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Ut Unum Sint (II)



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Part One

Ecumenical
Juridical Thought



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Sources of the Encyclical *Ut unum sint*

Abstract: John Paul II's encyclical *Ut unum sint* on commitment to ecumenism was published 30 years after the ground-breaking ecumenism decree of Vatican II *Unitatis redintegratio*. It was meant to present a summary of everything the Catholic Church and its partners achieved in the field of ecumenical efforts. However, the article does not list these achievements but discusses the very fundamentals of Catholic identity, namely, how the Catholic Church is to remain faithful to itself in developing ecumenical dialogue with other churches and ecclesial communities. The article thus provides a detailed analysis of the way the encyclical uses the basic sources of faith, that is, the *logia* of the Sacred Scripture, Church Fathers and the Magisterium. As one might expect, the documents of the Magisterium that are quoted are the documents of Vatican II because this council represents a real turning point in the relations of the Catholic Church towards ecumenism. The article also considers the role of the canon law for ecumenism because both codices of canon law as well as the ecumenical directory represent major tools for the realisation of ecumenical efforts.

Keywords: Holy Scripture, ecumenical dialogue, Catholic Church, Orthodox Churches, Protestant Reformation, Code of Canon Law, encyclical, papacy, magisterium, Tradition, Catholic faith

1. The testimony of the Scripture

Ecumenism amongst Christian churches is lived and practiced as a dynamic process; therefore primarily it is not a matter of building institutions, but participation in a living movement. This reality would not necessarily suggest normative regulation but the establishment of maximum space for immediate inspiration and spontaneous vitality. This, how-

ever, is not the case. In fact, this is also clear from John Paul II's encyclical *Ut unum sint* on the commitment to ecumenism,¹ which reviews three decades of the development of ecumenical relations, that is, from the period in which the Church declared its commitment to a progressing ecumenical movement with the ecumenical decree *Unitatis redintegratio* of Vatican II.² Of course, the encyclical is imbued with the spirit of idealism and optimism, however, its text shows also firm normative grounds upon which ecumenism practiced in the Catholic Church should be founded, if it is to really correspond to what the Church considers obligatory and to what defines its identity.

Clearly, the basic source, recognised by all participants in the ecumenical dialogue are the Sacred Scriptures. As regards the 27 writings of the New Testament, almost all the churches share the canon, or the differences in dealing with the canon do not present an insurmountable obstacle.³ The “deuterocanonical” or “non-canonical” books (in the terminology used by the Eastern Orthodox) do not really present a major problem in terms of the contents. The issue at stake here is rather the concept of church authority, which according to the Catholic concept is authorised to make a legitimate decision about the extent of the biblical canon.⁴ This can be contrasted with a certain indecisiveness and vagueness on the side of the Eastern Orthodox, as well as a unanimous preference for just 39 books of the Hebrew canon in the churches of the Protestant Reformation.

The decree of the Council appreciates the high concern of the reformed churches for the Bible, and states that it represents the reason for recognising them as well as a promise for a greater mutual understanding: “A love and reverence of Sacred Scripture which might be described as devotion, leads our brethren to a constant meditative study of the sacred text. [...] But while the Christians who are separated from us hold the divine authority of the Sacred Books, they differ from ours — some in one way, some in another — regarding the relationship between Scripture and the Church. For, according to Catholic belief, the authentic teaching authority of the Church has a special place in the interpretation and preaching

¹ *Acta Apostolicae Sedis* 87 (1995), pp. 921—982 (hereafter: UUS).

² *Acta Apostolicae Sedis* 57 (1965), pp. 90—112 (hereafter: UR).

³ “The Syrian church, however, never fully accepted the other Catholic Epistles or Revelation. Coptic New Testament lists contained 1—2 Clem.; and the Ethiopian church seems to have had a canon of 35 books, the additional eight including decrees, called the Synodus, and some Clementine writings.” R.F. BROWN, R.E. COLLINS: “Canonicity.” In: *The New Jerome Biblical Commentary*. Eds. R.F. BROWN, J.A. FITZMYER, R.E. MURPHY. London 1990, pp. 1034—1054, p. 1051.

⁴ *Concilium Tridentinum, Decretum primum: recipiuntur libri sacri et traditiones apostolorum*. In: Eds. G. ALBERIGO et al. *Conciliorum Oecumenicorum Decreta*. Bologna 2013, pp. 663—664.

of the written word of God. But Sacred Scriptures provide for the work of dialogue an instrument of the highest value in the mighty hand of God for the attainment of that unity which the Saviour holds out to all.”⁵

For a correct interpretation of the Sacred Scriptures in the Eastern Orthodox tradition, the tradition of the Church, represented especially by the writings of the Eastern Orthodox Church Fathers and the doctrines of the first seven ecumenical councils plays a greater role than the teaching authority of the Church. However, the Reformation, for which the Sacred Scriptures are the *norma normans*, that is, the rule, to which everything else must be subordinated, reads the Bible through the lenses of the confessional documents (confessions)⁶ or the key writings of the reformers, as may be illustrated by the crucial meaning of the Calvin’s *Institutes of the Christian Religion*.⁷

2. The biblical passages in the Encyclical

As regards the encyclical of Pope John Paul II on commitment to ecumenism, its very title is biblical: *Ut unum sint*. It is part of Jesus’ High Priestly Prayer reported in the Gospel of St. John: “My prayer is not for them alone. I pray also for those who will believe in me through their message, 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.”⁸ The actual Johannine writings witness that this urgent prayer of Christ was not completely materialised even in the early period of the Church. In fact, even in the Johannine communities, there were painful and dramatic schisms: “They went out from us, but they did not really belong to us. For if they had belonged to us, they would have remained with us [...]”⁹

⁵ Cf. UR 21.

⁶ Cf. R. ŘÍČAN: *Čtyři vyznání. Vyznání augsburské, bratrské, helvetské a české. Se čtyřmi vyznáními staré církve a se čtyřmi články pražskými*. Praha 1951.

⁷ “The institution provided a clear, lucid summary of the Reformation-based doctrine, as it was elaborated by the first generation of the second Reformation. It was going to become armoury of the evangelicals, a handbook used as their introduction to the Sacred Scriptures. ‘Although the Sacred Scriptures,’ wrote Calvin, ‘contain perfect doctrine which needs no addition, the one who is not thoroughly trained in it, needs an introduction and instructions regarding what to seek in it.’” A. MOLNÁR: *Pohyb teologického myšlení. Přehledné dějiny dogmatu*. Praha 1982, p. 343.

⁸ John 17:20—21.

⁹ 1 John 2:19.

Indeed, Christian disunity is not a persuasive testimony to those who are distant from Christ and who “are not of this sheep pen.”¹⁰ It is thus no wonder that the need for ecumenical relations amongst the churches became urgent in connection with the development of their missionary activities.¹¹ In a direct connection to Christ’s prayer for unity, John Paul II talks about the witness of Christian martyrdom in the course of the 20th century: “The courageous witness of so many martyrs of our century, including members of Churches and Ecclesial Communities not in full communion with the Catholic Church, gives new vigour to the Council’s call and reminds us of our duty to listen to and put into practice its exhortation. These brothers and sisters of ours, united in the selfless offering of their lives for the Kingdom of God, are the most powerful proof that every factor of division can be transcended and overcome in the total gift of self for the sake of the Gospel.”¹²

Such a unanimous recognition of martyrs who neither lived, nor died in full communion with the Catholic Church, was something the Church had not known before. In fact, even those who might have died for the Christian faith, but were also seen as “heretics or schismatics,” could not have been *stricto sensu* considered equal to those martyrs who participated in the full Catholic doctrinal and disciplinary unity.¹³ In fact, John Paul II’s encyclical understands the idea of unity manifested in the witness of martyrdom eschatologically in relation to the community of the saints (*communio sanctorum*): “While for all Christian communities the martyrs are the proof of the power of grace, they are not the only ones to bear witness to that power. Albeit in an invisible way, the communion between our Communities, even if still incomplete, is truly and solidly grounded in the full communion of the Saints — those who, at the end of a life faithful to grace, are in communion with Christ in glory. These Saints come from all the Churches and

¹⁰ Cf. John 10:16.

¹¹ “The division of churches, especially in missionary areas, was experienced as painful. The division resulted in undermining the credibility of the missionaries, mutual competition in some places led to animosities. Nevertheless, it was necessary to coordinate the activities and join the forces.” J. R. TRETERA: *Konfesní právo a církevní právo* [Confessional and Church Law]. Praha 1997, p. 20.

¹² Cf. UUS 1.

¹³ “Not all of those who died during the persecution of Christians could become martyrs. According to Catholic authors, what would make them martyrs proper is not the very suffering, but the reason why they underwent it. Only those who endured pain for justice (*iustitia*) and love (*caritas*), can claim the crown of martyrdom. Because of that, as Augustine says, martyrdom in a pagan or heretical community is impossible.” In: *Příběhy raně křesťanských mučedníků II*. Ed. P. KITZLER. Praha 2011, p. 43.

Ecclesial Communities which gave them entrance into the communion of salvation.”¹⁴

The pope insists that the unity, as described by Christ in the High Priestly Prayer, is not just a fond hope: “This unity, which the Lord has bestowed on his Church and in which he wishes to embrace all people, is not something added on, but stands at the very heart of Christ’s mission. Nor is it some secondary attribute of the community of his disciples. Rather, it belongs to the very essence of this community. God wills the Church, because he wills unity, and unity is an expression of the whole depth of his *agape*.”¹⁵ This concept of ontologically given unity is also the subject matter of theological reflection in the Eastern Orthodox churches.¹⁶ These churches have a special predilection for the theological and spiritual message of the Fourth Gospel. The pope himself in the encyclical quotes John’s edited interpretation of the high priestly *logion* on the significance of Jesus’ death: “He did not say this on his own, but as high priest that year he prophesied that Jesus would die for the Jewish nation, and not only for that nation but also for the scattered children of God, to bring them together and make them one.”¹⁷ As the Evangelist suggests, the high priest expressed more than he could have thought and predicted the universal efficacy of Christ’s salvific sacrifice.¹⁸

Apart from the High Priestly Prayer, quoted several times in the encyclical,¹⁹ unity is also a major issue in the epistle to the Ephesians. If Paul’s letter to the Galatians is sometimes nicknamed Magna Charta of Christian freedom, it may not sound inappropriate to call the letter to the Ephesians the “great charter” of Christian unity. John Paul II quotes from

¹⁴ Cf. UUS 84.

¹⁵ Cf. UUS 9.

¹⁶ “A major factor in ecumenism is, above all, *unity*. Without unity the very existence of the Church is impossible. It stems from its very essence and it is built up on the model of the Holy Trinity. From the beginning, the Church had to struggle with various heretical and schismatic tendencies which disturbed the doctrinal, moral, and organisational unity of its life. The great Fathers had to constantly heal the crack in the seamless dress of the Church by the Arians, Pneumatochians, Nestorians, Sabelians, Manicheans, Monophysites, Monothelitits and others. The most important works of the great Fathers were written precisely in a polemic with these heresies.” Š. PRUŽINSKÝ: *Aby všeci jedno boli. Právoslávie a ekumenizmus*. Prešov 1997, p. 15.

¹⁷ Cf. John 11:51—52. In: UUS 5.

¹⁸ “This is an important remark, in which the stance of the evangelist is made clear. It is based on a universal belief that the High Priest carried a prophetic charisma due to his supreme position. Caiphas’s unconscious prophecy thus achieves extraordinary apologetic importance. In fact, it is the supreme High Priest who proclaims the universal scope of Jesus’s sacrifice.” A. POPPI: *Sinossi dei quattro Vangeli. Introduzione e commento, Volume II*. Padova 1995, p. 493.

¹⁹ Cf. UUS 9, 23, 26, 27, 96, 98.

this letter in the encyclical, in the passage on the unity of the Jews and pagans in Christ: “[He] has destroyed the barrier [...] through the cross, by which he put to death their hostility.”²⁰ The unification of humanity, which used to be divided into two irreconcilable factions, was made possible through Christ’s sacrifice which completed the plan of the Father, who may thus clearly see “what is the plan of the mystery hidden for ages in God who created all things.”²¹ Alongside Christ’s High Priestly Prayer, the letter to the Ephesians represents an extraordinary supportive text for the ecumenical movement.²²

A great means to achieve unity is a sincere conversion of all Christians because the very disunity of the Christian is a consequence of sin. From the plethora of biblical passages dealing with this issue, the encyclical chooses the formula from the Gospel of Mark, in which the contents and the meaning of Jesus’ public activity is summed up: “‘The time has come,’ he said. ‘The kingdom of God has come near. Repent and believe the good news!’”²³

Another indispensable tool for ecumenical effort is prayer. In relation to prayer, the pope in the encyclical focuses mainly on the following promise of Christ: “For where two or three gather in my name, there am I with them.”²⁴ One may not fail to notice that Jesus’ *logion* has a clear ecclesiological charge, which makes a very fitting and illustrative for the needs of the text of the encyclical dealing ecumenism.²⁵ By using the quotation from the letter to the Romans, John Paul II also stresses the prayerful mission of the Holy Spirit as the real animator of the ecumenical efforts: “How is she to obtain this grace? Through *giving thanks*, so that we do not present ourselves empty-handed at the appointed time: ‘Likewise the Spirit helps us in our weakness [...] ‘intercedes for us with sighs too deep for words’ (Rom 8:26), disposing us to ask God for what we

²⁰ Cf. Eph 2:14–16. In: UUS 5.

²¹ Cf. Eph 3:9. In: UUS 9.

²² “In the New Testament, the letter to the Ephesians has the highest profile in terms of ecclesiology: its very theme is the *unity of the church*. No other biblical book has been quoted so frequently in the ecumenical documents. Usually, the references focus on the distance from the situation, over-regional perspective and a generally valid character.” P. POKORNÝ, U. HECKEL: *Úvod do Nového zákona. Přehled literatury a teologie*. Praha 2013, p. 680.

²³ Cf. Mk 1:15. In: UUS 15.

²⁴ Mt 18:20. In: UUS 21.

²⁵ “This *logion* is a promise; at the same time it is at least a minimalistic definition of the Church: wherever there are two or three in my name. Thirdly, it is also an interesting alternative to the *logia* on the Holy Spirit. One would expect the promise of the Holy Spirit — but instead it talks about (spiritual?) presence of Christ.” J. MRÁZEK: *Evangelium podle Matouše*. Praha 2011, pp. 314–315.

need. How is she to obtain this grace? Through *hope* in the Spirit, who can banish from us the painful memories of our separation. The Spirit is able to grant us clear-sightedness, strength and courage to take whatever steps are necessary, that our commitment may be ever more authentic.”²⁶

Finally, another major demonstration of ecumenical cooperation and togetherness of Christians are their joint participation on the works of charity. Here the encyclical refers to the parable about the Last Judgment found in the Gospel of Matthew: “For Christians, this cooperation, which draws its inspiration from the Gospel itself, is never mere humanitarian action. It has its reason for being in the Lord’s words: ‘For I was hungry and you gave me food’.”²⁷ The pope refers only to the first of the “works of corporal mercy” as an *incipit* which introduces the whole passage with an extraordinary urgent message.²⁸

3. The New Testament and the Papacy

The first biblical reference in the encyclical about the papal office, which is otherwise seen as an obstacle in the ecumenical movement,²⁹ is taken from the conversation on the way to Gethsemane in the Gospel of Luke: “This is a specific duty of the Bishop of Rome as the Successor of the Apostle Peter. I carry out this duty with the profound conviction that I am obeying the Lord, and with a clear sense of my own human frailty. Indeed, if Christ himself gave Peter this special mission in the Church and exhorted him to strengthen his brethren, he also made clear to him his human weakness and his special need of conversion: ‘And when you have turned again, strengthen your brethren’ (Lk 22:32). It is precisely in Peter’s human weakness that it becomes fully clear that the Pope, in order to carry out this special ministry in the Church, depends totally on the Lord’s grace and prayer: ‘I have prayed for you that your faith may not

²⁶ Cf. UUS 102, Rom 8:26.

²⁷ Cf. UUS 75, Mt 25:35.

²⁸ “Jesus uses the utmost, extremely troubling tool, if he says: hereby I declare unconditional solidarity with every failed existence. No one before him can feel safe. In fact, people on every corner of the street have the opportunity to encounter the very judge of the world: whatever one does for someone else in need is done to Jesus himself.” K. BERGER: *Kommentar zum Neuen Testament*. Gütersloh 2011, p. 117.

²⁹ This self-reflection — today see as memorable — was uttered by Paul VI in French: “Le Pape, Nous le savons bien, est sans doute l’obstacle le plus grave sur la route de l’œcuménisme.” In: *Acta Apostolicae Sedis* 59 (1967), p. 498.

fail' (Lk 22:32)."³⁰ There is also Jesus' famous promise from the scene of Peter's confession in Caesarea Philippi. The pope characterises Peter's role in the church not as "jurisdictional", but as "pastoral": "The Gospel of Matthew gives a clear outline of the pastoral mission of Peter in the Church: 'Blessed are you, Simon Bar-Jona! For flesh and blood has not revealed this to you, but my Father who is in heaven. And I tell you, you are Peter, and on this rock I will build my Church and the powers of death shall not prevail against it. I will give you the keys of the kingdom of heaven, and whatever you bind on earth shall be bound in heaven, and whatever you loose on earth shall be loosed in heaven' (16:17—19)."³¹

The encyclical provides a kind of synopsis of Christ's *logia* as well as the individual places in the New Testament which concern Peter the Apostle: the focus is Peter's weakness, unworthy of such a role, if he had not been authorised by the Lord himself: "It is just as though, against the backdrop of Peter's human weakness, it were made fully evident that his particular ministry in the Church derives altogether from grace. It is as though the Master especially concerned himself with Peter's conversion as a way of preparing him for the task he was about to give him in his Church, and for this reason was very strict with him. This same role of Peter, similarly linked with a realistic affirmation of his weakness, appears again in the Fourth Gospel: 'Simon, son of John, do you love me more than these? ... Feed my sheep' [...] Peter, immediately after receiving his mission, is rebuked with unusual severity by Christ, who tells him: 'You are a hindrance to me' (Mt 16:23)."³² This grace for a sinful individual, who is authorised with such a major role, is, however, incomprehensible to the ecclesiological emphases of the Protestant Reformation, which, paradoxically, stresses the action of grace very much.³³ Nevertheless, pope's reflections in their entirety are also in accordance with reliable exegetical findings.³⁴

³⁰ Cf. UUS 4, Lc 22:32.

³¹ Cf. UUS 91, Mt 16:17—19.

³² Cf. UUS 91, J 21:15—19; Mt 16:23.

³³ "One, however, cannot get away with the objection that the papal office, when linked to a single person, is an excessive load for a sinful person. Even the Catholic teaching does not suggest sinlessness of the pope: even the pope needs a confessor. However, the supreme authority granted to the office (and his clerks), as is it seems, cannot attain the proclaimed goal. In the 'ecumenical' argument, it becomes very clear: historically speaking, it was beyond the means of the papal office to protect the unity of the church of Christ." P. FILIP: *Křesťanstvo. Historie, statistika, charakteristika křesťanských církví*. Brno 2012, p. 74.

³⁴ "Not all of the evangelists talk about 'granting the primacy', however, nobody omits to remind us of Peter's activities in the moments of suffering. Pastoral and educative function of the event has a wider range than any other text dealing with the apos-

Because the Roman Church is not just linked to Peter's role as the Primate, but equally also to Paul's Apostleship, the encyclical focuses also on Paul, while using the same lenses of the apostle's weakness: "As for Paul, he is able to end the description of his ministry with the amazing words which he had heard from the Lord himself: 'My grace is sufficient for you, for my power is made perfect in weakness'; consequently, he can exclaim: 'When I am weak, then I am strong' (2 Cor 12: 9—10). This is a basic characteristic of the Christian experience. As the heir to the mission of Peter in the Church, which has been made fruitful by the blood of the Princes of the Apostles, the Bishop of Rome exercises a ministry originating in the manifold mercy of God."³⁵

4. The Fathers of the Church and Catholic Tradition

The tradition of the church, which is another normative source of the doctrine and discipline of the Church in the encyclical, is represented with selected passages from the writings of the Fathers. The unanimous consensus of the Fathers (*consensus unanimes partum*) has always been considered as one of the manifestations of authentic, normative tradition of the Church. In quoting the homily of Pope Gregory the Great, John Paul II explicitly endorses the tradition of the Church: "In accordance with the great Tradition, attested to by the Fathers of the East and of the West, the Catholic Church believes that in the Pentecost Event God has already manifested the Church in her eschatological reality, which he had prepared 'from the time of Abel, the just one'. This reality is something already given."³⁶ It is thus clear that while the biblical studies draw the Catholic church nearer to the churches coming from the Protestant Reformation, the Tradition is the key topic of the Orthodoxy, as it is clear from the given extract in the encyclical, which explicitly refers to the Fathers of the East and of the West."³⁷

tle's personality or his faith. Clearly, he has become one of the most frequently read and commented extracts at penitential services." O. da SPINETOLI: *Luca. Il Vangelo dei poveri*. Assisi 1994, p. 680.

³⁵ Cf. UUS 92, 2 Cor 12:9—10.

³⁶ Cf. UUS 14, Gregory the Great: *Homiliae in Evangelia* 19,1. In: *Patrologia latina* 76, p. 1154, quoted from: *Lumen gentium* 2.

³⁷ An Orthodox author says the following: "The tradition is a living memory of the Church which contains true doctrine and reveals it in history. The tradition is not an archaeological museum or a dead 'deposit' of the faith. The tradition is a living force,

The encyclical also contains a reference to the famous *Commonitorium* of Vincent of Lérins which gives an extraordinary apt expression of the balance between stability of the Church's doctrine and its legitimate development. Although the encyclical does not quote any particular passage of the text (it only gives bibliographical references),³⁸ clearly the principles that need to be emphasised are the following: "The intelligence, then, the knowledge, the wisdom, as well of individuals as of all, as well of one man as of the whole Church, ought, in the course of ages and centuries, to increase and make much and vigorous progress; but yet only in its own kind; that is to say, in the same doctrine, in the same sense, and in the same meaning. [...] Our forefathers in the old time sowed wheat in the Church's field. It would be most unmet and iniquitous if we, their descendants, instead of the genuine truth of grain, should reap the counterfeit error of tares. This rather should be the result — there should be no discrepancy between the first and the last. From doctrine which was sown as wheat, we should reap, in the increase, doctrine of the same kind — wheat also; so that when in process of time any of the original seed is developed, and now flourishes under cultivation, no change may ensue in the character of the plant."³⁹

Vincent's *Commonitorium* has a lasting significance for determining the criteria of the doctrinal development in the Church.⁴⁰ In his encyclical on ecumenism, John Paul II uses his idea of developing the formulations of the dogma and states the following: "Because by its nature the content of faith is meant for all humanity, it must be translated into all cultures. Indeed, the element which determines communion in truth is *the meaning of truth*. The expression of truth can take different forms. The renewal of these forms of expression becomes necessary for the sake of transmitting to the people of today the Gospel message in its unchanging meaning."⁴¹

Apart from doctrinal identity, which may be adapted through the development of doctrine and terminology, John Paul II in his encyclical

characteristic for every living organism. Christ's church is not dead Christ, but living, resurrected Christ." I. BELEJKANIČ: *Pravoslávne dogmatické bohoslovie I*. [Orthodox Dogmatic Theology I]. Prešov 1995, p. 30.

³⁸ Cf. UUS 19, Vincentius de Lérins: *Commonitorium primum* 23. In: *Patrologia latina* 50, pp. 667—668.

³⁹ In: *Patrologia latina* 50, pp. 667—668.

⁴⁰ "Commonitorium, which is a follow up on Tertulian's *De praescriptione haereticorum*, is not a mere handbook, but rather a theological 'discourse on method', making it possible to distinguish the Catholic faith from heresy: *Quod ubique, quod semper, quod ab omnibus* (cap. 2). There exist thus three criteria: universality, antiquity and unanimity." A. DI BERNARDINO: *Dizionario patristico e di antichità cristiane. Volume II*. Casale Monferrato 1984, p. 3595.

⁴¹ Cf. UUS 19.

cal also articulates a Christologically founded need of a unitary pastoral leadership in the church, using again a major patristic authority, namely St. Augustine: “Saint Augustine, after showing that Christ is ‘the one Shepherd, in whose unity all are one’, goes on to exhort: ‘May all shepherds thus be one in the one Shepherd; may they let the one voice of the Shepherd be heard; may the sheep hear this voice and follow their Shepherd, not this shepherd or that, but the only one; in him may they all let one voice be heard and not a babble of voices ...’”⁴² John Paul understands the papacy as the guarantee of the desire expressed so impressively by St. Augustine: “The mission of the Bishop of Rome within the College of all the Pastors consists precisely in ‘keeping watch’ (*episkopein*), like a sentinel, so that, through the efforts of the Pastors, the true voice of Christ the Shepherd may be heard in all the particular Churches. In this way, in each of the particular Churches entrusted to those Pastors, the *una, sancta, catholica et apostolica Ecclesia* is made present. All the Churches are in full and visible communion, because all the Pastors are in communion with Peter and therefore united in Christ.”⁴³

5. The Magisterium of the Church in the encyclical

Alongside the Sacred Scripture and the tradition of the Church, the magisterium, that is, the living teaching office of the Church, has a key normative significance for the doctrine and discipline of the Church.⁴⁴ In the first place, we need to point out that the very papal encyclicals represent manifestations of the ordinary teaching office of the church. This is

⁴² Cf. UUS 94; AUGUSTINUS: *Sermo XLVI*, 30. In: *Corpus Christianorum. Series latina* 41, p. 557.

⁴³ Cf. UUS 94.

⁴⁴ Standard Catholic apologetics expressed the magisterium with three characteristics: “1. *Magisterium vivum* — i.e. living — refers to those living persons who are entrusted with the ministry of teaching, who are to preach Christ’s living word, and not just the dead letters of the Sacred Scriptures. 2. *Magisterium externum* — the external, i.e. the Christian truths are not attained on the basis of an intimate religious experience, but revealed truths were given *ab extra* by God himself. The third characteristics of the church magisterium 3. *Magisterium traditionale* follows from there — i.e. the revealed truths were given and handed on by Jesus Christ to be proclaimed and infallibly interpreted in the teaching office of the apostles and their successors. Of course, in handing on and interpreting the truths revealed by God, the Magisterium of the Church cannot err. That is why it is *magisterium Ecclesiae infallibile*, i.e. infallible.” J. KUBALÍK: *Theologia fundamentalis. II. díl: Eklesiologie — O církvi*. Litoměřice 1983, pp. 87–88.

also the case with the encyclical on ecumenism. The encyclical emphasises the fact that alongside the Scripture and the tradition, the magisterium is indispensable for the Catholic Church: “Finally, dialogue puts before the participants real and genuine disagreements in matters of faith. Above all, these disagreements should be faced in a sincere spirit of fraternal charity, of respect for the demands of one’s own conscience and of the conscience of the other party, with profound humility and love for the truth. The examination of such disagreements has two essential points of reference: Sacred Scripture and the great Tradition of the Church. Catholics have the help of the Church’s living Magisterium.”⁴⁵

For the purposes of this encyclical the documents were predominantly those of Vatican II and of the post-conciliar popes, namely Pope Paul VI and John Paul II himself. The only exception was a reference to Vatican I in the passage about the necessity of the papal ministry in the Church: “It is the responsibility of the Successor of Peter to recall the requirements of the common good of the Church, should anyone be tempted to overlook it in the pursuit of personal interests. He has the duty to admonish, to caution and to declare at times that this or that opinion being circulated is irreconcilable with the unity of faith. When circumstances require it, he speaks in the name of all the Pastors in communion with him. He can also — under very specific conditions clearly laid down by the First Vatican Council — declare *ex cathedra* that a certain doctrine belongs to the deposit of faith.”⁴⁶ Characteristically, the pope avoided using the term infallibility (*infallibilitas*) and instead talks about the deposit of faith (*depositum fidei*), that is, uses the formulation which seems more acceptable for the ecumenical partners, since it draws on the Pauline letters.⁴⁷

The attitude of the Church’s Magisterium towards the ecumenical movement used to be very reserved and certain progress was achieved only during the pontificate of Pius XII in the period after WWII.⁴⁸ As for the documents of the actual Vatican II, the encyclical most frequently quotes

⁴⁵ UUS 39.

⁴⁶ Cf. UUS 94; VATICAN I: *The Dogmatic Constitution on the Church of Christ “Pastor aeternus”*. In: *Denzinger — Schönmetzer* 3074.

⁴⁷ Cf. 2 Cor 4:7; 1Tim 6:20; 2 Tim 1:14.

⁴⁸ “On the side of the Catholics, already in the period of WWI there arose individual groups, especially lay groups, which strongly felt the need for ecumenism, however, they were received in the Catholic hierarchy. This came about only after WWII in the instruction *Ecclesia catholica* of the Roman congregation of the Holy Office from 20th December 1949, in which the numerous private pro-ecumenic initiatives were recognised and the bishops were called not only to supervise this spiritual movement, but also to support it.” H. MÜLLER: *Der ökumenische Auftrag*. In: *Handbuch des katholischen Kirchenrechts*, Eds. J. LISTL, H. MÜLLER, H. SCHMITZ. Regensburg 1983, pp. 553—561, pp. 553—554.

the dogmatic constitution on the Church *Lumen gentium*,⁴⁹ the declaration on religious freedom *Dignitatis humanae*,⁵⁰ and obviously the decree on ecumenism *Unitatis redintegratio*. Vatican II was positively received by the ecumenical partners of the Catholic Church and represents a serious beginning of the ecumenical dialogue on the side of the Catholic Church.⁵¹ The mutual relation of the ecumenically relevant conciliar documents in the encyclical is summed up as follows: “In indicating the Catholic principles of ecumenism, the Decree *Unitatis Redintegratio* recalls above all the teaching on the Church set forth in the Dogmatic Constitution *Lumen Gentium* in its chapter on the People of God. At the same time, it takes into account everything affirmed in the Council’s Declaration on Religious Freedom *Dignitatis Humanae*.”⁵²

In the Catholic teaching (formulated in the atmosphere Counter-Reformation), the outer, visible unity of the Church consists in the interplay of three elements: doctrine, sacraments and a common leadership. These are the *tria vincula*, three bond binding Catholic to their church, as formulated by Cardinal Bellarmin.⁵³ However, even Vatican II could not do without this Catholic definition in the constitution *Lumen gentium*, which in this matter is also recalled in the encyclical on ecumenism: “God wills the Church, because he wills unity, and unity is an expression of the whole depth of his *agape*. In effect, this unity bestowed by the Holy Spirit does not merely consist in the gathering of people as a collection of individuals. It is a unity constituted by the bonds of the profession of faith,

⁴⁹ *Acta Apostolicae Sedis* 57 (1965), pp. 5—71 [hereafter: LG].

⁵⁰ *Acta Apostolicae Sedis* 58 (1966), pp. 929—946.

⁵¹ “The decree on ecumenism and the major constitution on the church represent a new beginning in terms of the dialogue between the Catholic church and the churches of the reformation,, with Orthodox churches and world religions. The cornerstone was the constitution on the church. [...] The decree on ecumenism develops all that the church says about the relation to other Christian churches. As far as the relation between Christianity and world religions, this is expounded by the declaration *Nostra aetate*.” P. WALTER: *Unitatis redintegratio. Das Ökumenismusdekret und die daraus erwachsene Ökumenediskussion*. In: *Geist in Form. Facetten des Konzils*. Eds. T. DIETRICH, T. HERKERT, P. SCHMITT. Freiburg im Breisgau 2015, pp. 196—210, p. 197.

⁵² Cf. UUS 8.

⁵³ “In the tradition of pre-Tridentine controversial theology and the Council of Trent, Cardinal *Robert Bellarmin* (1542—1621) articulated a definition of the church, which impacted Catholic ecclesiology well into the 20th century. There was no positive evaluation of the Reformation critique. In strict opposition to the Reformation, it defines the church not from its invisible, but its visible form: ‘The church is a community of people united by confessing the same faith, participation on the same sacraments under the leadership of legitimate pastors and, above all, Christ’s vicar on earth, the Roman pontiff (*Controv.* 4, 3, 2).’” G. L. MÜLLER: *Katholische Dogmatik für Studium und Praxis der Theologie*. Freiburg im Breisgau 1996, pp. 608—609.

the sacraments and hierarchical communion.”⁵⁴ For defining the outer, visible form of the Catholic church and its unity, the church also refers to the crucial and continuously discussed passage in the constitution *Lumen gentium*, where the term used for the relation between the visible Catholic church and the church of Christ is *subsistere*, a word which is difficult to translate into other languages: “The Council states that the Church of Christ ‘subsists in the Catholic Church, which is governed by the Successor of Peter and by the Bishops in communion with him’, and at the same time acknowledges that ‘many elements of sanctification and of truth can be found outside her visible structure. These elements, however, as gifts properly belonging to the Church of Christ, possess an inner dynamism towards Catholic unity’.”⁵⁵ Moreover, the encyclical adds: “Full unity will come about when all share in the fullness (*plenitudo*) of the means of salvation entrusted by Christ to his Church.”⁵⁶ On the other hand, Vatican II abandoned the term *sole beatific*, which used to be very frequent in the pre-conciliar period. In spite of this Christologically, ecclesiological and sacramentally founded identity of the Catholic Church, in the decree on ecumenism the self-same church accepts the principle *Ecclesia semper reformanda*, which expresses the need for a constant reform of the Church. This is a principle adopted mainly by the Protestant Reformation, however, the idea is inherent also in an authentic Catholic reform.⁵⁷ The encyclical of Pope John Paul II contextualises this challenge: “In the teaching of the Second Vatican Council there is a clear connection between renewal, conversion and reform. The Council states that ‘Christ summons the Church, as she goes her pilgrim way, to that continual reformation of which she always has need, insofar as she is an institution of human beings here on earth. Therefore, if the influence of events or of the times has led to deficiencies ... these should be appropriately rectified at the proper moment’. No Christian Community can exempt itself from this call.”⁵⁸

The conciliar documents did not accept the earlier conception whereby the Catholic church is *societas (iuridice) perfecta*, that is, legally perfect

⁵⁴ Cf. UUS 9, LG 14.

⁵⁵ Cf. UUS 10, LG 8.

⁵⁶ Cf. UUS 86, UR 3.

⁵⁷ “The Catholic Church is constantly looking for new, adequate means which would attract people of every historical period. New rites, new methods, and new means. The Church articulates which truths are to be reminded of and interpreted in a particular period and this or that need or in different dangers. This guarantees constant renewal and reform within the Church. Every period has its saints who awaken people to holiness, even in the most tragic moments for the Church.” S.M. BRAITO: *Církev. Studie apologeticko-dogmatická*. Olomouc 1946, p. 406.

⁵⁸ Cf. UUS 16, UR 6.

society, which needs neither helping, nor being completed from the outside.⁵⁹ This is true from that respect that it in relation to the execution of power given to the apostles and their successors, the Catholic Church lacks nothing. Nevertheless, the existence of churches outside the communion with the Catholic Church does not exclude their participation on that which is present in fullness in the Catholic Church: “With reference to the many positive elements present in the other Churches and Ecclesial Communities, the Decree adds: ‘All of these, which come from Christ and lead back to him, belong by right to the one Church of Christ. The separated brethren also carry out many of the sacred actions of the Christian religion. Undoubtedly, in many ways that vary according to the condition of each Church or Community, these actions can truly engender a life of grace, and can be rightly described as capable of providing access to the community of salvation.’”⁶⁰ The means of further convergence of churches is above all mutual dialogue whose parameters in the encyclical are quoted from the conciliar document: “For this reason, the Council’s Decree on Ecumenism also emphasizes the importance of ‘every effort to eliminate words, judgements, and actions which do not respond to the condition of separated brethren with truth and fairness and so make mutual relations between them more difficult’. The Decree approaches the question from the standpoint of the Catholic Church and refers to the criteria which she must apply in relation to other Christians. In all this, however, reciprocity is required. To follow these criteria is a commitment of each of the parties which desire to enter into dialogue and it is a precondition for starting such dialogue. It is necessary to pass from antagonism and conflict to a situation where each party recognizes the other as a *partner*.”⁶¹ Dialogue is a great topic of the first encyclical letter of Paul VI *Ecclesiam suam*.⁶² In fact, this is one of the major incentives for John Paul II’s encyclical on the commitment to ecumenism: “In the Document, ecumenical dialogue takes on a specific characteristic; it becomes a ‘dialogue of conversion’, and thus, in the words of Pope Paul VI, an authentic ‘dialogue of salvation’. Dialogue cannot take place merely on a horizontal level, being restricted to meetings, exchanges of points of view or even the

⁵⁹ This concept evolved in comparing the church with the state: “The reflection basically went this way: if the state is *societas iuridice perfecta* in the natural order, then the church represents the same society in the spiritual order [...] It is thus possible, or even inevitable to establish legally defined relations between these two societies which are to be found at the hierarchical organisational climax of the entire human family.” G. DALLA TORRE: *La città sul monte. Contributo ad una teoria canonistica sulle relazioni fra la Chiesa e Comunità politica*. Roma 1996, p. 62.

⁶⁰ Cf. UUS 13, UR 3.

⁶¹ Cf. UUS 29, UR 7.

⁶² *Acta Apostolicae Sedis* 56 (1964), pp. 609—659.

sharing of gifts proper to each Community. It has also a primarily vertical thrust, directed towards the One who, as the Redeemer of the world and the Lord of history, is himself our Reconciliation. This vertical aspect of dialogue lies in our acknowledgment, jointly and to each other, that we are men and women who have sinned. It is precisely this acknowledgment which creates in brothers and sisters living in Communities not in full communion with one another that interior space where Christ, the source of the Church's unity, can effectively act, with all the power of his Spirit, the Paraclete."⁶³

A major alleviation of the dialogue came with the concept of the "hierarchy of truths," newly formulated by the Council: "The Decree *Unitatis Redintegratio* also indicates a criterion to be followed when Catholics are presenting or 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'."⁶⁴ The Catholic Church long opposed this concept because a variant of this teaching had already existed in the thought of Reformed churches.⁶⁵ Also the term "hierarchy," taken from Pseudo-Dionysius Areopagita,⁶⁶ had traditionally been reserved for a treatise on the inner differentiation of the people of God.

The encyclical also reminds us that ecumenical dialogue with the churches coming from the Reformation is going to be more challenging than the dialogue with Eastern Orthodox churches. Too many problems have piled up, since the Reformation in its time meant not just a frontal attack on some of the disciplinary excesses in the Catholic Church, but

⁶³ Cf. UUS 35, *Acta Apostolicae Sedis* 56 (1964), p. 642.

⁶⁴ Cf. UUS 37, UR 11.

⁶⁵ "A specific case of the classification of dogmas is the art of discernment, which developed in Protestantism since the 17th century: i.e. a distinction between whose articles of faith that are necessary for faith *articuli fundamentales* and those that are not necessary, *articuli non fundamentales*. According to this concept, only rejecting the former is to be understood as undermining the foundations of faith and salvation, while the latter can easily be refused without any harm to the salvation of souls. This distinction was introduced to prevent a complete breakdown of the unity of faith in Protestantism and to set at least some boundaries of unity." F. DIEKAMP, K. JÜSSEN: *Katholische Dogmatik*. Wil 2013, p. 33.

⁶⁶ "*Corpus Dionysiacum* consists of four treatises of the one unknown author: 1) *De divinis nominibus* (On Divine Names), 2) *De mystica theologia* (On Mystical Theology), 3) *De coelesti hierarchia* (On Celestial Hierarchy), 4) *De ecclesiastica hierarchia* (On Church Hierarchy) and also of ten theological documents." H. DROBNER: *Lehrbuch der Patrologie*. Frankfurt am Main 2011, p. 488.

also on the very sacramental structure of the Church and its ecclesiological anchoring. In this respect, the encyclical again refers to the decree on ecumenism: “Doctrinal and historical disagreements at the time of the Reformation emerged with regard to the Church, the sacraments and the ordained ministry. The Council therefore calls for ‘dialogue to be undertaken concerning the true meaning of the Lord’s Supper, the other sacraments and the Church’s worship and ministry’.”⁶⁷

Concerning the churches of the Christian East, the pope reflects on the exercise of the Petrine ministry using the argumentation found in the decree on ecumenism. The question is whether, for example, the Orthodox churches would be willing to accept the papal powers that were fixed in the second Christian millennium: “As Bishop of Rome I am fully aware, as I have reaffirmed in the present Encyclical Letter, that Christ ardently desires the full and visible communion of all those Communities in which, by virtue of God’s faithfulness, his Spirit dwells. I am convinced that I have a particular 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. For a whole millennium Christians were united in ‘a brotherly fraternal communion of faith and sacramental life ... If disagreements in belief and discipline arose among them, the Roman See acted by common consent as moderator’.”⁶⁸

6. The role of the canon law

The canon law with its normative regulations may seem to present the single biggest hindrance of the ecumenical movement, especially on the side of the Catholic Church. Ecumenical partners tend to understand law as a kind of redundant disciplinary “appendix” to the doctrine of the church, which may be removed without any harm to the doctrine.⁶⁹

⁶⁷ Cf. UUS 67, UR 22.

⁶⁸ Cf. UUS 95, UR 14.

⁶⁹ “However, one cannot conceal that a joint participation at the Table of the Lord with the Roman Catholics does not just — and in the first place — clash with doctrinal issues, but also problems of canon law on the side of the Romanists. The attitude of the separated brethren — Evangelical/Protestant — to the Roman Eucharist falls under the category of limited — very limited! — admission.” P. FILIPÍ: *Hostina chudých*. Praha 1991, p. 109.

According to the Catholic concept, however, the law must follow the achieved degree of the theological dialogue, and thus may neither be an impediment, nor anticipation of what has not yet been achieved.⁷⁰ John Paul II in the encyclical on the commitment to ecumenism refers to the codices of canon law which he promulgated,⁷¹ and in no way does he consider them obstacles in the development of ecumenical relations: “The two *Codes of Canon Law* include among the responsibilities of the Bishop that of promoting the unity of all Christians by supporting all activities or initiatives undertaken for this purpose, in the awareness that the Church has this obligation from the will of Christ himself.”⁷²

The summary of the implementing regulations for the realisation of ecumenical relations can be found in the ecumenical directory. The first two-volume one, was issued at a time in which the first Code of Canon Law of 1917, completely hostile to ecumenical relations from 1917 was still in force.⁷³ For non-Catholic Christians, the code used the neutral term *acatholici* (non-Catholics), or a rather derogatory term *haeretici vel schismatici* (heretics and schismatics); their churches were seen as *sectae haereticae vel schismaticae* (heretical or schismatical sects). The two-volume ecumenical directory from 1967 and 1970 is thus a typical illustration of post-conciliar legislature, which gradually derogated those norms, which in the existing canon law were not in accordance with the new impulses of the Second Vatican Council.⁷⁴

⁷⁰ “Nevertheless, the Church law cannot create an ecumenical community differently than through the reception of ecumenical declarations on the consensus and convergence of individual churches and ecclesial communities. For further legal development of the Catholic Church, significant is not just the reception of results of the ecumenical dialogue, but also ecumenism lived and practiced on the local level.” F. BERNARD: *Der ökumenische Auftrag — Möglichkeiten und Grenzen des katholischen Kirchenrechts*. In: Eds. U. BEYKIRCH, G. BIER: *Kirchliches Recht als Freiheitsordnung. Gedenkschrift für Hubert Müller*. Würzburg 1997, pp. 39—65, pp. 62—63.

⁷¹ For the Church of the Latin rite CIC: *Codex iuris canonici auctoritate Ioannis Pauli PP. II promulgatus. Acta Apostolicae Sedis* 75, Pars II (1983), pp. 1—317; for the Catholic churches of the Eastern rites CCEO: *Codex canonum Ecclesiarum Orientalium auctoritate Ioannis Pauli PP. II promulgatus. Acta Apostolicae Sedis* 82 (1990), pp. 1033—1363.

⁷² Cf. UUS 101; CIC, can. 755; CCEO, can. 902.

⁷³ *Directorium ad ea quae a Concilio Vaticano Secundo de re oecumenica promulgata sunt exsequenda. Pars prima*. In: *Acta Apostolicae Sedis* 59 (1967), pp. 574—592; *Directorium ad ea quae a Concilio Vaticano Secundo de re oecumenica promulgata sunt exsequenda. Pars altera: de re oecumenica in institutione superiore*. In: *Acta Apostolicae Sedis* 62 (1970), pp. 705—724.

⁷⁴ “Vatican II ordered to create new legal norms that are in accordance with the conclusions of the Council and thus transform the conciliar statements into applicable law.” J. LISTL, H. MÜLLER, H. SCHMITZ: *Grundriß des nachkonziliaren Kirchenrechts*. Regensburg 1979, p. 25.

However, once the Code of Canon Law and the Code of Canons of the Eastern Churches were issued, a new situation came about, in which the new codification was at odds with the existing ecumenical directory. It was thus necessary to prepare a completely new ecumenical directory, which was issued in 1993, two years before the promulgation of the encyclical letter *Ut unum sint*.⁷⁵ In fact, the encyclical refers to it, the first mention being the abandonment of the term “separated brethren” (*fratres seiuncti*), that is, a term used by the documents of Vatican II in relation to non-Catholics: “The *Directory for the Application of Principles and Norms on Ecumenism* refers to the Communities to which these Christians belong as ‘Churches and Ecclesial Communities that are not in full communion with the Catholic Church.’ This broadening of vocabulary is indicative of a significant change in attitudes. There is an increased awareness that we all belong to Christ.”⁷⁶ Further in the encyclical, John Paul II emphasises the practical need for the directory in creating contractual law amongst the churches: “It needs be reaffirmed in this regard that acknowledging our brotherhood is not the consequence of a large-hearted philanthropy or a vague family spirit. It is rooted in recognition of the oneness of Baptism and the subsequent duty to glorify God in his work. The *Directory for the Application of Principles and Norms on Ecumenism* expresses the hope that Baptisms will be mutually and officially recognized. This is something much more than an act of ecumenical courtesy; it constitutes a basic ecclesiological statement.”⁷⁷

7. Conclusions

Indeed, the encyclical *Ut unum sint* does not just contain John Paul II’s enthusiastic memories of various ecumenical meetings at the top level. It is clearly delivered in a personal tone and with references to various important ecumenical activities in his pontificate up to that point. However, the crucial point is that the encyclical develops the impulses of Vatican II not only in relation to ecumenical activities, but also in terms of their necessary doctrinal anchoring. In this way the encyclical also contains many references to the Sacred Scriptures and the tradition of the

⁷⁵ *Directorium oecumenicum noviter compositum. Acta Apostolicae Sedis* 85 (1993), pp. 1039—1119.

⁷⁶ Cf. UUS 42, *Directorium oecumenicum* 5.

⁷⁷ Cf. UUS 42, *Directorium oecumenicum* 94.

Church, as well as a plethora of references to the doctrine expounded by Vatican II without putting aside the opportunities given by canon law. Without these normative foundations and sources, exercising ecumenical relations would dissolve into sheer sentimentalism or politeness, or the church would abandon a number of those issues, which the Catholic Church considers crucial, that is, which were entrusted to it by Christ Himself.

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STANISLAV PŘIBYL

Les sources de l'encyclique *Ut unum sint*

Résumé

L'encyclique de Jean Paul II *Ut unum sint* sur l'œcuménisme a été publiée 30 ans après le Concile Vatican II *Unitatis redintegratio*, soit le décret crucial pour l'œcuménisme. Elle a été censée faire le point sur tout ce que l'Église catholique et ses partenaires ont réussi à faire dans le domaine œcuménique. Pourtant, l'article n'énumère pas de succès, mais décrit les fondements mêmes de l'identité catholique, à savoir en décrivant comment l'Église catholique devrait être fidèle en elle-même dans le développement du dialogue œcuménique avec d'autres Églises et communautés ecclésiales. L'article propose donc une analyse détaillée de la manière dont l'encyclique utilise les logia des Saintes Écritures, des Pères de l'Église ou du Magistère. Comme on peut se douter, les documents du Magistère cités ce sont les documents du Concile Vatican II, étant donné que celui-ci constitue un véritable tournant dans l'approche de l'Église catholique envers l'œcuménisme. L'article considère aussi le rôle du droit canonique dans l'œcuménisme car aussi bien les Codes de droit canonique que le catalogue œcuménique constituent de principaux outils dans la réalisation des efforts œcuméniques.

Mots-clés: Saintes Écritures, dialogue œcuménique, Église catholique, Églises orthodoxes, Réforme protestante, Code de droit canonique, Encyclique, papauté, Magistère, tradition, foi catholique

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Fonti dell'enciclica *Ut unum sint*

Sommario

L'enciclica *Ut unum sint* di Giovanni Paolo II sull'impegno ecumenico è stata pubblicata a 30 anni dal decreto del Concilio Vaticano II *Unitatis redintegratio*, che è stato rivoluzionario per ecumenismo. Aveva lo scopo di fornire una sintesi di tutto ciò che la Chiesa cattolica e i suoi partner avevano realizzato nel campo degli sforzi ecumenici. Tuttavia, l'articolo non enumera questi risultati, ma discute i fondamenti stessi dell'identità cattolica, vale a dire come la Chiesa cattolica deve rimanere fedele a se stessa nello sviluppo del dialogo ecumenico con le altre Chiese e comunità ecclesiali. L'articolo contiene pertanto un'analisi dettagliata del modo in cui l'enciclica utilizza le fonti fondamentali della fede, ossia i logia della Sacra Bibbia, dei Padri della Chiesa e del Magistero. Non a caso, i documenti del Magistero citati sono quelli del Concilio Vaticano II, perché quel Concilio rappresenta una vera e propria svolta nell'approccio della Chiesa cattolica all'ecumenismo. L'articolo considera anche il ruolo del diritto canonico per l'ecumenismo, poiché sia i codici del diritto canonico che il catalogo ecumenico costituiscono i principali strumenti per realizzare gli sforzi ecumenici.

Parole chiave: Sacra Bibbia, dialogo ecumenico, Chiesa cattolica, Chiese ortodosse, riforma protestante, Codice del Diritto Canonico, enciclica, papato, magistero, Tradizione, fede cattolica.



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Love Builds Communion between Persons (UUS, n. 21) Christological-Ecclesiological Key to Confirm the Identity of Marriages of Baptised Non-Catholics

Abstract: The words derived from the *Ut unum sint* encyclical as well as the fruits of the newest research by theologians (among others the members of the International Theological Commission) on the meaning of the Catechism formula of Christian Marriage: “the Sacrament of Faith in the Service of Communion” — became an inspiration to attempt to verify the assumptions confirming the sacramental Identity of Marriages of Baptised Non-Catholics. The author assumes that the today’s challenge for the study of canon law should be to explore more the subject matter of the “the mystery of communion” (UUS, n. 5) in all the complexity of its detailed issues, including the development of relevant conclusions in the canonical (lawmaking) and canonical-pastoral (application of the law) spheres. This is in the name of the rule that church legislation, especially in clarifying key/systemic issues — and among such is the issue of the universality of Bellarmine’s principle of *eo ipso sacramentum* — is always based on the widely adopted theological foundations.

Keywords: ecclesiology, canonical matrimonial law, the mystery of communion, sacrament of matrimony, the mission of the “domestic Church”, the *eo ipso sacramentum* principle, marriage of baptised non-Catholics

1. *Unitas/communio* — at the roots of the truth about the Sacrament of Matrimony

The passus opening with the words referred to in the title (in full: “Love builds communion between persons and between Communities”), and crowned with a proclamation: “Love is the great undercurrent which gives life and adds vigour to the movement towards unity”¹ did not go unnoticed among experts of various denominational backgrounds, commentators on the Catholic Church’s first-ever encyclical on ecumenical commitment *Ut unum sint* (1995). Indeed, as it has been shown, John Paul II, in issuing the epochal document, wanted to seal with papal authority the fruits and direction of the reception² of the conciliar decree on ecumenism *Unitatis redintegratio*³ to date, but it is the message of Love,⁴ having its Source in the Communion of the Divine Persons — “as the perfect source of communion” — that lies at the heart of the ecumenical testament of the great successor of St. Peter at the dawn of the third millennium: the way of the Church is “the way of ecumenism,”⁵ “the path of unity and communion between Christians, a path difficult but so full of joy.”⁶

If John Paul II evokes the memorable words of the conciliar decree on the “movement toward unity” in which those “who invoke the Triune

¹ JOHN PAUL II: *Encyclical Letter on Commitment to Ecumenism “Ut unum sint”* [25.05.1995] [hereinafter: UUS], n. 21.

² J.M.R. TILLARD: “Du décret conciliaire sur l’œcuménisme à l’encyclique ‘Ut unum sint’.” *Documentation catholique* 92 (1995), pp. 900—903; cf. J. PANAGOPOULOS: “Ut unum sint. Remarques sur la nouvelle encyclique pontificale: point de vue orthodoxe.” *Concilium* 261 (1995), pp. 173—176; A. BORRAS: “Ut unum sint: une encyclique por les chrétiens en voie de réconciliation.” *Ephemerides Theologicae Lovanienses* 72 (1996), no. 4, pp. 349—370.

³ VATICAN COUNCIL II: *Decree on Ecumenism “Unitatis redintegratio”* [21.11.1964] [hereinafter: UR].

⁴ The final words of a Catholic expert’s commentary at the time remain telling: “Zuerst soll die Liebe unter den Christen wiederhergestellt werden, und das kann nicht mit Worten oder Formeln geschehen, sondern nur durch Taten.” J. VAN DER PLOEG: “Zur ökumenischen Enzyklika von Johannes Paul II. ‘Ut unum sint’, vom 5. Mai 1995.” *Theologisches* 25 (1995), no. 9, col. 411. Interestingly, a similar expert voice flowed from the Reformation churches (with an earlier citation of this key passages of the encyclical): “[...] l’amour est un concept exigeant et magnifique en œcuménisme, et que Jean-Paul II l’utilise.” N. CHARRIÈRE: “Étude critique: réflexions œcuméniques autour de l’encyclique ‘Ut unum sint’.” *Revue de Théologie et de philosophie* 131 (1999), p. 285.

⁵ UUS, n. 7.

⁶ *Ibidem*, n. 2.

God and confess Jesus as Lord and Savior”⁷ participate, he at the same time emphasises the obligatory nature of this universal work of Christ’s Church: “as a duty of the Christian conscience enlightened by faith and guided by love.”⁸ Indeed, the dynamics of unity that Christ gave to his Church ultimately turns out to be dynamics of love. Here the Pope’s enunciation that unity which “stands at the very heart of Christ’s mission” is nothing less than “an expression of the whole depth of [the divine] *Agape*.”⁹ The papal clarification in this nodal section of the *Ut unum sint* encyclical leaves no doubt: “Here [...] we can apply the words of Saint Paul to the first Christians of Rome: ‘God’s love has been poured into our hearts through the Holy Spirit’; thus our ‘hope does not disappoint us’ (*Rom* 5:5). This is the hope of Christian unity, which has its divine source in the Trinitarian unity of the Father, the Son and the Holy Spirit.”¹⁰

The same prophetic evangelism, as a current of thinking about the Church, carries “the community character of hope” (Italian: “il carattere comunitario della speranza”)¹¹ remains close to the heart of Benedict XI, which he solemnly expresses on the occasion of *establishing* the Pontifical Council for Promoting the New Evangelisation. In the Apostolic Letter *Ubicumque et semper* issued for the occasion, he treats this ecclesiastical journey “to finding together again in a union” (Italian: “ritroviarsi di nuovo insieme in un’unione”)¹² in terms of a dynamic (personal and communal) response to the inestimable gift of Love. “As I stated in my first Encyclical *Deus caritas est*: ‘Being Christian is not the result of an ethical choice or a lofty idea, but the encounter with an event, a person, which gives life a new horizon and a decisive direction’ (n. 1). Likewise, at the root of all evangelization lies not a human plan of expansion, but rather the desire to share the inestimable gift that God has wished to give us, making us sharers in his own life.”¹³

⁷ UR, n. 1

⁸ UUS, n. 8.

⁹ Ibidem, n. 9.

¹⁰ Ibidem.

¹¹ BENEDICT XVI: *Encyclical Letter on Christian Hope “Spe Salvi”* [30.11.2007], n. 14.

¹² Ibidem.

¹³ BENEDICT XVI: *Apostolic Letter in the Form of Motu Proprio Establishing the Pontifical Council for Promoting the New Evangelization “Ubicumque et semper”* [21.09.2010], http://www.vatican.va/content/benedict-xvi/en/apost_letters/documents/hf_ben-xvi_apl_20100921_ubicumque-et-semper.html [accessed 23.02.2022]; cf. G. GÄNSWEIN: “Neuevangelisierung. Weg und Herzmitte der Kirche in unserer Zeit.” In: *Theologia Iuris Canonici. Festschrift für Ludger Müller zur Vollendung des 65. Lebensjahres*. Eds. CH. OHLY, W. REES, L. GEROSA. [Kanonistische Studien und Texte, Bd. 67]. Berlin 2017, p. 51.

Today, perceiving the Church as “a community of missionary disciples” and “an evangelizing community”¹⁴ — on the ground of Revelation (with St. Paul’s beautiful Christian testimony: “‘The love of Christ urges us on’ /2 Cor 5:14/; ‘Woe to me if I do not proclaim the Gospel’ /1 Cor 9:16/”¹⁵) and around the Vaticanum II pastoral paradigm: *communio*¹⁶ — Pope Francis links to the missionary-ecumenical “contribution to the unity of the human family.”¹⁷ It is not difficult to see that this last statement, contained in his first post-synodal exhortation *Evangelii gaudium*, resonates with and somehow foreshadows the Pope’s contemplation (listening to the synodal fathers¹⁸) in the subsequent post-synodal document: *Amoris laetitia*.¹⁹ It is about the relevant sections of this exhortation,²⁰ referring to John Paul II’s famous manifesto from the Letter to Families *Gratissimam sane*: the family is “the way of the Church”²¹ along with the announcement of the great²² encyclical on marriage *Familiaris consortio*,²³ that “the future of evangelization depends in great part on the ‘Church of the home’.”²⁴

¹⁴ FRANCIS: *Apostolic Exhortation “Evangelii gaudium”* [24.11.2013] [hereinafter: EG], n. 24.

¹⁵ *Ibidem*, n. 9.

¹⁶ *Ibidem*, nn. 14—15.

¹⁷ *Ibidem*, n. 245.

¹⁸ Cf. SYNOD OF BISHOPS. XIV ORDINARY GENERAL ASSEMBLY: *The Final Report: The Vocation and Mission of the Family in the Church and in the Contemporary World* [24.10.2015], nn. 42—46, https://www.vatican.va/roman_curia/synod/documents/rc_synod_doc_20151026_relazione-finale-xiv-assemblea_en.html [accessed 23.02.2022].

¹⁹ FRANCIS: *Apostolic Exhortation “Amoris laetitia”* [19.03.2016] [hereinafter: AL].

²⁰ *Ibidem*, nn. 63, 67—75, 120—121.

²¹ JOHN PAUL II: *Letter to Families “Gratissimam sane”* [2.02.1994] [hereinafter: GrS] n. 2; AL, n. 69.

²² See A. PASTWA: “Marriage Covenant in Catholic Doctrine: The *Gaudium et Spes* Pastoral Constitution on the Church — the Apostolic Exhortation *Familiaris Consortio* — the Code of Canon Law — the Code of Canons of the Eastern Churches.” In: *Marriage covenant — paradigm of encounter of the “de matrimonio” thought of the East and West. Ecumeny and Law 1* (2013), pp. 103—109.

²³ JOHN PAUL II: *Apostolic Exhortation “Familiaris consortio”* [22.11.1981] [hereinafter: FC].

²⁴ *Ibidem*, n. 52. The Synodal fathers reasonably attribute the earlier highlighting of this truth (about the ontic-functional relationship between the family and the Church) to Pope Paul VI: “One cannot fail to stress the evangelizing action of the family in the evangelizing apostolate of the laity. At different moments in the Church’s history and also in the Second Vatican Council, the family has well deserved the beautiful name of ‘domestic Church.’ This means that there should be found in every Christian family the various aspects of the entire Church. Furthermore, the family, like the Church, ought to be a place where the Gospel is transmitted and from which the Gospel radiates.” PAUL VI: *Evangelii Nuntiandi* [8.12.1975], n. 71; SYNOD OF BISHOPS. XIV ORDINARY GENERAL ASSEMBLY: *The Final Report...*, n. 43.

The conclusions of the conciliar and post-conciliar doctrine on the relationship between the sacramental marriage/family and the Church are summarised by Pope Francis in the following statement: “The spousal covenant, originating in creation and revealed in the history of salvation, takes on its full meaning in Christ and his Church. Through his Church, Christ bestows on marriage and the family the grace necessary to bear witness to the love of God and to live the life of communion.”²⁵

This teaching of Pope Francis, rich, of course, also with the richness of the ideas of his predecessors in the Holy See (especially St. John Paul II), gave the final impetus to the words of the title: Love Builds Communion between Persons (and Communities).²⁶ It is precisely this “programmed” by the redemptive work of Christ universal dynamic of building *unitas/communio*, which, by means of the Holy Spirit, the Giver of gifts and charisms, is inscribed in the heart of the Church-sacrament²⁷ (“Community of communities”²⁸), that constitutes the ecclesial-pastoral²⁹ paradigm

²⁵ AL, n. 63. With the guiding layer of this conclusion resonates a further passage of the exhortation, bearing the title “The sacrament of matrimony”: “Jesus, who reconciled all things in himself and redeemed us from sin, not only returned marriage and the family to their original form, but also raised marriage to the sacramental sign of his love for the Church (cf. *Mt* 19:1—12; *Mk* 10:1—12; *Eph* 5:21—32). In the human family, gathered by Christ, ‘the image and likeness’ of the Most Holy Trinity (cf. *Gen* 1:26) has been restored, the mystery from which all true love flows. Through the Church, marriage and the family receive the grace of the Holy Spirit from Christ, in order to bear witness to the Gospel of God’s love.” *Ibidem*, n. 71.

²⁶ Cf. UUS, n. 21. Finally, it is worth noting that in the *Amoris laetitia* exhortation, Pope Francis emphasises the importance of John Paul II’s statements from the exhortation *Familiaris consortio* in the section under the title “Love as the Principle and Power of Communion”, pointing to the dynamism flowing from the sacramental covenant of conjugal love: “[...] an unceasing inner dynamism leading the family to ever deeper and more intense communion, which is the foundation and soul of the community of marriage and the family.” AL, n. 196.; FC, n. 18; cf. A. PASTWA A.: „Przymierze miłości małżeńskiej”. *Jana Pawła II idea małżeństwa kanonicznego*. Katowice 2009, pp. 70—80

²⁷ A 2018 International Theological Commission document reads: “Gathered by the Father, in the outpouring of the Holy Spirit the Church becomes the living sacrament of Christ.” INTERNATIONAL THEOLOGICAL COMMISSION: *Synodality in the Life and Mission of the Church* (2018), n. 109a http://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_cti_20180302_sinodalita_en.html [accessed 23.02.2022]. Earlier, the Commission specifies: “The Holy Spirit brought into being and shaped the communion and mission of the Church, the Body of Christ and the living Temple of the Spirit (cf. *John* 2,21; 1 *Corinthians* 2,1—11). »To believe that the Church is ‘holy’ and ‘Catholic’, and that she is ‘one’ and ‘apostolic (as the Nicene Creed adds), is inseparable from belief in God, the Father, the Son, and the Holy Spirit (*Catechism of the Catholic Church*, 750)«.” *Ibidem*, n. 44.

²⁸ Cf. EG, no. 28.

²⁹ The intention of preparing the present study is related to the perception of the contemporary mission of the theologian-canonist — according to the paradigm of “com-

for viewing the sacramental covenant of marital and family love. It defines in community dimension, both evangelistic and missionary-ecumenical — on the basis of a natural relational-personal structure: the indissoluble union of a man and a woman³⁰ — the fundamental vocation of Christian spouses/parents, as St. John Paul II prophetically taught about the Church entering the third millennium: “to spread the mystery of communion” (*Ut unum sint*)³¹ and “to make the Church the home and the school of communion” (*Novo millennio ineunte*).³²

2. Christian Marriage: the Sacrament of faith in the service of communion

An important programme passage of the recent document of the International Theological Commission *The Reciprocity between Faith and*

munal” thinking about the Church — In such an approach to the not easy Christian dialogue, which above the finesse of scientific disputes (with all due respect to the invaluable results of the research of the theorists of ecumenism) value more the search for (and proposal of) solutions to real problems of pastoral nature. After all, a canonist can never abstract from the important instruction of John Paul II, formulated in his famous address to the Roman Rota: “The juridical and the pastoral dimensions are united inseparably in the Church.” JOHN PAUL II: *Address to the Tribunal of the Roman Rota* [18.01.1990], n. 4, https://www.vatican.va/content/john-paul-ii/en/speeches/1990/january/documents/hf_jp-ii_spe_19900118_roman-rot.html [accessed 23.02.2022]. What is worth emphasising at the same time, the said papal *memento* is firmly rooted in the conciliar ecclesiology of *communio*: “The pastoral nature of [canon law], that is, its function within the salvific mission of the pastors of the Church and the entire People of God, [...] finds a solid basis in conciliar ecclesiology.” Ibidem, n. 2; cf. FRANCIS: *Address to the Officials of the Tribunal of the Roman Rota for the Inauguration of the Judicial Year* [24.01.2014], https://www.vatican.va/content/francesco/en/speeches/2014/january/documents/papa-francesco_20140124_rot-romana.html [accessed 23.02.2022]. Cf. also J.M.R. TILLARD: “Ecclesiology of Communion and Canon Law. The Theological Task of Canon Law: A Theologian’s Perspective.” *CLSA Proceeding* 58 (1996), pp. 24—34.

³⁰ JOHN PAUL II: *Address to the Prelate Auditors, Officials and Advocates of the Tribunal of the Roman Rota* (February 1, 2001), nn. 4, 8, https://www.vatican.va/content/john-paul-ii/en/speeches/2001/february/documents/hf_jp-ii_spe_20010201_rot-romana.html [accessed 23.02.2022]; see also IDEM: *Discorso ai Membri del Tribunale della Sacra Romana Rota* (28 gennaio 1982), https://www.vatican.va/content/john-paul-ii/it/speeches/1982/january/documents/hf_jp-ii_spe_19820128_sacra-rot.html [accessed 23.02.2022].

³¹ UUS, n. 5.

³² JOHN PAUL II: *Apostolic Letter to the Bishops Clergy and Lay Faithful at the Close of the Great Jubilee of the Year 2000 “Novo millennio ineunte”* [6.01.2001], n. 43, https://www.vatican.va/content/john-paul-ii/en/apost_letters/2001/documents/hf_jp-ii_apl_20010106_novo-millennio-ineunte.html [accessed 23.02.2022].

Sacraments in the Sacramental Economy (2020)³³ announces the theologians' detailed reflection on Christian marriage³⁴ contained in the core of the document. What appears under the section *Faith and the Sacraments of Faith* (according to the systematisation of the *Catechism of the Catholic Church*³⁵) is a discourse entitled *Sacraments in the Service of Communion*, culminating in point 77 with a kind of a guiding statement: "Those who have been born again of water and the Spirit also exercise their common priesthood (cf. LG 10), which is inseparable from the life of faith, in the love they profess to each other as spouses. The love publicly professed by husband and wife is a sacred bond with which they make Christ's love for us His Church historically visible and present in the world. In this way and thanks to marriage, the Christian community grows, and children are begotten. They are the fruit of love who, by breathing faith in the family, increase the number of members of the Body of Christ. Thus, the family becomes the domestic Church, the preponderant place for the reception, expression, and living of faith."³⁶

The detailed issues of a dogmatic nature evoked by this quote best convey the importance of the document, which, as the fruit of six years of expert work on exploring the relationship between faith and the sacraments, represents a significant achievement of the most recent theology. To find out, we only need to trace recent publications by Commission members, such as: Thomas Bonino (Secretary of the Commission),³⁷ Gabino Uríbarri

³³ INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments in the Sacramental Economy* (2020), https://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_cti_20200303_reciprocita-fede-sacramenti_en.html [accessed 23.02.2022].

³⁴ *Ibidem* [4. The Reciprocity between Faith and Marriage], nn. 132—182.

³⁵ "Two [...] sacraments, Holy Orders and Matrimony, are directed towards the salvation of others; if they contribute as well to personal salvation, it is through service to others that they do so. They confer a particular mission in the Church and serve to build up the People of God."

Catechism of the Catholic Church [11.10.1992], [hereinafter: CCC], n. 1534, https://www.vatican.va/archive/ENG0015/_INDEX.HTM [accessed 23.02.2022].

³⁶ INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments...*, n. 77.

³⁷ S.-TH. BONINO: "Un parere della Commissione Teologica Internazionale: il matrimonio tra battezzati non credenti." *L'Osservatore Romano*, ed. quotidiana, Anno CLX, n. 51, 2—3/03/2020, p. 7; IDEM: "Matrimonio naturale in società scristianizzate (parla il decano dell'Angelicum)." *Aleteia*, pubbl. 9.03.2020, <https://it.aleteia.org/2020/03/09/serge-thomas-bonino-matrimonio-fede/> [accessed 23.02.2022].

Bilbao³⁸ Karl-Heinz Menke,³⁹ Krzysztof Gózdź,⁴⁰ and outside the Commission, for instance José Granados,⁴¹ until recently the vice-president of the Pontifical John Paul II Theological Institute for Marriage and Family Sciences at the Lateran University in Rome. Thus, today's challenge for the study of canon law should be to re-explore the subject matter in all the complexity of its detailed issues, including the development of relevant conclusions in the canonical (lawmaking) and canonical-pastoral (application of the law) spheres.⁴² This is in the name of the rule that church legislation, especially in clarifying key/systemic issues — and among such is the answer to the question of what lies behind the catechism's depiction Christian marriage: as the sacrament of faith in the service of communion, in the doctrinal context of the *eo ipso sacramentum*⁴³ principle — is always based on generally accepted theological assumptions.⁴⁴

³⁸ G. URÍBARRI BILBAO: "La ruptura entre la fé y los sacramentos en la iniciación cristiana: perplejidades y caminos." *Pastoral Litúrgica: documentación información* (2018), no. 360, pp. 13—38; IDEM: "Significato e piano del documento 'Reciprocità tra fede e sacramenti nell'economia sacramentale.'" *L'Osservatore Romano*, ed. quotidiana, Anno CLX, n. 51, 2—3/03/2020, p. 7; "Matrimonio in assenza di fede, documento della Commissione Teologica (Intervista con il teologo gesuita Gabino Uríbarri Bilbao)." *Vatican News*, pubbl. 3.03.2020, <https://www.vaticannews.va/it/vaticano/news/2020-03/gabino-uribarri-bilbao-intervista-matrimonio-fede-sacramenti.html> [accessed 23.02.2022].

³⁹ K.-H. MENKE: *Sakramentalität: Wesen und Wunde des Katholizismus*. Regensburg 2020⁴; IDEM: "Kann es einen Segen für alle geben?" (Text verfasste für die Deutsche Bischofskonferenz). *Die Tagespost*, 8.01.2021, <https://www.die-tagespost.de/kirche/weltkirche/kann-es-einen-segen-fuer-alle-geben-art-214954> [accessed 23.02.2022].

⁴⁰ K. GÓZDŹ: "Teologiczne rozumienie małżeństwa osób ochrzczonych a niewierzących." *Roczniki Teologiczne* 66 (2019), no. 2, pp. 19—34.

⁴¹ J. GRANADOS: "The sacramental Character of Faith: Consequences for the Question of the Relation between Faith and Marriage." *Communio* 41 (2014), pp. 245—268; IDEM: *Tratado general de los sacramentos*. Madrid 2017; IDEM: "Cuerpos sacramentales: cómo abrir espacios cristianos en la era secular." *Revista española de teología* 78 (2018), pp. 101—126.

⁴² It is worth noting the statement of the mentioned Commission member G. Uríbarri Bilbao: "Noi cerchiamo di illuminare questo problema complesso dal punto di vista della teologia dogmatica, ciò che è il primo passo. La regolamentazione canonica della celebrazione e della validità del sacramento del matrimonio si deduce dalla verità dogmatica dello stesso. Se la dottrina che proponiamo viene accettata, ai canonisti toccherà strutturarne la traduzione giuridica nei processi di nullità." Immediately, however, the author adds: "Ciò nonostante, desidero sottolineare che il nostro documento ha inteso tener presente la saggezza che il diritto canonico raccoglie, quale scienza sacra." ("Matrimonio in assenza di fede...").

⁴³ Cf. W. GÓRALKI: "Nierozdzielność ważnej umowy małżeńskiej zawartej między ochrzczonymi i sakramentu (kan. 1055 § 2 KPK i kan. 776 § 2 KKKW)." *Ius Matrimoniale* 12 (2007), pp. 15—20.

⁴⁴ This is, among other things, the quintessence of the position of the Pontifical Commission for the Revision of the Code of Canon Law of 1977 — *Communicationes*

Entering while reflecting such a delineated key area: Christian Marriage — domestic Church, the path followed by the International Theological Commission (measuring the achievements of recent theology by the test of fidelity to the hermeneutic of renewal in the continuity⁴⁵), must first mean focusing attention on the Christological paradigm,⁴⁶ marked by the title: “The Incarnation: Center, Summit, and Key to the Sacramental Economy.”⁴⁷ If it is true that the sacraments combine the essential aspects and dimensions of the life of the Church, it is impossible to pass over the fact that Jesus Christ is the foundation and source of all sacramentality, which then extends to the various sacramental signs that give birth to the Church.⁴⁸ This nodal thread of theological reflection is summarised by the Commission as follows: “The sacramental logic, inscribed in the Trinitarian revelation, is extended and condensed in the sacraments, in which

9 (1977), p. 122; cf. INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments...*, n. 155.

⁴⁵ BENEDICT XVI: *Address to the Roman Curia* [22.12.2005], https://www.vatican.va/content/benedict-xvi/en/speeches/2005/december/documents/hf_ben_xvi_spe_20051222_roman-curia.html [accessed 23.02.2022].

⁴⁶ Concisely speaking, it is about — falling within the conciliar trend of the renewal of theology — the idea of a close relationship between sacramentology and Christology, and consequently — with ecclesiology.

⁴⁷ INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments...*, nn. 30—32. In order to clarify — as part of a wider subject area: “The Trinitarian God: Source and End of the Sacramental Economy” and with the former highlighting of the issue: “The Trinitarian Foundation of Sacramentality”. *Ibidem*, nn. 16—21.

⁴⁸ “God’s desire to give Himself acquires its unsurpassable summit in Jesus Christ (cf. DV 2). By virtue of this hypostatic union (cf. DH 301-2), the humanity of Christ, true man, ‘who has similarly been tested in every way, yet without sin’ (Heb 4:15), is the humanity of the Son of God, of the eternal Word incarnate ‘for us and for our salvation’ (DH 150). Recent theology affirms that Jesus Christ is the primary sacrament (Ur-Sakrament) and the key to the sacramental structure of salvation history. In summary, we discover in Jesus Christ that the divine economy of salvation is sacramental because it is incarnational. For this reason it can be truly affirmed that ‘the sacraments are at the center of Christianity. [...]’ For in Jesus Christ, as the summit and the fullness of salvific time (Gal 4:4), there is the closest possible unity between a creaturely symbol, His humanity, and what is symbolized: the saving presence of God in His Son in the midst of history.” INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments...*, n. 30. This thought is developed in a recent statement by Karl-Heinz Menke, a member of the International Theological Commission: “Nur Christus ist die Selbst-Aussage Gottes. Die Exegese des Alten und des Neuen Testaments ist nur insofern Theologie, als sie der Christologie dient. Analoges gilt auch von allen anderen Disziplinen einer theologischen [...] Fakultät: von der Dogmatik und der Fundamentalt-heologie, von der Pastoraltheologie, der Liturgiewissenschaft oder dem Kirchenrecht.” K.-H. MENKE: “Theologie ist Christologie.” *Die Tagespost*, 15.08.2020, <https://www.die-tagespost.de/kultur/bildung/karl-heinz-menke-theologie-ist-christologie-art-211010> [accessed 23.02.2022].

Christ makes Himself present in a particularly intense way (SC 7). The sacramental structure and logic of faith rest on Jesus Christ, the Incarnate and redeeming Word.”⁴⁹

Two other threads of Part 1 of the document of the International Theological Commission define the doctrinal horizon of the previously quoted argument from No. 77, which can reasonably be described as an ideological declaration *de sacramento matrimonii et familiae*. The first thread, affirming the Christological basis of the entire sacramental reality — including the truth that the sacramental gift of Christ (with the mediating and creative role⁵⁰ of the Holy Spirit) finds its continuation primarily in the seven sacramental signs⁵¹ — skillfully embeds the said dynamic reality of the divine economy in the sacramentality of the Church. The following passage attest to this: “The historical tangibility of grace, which has been made present in history in Jesus Christ, remains (in a privileged, but indirect way) through the work of the Holy Spirit. The being of the Church has a visible and historical structure that serves the transmission of invisible grace, which she herself receives from Christ and transmits thanks to the Spirit. There is a remarkable analogy between the Church and the Incarnate Word (cf. LG 8; SC 2). From these premises, contemporary theology has deepened our understanding of the Church as the fundamental sacrament (*Grund-Sakrament*), in a similar vein to how Vatican II understands the Church as the universal sacrament of salvation. As a sac-

⁴⁹ INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments...*, n. 31.

⁵⁰ The weighty role of the Holy Spirit in making the sacramental economy real gives an impulse to define the Church: not only as a Christological- but also as a Pneumatological Reality: “As a creature who abides in the Trinity, that is, “the people united” within the unity of the Father, of the Son, and of the Holy Spirit,” [33] the Church has an intimate relationship not only with the Incarnate Word, to the point of being able to say that she truly is the Body of Christ (cf. LG 7), but also with the Holy Spirit. And this is true not only because the Spirit, the great gift of the Risen One (cf. Jn 7:39; 14:26; 15:26; 20:22), is at work in her constitution (cf. LG 4), dwells within her and in the faithful as in a temple (1 Cor 3:16; 6:19), unifies her, and generates the missionary dynamism inherent in her (cf. Acts 2:4–13)—but also because the Church is a spiritual, pneumatic people (cf. LG 12), enriched by the various gifts that the Spirit gives to the faithful for the good of the whole community (cf. Rom 12:4–8; 1 Cor 12:12–30; 1 Pt 4:10). These charismatic gifts lead to a particular appropriation of the richness of the Word of God and of sacramental grace, strengthening the community and promoting its mission (cf. AA 3). In short: these gifts strengthen the sacramentality of the Church.” *Ibidem*, n. 35. See for example A. PASTWA: “‘Komunia w Duchu’. Małżeństwo a Eucharystia w świetle norm kanonów 1065 § 2 i 1119 KPK.” *Ius Matrimoniale* 17 (2012), pp. 7–43.

⁵¹ Cf. INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments...*, n. 36.

rament, the Church is in the service of the salvation of the world (LG 1; GS 45) and of the transmission of grace whose reception has made it a sacrament. Sacramentality always has a missionary character, a character of service for the good of others.”⁵²

In turn, the second thread, concentrated on — determining the optics of the Commission’s research in question — the category of “personal faith,” all too clearly exposes the interactive-personal character of the sacraments.⁵³ It is no coincidence that the result of the theological discourse conducted in this way — admirably situated within the renewed personalist theology of the sacraments⁵⁴ — provides a bridge to the exploration by the experts of the aforementioned esteemed body of the key issue⁵⁵

⁵² Ibidem, n. 33.

⁵³ The point is accurately expressed by Karl-Heinz Menke in the Vorwort to the third edition of his well-known monograph: “Die personale Kommunikation mit Christus ist nichts Unsichtbares oder rein Privates. Denn ‘das Wort ist Fleisch geworden und hat unter uns gewohnt’ (Joh 1,14). Und ‘Leib’ bedeutet in der Bibel so viel wie ‘mitteilen’, ‘sichtbar machen’, ‘in Beziehung treten’. Christus ist nicht die Verkleidung, sondern die Mitteilung, die Offenbarung, ja, ‘die Inkarnation’ des Wortes Gottes. Deshalb kann niemand mit Christus kommunizieren, ohne den Weg in die Inkarnation mitzuvollziehen. [...] Eine Wahrheit, die Person ist, kann nur personal vermittelt werden.” K.-H. MENKE: *Sakramentalität...*, pp. 9—10. These findings lead the professor of dogmatics from the University of Bonn to formulate an ecumenically oriented thesis — significant and for the reason that it directly addresses the title issue examined here (Christological-Ecclesiological Key to Identify Marriages of Baptised Non-Catholics): “Das ist der Grund, warum das Neue Testament kein Register von Lehrsätzen über Jesus, sondern eine Sammlung von *personalen Glaubenszeugnissen* (emphasis — A.P.) ist. Die Einheit der Christenheit steht und fällt mit der Kommunikation der vielen Einzelnen quer durch alle Konfessionen und Denominationen mit Christus *und* miteinander. Die Einheit ist nicht da in Gefahr, wo Christinnen und Christen kontrovers miteinander diskutieren oder gar streiten. Im Gegen teil, solange der Einzelne im Gespräch mit dem Andersdenkenden ist, dient er der Einheit. Deswegen ist nicht die bedauerliche Spaltung der Christenheit in Vergangenheiten Jahrhunderten das eigentliche Problem der Gegenwart. Viel Gravierender als das negative Erbe der Vergangenheit ist die Tatsache, dass immer mehr getaufte Christinnen und Christen quer durch alle Konfessionen nach dem Motto leben: ‘Mein Glaube ist Privatsache’.” Ibidem, p. 10.

⁵⁴ See L. LIES: *Sakramententheologie. Eine personale Sicht*. Graz—Wien—Köln 1990; H. O. MEUFFELS: *Kommunikative Sakramententheologie*. Freiburg—Basel—Wien 1995; cf also F.-J. NOCKE: “Allgemeine Sakramentenlehre.” In: *Handbuch der Dogmatik*. Vol. 2. Ed. TH. SCHNEIDER. Ostfildern 2017⁶, pp. 188—225.

⁵⁵ The aforementioned Secretary Serge-Thomas Bonino justifies the priority of the Commission’s scientific inquiries into this matter as follows: “La questione del matrimonio è stata il ‘piatto forte’ della nostra riflessione, perché da diversi anni osserviamo che ci sono sempre meno domande di matrimoni in chiesa; e che sempre meno, tra i pochi che ne fanno domanda, sono spinti da motivazioni veramente cristiane. Spesso si tratta infatti di fattori meramente culturali o sociali. [...] Al contempo, osserviamo che oggi è molto frequente essere ‘battezzati non credenti’, cosa che fino a poco fa si dava raramente ed era quasi accidentale. Il battesimo è in linea di principio un atto di fede, il

of the value of marriages of “baptised non-believers” (close in issue, we may think, and certainly as controversial as the title problem of identifying marriages of baptised non-Catholics). This is being reassured by the following conclusion: “The fundamental sacramentality of the Church is exercised in a privileged way and with special intensity in the celebration of the sacraments. The sacraments always have an ecclesial character: in them the Church brings her own being into play, in the service of transmitting the saving grace of the risen Christ, through the aid of the Spirit. Therefore, each and every sacrament is an intrinsically ecclesial act. According to the Fathers, the sacraments are always celebrated in the faith of the Church, since they have been entrusted to the Church. In each and every sacrament, the faith of the Church precedes the faith of the individual faithful. It is, in fact, a personal exercise of the faith of the Church. Therefore, without participation in the faith of the Church, such symbolic acts are rendered void, insofar as *faith is what opens the door to the sacramental signification at work* [emphasis — A.P.]”⁵⁶

Of course, the “marriage” section of the International Theological Commission, study in question, is marked by the context of the magisterial teachings of the Pope of Family,⁵⁷ Saint John Paul II,⁵⁸ contained in the famous 68th issue of the exhortation *Familiaris consortio* and repeated in his famous Address to the Roman Rota in 2001. In the latter document, the same key excerpt from the exhortation: “The sacrament of Matrimony has this specific element that distinguishes it from all the other sacraments: it is the sacrament of something that was part of the very economy of creation; it is the very conjugal covenant instituted by the Creator ‘in the beginning’”⁵⁹ — finds complementation in an unforgettable (well recognised by canonists) phrase: “Matrimony, moreover, while being a ‘*sign signifying and conferring grace*’, is the only one of the seven sacraments that is not related to an activity specifically ordered to the attainment of directly supernatural ends. For the ends of marriage are not only predominantly but properly ‘*by its very nature*’ the good of the

matrimonio di una persona battezzata non dovrebbe porre problemi su questo punto.” S.-Th. BONINO: “Matrimonio naturale in società scristianizzate...”

⁵⁶ INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments...*, n. 39.

⁵⁷ FRANCIS: *Holy Mass and Rite of Canonization of Blesseds John XXIII and John Paul II. Homily* (April 27, 2014), https://www.vatican.va/content/francesco/en/homilies/2014/documents/papa-francesco_20140427_omelia-canonizzazioni.html [accessed 23.02.2022].

⁵⁸ See INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments...*, nn. 152—154.

⁵⁹ FC, n. 68; JOHN PAUL II: *Address to the Prelate Auditors, Officials and Advocates of the Tribunal of the Roman Rota* [1.02.2001], n. 8.

*spouses and the procreation and education of offspring (CIC, can. 1055)."*⁶⁰ However, it should come as no surprise that in establishing dogmatic truth, that is, developing a scientifically sound answer to a currently pressing problem — as one of the subtitles at the beginning of the document suggests: “Faith and the Sacraments: A Reciprocity in Crisis”⁶¹ — the Commission’s experts do not stop at the “answers” already given.⁶² This is undoubtedly the overtone of the focus on Benedict XVI’s idea of anthropological realism (a trend that is also present in contemporary canonist literature⁶³), and in deciding *in concreto* the issue at hand — on the Pope’s teaching about the existence of a strong relationship between “natural marriage” and “sacrament”, as Commission Secretary Serge-Thomas Bonino expresses it.⁶⁴

⁶⁰ JOHN PAUL II: *Address to the Prelate Auditors, Officials and Advocates of the Tribunal of the Roman Rota* [1.02.2001], n. 8. Worth quoting is the concluding paragraph of the papal address: “On the other hand, to introduce requirements of intention or faith for the sacrament that go beyond that of marrying according to God’s plan from the ‘beginning’ — in addition to the grave risks that I mentioned in *Familiaris consortio* (n. 68, loc. cit., pp. 164—165): unfounded and discriminatory judgements, doubts about the validity of marriages already celebrated, *particularly by baptized non-Catholics* [emphasis — A.P.] — would inevitably mean separating the marriage of Christians from that of other people. This would be deeply contrary to the true meaning of God’s plan, in which it is precisely the created reality that is a ‘great mystery’ in reference to Christ and the Church.” *Ibidem*.

⁶¹ INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments...*, n. 3.

⁶² It is also, what is characteristic, about the relation to its earlier studies (if not identical, then close in scope), the results of which the Commission presented in 1977. INTERNATIONAL THEOLOGICAL COMMISSION: *Propositions on the Doctrine of Christian Marriage* (1977), https://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_cti_1977_sacramento-matrimonio_pl.html [accessed 23.02.2022].

⁶³ Cf. A. PASTWA: *Il bene dei coniugi. L’identificazione dell’elemento ad validitatem nella giurisprudenza della Rota Romana* [Biblioteca Teologica, Sezione Canonistica. Vol. 7]. Lugano—Siena 2018, pp. 100—123.

⁶⁴ It is worth knowing the broader context of this statement: “La tesi che difendiamo — che poi è quella avanzata da Benedetto XVI — è che ci sia un legame molto forte tra il ‘matrimonio naturale’ e il ‘sacramento’: ciò fa sì che si consideri che il primo implichi il secondo. Per matrimonio naturale intendiamo una concezione dell’istituzione come iscritta nella natura stessa dell’essere umano, e che si può ravvisare nelle società non-cristiane: essa comprende l’idea del matrimonio indissolubile, aperto alla vita, dono di sé per l’altro eccetera. Dobbiamo considerare che l’idea di un matrimonio naturale abbia ancora un senso quando è totalmente estromessa da una società in cui non c’è fede? Cinquant’anni fa persone non cristiane sapevano che un matrimonio implicava che si stesse parlando di un uomo e di una donna, che la cosa fosse per sempre, che riguardasse l’aver figli e vivere insieme... anche se talvolta non vi si adeguavano praticamente. Nelle nostre società abbondantemente scristianizzate quest’idea di matrimonio è ancora chiara alla nostra mente? Che fare quando l’ottica contemporanea del matri-

Another member of the Commission, Gabino Uríbarri Bilbao, does not hesitate to speak of the peculiar priority the Commission has given to the thought of Joseph Ratzinger/Benedict XVI.⁶⁵ It is for one fundamental reason — it was this pope who most clearly articulated in his magisterium the issue of the influence of faith on anthropological concepts.⁶⁶ “Following Benedict XVI — as we can read in the Angelicum dean’s interview with Vatican News — we start from the premise that faith determines anthropological concepts in every area of life, including marriage. We ask ourselves whether the consistent lack of faith, typical of those who can be called ‘baptized non-believers’, affects their understanding of marriage — keeping in mind that in many places the socially shared understanding of marriage, including legally constituted marriage, is not based on indissolubility (eternality), fidelity (exclusivity and the welfare of the spouse) and procreation (opening up for offspring). We claim, therefore, that in the case of ‘baptised non-believers’ the intention to enter into a true natural marriage is not guaranteed. Without natural marriage, there is no reality that can be introduced into sacramental marriage: there is no sacramental marriage.”⁶⁷

At least as inspiring and relevant in uncovering the depths of the Catechism’s depiction of “Christian marriage” as the “sacrament of faith in the service of communion”⁶⁸ proved to be another idea of Benedict XVI. Relevant insofar as it can be seen today as a key link in the chain of answers to the title question troubling theologians and canonists⁶⁹ about

monio non implica più fin dal principio i presupposti del matrimonio naturale?” S.-Th. BONINO: “Matrimonio naturale in società scristianizzate...”

⁶⁵ “La nostra proposta segue la scia di vari interventi di Papa Francesco, di San Giovanni Paolo II e, soprattutto, di Benedetto XVI, anche se fa un passo in avanti, che si offre al dibattito della teologia dogmatica, pastorale, canonica e al discernimento dei pastori.” G. URÍBARRI BILBAO: “Significato e piano del documento...,” p. 7.

⁶⁶ Ibidem.

⁶⁷ “Matrimonio in assenza di fede...”

⁶⁸ CCC, n. 1534

⁶⁹ Emblematic here is the view of Winfried Aymans, consistently articulated from the 1970s to the present day. This prominent canonist raises the argument that according to the ecclesiological doctrine of Vatican II, non-Catholic Christians are incorporated into the Church not by a direct union with the Catholic Church (so in the description of CIC 1917), but through their churches or ecclesial communities. Well, this kind of church membership — yes real but incomplete because of a lack of the fullness of faith — gives rise to the question of the validity of the principle of *eo ipso sacramentum* in marriage between two baptized Protestants. In this case, should we not rather see the possibility of a separation between the contract and the sacrament? In Aymans’ unequivocal assessment, inseparability appears to be absolute only for Catholics, i.e., for those who belong fully to the Church. W. AYMANS: “Gleichsam häusliche Kirche. Ein kanonistischer Beitrag zum Grundverständnis der sakramentalen Ehe als Gottesbund und

the real identity of marriages of baptised non-Catholics. As the famous debate of the previously quoted professors of dogmatics José Granados and Gabino Uríbarri Bilbao in the pages of *Salmanticensis* (2015) showed,⁷⁰ instructive yet insufficient in resolving difficult problems in the field of matrimony — and among such is the title question of credible justification of the sacramentality of marriage between two baptized Protestants⁷¹ — appears to be the classical⁷² emphasis of baptismal incorporation into

Vollzugsgestalt kirchlicher Existenz.” *Archiv für katholisches Kirchenrecht* [hereinafter: AKKR] 147 (1978), pp. 424—446; IDEM: “Die sakramentale Ehe — Gottgestifteter Bund und Vollzugsgestalt kirchlicher Existenz.” *Revista española de derecho canónico* (1990), pp. 611—638; IDEM: “Sakramentale Ehe. Ein Plädoyer für eine Neubesinnung auf den religiösen Sinn des kirchlichen Eheverständnisses. Ein Zwischenruf zu den Bischofssynoden 2014/1015.” AKKR 183 (2014), pp. 123—130. Opposing this position, José Granados, an esteemed expert on sacramentology, accurately counter-argues (including citing the ideas of Eugenio Corecco): “I think that its chief value is that it grasps the ecclesial nature of marriage and argues on the basis of it. The deeper examination of the ecumenical question at Vatican II concludes that it is possible to belong to the Body of Christ in various degrees; in order to enjoy *plena communio* [full communion] in the Body of Christ, baptism is not enough, but other elements are required: the full faith of the Church and incorporation into the hierarchical body, as Aymans notes. However, insofar as Protestants are incorporated into Christ by baptism, there can be no doubt about the sacramental character of their marriages: they belong to the Body of Christ and therefore are united according to the standard of Christ. For them too it is true that, since they have encountered Christ and profess faith in his redemption, they cannot return to an earlier situation, to a union within creaturely parameters as though Christ had not existed: the inseparability of contract and sacrament is therefore valid in the case of Protestants.” J. GRANADOS: “The sacramental Character of Faith...,” p. 259.

⁷⁰ “Eucaristía y divorcio, ¿Hacia un cambio de doctrina? Diálogo entre José Granados y Gabino Uríbarri.” *Salmanticensis* 62 (2015), pp. 493—531.

⁷¹ *Nota bene* the axis of the debate in question was another important legal and pastoral problem: the (im)possible revision of the Catholic Church’s position of not allowing divorced people living in new unions to receive the Eucharist.

⁷² Of course, the qualities of the “classical” interpretation of *de sacramento matrimonii* in the exhortation *Amoris laetitia* remain undisputed, as evidenced, for example, by the passages: “Mutual self-giving in the sacrament of matrimony is grounded in the grace of baptism, which establishes the foundational covenant [of the spouses — A.P.] with Christ in the Church” (AL, 73). “By their baptismal consecration, they were enabled to join in marriage as the Lord’s ministers and thus to respond to God’s call. [...] The natural order has been so imbued with the redemptive grace of Jesus that ‘a valid matrimonial contract cannot exist between the baptized without it being by that fact a sacrament’” (AL, 75). The theological paradigm so delineated in the post-conciliar papal magisterium obviously influences the shape of the legal-canonical argumentation. For example: “It is precisely the implantation of the human person into the Mystical Body of Christ that constitutes the determinative moment for the marriage covenant to become a sacrament.” W. GÓRALSKI: “Nierozdzielność ważnej umowy małżeńskiej...,” p. 31.

the structure and sacramental life of the Church.⁷³ Since today, in view of the urgent task of promoting the evangelising and missionary-ecumenical profile of “sacrament in the service of Communion,” can we be content with a simple message: since Protestants are implanted in Christ through baptism, there is no doubt about the sacramental character of their marriages. Hence the imposing urgent need for a new in-depth look at the dynamic mystery reality (*sacramentum*).

It is not without reason that both of the aforementioned debaters unanimously link the fact of the nupturients’ baptismal belonging to Christ with their incorporation into His Church Body. Well, the immanent connection of the “Body of Christ” with “the domestic Church” highlighted in the International Theological Commission’s nodal 77th issue of the document — once again following Benedict XVI’s “matrimonial” thinking, this time in the exhortation *Sacramentum caritatis*⁷⁴ — gains development in the 114th issue entitled “Building the Ecclesial Body.” It is here that the Commission’s theologians’ statement: “[...] the Church is generated in the Eucharist: Christ, who gives Himself to her in sacrifice as to His beloved Spouse, constitutes her in His body,”⁷⁵ directs the nodal passages of the said exhortation. Suffice it to take out the characteristic papal declarations: First, in the universal view of the Eucharist as “the supreme sacramental manifestation of communion in the Church”⁷⁶ — “The Eucharist is Christ who gives Himself to us and continually builds us up as His body.”⁷⁷ Then, already directly in reference to the Christian marriage (“nuptial sacrament”) — “The Eucharist, as the sacrament of charity, has a particular relationship with the love of man and woman united in marriage. *A deeper understanding of this relationship is needed at the present time* [emphasis — A.P.].”⁷⁸

⁷³ G. URÍBARRI BILBAO: “Buscando la verdad completa de los divorciados vueltos a casar. Continuando la conversación con José Granados.” In: *Eucaristía y divorcio...*, p. 521; J. GRANADOS: “Eucaristía, comunión eclesial y divorcio. En diálogo con Gabino Uríbarri.” In: *Eucaristía y divorcio...*, pp. 500—501.

⁷⁴ BENEDICT XVI: *Apostolic Exhortation “Sacramentum caritatis”* [22.02.2007] [hereinafter: SC].

⁷⁵ INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments...*, n. 114.

⁷⁶ SC, n. 15.

⁷⁷ *Ibidem*, n. 14; cf. JOHN PAUL II: *Encyclical Letter “Ecclesia de Eucharistia”* [17.04.2003], n. 38.

⁷⁸ SC, n. 27. Indeed, a similar thought (“*analogia Eucharistica*”) was developed earlier by John Paul II. However, Benedict XVI’s appeal, dictated by the “signs of the times,” is distinguished by the categorical and urgent nature of the task outlined. Cf. FC, n. 57; see also A. PASTWA: „*Przymierze miłości małżeńskiej*”..., pp. 149—156.

This priority papal recommendation, a theological exploration of the relationship: the Eucharist and nuptial sacrament,⁷⁹ has been taken up and implemented in his research by the already mentioned Professor José Granados. He does it both skillfully and originally, promoting the method of modern theology of defining the sacramental sign (including marriage) in the horizon of the “Eucharistic space”⁸⁰: reliable theological contemplation should always start from the Eucharistic Body as the sacrament *par excellence* and illuminate other redemptive signs from this perspective.⁸¹ Needless to say, the subsequent “steps” of this intervening discourse significantly sharpen the features of the reality portrayed here Christian marriage as the sacrament of faith in the service of communion.

In the first version, the Spanish theologian gives insight into the very core of the sacramental structure, which the International Theological Commission document encapsulates in the maxim: “the Church herself is the body of Christ.”⁸² Well, Jesus in the Eucharist offers us his body, and with it a radically new style of existence, along the lines of his earthly life. The statement: “The Eucharist is the body of Christ,” thus expresses the fundamental truth that this “body” is the dynamic space in which members (Christians) unite and assimilate the novum of the Gospel style of personal relationships.⁸³ It is through this “fundamental sacrament”⁸⁴ that the “reception into a new family that reconfigures the essential coordinates of our being in the world, and therefore our identity and our

⁷⁹ SC, nn. 27—29.

⁸⁰ J. GRANADOS GARCÍA: “Cuerpos sacramentales: cómo abrir espacios cristianos en la era secular.” *Revista española de teología* 78 (2018), pp. 111—117.

⁸¹ *Ibidem*, p. 111.

⁸² In a broader description: “In the Eucharist we enter into communion of life with the love of the Trinitarian God. [...] The Church herself is the body of Christ, constituted as such by divine design, thanks to the sacramental Trinitarian action. This body actualizes what it is when it proclaims the faith received, sanctifies history, sings the praises of the Trinity, and undertakes the mission to proclaim the Gospel in word and deed.” INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments...*, nn. 104, 114.

⁸³ J. GRANADOS GARCÍA: “Cuerpos sacramentales...,” p. 106. Here it should be noted that Benedict XVI, spreading the vision of the “sacramental perspective of Christian revelation,” reveals the true source of the aforementioned dynamic. It is “word of God [...] listened to and accepted in a spirit of communion with the Church and with a clear awareness of its unity with the sacrament of the Eucharist. Indeed, the word which we proclaim and accept is the Word made flesh (cf. *Jn* 1:14); it is inseparably linked to Christ’s person and the sacramental mode of his continued presence in our midst.” SC, n. 45; cf. G. GÄNSWEIN: “Neuevangelisierung...,” pp. 45—46.

⁸⁴ J. GRANADOS GARCÍA: “Cuerpos sacramentales...,” p. 105.

works, is accomplished.”⁸⁵ The truth of the Eucharist as the “central” (!) sign of Christ’s *Mysterium caritatis*, in turn, provides a strong basis for seeing in the other sacramental signs various (diverse yet complementary) extensions of the Eucharistic space into the lives of individuals and communities.⁸⁶

As we might guess, setting the discourse on such a distinct guiding basis has already allowed José Granados to credibly bridge the gap between the Eucharist and Christian marriage. Looking at the sacrament as a bodily symbolic space redirects attention from the form of the rite performed (with material elements) to the transformation of the Christian’s body itself, conforming to the body of Christ (in a personalistic key).⁸⁷ While the body that Christ gives us (“this is my body, which is given for you”⁸⁸) involves a new way of establishing personal relationships between people, thanks to the recognition of origin and ultimate destiny in the Father, belonging to the Church means entering into this new network of relationships, defined by the measure of Jesus’ love, and thus co-creating concrete communion (lived “in the flesh” and “in history”) in openness to God and the brethren.⁸⁹ “Within this optic, baptism is the gateway of incorporation into the Eucharistic space through which this body is born; this space is perceived as the ultimate reference point of all relationships. [...] Thus, marriage expresses [in the sacramental sign of the spousal covenant⁹⁰] that the Eucharistic space does not abandon but, on the contrary, takes up, purifies and embodies the elementary space that welcomes every human being coming into the world.”⁹¹

This is what José Granados has in mind when he designates the specific⁹² event of the sacrament in the quoted study (2018) with the original subtitle: “The sacramental[Eucharistic — A.P.] space assumes within itself

⁸⁵ Ibidem, p. 111. “Así, el cristiano se apoya en la misma raigambre de Cristo, se asienta en el mismo lugar desde donde Jesús se relaciona con el Padre, los hombres y el cosmos. Y ahora, no solo puede decir, según se indicaba más arriba, ‘yo soy yo y mi morada’, sino ‘yo soy yo y la morada de Cristo, que ahora paso a habitar’.” Ibidem.

⁸⁶ Ibidem.

⁸⁷ The “body” in the biblical anthropology is the whole person. Through the body, a person is a relational being, capable of belonging to a family, sharing life with parents and siblings, personal (full) devotion in marriage, receiving and raising children. Christ, by taking this bodily layer, shared with all of us, and living it fully until his death and resurrection, passes it on to us — already transformed! — with the grace of vocation.

⁸⁸ Lk 22,19.

⁸⁹ J. GRANADOS: “Eucaristía, comunión eclesial y divorcio...,” p. 501.

⁹⁰ FC, no. 13. Cf. A. PASTWA: „Przymierze miłości małżeńskiej”..., pp. 61—69.

⁹¹ J. GRANADOS: “Cuerpos sacramentales...,” pp. 116—117.

⁹² Cf. FC, n. 68.

the original dwelling of man.”⁹³ From there the path to the first conclusions is straightforward. First, family relationships — beginning with the marriage covenant between a man and a woman — determine how each faithful person belongs to the Body of Christ. Secondly, it is the Christian marriage/family that allows the Church to discover its real position and role in society.⁹⁴ Using Francis’s nodal idea in the exhortation *Evangelii gaudium* that there can be no other Church but the “Church which goes forth”⁹⁵ we might add: a Church in which the matrimonial truth of the “principle”, that truth whose fullness is found in connection with Christ Bridegroom’s union with His Bride.⁹⁶ After all, it is in/through marriage and family that the Church “goes forth” into the evangelising, missionary, ecumenical spaces of the world.⁹⁷ In a word, the Church’s missionary path in every human community — marked by the signpost of the Gospel to effectively instill in people the way of Jesus’ life⁹⁸ — is through the family; only from it can be drawn the two basic determinants of the “civilization of love”⁹⁹: the paradigm of the “person” carrying the “nuptial meaning of the body” and the paradigm of the “communion of persons” carrying in their hearts (despite the effects of original sin) the elementary

⁹³ J. GRANADOS: “Cuerpos sacramentales...,” p. 119.

⁹⁴ Thus, the author’s thesis that the new approach to gender, promoted today with great vigor — which inevitably leads to the deprivation of the body of its meaning — is a direct threat to the existence of the Church has a solid basis. *Ibidem*, pp. 120, 126. “La primera morada del hombre le es dada en el vínculo de su padre y madre, y es una morada permeada de esa palabra que es la promesa esponsal. Desde ahí puede experimentar cada uno como una casa su propio cuerpo, lugar donde las relaciones familiares se arraigan. De este modo la familia se hace ‘útero espiritual’ donde se genera la persona, se le enseña el entramado básico del tiempo de la vida y se le introduce en una comunidad de lenguaje, imponiéndole un nombre. Todo otro espacio social se edifica desde este espacio de la familia, pues es allí donde el bien común se deja sentir como bien propio.” *Ibidem*, p. 119.

⁹⁵ EG, nn. 20—24.

⁹⁶ BENEDICT XVI: “Address to the Members of the Tribunal of the Roman Rota” (January 27, 2007), http://www.vatican.va/content/benedict-xvi/en/speeches/2007/january/documents/hf_ben-xvi_spe_20070127_roman-rot.html [accessed 23.02.2022].

⁹⁷ J. GRANADOS GARCÍA: “Cuerpos sacramentales...,” pp. 119—120. “El matrimonio es espacio común de la Iglesia y de la sociedad, espacio en el cual la Iglesia se sitúa, como en coto propio, en el centro del espacio social. Entendemos el drama que sería para Ella excluir de la armonía sacramental la herencia del matrimonio indisoluble en el Señor. No solo arruinaría los fundamentos mismos de su casa, sino que impediría su actividad en el mundo, para sanarlo y transformarlo. [...] La Iglesia, sin el matrimonio, no es Iglesia en salida, sino Iglesia sitiada, como la sociedad de Bauman, privada de espacios generativos y, por consiguiente, de espacios misioneros.” *Ibidem*

⁹⁸ INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments...*, n. 8.

⁹⁹ GrS, n. 13.

truth of the sacramental sign — the reflection of the eternal communion of Persons.¹⁰⁰

3. Towards the proof of sacramental identity of marriages of baptised non-Catholics

It is time to face the key issue — indeed, not easy to address in dialogue with the Churches of the Reformation (in view of their well-known position, stiffened by centuries of tradition) — whether the papal enunciation quoted earlier, “The Eucharist, as the sacrament of charity, has a particular relationship with the love of man and woman united in marriage”¹⁰¹ — today gives a rise to affirm the universality of Bellarmine’s principle: *eo ipso sacramentum*.¹⁰² The current state of theological research, prompts a decidedly positive answer to this question. The content analysis of the catechism’s formula of Christian marriage: “the sacrament of faith in the service of communion,” which has already been carried out here, leads to such an answer. Consequently, further following of the idea of the eminent problem expert José Granados (indeed, which may serve to sharpen the features of this original exposition¹⁰³ and promote it more widely, including in canonical circles) can be considered highly desirable; not so much because of its theological capacity: to give impetus to interchurch bridging of doctrinal differences, but because of the great ecumenical potential the idea carries with it. It is not surprising that such a viewpoint finds an important ally in the person of Benedict XVI, who in his exhortation *Sacramentum caritatis* teaches: “An emphasis on this eucharistic basis of ecclesial communion can also contribute greatly to the ecumenical dialogue with the Churches and Ecclesial Communities which are not in full communion with the See of Peter. The Eucharist objectively creates a powerful bond of unity between the Catholic Church and the Orthodox

¹⁰⁰ Cf. A. PASTWA: *Przymierze miłości małżeńskiej...*, pp. 45—51, 59—60.

¹⁰¹ SC, n. 27.

¹⁰² CIC 1983, can. 1055: “The matrimonial covenant, by which a man and a woman establish between themselves a partnership of the whole of life and which is ordered by its nature to the good of the spouses and the procreation and education of offspring, has been raised by Christ the Lord to the dignity of a sacrament between the baptized (§1); For this reason, a valid matrimonial contract cannot exist between the baptized without it being by that fact a sacrament [*eo ipso sacramentum*] (§ 2)”; cf. CCEO, can. 776 § 2.

¹⁰³ Of course, the limited framework of this article allows only an outline of the theories of the Spanish theologian.

Churches, which have preserved the authentic and integral nature of the eucharistic mystery. At the same time, emphasis on the ecclesial character of the Eucharist can become an important element of the dialogue with the Communities of the Reformed tradition.”¹⁰⁴

It is worth reminding that reflecting on the reality of Christian marriage as the sacrament of faith in the service of communion has shown that the Eucharist should be seen as the source, centre and summit of the entire sacramental economy. The eucharistic mystery of love constitutes, as José Granados accurately notes, the basic criterion for discerning what a sacrament is. We can boldly say that this “the most August sacrament [...] by which the Church continually lives and grows”¹⁰⁵ is the founding sacrament,¹⁰⁶ which, through the Spirit of Christ, expands (as reflected in the title words, “Love builds Communion...”) and is updated in the other sacraments. The present optics, on the other hand, leads us to see the baptism of each person as an event of incorporation into the living current of this expansion (*extensión eucarística*); for here occurs the implantation of the faithful person into Christ, that is, birth into His Body.¹⁰⁷ “The whole dynamism of baptism is explained in light of its purpose: To make us capable of participating in the Eucharist.”¹⁰⁸

The present findings already make it possible to attempt to define the bond between the Eucharist and the Sacrament of Marriage. The importance of this bond is best demonstrated by the fact that it is in marriage that “the Eucharistic body — lived out according to the new relationships established by Jesus — takes in the created body and transforms it to the measure of its fullness in Christ. In this way, marriage becomes a strategic enclave in which Christianity takes root in the common ‘city’ of people and directs the concrete course of history toward its recapitulation in Jesus.”¹⁰⁹ This statement — in José Granados’ opinion — is crucial, because it confirms the hypothesis that marriage is necessary to understand the Church with its communion structure and immanent dynamics. It is no coincidence that the Second Vatican Council pointed out this fact

¹⁰⁴ SC, n. 15.

¹⁰⁵ CIC 1983, can. 897; cf. CCEO, can. 698.

¹⁰⁶ Cf. comments on the juridical-constitutional role of the Eucharist — L. GEROSA: *Canon Law* [AMATECA, 5]. Münster 2002, pp. 121—123.

¹⁰⁷ See J. GRANADOS: “El entrecruzarse de relatos: vínculo conyugal, carácter sacramental y disciplina eucarística.” *Anthropotes* 30 (2014), pp. 17—41.

¹⁰⁸ IDEM: Eucaristía, comunión eclesial y divorcio, pp. 502—503. “No sería difícil desarrollar las consecuencias para los demás sacramentos: cada uno es una extensión del cuerpo eucarístico en la vida del cristiano, acompañando cada situación y cada etapa.” *Ibidem*, p. 503.

¹⁰⁹ *Ibidem*.

when drawing a picture of the family as the “domestic Church”.¹¹⁰ Since it is true that the Church cannot be seen otherwise than as one big family, we cannot easily pass over the meaning (so far perhaps insufficiently ecclesiologicaly explored) of the concluding passage of the 48th number of the Constitution *Gaudium et spes* about the fact that it is in the Christian family that the genuine nature of the Church.¹¹¹

The ecclesiological (and legal) implications of this last statement cannot be overstated. Limiting ourselves here to the issue circled by the title, it is necessary to emphasise once again the universality (!) of the truth: the Christian family is an active subject of the Church’s communion and mission. After all, the belonging of a baptized man and woman to their own domestic Church, initiated by the tying of the matrimonial knot, is directly related to their belonging to the one¹¹² Church of Christ. Overcoming in the conciliar constitution *Lumen gentium* — in the approaches of full (*communio plena* with the formula *Spiritum Christi habentes*)¹¹³ and incomplete (*communio non plena*)¹¹⁴ membership in the Church¹¹⁵ — the static preconiliar vision of “all or nothing” opens the way for the conclusions presented earlier to apply in their entirety to the marriages of baptized members of the Communities of the Reformed tradition.

Indeed, the final link in the chain of premises of the precisely created discourse by José Granados, not only affirms the sacramental dignity of such marriages, but above all highlights the truth that their ecclesiastical (!) family communities are included in the bloodstream of the sacramental *Communio*. How, we are allowed to ask with the former vice-president

¹¹⁰ VATICAN COUNCIL II: *Dogmatic Constitution on the Church “Lumen Gentium”* [21.11.1964], n. 11.

¹¹¹ “Thus, the Christian family, which springs from marriage as a reflection of the loving covenant uniting Christ with the Church, and as a participation in that covenant, will manifest to all men Christ’s living presence in the world, and the genuine nature of the Church. This the family will do by the mutual love of the spouses, by their generous fruitfulness, their solidarity and faithfulness, and by the loving way in which all members of the family assist one another.” VATICAN COUNCIL II: *Pastoral Constitution on the Church “Gaudium et spes”* [7.12.1965], n. 48. J. GRANADOS: “Eucaristía, comunión eclesial y divorcio...,” p. 503.

¹¹² See N. LÜDECKE: “Die kirchenrechtliche Relevanz der ‘subsistit in’ -Formel. Ein kanonistischer Ökumenebaustein.” In: *Kirchenrecht und Theologie im Leben der Kirche. Festschrift für Heinrich J. F. Reinhardt*. Eds. R. ALTHAUS, K. LÜDICKE, M. PULTE [Beihefte zum Münsterischen Kommentar, Bd. 50]. Essen 2007, pp. 279—309.

¹¹³ LG, n. 14; cf. CIC 1983, can. 205; CCEO, can. 8.

¹¹⁴ LG, n. 15.

¹¹⁵ A. PASTWA: “‘Die formale Willenserklärung zum Austritt aus der Kirche’. Ein Jahrzehnt der Rechtspraxis in Polen.” In: *Rechtskultur und Rechtspflege in der Kirche. Festschrift für Wilhelm Rees zur Vollendung des 65. Lebensjahres*. Eds. CH. OHLY, ST. HAERING, L. MÜLLER [Kanonistische Studien und Texte, Bd. 71]. Berlin 2020, pp. 312—317.

of the Pontifical John Paul II Theological Institute for Marriage and Family Sciences, when, belonging to the Church, they cannot take Holy Communion? Well, the Eucharist is already present in baptism and shapes the entire existence of Christian spouses, who are thus in the orbit of the continuous radiation of grace. This priceless Gift is at the same time an uninterrupted appeal to open themselves to the transforming influence of the Word and the Eucharist, and to enter the path of “missionary” participation in the Body of Christ. Today, in the era of the Ecumenical Council, it is impossible to contest the truth that “there are incomplete ways of participating in the Eucharist in which, even when we cannot take the Holy Communion, we live under the influence of the Eucharist.”¹¹⁶

* * *

The nuptial and redemptive love relationship of Christ to the Church constitutes the theological foundation of the sacrament of marriage. The conclusions formulated on the basis of this constataion cannot be overestimated. It becomes obvious, first of all, that the sacramental covenant of love between two persons: a man and a woman, owing to the creative (dynamic) realisation of the “matrimonial” relationship with Christ, reveals a special bond with the sacramentality of the Church herself, namely, it builds the unity of the entire Mystical Body. The pointing by Popes John Paul II and Benedict XVI towards the fact of the profound connection of the Sacrament of Marriage with Baptism and the Eucharist highlights in its entirety, on the one hand, the ontic inscription of the *sacramentum matrimonii* in the mystery of the Church, on the other hand, the necessary (inalienable!) participation of the sacramental marital/family community in the Church’s salvific mission.

The papal memento in the encyclical *Ut unum sint* should be applied to all Christian marriages/families: “The Church is not a reality closed in on herself. Rather, she is permanently open to missionary and ecumenical endeavour, for she is sent to the world to announce and witness, to make present and spread the mystery of communion which is essential to her, and to gather all people and all things into Christ, so as to be for all an ‘inseparable sacrament of unity’.”¹¹⁷

¹¹⁶ J. GRANADOS: “Eucaristía, comunión eclesial y divorcio...,” p. 505.

¹¹⁷ UUS, n. 5.

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ANDRZEJ PASTWA

L'amour est artisan de communion entre les personnes (UUS, no 21)
La clé christologique et ecclésiologique servant à confirmer l'identité des
mariages de baptisés non-catholiques

Résumé

Les mots du titre de l'article tirés de l'encyclique *Ut unum sint*, ainsi que les résultats des recherches les plus récentes des théologiens (entre autres des membres de la Commission théologique internationale) concernant le sens de la formule sacramentale du mariage: «le sacrement de la foi au service de la communion» — sont devenus une inspiration pour tenter de vérifier les prémisses confirmant l'identité issue du sacrement et concernant les mariages des baptisés non-catholiques. L'auteur (un canoniste) suppose que c'est la problématique du «mystère de la communion» (UUS, n° 5) que devrait faire l'objet des études canoniques d'aujourd'hui, et ceci dans toute la complexité des questions détaillées qui la forment, y compris la formulation des conclusions appropriées dans le domaine canonique (légifération) et dans le domaine canonique et pastoral (application de la loi). Tout ceci accordément à la règle selon laquelle la législation ecclésiastique, et en particulier celle qui sert à expliquer des questions névralgiques/systemiques — l'universalisme du principe *eo ipso sacramentum* formulé par Bellarmin en faisant partie — repose toujours sur les fondements théologiques communément admis.

Mots-clés: ecclésiologie, droit matrimonial canonique, mystère de communion, sacrement de mariage, mission de «l'Église domestique», principe *eo ipso sacramentum*, mariage des baptisés non-catholiques

ANDRZEJ PASTWA

L'amore crea comunione di persone (UUS, n. 21)
La chiave cristologico-ecclésiologica per confermare l'identità dei
matrimoni dei non-cattolici battezzati

Sommario

Le parole del titolo dello studio tratte dall'enciclica *Ut unum sint*, nonché i risultati delle ultime ricerche dei teologi (compresi membri della Commissione Teologica Internazionale) sul senso della formula del catechismo del matrimonio cristiano: “il sacramento della fede al servizio della comunione” — sono diventati uno spunto per tentare di verificare le premesse che confermano l'identità sacramentale dei matrimoni dei non-cattolici battezzati. L'autore (canonista) assume che la sfida di oggi per gli studi canonici dovrebbe essere quella di approfondire la questione del “mistero della comunione” (UUS, n. 5), in tutta la complessità delle sue questioni dettagliate, compreso lo sviluppo di opportune conclusioni nell'ambito canonico (legislazione) e canonico-pastorale (applicazione del diritto). E questo in nome della regola, secondo cui la legislazione ecclesiastica, soprattutto nello spiegare questioni sensibili/sistemiche — e tale è la questione dell'universalità

del principio bellarminiano dell'*eo ipso sacramentum* — si basa sempre su fondamenti teologici generalmente accettati.

Parole chiave: ecclesiologia, diritto matrimoniale canonico, mistero di comunione, sacramento del matrimonio, missione della “Chiesa domestica”, principio *di eo ipso sacramentum*, matrimonio dei non-cattolici battezzati



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Joint Statements of the Representatives of the Christian Communities on Important Questions in Austria according to the Instructions of *Ut unum sint* (n. 43)

Abstract: In his encyclical *Ut unum sint*, Pope John Paul II called on the leaders of the Christian churches to draw up joint statements on urgent problems (n. 43). In Austria, the Ecumenical Council of Churches in Austria (ÖRKÖ), which, unlike in Germany, includes the Catholic Church, have complied with this request and wish of the pope by issuing numerous joint statements on various topics. These joint statements are to be widely disseminated until the beginning of the year 2022.

Keywords: canon law, ecumenism, World Council of Churches

On 28 February 2022, the Executive Board of the Ecumenical Council of Churches in Austria (ÖRKÖ) strongly condemned Russia's attack on Ukraine and called for an immediate cessation of hostilities and for negotiations.¹

¹ Cf. ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Ukraine-Friedensappell des ÖRKÖ-Vorstands* [28.02.2022], <https://www.oekumene.at/site/erklarungen/article/2096.html> [accessed 1.04.2022]; see also ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Stellungnahme des ÖRKÖ zu einem drohenden Irakkrieg* [19.01.2003], <https://www.oekumene.at/site/erklarungen/article/1570.html> [accessed 1.04.2022]; ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Die Waffen nieder!* (Studentenbericht 12.11.2005), <https://www.oekumene.at/site/erklarungen/article/1562.html> [accessed 1.04.2022]; ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Afghanistan-Drama: Appell des ÖRKÖ-Vorstandes an die Österreichische Regierung* [23.08.2021], <https://www.oekumene.at/site/erklarungen/article/2043.html> [accessed 1.04.2022]; all of the following declarations and statements under: ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Erklärungen des Ökumenischen*

The fact that such joint appeals by Christian churches are possible is ultimately due to recent developments in the field of ecumenism. For example, Pope John Paul II stated in his apostolic exhortation *Ut unum sint* of 25 May 1995: “It happens more and more often that the leaders of Christian Communities join together in taking a stand in the name of Christ on important problems concerning man’s calling and on freedom, justice, peace, and the future of the world. In this way they ‘communicate’ in one of the tasks which constitutes the mission of Christians: that of reminding society of God’s will in a realistic manner, warning the authorities and their fellow-citizens against taking steps which would lead to the trampling of human rights. It is clear, as experience shows, that in some circumstances the united voice of Christians has more impact than any one isolated voice” (n. 43).² Pope John Paul II noted with joy that “the vast network of ecumenical cooperation is widening” (n. 43). At the same time, the Pope recalled that “through the influence of the World Council of Churches” “great work” is being done in this field (n. 43). The Christian churches and religious communities had had a long way to go before joint declarations were made at very different levels.³

In the following sections, we will take a brief look at the ÖRKÖ. Then, individual statements and papers of the ÖRKÖ in Austria will be addressed.

1. Ecumenical Union of Christian Churches

An ecumenical movement had already developed at the beginning of the 20th century and gained strength on the eve of the Second Vati-

Rates der Kirchen in Österreich (ÖRKÖ), <https://www.oekumene.at/erklarungen> [accessed 1.04.2022]; translation of quotations by the author.

² JOHN PAUL II: *Litterae Encyclicae “Ut unum sint” de Oecumenico Officio* (25.05.1995). *Acta Apostolicae Sedis* [hereafter: AAS] 87 (1995), pp. 921—982; further under: https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_25051995_ut-unum-sint.html [accessed 5.07.2022]; see also K. KOCH: “Die Gesetzgebungstätigkeit Johannes Pauls II. und die Förderung der Einheit der Christen.” In: *Johannes Paul II. — Gesetzgeber der Kirche. Mit einem Geleitwort von Georg Gänswein*. Eds. L. GEROSA, L. MÜLLER. Paderborn 2017, pp. 151—167; ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Zum Tod von Papst Johannes Paul II.* [4.04.2005], <https://www.oekumene.at/site/erklarungen/article/1566.html> [accessed 1.04.2022].

³ For joint declarations by the German Bishops’ Conference and the Evangelical Church in Germany see: *Gemeinsame Texte*, <https://www.dbk-shop.de/de/publikationen/gemeinsame-texte.html> [accessed 1.04.2022].

can Council.⁴ On the Protestant side, at the Edinburgh World Missionary Conference in 1910, for the first time “the confessional fragmentation of mission was felt to be a nuisance and recognised as contrary to the mission of Jesus.”⁵ On 23 August 1948, the World Council of Churches, based in Geneva, Switzerland, was founded in Amsterdam as a worldwide association. Its members include most of the major churches of the Protestant tradition (Lutheran, Reformed, Methodist, Baptist, etc.), the Anglican Churches, the Old Catholic Churches and most of the Oriental Orthodox Churches. The Roman Catholic Church is not a member of the Council, but cooperates with it.⁶ Ten years later, the Old Catholic Church of Austria, the Evangelical Church A.B., the Evangelical Church H.B. and the Methodist Church founded the ÖRKÖ in Austria. Over the years, the Orthodox Churches that were represented in Austria and on 1 December 1994 also the Roman Catholic Church, which had held observer status since 1970, were added as full members at the request of the Austrian Bishops’ Conference.⁷ At present, sixteen Christian churches and religious communities belong to the ÖRKÖ. In contrast to similar organisations in other countries, the ÖRKÖ is distinguished by the fact that the Roman Catholic Church is also represented as a full member. Ultimately, the Roman Catholic Church’s accession to the ÖRKÖ was possible due to the “Directory for the Implementation of the Principles and Norms on Ecumenism,”⁸ drawn up by the Pontifical Council for Promoting Christian Unity and approved by Pope John Paul II on 25 March 1993.

⁴ Cf. J. ERNESTI: *Kleine Geschichte der Ökumene*. Freiburg im Breisgau 2007.

⁵ DIÖZESE LINZ, EVANGELISCHE SUPERINTENDENTUR A. B. OÖ: *500 Jahre Reformation 2017. Gemeinsames Wort für die Evangelische und Katholische Kirche Oberösterreich zum Reformationsgedenken 2017* [6.01.2017], p. 10; further under: <https://www.yumpu.com/de/document/read/56721592/gemeinsames-wort> [accessed 1.04.2022] and https://www.dioezese-linz.at/dl/KOntjKJmNMIKJqx4KJK/Gemeinsames_Wort_PDF.pdf [accessed 1.04.2022]; see also P. NEUNER: “Die Weltkonferenz 1910 in Edinburgh und das Bild von der Einheit der Kirche. Für Karl-Ernst Apfelbacher zum 70. Geburtstag.” *Münchener Theologische Zeitschrift* 61 (2010), pp. 194—206.

⁶ See under: ÖRK-Mitgliedskirchen | World Council of Churches, <https://www.oikumene.org/de/member-churches> [accessed 1.04.2022].

⁷ See under: ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Der Ökumenische Rat der Kirchen in Österreich*,

<https://www.oekumene.at/site/ueberuns> [accessed 1.04.2022]; see also: ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Satzung* (April 2014): <https://www.oekumene.at/162/satzung> [accessed 1.04.2022].

⁸ Cf. PONTIFICIUM CONSILIUM AD UNITATEM CHRISTIANORUM FOVENDAM: “Directoire pour l’application des principes et des normes sur l’œcuménisme” [25.03.1993]. *Acta Apostolicae Sedis* 85 (1993), pp. 1039—1119; further under: <http://www.christianunity.va/content/unitacristiani/fr/documenti/direttorio-per-lapplicazione-dei-principi-e-delle-norme-sullecum/testo-in-inglese1.html> [accessed 04.07.2022].

2. Declarations and Statements of the ÖRKÖ

Since its foundation, the ÖRKÖ has taken a stand on various social, political and societal issues and has made statements, especially through its chairpersons.

2.1. Jews and Armenian Genocide

In the *Declaratio de ecclesiae habitudine ad religiones non-christianas* “*Nostra aetate*”, the Second Vatican Council attached great importance to the dialogue with Judaism.⁹ During the November pogroms of the night of 9 to 10 November 1938, almost all synagogues in Austria were destroyed and numerous Jews were killed. Although Jews only make up a very small minority in today’s Austria,¹⁰ anti-Semitic attitudes are very widespread among the population.¹¹ The fight against anti-Semitism is a central concern of the Austrian Federal Government.¹² In the declaration “*Niemals vergessen!*” for the Holocaust Remembrance Day on 27 January 2022, the Executive Board of the ÖRKÖ called up for “opposing inhuman ideologies with all our strength.”¹³ In November 2009, the

⁹ Cf. PAUL VI: *Declaratio de ecclesiae habitudine ad religiones non-christianas* “*Nostra aetate*” [28.10.1965]. *Acta Apostolicae Sedis* 58 (1966), pp. 740—744; also at: https://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decl_19651028_nostra-aetate_ge.html [accessed 1.04.2022].

¹⁰ Cf. Statista, *Religionszugehörigkeit in Österreich 2020*, [https://de.statista.com/statistik/daten/studie/304874/umfrage/mitglieder-in-religionsgemeinschaften-in-oesterreich/#:~:text=Die%20katholische%20Kirche%20in%20Österreich,\(700.000%2C%20Stand%202016\)](https://de.statista.com/statistik/daten/studie/304874/umfrage/mitglieder-in-religionsgemeinschaften-in-oesterreich/#:~:text=Die%20katholische%20Kirche%20in%20Österreich,(700.000%2C%20Stand%202016).). [accessed 1.04.2020].

¹¹ Cf. REPUBLIK ÖSTERREICH — PARLAMENT: *Antisemitismus-Halbjahresbericht 2021: Zahl der Vorfälle in Österreich verdoppelt. Nationalratspräsident Sobotka will Kampf gegen Antisemitismus konsequent weiterführen* (Parlamentskorrespondenz Nr. 967 vom 2.09.2021), https://www.parlament.gv.at/PAKT/PR/JAHR_2021/PK0967/index.shtml [accessed 1.04.2022].

¹² Cf. BUNDESKANZLERAMT, ÖSTERREICH: *Kampf gegen Antisemitismus. Antisemitismus bekämpfen — jüdisches Leben schützen*, <https://www.bundeskanzleramt.gv.at/themen/kampf-gegen-antisemitismus.html> [accessed 1.04.2022].

¹³ Cf. ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: “*Niemals vergessen!*” [26.01.2022], <https://www.oekumene.at/site/erklarungen/article/2086.html> [accessed 1.04.2022]; see also ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *75 Jahre November-Progrome: Kirchen trauern mit den jüdischen Gemeinden* [7.11.2013], <https://www.oekumene.at/site/erklarungen/article/1539.html> [accessed 1.04.2022].

ÖRKÖ explicitly commemorated the victims of the November pogroms of 1938.¹⁴

The Armenian Genocide from the years 1915—1917 is considered one of the first systematic genocides of the 20th century. In 2015, the Executive Board of the ÖRKÖ called on the Republic of Austria to recognise the Armenian Genocide.¹⁵ In this sense, all parliamentary groups of the National Council adopted a declaration which “condemned the mass murder of Armenians in the Ottoman Empire as genocide.”¹⁶ In a declaration of 19 November 2020, the Executive Board of the ÖRKÖ expressed that Christians in Austria share the “pain and grief of the Armenians.”¹⁷

2.2. Covid-19 crisis

On 25 February 2020, the first cases of Covid-19 were reported in Austria. The increasing number of positive cases led to drastic meas-

¹⁴ Cf. ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Gedenken an die Opfer der Novemberprogrome von 1938* [9.11.2021], <https://www.oekumene.at/site/erklarungen/article/2061.html> [accessed 1.04.2022]; see also ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Statement der Israelitischen Kultusgemeinde Wien und des ÖRKÖ* [9.11.2018], <https://www.oekumene.at/site/erklarungen/article/1877.html> [accessed 1.04.2022]; ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *1938-Gedenken: “Kirchen vom Ungeist mitbetroffen”* [10.03.2018], <https://www.oekumene.at/site/erklarungen/article/1844.html> [accessed 1.04.2022]; ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *75 Jahre November-Progrome: Kirchen trauern mit den Jüdischen Gemeinden* [7.11.2013] [in which the Christian churches “admit complicity in that development, which 80 years ago led to the ‘Anschluss’ of Austria to the German Reich”]; ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *27. Jänner sollte auch in Österreich ein offizieller Tag des Gedenkens an die Jüdischen Opfer des NS-Regimes sein* [27.01.2013], <https://www.oekumene.at/site/erklarungen/article/1540.html> [accessed 1.04.2022]; ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Presseerklärung des Vorstandes des ÖRKÖ zur sogenannten Holocaust-Konferenz in Teheran* [13.12.2006], <https://www.oekumene.at/site/erklarungen/article/1554.html> [accessed 1.04.2022].

¹⁵ Cf. ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Kirchen bitten Österreich, Völkermord an den Armeniern anzuerkennen* [7.04.2015], <https://www.oekumene.at/site/erklarungen/article/1535.html> [accessed 1.04.2022].

¹⁶ “Es war Völkermord. Österreichisches Parlament verurteilt den osmanischen Genozid an den Armeniern.” *Wiener Zeitung Online*, 21.04.2015, <https://www.wien-erzeitung.at/dossiers/genozid-an-armeniern/747651-Es-war-Voelkermord.html> [accessed 1.04.2022].

¹⁷ ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Christen in Österreich “teilen Schmerz und Trauer der Armenier”* (19.11.2020), <https://www.oekumene.at/site/erklarungen/article/1981.html> [accessed 1.04.2022].

ures from March 2020 onwards, including severe restrictions on religious services and the administration of sacraments by the individual churches and religious communities. In the period that followed, the Austrian Government alternated between easing and tightening restrictions.¹⁸ During this time, the Christian churches and religious communities were in close contact. For example, in a statement of 23 December 2021, the ÖRKÖ called for “reconciliation and social cohesion” in view of Christmas.¹⁹ The individual member churches of the ÖRKÖ adopted regulations on “safe” Christmas services,²⁰ which the then Minister of Culture Susanne Raab expressly welcomed.²¹ On 20 May 2020, the Executive Board of the ÖRKÖ expressed its “joy about ‘ecumenical hospitality’” in a statement. More specifically, the conditions for the resumption of public worship at that time (including at least 10 sq. metres of space per person present) “distressed” some member churches of the ÖRKÖ who had only small spaces for worship. They were offered the possibility “to hold liturgical celebrations in large worship spaces of other member churches.”²²

¹⁸ Cf. W. REES: “Covid-19-Pandemie und die Herausforderungen an Kirchen- und Religionsrecht in Österreich. Ein Beitrag aus römisch-katholischer Perspektive unter Berücksichtigung der Entwicklungen bis Februar 2021.” In: *Ratlos vor dem Unbeherrschbaren? Theologische, philosophische und kulturelle Aspekte der Corona-Krise*. Eds. F. JÄGER, R. SIEBENROCK. Innsbruck 2020, pp. 117–176.

¹⁹ ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Aufruf zu Versöhnung und Solidarität* [23.12.2021], <https://www.oekumene.at/site/erklaerungen/article/2085.html> [accessed 1.04.2022].

²⁰ Cf. ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Kirchen stellen Regeln für „sichere“ Weihnachtsgottesdienste auf. Mitgliedskirchen des Ökumenischen Rates der Kirchen vereinbaren Maßnahmen, damit die Gläubigen auch in Pandemie-Zeiten würdig gemeinsam feiern können* [11.12.2020], <https://www.oekumene.at/oerkoenews/1989/kirchen-stellen-regeln-fuer-sichere-weihnachtsgottesdienste-auf> [accessed 1.04.2022].

²¹ Cf. BUNDESKANZLERAMT, ÖSTERREICH: *Kultusministerin begrüßt Regelung der Kirchen für öffentliche Gottesdienste zu Weihnachten* [11.12.2020] [Susanne Raab: „Appelliere an alle Gottesdienstbesucher, die Maßnahmen gemeinsam umzusetzen, um weitere Ausbreitung des Coronavirus zu verhindern“], <https://www.bundeskanzleramt.gv.at/bundeskanzleramt/nachrichten-der-bundesregierung/2020/kultusministerin-raab-begruessst-regelung-der-kirchen-fuer-oeffentliche-gottesdienste-zu-weihnachten.html> [accessed 1.04.2022].

²² ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Freude über „ökumenische Gastfreundschaft“* [20.05.2020], <https://www.oekumene.at/site/erklaerungen/article/1967.html> [accessed 1.04.2022].

2.3. Religious Education

In Austria, denominational religious education in public schools is anchored at the level of the Austrian Federal Constitution in the sense of an institutional guarantee (cf. Article 17 para. 4 StGG).²³ The more detailed legal formulation of religious education is made at the level of a simple law by the Federal Act of 13 July 1949 on religious education in schools (*Religionsunterrichtsgesetz*) (BGBl. 1949/190),²⁴ which applies to the religious education of all legally recognised churches and religious communities in schools. Increasingly, denominational religious education has been called into question, whether due to social developments such as pluralisation and secularisation, or due to an increase in the number of deregistered pupils or pupils who do not belong to any denomination and thus do not have to attend religious education classes. In many cases, there were no denominational religious education classes because of the small number of pupils in a class or at a school.²⁵ In this context, the question of ethics instruction arose. In a declaration on “religious education and ethics education” already adopted at the ÖRKÖ Assembly on 18 October 2012, the member churches of the ÖRKÖ stated “that confessional religious education is indispensable in a pluralistic society.” At the same time, they took the view “that in the sense of the current school experiments at the *Oberstufe*, ethics instructions can only be a ‘substitute’ for religious education for those pupils who either do not belong to any denomination or have opted out of religious education.”²⁶ In a statement on 10 September 2021, the Executive Board of the ÖRKÖ emphasised the

²³ For the legal requirements see: H. KALB: “Verfassungsrechtliche und einfachgesetzliche Verankerung des Religionsunterrichts.” In: *Historische und rechtliche Aspekte des Religionsunterrichts*. Ed. A. RINNERHALER [Wissenschaft und Religion. Veröffentlichungen des Internationalen Forschungszentrums für Grundfragen der Wissenschaften Salzburg. Vol. 8]. Frankfurt am Main 2004, pp. 209—239, esp. 213—238; K. PABEL: „Verfassungsrechtliche Rahmenbedingungen des Religionsunterrichts in Österreich.“ *Österreichisches Archiv für Recht & Religion* 59 (2012), pp. 64—86.

²⁴ Cf. *Bundesgesetz vom 13. Juli 1949, betreffend den Religionsunterricht in der Schule (Religionsunterrichtsgesetz)*, BGBl., 1949/190, <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10009217> [accessed 1.04.2022].

²⁵ Cf. W. REES: “Zukunftsfähiger Religionsunterricht in den öffentlichen Schulen der Republik Österreich. Möglichkeiten und Grenzen angesichts römisch-katholischer und religionsrechtlicher Vorgaben.” In: *Praxis für die Zukunft. Erfahrungen, Beispiele und Modelle kooperativen Religionsunterrichts* [Studien zur interreligiösen Religionspädagogik. Vol. 5]. Eds. M. H. TUNA, M. JUEN. Stuttgart 2021, pp. 185—214.

²⁶ ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Religionsunterricht und Ethikunterricht* [18.10.2012], <https://www.oekumene.at/site/erklaerungen/article/1543.html> [accessed 1.04.2022].

importance of denominational religious education and at the same time welcomed the introduction of ethics as a compulsory subject from the *Sekundarstufe II* for all those pupils who do not attend denominational religious education from the school year 2021/2022. It wishes for a “good cooperation between the subjects of ethics and religion.”²⁷ In Austria, similarly to the Federal Republic of Germany, cooperation between the legally recognised churches and religious societies in their religious education is increasingly coming into view.²⁸ In the section on “ecumenical cooperation”, the Ecumenical Directory has already mentioned a possible cooperation in religious education, although it does not explicitly consider religious education in the way as it was taught in public schools in the Republic of Austria at the time of the publication of the Directory and is still predominantly taught today.²⁹ The Directory for Catechesis of the Pontifical Council for Promoting the New Evangelisation of 23 March 2020 explicitly calls for ecumenical and interreligious cooperation.³⁰

2.4. Creation

While official church documents used to be characterised by an optimism of feasibility and a belief in progress,³¹ Pope Francis looked at envi-

²⁷ ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Der Ökumenische Rat der Kirchen in Österreich betont die Bedeutung des Religionsunterrichts* [10.09.2021], <https://www.oekumene.at/site/erklarungen/article/2087.html> [accessed 1.04.2022].

²⁸ Cf. W. REES: “Rechtliche Rahmenbedingungen für einen konfessionell-kooperativen Religionsunterricht in den öffentlichen Schulen Österreichs.” In: *Zukunftsperspektiven für den konfessionellen Religionsunterricht in Österreich*. Eds. M. KRAML, W. REES, Z. SEJDINI, W. WEIRER. *Österreichisches Religionspädagogische Forum* 27 (2018), pp. 47—68; also at: <https://unipub.uni-graz.at/oerf/periodical/titleinfo/2946602> [accessed 1.04.2022]; *Religionsunterricht in der öffentlichen Schule im ökumenischen und interreligiösen Dialog* [Conference Series Religion und Staat im Brennpunkt. Vol. 2]. Eds. W. REES, J. BAIR. Innsbruck 2017.

²⁹ Cf. W. REES: “Der Religionsunterricht.” In: *HdbKathKR3*, pp. 1018—1048; IDEM: “Die kirchenrechtlichen Rahmenbedingungen für den katholischen Religionsunterricht.” In: *Essener Gespräche zum Thema Staat und Kirche* 49. Eds. B. KÄMPER, K. PFEFFER. Münster 2016, pp. 75—106.

³⁰ Cf. PONTIFICIUM CONSILIUM DE NOVA EVANGELIZATIONE PROMOENDA: *General Directory for Catechesis* [23.03. 2020], https://www.dbk-shop.de/media/files_public/5cc898bd3ed6bc33b4285a5b801d08d/DBK_2224.pdf [accessed 1.04.2022].

³¹ Cf. W. REES: “Römisch-katholische Kirche und Bewahrung der Schöpfung. Kirchenrechtliche Impulse und konkrete Umsetzung mit einem besonderen Blick auf die Erzdiözese Salzburg.” In: *In mandatis meditari. Festschrift für Hans Paarhammer zum 65.*

ronmental pollution, climate change, exploitation of people, etc. in his encyclical *Laudato si*.³² Pope John Paul II had already addressed ecological problems in detail and emphasised the responsibility of human beings³³ in his inaugural encyclical *Redemptor hominis*³⁴ of 4 March 1979.

In view of the Church's Creation Tradition (1 September to 4 October), which has been a tradition in the Austrian churches and religious communities since 2008 and goes back to a recommendation of the third European Ecumenical Assembly in Sibiu in 2007, the Executive Board of the ÖRKÖ called for “urgently intensified measures for climate protection” in a statement on 31 August 2021. Politicians were called upon to do this, but also each and every individual. In Austria, too, “decisive action is needed at all levels.”³⁵ Already in 2006, the ÖRKÖ called in their declaration *Lebensraum Land* for an “independent, creative and sustainable development of rural areas.”³⁶ In its statement on the Creation Time of 31 August 2021, the Executive Board of the ÖRKÖ explicitly referred to the churches of Europe, which had dedicated a separate chapter to the integrity of creation in their *Charta oecumenica*.³⁷

Geburtstag [KStuT. Vol. 58]. Eds. ST. HAERING, J. HIRNSPERGER, G. KATZINGER, W REES. Berlin 2012, pp. 299—337.

³² Cf. FRANCIS: *Enzyklika „Laudato si“ de communi domo colenda* (24.05.2015). *Acta Apostolicae Sedis* 107 (2015), pp. 847—945; also at: https://www.vatican.va/content/francesco/de/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.html [accessed 1.04.2022].

³³ Cf. JOHN PAUL II and ECUMENICAL PATRIARCH BARTHOLOMEW I: *Common Declaration* [29.06.2004], https://www.vatican.va/content/john-paul-ii/en/speeches/2004/july/documents/hf_jp-ii_spe_20040701_jp-ii-bartholomew-i.html [accessed 5.07.2022]; see also FRANCIS and ECUMENICAL PATRIARCH BARTHOLOMEW I: *Common Declaration* [25.05.2014], https://www.vatican.va/content/francesco/en/speeches/2014/may/documents/papa-francesco_20140525_terra-santa-dichiarazione-congiunta.html [accessed 5.07.2022].

³⁴ Cf. JOHN PAUL II: *Encyclical “Redemptor hominis” ad venerabiles fratres in episcopatu, ad sacerdotes et religiosas familias, ad ecclesiae filios et filias necnon ad universos bonae voluntatis homines pontificali eius ministerio ineunte* [4.03.1979]. *Acta Apostolicae Sedis* 71 (1979), pp. 257—324, esp. pp. 282—300 nn. 13—17; also at: https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_04031979_redemptor-hominis.html [accessed 5.07.2022].

³⁵ ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Erklärung des Vorstands des ÖRKÖ zur Schöpfungszeit* (31.08.2021), <https://www.oekumene.at/site/erklarungen/article/2044.html> [accessed 1.04.2022].

³⁶ ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: „*Lebensraum Land*“ [11.11.2006], <https://www.oekumene.at/site/erklarungen/article/1555.html> [accessed 1.04.2022].

³⁷ ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Erklärung des Vorstands des Ökumenischen Rates der Kirchen zur Schöpfungszeit* [31.08.2021]; referring to: *Charta oecumenica. Leitlinien für die wachsende Zusammenarbeit unter den Kirchen in Europa* [22.04.2001], https://www.oekumene.at/dl/uuopJKJKmnLJqx4KJK/Charta_Oecumenica_pdf [accessed 1.04.2022].

2.5. Migration and refugees

Migration has become a global challenge.³⁸ Due to the increased number of people living in deplorable conditions as refugees and asylum seekers in Greece, in a statement on 18 December 2020, the Executive Board of the ÖRKÖ called for the Greek camps to be “evacuated”³⁹. In 2016, it said that “it is not acceptable to leave the EU member states in the south, especially Greece and Italy, alone with the burden.” A humanitarian solution is only possible “if the principle of solidarity is placed at the centre in Europe.”⁴⁰ Already in 2001, the Executive Board of the ÖRKÖ had issued a statement on the integration of foreigners,⁴¹ in 2000, on xenophobia, in which it recalled “the continuing validity of the principles already expressed on 8 November 1999,” such as equal dignity and equal rights of every human being, comprehensive information and debate, rejection of any discrimination, etc.⁴²

In 2000, in view of the dramatic events in Afghanistan, the Executive Board of the ÖRKÖ appealed to the Austrian Federal Government “to give protection and refuge to at least some vulnerable people from Afghanistan in Austria.” It called for “on-the-spot-assistance in the region and the legal admission of people in Austria in need of protection from terror and death, regulated through the UN High Commissioner for Refu-

³⁸ Cf. W. REES: “Pastoral Care for Migrants. Canonical and Religious Related Legal Requirements on Asylum and on the Change of Religion.” *Ecumeny and Law* 9/2 (2021), pp. 41—69; see also W. REES: “‘Migration ist eine Schlüsselfrage für die Zukunft der Menschheit’ (Papst Franziskus 2019). Kirchen- und religionsrechtliche Vorgaben zu Asyl, Religionswechsel und Seelsorge an Migranten in Österreich.” In: *Iuris sacri pervestigatio. Festschrift für Johann Hirsperger* [KStuT. Vol. 72]. Eds. W. REES, St. HAERING. Berlin 2020, pp. 323—372.

³⁹ EXECUTIVE BOARD OF THE ÖKRÖ: *Griechische Lager evakuieren!* [18.12.2020], <https://www.oekumene.at/site/erklarungen/article/2013.html> [accessed 1.04.2022].

⁴⁰ ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Flüchtlinge: Kirchen mahnen Solidarität in Europa ein* [26.02.2016], <https://www.oekumene.at/site/erklarungen/article/1532.html> [accessed 1.04.2022]; see also ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Resolution zur „Flüchtlingspolitik in Österreich und in der EU“* [09.10.2014], <https://www.oekumene.at/site/erklarungen/article/1537.html> [accessed 1.04.2022]; ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Protest des ÖRKÖ gegen eine weitere Verschärfung des Fremdenrechtes* [12.03.2010], <https://www.oekumene.at/site/erklarungen/article/1546.html> [accessed 1.04.2022].

⁴¹ Cf. ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Erklärung des Vorstands des Ökumenischen Rates der Kirchen in Österreich zur Integration von Fremden* [21.03.2001], <https://www.oekumene.at/site/erklarungen/article/1574.html> [accessed 1.04.2022].

⁴² Cf. ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Wort des Vorstandes des Ökumenischen Rates der Kirchen in Österreich zur Fremdenfeindlichkeit* (31.01.2000), <https://www.oekumene.at/site/erklarungen/article/1578.html> [accessed 1.04.2022].

gees UNHCR” not to be played off against each other.⁴³ In the resolution adopted by the Assembly of the ÖRKÖ on 9 October 2014 deep concern “about the way the issue of asylum and migration is dealt with by politicians” was expressed.⁴⁴

2.6. Terror and violence

Terror not only shakes distant countries, but recently increasingly Europe and Austria, too. In its statement of 12 January 2015 on the consequences of the terror in Paris since the attack on the editorial office of *Charlie Hebdo*, the Executive Board of the ÖRKÖ sees “any attempt to justify acts of blood by invoking an alleged divine commandment” as “monstrous blasphemy.”⁴⁵ On 22 March 2016, the then chairman of the ÖRKÖ, Superintendent Lothar Pöll, condemned the “cowardly attacks on uninvolved people” in view of the terrorist attacks on that day in Brussels, without resorting to “turning Europe into a fortress” as a possible response.⁴⁶ A statement by the Executive Board of the ÖRKÖ on 3 November 2020, referring to the victims of the terrorist attack in Vienna on 2 November 2020, stated that “the faith of the Gospel” was stronger “than terror and fear.”⁴⁷

⁴³ EXECUTIVE BOARD OF THE ÖKRÖ: *Afghanistan-Drama: Appell des ÖRKÖ-Vorstandes an die Österreichische Regierung* [23.8.2021], <https://www.oekumene.at/site/erklarungen/article/2043.html> [accessed 1.04.2022].

⁴⁴ ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Resolution zur „Flüchtlingspolitik in Österreich und in der EU“* [9.10.2014]; cf. already ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Protest des ÖRKÖ gegen eine weitere Verschärfung des Fremdenrechtes* [12.03.2010]; ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Erklärung des Vorstands des ÖRKÖ zur Integration von Fremden* [21.03.2001]; ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Wort des Vorstandes des ÖRKÖ zur Fremdenfeindlichkeit* [31.01.2000].

⁴⁵ ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *“Im Namen Gottes darf niemals getötet werden“* [12.01.2015], <https://www.oekumene.at/site/erklarungen/article/1536.html> [accessed 1.04.2022]; see also ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Pöll: “Überwinden wir das Böse mit dem Guten“* [15.11.2015], <https://www.oekumene.at/site/erklarungen/article/1534.html> [accessed 1.04.2022].

⁴⁶ ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Kirchen: „Terror ist Gotteslästerung“* [22.03.2016], <https://www.oekumene.at/site/erklarungen/article/1531.html> [accessed 1.04.2022] [on terrorist attacks in Brussels].

⁴⁷ ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *“Der Glaube des Evangeliums ist stärker als der Terror und die Angst“* [3.11.2020], <https://www.oekumene.at/site/erklarungen/article/1979.html> [accessed 1.04.2022] [in view to the victims of the night of terror in Vienna].

The then chairman of the ÖRKÖ, Superintendent Lothar Pöll, had already explicitly condemned the “cowardly attacks on uninvolved people” in the statement “Terror ist Gotteslästerung” of 22 March 2016.⁴⁸

2.7. Political responsibility

In various statements, the ÖRKÖ have addressed political responsibility in Austria.⁴⁹ In particular, they saw the “basic security for all people in this country” as “urgently necessary”.⁵⁰ The ÖRKÖ also provided guidance with regard to the National Council elections on 29 September 2019 and 15 October 2017⁵¹ and in 2012 a statement on the “crisis of politics” in Austria.⁵²

In the run-up to the European Parliament elections on 26 May 2018, the President of the ÖRKÖ pleaded for an “open, social and peaceful

⁴⁸ ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Kirchen: “Terror ist Gotteslästerung“* [22.03.2016] [on the terrorist attacks in Brussels]; see also ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: Pöll: *“Überwinden wir das Böse mit dem Guten“* [15.11.2015]; ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *“Im Namen Gottes darf niemals getötet werden“* [12.01.2015].

⁴⁹ Cf. ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Fragen zur politischen Verantwortung* (März 2010), <https://www.oekumene.at/site/erklarungen/article/1545.html> [accessed 1.04.2022]; ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Fragen zur politischen Verantwortung* (September 2006) <https://www.oekumene.at/site/erklarungen/article/1556.html> [accessed 1.04.2022]; ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Fragen zur politischen Verantwortung* (September 2005), <https://www.oekumene.at/site/erklarungen/article/1564.html> [accessed 1.04.2022]; KIRCHEN IN ÖSTERREICH: *Fragen zur politischen Verantwortung* (November 2000), <https://www.oekumene.at/site/erklarungen/article/1575.html> [accessed 1.04.2022].

⁵⁰ ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *“Grundsicherung für alle Menschen in diesem Land dringend notwendig“* [20.05.2020], <https://www.oekumene.at/site/erklarungen/article/1965.html> [accessed 1.04.2022]; see also ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *ÖRKÖ-Stellungnahme zur Mindestsicherung* [18.10.2007], <https://www.oekumene.at/site/erklarungen/article/1550.html> [accessed 1.04.2021].

⁵¹ Cf. ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Fragen zur politischen Verantwortung* [29.09.2019], <https://www.oekumene.at/site/erklarungen/article/1927.html> [accessed 1.04.2022]; ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Fragen zur politischen Verantwortung* [28.09.2017], <https://www.oekumene.at/site/erklarungen/article/1810.html> [accessed 01.04.2022].

⁵² Cf. ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *“Krise der Politik in Österreich“* [18.10.2012], <https://www.oekumene.at/site/erklarungen/article/1542.html> [accessed 1.04.2022].

Europe instead of a Europe of division and contempt for humanity.”⁵³ There was also a statement by the Executive Board of the ÖRKÖ at the conference in Vienna “Europa eine Seele geben” from 3 to 5 May 2006 between the Foreign Office of the Moscow Patriarchate and the Pontifical Council for Culture.⁵⁴

In the statement of 19 March 2009 on the global financial crisis, the Assembly of the ÖRKÖ rejected “a financial economy that shirks responsibility for the environment, justice and the future” as the wrong way forward. It was recalled that the churches “in many statements of the assemblies of the confessional world bodies and the ÖRKÖ, in the three European Ecumenical Assemblies in Basel, Graz and Sibiu/Hermannstadt, in Austria among others in the ‘Ökumenisches Sozialwort’ and the ‘Prozess, Wirtschaften im Dienst des Lebens’,” called for a “fundamental reform of the world economic system” and identified concrete points for this, such as “comprehensive measures for international and global tax justice and for strengthening public budgets,” “reforms of the international financial system and protection of livelihoods” as well as the “debt issue.”⁵⁵ In a statement of 19 March 2009, the Assembly of the ÖRKÖ took a position on the global financial crisis.⁵⁶ Already in October 2007, a statement had been made on minimum security.⁵⁷

⁵³ ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: “*Ökumenischer Aufruf für ein solidarisches Europa*“ (o. D.; May 2018), <https://www.oekumene.at/site/erklarungen/article/1907.html> [accessed 1.04.2022]; see also ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Aufruf zur Politischen Verantwortung von Christinnen und Christen für ein solidarisches Europa* [22.10.2018], <https://www.oekumene.at/site/erklarungen/article/1876.html> [accessed 1.04.2022].

⁵⁴ Cf. ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: “*Europa eine Seele geben*“ [3—5.05.2006], <https://www.oekumene.at/site/erklarungen/article/1559.html> [accessed 1.04.2022]; see also ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Europa ist ein Zukunfts- und Friedensprojekt* (March 2006): Ökumenischer Rat der Kirchen in Österreich — Europa ist ein Zukunfts- und Friedensprojekt (oekumene.at) [accessed 1.04.2022]; ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Grußadresse des Ökumenischen Rates der Kirchen in Österreich*, <https://www.oekumene.at/site/erklarungen/article/1563.html> [accessed 1.04.2022]; ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Schreiben der ÖRKÖ an die nationalen Christenräte in Europa* [11.02.2000], <https://www.oekumene.at/site/erklarungen/article/1577.html> [accessed 1.04.2022].

⁵⁵ ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Stellungnahme zur weltweiten Finanzkrise* [19.03.2009], <https://www.oekumene.at/site/erklarungen/article/1549.html> [accessed 1.04.2022].

⁵⁶ Cf. ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Stellungnahme zur weltweiten Finanzkrise* [19.03.2009]; see also H. NAUSNER: *Wirtschaft(en) im Dienst des Lebens* [4.05.2007], <https://www.oekumene.at/site/erklarungen/article/1551.html> [accessed 1.04.2022].

⁵⁷ Cf. ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *ÖRKÖ-Stellungnahme zur Mindestsicherung* [18.10.2007].

2.8. Bioethics and dignified dying

“Bioethics” has increasingly come into focus. In 2001, Austria envisaged the establishment of an Austrian Bioethics Commission, which was set up by the Federal Chancellery on 29 June 2001.⁵⁸ The ÖRKÖ had issued a statement on the forthcoming foundation in May 2001.⁵⁹

Pope John Paul II particularly emphasised the protection of life at the beginning and its end.⁶⁰ The Christian churches and religious communities represented in the ÖRKÖ, in view of an intensified discussion in various European countries on the problem of dying with dignity, addressed the public on this issue in a declaration of January 2000. They rejected “actions that unnecessarily prolong a person’s process of striving instead of allowing dying” as well as “actions and decisions that directly aim at ending life.” At the time, they expressly demanded that the current legal situation in Austria should “be maintained at all costs.”⁶¹ At the end of September 2003, the ÖRKÖ sent a letter to all members of the Austrian Federal Government and to all Austrian representatives in the Parliamentary Assembly of the Council of Europe, which was again discussing the question of active euthanasia.⁶² In view of the discussion on euthanasia the letter on measures at the end of life written by the Congregation for

⁵⁸ Cf. BUNDESKANZLERAMT, ÖSTERREICH: *Bioethikkommission*, <https://www.bundeskanzleramt.gv.at/themen/bioethikkommission.html> [accessed 1.04.2022]; see also *Einsetzung einer Bioethikkommission*, BGBl. II, Nr. 226/2001, <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20001379> [accessed 1.04.2022].

⁵⁹ Cf. ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Erklärung des Ökumenischen Rates der Kirchen in Österreich zur bevorstehenden Gründung einer österreichischen Bioethik-Kommission* [16.05.2001], <https://www.oekumene.at/site/erklarungen/article/1573.html> [accessed 1.04.2022].

⁶⁰ Cf. JOHN PAUL II: *Litterae Encyclicae “Evangelium vitae” episcopis, presbyteris et diaconis, religiosis viris et mulieribus, christifidelibus laicis universisque bonae voluntatis hominibus de vita humanae inviolabili bono* (25.03. 1995). *Acta Apostolicae Sedis* 87 (1995), pp. 401—522; also at: https://www.vatican.va/content/john-paul-ii/de/encyclicals/documents/hf_jp-ii_enc_25031995_evangelium-vitae.html [accessed 1.04.2022]; see also SACRA CONGREGATIO PRO DOCTRINA FIDEI: *Declaratio de Euthanasia “Iura et bona”* (5.05.1980). *Acta Apostolicae Sedis* 62 (1980), pp. 542—552; also at: https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19800505_euthanasia_ge.html [accessed 1.04.2022].

⁶¹ ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Erklärung zum menschenwürdigen Sterben* (January 2000), <https://www.oekumene.at/site/erklarungen/article/1579.html> [accessed 1.04.2022].

⁶² Cf. ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *ÖRKÖ-Schreiben zu aktiver Sterbehilfe in Europa* (September 2003), <https://www.oekumene.at/site/erklarungen/article/1568.html> [accessed 1.04.2022].

the Doctrine of the Faith on 14 July 2020 also condemned euthanasia and assisted suicide and saw both as ethically prohibited.⁶³ Despite these clear statements, the Austrian federal government proposed a bill on assisted suicide in October 2021, which was passed in December 2021.⁶⁴ The law was passed because the Austrian Constitutional Court had lifted the previous ban on assisted suicide on 31 December 2021.⁶⁵ It justified this on the grounds that the criminal offence of “assisted suicide” violated the individual’s right to free self-determination.⁶⁶

2.9. Islam

The number of Muslims in Austria continues to rise.⁶⁷ At the same time, many Austrians are afraid of Islam. In April 2007, the ÖRKÖ issued a declaration on Islam in Austria, in which — one year after the Inter-

⁶³ Cf. CONGREGATIO PRO DOCTRINA FIDEI: *Lettera “Samaritanus bonus” della Fede sulla cura delle persone nelle fasi critiche e terminali della vita* [14.06.2020], https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20200714_samaritanus-bonus_en.html [accessed 1.04.2022].

⁶⁴ Cf. “Nationalrat stimmt für ärztliche Strebehilfe. In Österreich dürfen künftig Ärzte schwerkranke Menschen beim Suizid helfen. Eine Gerichtsentscheidung hat eine entsprechende Neuregelung erforderlich gemacht.” *Zeit Online, Österreich*, 16.12.2021, <https://www.zeit.de/gesellschaft/zeitgeschehen/2021-12/osterreich-aerztliche-sterbehilfe-legalisierung-nationalrat> [accessed 1.04.2022]; see also REPUBLIK ÖSTERREICH, PARLAMENT: *Sterbeverfügungsgesetz; Suchtmittelgesetz, Strafgesetzbuch, Änderung (150/ME)* [23.10.2021], https://www.parlament.gv.at/PAKT/VHG/XXVII/ME/ME_00150/index.shtml [accessed 1.04.2022].

⁶⁵ Cf. VERFASSUNGSGERICHTSHOF ÖSTERREICH: G 139/2019-71 [11.12.2020], https://www.vfgh.gv.at/downloads/VfGH-Erkenntnis_G_139_2019_vom_11.12.2020.pdf [accessed 1.04.2022]; see also VERFASSUNGSGERICHTSHOF, ÖSTERREICH: *Es ist verfassungswidrig, jede Art der Hilfe zur Selbsttötung ausnahmslos zu verbieten* [11.12.2020], https://www.vfgh.gv.at/medien/Toetung_auf_Verlangen_Mithilfe_am_Suizid.php [accessed 1.04.2022].

⁶⁶ Cf. “Ethik am Lebensende. Vatikan will bei Strebehilfe Sakramente verweigern. Der Vatikan hat in einem Brief seine ablehnende Haltung zur Strebehilfe bekräftigt. Wer selbstbestimmt sterben will, muss auf die Unterstützung der Kirche verzichten.” *Zeit Online, Österreich*, 22.09.2020, <https://www.zeit.de/gesellschaft/zeitgeschehen/2020-09/ethik-lebensende-sterbehilfe-vatikan-verbot-brief-papst-franziskus> [accessed 1.04.2022].

⁶⁷ There were 700,000 Muslims in Austria in 2016. Cf. *Statista, Religionszugehörigkeit in Österreich 2020*, [https://de.statista.com/statistik/daten/studie/304874/umfrage/mitglieder-in-religionsgemeinschaften-in-oesterreich/#:-:text=Die%20katholische%20Kirche%20in%20Österreich,\(700.000%2C%20Stand%202016\)](https://de.statista.com/statistik/daten/studie/304874/umfrage/mitglieder-in-religionsgemeinschaften-in-oesterreich/#:-:text=Die%20katholische%20Kirche%20in%20Österreich,(700.000%2C%20Stand%202016)) [accessed 1.04.2020].

national Imam Conference in Vienna⁶⁸ — it expressed its “interest in a good coexistence of Christians and Muslims” in Austria and referred to “already manifold forms of encounter and cooperation”. The organisation spoke out in favour of “the increased promotion of a differentiated perception of the Islam”.⁶⁹ The Declaration of the Second Vatican Council on the Relation of the Church to Non-Christian Religions *Nostra Aetate*⁷⁰ and the Catechetical Directory of 2020⁷¹ explicitly called for the dialogue with Islam.

2.10. Expressing solidarity with Christians all over the world and encounters among Christian churches and religious communities

In the statement *Solidarität mit den christlichen Kirchen im Heiligen Land* of 20 May 2020, the Executive Board of the ÖRKÖ explicitly expressed its opinion on the feared dramatic effects of the annexation of Palestinian territories and raised a warning voice.⁷² A resolution on the “situation of Christians in the Middle East” adopted by the Assembly of the ÖRKÖ on 9 October 2014 expressed “solidarity with the Christians of the Middle East whose right to live is threatened” in view of the suffering brought by the terrorist militia of the so-called Islamic State and other extremist groups in Iraq and Syria.⁷³ Already on 18 October 2012,

⁶⁸ Cf. ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Presseerklärung zur Imame-Konferenz in Wien (May 2006)*, <https://www.oekumene.at/site/erklarungen/article/1558.html> [accessed 1.04.2022]; see also ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Stellungnahme des ÖRKÖ-Vorstands zur Schlussklärung der österreichischen Imame-Konferenz* [6.06.2005], <https://www.oekumene.at/site/erklarungen/article/1565.html> [accessed 1.04.2022].

⁶⁹ ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Islam in Österreich* (April 2007), <https://www.oekumene.at/site/erklarungen/article/1553.html> [accessed 1.04.2022].

⁷⁰ Cf. PAUL VI: *Declaratio de ecclesiae habitudine ad religiones non-christianas* “*Nostra aetate*” (28.10.1965).

⁷¹ Cf. PONTIFICIUM CONSILIUM DE NOVA EVANGELIZATIONE PROMOENDA: *General Directory for Catechesis* (23.03.2020).

⁷² Cf. ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Solidarität mit den christlichen Kirchen im Heiligen Land* [20.05.2020], <https://www.oekumene.at/site/erklarungen/article/1966.html> [accessed 1.04.2022].

⁷³ ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Resolution zur „Situation der Christen im Nahen Osten“* [9.10.2014], <https://www.oekumene.at/site/erklarungen/article/1538.html> [accessed 1.04.2020].

the Assembly of the ÖRKÖ had declared its solidarity with the Christians in Syria.⁷⁴ Also, on 19 March 2009, the ÖRKÖ had written a letter to the Federal Government in Austria about the situation of the “Christians in Iraq.”⁷⁵

In the spirit of exchange and mutual understanding, a meeting of representatives of the Ecumenical Councils of Churches from Austria, Poland, Slovakia, the Czech Republic, and Hungary took place, among others, which ended with a communiqué on 6 December 2004.⁷⁶

3. Statements on worship, sacramental and social action

Faith manifests itself not only in propagation and teaching, but also in liturgical celebration and in Christian action and social charity. Despite the adherence to the prohibition of sacramental communion (*communio in sacris*) by the legislation of the Catholic Church, the latter creates, as Johann Hirnsperger points out, “as a counterbalance to this, ecumenical exceptional law which makes limited sacramental communion possible.”⁷⁷ With the new edition of the orientation guide on liturgical

⁷⁴ Cf. ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Solidarität mit den Christen in Syrien* [18.10.2012], <https://www.oekumene.at/site/erklaerungen/article/1544.html> [accessed 1.04.2022].

⁷⁵ Cf. ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Brief an die Bundesregierung — Christen im Irak* [19.03.2009], <https://www.oekumene.at/site/erklaerungen/article/1548.html> [accessed 1.04.2022].

⁷⁶ Cf. ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Begegnung von Vertretern der ökumenischen Räte der Kirchen aus Österreich, Polen, der Slowakei, der Tschechischen Republik und Ungarns, Kommuniqué* [6.12.2004], <https://www.oekumene.at/site/erklaerungen/article/1567.html> [accessed 1.04.2022]; see also ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Begegnung der Ökumenischen Räte der Tschechischen Republik und Österreichs* (January 2003), <https://www.oekumene.at/site/erklaerungen/article/1571.html> [accessed 1.04.2022]; ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Gemeinsames Wort des Ökumenischen Rates der Kirchen in der Tschechischen Republik und des ÖRKÖ* (October 2002), <https://www.oekumene.at/site/erklaerungen/article/1572.html> [accessed 1.04.2022].

⁷⁷ J. HIRNSPERGER: “Getrennt im Glauben — vereint im Gottesdienst? Der Codex Iuris Canonici von 1983 und die ökumenische Gottesdienstgemeinschaft.” In: *Wege zum Heil? Religiöse Bekenntnisgemeinschaften in Österreich: Mennonitische Freikirche und Pfingstkirche Gemeinde Gottes. Ökumenische und interreligiöse Perspektiven* [Theologie im kulturellen Dialog. Vol. 7b]. Eds. J. HIRNSPERGER, CH. WESSELY. Innsbruck—Wien 2005, pp. 133—149, here p. 137; see also E.M. SYNEK: “Sakramentenanerkennung in rechtsvergleichender Perspektive.” *Österreichisches Archiv für Recht & Religion* 61 (2014), pp. 193—223; Th. A. AMANN: “Der ökumenische Auftrag.” In *Handbuch des katholischen*

and church law issues in 2016, the ÖRKÖ provides an insight into the teaching and practice of eleven Christian churches and religious communities in Austria on five basic topics, namely, on birth, childhood and youth, marriage, illness, death and burial, as well as on Sundays and public holidays.⁷⁸ An explicit agreement on the recognition of baptism has existed since 30 April 1969 on the part of the Roman Catholic Church and the Evangelical Church A.B. and H.B. in Austria,⁷⁹ since 1974 also on the part of the Roman Catholic Church and the Old Catholic Church in Austria.⁸⁰ However, the Roman Catholic Church also recognises the baptism of the Old Oriental Churches, the Orthodox Churches, the Old Catholic Churches, the Anglican Churches, the Lutheran Churches, the Reformation Churches, the Evangelical Methodist Churches as well as other churches, insofar as they are named in the corresponding lists. However, there has not been any mutual recognition of baptism in Austria, as there was in Germany in the so-called Magdeburg Declaration between eleven churches on 29 April 2007.⁸¹ With regard to marriage, the Austrian Bishops' Conference and the Oberkirchenrat A.B. and H.B. in Austria adopted the document entitled "Die Trauung katholisch-evangelischer Paare unter Mitwirkung der Bevollmächtigten beider Kirchen."⁸²

Kirchenrechts. Eds. ST. HAERING, W. REES, H. SCHMITZ. Regensburg 20153, pp. 944—963. CIC/1917 tolerated only the passive participation of Catholics in non-Catholic liturgical services. Cf. c. 1258 §§ 1 and 2 CIC/1917.

⁷⁸ Cf. ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Orientierungshilfe zu liturgischen und kirchenrechtlichen Fragen*. Ed. ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH. Wien 20162; also at: https://www.oekumene.at/dl/mtsOJKJKMnIjQx4KJK/OERKOE_Orientierungshilfe_2016_web_pdf [accessed 1.04.2022]; on sanctions with regard to prohibited communion of worship see W. REES: "Einzelne Straftaten." In *Handbuch des katholischen Kirchenrechts*. Eds. ST. HAERING, W. REES, H. SCHMITZ. Regensburg 20153, pp. 1615—1943, esp. p. 1620; can. 1381 CIC/2021.

⁷⁹ Cf. "Übereinkommen zwischen der röm.-kath. Kirche und der evangelischen Kirche in Österreich bezüglich der Taufen" [1.07.1969]. *Verordnungsblatt für die Diözese Innsbruck* 44/6 (1969), p. 24, n. 45.

⁸⁰ Cf. "Übereinkommen bezüglich Anerkennung der Taufe (zwischen der römisch-katholischen Kirche und der altkatholischen Kirche in Österreich) (1.06.1974)." *Verordnungsblatt für die Diözese Innsbruck* 49/5 (1974) p. 25, n. 31.

⁸¹ Cf. EVANGELISCHE KIRCHE IN DEUTSCHLAND: *Wechselseitige Anerkennung der Taufe. 11 Kirchen in Deutschland unterzeichnen am 29. April in Magdeburg Erklärung* (Pressemitteilung 23.04.2007), https://www.ekd.de/pm86_2007_wechselseitige_taufanerkennung.htm [accessed 1.04.2022].

⁸² Cf. ÖSTERREICHISCHE BISCHOFSKONFERENZ, EVANGELISCHER OBERKIRCHENRAT A. UND H.B. IN ÖSTERREICH: "Die Trauung katholisch-evangelischer Paare unter Mitwirkung der Bevollmächtigten beider Kirchen." In: *Pastoralamt der Erzdiözese Wien und Evangelischer Presseverband* (Eds.). Wien o. J. (1974), pp. 7—48; see also AUSTRIAN BISHOP'S CONFERENCE, EVANGELISCHER OBERKIRCHENRAT A.B. UND H.B.: "Richtlinien, die gemeinsame Trauung und Mischehenseelsorge betreffend inkl. Verlautbarung zu den Richtlinien, die

In his apostolic exhortation *Familiaris Consortio* of 22 November 1981, Pope John Paul II had already advocated a positive view of mixed-denominational marriage.⁸³ From the point of view of the Roman Catholic Church in Austria, the orientation guide of the ÖRKÖ explicitly emphasises that there is no “pulpit and communion fellowship in the sense of ecumenical consensus” with any other Christian church or religious community, but that there is the possibility of preaching by members of other Christian churches and religious communities in non-Eucharistic services and in ecumenical services on numerous occasions.⁸⁴ In 2003 und 2004, a mixed Catholic-Evangelical commission published “Richtlinien für ökumenische Gottesdienste” as an orientation guide for the organisation of such services for the member churches of the ÖRKÖ.⁸⁵ A clear distinction is made “between ecumenical services and an interreligious or multi-religious cel-

gemeinsame Trauung und Mischehenseelsorge betreffend. (5.07.1974).” In: *Evangelische Kirche in Österreich (EKOER)*, ABL. Nr. 82/1974 (MischehenS 1.40.0104); also at: <https://www.kirchenrecht.at/document/39226> [accessed 1.04.2022]; also at: *Wiener Diözesanblatt* 6/1974, pp. 86—87; reprinted in: *Pastoralamt der Erzdiözese Wien und Evangelischer Presseverband* (Eds.). Wien o. J. (1974), pp. 82—85.

⁸³ Cf. JOHN PAUL II: *Adhortatio Apostolica “Familiaris Consortio” ad episcopos, sacerdotes et christifideles totius ecclesiae catholicae de familiae christianae muneribus in mundo huius temporis* [22.11.1981]. *Acta Apostolicae Sedis* 74 (1982), pp. 81—191, here pp. 178—180, n. 78. further under: http://www.vatican.va/holy_father/john_paul_ii/apost_exhortations/documents/hf_jp-ii_exh_19811122_familiaris-consortio_ge.html [accessed 1.04.2022].

⁸⁴ ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Orientierungshilfe zu liturgischen und kirchenrechtlichen Fragen...*, p. 57, n. V. 3; see also DEUTSCHE BISCHOFSKONFERENZ: “Mit Christus gehen — Der Einheit auf der Spur. Konfessionsverbindende Ehen und gemeinsame Teilnahme an der Eucharistie. Orientierungshilfe.” [20.02.2018], https://www.dbk.de/fileadmin/redaktion/diverse_downloads/dossiers_2018/08-Orientierungshilfe-Kommunion.pdf [accessed 01.04.2022]; on this: KATHOLISCH.DE: *Text als Orientierungshilfe in Verantwortung der einzelnen Bischöfe: Kommunionstreit: Bischöfe veröffentlichen Handreichung* [27.06.2018], <https://www.katholisch.de/artikel/18046-kommunionstreit-bischoefe-veroeffentlichen-handreichung> [accessed 1.04.2022]; KATHOLISCH.DE: *Katholisch.de veröffentlicht Brief von Erzbischof Ladaria im Wortlaut. Papst gegen Veröffentlichung von Handreichung* [4.06.2018], <https://www.katholisch.de/artikel/17781-papst-gegen-veroeffentlichung-von-handreichung#print> [accessed 1.04.2022].

⁸⁵ Cf. “Richtlinien für ökumenische Gottesdienste” prepared by the GEMISCHT KATHOLISCH-EVANGELISCHE KOMMISSION; reprinted in: ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Orientierungshilfe zu liturgischen und kirchenrechtlichen Fragen...*, pp. 71—75; see in detail AUSTRIAN BISHOPS’ CONFERENCE: “Richtlinien für Ökumenische Gottesdienste.” *Amtsblatt der Österreichischen Bischofskonferenz*, no. 36, 1 September 2003, pp. 7—10, nn. 2.2., 3.1; further under: https://www.bischofskonferenz.at/dl/pmnrJKJKKoonk/qx4NJK/Amtsblatt_der_Bischofskonferenz_Nr._36_-_01.09.2003.pdf [accessed 1.04.2022], <https://www.uibk.ac.at/praktheol/kirchenrecht/teilkirchenrecht/oebiko/oekumene.html> [accessed 1.04.2022]; also at: https://evang.at/wp-content/uploads/2015/07/richtlinien-oekum-gottesdienste_01.pdf [accessed 1.04.2022].

bration,” since the members of different religions “usually do not say a common prayer,” but can say “prayers from different religions one after the other on a certain theme, e.g. ‘peace’.” In the case of interreligious celebrations at schools, according to the orientation guide, “not only the religious affiliation of the pupils, but also that of the teachers should be taken into consideration. [...] Active participation in these interreligious celebrations, especially at schools, is only to be granted to members of the state-recognised religious and confessional communities.”⁸⁶

Already in 2003, the ÖRKÖ had published a *Sozialwort*, which was developed during a four-year process (2000—2003).⁸⁷ In it, the churches and religious communities united in the ÖRKÖ addressed social problems in the areas of education, media, work, economy, social security and ecology and tried to give an answer to them from a Christian perspective. With the brochure “Solidarische Gemeinde”, the ÖRKÖ wanted to give parishes in Austria background information on social issues and concrete suggestions for appropriate action. It was the result of the process “sozialwort 10+”.⁸⁸ In addition, the ÖRKÖ and the New Apostolic Church Austria published *Eine Orientierungshilfe für die Gemeinden*.⁸⁹

4. Evaluation and outlook

Despite the gratifying situation of ecumenism in Austria, strong impulses and appropriate action are always needed. Here, the ÖRKÖ in

⁸⁶ “Richtlinien für ökumenische Gottesdienste,” prepared by the GEMISCHT KATHOLISCH-EVANGELISCHE KOMMISSION; reprinted in: ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH: *Orientierungshilfe zu liturgischen und kirchenrechtlichen Fragen...*, p. 74, n. 4; see also SCHULAMT DIÖZESE INNSBRUCK: *Miteinander Feiern in der Schule. (Religiöse) Feiern im multireligiösen Schulkontext. Eine Orientierungshilfe*, September 2016; further under: https://www.kph-es.at/fileadmin/user_upload/Miteinander_Feiern.pdf [accessed 1.04.2022].

⁸⁷ Cf. *Sozialwort*. Ed. ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH. Wien 2003; further under: <https://www.oekumene.at/dokumente> [accessed 1.04.2022].

⁸⁸ Cf. *Projekt „Solidarische Gemeinde“. Umsetzung des Prozesses „sozialwort 10+“*. Ed. ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH. Wien 2016; further under: https://www.oekumene.at/dl/OLLMJKJKMnLJqx4kJK/Oerkoe_Solidarische_Gemeinden_D_02_.pdf [accessed 1.04.2022].

⁸⁹ Cf. ÖKUMENISCHER RAT DER KIRCHEN IN ÖSTERREICH UND NEUAPOSTOLISCHE KIRCHE ÖSTERREICH (NAK): *Eine Orientierungshilfe für die Gemeinden*. Wien 2014; further under: https://www.oekumene.at/dl/KrMkJKJKMnKJqx4KJK/NAK-Folder_April2014_.pdf [accessed 1.04.2022].

particular, but also the individual Christian churches and religious societies in Austria are called upon. Thus, in addition to the statements and information leaflets issued by the ÖRKÖ, there are numerous joint words by representatives of Christian churches and religious communities on various occasions and topics. In addition, the Protestant-Catholic Theological Commission, commissioned by the Bishop of Linz and the Superintendent of the Protestant Church A.B. of Upper Austria, wrote a joint word for the Protestant and Catholic Churches in Upper Austria on the occasion of the commemoration of Martin Luther and the 500th anniversary of the Reformation in 2017, in which not only “important, painful and yet fruitful stages on the path through history for both churches” were highlighted, but also “the joint continuation on the ecumenical path and the corresponding work mandate for both churches.”⁹⁰ In all dialogue between the Christian churches and religious communities, however, the necessity of interreligious dialogue must not be overlooked.

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⁹⁰ DIÖZESE LINZ, EVANGELISCHE SUPERINTENDENTUR A.B. OÖ: *500 Jahre Reformation 2017. Gemeinsames Wort für die Evangelische und Katholische Kirche Oberösterreich zum Reformationsgedenken 2017* [6.01.2017].

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WILHELM REES

Déclarations conjointes des représentants de communautés chrétiennes
concernant les questions importantes en Autriche en relation avec les
instructions du Pape explicités dans *Ut unum sint* (n° 43)

Résumé

Dans son encyclique *Ut unum sint*, le pape Jean Paul II a appelé les dirigeants des Églises chrétiennes à rédiger les déclarations communes sur les questions urgentes (n° 43). Le Conseil œcuménique des Églises en Autriche (ÖRKÖ), dont fait partie aussi l'Église catholique, ce qui n'est pas le cas en Allemagne, a répondu à la demande et au souhait du Pape en publiant de nombreuses déclarations communes sur divers sujets. Ces déclarations conjointes seront largement diffusées jusqu'au début 2022.

Mots-clés: droit canonique, œcuménisme, le Conseil mondial des Églises

WILHELM REES

Dichiarazioni congiunte dei rappresentanti delle comunità cristiane
su questioni importanti in Austria in relazione alle indicazioni del Papa
in *Ut unum sint* (n. 43)

Sommario

Nella sua enciclica *Ut unum sint*, Papa Giovanni Paolo II ha invitato i responsabili delle Chiese cristiane a redigere dichiarazioni congiunte su problemi urgenti (n. 43). Il Consiglio ecumenico delle Chiese in Austria (ÖRKÖ), al quale, a differenza della Germania, appartiene anche la Chiesa cattolica, ha esaudito questa richiesta e il desiderio del Papa rilasciando numerose dichiarazioni congiunte su vari argomenti. Queste dichiarazioni congiunte saranno ampiamente pubblicizzate fino all'inizio del 2022.

Parole chiave: diritto canonico, ecumenismo, Consiglio ecumenico delle Chiese



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The Requirements for an Ecumenical Dialogue according to Pope John Paul II's Encyclical Letter *Ut unum sint*

Abstract: In the Christian theological language, the term “ecumenism” was put in circulation by the Ecumenical Movement initiated by the Christians after the First World War. But, in the language of the Catholic Church, the term “ecumenism,” used with the meaning of the “ecumenical movement,” was introduced by the renowned theologian Yves Congar in 1937. And, then, it was taken over by the Second Vatican Council for the text of the decree on ecumenism *Unitatis redintegratio*.

The Roman Catholic Church joined the Ecumenical Movement in 1961, when its delegates were presents at the Session — held in New Delhi — of the Ecumenical Council. Among other things, from the text of the Encyclical *Ut unum sint* published by Pope John Paul II in the year 1995, we could notice that His Holiness asserted that an ecumenical dialogue — that remains in fact one of the main instruments for the reestablishment of the ecumenical unity — has to fulfill the requirements stipulated by the Second Vatican Council, adopted however to the ecumenical realities of the present times.

Keywords: ecumenical dialogue, the Second Vatican Council, the Christian unity

Introduction

In the decree on ecumenism *Unitatis redintegratio*, it was stated that “the restoration of unity among all Christians is one of the principal

concerns of the Second Vatican Council.”¹ Moreover, the Fathers of the Second Vatican Council declared that their “powers” and “capacities” (UR III, 24) are limited, and therefore they urged all Christians to pray to our Saviour Jesus Christ for the accomplishment of this goal, that is, for “the reconciling of all Christians in the unity of the one and only Church of Christ.”² So, the prayer was considered to be one of the main requirements for an ecumenical dialogue.

Referring to the Second Vatican Council’s “ecumenical doctrine and practice”³ regarding ecumenical dialogue, Pope John Paul II stated — in his Encyclical *Ut unum sint*, published on 25 May 1995 — that “dialogue has not only been undertaken; it has become an outright necessity, one of the Church’s priorities,”⁴ as “the division” of Christians is indeed “a stumbling block to the world, and inflicts damage on the most holy cause of proclaiming the Good News to every creature.”⁵ Hence, his rightful observation that only by engaging Christians of different Churches or Christian communities in an ecumenical dialogue can we find ourselves on the path “by a common quest for truth, [...] concerning the Church,”⁶ since, in fact, only “truth forms consciences and directs efforts to promote unity.”⁷

In the words of Pope John Paul II, “public prayer” and “private prayer” are “the soul of the whole ecumenical movement,”⁸ that is, of that “spiritual ecumenism”⁹ to which the Fathers of the Second Vatican Council also expressly referred. That “the prayer” is “the ‘soul’ of ecumenical renewal and of the yearning for unity”¹⁰ is what prompted Pope John Paul II when he stated that “there is a close relationship between prayer and dialogue,”¹¹ and that “dialogue depends on prayer,”¹² hence

¹ “Décret sur l’œcuménisme *Unitatis redintegratio*.” In: *Concile oecuménique Vatican II. Constitutions, décrets, déclarations, messages*. Textes français et latin. Du Centurion, Paris 1967, p. 605.

² Decree on Ecumenism *Unitatis redintegratio*, III, 24. https://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decree_19641121_unitatis-redintegratio_en.html [accessed 19.02.2022].

³ IOANNES PAULUS PP. II: *Ut unum sint, On commitment to Ecumenism*, I, 28. https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_25051995_ut-unum-sint.html [accessed 8.03.2022].

⁴ *Ibidem*, I, 31.

⁵ *Ibidem*, I, 6 (cf. Decree on Ecumenism *Unitatis redintegratio*..., 1).

⁶ *Ibidem*, I, 33.

⁷ *Ibidem*.

⁸ *Ibidem*, I, 21.

⁹ Decree on Ecumenism *Unitatis redintegratio*..., II, 8.

¹⁰ IOANNES PAULUS PP. II: *Ut unum sint*..., I, 28.

¹¹ *Ibidem*, I, 33.

¹² *Ibidem*.

the intrinsic relationship between the “rule of faith” and the “prayer for Christian unity.”¹³

In order to fulfill the divine commandment, that is, “that we may all be One” (*Ut unum sint*), we indeed need the help of our Lord Jesus Christ, but also the prayers addressed to the Mother of God,¹⁴ in whom Catholic theologians see the “First Adorer of the Incarnate Word,”¹⁵ and according to the dogmatic tradition of the Ecumenical Church of the first millennium Saint Virgin Mary is a compassionate helper and an ardent intercessor before God. In fact, the Church has always prayed “Mary ever Virgin, whom the Ecumenical Council of Ephesus solemnly proclaimed to be the holy Mother of God.”¹⁶

As for the ecumenical dialogue, Pope John Paul II made it clear that it should not be understood as any inter-human dialogue, which is usually limited to “an exchange of ideas,”¹⁷ it — according to the Holy Father’s statement — should rather be understood that, “when undertaking dialogue, each side must presuppose in the other a desire for reconciliation, for unity in truth. For this to happen, any display of mutual opposition must disappear. Only thus will dialogue help to overcome division and lead us closer to unity.”¹⁸

The very same Synodal Decree of the Second Vatican Council, *Unitatis redintegratio*, urged the members of the Catholic Church to collaborate with the “separated brethren,”¹⁹ but to ask of them only “what is necessary” (Acts 15, 23), since in this regard also *haec Sacrosancta Synodus* (this Holy Synod), that is, the Second Vatican Council, “solemnly repeats the declaration of previous Councils and Roman Pontiffs.”²⁰

¹³ N.V. DURĂ: “‘Regula de credință’ și rugăciunea pentru unitatea creștină. O evaluare ecleziologică-canonică” (“The Rule of Faith” and the Prayer for Christian Unity. An ecclesiological-canonical evaluation). *Ortodoxia* 3—4 (2004), pp. 7—25.

¹⁴ C. MITITELU: “The Virgin Mary in the ‘Baptismal Symbols’ of the Pre-Nicene Church.” In: *The Tradition of the Adoration of the Theotokos in the Orthodox Church*. Ed. D. MUSKHELISHVILI. Nova Science Publishers, New York 2020, pp. 7—18; N.V. DURĂ: “The Mariology of the Pre-Nicene Church. The Testimonies of Some Fathers and Theologians in the Greek and Latin Languages.” In: *The Tradition of the Adoration of the Theotokos...*, pp. 55—65.

¹⁵ I. REDIU: “Sfânta Fecioară Maria-icoană de adoratoare” (The Saint Virgin Mary-icon of Adorers). In: *Ca toți să fim una. Studii și articole în onoarea PS Pentru Gherghel cu ocazia aniversării a 20 de ani de episcopat și 70 de ani de viață*. Coord. A. PERCĂ. Sapienția, Iași 2010, p. 129.

¹⁶ Decree on Ecumenism *Unitatis redintegratio...*, III, I, 15.

¹⁷ IOANNES PAULUS PP. II: *Ut unum sint...*, I, 28.

¹⁸ *Ibidem*, I, 29.

¹⁹ Decree on Ecumenism *Unitatis redintegratio...*, III, II, 24.

²⁰ *Ibidem*, III, 18.

In the text of this “Decree on Ecumenism” (*De Oecumenismo*), we also find some ecclesiological-canonical considerations and assessments on the status quo of the different Churches and Christian communities with which the Catholic Church could enter into a coordinated ecumenical action *in solidum*.²¹ The Second Vatican Council, however, paid particular attention to the relations between the Eastern Churches and the Catholic Church, with the urgent plea for its members (the clergy and the faithful) to take into account both their specific canonical status and the richness of their theological patrimony (dogmatic, liturgical and canonical) (cf. *Lumen gentium* and *Unitatis redintegratio*),²² since this is a common heritage of the entire ecumenical Christianity, and it constitutes the main documentary source for the theologians of the *pars Orientis* and *pars Occidentis* Churches in their ecumenical theological dialogue, the final aim of which must lead to the restoration of Christian unity.²³

As for Pope John Paul II, he proved his commitment to the promotion of the Ecumenical Movement both through his numerous encyclicals, such as the *Ut unum sint*, and through the diverse and wide-ranging themes tackled in their texts, which has led to him being perceived as a *Magister Ecclesiae* also with regard to the ecumenical dialogue promoted through the Documents of the Second Vatican Council, of which an outstanding architect and exponent His Holiness was.²⁴

These remarkable and defining merits of the pastoral-canonical activity of Pope John Paul II are also amply confirmed in his Encyclical *Ut unum sint*, in the text of which — among other things — he also highlighted the urgent need for an active and effective engagement of the Catholic Church in the ecumenical process of restoring Christian unity in full compliance with the doctrine formulated by the Second Vatican Council. In fact, from a careful examination of the Encyclical *Ut unum sint* it is

²¹ “Décret sur l’œcuménisme *Unitatis redintegratio...*,” p. 623.

²² Dogmatic Constitution on the Church *Lumen gentium*, solemnly promulgated by His Holiness Pope Paul VI, on November 21, 1964, https://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19641121_lumen-gentium_en.html, 69 [accessed 23.04.2022]; Decree on Ecumenism *Unitatis redintegratio...*, III, I, 14 and 17.

²³ N.V. DURĂ: “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 Roman Catholic, Anglican, Old Catholic, Oriental (non-Chalcedonian) and Lutheran Churches). *Ortodoxia* 3 (1985), pp. 390—449.

²⁴ As bishop, Archbishop of Kraków and Cardinal of Poland, Karol Józef Wojtyła participated in the works of the Second Vatican Council. For example, His Holiness was a member of the Commission for the drafting of the Constitution *Gaudium et spes* (1965) and a member of the Commission for the drafting of the Declaration *Dignitatis humanae* (1965).

easy to see that Pope John Paul II wished and managed to highlight and to reaffirm the teaching formulated by the Second Vatican Council also with regard to ecumenism, perceived and expressed as a common effort to restore Christian unity, this also being one of the main goals of the Council (cf. Constitution on the Sacred Liturgy *De Sacra liturgia*).²⁵

1. The principles of the Catholic Church on ecumenism and the affirmation and capitalisation of their content in the Encyclical *Ut unum sint*

The principles of the Catholic Church on ecumenism, stated in particular in the Dogmatic Constitution on the Church *Lumen gentium* and in the *Unitatis redintegratio* Decree, drawn up and published by the Second Vatican Council, were laboriously affirmed and explained — in their content — by Pope John Paul II in his *Ut unum sint* Encyclical, which the author himself tells us is represented by being “essential pastoral in character.”²⁶

Among other things, the following basic principles of ecumenism can be drawn from the text of the *Unitatis redintegratio* Decree, namely:

1. “The principle of the Church’s unity”²⁷ is our Lord Jesus Christ (cf. John 17:21), and the model for this unity is the communion and the unity of the persons of the Holy Trinity, hence the obligation and necessity to affirm and preserve the unity of the Church.

2. “The children” born in the communities which are deprived of “full communion with the Catholic Church [...], and who grow up believing in Christ cannot be accused of the sin involved in the separation, and the Catholic Church embraces upon them as brothers.”²⁸ And, even though it is only in an “imperfect communion” with them, the Catholic Church still accepts “them as brothers.”²⁹

3. All Catholic Christians must participate in the ecumenical work in order to promote Christian unity. Through this conciliar document

²⁵ Constitution on the Sacred Liturgy *Sacrosanctum concilium* solemnly promulgated by His Holiness Pope Paul VI on December 4, 1963, https://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19631204_sacrosanctum-concilium_en.html, I [accessed 3.05.2022].

²⁶ IOANNES PAULUS PP. II: *Ut unum sint...*, 3.

²⁷ Decree on Ecumenism *Unitatis redintegratio...*, I, 2.

²⁸ Ibidem, I, 3.

²⁹ Ibidem.

on ecumenism, *Unitatis redintegratio*, the Fathers of the Second Vatican Council really urged “all the Catholic faithful to recognize the signs of the times and to take an active and intelligent part in the work of ecumenism.”³⁰

4. In the Catholic Church, both the clergy and the Christians — engaged in this ecumenical work — must enjoy appropriate freedom. Indeed, according to the text of *Unitatis redintegratio*, the members of the Catholic Church engaged in the “Ecumenical Movement” must “enjoy a proper freedom, in their various forms of spiritual life and discipline, in their different liturgical rites, and even in their theological elaborations of revealed truth.”³¹ Certainly, by guaranteeing the freedom, as an expression of a provision of principle of the Second Vatican Council, the person’s right to freedom, which today has European constitutional value,³² has been thus considered as one of the basic principle of ecumenism.

5. The Roman Catholic ecclesiological principle that the unity of the ecumenical Church “subsists in the Catholic Church,”³³ hence the various intense reactions from some Protestants and some Orthodox after the Second Vatican Council.

6. Mutual fraternal respect was stated by the Second Vatican Council as a basic principle of ecumenical dialogue, which must, however, also take into account the fact that doctrinal, disciplinary and organisational differences within the Church still constitute “obstacles, sometimes serious ones, to full ecclesiastical communion.”³⁴ However, these obstacles — no matter how many and how serious they may be — can be overcome through a sincere and constructive ecumenical dialogue, which the Second Vatican Council also perceived and defined as the only real possibility of overcoming this divide. This explains why the Fathers of the Second Vatican Council recognised that the actions and initiatives promoted and organised in favour of Christians unity by the “Ecumenical Movement,” including, in particular, the “theological dialogue,” have an effec-

³⁰ Ibidem, I, 4.

³¹ Ibidem.

³² C. MITITELU: “The European Convention on Human Rights.” In: *10th Edition of International Conference The European Integration — Realities and Perspectives*. Danubius University Press, Galati 2015, pp. 243—252; C. MITITELU: “Provisions of Principle with European Constitutional Value on the ‘Person’s’ Right to Freedom and Security.” *Journal of Danubius Studies and Research* 2 (2016), pp. 158—165; C. MITITELU: “The ‘Globalization Era’ and the Right of the Church to Preach the Gospel to All Peoples. Canonical-Juridical Considerations and Assessments.” *Ecumeny and Law* 5 (2017), pp. 127—146; N.V. DURĂ, C. MITITELU: “The right to Freedom of Religion in the Jurisprudence of the European Court.” *Journal of Danubius Studies and Research* 1 (2014), pp. 141—152.

³³ Decree on Ecumenism *Unitatis redintegratio...*, I, 4.

³⁴ Ibidem, I, 3.

tive role to play in overcoming the obstacles which prevent the achievement of a “perfect ecclesiastical communion (*perfectam communionem ecclesiasticam*),”³⁵ which materialises through the participation of all Christians “in a common celebration of the Eucharist, [...] into the one and only Church in that unity which Christ bestowed on His Church from the beginning.”³⁶

7. According to the provisions of the Synodal Document *Unitatis red-integratio*, drawn up by the Second Vatican Council, “unity” is an attribute inherent only to the Catholic Church. Indeed, the Fathers of the Second Vatican Council stated: “we believe that this unity subsists in the Catholic Church as something she can never lose.”³⁷ However, as it is well known, the Orthodox also struggles for a restoration of ecclesial unity in the spirit of the Scripture and of the unity of the Ecumenical Church of the first millennium, hence their conception that the restoration of the unity of the Church presupposes a kind of *restitutio in integrum*, that is, a restoration of the truth in the spirit of the teaching of the Sacred Scripture and of the Sacred Tradition, expressed by the Fathers of the Church and the Ecumenical Synods of the first millennium.

8. An ecumenical theological dialogue,³⁸ including between the Catholic Church and the Orthodox Church,³⁹ must carry out its work according to the golden rule of the authentic ecumenical Theology, that is, *in necessariis unitas, in dubiis libertas, in omnibus caritas*, that is, “unity in necessary things, freedom in doubtful things, love in all things,”⁴⁰ so that the spirit of Christ’s love may prevail in our ecumenical work. Obviously, it should not be ignored or concealed that achieving unity through *communio in sacris*⁴¹ (eucharistic communion) — which is also possible and desirable for our Churches, that is, the Catholic Church and the Ortho-

³⁵ Ibidem, I, 4.

³⁶ Ibidem.

³⁷ Ibidem.

³⁸ N.V. DURĂ: “Documentul de la Lima (B.E.M.) și evaluarea sa teologică” (The Lima Document (B.E.M.) and its theological evaluation). *Mitropolia Moldovei și Sucevei* 1—2 (1986), pp. 46—58.

³⁹ See N.V. DURĂ: “Relațiile ecumenice actuale dintre Biserica Ortodoxă și Biserica Romano-Catolică și bazele lor ecleziologice” (The current ecumenical relations between the Orthodox Church and the Roman Catholic Church and their ecclesiological basis). *Glasul Bisericii* 9—12 (1983), pp. 625—633.

⁴⁰ N.V. DURĂ: “Dialogul teologic interreligios și regula sa de aur: *Libertas et in omnia Caritas*” (The interreligious theological dialogue and its golden rule: *Libertas et in omnia Caritas*). *Revista de Teologie Sfântul Apostol Andrei* 1 (2007), pp. 34—46.

⁴¹ N.V. DURĂ: “Intercomuniune sau comuniune sacramentală? Identitatea eclezială și unitatea în credință” (Intercommunion or sacramental communion? Ecclesial identity and unity in faith). *Ortodoxia* 4 (1988), pp. 15—58.

dox Church — needs above all the restoration of their canonical unity, which, in fact, remains a major obstacle to achieving the full communion between the two Churches, as confirmed by the results of the Balamant declaration.

9. The principle of practicing ecumenism. According to the statement in the *Unitatis redintegratio* Decree, the Second Vatican Council was not content merely to urge “the participation by the Catholic faithful in ecumenical work,”⁴² rather it also laid down the milestones by which “the whole Church, faithful and shepherds alike”⁴³ must be concretely involved in “the practice of ecumenism.” This ecumenical commitment of the Catholic Church would be expressed “both in daily life” and in “theological and historical research,”⁴⁴ and it would manifest in the “renewal of the Church,”⁴⁵ through a “change of heart,”⁴⁶ and “prayers in common.”⁴⁷ And both of them “prescribed prayers for unity,”⁴⁸ for “ecumenical gatherings”⁴⁹ and a knowledge of “their history, their spiritual and liturgical life, their religious psychology and general background.”⁵⁰

10. The common heritage from the first millennium, of the Western Church and of the Eastern Church, a clear basis for restoring their relations and for the instrumentalisation of the theological dialogue in order to achieve the unity lost in the year 1054. On the basis of this ecclesiological principle, stated by the Second Vatican Council concerning the “Churches and ecclesial communities separated from the Roman Apostolic See,”⁵¹ the Synod Fathers recognized that “it must not be forgotten that from the beginning the Churches of the East have had a treasury from which the Western Church has drawn extensively — in liturgical practice, spiritual tradition, and law. Nor must we undervalue the fact that it was the ecumenical councils held in the East that defined the basic dogmas of the Christian faith.”⁵²

Aware that a theological dialogue of the Catholic Church with the Orthodox Churches of the East presupposes knowledge of the entire theological patrimony (dogmatic, canonical, and liturgical) of these venerable

⁴² Decree on Ecumenism *Unitatis redintegratio...*, I, 4.

⁴³ *Ibidem*, II, 5.

⁴⁴ *Ibidem*.

⁴⁵ *Ibidem*, II, 6.

⁴⁶ *Ibidem*, II, 7.

⁴⁷ *Ibidem*, II, 8.

⁴⁸ *Ibidem*.

⁴⁹ *Ibidem*.

⁵⁰ *Ibidem*, II, 9.

⁵¹ *Ibidem*, III.

⁵² *Ibidem*, III, 14.

Churches, whose origins go back to the “inheritance [*haereditas*] handed down by the Apostles [*ad Apostolis*],”⁵³ the Fathers of the Second Vatican Council requested that those “who intend to devote themselves to the restoration of full communion hoped for between the Churches of the East and the Catholic Church, to give due consideration to this special feature of the origin and growth of the Eastern Churches, and to the character of the relations which obtained between them and the Roman See before separation. They must take full account of all these factors and, where this is done, it will greatly contribute to the dialogue that is looked for.”⁵⁴

This “special consideration,”⁵⁵ that is, the special relationship with the Eastern Churches, which the Second Vatican Council demanded from the representatives of the Catholic Church in their dialogue with their Orthodox brethren, is constantly reiterated in the pages of the *Ut unum sint* Encyclical, which is further proof that Pope John Paul II took into account *ad litteram* the provisions of principle laid down by the Fathers of the Second Vatican Council, in the works of which he was an active participant. In fact, the Holy Father was one of those who drafted the text of the Document on Ecumenism, and then, throughout his ecumenical endeavors related to the work of regaining and restoring Christian unity with the Orthodox Churches, he was one of the main architects.

The “principles” of ecumenism — stated in the *Unitatis redintegratio* Decree — are also expressly stated in the text of Pope John Paul II’s *Ut unum sint* Encyclical. It should also be pointed out, however, that some of these provisions of principle — set out by the Fathers of the Second Vatican Council in the text of their conciliar documents — were not only affirmed and developed in terms of their theological content, but were also adapted by the Supreme Pontiff to the reality of his times, that is, the end of the second millennium, which made this encyclical an ecumenical document of the first order, in which His Holiness addressed his paternal and fraternal exhortation to Christians throughout the world to join in the common effort to recover and restore Christian unity, a unity expressly instituted by divine command (cf. John 17:21).

From the text of his Encyclical *Ut unum sint* we indeed see that Pope John Paul II was keen to point out that the text of the *Unitatis redintegratio* Decree must be read “in the context of the complete teaching of the Second Vatican Council,”⁵⁶ and that “in indicating the Catholic principles of ecumenism, the Decree *Unitatis redintegratio* recalls above

⁵³ Ibidem.

⁵⁴ Ibidem.

⁵⁵ Ibidem.

⁵⁶ IOANNES PAULUS PP. II: *Ut unum sint...*, I, 8.

all the teaching on the Church set forth in the Dogmatic Constitution *Lumen gentium*,”⁵⁷ hence his frequent references to the text of this Constitution. Indeed, in the very first chapter of the Decree *Unitatis redintegratio*, suggestively titled “Catholic principles on ecumenism,” we find reaffirmed the basic ecclesiological principles stated in the Dogmatic Constitution on the Church (*Constitutio Dogmatica de Ecclesia*), published by the Second Vatican Council also on 21 November 1964 (as well as the *Unitatis redintegratio* Decree), and from the text of which we also note the statement that the spirit awakens “in all of Christ’s disciples (*Christi discipulis*)”⁵⁸ the desire and the action to unite peacefully, as Christ spoke.

The fact that this spirit of Christ, which awakens in all Christians the desire to join in the common efforts to restore Christian unity, also abundantly animated the Holy Father, Pope John Paul II, is clearly demonstrated in his Encyclical *Ut unum sint*, which actually made him known and loved in the Eastern Orthodox Christian world, including in Romania, where he had the opportunity to pray with the clergy and people of the Romanian Orthodox Church during an Eucharistic Liturgy. Fortunately, the signatory of these lines was also present at that historic moment. At the end of that Eucharistic Liturgy,⁵⁹ on a Sunday, His Holiness delivered a teaching address, which did not fail to include his strong exhortation for the joining of Catholics and Orthodox in the common ecumenical work to restore Christian unity. Moreover, all those fatherly and fraternal urgings were spoken in a spirit of humility and love of people, which, in fact, characterised the Holy Father throughout his ecumenical commitment, and made him an example — by word and deed — for all Christians.

⁵⁷ Ibidem, I, 8.

⁵⁸ Dogmatic Constitution on the Church *Lumen gentium*..., II, 15.

⁵⁹ N.V. DURĂ: “Povățuiri’ și ‘Învățături’, cu conținut liturgico-canonice, privind Sfânta Euharistie. Considerații eclesiologico-canonice” (“Advice” and “Teachings”, with liturgical-canonice content, on the Holy Eucharist. Ecclesiological-canonice considerations). In: *Dimensiunea penitențială și euharistică a vieții creștine*. Coord. G. PETRARU, L. PETCU. Doxologia, Iași 2014, pp. 63—109; N.V. DURĂ: “Rânduiești și norme canonice privind administrarea Sfintei Euharistii” (Canonical ordinances and norms concerning the administration of the Holy Eucharist). In: *Spovedania și Euharistia izvoare ale vieții creștine*, II. Basilica, București 2014, pp. 465—484.

2. From the “principles” of ecumenism to the “practice of ecumenism”

In Chapter II of the Decree on Ecumenism *Unitatis redintegratio*, the Second Vatican Council explicitly stated that “there can be no ecumenism worthy of the name without a change of heart. For it is from renewal of the inner life of our minds, from self-denial and an unstinted love that desires of unity take their rise and develop in a mature way. We should therefore pray to the Holy Spirit for the grace to be genuinely self-denying, humble, gentle in the service of others, and to have an attitude of brotherly generosity towards them.”⁶⁰

In other words, according to the teaching of the Second Vatican Council, the very notion of ecumenism is meaningless if we do not know the state of *μετάνοια*, that is, that feeling of remorse, regret, and repentance, which the early Church considered one of the basic principles of penitential discipline.⁶¹ This feeling of remorse and penance must, however, be accompanied not only by our personal prayer, but also by the Eucharistic prayer⁶² of the Church, so that we may be endowed with all the gifts required for the accomplishment of our ecumenical endeavor, namely self-denial, humility and the service of our brothers and sisters in Christ.

In the same Decree on Ecumenism, the Fathers of the Second Vatican Council declared that it is “allowable” and “desirable that Catholics should join in prayer with their separated brethren. Such prayers in common are certainly an effective means of obtaining the grace of unity, and they are a true expression of the ties which still bind Catholics to their separated brethren.”⁶³

Therefore, according to the statement of the Fathers of the Second Vatican Council, the prayers in common, which were specific to the apostolic Church,⁶⁴ are not only acceptable and desirable, but they are also an

⁶⁰ Decree on Ecumenism *Unitatis redintegratio*..., II, 7.

⁶¹ C. MITITELU: “The application of Epitimias in the See of Confession according to the ‘Canonical Custom’ and the ‘Penitential Canons.’” *Teologia Młodych* 4 (2015), pp. 10—18; C. MITITELU: “The Oikonomia and its application in the See of the Confession.” *Analecta Cracoviensia* 51 (2019), pp. 313—341.

⁶² C. MITITELU: “Rânduiești și norme canonice privind Sfânta Euharistie. Considerații de doctrină canonică” (Canonical ordinances and norms concerning the Holy Eucharist. Considerations of canonical doctrine). In: *Dimensiunea penitențială și euharistică*..., pp. 271—293.

⁶³ Decree on Ecumenism *Unitatis redintegratio*..., II, 8.

⁶⁴ N.V. DURĂ: “Mărturii ale Tradiției liturgico-canonice apostolice privind rugăciunea” (Testimonies of the Liturgical-Canonical Apostolic Tradition on Prayer). *Studii Teologice* 7—8 (1983), pp. 481—490.

effective way of obtaining the grace of unity, and, at the same time, a clear expression of the relationships Catholics can have with their Christian brethren.

The Second Vatican Council also made it clear that, with regard to *communicatio in sacris*, that is, the communion of all Christians — regardless of their confession — from the same eucharistic Chalice/Grail, “is not to be considered as a means to be used indiscriminately for the restoration of Christian unity.”⁶⁵ Indeed, it should not be perceived or practiced at the level of a form of inter-communion,⁶⁶ as the communion from the same Eucharistic Chalice⁶⁷ can only take place when we confess the same faith, we have the same ecclesial identity and live in the same dogmatic, canonical and liturgical unity of the ecumenical Church of the first millennium.⁶⁸ Hence the exhortation of the Fathers of the Second Vatican Council: “Catholics [...] need to acquire a more adequate understanding of the respective doctrines of our separated brethren, their history, their spiritual and liturgical life, their religious psychology and general background.”⁶⁹

In order to achieve this goal, the Fathers of the Second Vatican Council made it clear that “meetings of the two sides — especially for discussion of theological problems — where each can deal with the other on an equal footing”⁷⁰ are indispensable. However, this ecumenical dialogue presupposes that the priests and pastors of the Christian Churches — which are engaging in such an ecumenical dialogue — are in possession of a theology “that has been carefully worked out in this way and not polemically, especially with regard to those aspects which concern the relations of separated brethren with the Catholic Church.”⁷¹ Furthermore, the Fathers of the Second Vatican Council demanded that “sacred theology and other branches of knowledge, especially of a historical nature, must be taught with due regard for the ecumenical point of view, so that they may correspond more exactly with the facts.”⁷² Therefore, accord-

⁶⁵ Decree on Ecumenism *Unitatis redintegratio...*, II, 8.

⁶⁶ N.V. DURĂ: “Considerații canonic-eceziologice privind Documentul de la Lima (B.E.M.)” (Canonical-ecclesiological considerations on the Lima Document (B.E.M.)). *Ortodoxia* 2 (1986), pp. 119–147.

⁶⁷ C. MITITELU: “The celebrant of the Holy Sacrament of the Eucharist. Rules and canonical norms of the Orthodox Church.” *Annales Canonici* 10 (2014), pp. 135–148.

⁶⁸ N.V. DURĂ, C. MITITELU: *Legislația canonică și instituțiile juridico-canonicе, europene, din primul mileniu (Canon law and canonical legal institutions in Europe in the first millennium)*. Universitară, București 2014, pp. 93–124.

⁶⁹ Decree on Ecumenism *Unitatis redintegratio...*, II, 9.

⁷⁰ *Ibidem*, II, 9.

⁷¹ *Ibidem*, II, 10.

⁷² *Ibidem*.

ing to the statement of the Second Vatican Council, both Theology and Church History must take into account the historical truth and be part of the approach to “the ecumenical point of view.” Hence, the exhortation of the Synod Fathers that “the way and method in which the Catholic faith is expressed should never become an obstacle to dialogue with our brethren; [...] the doctrine should be clearly presented in its entirety,”⁷³ since — the Synod Fathers stated — “nothing is so foreign to the spirit of ecumenism as a false irenicism.”⁷⁴

As for how to involve the Catholic theologians in the ecumenical dialogue with their “separated brethren,” the same Synod Fathers asked them “to proceed with love for the truth, with charity, and with humility.”⁷⁵ At the same time, Catholic theologians were exhorted not to ignore the fact that “in Catholic doctrine there exists a ‘hierarchy’ of truths, since they vary in their relation to the fundamental Christian faith.”⁷⁶ The very same Fathers of the Second Vatican Council declared that — in the spirit of the ecumenical teaching of the Church of the first millennium — in order to truly live in the spirit of the unity of the apostolic and ecumenical Church “all Christians must confess their faith in the triune God, one and three in the incarnate Son of God, our Redeemer and Lord.”⁷⁷ In addition to this, the Second Vatican Council recommended that the efforts to bring about the unity of the Church should be accompanied by Christians’ cooperation in terms of the social problems that humanity is facing, so as to achieve “a just evaluation of the dignity of the human person, the establishment of the blessings of peace, the application of Gospel principles to social life...”⁷⁸ In fact, only the fulfilment of these requirements could enable us to carry out a fair assessment of the human person, and of the respect for his/her dignity, and to pave “the way to Christian unity.”⁷⁹

The text of Pope John Paul II’s Encyclical *Ut unum sint* will also make it abundantly clear that the Supreme Pontiff took into account all the requirements or conditions of the Second Vatican Council, and that he reaffirmed and capitalised all the “principles” on ecumenism stated both in the Dogmatic Constitution on the Church *Lumen gentium* and in the Decree on Ecumenism *Unitatis redintegratio*, in which the Catholic Church officially expressed its obvious desire to restore the unity of the ecumenical Church.

⁷³ Ibidem, II, 11.

⁷⁴ Ibidem.

⁷⁵ Ibidem.

⁷⁶ Ibidem.

⁷⁷ Ibidem, II, 12.

⁷⁸ Ibidem.

⁷⁹ Ibidem.

The noun *redintegratio/-onis* — frequently used by the Fathers of the Second Vatican Council — expresses primarily a process of “renewal,” “refreshment” and, finally, “restoration”⁸⁰ of the unity of the Christian Churches. Therefore, it is not astonishing the fact that in his Encyclical *Ut unum sint* Pope John Paul II also referred to the aspects of this “renewal” process, which must first go through the stage of *conversionis interioris*,⁸¹ as the Fathers of the Second Vatican Council had in fact demanded in their Decree *Unitatis redintegratio*, where express reference was indeed made to “the renewal of the inner life of our minds.”⁸²

3. Pope John Paul II’s contribution to the commitment of the Roman Catholic Church to the ecumenical process initiated by the Second Vatican Council

From the text of Pope John Paul II’s encyclicals, as well as from his entire pastoral-canonical activity, it is easy to see that His Holiness sought to convey thoroughly and faithfully the teaching of his Church, as it had been expressed and formulated by the Second Vatican Council, which in fact set the Catholic Church on the path of ecumenism. Therefore, in order to highlight the major and decisive contribution of Pope John Paul II to the affirmation and promotion of the principles laid down by the Second Vatican Council with regard to ecumenism, *volens-nolens* we must make a few references also to some texts drawn up by the Fathers of this ecumenical Council.

According to Pope John Paul II, in his Encyclical *Ut unum sint*, it was the Second Vatican Council that committed the Catholic Church to the “the path of the ecumenical venture.”⁸³ The strengthening of the effort to travel this path of ecumenical search, however, lies primarily with the Bishop of Rome, whose mission must be — the Roman Pontiff stated — “particularly directed to recalling the need for full communion among Christ’s disciples,”⁸⁴ as the Fathers of the Second Vatican Council had in fact affirmed. Indeed, the Decree *Christus Dominus* — promulgated by the

⁸⁰ G. GUȚU: *Dicționar Latin-Român (Latin-Romanian Dictionary)*. Științifică și enciclopedică, Bucharest 1983, p. 1039.

⁸¹ IOANNES PAULUS PP. II: *Ut unum sint...*, I, 15.

⁸² Decree on Ecumenism *Unitatis redintegratio...*, II, 7.

⁸³ IOANNES PAULUS PP. II: *Ut unum sint...*, 3.

⁸⁴ *Ibidem*, 4.

Second Vatican Council on 28 October 1965 — stated that “the Roman pontiff, as the successor of Peter [...] enjoys [...], by divine institution”⁸⁵ also the status of “pastor [...] of the universal Church” (*Christus Dominus* 2).⁸⁶ In fact, it is precisely this quality of shepherd of the entire Catholic Church that also gave Pope John Paul II the opportunity to preserve “the visible bond of the communion of the particular Churches,”⁸⁷ and, *ipso facto*, their adherence to the path of ecumenism in accordance with the doctrine of the Second Vatican Council.

The role of the Bishop of Rome in the involvement of all the particular (local) Churches in the Ecumenical Movement lies, of course, primarily in his canonical status and that of his See,⁸⁸ that is, that of *successor Petri* (successor of St. Peter the Apostle) (cf. can. 330 of the Code of Canon Law),⁸⁹ hence the obligation of the local Roman Catholic Churches to always be “in communion with and under the authority of the Supreme Pontiff [*una cum Summo Pontifice et sub Eiusdem auctoritate*]” (*Christus Dominus* 3).⁹⁰ For his part, Pope John Paul II pointed out that “the Bishop of Rome is the Bishop of the Church which preserves the mark of the martyrdom of Peter and of Paul,”⁹¹ and by virtue of this double apostolicity of the See of Rome,⁹² its bishop can address the exhortation of the Holy Apostle Paul, that we be “united in mind” (2 Cor. 13:11–13), not only with the members of the Catholic Church, but also with the “brothers and sisters of the other Churches and Ecclesial Communities.”⁹³

⁸⁵ “Décret sur la charge pastorale des évêques dans l’Église Christus Dominus.” In: *Concile oecuménique Vatican II...*, p. 351.

⁸⁶ Ibidem, p. 352.

⁸⁷ *Catehismul Bisericii Catolice (The Catechism of the Catholic Church)*, no. 1558. Libreria Editrice a Arhiepiscopiei Romano-Catolice din București, Bucharest 1993, p. 339.

⁸⁸ See N.V. DURĂ: “Episcopul Romei și statutul său canonic. Scaunul apostolic al Romei și procesul de refacere a unității creștine ecumenice” (The Bishop of Rome and his canonical status. The Apostolic See of Rome and the process of restoring ecumenical Christian unity). In: *Ortodoxia românească și rolul ei în Mișcarea ecumenică. De la New Delhi la Porto Alegre 1961—2006*. Vasiliana ’98, Iași 2006, pp. 89—118.

⁸⁹ See the Commentary on Canon 330 of the *Code of Canon Law of the Latin Church*. In: Msgr. Pio VITO PINTO: *Commento al codice di diritto canonico*. Urbaniana University Press, 1985, p. 194.

⁹⁰ “Décret sur la charge pastorale des évêques dans l’Église Christus Dominus.” In: *Concile oecuménique Vatican II...*, p. 352.

⁹¹ IOANNES PAULUS PP. II: *Ut unum sint...*, III, 90.

⁹² 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: Catholics and Orthodox in dialogue: academic symposium held at the Pontifical Council for Promoting Christian Unity*. Ed. W. KASPER New York, Newman Press 2006, pp. 164—184.

⁹³ IOANNES PAULUS PP. II: *Ut unum sint...*, III, 103.

In the same encyclical, *Ut unum sint*, Pope John Paul II reaffirmed that “the Catholic Church, both in her praxis and in her solemn documents, holds that the communion of the particular Churches with the Church of Rome, and of their Bishops with the Bishop of Rome, is — in God’s plan — an essential requisite of full and visible communion.”⁹⁴

It should also be noted and pointed out that Pope John Paul II has also made a genuine and meritorious contribution to the development of the theology of ecumenism in the spirit of the ecclesiology of the Second Vatican Council, and, more specifically, of those stated in the document *Unitatis redintegratio* (cf. Chapter II, 10), as the text of the Encyclical *Ut unum sint* abundantly demonstrates, having contributed not only to the clarification of this theology, but also to the involvement of the Catholic Church in numerous ecumenical dialogues with the approval of His Holiness and under the responsibility of the Pontifical Secretariat for Promoting Christian Unity.

With regard to the engagement of the Catholic Church in this ecumenical dialogue process — including during the pontificate of Pope John Paul II — some protestant theologians noted that some statements in the documents of the Second Vatican Council are not exactly suitable for affirming and promoting the ecumenical approach of our days. For example, one of these theologians believed that the statement in the *Lumen gentium* Constitution according to which “the one Church of Christ [...] subsists in the Catholic Church, which is governed by the successor of Peter”⁹⁵ has meant that the perception and the definition of the Catholic Church “as the one Church, [...] do not allow it to recognize separate Churches and communities as equivalent partners. Moreover, this point remains an obstacle to the full participation (of the Catholic Church) in the Ecumenical Council.”⁹⁶

There was also no shortage of statements by some Orthodox theologians, according to whom “Orthodoxy does not accept the universal jurisdiction of the Pope, nor the idea of infallibility, as defined by the First Vatican Council.”⁹⁷ However, the same theologians welcomed the fact that the *Ut unum sint* Encyclical stated that “it is time to study how the universal presidency should be exercised within the Church, which the Faith and Order Commission of the Ecumenical Council of Churches

⁹⁴ Ibidem, III, 97.

⁹⁵ Dogmatic Constitution on the Church *Lumen gentium...*, I, 8.

⁹⁶ A. BIRMELÉ: “Unité de l’Église.” In: *Dictionnaire critique de théologie*. Sous la direction de J.-Y. LACOSTE, O. RIAUDEL. Presses Universitaires de France, Paris 1998, p. 1193.

⁹⁷ N. LOSSKY: “Orthodoxie.” In: *Dictionnaire critique de théologie...*, p. 831.

(the Catholic Church is an equal member in this commission) has already begun to do, while remaining a member of the C.O.E.”⁹⁸

But, let us look deeper and go back to the testimonies of the history of the Church regarding the reasons that led to these ecclesial approaches. According to some Protestant theologians, “ecclesial political reasons and theological issues (Filioque, Trinity) led to the great Schism of 1054 between the East and the West.”⁹⁹ As for the “efforts to restore the unity of the Church at the Councils of Lyon (1274) and Florence (1438—1439),”¹⁰⁰ the same theologians consider that they failed precisely because of the issue of the “papal primacy,”¹⁰¹ which was and still is “the bone of contention between the Roman Catholics and the Orthodox,”¹⁰² as expressed in 1705 by the Patriarch Dositheus of Jerusalem¹⁰³ (1641—1707) in his book titled “The Tome of Reconciliation” (Τόμος καταλλαγής), printed in 1692 in the printing press of Cetățuia Monastery (Iași) by the printer Anthim the Iberian (Ivireanul),¹⁰⁴ future Archbishop of Wallachia (1708—1716).

However, the fact that “for more than a millennium the Catholics and the Orthodox formed a single Church,”¹⁰⁵ and that, even today, “the two Churches have many things in common, as the current Ecumenical Movement allows us to see,”¹⁰⁶ should not be ignored or concealed. In fact, not only the Ecumenical Movement, but also, we might add, both the Second Vatican Council, through its Documents (*Lumen gentium* and *Unitatis redintegratio*), and Pope John Paul II, through his Encyclicals.

The Fathers of the Second Vatican Council also deserve credit for having initiated the process of making the Western Christian world become

⁹⁸ Ibidem, p. 831.

⁹⁹ A. BIRMELÉ: “Unité de l’Église...,” p. 1193.

¹⁰⁰ Ibidem, p. 1193.

¹⁰¹ Ibidem.

¹⁰² DOSITHEUS NOTARAS, ORTHODOX PATRIARCH OF JERUSALEM: *The tome of reconciliation [Tomul împăcării]* (in Greek). Mănăstirii Cetățuia (Iași), 1692 (see E. G. FARRUGIA S.J.: *Encyclopedic Dictionary of the Christian East [Dicționarul enciclopedic al Răsăritului creștin]*. Trans. D. POPESCU et al. Galaxia, Târgu Lăpuș 2003, pp. 236 ff.).

¹⁰³ On his life and relations with Romanian Countries/Wallachia, see I. DURĂ: *Dositheus of Jerusalem and his connections with the Romanian Countries and their Church* (in Greek), Athens 1977; I. DURĂ: *Recherches sur l’histoire des Pays roumains et leur Eglise (XVIIe - XIXe s.)*. Brussels 1985, pp. 15—57.

¹⁰⁴ See N.V. DURĂ: “‘Antimoz Iverieli’ (Anthim the Iberian). New Contributions on his Life and Printing Activity.” *Bulletin of the Georgian National Academy of Sciences* 2 (2016), pp. 153—162; C. MITITELU: “The Typographer and Hierarch Anthim the Iberian, Successor of his Predecessors in the Promotion of Romanian Language and Culture.” *Dionysiana* 1 (2017), pp. 95—113.

¹⁰⁵ N. LOSSKY: “Orthodoxie...,” p. 831.

¹⁰⁶ Ibidem, p. 831.

aware again of the obvious and urgent need to restore Christian unity. Another merit of the Fathers of the Second Vatican Council lies in the fact that they did not think of and express the unity of the Church “separated from the other essential attributes of the Church,”¹⁰⁷ such as “its apostolicity (truth, authenticity and continuity of faith), its catholicity (fullness of communion, universality of its mission and testimony) and its holiness (service and responsibility for all humanity). These various aspects characterise — as theologian A. Birmelé concluded — the contemporary ecumenical research,”¹⁰⁸ to which Pope John Paul II was fully committed both by his ecumenical theological dialogue initiated with different Christian Churches and by his Pontifical Encyclicals.

4. Pope John Paul II, initiator and promoter of the bilateral theological dialogue between the Catholics and the Orthodox

In 1961, the Catholic Church for the first time took part in the works of the Ecumenical Council of Churches, and, under the impact of its affiliation to the “Ecumenical Movement,” the Second Vatican Council drew up and published a “Decree on Ecumenism,” which stated “the Catholic principles of ecumenism,”¹⁰⁹ while at the same time it publicly expressed “the Church’s decision to take up the ecumenical task of working for Christian unity.”¹¹⁰

In the text of the same Decree *Unitatis redintegratio* one can notice that the Fathers of the Second Vatican Council use the phrase “ecumenical dialogue” also in the sense of ecumenical theological dialogue, through which “Catholic theologians” are urged to investigate “the divine mysteries with the separated brethren,”¹¹¹ so that “all believers in Christ can [...], be led to acquire a better knowledge and appreciation of one another, and so pave the way to Christian unity.”¹¹²

In explaining this teaching of the Second Vatican Council on “ecumenical dialogue,” His Holiness Pope John Paul II stated — in his Encycli-

¹⁰⁷ A. BIRMELÉ: “Unité de l’Église..., » p. 1193.

¹⁰⁸ Ibidem, p. 1193.

¹⁰⁹ IOANNES PAULUS PP. II: *Ut unum sint...*, I, 8.

¹¹⁰ Ibidem, I, 8.

¹¹¹ Decree on Ecumenism *Unitatis redintegratio...*, II, 11.

¹¹² Ibidem, II, 12.

cal *Ut unum sint* — that this concept, circulated by the Council Fathers, “is rooted in the nature of the person and his dignity,”¹¹³ as this kind of dialogue has in itself “a global, existential dimension. It involves the human subject in his or her entirety; dialogue between communities involves in a particular way the subjectivity of each.”¹¹⁴

Thus, according to Pope John Paul II, the “ecumenical dialogue” — initiated and promoted by the Second Vatican Council — has its basis in the human being, that is, in the human person, who was considered by the Council Fathers within the global dimension of his/her existence, and not limited to the various Christian communities, with their own identity (ethnic, religious, cultural-spiritual, etc.). In fact, we can also notice this aspect in the text of the international and European (European Union) legislation on fundamental human rights and freedoms and their legal protection.¹¹⁵

According to Pope John Paul II’s statement, “in the Council’s thinking, ecumenical dialogue is marked by a common quest for truth,”¹¹⁶ which indeed does have the gift of shaping “consciences and directs efforts to promote unity.”¹¹⁷ With this statement, Pope John Paul II was in fact reaffirming another basic principle stated by the Second Vatican Council, namely that the ecumenical dialogue — also perceived as an examination of conscience — must have the character of a common search for truth. However, by conditioning the common search for truth, “particularly con-

¹¹³ IOANNES PAULUS PP. II: *Ut unum sint...*, I, 28.

¹¹⁴ Ibidem, I, 28.

¹¹⁵ N.V. DURĂ, C. MITITELU: “Human rights and their universality. From the rights of the ‘individual’ and of the ‘citizen’ to ‘human’ rights.” In: *Exploration, Education and Progress in the third Millennium*. Galati University Press, Galați 4 (2012), pp. 103—127; N.V. DURĂ, C. MITITELU: “The Treaty of Nice, European Union Charter of Fundamental Rights.” In: *8th Edition of International Conference The European Integration — Realities and Perspectives*. Danubius University Press, Galati 2013, pp. 123—129; N.V. DURĂ, C. MITITELU: “The human fundamental rights and liberties in the Text of some Declarations of the Council of Europe.” In: *Exploration, Education and Progress in the Third Millennium*. ProUniversitaria, București 5 (2015), pp. 7—22; N.V. DURĂ: “The Right to the Guarantee and Ensurance of Religious Freedom from ‘The Statute for Religious Freedom’ of 1786 to the ‘Declarations’ Issued during the UN Session of 2019.” *Bulletin of the Georgian National Academy of Sciences* 1 (2021), pp. 117—127; C. MITITELU: “The Service of the Romanian Orthodox Church to Migrants”. *Ecumeny and Law* 9 (1) (2021), pp. 45—66; C. MITITELU: “About the Right to the Freedom of Religion”. In: *Rethinking Social Action. Core Values*. Coord. A. SANDU et al. Medimond, Bologna 2015, pp. 833—838; C. MITITELU: “The Children’s Rights. Regulations and Rules of International Law.” *Ecumeny and Law* 3 (2015), pp. 151—169.

¹¹⁶ IOANNES PAULUS PP. II: *Ut unum sint...*, I, 33.

¹¹⁷ Ibidem, I, 33.

cerning the Church,”¹¹⁸ the Roman Pontiff wanted and managed to give to the ecumenical dialogue a “spirit [...] open, based on truth and respect for the opinion of the other, which Pope John Paul II himself had”¹¹⁹ — as confirmed by a Catholic theologian from Romania — and even more so in a “world of contradictions,”¹²⁰ in which he also succeeded in facing “the challenges of modernity, but not from outside, rather from within,”¹²¹ that is, from within the Catholic Church.

Pope John Paul II, however, associated ecumenical dialogue with prayer, given that, according to His Holiness, a “deeper and more conscious prayer makes dialogue more fruitful.”¹²²

Concerning the dialogue with the Eastern Orthodox Churches, Pope John Paul II was keen to point out that “our bonds with the Churches of the East, weakened in the course of the centuries, were strengthened through the Second Vatican Council,”¹²³ which — according to His statement — wanted “to base dialogue on the communion which already exists.”¹²⁴ A decisive role in the resumption of the relations between the “Church of Rome and the Ecumenical Patriarchate of Constantinople,” however, was played by the solemn act of 7 December 1965, through which the Fathers of the Second Vatican Council removed from the memory of the two Churches the mutual excommunications pronounced in 1054, which had indeed become “the symbol of the schism between Rome and Constantinople.”¹²⁵ This ecumenical gesture would be sealed by the *Tomos agapis* (Tomos of Love) signed by Pope Paul VI and Patriarch Athenagoras of Constantinople.

The “theological dialogue between the Catholic Church and all the Orthodox Churches in canonical communion with the See of Constantinople”¹²⁶ was, however, initiated by Pope John Paul II, who, on the occasion of his visit “to the Phanar on 29 November 1979,”¹²⁷ decided — in agreement with Patriarch Dimitrios I of Constantinople — to start the theological dialogue between the Catholics and the Orthodox, and at the same time to set up a “Joint International Commission for

¹¹⁸ Ibidem.

¹¹⁹ W. DANCĂ: “Paradoxurile modernității. Papa Ioan Paul al II-lea și contradicțiile lumii moderne” (The paradoxes of modernity. Pope John Paul II and the contradictions of the modern world). In: *Ca toți să fim una...*, p. 48.

¹²⁰ Ibidem, p. 46.

¹²¹ Ibidem, p. 46.

¹²² IOANNES PAULUS PP. II: *Ut unum sint...*, I, 33.

¹²³ Ibidem, II, 50.

¹²⁴ Ibidem.

¹²⁵ Ibidem, II, 52.

¹²⁶ Ibidem.

¹²⁷ Ibidem.

the Theological Dialogue between the Catholic Church and the Orthodox Church.”¹²⁸ Moreover, as Pope John Paul II himself noted, “the Commission has laid the doctrinal foundations”¹²⁹ for finding a positive solution in terms “of the method to be followed in re-establishing full communion between the Catholic Church and the Orthodox Church.”¹³⁰

The same Roman Pontiff stated that, in order to achieve the full communion between the two Churches, the theological dialogue must be based first of all on “the doctrine of Sister Churches,”¹³¹ and the “method” to be followed is none other than “the dialogue of truth, fostered and sustained by the dialogue of love,”¹³² which therefore requires the “involvement of these Churches in the dialogue of charity and in theological dialogue.”¹³³

As it is well known, initially the results of this bilateral theological dialogue were promising, since their authors — Catholic and Orthodox theologians — were outspoken in promoting the full communion of our Churches, Catholic and Orthodox, that Pope John Paul II — as a pioneer in the efforts to achieve the full communion that these Churches had experienced until 1054 — also supported, calling for this bilateral theological dialogue to be based on “the doctrine of Sister Churches.”¹³⁴ Hence his testimony that “Catholic Church desires nothing less than full communion between East and West. She finds inspiration for this in the experience of the first millennium.”¹³⁵

Among the Orthodox theologians, animated by the desire to restore the unity of our Churches, and who followed with enthusiasm and hope the promising results of this bilateral theological dialogue,¹³⁶ was also the signatory of these lines. In fact, I must confess that in 1999, on the occasion of that historic visit of Pope John Paul II to Romania, I received from His Holiness — in the presence of the Apostolic Nuncio in Bucharest, His Excellency Jean-Claude Perisset — the honourable distinction *Ut unum sint*, which entitled and legitimized me to remain a *servus unitatis*, that is,

¹²⁸ Ibidem, II, 51.

¹²⁹ Ibidem, II, 60.

¹³⁰ Ibidem.

¹³¹ Ibidem.

¹³² Ibidem.

¹³³ Ibidem.

¹³⁴ Ibidem.

¹³⁵ Ibidem, II, 61.

¹³⁶ N.V. DURĂ: “Teologia ortodoxă și teologiile confesionale în ecumenismul contemporan” (The Orthodox theology and confessional theologies in contemporary ecumenism). *Ortodoxia* 3 (1986), pp. 61—88; N.V. DURĂ: “The Celebration of Holy Easter on the Same Date — an Eloquent Testimony to Our Unity in Diversity.” *Ecumeny and Law* 6 (2018), pp. 249—267.

a servant of the unity of our Churches, Orthodox and Catholic. In honour of the memory of the architects of this bilateral theological dialogue, whose initiator and promoter was the Holy Father himself, Pope John Paul II, we must therefore all support the resumption of our bilateral theological dialogue, so that obstacles of an ecclesiological nature, which have arisen over time, can be overcome in the spirit of the dialogue of truth and brotherly love, which must not remain merely a *pium desiderium* (pious desire), but the restoration of the unity of the two Churches must become a peremptory reality.

In lieu of conclusions

From the careful examination of the text of the *Ut unum sint* Encyclical, any informed reader can easily see that, both in his writings and in his pastoral-canonical activity, Pope John Paul II remained faithful to the doctrine of the Second Vatican Council, which he renewed in the spirit of the ecclesiastical reality of his time. This explains why, in the text of this Encyclical, we find affirmed and capitalised — in their content — all the principles stated in the main documents of the Second Vatican Council (the Constitution *Lumen gentium* and *Unitatis redintegratio*, etc.), the text of which we have examined carefully precisely in order to illustrate the fact that the Supreme Pontiff has in fact promoted and updated the principles of the doctrine of the Second Vatican Council on how to restore Christian unity.

One could also notice that the Supreme Pontiff proved to be a true example of a servant, and more so one who was fully entitled to call himself a *servus servorum Dei*, as Pope Gregory the Great († 604)¹³⁷ once called himself in retaliation to the title of “ecumenical patriarch” which the Patriarch of Constantinople John the Faster (582—595), “supported by Emperor Maurice,”¹³⁸ had firmly claimed.

¹³⁷ Pope Gregory the Great († 604), who is also inscribed in the Calendar of the Eastern Orthodox Church, is also the one who said that it is not enough to run “to meet one’s neighbor according to your powers,” but you must “be of service even beyond your powers” (*The 5th homily delivered before the people in the Church of the Blessed Apostle Andrew, on his feast day*, translated from Greek by I. STOIAN, in: *Martyria. Revistă de Teologie și Spiritualitate ortodoxă* 2 (2021), p. 109. Also see Migne, P.L., 76, 1092C-1095A).

¹³⁸ Ș. LUPU: “Imaginea păstorului Bisericii în Regula pastorală a Sfântului Papă Grigore cel Mare” (The image of the shepherd of the Church in the Pastoral Rule of Saint Pope Gregory the Great). In: *Ca toți să fim una...*, p. 80.

The Holy Father Pope John Paul II's encyclical *Ut unum sint*, like his entire pastoral-ecumenical activity — including his relations with the “venerable” Apostolic Churches of the East, which he called “sister Churches” — continues to be not only an edifying testimony to his total involvement in the ecumenical endeavor of the Catholic Church, but also an appeal for all of us Christians to make our contribution to the restoration of the ecumenical unity of the Church of Christ. And, undoubtedly, the ecumenical theological dialogue — with the requirements laid down by the Second Vatican Council and reaffirmed and highlighted by the Holy Father, Pope John Paul II — remains an indispensable instrument in the process of making the divine commandment, namely *Ut unum sint*, a reality (John 12:21).

The fact that the Encyclical *Ut unum sint* — published thirty years after the end of the Second Vatican Council, “can be read as an act of reception of the Council”¹³⁹ is a reality recognized not only by Catholic theologians, but also by those of other Christian denominations (Orthodox, Protestant, and neo-Protestant).

Among the factors which contributed to the reception of the text of this Encyclical, the theologians of the Catholic Church are mentioning — first and foremost — “the experience of bilateral dialogues and their achievements.”¹⁴⁰ However, according to an Anglican theologian, “an implicit question arising is whether the pursuit of Christian unity means quite the same in 2020 as it did in 1995,”¹⁴¹ that is, when Pope John Paul II published his Encyclical *Ut unum sint*. Nevertheless, the very fact that Pope John Paul II's Encyclical *Ut unum sint* is a permanent subject of study and research for different theologians (Catholics, Orthodox, Protestants, neo-Protestants), who see in its text a theological ecumenical key document, leads us to believe that the spirit of Christian unity today continues to be similar to the one during the year of its publication, that is, 1995, by the Holy Father Pope John Paul II, whose commendable ecumenical work will remain an example for today's and tomorrow's generations of the Christian world.

¹³⁹ G. KELLY: “Introduction to *Ut unum sint*.” In: *A Celebration of Ut unum sint. The 25th Anniversary*. Eds. D. COSTACHE, D. SPEED. Sydney 2020, p. 21.

¹⁴⁰ Ibidem, p. 21.

¹⁴¹ D. SPEED: “Reflecting on *Ut unum sint*.” In: *A Celebration of Ut unum sint...*, pp. 53—54.

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NICOLAE V. DURĂ

Exigences envers le dialogue œcuménique dans l’encyclique
de Jean-Paul II
Ut unum sint

Résumé

Dans le langage théologique chrétien, le terme « œcuménisme » a été introduit par le mouvement œcuménique initié par les chrétiens après la Première Guerre mondiale. Or, dans le langage de l’Église catholique, le terme, utilisé dans le sens de « mouvement œcuménique », a été introduit par le célèbre théologien Yves Congar en 1937. Il a ensuite été repris par le Concile Vatican II dans le décret sur l’œcuménisme *Unitatis redintegratio*.

L’Église catholique romaine a rejoint le mouvement œcuménique en 1961 lorsque ses délégués ont assisté à une session du Conseil œcuménique tenue à New Delhi. C’est entre autres dans le texte de l’encyclique *Ut unum sint*, publiée en 1995, que Jean Paul II a affirmé que le dialogue œcuménique, demeurant en fait l’un des principaux instruments de restauration de l’unité œcuménique, doit répondre aux exigences présentées par le Concile Vatican II, mais adaptées aux réalités œcuméniques de notre temps.

Mots-clés : dialogue œcuménique, Concile Vatican II, unité des chrétiens

NICOLAE V. DURĂ

Requisiti per il dialogo ecumenico
nell’enciclica *Ut unum sint* di Giovanni Paolo II

Sommario

Nel linguaggio teologico cristiano, il termine “ecumenismo” è stato instaurato dal movimento ecumenico avviato dai cristiani dopo la prima guerra mondiale. Invece, nel linguaggio della Chiesa cattolica, il termine, usato nel senso di “movimento ecumenico”, è stato introdotto dal noto teologo, Yves Congar, nel 1937. Successivamente è stato incorporato dal Concilio Vaticano II nel testo del decreto sull’ecumenismo *Unitatis redintegratio*.

La Chiesa cattolica romana si è unita al movimento ecumenico nel 1961, quando i suoi delegati hanno partecipato a una sessione del Concilio ecumenico tenutosi a Nuova Delhi. Tra l'altro, nel testo dell'enciclica *Ut unum sint* pubblicata da Papa Giovanni Paolo II nel 1995, Sua Santità ha affermato che il dialogo ecumenico, che resta di fatto uno dei principali strumenti per il ripristino dell'unità ecumenica, deve soddisfare i requisiti posti dal Concilio Vaticano II, ma adattati alla realtà ecumenica dei nostri tempi.

Parole chiave: dialogo ecumenico, Concilio Vaticano II, unità cristiana



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Sharing the Eucharist? Critical Comments from a Canonical Perspective on the Statement “Together at the Lord’s Table” (2019) of the Ecumenical Study Group of Protestant and Catholic Theologians

Abstract: The following article analyses the statement of the Ecumenical Study Group of Protestant and Catholic Theologians entitled “Together at the Lord’s Table” (2019) from the perspective of canon law of the Latin Church. First, it briefly presents the content of the statement, then it summarises the opinion of the Congregation for the Doctrine of the Faith. The article shows that the alternate participation in the Protestant and Catholic service of celebrating the Lord’s Supper / Eucharist by virtue of baptism alone is problematic from the perspective of Catholic canon law. Canon law builds on Catholic ecclesiology and sacramentology, based on the connection between baptism and the Church as well as the Church, the ministerial priesthood, and the celebration of the Eucharist. The article, then, shows the instruments of canon law for the protection of the Catholic faith regarding the apostolic succession as the only valid condition for presiding over the Eucharistic community and the Eucharist as the substantial presence of Christ. In the final chapter, the implications of participation in ecumenical worship for the Catholic faithful will be summarised. The participation of Protestants in Catholic worship, as proposed by the Statement, is not explicitly regulated by canon law. The CIC, in Canon 844 § 4, lays down only the conditions under which Protestants may licitly receive selected sacraments (the Eucharist, the anointing of the sick and the sacrament of penance), while for a valid reception of the Eucharist their baptism alone enables them.

Keywords: ecumenism, canon law, “Together at the Lord’s Table”, intercommunion, norms on reserved crimes

In the following article, I will attempt to analyse the joint statement of the Ecumenical Study Group of Protestant and Catholic Theologians “Together at the Lord’s Table”¹ (2019) (hereafter: the Statement) from the perspective of canon law. First, I will briefly present the content of the Statement (section 1), then I will summarise the opinion of the Congregation for the Doctrine of the Faith submitted at the request of the Prefect of the Congregation for the Clergy (section 2). In section 3, I will attempt to formulate the problematic areas that arise for canon law from the Statement of the Ecumenical Group, then, on the basis of these, to show the instruments of canon law for the protection of the belief that only apostolic succession is a valid condition for presiding over the Eucharistic community (subsection 3.1), and then the belief that the Eucharist is the presence of the living Christ (subsection 3.2). In the final section (4) I will then summarise the implications of participation in ecumenical worship for the Catholic faithful, both lay and clergy.

1. Summary of the statement “Together at the Lord’s Table”

On 11 September 2019, the Ecumenical Working Group of Protestant and Catholic theologians presented the statement “Together at the Lord’s Table”. In this document, the Ecumenical Working Group, chaired by Catholic Bishop Georg Bätzing, president of the German Bishops’ Conference, and the retired Lutheran Bishop Martin Hein, advocates the mutual opening of the Eucharist and the Lord’s Supper to Christians of other traditions.

The content of the Statement can be described as follows with reference to its outline: the presentation of the ecumenical interests that guided their findings (section 1 of the Statement) is followed by a common ecumenical description of the theological meaning of the celebration of the Lord’s Supper and the Eucharist (section 2). As a decisive step on the way to communion at the Lord’s Table, there can be considered the mutual recognition of baptism as expressed in the Magdeburg Declaration (2007). This is followed by a description of the forms of commemoration of Jesus Christ in the fellowship meal that have been handed down in the

¹ *Gemeinsam am Tisch des Herrn. Ein Votum des Ökumenischen Arbeitskreises evangelischer und katholischer Theologen.* https://www.uni-muenster.de/imperia/md/content/fb2/zentraleseiten/aktuelles/gemeinsam_am_tisch_des_herrn._ein_votum_des___kumenischen_arbeitskreises_evangelischer_und_katholischer_theologen.pdf [accessed 20.11.2021].

New Testament (section 3), with particular attention to what happened at Jesus' Last Supper before his death. This is followed by a liturgical-historical reflection (section 4), which shows the diversity in the forms of Eucharistic remembrance already evident in the New Testament, which became even more evident in later centuries. The remembrance of Jesus Christ — in a variety of forms — always took form of faith in his promised presence. The further explanations remind us of the achieved convergences in the whole subject area of the Lord's Supper and Eucharist, sacred ministry and church fellowship (sections 5 to 7 of the Statement). At the end there is the vote according to which the practice of mutual participation in the celebrations of the Lord's Supper / Eucharist is considered theologically justified in respect of the other corresponding liturgical traditions. It is especially recommended in families of different confessions. Baptism is recognised as the only necessary condition of participation as a sacramental bond of faith (section 8).²

2. Assessment of the Congregation for the Doctrine of the Faith

Although the subject of this article is an examination of the Statement from the point of view of canon law, it seems appropriate — and in fact indispensable — to first present the position of the Congregation for the Doctrine of the Faith.³ The latter received the text of the Statement in a letter of 20 May 2020, from the Prefect of the Congregation for Bishops, Cardinal Marc Quillet, P.S.S., asking for an assessment. In the following paragraphs, then, I will summarise the analysis of the Congregation for the Doctrine of the Faith of those points of the Statement that require further theological elaboration.

² *Statement of the Scientific Director Prof. Dr. Dorothea Sattler from the Catholic side on the study "Gemeinsam am Tisch des Herrn. Ein Votum des ÖAK".* A press conference on 11 September 2019 in Frankfurt am Main. https://www.uni-muenster.de/imperia/md/content/fb2/zentraleseiten/aktuelles/stellungnahme_prof._dr._sattler.pdf [accessed 15.11.2021].

³ *Lehrmäßige Anmerkungen zum Dokument Gemeinsam am Tisch des Herrn (GTH) des Ökumenischen Arbeitskreises katholischer und evangelischer Theologen (Jäger-Stählin-Kreis).* Attachment to the letter of the CONGREGATION FOR THE DOCTRINE OF THE FAITH, Prot. N. 1230/2019 — 78677 [18.09.2020]. https://www.dbk.de/fileadmin/redaktion/diverse_downloads/dossiers_2020/2020-09-18_Kard.-Ladaria_Lettera_Anlage-Vorsitzender-DBK.PDF [accessed 15.11.2021].

According to the assessment of the Congregation for the Doctrine of the Faith, the core theological problem of the Statement appears to be the consideration of the relationship between the Eucharist and the Church. The repeated thesis that Christ is the sole host of the Eucharist and that it is not up to the Church to determine criteria for admission (cf. 5.4.1/2, etiam 7.9.) thus seems to make a separation between Christ and the Church, which cannot be accepted on the part of Catholic theology, since Christ has entrusted the Church in a special way with the sacramental mediation.

The Statement is also criticised for perceiving baptism as a common bond between the individual confessions, so rather as a reality detached from any particular Church, which does not eliminate the differences in the understanding of Church and sacred ministry, but does relativise them considerably. The Statement proceeds in a similar way with regard to the Eucharist; it appears as a reality detached from the mystery of the Church. For the Catholic Church, however, the Church and the Eucharist form an inseparable bond, as Cardinal Henri de Lubac SJ points out, who qualifies this interrelation between Eucharist and Church as a bond of “mutual causality and guarantee.”⁴

The Church is the sacrament of salvation starting from the Body of Christ, therefore it must be One. The unity in the Apostolic Doctrine and in the Apostolic Succession has a substantial part in it. The presuppositions of an open plurality of the origins of the Church in the Statement imply at the same time an individualisation of the local communities, which are no longer oriented to the unity of the Body of Christ. This actually contrasts with the teaching of the Second Vatican Council, which considers the liturgy as a manifestation of “the mystery of Christ and the real nature of the true Church,”⁵ based on the episcopal ministry of unity. In the document “Together at the Lord’s Table,” on the other hand, the Church seems to enjoy little theological standing.

In the Statement, the *character indelebilis* of the sacred ministry of the Catholic and Orthodox tradition is considered an aberration of the ecclesiastical ministry in Christian antiquity (cf. 4.6). Logically, then, the question of the “qualified presidency” in the celebration of the Eucharist enjoys a subordinate rank, while the common priesthood of all faithful is emphasised, which, however, presupposes the public proclamation of the Gospel and the proper administration of the sacraments (cf. 6.2.2).

The Statement also lacks a clear commitment to the substantial pres-

⁴ H. DE LUBAC: *Corpus Mysticum. Eucharistie und Kirche im Mittelalter*. Einsiedeln 1969, p. 311.

⁵ VATICAN II: *Constitution on the Sacred Liturgy “Sacrosanctum concilium”* [4.12.1963], No. 2.

ence of Christ in the Eucharist (cf. 5.1.7); it seems to express itself rather in the sense of a transfinalisation, a transubstantiation of the *species* of bread and wine.

Concerning the sacrificial aspect of the Eucharist, which also belongs to the doctrines *de fide tenendae*, the Statement proposes as a solution the removal of the prayers of oblation from the liturgical texts. According to the Statement, the post-consecratory oblation of the Eucharistic Prayers in the Missal of Paul VI are among the “traditions” in need of reform (cf. 5.6.3; 8.4.). The Statement thus does not distinguish between legitimate diversity in the liturgical forms of the celebration of the Eucharist and the obligatory texts (cf. 5.6.1).

The only precondition for mutual admission to the Table of the Lord for the Statement appears to be baptism. The Statement is not concerned with the admission of individual non-Catholic Christians to the Eucharist, but with the unconditional admission of all the baptised. In the forefront, then, is unity in Eucharistic meal fellowship, without having attained unity in faith. While the Statement sees mutual participation at the Lord’s Table as a possible path to full communion, the Second Vatican Council⁶ reminds us that the restoration of communion in faith, on the other hand, is the condition for common participation at the Lord’s Table.

As summarised in the letter from the Prefect of the Congregation for the Doctrine of the Faith, Cardinal Ladaria,⁷ the Statement undervalues the question of the relational unity of the Eucharist and the Church, and does not adequately appreciate the essential theological insights of Eucharistic theology shared with the Orthodox tradition. The assessment of the Congregation for the Doctrine of the Faith further emphasises the inseparability of the Eucharist, the sacred ministry and the Church. All of this is to make clear that the divergences in the understanding of the Eucharist and sacred ministry between the Catholic Church and the Reformation traditions discussed above do not yet allow the Protestant Lord’s Supper and the Catholic Eucharist to be equated. Thus, reciprocal participation in the Eucharist / Lord’s Supper can be ruled out at present. Moreover, the solution proposed by the Statement would open new rifts in the dialogue with the Orthodox Churches.

⁶ VATICAN II: *Decree on Ecumenism* “*Unitatis redintegratio*” [21.11.1964], No. 9.

⁷ CONGREGATION FOR THE DOCTRINE OF THE FAITH, Prot. N. 1230/2019 — 78677 [18.09.2020]. https://www.dbk.de/fileadmin/redaktion/diverse_downloads/dossiers_2020/2020-09-18_Kard.-Ladaria_Lettera-Vorsitzender-DBK.PDF [accessed 15.11.2021].

3. Canon law as protection of the Catholic concept of the Eucharist

From a theological point of view, the opinion of the Congregation for the Doctrine of the Faith summarised the problematic passages of the Statement. It is obvious that this is primarily a theological issue, but that also has implications for canon law. Canon law then translates Catholic ecclesiology and sacramentology into legal language, taking into account the specifics of the Western and Eastern traditions. In what follows, however, I will limit myself to the canons of the Code of the Latin Church, since the Statement in question was drawn up in Germany as a result of the joint work of an ecumenical group of Evangelical and Catholic theologians, and thus concerns primarily Latin Catholics.

The purpose of canon law in general is to function as an instrument of the Church and as such to regulate the life of the ecclesial community, to maintain its unity, to protect it from disorder and to prevent it. Faced with the Statement of the ecumenical study group “Together at the Lord’s Table”, the aspect of protecting the Catholic community and its faith comes to the fore in two areas:

- (1) the protection of the Catholic faith that only one who has apostolic succession, that is, the bishop and the priest entrusted by him, may preside over the Eucharistic communion and change the substance of bread and wine into the substance of the Body and Blood of Christ; and
- (2) the protection of the Catholic faith that the Eucharistic celebration is a presentation of Christ’s redemptive sacrifice, and that under the species of bread and wine we encounter the living Christ, his Body and Blood.

At the heart of both problems is the role of baptism. The Statement emphasises its role as a bond between denominations. However, mere baptism without a link to a particular ecclesial community and its doctrine is no guarantee of a common approach to the celebration and reception of the Eucharist. In fact, the baptised in some communities consider that baptism alone is sufficient to preside over the Eucharistic celebration, and the apostolic succession, that is the link to the apostles entrusted with this task by Christ at the Last Supper, is only secondary — as the Statement in question also emphasises. Further, Protestant communities understand the Eucharist as a mere memorial of the Last Supper, and not as the substantial presence of Christ’s redemptive sacrifice.

For this reason, canon law precisely defines the persons who may preside over the Eucharistic communion and prevents clerics of non-Catholic Churches who do not have apostolic succession from presiding, or the Catholic faithful from receiving the Eucharist from ministers without apostolic succession.

On the other hand, canon law prevents the Eucharist from being received by those who do not see Christ sacramentally present in it, that is, they do not have Catholic faith concerning it. However, in the spirit of the teaching of the Second Vatican Council,⁸ canon law admits even non-Catholics to a certain share in the bonds of unity which Christ entrusted to his Church. Therefore, it admits to the celebration of the Eucharist those non-Catholics who have a Catholic belief regarding this sacrament, either because their Church professes it (e.g., Orthodox churches) or because they share that Catholic belief (some members of Protestant churches).⁹

In what follows, we will take a closer look at how the two problematic areas of the Statement are addressed by canon law.

3.1. Apostolic succession as a condition for presiding over the Eucharistic community

The first problem for Catholic canon law is that the Statement understands the Eucharist as a reality separate from the mystery of the Church, because its only conferrer is Christ. Canon law, on the other hand, emphasises that the celebration of the Eucharist is an act not only of Christ but also of the Church. The bishop or priest always acts in Christ's name, and only they — subject to valid ordination — can preside over the Eucharistic assembly (can. 899 §§ 1 and 2 CIC). Thus, the Eucharist is normatively understood, also in canon law, as the ultimate realisation of Christ's priestly ministry, by which the Church sanctifies the people with visible signs. Such worship, then, takes place only when it is carried out in the name of the Church by persons legitimately designated and through acts approved by the authority of the Church (can. 834 CIC).

⁸ VATICAN II: *Decree on Ecumenism* "Unitatis redintegratio" [21.11.1964], No. 3.

⁹ On intercommunion from the perspective of the Second Vatican Council, the ecumenical movement and the way intercommunion is regulated in the Code of the Latin Church, see e.g. B.W. ZUBERT: "Interkomunia w świetle nowego Kodeksu." In: *Prawo Kanoniczne: kwartalnik prawnohistoryczny* 31 (1988), nos. 1—2, pp. 13—29.

Liturgical actions are not private actions but celebrations of the Church, and therefore belong under the direction of the bishops to the whole Church (can. 837 CIC). The direction of the sacred liturgy depends solely on the ecclesiastical superiors, namely the Apostolic See for the whole Church and the diocesan bishop according to the norm of law for the Church entrusted to him (can. 838 §§ 1, 4 CIC). The diocesan bishop has the duty of directing and guarding the liturgy, and the priests under the authority of the bishop are ordained to celebrate divine worship and to sanctify the people (can. 835 §§ 1 and 2 CIC).

Canon law also protects the sacramental priesthood. Whereas in the Statement the *character indelebilis* of the sacred ministry of the Catholic and Orthodox tradition is seen as an aberration of the ecclesiastical ministry in Christian antiquity, canon law, on the contrary, sees the sacramental priesthood as an irrevocable sign (can. 845 § 1 CIC). Only a bishop can confer the sacrament of ordination (can. 1012, 1015 § 1 CIC), and only a baptised man can be validly ordained (can. 1024 CIC).

Canon law assigns an important role in protecting the Catholic concept of the sacraments, specifically the Eucharist, to the diocesan bishop. He is firmly to protect the integrity and unity of the faith to be believed (can. 386 § 2 CIC), and in the liturgical sphere he is to take care that the prayers and pious and sacred exercises of the Christian people are fully in keeping with the norms of the Church (can. 839 § 2 CIC). Of course, this does not compromise his duty to promote ecumenism towards those Christians, who are not in full communion, according to the provisions of can. 383 § 3 CIC.

For the protection of the Catholic concept of the sacraments, especially the Eucharist, the provisions of can. 908 CIC are fundamental for they explicitly forbid Catholic priests to concelebrate the Eucharist with priests or ministers of Churches or ecclesial communities which do not have full communion with the Catholic Church. The purpose and goal of this prohibition is precisely to protect the Catholic understanding of the Eucharist and to prevent the faithful from being misled about what they receive in the species of bread and wine. The seriousness of the violation of this prohibition of concelebration is emphasised by the sanction of can. 1381 CIC, which will be discussed below.

3.2. The Eucharist as the presence of the living Christ

As has already been said, canon law protects the Catholic faith in the Eucharist as the substantial presence of Christ and lays down the conditions for its celebration and receiving the communion.

According to the canon law of the Latin Church, every baptised person not prohibited by canon law can and must be admitted to holy communion (can. 912 CIC). This refers not only to Catholics, but also to all Christians who are validly baptised. Only Catholics can then licitly receive the Eucharist from Catholic ministers, and only Catholic ministers can licitly administer it to them (can. 844 § 1 CIC). The provisions of can. 844 §§ 2—4 CIC are the only Codex norms that contain a practical application of Catholic sacramentology to the faithful of non-Catholic churches. The Ecumenical Directory¹⁰ regulates the other possibilities of participation of a Catholic in a non-Catholic divine service and of another Christian in a Catholic Mass. According to it, Catholics may read lessons at a sacramental liturgical celebration in the Eastern churches if they are invited to do so, and, vice versa, an Eastern Christian may be invited to read the lessons at similar services in Catholic churches (No. 126). A member of other Christian churches may exceptionally take on the task of reader, but only on exceptional occasions and for a just cause, with the permission of the diocesan bishop (No. 133).

Reception of the sacraments by non-Catholic ministers is possible for Catholics only under the terms of can. 844 § 2 CIC. This permission concerns only the sacraments of the Eucharist, the sacrament of penance and the anointing of the sick. Under the conditions of can. 844 § 2 (i.e., whenever necessity requires it or true spiritual advantage suggests it, and provided that danger of error or of indifferentism is avoided, and physical or moral impossibility to approach a Catholic minister prevents it), a Catholic is permitted to receive them only from those non-Catholic ministers in whose churches these sacraments are valid, that is, essentially only in the Eastern non-Catholic churches and in the Old Catholic Church. But these conditions for active participation at the Lord's Table as envisaged by the Statement cannot arise, because from the Catholic point of view it is not a valid celebration of the Eucharist in Protestant churches as the Catholic Church believes and teaches it. If a Catholic were to approach the Lord's Table in such a celebration, he or she would not receive a valid Eucharist and his/her participation in such a service would be outside the condition

¹⁰ PONTIFICAL COUNCIL FOR PROMOTING CHRISTIAN UNITY: *Directory for the Application of Principles and Norms on Ecumenism* [25.03.1993].

of can. 844 § It would be different in a situation where Protestant faithful participate in a Catholic service, as the Statement suggests. These faithful can also licitly receive the Eucharist in the Catholic Mass, but only if the conditions of the provisions of can. 844 § 4 CIC are met: there must be a danger of death or, in the judgment of the diocesan bishop or conference of bishops, some other grave necessity urges it, and these faithful must seek it on their own accord, manifest Catholic faith in respect to the Eucharist, be properly disposed, and cannot approach a minister of their own community. These conditions are very strict and limit the reception of the Eucharist by Protestants to very exceptional cases. The purpose is again to protect the Catholic concept of the sacraments and to prevent chaos and confusion among Catholics.

Thus, if the Protestant faithful wish to participate in the Catholic Mass and receive the Eucharist as the Statement proposes, they could do so, but they would have to meet the stated requirements of can. 844 § 4 CIC. Under other circumstances and conditions, according to the canon law in force, when a Catholic minister administers the Eucharist to them, it is done so validly (can. 912 CIC) but illicitly. This is because a validly conferred baptism entitles them to validly receive the Eucharist.

4. Implications for Catholics in attending the Lord's Table of the Protestant Church

What would be the canonical implications for a Catholic who participated in the celebration of the Lord's Supper as the Statement suggests? Let us look at this first from a penal canon law perspective.

According to the CIC, to be punished with a just penalty is only for a person guilty of prohibited participation in sacred rites (*communicatio in sacris*) (can. 1381 CIC).¹¹ However, this delict cannot be committed by every Catholic but only by clerics, by violating the prohibition of concealment according to can. 908 CIC. There is no other general prohibition on participation in the worship of non-Catholics in the current canon law (with the only exception being in can. 844 § 2 CIC), so a lay person cannot commit the delict under can. 1381 CIC, nor is he or she subject

¹¹ As revised after the Apostolic Constitution *Pascite Gregem Dei* [23.05.2021], effective from 8 December 2021. In: *L'Osservatore Romano*, Weekly Edition in English, 4 June 2021. https://www.vatican.va/content/francesco/en/apost_constitutions/documents/papa-francesco_costituzione-ap_20210523_pascite-gregem-dei.html [accessed 10.11.2021].

to punishment. Thus, only a Catholic cleric who, within the meaning of can. 1321 CIC, intentionally (or negligently, but which is hardly conceivable in this case) in violation of can. 908 CIC actively concelebrates at such a service or participates in it in other ways, for example, by serving bread and wine, can be punished for prohibited participation in sacred rites. However, if a cleric participates in a liturgy of Eastern non-Catholics, mistakenly believing that it is the liturgy of Eastern Catholics, he will not be punished because he is not acting intentionally.¹²

The situation for such a priest is further complicated by the fact that this delict is one of most grave delicts according to the Article 3 § 1, paragraph 4, of *Norms on reserved crimes of the Congregation for the Doctrine of the Faith*¹³ (hereafter *Normae*), which are reserved to the Congregation for the Doctrine of the Faith.¹⁴ However, not every participation of a cleric in sacred rites is one of the gravest delicts. Such a delict is, according to *Normae*, only when it is committed with ministers of ecclesial communities which do not have apostolic succession¹⁵

¹² K. LÜDICKE: c. 1365. In: *Münsterischer Kommentar zum Codex Iuris Canonici*. Eds. K. LÜDICKE U.A. Essen 1984 (status as of September 2020), no. 4.

¹³ *Normae de delictis Congregationi pro Doctrina Fidei reservatis*. <https://press.vatican.va/content/salastampa/it/bollettino/pubblico/2021/12/07/0825/01733.html> [accessed 13.12.2021], promulgated by Pope Francis on 11 October 2021. In: *Rescriptum ex audientia SS.mi: Rescritto del Santo Padre Francesco con cui approva le Norme sui delitti riservati della Congregazione per la Dottrina della Fede* [11.10.2021]. <https://press.vatican.va/content/salastampa/it/bollettino/pubblico/2021/12/07/0825/01732.html> [accessed 13.12.2021]. These norms replaced the original *Normae de gravioribus delictis*, issued by Pope John Paul II in 2001 [MP *Sacramentorum sanctitatis tutela*. In: AAS 93 (2001), pp. 737—739] and revised by Benedict XVI on 21 May 2010. These new *Norms on reserved crimes* are effective from 8 December 2021, the same date as the new Book VI of CIC on the sanctions in the Latin Church came into force.

¹⁴ The procedure for investigating and reporting the concelebration of a cleric at a prohibited worshipping community is as follows. Whenever an Ordinary or Hierarch had at least probable knowledge (*notitiam saltem verisimilem habeat*) of the commission of the prohibited concelebration of the Eucharistic Sacrifice with ministers of ecclesial communities which do not have apostolic succession and do not acknowledge the sacramental dignity of priestly ordination, has to carry out the preliminary investigation according to can. 1717 CIC. After having completed it, he is to inform the Congregation for the Doctrine of the Faith which, unless it called the case to itself because of special circumstances, indicates to the Ordinary or Hierarch how to proceed (Article 10 § 1 of *Normae*). The statute of limitations for this offense is 20 years and begins to run from the time the offense was committed (Article 8 § 1 and 2 of *Normae*, can. 1362 § 2 CIC).

¹⁵ According to an unpublished letter of the then Congregation for the Doctrine of the Faith to the Ordinaries *Epistula 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], the decisive factor for the grave delict is not the lack of *plena communio* as in can. 908 CIC, but the lack of valid priestly ordination among the co-celebrants. Cf. LÜDICKE: c. 1365, no. 7.

and do not acknowledge the sacramental dignity of priestly ordination.¹⁶

But that might not happen at all under the conditions envisioned by the Statement. In fact, the Statement proposes a mutual alternate participation in the Eucharist / Lord's Supper, while preserving their own liturgical traditions, on the basis of a single condition, which is valid baptism. Implicitly, then, the Statement assumes that a Catholic cleric should not actively concelebrate at such a Protestant celebration of the Lord's Supper, that is, there will be no prerequisites for violating the prohibition of concelebration under can. 908 CIC, nor will the penalty under can. 1381 CIC, or the penalty for the gravest delicts, reserved to the Congregation for the Doctrine of the Faith, be imposed. What the Statement proposes is a mutual participation in the Eucharist / Lord's Supper, while preserving the respective liturgical traditions, on the basis of a single condition, namely valid baptism. Such a common celebration, while preserving each one's own leadership service, is not covered at all by the above-mentioned offense.

What are the implications for a Catholic lay person participating in the Protestant celebration of the Lord's Supper? Canon law does not explicitly forbid such participation, nor does it provide a penalty for such participation, but that does not mean that such actions are not reflected in canon law at all.¹⁷ First of all, the diocesan bishop has a duty here, who, in accordance with can. 386 § 2 and 839 § 2 CIC, is to warn and emphasise to the faithful that the liturgical acts at such a gathering do not have the same content and value as the Catholic Mass, that is, that in the celebration of the Lord's Supper Christ is not sacramentally present in the bread and wine, but it is just a commemoration of his Last Supper and death. The diocesan bishop should further instruct the faithful that Protestant celebrants do not enjoy the same power of governance as Catholic clergy. Finally, the bishop should emphasise to these faithful that by joining in the Lord's Supper they are not receiving the same Eucharist as in the Catholic Mass. The faithful are then obliged to obey the bishop's advice, since they are obliged to maintain communion with the Catholic Church (can. 209 § 1 CIC), in the form of profession of faith, participa-

¹⁶ In the case of participation in the liturgy of Eastern non-Catholic churches, this is not the most grave delict reserved to the Congregation for the Doctrine of the Faith, but a minor delict for which the local Ordinary is competent.

¹⁷ Indirectly, this is dealt with in can. 844 § 2 CIC, according to which the Catholic faithful, under the conditions mentioned there, can receive the sacraments of Penance, Eucharist, and Anointing of the Sick permissibly only in non-Catholic churches, where they are validly celebrated according to Catholic understanding. This is not the case with Protestant churches.

tion in the sacraments, and submission to the ecclesiastical governance (can. 205 CIC). However, in view of the aforementioned assessment of the Congregation for the Doctrine of the Faith, which essentially forbids Catholics to participate alternately in the celebration of the Eucharist and the Lord's Supper, bishops should respect this opinion and not recommend that the faithful participate, at least actively, in the Protestant celebration of the Lord's Supper. Indeed, for the reasons given above for the different understanding of the sacred ministry and the Eucharist, such participation does not correspond to the Catholic understanding of ecumenism as diocesan bishops are to foster it as it is understood by the Church (can. 383 § 3 CIC).

Conclusions

In this text, I have looked at the 2019 joint statement of the Ecumenical Study Group of Protestant and Catholic Theologians "Together at the Lord's Table" from the perspective of the canon law of the Latin Church. The article shows that the alternate participation in the Protestant and Catholic service of celebrating the Lord's Supper / Eucharist by virtue of baptism alone is also problematic from the perspective of Catholic canon law. Canon law builds on Catholic ecclesiology and sacramentology, which is based on the close connection between baptism and the Church, as well as the Church, the ministerial priesthood and the celebration of the Eucharist. While participation by lay Catholics in the Protestant Lord's Supper is not prohibited by canon law, it falls under participation in ecumenical gatherings, which the Church supports only if they conform to her understanding of ecumenism. If priests were to actively participate in such a service in the form of concelebration or other liturgical acts, they would violate the prohibition of can. 908 CIC and commit the gravest delict under *Normae*. However, the Statement does not envisage such active participation by priests.

The alternate celebration of the Eucharist / Lord's Supper is of course very topical and urgent in confessionally mixed families, as the Statement also mentions in the conclusion (section 8). However, the code law explicitly does not provide for these situations; they are covered by can. 844 CIC. Mixed marriages are dealt with in detail only in the Ecumenical Directory in Article 143 ff. But even there (Article 159) we find nothing more than a reference to the general norms of both codes of canon law governing intercommunion with regard to the particular situation of

these families regarding access to the Eucharist by non-Catholics or active participation in the Lord's Supper by Catholics. It is very regrettable that the Congregation for the Doctrine of the Faith does not comment on this issue. According to the Second Vatican Council, Christian marriages constitute the "domestic Church,"¹⁸ so the Protestant party in such a marriage is more closely connected to the Catholic Church than other Protestant Christians because of the sacramentality of these marriages. All the more should Protestant spouses also be admitted to communion at the Lord's Table in individual cases.

The participation of Protestants in Catholic worship, as proposed by the Statement, is not explicitly regulated by canon law. The CIC, in can. 844 § 4, lays down only the conditions under which Protestants may licitly receive the selected sacraments, namely the Eucharist, the anointing of the sick and the sacrament of penance while their baptism means a valid reception of the Eucharist.

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¹⁸ VATICAN COUNCIL II: *Dogmatic Constitution on the Church "Lumen Gentium"* [21.11.1964], No. 11.

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Jiří DVOŘÁČEK

L'Eucharistie commune ? Un regard critique d'un point de vue canonique sur la déclaration du Groupe d'étude œcuménique des théologiens protestants et catholiques intitulée « Ensemble à la table du Seigneur » (2019)

Résumé

L'article analyse la déclaration du Groupe d'étude œcuménique des théologiens protestants et catholiques intitulée « Ensemble à la table du Seigneur » (2019) du point de vue du droit canonique de l'Église latine. Il présente d'abord brièvement le contenu de la déclaration, puis résume l'opinion de la Congrégation pour la Doctrine de la Foi. L'article démontre qu'une participation alternée aux offices protestants et catholiques pour célébrer la Cène du Seigneur/Eucharistie en vertu du seul baptême est problématique du point de vue du droit canonique catholique. Le droit canonique est basé sur l'ecclésiologie catholique et la sacramentologie, basant sur la relation entre le baptême et l'Église, ainsi

que l'Église, le sacerdoce ministériel et la célébration de l'Eucharistie. Ensuite, l'article décrit les instruments du droit canonique en vue de la protection de la foi catholique par rapport à la succession apostolique comme la seule condition importante pour présider la communauté eucharistique et l'Eucharistie comme présence essentielle du Christ. Le dernier chapitre résume les implications de la participation aux services œcuméniques pour les fidèles catholiques. La participation des protestants aux services catholiques, telle que proposée par la Déclaration, n'est pas explicitement réglementée par le droit canonique. Le Code de Droit canonique au canon 844 § 4 ne définit que les conditions dans lesquelles les protestants peuvent légalement recevoir des sacrements choisis (Eucharistie, Onction des malades et Sacrement de pénitence), tandis que seul le baptême leur donne le droit de recevoir valablement l'Eucharistie.

Mots-clés: œcuménisme, droit canonique, « Ensemble à la table du Seigneur », intercommunion, normes relatives aux crimes réservés

JIRÍ DVOŘÁČEK

Condividere l'Eucaristia? Commenti critici da una prospettiva canonica sulla dichiarazione "Insieme alla tavola del Signore" (2019) del Gruppo di studio ecumenico di teologi protestanti e cattolici

Sommario

Il seguente articolo analizza la dichiarazione del Gruppo di studio ecumenico dei teologi protestanti e cattolici "Insieme alla tavola del Signore" (2019) dal punto di vista del diritto canonico della Chiesa latina. Prima presenta brevemente il contenuto della Dichiarazione, poi riassume il parere della Congregazione per la Dottrina della Fede. L'articolo mostra che la partecipazione alternata al servizio protestante e cattolico di celebrare la Cena del Signore / Eucaristia in virtù del solo battesimo è problematica dal punto di vista del diritto canonico cattolico. Il diritto canonico si basa sull'ecclesiologia e la sacramentologia cattolica, sulla connessione tra il battesimo e la Chiesa, così come la Chiesa, il sacerdozio ministeriale e la celebrazione dell'Eucaristia. L'articolo, poi, mostra gli strumenti del diritto canonico per la protezione della fede cattolica riguardo alla successione apostolica come unica condizione valida per presiedere la comunità eucaristica e l'Eucaristia come presenza sacramentale di Cristo. Nell'ultimo capitolo verranno riassunte le implicazioni della partecipazione al culto ecumenico per i fedeli cattolici. La partecipazione dei protestanti al culto cattolico, come proposto dalla Dichiarazione, non è esplicitamente regolata dal diritto canonico. Il CIC, nel can. 844 § 4, stabilisce solo le condizioni alle quali i protestanti possono ricevere lecitamente alcuni sacramenti (l'Eucaristia, l'unzione degli infermi e il sacramento della penitenza), mentre per una valida ricezione dell'Eucaristia li abilita solo il loro battesimo.

Parole chiave: ecumenismo, diritto canonico, "Insieme alla tavola del Signore", intercomunione, Norme sui delitti riservati.



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Pope John Paul II's Encyclical Letter *Ut unum sint* and Its Praiseworthy Contribution to the Cause of Christian Unity

Abstract: A careful examination of the text of Pope John Paul II's encyclical *Ut unum sint* allows us to see, first of all, the fact that His Holiness was closely acquainted with the ecclesiological doctrine of the Second Vatican Council, in which he, in fact, played an active part, including by drafting some synodal documents, such as the decree on ecumenism *Unitatis redintegratio*. Moreover, in his ecumenical approach, Pope John Paul II aptly advocated for the participation of the Catholic Church in the work of the Ecumenical Council of Churches and for the restoration of the unity of Christians, hence his full ecumenical commitment to engage in ecumenical dialogue with all the Churches, and particularly with the Eastern Church, which he suggestively called “sister Church”. In fact, both his pastoral-practical activity of ecumenical commitment, as well as his encyclicals, abundantly confirm that the Supreme Pontiff has indeed made a praiseworthy contribution to the cause of Christian unity, which the Founder of the Church himself wanted (cf. John 17:21), and which must remain an example for us Christians of today and tomorrow.

Keywords: Christian unity, ecumenical unity, Second Vatican Council, Christian Churches

Preliminary remarks

In the Introduction to his encyclical *Ut unum sint* Pope John Paul II declared that he was driven by the exhortation of Christ, who called

“all his disciples to unity,”¹ and it was the pope’s “earnest desire [...] to renew this call today,”² as those who are “believers in Christ, united in following in the footsteps of the martyrs, cannot remain divided.”³

Obviously, Pope John Paul II could not have failed to make express mention also of “the call for Christian unity made by the Second Vatican Ecumenical Council with such impassioned commitment is finding,”⁴ which His Holiness took on and actualised also in this encyclical, which is indeed a renewal of the exhortation of the Fathers of the Second Vatican Council to the Christian world to join the path of ecumenism, hence the ecumenical commitment of the Catholic Church for the realisation of ecumenical unity.

According to the Holy Father, “taking part in this movement, which is called ecumenical, are those who invoke the Triune God and confess Jesus as Lord and Saviour. They join in not merely as individuals, but also as members of the corporate groups in which they have heard the Gospel, and which each regards as his Church and, indeed, God’s.”⁵

In *Ut unum sint*, the Supreme Pontiff also reiterated “the call for Christian unity”⁶ that the Fathers of the Second Vatican Council addressed to the Christian world. In fact, in his ecumenical endeavor, Pope John Paul II was sure that “every factor of division can be transcended and overcome in the total gift of self for the sake of the Gospel,”⁷ which indeed summons us to unity.

1. The teaching of the Eastern and Western Church of the first four centuries on the unity of Christians

According to the teaching of the ecumenical Church of the first four centuries, the Church is “One” given that “the Savior founded one Church (Matthew 16:18), not more, because the Church has one head, Jesus Christ, because it is portrayed as the only bride of Christ (Eph. 5:27),

¹ IOANNES PAULUS PP. II: *Ut unum sint. On commitment to Ecumenism*, https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_25051995_ut-unum-sint.html [accessed 18.04.2022], n. 1.

² *Ibidem*, 1.

³ *Ibidem*.

⁴ *Ibidem*.

⁵ *Ibidem*, I, 7.

⁶ *Ibidem*, 1.

⁷ *Ibidem*.

as a house of God and of Christ (Heb. 3:6; 10:21), as the one Body of Christ (Rom. 12:5), as one flock (John 10:16; 21:15),”⁸ and Christians are also “one body and one spirit [...] (Eph. 4:4-5),”⁹ as “no one can lay any other foundation than that which has been laid, which is Jesus Christ” (1 Cor. 3:9, 11).

About those who “invented heresies and schisms [...] to overthrow faith, to corrupt the truth, to tear apart the unity (of the Church),”¹⁰ the father of the doctrine of the ecclesiology of the unity of the universal (Catholic) Church, St. Cyprian of Carthage († 258), wrote that they “do not abide by the Gospel of Christ and His law, (but) call themselves Christians and, walking in the dark, count themselves to have light” (*De unitate Ecclesiae*).¹¹ Indeed, some of these have not known the “true Gospel,” namely, the true faith, which “was handed down from the Apostles (*ab Apostolis traditum*) through the bishops, whose beginning lies with the Holy Apostles (Tertullian, *Adv. Marcionem*, 4, 2; 4, 4; 4, 5).”¹²

This ecclesiological doctrine on the unity of the Church, of neo-testamentary origin, was invoked as the basis for the unity of the Church around its bishops not only by St. Cyprian of Carthage, but also by those who preceded and succeeded him in the centuries of the first millennium, and who in fact made up the basis of Eastern and Western Theology. For example, the Catechism of the Orthodox Church states that the Church is “one,” but “its visible part has many heads, in the person of the eparchial bishops, as they do not divide the Church according to the number of bishoprics, as they are only constituent parts of the Church,”¹³ and the bishops of these administrative territorial units of the Church are — as St. Paul specified — just “servants of Jesus Christ” (1 Cor. 4:1).

According to the precepts of the same Apostolic teaching, “the bishops inherited the power they are holding today by way of Apostolic succession,”¹⁴ that is, teaching, sanctifying and ruling power, which in the language of canon law is called Apostolic succession, and which in the Early Church had been invoked — among others — by Hegesippus,

⁸ SFINTEI ARHIEPISCOPII A BUCUREȘTILOR: *Învățătura de credință creștină ortodoxă* [The teaching of Orthodox Christian Faith]. București 1952, p. 142.

⁹ *Ibidem*, p. 142.

¹⁰ ST. CYPRIAN OF CARTHAGE: *Despre unitatea Bisericii universale. Despre condiția muritoare a omului* [On the Unity of the Universal Church. On the Mortal Condition of Man]. Trans. A. STAN, A. ROȘU. IMBOR, Bucharest 2013, p. 46.

¹¹ *Ibidem*, p. 47.

¹² Quoted after: L. STAN: “Succesiunea apostolică” (Apostolic Succession). In: *Biserica și Dreptul. Studii de drept canonic ortodox*. Andreiana, Sibiu 2013, IV, p. 27.

¹³ SFINTEI ARHIEPISCOPII A BUCUREȘTILOR: *Învățătura de credință creștină ortodoxă...*, p. 143.

¹⁴ L. STAN: “Succesiunea apostolică...,” p. 13.

St. Cyprian of Carthage, St. Basil the Great and St. Augustine, as well as by numerous other church fathers and writers. In fact, we find this reality expressed also in the text of the canons attributed to the Holy Apostles (cf. can. 46, 47, 68 ap.), as well as in some canons of the Ecumenical Synods (cf. can. 8, 19 Syn. I ec.; 7 Syn. II ec.; 95 Trullan, etc.),¹⁵ which clearly state “the dependence of sacramental Apostolic succession on the Apostolic succession in faith,”¹⁶ so that no one can “imagine a sacramental succession without one in faith.”¹⁷

In the spirit of the same Apostolic and patristic teaching, the Orthodox Church affirmed in its Catechism that the Church is “One” as “it is a single spiritual body, having one head, i.e., Christ, and being enlivened by one Holy Spirit/Ghost.”¹⁸ This unity enlivened by the Holy Spirit (cf. Eph. 4:4—6) entails preserving and affirming “the unity of the Spirit in the bond of peace” (Eph. 4:3), while, in its visible form, expressing itself “through the unity of the confession of faith and the bond of prayer and the Holy Sacraments/Mysterics.”¹⁹

This was indeed the teaching of the Holy Apostles, according to whom “the unity of the faith” (Eph. 4:13) and “the unity of the Church” are achieved by preserving Christian unity in “the Spirit of God who gives this unity.”²⁰ Therefore, “the unity of the Church is protected as long as the unity of the Spirit is maintained,”²¹ which is diverse, because the works and gifts of the Holy Spirit are also diverse.

The Early Church Fathers also spoke of *unitas in diversitatis*, that is “unity in diversity,” which must preserve the “unity of the Spirit”. This is in fact the unity of the Church that we must preserve and affirm, and for which the One who founded the Church, that is, Christ the Son of God, prayed to His heavenly Father, so that all who believe in Him (cf. Jn 17:20) “may be one” (cf. Jn 17:21), since only in this way can we be “brought to complete unity” (Jn 17:23) or — according to the Vulgate text — *in unum*.²²

¹⁵ C. MITITELU: “Norme și rânduieli canonice privind modalitățile primirii eterodocșilor în Biserica Ortodoxă” (Canonical norms and ordinances regarding the ways of reception of the heterodox in the Orthodox Church). *Revista de Teologie Sfântul Apostol Andrei* 1 (2008), pp. 322—336.

¹⁶ L. STAN: “Succesiunea apostolică...,” p. 31.

¹⁷ *Ibidem*, p. 31.

¹⁸ ST. PHILARET METROPOLITAN OF MOSCOW: *Catehism ortodox* [Orthodox Catechism]. Trans. G. CIOCIOI. Sofia, Bucharest 2007, p. 96.

¹⁹ *Ibidem*, p. 97.

²⁰ I. MIRCEA: *Dicționar al Noului Testament* [Dictionary of the New Testament]. IBMBOR, Bucharest 1995, p. 543

²¹ *Ibidem*, p. 543.

²² *Biblia sacra vulgata* [Sacred Bible Vulgate]. Bilingual edition (Latin and Romanian). Eds. A. MURARU et al. Vol. VII. Universității Al. I. Cuza din Iași, Iași 2015, p. 488.

Among other things, in his treatise suggestively titled *De unitate Ecclesiae*,²³ St. Cyprian of Carthage (210—258), the Primate of the Church of Proconsular Africa, stated that “the beginning starts from unity, so that the Church of Christ can appear as one,”²⁴ since even “the episcopate is one and indivisible.”²⁵ Therefore, the one who “leaves the Church of Christ, [...] can no longer have God as his Father”²⁶ and the “Church as Mother.”²⁷

In the spirit of the same apostolic teaching, the phrase “unity of the Church” was defined in Article IX of the Niceno-Constantinopolitan Symbol of Faith, drawn up by the Constantinopolitan Synod of 381, according to which the Church founded by Christ on the cross and made visible at Pentecost (cf. Acts 20—28) is “One holy, (o)ecumenical (Catholic) and Apostolic Church.”

In fact, from the text of the encyclical *Ut unum sint*, one can see that it is precisely this ecclesiological doctrine on the unity of the primary Church to which Pope John Paul II made express reference. Indeed, we can say that in the encyclical *Ut unum sint* the Supreme Pontiff expressed himself in the spirit of the doctrine stated by the biblical, neo-testamentary text, by St. Cyprian of Carthage and by the Fathers of the Second Ecumenical Council, a doctrinal heritage which was, in fact, also used by the Fathers of the Second Vatican Council.

On the occasion of the celebration of the Holy Liturgy, Christians of both Churches, Eastern and Western, always recite the words in the Niceno-Constantinopolitan Symbol of Faith, namely “One Holy, Catholic and Apostolic Church,” which were included in the Niceno-Constantinopolitan Symbol of Faith.²⁸ However, this Symbol of Faith of the ecumenical (universal) Church also affirms to us that “unity,” as an attribute of the Church, is both a gift from God,²⁹ and a constitutive element of the Church, hence the essential place of the unity of the Church “in theology and ecclesiology.”³⁰

²³ See the Latin text (and French translation) in the collection *Sources chrétiennes*, no. 500. Paris 2006.

²⁴ St. CYPRIAN OF CARTHAGE: *Despre unitatea Bisericii...*, p. 50.

²⁵ *Ibidem*, p. 51.

²⁶ *Ibidem*, pp. 53—54.

²⁷ *Ibidem*, p. 54.

²⁸ N.V. DURĂ: “Legislația canonică a Sinodului II ecumenic și importanța sa pentru organizarea și disciplina Bisericii” (The Canonical Legislation of the Second Ecumenical Council and its Importance for the Organization and Discipline of the Church). *Glasul Bisericii* 6—8 (1981), pp. 630—671.

²⁹ A. BIRMELÉ: “Unité de l’Église.” In: *Dictionnaire critique de théologie*. Sous la direction de J.-Y. LACOSTE, O. RIAUDEL. Presses Universitaires de France, Paris 1998, p. 1193.

³⁰ *Ibidem*, p. 1193.

Ever since the Apostolic age, the unity of the Church has not been perceived and expressed — both in the East and in the West — as a monolithic unity of the Churches, but rather as a unity of the local Churches (cf. Acts 16), as confirmed by the decisions of the first Apostolic synod, the prototype and basis of the synodality regime.³¹ In fact, even some ecumenical theologians of today affirm that the “plurality” of these local Churches is nothing more than a manifestation or concretisation of “the one Church of Christ.”³²

The teaching on the unity of the Church, and its indivisible character, which we find expressed in the writings of St. Cyprian of Carthage, we also find reaffirmed in the catechisms of the local Churches, according to which heresies and schisms cannot bring with them “the breaking up of the unity of the Church, for this unity can never be broken up,”³³ given the fact that the Church “stands closely united with its Head, i.e., Jesus Christ. The unity of the Church is above everything and cannot be shaken by anyone.”³⁴

2. The Catholic Church’s doctrine on achieving the unity of all Churches

Within the works of the Ecumenical Council of Churches — an international ecclesial body established in 1948 as a “fellowship of Churches,”³⁵ and which currently is made up of 352 Churches³⁶ — “three models” were proposed for achieving the unity of all Christian Churches, regardless of their faith, organisational structure and theology.

The first model envisaged by the representatives of the member Churches within this international ecclesial body was to lay the foundations for “a form of organic union, [...] based on a common Confession

³¹ N.V. DURĂ: “Le Concile des Apôtres, prototype de tous les conciles, modèle de la synodalité orthodoxe.” *La Lumière du Thabor (Revue Internationale de Théologie Orthodoxe)* 49—50. Paris 2003, pp. 61—84.

³² A. BIRMELÉ: “Unité de l’Église ...,” p. 1193.

³³ SFINTEI ARHIEPISCOPII A BUCUREȘTILOR: *Învățătura de credință creștină ortodoxă...*, p. 144.

³⁴ *Ibidem*, p. 144.

³⁵ A. BIRMELÉ: “Conseil Œcuménique de Églises.” In: *Dictionnaire critique de théologie...*, p. 262.

³⁶ *World Council of Churches*, after: <https://www.oikoumene.org/about-the-wcc> [accessed 19.02.2022].

of faith,”³⁷ on “an Agreement on the Sacraments and their servants”³⁸ and on “the adoption of a uniform organizational structure,”³⁹ which could only be accomplished through the decision of a “Universal Council”, as proposed by the “General Assembly of the Ecumenical Council of the Churches in Nairobi in 1975.”⁴⁰

The second model was proposed by “Anglicans and Catholics, who advocated for a corporatist union, in which particular identities would be mentioned, unity being achieved through a common episcopal constitution and the common exercise of Episcopal Ministry.”⁴¹

Finally, the third model — envisaged by the Ecumenical Council of Churches — intended to achieve “unity in the reconciled diversity, starting from the fact that almost all Churches are organised today in confessional families.”⁴² This form of organisation “proposes the reconciliation and mutual recognition between the different traditions.”⁴³

From the text of the decree on ecumenism *Unitatis redintegratio* of 21 November 1964 — drawn up and promulgated by the Fathers of the Second Vatican Council, presided by His Holiness Pope Paul VI — we can also draw some guiding principles regarding the unity of the Church, which are, in fact, based on the doctrine of the ecumenical Church of the first millennium. Among these ecclesiological tenets are the following:

1. Our Lord Jesus Christ is the only principle of the unity of the Church.

According to the Fathers of the Second Vatican Council, after His resurrection and ascension to heaven, the Lord Jesus Christ “called and gathered the people of the New Alliance, which is the Church, into a unity of the faith (*in unitatem fidei*).” The same synodals Fathers stated that it is the Holy Spirit who achieves “that wonderful communion of the faithful (*communio fidelium*),” and “brings them into intimate union with Christ, so that He is the principle of the Church’s unity.”⁴⁴

2. Jesus Christ is the “Holy Mystery of the unity of the Church.”

According to the text of this conciliar document on ecumenism, “the sacred mystery of the unity of the Church”⁴⁵ is only “in Christ

³⁷ A. BIRMELÉ: “Unité de l’Église ...,” p. 1194.

³⁸ Ibidem, p. 1194.

³⁹ Ibidem.

⁴⁰ Ibidem.

⁴¹ Ibidem.

⁴² Ibidem.

⁴³ Ibidem.

⁴⁴ Decree on Ecumenism *Unitatis redintegratio*, https://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decree_19641121_unitatis-redintegratio_en.html [accessed 12.03.2022], I, 2.

⁴⁵ Ibidem, I, 2.

and through Christ,”⁴⁶ and everything that is known to “come from Christ and lead back to Christ, belong by right to the one Church of Christ.”⁴⁷

3. Those separated from the Catholic Church do not enjoy the unity granted to the Christians by Jesus Christ.

The Second Vatican Council expressed itself in this sense in the *Decree on Ecumenism*, namely that “our separated brethren, whether considered as individuals or as Communities and Churches, are not blessed with that unity which Jesus Christ wished to bestow on all those who through Him were born again.”⁴⁸ It was indeed referring to the “unity which the Holy Scriptures and the ancient Tradition of the Church proclaim.”⁴⁹

4. The unity that Christ has given to his Church subsists only in the Catholic Church.

According to the statement of the Fathers of the Second Vatican Council, “this unity subsists in the Catholic Church as something she can never lose,”⁵⁰ and “it will continue to increase until the end of time.”⁵¹ Thus, in the view of the Fathers of the Second Vatican Council, the unity which Jesus Christ has given to his Church subsists only in the Catholic Church and it will never end.

5. We must preserve the unity of the Church through all that is necessary for its existence, including authentic Christian values, which are based on “our common heritage which are to be found among our separated brethren.”⁵² The same Synod Fathers considered that “it is right and salutary to recognize the riches of Christ and virtuous works in the lives of others who are bearing witness to Christ, sometimes even to the shedding of their blood.”⁵³

6. According to the Fathers of the Second Vatican Council, the divisions between the Churches are the major obstacle in the path of achieving the full catholicity of the Church.

Indeed, one cannot speak of a full “ecumenicity” or “catholicity,” seen not only from a spatial (geographical) point of view, but also from the point of view of the Eucharistic communion, so long as

⁴⁶ Ibidem.

⁴⁷ Ibidem, I, 3.

⁴⁸ Ibidem.

⁴⁹ Ibidem.

⁵⁰ Ibidem, I, 4.

⁵¹ Ibidem.

⁵² Ibidem.

⁵³ Ibidem.

“the divisions among Christians prevent the Church from attaining the fullness of catholicity proper to her, in those of her sons who, though attached to her by Baptism, are yet separated from full communion with her.”⁵⁴

7. For the restauration and the maintenance of unity and communion with the Catholic Church, it is sufficient to have been truly baptised in communion with this Church.

According to the Fathers of the Second Vatican Council, “this Sacred Council solemnly repeats the declaration of previous Councils and Roman Pontiffs, that for the restoration or the maintenance of unity and communion it is necessary “to impose no burden beyond what is essential.”⁵⁵

Consequently, the descendants of those who separated from the Catholic Church “cannot be accused of the sin involved in the separation, and the Catholic Church embraces upon them as brothers, with respect and affection. For men who believe in Christ and have been truly baptized are in communion with the Catholic Church even though this communion is imperfect.”⁵⁶

8. Prayer is a constitutive and indispensable element in the process of restoring Christian unity.

The *Decree on Ecumenism* of the Second Vatican Council also attests to the fact that the Synodals Fathers confessed “that human powers and capacities cannot achieve this holy objective — the reconciling of all Christians in the unity of the one and only Church of Christ. It is because of this that the Council rests all its hope on the prayer of Christ for the Church.”⁵⁷

We have mentioned some of the principles of ecclesiological doctrine stated by the Fathers of the Second Vatican Council in their decree on ecumenism titled *Unitatis redintegratio*, given that we find them reiterated in the text of Pope John Paul II's encyclical *Ut unum sint*, which will provide the informed reader with an insight into the Catholic Church's doctrine on the achievement of ecumenical Christian unity.

This conciliar doctrine on the unity of the Church is also expressed in the *Catechisms of the Catholic Church* published after the Second Vatican Council. For example, the *Catechism of the Catholic Church* — published by the Roman Catholic Archiepiscopacy/Archdiocese of Bucharest in 2003 — stated that the unity of the Church is

⁵⁴ Ibidem, I, 4.

⁵⁵ Ibidem, III, I, 18.

⁵⁶ Ibidem, I, 3.

⁵⁷ Ibidem, III, II, 24.

defined by “four inseparably interrelated attributes” which “the Church does not have from within itself; it is Christ who, through the Holy Spirit, gives them to His Church so as to be One, Holy, Catholic and Apostolic, and it is also He who demands it to display each of these characteristics.”⁵⁸

From the text of the same Catechism, we note that “the visible bonds of communion”⁵⁹ are the following: a) “Confession of a single faith received from the apostles”⁶⁰; b) “Common celebration of divine worship, especially of the Sacraments”⁶¹; c) “Apostolic succession through the Sacrament of the priesthood.”⁶²

In the very same catechism we also find reiterated the words of the Second Vatican Council on the unity of the Church, according to which it “endures in the Catholic Church.”⁶³ We also note that the *Catechism of the Catholic Church* reproduces texts from other Declarations of the Second Vatican Council, such as the Declaration on the “Ecumenical Formation of the Faithful, especially of the Priests.”⁶⁴

3. The encyclical *Ut unum sint*, an eloquent testimony to the contribution of Pope John Paul II to promoting the Christian unity cause

Pope John Paul II’s encyclical *Ut unum sint* has, indeed, remained the most eloquent and important document of the Catholic Church on its ecumenical commitment from the Second Vatican Council (1962—1965) up to the end of the 20th century, in which the late Supreme Pontiff promoted the process of restoring Christian unity also through ecumenical dialogue.

In the encyclical *Ut unum sint*, Pope John Paul II expressly stated that he wished “to encourage the efforts of all who work for the cause of unity,”⁶⁵ to which “all Christ’s disciples”⁶⁶ had been called by the Second Vatican Council.

⁵⁸ ARHIEPISCOPIA ROMANO-CATOLICĂ DE BUCUREȘTI: *Catehismul Bisericii Catolice* [The Catechism of the Catholic Church]. 3rd edn. Bucharest 2003, art. 9, p. 186.

⁵⁹ Ibidem, p. 187.

⁶⁰ Ibidem.

⁶¹ Ibidem.

⁶² Ibidem.

⁶³ Ibidem, p. 188.

⁶⁴ Ibidem, p. 189.

⁶⁵ IOANNES PAULUS PP. II: *Ut unum sint...*, 3.

⁶⁶ Ibidem, I, 5.

According to the same Roman Pontiff, promoting the cause of Christian unity “is a specific duty of the Bishop of Rome as the Successor of the Apostle Peter,”⁶⁷ however, “in order to carry out this special ministry in the Church, depends totally on the Lord’s grace and prayer.”⁶⁸

Therefore, in order to carry out his precise duty, for the promotion and materialization of the Christian unity cause, the Bishop of Rome, as successor of Apostle Peter, depends on the prayer⁶⁹ addressed to the Lord and the divine grace. Prayer has indeed been — ever since the Apostolic times — the “rule” of life⁷⁰ for those who claimed to be Christians, that is, confessors and experiencers of Christ’s teaching.

In his very first words in the text of the encyclical *Ut unum sint*, Pope John Paul II confessed that, via its text, he wished to renew the call to Christian unity made by the Second Vatican Council for the cause of unity (cf. *Ut unum sint* 1 and 3), and that “in our ecumenical age, marked by the Second Vatican Council, the mission of the Bishop of Rome is particularly directed to recalling the need for full communion among Christ’s disciples.”⁷¹

From the statements of Pope John Paul II, therefore, it can be noticed that His Holiness was aware of the fact that, as Bishop of the See of Rome,⁷² he was indeed meant to contribute to the affirmation and preservation of the unity of the Church, given that, although Christ bestowed “equal power on all the Apostles, still — St. Cyprian of Carthage specified — “He instituted one See,”⁷³ that is, the See of Rome, and “one” Church,

⁶⁷ Ibidem, 4.

⁶⁸ Ibidem.

⁶⁹ N.V. DURĂ: “‘Regula de credință’ și rugăciunea pentru unitatea creștină. O evaluare ecleziologică-canonică” (The “Rule of Faith” and prayer for Christian unity. An ecclesiological-canonical evaluation). *Ortodoxia* 3—4 (2004), pp. 7—25.

⁷⁰ IDEM: “Mărturii ale Tradiției liturgico-canonică apostolice privind rugăciunea” [Testimonies of the Liturgical-Canonical Apostolic Tradition on Prayer]. *Studii Teologice* 7—8 (1983), pp. 481—490.

⁷¹ IOANNES PAULUS PP. II: *Ut unum sint...*, 4.

⁷² 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: Catholics and Orthodox in dialogue: academic symposium held at the Pontifical Council for Promoting Christian Unity*. Ed. W. KASPER. Newman Press, New York 2006, pp. 164—184; N.V. DURĂ: “Episcopul Romei și statutul său canonic. Scaunul apostolic al Romei și procesul de refacere a unității creștine ecumenice” [The Bishop of Rome and his canonical status. The Apostolic See of Rome and the process of restoring ecumenical Christian unity]. In: „*Ortodoxia românească și rolul ei în Mișcarea ecumenică*”. *De la New Delhi la Porto Alegre 1961-2006*. Vasiliana ’98, Iași 2006, pp. 89—118.

⁷³ ST. CYPRIAN OF CARTHAGE: *Despre unitatea Bisericii...*, p. 48.

that is, “the Church of Christ,”⁷⁴ based on the faith professed by Saint Peter the Apostle on behalf of his fellow apostles.

This confession of faith confirms to us that the Founder of the Church is none other than our Lord Jesus Christ, “the Son of God” (John 1:49), as Apostle Nathanael also called him, to which Apostle Peter added that our Redeemer is *Christus Filius Dei vivi* (Christ, the Son of the living God). Moreover, as Apostle Peter was told by the Saviour Jesus Christ Himself, “not flesh and blood have revealed this to you, but My Father who is in heaven” (Mt 16:17). Then the Lord said to him: *tu es Petrus, et super hanc petram aedificavo Ecclesiam meam...* (you are Peter, and on this rock I will build My Church) (Mt. 16:18), that is, on the faith confessed by the Coryphaeus of the Apostles under the inspiration of the Spirit of God.

As for “giving a new name to Simon,”⁷⁵ who was called Σίμων Ἰωάννου, that is, Simon of John (John 21:15—17), it should also be known that “the foundation of the Church and giving Simon a new name together with the entrustment of a mission from God bear similarities to the Old Testament: Abram receives the name Abraham (Gen. 17:1—8) and Jacob is called Israel (Gen. 32:22—32). The reference to the rock may also refer to Isaiah 51:1—2, where Abraham is thus called, as is Peter.”⁷⁶

According to St. Jerome, one of the leading Fathers of the early Church, the Gospel of Matthew was the first Gospel, but it was not written in Greek like the other three, but “in Hebrew,” that is “in Judea.”⁷⁷

Regarding the word “Church,” biblical theologians confirm the fact that the Gospel of Matthew “is the only Gospel in which the word *Ecclesia* / Ἐκκλησία, ‘Church’ appears” (Mt. 16—18), and that “the contemporary exegesis puts this Gospel in the interval between 80 and 90 AD”⁷⁸; however, according to the statement of some church fathers and writers, such as Clement of Alexandria, St. Irenaeus of Lugdunum, Eusebius of Caesarea, Epiphanius of Salamis, etc., “the Gospel must have been written earlier. That is why — the biblical theologian Wilhelm Tauwinkl stated — some believe that the text was written at the time when Apostle Matthew left Palestine on a mission (therefore, according to tradition, between 41 and 48 AD). According to St. Irenaeus (130—202), Matthew would have

⁷⁴ Ibidem, p. 50.

⁷⁵ W. TAUWINKL: “Evanghelia după Matei” [Gospel of Matthew]. In: *Biblia sacra vulgata...*, p. 126.

⁷⁶ Ibidem, p. 126.

⁷⁷ ST. JEROME: “‘Praefatio’ la Evanghelia Sf. Matei” [“Praefatio” to the Gospel of St. Matthew], after: *Biblia sacra vulgata...*, pp. 20—21.

⁷⁸ W. TAUWINKL: “Evanghelia după Matei...” p. 53.

written at the time when Apostles Peter and Paul were preaching in Rome (therefore, around the year 61).⁷⁹

Nevertheless, from what has been stated, there is only one thing we can be sure of, namely that in the second half of the first century of the Christian era — the era established by the Proto-Romanian Dionysius Exiguus⁸⁰ — those who affirmed their faith in Christ were aware that they could not call themselves Christians if they did not affirm their allegiance to the faith received by the Apostles from the Founder of the Church, and which — concisely — had been uttered on their behalf by their Coryphaeus, that is, the Holy Apostle Peter, who confessed his faith in “Christ the Son of the living God” (Mt. 16:16).

As today's Catholic theologians tell us, the text of the Gospel of Matthew, chapter 16, verse 18 “is one of the most controversial verses of the Scripture, for which there is a very rich literature. In Catholic theology, this verse, together with John 21:15—17, are considered the biblical basis of the teaching that Christ founded the Church on the ‘rock of Apostle Peter’, who was the first head of the Church, and that the popes are Peter's successors throughout the ages. Due to the fact that here Simon gets another name — Peter — the popes also choose another name when they are elected to office.”⁸¹

We wanted to provide these brief ecclesiological clarifications in order to also highlight the fact that Pope John Paul II promoted the Christian unity cause primarily in his capacity as bishop of the Church of Rome, a Church with a double apostolicity, as it was founded by the apostles' leaders, that is, Saint Peter and Paul. The former witnessed and confirmed — inspired by the Holy Spirit — the divinity of the Lord Jesus Christ, and the latter received the unique theophany on the road to Damascus. In fact, it is well known that both Apostles died a martyr's death in the city of Rome, which enabled the Episcopal See of Rome to claim a double apostolicity, to which the Roman Pontiff also made express reference in his encyclical *Ut unum sint*.

Among other things, Pope John Paul II also wanted to point out the fact that “the Gospel of Matthew gives a clear outline of the pastoral mission of Peter in the Church”⁸² and that “the weakness of Peter and of

⁷⁹ Ibidem, p. 53.

⁸⁰ N.V. DURĂ: “Un daco-roman, Dionisie Exiguul, părintele dreptului bisericesc apusean” (A daco-Roman, Dionysius Exiguus, the father of Western church law). *Studii Teologice* 5—6 (1991), pp. 84—90; IDEM: “Denis Exiguus (Le Petit) (465—545). Précisions et correctifs concernant sa vie et son oeuvre.” *Revista Española de Derecho Canonico* L (1993), pp. 279—290.

⁸¹ W. TAUWINKL: “Evangelia după Matei...,” p. 126, n. 18.

⁸² IOANNES PAULUS PP. II: *Ut unum sint...*, III, 91.

Paul clearly shows that the Church is founded upon the infinite power of grace.”⁸³ Hence, His Holiness’s conclusion that, “this whole lesson of the Gospel must be constantly read anew, so that the exercise of the Petrine ministry may lose nothing of its authenticity and transparency.”⁸⁴

The encyclical *Ut unum sint* shows that the contribution of the Second Vatican Council regarding the ecumenical commitment of the Catholic Church was strongly emphasised by Pope John Paul II. Moreover, the Supreme Pontiff made it clear that he carried out all his pastoral and canonical activity in the spirit of the doctrine of the Second Vatican Council, according to which “the restoration of unity among all Christians is one of the principal concerns of the Second Vatican Council. Christ the Lord founded one Church and one Church only.”⁸⁵

As regards Pope John Paul II’s contribution to promoting the process of restoring Christian unity, one can see that it was expressed and manifested both in his reaffirmation of the provisions of principle stated by the Second Vatican Council on the reconciliation of the Christians and the restoration of Christian unity, and in his pastoral-canonical activity, which materialized in his total commitment to the common effort of the Catholic Church and of the entire Christianity regarding the Christian unity cause.

In order to illustrate this ecclesiological reality, we will choose a few statements from the text of the encyclical *Ut unum sint*, in which the Supreme Pontiff stated the following:

1. That he renewed the Second Vatican Council’s urgent appeal for the reconciliation of all Christians, namely the members of Churches and ecclesial communities, so as to walk together on “the path of the ecumenical venture,”⁸⁶ on which the Catholic Church was also enlisted by the Fathers of the Second Vatican Council.

It is also well known that it is precisely by promoting and supporting this process of Christian reconciliation — which is, in fact, specific to the ecumenical Church in the first millennium — that the Church has made a real contribution both to the building and shaping of Europe and to the affirmation of the cultural and spiritual unity of the states on our continent.⁸⁷

⁸³ Ibidem, III, 91.

⁸⁴ Ibidem, III, 93.

⁸⁵ Decree on Ecumenism *Unitatis redintegratio...*, 1.

⁸⁶ IOANNES PAULUS PP. II: *Ut unum sint...*, 3.

⁸⁷ N.V. DURĂ: “Statele Uniunii Europene și cultele religioase” [European Union countries and religious denominations]. *Ortodoxia* I, 2, 2009, pp. 49–72; IDEM: “The ‘Scythian Monks’ (Daco-Roman) and their Contribution to the European Christian Humanist Culture.” In: *Dialogue of Civilizations*. Ed. D. MUSKHELISHVILI. Nova Science Publishers, New York 2010, pp. 33–42.

2. According to Pope John Paul II, the Catholic Church “seeks nothing for herself but the freedom to proclaim the Gospel. Indeed, its authority is exercised in the service of truth and charity,”⁸⁸ hence his confession that — through his Encyclical — he intended to promote “every suitable initiative aimed at making the witness of the entire Catholic community understood in its full purity and consistency.”⁸⁹

As for the freedom to preach the Gospel in a world of globalisation, the Holy Father's statement was, clearly, also a demand on behalf of all Christians to be able to enjoy the “right to preach the Gospel to all ‘peoples.’”⁹⁰ Obviously, this right implies first of all the recognition and legal protection of the right to freedom of religion,⁹¹ which continues to be supported these days.

3. In his encyclical, the Holy Father tells us that the Church must ask “the Lord to increase the unity of all Christians until they reach full communion,”⁹² and that “the present Encyclical Letter is meant as a contribution to this most noble goal [...] (and) it seeks to encourage the efforts of all who work for the cause of unity.”⁹³

4. In Pope John Paul II's opinion, “the unity of all divided humanity is the will of God,”⁹⁴ since “on the eve of his sacrifice on the Cross, Jesus himself prayed to the Father for his disciples and for all those who believe in him, that they might be one, a living communion.”⁹⁵

5. The fact that the unity of Christians must be achieved in the spirit of the doctrine of the Apostles and must culminate in the Eucharistic

⁸⁸ IOANNES PAULUS PP. II: *Ut unum sint...*, 3.

⁸⁹ *Ibidem*, 3.

⁹⁰ C. MITITELU: “The ‘Globalization Era’ and the Right of the Church to Preach the Gospel to All Peoples. Canonical-Juridical Considerations and Assessments.” *Ecumeny and Law* 5 (2017), p. 138.

⁹¹ N.V. DURĂ, C. MITITELU: “The Right to Freedom of Religion in the Jurisprudence of the European Court.” *Journal of Danubius Studies and Research* 1 (2014), pp. 141—152; N.V. DURĂ: “The right to freedom of religion.” *Annales Canonici* 10 (2014), pp. 27—40; IDEM: “The Right to Religion: Some Consideration of the Principal International and European Juridical Instruments.” In: *Religion and Equality. Law in Conflict*. Eds. W.C. DURHAM JR., D. THAYER. Routledge, UK 2016, pp. 15—24; N.V. DURĂ: “The Right to the ‘Freedom of Conscience’, Legal Basis for the Educational and Missionary Activity of Religious Denominations.” *Ecumeny and Law* 5 (2017), pp. 147—170; IDEM: “About the Freedom of Religion and the Laicity. Some Considerations on the Juridical and Philosophical Doctrine.” *Bulletin of the Georgian National Academy of Sciences* 4 (2019), pp. 156—164.

⁹² IOANNES PAULUS PP. II: *Ut unum sint...*, 3.

⁹³ *Ibidem*, 3.

⁹⁴ *Ibidem*, I, 6.

⁹⁵ *Ibidem*.

communion is expressly confirmed by Pope John Paul II in his encyclicals, in which he attests to the fact that he followed closely the teaching of the Second Vatican Council, which, among other things, also made express reference to the “universality of the one people of God,”⁹⁶ since “all men are called to belong to the new people of God. Wherefore this people, while remaining one and only one, is to be spread throughout the whole world and must exist in all ages, so that the decree of God’s will may be fulfilled. In the beginning God made human nature one and decreed that all His children, scattered as they were, would finally be gathered together as one. It was for this purpose that God sent His Son, whom He appointed [...] the head of the new and universal people of the sons of God. For this too God sent the Spirit of His Son as Lord and Life-giver. He it is who brings together the whole Church and each and every one of those who believe, and who is the well-spring of their unity in the teaching of the apostles and in fellowship, in the breaking of bread and in prayers.”⁹⁷

This teaching of the Fathers of the Second Vatican Council can also be found in the Encyclicals of Pope John Paul II. For example, from the text of his encyclical *Slavorum Apostoli* we note that the restoration of Christian unity — which was his life’s creed — can only be achieved in the context of the teaching of the Second Vatican Council, that is “a traditional and at the same time extremely up-to-date vision of the catholicity of the Church.”⁹⁸

The Holy Father also expressed himself in the same terms in the encyclical *Ut unum sint*, in which he also made some additions and clarifications. For example, Pope John Paul II stated, among other things, that “this unity bestowed by the Holy Spirit does not merely consist in the gathering of people as a collection of individuals. It is a unity constituted by the bonds of the profession of faith, the sacraments and hierarchical communion.”⁹⁹

6. Christ’s prayer that “they all may be one” (John 17:21) must be understood in the sense of unity and communion in His Church.

⁹⁶ *Concile oecuménique Vatican II. Constitutions, décrets, déclarations, messages.* Du Centurion, Paris 1967, p. 33.

⁹⁷ *Dogmatic Constitution on the Church “Lumen gentium”, solemnly promulgated by His Holiness Pope Paul VI (21.11.1964)*, https://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19641121_lumen-gentium_en.html [accessed 4.02.2022], 2, 13.

⁹⁸ JOHN PAUL II: *Slavorum Apostoli*, https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_19850602_slavorum-apostoli.html [accessed 1.05.2022], 5, 17.

⁹⁹ IOANNES PAULUS PP. II: *Ut unum sint...*, I, 9.

Indeed, in this regard, Pope John Paul II stated that “to believe in Christ means to desire unity; to desire unity means to desire the Church; to desire the Church means to desire the communion of grace which corresponds to the Father’s plan from all eternity. Such is the meaning of Christ’s prayer: *Ut unum sint.*”¹⁰⁰

7. Ecumenical unity, an indispensable tool for the world to return to the Gospel.

According to the testimony left by Pope John Paul II, “taking part in this movement, which is called ecumenical, are those who invoke the Triune God and confess Jesus as Lord and Saviour. They join in not merely as individuals but also as members of the corporate groups in which they have heard the Gospel, and which each regards as his Church and, indeed, God’s. And yet almost everyone, though in different ways, longs that there may be one visible Church of God, a Church truly universal and sent forth to the whole world that the world may be converted to the Gospel.”¹⁰¹

The Fathers of the Second Vatican Council also expressed themselves in this sense when they declared that any “division openly contradicts the will of Christ, scandalizes the world, and damages the holy cause of preaching the Gospel to every creature.”¹⁰²

8. Ecumenism in the conception of Pope John Paul II.

The decree on ecumenism *Unitatis redintegratio* stated that “the term ‘ecumenical movement’ indicates the initiatives and activities planned and undertaken, according to the various needs of the Church and as opportunities offer, to promote Christian unity.”¹⁰³

However, according to the perception and definition of Pope John Paul II, ecumenism is not “only an internal question of the Christian Communities. It is a matter of the love which God has in Jesus Christ for all humanity.”¹⁰⁴

The same Supreme Pontiff wrote: “Ecumenism implies that the Christian communities should help one another so that there may be truly present in them the full content and all the requirements of ‘the heritage handed down by the Apostles’. Without this, full communion will never be possible. This mutual help in the search for truth is a sublime form of evangelical charity.”¹⁰⁵

¹⁰⁰ Ibidem, I, 9.

¹⁰¹ Ibidem, I, 7.

¹⁰² Decree on Ecumenism *Unitatis redintegratio...*, 1.

¹⁰³ Ibidem, I, 4.

¹⁰⁴ IOANNES PAULUS PP. II: *Ut unum sint...*, III, 99.

¹⁰⁵ Ibidem, III, 78.

Finally, His Holiness stated that “in the ecumenical movement, it is not only the Catholic Church and the Orthodox Churches which hold to this demanding concept of the unity willed by God. The orientation towards such unity is also expressed by others.”¹⁰⁶

9. The ecumenical dialogue, an indispensable tool for achieving Christian unity and the common good of human society.

Among other things, the Fathers of the Second Vatican Council also pointed out the need for an ecumenical dialogue “between competent experts from different Churches and Communities,”¹⁰⁷ with the mission to restore the unity of the Church and to cooperate “for the common good of humanity.”¹⁰⁸

In his commentary on this text, Pope John Paul II added that “in the Council’s thinking, ecumenical dialogue is marked by a common quest for truth, particularly concerning the Church.”¹⁰⁹ This common search has been in fact the driving force behind the entire pontifical activity of Pope John Paul II.

In lieu of conclusions

Throughout the encyclical *Ut unum sint*, Pope John Paul II wished first of all to reaffirm the provisions of principle stated in the text of the decisions and declarations of the Second Vatican Council on the commitment of the Catholic Church to the ecumenical movement, orchestrated and supported by the Ecumenical Council of Churches, and to highlight the imperative need to engage the Christian world in the efforts towards the reconciliation of the Christians in order to restore their unity.

The fact that this was the obvious reality which guided His Holiness in his pontifical activity is confirmed also by the fact that the Supreme Pontiff often reproduced some texts from the documents of the Second Vatican Council, such as *Lumen gentium* and *Unitatis redintegratio*, that proves the fact that in his ecumenical approach Pope John Paul II followed with devotion and faithfulness the path handed down by the Fathers of the Second Vatican Council.

¹⁰⁶ Ibidem, III, 78.

¹⁰⁷ Decree on Ecumenism *Unitatis redintegratio...*, I, 4.

¹⁰⁸ Ibidem, I, 4.

¹⁰⁹ IOANNES PAULUS PP. II: *Ut unum sint...*, I, 33.

The contribution of His Holiness to the promotion and affirmation of the Christian unity cause was also confirmed by the way in which the Supreme Pontiff was able to capitalise the fundamental principles of the doctrine of this Ecumenical Council of the Catholic Church, hence his full commitment to the achievement of Christian unity.

Last but not least, it should be known and noted that Pope John Paul II was also the one who initiated not only a theological dialogue between the Catholics and the Orthodox, but also between the Catholic Church and the Oriental (Non-Chalcedonian) Churches, between the Catholics and the Anglicans, between the Catholics and the Protestants, etc., since it was in the theological dialogue between the different Churches and Christian communities that His Holiness found one of the sure ways that could lead to the restoration of Christian unity. And, it is known, from this noble goal Pope John Paul II made the creed of the pastoral and canonical activity of his pontificate, which remains in fact, an outstanding example for the Catholic Christians of today and tomorrow.

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CĂTĂLINA MITITELU

Encyclique *Ut unum sint* de Jean-Paul II et sa glorieuse contribution dans l'œuvre de l'unité chrétienne

Résumé

Une étude attentive du texte de l'encyclique *Ut unum sint* de Jean-Paul II a permis de constater tout d'abord que Sa Sainteté connaissait bien la doctrine ecclésiologique du Concile Vatican II, dans laquelle il a joué un rôle actif, notamment en rédi-

geant quelques documents du Conseil, tels que le décret sur l'œcuménisme *Unitatis redintegration*.

Ensuite, on peut noter que dans sa démarche œcuménique, le pape Jean-Paul II a prôné à juste titre la participation de l'Église catholique aux travaux du Conseil œcuménique des Églises et la restauration de l'unité des chrétiens, d'où son engagement œcuménique total dans le dialogue œcuménique avec toutes les Églises, en particulier avec les Églises catholiques orientales, qu'il appelait de manière suggestive « Églises sœurs ». En effet, tant son activité pastorale et pratique d'engagement œcuménique que ses encycliques confirment abondamment que le Souverain-Pontife a effectivement apporté une contribution louable à la cause de l'unité des chrétiens, voulue par le Fondateur de l'Église lui-même (cf. Jn 17, 21), et qui doit rester un exemple pour les chrétiens d'aujourd'hui et de demain.

Mots-clés: unité chrétienne, unité œcuménique, Vatican II, Églises chrétiennes

CĂTĂLINA MITITELU

Enciclica di Giovanni Paolo II *Ut unum sint* e il suo glorioso contributo all'opera dell'unità dei cristiani

Sommario

Un attento studio del testo dell'enciclica *Ut unum sint* di Giovanni Paolo II ha permesso di constatare anzitutto che Sua Santità conosceva bene la dottrina ecclesiologicala del Concilio Vaticano II, nel quale aveva un ruolo attivo, anche redigendo alcuni Documenti conciliari, come il decreto sull'ecumenismo *Unitatis redintegration*. Si può poi notare che nel suo approccio ecumenico, Papa Giovanni Paolo II ha giustamente sostenuto la partecipazione della Chiesa cattolica ai lavori del Consiglio ecumenico delle Chiese e al ripristino dell'unità dei cristiani, ne derivava il suo pieno impegno ecumenico per il dialogo ecumenico con tutte le Chiese, in particolare con le Chiese orientali, da lui suggestivamente chiamate "Chiese sorelle". Infatti, sia la sua attività pastorale-pratica di impegno ecumenico sia le sue encicliche confermano abbondantemente che il Sommo Pontefice ha davvero offerto un encomiabile contributo alla questione dell'unità dei cristiani, voluta dallo stesso Fondatore della Chiesa (cfr. Gv 17,21) e che deve rimanere un esempio per i cristiani di oggi e di domani.

Parole chiave: unità dei cristiani, unità ecumenica, Concilio Vaticano II, Chiese cristiane



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Conscience — Synodality — Ecumenism

Abstract: The reference point for deliberations is constituted by two documents: the Apostolic Constitution of Francis *Episcopalis communio* and the final document of XV General Assembly of the Synod of Bishops dedicated to the problems of young people *Young People, the Faith, and Vocational Discernment*. The synodal document presented the issues which were not discussed during the synodal sessions and concern the synodal path of the Church. The author reflects on common elements of both documents and interprets each of them in the light of the other one. He highlights the element of discernment of gifts, charisms, and conscience, which determine the position of the faithful in the ecclesial community and influence the bonds between them and the pastors of the Church. Extending the area of implementation of the synodal character of the Church allows the author to ask the question about the model of the presence of the Church in the world. The author points out similarities between the synodal way and the methodology of ecumenical dialogue, which may affect summoning of the Synod dedicated to ecumenical issues.

Keywords: Synod of Bishops, synodal path, ecumenical dialogue, similarities

1. Synodal novelty

At the time of Pope Francis orientation of expressing synodal reality in the Church is changing. The changes introduced by him take a specific form at summoned assemblies of the Synod of Bishops and they concern the search for new forms of presence and their specific expression. It is caused not only by the change of regulations applying to the ways of conducting a synod but also by reaching to the deep foundations of synodality which are being continuously explored and which are increasingly changing the external forms of the presence and activity of the Church in the world. The expression of these changes is the Apostolic Constitution *Epis-*

copalis communio,¹ whose first echoes can be found in the final document of XV Ordinary General Assembly of the Synod of Bishops on the theme: *Young People, the Faith, and Vocational Discernment* (3—28 October 2018).² It could seem that during the Synod dedicated to the problems of young people in the Church, issues raised earlier by Pope Francis in *Episcopalis communio* will not be discussed and then included in the final document. During the Synod synodality was not discussed. However, the synod dedicated to the issues of the youth was the first synod after the papal Constitution had been published a month earlier. It came as a surprise to its participants that despite lack of discussion on the synodality of the Church, the final document included the topics concerning the synodal path of the Church. Including these aspects suggests that Francis's Constitution was not a document of a merely declarative character. After just a few weeks it bore fruit in the form of specific reflections, and one may hope that it will be put into practice. After all, the final document contains the whole chapter pertaining to synodality. However, it caused major controversies among bishops — since from 33 to even 51 of them voted against further points included in this chapter. Nonetheless, all the points gained the support of the majority of two-thirds of synodal fathers.³

One of the novelties introduced by the Constitution is establishing consultations preceding the Synod and also a decision that the final document will play a part in the ordinary teaching of the Holy Father. This information caused a stir especially among those who carefully followed the development process of final documents of the previous Synod of Pope Francis, which contained paragraphs allowing divorcees to receive Holy Communion or proposals for amendments concerning the attitude to homosexual relationships, although they did not obtain a majority of votes.

Two issues contained in the aforementioned documents are noteworthy. The first one concerns extending the range of synodal activity so that it embraces the local Churches, and the other pertains to including the content of the final document approved by synodal fathers and the pope in the ordinary teaching of the Church. Thus, if the Assembly of the

¹ FRANCIS: *Episcopalis communio* (15.09.2018) — https://www.vatican.va/content/francesco/en/apost_constitutions/documents/papa-francesco_costituzione-ap_20180915_episcopalis-communio.html [accessed 28.06.2021].

² FRANCIS: *Christus vivit* (25.03.2019) — https://www.vatican.va/content/francesco/en/apost_exhortations/documents/papa-francesco_esortazione-ap_20190325_christus-vivit.html [accessed 28.06.2021].

³ The results of the voting were published on the website of the Holy See: https://press.vatican.va/content/salastampa/it/bollettino/pubblico/2018/10/27/0789/01722.html#_bookmark215 [accessed 28.06.2021].

Synod is granted a casting vote by the Roman Pontiff, in accordance with Canon 343 of the Code of Canon Law⁴ and the document is ratified and promulgated by the pope, its content will be reflected in the papal ordinary teaching. The document has to be signed by the participants of the Synodal Assembly together with the Holy Father.

I regard adding synodality issues to the final document of the Synod dedicated to the problems of young people in the Church as important. Both matters are linked. In this way, young people realise that the Church does not only address her words to them through her pastors in terms of teaching, but invites them to responsibly join in the processes happening in it and the possibility to influence the decisions made in it. Such is the will of Pope Francis expressed in the Post-Synodal Apostolic Exhortation *Christus vivit*. By extending the synod to particular Churches, the Pope invites young people, to whom Christ directs the call in the Church, to express themselves and take care of building the Church. Recognising and interpreting the vocation about which Francis writes to the young is faced with the reality of the Church in which it is to be fulfilled. Individual responsibility meets the collective one.

The Synod not only focused on the problems of young people, but also began to put the Church on the new way to synodality. Francis wrote that during the synod views from the whole world were exchanged, also those of young people and non-believers who “wished to share their thoughts, also raised issues that led me to ask new questions.”⁵ The expression of synodality is also addressing the post-synodal message “to the entire People of God, pastors and faithful alike, since all of us are challenged and urged to reflect both on the young and for the young.”⁶

What drew my attention was also combining two elements which this study refers to. It is an attempt to point to the role of conscience in the synodal activity. This inspiration resulted from the layout of the final document itself. The last, fourth chapter in the second part of the document was entitled “The Art of Discernment”, in which synodal fathers emphasised the value of discernment and conscience in building an ecclesial community and fulfilment of vocation in the Church. The first chapter (“The Missionary Synodality of the Church”) of the third part of the document is dedicated to the issues of synodality. The two issues are discussed directly one after the other. For this reason, it seems legitimate to

⁴ Canon 343 — It is the role of the synod of bishops to discuss the question on their agenda and to express their desires about them but not to resolve them or to issue decrees about them, unless the Roman Pontiff in certain cases has endowed the synod with deliberative power, and, in this event, it is his role to ratify its decision.

⁵ *Christus vivit*, n. 4.

⁶ *Ibidem*, n. 5.

analyse the matters of conscience and synodality in their mutual relation. Another issue I would like to focus on is ecumenical activity and the role of Christian conscience in it, the gift of Christian vocation to the Church of Christ. The conscience of a believer is not an identifying element distinguishing him from the community but a reference point for the search for unity expressed in Christian love. It is in the conscience that the ultimate act of obedience to the revealing God and search for the truth in the light of this revelation is fulfilled.

2. *Ecclesialis communio*

In the introduction, which is followed by pope Francis's regulations concerning the course of the synod in accordance with Canon 342 of the Code of Canon Law, the pope recalls but also explains a broader view on the synodal process in the Church. He draws attention to the role and responsibilities which remain with the bishops on the one hand being the exponents of unity with the Roman Pontiff on collegiality terms, and on the other hand, to their role among the faithful entrusted to their care. These are not only the recipients of teaching of their pastors, whom they should respect "as the witnesses of divine and Catholic truth." They "must agree with the judgment of their Bishop on faith and morals" and "must give it their adherence with religious assent of the mind."⁷ The bishop in his service is simultaneously a master and a disciple. Pope Francis draws attention to the latter aspect, in a broader and thus adequate, reaching to its source understanding of synodality, pointing to the fact that it helps everybody to be united in faith. As a disciple, the bishop listens to Christ "speaking through the entire People of God, making it infallible *in credendo*."⁸ The bishop and the community constitute one faith environment, which is expressed in the shared *sensus fidei fidelium*.⁹ Only the community of these two elements: infallibility *in credendo* and shared sense of faith makes our journey of faith transform into *infabilitas in agendo*, leaving at the same time a wide area of freedom to express it in different ways.¹⁰

⁷ *Ecclesialis communio*, n. 5.2.

⁸ *Ibidem*, n. 5.3.

⁹ A. PASTWA: "Sensus fidei fidelium. Legal and Ecumenical Reflection." *Ecumeny and Law* 6 (2018), pp. 225—247.

¹⁰ R. BERTOLINO: *Il nuovo diritto ecclesiale tra coscienza dell'uomo e istituzione. Saggi di diritto costituzionale canonico*. Torino: G. Giappichelli Editore, 1989, p. 119.

The supernatural sense of faith is finally revealed through broad consensus in matters of religion and morality. Therefore, the role of a bishop is walking in front of them, walking in their midst, walking behind them. The pope's intention is not only to indicate a bishop's position in the community of the faithful embarking on a journey of faith, but to show that in this community he is supposed "never to lose the scent of the People of God in order to find new roads. A Bishop who lives among his faithful has his ears open to listen to 'what the Spirit says to the churches'."¹¹ Hence, a bishop is not a companion travelling the same road as the faithful walking beside him, but together with them he searches for signs which will guide them and allow them to make unanimous, binding decisions. The community of believers who participate in the prophetic mission of Christ is a teaching environment closely connected with apostolic ministry, which was reminded by St. Paul in The Epistle to the Ephesians 4, 11—13. Participation in the prophetic mission consists of communicating God's words and intentions, His plans at a particular moment of salvation history. However, the prophesy is not limited only to communication, but according to what St. Paul bequeathed, prepares the faithful for life in the prophetic perspective, passes on experience, instills the right attitude, causes individual growth for the common good. Following the path together, believers listen, recognise and share the experience of what God demands from them in the community to which He called them. Synodality understood in this way is the path of the Church, but also its way of functioning, which was mentioned by Francis on the 50th anniversary of establishing the Synod of Bishops.¹²

3. *Young People, the Faith and Vocational Discernment*

The first synodal event after the announcement of *Episcopalis communio* Constitution was XV General Assembly of the Synod of Bishops dedicated to the problems of young people. Preparations for this Assembly started earlier with recognition of the situation and problems of young people by means of questionnaires sent to particular Churches. The final document of the gathering concerns young people, it should be read in

¹¹ *Ecclesialis communio*, n. 5.3.

¹² FRANCIS: *Ceremony Commemorating the 50th Anniversary of the Institution of the Synod of Bishop* (17.10.2015): https://www.vatican.va/content/francesco/en/speeches/2015/october/documents/papa-francesco_20151017_50-anniversario-sinodo.html [accessed 28.06.2021].

the perspective of the whole Church in what pertains to important issues discussed in this study. It combines two issues: synodality as the path of the Church and also discernment in an ecclesial community on the example of young people. The two elements co-exist, coming directly one after the other, which is worth noting while reading this document in the light of the earlier *Episcopalis communio*. The statement contained in the final document that “participation of the young helped to ‘reawaken’ synodality, which is a ‘constitutive element of the Church’”¹³ confirms the role of the young themselves as well as papal feelings concerning the functioning of the Church, which become a reality. Although in the final document the issue of synodality is a sort of a goal of interpreted earlier role of young people in the Church and it may seem that the phenomenon of synodality is supposed to prove this position, in the light of *Ecclesialis communio* and Francis’s earlier teaching, a view on the young is taken from the perspective of synodality of the Church. Such presentation of the issue indicates not only a feeling but a belief that the Synod looks at the youth in terms of their active and responsible participation in the life of the Church. Young people themselves “have expressed the desire to be involved and appreciated and to feel themselves as having a key role in the life and mission of the Church.”¹⁴ A view on the youth from the perspective of synodality and their desires meet at one point, namely in recognising their situation and appropriate interpretation of what God says to everybody in the dimension of Christian community life.

As it was emphasised in the final document, the path to the conscious attitude of participation and responsibility in the Church is “an effective common mind,”¹⁵ which is realised by conversion of the heart and mutual respect of the faithful and pastors, which finally results in *infallibilitas in agendo*. This is the way which helps to avoid “both clericalism, which excludes many from decision-making processes, and the clericalization of the laity.”¹⁶

Looking at the life and commitment of believers in the Church on the example of young people, in the final document the role of charisms in the life of people called to community was emphasised as well as making the faithful aware that the gifts they receive are not for their individual development but for the growth of the community in which and through which their existence is shaped. This is connected with their individual responsibility for the life of a Christian community. For this reason, recognition of charismatic gifts occurs within the community together with its

¹³ *Young People, the Faith and Vocational Discernment*, n. 121.

¹⁴ *Ibidem*, n. 119.

¹⁵ *Ibidem*, n. 123.

¹⁶ *Ibidem*.

pastors, since both charismatic and hierarchical gifts have a common origin and purpose, which is building the community.¹⁷ Both kinds of gifts constitute at the same time the source of rights and duties in the Church which guarantee the community of responsibility¹⁸ created by justice in its most fundamental meaning *suum quique tribuere*. It concerns all the gifts, also those most ordinary, because each of them gives rise to the right and duty of using them in the Church and the world.¹⁹

Recognition and evaluation of charismatic gifts influences the determination of rights and responsibilities in the Church, which are an expressed and visible form of existence of the Church as a sacramental, charismatic, and institutional community. As the faith of each member of the Church is the faith of the Church, the rights and responsibilities of a believer always remain the rights and responsibilities of the community in their correlation.²⁰ At the same time it excludes a pretentious willingness to influence the community by exercising the rights to which one is entitled in the community and one's own prerogatives, losing sight of the perspective of following the common pathway due to proportionally common vocation. The community is prior to the received gifts and those are granted for its sake. The community is a gift and at the same time a responsibility.²¹

The issue of recognising the conscience and charisms and responsible position of young people in the Church resulting from it was presented in the final document of XV Ordinary Assembly of the Synod of Bishops at nos. 106—109. However, the earlier part of the document emphasised accompanying this process role of the Church in its maternal function and leading to shaping God's children in freedom.²² Recognition of what happens in the Church and for the Church is not reducible only to an individual dimension. It always entails commitment of the community who listens to what the Holy Spirit addresses to it through individual

¹⁷ It is clearly revealed in the documents of the Second Vatican Council: *Lumen gentium*, n. 12, *Ad gentes*, n. 28 or above all *Apostolicam actuositatem*, n. 3.

¹⁸ L. GEROSA: *Carisma e diritto nella Chiesa. Riflessioni canonistiche sul «carisma originario» dei nuovi movimenti ecclesiali*. Milano: Jaca Book, 1989, pp. 46—57; 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, pp. 75—90.

¹⁹ *Apostolicam actuositatem*, n. 3.4.

²⁰ T. GAŁKOWSKI: *Prawo-Obowiązek. Pierwszeństwo i współzależność w porządkach prawnych: kanonicznym i społeczności świeckiej*. Warszawa: Wydawnictwo UKSW, 2007, pp. 384—385.

²¹ R. SOBAŃSKI: "W sprawie zasady formalnej prawa kościelnego." *Prawo Kanoniczne* 30 (1987) 1—2, pp. 25.

²² *Young People, the Faith and Vocational Discernment*, n. 91.

experience of its members. “The Church too is always in discernment.”²³ Thus, in the spiritual discernment of the position in the Church a believer is not left alone. The Church assists in recognising authentic gifts through which a believer’s vocation is fulfilled in the community, in its tradition of faith making God present in Christ. Discernment in terms of Christian tradition “corresponds to the spiritual dynamic by which a person, a group or a community seek to recognize and to follow the will of God in their particular situation: ‘test everything; hold fast to what is good’ (1 Thess 5:21).”²⁴ Such discernment was described in the document “as a sincere work of conscience.”²⁵ The aim of discernment taking place in the conscience is to “make responsible decisions as to the right exercise of practical reason, within and in the light of our personal relationship with the Lord Jesus.”²⁶

Conscience shaped under the influence of God’s word expresses itself in reference to different ways of understanding it (a psychological, moral, ontological conscience). God’s Word remains a direct reference point for making a decision making a human conscience theonomic.²⁷ This dimension of reference to God combines individual conscience of a believer with its ecclesial application.

The matters of conscience concerning the position and role of a believer in an ecclesial community remain closely related to ecclesial conscience. This element of individual and communal responsibility cannot be overlooked in implementing the synodal path. The relationship between the two realities sheds a different light on the issues which are the subject matter of a dispute between lay people and the clergy, or in the ecclesial perspective between local Churches (e.g. the German one) and the universal Church. Existing differences, which met with the reaction of the Holy See, mainly refer to the decisive and binding moments on which the lay faithful would like to have a considerable influence. In this process, the issues significant for the synodal form of the existence and operation of the Church: Christian conscience and community discernment were put aside.

²³ Ibidem, n. 105.

²⁴ Ibidem, n. 104.

²⁵ Ibidem, n. 109.

²⁶ Ibidem.

²⁷ R. BERTOLINO: *Il nuovo diritto ecclesiale...*, p. 114.

4. Synodal path and ecumenical path

In the final document of the Synod dedicated to young people synodal fathers drew attention to the role of conscience in shaping a responsible approach to the Church. It is a new reference point for the discussion on forms of expressing synodality, which is not reduced to the issues of doctrinal or moral character. The starting point for developing the process of functioning of the Church presenting its synodal character is common for all the faithful listening to and recognising what God planned for everybody within His Church.

Can the experience of synodality contribute to the growth of ecumenical dialogue and be the point of reference for it expressing the approach of the Catholic Church in it? To what extent can the methodology of the synodal process be reflected in the ecumenical activity?²⁸ A binding and at the same time common element for these two processes is the starting point, what God tells everybody deep within their heart and what is recognised in the conscience. “In the conscience we gather the fruit of encounter and communion with Christ: a salvific transformation and acceptance of a new freedom [...] it testifies to a transcendent presence, which each person discovers in his own interiority, but which he does not control.”²⁹ The role of conscience in both making the synodal character of the Church real and on the path of ecumenical dialogue is crucial. One can spot in it the element which goes beyond dogmatic expressions and leads into the process of direct contact with God’s word and directs towards specific steps. It also allows us to look at the issue of unity between the followers of Jesus not from the point of view of its loss but as a goal. If the gift of a received community is an objective to realise it which a Christian faces, then also the unity becomes an objective which is continuously being fulfilled. This work has not been finished and is still being continued. The Church is learning unity. Perpetuating the patterns from the past does not contribute to it. Christ’s appeal “May they all be one” is connected with the call to mutual love as He loved (Jn 13, 34). Love is not static. It is developing while being the principle of unity which does not interfere with diversity. Striving for unity is the fulfilment of Christ’s call to love which makes this unity real despite its lack in the theological, sacramental or organisational area.

The answer to the question concerning the new way of pursuing the path of synodality as a reference point for ecumenical dialogue was

²⁸ T. GAŁKOWSKI: “Christian Conscience as a Sign of Unity in the Ecumenical Dialogue.” *Ecumeny and Law* 6 (2018), pp. 269—282.

²⁹ *Young People, the Faith and Vocational Discernment*, n. 107.

outlined by Pope Francis in *Ecclesialis communio*. It can also be noticed in the current papal statements prioritising the synodal process in the Church and also in the contacts and meetings of the Pope with the representatives of other Christian religions, including the significant presence of the Pope at the ceremony of the 500th anniversary of the Reformation in Lund (31 October 2016)³⁰ or the address to the Delegation of the Lutheran World Federation on 25 June 2021.³¹ The synodal path and ecumenical contacts of the Pope suggest a few conclusions combining these two areas of papal activity and bring one closer to answering the aforementioned question about synodal methodology in the ecumenical dialogue.

The first conclusion results directly from the new decisions concerning the realisation of synodality in the Church and the ways of organising further assemblies of the Synod of Bishops. Francis orders in Article 1 §3 of *Ecclesialis communio*: “If he considers it opportune, especially for reasons of an ecumenical nature, the Roman Pontiff may summon a synodal Assembly according to other formats established by himself.” A novelty which has not occurred before is a statement that it is possible to summon another gathering of bishops due to ecumenical reasons. Ecumenism has entered the orbit of synodality. It does not seem in this context that the phrase referring to the ecumenical character of the Synod should mean the Council of the whole ecumene, that is the Universal Council.

At the same time it indicates that the current ecumenical path faces new challenges. On the one hand, it is connected with transcending the hitherto forms of ecumenical dialogue organisation taking place mainly during representative meetings of theologians of Christian Churches or organised prayer meetings. On the other hand, it entails the possibility of adopting synodal methodology in the ecumenical dialogue. Both possible solutions mentioned above are reflected in what is Francis’s desire expressed during the meeting in Lund. He pointed out that the division of Christianity “was perpetuated historically by the powerful of this world rather than the faithful people.” Thus, he emphasised that a return to the path of unity can happen where the will of the faithful people is to remain together in a Christian community which does not perpetuate divisions but overcomes them and “always and everywhere needs to

³⁰ FRANCIS: “Abide in me as I abide in you” (Jn 15, 4). Homily. Common Ecumenical Prayer at the Luteran Cathedral of Lund (31.10.2016): https://www.vatican.va/content/francesco/en/homilies/2016/documents/papa-francesco_20161031_omelia-svezia-lund.html [accessed 1.07.2021].

³¹ FRANCIS: “Grace to you and peace from God our Father and the Lord Jesus Christ” (Rm 1, 7). Address to the Delegation of the Lutheran World Federation (25.06.2021): <https://www.vatican.va/content/francesco/en/speeches/2021/june/documents/20210625-federazione-luterana.html> [accessed 1.07.2021].

be guided surely and lovingly by its Good Shepherd.” Cardinal Walter Kasper described it as a spiritual ecumenism and ecumenism of life. He drew attention to the value and indispensability of ecumenical dialogue conducted by theologians, at the same time emphasising that ecumenical dialogue is not only an exchange of ideas but first of all an exchange of gifts.³² The content of the final document of the Assembly of the Synod dedicated to the problems of young people, in which synodal fathers emphasised the role of gifts, charisms through which believers recognise their place in the Church and open themselves to the community of other people’s gifts, excellently corresponds with the cardinal’s statement. The cardinal, engaged in the matters of ecumenical path’s movement, points out that ultimately the present and future of the ecumenical path is the ecumenism of life arising from spiritual ecumenism and “finally has to be the object of reception of all God’s people,”³³ about whom Pope Francis said in Lund that they cannot accept “the division and distance that our separation has created between us.”

The second conclusion that can be drawn after reading both documents, which are a point of reference for the above deliberations concerns extending the ways of conducting the sessions of the Synod of Bishops, through which the principle of synodal form of the presence of Church in the world and her mission of evangelisation will become more fully expressed. The pope stresses that the Church presently enters “a new chapter of evangelization requiring her to be throughout the world [...] permanently in a state of mission.”³⁴ The new chapter of evangelisation also requires new forms and effective involvement of institutions already existing in the Church. Francis planned such an evangelistic role for the Synod of Bishops as well. This institution combines responsibility for evangelical activity which lies on the bishops with the dimension of ecclesial synodality. In the new resolutions of the pope the diocesan dimension of episcopal service takes not as much a new direction as is able to express it more effectively. The pope notes that bishops carry out their educational mission remaining in communion with the pope and with one another, but the condition of fulfilment of the educational mission is “the life of the Church and life in the Church.”³⁵ A bishop, while being a master is at the same time a disciple. The two dimensions of a bishop’s presence intertwine but also condition each other. Pastors’ evangelical activity requires listening to the faithful’s voice and giving adequate recommendations.

³² W. KASPER: *Kościół Katolicki. Istota, rzeczywistość, posłannictwo*. Kraków: Wydawnictwo WAM, 2014, p. 546.

³³ *Ibidem*, 546.

³⁴ *Episcopalis communio*, n. 1.3.

³⁵ *Ibidem*, n. 5.2.

Definitely it does not only involve presenting the doctrine of the Church, which the faithful know and accept. The condition of effective evangelization is following the same path “in order to find new roads [...] promoting a loyal and constructive dialogue.”³⁶ The content of this mutual process is also arousing responsibility of believers themselves whose position is not only limited to the particular Church, but through listening to the Word together with pastors they express their concern about the universal Church. Completion of this task is facilitated by the preparatory phase of the Synod of Bishops which is implemented in the local Churches through seeking opinions and consultations by means of available legal measures. One of them is also the possibility to use other, additional measures which are considered adequate and useful in the process of listening to what the Spirit says to the Churches as well as those which can be indicated by the Secretariat of the Synod.³⁷

The mutual dialogue, consultations between pastors and the lay faithful give a dialogical and not only doctrinal dimension to an ecclesial community, whose obligation to the doctrine of the Church remains constant. Standing fast in the same truth is one thing, and another thing is finding the ways to express and attain it. In a joint pursuit of pastors and the lay people, mutual concern not to leave anyone behind, in consultations, dialogue and exchange of thoughts a consensus is effectively achieved by taking into account the argumentation of other people in one’s own way of thinking and operating.

The way of experiencing synodality in the Church outlined by Francis is an expression of unity of an ecclesial community. Christians gathered in different Churches and Christian communities pray for and aim at such a unity. The synodal path indicates the similarities to ecumenical ways of striving for unity, for which the starting point are not doctrinal differences but the common foundation of faith and common Baptism. It indicates the possibility of summoning a Synod dedicated to ecumenical issues. It is difficult to imagine that on the agenda of the planned assembly there would be no place for ecumenical dialogue between particular Churches. It would also be hardly acceptable for the ecumenical matters to be discussed only from the point of view of the Catholic Church, without participation of Christians belonging to other Christian denominations. When I say a dialogue I mean more than a commonly used name describing contacts between Christian Churches. If a Synod can be summoned for reasons of ecumenical nature, then its very course assumes the process of dialogue planned on this path. Ecumenical dialogue is an

³⁶ *Ibidem*, n. 5.3.

³⁷ *Ibidem*, Articles 5—6.

exchange which happens in truth and love. Listening to the other side of the dialogue allows first understanding the differences, noticing similarities and accepting the wealth expressed in the testimony of faith.³⁸ Both the synodal and ecumenical process do not focus on reaching a compromise leading to creation of a new truth but aim at expressing it in the most accurate way, perfecting specific aspects of being the Church. It is definitely a two-way path based on the exchange of ideas and above all gifts which contribute to the development of what requires discernment and concern.

The third statement concerns the issue of common paths in the field of ecumenical activity in the spirit of papal understanding of the unity of Christians, which Francis repeatedly expressed during his meetings with the representatives of other Christian Churches. Within the scope of ecumenical activity many different areas of joint operation have emerged, and new ones are constantly outlined and proposed.³⁹ A practical reflection of Christian unity through joint action at the same time can become a reference point for the synodal path, on which emerging differences should not be treated as hostile positions. Similarly to ecumenical path, specific ways of being the Church and expressing the Church, although at first may seem inadequate, in the further process of mutual understanding can be perceived as complementary and enriching. It pertains to both particular Church as well as other Churches. The phenomenon of reception in its fundamental and original meaning, understood as accepting in a particular Church what arose in a different Church is the expression of her unity. Furthermore, the acceptance of jointly undertaken actions within the scope of activity going beyond the framework of the local Church in one's own Church reflects this unity. The actual development of Christian life progresses in the practical dimension and becomes a sign of Christianity in accordance with Christ's words "[b]y this it will be clear to all men that you are my disciples, if you have love one for another" (Jn 13, 35). Christian unity is not an expression of uniformity but is shaped through unity and diversity, diversity creates unity and unity expresses itself in diversity.

³⁸ W. KASPER: *Kościół Katolicki...*, p. 541.

³⁹ W. REES: "Ecumenical Cooperation in the Field of Catechesis, Religious Education, and Universities as well as *Communicatio in Sacris* according to the *Ecumenical Directory*." *Ecumeny and Law* 6 (2018), pp. 131—185.

5. Conclusions

Drawing upon the considerations presented in the article, the following conclusions can be arrived at:

1. Pope Francis, while reforming the way the Synod is carried out, indicated the possibility of adopting specific regulations concerning its course if he considers it appropriate, especially for ecumenical reasons. This resolution was contained in Article 1 of the Apostolic Constitution *Episcopalis communio*, whose title concerns the format of the synod assemblies. In this way, ecumenical dialogue to which Francis dedicates his responsibility for the Church of Christ entered a wider perspective of involvement of the whole Church. It is not only the focus of discussion groups of theologians but requires engagement of the whole Church according to the method of carrying out the Synod going beyond the hitherto meetings of bishops respecting the collegiality existing between them.

2. Ecumenical issues can become the topic of the Synod in the form of ordinary, extraordinary or special assemblies. They were not reduced to one of them. It is another confirmation and proof that they are not limited only to local or special problems, which require extraordinary proceedings, but they are an element concerning the whole Church in her dimension of universality in accordance with synodal teaching about the Church of Christ, whose “many elements of sanctification and of truth [...] as gifts belonging to the Church of Christ, are forces impelling toward catholic unity.”⁴⁰

3. The possibility of summoning the Synod of Bishops, if it is considered appropriate for ecumenical reasons, also indicates that the synodal path is becoming the right path of ecumenical dialogue including practical forms of its implementation in the idea of ecumenism. They actually already exist at the level of local Churches or cooperation of various Christian communities. The synodal path becomes a reference for ecumenical dialogue and can contribute to strengthening it.

4. Synodal character of the Church in the ontological order is primary in relation to ecumenical dialogue. However, in the chronological order ecumenical dialogue considerably exceeded the realization of synodality in the forms presently expressing it. Two dimensions of the presence of the Church in the world neither remain indifferent towards each other nor constitute two parallel areas of ecclesial activity. In the practical aspect as well as theological perspective in the ecumenical dialogue one can find a point of reference for the ecumeny of synodal dialogue.

⁴⁰ *Lumen gentium*, n. 8.2.

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TOMASZ GAŁKOWSKI

Conscience — synodalité — œcuménisme

Résumé

L'article contient les considérations concernant deux documents: la Constitution apostolique du pape François *Episcopalis communio* et le document final de la XV^e Assemblée générale du Synode des évêques consacrée aux problèmes des jeunes intitulé *Jeunesse, foi et discernement vocationnel*. Le document synodal contient des questions qui n'ont pas fait l'objet de délibérations synodales, mais concernent le chemin synodal de l'Église. L'auteur réfléchit sur les éléments communs des deux documents et interprète chacun d'entre eux à la lumière de l'autre. Il attire l'attention sur le discernement des dons, des charismes et de la conscience, qui déterminent la position des fidèles dans la communauté ecclésiale et affectent les liens entre eux et les pasteurs de l'Église. L'élargissement du champ de réalisation de la nature synodale de l'Église permet à l'auteur de poser une question sur le modèle de présence de l'Église dans le monde. L'auteur souligne les similitudes entre la voie synodale et la méthodologie du dialogue œcuménique, qui peuvent influencer la convocation d'un synode consacré aux questions œcuméniques.

Mots-clés: Synode des évêques, chemin synodal, dialogue œcuménique, similitudes

TOMASZ GAŁKOWSKI

Coscienza — sinodalità — ecumenismo

Sommario

Il punto di riferimento per le considerazioni sono due documenti: la Costituzione apostolica di Papa Francesco *Episcopalis communio* e il documento finale della XV Assemblea generale del Sinodo dei Vescovi dedicata ai problemi dei giovani, la fede e il discernimento vocazionale. Il documento sinodale presenta questioni che non sono state oggetto delle deliberazioni sinodali, ma riguardano il cammino sinodale della Chiesa. L'autore riflette sugli elementi comuni di entrambi i documenti e interpreta ciascuno alla luce dell'altro. Richiama l'attenzione sull'elemento del discernimento dei doni, dei carismi e della coscienza, che determinano la posizione dei fedeli nella comunità ecclesiale e incidono sui legami tra loro e i pastori della Chiesa. L'ampliamento dell'area di realizzazione della natura sinodale della Chiesa consente all'autore di porre una domanda sul modello della presenza della Chiesa nel mondo. L'autore sottolinea le somiglianze tra il cammino sinodale e la metodologia del dialogo ecumenico, che possono influenzare la convocazione di un Sinodo dedicato alle questioni ecumeniche.

Parole chiave: Sinodo dei Vescovi, cammino sinodale, dialogo ecumenico, somiglianze

Part Two

Reviews



Jurij POPOVIČ: *Hierarchical organization of the Church according to the CCEO*

Ljubljana: KUD Apokalipsa, 2021, pp. 379

The number of Catholics of the Western/Latin liturgical rites who are subject to the discipline of the 1983 Code of Canon Law exceeds one billion worldwide, while the members of the Catholic Eastern Churches who are subject to the discipline of the Code of Canons of the Eastern Churches (CCEO 1990) are a minority in the Catholic Church, amounting only to tens of millions. Nevertheless, from a canon law standpoint (but not only), the institutions and spiritual life of these churches receive much more attention than would correspond proportionally to the relatively small number of addressees of the norms of the “Eastern Code” or the number of actually practicing faithful of these Eastern Churches. Sometimes behind this phenomenon there may be a flavour of a certain “exoticism”, an admiration for something mysterious and mystical, or an expectation of an impulse of spiritual renewal which may come from areas not yet so much affected by the decline of civilisation which, according to some critics, is already manifesting itself in the West (*lux ex oriente*).

For canonists, however, the specifics of the general law of the Eastern Churches also play a role, which can be aptly pointed out by an analytical analysis comparing Eastern law with the “more familiar” Western law, that is, the law of the Latin Church. The authenticity of the canonist’s interest in Eastern law is, however, mainly determined if he himself is a member of one of the Catholic Eastern Churches, which is also the case of the author of the present publication, the Slovak priest ICDr. Jurij Popovič PhD., a *protoiereus* with the right to wear the hypogonation, who

studied canon law at the Pontifical Oriental Institute in Rome and at the Catholic University in Lublin (Poland). He also teaches in this field at the Greek Catholic Faculty of Theology of the University of Prešov. In addition, for many years he has also served as a judge of the Church Tribunal of the Prešov Archeparchy.

His home church, the Slovak Greek Catholic Church (or: Byzantine Catholic Church in Slovakia), known in religion law as the (Slovak) Greek Catholic Church, had a very turbulent fate in Czechoslovakia, especially during the period of the harshest Stalinist persecution by the communist regime. As a consequence of the staged so-called Prešov Council in 1950, the Church was forced to convert to Orthodoxy, with the subsequent persecution of priests and believers who refused to conform to this manifest injustice. The regime thus succeeded in temporarily liquidating the church, which had about 300,000 members, and it was not until the “Prague Spring” of 1968 that its activities could have been restored.

As far as the publishing background for the study of canon law in Slovakia is concerned, it should be mentioned that the approved Slovak translation of the CCEO, published in 2012, is available. At the same time, there is a monograph on the particular law in the Church *sui iuris* of the Byzantine liturgical rite in Slovakia by the canonist Jozef Ivan (2006) and many other publications by the same author, dealing with various canon law institutions from the point of view of the canon law of the Eastern Churches. For comparison, it should be noted that the Czech Greek Catholic exarchate does not yet have an approved version of the translation of the Eastern Code (only a study translation was published in 1998 by the Prague publishing house Karolinum), but a collection of particular canon law published by the exarchate between 1996–2011 was published in 2011. The subject matter of Popovič’s book is closest in content to two Slovak scholarly publications, namely *Patriarchálne cirkvi v Kódexe kánonov východných cirkví* (Patriarchal Churches in the Code of Canons of the Eastern Churches) by Cyril Vasiľ (1999) and *Metropolitné cirkvi v Kódexe kánonov východných cirkví* (Metropolitan Churches in the Code of Canons of the Eastern Churches) by Jozef Ivan (2013).

However, Jurij Popovič’s book differs from the above-mentioned Slovak publications on Eastern Catholic law in its language: the author deliberately chose English, which can help both himself and the Slovak Greek Catholic Church and its jurisprudence to become known to the world professional and lay public. The publisher of the book is a Christian-oriented entity from Ljubljana, Slovenia: KUD Apokalipsa: Srednjeevropski raziskovalni inštitut Soeren Kierkegaard (KUD Apokalipsa: Soeren Kierkegaard Central European Research Institute). In his book, the author

quotes from almost seventy items of secondary literature, part of which are Slovak Greek Catholic authors with the aforementioned publications (J. Ivan, C. Vasil', and also Czech J. Dvořáček), and Slovak canonists dealing mainly with Latin law (e.g., V. Filo, J. Duda, K. Adam, D. Faltin). The author also overcomes the similar language barrier that separates the international canonist community from Slovak (and Czech) literature by citing authors and sources in Polish, Ukrainian, and Russian. However, the author also uses standard canonical literature published in Italian and English. Sometimes, however, the author makes a quite blurred distinction between sources and literature; it even seems that the decrees listed in the list of literature at the very end have accidentally "wandered in" from the sources section.

The subject of the author's scientific research is the hierarchical organisation of the Eastern Catholic churches, that is, those elements of their hierarchical structure which share law of the Eastern Catholic Churches, contained in the CCEO, determines as common to all these Churches *sui iuris*, which are otherwise diverse in many aspects of their life and practice and differ from each other to a greater or lesser extent. As for the hierarchical gradation of institutions and persons in the Church, this phenomenon takes its name from the "hierarchy of angels" about which the sixth-century Neoplatonic anonymous Christian author Dionysios (really Pseudo-Dionysius) the Areopagite wrote in the 6th century AD. However, in the context of the Second Vatican Council's Constitution on the Church *Lumen gentium*, there is talk of abandoning the pyramidal understanding of the hierarchical structure of the Church, with the Pope himself at the top. The new conception is said to be not so "hierarcho-logical", and is rather captured by the phrase "hierarchical communion" (*communio hierarchica*). Indeed, the scheme of that constitution was also inspired by the 1983 post-conciliar Code of Canon Law for the Latin Church, which, following a catalogue of the duties and rights of all Christians, moves on to a similar catalogue for lay Christians, before turning to clerics and their discipline. After that, there are the norms on Christian associations, which constitute a common platform for clerics and laity. Only then does the Code of the Western Church introduce the hierarchical structure "from above", where the Pope is listed as the first subject of regulation, together with the Ecumenical Council.

It is, however, noteworthy that this new post-conciliar logic is not followed by the Code of the Catholic Eastern Churches and in its structure immediately after the catalogue of duties and rights of all Christians of the Catholic Eastern Churches it passes to the hierarchical structure of the Church, or rather of the churches *sui iuris*, which is the actual subject of the publication in question. The author apparently deliberately omits the

highest level of Church-wide authority, that is, the topic of the Pope and the ecumenical councils, which is treated in the third title of the Code for the Catholic Eastern Churches in virtually identical terms to the Code of the Latin Church. In this context, one cannot overlook the fact that it is the papacy whose jurisdictional concept defined by the First Vatican Council (1870) is faithfully reflected in the law of the Code, which is the main cause of disunity between the Eastern Churches united with the Apostolic See of Rome and those Eastern Churches which do not recognise and reject such a concept of ecclesial unity, which are in particular the Orthodox Churches.

The author of the book therefore immediately approaches a specific form of ecclesiastical organisation, typical for the Eastern Churches, namely the topic of patriarchal establishment, which is the subject of the legal regulation of the fourth title of the CCEO. For a comprehensive introduction to the issue, the author considered it necessary to first discuss the historical formation of the Eastern Patriarchates against the background of the dogmatic development of the ancient Church Councils and the circumstances that led to the gradual splitting and mutual distancing of the Churches. It should not be forgotten that after the Councils of Ephesus (431) and Chalcedon (451) the so-called Old Oriental Churches were already separated from the existing ecclesiastical unity. Thus, the author first introduces the patriarchates of these ancient churches, then moves on to the patriarchates of the Byzantine tradition (Orthodox), and then finally, on the basis of the logic of historical and theological development, discusses the Catholic Eastern patriarchal churches that are governed by the CCEO legislation, namely the Melkite, Maronite, Syrian-Antiochian, Chaldean, and Armenian-Catholic churches. In the Christian West, patriarchates did not develop as structurally and independently as in the East, and in the course of time they disappeared and were absorbed by a single Roman papal “patriarchate”, while in the case of the Eastern Churches patriarchates represent a real specificity. For this reason, the author also introduces the reader to the basics of the doctrine of the Eastern Catholic Patriarchates as set forth in the conciliar decree *Orientalium Ecclesiarum* on the Eastern Catholic Churches. Of the canonists he cites here, we should mention C. Vasil, but there are also references to other prominent canonists, such as D. Salachas and G. Nedungatt (an Indian author whose work the author quotes from the Ukrainian translation).

From page 42 onwards, the author’s concept of interpretation is transformed into a commentary on selected canons of the CCEO, beginning with can. 55, which begins the fourth title of the CCEO dealing with patriarchal churches. Significantly, the author in places supplements the general abstract legalese, necessarily influenced by the language of the

individual canons, with concrete examples from the history and practice of the various Catholic Eastern Patriarchates. The author does not dwell too much on a specific symbolic manifestation of the relationship between the papacy and the patriarchal establishment, namely the fact that the pope neither confirms nor approves the newly elected patriarch, but the patriarch himself writes a letter to the pope according to canon 76 § 2 of the CCEO in which he assures him of the mutual hierarchical union and thus indicates his will to establish communion (*vinculum communionis*).

The patriarchal establishment breathes its antiquity, although the number of believers in some Catholic patriarchal churches is currently very small. In contrast, some other Eastern Catholic churches are developing dynamically, but they cannot show such antiquity. For them, the structure of the archiepiscopal larger (high) churches, whose functioning, in many respects analogous to that of the patriarchates, is also discussed by the author. Here, too, the author proceeds to present the realities connected with their development, and introduces four of these churches, namely the Ukrainian, Syro-Malabar, Malankara, and Romanian Greek Catholic churches.

The metropolitan churches stand one step below. The author himself is a priest of one of them, the archeparchy of Prešov. The reader from the Latin Church will be particularly familiar with the fact that the Catholic Eastern Metropolitans also receive the pallium (in Greek, himation) from the Pope. An analysis of can. 159 of the CCEO, then, shows that the Metropolitans of the Catholic Eastern Churches have much broader powers than their Western counterparts, so that the position of the Metropolitans according to can. 435 et seq. of the Latin Code appears to be rather symbolic and “supplementary” in the structure of the Western Church. The commentary on canon 161 of the CCEO then draws attention to the importance of the liturgy for the preservation of unity in the Eastern churches, since this legislation specifies which hierarch – here specifically the Metropolitan – is to be placed (appointed) in the appropriate places after the Pope in the celebration of the liturgy. It could also be added (and the author has done so in another context on p. 189) that if the celebrant consistently refuses to cite the respective hierarchs even after admonition, he can be punished up to the penalty of major excommunication (can. 1438 CCEO).

One of the manifestations of common decision-making (so-called *sobornost*) in the Eastern churches are the councils of hierarchs, which even in the previous legal regulation of Pius XII’s *motu proprio Cleri sancititati*, nor in the conciliar decree *Orientalium Ecclesiarum*, did not yet have a binding legal form, which was given to them only by the

CCEO, as the author gratefully recalls. In contrast to these authentically Eastern collective bodies, the episcopal conferences mentioned in the CCEO also represent rather an implementation from the practice of the Western Church. However, the CCEO also has to deal with them since the meetings of the bishops' conferences are also attended by the hierarchs of the Catholic Eastern Churches who have episcopal consecration.

The seventh title of the CCEO on eparchies and bishops does not show so many peculiarities compared to the analogous legislation in the Code of the Latin Church. A visible difference is manifested in the fact that the election of a bishop is the rule, whereas in the Latin Church today the election of a bishop is the exception, although the Latin Code also explicitly provides for it (can. 377 § 1). The author proceeds to the degree of parish organisation in the Eastern Catholic churches. Here, the legislation is indeed similar to the way in which the Code of the Latin Church treats the institution of the parish and the person of the parish priest. However, it must never be forgotten that the CCEO represents only the general law of the Eastern Catholic churches, and therefore the actual life of the individual churches *sui iuris* may also involve specifics given by particular law or local custom. It should also not be forgotten that in most of the Eastern Catholic churches the priests are married, which certainly has practical implications for the day-to-day running of the parish and the approach of the priest himself to his ministry. Given that, for example, the territory of the Czech Republic is covered by the Apostolic Exarchate for the purpose of the Greek Catholic Church, it cannot be overlooked that the author also pays attention to this specific hierarchical formation towards the end of the book.

It is no coincidence that it is the theme of the hierarchical organisation of the Eastern Churches that the author of the book, as a Catholic canonist, deliberately chose. The fact that the Eastern churches are structured with a firm emphasis on hierarchical superiority and subordination does not at all detract from what may seem, to an outside observer of these Churches, to be the most valuable and attractive thing, namely, impressive liturgical celebration. Indeed, the mystically active Eastern rites are also based on hierarchically divided roles and functions, and this division of God's people and his servants does not in any way undermine but rather enhances the impressiveness of the mysterious liturgical action. Finally, it should also be noted that the author is writing about hierarchy in the Eastern Catholic churches. It is now very clear that the Orthodox model of ecclesiastical unity, based on virtually completely separate autocephalous churches, is running up against its limitations, with narrow national and transient political interests often preventing the agency of

Orthodoxy as a whole. This cannot happen in the Catholic polity, despite all the internal and external problems that the Eastern Catholic churches have to face, since the Apostolic See of Rome represents the ultimate safeguard that guarantees ecclesial unity according to Christ's words "you are Peter, and on this rock I will build My church."

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*Annotated Legal Documents on Islam in Europe:
Czech Republic*

Compiled, annotated and authored by
Damián NĚMEC and Zora HESOVÁ
Leiden/Boston: Brill, 2021, pp. 130

This collection of legal sources is the twenty-second volume of a series that aims to present the legislation of individual European countries on Islam. A total of 32 volumes of the series are to be published. In addition to the Member States of the European Union, the other volumes deal or will deal with the situation in Norway, Switzerland, the United Kingdom and, finally, the other two volumes aim to present the legislation of the European Union itself and the case-law of the European Court of Human Rights.

In the preface, the editors justify the need to publish such a series of documents of individual countries in Europe. They acknowledge that Islam is often not seen as one religion among many, but rather as a potential source of risk and threat to traditional societies in European countries. Nevertheless, European democratic countries, as states governed by the rule of law, must take upon themselves to consider the *de facto* presence of Muslims and the Islamic religion in legislative terms. It is clear that the problem is more pressing and urgent in those countries where the presence of Muslims is more numerous, especially due to the colonial past (France, Great Britain) or due to the benevolent approach to the phenomenon of migration and immigration within the ideology of multiculturalism (Germany, Sweden). The Czech Republic, on the other hand, is one of those European countries that tends to avoid migration from Islamic countries and the number of followers of Islam therein is rather marginal.

In the general introduction, a paradoxical experience from the Czech Republic is presented: on the one hand, increased social aversion towards Islam, especially in the context of the “refugee crisis” of 2015, on the other hand, a strong orientalist academic tradition and the gradual rediscovery of the Islamic religion. The number of Muslims in the Czech Republic, the total population of which amounts to over ten million inhabitants, is now estimated at around twenty thousand. There is also no special law in the Czech Republic that deals only with followers of the Islamic religion, such as the Austrian *Islamgesetz*. Although this law was in force in the territory of the present-day Czech Republic between 1912 and 1949, it has remained obsolete: no permanent Islamic religious community has been established here, the very existence of which is a prerequisite for the application of this law.

The volume is divided into sixteen chapters, which are uniformly structured throughout the edition in order to cover the widest possible area of legal relations and to allow for comparisons of the standards and specifics of the legal status of Muslims and the Islamic religion in individual countries. As the book is a collection of original sources, these are presented in the original Czech language, but with internet links to their English versions. The introductions and commentaries to the sources are all in English.

The first two chapters deal with the constitutional and legal guarantees of the activities of religious societies in general and Islam in particular. The peculiarity of the Czech Charter of Fundamental Rights and Freedoms is that it regulates not only individual religious freedom, but also the foundations of the legal status of churches and religious societies. The authors have not omitted the relevant provisions of the Anti-Discrimination Act. The status of a state-recognised religious society in the Czech Republic is obtained by registration with the Ministry of Culture.

In the context of the presentation of the method of registration under Act No. 3/2002 Coll. on Churches and Religious Societies, the authors point not only to the registration of the Centre of Islamic Religious Communities in 2004, but also to the unsuccessful attempt of this centre to obtain an exemption to achieve so-called special rights, which would significantly strengthen the presence of Islam in the public sphere. It is true that Islam, unlike the Christian churches, is not uniformly organised and therefore it can often be difficult for the state to know which authority to turn to in order to organise legal relations with Muslims. In this context, it is convenient that the Centre of Muslim Religious Communities itself has been established, although there are other separate Islam communities which are also mentioned in the book.

The fact that the Centre did not obtain the status of a religious society enjoying special rights also meant that its direct funding by the State did

not take place, which would have been interrupted anyway, since the State stopped such funding with the entry into force of the Act on Property Settlement with Churches and Religious Societies with effect from 1 January 2013. However, the Centre and its affiliated institutions may receive tax benefits enjoyed by similar legal entities in the non-profit sector. The absence of special rights enforcer status also prevents the activities of official Muslim military or prison chaplains. Nevertheless, the authors do not neglect to mention the solution of providing spiritual care to Islamic prisoners outside the framework of the official chaplaincy service.

The fourth chapter provides the basics of the internal legal structure of the Centre, in which the institution is headed by the so-called Council of Founders. Since most of the followers of Islam are not of Czech nationality, the authors also pay particular attention to the international legal aspects of refugee and foreigners' protection, asylum law, permanent residence of foreigners, acquisition of citizenship, and the state strategy of integration of foreigners in general.

The following chapters are not so long because the regulation in the Czech legal system is scarce in the areas described and, with a few exceptions, does not relate directly to Islam and its implications for practical life.

Those interested in any of the European countries where Islam is already strongly present will be surprised by the small number of stable sacred places of Muslims in the Czech Republic, namely mosques and prayer houses. Stable prayer houses are mainly associated with spa towns and with a significant stay of Islamic patients in the spa. Transitional prayer rooms are almost exclusively associated with the residence of Islamic students in university dormitories, where one small room is usually reserved as a prayer room at the request of the students, but usually in a substandard basement space.

Also, the legal regulation of the school system is not modified by special provisions in favour of the presence of the Islamic religion, it only provides for the presence and activities of religious societies, their clerics and believers in general. Islamic religious education thus remains the domain of private encounters: after community prayers in mosques, in family education or in informal groups initiated mainly by women.

The Labour Code, in accordance with Christian tradition, provides for Sunday as a day of work rest, although it does not preclude the establishment of an agreement between the employees and the employer on another such day. Exceptions are the few Islamic-oriented institutions, such as embassies of Islamic states and small enterprises led by Islamic businessmen.

The legal regime in the Czech Republic can be described as sufficiently flexible on the issues of halal food and ritual slaughter of animals. There

is an exception for the ritual slaughter of animals and the purchase of ritually clean food, which is characteristic of followers of the Jewish religion (of which there are fewer in the Czech Republic than Muslims) and followers of the Islamic religion. This exception involves many restrictions and does not cover the full range of halal dishes, which, however, are largely imported from foreign countries.

The situation regarding the burial of the dead is interesting because in the Czech Republic the legal regulations are not favourable to Islamic customs and there are no official Islamic cemeteries in the country. Solutions acceptable to Muslims are applied on the basis of the good will of the cemetery managers and often at the very edge of the legal provisions.

In the area of family law, Czech legislation is based on the tradition of Christianity and is therefore not open to the specifics of Islamic law. Efforts to apply them in the area of *praeter ius* (through the Islamic Commission for the Family in Prague) have met with resistance, and therefore Muslims either adapt to Czech legislation (especially in the area of the monogamy requirement) or take the path outside marriage, which is widely tolerated in Czech society.

Czech criminal law, on the one hand, strongly protects freedom of conscience and religion from coercion to a particular religion or to the lack thereof (which could have an impact on Muslims strongly rooted in their demands regarding the religious affiliation of children and youth or women); on the other hand, it touches on the custom of circumcision of Muslim boys, which in the Czech Republic must be performed by doctors (while female circumcision is totally impermissible and punishable).

The authors also highlight some of the cases that have aroused public interest, such as the controversy over the wearing of the hijab at a secondary medical school as well as the care given to the provision of halal food to asylum seekers and prisoners. It is this combination of legal norms with their practical life and knowledge of the realities that makes a publication of this kind necessary. It turns out that it is not enough to learn about the legislation (*questio iuris*) by simply searching the Internet to understand the real state of affairs. It is only *questio facti*, acquaintance with the real life of society, that makes it possible to grasp the full breadth and complexity of such a difficult issue as the legal status of Islam in a European country, such as the Czech Republic.

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Maciej WOŹNICZKA: *Idee czy ideologie?*
Znaczenie i wartość edukacji filozoficznej
Częstochowa:
Uniwersytet Humanistyczno-Przyrodniczy
im. Jana Długosza, 2021, pp. 208

In the reviewed book the meaning and value of philosophical education is analysed thoroughly and in a multifacet way. This is done not only by considering the world of “pure ideas,” which is reached with special attention in philosophy, but also in the context of — sometimes acrimonious — ideological disputes and moving to the meta-level: disputes about the meaning and value of ideology in the teaching of philosophy. Moreover, the conducted inquiries affirm and confirm the importance and value of philosophical education, and even undertake an apologia for the importance and value of philosophical education, which ideologies would like to appropriate.

Maciej Woźniczka’s book *Idee czy ideologie? Znaczenie i wartość edukacji filozoficznej* (Ideas or Ideologies? The Meaning and Value of Philosophical Education) is a work of diligent and lengthy philosophical reflection and at the same time a work of — passionate — commitment to philosophical education in its many forms.

In the monograph *Idee czy ideologie?...*, the author does not shy away from addressing issues that are the subject of ongoing public debates, which directly or more often indirectly relate to the meaning and value of philosophical education. Maciej Woźniczka’s book largely avoids falling into the “journalistic current,” since the author adopts as basic the philosophical perspective of rightly distanced reflection, although his ideologi-

cal choices (preferences) call for discussion, lest they turn, against his will, into the imposition of some ideology.

For it is worth distinguishing between ideational binders in practicing and teaching philosophy and ideological loss of the specificity of philosophy. This is aptly pointed out, among others, by Jan Woleński in his monograph *Filozoficzna szkoła lwowsko-warszawska* (The Lvov-Warsaw School of Philosophy, 1985), which is important for Polish philosophy: “[...] the ideological unity of the Lvov-Warsaw School consisted, among other things, in taking philosophical inquiry and the teaching of philosophy extremely seriously, in treating philosophy and its propagation as intellectual and moral thought” (p. 13). It is one thing to have “ideological unity” based on values, and it is definitely another thing to have ideological entitlement based on coercion. If one were to refer to a slogan from the 1992 U.S. election campaign, phrased like a directive: “First, the economy, stupid!,” one might say, “First, the philosophical education, stupid.”

Ideology in its various guises, with an impetus that is difficult to extinguish, every now and then displaces philosophy (philosophical reflection) together with the art of honest discussion, argumentation, and critical discernment of rationale. In many spheres of human activity, it becomes apparent that ideologies in various ways shape and appropriate human minds (beliefs and attitudes), directing them in one — namely, ideologically correct — direction. Ideologies can and often do lead all the way to a state of “the captive mind” under conditions of extreme and total ideologisation of various spheres of human intellectual (spiritual) and practical life. Philosophy, especially in its view presented by Woźniczka, appears as an effective antidote to toxic ideologies; it allows the captive mind to free itself — also thanks to philosophical education — again and again.

To the question of what a philosopher does and what, to a large extent, philosophical education should also serve, following the inquiries of the author, one can rightly — albeit somewhat provocatively — answer, as some ancient thinkers did: “A philosopher is always on vacation, as long as he practices philosophy.” Philosophy, as an intellectual activity, requires the practice of freedom of thought and a certain type of freedom of spirit vis-à-vis daily pursuits, and especially vis-à-vis the sinister claims of ideology. A philosopher’s vacation does not mean leisure *per se*, but a very intensive activity of the intellect, which, freed from incapacitating entanglements, becomes free for honest discussion, argumentation and critical discernment of rationale. Philosophical education should tenaciously and consistently serve the freedom of philosophical “being on vacation.” One can also conclude from Woźniczka’s inquiries that philosophical education should constantly bear in mind and signifi-

cantly strengthen this — constantly threatened, quite fragile — freedom of philosophy in the face of the onslaught of ideology, so that philosophy — as the author also argues and postulates — can be taught and practiced with respect for its special status in culture.

The question that imposes itself here, after all, is whether Woźniczka in presenting his preferred axiological options and ideological *desiderata*, successfully avoids the pitfalls of ideologisation? Let every attentive reader face this important and thorny question and engage in a discussion with the views that the author submits in a approachable form for collective consideration in his book for the benefit and multiplication of the goods (good use of goods) of philosophical education.

In conclusion, the reviewed book is an original, committed and interesting philosophical work; it is a mature result of Maciej Woźniczka's diligent, consistent and long-term intellectual work in the field of philosophical education.

The book brings valuable cognitive content, stimulates readers to reflect and discuss the meaning and value(s) of philosophical education on their own. It should meet with the interest from the audience, and it was clearly right that the decision was made to publish the reviewed book by the academic press of the author's alma mater. All the more so, because at this very university, for many decades now, with still indefatigable energy, Maciej Woźniczka has been developing his research on philosophical education, which are valued among philosophers and at the same time socially relevant, conducted in dialogue with, among others, pedagogues.

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