclesial life: local, regional and universal. The quality of synodality or conciliarity reflects the mystery of the trinitarian life of God, and the structures of the Church express this quality so as to actualize the community’s life as a communion.”<sup>26</sup>

Of course, when we talk about the West, it is impossible to downgrade the importance of “steps” towards unity (*Ut unum sint* — according to the rule of “reconciled diversity”) — in the dialogue with the churches

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<sup>24</sup> SYNODAL BIBLICAL AND THEOLOGICAL COMMISSION OF THE RUSSIAN ORTHODOX CHURCH: *Catechism of the Russian Orthodox Church. Project* [2017] (my trans.), p. 351, [http://theolcom.ru/images/2017/КатехизисСББК\\_Проект.pdf](http://theolcom.ru/images/2017/КатехизисСББК_Проект.pdf) [accessed 15.01.2024].

<sup>25</sup> Synod on Synodality [2021—2024], <https://www.synod.va/en.html> [accessed 15.01.2024].

<sup>26</sup> INTERNATIONAL THEOLOGICAL COMMISSION: “Synodality in the Life and Mission of the Church” [2018], no. 116, [https://www.vatican.va/roman\\_curia/congregations/cfaith/cti\\_documents/rc\\_cti\\_20180302\\_sinodalita\\_en.html](https://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_cti_20180302_sinodalita_en.html) [accessed 15.01.2024].

that arose from the Reformation. Here, due to the time frame, I will mention only two ecumenical documents. The first, a famous document “The Joint Declaration on the Doctrine of Justification,”<sup>27</sup> signed in 1999 in Augsburg by representatives of the Catholic Church and the Lutheran World Federation. The second, *Communio Sanctorum*<sup>28</sup> is an ecumenical study document published by the Bilateral Working Group of the German Bishops’ Conference and the church leadership of the United Evangelical Lutheran Church of Germany.

In 2006, after a period of stagnation, Joint International Commission for Theological Dialogue Between the Catholic Church and the Orthodox Church began its work. There was a new phase of dialogue focusing on the relationship between primacy and synodality. Today we already know that this dialogue has found its happy ending. The joint document adopted last year in Alexandria will certainly occupy an important place on the “map” of ecumenical dialogue in Third Millennium, which previously included Ravenna (10th plenary session) and Chieti (14th plenary session):

- Ravenna, Italy (2007), “The Ecclesiological and Canonical Consequences of the Sacramental Nature of the Church — Ecclesial”
- Chieti, Italy (2016), “Synodality and Primacy During the First Millennium”
- Alexandria, Egypt (2023), “Synodality and Primacy in the Second Millennium and Today.”

The Alexandria document refers to the aforementioned Chieti document, which was also dedicated to primacy and synodality, only that in the first millennium. The document confirms throughout that the Eucharistic ecclesiology of communion is the key to formulating a theology of synodality and primacy. It suffices to quote some of the document’s more important conclusions.

- “[...] The Church is deeply rooted in the mystery of the Holy Trinity, and a eucharistic ecclesiology of communion is the key to articulating a sound theology of synodality and primacy” (Conclusion, 5.3)

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<sup>27</sup> LUTHERAN WORLD FEDERATION AND THE CATHOLIC CHURCH: “The Joint Declaration on the Doctrine of Justification” [1999], <https://lutheranworld.org/sites/default/files/Joint%20Declaration%20on%20the%20Doctrine%20of%20Justification.pdf> [accessed 15.01.2024].

<sup>28</sup> BILATERAL WORKING GROUP OF THE GERMAN NATIONAL BISHOPS’ CONFERENCE AND THE CHURCH LEADERSHIP OF THE UNITED EVANGELICAL LUTHERAN CHURCH OF GERMANY: “*Communio Sanctorum*”. *The Church as the Communion of Saints*. Trans. M. W. JESKE, M. ROOT, D. R. SMITH. Collegeville, MN 2004.

- “The interdependence of synodality and primacy is a fundamental principle in the life of the Church. It is intrinsically related to the service of the unity of the Church at the local, regional and universal levels” (Conclusion, 5.4)
- “Our Lord prayed that his disciples ‘may all be one’ (Jn 17:21). The principle of synodality-primacy in the service of unity should be invoked to meet the needs and requirements of the Church in our time” (Conclusion, 5.5).<sup>29</sup>

In this ecumenical context, it is impossible not to mention the necessary process of agreement between the disciplines of theology: dogmatic theology and canon law. It is about permanent scientific reflection, at the centre of which is the vision of the Church as *communio* (*koinonia*) and the ecclesiological model: *communio Ecclesiae et Ecclesiarum* (according to the principle of mutual immanence of universality and particularity).<sup>30</sup> The purpose is obvious. It was clearly indicated by John Paul II in the Apostolic Constitutions issued on the occasion of the promulgation of two bodies of law: the Code of Canon Law (1983) and the Code of Canons of the Eastern Churches (1990).

The following proclamation has an important place in the first Constitution:

Among the elements which characterize the true and genuine image of the Church, we should emphasize especially: [...] the Church’s commitment to ecumenism.<sup>31</sup>

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<sup>29</sup> JOINT INTERNATIONAL COMMISSION FOR THEOLOGICAL DIALOGUE BETWEEN THE CATHOLIC CHURCH AND THE ORTHODOX CHURCH: “Synodality and Primacy in the Second Millennium and Today,” Alexandria, 7 June 2023, <http://www.christianunity.va/content/unitacristiani/en/dialoghi/sezione-orientale/chiese-ortodosse-di-tradizione-bizantina/commissione-mista-internazionale-per-il-dialogo-teologico-tra-la/documenti-di-dialogo/document-d-alexandrie---synodalite-et-primaute-au-deuxieme-mille.html> [accessed 15.01.2024].

<sup>30</sup> L. GEROSA: *Interpretacja prawa w Kościele. Zasady, wzorce, perspektywy*. Trans. K. KUBIS, A. PORĘBSKI. Kraków 2003, pp. 71—88. Catholic canonists writing in this area are associated with the Munich school: Klaus Mörsdorf (founder), Eugenio Coreccio, Winfried Aymans, Antonio Rouco Varela, Remigiusz Sobański, and Libero Gerosa.

<sup>31</sup> JOHN PAUL II: *Apostolic Constitution for the promulgation of the new Code of Canon Law “Sacrae disciplinae leges”* [1983], [https://www.vatican.va/content/john-paul-ii/en/apost\\_constitutions/documents/hf\\_jp-ii\\_apc\\_25011983\\_sacrae-disciplinae-leges.html](https://www.vatican.va/content/john-paul-ii/en/apost_constitutions/documents/hf_jp-ii_apc_25011983_sacrae-disciplinae-leges.html) [accessed 15.01.2024].

In the second Constitution, the Pope underlines:

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.<sup>32</sup>

Cardinal Walter Kasper, not only an excellent theologian but also an expert in canon law, in a high-profile article (that appeared in *The Jurist*) entitled “Canon Law and Ecumenism,” included an accurate comment: “The codification and the subsequent legal activity of the Church cannot be limited to looking backwards to the *vetera* but have to take into account also the new thrusts and orientations of the Council.”<sup>33</sup> Indeed, the Church’s legislative activity — based on the assumption of the unity of divine and Church’s law — is intended to serve (*hic et nunc!*) to the work of unifying all people and everything in Christ, and through that broadening the God’s communion to the entire world.<sup>34</sup>

What fits perfectly into the contemplation carried out here are the words of Pope Francis’ address to participants in the Conference promoted by the Society for the Law of the Eastern Churches in 2019, which are worth quoting *in extenso*:

<sup>32</sup> John Paul II: *Apostolic Constitution for the promulgation of the Code of Canons of the Eastern Churches “Sacri Canones”* [1990], [https://archive.org/details/ApostolicConstitutionSacriCanonesJohnPaulIi1990/Sacri\\_Canones\\_Apostolic\\_Constitution\\_John\\_Paul\\_II\\_1990/](https://archive.org/details/ApostolicConstitutionSacriCanonesJohnPaulIi1990/Sacri_Canones_Apostolic_Constitution_John_Paul_II_1990/) [accessed 15.01.2024].

<sup>33</sup> W. KASPER: “Canon Law and Ecumenism.” *The Jurist* 69 (2009), p. 175; cf. also H. HALLERMANN: “Rechtliche Grundlagen des ökumenischen Miteinanders. Ein Blick auf offizielle Texte und Verlautbarungen.” In: *Ökumene: Kirchenrechtliche Aspekte*. Ed. W. REES [Kirchenrechtliche Bibliothek, 13]. Wien 2014, p. 83.

<sup>34</sup> A. PASTWA: “The Law of the Church — the Law of Freedom.” In: *Religious Freedom Today, Ecumeny and Law* 4 (2016), pp. 119—120. The potential and creativity of canon law in building *communio* is aptly described by Christoph Ohly: “So lebt das Recht der Kirche aus einer Vorgegebenheit, die sich vom positiven göttlichen Recht (Offenbarung) wie vom natürlichen göttlichen Recht (Naturrecht) her bestimmt. Kirchliches Recht ist an diese Vorgegebenheit, die auch den Aufbau der kirchlichen Verfassung und das Leben der kirchlichen Gemeinschaft betrifft, gebunden. Es spiegelt demzufolge den Glauben der Kirche wider und verhilft seinen institutionellen Erfordernissen zur Verwirklichung, indem es dem Aufbau, der Förderung und der Realisierung der kirchlichen *communio* dient. Zugleich ist ihm jene notwendige Kreativität in Gesetzgebung und Rechtsgewohnheit eigen, die ein unersetzbares Instrumentarium für die Anforderungen der *communio* darstellt.” CH. OHLY: “Personaladministration und Personalordinariat: Neue verfassungsrechtliche Strukturen im Hinblick auf die Entwicklung eines ökumenischen Kirchenrechts.” In: *Ökumene: Kirchenrechtliche Aspekte*. Ed. W. REES [Kirchenrechtliche Bibliothek, 13]. Wien 2014, p. 106.

Canon law is essential for ecumenical dialogue. Many of the theological dialogues pursued by the Catholic Church, especially with the Orthodox Church and the Oriental Churches, are of an ecclesiological nature. They have a canonical dimension too, since ecclesiology finds expression in the institutions and the law of the Churches. It is clear, therefore, that canon law is not only an aid to ecumenical dialogue, but also an essential dimension. Then too it is clear that ecumenical dialogue also enriches canon law.<sup>35</sup>

Can we be surprised that immediately afterwards Pope Francis reaches for the example of synodality: “When translated into established institutions and procedures of the Church, synodality expresses the ecumenical dimension of canon law.”<sup>36</sup>

These ideas are fully shared and promoted by the Cardinal Kurt Koch, the current president of the Dicastery for Promoting Christian Unity. He strongly emphasizes the importance of the synodal component of church legislation and categorically states that synodality, as an institutional expression of *communio Ecclesiae et Ecclesiarum*, influences the development of church law and canonical institutions.<sup>37</sup>

Let us be specific, if we recognize the theological paradigm of synodality as an internal ontological dimension of *sacra potestas*, it becomes clear that primacy and synodality are not two isolated and competing principles of Church governance: in the first case — in personal form, in the second — in collegial form. Primacy and synodality do not compete with each other, but complement each other, they are complementary!

What conclusions on the level of canon law come from the mentioned ecumenical paradigm of synodality: a synodal Church is a Church of participation and co-responsibility? Renowned Catholic expert Johannes Oel-demann, Director at the Johann-Adam-Möhlner-Institut für Ökumenik in Paderborn recently formulated — precisely in the ecumenical perspective reflected here — five theses in which the understanding and practice of synodality is expressed:

1. Synodality is constitutive of the Church because it corresponds to the nature of the Church as the people of God.

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<sup>35</sup> FRANCIS: *Address to Participants in the Conference Promoted by the Society for the Law of the Eastern Churches*, 19.09.2019, [https://www.vatican.va/content/francesco/en/speeches/2019/september/documents/papa-francesco\\_20190919\\_diritto-chieseorientali.html](https://www.vatican.va/content/francesco/en/speeches/2019/september/documents/papa-francesco_20190919_diritto-chieseorientali.html) [accessed 15.01.2024].

<sup>36</sup> Ibidem.

<sup>37</sup> K. KOCH: “Poślowie.” In: L. GEROSA: *Interpretacja prawa w Kościele. Zasady, wzorce, perspektywy*. Trans. K. KUBIS, A. PORĘBSKI. Kraków 2003, p. 249.

2. To make synodality a reality, synodal bodies are needed at the local, regional, and universal levels.
3. In all Christian Churches there are synods, some of which have an advisory function and some of which have a decision-making function.
4. In most Churches, lay people participate in synods — sometimes more, sometimes less.
5. The decisions of synods are subject to a process of reception by the community of the faithful.<sup>38</sup>

\* \* \*

Progress in ecumenical dialogue — along the lines of “reconciled diversity” — is invariably a great challenge for the Christian Churches of East and West. It is precisely this progress that constitutes an important, if not the most important, reason justifying that certain legal norms hitherto in force should be revised and amended — with serious consideration of the synodal factor in the exercise of ecclesiastical authority. Ultimately, what is at stake in our ecclesial communities is the development of canon law in such a way as to more effectively carry out Christ’s call *Ut unum sint* within its own autonomous legal order, which is and will remain the Church’s order of freedom.

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<sup>38</sup> J. OELDEMANN: “Primat und Synodalität. Reflexionen über das Verständnis von Autorität in der Kirche in ökumenischer Perspektive.” In: *Das Verhältnis zwischen der lokalen, regionalen und universalen Ebene in der Kirchenverfassung. Ein Vergleich zwischen dem Recht verschiedener christlicher Konfessionen*. Eds. B. J. BERKMANN, A. ANAPLIOTIS [Beiträge aus dem Zentrum für ökumenische Forschung München, 7]. Berlin 2020, p. 45.



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ANDRZEJ PASTWA

## Le droit canonique au service de l'œcuménisme

### Résumé

Un événement survenu il y a 25 ans s'est gravé en lettres d'or dans l'histoire de l'œcuménisme. Du 7 au 9 mai 1999, le chef de l'Église catholique, le pape Jean-Paul II, effectua un voyage apostolique en Roumanie et, pour la première fois dans l'histoire, un pape visita un pays orthodoxe. Les paroles du pape prononcées lors de la cérémonie d'adieu furent le point culminant de cet événement : « Ici, sur la terre roumaine, il est particulièrement clair que l'Église respire avec ses deux poumons ». Ainsi, l'idée des deux poumons de l'Église (déjà présente dans l'enseignement du Saint-Père) s'inscrit durablement comme le pivot et le premier élément de la « triade » magistérielle, qui définit l'horizon herméneutique de la compréhension contemporaine des mots *Ut unum sint*. Les deux autres éléments, tout aussi importants, identifiés dans la grande encyclique portant le même titre, sont : l'idée/postulat d'une ecclésiologie eucharistique et l'idée/postulat d'une nouvelle forme d'exercice de la primauté (synodalité). Ce texte vise à montrer le rôle indispensable du *ius ecclesiasticum* (tant sur le plan législatif que dans l'application du

droit) dans le contexte de la nécessité d'une activité multiforme — cohérente mais aussi urgente (!), comme en témoigne l'engagement « synodal » du pape François — pour la mise en œuvre des paradigmes de la pensée œcuménique de Jean-Paul II.

**Mots-clés :** œcuménisme, paradigmes de la pensée œcuménique de Jean-Paul II, ecclésiologie eucharistique, synodalité, dialogue œcuménique comme dimension essentielle du droit canonique

ANDRZEJ PASTWA

## Il diritto canonico al servizio dell'ecumenismo

### Riassunto

Un evento avvenuto 25 anni fa si è iscritto a lettere d'oro nella storia dell'ecumenismo. Dal 7 al 9 maggio 1999, il capo della Chiesa cattolica, papa Giovanni Paolo II, compì un viaggio apostolico in Romania e, per la prima volta nella storia, un papa visitò un Paese ortodosso. Il culmine di questo evento furono le parole del papa pronunciate durante la cerimonia di commiato: «Qui, sulla terra rumena, è particolarmente chiaro che la Chiesa respira con entrambi i polmoni». Così, l'idea dei due polmoni della Chiesa (già presente nell'insegnamento del Santo Padre) fu definitivamente iscritta come cardine e primo elemento della «triade» magisteriale, che definisce l'orizzonte ermeneutico della comprensione contemporanea delle parole *Ut unum sint*. I due altri elementi, altrettanto importanti, identificati nella grande enciclica dallo stesso titolo, sono: l'idea/postulato di un'ecclesiologia eucaristica e l'idea/postulato di una nuova forma di esercizio del primato (sinodalità). Il presente testo intende mostrare il ruolo imprescindibile del *ius ecclesiasticum* (sia sul piano legislativo sia nell'applicazione del diritto) nel contesto della necessità di un'attività multilivello — coerente ma anche urgente (!), come testimonia l'impegno «sinodale» di papa Francesco — per l'attuazione dei paradigmi del pensiero ecumenico di Giovanni Paolo II.

**Parole chiave:** ecumenismo, paradigmi del pensiero ecumenico di Giovanni Paolo II, ecclesiologia eucaristica, sinodalità, dialogo ecumenico come dimensione essenziale del diritto canonico