

Ecumeny & Larw

Vol. 13 (2)

The Laity in the Church:
Communion, Participation, Mission (II)



UNIWERSYTET ŚLĄSKI
WYDAWNICTWO

Ecumeny and Law

Vol. 13(2)

*The Laity in the Church:
Communion, Participation,
Mission (II)*

Editor-in-chief

Andrzej Pastwa

Deputy editor-in-chief

Józef Budniak

Nicolae V. Dură

Secretary

Marek Rembierz

Przemysław Sawa

Head of ecumeny department

Zdzisław Kijas

Head of law department

Piotr Kroczek

Scientific board

Head

Cyril Vasil' (archbishop, Košice)

Members

Leszek Adamowicz (Lublin), Andrzej Czaja (bishop, Opole), Pavol Dancák (Prešov), Nicolae V. Dură (Constanța), Ginter Dzierżon (Warszawa), Tomasz Gałkowski (Warszawa), Zygfryd Glaeser (Opole), Wojciech Góralski (Warszawa), Wojciech Hanc (Warszawa), Marcin Hintz (bishop, Warszawa), Janusz Kowal (Roma), Adrian Loretan (Luzern), Damián Němec (Olomouc), Theodosie Petrescu (archbishop, Constanța), Marek Petro (Prešov), Wilhelm Rees (Innsbruck), Gerda Riedl (Augsburg), Peter Šturák (Prešov), Peter Szabó (Budapest), Jerzy Szymik (Katowice), Marek Jerzy Uglorz (Warszawa)

Statistical editor

Wojciech Świątkiewicz

Table of contents

Part One Ecumenical Canonical Thought

STANISLAV PŘIBYL	
Clericalization of Laity: A View of Canon Law and Theology	7
PRZEMYŚLAŃ SAWA, ANDRZEJ MIGDA	
Discernment and Responsibility of Laity in the Eastern and Western Churches: Reality and Inspiration	29
CĂTĂLINA MITITELU	
Canonical Norms of the Eastern Church Concerning the Participation of the Laity in the Exercise of Teaching Power	63
DAMIÁN NĚMEC	
Dominican Tertiaries in Today's Secularized World	95
MARIUSZ WOJEWODA	
Dignity of the Human Person and the Problem of Institutional Violence in the Context of the Papal Teaching	109
PIOTR KROCZEK	
Canonical Right to Privacy in the Context of Clerics and Consecrated Persons	125

Part Two

Reviews

Ctirad Václav POSPÍŠIL: <i>První nikajský koncil (325–2025)</i> [The First Council of Nicaea (325–2025)]. Praha: KathMedia, 2025 — STANISLAV PŘIBYL	145
Adrian LORETAN: <i>Der demokratische Rechtsstaat – eine Ideengeschichte. Zur Rechtskultur des Westens und der Westkirche</i> [The Democratic Constitutional State – An Intellectual History: On the Legal Culture of the West and the Western Church]. Religionsrechtliche Studien, Bd 7. Zürich: Theologischer Verlag Zürich, 2025 — ANDRZEJ PASTWA	151
Eva VYBÍRALOVÁ: „Mexické fakulty“: <i>Mimořádné církevní pravomoci, jejich vývoj a aplikace</i> [Mexican Faculties: Extraordinary Ecclesiastical Powers, Their Development and Application]. Brno: Centrum pro studium demokracie a kultury / Praha: Ústav pro studium totalitních režimů, 2024 — STANISLAV PŘIBYL	159

Part One

Ecumenical Canonical Thought



STANISLAV PŘIBYL

University of South Bohemia in České Budějovice

 <https://orcid.org/0000-0002-2470-1405>

Clericalization of Laity: A View of Canon Law and Theology

Abstract: The article critically examines the relationship between clergy and laity by examining New Testament and early patristic sources, the practice in Protestant churches, and the theological grounding in the contemporary Catholic Church. The upheaval in the Corinthian church, as described by Clement of Rome at the end of the 1st century, is compared with similar phenomena in smaller Protestant churches, where the existing legal leadership is now being absorbed by representatives of charismatic spirituality. Whereas in Protestantism the understanding of ordained ministers as chosen members of the community has taken hold, in the Catholic understanding the source of legitimacy is primarily the words of Christ: “you have not chosen me, but I have chosen you,” as well as apostolic succession, the three-tier hierarchy and the sacramental nature of ordination. The almost exclusive method of appointing ministers in Protestant church formations is by election, which carries the danger of electing ministers according to one’s own wishes. The Catholic Church, at the initiative of the Second Vatican Council, implanted the originally Protestant concept of a universal priesthood of all believers. However, this has not only produced positive results, since the ontological sacramentality of priestly ordination is often obscured in the practical operation of participatory clergy and many liturgical excesses occur when lay people take on roles that do not belong to them. All this can be characterized as a clericalization of the laity, resulting from a loss of the sense of the sacramental character of ordination.

Keywords: laity, clergy, Catholicism, Protestantism, apostolic succession, election, laying on of hands, universal priesthood, clericalization, parish council, lay ministers, liturgy, services

1. The earliest ecclesiastical mention of laymen

Already at the end of the 1st Christian century, we find in an important ecclesiastical document, the First Letter of Clement of Rome,¹ a division of the people of God into a hierarchy of sacred ministers and the rest of the people: “For unto the high priest his proper services have been assigned, and to the priests their proper office is appointed, and upon the levites their proper ministrations are laid. The layman is bound by the layman’s ordinances.”² It is immediately apparent from the text, however, that this is not the structure of the nascent church, but the Old Testament arrangement of temple services.³

The Bishop of Rome Clement writes therein about the necessary order in the Church, on which occasion he refers to the arrangement of the services in the temple of Jerusalem. His readers may have known the latter from their previous studies of the Scriptures. At the same time, the model for the order of the Church was to be the arrangement of the Roman imperial army, known by the letter’s audience from their own lived experience.⁴ Similarly, the Christian church needs a stable and functional order: “Although Clement does not explicitly develop a sacerdotal interpretation of the organization of the Christian community with its offices, and draws merely a tacit analogy to the Old Testament temple service, it cannot be overlooked that alongside the Old Testament cultic organization, the Christian community is also implicitly organized on the basis of sacred law. An attack on its order becomes an attack on the divine order itself.”⁵ This

¹ “Clement of Rome enjoyed considerable authority in Christian antiquity, although only one writing survives from his pen: the Epistle to the Corinthians, which the Syrian Church included in the sacred canon and which is also contained in the *Codex Alexandrinus*.” – B. ALTANER: *Patrologie. Leben, Schriften und Lehre der Kirchenväter*. Freiburg im Breisgau 1958, p. 79.

² 1 Clem 40: 5. *The Epistle of Clement to the Corinthians*. Trans. J. B. LIGHTFOOT, https://earlychristianwritings.com/text/1clement-lightfoot.html#google_vignette.

³ In the traditional Latin liturgy celebrated according to the Missal of St. Pius V (1570) or John XXIII (1962), a solemn form of the so-called assisted Mass is envisaged, in which the priest is assisted by a deacon and a subdeacon, also known as the Levites. The usual German name for this form of the Mass is *levitiertes Amt*, as an allusion of Old Testament temple cult.

⁴ Cf. 1 Clem 37.

⁵ S. KOCH: *Rechtliche Regelung von Konflikten im frühen Christentum*. Tübingen 2004, pp. 217–218.

order was disturbed in the Corinthian church community by the deposition (defrocking, laicization) of the legitimately appointed presbyters, “For it will be no light sin for us, if we thrust out those who have offered the gifts of the bishop’s office unblamably and holily. Blessed are those presbyters who have gone before, seeing that their departure was fruitful and ripe: for they have no fear lest any one should remove them from their appointed place. For we see that ye have displaced certain persons, though they were living honorably, from the ministration which had been respected by them blamelessly.”⁶

The context of the letter makes it clear that the interior revolution in the Church was carried out by those who did not hold the rank of presbyter; in fact, some of them had appointed themselves presbyters or, might not have even recognized the legitimacy of the procedure of presbyter appointments: “It may be considered that the instigators of the disturbances in Corinth not only claimed a prominent position in the community for themselves, but quite fundamentally questioned the very office of presbyters.”⁷ From this point of view, it was indeed the “laity” who were usurping power that did not belong to them.

2. Intra-church upheavals in the Protestant environment

This section pertains to situations such as penetrating traditional churches originating from the Reformation, especially those with a rather small number of believers in a given territory, by the followers of the charismatic-pentecostal current. Although such smaller enthusiastic ecclesial formations define themselves theologically in opposition to the Catholic Church by their proclaimed lack of hierarchy, they nonetheless have a system of ecclesial ministries which they entrust to their individual members: “The office is functionally intended only for the proclamation of the Gospel and the administration of the sacraments. To that extent it is necessary in the Church. But the Gospel and the sacraments have been entrusted to the whole Church. The Church selects and entrusts suitable and gifted

⁶ 1 Clem 44: 3–5.

⁷ W. KLAUSNITZER: *Der Primat des Bischofs von Rom. Entwicklung – Dogma – Ökumenische Zukunft*. Freiburg im Breisgau 2004, p. 152.

persons from its midst to devote themselves entirely to these tasks. Hence the Reformation did not strangle ordination, but it did deprive it of its sacramental character.”⁸ Church ministers acquire their legitimate positions almost exclusively by election.

When skillful believers with foreign spiritual experience infiltrate into traditional ecclesial communities, it usually causes a change in the general atmosphere and gradually not only an internal transformation, but also the removal of the ministers who had been commissioned duly (*rite vocati* ‘rightly called’) and in accordance with the previous norms. Such a process was undergone, for example, by the Unity of the Brethren in the Czech Republic. This church with a rich history, based on the traditions of the Czech and world Reformation,⁹ went through a process of internal turmoil towards the end of the 1990s, which resulted in the abandonment of the Lutheran pietistic direction and the adoption of the ideas of the so-called neocharismatic movement, establishing an informal office of “apostles,” adopting the theology of prosperity etc.¹⁰: “Unity has always been a small Evangelical church, with about two dozen congregations and a membership of several thousand. Ecumenically, it cooperated closely with other Evangelical churches. However, the end of the 20th century found it in a crisis of faith, which led to the splitting of the small church into two parts. Since 2000, there have been two parts in the Czech Republic, both belonging to *Unitas fratrum*: the Unity of Brethren in the Czech Republic and the Ochránov Seniorate within the Evangelical Church of Czech Brethren.”¹¹

⁸ P. FILIPÍ: *Křesťanstvo. Historie, statistika, charakteristika křesťanských církví* [Christianity. History, Statistics, Characteristics of Christian Churches]. Brno 2012, p. 121.

⁹ In America, this church is known as the Moravian Church. It follows the historical Unity of the Brethren, founded by Peter Chelčický in 1457: “After 1700, the last covert remnants of the Moravian Unity left the border and gathered mainly on the estates of the Count of Zinzendorf in Saxony. From him the Brethren of German nationality received permission to establish their own settlement near Bethelsdorf, which they called Herrnhut (Ochránov).” – J. KUBALÍK: *Křesťanské církve v naší vlasti* [Christian Churches in Our Homeland]. Praha 1987, p. 77.

¹⁰ Cf. Z. VOJTÍŠEK: *Encyklopedie náboženských směrů v České republice* [Encyclopedia of Religious Directions in the Czech Republic]. Praha 2004; Z. VOJTÍŠEK, Z. R. NEŠPOR: *Encyklopedie menších křesťanských církví v České republice* [Encyclopedia of Smaller Christian Churches in the Czech Republic]. Praha 2015.

¹¹ P. FILIPÍ et al.: *Malá encyklopedie evangelických církví* [A Concise Encyclopedia of Evangelic Churches]. Praha 2008, p. 73.

3. The origins of apostolic succession and the hierarchical structure of the Church

However, the legitimacy of ministries and offices in the Church in the 1st Christian century could not yet be based on developed canon law or on electoral rules written in the spirit of Protestant orders. Clearly, it must have been only theological reflection that more effectively established the legitimacy of the existence and purpose of church offices and ministries. Without mentioning the term, Clement of Rome is the first official in the history of the Church to rely on the apostolic succession, the origin of which he also describes very vividly: "To the apostles was preached for us the glad tidings from the Lord Jesus Christ, Jesus Christ was sent from God. [...] Having therefore received the commandments and the resurrection of the Lord Jesus Christ, and being filled with confidence and established in the faith of the word of God, they went forth in the firm unity of the Holy Spirit to preach the good news that the kingdom of God was to come. And as they preached in the villages and towns, they appointed the first-fruits of them, having tried them in the Spirit, to be stewards [*episkopoi*] and ministers [*diakonoï*] of those who were to believe."¹² The presbyters of whom Clement speaks are placed beside the two ministries of bishops and deacons here mentioned, and it is probable that they are at least partly identified with bishops.

Clement's distinction of the tripartite hierarchy is not yet as clear-cut as the one postulated by Ignatius of Antioch, albeit the latter wrote his epistles not long after Clement.¹³ Also striking in Ignatius is his emphasis on the obedience of all members of ecclesial communities, especially to their bishop: "As therefore the Lord did nothing without the Father, with whom he was in agreement, either by himself or through the apostles, so do you do nothing without the bishop and the presbyters."¹⁴

However, it is certainly not to be considered that only St. Ignatius was the first in the history of the Church to "introduce" compulsory obedience

¹² 1 Clem, 42: 1.3–4.

¹³ On Clement's position, cf.: "As to particulars, we find that bishops and deacons are distinguished from each other, and that they are also called elders and superiors (1: 3; 21: 6; 44: 4 ff.; 47: 6). The two lineages, distinguished by the designations, presbyters or episcops, are here intertwined." E. SCHWEIZER: *Gemeinde und Gemeindeordnung im Neuen Testament*. Zürich 1959, p. 158.

¹⁴ IgnMag 7: 1.

to the leaders of the Church. Even before Ignatius' letters, for example, the New Testament epistle to the Hebrews was written, which contained a very urgent call to obedience: "Obey your leaders and submit to them, for they are keeping watch over your souls, as those who will have to give an account. Let them do this with joy and not with groaning, for that would be of no advantage."¹⁵ Of course, this obedience of believers is tied to the unconditional submission of all believers to Christ Himself: "It is no exaggeration to say that those who lead communities share in a special way in the priesthood of Christ, for which they are directly accountable to the Lord. The other members of the community are to facilitate their task by their obedience."¹⁶

Such a concept, reflecting the experience of the earliest Christian generations, is not far from the current idea of obedience in the canon law of the Catholic Church: "Christians, conscious of their own responsibility, are obliged to accept by Christian obedience what the pastors, representing Christ, declare as teachers of the faith or ordain as representatives of the Church."¹⁷ It needs to be reminded that the norm applies not only to lay Catholic Christians, since its addressees are all Catholic Christians, including lower-ranking pastors such as a parish priest, who holds the position of "pastor proper" (*pastor proprius*) in his parish community.¹⁸

4. Appointment of ministers of the Church

The basic reality of Church life is overwhelmingly experienced by Catholic Christians in their parishes. The co-responsibility of the laity for the day-to-day running of the parish and its spiritual life and material security is now taken for granted, and in many places it is an absolute necessity. Yet the pastors and other clergy who serve in the parish cannot be elected by these lay people. According to the current Code of Canon Law, the most they can do to remove a parish priest from his office is to "lose reputation among the ordinary and respectable parishioners

¹⁵ Heb 13: 17.

¹⁶ J. BROŽ: *List Židům* [Epistle to the Jews]. Praha 2015, p. 220.

¹⁷ CIC/1983, can. 212 § 1.

¹⁸ Cf. CIC/1983, can. 515 § 1.

or to encounter opposition to the parish priest which it is reasonable to believe will not soon pass away.”¹⁹ However, the parish priest is no longer to be the one who alone determines the spiritual shape of the parish; this role is henceforth to be shared with the laity: “The parish is not the parish priest’s work, and the parish priest is not to be the one who primarily determines the ‘shape’ of the parish. Rather, he should be a spiritual director and inspirer who is capable of discernment, who is able to contribute to the integration of individuals into the whole (this does not mean forcible inclusion) and who ensures that there is room in the parish for all those who wish to live their faith sincerely or to enter and grow in the life of faith.”²⁰

With this conception of the pastor as a mere moderating minister of the community of the laity would undoubtedly correspond the power of the same laity to appoint a pastor. In this context, we can again see the inspiration from the earliest period of the Church’s existence, as recorded in the *Didache*, probably from the turn of the 1st and 2nd centuries: “By the laying on of hands, appoint for yourselves bishops and deacons worthy of the Lord; men who are meek, disinterested, true, and experienced. They also serve you by the ministry of prophets and teachers.”²¹ It would be wrong, however, to apply to the establishment of ministers of the Church at that time contemporary ideas taken from the political sphere. The thinking of the early Church did not emphasize that “all power comes from the people,” that the initiative in determining office bearers came from the entire membership, and that the minister was the representative of the congregation.²² The consciousness of God’s sovereignty in determining the call to ministry, moreover, is codified by Jesus’ *logion* from the fourth Gospel, “You have not chosen me, but I have chosen you and appointed you, that you should go and bear fruit and that your fruit should remain.”²³

Christian antiquity, however, knew, besides the election of the ministers of the Church, also the spontaneous exclamation of the people (acclamation), by which, for example, the Church teacher St. Ambrose († 397)

¹⁹ CIC/1983, can. 1741 3°.

²⁰ A. OPATRŇÝ: *Pastorální teologie včera, dnes a zítra* [Pastoral Theology Yesterday, Today and Tomorrow]. Červený Kostelec 2023, p. 81.

²¹ Did 15: 1–2.

²² Cf. J. A. LAWSON: *Theological and Historical Introduction to the Apostolic Fathers*. New York 1961, p. 98.

²³ John 15: 16a.

was placed on the bishop's chair in Milan.²⁴ In the Christian East, the election of priests was still practiced for a long time, but no longer without the intervention of the canonically established Church hierarchy: "In Russia in the 11th–15th centuries, the candidate for priest was chosen by the people of the ecclesiastical community by election, and the chosen candidate was presented to the bishop for examination and *chirotonia* (ordination)."²⁵

The election as a virtually monopolistic way of establishing services was introduced only by churches originating in the Reformation. The Second Helvetic Confession of 1566 (*Confessio helvetica posterior*) states, "Let the ministers of the church be called and elected by ecclesiastical and proper election, that is, let them be religiously chosen by the church or by those who have been commissioned by the church, according to due order and without confusion, dissension, or contention."²⁶ Of course, even such a delegation by the congregation would not imply democratic legitimacy: "Even according to the tenets of Reformation, the presbyter is not a mandatary of the people as sovereign of the law. The principle of election implies a fundamental recognition of the mandate of Christ, the sole sovereign of the Church. The people, endowed with the wisdom of the Holy Spirit, commission some in their midst, in whom they have discerned the necessary charisms, to attend to the primacy of Christ's rights in the Church."²⁷

²⁴ "There were sharp disputes between Catholics and Arians over the choice of a bishop. Ambrose, who had undertaken the conciliatory task as *consularis*, whose task it was to establish peace between the contending parties, was proclaimed bishop by the acclamations of both Arians and Catholics." – A. DI BERNARDINO (a cura di): *Patrologia. Vol. III*. Roma 1983, p. 135.

²⁵ J. JACOŠ: *Církevné právo* [Church Law]. Prešov 2006, p. 119.

²⁶ Helvetic Confession, Art. 18,7. In: *Čtyři vyznání. Vyznání augsburské, bratrské, helvetské a české se čtyřmi vyznáními staré církve a se čtyřmi články pražskými* [The Four Confessions. Confessions of Augsburg, Brethren, Helvetican and Bohemian with Four Confessions of the Old Church and Four Articles of Prague]. Ed. R. ŘÍČAN. Praha 1951, p. 233.

²⁷ P. FILPI: *Církev a církve. Kapitoly z ekumenické eklesiologie* [Church and Churches. Chapters from Ecumenical Ecclesiology]. Brno 2000, p. 117.

5. The risk of the election of ministers of the church in Protestantism

Conception of electing all Church ministers rooted in Reformation seeks to provide a pneumatological justification for electoral procedures, but it leads to the fact that the elected cleric is perceived as the first among equals (*primus inter pares*) within the collective bodies. The principles of the Church of the Brethren (formerly the Free Reformed Church) express his position succinctly²⁸: “We resist the danger that the preaching of the Word may become the task of a few individuals. We hold to the motto ‘Every Christian [is] an evangelist’. We are the salt of the earth, and this function can be performed even better by the rank-and-file members than by the preacher, who comes into contact with the outside world to a lesser extent.”²⁹ Certainly one can agree that this role of the non-ordained members of the ecclesial community is reminiscent of the duty which even the Code of Canon Law, on the basis of the teaching of the Second Vatican Council, imposes on the Catholic laity, namely, that they should “work together so that all people everywhere may know and accept God’s message of salvation,” a duty which “is all the more urgent in circumstances where people can only hear the Gospel from them and come to know Christ.”³⁰ However, the preaching role in the Reformation churches lacks the sacramental symbolism of the person of the priest.

This is not changed by the use of the Catholic terminology of “ordination” found, for example, in Seventh-day Adventists: “When a preacher is appointed pastor of a local congregation, he is by ordination superior to the elder or elders of the congregation who cooperate with him

²⁸ “He is explicitly committed to the evangelical current and is an eminent representative of it. It is a community starting from a modest base, but vital, growing and prosperous (69 congregations report). It has committed members who contribute to the running of the church in a way that has long been independent of state funding. An unstressed historical link with the original English Puritans is manifested in a strong emphasis on the moral obligations they believe flow from their faith. In what is called congregational discipline, we see a tendency to control the individual morality of members and to punish them for transgressions.” – I. O. ŠTAMPACH: *Na nových stezkách ducha. Přehled a analýza současné religiozity* [On New Paths of the Spirit. Overview and Analysis of Contemporary Religiosity]. Praha 2010, p. 95.

²⁹ RADA CÍRKVE BRATRSKÉ [Council of the Church of Brethren]: *Zásady Církve bratrské* [Principles of the Church of the Brethren]. Praha 1997, p. 42.

³⁰ Cf. CIC/1983, can. 225 § 2.

as his assistants.”³¹ Even for the Adventist pastor, he may be limited in his decision-making authority: “If the preacher does not wish to chair a church committee, the elder of the congregation shall assume that role. [...] He is not to surround himself with a group of counselors of his own choosing, but is always to cooperate with the duly elected officers of the congregation.”³²

The Evangelic Church of Czech Brethren, established in 1918 as a union of the hitherto separate Protestant branches of the Augsburg and Helvetic confessions, establishes a collective body of elected elders, presbyters, at the head of local communities (congregations), whose permanent members are an elected minister (pastor, preacher) and an elected curator. Major issues are decided by the assembly of all eligible members of the congregation, which also elects its pastor.³³ The collective eldership (Czech *staršovstvo*) is thus a powerful counterpart to the elected and ordained pastor.

The dangers of a model where the members of the congregation decide on their own preachers is succinctly expressed in the Second Epistle to Timothy: “For there will come a time when men will not endure sound doctrine, and according to their own desires they will get teachers to suit their wants. They shall turn away their ears from the truth, and shall incline to fables.”³⁴ If the unraveling of fables and Gnostic speculation posed a threat to the church of the early centuries,³⁵ the modern utopia threatening the authenticity of Christian preaching is to accommodate fashionable secular themes: “The transformation of salvation into categories of economics and social struggles would not have occurred if there had been a biblically balanced theology of mission based on Christ’s work of salvation. [...] Christians can and should engage in political

³¹ *Církevní řád Adventistů sedmého dne* [Church Order of Seventh-day Adventists]. Praha 2002, p. 126.

³² *Ibidem*, pp. 126–127.

³³ *Ibidem*.

³⁴ 2 Tim 4: 3–4.

³⁵ “The multiplicity of these doctrines means that none of them can be correct; they are *fables* in the pejorative sense of the word, that is, human inventions. Paul describes false doctrine as man’s temptation to escape from a difficult and complex reality into a perfect but illusory world of fantasy. True doctrine, on the other hand, is only one and adheres to reality. It is the Word of God, which corresponds to the truth and which Paul delivered to Timothy.” D. OPATRŇÝ: *Pastorální listy* [Pastoral Epistles]. Praha 2019, pp. 166–167.

struggles, but what they achieve in this way cannot be called the salvation of man or society.”³⁶

According to the Pauline pastoral epistles, the appointment of ministers of the Church is the responsibility of the apostle’s disciples, his authentic successors. Not the entire Cretan Church, but Titus himself is to fulfill the task of establishing the ministries of the Church: “Therefore I have left you in Crete to set in order what remains and to appoint elders in the various cities as I have instructed you.”³⁷ The members of the church community themselves may indeed discern the gifts of the Spirit entrusted to them and to their fellow brethren, while the elders of the community may also lay on hands,³⁸ but it is only the apostle’s laying on of hands that entrusts the abiding gift of the Spirit to Timothy as a minister of the church, “Wherefore I lay it upon thy heart to kindle the fire of the gift of God, which is given thee by the laying on of my hands.”³⁹ But the very same minister is to see to it that the further impartation of this lasting gift is done judiciously: “Lay thou thine hands on no man rashly, lest thou be guilty of another’s sin.”⁴⁰

It is clear, then, that the charism recognized by the members of the ecclesial community becomes permanent by the laying on of hands. Here already appears the basis of the Catholic doctrine of the irrevocable sign (*signum indelebile*) which imprints the sacrament of ordination on the ordained person. Moreover, the Council of Trent, contrary to the emphases of the Protestant Reformation, affirmed that the interference of the laity is not constitutive of the validity of the sacrament of ordination: “The holy council further teaches that in the ordination of bishops, priests, and other ministers neither the consent nor calling nor authority of the people or of any secular power or functionary is so required that without it the ordination would be invalid.”⁴¹

³⁶ P. ČERNÝ: *Kristovo dílo spásy jako základ a imperativ misie. Aktivita Světové rady církví* [Christ’s Work of Salvation as the Foundation and Imperative of Mission. Activities of the World Council of Churches]. Brno 2006, p. 204.

³⁷ Tit 1: 5.

³⁸ 1 Tim 4: 14.

³⁹ 2 Tim 1: 6.

⁴⁰ 1 Tim 5: 22.

⁴¹ N. TANNER: *Decrees of the Ecumenical Councils. Volume Two: Trent to Vatican II* Georgetown. Washington, DC 2002, p. 743.

6. General and ministerial priesthood in the contemporary Catholic Church

The Second Vatican Council, however, in its Dogmatic Constitution on the Church, *Lumen gentium*,⁴² took the idea of the universal priesthood from its originally Protestant setting and attempted to harmonize it with the Catholic concept of the hierarchical priesthood: “The universal priesthood of the faithful and the ministerial or hierarchical priesthood [...] differ from each other essentially (*essentia*) and not merely in degree (*gradus*).”⁴³ If the hierarchical priesthood were gradable, then the priesthood of the faithful would somehow stand “lower.”⁴⁴ Nor can it be overlooked that the universal priesthood of *all* the faithful concerns not only the laity but also the clerics themselves.

It is evident, however, that in the post-conciliar period, from the second half of the 1960s onwards, a phenomenon soon began to take place which was later described as the “clericalization” of the laity, which is also warned against in the latest version of the *Directory for the Ministry and Life of Priests* from 2013⁴⁵: “It is therefore necessary to observe the order established by our Lord Jesus Christ and to avoid the so-called ‘clericalization’ of the clergy. The ‘clericalization’ of the laity, which tends to suppress the ministerial priesthood of the priest; because of the mission he has received by ordination, the title ‘pastor’ belongs to him alone, in his own and unequivocal way, after the bishop.”⁴⁶ However, the *Directory* finds the cause of the blurring between the roles of clergy and laity in the Church in contemporary democratic culture rather than in Protestant ecclesial practice: “Among the various forms of such blurring of

⁴² CONCILIUM VATICANUM II: *Lumen gentium*. *Acta Apostolicae Sedis* 57 (1965), pp. 5–71.

⁴³ *Lumen gentium* 10, 2.

⁴⁴ “The ministerial priesthood is not, therefore, an ‘exaltation’ of the baptismal priesthood – that would make these ministers some kind of ‘super-Christians’ – but by priestly ordination the baptized person is appointed to special tasks in the service of God’s people, acquiring a special ‘ministerial’ position in the *koinonia* of the ecclesial community.” – F. KUNETKA: *Slavnost našeho vykoupení* [The Solemnity of Our Redemption]. Kostelní Vydří 1997, p. 81.

⁴⁵ CONGREGATION FOR THE CLERGY: *Directory on the Ministry and the Life of Priests*. Vatican City 1994.

⁴⁶ Cf. *Directory for the Ministry and Life of Priests*, no. 28. The *Directory* refers here to the use of the term “clericalization” in John Paul II’s address to the Swiss bishops on 15 June 1984.

distinctions that we observe today is a so-called ‘democratism’ that leads to a failure to recognize Christ’s authority and life-giving grace present in the sacred ministers and to a distortion of the Church as the mystical body of Christ. In this context, it should be recalled that the Church recognizes all the merits and benefits that the democratic culture of civil society has brought. The Church, moreover, is committed to the recognition of the equal dignity of all human beings by all means available.”⁴⁷

However, the Directory does not draw attention to the fact that the great temptation of clericalization of the laity and of the aforementioned democracy lies primarily in participatory bodies with the participation of the laity, especially pastoral parish councils. The conciliar decree on the ministry and life of priests, *Presbyterorum ordinis*,⁴⁸ itself assigns many tasks to priests in relation to the laity, but it does not include the guidance of joint deliberations in an elected college: “Let them listen willingly to the laity, consider their wishes in a fraternal way, and recognize their experience and expertise in the various fields of human activity, so that together with them they may be able to discern the signs of the times. In examining the spirits to see whether they are of God, they should, with a sense of faith, discover the various gifts of the laity, both minor and major, and should joyfully acknowledge and carefully support them. [...] They should also entrust to the laity, with confidence, tasks in the service of the Church, leaving them freedom and room for action, and should prudently encourage them to give themselves to the work also of their own accord.”⁴⁹

Post-synodal Apostolic Letter of John Paul II *Christifideles laici*, on the Vocation and Mission of the Laity in the Church and in the World, 1988⁵⁰ recalls that such entrustment of tasks should not be an end in itself and should have a deeper ecclesial anchorage: “Pastors, therefore, above all, when approving and delegating various ministries, tasks and functions to the laity, must not forget to instruct them emphatically about the baptismal roots of these ministries. In addition, pastors must be vigilant against recklessly and unjustifiably resorting to supposed ‘emergencies’ or the need to ‘substitute’ where this does not correspond to the objective situation or where judicious pastoral planning can help.”⁵¹

⁴⁷ Cf. *Directory for the Ministry and Life of Priests*, no. 26,2.

⁴⁸ *Acta Apostolicae Sedis* 58 (1966), pp. 991–1024.

⁴⁹ Cf. *Presbyterorum ordinis*, no 9,2.

⁵⁰ IOANNES PAULUS II: *Christifideles laici*. *Acta Apostolicae Sedis* 81 (1989), pp. 393–591.

⁵¹ *Christifideles laici*, no. 23, 6–7.

7. Advisory Councils in the Catholic Church

However, the Decree on the Apostolate of the Laity *Apostolicam actuositatem* speaks of councils⁵²: “Councils are to be established in dioceses, according to the possibilities given, to support the apostolic work of the Church, whether in the field of evangelization and sanctification or in the charitable, social and other fields: in them priests and religious are to collaborate with the laity in an appropriate way. These councils will be able to serve the mutual coordination of the various associations and works of the laity, while preserving the proper nature and autonomy of each of them.”⁵³ It should be borne in mind that the decree was issued at a time when the 1917 Code of Canon Law was still in force, which contained a comprehensive regulation of the association of the laity.⁵⁴

The draft decree provides for this rich ramification of existing associations, but does not address what the role of the priest vis-à-vis the laity will be in the envisaged councils. The Council Fathers had not yet imagined that parish councils in particular might in the future present the possibility of the penetration of the clericalization of the laity. It seemed that the organically stratified structure in the Church and the self-evident respect for priests among the faithful would be a sufficient guarantee of respect for the priest as sacramental minister and specifically for the pastor as the only person canonically and materially responsible for the leadership of the parish.

However, already in the immediate post-conciliar period, when parish councils began to be established, especially in the German-speaking area, it was assumed that the parish priest did not even have to be the chairman of the parish council, although formally he was to have the final say: “The parish priest, as the bishop’s commissioned pastor and head of the parish, occupies a special position in the parish council, whether he is its chairman or not. He is the bearer of the ultimate responsibility for the unity of the parish community and for unity with the bishop and thus with the universal Church, for the proclamation of the message of salvation, for the celebration of the liturgy and the administration of the sacraments.

⁵² CONCILIUM VATICANUM II: *Apostolicam actuositatem*. *Acta Apostolicae Sedis* 58 (1966), pp. 837–864.

⁵³ *Apostolicam actuositatem*, no. 26, 1–2.

⁵⁴ Cf. CIC/1917, can. 684–725.

This responsibility affects the concept of quorum. If the pastor, by virtue of his pastoral responsibility arising from his office and with reasons given, must vote against a motion, it is not possible to reach a definitive resolution at this meeting.”⁵⁵

It is clear, however, that soon the *questio iuris* of the parish priest’s unvarying authority began to be circumvented in practice, and the parish council environment became the place where the sense of the sacramental character of priestly ordination and priestly ministry disappeared. Thus, in practice, the bearer of the ordination often becomes a mere collaborator of the laity, regardless of his primarily sacramental ontological anchorage.⁵⁶ The latter are also happy to turn against their parish priest to the bishop, who often accommodates the disgruntled laity without inquiring about the matter from the priest, who is in fact his “extended hand.” The parish priest’s position is thus reduced to that of *primus inter pares*, as it is in the Protestant setting with its synodal and congregational elected board. Moreover, it is the election of some members of parish councils that gives the impression of a democratic vote signaling the origin of power from the people: “Candidates can be proposed by any member of the parish who has the right to vote. Written proposals are accepted by the parish priest and the election committee. Together, they shall consider whether the proposed candidates meet the conditions for the right to be elected and request their consent to stand.”⁵⁷

The blurring of the sacramental role of the priest and the responsible position of the pastor is even more evident especially where lay pastoral assistants are active. Their theological education and permanent ecclesiastical appointment make them, in their own imagination and in the imagination of many faithful laity, the real “peers” and “fellow” priests. No one makes any secret of this: “Empirical studies show that lay theologians are

⁵⁵ J. LISTL, H. MÜLLER, H. SCHMITZ: *Grundriß des nachkonziliaren Kirchenrechts*. Regensburg 1980, p. 336.

⁵⁶ “Although the work of the priest contributes to the growth of the ecclesial community, the priestly ministry cannot be seen as the sum total of the tasks performed by the priest. The existence of the priest does not belong to the order of ‘doing’ and is not merely a response to the needs of the faithful. Rather, the existence of the priest belongs to the sacramental order, to the order of signs. The priestly ministry can be said to be a ministry of God’s ‘miracle’. It is an expression of the Invisible.” – G. GILSON: *Diecézny kňaz v pastoračnej službe* [The Diocesan Priest in Pastoral Ministry]. Spišské Podhradie 2001, p. 137.

⁵⁷ “Stanovy farních rad v plzeňské diecézi” [Statutes of parish councils in the Pilsen diocese]. *Revue církevního práva* 3/1 (1996), p. 41.

more alike than different in pastoral ministry with priests as incumbent monopoly holders.”⁵⁸

8. Clericalization of the Catholic laity in the liturgy

From the environment of elected congregations, this shift in the perception of the Church’s tasks carries over, for example, into the ministry of the Word. If the Code of Canon Law strictly reserves the homily to priests and deacons,⁵⁹ in many places a custom *contra legem* has been established according to which priests and pastoral assistants take turns in the ministry of the word. The 1997 inter-congregational instruction *Ecclesiae de mysterio*⁶⁰ signed by Pope John Paul II sought to bring clarity to the whole matter and to separate the occasional sermons of the laity admitted by the Code⁶¹ from the liturgical homily: “The homily in the Mass is reserved to the sacred minister, priest or deacon. Excluded are all the faithful who have not received sacramental ordination. The reason for this is not the better ability to explain or the better theological training of the sacred minister, but the reservation of this function to one who has received sacred ordination. If the one who wishes to celebrate the Eucharist must be a holder of sacramental rank, then also the one who wishes to give the homily, which is always an integral part of the celebration, must be sacramentally equipped to do so.”⁶² However, the explicit prohibition against saying the homily, which is only recalled by the above instruction,⁶³ continues to be circumvented in most places.

In particular, the 2005 Instruction *Redemptionis sacramentum* of the Congregation for Divine Worship and the Sacraments deals more

⁵⁸ S. DEMEL: *Handbuch Kirchenrecht. Grundbegriffe für Studium und Praxis*. Freiburg im Breisgau 2010, p. 435.

⁵⁹ Cf. CIC/1983, can. 767.

⁶⁰ CONGREGATION FOR THE CLERGY AND OTHERS: *Instruction Ecclesiae de mysterio*. *Acta Apostolicae Sedis* 89 (1997), pp. 852–877.

⁶¹ Cf. CIC/1983, can. 766.

⁶² M. PEKARČÍK: *Učiaca úloha Cirkvi. Kánonicko-teologická analýza tretej knihy Kódexu kánonického práva* [The Teaching Role of the Church. Canonical-theological analysis of the third book of the Code of Canon Law]. Levoča 2013, p. 76.

⁶³ *Ecclesiae de mysterio*, Arts. 3 § 5.

comprehensively with the transgressions of the laity in the liturgy.⁶⁴ To guide the role of the laity in the liturgy, the Instruction first takes the words of John Paul II's encyclical *Ecclesia de Eucharistia*⁶⁵: "A community that gathers to celebrate the Eucharist absolutely needs a consecrated priest presiding over it in order to be a Eucharistic assembly. On the other hand, the community is not in a position to give itself a consecrated minister."⁶⁶ To this the Instruction adds: "A common will is absolutely necessary to avoid any ambiguity on this subject and to heal the problems that have arisen in recent years. Therefore, let the terms 'celebrating community' or 'celebrating assembly' be used with care [...]."⁶⁷ The Instruction also makes direct use of the term "clericalization": "The risk of obscuring the complementary relationship between what the clergy do and what the laity do must be avoided, so that the role of the laity is subject to a kind of so-called 'clericalization', while ordained ministers carry out tasks that are proper to the life and action of the lay faithful."⁶⁸

The Instruction condemns the practice of homilies by commissioned lay persons during the Eucharistic celebration, typically pastoral assistants. This practice can never develop into a legitimate juridical custom.⁶⁹ For the distribution of the Eucharist, then, the following rule applies: "The distribution of Holy Communion is the task of the celebrating priest, possibly in collaboration with other priests and deacons, and the Mass may not proceed until after the reception of the faithful."⁷⁰ This contrasts completely with the widespread practice of the celebrant sitting during the communion of the faithful while the communion is distributed by lay ministers (*Kommunionhelfer/-innen*): "If a sufficient number of consecrated ministers are normally present, sufficient even to distribute Holy Communion, extraordinary ministers of Holy Communion cannot be entrusted with this task. Under similar circumstances, let those who have been entrusted with this ministry not perform it. It is a deplorable practice for those priests who, although present at the service, do

⁶⁴ CONGREGATION FOR DIVINE WORSHIP AND THE DISCIPLINE OF THE SACRAMENTS: *Instruction Redemptionis Sacramentum*. *Acta Apostolicae Sedis* 96 (2004), 549–601.

⁶⁵ IOANNES PAULUS II. *Ecclesia de Eucharistia*. *Acta Apostolicae Sedis* 95 (2003), 433–475.

⁶⁶ *Ecclesia de Eucharistia*, no. 29.

⁶⁷ *Redemptionis sacramentum*, no. 42.

⁶⁸ *Ibidem*, no. 45.

⁶⁹ *Ibidem*, no. 65; cf. CIC/1983, can. 24 § 2.

⁷⁰ *Ibidem*, no. 88.

not take part in the administration of Holy Communion and entrust the laity to do so.”⁷¹

The lay liturgical ministries envisaged by the Code of Canon Law, whether permanent, temporary or substitute, have their own terminology, traditionally used in the Church: lector, acolyte, commentator, cantor, etc.⁷² Outside of, but intertwined with, these and other ministries is the terminology that refers to permanent lay ministry bearers as “pastoral assistants.” The Instruction warns against ecclesiologically unjustified interference in the liturgical life by these ministers: “In some dioceses, long since evangelized, lay faithful have recently been appointed as ‘pastoral assistants’, many of whom have undoubtedly benefited the Church by supporting the pastoral efforts of the bishop, priests and deacons. However, care should be taken that the character of this task does not become too similar to the way in which the clergy perform their pastoral ministry. This means that care must be taken to ensure that ‘pastoral assistants’ do not take on tasks that properly belong to the office of ordained ministers.”⁷³

Pastoral assistants often, by their expansion, displace priests from their own tasks⁷⁴: “Let not these purely substitute tasks become an excuse to alter the ministry of priests themselves, so that they neglect the celebration of the Mass, for the people entrusted to them, the personal care of the sick and the willingness to baptize children, to assist at wedding ceremonies and to officiate at Christian funerals, for this is what priests and deacons should do above all. Let it not happen, therefore, that priests in parishes, regardless of their differences, confuse the tasks of pastoral ministry with deacons or laity, thus obscuring the uniqueness of each.”⁷⁵

The instruction is particularly restrained with regard to the practice of special services of the word without the presence of a priest: “These Sunday services, however, are still considered quite extraordinary. Furthermore, all, both deacons and lay faithful, who are entrusted with a task by the diocesan bishop at these services, shall do their best to maintain a genuine

⁷¹ Ibidem, no. 157.

⁷² Cf. CIC/1983, can. 230 as amended by Pope Francis’ motu proprio *Spiritus Domini* of 2021.

⁷³ *Redemptionis sacramentum*, no. 149.

⁷⁴ “It won’t help much if priests are replaced by lay people who ‘do everything’ (meaning teach, baptize, marry, bury, lead the liturgy of the word) and the priests themselves ‘only consecrate and confess’.” – P. HRADILEK: *Bohoslužba jako cesta k sblížení* [Worship as a Way of Coming Together]. Praha 2018, no. 35.

⁷⁵ *Redemptionis sacramentum*, no. 153.

‘hunger’ for the Eucharist in the community. [...] Any confusion between this kind of service and the Eucharistic celebration must be avoided. Diocesan bishops should prudently consider whether Holy Communion should be distributed at these services. [...] It is by no means appropriate to say that the lay faithful ‘preside’ at the service.”⁷⁶

9. Conclusions

The Catholic Church is a hierarchical communion (*communio hierarchica*) in which “each in his own way shares in Christ’s priestly, prophetic and royal office” and “according to their own status, they (Catholic Christians) are called to the mission which God has entrusted to the Church to fulfill in the world.”⁷⁷ In the period prior to the Second Vatican Council (1962–1965), the distinction between the roles of the clergy and the laity was overemphasized, so that the Church was conceived as *societas inequalium* (a society of unequals), divided into the “teaching Church” (*Ecclesia docens*) and the “hearing Church” (*Ecclesia discens*). It is clear that such an imbalance was prompted by the need for counter-Reformation apologetics, since the ecclesial formations originating in the Reformation sought to blur the distinctions between believers and understood the ministry of the Church not sacramentally but as the commissioning of a chosen individual by the faithful. In addition to the concept of Reformation, the hierarchical structure of the Church is also at odds with the modern, Enlightenment-promoted notion of the equality of all men or all citizens, which has received its legal anchorage in the form of human rights, guaranteed today in democratic states by constitutions and, moreover, by international human rights instruments.

Both of these non-Catholic concepts, however, influence the Catholic Church today, which must adapt to them sometimes forcibly,⁷⁸ but often

⁷⁶ Cf. *Redemptionis sacramentum*, nos. 164–165.

⁷⁷ Cf. CIC/1983, can. 204 § 1.

⁷⁸ For example, this is how the state authority in Switzerland acts: “With the exception of concordats, the cantons do not recognize undemocratically organized religious societies without further conditions. The cantons therefore create other democratically organized corporations to be at the disposal of the Roman Catholic Church.” A. LORETAN: “Církev a stát ve Švýcarsku” [Church and State in Switzerland]. *Revue církevního práva* 41/3 (2008), p. 205.

also quite voluntarily, by having Catholic laity, in a kind of rivalry, apply to themselves roles and activities that belong only or primarily to the clergy. Such a competitive struggle, seeking to establish “equality,” is outside the ecclesiastical establishment as it has developed from the very beginning. The opening canon of the enumeration of the duties and rights of all Catholic Christians in the current Code of Canon Law corrects this misunderstanding very succinctly: “By virtue of their rebirth in Christ, all Christians are truly equal in dignity and action. By virtue of this equality, all collaborate in the development of the Body of Christ, each according to his or her own position and tasks.”⁷⁹

Bibliography

- ALTANER B.: *Patrologie. Leben, Schriften und Lehre der Kirchenväter*. Freiburg im Breisgau 1958.
- Bible. *English Standard Version*. Wheaton 2016.
- BROŽ J.: *List Židům*. Praha 2015.
- ČERNÝ P.: *Kristovo dílo spásy jako základ a imperativ misie. Aktivita Světové rady církví*. Brno 2006.
- Církevní řád Adventistů sedmého dne*. Praha 2002.
- CIC/1983 – *Codex iuris canonici auctoritate Ioannis Pauli PP. II promulgatus. Acta Apostolicae Sedis* 75, pars II (1983), pp. 1–317.
- CIC/1917 – *Codex iuris canonici Pii X Pontificis Maximi iussu digestus Benedicti Papae XV auctoritate promulgatus. Acta Apostolicae Sedis* 9, pars II (1917), pp. 5–593.
- Code of Canon Law. Latin-English Translation*. Washington 2023.
- CONCILIUM VATICANUM II: *Lumen gentium. Acta Apostolicae Sedis* 57 (1965), pp. 5–71.
- CONCILIUM VATICANUM II: *Apostolicam actuositatem. Acta Apostolicae Sedis* 58 (1966), pp. 837–864.
- CONCILIUM VATICANUM II: *Lumen gentium. Acta Apostolicae Sedis* 57 (1965), pp. 5–71.
- CONCILIUM VATICANUM II: *Presbyterorum ordinis. Acta Apostolicae Sedis* 58 (1966), pp. 991–1024.

⁷⁹ CIC/1983, can. 208.

- CONGREGATION FOR THE CLERGY: *Directory on the Ministry and the Life of Priests* (31 March 1994). Vatican City 1994.
- CONGREGATION FOR DIVINE WORSHIP AND THE DISCIPLINE OF THE SACRAMENTS: *Instruction Redemptionis Sacramentum. Acta Apostolicae Sedis* 96 (2004), pp. 549–601.
- CONGREGATION FOR THE CLERGY AND OTHERS: *Instruction Ecclesiae de mysterio. Acta Apostolicae Sedis* 89 (1997), pp. 852–877.
- DEMEL S.: *Handbuch Kirchenrecht. Grundbegriffe für Studium und Praxis*. Freiburg im Breisgau 2010.
- DI BERNARDINO A. (a cura di): *Patrologia*. Vol. III. Roma 1983.
- FILIPÍ P.: *Křesťanstvo. Historie, statistika, charakteristika křesťanských církví*. Brno 2012.
- FILIPÍ P.: *Církev a církve. Kapitoly z ekumenické eklesiologie*. Brno 2000.
- FILIPÍ P. et al: *Malá encyklopedie evangelických církví*. Praha 2008.
- GILSON G.: *Diecézny kněz v pastorační službě*. Spišské Podhradie 2001.
- HOLMES M. W.: *The Apostolic Fathers. Greek Text and English Translation*. Ada, MI 2007.
- HRADILEK P.: *Bohoslužba jako cesta k sblížení*. Praha 2018.
- IOANNES PAULUS II: *Christifideles laici. Acta Apostolicae Sedis* 81 (1989), pp. 393–591.
- IOANNES PAULUS II: *Ecclesia de Eucharistia. Acta Apostolicae Sedis* 95 (2003), pp. 433–475.
- JACOŠ J.: *Církevné právo*. Prešov 2006.
- JOHN PAUL II: *Christifideles Laici: Post Synodal Apostolic Exhortation of His Holiness Pope John Paul II on the Vocation and Mission of the Lay Faithful in the Church and in the World*. London 2023.
- JOHN PAUL II: *Ecclesia de Eucharistia. Encyclical Letter on the Eucharist and the Church*. London 2003.
- KLAUSNITZER W.: *Der Primat des Bischofs von Rom. Entwicklung – Dogma – Ökumenische Zukunft*. Freiburg im Breisgau 2004.
- KOCH S.: *Rechtliche Regelung von Konflikten im frühen Christentum*. Tübingen 2004.
- KUBALÍK J.: *Křesťanské církve v naší vlasti*. Praha 1987.
- KUNETKA F.: *Slavnost našeho vykoupení*. Kostelní Vydří 1997.
- LAWSON J. A.: *Theological and Historical Introduction to the Apostolic Fathers*. New York 1961.
- The First Epistle of Clement to the Corinthians*, J. B. LIGHTFOOT, https://www.earlychristianwritings.com/text/1clement-lightfoot.html#google_vignette.
- LISTL J., H. MÜLLER, H. SCHMITZ: *Grundriß des nachkonziliaren Kirchenrechts*. Regensburg 1980.

- LORETAN A.: *Církev a stát ve Švýcarsku. Revue církevního práva* 41–3 (2008), pp. 200–213.
- OPATRŇÝ A.: *Pastorální teologie včera, dnes a zítra*. Červený Kostelec 2023.
- OPATRŇÝ D.: *Pastorální listy*. Praha 2019.
- PEKARČÍK M.: *Učiaci úloha Cirkvi. Kánonicko-teologická analýza tretej knihy Kódexu kánonického práva*. Levoča 2013.
- RADA CÍRKVE BRATRSKÉ: *Zásady Církve bratrské*. Praha 1997.
- ŘÍČAN R.: *Čtyři vyznání. Vyznání augsburské, bratrské, helvetské a české se čtyřmi vyznáními staré církve a se čtyřmi články pražskými*. Praha 1951,
- SCHWEIZER E.: *Gemeinde und Gemeindeordnung im Neuen Testament*. Zürich 1959.
- ŠTAMPACH I. O.: *Na nových stezkách ducha. Přehled a analýza současné religiozity*. Praha 2010.
- Stanovy farních rad v plzeňské diecézi. Revue církevního práva* 3–1 (1996), pp. 36–47.
- Vatican II Documents*. Vatican City 2011.
- TANNER N.: *Decrees of the Ecumenical Councils. Volume Two: Trent to Vatican II*. Washington, DC 2002.
- VOJTÍŠEK Z., NEŠPOR Z. R.: *Encyklopedie menších křesťanských církví v České republice*. Praha 2015.
- VOJTÍŠEK Z.: *Encyklopedie náboženských směrů v České republice*. Praha 2004.



PRZEMYSŁAW SAWA

University of Silesia in Katowice

<https://orcid.org/0000-0001-5634-3078>

ANDRZEJ MIGDA

University of Gdańsk

<https://orcid.org/0000-0001-8700-5514>

Discernment and Responsibility of Laity in the Eastern and Western Churches: Reality and Inspiration¹

Abstract: The article presents the theological basis for lay participation in discernment and responsibility for the Church. A proper understanding of baptism, the universal priesthood of believers and the *sensus fidei* are the source of all activity in the community and the realization of its mission. The authors also present a wide range of solutions for the structural involvement of believers in the Catholic, Orthodox, Oriental, Old Catholic, Anglican, Lutheran, Reformed, Methodist, and Evangelical (including Baptist or Pentecostal) Churches. The very display of different perspectives and configurations leads to reflection on the prospect of mutual inspiration (keeping one's identity intact) and the challenges posed by the chosen solutions.

Keywords: laity, clergy, Catholicism, Eastern Churches, Old Catholicism, Protestantism, Evangelicalism, synodality, governance, discernment

¹ In Catholic, Orthodox and Oriental theology, the term “Church” is used to describe those communities that legitimize themselves with a sacramental episcopate and sacramentally understood apostolic succession. In Catholic terms, denominations that do not fulfill this condition are referred to as “ecclesiastical communities.” Such principles are not applied by Protestant communities. Given the ecumenical nature of this article, the term “Church” will also be applied to non-Catholic and non-Orthodox communities, especially if they use such nomenclature for themselves.

The co-responsibility of laity and clergy for the Church is an important aspect of the life of Christian communities. In the denominations of the Protestant current, the participation of the laity is obvious and has been visible since their very beginning. In the Catholic, Orthodox and Oriental Churches, with the monarchical episcopate playing a key role, involvement of laity is about action or discernment, although final decision-making, especially on doctrinal issues, belongs to the bishops. The Old Catholic and Anglican Churches combine the ministry of bishops, based on episcopal ordination, and the broad powers of synods and various councils. Such structural diversity is extremely interesting and can be a source of valuable inspiration for Churches and denominations with different sensibilities and previous experience.

In view of the above, it is first of all necessary to identify the biblical-theological basis of community that is key for Christianity. It is primarily about baptism as a source of commitment (despite differences in its understanding between denominations) and the sense of faith (*sensus fidei*). Then the theological and legal issues of participation of laity in co-responsibility in different currents of Christianity will be shown. Finally, opportunities for inspiration and challenge will be identified. Such mutual learning between the Churches can help deepen their own experience and revitalize toward dynamizing existing solutions, while respecting their own doctrinal boundaries.

1. The constitutive role of baptism and the *sensus fidei*

The involvement of the laity (non-ordained) does not derive from the powers granted to them by the clergy (ordained) and does not constitute a functional pastoral solution. Their place in the Church grows out of their faith, accepted baptism and inclusion in the community of the baptized. This issue can be seen as a common nominative among all denominations, despite theological differences in the understanding of baptism itself.² Regardless, all Churches and Christian communities maintain that,

² Historical Churches emphasize the fact of the ontic transformation taking place in the person receiving the first sacrament and its importance as a source of further faith. Among Evangelicals, on the other hand, the very experience of conversion and confession of

in addition to the spiritual dimension of baptism, this ecclesial aspect is important: participation in the community, rights and duties, shared responsibility in the broadest sense. It is a practical translation of the theological category of the common priesthood of believers,³ which does not mean that everyone does all the work. It is common for the baptized to grow in faith, bear witness and undertake service and live out their co-responsibility for the Church. Some of the tasks involve an act of authorization granted by relevant church agendas. In the case of the Catholic, Orthodox, Oriental, Old Catholic and Anglican Churches, this involves being ordained to the presbyterate or episcopate.⁴ In Protestant Churches, it is all about ordination,⁵ although depending on the denomination, the meaning of this act takes different forms (e.g., in the celebration of the sacraments, preaching and pastoral ministry).

In addition, being baptized entitles Church members to participate in responsibility for the community, in discerning its matters or in governance. It is realized through the functioning of various councils, agendas, and diaconia. Synodality has a special place, although it is variously understood and practiced by individual Churches.

Discernment in the Church cannot be reduced to a mere horizontal activity, as it based on a spiritual dimension. This fact is particularly expressed in the *sensus fidei* (*sensus fidelium*, *sensus ecclesiasticum*). The Catholic Church defines it as follows: "The entire body of the faithful, anointed as they are by the Holy One, cannot err in matters of belief. They

faith (the experience of God and one's own transformation), accompanied by the outward sign of immersion in water, becomes crucial. See P. SAWA: "Dynamika chrztu w kontekście ekumenicznym. Teologia, duszpasterstwo, wyzwania." In: *Odkrywać dar chrztu świętego*. Eds. S. SUWIŃSKI, Z. WANAT. Toruń 2017, pp. 119–146.

³ M. LUTHER: *Address to the Christian Nobility of the German Nation Respecting the Reformation of the Christian Estate*. Trans. C. A. BUCHHEIM, <https://media.bloomsbury.com/rep/files/primary-source-74-martin-luther-address-to-the-christian-nobility-of-the-german-nation.pdf> [accessed 9.10.2025]. Within the Reformation tradition, one cannot speak of a division into estates, but rather of a diversity of ministries within the Church.

⁴ See CONGREGATION FOR THE DOCTRINE OF THE FAITH: *Declaration "Inter Insigniores" on the question of admission of women to the ministerial priesthood*, 6.

⁵ "Of Ecclesiastical Order they teach that no one should publicly teach in the Church or administer the Sacraments unless he be regularly called." EVANGELISCHE KIRCHE IN DEUTSCHLAND: *The Confession of Faith of Augsburg*, art. XIV; "There be only two sacraments ordained by Christ our Lord in the Gospel; that is to say, baptism, and the Supper of the Lord: neither of which may be dispensed by any, but by a minister of the Word lawfully ordained." EVANGELICAL PRESBYTERIAN CHURCH IN ENGLAND AND WALES: *Westminster Confession of Faith*, chap. 27, 4.

manifest this special property by means of the whole peoples' supernatural discernment in matters of faith [...]. Through it, the people of God adheres unwaveringly to the faith given once and for all to the saints, penetrates it more deeply with right thinking, and applies it more fully in its life."⁶ In Catholicism, an important aspect of this is the conformity of discernment with the rulings of the Teaching Office of the Church. A similar situation is in the Eastern (Byzantine and Oriental) Churches, where bishops play a key role, and doctrinal issues are normalized by the rulings of universal councils.

In Protestant denominations, on the other hand, it is difficult to look for the equivalent of the Catholic Magisterium of the Church. However, even there, proper interpretations of the faith are important (e.g., the Lutheran Confession of Faith, the Westminster Confession of Faith, other declarations of faith). In no case, then, is it a matter of free or occasional confession. Regardless of theological provenance, it is necessary to listen to the Word of God and accept what it brings. Therefore, the *sensus fidei* cannot be understood in a democratic key. A spiritual context is necessary: knowing Revelation, living a spiritual life, abiding in the church community.⁷ It is in agreement with the ecclesiology of the New Testament: The Holy Spirit leads to the truth (John 16:13), the sheep follow the Shepherd's voice (John 10:3), God works in the lives of believers who accept His word (1 Thess. 2:13), the baptized are to discover God's will, grow in knowledge (Col. 1:9–10), adopt Christ's way of thinking (1 Cor. 2:16), sense God's will (Phil. 1:9; Eph. 1:18), bring God's word into the community (1 Thess. 2:13), abide in the apostles' teaching (Acts 2:42a), and keep God's commandments (2 Pet. 2:21). Such a Church is a pillar and mainstay of the truth (1 Tim. 3:15).⁸

⁶ VATICAN COUNCIL II: *Dogmatic Constitution on the Church "Lumen gentium"*, 12.

⁷ "The *sensus fidei* implies then by its nature a profound agreement of spirit and heart with the Church, *sentire cum Ecclesia*." CONGREGATION FOR THE DOCTRINE OF THE FAITH: *Instruction "Donum veritatis" on the ecclesial vocation of the theologian*, 35.

⁸ On the biblical source of *sensus fidei*, see M. SZTREJA: "Aspekt wspólnotowy *sensus fidei* w pismach Nowego Testamentu." *Roczniki Teologiczne Warszawsko-Praskie* 14 (2018), pp. 81–98.

2. Within the structure of the Catholic Church and the Eastern Churches

The Catholic Church and the Eastern Churches (Byzantine, Oriental) see the ordination of the presbyterate and especially the episcopate as a constitutive element of their structure. In governance and discernment, the role of bishops and their co-workers, namely presbyters (especially pastors), is crucial. It does not exclude the involvement of the laity, provided that it remains subordinate to the hierarchy and is not in any way democratic.

Catholic Church

The Catholic Church assumes the co-responsibility of all the baptized, but the role of the bishops, seen as successors of the apostles, is particularly prominent. It is the bishops who are the teachers of the faith and judges in matters of faith and morals, especially at a universal council, and they alone are members of the council, although others may participate according to papal decree.⁹ Also key is the person of the Bishop of Rome, who has special authority and prerogatives (the primacy of Peter), such as convening and dissolving the council, establishing church law, and being the supreme shepherd.¹⁰

In Catholicism, the day-to-day collegiality of the bishops is important. A particular form of it is the Synod of Bishops, established by Paul VI, which is convened every few years to deliberate on predetermined issues, formed by representatives of episcopal conferences elected for given sessions and appointed by the Pope. The laity were allowed to act as auditors or consultants.¹¹ It was not until Pope Francis changed the formula of the Synod of Bishops. He first introduced a consultation stage in the dioceses to involve as many of the faithful as possible. Each diocese prepared a synodal synthesis, then each episcopal conference – a synthesis covering its subordinate area, and then there were deliberations by representatives in

⁹ The Code of Canon Law [hereinafter: CCL], can. 339 § 1; can. 339 § 2.

¹⁰ CCL can. 338 § 1; The Code of Canons of the Eastern Churches [hereinafter: CCEC], can. 51 § 1.

¹¹ CCL can. 346 § 1.

continental groups. In addition to the bishops, the Rome sessions (October 4–29, 2023, October 2–27, 2024) were attended by representatives of the clergy, consecrated and laity. In no way does this formula depreciate the role of the bishops, but empowers all the baptized in the process of discernment and working out decisions and real co-responsibility for the life and mission of the Church. Francis' proposal thus implies a distinction between the process of discernment (decision-making) and the decision itself (decision-taking), which is ultimately made by the pope or the bishops together with him at the universal level or the bishop in the diocese.

Synodality is also implemented at the level of episcopal conferences (plenary synods) and metropolises (provincial synods).¹² In dioceses, on the other hand, there is the possibility of diocesan synods convening as an aid to the bishop, with representatives of the clergy, consecrated and laity. In Catholic reality, however, it is not the synod but the bishop who is the legislator in the diocese.¹³ There may also be various types of councils or commissions with the active participation of the laity, especially diocesan pastoral councils and diocesan economic councils.¹⁴ It should be noted, however, that the final decisions at the diocesan (eparchy) level are made by the bishops, who in the local churches are the first to teach, responsible for liturgical, disciplinary and pastoral matters, and exercise supreme governance and judgment.

At the parish level, the responsibility of the laity is carried out under the guidance of the pastor by parish pastoral councils and economic affairs councils.¹⁵ Of course, the involvement of the faithful in various areas of pastoral care, such as the functioning of church communities and movements, the conduct of various meetings, preparation for the sacraments, school and parish catechesis, is extremely important.

Non-Catholic Eastern Churches

The Church is the Body of Christ, a figure of the Trinity, born of Pentecost. By its very nature it is theandric, meaning that the divine and human dimensions are important. This understanding of the Church is founded

¹² CCL can. 439 § 1. 440 § 1.

¹³ CCL can. 460. 463 § 1; can. 466.

¹⁴ CCL can. 492–493.511–514. CCEC can. 238.263.272–275.295.

¹⁵ CCL can. 536–537; CCEC can. 295.

on the truth of the Godmanhood of Jesus Christ and the Christological definition of Chalcedon. The spiritual aspect reveals the ultimate goal of the Christian life: divinization, into which the faithful enter by the power of the Holy Spirit, through participation in the sacraments, especially the Eucharist, developing the inner life. The Divine Liturgy, and within it participation in Holy Communion, is ecclesiological in nature, so that ecclesiology must be viewed eucharistically. Viewed in this way, ecclesial reality also generates a vision of power and authority: “The authority of which we are speaking, since it expresses divine authority, cannot subsist in the Church except in the love between the one who exercises it and those subject to it. It is, therefore, an authority without domination, without physical or moral coercion.”¹⁶ This is also how Orthodox synodality (conciliarism) should be understood. Thus, in the structure of the Eastern Churches, there is no single bishop with overall jurisdiction. Unity is created by the bishops’ abiding faith and sacraments, and the faithful are in unity with their bishops and thus belong to the universal Church.

Eastern synodality primarily involves the co-responsibility of the bishops (collegiality referred to as conciliarism), which is embodied in a universal council or, within autocephaly, a local council. In these assemblies, in addition to the bishops, representatives of presbyters and deacons, monks, theological schools, and the faithful participate. The participation of the laity is particularly noticeable in autocephalous Churches, where the legislation stipulates that not only bishops, but also other members of the local council participate in the election of the superior (patriarch, metropolitan, archbishop). In some Orthodox Churches, it is the local council that constitutes the supreme legislative authority. Such a model operates in the Bulgarian Orthodox Church.¹⁷ But even then, the bishops have

¹⁶ JOINT INTERNATIONAL COMMISSION FOR THE THEOLOGICAL DIALOGUE BETWEEN THE ROMAN CATHOLIC CHURCH AND THE ORTHODOX CHURCH: *Ecclesiological and Canonical Consequences of the Sacramental Nature of the Church: Ecclesial Communion, Conciliarity, and Authority* (13.10.2007), 14, <https://www.christianunity.va/content/unitacristiani/en/dialoghi/sezione-orientale/chiese-ortodosse-di-tradizione-bizantina/commissione-mista-internazionale-per-il-dialogo-teologico-tra-la/documenti-di-dialogo/testo-in-inglese.html> [accessed 9.10.2025].

¹⁷ БЪЛГАРСКА ПРАВОСЛАВНА ЦЪРКВА: *Устав на Българската Православна Църква – Българска Патриаршия*, art. 8, <https://bg-patriarshia.bg/statute> [accessed 6.09.2025]. The Ecclesiastical Council consists of bishops, three clergymen serving in parishes and three lay people from each diocese, the chief secretary of the Holy Synod, one representative of each stauropegial monastery (elected by the respective monastery council), two representatives from each diocese of diocesan monasteries – one monk and one nun (appointed by

the deciding vote on matters of doctrine. The Bulgarian Patriarchate operates as follows: “Decisions of the Ecclesiastical Council on doctrinal (dogmatic), canonical and liturgical matters are valid if, within 15 days of their adoption, the Holy Synod does not issue a statement that they are contrary to the teaching and tradition of the Holy Orthodox Church. Contested decisions are submitted for reconsideration by the next ordinary or extraordinary Ecclesiastical Council” (own trans.).¹⁸ At the same time, the Local Council or Ecclesiastical Assembly (various names function) are important instruments for building unity and shared responsibility of the faithful for the Church.¹⁹ Clergy and laity should divide between themselves the management of church property; for example, to this end, the Holy Synod of

the relevant diocesan metropolitan), one representative from each secondary theological school (selected by the relevant teaching council), five clergy with higher education and five lay people – social activists (proposed by the Holy Synod and selected by the Church Council in an open vote). Ibidem, art. 15.

¹⁸ Ibidem, art. 28.

¹⁹ In the Romanian Orthodox Church, the Church Assembly, composed of the Patriarch, bishops, and clergy and lay representatives of each eparchy, has the following prerogatives: to promote the rights and activities of the Romanian Orthodox Church; to approve the regulations implementing these statutes in the areas of activity delegated to it by the Holy Synod; to elect the members of the National Church Council upon the proposal of the Patriarch; to adopt general measures to support the cultural, social, charitable, economic and foundation activities of the Church; to determine the means of support for the central ecclesiastical bodies and institutions; to analyze and approve the general annual report of the National Church Council on the activities of the Church; to decide on the measures to be taken to ensure the proper functioning of ecclesiastical life; to approve the budget execution report and the financial and accounting balance sheet of the Patriarchal Administration, the Bible and Mission Institute and the central church institutions; to approve the overall budget of the Patriarchal Administration, the Bible and Mission Institute and the central church institutions; approving unified measures for the management of movable and immovable property owned or used by Church-wide worship units, as well as foundational units; approving social, cultural, educational and communications projects; establishing measures to assist Romanians living outside of Romania; and performing other tasks assigned by statutes, Church regulations or the Holy Synod. BISERICA ORTODOXĂ ROMÂNĂ: *Statutul pentru organizarea și funcționarea Bisericii Ortodoxe Române*, art. 22, https://arhiva.patriarhia.ro/images/pdf/statutul_bor.pdf [accessed 7.10.2025].

In the Polish Autocephalous Orthodox Church. “1. The supreme authority of the Church is its Local Council (II, 2), consisting of bishops and representatives of the clergy and faithful, convened by the Metropolitan on the basis of a resolution of the Holy Council of Bishops, as necessary. 2. The purpose of the Local Council is to give fundamental direction to the life of the Churches in accordance with Scripture and Holy Tradition, and in particular: a) to preserve and develop the ecclesiastical and spiritual life, b) to meet the spiritual and moral needs of the faithful of the Church, c) to take care of the needs of the functioning of the Church” (own trans.). POLSKI AUTOKEFALICZNY KOŚCIÓŁ PRAWOSŁAWNY: *Statut*

the Albanian Orthodox Church appoints a Church Council of Clergy and Laity, composed of bishops and 12 clergy and non-ordained faithful.²⁰ In the Armenian Apostolic Church, on the other hand, the supreme body is the National Ecclesiastical Assembly, composed of clergy and laity, but the ordinary executive authority in the Church is vested, together with the catholicos (head), in the Armenian Church Representative Assembly, composed of clergy and laity. Also assisting is the Supreme Spiritual Council (composed of Catholicos of all Armenians, the Armenian Patriarch of Jerusalem, the Armenian Patriarch of Constantinople, high-ranking clergy and lay members).²¹ At the eparchy level, on the other hand, the bishop is assisted in governance by the eparchial council.²² In the parish, on the other hand, the parish assembly and the parish council that emerges from it (formed by the pastor, other clergy, and lay representatives) are important.²³

Wewnętrzny Polskiego Autokefalicznego Kościoła Prawosławnego, § 4, https://woskresienska.pl/wp-content/uploads/2023/03/Statut_PAKP.pdf [accessed 7.10.2025].

The Church of Cyprus has a Throne Committee of the Holy Archdiocese of Cyprus (composed of clergy and laity) to support the ministry of the Archbishop of New Justinianiana and all of Cyprus. ΕΚΚΛΗΣΙΑ ΤΗΣ ΚΥΠΡΟΥ: Διοικητική Διάρθρωση και Στοιχεία Επικοινωνίας, https://churchofcyprus.org.cy/diikitiki_diathrosi [accessed 8.10.2025]. The Orthodox Church of the Czech Lands and Slovakia has two Metropolitan Councils, in Prague and Prešov, composed of bishops, representatives of the clergy and laity. PRAVOSLÁVNÁ CIRKEV NA SLOVENSKU: *Ústava Pravoslávnej cirkvi v Českých krajinách a na Slovensku*, art. 13, <https://orthodox.sk/pravoslavna-cirkev/ustava/> [accessed 8.10.2025].

²⁰ KISHA ORTHODHOKSE AUTOQEFALE E SHQIPËRISË: *Statuti i Kishës Orthodhokse Autoqefale të Shqipërisë*, art. 11–12.29, <https://orthodoxalbania.org/2020/en/2015/03/24/statuti-i-kishes-orthodhokse-autoqefale-te-shqiperise-d62/> [accessed 7.10.2025].

²¹ THE ARMENIAN APOSTOLIC HOLY CHURCH: *Armenian Church*, <https://www.armenianchurch.org/en/Overview> [accessed 8.10.2025].

²² БЪЛГАРСКА ПРАВОСЛАВНА ЦЪРКВА: *Устав...*, art. 11.

²³ “The deliberative body of the parish is the parish assembly. (2) The parish assembly shall consist of the adult faithful of the parish, men and women, who by their faith, deeds and moral conduct profess devotion to the Orthodox Church, its teachings and institutions. (3) The chairman of the parish assembly shall be the pastor, or in his absence, a priest delegated by the pastor from among the clergy of the parish or another neighboring parish. If the parish assembly is also attended by the pastor or a priest delegated by the Diocesan Center, he shall preside over the meeting. (4) Priests and deacons actively serving in the parish, as well as retired priests who have permanent residence in the parish, are *ex officio* members of the parish assembly” (own trans.). BISERICA ORTODOXĂ ROMÂNĂ: *Statutul...*, art. 54. “The Parish Council exercises all the powers of the Parish Assembly when it is not convened, as well as the following powers: (a) appoint a delegate from among the members of the Parish Assembly to elect lay members of the Diocesan Assembly from the district; (b) draw up the parish budget and supervise how it is implemented; (c) prepare a report on the implementation of the budget and the financial and accounting balance of

It must be remembered, then, that while synodality is a reality that encompasses how the episcopal ministry functions, it cannot be carried out in isolation from or in contradiction to the entirety of God's people, for it is that people who are the guardians of piety and faith. And while in terms of doctrine and the life of the Church the mission of the bishops is inalienable,²⁴ the reception of conciliar or synodal decisions becomes crucial.²⁵ Therefore, the faithful constitute the conscience of the Church (Greek *ekklesiastike syneidesis*).²⁶ The Christian East sees the participation of the whole Church in study and discernment, but not in isolation from the Word of God and the Tradition of the Church, which must be guarded. Understood in this way, the model is clear: all the faithful carry the faith (liturgy, abiding in the living Tradition, piety and spirituality), representatives of the laity can participate in various bodies (councils, synods, councils, especially parish councils). However, it is the bishops who

the parish; (d) prepare an annual report on the activities of the Parish Council, which it submits to the Parish Assembly for approval; (e) appoint 2 auditors to audit the Parish Committee's finances; (f) receive and review the Parish Committee's annual financial statement; (g) approves the pastor's proposals for equipping the church with liturgical vestments, icons, objects and liturgical books necessary for the celebration of services and the operation of parish institutions (cultural, social, foundation), and allocates appropriate funds; (h) ensure that the supply of the parish store with candles, calendars, worship items and books, as well as printed spiritual materials, is made exclusively from the Diocesan Center, in order to support the missionary activities of the diocese concerned; (i) in cases where there is more than one altar servant, entrust, by protocol, the parish store to a servant other than the pastor, who assumes all material responsibility and management of it" (own trans.). Ibidem, art. 61.

²⁴ For example, the Holy Synod in the Romanian Orthodox Church guards dogmatic, liturgical, legal, pastoral matters, cares for unity with other autocephalous Churches, canonizes saints, determines the Church's position on various state law projects relating to religious affairs and cultural heritage, and on socially important issues, approves the Church's statutes and bylaws, creates and abolishes eparchies and other organizations, elects the patriarch and bishops, deals with the canonical affairs of the clergy, undertakes inter-Church, ecumenical and inter-religious dialogue, establishes the principles of religious instruction and all other legal aspects of pastoral activity, elects 4 commissions (pastoral, monastic and social; theological, liturgical and didactic; (c) canonical, legal and disciplinary; for the external communities, inter-Orthodox, inter-Christian and inter-religious relations). Biserica Ortodoxă Română: *Statutul...*, art. 14–15.

²⁵ In the Eastern understanding, a council does not end with the signing of the council resolutions, as these demand reception by the entire Church, which sometimes takes many years.

²⁶ JOINT INTERNATIONAL COMMISSION FOR THE THEOLOGICAL DIALOGUE BETWEEN THE ROMAN CATHOLIC CHURCH AND THE ORTHODOX CHURCH: *Ecclesiological and Canonical Consequences*, 7.

make decisions that are binding on the whole Church,²⁷ forming the Holy Council or the Holy Synod of Bishops of the autocephalous Church (these bodies are formed by all bishops or representatives, depending on the size of the Church and internal regulations).²⁸

3. Within the structure of the Old Catholic and Anglican Churches

The subjectivity and co-responsibility of the laity is clearly present in the Old Catholic Churches, which have an episcopal-synodal system. This expresses the communitarianism of the Church. It is not only

²⁷ ПРАВОСЛАВНА ЦЕРКВА УКРАЇНИ: *Статут Православної Церкви України*, II.1–2, <https://www.pomisna.info/wp-content/uploads/2019/05/statut-ptsu.pdf> [accessed 22.06.2022]. In the case of the Orthodox Church of America, the highest legislative and administrative authority in the Church is the All-American Council, which consists of: Metropolitan and members of the Holy Synod, auxiliary bishops, a pastor and ministering priests from each parish and an equal number of laymen from that parish, military chaplains, a deacon from each parish, one delegate from a parish without a permanent pastor, members and deputies of the Metropolitan Council, members of the Church Review Commission, one priest or deacon and one layman from each theological institution, bishop-accredited superiors of monasteries, members of the Pre-Conciliar Commission. THE ORTHODOX CHURCH IN AMERICA: *The Statute of the Orthodox Church in America*, art. III, <https://www.oca.org/files/PDF/official/2018-0724-oca-statute-final.pdf> [accessed 15.06.2022]. “In doctrinal and canonical matters, the final decision belongs to the Holy Council of Bishops as successors of the Holy Apostles and exponents of Holy Tradition” (own trans.). POLSKI AUTOKEFALICZNY KOŚCIÓŁ PRAWOSŁAWNY: *Statut...*, § 5.

²⁸ See ПРАВОСЛАВНА ЦЕРКВА УКРАЇНИ: *Статут...*, III.1, V.1; СРПСКА ПРАВОСЛАВНА ЦРКВА: *Свети Архидејески Синод*, <http://www.spc.rs/sr/sinod> [accessed 10.06.2022]; БЪЛГАРСКА ПРАВОСЛАВНА ЦРКВА: *Устав...*, art. 6–7.9. Holy Synods also function in Oriental Churches: THE ASSYRIAN CHURCH OF THE EAST: *Holy Synod*, <https://news.assyrianchurch.org/holy-synod/> [accessed 8.10.2025], THE SYRIAN ORTHODOX PATRIARCHATE OF ANTIOCH: *Holy Synod of Antioch*, <https://syriacpatriarchate.org/holy-synod-antioch/> [accessed 8.10.2025], THE MALANKARA ORTHODOX SYRIAN CHURCH: *Holy Synod*, <https://mosc.in/holysynod> [accessed 8.10.2025], THE COPTIC ORTHODOX CHURCH: *Holy Synod members*, <https://copticorthodox.church/en/holysynod/synod-members/> [accessed 8.10.2025], THE WORLD COUNCIL OF CHURCHES: *Ethiopian Orthodox Tewahedo Church*, <https://www.oikoumene.org/member-churches/ethiopian-orthodox-tewahedo-church> [accessed 8.10.2025], THE ERITREAN ORTHODOX TEWAHDO CHURCH: ምኅደራ ቤተ ክርስቲያን, <https://www.lisantewahdo.org/index.php/2019-10-17-10-56-42/2019-10-25-15-14-29/item/416-2019-11-23-10-47-21> [accessed 8.10.2025].

about discernment and governance, but also about the spiritual dimension. It is before the community that candidates for ordination make a pledge to keep the deposit of faith, an examination of faith and a declaration of acceptance of ordination from legitimate ministers. But it is the whole Church that realizes the common (baptismal) priesthood, which is expressed in co-responsibility, including with regard to the deposit of faith. This is related to the concept of the Church as a space of continuous common finding of truth, decision-making and action. The episcopal ministry, on the other hand, is to enable the realization of this vocation of the baptized.²⁹

On the one hand, the ministry of bishops is crucial, based on the reception of the sacrament of Holy Orders at the episcopal level, and on the other hand, synods are the supreme legislative authority, and synodal councils co-govern with bishops.³⁰ In these bodies, clergy and laity have equal rights. At the parish level, the parish assembly and parish council are important. The purpose of these arrangements is for the Church and its parts to function without one-man governance.³¹ Noteworthy is the arrangement in the Christian Catholic Church of Switzerland, in whose National Synod two-thirds of the members are laypersons, and the bishop and members of the Synodal Council (six laypersons, including the chairperson, and four

²⁹ THE UNION OF UTRECHT OF THE OLD CATHOLIC CHURCHES: *Ministry and Leadership*, https://www.utrechter-union.org/page/162/ministry_and_leadership [accessed 8.10.2025]; U. KÜRY: *Kościół starokatolicki. Historia, nauka, dążenia*. Trans. W. Wysoczański. Warszawa 1996, pp. 284, 314–317; P.-B. SMIT: *Old Catholic Theology. An Introduction*. Leiden–Boston 2019, p. 30.

³⁰ KATHOLISCHES BISTUM DER ALT-KATHOLIKEN IN DEUTSCHLAND: *Die Synode*, <https://www.alt-katholisch.de/unsere-kirche/das-bistum/synode/> [accessed 10.10.2025]. Synodality does not exclude the bishop's explicit prerogatives, including conferring ordination and confirmation, blessing the oil for liturgical actions, consecrating churches and altars, admitting persons to teach, promoting unity and diakonia, advocating cooperation with other Churches, accompanying clergy in ministry, overseeing the implementation of synod resolutions, and visiting parishes. KATHOLISCHES BISTUM DER ALT-KATHOLIKEN IN DEUTSCHLAND: *Leitung unter Mitwirkung und Mitentscheidung*, <https://www.alt-katholisch.de/unsere-kirche/das-bistum/bischof/> [accessed 10.10.2025]. See ALTKATHOLISCHE KIRCHE ÖSTERREICHS: *Unsere Organisation*, <https://altkatholiken.at/altkatholischer-glaube#organisation> [accessed 10.10.2025].

³¹ KOŚCIÓŁ STAROKATOLICKI MARIAWITÓW W RP: *O Kościele*, <https://www.mariawita.pl/htmls/kosciol.html> [accessed 10.10.2025]; STAROKATOLICKÁ CÍRKEV V ČR: *Zřízení*, <https://www.starokatolici.cz/zrizeni/t812> [accessed 10.10.2025]; *Synodní rada*, <https://www.starokatolici.cz/synodni-rada/t1816> [accessed 10.10.2025]; OUD-KATHOLIEKE KERK VAN NEDERLAND: *Bestuur*, <https://oudkatholiek.nl/organisatie/bestuur/> [accessed 10.10.2025].

clergy) have no vote, except for the election of the bishop.³² One important dimension of governance is also material issues.

In summary, in the Old Catholic Churches, the co-responsibility of the faithful (organizational, economic and financial) is fundamental, which harmonizes with the ministry of bishops and presbyters.³³

Also in the Anglican tradition, the issue of co-responsibility of the baptized is important. Even though this idea is generally present in the Protestant family, in the Churches of Anglican Communion the ministry of bishops is important (Anglicanism adopts the three degrees of ordination). The mission of the bishops themselves is carried out collegially. At each level of the Churches, however, the interaction of the ordained of all ranks and the laity is essential. However, this is not democracy in every aspect. The limit of decision-making is fidelity to the Word of God. Therefore, the decisions of synods cannot be assigned the attribute of infallibility: "General Councils may not be gathered together without the commandment and will of Princes. And when they be gathered together, (forasmuch as they are an assembly of men, whereof all are not governed with the Spirit and Word of God,) they may err, and sometimes have erred, even in things pertaining unto God. Wherefore things ordained by them as necessary to salvation have neither strength nor authority, unless it may be declared that they be taken out of holy Scripture."³⁴

In the Church of England, the laity are involved in the General Synod, which includes, in addition to the House of Bishops and the House of Clergy, the House of Laity, elected by diocesan synods and religious communities. Structured in this way, the Synod is the most important legislative, pastoral, and financial body. At the same time, at the central level, the faithful are involved in the National Church Institutions: the Archbishops' Council (leadership, strategy, executive responsibility), Lambeth

³² CHRISTKATHOLISCHE KIRCHE DER SCHWEIZ: *Nationalsynode*, <https://christkatholisch.ch/wir/organisation/nationalsynode/> [accessed 10.10.2025]; *Synodalrat*, <https://christkatholisch.ch/wir/organisation/synodalrat/> [accessed 10.10.2025].

³³ BISSCHOPPELIJK BUREAU OUD-KATHOLIEKE KERK VAN NEDERLAND: *Statuut voor de Oud-Katholieke Kerk van Nederland*, Amersfoort 2025, art. 130–150.159–181; KATHOLISCHES BISTUM DER ALT-KATHOLIKEN IN DEUTSCHLAND: *Kirchliche Ordnungen und Satzungen*, III. STAROKATOLICKÁ CÍRKEV V ČR: *Ústava Starokatolícké cirkve v České republice*, § 1.4–8.10.14–18.22–30; HRVATSKA STAROKATOLIČKA CRKVA: *Kratka Sinteza Stava Hrvatske Starokatoličke Crkve*, <https://hrvatska-starokatolicka-crkva.com/nase-misljenje-o/> [accessed 10.10.2025].

³⁴ THE CHURCH OF ENGLAND: *The Articles of the Church of England*, art. 21, <https://www.churchofengland.org/prayer-and-worship/worship-texts-and-resources/book-common-prayer/articles-religion> [accessed 10.10.2025].

Palace (the office of the Archbishop of Canterbury), Bishopthorpe Palace (the office of the Archbishop of York), the Church Commissioners (financial matters), the Church of England Pensions Board (pension services for Church employees), the National Society for Promoting Religious Education, the Church of England Central Services (HR, finance, IT, law, archiving). In dioceses, however, diocesan synods, deanery synods, and in the parochial church meetings and parochial church councils are important.³⁵

The responsibility of clergy and laity is implemented in other Anglican Churches. In the Church of Ireland, the General Synod, composed of the House of Bishops and the House of Representatives (clerical and lay), diocesan synods and diocesan councils and, in each parish, general vestries and parochial councils are important.³⁶ In the Episcopal Church, the General Convention, composed of the House of Bishops and the House of Deputies, has supreme authority. Between sessions of the Convention, the mission is carried out by the Executive Council. Each diocese has a diocesan synod, and a Standing Committee.³⁷ In the Anglican Church in North America (this Church is outside the Anglican Communion) the highest body is the Provincial Assembly composed of laity and clergy with Archbishop and bishops, the Provincial Council, the Executive Committee, the Provincial Tribunal (composed of seven members, both laity and priests), and in the dioceses Standing Committees, in the parishes, aside from parish priests, governing boards.³⁸

³⁵ THE CHURCH OF ENGLAND: *General Synod*, <https://www.churchofengland.org/about/leadership-and-governance/about-general-synod> [accessed 10.10.2025]; *Leadership and Governance*, <https://www.churchofengland.org/about/leadership-and-governance> [accessed 10.10.2025]; *Church Representation Rules online – part 2*, <https://www.churchofengland.org/about/leadership-and-governance/legal-services/church-representation-rules/part-2> [accessed 10.10.2025]; *Church Representation Rules online – part 3*, <https://www.churchofengland.org/about/leadership-and-governance/legal-services/church-representation-rules/part-3> [accessed 10.10.2025]; *Church Representation Rules online – part 4*, <https://www.churchofengland.org/about/leadership-and-governance/legal-services/church-representation-rules/part-4> [accessed 10.10.2025]; *Church Representation Rules online – part 9*, <https://www.churchofengland.org/about/leadership-and-governance/legal-services/church-representation-rules/part-9> [accessed 10.10.2025].

³⁶ THE CHURCH OF IRELAND: *The Constitution*, chap. I–III, <https://www.ireland.anglican.org/about/the-constitution/the-constitution-in-full> [accessed 10.10.2025].

³⁷ THE EPISCOPAL CHURCH: *Constitution & Canons 2024*, art. 1.4, can. 1, https://www.episcopalarchives.org/files/publications/2024_CandC.pdf [accessed 10.10.2025].

³⁸ THE ANGLICAN CHURCH IN NORTH AMERICA: *Constitution and Canons 2025*, art. I–II.V–VI.XI, <https://anglicanchurch.net/wp-content/uploads/2021/10/ACNA-Constitution-and-Canons-June-2019.pdf> [accessed 10.10.2025].

Other churches in the Anglican tradition have arrangements parallel to those indicated above. In these structures, we can see the coexistence of the ministry of bishops, presbyters, deacons and laity in discernment, governance, accountability and ecclesiastical justice. This broad involvement also leads to Anglican diversity. The Holy Scripture and *The Book of Common Prayer*, the basic book of prayer and guidance for Anglican spirituality (balancing the extremes) is to be everywhere at the center.³⁹ It should be noted, however, that democratization in Anglican churches sometimes leads to controversial decisions, causing much tension in the Anglican Communion.⁴⁰

4. Within the structure of the historic Reformation Churches

The 16th-century Reformation and its later iterations brought greater empowerment of the laity and their active involvement in the life of the Church, including in decision-making and governance. The head of the Church is Christ, and the Church itself is a community united by the pure proclamation of God's Word and the due administration of the sacraments of baptism and the Lord's Supper.⁴¹ Other aspects of ecclesial life, such as structure or liturgical orders, may differ from one Church to another. Fidelity to the Word of God is crucial. Aids to maintaining an understanding of the Bible and abiding in the right faith are *The Book of Concord* (for the Lutherans), *The Three Forms of Unity* (for the continental Reformed) and *The Westminster Standards* and *The Scots Confession* (for the Scottish Reformed and Presbyterians) or *The Articles of Religion of the Methodist Church*, *John Wesley's Explanatory Notes Upon the New*

³⁹ *The Book of Common Prayer and Administration of the Sacraments and other Rites and Ceremonies of the Church according to use of the Church of England*. Cambridge 2012, p. V.

⁴⁰ Examples include the introduction of same-sex marriage or allowing people living in such unions to be ordained in the Episcopal Church in USA and the United Church of Canada.

⁴¹ "The Church is the congregation of saints, in which the Gospel is rightly taught, and the Sacraments are rightly administered. And to the true unity of the Church, it is enough to agree concerning the doctrine of the Gospel and the administration of the Sacraments. Nor is it necessary that human traditions, that is, rites or ceremonies, instituted by men, should be everywhere alike." *The Augsburg Confession*, art. VII, <https://bookofconcord.org/augsburg-confession/> [accessed 10.10.2025].

Testament and *Forty-Four Sermons by John Wesley* (for the Methodists). In all of these strands of the Reformation, based on the Word of God, the basis for the participation of the ordained and non-ordained is the truth of the universal priesthood of the baptized. Thus, all Christians are called to divine service and freedom of faith through the work of the Holy Spirit. This is expressed in the daily living of the Gospel, but also in taking joint responsibility for the Church, including in governance. This is expressed primarily in multidimensional synodality: within local churches (Synod of the Church), in dioceses (diocesan synods) and in parishes (parish assemblies and councils).

Thus, the Synod is the epitome of the Church and “the expression of all the rights vested in the Church.”⁴² The Synod deals with doctrinal, liturgical, pastoral and legal matters. Among Polish Lutherans, the laity participate, alongside the Church Synod, in the Synodal Council and the Consistory, in dioceses in diocesan synods and diocesan councils, and in parishes they form parish assemblies and appoint parish councils. In these councils, the laity together with the ordained discern, decide, and govern.⁴³ The analogy is the same in other Churches. In the union Evangelical Church in Germany (Evangelische Kirche in Deutschland, EKD), the synod is made up of representatives of member churches; 14 members make up the EKD Council. The EKD Church Conference, composed of theologians and lawyers, and various committees also have an important place.⁴⁴ In the United Evangelical Lutheran Church in Germany (VELKD), there is a General Synod and a Church Council (with a Presiding Bishop, another bishop and representatives of the synod).⁴⁵ In the Church of Sweden, the equivalent

⁴² KOŚCIÓŁ EWANGELICKO-AUGSBURSKI W RZECZYPOSPOLITEJ POLSKIEJ: *Zasadnicze Prawo Wewnętrzne Kościoła Ewangelicko-Augsburskiego w Rzeczypospolitej Polskiej* (15.10.2022), § 58, <https://bik.luteranie.pl/wp-content/uploads/2023/01/2022-10-15zpw-tekstujednolicony.pdf> [accessed 10.10.2025].

⁴³ KOŚCIÓŁ EWANGELICKO-AUGSBURSKI W RZECZYPOSPOLITEJ POLSKIEJ: *Zasadnicze Prawo Wewnętrzne Kościoła Ewangelicko-Augsburskiego w Rzeczypospolitej Polskiej* (15.10.2022), § 27-35.44-48.49-51.58-72.

⁴⁴ EVANGELISCHE KIRCHE IN DEUTSCHLAND: *Synode der EKD*, <https://www.ekd.de/synode-der-ekd-10772.htm> [accessed 10.10.2025]; *Rat der EKD*, <https://www.ekd.de/Rat-10774.htm> [accessed 10.10.2025]; *Kirchenkonferenz der EKD*, <https://www.ekd.de/Kirchenkonferenz-10783.htm> [accessed 10.10.2025]; *Kammern der EKD*, <https://www.ekd.de/Kammern-10782.htm> [accessed 10.10.2025].

⁴⁵ VEREINIGTE EVANGELISCH-LUTHERISCHE KIRCHE DEUTSCHLANDS: *Generalsynode*, <https://www.velkd.de/velkd/generalsynode.php> [accessed 10.10.2025]; *Bischofskonferenz*, <https://www.velkd.de/velkd/bischofskonferenz.php> [accessed 10.10.2025]; *Kirchenleitung*, <https://www.velkd.de/velkd/kirchenleitung.php> [accessed 10.10.2025]; *Der Leitende Bischof*

of the synod is the Church Council, which interacts with the Meeting of Bishops under the direction of the Archbishop.⁴⁶ In the Evangelical Lutheran Church of Finland, laity participate in all key legislative and governing bodies: in the Church Assembly, in the Church Council and the Commission for Church Employers. In each diocese, shared responsibility is carried by the Synodal Assembly and the Diocesan Council, in the parishes by the Church Councils.⁴⁷ In turn, the Evangelical Lutheran Church in America is divided into synods (dioceses) composed of representatives from each congregation (parish). In each synod there are a Synod Assembly and a Synod Council. The most important body of the Church as a whole is the Churchwide Assembly (representatives of the synods) and the Church Council (legislative authority and Churchwide government). The laity also participate in committees and offices.⁴⁸

The Danish National Church, on the other hand, functions differently. It has no centralized organization. The Church is headed by the Queen of Denmark, and the bishops decide on pastoral and administrative matters. The faithful, however, are involved in councils, especially parish councils. They can also appoint structures other than the parish.⁴⁹

Full lay involvement in decision-making processes is a feature of Reformed denominations. Most of them have a synodal-presbyterial system, although some are congregationally formed. The laity thus participate in all areas of church life. A peculiarity of the Reformed in Poland is that laity head ecclesiastical bodies, including the Synod, the Consistory, the Church College, and the congregation of members in the parish.⁵⁰

oder die Leitende Bischöfin, <https://www.velkd.de/velkd/leitender-bischof-der-velkd.php> [accessed 10.10.2025].

⁴⁶ SVENSKA KYRKAN: *Kyrkomötet*, <https://www.svenskakyrkan.se/kyrkomotet-hogsta-beslutande-organ> [accessed 10.10.2025]; *Biskopsmötet*, <https://www.svenskakyrkan.se/biskopsmotet> [accessed 10.10.2025].

⁴⁷ SUOMEN EVANKELIS-LUTERILAINEN KIRKKO: *Kirkkojärjestys*, III, § 26–39, IV, §8–17, V, § 1–16, <https://www.finlex.fi/fi/lainsaadanto/saaduskokoelma/2023/657> [accessed 10.10.2025].

⁴⁸ THE EVANGELICAL LUTHERAN CHURCH IN AMERICA: *Constitutions, bylaws and continuing resolutions of the Evangelical Lutheran Church in America*, chap. 9–12.14–16, https://resources.elca.org/office-of-the-secretary/constitution-bylaws-and-continuing-resolutions-of-the-elca/?_ga=2.166535678.1166015347.1760192396-25538295.1760192316 [accessed 10.10.2025].

⁴⁹ FOLKEKIRKEN: *Om folkekirken*, <https://www.folkekirken.dk/om-folkekirken> [accessed 10.10.2025].

⁵⁰ KOŚCIÓŁ EWANGELICKO-REFORMOWANY W RP: *Prawo wewnętrzne Kościoła Ewangelicko-Reformowanego w Rzeczypospolitej Polskiej*, art. 5.19–26.50–54.62.67, <https://www>

There is no one-person decision-making in any Reformed Church. The key to Reformed identity, therefore, is communitarianism. This is realized through councils, committees, ministries. This is also how the World Communion of Reformed Churches functions.⁵¹

Situated between the historic and Evangelical Churches is Methodism, which originated in the Church of England. As the principles of the faith state, “the visible church of Christ is a congregation of faithful men in which the pure Word of God is preached, and the Sacraments duly administered according to Christ’s ordinance, in all those things that of necessity are requisite to the same.”⁵² The Church thus understood is realized in its synodal form, in which the non-ordained actively participate in central and local bodies of shared responsibility. The proclamation of the Word of God, however, should only be undertaken by those called to do so, especially the ordained,⁵³ although all the baptized share in the mission of the Church. Thus, they take responsibility for local communities, participate in synods or conferences of the Church, in various types of church committees, district (diocesan) councils, parish councils, and conferences. In Polish Methodism, the Council of Superintendents and the Clergy Assembly, sitting non-publicly, are important. The role of the ordained is emphasized in this. In the United Methodist Church, on the other hand, central authority is distributed among various bodies: the General Conference, the Council of Bishops and the Judicial Council. Representatives of the laity and ordained carry out communal responsibility also in the World Methodist Council, for instance, in the Steering Committee and in other bodies.⁵⁴

.reformowani.pl/index.php/czytelnia/26-prawo-wewnetrznegosciola-ewangelicko-reformowanego-rzeczypospolitej-polskiej [accessed 10.10.2025].

⁵¹ See THE PRESBYTERIAN CHURCH (USA): *What makes us unique*, <https://www.presbyterianmission.org/what-we-believe/what-makes-us-unique/> [accessed 10.10.2025]; WORLD COMMUNION OF REFORMED CHURCHES: *Constitution and By-Laws*, <https://wcrce.eu/about/governance/> [accessed 10.10.2025].

⁵² THE UNITED METHODIST CHURCH: *The Articles of Religion of the Methodist Church*, art. XIII, <https://www.umc.org/en/content/articles-of-religion> [accessed 10.10.2025].

⁵³ “The offices which the Holy Spirit performs for the Church of Christ are that He calls and qualifies the ministry, renders their preaching effective for the conviction and conversion of sinners and the edification of believers, is present in her ordinances, and gives direction and power to her work.” THE METHODIST CHURCH, CANADA: *Catechism*. London 2017, no. 73.

⁵⁴ THE UNITED METHODIST CHURCH: *Our Structure*, <https://www.umc.org/en/who-we-are/structure> [accessed 10.10.2025]; THE WORLD METHODIST COUNCIL: *Steering Committee*, <https://worldmethodistcouncil.org/steering-committee/> [accessed 10.10.2025];

In summary, in the historic Churches of the Reformation, ordination is important, which gives certain prerogatives (performing pastoral functions, officially preaching the Word of God, administering the sacraments, presiding over the liturgy and the community). However, non-ordained people also have an inalienable place. From the very fact of baptism grows their responsibility for the Church and the right to decide on its functioning.

5. Within the structure of Evangelical Churches

Evangelical Protestantism is one of the most dynamic religious phenomena of contemporary Christianity. As Tadeusz Zieliński points out, it is a movement that combines features of personal spirituality with missionary and social activity, while at the same time creating a distinctive religious culture centered around the experience of personal faith.⁵⁵ Evangelicalism draws on both the heritage of the Reformation and Pietist, Methodist, and Pentecostal influences.⁵⁶ This encourages the development of private spirituality and personal forms of religiosity. Theologically, this means a shift in emphasis from ritual to relationship, while in terms of the sociology of religion, a gradual shift from ecclesiastical religion to invisible religiosity.⁵⁷ Taking into account the diversity of spiritual experiences and interpretive

Headquarters Office Staff, <https://worldmethodistcouncil.org/headquarters-office-staff/> [accessed 10.10.2025].

⁵⁵ See T. ZIELIŃSKI: *Protestantyzm ewangelikalny. Studium specyfiki religijnej*. Katowice–Warszawa 2014. The distinctive features of this trend are defined by the Evangelical quadrilateral: personal choice of faith (conversionism), reliance on the Bible (biblicism), Christocentrism (cross-centrism), and commitment (activism). See D. BEBBINGTON: *The Evangelical Quadrilateral: Characterizing the British Gospel Movement*. Waco 2021.

⁵⁶ A particularly active part of Evangelicalism is its Pentecostal flank, which is among the most growing strands of Christianity in the world. At the same time, the Pentecostal movement appears to be the most fluctuating part of Evangelicalism sensitive to changes in the intensity of theological views and prevailing ritual fashions.

⁵⁷ Z. PASEK: *Pstrokatę piękno. Szkice z historii duchowości chrześcijańskiej*. Kraków 1999. In each iteration of the Evangelical movement, the essence remains a personal intimate relationship with God acquired through a religious experience referred to as new birth. From the perspective of the social sciences, this phenomenon can be described by the term “Church of Choice.” See N. MODNICKA: *Małe świąty polskiego ewangelikalizmu. Studium z antropologii interpretatywnej*. Łódź 2013. Cf. A. MCGRATH: *Evangelicalism and the Future of Christianity*. London 1994, p. 51.

differences on theological issues, it can be said that at the core of the Evangelical mindset is an intense experience of the presence of God. Such experience is actually indispensable to them in translating the credo into concrete behavior in their lives.⁵⁸ One of the key aspects of transforming the daily life of Christians is the idea of the universal priesthood of believers, which models the communal and personal experience of faith.

Understanding spirituality in this way also shapes the way the communities function. For the Evangelicals “[...] the church is fundamentally a ‘polycentric community’ that allows members to participate...”⁵⁹ This is realized on several levels. First, the pastor in charge of the local community, devoid of priestly functions (in the Catholic or Orthodox sense), plays the role of a community theologian who interprets doctrinal issues through his own reading of the Bible. He is thus faced with the task of making a theological interpretation of passages of Scripture and the religious experiences of church members. The role of the ordained (clergy) is also emphasized in the legal acts of individual Churches,⁶⁰ for example, *Prawo Wewnętrzne Kościoła Zielonoświątkowego w RP*, *Zasadnicze Prawo Wewnętrzne Kościoła Chrześcijan Baptystów w RP*, *Statut Kościoła Wolnych Chrześcijan w RP* czy *Statut Kościoła Chrześcijan Wiary Ewangelicznej* [The Domestic Law of the Pentecostal Church in the Republic of Poland, the Fundamental Domestic Law of the Baptist Church in the Republic of Poland, the Statutes of the Free Christian Church in the Republic of Poland and the Statutes of the Evangelical Faith Baptist Church].⁶¹ In the quoted

⁵⁸ A. MIGDA: *Mistycyzm pentekostalny*. Kraków 2013, p. 184.

⁵⁹ T. PILLI: “The Baptist Way of Being the Church. Presentation at the EBF Council held in Tallinn, Estonia, 29 September 2016.” In: THE EUROPEAN BAPTIST FEDERATION: *Baptist Identity*, <https://www.ebf.org/post/baptist-identity> [accessed 19.10.2025], p. 3.

⁶⁰ It is impossible to discuss the legislation of all denominations. In Poland, for example, the government register of denominations lists 45 Evangelical Churches and communities that do not have their own particular law. However, separate laws apply to the Pentecostal Church in Poland and the Baptist Church in Poland.

⁶¹ KOŚCIÓŁ ZIELONOŚWIĄTKOWY W RZECZYPOSPOLITEJ POLSKIEJ: *Prawo Wewnętrzne Kościoła Zielonoświątkowego w RP*, <https://kz.pl/wp-content/uploads/2023/10/PrawoWewne%E2%84%A2trzneKZ-2023-tekst-jednolity--.pdf> [accessed 18.10.2025]; KOŚCIÓŁ CHRZEŚCIJAN BAPTYSTÓW W RZECZYPOSPOLITEJ POLSKIEJ: *Zasadnicze Prawo Wewnętrzne Kościoła Chrześcijan Baptystów w RP*, <https://old.baptysci.pl/images/home/Zasadnicze-Prawo-Wewnetrzne-KChB.pdf> [accessed 18.10.2025]; KOŚCIÓŁ WOLNYCH CHRZEŚCIJAN W RZECZYPOSPOLITEJ POLSKIEJ: *Statut Kościoła Wolnych Chrześcijan w RP* (2019), https://kwch.org/wp-content/uploads/2019/11/Statut_KWCH_2019.pdf [accessed 18.10.2025]; KOŚCIÓŁ CHRZEŚCIJAN WIARY EWANGELICZNEJ: *Statut Kościoła Chrześcijan Wiary Ewangelicznej*, https://kchwe.pl/akty-prawne/statut/iv-duchowni-kosciola/?utm_source=chatgpt.com [accessed 18.10.2025].

constitutional acts, the terms of clergy appear, but it follows that all Polish Evangelical Churches define clergy by listing the offices recognized as clergy. In the Pentecostal Church these are deacons and presbyters, in the Baptist Church: pastors, missionaries, deacons, and vicars, in the Free Christian Church: superiors, elders, preachers, missionaries, evangelists, chaplains, deacons and deaconesses, in the Evangelical Faith Baptist Church: apostles, prophets, evangelists, pastors, teachers, presbyters, and deacons. In these and similar communities, a clergyperson is a lay person ordained or appointed to perform spiritual service, with the right to perform religious acts on behalf of the community and in accordance with religious law, subject to the protection afforded to clergy.

In addition to pastors, “church elders” play an important role in the local community. These collegial bodies oversee the local communities and, together with the pastor, make important decisions for the life of the Church. Their collective decisions model how the spirituality and ritual of the local communities are implemented. Their role depends on individual church statutes, but they usually oblige pastors to interact with the Council of Elders. Therefore, decision-making requires the laity to have the competence of spiritual discernment. Referring to the biblical model of the Church as the Body of Christ emphasizes that the Holy Spirit gives each believer specific charisms that serve to build up the community. This shifts the emphasis from hierarchy to endowment (anointing), or spiritual gifting. This theological conviction has sociological consequences – it changes the way authority and power are understood within the community. In practice, this means that authority in the Charismatic Church is diffuse. It does not derive only from the office (e.g., pastor), but also from recognizing the spiritual authority of the person through whom the Holy Spirit works. This is why lay prophets, teachers, worship leaders or healing prayer leaders often play a real leadership role, even though they are not formally members of the church council or clergy. Especially in communities belonging to the Pentecostal movement,⁶² one can see how the role of the laity is not limited to functions related to the organizational dimension of the Church’s activities, but includes spiritual, prophetic and missionary dimensions. This creates a synergistic space in which elements of institutional authority are intertwined with charismatic reality. In such an expanded model of networked leadership, the pastor often plays a coordinating

⁶² See *The Century of the Holy Spirit: 100 Years of Pentecostal and Charismatic Renewal, 1901–2001*. Ed. V. SYNAN. Nashville 2012.

role and his authority is based on credibility, relationships and the spiritual fruits of ministry. However, it is important to remember that under most statutes, however, it is the pastor who represents the Church to the outside world, and consequently, it is the pastor who is charged with responsibility and the need to sign off on decisions laden with civil liability.

The participation of the faithful in discernment and governance is also fulfilled at the level of interaction between the individual Churches that make up the larger church body. This is expressed in the synodal form – the synod “the highest legal body of the Church as a whole.”⁶³ Polish Evangelical Churches function in such a structure. Synodality is also a form of other communities of the Evangelical current. For example, in the Southern Baptist Convention, which, while respecting the autonomy of the Churches, is a network of church cooperation, and in the service of unity the mission is undertaken by: a president, a first and a second vice president, a recording secretary, a registration secretary, and a treasurer, the Executive Committee, the general boards of the Convention and other commissions and committees⁶⁴; in the Assemblies of God serve the General Council (ordained and licensed ministers, representatives of Churches with certificates of membership), the Executive Leadership Team, the Executive Presbytery, district councils, local bodies of co-responsible persons in congregations⁶⁵; in the Church of God the highest authority holds the International General Assembly (lay members and ministers), but the International General Council is made up of bishops; lay people are members, together with ordained, of the International Executive Council’s various committees.⁶⁶ A synodal-episcopal structure, on the other hand, functions

⁶³ KOŚCIÓŁ ZIELONOŚWIĄTKOWY W RZECZYPOSPOLITEJ POLSKIEJ: *Prawo wewnętrzne Kościoła Zielonoświątkowego w Rzeczypospolitej Polskiej*, art. 1 p. 1, <https://kz.pl/wp-content/uploads/2023/10/PrawoWewne%E2%84%A2trzneKZ-2023-tekst-jednolity-.pdf> [accessed 18.10.2025]. The synod is composed of presbyters, pastors, acting pastor, assistant pastors, delegates of Churches, and representatives of church agencies. *Wprowadzenie do nauki o Biblii oraz doktryny i praktyki ruchu zielonoświątkowego*. Eds. E. BEDNARZ, R. TOMASZEWSKI. Warszawa 2010, p. 290.

⁶⁴ THE SOUTHERN BAPTIST CONVENTION: *Constitution*, art. IV–VII, <https://www.sbc.net/about/what-we-do/legal-documentation/constitution/> [accessed 18.10.2025].

⁶⁵ THE ASSEMBLIES OF GOD: *Constitution of the General Council of the Assemblies of God*, art. VII–XI, https://cdn1.acdn.io/sites/agorg/Constitution_Bylaws/2023/2023_AG_Constitution_and_Bylaws.pdf [accessed 18.10.2025]; *Bylaws of the General Council of the Assemblies of God*, art. II–V, https://cdn1.acdn.io/sites/agorg/Constitution_Bylaws/2023/2023_AG_Constitution_and_Bylaws.pdf [accessed 18.10.2025].

⁶⁶ THE CHURCH OF GOD: *Bylaws*, <https://churchofgod.org/beliefs/bylaws/> [accessed 18.10.2025].

in the International Pentecostal Holiness Church – the General Conference has the most important prerogatives, but between its assemblies the highest authority and power is exercised by the Council of Bishops and the Executive Committee of the Council of Bishops.⁶⁷ In the Church of God in Christ (USA), the General Assembly (composed by ordained and lay people) has the highest authority, and in day-to-day functioning the General Board composed by twelve bishops. Ordained and lay people are members of the Judiciary Board in the Supreme Court of the Church of God in Christ. In addition to this, the faithful realize co-responsibility through involvement in various central and local ministries and departments.⁶⁸

Interaction between ordained and non-ordained and synodality exist in the international structures of Evangelical denominations, among others the World Evangelical Alliance, the Pentecostal World Fellowship, the Pentecostal European Fellowship (although essentially it is an association of church leaders, ordained), the Baptist Bible Fellowship International, the European Baptist Federation or the World Baptist Alliance.⁶⁹

In summary, shared responsibility in Evangelical communities reflects the transparency of governance and the maturity of the community. The natural tension between structure and charism is an inherent aspect of communities where the Holy Spirit and the institution coexist in dynamic harmony. As a result, Evangelical communities become a space where the laity actively participate in the life of the church, shaping its spiritual and organizational development. From a sociological point of view, they can be described as a “grassroots religious elite,” whose influence does not

⁶⁷ THE INTERNATIONAL PENTECOSTAL HOLINESS CHURCH: *Bylaws*, art. I, <https://iphc.org/wp-content/uploads/2018/06/IPHC-Manual-2017-2021-English.pdf> [accessed 18.10.2025].

⁶⁸ THE CHURCH OF GOD IN CHRIST (USA): *The Executive Branch*, <https://www.cogic.org/about-us/the-executive-branch/> [accessed 18.10.2025]; *The Legislative Branch*, <https://www.cogic.org/about-us/the-legislative-branch/> [accessed 18.10.2025]; *The Judiciary Board*, <https://www.cogic.org/about-us/the-judicial-branch/the-judiciary-board/> [accessed 18.10.2025]; *How We Serve*, <https://www.cogic.org/service/> [accessed 18.10.2025].

⁶⁹ THE WORLD EVANGELICAL ALLIANCE: *International Council*, <https://worldea.org/who-we-are/international-council/> [accessed 18.10.2025]; *Leadership*, <https://worldea.org/who-we-are/leadership/> [accessed 18.10.2025]; THE PENTECOSTAL EUROPEAN FELLOWSHIP: *Presidium*, <https://www.pfef.eu/presidium> [accessed 18.10.2025]; THE PENTECOSTAL WORLD FELLOWSHIP: *Leadership*, <https://www.pwfellowship.org/leadership> [accessed 18.10.2025]; *Ambassadors*, <https://www.pwfellowship.org/ambassadors> [accessed 18.10.2025]; THE BAPTIST BIBLE FELLOWSHIP INTERNATIONAL: *Constitution and By-Laws*, art. V–VIII, <https://www.bbbf.org/constitution-and-by-laws> [accessed 18.10.2025]; THE WORLD BAPTIST ALLIANCE: *Constitution and Bylaws*, art. III–VIII, https://baptistworld.org/wp-content/uploads/2024/07/BWA-Constitution-and-Bylaws_Adopted-July-2024-FINAL.pdf [accessed 18.10.2025].

rival the authority of the clergy but complements it by creating a new culture of shared responsibility.

6. Conclusions and inspiration

The multiplicity of structures in different Churches and denominations, when coupled with respecting each other's doctrinal identity, can be a valuable source of mutual inspiration. At the same time, it can provide an opportunity to deepen the theology of individual currents, which will translate into new forms of life and activity of the Churches. In the context of the analysis carried out, it is right to formulate the following conclusions:

a) The Catholic, Orthodox (Byzantine) and Oriental Churches have a clear sacramental-hierarchical structure, which means the inalienable role of the ordained, primarily the bishops, who, being the successors of the apostles, have a pastoral, sacramental-liturgical and teaching function. In the process of discernment and decision-making has the synodality and collegiality of the bishops; in the case of the Catholic Church always in subordination to the Bishop of Rome. In pastoral care, presbyters, especially those serving as parish priests, have an important role. The structure thus understood does not exclude the interaction of the laity and the consecrated. In the Catholic Church, taking into account the nuances between rites, the laity participate in various councils, committees and other bodies, supporting bishops (at the diocesan level) and pastors (at the parish level). They can also perform various stewardship functions, but always, in accordance with ecclesiology, in unity with and subordination to the bishops (pastors). The necessity of the co-responsibility of the laity has been highlighted by Pope Francis, expanding the formula of the Synod of Bishops and including non-bishops in the process of discernment and working out decisions.

For the Catholic Church, familiarity with the solutions of other churches and even greater empowerment of the laity could serve for pastoral revitalization. Sharing in the election of bishops and pastors or in control bodies, as well as real participation in governance at the level of the universal Church and local churches (dioceses), would not mean a violation of hierarchical identity.

Also in the Eastern non-Catholic Churches, the mission of bishops is central. However, representatives of presbyters, deacons, monks and laity participate in local councils or synods, in various councils and places of service. Depending on the law of the individual autocephalous churches, they participate in the process of selecting the superiors (patriarch, metropolitan or archbishop).

- b) The Old Catholic Churches combine a sacramental-hierarchical structure with synodality. Representatives of the clergy and laity have a real influence on the broad shape of the Church. This experience indicates that the participation of the laity in discernment and governance does not detract anything from the office of the bishop and can additionally protect the Church from abuses of power. On the other hand, the competence of members of synods and councils, especially in the field of theology, remains a challenge. Nevertheless, Old Catholic synodality demonstrates the communal nature of the Christian community.

The Anglican experience is similar. In the churches of this current, defining themselves by a middle way between Catholicism and Protestantism, the function of the bishop is important. However, synodality presupposes the extensive involvement of other clergy and laity in Church responsibility, in the discernment of important theological and pastoral matters, as well as in the judicial sphere. The experience of these churches, especially in Britain and North America, shows that the synodal configuration does not offset tensions, controversies and even schisms. On the other hand, it is an illustration of the attempt to preserve unity while respecting diversity, not only spiritually (the shape of spirituality), but also organizationally (e.g., parallel structures). The challenge remains, however, to preserve doctrinal unity and to work out local solutions in such a way as to strengthen the real unity of the Anglican Communion.

- c) The Lutheran, Reformed and Methodist Churches are characterized by a constant interaction of ordained and non-ordained members. The ministry of bishops (superintendents) and presbyters is not insignificant, nevertheless it cannot be compared with the role of bishops and presbyters in the Catholic and Eastern Churches. The bishop in a diocese and the pastor (parish priest) in a parish are responsible for the teaching of the faith, the equitable celebration of the sacraments and pastoral practice. However, he does not perform his function in isolation from the laity. They are the ones who are an essential part of church synods, diocesan synods or parish councils. In this way, the ordained

and non-ordained carry responsibility for the Church. Undoubtedly, for other Christians, such an arrangement can be inspiring, though not without concerns about excessive democratization, especially when people without proper theological training decide doctrinal, pastoral or legal matters.

- d) Evangelical Churches bear witness to functioning in a model of real shared responsibility of the baptized for the local Church and broader structures. This does not negate the importance of the role of ordained persons, especially those serving as pastors. However, the key is the participatory model of functioning of the local Church or larger structures, in which councils or synods are effective forums for governance. This is all the more understandable when communities have tens to hundreds of members. This general Evangelical principle finds different solutions in terms of the authority of different structures. The differences between denominations mainly concern the degree of centralization and the role of churchwide bodies (this is clearly seen in the Pentecostal Church in the Republic of Poland), but in each denomination the uncoordinated faithful have a real causal and controlling mandate. Likewise, legal categories, such as “clergy” as defined by the law, do not overturn the secular nature of many ministries, but provide them with protection and recognition in the state.

The said participation of the faithful also carries certain dangers. On the one hand, a community functioning strongly democratically with the participation of a subjectively chosen authority (pastor or leader) may not be a sustainable structure. This is illustrated by observing the process of movement of believers between churches or denominations. On the other hand, the lack of a clearly defined doctrinal authority (the equivalent of the Catholic Church’s teaching office) generates tensions in theology and pastoral practice, a great deal of freedom of opinion even within a denomination, and a tendency toward separation. However, this does not diminish the very testimony of the power of shared responsibility. Undoubtedly, Evangelical Churches are characterized, relative to historic Churches, by identification with the mission of the community and involvement in multiple ministries. Such value is still expected in other strands of Christianity.

- e) The multifaceted solutions to ecclesial structure and the shape of ordained and lay participation in discernment and governance can provide valuable mutual inspiration between Churches and communities. To achieve this goal, however, it is necessary to understand one’s own

theological identity and knowledge of history, so that the preferred views and solutions are consistent with the biblical message, but also rooted in the earlier experiences of Christians, regardless of how they approach the Church's tradition.

Bibliography

- ALTKATHOLISCHE KIRCHE ÖSTERREICHS: *Unsere Organisation*, <https://altkatholiken.at/altkatholischer-glaube#organisation> [accessed 10.10.2025].
- BEBBINGTON D.: *The Evangelical Quadrilateral: Characterizing the British Gospel Movement*. Waco 2021.
- BISERICA ORTODOXĂ ROMÂNĂ: *Statutul pentru organizarea și funcționarea Bisericii Ortodoxe Române*, https://arhiva.patriarhia.ro/images/pdf/statutul_bor.pdf [accessed 7.10.2025].
- BISSCHOPPELIJK BUREAU OUD-KATHOLIEKE KERK VAN NEDERLAND: *Statuut voor de Oud-Katholieke Kerk van Nederland*. Amersfoort 2025.
- БЪЛГАРСКА ПРАВОСЛАВНА ЦЪРКВА: *Устав на Българската Православна Църква – Българска Патриаршия*, <https://bg-patriarshia.bg/statute> [accessed 5.06.2022].
- CHRISTKATHOLISCHE KIRCHE DER SCHWEIZ: *Nationalsynode*, <https://christkatholisch.ch/wir/organisation/nationalsynode/> [accessed 10.10.2025].
- CHRISTKATHOLISCHE KIRCHE DER SCHWEIZ: *Synodalrat*, <https://christkatholisch.ch/wir/organisation/synodalrat/> [accessed 10.10.2025].
- CONGREGATION FOR THE DOCTRINE OF THE FAITH: *Declaration “Inter Insigniores” on the question of admission of women to the ministerial priesthood*, https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19761015_inter-insigniores_en.html [accessed 25.09.2025].
- CONGREGATION FOR THE DOCTRINE OF THE FAITH: *Instruction “Donum veritatis” on the ecclesial vocation of the theologian*, https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19900524_theologian-vocation_en.html [accessed 25.09.2025].
- ΕΚΚΛΗΣΙΑ ΤΗΣ ΚΥΠΡΟΥ: Διοικητική Διάρθρωση και Στοιχεία Επικοινωνίας, https://churchofcyprus.org.cy/diikitiki_diathrosi [accessed 8.10.2025].
- EVANGELICAL PRESBYTERIAN CHURCH IN ENGLAND AND WALES: *Westminster Confession of Faith*, <https://www.epcew.org.uk/resources/westminster-confession-of-faith> [accessed 25.09.2025].

- EVANGELISCHE KIRCHE IN DEUTSCHLAND: *Synode der EKD*, <https://www.ekd.de/synode-der-ekd-10772.htm> [accessed 10.10.2025].
- EVANGELISCHE KIRCHE IN DEUTSCHLAND: *Kammern der EKD*, <https://www.ekd.de/Kammern-10782.htm> [accessed 10.10.2025].
- EVANGELISCHE KIRCHE IN DEUTSCHLAND: *Kirchenkonferenz der EKD*, <https://www.ekd.de/Kirchenkonferenz-10783.htm> [accessed 10.10.2025].
- EVANGELISCHE KIRCHE IN DEUTSCHLAND: *Rat der EKD*, <https://www.ekd.de/Rat-10774.htm> [accessed 10.10.2025].
- EVANGELISCHE KIRCHE IN DEUTSCHLAND: *The Confession of Faith of Augsburg*, <https://www.ekd.de/en/The-Confession-of-Faith-301.htm> [accessed 25.09.2025].
- EVDOKIMOV P.: *Prawosławie*. Trans. J. KLINGER. Warszawa 2003.
- FOLKEKIRKEN: *Om folkekirken*, <https://www.folkekirken.dk/om-folkekirken> [accessed 10.10.2025].
- HRVATSKA STAROKATOLIČKA CRKVA: *Kratka Sinteza Stava Hrvatske Starokatoličke Crkve*, <https://hrvatska-starokatolicka-crkva.com/nase-misljenje-o/> [accessed 10.10.2025].
- JOINT INTERNATIONAL COMMISSION FOR THE THEOLOGICAL DIALOGUE BETWEEN THE ROMAN CATHOLIC CHURCH AND THE ORTHODOX CHURCH: *Ecclesiological and Canonical Consequences of the Sacramental Nature of the Church: Ecclesial Communion, Conciliarity, and Authority*, <https://www.christianunity.va/content/unitacrisciani/en/dialoghi/sezione-orientale/chiese-ortodosse-di-tradizione-bizantina/commissione-mista-internazionale-per-il-dialogo-teologico-tra-la/documenti-di-dialogo/testo-in-inglese.html> [accessed 9.10.2025].
- KALLISTOS (WERE): *Członkowie Kościoła – biskupi, ludzie święcy, sobory*, https://www.cerkiew.pl/index.php?id=prawoslawie&ca_id=110 [accessed 26.10.2015].
- KATHOLISCHES BISTUM DER ALT-KATHOLIKEN IN DEUTSCHLAND: *Die Synode*, <https://www.alt-katholisch.de/unsere-kirche/das-bistum/synode/> [accessed 10.10.2025].
- KATHOLISCHES BISTUM DER ALT-KATHOLIKEN IN DEUTSCHLAND: *Kirchliche Ordnungen und Satzungen*, https://www.alt-katholisch.de/wp-content/uploads/2025/01/OS_2025.pdf [accessed 8.10.2025].
- KATHOLISCHES BISTUM DER ALT-KATHOLIKEN IN DEUTSCHLAND: *Leitung unter Mitwirkung und Mitentscheidung*, <https://www.alt-katholisch.de/unsere-kirche/das-bistum/bischof/> [accessed 10.10.2025].
- KISHA ORTHODHOKSE AUTOQEFALE E SHQIPËRISË: *Statuti i Kishës Orthodhokse Autoqefale të Shqipërisë*, <https://orthodoxalbania.org/2020/en/2015/03/24/statuti-i-kishes-orthodhokse-autoqefale-te-shqiperise-d62/> [accessed 7.10.2025].

- KOŚCIOŁ CHRZEŚCIJAN BAPTYSTÓW W RZECZYPOSPOLITEJ POLSKIEJ: *Zasadnicze Prawo Wewnętrzne Kościoła Chrześcijan Baptystów w RP*, <https://old.baptysci.pl/images/home/Zasadnicze-Prawo-Wewnetrzne-KChB.pdf> [accessed 18.10.2025].
- KOŚCIOŁ CHRZEŚCIJAN WIARY EWANGELICZNEJ: *Statut Kościoła Chrześcijan Wiary Ewangelicznej*, https://kchwe.pl/akty-prawne/statut/iv-duchowni-kosciola/?utm_source=chatgpt.com [accessed 18.10.2025].
- KOŚCIOŁ EWANGELICKO-AUGSBURSKI W RZECZYPOSPOLITEJ POLSKIEJ: *Zasadnicze Prawo Wewnętrzne Kościoła Ewangelicko-Augsburskiego w Rzeczypospolitej Polskiej* (15.10.2022), <https://bik.luteranie.pl/wp-content/uploads/2023/01/2022-10-15zpw-tekstujednolicony.pdf> [accessed 10.10.2025].
- KOŚCIOŁ EWANGELICKO-METODYSTYCZNY W RP: *Prawo Wewnętrzne Kościoła Ewangelicko-Metodystycznego w RP*, <https://metodysci.pl/index.php/prawo-wewnetrzne/#more-382> [accessed 10.10.2025].
- KOŚCIOŁ EWANGELICKO-REFORMOWANY W RP: *Prawo wewnętrzne Kościoła Ewangelicko-Reformowanego w Rzeczypospolitej Polskiej*, art. 5.19–26.50–54.62.67, <https://www.reformowani.pl/index.php/czytelnia/26-prawo-wewnetrzne-kosciola-ewangelicko-reformowanego-rzeczypospolitej-polskiej> [accessed 10.10.2025].
- KOŚCIOŁ STAROKATOLICKI MARIAWITÓW W RP: *O Kościele*, <https://www.mariawita.pl/htmls/kosciol.html> [accessed 10.10.2025].
- KOŚCIOŁ WOLNYCH CHRZEŚCIJAN W RZECZYPOSPOLITEJ POLSKIEJ: *Statut Kościoła Wolnych Chrześcijan w RP* (2019), https://kwch.org/wp-content/uploads/2019/11/Statut_KWCH_2019.pdf [accessed 18.10.2025].
- KOŚCIOŁ ZIELONOŚWIĄTKOWY W RZECZYPOSPOLITEJ POLSKIEJ: *Prawo Wewnętrzne Kościoła Zielonoświątkowego w RP*, <https://kz.pl/wp-content/uploads/2023/10/PrawoWewne%E2%84%A2trzneKZ-2023-tekst-jednolity-.pdf> [accessed 18.10.2025].
- KÜRY U.: *Kościół starokatolicki. Historia, nauka, dążenia*. Trans. W. WYSOCZAŃSKI. Warszawa 1996.
- LUTHER M.: *Address to the Christian Nobility of the German Nation Respecting the Reformation of the Christian Estate*. Trans. C. A. BUCHHEIM, <https://media.bloomsbury.com/rep/files/primary-source-74-martin-luther-address-to-the-christian-nobility-of-the-german-nation.pdf> [accessed 9.10.2025].
- McGRATH A.: *Evangelicalism and the Future of Christianity*. London 1994.
- MIGDA A.: *Mistycyzm pentekostalny*. Kraków 2013.
- oud-KATHOLIEKE KERK VAN NEDERLAND: *Bestuur*, <https://oudkatholiek.nl/organisatie/bestuur/> [accessed 10.10.2025].
- PASEK Z.: *Pstrokatę piękno. Szkice z historii duchowości chrześcijańskiej*. Kraków 1999.

- PILLI T.: "The Baptist Way of Being the Church. Presentation at the EBF Council held in Tallinn, Estonia, 29 September 2016." In: THE EUROPEAN BAPTIST FEDERATION: *Baptist Identity*, <https://www.ebf.org/post/baptist-identity> [accessed 19.10.2025].
- POLSKI AUTOKEFALICZNY KOŚCIOŁ PRAWOSŁAWNY: *Statut Wewnętrzny Polskiego Autokefalicznego Kościoła Prawosławnego*, https://woskresienska.pl/wp-content/uploads/2023/03/Statut_PAKP.pdf [accessed 7.10.2025].
- PRAVOSLÁVNÁ CIRKEV NA SLOVENSKU: *Ústava Pravoslávnej cirkvi v Českých krajinách a na Slovensku*, <https://orthodox.sk/pravoslavna-cirkev/ustava/> [accessed 8.10.2025].
- ПРАВОСЛАВНА ЦЕРКВА УКРАЇНИ: *Статут Православної Церкви України*, <https://www.pomisna.info/wp-content/uploads/2019/05/statut-ptsu.pdf> [accessed 22.06.2022].
- SAWA P.: "Dynamika chrztu w kontekście ekumenicznym. Teologia, duszpasterstwo, wyzwania." In: *Odkrywać dar chrztu świętego*. Eds. S. SUWIŃSKI, Z. WANAT. Toruń 2017, pp. 119–146.
- SMIT P.-B.: *Old Catholic Theology. An Introduction*. Leiden–Boston 2019.
- STAROKATOLICKÁ CÍRKEV V ČR: *Synodní rada*, <https://www.starokatolici.cz/synodni-rada/t1816> [accessed 10.10.2025].
- STAROKATOLICKÁ CÍRKEV V ČR: *Ústava Starokatolické církve v České republice*, <https://www.starokatolici.cz/ustava-starokatolicke-cirkve-v-ceske-republice/t1517> [accessed 8.10.2025].
- STAROKATOLICKÁ CÍRKEV V ČR: *Zřízení*, <https://www.starokatolici.cz/zrizeni/t812> [accessed 10.10.2025].
- SUOMEN EVANKELIS-LUTERILAINEN KIRKKO: *Kirkkojärjestys*, III, § 26–39, IV, §8–17, V, § 1–16, <https://www.finlex.fi/fi/lainsaadanto/saaduskokoelma/2023/657> [accessed 10.10.2025].
- SVENSKA KYRKAN: *Biskopsmötet*, <https://www.svenskakyrkan.se/biskopsmotet> [accessed 10.10.2025].
- SVENSKA KYRKAN: *Kyrkomötet*, <https://www.svenskakyrkan.se/kyrkomotet-hogsta-beslutande-organ> [accessed 10.10.2025].
- SZTREJA M.: "Aspekt wspólnotowy sensus fidei w pismach Nowego Testamentu." *Roczniki Teologiczne Warszawsko-Praskie* 14 (2018), pp. 81–98.
- THE ANGLICAN CHURCH IN NORTH AMERICA: *Constitution and Canons 2025*, <https://anglicanchurch.net/wp-content/uploads/2021/10/ACNA-Constitution-and-Canons-June-2019.pdf> [accessed 10.10.2025].
- THE ARMENIAN APOSTOLIC HOLY CHURCH: *Armenian Church*, <https://www.armenianchurch.org/en/Overview> [accessed 8.10.2025].

- THE ASSEMBLIES OF GOD: *Bylaws of the General Council of the Assemblies of God*, https://cdn1.acdn.io/sites/agorg/Constitution_Bylaws/2023/2023_AG_Constitution_and_Bylaws.pdf [accessed 18.10.2025].
- THE ASSEMBLIES OF GOD: *Constitution of the General Council of the Assemblies of God*, https://cdn1.acdn.io/sites/agorg/Constitution_Bylaws/2023/2023_AG_Constitution_and_Bylaws.pdf [accessed 18.10.2025].
- THE ASSYRIAN CHURCH OF THE EAST: *Holy Synod*, <https://news.assyrianchurch.org/holy-synod/> [accessed 8.10.2025].
- The Augsburg Confession*, <https://bookofconcord.org/augsburg-confession/> [accessed 10.10.2025].
- THE BAPTIST BIBLE FELLOWSHIP INTERNATIONAL: *Constitution and By-Laws*, <https://www.bbf.org/constitution-and-by-laws> [accessed 18.10.2025].
- The Book of Common Prayer and Administration of the Sacraments and other Rites and Ceremonies of the Church according to use of the Church of England*. Cambridge 2012.
- The Century of the Holy Spirit: 100 Years of Pentecostal and Charismatic Renewal, 1901–2001*. Ed. V. SYNAN. Nashville 2012.
- THE CHURCH OF ENGLAND: *Church Representation Rules online – part 2*, <https://www.churchofengland.org/about/leadership-and-governance/legal-services/church-representation-rules/part-2> [accessed 10.10.2025].
- THE CHURCH OF ENGLAND: *Church Representation Rules online – part 3*, <https://www.churchofengland.org/about/leadership-and-governance/legal-services/church-representation-rules/part-3> [accessed 10.10.2025].
- THE CHURCH OF ENGLAND: *Church Representation Rules online – part 4*, <https://www.churchofengland.org/about/leadership-and-governance/legal-services/church-representation-rules/part-4> [accessed 10.10.2025].
- THE CHURCH OF ENGLAND: *Church Representation Rules online – part 9*, <https://www.churchofengland.org/about/leadership-and-governance/legal-services/church-representation-rules/part-9> [accessed 10.10.2025].
- THE CHURCH OF ENGLAND: *General Synod*, <https://www.churchofengland.org/about/leadership-and-governance/about-general-synod> [accessed 10.10.2025].
- THE CHURCH OF ENGLAND: *Leadership and Governance*, <https://www.churchofengland.org/about/leadership-and-governance> [accessed 10.10.2025].
- THE CHURCH OF ENGLAND: *The Articles of the Church of England*, <https://www.churchofengland.org/prayer-and-worship/worship-texts-and-resources/book-common-prayer/articles-religion> [accessed 10.10.2025].
- THE CHURCH OF GOD IN CHRIST (USA): *How We Serve*, <https://www.cogic.org/service/> [accessed 18.10.2025].

- THE CHURCH OF GOD IN CHRIST (USA): *The Executive Branch*, <https://www.cogic.org/about-us/the-executive-branch/> [accessed 18.10.2025].
- THE CHURCH OF GOD IN CHRIST (USA): *The Judiciary Board*, <https://www.cogic.org/about-us/the-judicial-branch/the-judiciary-board/> [accessed 18.10.2025].
- THE CHURCH OF GOD IN CHRIST (USA): *The Legislative Branch*, <https://www.cogic.org/about-us/the-legislative-branch/> [accessed 18.10.2025].
- THE CHURCH OF GOD: *Bylaws*, <https://churchofgod.org/beliefs/bylaws/> [accessed 18.10.2025].
- THE CHURCH OF IRELAND: *The Constitution*, <https://www.ireland.anglican.org/about/the-constitution/the-constitution-in-full> [accessed 10.10.2025].
- The Code of Canon Law, https://www.vatican.va/archive/cod-iuris-canonici/cic_index_en.html [accessed 10.10.2025].
- The Code of Canons of the Eastern Churches, https://orthocath.wordpress.com/wp-content/uploads/2010/01/1990_code_of_canons_of_the_eastern_churches.pdf [accessed 10.10.2025].
- THE COPTIC ORTHODOX CHURCH: *Holy Synode members*, <https://copticorthodox.church/en/holysynod/synod-members/> [accessed 8.10.2025].
- THE EPISCOPAL CHURCH: *Constitution & Canons 2024*, https://www.episcopalarchives.org/files/publications/2024_CandC.pdf [accessed 10.10.2025].
- THE ERITREAN ORTHODOX TEWAHDO CHURCH: ምኅደራ ቤተ ክርስቲያን, <https://www.lisantewahdo.org/index.php/2019-10-17-10-56-42/2019-10-25-15-14-29/item/416-2019-11-23-10-47-21> [accessed 8.10.2025].
- THE EVANGELICAL LUTHERAN CHURCH IN AMERICA: *Constitutions, bylaws and continuing resolutions of the Evangelical Lutheran Church in America*, https://resources.elca.org/office-of-the-secretary/constitution-bylaws-and-continuing-resolutions-of-the-elca/?_ga=2.166535678.1166015347.1760192396-25538295.1760192316 [accessed 10.10.2025].
- THE INTERNATIONAL PENTECOSTAL HOLINESS CHURCH: *Bylaws*, <https://iphc.org/wp-content/uploads/2018/06/IPHC-Manual-2017-2021-English.pdf> [accessed 18.10.2025].
- THE MALANKARA ORTHODOX SYRIAN CHURCH: *Holy Synod*, <https://mosc.in/holy-synod> [accessed 8.10.2025].
- THE METHODIST CHURCH, CANADA: *Catechism*. London 2017.
- THE ORTHODOX CHURCH IN AMERICA: *The Statute of the Orthodox Church in America*, <https://www.oca.org/files/PDF/official/2018-0724-oca-statute-final.pdf> [accessed 15.06.2022].
- THE PENTECOSTAL EUROPEAN FELLOWSHIP: *Presidium*, <https://www.pef.eu/presidium> [accessed 18.10.2025].

- THE PENTECOSTAL WORLD FELLOWSHIP: *Ambassadors*, <https://www.pwfellowship.org/ambassadors> [accessed 18.10.2025].
- THE PENTECOSTAL WORLD FELLOWSHIP: *Leadership*, <https://www.pwfellowship.org/leadership> [accessed 18.10.2025].
- THE PRESBYTERIAN CHURCH (USA): *What makes us unique*, <https://www.presbyterianmission.org/what-we-believe/what-makes-us-unique/> [accessed 10.10.2025].
- THE SOUTHERN BAPTIST CONVENTION: *Constitution*, <https://www.sbc.net/about/what-we-do/legal-documentation/constitution/> [accessed 18.10.2025].
- THE SYRIAN ORTHODOX PATRIARCHATE OF ANTIOCH: *Holy Synod of Antioch*, <https://syriacpatriarchate.org/holy-synod-antioch/> [accessed 8.10.2025].
- THE UNION OF UTRECHT OF THE OLD CATHOLIC CHURCHES: *Ministry and Leadership*, https://www.utrechter-union.org/page/162/ministry_and_leadership [accessed 8.10.2025].
- THE UNITED METHODIST CHURCH: *Headquarters Office Staff*, <https://worldmethodistcouncil.org/headquarters-office-staff/> [accessed 10.10.2025].
- THE UNITED METHODIST CHURCH: *Our Structure*, <https://www.umc.org/en/who-we-are/structure> [accessed 10.10.2025].
- THE UNITED METHODIST CHURCH: *The Articles of Religion of the Methodist Church*, art. XIII, <https://www.umc.org/en/content/articles-of-religion> [accessed 10.10.2025].
- THE WORLD BAPTIST ALLIANCE: *Constitution and Bylaws*, https://baptistworld.org/wp-content/uploads/2024/07/BWA-Constitution-and-Bylaws_Adopted-July-2024-FINAL.pdf [accessed 18.10.2025].
- THE WORLD COUNCIL OF CHURCHES: *Ethiopian Orthodox Tewahedo Church*, <https://www.oikoumene.org/member-churches/ethiopian-orthodox-tewahedo-church> [accessed 8.10.2025].
- THE WORLD EVANGELICAL ALLIANCE: *International Council*, <https://worldea.org/who-we-are/international-council/> [accessed 18.10.2025].
- THE WORLD EVANGELICAL ALLIANCE: *Leadership*, <https://worldea.org/who-we-are/leadership/> [accessed 18.10.2025].
- THE WORLD METHODIST COUNCIL: *Steering Committee*, <https://worldmethodistcouncil.org/steering-committee/> [accessed 10.10.2025].
- VATICAN COUNCIL II: *Dogmatic Constitution on the Church “Lumen gentium”*, https://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19641121_lumen-gentium_en.html [accessed 25.09.2025].
- VEREINIGTE EVANGELISCH-LUTHERISCHE KIRCHE DEUTSCHLANDS: *Bischofskonferenz*, <https://www.velkd.de/velkd/bischofskonferenz.php> [accessed 10.10.2025].

VEREINIGTE EVANGELISCH-LUTHERISCHE KIRCHE DEUTSCHLANDS: *Der Leitende Bischof oder die Leitende Bischöfin*, <https://www.velkd.de/velkd/leitender-bischof-der-velkd.php> [accessed 10.10.2025].

VEREINIGTE EVANGELISCH-LUTHERISCHE KIRCHE DEUTSCHLANDS: *Generalsynode*, <https://www.velkd.de/velkd/generalsynode.php> [accessed 10.10.2025].

VEREINIGTE EVANGELISCH-LUTHERISCHE KIRCHE DEUTSCHLANDS: *Kirchenleitung*, <https://www.velkd.de/velkd/kirchenleitung.php> [accessed 10.10.2025].

WORLD COMMUNION OF REFORMED CHURCHES: *Constitution and By-Laws*, <https://wcrce.eu/about/governance/> [accessed 10.10.2025].

Wprowadzenie do nauki o Biblii oraz doktryny i praktyki ruchu zielonoświątkowego. Eds. E. BEDNARZ, R. TOMASZEWSKI. Warszawa 2010.

ZIELIŃSKI T.: *Protestantyzm ewangelikalny. Studium specyfiki religijnej*, Katowice–Warszawa 2014.



CĂTĂLINA MITITELU

Ovidius University of Constanța, Romania

<https://orcid.org/0000-0001-6489-9252>

Canonical Norms of the Eastern Church Concerning the Participation of the Laity in the Exercise of Teaching Power

Abstract: The theme of this article was approached from both theological and canonical-juridical perspectives, which allowed me to examine and evaluate the texts of the canonical legislation of the Eastern Church concerning the participation of the laity in the exercise of the teaching power, not only from the standpoint of canonical doctrine, but also from the perspective of the dogmatic and liturgical doctrine of this Church.

This scientific approach also enabled me to ascertain that one may indeed speak of the participation of the laity – who belong to the degrees of the clergy of human institution – in catechetical, missionary, and teaching activities, provided that they are instituted through *chirothesia* (χειροθεσία) by the local bishop. For this reason, I also highlighted the role of the ritual of the laying on of hands, which, in the case of the clergy of divine institution, represented ordination (χειροτονία), while for the clerics of human institution (cf. can. 2 ap.) it signified *chirothesia*, that is, a consecration for ministry in the Church.

I also investigated and examined certain early documentary testimonies of primary importance in order to clarify the canonical-juridical status of the laity, including women, in the exercise of the Church's teaching power. This analysis led me to conclude that the laity were called to confess and defend the Christian faith and to contribute to its transmission by the Lord Jesus Christ Himself, being blessed for this purpose by His Apostles and their successors, within the sphere of authority of apostolic succession, namely, by the bishops of the Church.

Keywords: canonical legislation, the laity, clergy of human institution, Holy Sacraments

1. Introduction

I have approached the subject not only from an ecclesiological and canonical perspective, but also from a theological one, including its historical, patristic, dogmatic, and liturgical aspects. To achieve this goal, I have resorted not only to the hermeneutical analysis of the canonical texts and the commentaries of classical Byzantine canonists, but also based my considerations on biblical and literary sources (early Christian literature attributed to the Holy Apostles) etc.

This approach has enabled me to outline not only a complex field of research, but also a broader vision, closer to historical reality, regarding the participation of the laity, who – through the humanly instituted clergy – also participated in the exercise of teaching power, which was not the exclusive preserve of the divinely instituted clergy, since He who founded the Church, namely our Saviour Jesus Christ, willed that the laity who had received the Holy Sacraments of initiation into Christianity (Baptism and Chrismation) should bear witness to Him “before men” (Matthew 10:32).

Since the subject of my study concerns the participation of the laity in the exercise of teaching power, I wish to point out that the laity form the second constitutive element of the Church. For this reason, I considered it necessary to make a few terminological clarifications, however brief they may be, concerning the word *layperson*, since today it often conveys the notion of the profane, suggesting a person alien to the Church of Christ; hence also the doctrines of laicization, with which we have been confronted since the Enlightenment.

In Ancient Greek, the word λαϊκός expressed the notion of ‘profane’ (κόσμικος) or ‘layman’, in contrast to the term κληρικός (‘cleric’). The noun *laikos* derives from the verb λαϊκόω, meaning ‘to make public’, from which developed the sense of profane or lay; from this also emerged the notion of “laicity,”¹ which expressed the idea of belonging to the people, that is, to the profane sphere, and which advocates the separation of public institutions from the Church. A pronounced secularism was promoted by those who supported such ideas, especially since the Enlightenment period.

¹ N. V. DURĂ: “About the Freedom of Religion and the Laicity. Some Considerations on the Juridical and Philosophical Doctrine.” *Bulletin of the Georgian National Academy of Sciences* 13/4 (2019), pp. 156–164.

In Greek Christian literature, the expression ‘the lay person’ (ὁ λαϊκὸς ἄνθρωπος) was mentioned, alongside priests and deacons, for the first time by Saint Clement of Alexandria († 215).² In Latin Christian literature, the term *laicus* is first found in the writings of Tertullian († 240), when he stated that laypersons were also granted the right to administer the Sacrament of Baptism in exceptional cases.³ In Latin, the noun *laicus* (pl. *laici*) is also encountered in the text of the Vulgate, where it designates a person belonging to the body of the faithful without being part of the clergy, while the adjective *laicus* carries the meaning of ‘common’, ‘unsanctified’, or ‘profane’.

The Church granted laypersons the right to exercise the three ministries or functions of Christ, known in Theology as *munus docendi* (‘teaching office’), *munus sanctificandi* (‘sanctifying office’), and *munus regendi* (‘governing office’), because they become members of the royal priesthood (cf. 1 Peter 2:9) through the two sacraments of Christian initiation, namely, Baptism and Chrismation.

In the Church, from the apostolic age onward, the conferral of the authority, and ipso facto, of the power to teach has been effected through the rite of the laying on of hands, accompanied by prayers recited during the Divine Liturgy. This ritual of the laying on of hands was characteristic of both the Old Testament (cf. Numbers 8:10, 27; Leviticus 8:14–15) and the New Testament (cf. Matthew 19:13, 15; Mark 5:23; Mark 16:18).

In the early Church, through this rite of the laying on of hands, accompanied by the prayer pronounced by the bishop of the local Church for the invocation of the grace of the priesthood, the three orders of the clergy of divine institution (bishops, priests, and deacons) were endowed with the grace-bestowing power of the priesthood (cf. John 20:21–23), whereas those chosen for the degrees of the clergy of human institution (deaconesses, subdeacons, readers, psalts, etc.) received the blessing of their consecration by the local bishop for the various ministries of the Church this consecration is known as *cheirothesia* (χειροθεσία), and not as a Sacrament, namely the Sacrament of Ordination, that is, *cheirotonia* (χειροτονία).

² Sf. CLEMENT OF ALEXANDRIA: “Stromatele”, III, 12, 90, 1. In: *Colecția „Părinți și Scriitori Bisericești”*, vol. V. Trans. D. FECIORU. Bucharest 1982, p. 227.

³ TERTULLIAN: “De Baptismo,” XVII. In: *Patrologia Latina*, vol. 1. Ed. J. D. MIGNE. Paris 1844, col. 1317B–1318A.

The difference between ordination and *cheirothesia* is expressed precisely by the meaning of the two words in Greek. Indeed, in Greek, the term χειροτονία derives from the noun χερ / ος = ‘hand’ and from the verb τείνω = ‘to place, to set’, indicating the gesture of laying hands upon someone to install them in an office. In ecclesiastical language, the term *cheirotomia* has been used to express the conferral of the grace of priesthood upon the three degrees of divine ordination, whereas the term *cheirothesia* has been used to denote the appointment of clerics of human institution dedicated to various ecclesiastical services.

I should note that I have avoided speaking of the “higher clergy” and the “lower clergy,” as this distinction between the degrees of the ecclesiastical clergy is not found in the scholarly literature of the early Church. On the contrary, in the Apostolic Canons, we find that laymen who exercised various ecclesiastical services, such as those of subdeacons, deaconesses, readers (*anagnostai*), chanters, and others, were regarded as belonging to the clergy, more precisely as “οἱ λοιποὶ κληρικοί (the other clerics)” (can. 2 ap.). In fact, even in the Constitutions of Emperor Justinian it is stated that “πάντας κληρικούς καλοῦμεν / omnes clericos appellamus” (*Novella* CXXIII, 19),⁴ that is, all are designated as clerics, because they are chosen ἐν κλήρῳ / *in clero* (‘in the clergy’), that is, in the clerical order (*Novella* CXXIII, 29).⁵

By virtue of *cheirothesia*, that is, of the hierurgical consecration received from the bishop, the degrees of the clergy of human institution were likewise entitled to participate in the exercise of ecclesiastical power in its threefold manifestation: teaching, sanctifying, and governing (jurisdictional) according to their respective degrees of service within the Church. However, over the centuries, their rights were frequently contested and at times even restricted.

In the canonical law of the Eastern Church, we distinguish three categories of Church members, namely the ἱερατικούς, that is, the divinely ordained clergy; the λαϊκοί, that is, the laity; and the ἀσκητάς, that is, the monks (can. 77 Council in Trullo).⁶ Thus, to the two constituent ele-

⁴ *Corpus Iuris Civilis, Seventh Stereotypical Edition, Volume III: Novellae*. Eds. R. SCHOELL, W. KROLL. New Jersey 2010, pp. 594.

⁵ *Ibidem*, p. 629.

⁶ Σύνταγμα τῶν Θείων καὶ Ἱερῶν Κανόνων τῶν τε Ἀγίων καὶ πανευφήμων Ἀποστόλων, καὶ τῶν Ἱερῶν καὶ Οἰκουμενικῶν καὶ Τοπικῶν Συνόδων, καὶ τῶν κατὰ μέρος Ἀγίων Πατέρων [The Syntagma of the Divine and Sacred Canons of the Holy and All-Laudable Apostles, of the Sacred

ments of the Church, the clergy and the laity, monks⁷ were added as a third element (cf. can. 4 IV ec.).

According to the testimony of the canonist Theodore Balsamon (12th century), “there is no difference between ascetics and monks.”⁸ The distinction exists only between “those who are in the altar,”⁹ that is, the clergy of divine institution, who “are ordained, namely bishops, priests, deacons, and subdeacons,”¹⁰ and the clergy instituted through *cheirothesia* in the naos; yet “clerics are also called those who minister outside the altar (βῆμα), in the naos (ναός), namely readers, keepers of the sacred vessels, and others such as these.”¹¹ We note, therefore, that Balsamon also counted subdeacons among the degrees of the clergy of human institution, since they were subsequently placed, in the Eastern Church, at the head of the catalogue of the clergy of human institution, as its first degree.

As for ascetics or monks, Balsamon specified that these “are monks who have not yet received the seal from the bishop,”¹² that is, the *chirothesia*, “but only the monastic tonsure,”¹³ and that only “those who have received the seal from the bishop (σφραγίδα ἐπισκοπικὴν) are considered clergy.”¹⁴

In terms of structure, the article consists of three substantive sections. In the second section, I present – albeit briefly – the Eastern Church’s doctrine on the teaching power and its exercise. In the third section of the article, I provide the reader with several documentary and illustrative testimonies regarding the degrees of the clergy of human institution and their participation in the exercise of the teaching power. Finally, in the fourth section, I analyze the canonical and legal status of the laity, including women, and their participation in the exercise of teaching power in the light of the canonical legislation of the Eastern Church.

Ecumenical and Local Synods, and of the Holy Fathers in particular] (*Athenian Syntagma*), vol. II. Eds. G. A. RHALLE, M. POTLE. Athens 1852, pp. 483–484.

⁷ N. V. DURĂ: “Monahii, al treilea element constitutiv al Bisericii” [Monks, the third constituent element of the Church]. *Biserica Ortodoxă Română* 12/7 (2003), pp. 469–483.

⁸ T. BALSAMON: “Commentary on Canon 77 of the Council in Trullo.” In: *Athenian Syntagma*, vol. II..., p. 485.

⁹ Ibidem.

¹⁰ Ibidem.

¹¹ Ibidem.

¹² Ibidem, p. 484.

¹³ Ibidem.

¹⁴ Ibidem.

2. The Eastern Church's doctrine on the teaching power and its exercise

Jesus Christ the Saviour, He who has “the words of eternal life” (John 6:68), commanded His Holy Apostles to preach “the Gospel of God” (1 Thessalonians 2:2) to all creation (Matthew 10:5), and to teach “all nations” (Matthew 28:19). Based on this command, the Holy Apostles made the ministry of the Word of the Gospel a missionary work of preaching the Christian faith.

The power of the Church – with its three forms of manifestation (teaching, sanctifying, and governing) – has its foundation in the divine mandate, that is, in the Saviour's command given to His Apostles “to go and teach all nations (πάντα τὰ ἔθνη), baptising them in the name of the Father and of the Son and of the Holy Spirit, teaching them (διδάσκοντες αὐτοὺς) to observe all that I have commanded you”¹⁵ (Matthew 28:19–20).

The first manifestation of the power with which Christ endowed His Apostles – and through them His Church – is therefore the power of teaching, which is not limited merely to the preaching of His Gospel, but also involves teaching the Christianized nations how to observe all that He has commanded them. Consequently, the teaching power, through the combination of these two realities, takes on various forms of manifestation, and this is based on the divine mandate.

That the Apostles received this divine mandate as a command is also confirmed by the words with which the Lord asked His Apostles to teach the nations and how “to observe all (τηρεῖν πάντα) that I have commanded you (ὅσα ἐνετειλάμην)”¹⁶ (Matthew 28:20).

These words of the Lord, recorded by Saint Matthew the Evangelist in the Gospel written in Aramaic “around the year 50, for Christians of Jewish origin in Palestine,”¹⁷ and “rewritten in Greek around the year 65,”¹⁸ were able to circulate widely because, at that time, “the entire culture of the Roman Empire circulated in Greek.”¹⁹

¹⁵ *Nou Testament (Versiune bilingvă, greacă și română)* [New Testament]. Vatopedi Monastery, Mount Athos 2022, p. 86.

¹⁶ *Ibidem*, p. 87.

¹⁷ *Biblia sau Sfânta Scriptură. Ediție jubiliară a Sfântului Sinod* [The Bible or Holy Scripture. Jubilee Edition of the Holy Synod]. Bucharest 2001, p. 1459.

¹⁸ *Ibidem*.

¹⁹ *Ibidem*.

In his commentary on verses 19–20 of chapter XXVIII of the Gospel of Matthew, a renowned Byzantine theologian of the 11th–12th centuries, Theophylact, Archbishop of Ohrid (Macedonia) – under whose jurisdiction at that time were also “the Vlachs (Romanians, n.n.) south of the Danube”²⁰ – wrote that the Apostles were sent to preach the Gospel “not only to the Jews,” but also “to all nations,” that is, “to all creation” (πάσῃ τῇ κτίσει) (Mark 16:15), for Christ the Lord “has dominion over all, sanctifying all human nature in Himself.”²¹

The Archbishop of Ohrid also adds the clarification that “God the Father has subjected all things to Him,” that is, He has given all things to His Son, Jesus Christ (Matthew 11:27). That “He has given Him all authority in heaven and on earth” (Matthew 28:18) is confirmed to us by our Saviour Jesus Christ Himself (Matthew 28:18).

From the text in Matthew 28:19–20, Theophylact of Ohrid also noted that Christ the Lord asked His Apostles “to keep,” that is, to preserve and fulfil “not one or two, but all [His] commandments,”²² hence his natural conclusion that we too “are required to keep them,”²³ since “the word of the Lord encompasses both foundations of Christianity: theology and good works. For, in saying that one ought to be baptised in the name of the Holy Trinity, He gives us theology, and in telling us to keep the commandments, He shows us active good works.”²⁴

Therefore, the word of the Lord encompasses both theoretical theology and practical theology. The former teaches us how to preach the Gospel of the Lord, whilst the latter teaches us how to keep His commandments.

To this missionary work of preaching the Gospel, which must be carried out through the Church of Christ, “the pillar and foundation of the Truth” (1 Timothy 3:15), all believers have been called, that is, both men and women, as is evident from the words of our Lord Jesus Christ: “Everyone who acknowledges Me before men, I will also acknowledge before My Father in heaven” (Matthew 10:32).

Both the teaching power and the other two branches of ecclesiastical power – sanctifying and governing – form part of “the means with which

²⁰ R. SINEANU, L. S. DESARTOVICI: “Cuvânt introductiv” [Foreword]. In: St. THEOPHYLACT, ARCHBISHOP OF OHRID: *Tâlcuirea Sfintei Evanghelii de la Matei* [Commentary on the Holy Gospel of Matthew]. Bucharest 2002, p. 20.

²¹ St. THEOPHYLACT, ARCHBISHOP OF OHRID: *Tâlcuirea Sfintei Evanghelii...*, p. 475.

²² Ibidem, p. 476.

²³ Ibidem.

²⁴ Ibidem.

the Holy Apostles endowed the Church when they established the divinely instituted priesthood and equipped it with all the means necessary for its mission. As such, the entire ecclesiastical power is conditioned by the priesthood, just as the mission or work of the priesthood is conditioned by ecclesiastical power.”²⁵

The organs of the Church through which the truths of the faith are preserved and preached are the priesthood, with all its divinely instituted degrees (bishops, priests, and deacons), and the body of the faithful, that is, the lay Christians, “to whom also falls the duty and the right to work actively towards the acquisition, knowledge and preservation of the faith.”²⁶

The definition and explanation of the truths of the faith were established through the decisions of the Councils, and in particular through the Ecumenical Councils, whilst the proclamation of the truths of the faith, through preaching, was carried out by the bishop or presbyter (cf. can. 58 ap., 19 Council in Trullo). However, lay Christians also participated in the preaching of the Gospel. Subsequently, laypersons were forbidden to preach or teach in public, as it was considered that by doing so the laity would assume the “office of teaching” (ἄξίωμα διδασκαλικόν) (cf. can. 64 Council in Trullo).

The same Council, convened in 691/692 (the second Session of the Sixth Ecumenical Council), forbade women to speak “during the Divine Liturgy” (ἐν τῷ καιρῷ τῆς Θείας Λειτουργίας) (can. 70 Council in Trullo). However, both Christian historiography and Christian tradition attest that lay catechists, mostly the women, also had the duty to catechize young and old of both sexes.

The participation of the laity was a presence in the life of the Church and in the work of deepening the truths of the faith through catechesis, but only those persons designated and approved by the bishop could teach the catechism both in the Church and in private homes (cf. can. 26 Laodicea).

Catechetical schools, which developed from the work of the well-known διδάσκαλοι (teachers) played an important role in the process of catechesis. Over time, such catechetical schools evolved into theological schools led by theologians who also possessed a solid philosophical grounding, such as Pantene, the founder of the Theological School of Alexandria, Saint Justin the Martyr and the Philosopher (Rome), Tatian and Athenagoras (Athens),

²⁵ I. N. FLOCA: *Drept canonic ortodox. Legislație și administrație bisericească* [Orthodox Canon Law. Church Legislation and Administration], vol. II. Bucharest 1990, p. 14.

²⁶ Ibidem, p. 17.

Praxeas (Asia Minor, Rome, and Carthage), Origen with the School of Caesarea in Palestine, etc.

Although, under the provisions of the canonical legislation of the Eastern Church, the right to preach and teach in the Church is held only by those who have received the grace of the priesthood – that is, the three orders of its divine institution, namely bishops, priests, and deacons – nevertheless, the laity have participated and continue to participate – in their capacity as collaborators of the divinely instituted clergy – in the exercise of the *teaching power (potestatis magisterii)*.

By virtue of the grace received through the three Sacraments of Christian initiation, namely the Sacrament of Holy Baptism, the Sacrament of Holy Chrism, and the Sacrament of the Holy Eucharist, the laity also may preach the word of God, for they too are not only “members” of the “Body of Christ” (1 Corinthians 12:27), but also, through the reception of these Holy Sacraments, “the faithful [who] become members of the universal Priesthood” (1 Peter 2:9; Revelation 1:6; 5:10; 20:6).

The laity participate in Christ’s ministry in its threefold aspect, namely, the teaching, sacramental, and kingly ministries, which theologians define as the *munus docendi* (teaching ministry), *munus sanctificandi* (sanctifying ministry), and *munus regendi* (governing, kingly ministry). These three forms of ministry are individual in nature; therefore, the work of the laity may encompass all three aspects of Christ’s ministry.

The laity, however, are entitled to participate in the work of the three forms of Christ’s ministry, but only insofar as it has been granted to them and insofar as it is possible for them to do so, since only those who are deemed worthy of the grace of the priesthood through the Sacrament of Ordination can exercise the power with which Christ endowed His Church. Moreover, the New Testament text tells us that God distributes His gifts “to each according to his ability” (Matthew 25:15), and that God also grants power (ἐξουσία) to those whom He deems should receive the gift of leadership and governance, since they too are “ministers” of God (Romans 13:6).

From Holy Scripture we also know that the power of God is one of His attributes (Mark 14:62; Acts 10:38), and that “the Gospel is the power of God unto salvation” (Romans 1:16). The same teaching tells us that “God imparted of His power to the apostles and to the believers,”²⁷ and that

²⁷ I. MIRCEA: *Dicționar al Noului Testament* [Dictionary of the New Testament]. Bucharest 1995, p. 431.

therefore the “Gospel” of Christ was “not only in word, but also in power and in the Holy Spirit” (1 Thessalonians 1:5).

The canonical teaching of the Eastern Orthodox Church also tells us that “the right of the governing Church to teach does not exclude that of the laity,”²⁸ who “began by being able to preach, were later forbidden to preach in the presence of the bishop, and subsequently were only permitted to preach with the consent of the ecclesiastical authority.”²⁹

According to the teaching of the Ecumenical Church, the exercise of teaching power is manifested through the acceptance of its truths of faith, and their formulation and transmission are carried out by the Church through its members, clergy and laity, that is, by the entire people of God, whose presence is indispensable also in the offering of the bloodless sacrifice, that is, the Holy Eucharist.³⁰

Indeed, according to the apostolic and ecumenical order of the Church, it is inconceivable that a Eucharistic Divine Liturgy should be celebrated “only for priests,” without the participation of at least one layperson. Moreover, the laity contribute not only to the provision of the Eucharistic elements (liturgical bread and wine), but also collaborate “with the priests” of the Church “in all the acts of the Holy Liturgy through prayer.”³¹

The very Acts of the Ecumenical Councils bear witness to the participation of the laity in those councils; although the signatures appended to the dogmatic and canonical decisions show that only the clergy of divine institution (bishops, priests, and deacons)³² were signatories. The presence of lay people at these councils, however, attests to the fact that the laity,

²⁸ L. STAN: *Mirenii în Biserică. Importanța elementului mirean în Biserică și participarea lui la exercitarea puterii bisericești. Studiu canonic-istoric* [The Laity in the Church. The Importance of the Lay Element in the Church and its Participation in the Exercise of Ecclesiastical Power. A Canonical-Historical Study]. Sibiu 1939, p. 108.

²⁹ Ibidem.

³⁰ N. V. DURĂ: “‘Povățuiri’ și ‘Învățături’, cu conținut liturgico-canonic, privind Sfânta Euharistie. Considerații eclesiologice-canonică” [“Guidance” and “Teachings,” with liturgical-canonical content, concerning the Holy Eucharist. Ecclesiological and canonical considerations]. In: *Dimensiunea penitențială și euharistică a vieții creștine*. Eds. G. PETRARU, L. PETCU. Iași 2014, pp. 63–109.

³¹ L. STAN: *Mirenii în Biserică...*, p. 55.

³² N. V. DURĂ: “Simbolul de credință al celor 318 Sfinți Părinți ai Sinodului de la Niceea (325), chintesență a învățăturii de credință ortodoxă” [The Creed of the 318 Holy Fathers of the Council of Nicaea (325), the quintessence of Orthodox doctrinal teaching]. In: *Sinodul de la Niceea (325). Mărturie a Sfinților Părinți, mărturisire de credință și autoritate canonică*. Iași 2025, pp. 163–199.

too, were entitled to participate in their working sessions and, consequently, in the exercise of the Church's teaching power.

A careful examination of the text of the canonical legislation of the Eastern Church can edifyingly confirm that the exercise of teaching power has a solid canonical basis,³³ and that laypersons are also recipients of God's grace through the reception of the Holy Sacrament of Baptism³⁴ and Chrismation.³⁵

And, consequently, they too may administer the Holy Sacrament of Baptism in cases of necessity, which – according to the dogmatic, canonical and liturgical doctrine of the Eastern Church – the ritual must subsequently be completed with the ceremony prescribed by the liturgical order, even if this “adds nothing to the validity and efficacy of baptism,”³⁶ whose indelible character is, moreover, identical to that of the other Sacraments of the Church.

The same canonical doctrine tells us that the efficacy of other Sacraments is also contingent upon the cooperation of the laity, such as the Sacrament of Holy Matrimony³⁷ and the Holy Sacrament of Confession.³⁸ For example, in the case of the confession of sins, the layperson must “examine themselves” (1 Corinthians 11:28) and demonstrate complete sincerity and a disposition of the soul that leads them to turn away from sin, and to sincerely desire to amend his ways, in order to be deemed worthy of “the final and most necessary provision (τοῦ τελευταίου καὶ ἀναγκαιοτάτου ἐφοδίου)” (can. 13 I ec),³⁹ that is, the Holy Eucharist.

In the case of receiving the Holy Sacrament of Matrimony, any Christian layperson is required to express their consent, for without it the marriage

³³ C. MITITELU: “The Exercise of Teaching Power and its Canonical Bases.” *Icoana Crediinței* 20/10 (2024), pp. 23–32.

³⁴ N. V. DURĂ: “Dispoziții și norme canonice privind administrarea Sfântului Botez” [Canonical Provisions and Rules Concerning the Administration of Holy Baptism]. *Orthodoxia* XXXI/3–4 (1979), pp. 593–612.

³⁵ N. V. DURĂ: “Rânduiri și norme canonice privind administrarea Mirungerii. Sfințirea Sfântului Mir pe teritoriul românesc, expresie elocventă a stării de autocefalie a Bisericii române de-a lungul secolelor” [Canonical Rules and Regulations Concerning the Administration of Chrismation. The Consecration of the Holy Chrism on Romanian Territory, an Eloquent Expression of the Autocephaly of the Romanian Church Throughout the Centuries]. *Mitropolia Moldovei și Sucevei* LVII/1–3 (1981), pp. 39–57.

³⁶ L. STAN: *Mirenii în Biserica...*, p. 57.

³⁷ *Ibidem*, p. 55.

³⁸ C. MITITELU: “The Application of Epitimias in the Rite of Confession According to the ‘Canonical Custom’ and the ‘Penitential Canons’.” *Teologia Młodych* 4 (2015), pp. 10–18.

³⁹ *Athenian Syntagma*, vol. II..., p. 143.

does not produce canonical-legal effects. Moreover, the juriconsults⁴⁰ of Roman law had affirmed that “*Nuptias non concubitus, sed consensus facit* (Marriage is created not by cohabitation, but by consent)” (Ulpianus, *Libro XXXVI ad Sabinum*),⁴¹ and that “Marriage (*Nuptiae*) cannot take place unless all consent (*nisi consentiant omnes*), namely those who are being united (*coeunt*) and those under whose authority they are (*quorumque in potestate sunt*)” (Paulus, *Edict*, Book 35).⁴²

In the Church of the early centuries, the participation of laity in certain forms of Christian worship is also attested by the existence of two categories of laypersons in the life of the early Church, namely, the “*didaskaloi*”⁴³ and the women “*deaconesses*.”⁴⁴

Regarding the *didaskaloi* (‘teachers’) – who were laypersons – both the biblical text of the New Testament and certain testimonies of the early Church, such as the “*Didache of the Twelve Apostles*,” the “*Didache of the Apostles*” and the “*Apostolic Constitutions*,” attest to the fact that their role was to spread Christian teaching and, by implication, to participate in the Church’s ministry.

We should also note that, in the Apostolic Church, the preachers of the Holy Gospel, referred to by Saint Paul the Apostle as *teachers* (διδασκάλους) (1 Corinthians 12:28), stood alongside the Apostles and Prophets (προφῆτας) (1 Corinthians 12:28), that is, the third body in the teaching ministry of the Apostolic Church about whom the testimonies of the early Church tell us that they had a consecration and a blessing from the Church, and that thus they participated in the exercise of teaching power by virtue of the grace received from the Lord.

⁴⁰ N. V. DURĂ: “*Responsa Jurisprudentium* (Responses of the Roman Juriconsults) on *Jus* (Law) and *Justitia* (Justice).” *Dionysiana* 1 (2021/2022), pp. 286–295.

⁴¹ JUSTINIAN: “*Digesta*,” I, 17, 30. In: *Corpus Iuris Civilis, Editio Stereotypa Septima*, vol. I. Ed. T. MOMMSEN..., p. 869.

⁴² JUSTINIAN: “*Digesta*,” XXIII, 2, 2. In: *Corpus Iuris Civilis, Editio Stereotypa Septima*, vol. I. Ed. T. MOMMSEN..., p. 295.

⁴³ A. FALCETTA: *Early Christian Teachers. The ‘Didaskaloi’ from Their Origins to the Middle of the Second Century*. Tübingen 2020, pp. 40–43.

⁴⁴ K. K. FITZGERALD: *Women Deacons in the Orthodox Church. Called to Holiness and Ministry*. Brookline 1998, pp. 17–46.

3. Documentary testimonies regarding the degrees of the clergy of human institution and their participation in the exercise of teaching power

St. Paul the Apostle tells us that there are “different ministries,” but it is “the same Lord” (1 Corinthians 12:5). One such different ministry was that of the deaconesses. Their ministry also included missionary and teaching activities. The same Apostle to the Gentiles tells us that, for those who have been baptised “into Christ [...] there is no longer male and female, for you are all one in Christ Jesus” (Galatians 3:28).

In the Codex Barberini we also find the service for the “ordination of a bishop (χειροτονία ἐπισκόπου),”⁴⁵ from which we note that the archbishop “placed the Gospel on his head and neck,”⁴⁶ that is, on the one brought to be ordained bishop, “and made the sign of the cross three times with it and laid his hands upon him (ἐπιτιθεὶς αὐτῷ τὴν χεῖρα).”⁴⁷

From the text of the prayer which the bishop recited at the “ordination of the deacon (χειροτονία διακόνου),”⁴⁸ we note that he implored God to grant him the Grace of the Holy Spirit, so that he might become a minister, and be “worthy (ἄξιος) of the ministry to which he has been called,”⁴⁹ “to proclaim the Gospel of his salvation” and to offer to God the “spiritual sacrifice (θυσία πνευματικῆς).”⁵⁰

From the text of the Prayers in the Codex Barberini (Εὐχολόγιον Barberini gr. 336) it can be seen that, during the administration of the Holy Sacrament of Baptism – performed by a bishop or priest – the deacon⁵¹ recited the litanies, and not the deaconess.

We find the same thing in the Service of Anointing with Holy Chrism,⁵² where the litanies are recited only by the deacon or archdeacon,⁵³ which

⁴⁵ *L'Euclologio Barberini gr. 336 (ff. 1–263)*. Eds. S. PARENTI, E. VELKOVSKA. Second edition. Rome 2000, pp. 174–178.

⁴⁶ Ibidem, p. 175.

⁴⁷ Ibidem.

⁴⁸ Ibidem, p. 179.

⁴⁹ Ibidem, p. 180.

⁵⁰ Ibidem.

⁵¹ Ibidem, pp. 108–136.

⁵² Ibidem, pp. 137–141.

⁵³ Ibidem, p. 139.

attests to the fact that deaconesses did not possess the grace of the priesthood.

On the occasion of ordination to the three orders of divine institution (bishop, priest, and deacon), “the people (ὁ λαός)” were required to say “Worthy and Just (Ἄξιον καὶ δίκαιον).”⁵⁴ These words attest to the fact that, in the early Church, the people participated in the selection of the ministers of the Altar and had a decisive say even in their ordination.

However, the Codex Barberini also contains the “Prayer for the Ordination of a Deaconess (Εὐχή ἐπὶ χειροτονία διακονίσσης),”⁵⁵ from which we retain the following points:

- a) The rite (*diataxa*) for the ordination of a deaconess took place within the Holy Liturgy, but in the naos.
- b) This rite was performed by the bishop, who invoked “divine grace” to make her worthy of the gift of ministry to which she had been called, since the text refers to a “Ἱερουργία” (*Hierourgia*), and not to a Sacrament (*Mysterion*).
- c) The ordination ritual was almost identical to that for the other orders of divine institution, namely: the bowing of the head, the bishop placing his hands upon her head, and the making of three signs of the cross.
- d) That this is not an *ordination* (χειροτονία), but a *hierourgia* (ἱερουργία), that is, a sacred rite for consecration, associated with a benediction (εὐλογία), as it is also indicated by the text of the prayer recited by the bishop, from which we note that, “through the birth according to the flesh of the Son of our God from the Holy Virgin Mary,”⁵⁶ the whole of human nature, both male and female, was sanctified, and that God bestowed “grace upon women” (γυναιξιν τὴν χάριν) through the descent of the Holy Spirit upon them.
- e) The deaconess was called “to the work of service” to God, for which the bishop prays to God to send her “the rich gift of the Holy Spirit (τὴν πλουσίαν δωρεάν τοῦ Ἁγίου Πνεύματος).”⁵⁷
- f) It follows from the text of the prayer that the deaconess performed a ministry (λειτουργία); therefore, she did not perform a sacramental rite, as was the case with deacons, but a liturgical one.

⁵⁴ Ibidem, p. 180.

⁵⁵ Ibidem, pp. 185–186.

⁵⁶ Ibidem, p. 185.

⁵⁷ Ibidem, p. 186.

Consequently, the fact that the text of this Euchologion uses the word “ordination” also for deaconesses, that is the term used only for the Sacrament of Priesthood, instead of the proper term, namely *chirothesia*, that is a “hierurgy,” should not lead us to the mistaken conclusion that, in the early Church, deaconesses received the Sacrament of Ordination, as is claimed today even by adherents of feminist currents.

It should also be noted that the text of this prayer attests that deaconesses constituted the first degree within the body of the clergy of human institution, followed by the rank of subdeacons, readers, and chanters. We should not, therefore, be surprised by the fact that, in the case of the *chirothesia* of deaconesses and subdeacons, there exists a prayer for their so-called ordination, pronounced within a liturgical rite similar to that of deacons,⁵⁸ although in reality what is involved is a *chirothesia*, as will also be confirmed by the Fathers of the Seventh Ecumenical Council (cf. can. 14 VII ec.).

From the same Alexandrian Euchologion it may also be noted that there exists a “Prayer for the *Procheirisis* (*Cheirothesia*) of the Reader and the *Psaltis* (Εὐχή ἐπὶ προχειρίσεως ἀναγνώστου καὶ ψάλτου),”⁵⁹ which explains the fact that, in the early Church, readers and chanters were appointed (instituted) and not ordained.

Therefore, although for the first two degrees of the clergy of human institution, namely the deaconess and the subdeacon, we encounter the word “ordination,” this was in fact a *chirothesia*, as is also evident from the text of the Barberini Euchologion. Moreover, from the text of this Euchologion it may be seen that neither the deaconess nor the subdeacon received the Holy Chalice, as the deacon did, since they had not been invested with grace-bestowing power.

It should, however, be pointed out that in some Patriarchates today there is a strong call for the reinstatement of the institution of deaconesses,⁶⁰ taking into account the contribution they can make, particularly to the catechesis of women and children. For example, the St. Phoebe Center for the Deaconess in Alexandria proposed *Guidelines for the Revival of the Ordained Female Diaconate in the Orthodox Church Today* in which, among other things, it is mentioned that “the historical precedent of

⁵⁸ Ibidem, pp. 188–189.

⁵⁹ Ibidem, p. 190.

⁶⁰ “Bishop Ordains Orthodox Christian Woman as Deaconess in Response to Local Needs in Africa,” <https://orthodoxdeaconess.org/the-deaconess/ordination-in-africa/> [accessed 22.10.2025].

the female diaconate within the Orthodox Church has been soundly documented through sources such as ordination rites, canons, deaconess saints, and archeological evidence. Renewing the order of deaconess as an integral part of our larger diaconal ministry will connect the Church's sacramental and liturgical life to pastoral needs today."⁶¹

The first degree of the clergy of human institution was thus that of the deaconesses, whose existence is also attested by the New Testament texts (cf. Romans 16:1 and Acts 9:36). In the text of Acts 9:36, the Lord's female disciple, named Tabitha, is regarded by the Fathers of the Church as a prefiguration of the ministry (διακονία) of women in the apostolic Church, and she remained exemplary through the good works and acts of charity that she performed.

Although, with regard to deaconesses, the word "ordination" has usually been employed in the scholarly literature (dogmatic, canonical, and liturgical), the liturgical rite and the words of the prayer accompanying it prove that, in fact, what was involved was a *cheirothesia*,⁶² that is, a hierurgy, a sacred rite. Therefore, deaconesses were not instituted through *cheirotomia* (χειροτομία), but through a consecration known as *cheirothesia* (χειροθεσία), the liturgical rite of which was similar to that administered in the case of the subdeacon.

To shed further light on the canonical and legal status of the subdeacon, we shall refer to the text of the Prayer for the "Ordination of a Subdeacon" from the Barberini Euchologion (Greek 336), from which we may note that, through his ministry, he receives the charisms (τὰ χαρίσματα) and is called "to stand at the doors of Thy holy temple" and "to kindle the lamps of the tabernacle."⁶³

From the text of this Prayer, although it is entitled "Prayer for the Ordination of the Subdeacon (Εὐχὴ ἐπὶ χειροτονία ὑποδιακόνου)," it is nevertheless clear that it refers to a *chirothesia*, that is a hierurgy, and not a Sacrament, and that, through this liturgical consecration, the subdeacon also received

⁶¹ *Proposed Guidelines for the Revival of the Ordained Female Diaconate in the Orthodox Church Today Prepared by the St. Phoebe Center for the Deaconess*, <https://orthodoxdeaconess.org/wp-content/uploads/2025/02/08-24-Revised-Proposed-Guidelines-for-the-Revival-of-the.pdf> [accessed 14.11.2025].

⁶² E. THEODOROU: "Ἡ Ὑποδιακονία ἢ Ὑποδιακονία τῶν διακονισσῶν" [The Ordination or *chirothesia* of Deaconesses]. *Theologia* 23 (1954), pp. 576–601.

⁶³ *L'Eucologio Barberini gr. 336...*, pp. 188–189.

“the charisms (δαιρῶν) which God distributes,”⁶⁴ through the Holy Spirit, to each of those appointed to serve in one of the “degrees of ministry.”

As mentioned above, in the famous Barberini Euchologion, also known as the Euchologion of Saint Mark of Alexandria († 62), we find prayers for the “ordination of deaconesses (χειροτονία διακονίσσης),”⁶⁵ that is, in fact, for the “Ordination of Deaconesses,” which are similar to those recited for deacons, but not identical in meaning and content. For example, from the text of the ritual for the ordination of deaconesses, we note that only deacons kiss “the Holy Gifts when they are placed on the Holy Table,”⁶⁶ and that only they received the “Holy Chalice” (τὸ Ἅγιον Ποτήριον) at ordination,⁶⁷ not the deaconesses.

Regarding the ordination of deaconesses, the Apostolic Constitutions – composed *ante quem* and *post quem* in the second half of the 3rd century and the first half of the 4th century – specified that the bishop was to “lay his hands upon her (ἐπιθήσεις αὐτῇ τὰς χεῖρας) in the presence of the presbyters, deacons and deaconesses,”⁶⁸ and to pray to God “that He might grant her the Holy Spirit and cleanse her of all defilement of body and spirit (cf. 1 Corinthians 7:1) so that she may fulfil the office (ἔργον) entrusted to her” (*Apostolic Constitutions*, Book VIII, 19–20).⁶⁹

From the text of the prayer recited by the bishop on the occasion of the ordination of a deaconess, we see that she was regarded as the successor to those who, at the Temple in Jerusalem, were “guardians of Your Holy Gates (τὰς φρουρὰς τῶν ἁγίων σου πυλῶν)” (*Apostolic Constitutions*, Book VIII, 20).⁷⁰ Consequently, through their ministry, deaconesses also fulfilled the role of gatekeepers at the doors of the churches through which women entered and exited, just as had been the custom at the Temple in Jerusalem.

As can be seen from an examination of the text of the Alexandrian Euchologion and that of the Apostolic Constitutions, neither the deaconesses nor the subdeacons received the Sacrament of Ordination, but only a liturgical blessing, so that the Holy Spirit might enable them to fulfil their many duties, including that of teaching the true faith.

⁶⁴ Ibidem, p. 188.

⁶⁵ Ibidem, pp. 185–186.

⁶⁶ Ibidem, p. 184.

⁶⁷ Ibidem.

⁶⁸ *The Apostolic Constitutions*, Volume III: Books VII–VIII, Introduction, critical text, translation and notes. Ed. M. METZGER. Paris 1987, p. 220.

⁶⁹ Ibidem, p. 223.

⁷⁰ Ibidem, pp. 222–223.

With the widespread adoption of infant baptism between the 5th and 8th centuries, deaconesses were to disappear from the Church's landscape, although "the prayers for the ordination of deaconesses"⁷¹ continued to be found "in the service books (Ephologions) until the 12th–13th centuries."⁷²

Regarding deaconesses, we should also note that their presence is attested to in the texts of certain canons, such as Canons 19 of the First Ecumenical Council, 15 of the Fourth Ecumenical Council, 14 and 40 of the Council in Trullo, and 44 of Saint Basil the Great.

Saint Basil the Great, who referred to the woman "deacon" (ἡ διάκονος), that is, to the deaconess, stated that it is not permitted for "the body of the deaconess, being sanctified (τῆς διακόνου τὸ σῶμα ὡς καθιερωμένον), to be used for carnal purposes (ἐν χρήσει σαρκικῇ)"⁷³ (can. 44).

This sanctification of the deaconess's body was a consequence of the bishop's blessing, because – as the Fathers of the Sixth Ecumenical Council also affirmed (Second Session, 691/692) – "a blessing is the communication of sanctification (εὐλογία ἁγιασμοῦ μετάδοσις ἐστίν)"⁷⁴ (can. 26 Council in Trullo).

In the Eastern Church, the layperson who reads the *Kazania* (Book of Homilies) and the "Synaxarion of the day" (Lives of the Saints), and who gives the responses to the litanies during the Divine Liturgy, is the Church chanter (ψάλτης). Through these readings from the Church's liturgical books and through the responses given during the Holy Services, chanters (church singers), in their capacity as collaborators of the priests, also participate in the exercise of the teaching power within Christian worship.

We should also note that, "in the East, during the 4th and 5th centuries, women were also employed as singers and readers,"⁷⁵ that is, as psalts and anagnostes (readers). This situation lasted until the 8th century, when, with the systematization of church chant into eight modes by Saint John of Damascus, "this chant could only be performed correctly by professional

⁷¹ E. BRANIȘTE, EC. BRANIȘTE: *Dicționar enciclopedic de cunoștințe religioase* [Encyclopaedic Dictionary of Religious Knowledge]. Caransebeș 2001, p. 135.

⁷² Ibidem.

⁷³ *Athenian Syntagma*, vol. IV. Athens 1854..., p. 192.

⁷⁴ *Athenian Syntagma*, vol. II..., p. 362.

⁷⁵ E. BRANIȘTE, EC. BRANIȘTE: *Dicționar enciclopedic...*, pp. 95–96.

singers,”⁷⁶ that is, by *psaltis*, who usually also served as conductors of the church choir.

4. The canonical-legal status of the laity and their participation in the exercise of teaching power in the light of the canonical legislation of the Eastern Church

In the early Church, the laity had not only duties but also certain rights which the Church itself recognized. Among these rights and duties assigned to the layperson, we may mention: the right to participate in the election of clergy, in their ordination, in the exercise of teaching power, etc.

These rights, however, were to be restricted or even prohibited over time, as attested by the text of Canon 13 of the Council of Laodicea (343–370), according to which “the multitudes (τοῖς ὄχλοις) should not be given permission to make the elections (τὰς ἐκλογάς) of those who are to be instituted into the priesthood (καθίστασθαι εἰς ἱερατεῖον).”⁷⁷

Regarding this prohibition on the participation of the multitudes, that is, of the laity, in the elections of divinely appointed clergy (bishops, priests, and deacons), the Byzantine canonists of the 12th century were even more categorical, stating expressis verbis that it is “forbidden for the laity (ὁ κοσμικοῖς) to elect bishops,”⁷⁸ although, in the Church of the early centuries, this was a practice grounded in the apostolic order and ancient canonical custom. Moreover, from among these multitudes of laypersons were recruited not only clergy of divine institution, but also those of human institution, both of whom participated in the exercise of the Church’s teaching power.

In accordance with the canonical provisions of the Eastern Church, ecclesiastical power must be exercised with the blessing of the Church – that is, of the local bishop – and must be carried out under the guidance of the divinely instituted clergy; hence the prohibitions which the Fathers of certain Ecumenical Councils laid down as binding norms to be followed.

⁷⁶ Ibidem, p. 96.

⁷⁷ *Athenian Syntagma*, vol. III. Athens 1853..., p. 183.

⁷⁸ A. ARISTENOS: “Commentary on Canon 13 of Council of Laodicea.” In: *Athenian Syntagma*, vol. III..., p. 183.

Among these rules and norms established by the Fathers of the Church, and expressly set out in the text of the canons, I would like to draw attention to some of the most representative, namely:

1. Those who have had the “clerical tonsure (ιερατική κουρά)” from childhood, and have not received the blessing of their bishops, may not preach from the “Ambo (ἐπ’ ἄμβωνος).”

In accordance with the provision of Canon 33 of the Council in Trullo (691/692),⁷⁹ it is not permitted for those “numbered among the clergy (τὴν τῶν ἐν τῷ κλήρῳ καταλεγομένων τάξιν) to speak to the people (τῷ λαῷ) in a loud voice, from the Ambo (ἐπ’ ἄμβωνος), the divine words (τοὺς θείους λόγους)”⁸⁰ from Holy Scripture, for only he who has been deemed worthy “of clerical degree and canonically (κανονικός) receives the blessing (τὴν εὐλογίαν) from his own shepherd”⁸¹ may preach from the Ambo (pulpit). Anyone who did not observe this canonical provision was to “be excommunicated (ἀφορίζεσθω)” (can. 33 Council in trullo),⁸² that is, to be excommunicated.⁸³

The phrase “clerical degree” in the text of the canon of the Sixth Ecumenical Council (Second Session) must therefore be understood as the authorization of a layperson to be counted among the clergy and to perform clerical duties. This entitlement was obtained through a blessing from the bishop to which Byzantine canonists also refer. For example, the canonist John Zonaras was keen to point out that anyone who had not received “the canonical blessing from his own bishop”⁸⁴ could not “read the Holy Scriptures from the Ambo.”⁸⁵

2. It is not permitted for a layperson to assume the “office of teaching,” but they must follow “the order handed down by the Lord.”

⁷⁹ N. V. DURĂ: “The Ecumenicity of the Council in Trullo: Witnesses of the Canonical Tradition in the East and the West.” In: *The Council in Trullo Revisited*. Eds. G. NEDUNGATT, M. FEATHERSTONE. Rome 1995, pp. 229–262.

⁸⁰ *Athenian Syntagma*, vol. II..., p. 379.

⁸¹ Ibidem.

⁸² Ibidem.

⁸³ N. V. DURĂ: “Precizări privind unele noțiuni ale Dreptului canonic (depunere, caterisire, excomunicare, afurisire și anatema) în lumina învățaturii ortodoxe. Studiu canonic” [Clarifications regarding certain concepts of Canon Law (deposition, defrocking, excommunication, *afurisire*, and anathema) in the light of Orthodox teaching. Canonical study]. *Orthodoxia* XXXIX/2 (1987), pp. 84–135.

⁸⁴ I. ZONARAS: “Commentary on Canon 33 of Council in trullo.” In: *Athenian Syntagma*, vol. II..., p. 380.

⁸⁵ Ibidem.

In accordance with the decision taken by the Fathers of the Sixth Ecumenical Council (Second Session), it was forbidden for “the laity (λαϊκόν) to deliver a sermon or to teach in public (διδάσκειν (ἐν) δημοσίᾳ) so as, in this way, to appropriate the teaching office (ἄξιωμα διδασκαλικόν), but to submit to the Lord’s order (τοῦ Κυρίου διατάξει),”⁸⁶ that is, to “open their ears to those who have received the gift of the teaching word (τοῦ διδασκαλικοῦ λόγου),”⁸⁷ that is, the gift received by teachers, who by definition are destined to teach, and only “from them” must the laity “learn the divine things (τὰ θεῖα παρ’ αὐτῶν ἐκδιδάσκεσθαι)” (can. 64 Council in Trullo).⁸⁸

In their commentary on this canon, the Byzantine canonists also reiterate that “laypeople must not teach, nor engage in dogmatic debates (λόγους δογματικούς), lest they thereby unlawfully assume the office (dignity) of teaching (ἄξιωμα διδασκαλικόν).”⁸⁹

3. The canonical-legal status of women and their participation in the exercise of teaching power.

In order to discuss women’s participation in the exercise of teaching power, perceived and expressed as a participatory act of collaboration, we must first of all understand their canonical-legal status, that is, as established by the canonical legislation of the Eastern Church, for only in this way will we be able to evaluate the testimonies provided by theological literature (biblical, ecclesiological, historical, canonical, etc.) regarding female deacons, female *psaltis* (chanter), female abbesses, female missionaries (e.g., Mother Teresa, of Wallachian descent from Albania), etc.

To shed light on women’s right to participate in the exercise of teaching power, we note that the rights and duties of female deacons were laid down in both canonical and secular law, namely in Byzantine imperial legislation, from which it is evident that they entered in of the clergy of human institution through a consecration (blessing) by the bishop, referred to in liturgical and canonical theology as *chirothesia*, which is in fact a hierurgy and not a Sacrament, as has been erroneously stated in some texts in the theological literature.

⁸⁶ *Athenian Syntagma*, vol. II..., p. 453.

⁸⁷ *Ibidem*.

⁸⁸ *Ibidem*, p. 454.

⁸⁹ A. ARISTENOS: “Commentary on Canon 64 of Council in trullo.” In: *Athenian Syntagma*, vol. II..., p. 456.

4. The canonical-legal status of the reader (ἀναγνώστης) and his participation in the exercise of teaching power.

The Fathers of the Seventh Ecumenical Council (Nicaea 787) likewise observed that, although ordinations “into the priesthood (τῇ ἱερωσύνῃ)” had to be carried out “with exactness (σὺν ἀκριβείᾳ),” that is, with strict compliance with the provisions of the canonical norms, even in their own time some no longer observed or applied them. Thus, some received “the clerical tonsure (τὴν κουρὰν τοῦ κλήρου) from childhood, without *cheirothesia* from the bishops (παρ’ ἐπισκόπων χειροθεσίαν), and, reading in the assembly from the ambo (τῇ συνάξει ἐπ’ ἄμβωνος), do this uncanonically (ἀνακονίστως),”⁹⁰ hence their ruling that “from now on this must no longer happen” (can. 14 VII ec.).⁹¹

From the same text of Canon 14 of the Seventh Ecumenical Council, we note that the exercise of the office of reader was forbidden to anyone who did not have *cheirothesia* from his bishop, even if he had “a tonsure on the crown of his head,”⁹² that is, even if he had been “dedicated to God (ἀφορισθέντες τῷ Θεῷ) from childhood,”⁹³ bearing “a tonsure on the crown of his head.”

In this respect, the Byzantine canonists stated that “some, after having been clothed in black from childhood, as those who had been dedicated to God,”⁹⁴ considered that they could read “the divine Scriptures from the Ambo [...] without having *cheirothesia* from the local bishop.”⁹⁵ Hence their categorical prohibition that “no one is to read [...] unless he has received the seal of the tonsure (σφραγίδα ἐπικουρίδος) through episcopal *cheirothesia* (διὰ χειροθεσίας ἐπισκοπικῆς),”⁹⁶ through which the reader “immediately becomes a cleric (αὐτίκα κληρικὸς ἐστίν).”⁹⁷ Therefore, entry into the order of the clergy of human institution was conditional upon episcopal *cheirothesia*.

⁹⁰ *Athenian Syntagma*, vol. II..., p. 615.

⁹¹ *Ibidem*.

⁹² I. ZONARAS: “Commentary on Canon 14 of Seventh Ecumenical Council.” In: *Athenian Syntagma*, vol. II..., p. 616.

⁹³ T. BALSAMON: “Commentary on Canon 14 of Seventh Ecumenical Council.” In: *Athenian Syntagma*, vol. II..., p. 616.

⁹⁴ *Ibidem*.

⁹⁵ *Ibidem*.

⁹⁶ *Ibidem*.

⁹⁷ *Ibidem*, p. 617.

Both the text of Canon 14 of the Seventh Ecumenical Council and the commentaries of 12th-century Byzantine canonists indicate the following:

- a) The office of reader (*anagnostes*) was obtained solely through the rite of *cheirothesia* by the bishop, since the tonsure on the crown of the head in infancy could not qualify anyone to acquire the office of anagnost (reader).
- b) The fact that the *anagnostes* read the Holy Scriptures from the Ambo remains clear evidence that he also participated in the exercise of the Church's teaching power.
- c) The tonsure on the crown of the head formed part of the rite of the reader's *cheirothesia*, and only through both ritual acts – namely, the tonsure and the *cheirothesia* conferred by the bishop, accompanied by a prayer likewise said by the bishop that God might make him worthy in the ministry to which he had been called – was the reader entitled to be numbered among the clergy of human institution.
- d) We also note that, through Canon 14 of the Seventh Ecumenical Council, a clear terminological distinction was made for the first time between *cheirotomia* and *cheirothesia*. The latter, that is, *cheirothesia*, was associated with the institution of clerics of human institution. But the fact that, during the first seven or eight centuries, there was no terminological precision in defining the two concepts of ordination and *cheirothesia* is also attested by Byzantine legislation. For example, in one of his Imperial Constitutions, Emperor Justinian was keen to specify that “a deaconess to be ordained (*χειροτονείσθαι / ordinari*) in the Holy Church who is under forty years of age, or who has not married twice (*δευτέρως γάμους / secundas nuptias*)” (*Novella CXXIII, 13*).⁹⁸

This terminological incongruity between the words *cheirotomia* and *cheirothesia* was therefore a reality both in ecclesiastical and in juridical language; however, the two terms did not designate the same thing, since the former denoted the ranks of the clergy of divine institution, whereas the latter denoted the ranks of the clergy of human institution.

5. The canonical-legal status of the *psaltis* (chanter) and their participation.

Regarding the canonical psalts (*τῶν κανονικῶν ψαλτῶν*), that is, the church chanters who had received *chirothesia* from the bishop,

⁹⁸ *Corpus Iuris Civilis, Seventh Stereotypical Edition, Volume III: Novellae ...*, p. 604.

mention is made “for the first time”⁹⁹ in Canon 15 of the Council of Laodicea (343/370), from whose text we observe that only these were permitted “to sing in church,” and that only they were allowed “to ascend the Ambo and chant from the Book” (ἀπὸ διφθέρας ψαλλόντων).¹⁰⁰

In Greek, the books written on specially processed leather, which were used in Antiquity instead of paper, were called διφθέρας, that is ‘books’. The Romans also called them *pergamena charta*, that is, ‘books written on parchment’. And, at that time, that is, around the middle of the 4th century, church chant was performed by psalts using these leather books, to which Saint Paul the Apostle also referred in his Epistle to Timothy, in which he asked him to bring him “the books (τὰ βιβλία),” and especially the parchments (τὰς μεμβράνας) (2 Timothy 4:13).

In the Ethiopian Church, church chanters are still known as “dābtāra” (Ge‘ez: ደብተራ),¹⁰¹ and even today they use books written on parchment, from which they read and sing in the same manner as the *anagnostai* and *psaltai* of the ancient Church.

With regard to the *anagnostes* (reader), from the present-day *Order of the Service of the Divine Liturgy with a Bishop* we may observe that he awaits the bishop, together with “three deacons,” in the “narthex of the church”¹⁰² and carries “the bishop’s mantle”¹⁰³; then “the ecclesiarch or the priest on the left takes the mantle (of the bishop) from the anagnostes and helps the bishop to put it on.”¹⁰⁴ Therefore, the principal duty of the *anagnostes* in the exercise of his ministry was to receive the bishop with the mantle in the narthex of the church whenever the Divine Liturgy was celebrated by him.

From the same *Order of the Service of the Divine Liturgy with a Bishop* we also note that the bishop gives his crozier to the *anagnostes* when he goes to venerate and kiss the “royal icons,”¹⁰⁵ and then takes

⁹⁹ I. N. FLOCA: *Canoanele Bisericii Ortodoxe. Note și comentarii* [The Canons of the Orthodox Church. Notes and Commentaries]. Sibiu 1991, p. 207.

¹⁰⁰ *Athenian Syntagma*, vol. III..., p. 184.

¹⁰¹ See N. V. DURĂ: “Anaforalele (*canoane liturgice*) Bisericii etiopiene. Procesul apariției și dezvoltării lor” [The Anaphorals (*liturgical canons*) of the Ethiopian Church. The Process of Their Emergence and Development]. *Studii Teologice* XXIX/7–10 (1977), pp. 589–599.

¹⁰² “Tipicul Slujbei Sfintei Liturghii cu Arhiereu” [The Order of Service of the Divine Liturgy Celebrated by a Bishop]. In: *Liturghier [Hieratikon]*. București 2000, p. 480.

¹⁰³ *Ibidem*.

¹⁰⁴ *Ibidem*.

¹⁰⁵ *Ibidem*, p. 481.

the crozier back “from the *anagnostes*.”¹⁰⁶ Hence the conclusion that, although initially the principal duty of the *anagnostes* was the reading of the biblical lessons, such as those from the Book of the Apostle, later his ministries also included others, for example, carrying the bishop’s mantle and crozier.

We note that, at present, the biblical readings – which formerly fell within the responsibility of the *anagnostes* – are read by the *psaltes* (chanter), to whom, at the Divine Liturgy, the bishop or the priest addresses the words, “Peace be unto thee, reader!”¹⁰⁷ This explains the fact that, in reality, the *psaltes* has also assumed the office of the reader (*anagnostes*).

That there exists a grace-endowed distinction between the *anagnostes* (reader) and the deacon is also evident from the words addressed to them by the bishop or the priest. For example, the *anagnostes* is addressed with the words, “Peace be unto thee, reader!,” whereas to the deacon, who reads the Holy Gospel, the bishop addresses the words, “Peace be unto thee, who hast proclaimed the good tidings!”¹⁰⁸ This confirms that the *anagnostes* (reader) indeed belongs to the clergy of human institution, whereas the deacon belongs to the rank of the clergy of divine institution.

We note that the Fathers of the Council of Laodicea forbade “the reading in church of special hymns (ιδιωτικούς ψαλμούς),”¹⁰⁹ or “non-canonical books” (ἀκανόνιστα βιβλία) (can. 59, Council of Laodicea),¹¹⁰ but – as the Byzantine canonist John Zonaras specified in his commentary on this canon – only the books listed “in the 85th Apostolic Canon”¹¹¹ were to be read.

Taking into account the canonical-legal status of the laity – as provided for by ecclesiastical (canonical) and imperial (Byzantine) legislation – we may conclude that all categories of laity who were part of the clergy of human institution received episcopal *cheirothesia*, on the basis of which they could also participate in the exercise of ecclesiastical power – through collaboration with the degrees of the divinely instituted clergy (bishop, priest, deacon) – including the exercise of teaching power to the extent possible for them, that is, as determined by the Church.

¹⁰⁶ Ibidem, p. 485.

¹⁰⁷ Ibidem, p. 491.

¹⁰⁸ Ibidem, p. 491.

¹⁰⁹ *Athenian Syntagma*, vol. III..., p. 225.

¹¹⁰ Ibidem.

¹¹¹ Ibidem.

5. Conclusions

From the text of the Gospel according to Matthew, chapter XXVIII, 18–20, we learn that the preaching of the Gospel was carried out *ab initio* on the basis of a divine mandate, and that this had an eminently missionary character, concerning “all the world” and “all creation” (Mark 16:15), and was to be taken “to the ends of the earth” (Acts 1:8).

The preaching of the Gospel of Christ was not, however, entrusted solely to the Apostles and their disciples, but also to lay Christians, since they too received the mandate to bear witness to the Word of life before men (cf. Matthew 10:32–33). Consequently, Christ called “all Christians, and not only the hierarchy”¹¹² of the Church, to preach His Gospel.

The testimonies of the New Testament biblical text confirm that Christ recruited His first Christian disciples from among the laity who saw Him, listened to Him, or were healed by Him, and these were also the first witnesses to the Gospel of Christ (Mark 5:18–19; 1 Thessalonians 1:7–8).

After the First Ecumenical Council (Nicaea, 325), Ethiopia was also Christianized by the layman Frumentius, who converted the city of Aksum in ancient Ethiopia and later became its bishop, having been ordained at Alexandria by Saint Athanasius the Great around 329–330.¹¹³ Among the laity was also Saint Gregory the Illuminator, the Christianizer of Armenia, who was later ordained bishop in Caesarea of Cappadocia. Likewise, in Georgia, the one who contributed to the adoption of Christianity as the state religion was a woman, namely Saint Nina of Cappadocia.¹¹⁴ All these lay missionaries were among those “πιστοῖς ἀνθρώποις” (faithful people), who, having received the teaching of Christ, proved themselves worthy “to teach others also” (ἐτέροισ διδάξαι) (2 Timothy 2:2).

Towards the end of the 4th century, the first restrictions on the right of laypersons to preach without the consent of the divinely appointed clergy began to appear, requiring them “to teach in the presence of the clergy” and “only at their request” (can. 98 IV Carthage).¹¹⁵ However, as the renowned Romanian canonist Liviu Stan, noted, “this canon confirms the custom

¹¹² L. STAN: *Mirenii în Biserică...*, p. 70.

¹¹³ Cf. N. V. DURĂ: *Organizarea Bisericii etiopiene și bazele ei canonice* [The Organization of the Ethiopian Church and its Canonical Foundations]. Bucharest 1990, pp. 21–65.

¹¹⁴ G. KVESITADZE, N. V. DURĂ: *The Roots of Georgian and Romanian Science and Culture*. Bucharest 2017, p. 20.

¹¹⁵ L. STAN: *Mirenii în Biserică...*, p. 83.

of laypeople's participation in the teaching office,"¹¹⁶ and, implicitly, their collaboration in the exercise of teaching power, as indeed the Apostolic Constitutions also confirm.

The fact that laypersons preached the Gospel of Christ is also confirmed by the commentaries of Byzantine canonists on Canon 64 of the Council in Trullo (691/692). And some contemporary canonists have also pointed out that, through this canon, the Fathers of the Sixth Ecumenical Council (Second Session) did not seek to eliminate "lay participation in preaching," but merely wished to specify that this had to be done "with the bishop's permission."¹¹⁷

Indeed, Canon 64 of the Council in Trullo prohibited laypersons from "discussing the faith in public," or from substituting themselves for the "teacher,"¹¹⁸ that is, for the person who possessed the appropriate theological training and who had the Church's permission to teach. For this reason, it was also stipulated that layperson should learn only "what they are permitted to learn," that is, by the priests of the Church.

As for the right of Christian women to exercise teaching power, the New Testament text tells us that they may not "teach others" in the Church, but "learn in silence with all submission" (1 Timothy 2:11–12), for "it is disgraceful for a woman to speak in church" (1 Corinthians 14:35). With regard to women, the Holy Fathers of the Seventh Ecumenical Council – most of whom were monks – also affirmed that their presence "is a cause for confusion," and that if the presence of any woman were found "in a diocese or in a monastery," the bishop or abbot should be defrocked (can. 18 VII ec.).¹¹⁹

In his commentary on this canon, Theodore Balsamon specified that it was, in fact, forbidden for "the bishop to have any woman or to live with her. And if he accepted this, he was to be expelled from the episcopate."¹²⁰ Furthermore, the Byzantine canonist noted that "Chapter 15 of Title I of Book IV of the *Basilika* categorically prohibits a woman from residing in a men's monastery."¹²¹

¹¹⁶ Ibidem.

¹¹⁷ Ibidem, p. 86.

¹¹⁸ I. ZONARAS: "Commentary on Canon 64 of Council in trullo." In: *Athenian Syntagma*, vol. II..., p. 454.

¹¹⁹ *Athenian Syntagma*, vol. II..., p. 628.

¹²⁰ T. BALSAMON: "Commentary on Canon 18 of Seventh Ecumenical Council." In: *Athenian Syntagma*, vol. II..., p. 629.

¹²¹ Ibidem.

From the decisions taken by the Fathers of the Seventh Ecumenical Council (Nicaea 787), we also note that “the readers (ἀναγνώστας) who read from the Ambo during the service, without having received chirothessia from the bishop, perform this act uncanonically (ἁκανόνιστος),”¹²² hence the prohibition that “from now on they should no longer do this” (can. 14 VII ec.).¹²³

Documentary testimonies attest that, in both the Eastern and the Western Church, the participation of the laity in the exercise of teaching power constituted a reality as early as the pre-Nicene period. The participation of the laity was also clearly manifested in the election of bishops, albeit “in different forms, with a progressive elimination of the laity (but not of the powers of the laity),”¹²⁴ namely of teaching, sanctifying, and governing (jurisdictional) power.

According to the statements of the same learned Western theologians, who also had solid historical and juridical training, a progressive elimination also took place in the Latin Church, “even of a part of the clergy, which lasted until the course of the thirteenth century, [...] when the election (of bishops) would be replaced by pontifical appointment.”¹²⁵

According to the current canonical legislation of the Latin Church, through Baptism, “the Christian faithful (*christifideles*)”¹²⁶ become “the people of God (*populum Dei*)”¹²⁷ and are “made sharers [...] in Christ’s priestly, prophetic, and royal function (*muneris Christi sacerdotalis, prophetici et regalis*), they are called to exercise the mission which God has entrusted to the Church to fulfill in the world” (can. 204 § 1).¹²⁸

The same canonical legislation provides that, in the Church, there are “sacred ministers (*ministri sacri*),”¹²⁹ “by divine institution (*ex divina institutione*),”¹³⁰ chosen from among the Christian faithful, and these are called

¹²² *Athenian Syntagma*, vol. II..., p. 615.

¹²³ *Ibidem*.

¹²⁴ J. GAUDEMET et al.: *Les élections dans l’Église latine des origines au XVI^e siècle*. Paris 1979, p. 8.

¹²⁵ *Ibidem*.

¹²⁶ *Codul de drept canonic. Textul oficial și traducerea în limba română* [The Code of Canon Law. The Official Text and the Romanian Translation]. Second edition. Iași 2012, pp. 154–155.

¹²⁷ *Ibidem*.

¹²⁸ *Ibidem*.

¹²⁹ *Ibidem*, pp. 156–157.

¹³⁰ *Ibidem*.

“clerics,” while “the other members of the Christian faithful are called laypersons” (can. 207 § 1).¹³¹

Among the rights of the laity is also mentioned their right to exercise “the ministry of the word (*ministerium verbi exercere*)” (can. 230 § 3).¹³²

In order to preserve the order and discipline established by the Church from the apostolic age, we must also take into account the prohibitions imposed on the laity by certain canons. Nevertheless, these prohibitions must not be understood as restrictions on the rights of clerics of human institution, including their right to participate in the exercise of the teaching power, in cooperation with the priests of the Church, within the limits established by the norms of canonical Legislation and by the Statutes governing the organization and functioning of the local Orthodox Churches.

Bibliography

Biblia sau Sfânta Scriptură. Ediție jubiliară a Sfântului Sinod [The Bible or Holy Scripture. Jubilee Edition of the Holy Synod]. Bucharest 2001.

“Bishop Ordains Orthodox Christian Woman as Deaconess in Response to Local Needs in Africa,” <https://orthodoxdeaconess.org/the-deaconess/ordination-in-africa/> [accessed 22.10.2025].

BRANIȘTE E., BRANIȘTE EC.: *Dicționar enciclopedic de cunoștințe religioase* [Encyclopaedic Dictionary of Religious Knowledge]. Caransebeș 2001.

CLEMENT OF ALEXANDRIA: “Stromatele”, III, 12, 90, 1. In: *Colecția „Părinți și Scriitori Bisericești”*, vol. V. Trans. D. FECIORU. Bucharest 1982.

Codul de drept canonic. Textul oficial și traducerea în limba română [The Code of Canon Law. The Official Text and the Romanian Translation]. Second edition. Iași 2012.

Corpus Iuris Civilis, Seventh Stereotypical Edition, Volume I–III. Eds. R. SCHOELL, W. KROLL et al. New Jersey 2010.

DURĂ N. V.: “‘Povățuiri’ și ‘Învățăături’, cu conținut liturgico-canonic, privind Sfânta Euharistie. Considerații eclesiologico-canonică” [“Guidance” and “Teachings,” with liturgical-canonical content, concerning the Holy Eucharist.

¹³¹ Ibidem.

¹³² Ibidem, pp. 166–167.

- Ecclesiological and Canonical Considerations]. In: *Dimensiunea penitențială și euharistică a vieții creștine*. Eds. G. PETRARU, L. PETCU. Iași 2014, pp. 63–109.
- DURĂ N. V.: “About the Freedom of Religion and the Laicity. Some Considerations on the Juridical and Philosophical Doctrine.” *Bulletin of the Georgian National Academy of Sciences* 13/4 (2019), pp. 156–164.
- DURĂ N. V.: “Anaforalele (*canoane liturgice*) Bisericii etiopiene. Procesul apariției și dezvoltării lor” [The Anaphorals (Liturgical Canons) of the Ethiopian Church. The Process of Their Emergence and Development]. *Studii Teologice* XXIX/7–10 (1977), pp. 589–599.
- DURĂ N. V.: “Dispoziții și norme canonice privind administrarea Sfântului Botez” [Canonical Provisions and Rules Concerning the Administration of Holy Baptism]. *Ortodoxia* XXXI/3–4 (1979), pp. 593–612.
- DURĂ N. V.: “Monahii, al treilea element constitutiv al Bisericii” [Monks, the third constituent element of the Church]. *Biserica Ortodoxă Română* CXXI/7–12 (2003), pp. 469–483.
- DURĂ N. V.: “Precizări privind unele noțiuni ale Dreptului canonic (depunere, caterisire, excomunicare, afurisire și anatema) în lumina învățaturii ortodoxe. Studiu canonic” [Clarifications regarding certain concepts of Canon Law (deposition, defrocking, excommunication, *afurisire*, and anathema) in the light of Orthodox teaching. Canonical study]. *Ortodoxia* XXXIX/2 (1987), pp. 84–135.
- DURĂ N. V.: “Rânduiele și norme canonice privind administrarea Mirungerii. Sfințirea Sfântului Mir pe teritoriul românesc, expresie elocventă a stării de autocefalie a Bisericii române de-a lungul secolelor” [Canonical Rules and Regulations Concerning the Administration of Chrismation. The Consecration of the Holy Chrism on Romanian Territory, an Eloquent Expression of the Autocephaly of the Romanian Church Throughout the Centuries]. *Mitropolia Moldovei și Sucevei* LVII/1–3 (1981), pp. 39–57.
- DURĂ N. V.: “*Responsa Jurisprudentium* (Responses of the Roman Jurisconsults) on *Jus* (Law) and *Justitia* (Justice).” *Dionysiana* 1 (2021/2022), pp. 286–295.
- DURĂ N. V.: “Simbolul de credință al celor 318 Sfinți Părinți ai Sinodului de la Niceea (325), chintesență a învățaturii de credință ortodoxă” [The Creed of the 318 Holy Fathers of the Council of Nicaea (325), the quintessence of Orthodox doctrinal teaching]. In: *Sinodul de la Niceea (325). Mărturie a Sfinților Părinți, mărturisire de credință și autoritate canonică*. Iași. 2025, pp. 163–199.
- DURĂ N. V.: “The Ecumenicity of the Council in Trullo: Witnesses of the Canonical Tradition in the East and the West.” In: *The Council in Trullo Revisited*. Eds. G. NEDUNGATT, M. FEATHERSTONE. Rome 1995, pp. 229–262.
- DURĂ N. V.: *Organizarea Bisericii etiopiene și bazele ei canonice* [The Organization of the Ethiopian Church and its Canonical Foundations]. Bucharest 1990.

- FALCETTA A.: *Early Christian Teachers. The 'Didaskaloi' from Their Origins to the Middle of the Second Century*. Tübingen 2020.
- FITZGERALD K. K.: *Women Deacons in the Orthodox Church. Called to Holiness and Ministry*. Brookline, MA 1998.
- FLOCA I. N.: *Canoanele Bisericii Ortodoxe. Note și comentarii* [The Canons of the Orthodox Church. Notes and Commentaries]. Sibiu 1991.
- FLOCA I. N.: *Drept canonic ortodox. Legislație și administrație bisericească* [Orthodox Canon Law. Church Legislation and Administration], vol. II. Bucharest 1990.
- GAUDEMET J. et al.: *Les élections dans l'Église latine des origines au XVIe siècle*. Paris 1979.
- KVESITADZE G., DURĂ N. V.: *The Roots of Georgian and Romanian Science and Culture*. Bucharest 2017.
- L'Eucologio Barberini gr. 336 (ff. 1–263)*. Second edition. Eds. S. PARENTI, E. VELKOVSKA. Rome 2000.
- Liturghier* [Hieratikon]. București 2000.
- MIRCEA I.: *Dicționar al Noului Testament* [Dictionary of the New Testament]. Bucharest 1995.
- MITITELU C.: "The Application of Epitimias in the Rite of Confession According to the 'Canonical Custom' and the 'Penitential Canons'." *Teologia Młodych* 4 (2015), pp. 10–18.
- MITITELU C.: "The Exercise of Teaching Power and its Canonical Bases." *Icoana Crediinței* 20/10 (2024), pp. 23–32.
- Nou Testament (Versiune bilingvă, greacă și română)* [New Testament]. Vatopedi Monastery, Mount Athos 2022.
- Proposed Guidelines for the Revival of the Ordained Female Diaconate in the Orthodox Church Today Prepared by the St. Phoebe Center for the Deaconess*, <https://orthodoxdeaconess.org/wp-content/uploads/2025/02/08-24-Revised-Proposed-Guidelines-for-the-Revival-of-the.pdf> [accessed 14.11.2025].
- STAN L.: *Mirenii în Biserică. Importanța elementului mirean în Biserică și participarea lui la exercitarea puterii bisericești. Studiu canonic-istoric* [The Laity in the Church. The Importance of the Lay Element in the Church and its Participation in the Exercise of Ecclesiastical Power. A Canonical-Historical Study]. Sibiu 1939.
- TERTULLIAN: "De Baptismo," XVII. In: *Patrologia Latina*, vol. 1. Ed. J. D. MIGNE. Paris 1844, col. 1317B–1318A.
- The Apostolic Constitutions*, Volume III: Books VII–VIII, Introduction, critical text, translation and notes. Ed. M. METZGER. Paris 1987.
- THEODOROU E.: "Η Ὑπεροτονία ἢ Ὑπεροθεσία τῶν διακονισσῶν" [The Ordination or chirothesia of Deaconesses]. *Theologia* 23 (1954), pp. 576–601.

THEOPHYLACT, ARCHBISHOP OF OHRID: *Tâlcuirea Sfintei Evanghelii de la Matei* [Commentary on the Holy Gospel of Matthew]. Bucharest 2002.

Σύνταγμα τῶν Θείων καὶ Ἱερῶν Κανόνων τῶν τε Ἁγίων καὶ πανευφύμων Ἀποστόλων, καὶ τῶν Ἱερῶν καὶ Οἰκουμενικῶν καὶ Τοπικῶν Συνόδων, καὶ τῶν κατὰ μέρος Ἁγίων Πατέρων [The Syntagma of the Divine and Sacred Canons of the Holy and All-Laudable Apostles, of the Sacred Ecumenical and Local Synods, and of the Holy Fathers in particular], vols. II–IV. Eds. G. A. RHALLE, M. POTLE. Athens 1852–1854.



DAMIÁN NĚMEC

Palacký University Olomouc, Czech Republic

 <https://orcid.org/0000-0002-9960-2452>

Dominican Tertiaries in Today's Secularized World

Abstract: The article presents the life and activities of Dominican lay tertiaries as a concrete example of the active engagement of lay people in the life and mission of the Catholic Church. The article focuses primarily on describing the autonomy of Dominican lay tertiaries in two dimensions: in terms of their governance structures and in terms of their emphasis on the lay apostolate. These areas are preceded by a section outlining the development of regulations for Dominican lay tertiaries from the promulgation of the Code of Canon Law in 1917 to the present day.

Key words: Catholic Church, Dominican Order, Dominican Family, laity, tertiaries, apostolate, autonomy, evangelisation

Introduction

The mission of the Dominican tertiaries has had a double focus throughout their history: internally within the Dominican Order (mutual assistance of the various branches of the Dominican family) and externally by carrying out the apostolate, both in collaboration with the Dominican friars and independently. For centuries, the Dominican tertiaries living in the world have been divided into two branches: the laity and the diocesan priests. We will discuss only the lay branch.

In this article, we want to focus primarily on the autonomy of the Dominican tertiary laity in two dimensions: first, the governance

structure, and second, the emphasis on the lay apostolate. These issues will be the content of the second and third sections, which will be preceded by the first section introducing the development of the regulations for the lay tertiaries since the promulgation of the Code of Canon Law in 1917.

1. The development of the regulations for Dominican lay tertiaries since the CIC/1917 and the participation of the laity in it

Although all the circumstances of the creation of the Third Order of St. Dominic are still not clear, its first and long-used regulations, called the Rule (*regula*), came from the Master of the Order (Superior General of the Dominican Order), Munio of Zamora, in 1285. Further changes occurred only in the 20th century, always in response to important ecclesiastical documents or events.¹

The promulgation of the Code of Canon Law in 1917 was followed by the drafting of new regulations for all branches of the Dominican family, including the lay tertiaries. The new Rule for Lay Tertiaries was drawn up by a commission of Dominican friars, consulted with all the provincials, and finally approved by Pope Pius XI on April 23, 1923.²

Other changes are linked to the Second Vatican Council (1962–1965), but the first “conciliar” rule, approved by the Holy See *ad experimentum* for a period of three years in 1964,³ had already been requested by previous general chapters of the Dominican friars: in Caleruega (the birthplace of St. Dominic) in 1958, in Bologna (the place of St. Dominic’s death and

¹ X. CUCHE: “Le droit des laïcs dominicains.” In: *Les Dominicains et leur droit. Mémoire Dominicaine : Histoire – Documents – Vie dominicaine*, n. 13. Paris 1999, pp. 213–216; P. KONZBUL: *Vývoj a pojetí dominikánského laikátu ve XX. století* [The Development and Understanding of the Dominican Laity in the 20th Century]. Master Thesis, Univerzita Palackého v Olomouci, 2000, pp. 17–24. The author of the second publication was lay tertiary, later he was ordained a priest of the Diocese of Brno in 2003, appointed auxiliary bishop of Brno in 2016, and diocesan bishop of Brno in 2022.

² L. THEISSLING: “Regula Tertii Ordinis saecularis S. Dominici.” In: *Analecta Sacri Ordinis Praedicatorum*, vol. XVI (1923–1924), pp. 101–112; X. CUCHE: “Le droit des laïcs dominicains...,” pp. 216–219; P. KONZBUL: *Vývoj a pojetí...*, pp. 27–32.

³ M. BROWNE: “De nova Regula Tertii Ordinis Saecularis Sancti Dominici.” In: *Analecta Sacri Ordinis Praedicatorum*, vol. XXXVI (1963–1964), pp. 486–500.

burial) in 1961, and in Toulouse (the site of the first community of friars founded in 1206) in 1962. This Rule was again drawn up by a commission of friars and consulted with the provincial promoters of the available provinces (excluding some from behind the Iron Curtain), but did not find a positive response.⁴

For this reason, after the Second Vatican Council, at the instigation of the General Chapter in Bogotá in 1965, a new rule was drawn up by a commission made up of both Dominican friars and tertiaries; the text was revised in 1967 by the Assembly of Provincials. This time the Holy See transferred the approval of the Rule to the General Chapter of the Dominicans, which was held in 1968 in River Forest, and the Order approved the Rule again *ad experimentum* for a period of three years⁵ (and also approved the new Constitutions of the Dominican Friars).⁶ This Rule was then approved by another General Chapter in 1971 in Tallaght and then, again *ad experimentum*, in 1972 by the Holy See. For the first time, this Rule is accompanied by general declarations (*declarationes generales*) issued by the authority of the Magister of the Order, which specify the implementation of some of the provisions of the Rule. This Rule also provides for greater decentralization, since the various provinces of the Order are to issue their own directives adapting the Rule to the peculiar conditions; these directives are approved by the Master of the Order.⁷

The next rule for Dominican lay tertiaries is based on two premises: the new 1983 Code of Canon Law and the First World Congress of Lay Tertiary Representatives held in Montréal in 1985 (in the year of the 700th anniversary of the first rule for tertiaries), which lasted six days.⁸ Since the CIC/1983 gave only a basic framework, the outcomes of the Montréal meeting were more important: the tertiaries themselves discussed

⁴ X. CUCHE: "Le droit des laïcs dominicains...", pp. 221–226; P. KONZBUL: *Vývoj a pojetí...*, pp. 35–39.

⁵ A. A. FERNÁNDEZ: "Regula Fraternitatum Laicalium s. Dominici." In: *Acta capituli generalis provincialium Ordinis FF. Prædicatorum River Forest in conventu S. Thomæ de Aquino a die XXX Augusti ad diem XXVI Octobris MCMLXVIII sub Fr. Aniceto Fernández sacre theologiæ professore totiusque eiusdem Ordinis magistro celebrati*. Roma 1968, pp. 95–101.

⁶ The then Provincial of the Czech Dominican Province, Ambrož Svatoš, also participated in this general chapter, after more than 20 years of absence of representatives of the Czech Dominican Province because of their persecution by the Communist regime.

⁷ X. CUCHE: "Le droit des laïcs dominicains...", pp. 219–221; P. KONZBUL: *Vývoj a pojetí...*, pp. 33–34.

⁸ Due to the lack of religious freedom, representatives of the lay tertiaries from Czechoslovakia were unable to attend this meeting.

the principles of the text there and prepared part of it; the rest was formulated by a commission of Dominican friars and tertiaries. The final text was approved by the Holy See as definitive on January 15, 1987, and promulgated by the Master of the Order on January 28, 1987, the feast of St. Thomas Aquinas. The text was also accompanied by general declarations.⁹

The Second World Congress of Dominican Lay Tertiaries was held in 2007 in Buenos Aires and contributed, among other things, to the revision of the General Declarations promulgated subsequently the same year.

The third and most recent worldwide congress of lay tertiaries, held in Fátima in 2018,¹⁰ provided impetus not only in the spiritual and apostolic but also in the juridical sphere, leading to minor modifications to the text of the 1987 Rule, confirmed by the Holy See in 2019,¹¹ and to the issuance of amended general declarations in the same year, both promulgated by the Master of the Order.¹²

2. Changes in lay tertiary regulations leading to a greater role of lay people

In the Rule of 1923, the management of the individual fraternities is described in the fourteenth to sixteenth chapters. It retains in no. 49 the traditional principle of obedience to the Master of the Order (explicitly expressed in the formula of vows) and in no. 50 to the Provincial of

⁹ X. CUCHE: "Le droit des laïcs dominicains...", pp. 226–230; P. KONZBUL: *Vývoj a pojetí...*, pp. 40–43.

¹⁰ E. MATTEI (ed.): *Acts of the Congress: Rule – General Declarations – Proposal. III International Congress Lay Dominican Fraternities, Fátima 2018*. Roma 2019. Also available online, accessed May 31, 2025, https://www.op.org/documents/#810-886-wpfd-dominican-laity-10_dominican-family-home-doc-en-5fbf8ea66d4ae/.

¹¹ CONGREGATIO PRO INSTITUTIS VITAE CONSECRATAE ET SOCIETATIBUS VITAE APOSTOLICAE: "Decretum Prot. n. D. 37¹/96" (January 28, 2019). In: E. MATTEI (ed.). *Acts of the Congress...*, p. 20.

¹² B. CADORÉ: "Rule of the Lay Fraternities of St. Dominic and General Declarations." In: E. MATTEI (ed.). *Acts of the Congress...*, pp. 21–22. The Rule is written in Latin (pp. 23–28), the General Declaration in English (pp. 29–37). The English translation of the Rule is available at the same webpage: <https://www.op.org/documents/#810-886-wpfd-undefined>.

the individual province of the Order, who thus mediate the relationships between the individual fraternities. But the relationship on international level was in no way presupposed or regulated in the Rule. The superior of the local fraternity is a religious priest who has the status of director of the fraternity, appointed by the Provincial, without the requirement of consultation with the fraternity itself (no. 53). Since the director does not usually live in the place where the fraternity exists, the coordination and supervision of the life of the members is the responsibility of the internal superiors, especially the prior, the sub-prior, the master of novices and the other members of the fraternity council, whose tasks are determined according to local conditions, up to a maximum of 12 members in total (nos. 57–63). In the event of the foundation of a new fraternity or if the office of the greater part or the whole of the fraternity council ceases to exist, the necessary members of the council are appointed by the Provincial. The appointment is for three years, but with the proviso that each year one-third of the council resigns, the director proposes new persons to take their place, and the remaining members of the council approve them; they are then appointed by the director of the fraternity; the members of the fraternity themselves are therefore not legally able to influence the composition of the council. The meetings of the council are convened and presided over by the director of the fraternity (no. 64), and its approval is required, in addition to the appointment of new members, for the admission of a new member (no. 11) or for the expulsion of a member from the fraternity or even from the Order altogether (no. 68). The structure is thus clearly pyramidal, with the laity always subordinate to the priests; these priests alone have the power of dispensation (no. 70).¹³

The same pyramidal design was retained in the 1964 rule, which (as mentioned above) did not meet with a favourable reception and was soon replaced by a new rule. Nevertheless, it introduced some innovations: in addition to the Master of the Order and the Provincial, there is mention of their promoters for the lay fraternities, namely, the General Promoter and the Provincial Promoter (nos. 53–57), and for the first time there is talk of collaboration between the fraternities, with the appointment of a provincial council of tertiaries headed by a Provincial Promoter, with candidates proposed by the individual fraternities and two-thirds of the

¹³ Cf. X. CUCHE: "Le droit des laïcs dominicains...", p. 219; P. KONZBUL: *Vývoj a pojetí...*, pp. 30–31.

council appointed by the Provincial Promoter and one-third by the Provincial (nos. 59–60).¹⁴

A significant change in the procedure was brought by the 1968 Rule and the subsequent general declarations. The structure of the fraternities had abandoned the pyramidal model and was based on the recognition of lay autonomy instead, which is clearly expressed in no. 13: “The lay associations are subject to the jurisdiction of the Order but have their own lay autonomy.” On the one hand, there remains the subordination to the Master of the Order and to the Provincial, whose delegate is the Provincial Promoter; the individual fraternities are guided, above all doctrinally and in the life of the Gospel, by his assistant, appointed by the Provincial after hearing the Council of the fraternity, usually from among the priests of the Order (no. 17). On the other hand, lay autonomy is realized at the level of the individual fraternities and at the level of the province too. Thus, a local fraternity is headed by its council, elected by the members of the fraternity, and the council then elects a superior from its midst (no. 18); the council of the local fraternity also decides on the admission and formation of members (no. 10). At the provincial level, the activity of the association is coordinated by the provincial council of lay tertiaries, part of which is elected by the individual fraternities, part of which is appointed by the Provincial Promoter, and this council then elects the Provincial Superior (no. 19). In addition to the provincial (national) councils, there are to be international councils having a similar composition to the provincial councils (no. 21). The Order envisages decentralization, and therefore the individual provinces, and especially the provincial councils of the laity, are to draw up provincial directives adapting the life of the tertiaries more to the particular conditions; these directives are approved by the Master of the Order at the request of the Provincial.¹⁵

¹⁴ Cf. X. CUCHE: “Le droit des laïcs dominicains...,” pp. 220–221; P. KONZBUL: *Vývoj a pojetí...*, p. 33. The cooperation between individual fraternities sustained over many years was not the rule but rather the exception in Czechoslovakia, due to the need for secrecy. At that time, the following rule of thumb applied: “What I don’t need to know, I mustn’t know.”

¹⁵ Cf. X. CUCHE: “Le droit des laïcs dominicains...,” pp. 228–229; P. KONZBUL: *Vývoj a pojetí...*, pp. 37–39. The first particular guidelines for the then Czechoslovak province (which split in 1997 into the Czech and Slovak ones) were issued in 1992, followed by further guidelines for the Czech Province in 2000, substantially revised in 2015, and finally modified in 2022.

The definitively approved 1987 Rule continued in this direction, retaining the governance structure of the 1968 Rule, that is, both the subordination to the Master of the Order and the Provincial (and their promoters as “departmental deputies”) and the lay autonomy itself. The collaboration of the fraternities is underlined not only by the requirement of a provincial council of the laity, but also by the international structure: again, a national and an international council. Already outside the Order, a worldwide coordinating structure has been created in the meantime: the International Council for Lay Dominican Fraternities, with five continental sub-councils: for Africa, Asia and the Pacific, Europe, Latin America, and North America. This council holds worldwide congresses at greater intervals: in 1985 in Montréal, in 2007 in Buenos Aires, and in 2018 in Fátima. The worldwide congresses have influenced the revisions of the Rule and the wording of the General Declarations: of 2007 and 2019, which have led to greater decentralization, among other things by transferring the power to approve the provincial directives of the lay fraternities to provincials in 2007.¹⁶

The 2015 Particular Directives of the Lay Fraternities of St. Dominic in force in the territory of the Czech Dominican Province went even further: they differentiated at the level of the Province both a Provincial Chapter made up of representatives of all the fraternities of the Province, celebrated every four years, with the power attributed in the Rule to the Provincial Council (nos. 47 to 55), and a four-member Council of the Provincial Superior as a narrower executive body (nos. 58 to 62).

3. Emphasis on the apostolate of lay tertiaries in their documents

It is important that in all the documents of the lay Dominican tertiaries, especially in their rules, we find texts encouraging the lay apostolate.¹⁷

¹⁶ Cf. X. CUCHE: “Le droit des laïcs dominicains...,” 226–230; P. KONZBUL: *Vývoj a pojetí...*, 42–45.

¹⁷ In this section of the article, we will usually no longer give the exact location of the cited sources by indicating the document (the official English translation) in which they are found and the page numbers in the document but only references to the paragraph numbers according to the analytical structure of the sources.

Although the 1923 Rule declares at the introduction, no. 2, that the primary goal of the Third Order is its own sanctification, it also lists among the means of this sanctification, in no. 3, “zealous participation in all that is undertaken for the propagation and defence of the faith and the holy Church, as well as participation in works of charity, as each one’s condition permits.” This basic provision is then developed in the eleventh chapter of the Order (nos. 40–43), which deals with apostolic zeal and love of neighbour. In addition to the previously mentioned emphasis on Christian doctrine and works of charity towards neighbour, it exhorts in no. 43 the cooperation of the pastor, especially in the teaching of religion. It does not, therefore, explicitly envisage the apostolic activities of the tertiaries themselves, but at the same time does not exclude them.

The 1964 Rule is a document that contains almost the same wording, especially in the first chapter on the nature, purpose and constitution of the Third Order in nos. 2 and 3. The wording of the fourteenth chapter, dealing with the means of sanctification and the apostolate, is somewhat, but only slightly, altered, and speaks of the apostolate in nos. 49–52. In addition to the broader text on the doctrinal apostolate (no. 49), collaboration with the diocese and parish (no. 50), and neighbourly charity (no. 51), no. 52 encourages those members who cannot carry out external apostolic works to imitate the life of Dominican nuns by offering their sacrifices for the apostolic life of the Order. Compared to the 1923 Order, there is no explicit mention of teaching of religion.

The text of the 1968 Rule is significantly different. Apart from making references to the documents of the Second Vatican Council in several places, it is deliberately formulated as succinctly as possible, with further clarification to come from the provincial directives. Thus, in no. 1, it states as a goal the sanctification of oneself and others, especially in a Christian manner of concern for temporal affairs. In no. 2 the emphasis is on witnessing the faith in the world and on cooperation with all people of good will. In no. 5, they are exhorted to acquire the doctrine of the universal priesthood of the faithful, to ecumenical cooperation, and especially to practical action in accordance with the social doctrine of the Church. In no. 8 they are reminded of the need to cooperate with other apostolic associations and to offer their energies for the benefit of the local Church.

Similarly brief is the text of the 1987 Rule, at the beginning of which is the basic constitution, which (following the model of the basic constitution in the Constitutions of the Dominican Friars) briefly expresses the essence

of the vocation of the lay Dominican tertiary. At the very beginning, in no. 1, it quotes from the Second Vatican Council's decree on the apostolate of the laity, *Apostolicam actuositatem* no. 1, speaking of the universal vocation to the apostolate. It goes on to mention in no. 4 that the lay tertiaries "participate by study, prayer and preaching in its [the Order's] apostolic mission in a manner appropriate to the lay state." In particular, nos. 5 to 7 clearly specify their apostolic mission:

5. They follow the example of Saint Dominic, Saint Catherine of Siena and our forebears who illumined the life of the Order and the Church, and strengthened by their fraternal communion, bear witness above all to their own faith, listen to the needs of their contemporaries, and serve the truth.
6. They pay careful attention to the principal goals of the Church's present-day apostolate, driven in a special way to show real compassion to all who are troubled, to defend liberty and to promote justice and peace.
7. Inspired by the charism of the Order, they are mindful that apostolic activity comes out of an abundance of contemplation.

The text of the General Declarations in its latest version expresses the apostolic mission in no. 4:

4. Members of the Fraternities are always to bear authentic witness to the mercy of Christ, in communion with the Church and the Order (cf. Rule, 5–7). To make public statements in the name of a Fraternity, or of the Dominican Laity more broadly, they require the authorisation of the competent authority in accordance with the Directory.

The Third World Congress of Lay Dominican Tertiaries, held in 2018 in Fátima, adopted several recommendations for the various areas of the life of lay tertiaries, one chapter is devoted to preaching and prayer, where preaching is synonymous with the apostolate. As key fragments thereof we can indicate:

1. [Declaration] Lay Preaching aims at introducing Jesus and sharing the Gospels into our world, in the context of family, friends, neighbours, people at work, in the social media and other contexts.
Lay Preachers should be able to listen, to try to understand and to truly love those they preach to.

Lay Preaching is not only about teaching but about listening and learning and being present.

Clerical Preaching and Lay Preaching do not exclude one another.

2. [Declaration] The compassion of Jesus for all humanity and our compassion urges us to preach.

Lay Preaching can take on many forms depending on the gifts given to us by God, for example singing and making music and other contributions to an attractive liturgy, art, writing, publishing and film making, listening and spiritual guidance, works of charity, advocacy for the marginalized, the ability to serve, and more.

We should be able to talk about the Gospel, our personal faith and the teachings of the Church.

The way we live our lives is also a way of preaching. How we live our lives should make other people curious about our faith.

Preaching requires that we learn to listen, to understand the signs of our times and to react to them.

4. [Commendation] Social media and other forms of modern technology need to be used in order to reach out to people in the modern world.

5. [Commendation] During formation, members should be encouraged and supported by their fraternity to investigate and develop their individual form of preaching according to their gifts.

The provisions of the Rule and the General Declarations are very explicitly (and, in my opinion, appropriately) followed by the 2022 Particular Directives of the Lay Fraternities of St. Dominic Valid in the Territory of the Czech Dominican Province¹⁸ approved by the Master of the Order, Gerard Francisco Timoner III, on 7 October 2022,¹⁹ and promulgated by the Provincial of the Czech Dominican Province, Lukáš Fošum, on 14 October 2022,²⁰ especially in nos. 18 to 21:

¹⁸ “Partikulární směrnice Laických sdružení sv. Dominika platné na území České dominikánské provincie” [Particular Directives of the Lay Fraternities of St. Dominic Valid in the Territory of the Czech Dominican Province]. In: *Základní dokumenty laických sdružení sv. Dominika na území České dominikánské provincie*. [Basic Documents of the Lay Fraternities of St. Dominic in the Territory of the Czech Dominican Province]. 2nd ed. Praha 2024, pp. 41–67.

¹⁹ G. F. TIMONER III: “Decree Prot. n. 73/21/655 Laity Bohemia” (7.10.2022). In: *Základní dokumenty...*, p. 38.

²⁰ L. FOŠUM: “Promulgační listina partikulárních směrnic Laických sdružení sv. Dominika” [Decree Promulgating the Particular Directives of the Lay Fraternities of St. Dominic] (14.10.2022). In: *Základní dokumenty...*, p. 39.

18. St. Dominic was extremely thirsty for the salvation of all people. He sent the brothers to preach to all people, groups and nations, believers and non-believers, and especially to the poor (cf. LCO no. 98). The proclamation of the Word of God and the announcement of Christ to the nations is the Order's primary task. The members of the lay fraternities are entrusted and empowered for the apostolate through the sacraments of baptism and confirmation; Christ establishes them as his witnesses and provides them with a sense for faith and the grace of the word. The Dominican apostolate is to be characterized by the evangelical spirit, the authentic doctrine of the Church, and connection with the sacraments.

19. The members of the lay confraternities can participate in the concrete apostolic projects of the Order by prayer, sacrifice, active service or financial support. The prerequisite for every apostolate is a true spiritual life striving for holiness and perfection; among the most effective forms of apostolate is the witness of an exemplary life. The main areas of the lay apostolate are the family, the parish, the local fraternity and the social environment (work, study, home, relatives and friends, municipality, state).

20. An important mark of the Dominican apostolate is that this ministry is a common task of the friars and sisters. The members of the lay fraternities should therefore cooperate with each other, support each other in their ministry and willingly participate in the tasks of the local fraternity and of the Order. They should choose the forms of participation in the mission of the Order considering the needs of the local fraternity, of the Order and of the Church. They should assist the diocesan apostolate under the direction of the local Ordinary and collaborate with other apostolic groups (cf. CIC cann. 311 and 328).

21. Public statements made in the name of the fraternity or the Dominican laity in general require authorization by the Provincial Moderator or his previous consent. This consent may be granted on a one-off basis, for a limited period or permanently. Limited or permanent consent expires at the end of the Provincial Moderator's term of office.

22. Participation in the apostolic mission is expressed by each the members of the lay fraternities in the form of a non-public commitment that corresponds to the personal charism, the needs of the Church, of the Order and of the local fraternity.

Conclusion

The very development of the regulations for Dominican lay tertiaries has occurred in reaction to both external and internal stimuli, especially to the manner in which the theology of the laity has been changing over the years, including the necessary decentralization thereof and the emphasis on cooperation also at the global level (globalization).

The guidelines for the apostolate of lay tertiaries, on the one hand, quite rightly stress the need to draw on a genuine spiritual life and the witness of a practical life appropriate to the diversity of vocations and life conditions of the laity living in the world. On the other hand, they recall the need for collaboration, both within the Dominican Family, the parish and the local Church, and at the level of practical ecumenism, as well as with other people of good will. The concrete fields of the apostolate are mentioned as the care for the knowledge and dissemination of the authentic doctrine of the Church, work in the family and relatives, in the social and political spheres, with special emphasis on helping the poor and vulnerable groups in society, based on effective compassion. This is highlighted above all by the proposals of the recent Third World Congress of Dominican Lay Fraternities celebrated in 2018 in Fátima.

Bibliography

- CADORÉ B.: “Rule of the Lay Fraternities of St. Dominic and General Declarations.” In: *Acts of the Congress: Rule – General Declarations – Proposal. III International Congress Lay Dominican Fraternities, Fátima 2018*. Ed. E. MATTEI. Roma: International Council of Lay Dominican Fraternities (ICLDF), 2019, pp. 21–22.
- CONGREGATIO PRO INSTITUTIS VITAE CONSECRATAE ET SOCIETATIBUS VITAE APOSTOLICAE: “Decretum Prot. n. D. 37⁻¹/96” (28.01.2019). In: *Acts of the Congress: Rule – General Declarations – Proposal. III International Congress Lay Dominican Fraternities, Fátima 2018*. Ed. E. MATTEI. Roma: International Council of Lay Dominican Fraternities (ICLDF), 2019, p. 18.
- CUCHE X.: “Le droit des laïcs dominicains.” In: *Les Dominicains et leur droit. Mémoire Dominicaine : Histoire – Documents – Vie dominicaine 13*. Paris: Les Éditions du Cerf, 1999, pp. 211–232.

- MATTEI E. (ed.): *Acts of the Congress: Rule – General Declarations – Proposal. III International Congress Lay Dominican Fraternities, Fátima 2018*. Roma: International Council of Lay Dominican Fraternities (ICLDF), 2019. Available online at: https://www.op.org/documents/#810-886-wpfd-dominican-laity-10_dominican-family-home-doc-en-5fbf8ea66d4ae/ [accessed 31.05.2025].
- BROWNE M.: “De nova Regula Tertii Ordinis Saecularis Sancti Dominici.” *Analecta Sacri Ordinis Praedicatorum*, vol. XXXVI (1963–1964), pp. 486–500.
- FERNÁNDEZ A. A.: “Regula Fraternitatum Laicalium s. Dominici.” In: *Acta capituli generalis provincialium Ordinis FF. Praedicatorum River Forest in conventu S. Thomae de Aquino a die XXX Augusti ad diem XXVI Octobris MCMLXVIII sub Fr. Aniceto Fernández sacrae theologiae professore totiusque eiusdem Ordinis magistro celebrati*. Roma: Curia Generalitia Ordinis Praedicatorum, 1968, pp. 95–101.
- FOŠUM L.: “Promulgační listina partikulárních směrnic Laických sdružení sv. Dominika” (14.10.2022). In: *Základní dokumenty laických sdružení sv. Dominika na území České dominikánské provincie*. 2nd ed. Praha: 2024, p. 39.
- KONZBUL P.: *Vývoj a pojetí dominikánského laikátu ve XX. století*. Master Thesis, Univerzita Palackého v Olomouci, 2000.
- “Partikulární směrnice Laických sdružení sv. Dominika platné na území České dominikánské provincie.” In: *Základní dokumenty laických sdružení sv. Dominika na území České dominikánské provincie*. 2nd ed. Praha: 2024, pp. 41–67.
- THEISSLING L.: “Regula Tertii Ordinis saecularis S. Dominici.” *Analecta Sacri Ordinis Praedicatorum*, vol. XVI (1923–1924), pp. 101–112.
- TIMONER III G. F.: “Decree Prot. n. 73/21/655 Laity Bohemia” (7.10.2022). In: *Základní dokumenty laických sdružení sv. Dominika na území České dominikánské provincie*. 2nd ed. Praha: 2024, p. 38.
- Základní dokumenty laických sdružení sv. Dominika na území České dominikánské provincie*. 2nd ed. Praha 2024.



MARIUSZ WOJEWODA

University of Silesia in Katowice

 <https://orcid.org/0000-0003-0732-7500>

Dignity of the Human Person and the Problem of Institutional Violence in the Context of the Papal Teaching

Abstract: The dignity of the human person is a fundamental value and source of ethical principles. Its theoretical basis is derived from the Gospel and is inscribed in the Western culture and the ideas of human rights. At the axiological-ethical level, the human person is an autotelic value, which means a person deserves respect and is free from instrumental treatment. This postulate also applies to the organization with which persons are associated. In this article, the main subject of analysis is the issue of dignity of the human person in relation to what denies it, namely institutional violence. The context for the analysis undertaken is: a) John Paul II's apostolic exhortation *Christifideles laici*, b) Francis's encyclical *Fratelli tutti*, and c) the declaration *Dignitas infinita* on human dignity. The latter document was prepared by the Vatican's Dicastery for the Doctrine of the Faith and signed by Prefect Cardinal Victor Manuel Fernández. In this article I intend to analyze the content of the above-mentioned documents from the philosophical-critical perspective. Here I refer to the clarification of mechanisms that lead to violence related to the functioning of institutions and, at the same time, the indication of attitudes and behaviours that consist of informing and revealing situations of violence when the victims experiencing it are its passive witnesses and are sometimes involuntary perpetrators.

Keywords: personal dignity, infinite dignity, institutional violence, total institutions, John Paul II, Francis

Introduction: What is institutional violence?

In all societies we know, situations of violence occur. Although the perpetrators of violence are often people with certain psychological predispositions, institutions enable their environmental development. Within the structures where intimidation and violence are present, an atmosphere of constant threat and helplessness is created for the victims, who are incapable of actually opposing the causes of violence.¹ As a result, community members feel unwell and unable to develop and, as a result, adopt a passive attitude. They are oriented towards the realization of immediate and short-term goals in an institution where members' and organization's goals diverge. The institution intensifies violent activities in such situations to secure its members' loyalty and prevent the organization's internal breakdown. Most often, institutional violence involves the relationship of a superior (manager, supervisor) to subordinates, but it can also include relationships between employees or members of a social, including religious community. Condoned violence leads to an intensification of activities based on the instrumental treatment of individuals and their subordination to the idealized common good of the organization. However, it is a misunderstanding of this good since a proper understanding of the common good presupposes the good of those who participate in and benefit from it. Usually, the issue of institutional violence is analyzed in the context of pathological situations within a family, school system or social care.² The author of this article looks into this matter in view of problems associated with institutions' functioning and social relations within these institutions.

However, let us start with the definition of violence. These are any non-accidental acts harming an individual's freedom, contributing to physical and psychological harm to the victim. In case of violence, the primary motivation is to influence the victim, to coerce people into the behaviour expected by the perpetrator. Violence differs from aggression as in case of aggression, we deal with an action to the victim's detriment. In contrast, in case of violence, the perpetrator may have the particular good of the person in mind. He or she seeks it by choosing inappropriate means to attain the good. Institutional violence, on the other hand, encompasses intentional

¹ J. FILEK: "Dopytywanie się o przemoc." *Psychoterapia* 2 (2010), pp. 5–14.

² I. POSPISZYL: *Patologie społeczne i problemy społeczne*. Warszawa 2021, p. 190.

actions of an institution that negatively affect the health, physical, or psychosocial development of a subject functioning within the organization.³

Institutional violence is a phenomenon that has not been sufficiently studied.⁴ This type of violence results from the internal conditions of an institution, its internal organization, the working methods used, and the psychological inclinations of those with sufficient power over others to use appropriate coercive measures. Organizational conditions reinforce their pathogenic tendencies in decision makers. Most often, institutional violence is justified pragmatically and results from the orientation of superiors to optimize the institution's performance. The object of violence, in addition to a person's body, can also be their will (the idea is to break it), mind, and ability to feel.⁵ Social psychology theorists list several aspects of violence, such as: physical, psychological, intellectual, and spiritual. All of the aforementioned aspects of violence can manifest themselves in the context of institutional violence. Physical violence is the basis for other forms of violence. It represents the threat of reducing a person to the body. Relevant to the means used, one may speak of violence of the "sword" and the violence of words.⁶ The threat of violence is effective when it operates through the imagination of potential victims; they anticipate what can happen when the perpetrator fulfils his or her predictions. The victim determines the level of their resilience, considers what they risk if they resist violence, and anticipate their chances of survival in pathogenic structures. Regardless of the level of response, their perception of the world narrows down, their self-esteem decreases, and feelings of fear emerge. As a result, the person becomes what long-term violence has reduced them to.⁷ Violence here is adjacent to mobbing (workplace bullying), which refers to gestures of disregard shown by a superior to a subordinate. It is combined with a lack of recognition, restriction of access to information, isolation, and verbal or non-verbal means of sidelining, for example, in access to goods, such as career advancement.

³ J. BRĄGIEL: *Pedagogika rodziny. Obszary i panorama problematyki*. Toruń 2005, p. 296.

⁴ M. WOJEWODA: "Violence." In: *Political ethics*. Ed. P. ŚWIERCZ. Kraków 2021, pp. 257–275, <https://opus.us.edu.pl/info/article/USL7ed011505ce4472399285973144dc53b/>.

⁵ H. J. SCHNEIDER: "Przemoc w instytucjach." In: *Przemoc w życiu codziennym*. Ed. B. HOŁYST. Warszawa 1997, pp. 130–132.

⁶ J. FILEK: "Dopytywanie się o przemoc." *Psychoterapia* 2 (2010), p. 13.

⁷ J. P. REEMTSMA: *Vertrauen und Gewalt. Versuch über eine besondere Konstellation der Moderne*. Hamburg 2008, pp. 121–122.

It is difficult to clearly differentiate between violence and coercion. The latter is related to the functioning of the community within the legal order resulting from the established political system. State coercion is applied by law, but similar relationships apply to institutional coercion. Coercing individuals to obey the law can lead to violence.

Violence can be understood as: a) radicalized coercion, inadequate to the situation and attitude of individuals carrying out superiors' orders, and b) legal coercion to comply with the values and principles that justify social order. The latter aspect of coercion is not addressed in this article. The fundamental difference between violence and coercion concerns the question of the social acceptability of both forms of social interaction. Coercion, at least to some extent, is considered a necessary condition for maintaining order; it is violence that is something unacceptable, especially at the normative level.⁸ The exceptions in this regard are required defence in a life-threatening situation and defensive warfare, which can also be understood as a variant of necessary defence, an adequate response in a threatening situation.

Institutional violence can manifest itself in laws and social norms and, in modern times, in algorithmic models that establish rules of behaviour for members of a hierarchical organization. They are usually based on negating the principle of equality before the law, exploitation, discrimination, and marginalization of people judged unfit for the organization. The purpose of such actions is to increase the effectiveness of the leadership and supervision of the institution, and the exploitation of specific individuals is only an indirect element of such actions. The consequence, however, is the instrumental treatment of individuals and the violation of the value of the dignity of the human person.

Violence is associated with the actions of specific individuals regardless of the fact that the perpetrator of violence represents institutions. This makes it difficult to grasp the non-personal nature of violence. In organizations, the actions of individuals are often the result of the opportunities provided by the institution and the conditioning of the governing rules. An essential characteristic of institutional violence is the asymmetry of power distribution within the organization's structure. Violence involves exploiting the institutional advantage of the perpetrator. It is carried out by violating the personal rights of those lower in the hierarchy and also through

⁸ T. BEKRYCHT: "Prawo pozytywne – faktyczność i obowiązywanie – przemoc i przymus." *Pryncypia* LXI–LXII (2015), pp. 177–203, doi: 10.4467/20843887PI.15.010.5539.

coercion to perform activities that are unpleasant to the individual. For example, being forced to incur onerous work or long working hours without additional compensation. In a situation of violence, the perpetrator is the stronger party, and his or her advantage may be due to his/her function, social recognition, credibility, or economic circumstances.⁹

An institution that uses violence has the characteristics of a “total institution.” This term was coined by the sociologist Erving Goffman. A total institution is the one characterized by a tendency to control the time and interests of its members. Such an institution attempts to fundamentally influence the behaviour of its members. According to Goffman, various institutions in society have varying degrees of involvement of their members and subordination to the goals they pursue. Each institution is a social hybrid, part of a residential and formal community. A total institution creates for those associated with it a model of a separate world distinct from the rest of society and governed by its laws. It is characterized by a hierarchical structure, formalism of behaviour, division into staff and subordinates, dehumanization, attention to the observance of procedures, not acknowledging individuals’ subjectivity, and focus on task completion rather than on specific people.¹⁰

We refer to some organizations as total institutions *sensu stricto*, while others have some characteristics of total institutions. In the latter case researchers use the term “totality of organizations.” In reference to the phenomenon of violence, the totalism apart from inflicting violence, encompasses its concealment. The phenomenon of violence, totality, in addition to the use of violence, also involves concealing it. Here, we are dealing with the repression of the experience of violence on the part of those who were subjected to it, but also with the repression of violent action by the perpetrators and, importantly, by involuntary witnesses of violence. They, too, tend to remain silent and forget, or possibly talk about it, but often, after breaking ties with the violent institution.¹¹

Axiologically, violence is a negative value, and learning about it involves opposing this value in concrete behaviour. Moral action based on a sensitive conscience is a sign of opposition to situations in which violence is

⁹ J. HELIOS, W. JEDLECKA: *Przemoc instytucjonalna wobec dzieci. Kulturowe uzasadnienie przemocy instytucjonalnej*. Warszawa 2020, pp. 10–11.

¹⁰ E. GOFFMAN: *Asylums: Essays on the Social Situation of Mental Patients and Other Inmates*. New York 1961, pp. 32–34.

¹¹ M. WOJEWODA: “Violence.” In: *Political ethics*. Ed. P. ŚWIERCZ. Kraków 2021, pp. 257–275, <https://opus.us.edu.pl/info/article/USL7ed011505ce4472399285973144dc53b/>.

revealed. It is not only about not inflicting violence on others but also about reacting actively and responsibly when we witness actual or alleged violence. We have in mind violence in the workplace, domestic violence that we observe as neighbours of families or colleagues but also verbal violence in the public sphere. The phenomenon of passive acquiescence to violence is based on the lack of response to violence and is characterized by three aspects:

1. Social proof of rightness – in the behaviour of another, we seek justification for the rightness of our behaviour. Since other victims or witnesses of violence take a passive stance, should “I” as an observer react and report violent actions to superiors higher up in the hierarchy or report it publicly?
2. Intimidation resulting from the seriousness of the institution we work/function in. Here, there are doubts that my, individual recognition of the situation is wrong.
3. Inner “compulsion” to keep violent events secret, for example, for fear of losing one’s job or lowering one’s lifestyle, “good” job, or essential function.

Passive observers often unwittingly condone violence because they are not directly affected by it. People who watch violence from a safe distance or witness violence believe that it is someone else, not them, who should react and actively oppose it. Passivity and withdrawal from responding to manifestations of social evil very often leads to its involuntary acceptance and subsequent social escalation of violence.

Here, praise is needed for the attitude of the “whistleblower” who courageously reports the violence he or she observes. This is pointed out, among others, by the social psychologist Philip Zimbardo in his book *The Lucifer Effect: How good people turn evil*. The book is a commentary on the 1970s’ “prison experiment” conducted by him and his colleagues and contemporary forms of prison violence. The author writes about Abu Ghraib prison in central Iraq, where U.S. soldiers held and tortured Iraqi prisoners. Zimbardo, in the final part of his extensive study of the phenomenon of institutional violence, reversed Hannah Arendt’s earlier thesis on “the banality of evil” (Banality of Evil) and delivered praise for “the banality of heroism.” It shows appreciation for individuals who dared to oppose the mechanisms of institutional evil in the organizations in which they functioned to report the issue to superiors and the public.¹²

¹² P. ZIMBARDO: *The Lucifer Effect: How good people turn evil*. London 2008, pp. 456–458.

Dignity of the human person as an autotelic value

The Christian conception of the human person emerges from the conceptual structure of Greek philosophy, and the personal encounter between man and God, derived from Hebrew thought. Early theological disputes about the relationship of persons in the Holy Trinity and the definition of the person as “individual rational nature” adopted by Boethius made it possible to distinguish such characteristics of the person as substantiality, distinct existence, and reasonableness.¹³ When the concept of person was applied to man, freedom, responsibility, self-awareness, capacity for self-improvement, and cooperation with others in realizing the common good were also added to the earlier set of ontic qualities. Rationality is associated with the ability to know, feel desire, love, want, and make choices. The separateness of existence and action makes a person not the sum of qualities possessed but an autotelic value that is a value in itself. In other words, it is an inviolable value that cannot be reduced to the sum of its life activities or social roles.

Let us now turn to an analysis of papal documents. In his exhortation *Christifideles laici*, John Paul II points out that discovering a person's dignity as a fundamental value is essential to the evolution of humanity's moral consciousness. The document states that: “The sense of the dignity of the human person must be pondered and reaffirmed in stronger terms. A beneficial trend is advancing and permeating all peoples of the earth, making them ever more aware of the dignity of the individual: the person is not at all a ‘thing’ or an ‘object’ to be used, but primarily a responsible ‘subject’, one endowed with conscience and freedom, called to live responsibly in society and history, and oriented towards spiritual and religious values.”¹⁴

The Pope recognized the dignity of the human person as an inalienable, even the most precious good for human beings, superior to any other material goods or the sum of these goods. In *Christifideles laici*, the Pope prefers to use the term “good.” In his view, a good means the substantive value ascribed to human beings, human qualities, relationships, and certain

¹³ J. HERBUT: “Osoba.” In: *Leksykon filozofii klasycznej*. Ed. J. HERBUT. Lublin 1997, pp. 417–419.

¹⁴ JOHN PAUL II: *Christifideles laici* (hereinafter: ChL), https://www.vatican.va/content/john-paul-ii/en/apost_exhortations/documents/hf_jp-ii_exh_30121988_christifideles-laici.html, p. 5 [accessed 15.05.2025].

things. The term “value” as a reference point for axiological considerations is characteristic of the philosophy of value in the 20th century, including Max Scheler, Nicolai Hartmann, and Polish philosophers Roman Ingarden, Tadeusz Czeżowski, and Henryk Elzenberg.¹⁵

The value of dignity is the basis for human relations and points to the value of equality involving all people. Dignity is the basis of fraternities between people and, at the same time, the mystery and power of the apostolic and missionary dynamism of the laity. It is an obliging dignity, the dignity of labourers called by God to work in the vineyard of the Lord.¹⁶ The human person is valuable thanks to the dignity attributed to him-/herself, so he or she cannot be treated as an object. Respect for the other person’s dignity means disagreement with any form of exploitation and discrimination – social, racial, economic, or political.

Recognizing dignity as a core value should set the canon of inviolable values in the modern moral and legal consciousness. In this sense, personal dignity, no matter how it is concretized, ought to be valued higher than any social interest or set of institutional benefits. This is especially true of violations of dignity which, under some circumstances, is being justified by the general good or the imagined good of institutions.¹⁷

John Paul II pointed out that opposing various forms of violations of dignity, including physical and psychological violence, is a fundamental task of the Church and lay Catholics. In contemporary terms, the value of dignity is linked to human rights. The task of the laity is to change human culture in general and individual local cultures to lay the foundation for authentic humanism. If the victim proves their dignity has been violated, the perpetrator’s action should be met with social condemnation. This is obvious at the axiological and normative level; yet its implementation is more difficult.

In *Christifideles laici*’s document, the Pope focused on personal dignity in affirming human life from conception to natural death and the need for lay Catholics to remain active. He writes about the issue of engagement in social, professional, and media activity involving the promotion of values linked to dignity, such as social solidarity, truth, and sensitivity

¹⁵ J. HERBUT: “Dobro.” In: *Leksykon filozofii klasycznej*. Ed. J. HERBUT. Lublin 1997, pp. 116–117. We will continue to use the term “value.”

¹⁶ ChL, p. 3.

¹⁷ E. PICKER, among others, applies a similar argument to John Paul II in his book: *Menschenwürde und Menschenleben. Das Auseinanderfallen Relativierung des Menschen, mit einem Vortwort von Robert Spaemann*. Stuttgart 2002, p. 9.

to the needs of the old, the sick, and the socially excluded. John Paul II pointed to the multiple forms of violence that affect human beings today. They consist in the objectification of “weaker” persons by “stronger” ones. The predominance of the “stronger” can result from ideology, economic power, an inhumane political system, unjust laws, technocracy, or media aggression.¹⁸

Pope Francis wrote in a similar vein. He argued that any discrimination is an unacceptable injustice, not so much because of the tensions and conflicts it can lead to in society, but because of the dishonour it brings to the dignity of the human person.¹⁹ Not only to the dignity of the one who becomes a victim of violence but also the dignity of the one who perpetrates the injustice. The human person cannot be reduced to what could destroy and annihilate him or her in the anonymity of a collective, institution, structure, or system. The human person in their individuality is not a number, a link in a chain, or a mere cog in a system and organizational life. In this sense, any violence used against a person is a wound on the body of humanity. Any violent death or conscious infliction of suffering on victims diminishes the perpetrator as a person. Violence begets violence, hatred begets another hatred, and death begets further death. In this sense, the truth lies in courageously recognizing the situation of the suffering of those who have been victims of violence and social exploitation.²⁰

We can talk about violence on three levels: 1) it involves the victim of violence, that is, the person who directly suffers it; 2) it involves the perpetrator or perpetrators, sometimes involuntary perpetrators. Although specific people are always behind the violence, they are often included in the activities of an institution focused on achieving pragmatic goals justified by the good of the organization. In the case of latent violence, the institution demands loyalty from its members; 3) violence involves bystanders, that is, people who are neither its perpetrators nor victims but individuals who adopt a passive or an active attitude. The passive attitude involves “turning a blind eye” to the incident or seeking justification for the perpetrator’s actions. This is often justified by loyalty to the institution itself. This mechanism has a psychological basis – it is based on fear of losing one’s job, position, privileges, deterioration of quality of life, or simply

¹⁸ ChL, p. 5.

¹⁹ FRANCIS – J. M. BERGOGLIO: *Fratelli tutti. Encyclical letter on fraternity a social friendship*. New York 2020, p. 10.

²⁰ FRANCIS – J. M. BERGOGLIO: *Fratelli tutti...*, p. 42.

indifference to the fate of other people. If this kind of behaviour becomes the norm, it leads, as a consequence, to the habitual sanctioning of rules based on violence in the organization.

Pope Francis, in his encyclical *Fratelli tutti*, writing about the social aspects of violence, pointed to the issue of social exclusion. In economic relations, the term “neighbours” loses its meaning and is replaced by the words “partner” and “associate.” Human relations, described in the language of economic exchange, lead to the commodification of attitudes and behaviour. One of the consequences of viewing the other person from the perspective of interest, namely, pleasure or benefit, is a violent attitude based on emotional distance. The perpetrator of violence does not necessarily have unfriendly feelings toward the victim; rather, their actions stem from the need to increase the effectiveness and efficiency of the organization itself rather than directly from hatred or resentment. This kind of activity does not presuppose personal involvement. Actions perceived by victims as violence appear to be unintentional actions for the perpetrator, resulting from an algorithm of procedures rather than an individual attitude. The manifestations of such forms of violence can be primarily seen in total institutions (prisons, psychiatric hospitals, military barracks, religious congregations) but also in institutions considered open, such as universities or public administration offices, which manifest strong corporate tendencies aimed at constant improvement of work efficiency.

Let us now turn to an analysis of the document *Dignitas infinita sobre la dignidad humana*. It was officially announced on April 2, 2024. Its publication coincided with the seventy-fifth anniversary of the Universal Declaration of Human Rights and, at the same time, on with the nineteenth anniversary of the death of Saint John Paul II. The document recalls the basic principles and theoretical assumptions associated with using the term “dignity,” above all, it defines it as infinite. The authors write: “Every human person possesses an infinite dignity, inalienably grounded in his or her very being, which prevails in and beyond every circumstance, state, or situation the person may ever encounter. This principle, which is fully recognizable even by reason alone, underlies the primacy of the human person and the protection of human rights.”²¹

²¹ DICASTERY FOR THE DOCTRINE OF THE FAITH: *Declaration “Dignitas infinita” on human dignity* (hereinafter: DI), https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_ddf_doc_20240402_dignitas-infinita_en.html [accessed 15.08.2024], p. 7.

Respect for the dignity of every human being is an indispensable basis for the functioning of any society, which is based on just law and not on the power of authority. The task of individuals and communities is to affirm the dignity of the human person. The duty of states and institutions is to protect it and guarantee the conditions necessary for its development. “Infinite dignity” of the human person derives from the fact that he/she is created in the image and likeness of God.

Dignity refers to four aspects: ontological, moral, social, and existential. “Ontological dignity” means that it is attributed to a person by nature. In this sense, dignity “is indelible and remains valid beyond any circumstances in which the person may find themselves.”²² It protects all people as wanted and loved by God, including people with physical and intellectual disabilities. Ontologically, we recognize that dignity does not derive from arbitrary criteria of legal recognition, nor is it identical to the psychophysical well-being of the individual. A person’s dignity is based on constitutive features of human nature that do not depend on political will or social recognition. The authors write: “Were it so bestowed, it would be given in a conditional and alienable way, and then the very meaning of dignity (however worthy of great respect) would remain exposed to the risk of being abolished.”²³

Moral dignity concerns the right to exercise freedom by evangelical love, which does not involve self-destruction and instrumental treatment of others. Freedom is often obscured by many psychological, historical, social, educational, and cultural conditions that hinder its proper realization. Social dignity refers to the material conditions of a person’s life, such as poverty. Here, we refer to the provision of minimum conditions for human functioning. We refer to the lack of adequate means of subsistence as living an “unworthy” life. The expression “existential dignity” refers to people who lack nothing in the material sense but experience a lack of hope and joy. Individuals live with the vague belief of impending disaster resulting from the political situation, civilizational threats, wars, epidemics, and environmental destruction. In another sense, unworthy living in the existential sense refers to living in the shadow of one’s own illness or those close to us, pathological addictions, and social relations characterized by violence, including institutional violence.²⁴

²² DI, p. 8.

²³ Ibidem, p. 15.

²⁴ Ibidem, p. 20.

Without an objective reference the concept of “dignity” can become an element of political manipulation and subject to power interests and arbitrary political arrangements. The authors of *Dignitas infinita* point to some problematic situations in which the immense and inalienable dignity of the person is threatened or violated. Condemnation of these forms of dignity violations is a necessary condition for concern for human dignity. These include poverty, human trafficking, torture, sexual exploitation of children, slave labour, war, sexual abuse, drug and arms trafficking, terrorism, transnational crime, violence against women, social exclusion of the not self-reliant, co-dependent, and disabled, abortion, surrogacy (hiring women to bear children), euthanasia and assisted suicide, gender ideology, gender reassignment, but also digital violence, or those forms of technological progress that lead to the elimination of jobs. The authors of the document diagnose that the use of digital media can lead to social isolation, loneliness, manipulation, escalation of hate speech, loss of contact with reality, various forms of cyberbullying, digital narcissism – the need to show oneself and aspects of one’s life, linked to the need to see other people’s lives. In this perspective, respect for human dignity disappears completely.

A broader study of the recognition of threats to the dignity of persons arising from the technologization and mediatization of human activities is not covered in the analyzed document, for instance, the surveillance of internet users by large corporations and marketing companies, the artificial creation of political views, the design of consumer behaviour – user experience, involving the creation of demand for goods and services, which will then be satisfied by products offered for sale. The civilizational acceleration associated with technological change is generating new kinds of anxieties. They are related to the speed of change resulting from the development of technology, the fear of professional exclusion, the pressure to adapt to the demands of technological life, or technological oppression. All these issues affect the possible violation of the dignity of the human person, especially in the existential and social context. Companies and institutions that want to adapt to the changes of civilization often use practices of institutional violence against their members to carry out their work. These unresolved themes may be addressed in future Vatican documents.

Christian attitude towards violence

In his encyclical *Fratelli tutti*, Francis wrote about the need for “healthy” institutional policies and an attitude based on selfless hospitality. This attitude can reform traditional institutions, coordinate their activities, and formulate good practices to overcome inertia, internal habits, and isolationism. We need a model of state and institutional life geared toward the search for the common good despite the differences that divide us. Creating a culture of encounter and cooperation in which differences coexist, complement, and enrich each other, even if this involves discussions and disputes. This implies the inclusion of peripheral and marginal opinions in everyday discourse.²⁵

Recognition and clarification of the social determinants of violence are to facilitate effective action to counteract them, organize planned activities, and solve problems as they are perceived while rejecting an attitude of helplessness. Two stages of empathy can be identified – recognition and reaction; both are essential. This involves sensitivity to harm and an active attitude, that is, showing help to the wronged party. Lack of empathy means an inability to empathize with victims. It is related to the failure to imagine that the perpetrator might be in a similar situation and the inability to oppose violent behaviour. “Human dignity also encompasses the capacity, inherent in human nature, to assume obligations vis-à-vis others.”²⁶

Structures based on violence lead to economic exploitation, deepening social inequality, financial indebtedness, and instrumental treatment of human resources and natural goods. Structural violence is associated with poverty, social exclusion, professional maladjustment of the under-educated, and the inability to change a pathological environment. It leads to a loss of confidence, a sense of helplessness, and a lack of commitment to improve the organization’s performance, and, as a further consequence, a lack of hope that the individual will be able to change the pathological environment in which he or she functions. This consequently leads to a lack of commitment to institutional forms of social life and a focus on existential survival.

The response to violence should address the issue of Christian forgiveness. Francis also draws attention to the attitude of generosity of victims. Here, we refer to the ability to forgive demonstrated by those who have

²⁵ FRANCIS – J. M. BERGOGLIO: *Fratelli tutti*..., p. 142.

²⁶ DI, p. 27.

experienced violence and were able to rise above the harm suffered. It is essential to understand such victims of violence who are unable to do so. This does not mean praising the attitude of forgetting inflicted violence. One should not justify or promote actions based on revenge or retaliation. The Christian duty is to respond to violence as victims, active bystanders, or unwitting perpetrators. One should protest loudly, demanding a change in the behaviour of the perpetrator of violence and the pathological conditions of the institution. Here, we return to Philip Zimbardo's praise of the whistleblower attitude. It is a moral wrong to remain silent or to tolerate observed manifestations of violence. Living with dignity is also a commitment to care for and develop one's dignity, but also to develop one's sensitivity to respect others who differ from us in skin colour, religion, and political preferences. "Consequently, each person must also strive to live up to the full measure of their dignity."²⁷

The rejection of violence provokes an attitude of openness to those who come to our world from outside (emigrants) and can be an enrichment and an impetus for our development. Francis recognizes that only a social and political culture open to the value of selflessness has a future and that a culture rejecting universal values in favour of monocultural ones does not affirm the person's dignity. By analogy, open institutions have the potential to grow and can count on the commitment of their members. In contrast, closed institutions based on exploitation and violence are incapable of development and functioning as long as they derive their energy from economic profits and fear of their members.

In summary, institutional violence poses a major problem for the functioning of modern companies and corporations. Organizations exert pressure on their members to improve work efficiency and optimize organizational structure. Coercion very often turns into violence, which violates human dignity. Violent behaviour can be observed in corporations, state institutions, and church organizations. The teachings of Popes John Paul II and Francis, as well as those of the authors of *Dignitas infinita*, highlight the need to oppose institutional violence in its various forms and to speak out loudly about its manifestations. While forgiveness on the part of victims is possible, one should not expect them to remain silent about the harm they have suffered. The affirmation of human dignity means it must be respected by all people, including in relationships between subordinates and superiors within organizations. The need to talk about violence

²⁷ Ibidem, p. 20.

also applies to those who have witnessed it passively. It is hard to imagine an institution free from violence, but the courage of whistleblowers and the establishment of appropriate procedures can help to reduce it.

Bibliography

- BEKRYCHT T.: "Prawo pozytywne – faktyczność i obowiązywanie – przemoc i przymus." *Pryncypia* LXI–LXII (2015), pp. 177–203, doi: 10.4467/20843887PI.15.010.5539.
- BRAŃGIEL J.: *Pedagogika rodziny. Obszary i panorama problematyki*. Toruń 2005.
- DICASTERY FOR THE DOCTRINE OF THE FAITH: *Declaration "Dignitas infinita" on human dignity*, https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_dcf_doc_20240402_dignitas-infinita_en.html [accessed 15.08.2024], pp. 225–263.
- JOHN PAUL II: *Christifideles laici*, https://www.vatican.va/content/john-paul-ii/en/apost_exhortations/documents/hf_jp-ii_exh_30121988_christifideles-laici.html [accessed 15.05.2025].
- HERBUT J.: "Dobro." In: *Leksykon filozofii klasycznej*. Ed. J. HERBUT. Lublin 1997, pp. 116–117.
- HERBUT J.: "Osoba." In: *Leksykon filozofii klasycznej*. Ed. J. HERBUT. Lublin 1997, pp. 417–419.
- HELIOS J., JEDLECKA W.: *Przemoc instytucjonalna wobec dzieci. Kulturowe uzasadnienie przemocy instytucjonalnej*. Warszawa 2020.
- FILEK J.: "Dopytywanie się o przemoc." *Psychoterapia* 2 (2010), pp. 5–14.
- FRANCIS – J. M. BERGOGLIO: *Fratelli tutti. Encyclical letter on fraternity a social friendship*. New York 2020.
- GOFFMAN E.: *Asylums: Essays on the social situation of mental patients and other inmates*. New York 1961.
- PICEKER E.: *Menschenwürde und Menschenleben. Das Auseinanderfallen Relativierung des Menschen, mit einem Vortwort von Robert Spaemann*. Stuttgart 2002.
- POSPISZYL I.: *Patologie społeczne i problemy społeczne*. Warszawa 2021.
- REEMTSMA J. P.: *Vertrauen und Gewalt. Versuch über eine besondere Konstellation der Moderne*. Hamburg 2008.
- SCHNEIDER H. J.: "Przemoc w instytucjach." In: *Przemoc w życiu codziennym*. Ed. B. HOŁYST. Warszawa 1997.

WOJEWODA M.: "Violence." In: *Political ethics*. Ed. P. ŚWIERCZ. Kraków 2021, pp. 257–275; <https://opus.us.edu.pl/info/article/USL7ed011505ce4472399285973144dc53b/>.

ZIMBARDO P.: *The Lucifer Effect: How good people turn evil*. London 2008.



PIOTR KROCZEK

The Pontifical University of John Paul II in Krakow

 <https://orcid.org/0000-0002-6872-2953>

Canonical Right to Privacy in the Context of Clerics and Consecrated Persons

Abstract: The problem addressed in this article is the varied scope of privacy protection within canon law, specifically concerning how this right is applied differently depending on the canonical state of the faithful, such as laypersons, clerics, and consecrated persons. The aim of the research conducted is to determine the sources, the subjective and objective scope, and the acceptable limitations of the right to privacy, including those limitations resulting from voluntary self-limitation and the public mission of the Church. The method employed is a dogmatic-legal analysis based on the 1983 Code of Canon Law, documents of the Magisterium of the Church, canonical literature, and the General Decree of the Polish Episcopal Conference of 2018 regarding personal data protection. The findings demonstrate that the right to privacy is universally rooted in human dignity, but its practical application calls for a three-tier model of protection, providing the broadest protection for laypersons, narrower protection for clerics, and the narrowest protection for consecrated persons. The conclusions drawn from the research indicate that the varied application of the right to privacy does not constitute discrimination because it is justified by the specific nature and voluntary commitments of each canonical state, while the internal forum remains strictly inviolable for all the faithful.

Keywords: right to privacy, can. 220 CIC, human dignity, consecrated persons, priestly and religious formation, protection of personal data in the Church

Introduction

In recent years, in the Church in Poland, conflicts have arisen with increasing frequency between clerics, seminarians, consecrated persons,

and candidates for holy orders or religious life, on the one hand, and their ecclesiastical superiors, on the other, concerning the publication of personal data, including in the form of an image or other information about them, also that regarding the course of their formation. These individuals invoke the right to privacy, questioning the superiors' authority to make such data public.

The research question that can be posed in the context of this phenomenon is as follows: (1) Does the right to privacy vary depending on the canonical state of the faithful (lay faithful, cleric consecrated life)? And if so: (2) What is the source of this differentiation and its scope? The aim of this article is to answer these questions.

The results of the considerations contained in this article are of a practical nature. Firstly, a clear definition of the boundaries of the right to privacy in different ecclesiastical states is of significant importance for the formation of priests and religious by those responsible for it. Formators need precise guidelines regarding the scope of interference in the privacy of those entrusted to them. Secondly, this issue affects the practice of management in ecclesiastical institutions, where superiors must verify the qualifications of persons to whom they entrust functions, also through "public announcement" of candidates. Thirdly, this issue gains importance in the context of preventing abuse of law and power in the Church by superiors who, under the pretexts mentioned above, may violate the right to privacy. To achieve this aim, it is necessary to apply the dogmatic-legal method, encompassing both the provisions of the 1983 Code of Canon Law, other ecclesiastical laws, documents of the Magisterium of the Church as well as canonical literature, which, it must be noted, does not directly address the questions posed above.

1. Source and subjective scope of the right to privacy

The source of the right to privacy in the ecclesiastical order is primarily the dignity of the human person, which finds its deepest justification in Divine Revelation. The Second Vatican Council affirmed that "all things on earth should be oriented toward man as their center and crown."¹ This

¹ SECOND VATICAN COUNCIL: *Constitution on the Church in the Modern World* "*Gaudium et spes*" (December 7, 1965). AAS 58 (1966), pp. 1025–1120, no. 12.

dignity arises not only from being a creature made in the image and likeness of God (Gen 1:27), but also from the supernatural calling of man to participate in divine life. “Another singular reason for human dignity is man’s calling to participate in the life of God.”² Human dignity also flows from the fact that man was redeemed by Jesus Christ.³ From human dignity flows the right to privacy. The Second Vatican Council included the right “to protection of privacy” among the fundamental rights “necessary for a truly human life,” which should be extended to all people precisely because of their “exalted dignity.”⁴

The right to privacy (*verba legis*: intimacy) is contained in can. 220 of the 1983 Code of Canon Law. Due to its origin and context within the code, this right has a universal character, meaning it applies to all the faithful, as understood by the code (cann. 204 and 205). The invoked right applies both to clerics, lay faithful (can. 207 § 1), and to consecrated persons, who are drawn from among both groups through the profession of the evangelical counsels (can. 207 § 2). Analogous protection is provided by can. 23 of the Code of Canons of the Eastern Churches (CCEO),⁵ which demonstrates the universality of this principle in the canon law of both traditions.

It should be emphasized as a marginal note that the indicated sources of the right to privacy – rooted in the dignity of every human person – justify the application of this protection in canon law also to persons who do not belong to the Church.

2. Objective scope of the right to privacy

The right to privacy in canon law is indicated in can. 220,⁶ which uses the term *intimita* for the object of protection. In Latin, this term derives

² Ibidem, no. 19.

³ CATHOLIC CHURCH: *Catechism of the Catholic Church*. Vatican City 1994, nos. 613, 1004.

⁴ Ibidem, no. 26.

⁵ *Codex Canonum Ecclesiarum Orientalium* auctoritate IOANNIS PAULI PP. II promulgatus (October 18, 1990). AAS 82 (1990), pp. 1033–1363, can. 23.

⁶ *Codex Iuris Canonici* auctoritate IOANNIS PAULI PP. II promulgatus (January 25, 1983). *Acta Apostolicae Sedis* 75 (1983), part II, pp. 1–318.

from the adjective *intimus*, which means the innermost, most secret,⁷ that is, that which is deepest within a person; the deepest part of the mind or conscience, heart, etc. At the same time, this term defines what is most distant from public knowledge, and thereby most intimate, secret, or private.⁸ In the Polish translation of the code, the term “intymność” (intimacy) is used, but another term reflecting the Latin original – “prywatność” (privacy) – also appears in canonical literature.⁹

However, such a solution is a certain simplification. In Latin, *privatus*, that is, the term closest to the Polish word “prywatność” (privacy), means something personal, domestic, which belongs rather to one person and constitutes their property, also in the sense of property rights, thus referring to the space surrounding a person.¹⁰ Intimacy is therefore something more personal and deeper than privacy, understood as the external sphere relative to others. Hence, one should note the purposiveness of a differentiated approach to understanding these two terms. Intimacy refers primarily to the internal sphere of a person’s life, while privacy encompasses a broader range of personal and social relationships.¹¹

For the purposes of this article, the term “privacy” will be used as a broader concept, also encompassing the protection of “intimacy” within the meaning of can. 220 CIC, unless the context requires their strict distinction. It is assumed, after all, that in the practice of applying canon law, the concept of privacy includes and absorbs the scope of intimacy.

3. Examples of the application of the right to privacy

The right to privacy is detailed in many canons of the code, taking the form of specific legal institutions. Several examples from various areas of canon law should be presented: criminal law and judicial procedure, law regulating the sacraments and the formation of clerics.

⁷ A. JOUGAN: *Słownik kościelny łacińsko-polski*. Poznań–Warszawa–Lublin 1958, entry: “Intimus.”

⁸ *Oxford Latin Dictionary*. Oxford 1968, entry: “Intimus.”

⁹ T. PAWLUK: *Prawo kanoniczne według kodeksu Jana Pawła II. Lud Boży jego nauczanie i uświęcanie*. Vol. 2. Olsztyn 1986, p. 43.

¹⁰ A. JOUGAN: *Słownik kościelny łacińsko-polski...*, entry: “Privatus.”

¹¹ J. KRUKOWSKI, R. SOBAŃSKI: *Komentarz do kodeksu prawa kanonicznego*. Tom 2: *Lud Boży*. Poznań 2025, p. 37.

3.1. Criminal law

In canonical criminal law, the principle of respect for privacy is binding, which is contained in several provisions. These provisions apply at various stages of the proceedings.

At the pre-trial stage, that is, within the preliminary investigation, the following applies: Can. 1717 § 2, which orders that “care must be taken lest anyone’s good name be endangered because of such an investigation.” In the sphere of procedural secrecy, detailed regulation is contained in can. 1455, the *ratio legis* of which is the protection of the integrity of the proceedings and of the private interests of the parties involved in the case. Can. 1455 § 1 orders judges and tribunal personnel to observe official secrecy, and § 3 extends this obligation to witnesses, experts, parties, and their advocates. The subjective scope of this norm is therefore broad. The protection of privacy with respect to good name is evident in can. 1361 § 3, which states: “Care must be taken lest the request for dispensation from a penalty or the dispensation itself be made public unless and insofar as it is necessary for the protection of the good name of the guilty party or necessary to repair scandal.”

These norms are part of the broader context of the protection of personal goods in canon law, in which *bona fama* (from can. 220) is treated as an innate value belonging to every human being by reason of their natural dignity. Both goods – privacy and good name – although distinct in nature, together constitute an integral sphere of personal dignity. In the preliminary investigation, during the trial, or upon dispensation from a penalty, a violation of one good creates a real risk of violating the other. The disclosure of information inevitably encroaches upon the private sphere of the interested party, simultaneously exposing their reputation to harm in the environment where the opinion of the church community plays a significant social role.

The juxtaposition of the indicated regulations allows us to formulate the conclusion that the privacy protection in canonical criminal law is continuous and multifaceted.

3.2. Judicial procedure

As regards the procedural regulations of judicial proceedings (in all contentious cases), the canons regulating the matter of evidence also provide

protection for privacy. “No one is obliged to submit documents, even common ones, which cannot be disclosed without the danger of harm or without the danger of violating a secret that must be kept” (can. 1548 § 2, n. 2). Similarly, the provisions of can. 1548 § 1 and § 2 exempt from the obligation to answer those “who fear that from their testimony infamy, dangerous hardships, or other grave evil will befall them, their spouse, or close relatives or in-laws.” These norms therefore introduce a principle according to which the interest in protecting privacy may, in specifically justified circumstances, outweigh the general obligation to provide evidence in a canonical process (cf. can. 1526 § 1).

3.3. Regulations concerning the sacraments

Referring to the canonical regulations concerning the sacraments in the area of privacy protection, one must point to the special case of privacy protection, which is the seal of confession (can. 983), where the confessor is forbidden “to betray the penitent in any way, for any reason, by word or in any other manner.” This is the most far-reaching form of privacy protection in the Church, safeguarded by the most severe penalties. The absolute of privacy with respect to the sacramental seal, knowing no exceptions in canon law – also includes, obviously, personal data. Linked to this seal is the obligation to observe special discretion toward the penitent (can. 979) and respect for the choice of confessor (can. 991). Another example occurring in the context of priestly formation is can. 240 § 2, which forbids requesting the opinion of the spiritual director and confessors when making decisions about admitting seminarians to orders or dismissing them from the seminary. This solution protects the *forum internum* of seminarians, constituting an important element of respect for their intimacy.

As can be seen from these examples, the protection of the right to intimacy encompasses two interrelated norms. First, a norm entitling everyone to the protection of their own intimacy and privacy in the Church. Second, a norm obliging everyone not to violate another person’s right to the protection of their own intimacy without their consent. Everyone has the right, and everyone must respect that right of the other person. The above examples are specifications and complements of the protection generally regulated by can. 220.

4. Differentiation of the right to privacy

The aforementioned protection of intimacy and privacy may be differentiated by certain circumstances in which the provisions are applied. It is crucial to understand that although the right to privacy is fundamental, its application is not uniform for all canonical states in the Church. This may arise from various reasons.

4.1. Examples of differentiation of canonical states in the area of privacy

The faithful fulfill their mission, which God entrusted to the Church in the world, in various circumstances of life and “according to their *positio*” (can. 204). The indicated diversity already shows the basis for differences in the realization of the right to privacy. Different canonical states in the Church mean, after all, a different environment and life context for the person, which affects the practical application of the right to privacy (cf. CCC 873).

4.1.1. Lay faithful

In the case of lay persons, their natural environment is – to use the language of the catechism – “the world” (CCC 897), in which they realize their Christian vocation through professional work, family life, and social activity. As the Council emphasizes, “the characteristic proper to the laity is their secular character.”¹² This environment is characterized by a relatively high degree of autonomy from ecclesiastical structures, which translates into a broad scope of privacy. Lay persons, although subject to canon law, enjoy great freedom in organizing their personal lives. Their right to privacy is limited only by the general moral requirements arising from belonging to the Church, and is not subject to systematic control by church authorities.

4.1.2. Clerics

In turn, clerics live in an environment more closely linked to ecclesiastical structures. Their vocation to serve the People of God through preaching

¹² SECOND VATICAN COUNCIL: *Dogmatic Constitution on the Church “Lumen gentium”* (November 21, 1964). AAS 57 (1965), pp. 5–75, no. 31.

the word, celebrating the sacraments, and leading the community is associated with greater dependence on church authority. This hierarchical dependence, based on the duty of obedience to the Pope and one's own ordinary (can. 273), affects the scope of privacy of clerics.

A particular example is the obligation of clerical celibacy in the Latin Church (can. 277 § 1), which constitutes a limitation of the right to privacy in the sphere of intimate life. Clerics, by accepting the specific duties of the clerical state, subject the exercise of the right to privacy to further-reaching limitations arising from the nature of church ministry, including submitting to stricter scrutiny by superiors in the area of moral conduct. Failure to observe celibacy can be a delict described in can. 1395 § 1. Privacy is limited by the provisions of can. 277 § 2 and 3 ordering clerics to exercise due prudence in relating with persons whose company could endanger their obligation to observe continence or give rise to scandal among the faithful. The diocesan bishop can issue more specific regulations in this matter and assess, in individual cases, the observance of this obligation.

In the context of seminary formation and candidates for ordination, the ecclesiastical superior has broad authority to verify the suitability of a candidate by obtaining data. A particular expression of the limitation of the right to privacy in the context of future public ministry in the Church is can. 241. According to § 1 of this canon, the diocesan bishop may admit only those candidates to major seminary who – after considering their human and moral qualities, spiritual and intellectual endowments, physical and psychological health, and sincere intention – seem capable of devoting themselves permanently to the sacred ministries. Implementing this provision requires the candidate to disclose a range of highly personal information, including data concerning mental health, life history, prior formation, or potential difficulties. Furthermore, can. 241 § 2 imposes the obligation to present certificates of baptism and confirmation and other documents provided for by the program of priestly formation, while § 3, in the case of candidates transferring from another seminary, additionally requires a testimonial from the previous superior, particularly regarding the reasons for dismissal or departure. This canon clearly shows that in the process of recruitment and priestly formation, the right to privacy is significantly limited for the good of the Church and the requirement of due diligence (*debita diligentia*) in selecting candidates for ordination.

The announcements (proclamations) of upcoming priestly ordinations undoubtedly constitute an interference in the candidate's private sphere, as they publicly disclose their personal data, including the intention to

receive orders. Such publication can be seen as a limitation of the right to privacy protected, among other things, by can. 220 CIC. Nevertheless, for the sake of the *bonum ecclesiae* and for the good of the candidate himself for ordination, such announcements are prescribed by law (can. 1051 n. 2). This serves, after all, to conduct a thorough investigation of the candidate's qualities, enabling the faithful to reveal any impediments or counter-indications to ordination. In this way, the primacy of the common good of the Church over the individual right to privacy finds clear footing in canon law. Notably, similar requirements are placed on candidates for consecrated life in religious institutes (e.g., cann. 642–645).

4.1.3. Consecrated persons

Consecrated persons experience even more far-reaching modifications of the right to privacy. Life in a religious community, based on the profession of the evangelical counsels – chastity, poverty, and obedience – involves the voluntary adoption of a specific lifestyle that inevitably limits certain aspects of privacy. The vow of obedience (can. 601) obliges religious to subordinate their will to superiors, which may include decisions regarding place of residence, work, or daily schedule. The vow of poverty (can. 600) limits autonomy in disposing of material goods, often excluding the possibility of private ownership. Since, therefore, the right to privacy is meant to protect and safeguard persons, depending on the external subject against whom the person operates, the possibilities for realizing this right differ. This is evident in the hierarchical dependence within which the privacy of a specific person is shaped.

4.2. The issue of image

The protection of one's image, understood as the likeness of a natural person recorded in any form that allows their identification by a third party,¹³ occurs in universally binding law on three parallel levels: as a personal right,¹⁴ as an object of copyright law,¹⁵ and as personal data.

¹³ M. PAZDAN, in: *System Prawa Prywatnego*, vol. 1: *Prawo cywilne – część ogólna*. Ed. M. SAFJAN. 2nd ed. Warszawa 2012), pp. 1249–1250.

¹⁴ Ustawa z dnia 23 kwietnia 1964 r. – *Kodeks cywilny* (consolidated text). Dz.U. z 2025 r. poz. 1071 [Polish Civil Code], art. 23.

¹⁵ Ustawa z dnia 4 lutego 1994 r. o prawie autorskim i prawach pokrewnych (consolidated text). Dz.U. 1994 Nr 24 poz. 83 [Polish Act on Copyright and Related Rights], art. 81.

The protection of one's image is not explicitly included in canon law. However, it may be derived from the general principle of privacy protection expressed in can. 220. However, in practice, in ecclesiastical law, provisions concerning the protection of personal data, which the Catholic Church adopted in its own regulations, are applied to the protection of one's image. This refers to the General Decree of the Polish Episcopal Conference of 2018 on the protection of natural persons in connection with the processing of personal data in the Catholic Church (issued on March 13, 2018, promulgated on April 30, 2018). This act, in accordance with the requirement of Article 91(1) of the GDP,¹⁶ aligned the canonical order with the provisions of the GDPR.

It should be noted that the invoked Decree uses the term "facial image." This term is found in Art. 5 point 11 of the Decree, which defines biometric data, namely, "personal data resulting from specific technical processing, relating to the physical, physiological, or behavioral characteristics of a natural person and enabling or confirming the unique identification of that person." An image captured in this way will not have broad application in the practice of the Church.

The basis for processing personal data (including image) by administrators (dioceses, religious provinces) is – in accordance with Art. 6(1)(f) of the Decree – the legitimate interest of the administrator. Applying this condition, however, requires conducting a proportionality test each time, as referred to in Art. 6(1)(f) in connection with Art. 18 of the Decree and in recitals 47–49 of the GDPR, which constitute a necessary context for the interpretation of the Decree according to can. 17.¹⁷

It should be considered at the same time that image data – although not classified as sensitive data (Art. 9 GDPR, Art. 5 point 9 of the Decree) – are subject to heightened protection due to the particularly significant interference in the privacy of the data subject.

¹⁶ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the Protection of Natural Persons with Regard to the Processing of Personal Data and on the Free Movement of Such Data, and Repealing Directive 95/46/EC (General Data Protection Regulation), OJ L 119, 4 May 2016.

¹⁷ P. KROCZEK, P. SKONIECZNY: *Ochrona danych osobowych w Kościele katolickim. Komentarz do Dekretu ogólnego Konferencji Episkopatu Polski w sprawie ochrony osób fizycznych w związku z przetwarzaniem danych osobowych w Kościele katolickim z 2018 roku*, vol. 1, part 1: *Kwestie wstępne*, part 2: *Preambuła*. Annales Canonici. Monographiae. Ed. J. KRZYWDA, no. 9. Kraków 2022, <https://doi.org/10.15633/9788363241308>, pp. 54–55.

Additionally, when analyzing the possibility of applying this data processing condition in the form of image, one must consider that canon law demands a special witness from consecrated persons, which is expressed, among other things, in the obligation to wear appropriate attire (can. 669), being a sign of consecration and a witness to evangelical life. This shows that the right to privacy regarding one's image is modified by the requirement of bearing witness.

With respect to lay persons (employees, volunteers, parishioners – who are not clerics), the condition of the legitimate interest of the administrator (diocese or other ecclesiastical juridical person) will apply rarely. Even if it does apply, in the case of lay faithful, the presumption of the prevalence of the administrator's interest does not exist – the administrator must demonstrate that its interest is overriding with respect to the rights and freedoms of the data subject, which, in the context of image, will be extremely difficult to satisfy. In practice, it will be necessary to base the processing of image on another legal basis, most often on the explicit consent of the data subject (Art. 6(1)(a) of the Decree in connection with Art. 5 point 7 of the Decree), unless the processing arises from an explicit legal obligation (Art. 6(1)(c)) or is necessary for the performance of a contract (Art. 6(1)(b)).

4.3. Limitations of the so-called right to be forgotten

The right to be forgotten (right to erasure of personal data) is regulated in Art. 14(1) of the Decree. Its content essentially mirrors the regulation set out in Art. 17 of the GDPR.

In ecclesiastical practice, the most significant limitation of the right to erasure of data is the obligation to maintain and preserve with due diligence the parochial registers (of the baptized, confirmed, marriages, deceased) based on can. 535 § 1 and § 5. These registers document the reception of the sacraments, which shape the canonical status of the person. For this reason, the data contained therein are protected from complete erasure, as confirmed by Art. 14(4) of the Decree. The right to request the erasure of data does not apply when the data concern the administration of the sacraments or in any other way refer to the canonical status of the person. In such a case, the request for erasure is merely noted in the collection, and the administrator is obliged not to use this data without the consent of the local ordinary or the higher superior.

A separate, apparent *limitatio* of the right to be forgotten is the provision of can. 489 § 2, which orders the annual destruction of documents from the secret archive concerning criminal matters relating to morals – with respect to deceased persons or cases concluded ten years earlier by a conviction sentence (retaining only a brief summary together with the operative part of the judgment). However, this norm is not an exception to the right to erasure but an obligation of erasure explicitly provided for by canon law, independent of the will of the data subject.

The Decree in Art. 14(1)–(3) grants natural persons the right to request the erasure of data in factual and legal circumstances, including, among other things, withdrawal of consent by the data subject, unlawful processing, or data no longer necessary. At the same time, the realization of this right is subject to significant exceptions arising both from Art. 14(4) of the Decree. This provision concerns data on canonical status, archival materials, as well as from particular and statutory provisions concerning archiving, protection of legal interests, and the fulfillment of the Church's statutory tasks.

These limitations have particularly significant implications in the context of priestly and religious formation. For example, a former novice or seminarian may request the erasure of their personal data gathered in the course of formation; however, this request will not be effective with respect to data necessary for legal claims and for data concerning the canonical status of the person. Can. 241 § 3, after all, states that in the case of accepting a candidate from another seminary or religious institute, a testimonial from the proper superior is required, “especially regarding the reason for their dismissal or departure.” This provision imposes on formation institutions the obligation to retain information about the reasons for the departure or dismissal of former alumni and members of institutes.

This obligation includes not only data concerning the reception of sacraments (which are subject to the exception in Art. 14(4) of the Decree) but also information about the reasons for departure – and these may reveal personality traits (e.g., quarrelsomeness, lack of maturity) or circumstances of a moral nature (e.g., sexual orientation, problems with chastity). The data collected during the formation process are, after all, diverse: they include formal documents, opinions of formators, results of psychological tests, records of conversations, information on progress in formation. All of these – within the limits set by the principle of data minimization – may be subject to further processing for the purpose of assessing suitability for ordination or religious profession.

This leads to the conclusion that the right to be forgotten, in the context of priestly and religious formation, is subject to significant limitations arising from the autonomy of ecclesiastical juridical persons and from the duty of careful selection of candidates. The Catholic Church has not only a legitimate interest but, to a certain extent, also an obligation to retain information about persons who have dropped out of formation – which is particularly important in the face of contemporary challenges, including the need to counteract sexual abuse and ensure the safety of the faithful and the candidates themselves.

4.4. Self-limitation by the individual of privacy protection

Another basis for limiting privacy is the voluntary renunciation in favor of other subjects, including those exercising authority. This occurs, for example, in the case of religious formation, which, being voluntarily undertaken, requires, for example, control and supervision of certain areas of the candidate's life.

In the context of religious formation, a candidate for consecrated life voluntarily submits to a formation process which, by its nature, requires a certain degree of control by superiors. A novice, by entering a religious order, accepts the rules of community life, which may include limitations on privacy arising from communal living, submission to monitoring of correspondence, or spiritual conversations, for example, with the master of novices.

Similarly, in seminary formation, a candidate for the priesthood accepts the seminary regulations, which may contain provisions limiting his privacy, such as the obligation to inform superiors about leaving the seminary premises or one's whereabouts.

This self-limitation by the individual, referred to, is permitted by law, but under several necessary conditions.

Firstly, it must be voluntary, and it is also voluntary when it is the consequence of a conscious choice. Secondly, it cannot concern spheres of intimacy that form the core of the person's identity. There are certain areas of interior life, such as conscience or deepest thoughts, which belong to the *forum internum* of the person and should not be subject to external control. Can. 630 § 1 clearly states that “superiors are to leave their subjects the due freedom in the use of the sacrament of penance and spiritual direction,” which underscores the inviolability of the *forum internum* even

in the context of religious life. Similarly, can. 239 § 2 and can. 240 § 2 forbid requesting the opinion of the spiritual director and confessors when making administrative decisions.

An interesting example of the self-limitation of privacy is the practice of “giving an account of one’s conscience” (*ratio conscientiae*) present in some religious institutes, particularly among the Jesuits. This involves regularly informing the superior about one’s interior life, which is meant to serve better discernment of God’s will. Although this practice appears to be a far-reaching limitation of privacy, it is undertaken voluntarily as a means of spiritual perfection.

5. The problem of discrimination

The question that arises after demonstrating the differences in the privacy of the faithful concerns potential discrimination. It is as follows: does the differentiated treatment of persons belonging to different canonical states with regard to the right to privacy constitute a form of discrimination?

To answer this question, one must first consider the canonical principle of the equality of all the faithful (can. 208). This is a fundamental principle, but it contains the reservation that each faithful person cooperates in building up the Body of Christ “according to their own position and task.” This reservation indicates that equality does not mean identity of legal situation. This principle does not preclude the differentiation of legal situations, provided that such differences arise from the objective requirements of the respective states of life recognized by the code (cann. 204 and 207). Each differentiation must be proportional and justified by the aim: the protection of the sanctity of the sacraments, the common good of the community, and the effectiveness of ministry (cf. can. 223 § 1). In the case of clerics, limitations on the right to privacy arise from their particular role in the Church, which involves higher moral requirements. Similarly, in the case of consecrated persons, limitations on privacy arise from the nature of consecrated life, which is based on the profession of the evangelical counsels.

The argumentation provided by the Polish Constitutional Tribunal may also be helpful in resolving this issue. Referring to the constitutional principle of equality before the law (equality in law), it indicated that it consists

in the fact that “all subjects of law (addressees of legal norms), characterized by a given relevant feature to an equal extent, are to be treated equally. That is, according to the same measure, without both discriminatory and preferential differentiations. [...] Equality also signifies the acceptance of different treatment by law of different subjects (addressees of legal norms), because equal treatment by law of the same subjects in one respect generally means different treatment of the same subjects in another respect.”¹⁸

Thus, it can be maintained that the differentiated treatment of persons belonging to different canonical states with regard to the right to privacy does not constitute discrimination, provided it is: 1) justified by the specificity of the given state of life, 2) proportional to the legitimate aims it serves, and 3) voluntarily accepted by the persons concerned.

Conclusions

The right to privacy, or intimacy, in the Catholic Church is one of the fundamental rights of the faithful. The equality of the faithful also includes the fundamental right to the protection of intimacy. It must be emphasized that this right is universal in character. It is, after all, rooted in the dignity of the human person. For this reason, under canon law, its protection is possible, for example, judicial (can. 1400), also in the case of persons not belonging to the Church.

The application of the right to privacy is differentiated depending on belonging to a canonical state. Differentiation exists, but it is functional, not ontological, in character. Clerics and religious voluntarily accept limitations on their rights (cann. 273–289, can. 663 §2, can. 745, etc.), particularly by reason of their, for instance *munus* and *status perfectionis*. Summarizing the results of the analysis, a three-tier model of privacy protection can be proposed: the broadest protection is enjoyed by lay faithful (only moral limitations), narrower protection by clerics (control of external conduct), and the narrowest protection – with respect to community life – by consecrated persons (limitations arising from the profession of

¹⁸ Orzeczenie Trybunału Konstytucyjnego z dnia 9 marca 1988 r., sygn. akt U 7/87, OTK 1988, nr 1, poz. 1 (LEX nr 25472) [Judgment of the Polish Constitutional Tribunal of March 9, 1988].

the evangelical counsels). The *forum internum* remains inviolable in every canonical state.

This differentiation is not discriminatory in character. As a rule, after all, different treatment of individual subjects, if it has factual or legal justification, can be justified and is not a form of discrimination.

The concrete application of this right differs depending on the canonical state of the faithful, which results from different life conditions and the specificity of the vocation. Clerics and consecrated persons voluntarily accept certain limitations on the right to privacy arising from their particular service to the Church.

It must be noted that the provisions on the seal of confession and the prohibition on requesting the opinions of confessors confirm this protection of the right to privacy. Even in the case of clerics and consecrated persons, there are inviolable spheres of privacy, particularly in the area of the *forum internum*. In pastoral and formation practice, this means the necessity of maintaining a delicate balance between respect for this right and the requirements of service to the Church. This balance can be achieved only through the prudent application of the provisions of canon law, taking into account the concrete circumstances of each case.

Bibliography

CATHOLIC CHURCH: *Katechizm Kościoła Katolickiego*. Warszawa 1992 [English edition: *Catechism of the Catholic Church*. 2nd ed. Vatican 1997].

Codex Canonum Ecclesiarum Orientalium auctoritate IOANNIS PAULI PP. II promulgatus (October 18, 1990). *Acta Apostolicae Sedis* 82 (1990), pp. 1033–1363.

Codex Iuris Canonici auctoritate IOANNIS PAULI PP. II promulgatus (January 25, 1983). *Acta Apostolicae Sedis* 75 (1983), part II, pp. 1—318.

KROCZEK P., SKONIECZNY P.: *Ochrona danych osobowych w Kościele katolickim. Komentarz do Dekretu ogólnego Konferencji Episkopatu Polski w sprawie ochrony osób fizycznych w związku z przetwarzaniem danych osobowych w Kościele katolickim z 2018 roku*, vol. 1, part 1: *Kwestie wstępne*, part 2: *Preambuła*. *Annales Canonici. Monographiae*. Ed. J. KRZYWDA, no. 9. Kraków 2022, <https://doi.org/10.15633/9788363241308>, pp. 54–55.

KRUKOWSKI J., SOBAŃSKI R.: *Komentarz do kodeksu prawa kanonicznego*. Tom 2: *Lud Boży*. Poznań 2025.

- PAWLUK T.: *Prawo kanoniczne według kodeksu Jana Pawła II. Lud Boży jego nauczanie i uświęcanie*. Vol. 2. Olsztyn 1986.
- Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the Protection of Natural Persons with Regard to the Processing of Personal Data and on the Free Movement of Such Data, and Repealing Directive 95/46/EC (General Data Protection Regulation), OJ L 119, 4 May 2016.
- SAFJAN M. (ed.): *System Prawa Prywatnego*. T. 1: *Prawo cywilne – część ogólna*. 2nd ed. Warszawa 2012.
- SECOND VATICAN COUNCIL: *Constitution on the Church in the Modern World “Gaudium et spes”* (December 7, 1965). *Acta Apostolicae Sedis* 58 (1966), pp. 1025–1120.
- SECOND VATICAN COUNCIL: *Dogmatic Constitution on the Church “Lumen gentium”* (November 21, 1964). *Acta Apostolicae Sedis* 57 (1965), pp. 5–75.
- Ustawa z dnia 23 kwietnia 1964 r. – *Kodeks cywilny* (consolidated text). Dz.U. z 2025 r. poz. 1071 [Polish Civil Code].
- Ustawa z dnia 4 lutego 1994 r. o prawie autorskim i prawach pokrewnych (consolidated text). Dz.U. z 2025 r. poz. 24. [Polish Copyright and Related Rights Act].

Part Two

Reviews



Ctírad Václav POSPÍŠIL:
První nikajský koncil (325–2025)
[The First Council of Nicaea (325–2025)]
Praha: KathMedia, 2025, pp. 123

A Catholic priest and a professor of theology, C. V. Pospíšil, died at the age of 67 on May 18, 2025, that is, during the year in which the Church celebrated the 1,700th anniversary of the Council of Nicaea, the first ecumenical council in its history. The reviewed monograph is Professor Pospíšil's final book, and it can be understood as a sort of farewell to his readers. He must have known all too well that he had fallen ill with a serious disease which left him little hope of remaining with us for very long. Pospíšil wrote standard works on Christology and Trinitarian theology, which in the Czech context now serve as valuable manuals on post-conciliar dogmatic theology. In addition to authoring many other works of his own, he also translated Church documents, especially those published by the International Theological Commission. While being faithful to the Church's magisterium, he was always committed to an honest and systematic reflection.

Knowing that the monograph in question was going to be viewed as his legacy, he intentionally conceived it not only as a scholarly analysis but also as a devotional work. He dedicated it to the memory of Josef Toufar, a priest tortured to death by the communist secret police (Státní bezpečnost or, for short, StB), wording the said dedication as follows: "on the 75th anniversary of his martyrdom, in the hope of his speedy beatification."

The book is divided into two parts: the first half consists of the author's own analysis, the second is a compilation of available documents related to the council, although the complete council proceedings have not been preserved.

The author first introduces readers to the key figures who, in one way or another, were instrumental in the developments that gradually led to the convening of the Council of Nicaea, some of whom were also its direct participants: Constantine the Great, Arius, Eusebius of Nicomedia, Eusebius of Caesarea, Alexander of Alexandria, Athanasius, Eustathius of Antioch, Marcellus of Ancyra, and Hosius of Corduba. From a linguistic perspective, it is noteworthy that Pospíšil consistently uses Greek transcriptions of Greek-language names; for example, instead of the common "Arius," he writes "Areios," and instead of the Czech "Atanáš," he writes "Athanasios."

The account of the biographical events and the positions of the individual figures is very vivid, showing the reader the gradual process that led to the need to convene the council, as well as the intentions of those who fought for an accurate expression of the content of the Christian faith, and, of course, those who acted opportunistically and cowardly. Among the latter, Constantine's "personal" bishop, Eusebius of Nicomedia, stands out in particular; he did not shy away from disgraceful intrigues even before the emperor, for example, the intrigues aimed at Eustathius of Antioch, "when he presented a pregnant prostitute who claimed that the child was Eustathius's offspring" (p. 33). Together with Arius (Areios) himself, Eusebius was the instigator of the Christological controversy that so rocked the Church of that time.

Although Pospíšil's book is primarily concerned with systematic theology, it contains numerous references to the legal aspects at the council. This is also the case with the famous Edict of Milan issued by Constantine, which granted freedom to Christians. However, Pospíšil states the following: "Scholars are quite divided on the legal nature of the document. In terms of its specific historical impact, however, the matter is largely secondary. The commonly used term 'edict' is, strictly speaking, incorrect" (p. 14, note 4), while the author himself suggests alternatives such as "the Milan Proclamation, Declaration, or Decree."

Catholic Christians, familiar with the legal provisions for the celebration of an ecumenical council under the current Code of Canon Law, must be aware that the recent legal provisions are a reflection and summary of the practice of the Catholic Church as it developed over the second

millennium. In the case of the Council of Nicaea, however, one must recognize that the one who summoned it was Emperor Constantine. In fact, this was not the first ecclesiastical assembly he had convened; his involvement in the synod at Arles in 314, which addressed the Donatist schism, is well documented. Constantine was also very closely associated with a bishop from the Christian West, Hosius of Corduba, “as his advisor or almost a minister for ecclesiastical affairs” (p. 40). The author points out that Constantine is venerated as a saint only in the East, while the Christian West also reveres his mother, St. Helena. However, both rulers gradually succumbed to Arianism (p. 17). In addition to the interventions of state authorities and the church hierarchy, the author’s narrative also reveals the *sensus fidelium* of the Christian faithful. According to Arius, “his own parishioners were supposed to have complained about him, because he preached about Jesus Christ as a created being” (p. 18).

Due to the impact of Eusebius of Nicomedia, the Goths stayed Arian for a long time. Wulfila, one of the founders of Christianity among the Goths, was consecrated as bishop by Eusebius in 341. This resulted in his breaking away from orthodoxy as early as the time of the First Council of Constantinople. Other Germanic tribes, particularly the Vandals, also adopted the Arian version of Christianity. At the Council of Nicaea itself, however, the opportunistic Eusebius of Nicomedia, along with the others, signed the orthodox Christological formula “consubstantial with the Father.”

The author is also struck by the servile attitude of Eusebius of Caesarea toward Emperor Constantine: “For someone who has experienced communist totalitarianism and knows something about the appalling cult of personality surrounding J. V. Stalin, reading *Laus Constantini* is nauseating. If someone were to take Eusebius’s statements and replace the name Constantine with that of the great leader and ‘father’ of all the workers of the world in the Stalinist Soviet Union, it would perfectly fit into the state propaganda of the time, and this ‘theologian’ would likely have received a high honour. The sacralization of the cult of the emperor reeks of idolatrous worship of deified emperors who for centuries persecuted and murdered Christians. Eusebius cleverly coated this repulsive element of state paganism with a pseudo-Christian veneer” (p. 27, note 35).

Hosius of Corduba, on the other hand, was a man of principle. Although he enjoyed Constantine’s favour, he stood up to his successor and “experienced firsthand the insidiousness of the Caesaropapist concept” (p. 38). The account of the 318 “God-bearing” fathers who were present at the Council of Nicaea comes from Hilary of Poitiers. This

number is symbolic; indeed, when Abraham delivered Lot from captivity, he had precisely that many companions. In reality, the number of bishops at the council was lower; there were perhaps 250, maybe a few more. The council was presided over by Hosius of Corduba or Eustathius of Antioch. However, it could also have been Emperor Constantine himself. His role here consisted of persuading the participants “with promises, benefits, gifts, or, if necessary, the threats of deposition and exile” (p. 41).

At that time, the concept of an ecumenical council as the highest doctrinal authority did not yet exist; it developed later and only truly manifested itself at the Council of Chalcedon. From the perspective of church discipline and law, it is interesting that the Nicene Creed itself was complemented by anathemas. However, its original text ends only with the reference to the Holy Spirit; the full text, as it is known to believers today, was completed as late as 381, that is, when the First Council of Constantinople was held, which finalised the entire text of the creed. With regard to the council’s disciplinary canons, the author notes that they are accepted as authentic by contemporary scholars. Catholics today may be puzzled by the practice of rebaptising those who come into the universal Church from faith groups with different doctrines. The author notes, however, that such practice is partially preserved to this day: “In Russian Orthodoxy, the faithful from other denominations are not encouraged to be rebaptised; in the Greek Church, some of us may encounter a call to be baptised in the true Church, that is, the Greek one, even today” (p. 45).

Behind the first of the twenty Nicene canons lies Origen, who allegedly castrated himself to ward off temptation. The author assumes: “Some of his followers apparently followed his example. Even today, one can find such people in the East” (p. 76, note 143). The third canon speaks of women living with clergy, though it does not refer to legitimate wives: “The intention of the council fathers was not to implicitly introduce celibacy, but only to prevent situations that might cause scandal” (p. 77, note 144). The synodality in the Church, so highly extolled today, is nothing new. The fifth canon, in fact, stipulates the obligation to convene a provincial synod twice a year. Surprisingly, the sixth canon emphasises the almost primal status of the Church in Alexandria over all other Eastern Churches; however, the author notes that Alexandria’s later turn to Monophysitism removed this prerogative. The thirteenth canon, dealing with viaticum in the face of death, is pastorally sensitive: “The Council of Nicaea is relatively lenient on this matter. It is known that the synod held in the city of Elvira in 303 discusses several different sins. For certain serious offenses,

however, even those who have begun to repent are not permitted to receive the Eucharist on their deathbed” (p. 82, note 153).

The nineteenth canon deals with deaconesses, about whom he clearly states that “no hands were laid on them”; thus, this was not the ordination of women, as many circles in the Catholic Church are seeking today: “Clear confirmation of the view that deaconesses received not sacramental ordination, but only a kind of pastoral commission, and were therefore called ‘deaconesses’ only in a figurative sense. Their sacramental status was therefore by no means comparable to that of legitimately ordained deacons” (pp. 84–85, note 158).

The author concludes by sharing a personal testimony with his readers: “Christians have neither the power nor the means to remedy all the ills of our world. Their mission in society consists primarily in guiding people towards the living God and in transmitting the message of a sacred and, indeed, divine humanity, as the fruit borne by the branch called Jesus of Nazareth, the God-Man, our Lord and brother. Without a shred of doubt, this message truly has a bearing on each and every one of us. If anyone does not sense this at this very moment, let them wait, for the time will most certainly come when they will come to experience it firsthand. This is precisely the profoundly practical importance and dimension of that seemingly purely theoretical controversy between adherents and deniers of Christ’s divinity: to show the way to the living God and spread the message of sacred humanity” (p. 113).

Stanislav Příbyl

 <https://orcid.org/0000-0002-2470-1405>



Adrian LORETAN:
*Der demokratische Rechtsstaat –
eine Ideengeschichte. Zur Rechtskultur
des Westens und der Westkirche*
[The Democratic Constitutional State –
An Intellectual History: On the Legal Culture of
the West and the Western Church]
Religionsrechtliche Studien, Bd 7. Zürich:
Theologischer Verlag Zürich, 2025, pp. 598

With a scope that demands extensive expert knowledge as well as the courage of an experienced researcher to venture into the realms and intricacies of the titular “intellectual history” (*Ideengeschichte*) – while not avoiding the risk of original judgments – the renowned canonist Adrian Loretan attempts to illustrate the dynamics of how the foundations of the democratic constitutional state were laid. The multitude of skillfully combined research perspectives (Catholic theology, philosophy, ethics, sociology, cultural studies, political science, state law, canon law) and a methodically conducted discourse have resulted in a harmonious “depiction” – like a mosaic whose tesserae are the central themes of human thought: freedom – natural law – fundamental (constitutional) legal principles. The process of building the institutional foundations of modern statehood, as depicted in the monograph, is organized by the “logic” of the premise that the idea of the rule of law intertwines the history of ideas with the history of institutions.

And speaking of methodology, we can easily discern the influence of Jürgen Habermas's thought on the formal (and, indeed, often substantive) aspects of the Adrian Loretan's research. Suffice it to say that the author's narrative resonates in many places with the ideas of the doyen of German philosophical thought, and direct references to passages from the "classic" work: *Auch eine Geschichte der Philosophie* (Berlin 2019), are the best evidence of this (the work in question is, incidentally, cited in the introduction as a primary source of inspiration – see p. 16). Loretan writes: "The West as a legal community cannot be understood without the interrelation of intellectual and institutional history. Jerusalem, Athens, and Rome: 'This is the characteristic tension between monotheism, science, and republican tradition that the West must endure' [Habermas]." And the author promptly adds: "The philosopher Jürgen Habermas develops a history of philosophy, which, as a sociologist, he closely links to the legal history of institutions. From this unique interaction of intellectual history (philosophy) and institutional history (law), the idea of the liberal, that is, free, constitutional state developed in the West" (p. 70).

The impact of the author's discourse lies not only in the significance of the issues raised (e.g., "What role did the law of the theologically defined 'church of law' play in the emergence of secular constitutional states?" – p. 147), but also in Loretan's uncompromising nature, as he does not refrain from difficult questions, such the one posed on page 524: "Does the Church's law deliberately exclude its own legal tradition and thus modern constitutional development, because this is how the class-based society of clergy and laity, or the unequal rights of individuals, can still be legitimized?" It is worth pausing here for a moment. The critical tone evident in the quoted statement compels us – in the name of scholarly integrity – to inquire about the author's initial epistemological-methodological position – or, more precisely, about the approach to the relevant *loci theologici* in reflecting on the aforementioned issues – given the specificity of canon law, determined by the sacramental nature of the Church (Klaus Mörsdorf). If the monograph does not provide information in this regard, then in another recently (2024) published book,¹ Adrian Loretan defines his "position" (comprehensively) as a counterpoint to the methodological assumptions of Judith Hahn, the said book's co-author. Unlike his theologically-oriented colleague, he views canon law as a legal discipline. In his view, the appropriateness of practicing canon law in this manner is

¹ A. LORETAN: *Kanonistik – Rechtswissenschaft oder Theologie?* Freiburg i. Br. 2024.

justified by the legal imperative of effectively implementing urgent structural reforms in the Church *hic et nunc*. (To counter this rather hyperbolic thesis about the insufficiency of the critical theological judgment in this respect, I could draw on arguments developed in one of my earlier articles.²) Significant for the author's positioning is the view expressed in the 2024 book: "The Church legal science must undergo a new change of perspective from a legal-philosophical standpoint in order to remain in dialogue with the modern legal science of Western constitutional states in the future. It must move from a hitherto theologically presupposed absolute standpoint of God to a subjective perspective of the freedom of human beings as created in the image of God."³

In this context, it is somewhat surprising that the monograph under review omits, first of all, Benedict XVI's much-discussed speech before the General Assembly of the United Nations Organization in New York delivered on the occasion of the sixtieth anniversary of the Universal Declaration of Human Rights,⁴ secondly, the famous debate between that Pope and Jürgen Habermas on the issue of: Which deserves epistemological primacy in the organization of public life, secular reason or religious faith? The debate, the conclusions of which were neatly summarized by a German expert: "In their own manners and styles, both Habermas and Ratzinger argue that secular reason and religious faith are interrelated and interdependent cultural resources that must exist in a dialogical and mutually respectful relationship. The secularization of public life was a defining feature of the modern world. If these two figures are to be believed, the postmodern world may look quite different."⁵

However, there was no shortage of – if I may return to the "list" of key research questions – original reflections on the famous "Böckenförde Dilemma" (1964): How the individual and the institutional aspects of religious freedom can be reconciled? (p. 516). *Nota bene*, the passage cited by the author from Ernst-Wolfgang Böckenförde's well-known book, which

² A. PASTWA: "The Law of Christian Freedom in the Spirit": New Impulses for Church Legislation." *Religions* 16/3 (2025), 329, <https://doi.org/10.3390/rel16030329> [accessed 10.03.2025].

³ *Ibidem*, p. 72.

⁴ Address of April 18, 2008. *Acta Apostolicae Sedis* 100 (2008), pp. 331–338.

⁵ H.-U. WEHLER: *Exchange between Jürgen Habermas and Joseph Cardinal Ratzinger on the Dangers of Rational and Religious Extremisms* (2004), Abstract, <https://german-history-intersections.org/en/knowledge-and-education/ghis:document-30#note-6> [accessed 1.03.2025].

emphasizes an individual rights-based, libertarian perspective on the relationship between the state and the churches: “As a state of freedom, it can exist only if the freedom it provides to its citizens is regulated from within, from the moral essence of the individual and the homogeneity of society”⁶ – was further elaborated upon in two interviews in 2009 and 2010. During them, Böckenförde responds to criticism that he had exaggerated the ethical force of religion. Since this source-based premise was omitted in the reviewed monograph, it is worth quoting at least the key passage from the aforementioned argument in the 2010 interview: “From the perspective of the state, a liberal order needs a unifying ethos, a kind of ‘common sense’ among those who live in that state. The question then becomes: What is the source of this ethos, which the state can neither coerce nor enforce? One could say: first and foremost, the lived culture. But what are the factors and elements of this culture? Here we are indeed dealing with sources such as Christianity, the Enlightenment, and humanism. But not automatically any religion.”⁷

As for the need for a unifying ethos, there is one more question worth noting, which John Rawls introduced into the debate and which Adrian Loretan did not fail to raise (p. 26): “How can a stable and just society of free and equal citizens, who are drastically separated from one another by reasonable yet mutually exclusive religious, philosophical and moral doctrines, survive in the long term?”⁸ The pessimistic tone of this polemical question goes hand in hand with a characteristic statement by Jürgen Habermas, which identifies a chasm (!) between natural reason and religion, with the latter’s “irrational” nature. The said “irrationality” was permanently attributed to religion during the Enlightenment – following the period of religious wars and conflicts of the late Middle Ages between the denominations in Western Europe. And from this, a simple conclusion follows: from the perspective of the liberal state only those religious communities deserve the label “reasonable” that, out of their own conviction, renounce the violent enforcement of their religious truths. Habermas’s argument culminates in the following imperative: these communities (and their members), as they engage in activities in secular states governed by the rule of law, face the challenge of embracing and assimilating a threefold

⁶ E.-W. BÖCKENFÖRDE: *Recht, Staat, Freiheit. Studien zur Rechtsphilosophie, Staatstheorie und Verfassungsgeschichte*. Frankfurt a. M. 2006, p. 112.

⁷ “Freiheit ist ansteckend.” *Frankfurter Rundschau*, 2. November 2010, pp. 32–33.

⁸ J. RAWLS: *Politischer Liberalismus*. Frankfurt a. M. 2003, p. 14.

reflection: “First, religious consciousness must process the cognitively dissonant encounter with other denominations and other religions. Second, it must adjust to the authority of sciences, which hold the societal monopoly on world knowledge. Finally, it must engage with the premises of the constitutional state, which are grounded in a secular morality.”⁹

One may safely conclude that it is within this intellectual framework that Adrian Loretan’s thought reveals its originality. In the name of “reconciliation between modernity and religion” (p. 41) and, in a sense, in contrast to the aforementioned (and other) leading figures of pessimism/skepticism regarding the Roman Catholic Church’s affirmation of the idea of a modern constitutional state, the author, on the one hand, proposes a “revival” of the Church’s great tradition of liberty, and on the other, demonstrates implicitly the validity of Peter Abelard: *fides quaerens intellectum* (faith seeking intelligence), also in the reverse direction: *intellectus querens fidem* (intelligence seeking faith). After all, the issue today is “necessary relatedness between reason and faith and between reason and religion, which are called to purify and help one another. They need each other, and they must acknowledge this mutual need.”¹⁰ According to Loretan, neither Martin Luther’s “separation of faith and knowledge,” nor the separatist ideas of the French Revolution, nor, finally, the artificial break marked by the Enlightenment’s rejection of natural law in favor of the “law of reason” – are cognitively comprehensive enough to serve as the main paradigm in the study of the subject at hand. The author’s adoption of a different research stance is already revealed by the preliminary (hypo)thesis: “To understand the genesis of the idea of the modern constitutional state, theological, philosophical, and canonical questions of the Middle Ages cannot be ignored” (p. 43). Most importantly, this (hypo)thesis, when verified step by step, yields relevant conclusions, such as: The idea of the rule of law arose in the centuries-long dialogue between the legal sciences of church and state, in the struggle between two legal disciplines for law (*ius*) and justice (*iustitia*) (p. 69); “The ‘church of law’ was a model, even a prototype, for the rule of law. The canon law of the Western Church served as a model for the emergence and development of secular law, for example in the areas of legal certainty, formalization, legal procedures, subjective guilt, and contract and marriage law” (p. 275).

⁹ J. HABERMAS: *Glauben und Wissen*. Frankfurt a. M. 2001, p. 14.

¹⁰ H.-U. WEHLER: *Exchange between Jürgen Habermas and Joseph Cardinal Ratzinger...*

What distinguishes Adrian Loretan's ideological position from the stance primarily associated with the name of Jürgen Habermas is his credible demonstration of the existence of the centuries-long uninterrupted interaction between the history of ideas (philosophy) and the history of institutions (law), from which the idea of a liberal constitutional state developed in the West. Habermas's "classic" argument, which refers to the origins of human rights, is as follows: It is true that the history of Christian theology in the Middle Ages, especially Spanish late scholasticism, belongs to the genealogy of human rights. But it is also true that the legitimizing foundations of ideologically neutral state power ultimately derive from the secular sources of 17th- and 18th-century philosophy; only much later did theology and the Church grapple with the intellectual challenges of the liberal constitutional state.¹¹ Loretan, on the other hand, focuses his argument on emphasizing the continuity between ancient/medieval natural law and modern rational law, highlighting even more clearly the pivotal role played by Spanish Scholasticism in this process: "Popular sovereignty and human rights were already considered in the Spanish classics of natural law in the 16th century. These natural law considerations became very crucial for political theory, even though they had developed within the context of Church legal science. The secular constitutional states that emerged in Europe after the religious wars were oriented toward this Church legal culture. The French Revolution and the Catholic Church in its ultramontanist orientation since the 19th century suppressed this contribution to Western legal culture. It was rediscovered in interdisciplinary dialogue with secular sciences. With the recognition of modern constitutional development at the Second Vatican Council (DH), the way is clearly to resume this dialogue within legal sciences" (p. 526).

The author lends credibility to the aforementioned thesis on the evolutionary development of the (Church) theory of natural rights/human rights by carefully identifying turning points in the history of ideas and institutions under examination. Among these paradigmatic "turning points," the following occupy an important place: (1) The formation of the New Testament ethos of the equality of all people, which found expression in St. Paul's famous statement about the equality of brothers and sisters from the Letter to the Galatians (3:28). "The Second Vatican Council refers to this tradition /LG 32/" (p. 90); (2) The establishment

¹¹ J. HABERMAS: *Zwischen Naturalismus und Religion. Philosophische Aufsätze*. Frankfurt a. M. 2005, p. 107.

of the Cistercian Parliament in 1115 (the first international parliamentary assembly). “The Cistercians developed a new term in their interpretation of the Rule of St. Benedict, which has made world history: *parliamentum*” (p. 176). The concept of *parliamentum* had a direct influence on the development of English parliamentary history, which began with the proclamation of the *Magna Carta Libertatum* in 1215. At the heart of this concept lay canonical principle that what concerns everyone must also be dealt with and approved by everyone; (3) Thomas Aquinas’s seminal *opus magnum*: “By integrating the Aristotelian-renewed natural law tradition of Roman law into his ethics, he established legal philosophy as an independent discipline” (p. 305). “Here, natural law opens itself to a moral universalism. The ‘ought’ of natural law arises from humankind’s participation in the eternal law. The latter is mediated reflexively and appeals to humankind’s free will via reason. The ‘students of Thomas Aquinas’ [...] in the context of the Universal Declaration of Human Rights (1948) would build upon this moral universalism” (p. 308). “The dignity of a free person and the rights associated with it are not tied to the grace of baptism (Augustine), but rather they belong to all people by nature (p. 317); (4) The ideas of Spanish classical natural-law thinkers in the 16th and 17th centuries: “[...] the Spanish classics of natural law laid a foundation for the natural-law recognition of the equal dignity of all people, their equality before the law, and the resulting popular sovereignty of states. The modern constitutions of the USA and France would build upon this foundation” (p. 525).

Adrian Loretan is closely associated with the famous canonical principle *Quod omnes tangit, debet ab omnibus tractari* (Boniface VII), which affirms the subjective freedoms/rights of the individual (as a Christian and a citizen) and entered modern legal thought through Nicholas of Cusa (“That concerns everyone must be approved by everyone and come about through general consent of all, or at least the majority”). It is true that the Western Church’s tradition of freedom, which has championed the principle just mentioned, suffered a marked decline in the 19th and 20th centuries; however, that period of crisis is now behind us. As the author emphasizes, the conciliar Declaration on Religious Freedom *Dignitatis humanae* (1965) proclaims with renewed vigor the fundamental rights to individual and collective religious freedom and, at the same time, manifests the Church’s “yes” to the modern democratic constitutional state. This poses specific challenges for canon law (in the areas of lawmaking and application): in the *ad extra* sphere – a renewed awareness of its own legal tradition; in the *ad intra* sphere – activity aimed at effective and fruitful dialogue

with the sister discipline of state law. It can be said with full conviction that the author's own desiderata constitute sufficient incentive for a wide audience to read this monograph.

Andrzej Pastwa

ORCID <https://orcid.org/0000-0003-2679-5107>



Eva VYBÍRALOVÁ:
*„Mexické fakulty“: Mimořádné církevní
pravomoci, jejich vývoj a aplikace*
[Mexican Faculties: Extraordinary Ecclesiastical
Powers, Their Development and Application]
Brno: Centrum pro studium
demokracie a kultury /
Praha: Ústav pro studium totalitních režimů,
2024

The explanatory memorandum to Act No. 308/1991 Coll., on freedom of religious belief and the status of churches and religious societies, states that churches in Czechoslovakia were persecuted more intensely than in other countries of the former Eastern Bloc. Of course, this judgement would not apply to the Soviet Union or to the very specific case of Albania. In any case, the rise of communist totalitarian regimes in post-war Central and Eastern Europe was taking place during a period of harsh Stalinist terror. Nevertheless, Eva Vybíralová wishes to draw the reader's attention to the fact that the Catholic Church had experienced similar persecution earlier and was therefore able to demonstrate the same resilience and to reapply the previously used methods of self-defence under the new conditions. Hence the title of the book, *„Mexické fakulty“*... (“Mexican faculties”..., i.e. special authorizations), which reproduces the phrase used in Czechoslovakia for a set of extraordinary regulations (*fakulty* from Latin

facultates) that enabled the Church to function under difficult and often destructive conditions, while relaxing the standard ecclesiastical discipline.

It was generally known that these extraordinary powers, *facultates*, were granted to the Mexican bishops by the Holy See during the severe persecution of the Church in Mexico under the regime of Plutarco Calles (1924–1928). Vybíralová states: “In Czechoslovakia, the term ‘Mexican faculties’ became established by the early 1950s at the latest, as evidenced not only by various eyewitness accounts but also by period documents that are stored in the Security Services Archive [Archiv bezpečnostních složek] and in the Vatican Historical Archive of the Secretariat of State” (p. 11). Precisely this type of reference to archival materials characterizes the author’s commendable work, since her research is based on documents that were hidden in archives and brought to light in the book’s extensive appendix. These are the historical archives of the Secretariat of State of the Holy See, the Section for Relations with States (ASRS), the Vatican Apostolic Archive (AAV), the Security Services Archive in Prague (Archiv bezpečnostních složek v Praze, ABS), the Archives of the Archdiocese of Olomouc, and the Diocesan Archives in Görlitz, Germany. The reproduced archival documents make up practically the entire second half of the book (pp. 105–198). They are published in their original Latin, Italian, and Spanish versions; those related to the Church in former Czechoslovakia are also given with original Czech translations. Each document is annotated wherever the author deemed it necessary.

Since granting extraordinary faculties mainly concerned dispensational powers, the author considered it appropriate to start her interpretation with a brief canonical study on dispensational law (pp. 7–10). Even under such difficult conditions, the stories of brave persecuted believers, both clerics and the lay faithful, were framed by legal acts of the Apostolic See, which determined the legitimate possibilities and limitations of the activities carried out for the Church. Their necessity can be exemplified by the fate of the “hidden church” community Koinótés around the secretly ordained bishop Felix Davídek, whose ministry unfolded mainly during the period of the so-called normalization, that is, after the Warsaw Pact troops entered Czechoslovakia in 1968. Even in the conspiratorial atmosphere of the “underground church” (*podzemní církev*) at that time, there were clear prohibitions on ordination, which Davídek continued to ignore and kept on conferring arbitrarily. He overreached his mandate also in some other matters: “In addition to ordination, conferring honorary ecclesiastical (and academic) titles, and granting faculties of confession, Bishop Davídek also

dealt with matrimonial cases within the scope of his (supposed) special powers” (p. 99). Bishop Davídek’s activities ended with his death in 1988, shortly before the political changes of 1989; thus, there could be no open personal confrontation with some controversial facts, including Davídek’s ordination of women. His personality became the subject of speculation, while his reception by the public oscillated between boundless admiration and complete rejection. The author herself contributed to the discussion with her other publication, also released in 2024, entitled *Skrytá církev a tajná svěcení: Analýza situace v Československu v letech 1948–1989 pohledem kanonického práva* [The Hidden Church and Secret Ordinations: An Analysis of the Situation in Czechoslovakia in 1948–1989 from the Perspective of Canon Law]. Indeed, the canonical qualification distinguishes her monograph from earlier publications on the same topic by Ondřej Liška (*Církev v podzemí a společenství Koinótés* [The Underground Church and the Koinótés Community], 1999) or the study of Petr Fiala and Jiří Hanuš (*Skrytá církev: Felix M. Davídek a společenství Koinótés* [The Hidden Church: Felix M. Davídek and the Koinótés Community], 1999).

Vybíralová’s search for documents resulted in a chronological arrangement of the situations in the various countries subjected to religious persecution or a loss of communication with the Apostolic See. Instead of the established phrase “Mexican faculties,” she uses the term *facultates specialissimae*, or *facoltà specialissime* in Italian, found in the official Vatican documents. The first of the countries discussed in the monograph is Tsarist Russia, followed by the Soviet Union. In fact, the chronologically first document printed in the appendix of the book also dates back to the period of the tsarist autocracy, namely the faculties for the Greek Catholic Archbishop Metropolitan Sheptytsky, signed by Pope Pius X in 1908. In Soviet Russia after the Bolshevik Revolution, the position of all religious denominations deteriorated, including the Eastern Orthodox, which had previously been privileged by the tsarist regime. The position of Greek Catholics, destined for complete annihilation, required special attention from the Holy See. During his pontificate, Pope Pius XI established the Pontifical Commission for Russia which issued faculties for Russian priests “imprisoned or on the run,” reproduced in the appendix. They were issued in 1931 (p. 111). Not only does the author refer to the canonically relevant content of the said documents, but also vividly describes the circumstances of the drama in which extraordinary faculties had to be issued and applied. Much of what the faculties allowed, or what spontaneously

developed in times of need, has since become common church practice, such as the situation in the Soviet Union where the lay faithful distributed Holy Communion, preached or taught catechism, or carried the Eucharist and practiced *Selbstkommunion*, that is, administering the Communion to themselves (pp. 28–29). In the meantime, some extraordinary dispensations concerning worship have even become widespread liturgical abuses, against which church authorities rarely dare to intervene, for instance, that the worship would take place “without liturgical vestments, using a glass bottle instead of a chalice, leavened wheat bread, without lights and relics, without fasting, [...] from memory” (pp. 18–19).

The situation in Mexico under President Calles’s dictatorship provoked a strong international response and prompted Pope Pius XI himself to issue several protest documents. However, the actual Mexican faculties were not as radical as one might expect: “It seems, however, the Mexican Church at that time was not to be granted any such extensive powers from the Apostolic See as were those later given during World War II and in the period of the rise of communism in the countries of the former Eastern Bloc” (p. 33). The appendix contains a Latin version of the briefly formulated faculties for the bishops in Mexico, dated 1927 (pp. 109–110).

The horrors of the persecution of the Church during the Spanish Civil War also necessitated extraordinary measures by the Holy See, for example, to preserve at least the basic conditions for the celebration of the Eucharist “without a consecrated altar, without liturgical vestments, with a glass vessel instead of a chalice” (p. 39). A special feature is the request of the Spanish primate for the convalidation of marriages contracted during the persecution only before a priest, before only two witnesses or at a civil registry office (p. 40). Canon 1100 of the now obsolete 1983 Code of Canon Law states that “the knowledge or opinion of the nullity of a marriage does not necessarily exclude matrimonial consent,” which typically applies to marriages contracted without any real possibility of observing the prescribed canonical form.

No less dramatic than the events of World War II, which called for numerous measures taken by the Holy See regarding extraordinary ecclesiastical powers, was the period after the war (their description can be found on pp. 43–56, the actual documents on pp. 114–138). The author gives a detailed account of the activities of the Polish Primate, the Archbishop and Cardinal August Hlond during this turbulent period, when, as part of the new territorial arrangement between the Soviet Union, Poland, and Germany, the spiritual administration of the original German-speaking

faithful was pushed out of its previous areas of operation. The author reproduces the Italian-language instructions for Cardinal Hlond from 1945, and the Latin version of the extensive faculties granted to Polish cardinals Hlond and Sapieha in 1946 (pp. 140–148). Nevertheless, there still remains questions about Hlond's activities at the time, raised mainly by German authors, which the author also strives to consider (pp. 57–79). Rome itself believed that Hlond's activities were based on an overly broad interpretation (*interpretazione estensiva*) of his own powers (p. 73) and expected Poland to push through its own ideas, drawing upon the rule *La Polonia farà da sé* (p. 69). Regarding this issue, the author tries to take a balanced position: “It is not easy to evaluate Cardinal Hlond's actions in the chaotic situation of post-war Poland. Pope Pius XII also found himself in an extremely difficult situation: on the one hand, Catholic Germans felt despised by the world and abandoned even by their own church, on the other hand, the Poles perceived any papal statement in defence of the expelled Germans, the failure to recognize the new eastern German border, or any statement about the validity of the concordat with Germany including the alleged strong influence of the Germans in the Vatican Curia in general as betrayal” (p. 77).

The gradual descent of the Iron Curtain across Europe and the rise of communist regimes in Central and Eastern Europe in the territories controlled by the Soviet Union prompted the Holy See to issue further extraordinary faculties. The subject of the interpretation is subsequently the situation in Romania (pp. 81–83), in the German-Soviet occupation zone (pp. 83–84), Austria (p. 84), in the other Eastern Bloc countries (pp. 85–87), and, finally, in Czechoslovakia (pp. 87–100).

After the coup in February 1948, the Communist Party in Czechoslovakia came to power. Shortly after, it launched such far-reaching repressions against the Catholic Church that it was necessary to immediately proceed to the issuance of extraordinary faculties. The author presents hypotheses regarding the method of delivery of these faculties into the right hands. One route was certainly the papal nunciature in Prague, while other options included trips by individual important hierarchs to Rome in 1948 and the last visit in 1949 (pp. 87–91). The wording of the faculties is accessible to the reader in the original Czech translations, printed together with the Latin originals (pp. 151–195).

When reading or studying these documents, a contemporary Catholic reader gets to encounter various historical realities, including the existence and activities of the Apostolic Datary, which handled requests for

dispensations and indulgences and was abolished by Paul VI's constitution on the Roman Curia, issued only in 1967 (p. 152, note 38). It should be noted that in the period when extraordinary faculties were granted, the 1917 Code of Canon Law was still in force and so was the system of concessions, since the power of dispensation was essentially in the hands of the Apostolic See. Under the current 1983 regulations, however, the Apostolic See reserves only the most important cases, while the power of dispensation is normally exercised at the level of the dioceses. The system at that time could not reliably fulfil its function since it was impossible to maintain regular written or telegraphic contact between the dioceses and the Apostolic See. Under extraordinary circumstances, written documents are extremely dangerous: "In times of persecution, clearly, it is necessary to act conspiratorially, in particular, by avoiding written documents and anything that could become compromising or incriminating material. Most actions must therefore be based on trust; however, it must be handled with great caution" (p. 103).

The author has attempted to produce a comprehensive study covering the issue in its entirety and does not deal with a specific topic, such as the situation in Czechoslovakia between 1948 and 1989. However, she also acknowledges that a detailed and comprehensive treatment of the issue would require demanding teamwork: "No one has systematically addressed the topic of extraordinary faculties yet. Individual academic articles or books tend to deal with specific powers in a given country, religious order, or a period of time. This publication is thus an attempt to treat the issue systematically, as it is beyond the power of one person to find, review, and subsequently process all the available archival materials" (p. 6). Given these circumstances, the book is a bold undertaking that may inspire other researchers to study the difficult periods of the Catholic Church's operation in the 20th century, and thus, encourage further exploratory work.

Stanislav Přibyl

 <https://orcid.org/0000-0002-2470-1405>

The publication is indexed in the following databases:

BazHum

Central and Eastern European Online Library (CEEOL)

Index Copernicus

Worldcat

Erih Plus

Copy editor, proofreading
Krystian Wojcieszuk

Cover designer, typesetting
Paulina Dubiel

Creative Commons Attribution-ShareAlike 4.0 International (CC BY-SA 4.0)



Electronic version is the original one. The journal was previously published
in printed form with the ISSN 2353-4877.

The journal is distributed free of charge ISSN 2391-4327.

Published by
Wydawnictwo Uniwersytetu Śląskiego
ul. Jordana 18, 40-043 Katowice
<https://wydawnictwo.us.edu.pl>
e-mail: wydawnictwo@us.edu.pl

First impression. Printed sheets: 10.5. Publishing sheets: 11.0.



Free copy

ISSN 2391-4327



5 4



9 772391 432500

For more details

