

**POLITICS
OF A
CHURCH UNION**

RUSSEL P. MOROZIUK



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Information regarding the relations between a particular Church of the Christian East, the Ukrainian Catholic Church, and a particular Church of the Christian West, the Church of Rome.

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**This work is dedicated to
the suffering Christian
underground community in
Ukraine, a community that
will soon be celebrating
the first millenium of its
Christian origins in most
unenviable circumstances.**

INTRODUCTION

To judge from the voluminous newspaper coverage, the organization of protests against the interventions of the papacy in the Ukrainian Catholic Church, and the foundation of a new journal, the *Patriarchate*, it would appear that in recent years relations between the papacy and the Ukrainian Church have fallen on difficult times.

An examination, however brief, of the origins and development of relations between the papacy and the Ukrainian Church would lead to a better understanding of the current tensions. Since a complete study is impossible given the scope of the present work, two important moments in the history of the Ukrainian Church will serve as instances indicative of the politics of a church union. These moments are: the Ukrainian Church in the context of the Union of Berest (1595-1596) and in the context of the Second Vatican Synod (1962-1965). Although the contents cannot be worked out in the desired detail, it is hoped that sufficient data will be presented to provide a reasonable framework for an understanding of the maneuvering that takes place in a church union and its subsequent historical implications.

By the Church of Rome the author also means the papacy. Although this might appear inconsistent with current Roman Catholic Church law and recent papal tradition, it does seem to have some basis in history. After Vatican II, one does not identify the papacy with the Latin Church (at least not theoretically). However, if the Church of Rome is identified only with the Latin Church and not with the papacy, then the papacy becomes an administrative abstraction with no real roots in history. Furthermore historians can readily demonstrate that the papacy was not always as co-extensive with the Latin and Catholic Church as it is today. Therefore, in order to have the Papacy put into proper perspective as part of the historical Christian community with responsibility not only for it, but also to it, it has been identified with the Church of Rome, which the Pope in fact administers pastorally. It is true that he also administers the whole Latin and Catholic Church. However, he does so on different ideological grounds.

I am grateful to all who have supported the basic idea of this undertaking. My deepest gratitude is reserved for the Right Reverend Mitred Archbishop Marian Butrynsky who encouraged the notion of an open and candid discussion of issues confronting the Ukrainian Catholic Church. For the fine job of editing I am indebted to Laurence and Virginia Nixon. I thank

my wife, Mary, for the indispensable quality of patience and for the ability to understand someone who appears to be at times more absorbed in historical data from the past than in a family of the present.

R.P.M.

Note: Italics in all the quotations are by the author.

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NOTE ON TRANSLITERATION

The system of transliteration followed is that of the Library of Congress as modified in *Ukraine: A Concise Encyclopaedia*. The principal modification from the accepted pattern is that letters Є, Й, Ю, Я are transliterated as ye, y, yu, ya at the beginning of words and ie, i, iu, ia everywhere else. Names ending in СЪКІЙ and ЦЪКІЙ - ЦКІЙ are transliterated sky and tsky respectively.

Russian Г = g; е = e; и = i; й = i; ы = y; э = e.

Union of Berest

I DISINTEGRATIVE FORCES

Throughout the sixteenth century the roots of the problems that plagued the Kievan Metropolia¹ were grounded in four factors: the downfall of the Byzantine Empire in 1453; the rise of Polish political power in the territories of Kievan Rus; Muscovite Christianity; and the Protestant Reformation.

The disintegrative forces active in the Kievan Metropolia before the Union of Berest were: externally, the pastoral neglect of the mother church in Constantinople; the role of the Polish kings; the aspirations of Polish Roman Catholics; the reformative zeal of the Protestants; and internally, the intellectual, moral and spiritual decline of the Metropolia itself.

Pastoral Neglect of Constantinople

In 1453 the Turks conquered the heart of the Byzantine Empire, Constantinople, and with this conquest the Byzantine Empire ceased to exist. The role of the patriarchate of Constantinople as a mother church declined rapidly, and relations between the daughter church, the Kievan Metropolia, and the mother church began to erode. The Turks forced the patriarchs of Constantinople to break relations with all Christian communities outside the Turkish Empire. Even the slightest contact with outside Christians drew immediate suspicion. The papacy's Eastern policy of creating an anti-Ottoman League of all free Christian nations, including even those not in communion with Rome, such as Muscovy, only heightened the Turkish suspicions.²

The Turkish government promoted and profited from corruption in the ranks of the Byzantine Church, allowing the highest bidders to hold ecclesiastical office. Because of this rivalry for ecclesiastical positions, the patriarchs and bishops would send monks, and occasionally even come in person, to the Kievan Metropolia to seek alms from the daughter Church.³

Furthermore, the mother church had no theologians or teachers to assist the daughter church in its attempts to ward off the aggressive Polish Roman Catholic proselytism or the zealous Protestant reformers. The hierarchy of the Kievan Metropolia became alarmed at the lack of effective pastoral leadership and the exploitative behaviour of the mother church. This dissatisfaction is recorded in a number of official statements. In the first hierarchical plan to transfer allegiance to the patriarch of the West, the Kievan hierarchy made the following complaint to the King of Poland requesting

...that monks who are accustomed to come here and whom we can confidently call spies (they collect and carry away to Turkey, not only money, but also books, icons and whatever pleases them two and three times a year and they present these items to the Turkish pagan, who becomes even more anti-Christian) not ...have authority over us in the Empire of Your Royal Majesty.⁴

In another declaration of intent to transfer allegiance to the patriarch of the West of December 2, 1594, a similar complaint is raised:

...we always looked towards our elders (in Constantinople) to see if and when they will begin to concern themselves with that unity (communion of churches). However, our hopes that this will ever happen through their concern and effort is diminishing daily for no other reason than that they themselves are oppressed by servitude to the pagan (Turks), and therefore, even if they wanted to, they cannot.⁵

From these passages it is evident that the unbecoming behaviour and pastoral neglect of the mother church played an important role in the hierarchy's decision to seek assistance from another ancient and free apostolic see. If Potey's and Terletsky's discussion with Antonio Possevino in 1595 at Padua on their way to Rome is to be believed, then Patriarch Jeremiah of Constantinople implicitly approved the transfer of allegiance to Rome as a means of reform and self-preservation.⁶ At the same time he dampened the expansionist aspirations of the newly created patriarchate in Moscow.

The Role of the Polish Kings

Soon after the union of Krevo in 1385 and in particular after that of Horodlo in 1413 between Poland and Lithuania (which ruled much of the territories of Kievan Rus' and the Kievan Metropolia⁷) the political and legal status of the Eastern Christians began to deteriorate rapidly. In the Lithuanian portion of Rus' the Eastern Christians were denied, on religious grounds, the right to hold government posts. The metropolitans were denied the right to participate in the diets (provincial parliaments) and the Council of Nobility.⁸ All these were privileges they had enjoyed before the rule of the Polish kings.

The political and legal status of the Eastern Christians in Galicia and Kholm under Polish rule from the 1340's was even worse. The Polish rulers

turned Galicia and Kholm into a province of Poland, although it was culturally Ruthenian and religiously Eastern Christian. German immigrants were allowed to settle and spread the Magdeburg Law.⁹ Dominican and Franciscan Friars propagated Roman Catholicism. In the middle of the fifteenth century, the Polish kings turned over to the Roman Catholics the ancient Eastern Christian cathedral in Peremyshl.

In the early decades of the sixteenth century the Polish King, Sigismund I (1506-1548), appropriated the privilege of appointing the metropolitan and the bishops in the Kievan Metropolia without, however, assuming the responsibilities of benefactor and promotor of the rights of that church. Thus appointments to ecclesiastical offices became occasions when the king granted favors to faithful supporters who were not necessarily even ecclesiastics.¹⁰ Examples of such appointments by Sigismund II (1548-1572) were Sylvester Belkevich, an aide and treasurer to the Grand Prince of Lithuania, in 1556 and of Elias Kucha, a courtier, in 1557. Eparchial sees were often granted to lay persons for services rendered to the king or his officials. Frequently such persons did not change their life styles, but continued to conduct wars, hunts, feasts, and considered the eparchial estates as sources of revenue which they could buy, sell or pawn for their private use.¹¹ Many did not even take the trouble to become ordained or consecrated and the Polish kings did not bother to enforce the ministerial dimension of the ecclesiastical appointments. It was only under Sigismund Augustus (1548-1572) that the royal chancery ceased to designate Eastern Christian churches "synagogues."

Even after the Constitution of 1595, which King Sigismund III (1592-1632) himself approved, there was no consultation as had been recommended. King Sigismund, in fact, was the first to breach the Constitution. In 1607 the King appointed Evstakhi Tyssarovsky to the see of Lviv without Metropolitan Ipaty Potey (1600-1613) even being aware of it.¹²

These legal encroachments by the Polish kings on the administrative rights and privileges of the Eastern Church in the Kievan Metropolia seriously weakened the structural and moral fibre of the hierarchy and its ability to lead. They were the source of much of the ecclesiastical chaos and corruption.

The Polish Roman Catholic Church

In the late fourteenth and early fifteenth centuries the Western Church was torn apart by the Great Western Schism (1378-1417). During this time of confusion and chaos of popes and anti-popes, there emerged what became known as the conciliar theory, which was based on the Aristotelian-Thomistic concept of sovereignty of the people of God. This theory declared that the supreme authority in the Church rested with the body of the faithful and not

in a single person such as the bishop of Rome, i.e. the pope.¹³

The conciliarists and the papists clashed at the Synod of Constance (1414-1417), and fearing a schism in the Church, Pope Martin V (1417-1431) dissolved the synod without reaching a working solution to the problem of conciliarism. During the Synod of Basel (1331-37) the Western Church went into schism again. When Pope Martin died in 1431, his successor, Eugene IV (1431-1447), was picked by supporters who favored the supremacy of the pope rather than that of the council. The conciliarists at the Synod of Basel elected as pope, Felix V (now generally considered an anti-pope by Catholics). The supporters of conciliarism, who included the Roman Catholics of Poland and Lithuania,¹⁴ began a campaign against the supporters of the papacy.

The Christians of the East, through the representatives of the Church of Constantinople and the Byzantine Emperor, were present at the Synod of Basel seeking some sort of working communion among the churches, which in turn would bring Western military assistance to the beleaguered Christian Empire of the East. Pope Eugene IV outwitted the conciliarists when he managed to convince the Eastern Church and the Byzantine Emperor to negotiate with him rather than with the Synod at Basel. Thus he strengthened his own and the papist faction's claim to supremacy of the papacy over the Council in the Roman Catholic Church.

In 1438-1439 a council was held in Ferrara-Florence¹⁵ that established the communion of Eastern and Western churches — a communion based not necessarily on Christian and theological notions of communion and church, but rather on political motives. The pope's concern was to strengthen his hand over the conciliarists and establish his jurisdiction over the Eastern Christians, and the Byzantine Emperor and the Eastern Church hoped with papal help to secure military assistance from the West against the impending threat of a Turkish conquest.

The Roman Catholics of Poland and Lithuania were not anxious to recognize or accept the communion of churches established in 1439 at the Council of Florence. First of all, this communion was proclaimed by a council convoked by Pope Eugene IV and supported by the papist faction at a time when they recognized the Basel contender, Felix V (1439-1449), as pope. Furthermore, they were not interested in ecclesial communion with the Christians of the East, particularly with those in the Kievan Metropolia, but rather in their latinization and in the expansion of Roman Catholic influence. Acceptance of communion of the churches would have done away with the *raison d'être* of Latin missions in the territories of the Kievan Metropolia. Hence stems the historical basis of and the reasons for Polish Roman Catholic opposition to communion with the Eastern Churches within the confines of the Polish-Lithuanian Confederation, not only during the period of the Council of Florence, but also before, during and after the Reformation

of the Kievan Metropolia and the establishment of communion with Rome by the Synod of Berest, October 10, 1596.

Consequently, the Polish Roman Catholics continued their efforts to proselytize the Eastern Christians. As early as 1375 a Roman Catholic archbishopric was established in Halych and later transferred to Lviv, both traditional Eastern Christian territories. Eventually the Eastern Christian population of Lviv came to be severely discriminated against and persecuted by the Roman Catholic Polish and German municipal leaders.¹⁶ It even lost the right to hold ecclesiastical processions through the streets of Lviv outside its own quarters.¹⁷

After the Council of Florence, Ladislaus, the king of Poland and Hungary, promulgated (March 22, 1443) an edict granting the Ruthenians, i.e., the Eastern Christians, equal rights with the Latins. However, the Polish Roman Catholics did not approve this decision. Instead, as the Jesuit scholar, J. Gill, in his study on the Council of Florence states: "a different attitude prevailed in the United Poland and Lithuania of his (i.e. Ladislaus') successor, Casimir, that of converting the Ruthenians to the Latin rite."¹⁸

The opposition of the Polish Roman Catholics to the establishment of relations between Kiev and Rome went far beyond mere opposition to the communion of churches.¹⁹ When Kievan Metropolitan Joseph Bulharovich (1498-1501) attempted to revive relations with Rome, a canon of the Cracow Chapter, John Sakran published a booklet entitled *Elucidarius errorum ritus Ruthenici* (A Manifesto of Errors of the Ruthenian Rite).²⁰ The purpose of the publication was to warn the Roman curia of the nefarious character of the Eastern Christians of the Kievan Metropolia. They were described as the "most cruel" and "most hostile enemies of the Roman Church" because "no one was more obstinate in the defence of their schismatic error than the Ruthenian people." Sakran concluded that "the people are so firmly and inflexibly bound by their error that they would never respond to any truth of the Scriptures, any ecclesiastical declaration, any opinions of the Catholic doctors or the councils." Sakran considered the Ruthenians "the worst of all heretics." This prompted Pope Alexander VI (1492-1503) to conclude that the Ruthenians were a "depraved and despicable sect...opposed to the christian religion" of the Roman Catholics. (*DPR I*, no. 109).

Even after the establishment of communion with Rome in 1595-96, the Polish Roman Catholics did not change their attitude to the Eastern Christians in the Kievan Metropolia. Not only did Metropolitan Ipaty Potey, reformer of the Kievan Metropolia, complain about the attitude of the Polish Roman Catholics, the papal nuncio to Poland, Claudius Rangone, also did. In a report to the Roman curia the papal nuncio stated that "because of cold and unconcerned Catholics, united with the heretics (Protestants) and schismatics"²¹ the affairs of the newly reformed Kievan Church were not going well.

In his correspondence with the Chancellor of Lithuania, Lev Sapieha, Metropolitan Ipaty Potey complained bitterly about the lack of Christian concern and support from the Polish Roman Catholics for the reformation of the Kievan Church. He wrote: "the truth must be said, *salva vestra reverentia*, the Catholics themselves will destroy us poor things and turn us into nothingness."²² At other times he cynically referred to the Polish Roman Catholics as "our loveable Catholics."²³ Elsewhere he wrote: "do not be surprised by it, that they (the opponents of Potey's reformation) find assistance and defence from some people, but at least these should not be from among the Catholics."²⁴ In yet another letter he wrote: "to rely on the Catholics (Polish) is in vain."²⁵

The aspiration of the Polish Roman Catholics to extend the control and influence of Roman Catholicism over all the former Eastern Christian territories of Kievan Rus' contributed substantially to the decline and disintegration of religious and ecclesiastical life in the pre-Berestine Kievan Church.

Protestantism

The Protestant Reformation spread throughout the Kievan Metropolia in the sixteenth century. It came in three successive waves: Lutheranism, Calvinism and antitrinitarianism, also known as Socinianism.

Lutheranism first reached the Kievan Metropolia in its western most extremities, Liv and Peremysl, during the 1520's and later extended to the most easterly parts through the Grand Duchy of Lithuania.²⁶ Two principal factors influenced the rapid growth of Lutheranism in the Kievan Church — its underlying humanistic philosophy, and its opposition to the privileges and wealth which the higher clergy enjoyed and the nobility envied. Further, Lutheranism appeared to promote religious and moral freedom to a greater extent than did traditional Roman Catholicism and Eastern Christianity.²⁷ Before long the Ruthenian nobility was erecting churches and even building schools for the use of Lutherans. The richer nobility travelled to the centres of the Reformation and sent their children to the German universities of Wittenberg, Leipzig, Geneva and Königsberg.²⁸

The Lutherans used every means at their disposal to diffuse their theology. They founded schools, and to reach the city-dwellers and peasant masses they set up printing presses that published books in the vernacular.²⁹ They made great efforts to spread their theology by means of the oral word in preaching.³⁰

Even though Lutheranism was disseminated systemtically and at great cost to its propagators it was not as successful as Calvinism and antitrinitarianism.

In the early 1540's Calvinism became the second religious wave to spread through the Kievan Metropolia. It gained a stronger foothold than

Lutheranism because it was patronized by the King of Poland, Sigismund August II (1548-1572). Calvinism filled its ranks with members from the Luteran, Catholic and Orthodox followings and its phenomenal success has to be attributed to these local recruits and their great zeal.³¹ The foremost defender of Calvinism among the Orthodox was the princely family of the Radziwills. Under their protection the Calvinists founded a school in Wilno which in its early years was outstanding and successful. Nicholas Radziwill established a school in Birzy, Jan Radziwill one in Slutsk, and Christopher Radziwill one in Keidany.³²

The lesser Orthodox nobility followed the example of the powerful Radziwill family. Thus amongst others, the future great reformers of the Kievan Metropolia, Adam (Ipatey) Potey and Joseph Velamin Rutsky, were in their early years followers of Calvinism. As early as 1569 there already existed eleven Calvinist communities in the Kievan Metropolia with their respective protectors and defenders.³³ They had their own ministers and schools in three reformed districts, Ruthenia, Belz and Podlachia. In 1590, the voievoda of Bratslav, Jan Polotski, founded an oratory, a printing press and an academy for the exclusive use of the Calvinists. Other schools were founded in Panowiche, Biala, Dubetsko, Sanok, Lanchuts, Bielsk and Volodava.³⁴ Even the famous Academy of Ostrih succumbed to the influence of Calvinism.³⁵ Besides founding schools, the Calvinists published books in the vernacular. In 1562 Medvedev Kavechinsky published a catechism written by Simeon Budnyi and Lavrentii Kryshkovsky, and in that same year S. Budnyi edited *On the Justification of the Sinner before God* and *On Baptism and the Supper of the Lord*.³⁶ However, after these early experiments in publishing in Ruthenian, the Calvinists turned to publishing only in Polish, a language known to all who could read.

In the second half of the sixteenth century, antitrinitarianism in both its Socinian³⁷ and Judaizing³⁸ forms began to obscure the Calvinist successes in the Kievan Metropolia. Antitrinitarianism in its Socinian form, also known as Unitarianism, spread into the regions of present day Western Ukraine-Galicia in the 1550s and then moved slowly eastward. The Calvinists could not agree with its rationalistic views and in 1565 separated from the Socinians. In spite of the separation the Socinians managed to attract many illustrious Calvinist ministers and even writers to their camp, for instance Chekhovich, Budnyi, Kryshkovsky and others.³⁹ They centralized their work in Pincsov where they managed to convert Prince Nicolai Olesnicki from Calvinism.⁴⁰

Antitrinitarianism in its Judaizing form originated in Novgorod from where it spread to Moscow around 1471. Severely suppressed by the Muscovite Princes it was revived around the middle of the sixteenth century by the Muscovite free thinking *startsi* Matvei Bashkin, Ihumen Artemii and

others. Although imprisoned by the Muscovite authorities, these men managed to escape to Lithuania and the Kievan Metropolia. Ihumen Artemii found protection in the home of Prince Georgi of Slutsk from where he conducted his activities.⁴¹

The impact of the Reformation on the Kievan Church was extensive and twofold. On the one hand, the aggressive proselytism and spread of the Protestant theologies led to substantial losses among the faithful, especially among the nobility. On the other hand, it shocked the hierarchy of the Kievan Church into the realization that there was an urgent need to re-group, reform, and in particular to define itself theologically and ecclesially. Furthermore, the Reformation aroused cultural interests. The Bible and other religious literature, e.g. catecheses, appeared in Ruthenian. Schools were founded to foster the Ruthenian cultural, religious and theological heritage. This heightened awareness of religious culture led ultimately to the awakening of national and political consciousness.

A Deteriorating Church

The pre-Berestine Kievan Church was in the throes of corruption and decay. Intellectually, the clergy, including some of the metropolitans and bishops, functioned on the lowest level imaginable. For example, Metropolitan Silvester Bilkevich (1556-1567) could hardly read and write. The conditions of the lower clergy were no better. Education was not a prerequisite for the priesthood. It was sufficient that the priest could write a little and read the Liturgicon.⁴² Father taught son to celebrate the Liturgy. In this manner the ecclesiastical and liturgical tradition was handed down.

Zakharii Kopystensky described the moral state of the lower clergy in his *Palinodia* in the following manner:

Priests ordained by them (bishops) were considered human scum, because the priestly dignity was so degraded and abused that no self-respecting person would even think of becoming a priest, to do so would be an attempt to disgrace oneself. The priestly state was so full of illiterates and persons 'hungry' for positions, that often it was difficult to say whether the priest spent more time in the bar (korchma) or in the church.⁴³

This state of affairs was brought about by the lack of schools and education. Before the founding of the Academy in Ostrih, there existed only four monastic schools (Kholm, Zymno, Kiev, Uniev) and five parochial schools (Krasnostav, Zabludiv, Turiv, Kurenets, Volodymyr).⁴⁴

Priests were bigamists and even trigamists, i.e. married twice and thrice, successively, contrary to tradition and church law. Monks were vagabonds or lived in monasteries with their wives.⁴⁵ The higher clergy were also engulfed in corruption. The royal appropriation of powers to make ecclesiastical appointments had especially detrimental effects.⁴⁶ This royal tradition made possible scandalous rivalries among the candidates to the epis-

copal thrones. These rivalries went so far as to erupt into armed conflicts between rivals bent on taking possession of episcopal benefices. Some individuals, though they were appointed bishops and possessed their bishoprics, were never consecrated to the episcopacy, nor in some instances even ordained to the priesthood. Still others lived publicly with their wives and children, enjoying the wealth that the bishoprics offered.⁴⁷

Just as the religious crisis in the Kievan Church reached alarming proportions the Protestant reformers invaded the Metropolia. The hierarchy was incapable of checking the Protestant penetration. Nor did the mother church in Constantinople have that capability. In addition the hierarchy had to deal with the aspirations of the Polish Roman Catholics and the newly formed patriarchate (1589) in Moscow.

II THE ALTERNATIVES

Confronted by this critical situation, the hierarchy of the Kievan Church and its faithful began to make groping efforts toward a solution. Where were they to turn for assistance? To turn to the mother church, i.e. the patriarchs of Constantinople, would be futile. The latter were themselves beleaguered by similar unfortunate circumstances under the rule of the Turkish sultanate. It was impossible to turn to Moscow, for two reasons. First, the newly created patriarchate was interested in absorbing the rapidly disintegrating church, not in reviving it. Secondly, the hierarchy of the Kievan Church considered the Muscovite Church and particularly its rulers (Ivan the Terrible) as barbarians.⁴⁸ To turn to the Protestants was also impossible because the hierarchy considered these as heretics determined to do away with the faith and tradition of their forefathers. Finally, there was the possibility of turning to the Polish Roman Catholic Church. But in the light of past ecclesiastical history it was obviously not in the best interests of the Kievan Church to seek assistance and support from the Polish Roman Catholic Church, which was determined to convert all "schismatics" to Roman Catholicism.

The only reasonable option which appeared to be open to the Kievan Church was to seek an understanding with Rome — the only ancient and free apostolic see. Prince Constantine B. Ostrozsky had already been exploring such possibilities on the suggestions of Antonio Possevino, S.J. (1533-1611) and Peter Skarga, S.J. (1536-1612).⁴⁹ The Roman Catholic Church under the leadership of the papacy had already shown remarkable strength in its religious and spiritual revival, the Counter-Reformation, thanks largely to the efforts of the Jesuits. Furthermore the Kievan Church also hoped that Rome might dampen the aspirations of the Polish Roman Catholic Church to convert the faithful of the Kievan Metropolia to Catholicism, given that they would be members of the same communion.

These considerations appeared to point to the direction the Kievan Church should take. Consequently, it decided to pledge allegiance to Rome and accept papal leadership on the condition that certain desiderata would be recognized and accepted as a working basis for relations between the two churches.

At the time of the Union of Berest, the Kievan Church itself was experiencing problems with leadership. Metropolitan Mikhail Rahoza (1589-

1599) was not a strong and effective leader. Bishop Cyril Terletsky (1585-1607), an original member of the reformist group, was a more dynamic leader but was entangled in personal and political difficulties with Prince Constantine B. Ostrozky. Only in Ipaty Potey did the reformation of the Kievan Church find a dynamic and able leader with a truly Christian vision of the Church.

III TRANSFER OF ALLEGIANCE

Ipaty Potey (bishop 1593-1599; metropolitan 1599-1613) promoted a reformation policy conducive to the preservation of the Christian identity and spirituality peculiar to the Kievan Church and to the development of relations with those Christian communities which were most supportive of that reformation.³⁰

Given the historical circumstances and options, the hierarchy of the Kievan Church decided to establish relations with the only ancient and free apostolic see, Rome.

The decision to seek a new understanding with Rome was contained in two documents of intent to pledge allegiance to Rome and accept papal leadership, i.e., of December 2, 1594 and June 12, 1595. These two documents were selected over several other statements of intent to pledge allegiance to Rome and accept papal leadership because they had the approval of the majority of the bishops. These two documents together with the Constitution of 1595 were presented to Pope Clement VIII in 1595.

Document One

Statement of deliberations and decision of the Ruthenian archbishop and bishops regarding the undertaking of union with the Holy Roman Church.

In the name of the Holy, life-giving undivided Trinity of the Father, the Son and the Holy Spirit. We, the undersigned, after having diligently examined our vocation and office which consists in the direction of ourselves and the Christian people, the flock of Christ, committed to us by Christ, hereby dedicate ourselves to the pursuit of harmony and unity, taught by our Savior Jesus Christ and confirmed by his blood. This is especially true in our unfortunate times when many various heresies have appeared among the people. Consequently, many have left the true Orthodox Christian faith, deserted our flocks, and separated themselves from the Church of God and true worship of the Holy Trinity. This has happened for no other reason than our dissension with the Romans, from which we are separated even though we are the people of one God and the sons of the mother, the holy Catholic Church. In this state we cannot help nor defend each other. Although we constantly pray to God for unity in faith, we never seriously concerned ourselves with it nor considered the means by which this unity would be realized among us. Instead we always looked towards our elders (in Constantinople) to see if and when they will begin to concern themselves with this unity. However, our hope that this will ever occur through their concern and effort is diminishing rapidly for no other reason than that they

themselves are oppressed by servitude to the pagans. Therefore, even if they wanted to, they cannot. Consequently, we, inspired by the Holy Spirit, whose deed this is and not of men, observed with great heartbreak the numerous impediments the faithful encounter on the way to salvation without that unity of God's churches, in which, beginning with Christ our Saviour and his holy apostles, our ancestors have lived. They acknowledged one supreme pastor and first presiding priest in the Church of God on earth (as it is manifested by the councils and the canons) and that it was none else but the holy Roman pope, to whom they were subject in all things. As long as that state prevailed there was always order and growth of divine worship in the Church of God. In that state it was more difficult for heretics to disseminate their false doctrines. From the moment there came into existence many heads, that appropriated this authority and dignity, we immediately see the number of divisions the Church of God has been submitted to because of the multiplicity of heads. Due to this situation the heretics have gained strength. We are not willing to burden our conscience with such a weight, namely, that the salvation of many souls would be jeopardized because of dissension in faith. Even though our predecessors contemplated these matters and were concerned about them, they have been neglected by us. Therefore, by the grace of God, we resolved to revive and fortify ourselves with this resolution to continue this matter so that sometime in the future we might with one voice and one heart praise and glorify the venerable and great name of the Father, and the Son and the Holy Spirit together with our beloved Roman brothers and to live under one visible Pastor of the Church of God to whom belongs preeminence. Thus having mutually bound ourselves before God with complete resolve, sincere and candid heart, and diligence behooving such an undertaking, we promise to expend our best effort, collectively and individually, to pursue the most efficient means so that we might be considered by our ecclesiastical brothers and faithful the authors of the union and harmony undertaken. And that with the grace of God we shall accomplish it. To spur us on to completion and to expend greater concern and diligence, we have compiled this document, which testifies to our sincere and immediate desire to embrace union with the Roman Church and reach agreement. Let Almighty God, the author and giver of all things, be the leader of this harmony and the protector of such a holy deed. We subscribe *manu propria*, with the reservation however, that the ceremonies and rites of the divine cult and holy mysteries be preserved intact, correcting only those elements which would impede union. Thus everything would be preserved according to ancient custom, as it was formerly when we lived in unity.

Given December 2, 1594.⁵¹

Document Two

Letter of the lords archbishop of Kiev and other Ruthenian bishops to our most holy lord Clement VIII, pope, about matters related to the union with the holy Roman Church.

Given the 12th day of June, 1595 in the Latin version.

Most Holy Father, Lord and Supreme Pastor of the Church of Christ.

Recalling to memory the agreement in all things and the union of Eastern and Western Church, which our forefathers cultivated under the obedience and direction of the Holy Apostolic See and at the same time considering the schisms

and dissensions which prevail today, it is impossible not to be afflicted by great sorrow. We have prayed assiduously to the Lord that he might lead us to the unity of faith, hoping that perhaps the superiors and pastors of our Eastern Church under whose obedience we have been until now, would initiate communion and harmony for which they daily entreat the Lord in the liturgies, and to think seriously and to pursue the matter diligently. However, as we have seen, it is futile to expect this of them. They do not attempt it, not so much from a lack of will or fear as from the fact that they themselves suffer from subjection to the most grave yoke of servitude and most cruel tyrant alien to the Christian religion. We, however, living in these regions under the rule of the King of Poland and Sweden and the Grand Duke of Lithuania, are free. We are allowed to attend to our duties, to be present at our posts and with the faithful of Christ whose care is our duty. Nor do we wish to burden our conscience with the loss of so many souls in our parts which results from these dissensions. With God's help we have decreed to reestablish the union that existed before, between the Eastern and Western Church constituted by our predecessors at the Council of Florence. Thus bound by the bond of this union under the authority and direction of your Holiness, we may, all with one heart and one voice, glorify and praise the most divine and Holy Names of the Father, the Son and the Holy Spirit. With the knowledge and permission of King Sigismund III, by the grace of God, King of Poland and Sweden, and the Grand Duke of Lithuania, whose singular and most dutiful interest in this matter has been outstanding, we are sending to your Holiness, our most dear and reverend brothers in Christ, Ipaty Potey and Cyril Terletsky, exarch and bishop of Lutsk and Ostrih, as our delegates. If indeed, Your Holiness will deign to let us preserve the administration of the mysteries, rites and all ceremonies of the Eastern Church intact and inviolable and in the same way in which we used them at the time of union and confirm in your name and in the name of your successors that they shall never innovate anything in that respect, then they (the designated delegates) bring the pledged obedience, in their own name and of all our archbishops, bishops, our whole ecclesiastical order and the faithful divinely entrusted to us, to the Holy See of Peter and Your Holiness as the Supreme Pastor of the Church of Christ. If we obtain all that we have requested, we and our successors, knowing this petition, will be subject to the leadership of Your Holiness and all your successors. To convey greater credibility to this petition, we signed this present letter, *manu propria*, and closed it with our seals.

Given in the Kingdom of Poland and the Grand Duchy of Lithuania,
June 12, 1595 according to the old calendar.⁵²

Both documents express the following: (1) intention to pledge allegiance to Rome and accept papal leadership; (2) insistence that the allegiance is conditional (if we obtain all that we requested); (3) the condition being the intact preservation of the mysteries, rites and ceremonies peculiar to the Eastern Church; (4) the reason for the intention to transfer allegiance — the concern for the spiritual welfare of the faithful in view of the pastoral neglect of the mother church in Constantinople.

The question that immediately comes to mind is this — what was the nature of the allegiance the signatories wanted to express? What was the nature and the limit of Roman leadership they were prepared to recognize? There is little to go on in these two documents. However, one thing is

certain and definite — that allegiance did not include the jurisdiction and authority of the pope in liturgical matters. This is made unequivocally clear in the document of December 2, 1594. It would appear that the jurisdiction and authority they were prepared to recognize in liturgical matters was limited to aspects which impeded the union of churches.

The only real substantive clue that would indicate the nature of any non-liturgical allegiance and leadership the Kievan Church was prepared to express and recognize is found in a letter of Metropolitan Mikhail Rahoza to Jan Zamoyski, the Grand Chancellor and chief military commander of Poland. This letter was written after the signing of the document of intent to pledge allegiance to Rome of December 2, 1594, but before the document of intent to pledge allegiance to Rome of June 12, 1595. Rahoza described explicitly the type of leadership expected from the bishop of Rome, and implicitly, its limits. He wrote: "...I with some bishops wish to recognize the primacy (zverkhnost) in spiritual matters (v dukhovenstvi) of his grace the most holy Roman pope."⁵³ The statement seems to state clearly that the Ruthenian Church sought Roman leadership in spiritual matters, i.e. assistance in the reformation of Christian life. The expression "in spiritual matters" appears to limit the scope and authority of the leadership sought from the papacy. All other forms of jurisdiction and authority in matters theological, administrative-legal, ecumenical, and liturgical were not included in their expression of allegiance to Rome. Why? The reason was that the Kievan Church existed as an autonomous and independent church at that time.

What was the nature of the "primacy" Metropolitan Rahoza referred to? The Metropolitan did not specify. The two documents of intent to pledge allegiance describe the pope as "Supreme Pastor and first presiding priest in the Church of God on earth" and "Supreme Pastor of the Church of Christ." On the basis of this evidence it would appear that the Kievan Church recognized the ordinal primacy of the pope. Consequently it would appear that the statement of Rahoza meant that the Ruthenian Church sought leadership from Rome, the new mother church, and accepted jurisdiction in spiritual matters but not in all those other aspects of christian social and administrative-legal life (that acceptance of such jurisdiction would connote today as e.g., in the Vatican II Synod). It should be noted that the first document contains in addition the following words: "to whom they were subject in all things," which are missing in the second document. The significance of this omission should not be overlooked. The difference between the two documents on this point can be explained by the fact that the first document was personally compiled by Ipaty Potey, the staunch pro-union-with-Rome proponent. The second is more tempered because it reflects more faithfully the existential and canonical position of Metropolitan Mik-

hail Rahoza, the Synod, and the Kievan Church as a whole. It was a synodal statement.

In conclusion it should be noted therefore, that the Kievan Church recognized the ordinal primacy of the popes of Rome and accepted leadership and jurisdiction in spiritual matters but not in all other aspects of christian social life. Furthermore, it appears that the hierarchy sought *only* spiritual leadership, the dispensing of which is function of a mother church, in the reformation of christian life. This required the transfer of allegiance from one see to another, ordinal primacy did not.

Was the role of the administrative-legal jurisdiction and authority of the pope an issue then as it is today? It would appear not. At the time of the Union of Berest (1595-1596) all legal authority in the Polish Confederation, whether ecclesiastical or civil, was vested in the king of Poland, just as in the Byzantine and Roman Empires all legal authority had belonged to the emperors. In other words, ecumenical councils, synods and later ecclesiastical Constitutions and appointments were only legal when approved by the emperor or the king. This was accepted tradition from the time of Emperor Constantine (313-337) and the Edict of Milan (313). Consequently, the legal and administrative jurisdiction of the bishop of Rome in the affairs of the Kievan Church and the implications that flow from it were not a matter of discussion in the two documents, nor in the Constitution of 1595 itself. The Kievan Church was a completely autonomous church.

It is quite another matter that mother churches often attempted to exercise what amounted to legal authority and administrative jurisdiction over the daughter churches through the channel of spiritual jurisdiction, i.e., in matters related to Christian spiritual life. This was a use of jurisdiction and authority exercised through the channel of their role as founding churches. However, most often this type of jurisdictional authority depended on the amount of recognition it received from the daughter churches.

IV THE CONSTITUTION OF 1595

To shape the guide the relations between the Kievan Church and Rome, the hierarchy compiled and approved a Constitution on June 12, 1595 at the annual synod in Berest. The Constitution not only attempted to provide a frame of reference for the development of future relations with the new mother church, Rome, but also to create a favorable structure and atmosphere for the preservation and development of a spiritual identity and Christian life-style peculiar to the Kievan Church.

The Articles

(Inscription). Articles pertaining to union with the Roman Church. Articles for which we require guarantees from the Romans before we agree upon union with the Roman Church.

1. Since there is disagreement between the Romans and the Greeks over the procession of the Holy Spirit, which greatly prejudices union for no other reason than that we mutually do not wish to understand each other, we, therefore, request that we be not compelled to any other faith but that testified to by the Gospels and the writings of the Holy Fathers of the Greek faith, that is, that the Holy Spirit does not proceed from two principles nor through a double procession but proceeds from one principle as source, from the Father through the Son.

2. Divine cult, all morning, evening and nocturnal prayers shall remain unaltered according to ancient custom and tradition accepted in the Eastern Church. Namely, the Sacred Liturgy of which there are three: Basil's, Chrysostom's and Epiphany's, which is celebrated during Lent with presanctified gifts, as well as all other rites and ceremonies of our church which we have preserved hitherto; that indeed the same be preserved in Rome under the obedience of the Holy Pontiff and all these to be conducted in our language.

3. That the mystery of the most Holy Body and Blood of our Lord Jesus Christ remain for all time unaltered and intact as it has been until now under both species of bread and wine.

4. The mystery of holy baptism and its form be preserved unaltered and without additions as it has been until now.

5. We shall not debate over purgatory, but wish to be instructed by the Holy Church.

6. We accept the new calendar (Gregorian) if the old calendar cannot be used, on the condition, however, that the time and manner of celebrating Easter and other feasts will be preserved and remain whole and intact as it was during the time of unity. We have some feasts that are peculiar to our rite and which the

Roman Church does not have, e.g., on January 6, we celebrate the Baptism of the Lord Christ as the very first revelation of one God in the Trinity. In the vernacular this feast is called Bohoiavlenie, i.e., the revelation of God. On that day we perform the solemn rite of the blessing of the water.

7. We do not wish to be compelled to participate in the processions of the Latin feast of Corpus Christi. Nor shall we be obliged to hold processions with the Most Holy Mystery because our mode of venerating the holy mysteries is different.

8. That we not be compelled to consecrate the fire before the feast of Easter nor to use kalatalos (wooden bells) in the place of bells and other rites which have never been practiced in our tradition. We would rather preserve the rites and customs of our Church without change.

9. Married priesthood shall be preserved intact, except for bigamists.

10. The offices of metropolitan, bishop and other ecclesiastical ranks shall be conferred only upon those of the Ruthenian or Greek nation and that would be of our faith. Our ecclesiastical canons state that offices such as that of the metropolitan, the bishops and other similar ranks be filled by appointments made by ecclesiastical authorities rather than civil authorities. We, therefore, request his Royal Highness to allow us to exercise that prerogative. To elect candidates to these positions, preserving, however, the authority of His Majesty to confer the positions to anyone of the elected. We request, that in the event of the death of any of these dignitaries, we could select four candidates, of which one, deemed worthy will have the dignity conferred upon him by his Royal Highness. The reason for this procedure is to ensure that only educated and worthy persons will be appointed to such offices. Since His Royal Highness is of another rite it might not be easy to know who is worthy. It has happened in the past that persons of so little education were appointed that they could hardly read. In the event, however, that the King should deign to grant an ecclesiastical office to lay persons he will demand that such persons receive sacred orders within three months of the appointment under the pain of losing the position, according to the resolutions of the Grodno Diet (1522) and the articles approved (1563) by King Sigismund August II (1548-1572) and confirmed by the reigning king, Sigismund III. There are some who, even now, have held ecclesiastical offices for many years without receiving sacred orders, excusing themselves with some sort of concessions and privileges granted by the king. We request that this not happen in the future.

11. To consecrate a bishop of our rite a letter of *sacrae* (permission to consecrate) from Rome will not be required. When his Royal Highness appoints someone as bishop, the metropolitan or archbishop shall consecrate him according to ancient custom. However, when a lay candidate is appointed to the dignity of metropolitan he will be obliged to request a letter of *sacrae* from the highest bishop. Once he has received the letters of *sacrae* from Rome, at least two bishops and at most three of our rite will consecrate and bless him according to custom. If, however, one of the bishops is appointed metropolitan, he will not be required to request a letter of *sacrae* because he has already been consecrated bishop. He can take the oath of obedience to the supreme pontiff before the archbishop of Gnesno, however, not as before an archbishop but as before the primate of the realm.

12. That we may enjoy greater authority and that our faithful may respect and obey us more, we request that our metropolitan and bishops of our rite be admitted to the senate of his Royal Highness. There are many and just reasons. We possess the same office and dignity as the bishops of the Roman Church. Furthermore, when we would take the senatorial oath we could also take an oath of obedience to the highest bishop so that in the future such chaos as occurred after the death of Isidore, metropolitan of Kiev, would not recur. That happened because the bishops of our rite were not bound by any oath. Separated by great distances they readily lapsed from the communion established during the Council of Florence. If, however each one of them was bound by a senatorial oath it would be more difficult to undertake separation or dissension. Also, letters announcing the sessions of the diet and the dietines should be sent to us.

13. If sometime in the future, God willing, should the rest of the faithful of the Greek Church accept that union with the Western Church, we desire that it be not held against us as a fault that we embraced communion before the rest of them. We did this for the good and peace of a Christian republic and avoidance of further dissension.

14. We request that factions from Greece or letters of excommunications produced by men of that nation be absolutely prohibited in the Empire of your Royal Highness under threat of penalties, so that this union might not be undermined by some sort of popular insurrection. There are many of those who oppose this affair and from that quarter there could easily arise an internal struggle among the people. Above all, it is necessary to see to it that archimandrites, priests, ihumens and other clergy of our rite, who do not submit, will not be allowed to carry out spiritual functions. Also foreign bishops and monks that come here from Byzantium will not be allowed to perform spiritual functions in our eparchies. Otherwise, this union would not have any meaning.

15. If in the future members of our rite should spurn their rite and ceremonies and would want to embrace the Latin rite, they will not be allowed because we all are already in one church under the reign of one Pastor.

16. Marriages between Ruthenian Catholics and Roman Catholics shall be a free affair and neither party shall be coerced to accept the rite of the other because they are members of the same church.

17. Since we have lost the possession of many ecclesiastical estates, some of which, our predecessors have dispersed by whatever rights, other than that they freely administered them for the period of their personal lives, we request that these estates be returned to our churches. We are so hard pressed by need and poverty that we are not only unable to satisfact orily provide for the needs of the churches, but we ourselves have hardly any means of sustenance. Therefore, if someone has legitimately acquired lifetime usage of ecclesiastical benefices, these shall be obligated to pay rent yearly to the Church. Upon the death of the users, the benefices shall revert to the Church. These benefices shall not be granted to anyone without the consent of the bishop and his council. All the benefices that the church now possesses shall be recorded in the Gospel Books, even if no other privilege can be exercised over them. They would, at least, belong indisputably to the Church. Thus the Church could move to reappropriate even those that have been dispersed earlier.

18. After the death of the metropolitan or the bishops, *starosty* and state treasurers shall not meddle in the affairs of ecclesiastical benefices, but according

to custom and tradition of the Roman Church, these benefices shall be administered by the episcopal council until the election of a new metropolitan or bishop. Even though we have this already guaranteed by privilege, we request that this be incorporated into the state constitution.

19. In keeping with ancient custom, archimandrites, ihumens, monks and their monasteries will be subject to the bishops in whose eparchies they reside and where there is only one monastic rule which even the bishops themselves are subject to. We do not have provincials.

20. We request, according to the custom and tradition of the Roman clergy, the right to send two clerical representatives of our rite to state tribunals to guard our rights and freedoms.

21. Archimandrites, ihumens, priests, archdeacons, deacons and other ecclesiastics of our rite should receive and enjoy the same honor and respect enjoyed by the Roman Catholic clergy and enjoy the ancient freedoms and privileges granted by King Ladislaus. They shall be free from all taxation as regards both their persons and ecclesiastical properties (not as it has been unjustly until now) unless they possess some personal interests for which they should pay taxes, just like others, whatever is just. Those ecclesiastics and priests who possess ecclesiastical properties within the territories of the senators and nobility are subject to them and must obey them not only *causa fundi*, nor should they appeal to other legal forums or dispute with the landlords, but must completely acknowledge the *jus patronatus*. However, matters regarding the person of the ecclesiastics and their spiritual functions are subject only to the bishop and shall be punished only by the bishop for misdemeanors upon the complaints of the landlords. Thus all people, whether of the ecclesiastical or civil states, will have all their rights preserved completely and inviolably.

22. Polish landlords shall not prohibit the ringing of bells in our churches throughout the towns on Good Friday.

23. We shall be free to carry publicly the Holy Mystery to the sick with candles and vestments as has been customary in our rite.

24. We are to be free to stage processions on festive days without hindrance and according to our custom.

25. It will be forbidden to convert monasteries and churches of our rite into Latin churches. If some Catholic should damage any of them within his territorial properties he shall be obliged to repair them, build a new one or restore the damaged one.

26. If the ecclesiastical brotherhoods — newly created by the patriarchs and those already approved by the king, like the ones in Lviv, Wilno, Berest and others, from which flow great benefits to the Church, because it is to their credit that divine worship is especially increasing — wish to accept communion, they should be preserved complete and intact. However, they will be subject to the jurisdiction of the metropolitan or the bishop in whose eparchy they reside.

27. We shall have the right to found schools and seminaries in the Greek and Slavonic languages in places where in our judgment it appears to be most suitable. We shall also have the right to set up printing presses. These, however, shall be under the jurisdiction of the metropolitan and the bishops. Permission of the bishops shall be required for all publications in order to prevent the

dissemination of heresies.

28. Priests of our rite, within the territories of the king, the senators and the nobility, have been involved in great mischief and disobedience. Sometimes under the protection of their land captains and the nobility they created grave troubles, while seeking the protection of their lords and authorities. The priests have been freely dissolving marriages. Meanwhile, the lord *starostas* and their officials profit, though not greatly, from the taxes levied on such matrimonial dissolutions. Furthermore, they protect these priests, do not allow them to be called before their bishops or the synod and impede the attempts of the bishops to punish the transgressors. They abuse and even flog the eparchial representatives sent to investigate these matters. We request that such practices cease. We demand the right to punish the transgressors and preserve ecclesiastical order. If, due to disobedience or some other excesses, such transgressors are excommunicated by the bishop, the senators and nobility, once duly notified by the bishops of such excommunications, will not allow the excommunicated clergy to perform spiritual functions or celebrate the Holy Liturgy in the churches until they have duly served the punishment levied on them by their bishops for the crimes committed. The same shall hold true for archimandrites, ihumens and other ecclesiastical persons subject to the authority of the bishops.

29. Cathedrals and parochial churches in principal cities and everywhere else in the Kingdom, whether they were founded and endowed by the King, the nobility or the cities, are subject to the authority and administration of the bishops. Lay persons shall not interfere, under any pretext, in the administration of churches. Even though there are those who refuse to submit to the authority of the bishops and freely administrate churches, such practices must cease in the future.

30. If someone is excommunicated by a bishop of our rite for some transgression he shall not be received into the Latin Church, but shall be recognized as excommunicated also by the Latin Church, just as we shall hold in excommunication those excommunicated by the Roman Church.

31. If, God willing, our brothers of the Eastern Church accept communion with the Western Church, we request to be participants in any changes in ceremonies and rites that might occur in the Eastern Church after communion and with the consent of the universal church, because we are members of the same rite.

32. We have heard that some have departed for Greece to procure ecclesiastical powers and return here to advise and influence the clergy and extend their jurisdiction over us. We, therefore, request the king to order precautions to be taken on the State borders so that anyone bearing such jurisdictions and excommunications be barred from entering the kingdom. Otherwise, grave misunderstandings could arise between the pastors and flocks in the Church.

33. Therefore, we the undersigned desire to establish holy union for the glory of God and peace in the Church. We consider these articles necessary to our Church and require their approval from the highest bishop and His Royal Majesty. As a demonstration of our authentic desire (for communion) we have, with this document, instructed Ipaty Potey, protothronios and eparch of Volodymyr and Berest and Cyril Terletsky, exarch and eparch of Lutsk and Ostrih, to obtain the approval of all these articles we are submitting in writing, in our name and their own, from the pope as well as from His Royal Highness. Thus being

certain of the preservation of our faith we can accept that holy union with the Roman Church with good conscience, ours and of the flocks committed to our care. Furthermore, others, who are still hesitating, might follow the more rapidly to that holy union, seeing that we have preserved unchanged and intact all that is ours.

Given in the year of the Lord 1595, June 1 according to the Old Calendar.

The articles were divided into two categories: those pertaining to the king and those directed to the pope. The articles pertaining to the king were: 10, 12, 14, 16, 18, 20, 21, 26, 27, 28, 29, 32. The remaining twenty articles were directed to the pope. The content of the articles directed to the pope can be divided into the following categories: (a) theological: 1 and 5; (b) liturgical: 2, 3, and 4; (c) religious ritual: 6, 7, 8, 22, 23 and 24; (d) ecclesiastical administration: clergy: 9, 10, 11, 19, and 26; benefices: 17, 18, 25, 27 and 29; (e) interchurch relations: 13, 14, 15, 16, 30, and 32.

The underlying intention of the Constitution of 1595 was not to request anything from Rome but rather to have Rome, the new mother church recognize the manner in which the Kievan Metropolia proposed to function, evolve and interrelate within the new context of what eventually became known as the Union of Berest. The Constitution was to serve as a guide for the relations between the Kievan Church and Rome, particularly in the realms of liturgy, theology and interchurch relations. It was in these areas that the hierarchy manifested the greatest concern. It was most sensitive to any change in the liturgical tradition since it wanted to avoid the accusations of its detractors and the charge of having betrayed the faith of its ancestors and forefathers through union with Rome. Therefore, the Kievan Church was not prepared to recognize any extensive authority on the part of Rome in liturgical matters, except where the communion between the two churches might be impeded. This appears to be stated quite unequivocally and unambiguously in the two documents of intent to pledge allegiance and in Articles 2, 3, and 4 of the Constitution of 1595. The authority of the Roman Church to intervene in liturgical matters was to be as minimal as possible, not only at the moment of union but also in subsequent years when the Kievan Church would be "under the obedience of the Holy Pontiff."

In the realm of theology, the Kievan Church was not prepared to recognize or accept any unilateral Roman intervention. It was prepared to recognize Roman authority in matters which were disputed or which impeded the possibility of union, and in the theology of purgatory in which it explicitly sought to be instructed.

In matters of interchurch relations, the Kievan Metropolia aspired to interrelate with Rome and the Roman Catholic Church as behooved Christians, with respect and equality, particularly in points of pastoral contact between the two ecclesiastical communities. The manner of interrelating was outlined in Articles 13, 15, 16, 30 and 31.

From a cursory examination of the two documents of intent to pledge allegiance, the Constitution of 1595 and another writing of Ipaty Potey entitled *Union*, it appears that the Kievan Church was prepared to pledge allegiance and accept Roman leadership in spiritual matters — the exercise of which is the normal role of a mother church — conditionally. The condition was the intact preservation of rites and the recognition of the Constitution of 1595. The spiritual leadership was to take the form of moral support for the reformation of the Kievan Church. There was no question of administrative and legal jurisdiction because this dimension of ecclesiastical life was vested in the king and various other political structures. In matters pertaining to liturgy, theology and interchurch relations the Kievan Church understood itself to be autonomous except where autonomy would impede union between the two churches.

V ROMAN REACTION

The Roman reaction to the desiderata of the Kievan Church, i.e., the conditions on which it would pledge allegiance to Rome and accept papal leadership, was expressed in critiques by two Roman Catholic theologians, Juan Saragoza di Heredia and an anonymous Carmelite, and in the the papal documents issued on the occasion of the establishment of union, i.e., the *Profession of Faith* and the papal bull *Magnus Dominus et laudabilis*.

The Critiques

The Anonymous Carmelite,⁵ The critique of the anonymous Carmelite dealt with two issues: the *Filioque* clause and the Gregorian calendar. The *Filioque* issue had already been examined and discussed adequately at the Council of Florence. There was really not much more to add other than to oppose the request of the Kievan hierarchy. The only difference between the critique of the Carmelite theologian and the Florentine discussion was that he insisted that the Kievan Church must accept the Roman formula expressed in the *Filioque*. This was a position contrary to the one reached mutually by the Eastern and Western Church at the Council of Florence. The Florentine position was the one taken by the Kievan Metropolia.

The Carmelite theologian took an identical position on the issue of the calendar, i.e., the Kievan Church must accept the new calendar.

Juan Saragoza di Heredia,⁶ Since the critique of Saragoza had a profound impact on the manner in which the curia proceeded to establish union with the Kievan Church, it would appear profitable to examine his critique in some detail. Saragoza limited his critique to the articles directed to the pope, namely: Articles 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 13, 15, 16, 19, 22, 23, 24, 30, 31, and 33. His critique can be divided into: advice to the pope, concessions, misunderstanding, rejection, and clarification.

Advice to the Pope Saragoza's general counsel to the Pope regarding the Constitution of 1595 was that he should concede some of the articles, that others were to be totally rejected, while still others were to be clarified and limited.

The first and only point of important particular advice to the pope emanating from Saragoza's critique was that Rome must insist on theological conformity. Saragoza expressed this point thus:

(the Kievan Church must) conform totally to the determinations of the Latin Church, not only in *content*, but also in the *form of expression*, lest there should arise some alterations in the essence of faith, which (alterations) could be tolerated in rites and ceremonies.

The gist of this statement is that Rome should not accept anything less than total conformity in theology, not only in content, but also in expression. The mode of expression was to be totally Roman and Latin.

Yet this was directly opposed to the principle enunciated by the Kievan Metropolia in matters of doctrine, particularly theological doctrine. It unequivocally expressed the desire to profess the content and expression of its theology in traditional Greek and Eastern Christian theological terminology. That this was the mind and intention of the Kievan Church is evident not only from Article One of the Constitution but also from Ipaty Potey's *Union*.⁵⁷ Potey wrote and published this theological work after the compilation of the Constitution of 1595 but before his and Terletsky's departure for Rome. In it, he articulated the position of the Kievan Metropolia on theology in the following manner:

...However, we, setting aside *i Syna* (and from the Son), profess the consubstantial and from all eternity procession of the Holy Spirit from the Father through the Son, as from one cause, because the word 'through' means cause in the procession of the Holy Spirit. Therefore now, that we are establishing union with the Romans, we hold fast to the profession of the Greek Fathers, as it was professed at the Council of Florence. Just as they (the Greeks and the Eastern Christians) refused the Pope (to include the Roman theological formula *Filioque* in the Creed) at that time, so we now have *requested* and shall *beseech* the Pope, that we may profess the Creed in the churches according to traditional form: and in the Holy Spirit, the Lord of Truth, the Giver of Life, who proceeds from the Father, who together with the Father and the Son is worshipped and glorified.⁵⁸

It must have come somewhat as a surprise to Potey and Terletsky on December 23, 1595 when they were asked to read the Profession of Faith (prepared by the Roman curia)⁵⁹ in the name of the whole Kievan Church, a document compiled in theological terminology which they accepted as correct but explicitly requested not to be compelled to profess, especially before the whole Latin Church as the theological expression and articulation of their church.

It would appear that it was at this point that Roman and papal intrusion into the domain of theological articulation and expression in the Kievan Church and the Eastern churches began. Why did the Roman curia proceed in this manner? This desideratum was certainly not one which impeded union.

Concessions In his critique Saragoza recommended to the Pope that Articles 2, 3, 7, 10, 12, 13, 19, 20, and others (which he did not specify) could be conceded because he found nothing objectionable in them. Articles 7 and 19 were treated under two headings — concessions and clarifications. What

is unusual about this recommendation is that the Kievan Church did not request the Roman Church to concede anything as something it could or could not grant. The Constitution was not a matter of concessions but one of recognition as a viable administrative guideline.

Misunderstanding The other major remark to be made about Saragoza's critique is his apparent misunderstanding of the nature and role of the Constitution of 1595. Saragoza commenced his critique of the Constitution first by characterizing its Articles as "articles or conditions" and secondly, by declaring that it is necessary to belong to the Holy Church for salvation.

Saragoza appears to mistakenly use as synonyms the word articles and the word conditions: "*articuli seu conditiones*." First of all the hierarchy did not use the word condition. Even if it did consider the articles of the Constitution as conditions it was not in the same sense of the meaning of condition that Saragoza had in mind. The conditionality of the articles, as understood by the hierarchy, was explained in Article thirty-three which clearly stated the *raison d'être* of the Constitution: "...we consider these articles necessary to our Church...(that) thus being certain of the preservation of our faith, we can accept that holy union with the Roman Church with good conscience, ours and of the flocks committed to our care," and also that "...others, who are still hesitating, might follow the more rapidly to that holy union, seeing that we have preserved unchanged and intact all that is ours." In other words the Constitution was *per se* a condition, put not to Rome or the Roman Church, but a condition as a means or a vehicle of preserving a peculiar mode of Christian existence and ecclesiastical functioning.

As to the second point, which by implication appeared to state that it was necessary for salvation to be a Roman Catholic, this is a theological position not recognized by all Christian Churches. Even though the Roman Catholic Church still holds an affirmitive theological position today⁶⁰ this appears to contradict the praxis of the Roman Church vis-a-vis the Eastern Churches of the Orthodox jurisdiction. The Roman Church recognized and still recognizes in these the validity and continuity of all ecclesiastical ordinations, consecrations, and consequently of the mysteries and, it would logically follow, the fullness of Christian charity and grace necessary for salvation.

Saragoza's position might have had some validity from the Roman Catholic point of view if he had been speaking of a non-Christian community. However, he was dealing with a community that was Christian and one which had preserved the Orthodox and Catholic faith and tradition faithfully from apostolic times. The Kievan Metropolia was changing allegiance due only to the leadership woes that befell the mother Church in Constantinople under Turkish rule. It was not changing its ecclesial lifestyle or faith, which was Orthodox, Catholic and in keeping with the theology agreed upon at the Council of Florence.

Thus, right from the beginning, Saragoza's critique appeared to suffer wittingly or unwittingly from a misunderstanding of the nature and role of the Constitution and the intention of the Kievan Church.

The remainder of Saragoza's critique consisted of the recommendation to reject some of the articles and the request to have others clarified.

Rejection Saragoza recommended that Articles 6, 8, 30(18) be outrightly rejected. He insisted on the total acceptance of the Gregorian calendar (Article 6), which in fact did not have anything to do with faith or doctrine. He could not understand how the hierarchy could accept the new calendar in which the essential difference revolved around the paschal festivities and at the same time preserve the celebrations according to the old calendar. This indeed was a difficult thing to conceive. However, the Kievan Metropolia was caught in a dilemma. On the one hand, it recognized the merits of the new calendar and wanted to accommodate it. On the other hand, it was caught between the faithful and the opponents of the reformation. The acceptance of the new calendar would provide the opposition with fuel. They would present the reformation and the hierarchy as betrayers of the faith of the forefathers in a very conspicuous way if the reforming hierarchy accepted the new calendar.

Furthermore, for the Eastern Christians residing in Roman Catholic Poland, the Julian Calendar was not only the traditional ecclesiastical calendar which distinguished, manifested, and preserved the spiritual identity of the Kievan Church, it was also a medium of cultural identity.

Saragoza further remarked that it was inadvisable to celebrate Easter according to the Julian Calendar, because it coincided with the Jewish paschal celebrations. This statement was not true.

The reason for rejecting Article Eight was an illusory fear that any apparent refusal of Roman Catholic ritual and ceremonial customs, especially benediction, was some sort of acceptance of Protestantism and agreement with the "heretics". According to Saragoza's reasoning, since the hierarchy of the Kievan Church had come to Rome to seek harmony and communion with the Roman Church, there should not be any grave reason not to accept Roman customs. Otherwise, he concluded, it might be suspected of spiritual affinity with the Protestants who outrightly rejected benediction and other religious practices. Here again the Roman theologian criticized and judged in a vacuum, totally unaware of the existential situation which spawned such a request. First of all, there was absolutely no danger of an unwitting acceptance of Protestantism because one of the principal reasons the Kievan Metropolia sought communion with Rome was to avoid being overwhelmed by the various Protestant denominations which had become popular in Rus'. On the other hand, it did not mean that the hierarchy wanted to be assimilated by the Roman Church just because it was pledging allegiance to it as

the new mother church. Rather, it was a question of the preservation of a peculiar Christian spiritual identity nourished by and preserved through rites and ceremonies peculiar to the Kievan Metropolia.

Saragoza concluded that Article Thirty, i.e., the request that Rome and the Roman Church, especially in Poland, hold in excommunication anyone excommunicated by the Kievan Church, was a rejection of the supreme authority of the Pope, the very thing he thought the representatives of the Kievan Metropolia had come to Rome to acknowledge. He mistakenly assumed that the Kievan Church wished the pope and the Catholic Church to hold in excommunication anyone it excommunicated, unquestionably, unconditionally and incontestably. In fact, the article was a forthright request for the open and direct respect of each other's churches and episcopal functions. It was understood that petty jealousies or politics might lead to unjust and uncalled for excommunications. However, these could be contested. What was at issue and what the Kievan Church was afraid of and wanted most to avoid was what it had already experienced on many other occasions in its pastoral experience, the fact that when the Kievan hierarchy excommunicated someone — the excommunicated one would simply turn to the Roman Catholics and be received with wide open arms. Such ecclesial behaviour did not in the least reflect a sound approach to interchurch relations. Most often it led to a breakdown in ecclesiastical discipline.

Furthermore, Saragoza's assumption that the Kievan Church came to Rome to acknowledge an all-inclusive supreme authority on the part of the pope does not stand up, given the intention of the Kievan Church. The Kievan Metropolia pledged allegiance to Rome, the new mother church, because it sought spiritual leadership not legal jurisdiction.

Clarification Saragoza had reservations about nine articles: 5, 7, 9, 11, 19, 22, 23, and 24. He thought these should be limited in scope or at least clarified.

In Article Five the Kievan Metropolia asked to be instructed in the theology on purgatory. Saragoza was quick to oblige. He quoted extensively from the Old and New Testaments, the Fathers of the Church and the Councils.

In Article Seven the hierarchy requested not to be compelled to participate in the Corpus Christi processions. It contended that it had its own Eucharistic tradition and venerated the Eucharistic Mystery in its own fashion and custom. Saragoza's reservations stemmed from the fact that Lutherans, Calvinists and other "heretics" refused to organize and participate in the Corpus Christi processions. Consequently he surmised that any refusal to conform to Latin customs might lead to suspicion of heresy or at least an affinity to Protestantism and other heresies. He recommended that the hierarchy be exhorted to accept this tradition and custom instituted by Pope

Urban IV around the end of the twelfth century, once it accepted communion.

His reservations about Article Nine, which requested that the custom and tradition of married clergy be accepted, was obvious. The Roman Catholic Church did not have married clergy. Saragoza suggested that the hierarchy be cautioned to take into serious consideration the decisions of the councils so that malpractices would not be introduced into the Church. He refrained from further comment. However, he reminded to his superiors that the practice of married clergy had to be approved by the authority of the Pope. He appeared to forget that the custom of married clergy had been sanctioned by apostolic and ecclesiastical tradition.

In Article Eleven the hierarchy requested that bishops need not apply for their "letters of confirmation for consecration" (*sacrae*) from Rome, but according to ancient custom and tradition receive them from the Kievan Metropolitans. The Metropolitans would request them from Rome only if they were not bishops immediately before their appointment to that office. On this point Saragoza suggested that all bishops should request their "letters" from Rome. He noted that when bishops had this personal contact with the bishop of Rome there were fewer schisms and heresies. He recommended that the hierarchy be persuaded to follow the Roman Catholic practice.

In Article Sixteen the hierarchy of the Kievan Church wanted to make it perfectly clear that it did not wish to see any proselytism on the part of the Polish Roman Catholics when there was a mixed marriage. The Polish Roman Catholic practice had been to "persuade" the Eastern rite partner, whether male or female, to accept the Latin rite. While commenting on this article Saragoza quoted Canon Seven of the 24th session of the Synod of Trent (council according to the Roman Catholics) on matrimony. The canon reads: "If anyone says that the Church is in error when it has taught and does teach according to the doctrine of the Gospels and Apostles (Mark 10 and 1 Corinthians 7) that the marriage bond cannot be dissolved because of adultery on the part of either the husband or the wife; and that neither party, not even the innocent one who gave no cause for the adultery, can contract another marriage while the other party is still living; and that adultery is committed both by the husband who dismisses his adulterous wife and remarries and by the wife who dismisses her adulterous husband and marries again: let them be anathema."⁶¹ Apparently the reason for quoting this canon was that it was aimed directly against Luther, Calvin, Bucero and the other "monsters" (*mostri*) of Germany. According to Saragoza, the Greeks unwittingly practiced that which the "heretics" defended, namely, the right to dissolve marriages in certain instances.⁶² Consequently, he recommended that the hierarchy of the Kievan Metropolia be cautioned that even though marriages between Roman Catholics and Eastern Christians were to be free

and unrestricted, it was necessary that both understand the Roman Catholic teaching about matrimony as defined by the Synod of Trent so that Roman Catholics would not be exposed to the so-called abuses: dissolubility of marriage practiced by the Greeks and by implication by the Ruthenians. Although it was true that there were such "abuses" in the Kievan Metropolia, they were not sanctioned by the hierarchy.

In Article Nineteen the hierarchy requested that all monastic offices such as archimandrites or ihumens, simple monks and monasteries themselves be subject to the bishops in whose eparchies they resided as had been the custom in the Eastern Church. The hierarchy contended that the bishops themselves were always monks who observed the same rule that the monasteries did. Saragoza however, recommended that archimandrites, ihumens, monks and their monasteries should not be subject to the bishops. He argued from historical experience rather than tradition, referring to the difficulties that thousands of monks suffered under John, bishop of Jerusalem, after the death of Archimandrite Saba,⁶³ under Bishop Cyril,⁶⁴ and in Constantinople under Nectarios.⁶⁵ In view of these experiences, Saragoza suggested that it would be wiser either to limit the jurisdiction of the bishops over the monks and their monasteries, specifying the occasions when it was legitimate for the bishops to intrude into monastic affairs, or else to grant the monastics the right of recourse to the bishop of Rome. Saragoza reasoned that such a solution would promote the tranquillity necessary for monastic life, prayer and contemplation. Although Saragoza's arguments are reasonable, he in fact was promoting what is now common practice for most religious orders in the Roman Catholic Church, including those in the Ukrainian Catholic Church. Religious orders are exempted from the jurisdiction of the local bishops and metropolitans in favor of the direct and exclusive jurisdiction of the Pope.

In Article Twenty-two the hierarchy requested the preservation of a custom practiced in the Kievan Church, namely, the ringing of church bells on Good Friday in a solemn fashion rather than the Roman Catholic custom of wooden bells (kalatalos). The gist of Saragoza's observation was that if, in apostolic times when strict fasts were observed with tears and penance, the custom of ringing bells had been in use, it probably would have been prohibited on Good Friday, like the use of wine, meat and other delicious foods. Furthermore, Saragoza noted that this was a problem peculiar to the Eastern Christians, that while they acknowledge the painful memory of Good Friday, they were not persuaded of it because they still want to delight themselves with the sound of bells. Saragoza's observations on this article appear to be pointless. First of all, there were no logical or apparent reasons to argue for or against the ringing of bells. Since in apostolic times there was no such practice. It should not then, make any difference whether they were rung or

not and if they were, whether they were wooden or not. Furthermore, bells (metal) announced such sad events as deaths in the villages. Consequently, there were no grounds on which to conclude that bells toll only joyous events.

In Article Twenty-three the hierarchy wished to preserve yet another ancient custom, the distribution of the Eucharist to the sick in a solemn fashion, publicly, with candles and ecclesiastical vestments as was customary. Saragoza observed that that was a praiseworthy custom in times when the Church could not publicly perform its ritual and ceremonies. However, times had changed and new ways had been introduced. For example, in the Roman Catholic Church, the Eucharist was kept in the tabernacle throughout the whole day. Thus people could come and worship whenever they wanted to or had the time. Again Saragoza manifested his displeasure with the Kievan Church, which he charged with refusal to accept new ways even when they were improvements over the old ones. Although his observations may have been valid, they were pointless in the case of this article. The article referred specifically to sick people and presumably ones who could not get to church on their own strength.

At the end of his memorandum Saragoza suggested that the representatives from the Kievan Church come up with new proposals which would take into account his observations.

Conclusion The general tenor of the critiques was negative. Both critiques insisted on theological and disciplinary conformity to Roman and Latin praxis. This insistence on Roman praxis obviously tainted the nature of relations between the Kievan Church and Rome. The unanimity of the critiques appeared even to put into doubt the final outcome of the mission of the representatives of the Kievan Church to Rome. For a while the committee studying the documents of intent to pledge allegiance to Rome, and the Constitution, believed that Ipatey Potey and Cyril Terletsky might have to submit another constitution with the "appropriate" changes. However, practically, this was impossible. Potey and Terletsky were mere mandatories of the hierarchy of the Kievan Church, which had signed this specific constitution. They had no delegatory powers to introduce changes. It was reasonable to believe that the Kievan Church did not foresee problems such as those raised by the Roman theologians.

Papal Documents

On December 5, 1595 a congregation of several cardinals and numerous theologians met at Cardinal Santori's residence to examine the objections of Saragoza and the observations of other theologians.⁶⁶ However, no definite conclusions were reached. Consequently, it was decided that the final decision in this matter was to be taken by Cardinal Sfrondrato.⁶⁷ It was probably he

who recommended to the Pope that the Constitution not be approved. Instead a typically Roman procedure was to be used. The Pope would submit the Kievan mandatories and their mandate to pledge allegiance to Rome to the same procedures of union that the Jacobite hierarchy of the Copts had been submitted to earlier in that very same year.⁶⁸ The method used was neither to approve nor to reject the Constitution expressly. Thus the interpretation that it was "conditions of conversion" suggested by Saragoza was avoided. Instead all the controversial and questioned issues were presumably to be resolved either in the text of the Profession of Faith or in the papal Bull issued on the day of the pledge or in other documents that would follow later.

*Profession of Faith*⁶⁹ The Profession of Faith was carefully drafted by the Roman curia with a two-pronged intent: to satisfy the desiderata of the Kievan Church expressed in the Constitution and at the same time allay the objections to it raised by the Roman theologians.

Principal Ideas The introduction declared that Potey and Terletsy had come to Rome to enter into and accept union with the Holy Roman Church, to express the appropriate obedience to the See of Peter and to his Holiness as the Supreme Pastor of the Univesal Church, and to read the profession of the orthodox faith "according to the forumula prescribed for the Greeks returning to the unity of the Roman Church."⁷⁰

What strikes the reader most conspicuously about the introduction is the complete absence of any mention of the real reason the representatives of the Kievan Church came to Rome. They came to seek spiritual leadership from a new mother church to which they were ready to pledge allegiance on the condition that Rome recognized the Constitution and the documents of intent. What the mandatories were faced with in a document entitled "profession of faith" was a profession of unconditional obedience and not conditional allegiance.

Furthermore, the profession of the faith had to be articulated in conformity with a special formula devised by Rome for "Greeks returning to the unity of the Roman Church."⁷¹

The complete text of the Creed as used in the Roman Church followed the introduction. After the Creed there followed a detailed explanation of the *Filioque* clause according to the meaning agreed upon at the Council of Florence.

As already mentioned the Kievan Church explicitly requested not to be submitted to the Roman articulation of the *Filioque* clause, though it accepted the theological content. Yet it was compelled to do so. It is true the Kievan Church was not compelled to follow this practice in its own territory. Then why should it have been compelled to profess theological formulas before the whole Roman and Latin communion as theological formulas of its

own church when it was not compelled to do so within its own domains and which it explicitly requested not to be subjected to? To satisfy the Roman theologians?

The profession of faith sanctioned the validity of leavened and unleavened bread in the Eucharist. Then followed a lengthy paragraph on the theology of purgatory as taught by the Roman Catholic Church. It contained the doctrine compiled and professed in the name of the Byzantine Emperor, Michael VIII Palaeologos, at the second Synod of Lyon (1274), reiterated and expanded at the Council of Florence (1438-1439) and included in the Synod of Trent (1548-1563).

Although the primacy of the pope was not an explicit item in the constitution or even in the documents of intent to pledge allegiance, it was explicitly and formally expounded in the profession of faith in terms identical to those used at the Council of Florence.

However, what may have come as a surprise to the mandatories of the Kievan Church was the Roman request to adhere to the decisions of the Synod of Trent, a synod of the Western Church. Some of the issues decreed in this synod were ones which would not be considered controversial in the eyes of the Eastern churches. These were: tradition; interpretation of sacred scripture; the number of the mysteries and the manner of their administration; the sacrificial character of the Eucharist and Christ's real presence, including the theological word transubstantiation; the existence of purgatory; the usefulness of prayer offerings for the deceased; veneration of saints and their relics; and the veneration of icons, particularly of Christ and the Blessed Virgin. However, three other issues, namely, the doctrines dealing with original sin, justification, and indulgences were theological developments peculiar to the Catholic-Protestant controversy. The Roman Catholic position on original sin and justification neither was nor is in total agreement with the Eastern tradition and the teachings of the Greek Fathers. The issue dealing with indulgences was completely alien to the Eastern Church.

Papal Bull: Magnus Dominus et laudabilis Whatever remained unanswered or in doubt regarding the objections of the Roman theologians and the Constitution the pope attempted to answer in the form of a long official document entitled: *Magnus Dominus et laudabilis*.

Principal Ideas The papal bull began with a long discourse on the primacy of the Roman see and the Roman pope. It also claimed that if "those, and the faithful which they lead, are not members of the Body of Christ, which the Church is and who do not adhere to the visible head of the church, the supreme Roman pontiff, they do not benefit from the flow of spiritual life nor grow in charity because they are separated from him." By implication this meant that all those who were not Roman Catholics did not experience true spiritual and mystical life and therefore did not attain salva-

tion. This was a Roman Catholic theological position not necessarily accepted by all Christian churches. This same point was also made by Saragoza in his critique of the Constitution.

The bull also recounted the origins of the desire of the Kievan Church to establish union with Rome. Specific mention was made of the two documents of intent to pledge allegiance to Rome of December 2, 1594,⁷³ and June 12, 1595.⁷⁴

It stated that the rest of the hierarchy must also renounce all "heresies, errors and schism," and publicly profess the Roman Catholic faith and obedience to the pope. The hierarchy was to send these documents to Rome properly signed and sealed. Then followed the mention of Potey's and Terletsky's profession of faith and absolution from all ecclesiastical suspensions, censures, heresies, errors and schisms. The pope granted Potey and Terletsky powers to absolve the metropolitan and the other bishops from all ecclesiastical censures, heresies and schisms. They were also to delegate these powers to the metropolitan and the bishops who in turn would absolve the clergy and the faithful.

The papal bull ended with what appeared to be a statement of approval.

From this cursory look at the two Roman documents, it appears that the conformity to Romanism insisted upon by the two Roman theologians had been put into practice. The most overt was the theological romanization. These two documents appear to be non-committal in all other domains of relations between the two ecclesial communities.

VI APPROVAL OR REJECTION

The two documents of intent to pledge allegiance and the Constitution of 1595 stated on four occasions that the Kievan Church was prepared to pledge allegiance to Rome and accept papal leadership on the condition that Rome recognize and approve the desiderata therein contained. Did Rome accede to the desires and request of the Kievan Church? If it did, what was ultimately recognized and approved and what was not. Some scholars⁷⁵ maintain that the statement of approval found at the end of the papal bull *Magnus Dominus et laudabilis* was a blanket recognition and approval of all the desiderata. However, a close reading of the papal statement does not appear to justify this view. The statement reads thus:

In greater evidence of our love for them, we permit, concede and *grant* to the said Ruthenian bishops and clergy, *out of our apostolic benevolence, all sacred rites and ceremonies* which the Ruthenian bishops and clergy use according to the institutions of the holy Greek Fathers, in the divine offices, the most holy sacrifice of the mass (liturgy), the administration of the other sacred functions, insofar as they were not opposed to the truth and doctrine of the Catholic Faith and do not impede union with the Roman Church.

What does this statement approve? It recognizes and concedes all the rites and ceremonies that pertain to the divine offices, the liturgy, the administration of the mysteries and the other sacred functions inasmuch as they are not opposed to Roman Catholic theology and do not impede union between the two churches. From this papal statement of approval, it would appear that only the liturgical condition expressed in the two documents of intent to pledge allegiance was explicitly recognized and approved. It would equally seem that the conditions and the stress on the Eastern approach to theology, interchurch relations and the desire to preserve traditional religious customs and administrative disciplines expressed in the Constitution of 1595 were not approved.

There are several other reasons that compel one to conclude that, following the objections of the two Roman theologians, the pope did not intend to recognize or approve the Constitution of 1595.

The same papal bull contains the following passage:

We...having considered and understood their *petitions and offers*, have also ordered our venerable brothers, the cardinals of the Holy Roman and Universal Congregation of Inquisition to examine them carefully. When everything was accurately examined and discussed, and the two above mentioned bishops, Hy-

patius and Cyrillus, rightly executed, in their own name as well as in the name of their Archbishop and Metropolitan Mikhail and co-bishops, that which belonged to the condemnation and detestation of heresies, errors and schisms, and also publicly professed the catholic faith, according to the prescribed formula and expressed to us and the Apostolic See true obedience, for which reasons, we resolved to the greater glory of God, to allow the Ruthenian bishops and nation to be admitted and received into the communion and unity of the Body of the Church and the Roman Church.

This papal statement is completely non-committal in regards to the "petitions and offers," i.e. the Constitution of 1595. The pope admitted that he "considered and understood" the "petitions and offers." Furthermore, he stated that the famous Congregation of Inquisition also examined the petitions and offers "carefully." However, the basis on which the "Ruthenian bishops and nation (were allowed) to be admitted and received into the communion and unity of the Body of the Church and the Roman Church" was not that of Rome's recognition and approval of the Constitution as the Kievan Church requested. On the contrary, they were received when everything had been accurately examined and discussed (though not approved), when Ipaty and Cyril had rightly executed the condemnation and detestation of heresies, errors and schisms, when the Ruthenians had publicly professed the Catholic faith according to the prescribed formula (for the returning Greeks), when they had expressed true obedience to the pope and the apostolic see. The acceptance of the Kievan conditions is nowhere even mentioned.

Another indication that the Constitution was neither recognized nor approved was the issuance of the papal bull *Decet Romanum Pontificem* on February 23, 1596.⁷⁶ This document presumably granted to the metropolitans of Kiev and approved, rights and privileges, which in fact they already had, had always possessed, and had practiced for centuries. The one point the pope referred to in particular was the power to appoint and consecrate bishops without recourse to Rome. However, this very same notion was expressed in Article Eleven of the Constitution. If the Constitution had been approved, as some scholars maintain, then this papal bull would have not been necessary. It was as if to say that these rights were being granted to the metropolitans of Kiev "out of our apostolic benevolence."

A further indication that the pope had not approved the Constitution was his stand on the calendar issue. In the *Profession of Faith*, the papal bull *Magnus Dominus et laudabilis* and the papal breve *Benedictus sit Pastor* all mention of the calendar appears to be glossed over. The pope did not object to the desire of the hierarchy to preserve the old calendar, provided however, that their parishes and eparchies were not mixed, i.e. the "Greek" rite and the Latin rite. However, when Potey and Terletsky explained to the pope that there was hardly a village in which "Rus' and the Romans" were not mixed, the pope decided to favor the new calendar.⁷⁷ The papal reason was

that it was necessary to avoid confusion among the "Catholics" of the two rites, even though "the Romans" were reading on traditionally Eastern Christian territories. If the pope had approved the Constitution he could not have taken this stand. It must be noted however, that the papal decision was never committed to the written word. Instead, it was communicated orally to Potey and Terletsky while they were in Rome, and through them to the Kievan Church.

From this examination of the chief papal document pertaining to the Union of Berest, *Magnus Dominus et laudabilis* and other subsidiary papal documents, it is abundantly clear that only one desideratum of the Kievan Church was recognized and approved, namely, the liturgical one. Furthermore, from these same papal documents it is also evident that the other desiderata, i.e., the theological one, the manner of interchurch relations, the preservation of traditional religious customs and administrative disciplines, stemming from the Constitution of 1595, although not outrightly rejected, were clearly neither recognized nor approved.

VII UNION

On Saturday evening, December 23, 1595, in a general congregation of thirty-three Cardinals in the Constantine Hall before many European lay and ecclesiastical representatives and with great pomp and ceremony,⁷⁸ the pope "resolved to the greater glory of God to allow the Ruthenian bishops and nation to be admitted and received into the communion and unity of the Body of the Church and the Roman Church." This historic even was commemorated by a medal with the inscription "The Ruthenians received" (Ruthenis receptis) on the one side, and an image of Potey and Terletsky kneeling before Pope Clement VIII on the other.



----- Boundaries of Kievan Rus' in the tenth century.

- . - . - . Boundaries of the Kievan Church at the time of the Union of Berest 1595- 1596.

VIII CONCLUDING REMARKS

Did the Kievan Church achieve the objectives it had set out for itself in the two documents of intent to pledge allegiance and the Constitution of 1595? The answer must be yes and no.

The major objectives of the Kievan Church were: (1) to find a source of spiritual leadership and moral support in the information of its church, i.e. a new mother church that was ancient and apostolic; (2) to secure recognition of what it considered its most important desiderata, i.e., those in the areas of liturgy, theology, interchurch relations, religious customs, and administrative discipline; (3) to secure the legal recognition of the Polish king and other political structures for the reformation of its church through transfer of allegiance.

For its part the Kievan Church agreed conditionally to pledge allegiance to Rome and accept papal leadership.

The objectives achieved were: (1) a new mother church which in fact did assist in the revival and reformation of the Kievan Church; (2) the recognition of one of the desiderata: the liturgical one; (3) the legal and political recognition as the sole "Greek" Church in the Polish crown in communion with Rome rather than Constantinople (achieved in 1600 but reversed *de iure* in 1607 and *de facto* in 1620 when another complete hierarchical line of bishops was consecrated, who were in communion with Constantinople).

Not achieved was the recognition of the articulated desiderata in the areas of theology, interchurch relations, religious customs and administrative discipline.

Why did Rome apparently reject the Constitution of 1595 recognizing only the liturgical desideratum? What theological positions, which views, what particular point in the Constitution, if any, motivated the papacy to withhold its recognition? Surely the points raised by the theological critiques of the Roman theologians were of no consequence to the faith or morals of the Christian Church or for that matter to the Roman Church itself. Nor was the Constitution so radical that it could not be accepted. After all, the Constitution only sanctioned the status quo of the Kievan Church except for the new mother church. What then was the real intention of the papacy?

It would appear that given the rise of new historical conditions in the Roman Church after the departure of the Protestant churches from papal

control, the papacy was not prepared to allow the independent and autonomous development of any church in its sphere of influence or coming into its sphere of influence except in those areas where this was absolutely unavoidable due to historical circumstances, e.g., the liturgy. This was particularly true of unions concluded with the disappearing Eastern churches. Rome could easily foresee that the independent and autonomous development of theology, interchurch relations, religious customs, and of legal and administrative disciplines would serve to preserve a church as independent and autonomous. Such autonomy in times of difficulties could easily lead to alliances with the newly separated-reformed Protestant churches. The non-recognition of the Constitution of 1595 thereby laid open the way for the politics of church union and the slow but sure romanization and latinization of the Kievan and Ukrainian Church.

However the interesting question remains, how did the papacy succeed in winning the allegiance of the Kievan Church without meeting the condition stated in article 33 of the Constitution which said:

We consider these articles necessary to our Church and require their approval from the highest bishop and his Royal Majesty. As a demonstration of our authentic desire (for communion), we have, with this document, instructed...(our envoys)...to obtain the approval of all these articles we are submitting in writing, in our name and their own, from the pope as well as from His Royal Highness. Thus being certain of the preservation of our faith we can accept that holy union with the Roman Church with good conscience, ours and of the flocks committed to our care. Furthermore, others, who still hesitating, might follow the more rapidly to that holy union, seeing that we have preserved unchanged and intact all that is ours.

Rome was successful in this apparently impossible mission because it possessed a detailed knowledge of the political and ecclesiastical situation in the Kievan Church.

When Prince Basil C. Ostrozky, the most powerful prince in Kievan Rus' and probably in the whole Polish crown, lost the leverage and influence he believed he wielded over the Kievan Church, to the dynamic leadership of Ipaty Potey and the hierarchy, he turned on the reformation process with a furious vengeance. He established contact with the opposing Protestant factions, called upon the patriarch of Constantinople to prevent the transfer of allegiance, threatened to assassinate any envoys enroute to Rome from the Kievan Church and to block, by every means available to him, all future activities of the Kievan hierarchy in communion with Rome. Thus, when the Kievan hierarchy made the decision to establish communion with Rome, the immediate acceptance of this decision by the Polish king and senate was absolutely necessary to prevent or least hamper Ostrozky from carrying out his threats. Although Ipaty Potey and the hierarchy were well aware that the king and the senate feared the civil unrest that the enormous economic, military and political influence of Ostrozky could inspire among their Ruth-

enian subjects they decided to argue their case before the king and the senate. The conviction and vision of Ipatey Potey won the day. His eloquence won over the anticipated fear and trouble from Ostrozky. Once the hierarchy outmaneuvered Ostrozky, it believed the rest would be easy.

However, much to their surprise, the delegates were confronted with further hurdles not anticipated by the papal nuncio in Warsaw. The papacy was not prepared to accept the Constitution prepared by the Kievan Church. Nor was it prepared to state what specifically it found unacceptable. Furthermore, the papacy not only knew the political situation, it was equally aware of the consequences that faced the Kievan hierarchy. Either they would accept the papal position, flavored with privileges and promises, or face failure, ridicule due to papal rejection, deposition from office, and ultimately subjugation by the greatest opponent of their action, Prince Basil C. Ostrozky. In view of these circumstances the papacy had little difficulty cajoling the Kievan envoys to pledge allegiance, without meeting the condition of allegiance stated in article 33 of the Constitution. It should be noted that the papacy took advantage of the negative ecclesiastical and political circumstances of the Ruthenian people to prevail over the Kievan Church in an awkward situation.

If one examines the last two sentences of article 33 of the Constitution, which read:

Thus being certain of the preservation of our faith, we can accept that holy union with the Roman Church with good conscience, ours and of the flocks committed to our care. Furthermore, others, who are still hesitating, might follow the more rapidly to that holy union, seeing that we have preserved unchanged and intact all that is ours,

the obvious conclusion to be drawn by any others still "hesitating," be they Eastern or Western churches, is now that having seen that "we have (not) preserved unchanged and intact all that is ours" beware of the manner in which you negotiate unions with the Church of Rome and its leader the pope.

What were the historical implications of the achievements and particularly of the non-achievements resulting from the union for the Kievan Church? On balance and pro tempore the Kievan Church did not lose any of its autonomous status from the pre-Berestine period. As a matter of fact it may have gained from the new relationship. The gain stemmed from the strong, though at times ambivalent, voice and support of the papacy in the Church's dealing with its greatest annihilative and absorptive threat, the Polish Roman Catholic Church. Nonetheless, the new relationship was not all that the Kievan Church had sought or hoped for. It did not achieve the explicit approval it sought in the Constitution to develop along traditional lines its theology, interchurch relations, religious customs, and its legal and administrative structures. All these dimensions became grey areas which

were to prove continuing sources of friction, and misunderstanding.

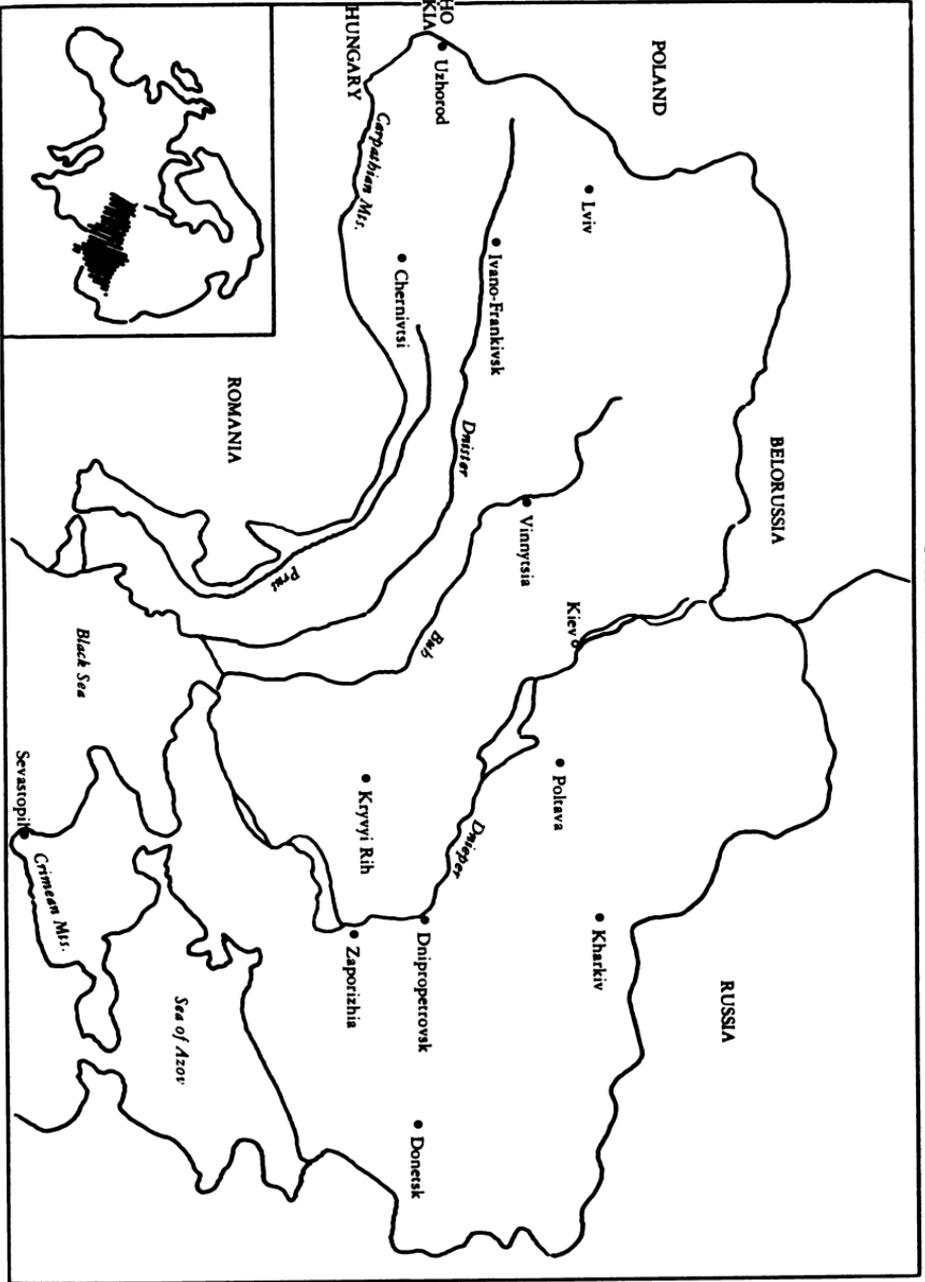
Rome was quick to establish the principle of superiority in the newly budding relations. The papacy established several precedents, which in subsequent history were fully exploited by the Roman Church to the detriment of the Kievan and Ukrainian Church. The most important of these precedents was the principle of conformity to Romanism (romanization and latinization). At first this principle was openly applied only to theology, e.g. in *Profession of Faith* and the papal bull *Magnus Dominus et laudabilis*. However, over the next three and a half centuries that principle penetrated deeply into interchurch relations, religious customs, administrative discipline and most importantly, into the legal and administrative structures of the Ukrainian Church, particularly after the collapse of the Polish Kingdom (1772-1795) and the Austro-Hungarian Empire (1917) and with them the royal legal and ecclesiastico-administrative prerogatives. Even the most sacrosanct area of liturgical ritual, recognized and approved by the papal bull *Magnus Dominus et laudabilis*, was ultimately invaded and submitted to the principle of conformity in the Synod of Zamostia (1720) and in the papal administration of the Ukrainian Church in North America.

HISTORICAL FOOTNOTE TO THE UNION OF BEREST

During the ceremonies in which the representatives of the Kievan Church, Ipatey Potey and Cyril Terletsky, established communion with Rome on December 23, 1595, Pope Clement VIII summoned the two bishops to come nearer so that he might express a few intimate words. Ipatey Potey claimed that amongst other statements, Pope Clement VIII said the following words:

I do not wish to rule (panowac, imperare) over you, but to carry your infirmities and weaknesses. (DUB, nos. 149-150).

UKRAINE TODAY



The Ukrainian Church in the Context of the Second Vatican Synod

To understand the situation of the Ukrainian Church in the context of the Second Vatican Synod (1962-1965) and the events concomitant with it, is necessary to view it from the historical perspective of the last three hundred years. The disintegrative forces in the post-Berestine Ukrainian Church shed some light on the legal and political disappearance of the Ukrainian Church in the twentieth century. An examination of the events surrounding the convocation of the Second Vatican Synod will yield an understanding of the politics of a church union which have impeded the normal development of the Ukrainian Church as autonomous and fully structured Eastern church.

I

THE VANISHING CHURCH: REDUCTIVE FORCES

Disintegrative processes, whether external or internal, have been a unique and continuous characteristic of the modern history of the Kievan Metropolia and the Ukrainian Church. The externally reductive forces in the post-Berestine period were the Polish Roman Catholic Church, the Russian Orthodox Church and the papacy. Internally, the Ukrainian Church suffered from dual jurisdiction, and the Ukrainian Church in communion with Rome from a process of romanization and latinization which hindered its ability to develop normally as an autonomous and particular church.

The reformation of the Kievan Metropolia through the Union of Berest occasioned a rift in the Church itself between the reforming hierarchy and the proud but misguided Prince Constantine B. Ostrozky, who aspired to play a Constantinian⁷⁹ role in the Kievan Church. After the death of Ostrozky (1607), the Kozaks picked up the banner of oppositon to the reformation of the Kievan Church through allegiance to Rome. This internal bickering led

to the division of the Church into two jurisdictional streams. In 1607 the Polish parliament (sejm) and senate accepted, at least *de jure*, the division of the Kievan Metropolia into two streams, those who pledged allegiance to Rome, and those who pledged allegiance to Constantinople. This legal division became a de facto division in 1620 when the patriarch of Jerusalem, Theophan, on the request of the Kozaks created a complete hierarchy for those who pledged allegiance to Constantinople. Henceforth, the existence of two streams in the Ukrainian Church sapped its internal vitality and its potential to become one autonomous and particular Church in the communion of Christian Churches of both East and West.

The Polish Roman Catholic Church

Right from the earliest occupation of the Ukrainian territories of Galicia and Kholm by Poland, the faithful of the "Greek religion" had been submitted to a continuous process of assimilation and absorption. This process was accelerated after the political and legal amalgamation of Poland and Lithuania in 1569. With the exception of some individuals and certain Polish kings, some of whom were not of Polish descent, e.g. Sigismund III, most Polish Roman Catholics did not support the union of 1595-1596 between the Kievan Church and the Roman Church. The practical position of these Catholics was that the "Catholics" of the Kievan Church and of the "Greek" rite should be ultimately reduced to the Catholicism of the Roman Church and the Roman rite. Thus the absorptive and assimilative process through polonization and latinization continued under Polish rule in spite of the Union of Berest and sporadic papal admonitions.

Ipaty Potey, the great reformer of the Slavic Church, and the driving force behind the Union of Berest, complained bitterly about the attitude of the Polish Roman Catholics towards the "Catholics" of the Kievan Church. Even the papacy criticized the Polish Roman Catholic hierarchy for their lack of Christian pastoral concern.⁸⁰

The Polish Roman Catholic Church almost succeeded in absorbing the Catholic stream of the Kievan Church during one of the most trying periods of the latter's history, 1655-1665.⁸¹ It attempted to convince the papacy to allow it to absorb the Ukrainian Church through hierarchical subordination because both were Catholic and on the same territory. The rationale was that such a solution would resolve the conflicts between the churches of the two rites. The principal difficulty lay in the fact that this absorption was to take place on traditionally Eastern Christian territory. To head off such a possibility, bishop Jakob Shusha of Kholm wrote a book defending the right of the Kievan Church to independent existence.⁸² Although this strong defence temporarily prevented the disappearance of the Ukrainian Church, it did not halt the assimilative process.

One of the most effective means of assimilation was proselytization.⁸³ The flow of faithful from the Kievan Church to the Polish Roman Catholic Church was becoming so widespread that throughout the eighteenth century the papacy issued several documents attempting to harmonize relations between the Eastern Rites and the Latin Rite. These documents were from the following years: 1731 (July 29); 1742; 1743; 1744; 1745 and 1802 (June 13).

It should be noted that these eighteenth-century documents addressed themselves to the very same problems of interchurch relations raised in the Constitution of 1595. The Kievan hierarchy had wanted this matter regulated at the very outset of relations with Rome and the Roman Church. However Rome ignored the Constitution and the question of interchurch relations. The historical consequence was that only when the problem — transition from one rite to another — got out of hand, which it did to the great detriment of the Ukrainian Church, did Rome recognize that there was a problem of interchurch relations.⁸⁴ However, by that time the historical pattern had been set and it was difficult if not impossible to reverse the process through simple papal admonitions. As history demonstrates, the documents did not in fact regularize the situation to the satisfaction of all parties, particularly to that of the Ukrainian Church. The problems in this area were not resolved, nor are they yet.

By the time of the three partitions of Poland (1772-1793-1795) the cultural polonization of the Kievan Metropolia had become very extensive.⁸⁵ Even sermons in Ukrainian churches were delivered in Polish. Most ecclesiastical publications were either in Latin or Polish. After the political disappearance of an independent Poland through the partitions, the polonizing process subsided, but not the latinizing.

A renewal of these processes unfolded in Western Ukraine-Galicia under the Austro-Hungarian rule in the 1860s. To facilitate the administration of the empire, the Austrian imperial government placed certain eastern provinces of its empire, i.e. Western Ukraine-Galicia, into the hands of the Poles. To reduce the continuous conflicts between the rising Ukrainian national and ecclesiastical consciousness and the latinizing and polonizing processes an agreement called Concordia was reached between the Ukrainian Church and the Polish Roman Catholic Church with the assistance of the papacy. Most often, however, the Poles and the Polish Roman Catholic Church ignored the terms of this ecclesiastical agreement.

After the reconstitution of Poland in 1918 under the terms of the Treaty of Versailles, Western Ukraine-Galicia was again placed under Polish administration. The Poles and the Polish Roman Catholic Church intensified their attempts to polonize and latinize the Ukrainians and the Ukrainian Catholic Church.⁸⁶ In 1923 the Polish government went so far as to imprison the head of the Ukrainian Catholic Church in the Western Ukraine, Metro-

politan Andrei Sheptytsky, for speaking out against Polish repression of the Ukrainian Church and people. Vatican protests fell on deaf ears. Although the Ukrainian Church in Western Ukraine was protected from Polish interference by a new concordat of February 10, 1925, negotiated between the Vatican and Poland, the Poles ignored the terms of this agreement as well.

A French Canadian priest, Père Josaphat Jean, who had joined the Basilian Order, witnessed the atrocities suffered by hundreds of Ukrainian Catholic priests at the hands of the Polish regime. When Père Jean, representing the Metropolitan of Lviv, went to the Archbishop of Warsaw with a request that he sign a petition asking the Polish government to stop these atrocities and submit the priests to due judicial process or release them, the Archbishop refused to sign. His response was "Ils ont tous mérité la corde." Père Jean continued, "Je lui répondis: 'Excellence! Ne craignez-Vous pas la punition du Bon Dieu?' 'Dieu est bien haut,' il répondis. 'Ils ont tous mérité la corde.' et il sortit de la salle."⁸⁷

Even today the Polish government, with the apparent collaboration of the Polish Roman Catholic Church, is adopting policies which compel the Ukrainian Catholics to choose between Roman Catholicism or Muscovite Orthodoxy.

From this brief overview it is evident that the Polish Roman Catholic Church remained faithful to its historic aspiration to absorb the Ukrainian Church whether "Catholic" or not.

The Russian Orthodox Church

The Russian tsars in collaboration with the Russian Orthodox Church ruthlessly crushed the Ukrainian Church through political, military and ecclesiastical means.

In 1654 the Ukrainian Kozaks and Muscovy⁸⁸ signed the Pereiaslav Treaty. Under its terms the status of the Ukrainian Church of the Orthodox stream was left open and vague. In fact, the Muscovite government had decided beforehand to subordinate the Ukrainian Church to the patriarch of Moscow.⁸⁹ However, diplomacy dictated that it was not wise to irritate the clergy at this time, but better to win them over gradually.⁹⁰

The terms of the Andrusiv Treaty of 1667 between Muscovy and Poland divided the Ukraine into the Left-Bank Ukraine and the Right-Bank Ukraine. The river Dneiper was the border line. The Ukrainian Orthodox Church, which was mostly in the Left-Bank Ukraine, now found itself completely under Muscovite political control. The Patriarchs of Moscow began to press their claims in the light of the Muscovite plan of 1654.⁹¹

In 1683 Archimandrite-Elect, Varlaam Yassynsky requested the patriarch of Moscow to issue a charter of approval which would confirm him as the archimandrite of the Pecherska Lavra. Patriarch Joakim (1673-1690)

agreed.⁹² Thus through mutual agreement the ancient centre of Slavic Christianity — Pecherska Lavra — passed from allegiance to Constantinople to allegiance to Moscow. In 1685 Gedeon Chetvertynsky was conditionally elected orthodox metropolitan of Kiev. The condition was that he accept consecration from the patriarch of Moscow rather than from the patriarch of Constantinople. Gedeon Chetvertynsky agreed. In May of 1686 Patriarch Dionysios IV of Constantinople (1686-1687) agreed for "a price" to allow the transfer of allegiance of the Kievan Orthodox Metropolia from Constantinople to Moscow.⁹³ In January 1688 the patriarch of Moscow forbade Metropolitan Gedeon Chetvertynsky of Kiev to use the ancient and traditional title: metropolitan of Kiev and All Rus'. From that time on the patriarch of Moscow began using the title: patriarch of Moscow and All Rus'.⁹⁴

When Tsar Peter I (1689-1725) abolished the patriarchate in 1721 he instituted the holy synod which took over the assimilative policies initiated by the patriarchate of Moscow and the tsars.⁹⁵ During the writing of a new legal code for the Russian Empire in 1767, the Ukrainian Orthodox clergy submitted a memorandum entitled *Articles Regarding the Rights of the Clergy of Little Rus'*. The memorandum was completely ignored by the Tsarist Commission. In 1786 the Ukrainian Orthodox Church on the eparchial level lost all administrative control over ecclesiastical benefices. These were nationalized and a system of 'shtaty', i.e. state support of clergy, was introduced.⁹⁶ In 1780 the Russian language was introduced in all theological academies, including the one in Kiev, alongside Latin.

Thus between 1654 and 1800 the Tsarist Regime and the Russian Orthodox Church completely absorbed and assimilated the whole Left-Bank Ukrainian Orthodox Church. The latter ceased to exist as an autonomous and particular Ukrainian Orthodox Church. Ethnically and culturally it was and still is Ukrainian, but legally and nominally it became the Russian Orthodox Church.



The Right-Bank Ukrainian Church under Polish rule from 1569-1772 gradually followed the pattern established by the Kievan Metropolia in 1595-1596 and accepted communion with Rome. The rapid growth of the Ukrainian Catholic Church on the Right-Bank Ukraine appeared as a threat to the Moscow-ruled Left-Bank Ukrainian Orthodox Church. Moscow feared that the Ukrainian Catholicism could easily spread to the Left-Bank as part of an awakening of national consciousness. The successes of the Ukrainian Catholic Church were due largely to the Basilian Order and its school in Uman.

When the Polish king, Stanislaus August Poniatowski (1764-1795), appealed to Empress Catherine II (1764-1795) for help to quell social dis-

orders in the Right-Bank Ukraine, the empress and the Russian Orthodox Church grasped the chance to curb the growth of the Ukrainian Catholic Church. Under the leadership of Russian Orthodox bishop, Gervasii Linchevsky (1757-1769), whose eparchy on the Left-Bank Ukraine contained several parishes on the Right-Bank Ukraine, the Russian Orthodox Church in the years 1760-1765 dispatched hundreds of Russian monks to stir up the people against the Ukrainian Catholic clergy. Some 80 Ukrainian Catholic parishes were taken over by the Russian monks.⁹⁷

In 1767 on the eve of the haidamachyna (an uprising led by haidamachs or rebels), bishop Gervasii Linchevsky issued a pastoral letter to the Ukrainians of the Catholic jurisdiction on the Right-Bank Ukraine to rise up and to "return to Orthodoxy." He promised the "maternal protection" of Empress Catherine. When the uprising erupted in 1768 several cities, 30 villages and approximately 1000 farms were destroyed and burnt. To assist the Polish king in quelling the uprising Empress Catherine sent in the Russian army. She also took the occasion to liquidate the Ukrainian Catholic Church. At least 300 hundred priests were killed because they refused to "return to Orthodoxy" or recognize Gervasii Linchevsky. In Uman all the Basilians and some 400 students were murdered.⁹⁸ According to the papal nuncio to Poland, A.M. Durini, at least 40,000 perished in the uprising of 1768.

In 1771 Empress Catherine II ordered General Rumiantsev, commander of the Russian troops in the Right-Bank Ukraine, to render all "armed assistance" to Orthodox priests and to arrest "Uniate" (Ukrainian Catholic) priests.

The first partition of Poland (between Russia, Austria and Prussia) occurred in 1772 and the second in 1793. After the second partition much of the Right-Bank Ukraine went to Russia while Western Ukraine-Galicia remained under Austria. The freedom of the Ukrainian Catholic Church was guaranteed by the Treaty of Grodno, July 13, 1793. Article Eight read as follows:

Roman Catholics of both rites, which according to Article Two of the present Treaty are transferred under the domination of Her Imperial Majesty of all Russia, will be able to profess their religion freely not only in the whole Russian Empire, but also in the provinces, in accordance with the prevailing tolerance. According to Article Two, they will preserve the present status of their inherited properties. On the same basis, Her Imperial Majesty of all Russia *promises irrevocably herself and in the name of her successors and heirs to maintain for the above-mentioned Catholics of both rites for time eternal in an untouched state all their privileges, properties and churches, to guarantee them free profession of religion of both rites in the provinces, which under the basis of the present treaty went under her authority.*⁹⁹

In 1793 Empress Catherine II pledged to guarantee freedom of religion of the Ukrainian Catholic Church. Yet that very same year (1793) Catherine II

created *The Orthodox Missionary Institute* for the express purpose of annihilating the Ukrainian Catholic Church. It was created on the suggestion of Archbishop Eugene Bulgari (1716-1806) and put under the direction of Bishop Victor Sadkovsky of Minsk. On April 25, 1794 Bishop Victor Sadkovsky began issuing appeals to the Ukrainian Catholic clergy to "return" to the "ancestral faith" — Russian Orthodoxy — because communion with Rome (1595-1596) was established "by force" and "against the will of the people." At the same time Russian missionaries accompanied by troops entered the eparchies of Kiev, Lutsk, Volodymyr, Pinsk and Kholm and began their "conversion." Out of 5,000 Ukrainian Catholic parishes, barely 200 survived. Thus by 1796 approximately eight million Ukrainian Catholics had "voluntarily returned" to Russian Orthodoxy, 9,316 churches had been taken and 145 Basilian monasteries closed.¹⁰⁰

The final liquidation of the Ukrainian Catholic Church took place during the reign of Tsar Nicholas I (1825-1855), a ruler whose political slogans were autocracy, Orthodoxy and nation (Russian people).¹⁰¹ An *ukaze* of 1826 banned the printing and distribution of Ukrainian Catholic prayer books. On February 16, 1832, another *ukaze* abolished the office of provincial superior in the Basilian Order. On July 17, 1832 the Basilian Order, the mainstay of the Ukrainian Catholic Church, was dissolved, all its benefices incorporated into the Russian Orthodox Church, and all its monks imprisoned. Yet another *ukaze* of 1832 decreed that all children of mixed marriages between Ukrainian Catholics and Orthodox were to be registered as Orthodox. Roman Catholics were prohibited from administering the sacraments to Ukrainian Catholics even in death. In 1833 an *ukaze* ordered the appointment of Russian Orthodox priests to Ukrainian Catholic parishes. The last stages of the liquidation of the Ukrainian Catholic Church on Ukrainian territories within the Russian Empire began in 1837. In that year all Ukrainian Catholic priests and their parishes were asked to sign a "voluntary consent" of "return to Russian Orthodoxy." Whoever refused was turned over to the police. Hundreds (950) were imprisoned, deported to Siberia or died. In 1838 the official "formal act of union" was proclaimed in the city of Polotsk. When the Ukrainian Catholic metropolitan of Kiev, Josaphat Bulhak, refused to ratify the union, he was imprisoned and brought to St. Petersburg where he died under suspicious circumstances. The "act of union" between the Ukrainian Catholic Church and the Russian Orthodox Church was signed in 1839 in the name of 2.5 million faithful and 21 priests who were incapable of withstanding the tortures. Count N.A. Protasov, Procurator of the Holy Synod wrote: "I thank God and accept." Tsar Nicholas I struck a commemorative medal with the inscription *Victory of Orthodoxy* on one side and *Rejected by Violence 1596 - United by Love 1839* on the other.¹⁰²

In 1842 the Vatican published a *White Book* in Latin, French and

Italian on the martyrdom of the Ukrainian Catholic Church on Ukrainian territories under Russian Tsarist rule.¹⁰³ However, this was only a historical footnote to the political and social inhumanity perpetrated in the realm of religious life.

Remnants of the Ukrainian Catholic Church survived the year 1839 in the provinces of Kholm and Podlachia. The tsarist regime commenced the annihilation of these Ukrainian Catholics in the usual fashion. The Polish uprising in 1863 against Russian rule, in which some Ukrainians participated, hastened the process. On June 30, 1864 Alexander II (1855-1881) issued an *ukaze* which initiated the annihilation of the Ukrainian Catholic Church in Kholm and Podlachia. The clergy was submitted to a *Governmental Commission for Religious Affairs*. After mass arrests, killings, deportations and the collection of "voluntary" signatures, much of the clergy collapsed and accepted "union" with the Russian Orthodox Church in 1875.¹⁰⁴

* * * * *

The downfall of the Tsarist Regime and the coming of the communist revolution brought into being a free and independent Ukraine. However, the Soviet Red Army conquered Ukraine and proclaimed it a Ukrainian Socialist Soviet Republic in 1919. Nonetheless, between the fall of the Tsarist Regime and the Communist takeover, the Ukrainian National Government created an All-Ukrainian Church Council with the purpose of establishing an independent Ukrainian Orthodox Church. On May 5, 1920 the All-Ukrainian Church Council established the Ukrainian Orthodox Autocephalic Church under the interim direction of the church council.¹⁰⁵ Metropolitan Mikhail, Exarch of the Patriarchate of Moscow, at a meeting of Russian Orthodox bishops in February 1921, excommunicated all those who recognized the Ukrainian Orthodox Church.

During October of 1921 the First All-Ukrainian Orthodox Church Synod took place in the Church of the Holy Sophia in Kiev. It approved the institution of the Ukrainian Orthodox Autocephalic Church and created a new hierarchical structure. The synod appealed to the bishops of the Russian Orthodox Church in Ukraine to consecrate Ukrainian bishops for the Ukrainian Orthodox Autocephalic Church. Not a single Russian bishop volunteered.¹⁰⁶ The Synod then decided to consecrate the first bishops independently of Moscow by laying of hands on all the presbyters. Thus Vasyl Lypkivsky became the first metropolitan of the newly restored Ukrainian Orthodox Autocephalic Church. Metropolitan Lypkivsky consecrated 17 new bishops. By 1927 the Ukrainian Orthodox Autocephalic Church had thirty bishops, 2,300 priests and approximately 3,000 parishes in the Ukraine, Siberia, Central Asia, Canada and the United States.

But the Soviet Regime could not tolerate a situation in which a legit-

imate Ukrainian Church stood outside its control and the control of the Russian Orthodox Church, so it set out to divide and conquer. On the initiative of the communist regime a *Living Church* was established in May of 1923 and later a *Synod Orthodox Church* was formed. The latter presumably was an ecclesiastical structure common to both Ukraine and Russia. In fact it was only a front for the annihilation of the Ukrainian Orthodox Church, whose national character posed a threat to the rule of the Bolsheviks and the Russian Orthodox Church. Before long the *Synod Orthodox Church* had a substantial following in the Ukraine (8 million) and Russia (4 million).

On July 29, 1927, Metropolitan Sergei, deputy of the Patriarch of Moscow, made a historic declaration of loyalty to the Soviet Regime.¹⁰⁷ Immediately a number of Russian Orthodox bishops were released from Siberia and the *Synod Orthodox Church* was amalgamated with the Russian Orthodox Church. The Russian Orthodox Church became an instrument of the Soviet Regime, when it recognized the legal existence of the Regime and pledged allegiance to it. Now that the fledgling Soviet Regime no longer had to struggle with the "obedient and subdued" Russian Orthodox Church, it could turn its attention to the threatening newcomer the Ukrainian Orthodox Autocephalic Church.

From that year (1927) on, there ensued a bloody and brutal persecution which ended only in 1936 with the complete and total annihilation of the Ukrainian Orthodox Church. Metropolitan Lypkivsky was forced to resign as head of the Ukrainian Orthodox Church and was placed under house arrest from 1927 to 1937. In 1937 he was deported to Siberia by the NKVD where he died in the late thirties. His successor, Metropolitan N. Sharaivsky, was arrested, tortured and died soon after release from prison in 1929. The next Metropolitan M. Boretsky was arrested in 1930 and deported to the Solovetsky Islands. The Soviet Regime also deported or executed about 2,400 priests of the Ukrainian Orthodox Church. And in the years 1934-1936 the communist regime destroyed many priceless religious and ecclesiastical monuments of Ukrainian Christian culture. In 1936 the Ukrainian Orthodox Autocephalic Church ceased to exist.¹⁰⁸ The Soviet Regime with the assistance of the pliant Russian Orthodox Church absorbed the Ukrainian Orthodox Church into the patriarchate of Moscow. History repeated itself again. Christians on Ukrainian territories, though ethnically and culturally Ukrainian, again became ecclesiastically and nominally Russian Orthodox.

What remained of Ukrainian territory in Western Ukraine-Galicia under Poland fell to Bolshevik rule during World War II. During the first occupation of the Western Ukraine (1939-1941) the Soviet authorities confiscated some church properties and imposed higher taxes on churches. In general they abstained from open persecution of the Ukrainian Catholic Church. This was a tactical manoeuvre. Slowly they banned the teaching of religion in schools, removed crosses from classrooms and imprisoned some

priests.

In 1941 the Russian-German war broke out and until 1944 the Nazis occupied most of the Ukraine. The widespread persecution of the Ukrainian Catholic Church began with the second occupation by Soviet troops in 1944. The liquidation process was particularly intensified after the somewhat suspicious death of Metropolitan Andrei Sheptytsky on November 1, 1944.^{108a}

On February 27, 1945 with Stalin's "blessing" Metropolitan Alexei was ceremoniously elected patriarch of All Russia. In a special pastoral letter of March 1945 to "the clergy and faithful of the Greek Catholic Church who reside in the Western regions of the Ukrainian Soviet Republic" Patriarch Alexei noted that "now that, by the Grace of God, the Russian land has been reunited along its old borders, you too are united with us forever." Patriarch Alexei informed them that ever since their predecessors had submitted themselves to the pope in Rome they had preserved the Eastern rite, but had lost its spirit and had even lost the "apostolic succession." He exhorted the Ukrainian Catholics thus:

"Behold, beloved fathers and sons, where your spiritual leadership has led you in these historic days...The Lord has clearly blessed the weapons of those who have risen against Hitler...The finger of God points before all the world to this cannibal whose last hour is approaching. But where have the late Metropolitan Sheptyckyj and his closest collaborators led you? He brought you to submit yourselves to Hitler's yoke, they taught you to bow your heads before him. *And where is the Vatican leading you?* In his Christmas and New Year's message, the pope spoke of fraternity with the Fascist bandits, of mercy toward Hitler, the greatest evildoer in the history of humanity...Thus we beg you, brothers, to unite yourselves with us in spirit, in peace. *Break and sever the union with the Vatican*, which with its religious errors is leading you into darkness and to spiritual downfall, against freedom-loving humanity...^{108b}

When the Ukrainian Catholic bishops refused to break communion with Rome, Metropolitan Joseph Slipyj and the entire hierarchy was arrested on April 11, 1945.¹⁰⁹ About 200 Ukrainian Catholic priests fled the Soviet occupation but well over 1,000 stayed. By late 1945 over 800 had been deported or executed. Three apostate priests H. Kostelnyk, M. Melnyk and A. Pelvetsky, were selected to form the *Committee of Initiative* for "union" with the Russian Orthodox Church.¹¹⁰ On May 28, 1945, this group under the leadership of Bishop Macarii, submitted a request to the Council of the People's Commissars of the Ukrainian Socialist Soviet Republic to "lead our Church out of the state of anarchy into a state of consolidation for transforming it into the Orthodox Church."¹¹¹ On June 28, 1945 the Soviet Regime in Kiev responded with acceptance of that invitation. It approved the group as the "sole interim church administrative organ" and granted it authority to lead the Ukrainian Catholic Church toward realization of "union" with the Russian Orthodox Church.¹¹²

The *Committee of Initiative* sharply attacked the Union of Berest (1595-1596) as an "historical anachronism." The purpose of the Committee

was not only to *unite* the Ukrainian Catholic Church with the Russian Orthodox Church, but also to persuade the clergy and the faithful "not to indulge in unnecessary struggle and sacrifice."¹¹³ In February of 1946 13 priests were sent to Kiev to negotiate the "voluntary union" with the Russian Orthodox Church. Two of these apostate priests, Melnyk and Pelvetsky, were consecrated bishops on February 24 and 26, 1946 and upon their return convened a synod for March 8-10, 1946 in Lviv. They managed to gather 216 priests and 19 laypersons. These representatives were guarded by the NKVD. This "Robber-Synod" nullified the decisions of the Synod of Berest of 1595-1596. It severed the allegiance of the Ukrainian Catholic Church to Rome and requested to "return to the Holy Orthodox Church, and to implore His Holiness Alexei, Patriarch of Moscow and of all Rus' to accept us into the All-Rus' Orthodox Church."¹¹⁵

When the Ukrainian Catholic clergy drafted a protest note signed by about 350 priests the persecution only got fiercer. In 1947 another wave of persecution was launched to break the stubborn refusal of the Ukrainian clergy to accept Russian Orthodoxy. These priests were declared "spies of the Vatican" and "American Imperialists."¹¹⁶

Between 1945 and 1950 the Ukrainian Church in Carpatho-Ukraine was liquidated in much the same manner as the Church in the Western Ukraine.¹¹⁷

Today the Ukrainian Catholic Church is an illegal and outlawed church in the Soviet Ukraine. It functions completely underground. As of 1950 the Ukrainian Church, whether of the Orthodox or Catholic stream, does not exist in Ukraine and in fact it has become so invisible that the international community is not even aware that it exists. The Ukrainian Church of either stream exists *only* outside the Ukraine, in the free world.

The Papacy

The role of the papacy in the Kievan Metropolia and subsequently in the Ukrainian Church is not always easy to define. On the one hand, there is a stream of words and documents which appear to defend, promote and support the Ukrainian Church. On the other hand, there is another stream of decisions and documents which appear to promote or allow the promotion of the romanization and latinization of the Ukrainian Church.

The positive influence of the papacy is manifested in the following samples of pronouncements from papal and curial documents referring to the Ukrainian Church:

Your Majesty knows well how much we love the Ruthenian bishops as our brothers in Christ. We recommend and ask you to observe the pacts and to keep the promises that were made with them, when they were reunited with us.

Breve (1599) of Pope Clement VIII to the Polish king, Sigismund III.¹¹⁸

We agree with you in the preservation of both (Eastern and Western) churches. We have, therefore, left intact your rite and ceremonies by which you worship God, and we want them to remain so.

Breve (1605) of Pope Clement VIII to Prince Constantine B. Ostrozky.¹¹⁹

No one is allowed, neither lay or clerical, still less members of the Basilian Order to change rites and accept the Latin rite even for the most grave reason without the specific permission of the apostolic see.

Breve (Feb. 7, 1624) of Pope Urban VIII to Kievan Metropolitan, Joseph Rutsky.¹²⁰

Letter (July 7, 1624) of the Sacred Congregation for the Propagation of the Faith to the papal nuncio in Poland requesting him to warn all Roman Catholic religious orders, particularly the Jesuits, not to influence the Eastern Christians to pass over to the Latin rite.¹²¹

We are compelled to complain about the injuries that this faithful union is enduring because of the Catholics (Polish).

Breve (1628) of Pope Urban VIII to the Archbishop of Gniezno (Poland).¹²²

Your complaint about the transit of Ruthenians to the Latin rite is right. You know well how much our predecessors abhorred such transits. We abhor them too, for we ardently wish the preservation and not the destruction of your rite.

Breve (July 29, 1741) of Pope Benedict XIV (1740-1758) to Athanasii Sheptytsky, archbishop of Lviv.¹²³

The Roman Church preserves and respects your rite as well as all other Oriental Rites.

Breve (July 17, 1841) of Pope Gregory XVI (1831-1846) to Ukrainian Cardinal Mikhail Levitsky.¹²⁴

Innumerable decisions of the Roman See prove to you how the Apostolic See respects your Oriental Rites and exhorts you to preserve them.

Breve (1856) of Pope Pius IX (1846-1878) to the Ukrainian bishops gathered in Vienna.¹²⁵

Then we shall see all peoples brought together in this manner, in possession of the same rights, whatever may be their race, language or liturgy. The Roman Church has always respected and maintained the various rites and has at all times insisted on their preservation.

Encyclical Ecclesiam Dei admirabili (1923) of Pope Pius XI (1922-1939)¹²⁶

The priests of the Latin rite are not allowed to induce any members of the Ruthenian rite to transfer to the Latin rite.

Decree Cum Data Fuerit (1929) of the Sacred Congregation for the Eastern Churches for the Ukrainians in the United States and Canada.¹²⁷

Samples of papal statement that refer to the Christian East in general are found in the following documents:

The Church of Jesus Christ is neither Latin, nor Greek, nor Slav, but Catholic. Members of all nations are equal in the eyes of the apostolic see. Christ and the popes want all men to be Catholics, but not all need be Latin. Catholics can have differences through venerable traditions in liturgy, language, laws and customs.

Decree (1742) of Pope Benedict XIV.¹²⁸

It never was, nor is it now permitted to any Orientals (Eastern Christians) to

transit from their own rite to the Latin rite unless by special permission of the Holy See.

Letter (1757) of the Sacred Congregation for the Propagation of the Faith.¹²⁹

Two years later, i.e. in 1759 the above statement was repeated with the addition: "These Orientals cannot, indeed, go over to the Latin rite. They are obliged under the penalty of mortal sin to return to their own rite and stay in it."

Constitution *Demandatum* (1759) of Pope Benedict XIV.¹³⁰

Neither the baptism performed of necessity by a priest of another rite, nor the confessions made to a priest of another rite, nor holy communion, nor extreme unction can create an occasion to go over to another rite. Not even a steady practice of such a different rite, regardless of how long it may be, can entitle anyone to change his rite...It is therefore, more than ever, the duty of our office to watch strictly that no injury be done to Eastern rites by the imprudence of the ministers of the Gospel from the Western lands...Any Latin missionary, whether secular or regular, who by his advice or influence shall have persuaded an Eastern Christian to adopt the Latin rite shall incur *ipso facto suspensio a divinis* and all other pains threatened in the Constitution *Demandatum*.

Encyclical *Orientalium Dignitas* (1894) of Pope Leo XIII (1878-1903).¹³¹

The unified peoples shall enjoy equal rights regardless of their race, language or rites.

Encyclical *Ecclesiam Dei admirabili* of Pope Pius XI (1922-1939).¹³²

Even a cursory examination of these passages will indicate that most of these pronouncements deal with the preservation of the rites. From within the context of the Union of Berest, the papacy has remained consistent in upholding the policies adopted at that time. Pope Clement VIII had approved only the liturgical condition out of all the conditions the hierarchy of the Kievan Metropolia wished to have recognized. The papacy has consistently upheld that position. All the other areas of concern, i.e. theological, inter-church relations, religious customs and administrative discipline, which the Kievan Metropolia wanted regulated, have been as equally and as consistently ignored, not to mention the legal powers related to the ecclesiastical sphere, which until recent times rested in the hands of non-ecclesiastical authorities, e.g. emperor, king, senate, parliament. However, the papal insistence on equality of rites pales when seen in the context of certain papal decrees of the twentieth century.

The negative or less constructive role of the papacy in the Kievan Metropolia and the Ukrainian Catholic Church occurred in areas articulated by the Constitution of 1595, but that were not accepted or recognized, and most particularly in areas which were not covered by that constitution.

In 1604 Pope Clement VIII recommended to Sigismund III, King of Poland, that the Metropolitan of Kiev should be admitted to the senate, but seated last, after the lowest ranking Roman Catholic bishop.¹³³ This recommendation was discriminative in that hierarchically and ecclesiastically the metropolitan was equal and even superior to the Roman Catholic archbish-

ops. In 1620 Pope Paul V (1605-1621) established the Sacred Congregation for the Propagation of the Faith. The Kievan Metropolia in communion with Rome was placed under the administration of this congregation whose primary purpose and role was the administration of missions among non-Christians — a rather dubious honor for an autonomous Christian Church. This appeared to be rectified only in the twentieth century when Rome established the Sacred Congregation for the Eastern Churches.

Throughout the early years of the reformation of the Kievan Church promising students were sent to the Pontifical College of St. Athanasios in Rome, founded by Pope Gregory XIII in 1577 for the "returning Greeks." In itself this was a reasonable solution to the problem of the education of its clergy by a church that could not staff and finance its own theological schools. The problem, however, was that the students from the Kievan Church, as well as the Greek students themselves, were submitted to an intense latinization and romanization process under the careful direction of the Jesuits who administered the college from 1621 until their dissolution in 1773.¹³⁴ When these students returned to the Kievan Metropolia, they were well versed in the Roman version of Christianity and not in their own tradition. They were more "Latin" than "Greek." Students from the Kievan Church also attended other pontifical institutions in Europe, e.g. Brunsberg, Vienna, Prague, Olomuc, Gratz. These same institutions were also attended by Polish Roman Catholic students who took it upon themselves to discredit the Ukrainian Catholic students to the point that the latter were ashamed to admit to their religious background.¹³⁵

One of the most longlasting negative effects of education in papal institutions was the development of a Latin oriented consciousness, which in turn gave easy rise to latinizations in theology and ritual. These theological (Filioque) and ritual (recited liturgy) Latinizations that evolved after 1595 were actually sanctioned in a synod (Zamostia 1720) completely dominated by the papal nuncio to Poland, J. Garampi.¹³⁷

Even in areas which received papal approval at the Union of Berest, such as the preservation and equality of rites, papal policy has not always been most constructive. For example, Pope Benedict XIV issued a decree *Etsi Pastoralis*, May 26, 1742, which said the following:

The Latin rite prevails over the Greek rite especially in the regions of Italy where the Greeks are subject to the Latin bishops, because of its (the Latin rite's) superiority and because it is the rite of the Holy Roman Church, the mother and teacher of all churches.¹³⁸

Although it is true that document dealt with the Eastern Christians in southern Italy (traditionally Eastern Christian territory), the principle tended to guide, at least implicitly, the behaviour of Latin bishops, particularly in North America. The consequence of this one principle has been a series of discriminative papal documents which tended to subordinate the Eastern

Christians to the Latin bishops in what appeared to be an attempt to absorb them into the Latin rite in spite of all the previous papal assertions about the equality of rites.

A similar far-reaching discriminative principle was enunciated in a *Letter* from the Sacred Congregation for the Propagation of the Faith on May 7, 1890:

It is a general maxim of the Sacred Congregation that the patriarchs of the Eastern rite *cannot* exercise their jurisdiction outside their patriarchates, and consequently that priests or faithful of any Eastern rite who have a domicile outside their respective patriarchates or *even within their limits* but do not have pastors of their rite are subject to the Latin ordinary of the place in which they reside, especially in Latin dioceses.¹³⁹

The implications of this principle were that the Eastern Christian ecclesiastical authorities possessed no legal jurisdiction over their faithful when the latter were outside traditionally Eastern Christian territories. What is of even greater interest is that Pope Leo XIII not only limited the patriarchal jurisdiction to the territory of their patriarchates, but even *within* their own patriarchates. This papal principle appears to contradict the canons of the ecumenical councils (see below). As history demonstrates, the consequences of this Roman legislation were disastrous for the Eastern Christians in North America, particularly for the Ukrainian Catholic Church.

These two principles of papal administration, i.e. the principle of territoriality and the principle of "papal concern" for the preservation of rites, were the basis for a whole series of papal decisions that discriminated against the Eastern Christian Catholics in general and the Ukrainian Catholic Church in particular. On October 1, 1890, the Sacred Congregation for the Propagation of the Faith issued a *Letter* which declared that Ukrainian Catholic priests planning to work in the United States had to be celibate.¹⁴⁰ In a decree of May 10, 1892, the same Congregation ordered all married priests to leave the United States and return to Europe. In the future only celibate clergy were to be allowed, fully subject to Roman Catholic bishops.^{140a} On November 30, 1894, Pope Leo XIII issued an encyclical *Orientalium Dignitas* which redeclared the principle that Eastern Christians outside the territory of their ancestral church were subject to the local Latin bishop.¹⁴¹ In a *Letter* of May 1, 1897, the Sacred Congregation for the Propagation of the Faith defended the right of the Eastern Christians in North America to preserve their rite. However, they were not allowed to have married priests, nor even widowers with children as priests.¹⁴² Yet these were the only priests they could get.

Finally in 1907, Pope Pius X (1903-1914) acceded to the petitions of the Ukrainian Catholics in the United States and appointed a bishop of their own rite for them. In an apostolic letter of September 16, 1907, entitled *Ea Semper*,¹⁴³ the Papacy defined the legal status of the Eastern Catholic bishop

in the United States. The letter was most offensive to the Eastern Christians as it outrightly discriminated against the bishop and the clergy. The following relevant sections of the decree illustrate the point:

I. "The appointment of the bishop of the Ruthenian Rite for the United States of North America is reserved solely to the Apostolic See."

II. "The bishop of the Ruthenian Rite is subject directly to the jurisdiction and power of the Holy See under the supervision of the Apostolic Delegate in Washington, D.C. He has no ordinary jurisdiction but only a delegated one from the individual ordinaries in whose dioceses Ruthenians reside. His task is to watch over the integrity of the Ruthenian Rite, to consecrate the holy oils for Ruthenians, dedicate churches of the Ruthenian Rite, administer Confirmation to Ruthenians, celebrate pontifical services in churches, and ordain clerics of the Ruthenian Rite, having received beforehand in each single case dismissorial letters from the local ordinary."

III. "...the bishop of the Ruthenian Rite can initiate visitations of Ruthenian missions, having received beforehand the written permission from the local ordinary, who shall grant him faculties according to his judgment."

X. "...but only celibates, whether now or in the future, can be promoted to the holy orders."

XI. If a Ruthenian parish becomes vacant or a new one is organized then the "...local ordinary (R.C.) having heard, if he deems necessary, the view of the bishop of the Ruthenian Rite, will appoint..."

XII. "Priests selected must be celibates or at least widowers without children."

XIV. "Ruthenian priests residing in America are forbidden to administer the sacrament of Confirmation (which they have administered since christianization of the Ukraine) to the baptized and if they should do so, they should know that they are acting invalidly."

XVII. "All priests of the Ruthenian missions in the United States can be freely removed on the desire of the local ordinary (R.C.), however, not without grave and just reasons."

XXXI. "A Ruthenian husband may, if he so wishes, follow the rite of his Roman Catholic wife and when the marriage is dissolved (presumably by her death), he may remain in the Latin Rite or return to the Ruthenian Rite."

XXXII. "The marriage between a Latin Rite man and a Ruthenian woman is to be entered before a Latin Rite pastor, however, that between a Ruthenian Rite man and a Latin Rite woman may be contracted either before a Ruthenian pastor or before a Latin Rite pastor."

XXXIV. "A child born in the United States of America to a Latin Rite father and a Ruthenian Rite mother is to be baptized in the Latin Rite."

XXXV. "However, if the father is of the Ruthenian Rite and the mother of the Latin Rite, the father is free to decide in which rite the children will be baptized if he wants to accommodate the wishes of his Roman Catholic wife."¹⁴⁴

To neutralize the disastrous effects of *Ea Semper*, Pope Benedict XV (1914-1922) issued another decree on August 17, 1914, *Cum Episcopo*¹⁴⁵

which attempted to eliminate the legal inequalities legislated in *Ea Semper*. It omitted the controversial compulsory celibacy and the stipulation that widowed priests with children not serve in the United States. However Pope Pius XI (1922-1939) issued a decree *Cum data Fuerit*, March 1, 1929,¹⁴⁶ which reversed the stand of *Cum Episcopo* and relegislated compulsory celibacy in the United States:¹⁴⁷

In the meantime, as has already several times been decreed, priests of the Greek-Ruthenian Rite who wish to go to the United States of North America and stay there, must be celibate.

These documents amply illustrate the negative impact of the actions of the papacy on the Ukrainian Catholic Church, particularly in the diaspora.

The consequences of the papal decrees and decisions were most disastrous. After the *Letter* from the Sacred Congregation for the Propagation of the Faith of October 1, 1890, the first parish of Ukrainian Catholics, under Rev. Toth in Minneapolis, Minnesota, joined in 1891 the Russian Orthodox Church.¹⁴⁸ The issuance and promulgation of the papal decree *Ea Semper* propelled an estimated 90,000 Ukrainian Catholics into the Russian Orthodox Church.¹⁴⁹ The decree *Cum data Fuerit* produced more departures of the same kind.¹⁵⁰

Along the same line of papal procedure, further discriminative legal positions were introduced in the First Roman Codification of Church Law for the Christian East. The Codification was issued in four parts: (1) *Crebrae Allatae* (marriage law, legal force May 2, 1949);¹⁵¹ (2) *Sollicitudinem Nostram* (judicial procedures, legal force January 6, 1951)¹⁵² (3) *Postquam Apostolicis* (law on monastics and benefices, legal force November 21, 1952);¹⁵³ (4) *Cleri Sanctitati* (law on persons, legal force March 25, 1958).¹⁵⁴ Some of the most glaring discriminative elements were: the territoriality law, the favoring of the Latin rite in certain instances of marriage law, compulsory celibacy, papal legal supremacy over the Eastern Church, etc. Further sections of the First Roman Codification of Church Law for the Christian East were suspended with the convocation of Vatican II by Pope John XXIII (1958-1963). Vatican II was to decide on a fundamental revision of all parts of ecclesiastical law for the whole Church, Eastern and Western. Herein lay the future hopes of the Ukrainian Catholic Church.

What were the effects of the negative role played by the papacy with respect to the Ukrainian Catholic Church? The consciousness of an autonomous existence and of all sense of particularity in the Ukrainian Church was eroded. The papacy unilaterally issued decrees regulating relations between the two churches in the areas of rites, interchurch relations, e.g. in North America, and ecclesiastical discipline, e.g. compulsory celibacy. This unilateral decision-making directly eroded the autonomy of the Ukrainian Church in two areas of relations between the two churches that had not been regulated in 1595, namely interchurch relations and ecclesiastical discipline. The Uk-

rainian Church also lost the ritual and liturgical autonomy guaranteed by the papal decree of 1595 when the papacy prohibited the Ukrainian priests from conferring the sacrament of confirmation in North America. Furthermore, this unilateral approach absorbed the legal powers previously vested in non-ecclesiastical authorities. It is true this legal absorption had not yet occurred in traditionally Eastern Christian territories but only in the diaspora. The complete absorption of all legal powers even in traditionally Eastern Christian territories of the Ukrainian Church was yet to come.

II VATICAN II 1962-1965

The convocation of Vatican II triggered several new developments in the Roman Catholic Church, among them a new dialogue with the churches of the Christian East and with the communist societies, particularly the Soviet Union, a dialogue referred to as Vatican Ostpolitik. A brief examination of these two developments will prove helpful in understanding the nature of the relations between the Ukrainian Church and Rome.

Vatican II and the Christian East

Convocation and the Christian East Soon after the announcement of the convocation of Vatican II, Pope John XXIII extended an invitation to the patriarchs and bishops of the Orthodox Church to participate in the synod as observers. He was particularly interested in inviting the Russian Orthodox Church. To this end Pope John initiated secret negotiations through his representative, Monsignor Lardone, with the Soviet Embassy in Turkey.¹⁵⁵

Throughout 1961, the *Journal of the Moscow Patriarchate* vehemently opposed the attendance of any Orthodox representatives at Vatican II. It loudly declared that the papal invitation was a Roman Catholic ploy to lure the Orthodox churches into subordination.¹⁵⁶ Due to the opposition of the patriarchate of Moscow, Patriarch Athenagoras I of Constantinople declined the invitation in spite of the fact that he was extremely well disposed to the idea. Even at the Pan-Orthodox Consultations in Rhodes on the eve of Vatican II, the Russian Orthodox Church argued vigorously against sending observers. The other Orthodox churches grudgingly agreed.¹⁵⁷ However, by the time Vatican II commenced, two Russian Orthodox observers had appeared in Rome without previous consultation with other members of the Orthodox Church. How did this volte-face take place? One of the results of the secret negotiations of the Vatican with the Soviet Regime through the Soviet Embassy in Turkey was that the Soviet Regime saw obvious political advantages in the Russian Orthodox Church's acceptance of such an invitation. Furthermore, it saw it as another way to upstage the patriarch of Constantinople for leadership of the Christian East.

Metropolitan Nikodim requested a secret meeting with Cardinal Eugene Tisserant, prefect of the Sacred Congregation for the Eastern Churches, which incidentally oversees the Ukrainian Catholic Church. The condition

sine qua non of accepting the invitation was that the papacy guarantee that Vatican II would maintain a rigorous apolitical stance and in particular refrain from any condemnation of Communism.¹⁵⁸ The papacy accepted this condition. The consequences of this deal between the Soviet communist Regime and the Vatican mediated through the Russian Orthodox Church were that the Russian Orthodox Church betrayed the trust of the Orthodox Church in general and of Patriarch Athenagoras I of Constantinople in particular on the very point it argued against so vehemently,¹⁵⁹ and that the papacy betrayed the trust of the Ukrainian Catholic Church by dealing secretly with the communist regime. The Ukrainian Catholic Church was being victimized not only by the communist regime but also by the secret Vatican negotiations.

This historical opportunity and temptation was so great that the papacy could not resist the Soviet offer and condition. On September 27, 1962 Monsignor Johannes Willebrands, secretary to Cardinal Augustine Bea, S.J., travelled to Moscow in person to express guarantees that the condition of the agreement would be kept, i.e. that there would not be any condemnation of communism.¹⁶⁰ The question that arises is: was the freedom of Vatican II and of the Roman Catholic Church impaired in advance by this agreement? If it was, then this time it was not by a veto of a Christian emperor or king, but of the world's first official atheist regime. A further question is: Did Vatican II under the leadership of the papacy break with the procedural pattern of all past councils and synods, which had always condemned erroneous opinions and positions prevalent in their own times?

In the opening speech of Pope John XXIII to the synod on October 11, 1962, the following passage, apparently lacking in meaning then, can now be better understood:

The Church has always condemned these errors. Frequently, she has condemned with the greatest severity. She considers that she meets the needs of the present day by demonstrating the validity of her teaching rather *than by condemnation*.

Which errors the pope was referring to was vague and unspecified. The pope continued: "They vanish as quickly as they arise, like fog before the sun." Moscow picked up the signals of no condemnation. Promptly, the very next day, and to everyone's surprise, Archpriest Borovoy and Archimandrite Kotyarov arrived in Rome.

The Ukrainian Catholic community immediately countered with a letter of protest to the pope.¹⁶² The Vatican secretariat tried to downplay the implications of betrayal apparently inherent in the Vatican's Ostpolitik. To assuage the profound disappointment of the Ukrainian Catholic Church, Cardinal Testa requested a *quid pro quo*. He asked the Russian Orthodox representatives to request the Soviet Regime to release Metropolitan Joseph Slipyj, Primate of the Ukrainian Catholic Church, imprisoned since 1945.¹⁶³ The Russian Orthodox representatives agreed to try only on the condition

that the release of Metropolitan Slipyj would not be an occasion for anti-communist propaganda or any other kind of political exploitation. The Soviet Regime expressed coolness towards the proposal. It was studied by "highly placed" communist party officials and Archpriest Borovoy was recalled for further consultation.

On the Eastern Catholic Churches The great hope that Vatican II presented to the Ukrainian Catholic Church lay in the fact that it was a fresh occasion for the Church to fulfill itself on all levels of ecclesial life. Now that the kings, the senate, the parliament were gone, the Ukrainian Catholic Church hoped to absorb the legal powers previously vested in these non-ecclesiastical structures. Although the Ukrainian Catholic Church had failed to appropriate these powers over its faithful in non-traditional territories of the Church, i.e. the diaspora, it hoped nonetheless, to succeed in traditionally Eastern Christian territories in the Ukraine. Vatican II appeared to hold the key to that complete ecclesial autonomy and particularity.

The relations between the Vatican and the Eastern churches, in particular those in communion with Rome, were delineated in the decree *On the Eastern Catholic Churches*.¹⁶⁴ Vatican II decided to establish some general principles which would allow the Eastern Churches in communion with Rome to function more effectively.

#1. This Sacred Ecumenical Council, therefore, in its care for the Eastern Churches which bear living witness to this tradition, in order that they may flourish and with new apostolic vigor execute the task entrusted to them, has determined to lay down a number of principles, in addition to those which refer to the universal church. All else is remitted to the care of the Eastern Synods and of the Apostolic See.

Principles designed to promote a more vigorous and apostolic life among the Eastern Christian churches were:

#2. The Holy Catholic Church...is made of the faithful who are organically united in the Holy Spirit by the same faith, the same sacraments, and the same government. and who, combining together into various groups which are held together by a hierarchy, form particular Churches or Rites...It is the mind of the Catholic Church that each particular Church or Rite should retain its traditions, whole and entire, and likewise that it should adapt its way of life to various needs of time and place.

#3. These particular churches, whether of the East or the West, although they differ somewhat among themselves in rite, that is, in liturgy, ecclesiastical discipline, and spiritual heritage, are nevertheless entrusted in an equal manner to the pastoral government of the Roman Pontiff, the divinely appointed successor of Blessed Peter in the primacy over the universal Church...They are consequently of equal dignity, so that none of them is superior to the others as regards rite and they enjoy the same rights and are under the same obligations, even with regard to preaching the Gospel to the whole world (Mark 16.15) under the guidance of the Roman Pontiff.

#4. Means should be taken therefore in every part of the world for the protection

and *advancement* of all the particular churches, and to this end, parishes and a *proper hierarchy* should be established where the spiritual good of the faithful demands it...All clerics and those aspiring to sacred orders should be instructed in the rites and especially in the practical norms that must be applied in interritual questions...Finally, each and every Catholic, as well as the baptized person of any non-Catholic Church or community who enters into the fullness of the Catholic communion must retain his own rite wherever he is, must cherish it, and observe it to the best of his ability. This is without prejudice, in special cases of persons, communities or areas, to the right of recourse to the Apostolic See, which, as the supreme judge of interchurch relations...

#5. For this reason it *solemnly declares* that the Churches of the East, as much as those of the West, have *full right and are in duty bound to rule themselves, each in accordance with its own established disciplines...*(which) are more harmonious with the character of their faithful and are more suited to the promotion of the good of souls.

#6. Those who by reason of their office or apostolic ministries, are in frequent communication with the Eastern Churches or their faithful, should be instructed as the seriousness of their office demands, in the knowledge of and respect for the rites, discipline, doctrine, history and character of the Orientals.

#10. This Holy Synod, therefore, determines that their *rights and privileges* should be *reestablished* in accordance with the ancient traditions of each of the churches and the decrees of the Ecumenical Councils.

This synodal decree betrays the historical ambivalence of the papacy towards the Christian East. Furthermore, it even appears to imply a contradiction. On the one hand, the decree promotes the preservation and development of the particular, and by implication, autonomous churches of the Christian East (principles 2, 5, 6). On the other hand, the decree subordinates these churches unilaterally to the complete and total rule of the papacy (principles 3, 5). The contradiction appears to stem from principle 5, which states that the particular churches "have full right and are in duty bound to rule themselves, each in accordance with its own established disciplines." The "established disciplines" and "traditions" of the Christian East include autonomy and particularity. It is obvious there cannot be two autonomous rulers in one Church. The decree is painfully clear in principle 3 about who holds the real authority: "The particular churches...are nevertheless entrusted...to the pastoral government of the Roman pontiff, the divinely appointed successor of Blessed Peter in the primacy over the universal church." How are the Eastern churches to remain faithful to their traditions, which include autonomy and particularity, and be simultaneously totally subject to the pope?

Furthermore, the decree tends to stress the preservation and protection of the rites as did the papal bull *Magnus Dominus et laudabilis* of 1595. In the perspective of the history of papal pronouncements this decree is consistent.

There are some other most disturbing presuppositions alluded to in

the principles of this decree. The first concerns the meaning of the terms "apostolic," "entrusted," "pastoral government," "divinely appointed," "primacy," "non-Catholic," "supreme judge of interchurch relations." Another disturbing presupposition concerns the question of self-rule and simultaneous subjection to the papacy. In the light of these presuppositions what is the nature of the particularity and autonomy of these churches?

One of the distinctive features of this document is that the pope managed to enshrine into law through the medium of a Roman Catholic Synod the total and complete legal and jurisdictional supremacy of the papacy, not only over the Western Christian churches, but even over the Eastern Christian Churches in communion with Rome.

Furthermore, it should be noted that one third of the voting members of Vatican II did not approve this document. The voting was as follows: present - 2170; yes - 1373; no - 73; abstained - 719. What was the reason for such extensive abstentions?

Vatican Ostpolitik¹⁶⁵

The special papal invitation extended to the Russian Orthodox Church, the papal commitment not to condemn communism and the request to release Metropolitan Joseph Slipyj, all elements of the new Vatican Ostpolitik, took on greater and more significant meaning in the eyes of the Soviet Regime during the Cuban crisis. Nevertheless, the Soviets were hesitant, and to understand why it is necessary to trace the traditional attitude of the Vatican towards communism.

The Vatican and Communism For decades the Vatican policy-making mechanisms were geared to the anti-Communist position. The staunch anti-communism of the Vatican had a fairly long history. The Vatican condemnation of communism dates back to November 9, 1846, when Pope Pius IX (1846-1878) in his encyclical *Qui Pluribus* declared:

That infamous doctrine of communism utterly opposed to the natural itself, the adoption of which would completely destroy men's rights, their property and fortune and even human society itself.¹⁶⁶

Pope Leo XIII issued his own condemnation in the encyclical *Quod Apostolici Muneris* which declared communism "a deadly plague insiduously penetrating the very vitals of human society and threatening it with extinction."¹⁶⁷ Other Vatican sympathies also indicated an anti-communist stance, e.g. Vatican sympathies with the Romanovs, the White Forces, with the Poles in the Russian-Polish War and with the Germans in World War II. Pope Pius XI was responsible for a wide range of condemnations of communism, especially after 1924 when the Soviet Regime commenced a campaign against the papacy. This led Pope Pius XI to make an official statement on the falsity of Marxism-Leninism in his encyclical *Divini Redemptoris* in

1937.¹⁶⁸ In 1949 Pope Pius XII (1939-1958) issued his famous decree which prohibited Catholics from joining or participating in communist parties.

Cuban Crisis The historical event that set the stage on which the role of the Vatican's newly developing Ostpolitik appeared to take on credibility was the Cuban Crisis. On October 22, 1962, the United States navy was ordered into position to blockade the Russian ships carrying armaments. All diplomatic contacts between the Soviet Union and the United States were broken and war appeared inevitable. October 23 President John Kennedy contacted the Vatican as the last resort to try and break the diplomatic impasse. Pope John XXIII worked all night with his aides on a message to Nikita Khrushchev. October 24 at the weekly papal public audience, the pope closed his speech with a loosely connected passage about the good will of statesmen: "The pope always speaks well of all men of state who are concerned, here, there, and everywhere with meeting amongst themselves to avoid the reality of war and to procure a bit of peace for humankind."¹⁶⁹ As the pope was delivering his speech, the papal message to Khrushchev was delivered to the Soviet Embassy in Rome. October 25 the message was broadcast on the Vatican Radio. The core of the message was:

We remind those who bear the responsibility of power of their grave duties. With your hand upon your heart, may you listen to the anguished cry that from all points of the land, from innocent babes to the old, from people to communities, rises towards heaven: peace! peace! We today renew this solemn invocation. We beseech all the rulers not to remain deaf to this cry of humanity. May they do all that is in them to safeguard the peace. They will thereby keep the horrors of war from the world — a war whose horrible consequences no one can foresee. May there continue to be discussions because this loyal and open attitude testifies to each party's conscience and stands as evidence before history. To promote, favor, and accept discussion at all levels and in all times is a rule of wisdom and of prudence that will call down the blessing of heaven and earth.¹⁷⁰

The very same day the Soviet ships began turning back. October 26 *Pravda* carried the following message on its front page: "We beg all rulers not to remain deaf to the cry of humanity." Thus the diplomatic impasse was broken. No one lost face and negotiations resumed between Kennedy and Khrushchev.

Khrushchev called the intervention of Pope John XXIII in the Cuban Crisis "a humanist intervention which history would remember." "The Pope and I disagree on many questions but we are united in our desire for peace."¹⁷¹ For his effort in the Cuban Crisis, the pope requested Khrushchev to release Metropolitan Joseph Slipyj. On the release of Metropolitan Slipyj, Khrushchev had the following to say: "I don't rule out the possibility of releasing him, provided there is a guarantee that no political capital will be made out of the affair. I have my enemies, but a little bit of liberty does not frighten me."¹⁷²

Release of Metropolitan Joseph Slipyj On January 25, 1963, the Soviet

ambassador to Italy notified the prime minister of Italy, Amintore Fanfani, that Metropolitan Joseph Slipyj would be released.¹⁷³ A confidential letter was also sent which declared that Metropolitan Slipyj was guilty of complicity with the Germans during the occupation of the Western Ukraine, that he was an enemy of the Soviet Union and that his liberation was "an act of good will."

On February 2, 1963, the baffled Metropolitan arrived in Moscow from Siberia. He was astonished to find Monsignor Johannes Willebrands there. Monsignor Willebrands had travelled to Moscow to formally guarantee the Soviet authorities that there would be no political exploitation of Metropolitan Slipyj's release. When Monsignor Willebrands arrived in Moscow he was met by Archpriest Borovoy, who revealed yet another condition. Since Metropolitan Slipyj was an enemy of the Soviet Union he could not return to his eparchy in Lviv, Western Ukraine, but had to live in exile. When Monsignor Willebrands informed the metropolitan of the condition in the Moscow hotel, the latter was disappointed and refused to leave the hotel. He proposed a compromise. He would go into exile in Rome provided he could make one last visit to his metropolitan see in Lviv. The Soviets refused. Discussions dragged on for two days. Pope John's Ostpolitik depended on Metropolitan Slipyj's response. Finally the metropolitan relented and acceded to Soviet wishes. Metropolitan Slipyj sacrificed his personal wishes and accepted what appeared to be the general good of the Catholic Church. Zizola writes:

In that duel the fate of the thaw between the Catholic Church and the Kremlin was at stake. Slipyj's refusal would have unthinkable consequences for religious policy in all of Eastern Europe. Willebrands could not turn him back over to the Soviets without knowing that such a move would destroy in a single blow all the network of delicate relationships and also all the hopes of a better future for the Catholics (Roman) in the East. He understood the enormity of the sacrifice that Slipyj had to make, but *there was no other way*.¹⁷⁴

Pacem in Terris While this historical event was unfolding another was also in process. On November 16, 1962, doctors told Pope John XXIII that he had less than a year to live. Immediately the pope assembled an editorial committee and proceeded to supply his Ostpolitik with a philosophical ground and backbone.¹⁷⁵ Most outside theologians and advisors responded negatively to Pope John's encyclical. They pointed to the danger of "ideological contamination", thought it dangerous to accept too hastily the Communist "outstretched hand", and described it as "a convenient card for the communists to play". However, Pope John XXIII persisted. He distinguished between error (reproved) and the man who errs (his human dignity is always to be respected). Pope John believed that "the true disciple of Christ cannot not work for peace." The question is at what cost and with whom?

Pacem in Terris appeared April 11, 1963. April 12 *Osservatore Romano*

denied that there was any departure from the teachings of Pope Pius XII. The appearance of the statement was, in itself, an admission that there was. Had the publication of *Pacem in Terris* been delayed a little, it would have never appeared.

Philosophical Principles The underlying philosophical principles of the Ostpolitik were officially announced and promulgated by Pope John XXIII in his encyclical *Pacem in Terris*¹⁷⁶ They were:

It is always perfectly justifiable to distinguish between error as such and the person who falls into error...(158).

Again it is perfectly legitimate to make a clear distinction between a false philosophy of the nature, origin and purpose of men and the world and an economic, social, cultural and political programme, even when such a programme draws its origin and inspiration from that philosophy...Besides, who can deny the possible existence of good and commendable elements in these programmes, elements which do indeed conform to the dictates of right reason, and are an expression of man's lawful aspiration. (159).

In fact, the fundamental notions of these philosophical principles had already been announced by Pope Pius XII on November 2, 1950 when he said: "...we have indeed rejected and condemned certain ideologies, but in so doing we have acted neither against particular peoples nor against particular states as such..."¹⁷⁷

Nevertheless, when in 1955-1956 the de-Stalinization process appeared to imply change in the communist world, the *Osservatore Romano*, in a series of articles, argued against the trends developing in Catholicism towards co-existence with communism. The reasoning was based on the view of the "immutability of communism" as the main cause of "the impossibility of a dialogue." This debate spurred Pius XII to issue a word of caution on December 23, 1956, against the "illusion of false co-existence" and the temptation "to sit at the table of the Lord and that of his enemies." However, the pope added "that which the proper ecclesiastical authority believes its duty to accomplish is sufficient to secure the freedom of the Church and the recognition of its rights."¹⁷⁸

What is Vatican Ostpolitik? Vatican Ostpolitik consists of the whole set of papal relations with the communist world of Eastern Europe, particularly, with the Soviet Union. The founder of Vatican Ostpolitik on new ideological premises particularly as it relates to the communist societies was Pope John XXIII (1958-1963).

III

THE "VANISHED" CHURCH AND ROME AFTER VATICAN TWO

Did Vatican II live up to the expectations of the Ukrainian Catholic Church? Were the expectations of the Ukrainian Church too great? Did Rome sincerely attempt to promote the implementation of the recommendations of the Vatican II decree *On the Eastern Catholic Churches*? Was the papacy attempting to achieve something through what appears as unilateral development of relations between the Ukrainian Church and Rome?

The current population of the Ukraine is approximately fifty-five million. Of this number about five million belong to the Ukrainian Church in communion with Rome, though at present this church survives only in the underground as an illegal social structure in the Soviet Union. The remaining portion of the population, although Orthodox, does not belong to the Ukrainian Orthodox Church, but anomalously, to the Russian Orthodox Church. This is a dimension of tsarist foreign policy continued by the Soviet Regime whereby the conquered Ukrainian people are kept in captivity by yet another powerful psychological medium — religion and church, i.e. the Russian Orthodox Church in subservience to the Soviet atheist regime. Since the Soviet regime was not able to control the Ukrainian Catholic Church, because it recognizes the papacy and not the state as its supreme authority it has outlawed the church as an illegal form of social association. In the Soviet view, the Ukrainian Catholic Church in the Ukraine and even outside of the Ukraine is a powerful vehicle for Ukrainian national identity and for a particular type of religious consciousness. It has been the medium of preserving that identity and consciousness and in fact it continues to a great degree to keep it alive.

Patriarchal Structures

The Ukrainian Catholic Church in the Ukraine was officially abolished and outlawed by the Soviet Regime in 1946. This decision was reaffirmed by the patriarchate of Moscow in 1971. Consequently, the only body capable of carrying out the recommendations of the Vatican II decree *On the Eastern Catholic Churches* on behalf of the abolished and outlawed Church was the released primate of the Ukrainian Catholic Church, the Metropolitan of Lviv, Joseph Slipyj, with the assistance of the Ukrainian Church in the

diaspora.

Other developments seemed to lend credibility to the possibility of such a role for Slipyj. On December 23, 1963, Pope Paul VI publicly recognized Slipyj as major archbishop of the Ukrainian Catholic Church. The legal status and powers of this rank were delineated in the First Roman Codification of Church Law for the Christian East in the document entitled *Cleri Sanctitati* (1957). Later these powers were reaffirmed by the Vatican II decree *On the Eastern Catholic Churches* in the following manner:

#10. What has been said of patriarchs is valid also, in harmony with the canon law, concerning major archbishops, who preside over an entire particular church or rite.

#7. The patriarchal institute has existed from the earliest times in the Church and was recognized by the first ecumenical councils.

By the name, Eastern patriarch, is meant the bishop to whom belongs jurisdiction over all the bishops, including metropolitans, the clergy, and people of his own territory or rite, in accordance with the norm of law and without prejudice to the primacy of the Roman pontiff.

Wherever a hierarch of any rite is appointed outside the territorial limits of the patriarchate, he remains attached to the hierarchy of the patriarchate of that rite, in accordance with the norm of law.

#9. According to the most ancient tradition of the Church, the patriarchs of the Eastern churches are to be accorded special honor, since each is set over his patriarchate as father and head.

This holy synod, therefore, determines that their rights and privileges should be reestablished in accordance with the ancient traditions of each of the churches and the decrees of the ecumenical councils.

The rights and privileges in question are those that obtained at the time of union between East and West, although they should be adapted somewhat to modern conditions.

The patriarchs (major archbishops) with their synods are the highest authority for all the affairs of the patriarchate, including the right to establish new eparchies and to nominate bishops of their rite within the territorial limits of the patriarchate, without prejudice to the inalienable right of the Roman pontiff to intervene in individual cases.

To implement the recommendations of the Vatican II decree *On the Eastern Catholic Churches*, the Ukrainian Catholic Church gathered in Rome, September 29 - October 4, 1969, under the chairmanship of Metropolitan Maxim Hermaniuk of Winnipeg, Canada.¹⁷⁹ The full realization of the recommendations of this decree would ultimately lead to the establishment of patriarchal structures for the Ukrainian Church.

While the synod of Ukrainian bishops was in the process of implementing the recommendations of the Vatican II decree, Vatican officials Cardinal Jean Villot, Secretary of State, and Cardinal Maximilian de Fuer-

stensburg, met with Metropolitan Nikodim of Leningrad. It was reported that Metropolitan Nikodim warned the Vatican not to support the request of the Ukrainian Catholic Church to establish patriarchal structures. Nikodim flatly refused to accept the idea of a Kievan patriarchate. He declared that Major Archbishop Joseph Slipyj would not have any jurisdiction whatsoever in the Ukraine.¹⁸⁰

Even before the Ukrainian Synod ended its deliberations Cardinal Jean Villot informed the chairman of the Synod, Metropolitan Maxim Hermaniuk, that the creation of a Kievan patriarchate was not feasible at the moment. Nonetheless, on October 28, 1969, Major Archbishop Joseph Slipyj forwarded a report to the Congregation for the Eastern Churches of the synodal decisions and resolutions. The report requested the pope to accede to the creation of patriarchal structures for the Ukrainian Church in the following words:

- (i) Having clearly supported during Vatican II a patriarchal status for the structure and administration of the Particular Ukrainian Church, which (structure and administration) for centuries have been retained by the particular churches of the East, to whose number the Metropolitanate of Kiev and Halych belongs, the synod resolves on these canonically legal principles to perform its pastoral service in the jurisdiction of the Ukrainian Catholic Church in all countries inhabited by its faithful, under the auspices of the major archbishop, in effect the patriarch, as head of the particular church.

On December 1, 1969, the prefect of the Congregation for the Eastern Churches, Cardinal Maximilian de Fuerstensburg, replied that on the basis of "legal norms" still in force, i.e. the First Roman Codification of Church Law for the Christian East, nobody in the Ukrainian Catholic Church had the right to convene a "legislative or elective synod." The reason was that the patriarchs or major archbishops, according to the same "legal norms," did not have any jurisdiction or authority outside of their traditional territories. In other words, patriarchal structures could not be established in exile or the diaspora, but only on "compact territory," i.e. the Ukraine.¹⁸¹

Thus the request was invalidated in Roman eyes by a legal technicality of the First Roman Codification of Church Law for the Christian East. However, should the technicalities of law be upheld rather than the spirit of the law when dealing with the salvation of souls, particularly in times of severe persecution, as is currently the case in the Ukraine? The important question is: was this hesitant "no" a purely papal administrative decision or was it the effect of a veto of the atheistic Soviet regime represented by the Russian Orthodox Church?

Although the Vatican did not say yes, neither had it explicitly said no. One of the problems facing the Vatican was the apparent unity and determination of the Ukrainian Church to acquire what it was entitled to by the decision of Vatican II. Not all the Ukrainian bishops were happy with the atmosphere, both "internal and external" under which the synod had to

work. Once the bishops had returned to their respective eparchies, the Roman curia began to make its disapproval known through the nunciatures and apostolic delegations in countries where there were Ukrainian bishops and Ukrainian communities.¹⁸²

Apostolica Sedes

When the papacy began to take exception to the aspirations of the Ukrainian Church to fully implement the recommendations of the decree *On the Eastern Catholic Churches* of Vatican II, some Ukrainian bishops lost their nerve and the unity of the only remnant of the Ukrainian Catholic Church in the entire world began to crumble. To avoid any further difficulties with the papacy, some of the bishops of the diaspora began to take refuge in the term *aggregatus*, — the term used by the decree *On the Eastern Catholic Churches* (#7) to describe the relations between the bishops of the diaspora and the mother church. The term was not very precise legally as it could be interpreted to mean that the mother church has jurisdiction over the bishops of the diaspora, and equally that it did not have jurisdiction over them. Thereupon, the Sacred Congregation for the Eastern Churches unilaterally interpreted the term *aggregatus* in the declaration *Apostolica Sedes* of March 25, 1970,¹⁸³ which determined the relations between the mother churches of the Christian East and their diaspora bishops in the following manner:

The Sacred Congregation for the Eastern Churches

Declaration

The Apostolic See, solicitous for the preservation and expansion of the Eastern Catholic Churches, to firmly establish connections between the patriarchates and their respective hierarchies established outside the bounds of the territory of the patriarchate, as well as to promote more efficaciously the spiritual welfare of the Eastern faithful living outside the territory of the patriarchate, has determined certain norms to be observed.

Therefore the Sacred Congregation for the Eastern Churches, giving ear to the requests that the norms of the third paragraph of Section 7 of the Conciliar Decree *Orientalium Ecclesiarum* be put into practice, establishes as follows on the mandate of the supreme pontiff.

1. The Eastern hierarchies, established outside of the territory of the patriarchate, are able to participate with a deliberative vote in the patriarchal synods of their respective rites, whether in election, or in ordinary affairs.
2. The patriarch and, if the see is vacated or impeded, the patriarchal administrator is supposed to call to the synod, including those in no. 1, each and every hierarch of his rite appointed in the territories outside of that of the patriarchate.
3. The selection of hierarchs of a particular rite for the Eastern faithful living outside the territory of the patriarchate will follow this procedure. The patriarch with his synod is competent to propose to the apostolic see, at least three worthy

candidates, it being the firm right of the Roman pontiff to select the one he prefers for the office.

These above statutes hold valid during the interim, in which the Eastern canonical discipline is organically revised, those present prescriptions being abrogated, to whatever extent may be necessary, provided that the power of jurisdiction of the patriarch not be extended beyond the bounds of his own patriarchate.

Anything to the contrary, even such as deserve special mention, notwithstanding.

Given at Rome on the 25th day of March in the year 1970.

The declaration clearly stated that the mother churches of the Christian East had no jurisdiction over their daughter churches in the diaspora. The latter were subject directly to the authority of the papacy. The papacy inserted itself right in between the patriarchs and the hierarchs in the diaspora. According to this document the patriarchs are competent only to recommend "three worthy candidates" and it is the pope who chooses the right person. Furthermore, the jurisdiction of the patriarch can "not be extended beyond the bounds of his own patriarchate" by a simple fiat of the Congregation for the Eastern Churches. Whatever happened to the traditional rights of the patriarchs is obscure. The very first lines of the declaration state that

the Apostolic See, solicitous for the preservation and expansion of the Eastern Catholic Churches, to more firmly establish *connections* between the patriarchates and their respective hierarchies established outside the bounds of the territory of the patriarchate, as well as to *promote more efficaciously* the spiritual welfare of the Eastern faithful living outside the territory of the patriarchate, has determined certain norms to be observed.

Ironically, these Roman "norms" legally and authoritatively separate the daughter churches in the diaspora from the mother churches, rather than "connect" them or "promote more efficaciously the spiritual welfare" of the daughter churches. The end result is that the efficacy of the promotion of spiritual welfare has in fact been diminished. (See the principle of subsidiarity enunciated by Pope Pius XI, below page XX).

This Roman document removed all legal possibility for the Ukrainian Catholic Church in the free world to unite into a single effective vehicle for the implementation of the recommendations of the Vatican II decree *On the Eastern Catholic Churches*. The Roman and papal documents: (1) *Apostolica Sedes* (March 25, 1970); (2) the Vatican II decree *On the Eastern Catholic Churches* (November 21, 1964); (3) the First Roman Codification of Church Law for the Christian East, particularly *Cleri Sanctitatis* (legal force March 25, 1958); and (4) the *Letter* of the Sacred Congregation for the Propagation of Faith (May 7, 1890), provided both streams (pro-Romanists and pro-autonomists) in the Ukrainian Church with sufficient legal fuel to defend their respective positions and thereby keep themselves hopelessly and effectively divided.

One last thought on the ecumenical implications of *Apostolica Sedes*. Should the Orthodox churches and the Roman Catholic Church of North America establish communion, then under the terms of this document the Orthodox churches would become legally subject to the papacy, rather than remain independent or subject to their respective mother churches as the case might be.

Vatican No to Patriarchal Structures

Given that the issue of the relations of the daughter churches of the diaspora to the mother churches of the Christian East was now settled to the satisfaction of the papacy, Rome was ready to say "No" to the request of the Ukrainian Catholic Church to establish patriarchal structures. The first "no" came from Cardinal Maximilian de Fuerstenburg, Prefect of the Sacred Congregation for the Eastern Churches, dated April 10, 1970. His response was:¹⁸⁴

Most Reverend Eminence:

October 28 of last year a request reached the Holy Father, dated October 4, under the signature of Your Eminence and many Ukrainian hierarchs, which contained the request to erect the Kiev-Halych Ukrainian Catholic Patriarchate.

As it was required by the importance of the question, which just because of its gravity has become reserved to the exclusive competence of an ecumenical council or the Roman Pontiff (Conciliar Decree *Orientalium Ecclesiarum*, #11), the Holy See has given the most diligent and earnest solicitude during these months to the study of each of the arguments offered in the mentioned statement.

After repeated and profound consultations according to higher instructions between the various departments of the Curia with interest in the problem, the result of this study, conducted with reference to canonical, ecumenical and pastoral aspects, was submitted to the august considerations and the eminent judgment of the Holy Father.

The Holy Father has personally taken the matter to his heart, and he has charged me, on April 4 with the duty to communicate to Your Eminence in his name and with his approval the respective final decision.

In compliance with this charge, I make it my duty to convey the information to Your Eminence that, all the aspects of this complex question having received attentive consideration — and specifically *reasons of a canonical nature* — the aspirations of establishing a Ukrainian Patriarchate of Kiev-Halych, in spite of a favorable disposition, do not appear to be attainable and therefore the petition for the erection of the said Patriarchate cannot be approved.

Since, therefore, the erection of a Patriarchate and the consequent possibility of constituting a Patriarchal Synod is excluded, the Holy Father has at the same time, proposed, with the intention to meet nevertheless the needs of the Ukrainian Catholic Church in a *manner most suitable*, that the *Conference of Ukrainian Bishops* be re-organized speedily upon a new basis, the presidency of which he intends to entrust to Your Eminence.

Indeed, the Holy Father thinks that such a conference, which reflects the theological principle of collegiality, remains the most appropriate structure for the brotherly cooperation of the Ukrainian Catholic hierarchs in view of their respective pastoral responsibilities, for the welfare of all the Ukrainian faithful entrusted to them.

I have confidence that Your Eminence, whose attachment to and veneration of the Holy Father is well known, will see in his decision a tangible sign of the care which he exercises toward the beloved Ukrainian Catholic Church and toward her hierarchs, to whom — always in compliance with the esteemed instruction of the Holy Father — I shall forward copies of the present letter.

I take this opportunity to affirm my feelings of profound respect.

What were the "specific reasons of a canonical nature?" The reason, in essence, was the principle of territorial jurisdiction enunciated in the following nineteenth and twentieth century Roman documents:

(1) *Letter of the Sacred Congregation for the Propagation of Faith to the Archbishop of Paris (May 12, 1890),*

(2) *The encyclical Orientalium Dignitas of Pope Leo XIII (November 30, 1894),*

(3) *The legal document Cleri Sanctitati (1957) of the First Roman Codification of Church Law for the Christian East (canon 240, #2),*

(4) *Vatican II decree On the Eastern Catholic Churches (November 21, 1964) (#9),*

(5) *The declaration of the Sacred Congregation for the Eastern Churches Apostolica Sedes (March 25, 1970).*

These Roman documents unilaterally restrict the jurisdiction of the patriarchs and major archbishops of the Christian East to their defined territories, while allowing the patriarch of Rome and the West unlimited territorial jurisdiction.

Has the papacy any legal and or historical basis from which to evolve the principle of unlimited jurisdiction for Rome and limited jurisdiction for all other patriarchs, particularly those of the Christian East? It would appear not. The principle of jurisdiction limited to defined territories of influence and concern was first enunciated in the ecumenical councils. Canon 6 of the First Ecumenical Council in Nicaea (325) states:

The Bishop of Alexandria shall have jurisdiction over Egypt, Libya and Pentapolis. As also the Roman Bishop over those subject to Rome. So, too, the bishop of Antioch and the rest over those who are under them.¹⁸⁵

The canon defines the limits and areas of jurisdiction and influence of the three major Christian centres. It might be noted that the first of the major Christian centres was Alexandria, not Rome.

The basic content of the Nicaean Canon was repeated in Canon 2 of the Second Ecumenical Council in Constantinople (381) which read:

Bishops who are over dioceses must not set foot in churches which are outside

their confines and not disturb them (in any way); rather, in accord with the canons, the bishops of Alexandria must administer solely Egyptian affairs and the bishops (of the dioceses) of the East must govern only over the East, observing the principles which were attributed to the Church of Antioch by the Nicene canons. And the bishops of the dioceses of Asia (i.e. Ephesus) must rule only the affairs of Asiatic dioceses, and those (of the diocese) of Pontus (i.e. Caesarea of Cappadocia) only the affairs of Pontus, and those (of the diocese) of Thrace (i.e. Heraclea) only the affairs of Thrace. Unless they are called, bishops must not go out from their (own) diocese for elections and ordinations of bishops or to regulate other ecclesiastical questions. Observing the above norms regarding dioceses, it is evident that according to the decisions of Nicaea the provincial *synod* must regulate the affairs of every province.¹⁸⁶

After the building of the city of Constantinople (330) and the transfer of the senate there, Constantinople was also recognized as an important Christian centre. Consequently, its bishop was also given comparable recognition in Canon 3 of the Second Ecumenical Council in Constantinople (381). Canon 3 read:

The Bishop of Constantinople, however, shall have the prerogative of honor after the Bishop of Rome; because Constantinople is New Rome.¹⁸⁷

Since the limits of the jurisdiction and influence of the bishop of Constantinople, New Rome, were not defined in the canon of the Second Ecumenical Council (381), Canon 28 of the Fourth Ecumenical Council held in Chalcedon (451) did just that. Canon 28 defined the territorial jurisdiction of the bishop of Constantinople thus:

Following in all things the decisions of the Holy Fathers, and acknowledging the canon (3), which has been just read, of the One Hundred and Fifty Bishops beloved-of-God (who assembled in the imperial city of Constantinople, which is New Rome, in the time of the Emperor Theodosios of happy memory), we also do enact and decree the same things concerning the privileges of the most holy Church of Constantinople, which is New Rome. For the Fathers rightly granted privileges to the throne of *old Rome*, because it was the *royal city*. And the One Hundred and Fifty most religious Bishops, *actuated by the same consideration*, gave equal privileges to the most holy throne of New Rome, justly judging that the city which is honored with the Sovereignty and the Senate, and enjoys equal privileges with the old imperial Rome, should in *ecclesiastical matters* also be magnified as she is, and rank next after her; so that, in the Pontic, the Asian, and the Thracian dioceses, the metropolitans only and such bishops also of the dioceses aforesaid as are among the barbarians, should be ordained by the aforesaid most holy throne of the most holy Church of Constantinople...¹⁸⁸

According to this canon the bishop of Constantinople was granted by a church council jurisdiction over three metropolitan sees and over metropolitan sees "among the barbarians." The metropolitan sees "among the barbarians" were ecclesiastical territories that were outside the territorial jurisdictional limits defined by canon 6 of Nicaea. Therefore, in the light of Canon 28, it would be the bishop of Constantinople, not the bishop of Rome, who could find historical and legal ground on which to evolve the (current

Roman) principle of territorial jurisdiction.

It is true that Leo I, bishop of Rome at the time of the ecumenical council in Chalcedon (451), objected to Canon 28.¹⁸⁹ His objections were not necessarily based on legal and administrative prerogatives or theological premises, although to many historians they appear to be such.

Emperor Justinian I (527-565) recognized and included Canon 28 in his Codification of Civil Law (Novella XXXI chap. ij).¹⁹⁰ The Synod of Trullo (692) or the Sixth Ecumenical Council in Constantinople (680) reaffirmed Canon 28 of Chalcedon in Canon 36 with the exception of the new variation referring to the See of Alexandria (see below):

Renewing the enactments by the 150 Fathers assembled at the God-protected and imperial city, and those of the 650 who met at Chalcedon; we decree that the see of Constantinople shall have equal privileges with the see of Old Rome, and shall be second after it. After Constantinople shall be ranked the See of Alexandria, then that of Antioch, and afterwards the See of Jerusalem.¹⁹¹

Furthermore, the seventh Ecumenical Council in Nicaea (787) "with the approval of the Papal Legates gave a general sanction to all the canons accepted by the Trullan Synod." Canon 1 read:

The pattern for those who have received the sacerdotal dignity is found in the testimonies and instructions laid down in the canonical constitutions...To them nothing is to be added, and from them nothing is to be taken away...See these things are so, being thus well-testified unto us, we rejoice over them as he that has found great spoil, and press to our bosom with gladness the divine canons, holding fast all the precepts of the same, complete and without change, whether they have been set forth by the holy trumpets of the Spirit, the renowned Apostles, or by the Six Ecumenical Councils, or by Councils locally assembled for promulgating the decrees of the said Ecumenical Councils, or by our Holy Fathers...¹⁹²

By implication, with his approval Rome accepted the jurisdiction of the bishop of Constantinople over metropolitan sees "among the barbarians." It would therefore appear that if anyone could make any legal and historical claims over the Eastern Christians in the diaspora, i.e. "among the barbarians," it would be Constantinople not Rome.

Furthermore, nowhere in any of the canons of the first five ecumenical councils is it stated that Rome is the first or primary centre of Christianity. All that is said is that Constantinople, New Rome, is second to Old Rome. If one were to proceed strictly by the contents of the canons of the first five ecumenical councils, it would be Alexandria that was considered by the fathers of the First Ecumenical Council to be the most important and therefore first centre in the whole Christian World, not Rome (Canon 6). By this criterion Alexandria was first, Rome was second, and Constantinople aspired "in ecclesiastical matters" to be second to Rome or third. It seems then to be a matter of interpretation, particularly in the case of many western (Christian) scholars who interpret Canon 6 (in the context of Canon 2 of 381) to mean that Alexandria was first in the East and not in the whole Christian

world. The Christian world of that time was not divided into East or West nor was the distinction present in their consciousness. If East meant anything it meant the Eastern Mediterranean basin and not East of Rome and would have been interpreted in Roman geo-political terms. It would appear that Alexandria received this singular honor not on the basis of scriptural, clerical, legal, administrative, economic or political reasons, but rather for the shining example of its theological life, i.e. the development of the science of Christian theology and the development of Christian monasticism and mysticism. It was only after Alexandria defaulted theologically through monophysite Christology and its bishop was condemned by the Fourth Ecumenical Council that it fell to third ordinal position as a Christian centre.

For political reasons Emperor Justinian I caved in to papal demands and proclaimed Old Rome first and Constantinople, New Rome, second (not the position of the canons of the first five ecumenical councils) in his Codification of Civil Law (Novella XXXI, chap. ij). These new ordinal positions were enshrined in Canon 36 of the Synod of Trullo (692) and subsequently accepted by the whole "orthodox" Church, but not by the Coptic "monophysite" Church.

Has the principle of territorial jurisdiction been violated by the Christian Churches? Certainly both Eastern and Western Churches, have violated that principle. As far back as the Crusades, under the unilateral direction of the papacy (as opposed to the conciliar decision in canon 28 of Chalcedon 451), Latin patriarchates were established in Jerusalem (1099), Antioch (1100), Constantinople (1204), and Alexandria (1209), and later, archbishoprics in Lviv, Western Ukraine, in India and Ethiopia, on traditionally and canonically Eastern Christian territory.

Is Rome justified in its exercise of jurisdiction over Eastern Christians outside of their traditional territory, i.e. "among the barbarians." It would appear not. A noted Jesuit legal scholar, Giovanni Rezac, lists at least five reasons why the papacy is not justified in its exercise of jurisdiction over Eastern Christians outside their traditional territory:¹⁹³

1. The Latin Church is in the sense of the Catholic Church *only one particular Church*, although it is the most numerous and for various reasons the most important; it is always only one particular Church *whose rights and duties* are in themselves *equal* to those of any other particular Eastern Church or rite, as it is customary to say, in the Catholic Church. This is explicitly stated by the Vatican Council II in n.3 of the *Decree of the Catholic Churches of the Eastern Rite*: "Such *particular Churches*, whether of the *East* or of the *West*, although they differ somewhat among themselves in what are called rites (that is, in liturgy, ecclesiastical discipline, and spiritual heritage) are, nevertheless, *equally* entrusted to the pastoral guidance of the Roman Pontiff, the divinely appointed successor of St. Peter in supreme governance over the universal Church. *They are consequently* of equal dignity, so that none of them is superior to the others by reason of rite. *They enjoy the same rights and are under the same obligations*, even with respect to the whole world (cf. Mk. 16,15) under the guidance of the

Roman Pontiff." This norm of the *equality of particular Churches* with one another which in itself is clear and, I would say, evident — especially in our day — was never before expressed so forcefully. But in order that it will not remain on the purely theoretical level, all the consequences must be drawn from it...What I mean to say is that if the Latin Church, a particular Church, can exercise its jurisdiction wherever its own subjects are located, I do not see why the same right should not be recognized, to the same extent, even for the particular Churches, the Eastern Churches. (This right is recognized by the Latin Church as witnessed in the Vatican II decree *On the Eastern Catholic Churches*, but not by the Papacy, particularly in the case of the Ukrainian Catholic Church. This is also true of all the subsequent points raised here by Giovanni Rezac, s.j.). This is not a question of prestige but simply one of justice. Otherwise, we cannot speak in the Catholic Church of the equality of rites or of particular Churches, and the statement of the Council cited above will remain solely a pious wish that does not correspond with the real state of things and does not respond simply to the truth — a conclusion which is inadmissible...we have seen that the *equality of rights* among particular Churches solemnly proclaimed by Vatican Council II requires that even the Eastern Churches can exercise their jurisdiction over the faithful of their own rite everywhere, as the Latin Church has done for centuries.

2. The Eastern Churches — which already seem to possess the quasi-natural right of all mother Churches regarding the care of the faithful of their own rite wherever they might be — are also *those most* fitted to exercise it, either because of their own interests not to lose these faithful and so diminish numerically and in other respects, or because they are better prepared for such a task. On the other hand, the local clergy either are not greatly interested in these particular faithful since they are foreigners — and so much the less if they are Easterners — or even if they desire to be interested they are not sufficiently prepared to be able to exercise such care with real profit. Hence, it seems that such care should be entrusted to those who are more capable and more truly interested in exercising it for the good of souls.

3. The *principle of subsidiarity* enunciated by Pius XI with respect to social teaching, but which has universal value, finds application even in our question: "*Since it is illicit* to deprive any individuals of what they can accomplish with their own powers and proper industry in order to hand it over to the community, so it is to remit to a higher and more elevated society that which can be done *by smaller and lower communities*. And this is both a *grave danger and a disturbance of the right order of society*." Then Pius XII in the allocution to the cardinals of February 20, 1946 emphasized that such a norm was valid even for the Church: "These are words that are truly luminous and *bold good* for the social life in all its phases, and even for the life of the Church, without prejudice to its hierarchical structure." Hence, according to this principle, anything that a particular Eastern Church and its bishops can do should not be reserved to or impeded by the superior or supreme power — namely, the question before us; the care of the faithful of one's rite should be *per se* entrusted to the Church of the rite in question: otherwise, we run the risk of disturbing the right order of things.

4. The *personal character of ecclesiastical society* demands the same thing. The Church is a society of the baptized, hence of men united to it by a personal bond, which is baptism, prescinding from the place which they might be; the territorial element does not enter into its definition as it does, however, in the definition of the State. Thus there is no obstacle in the fact that in a territory there are several particular Churches, since even these Churches have the personal character in-

sofar as they unite the faithful of the same rite — that is, those who were baptized in the same rite or should have been, or have adhered to it with due permission. This personal character of ecclesiastical society is nowadays confirmed by the definition of a diocese given by the Council: "*A diocese is that portion of God's people which is entrusted to a bishop to be shepherded by him with the cooperation of the presbytery. Adhering thus to its pastor ...this portion constitutes a particular Church.*" Note that there is no mention at all of territory, which is accordingly not in the least essential.

5. This is demanded, in particular, *as regards the patriarchs themselves*...In the munus of the patriarchs there are some aspects which require, in a more particular way, the extension of their powers to all the faithful of their rite even if these reside outside their patriarchate:

(a) First of all this is deduced from the very *notion of patriarch*, as head of a particular Church or rite, which requires that his power extend over all the faithful of such a Church, whether inside or outside the patriarchate.

(b) This is demanded by the *Motu Proprio Cleri*. Canon 216 states that the patriarch possesses power over the faithful of the same rite who reside outside the limits of his territory, inasmuch as it is *expressly* stated by common or particular law.

(c) This is demanded every day, more than anything else, for *ecumenical reasons*. It is futile to have illusions about the progress of the rapprochement with the Eastern Churches if the patriarchal dignity in the Catholic Church is not restored in its just rights and privileges.

(d) In addition, this is demanded by the *principle of collegiality*, by reason of which so many institutions have been revised and so many powers restored either to the bishops or to episcopal conferences...

(e) Finally, this is demanded *by the necessity for overcoming the opposed difficulties* which are more apparent than real, and in any case exaggerated. The problem of the Eastern faithful in Western regions exists, and it will be necessary to resolve it, and in an equitable fashion.

Consequently, it would appear that there are not any specific "reasons of a canonical nature" that impede the establishment of patriarchal structures in the Ukrainian Catholic Church. The reasons are a-canonical: the dialogue with the Russian Orthodox Church, the Soviet Regime and the desire of the Papacy to maintain control over all churches irrespective of history, tradition or rite.

It should also be noted that Rome does not have, nor ever historically had, any sort of canonical right to erect patriarchates in the Church, particularly the Eastern Church. "Patriarch" and "patriarchate" were titles assumed by certain important centres distinguished in Christian life and leadership in given areas and were acknowledged over the centuries by the Church at large as such.^{193a}

In the same letter of April 10, 1970 to Major-Archbishop Slipyj, Cardinal M. de Fuerstenberg stated that:

the Holy Father has at the same time proposed, with the intention to meet nevertheless the needs of the Ukrainian Catholic Church in a *manner most suitable*, that the *Conference of Ukrainian Bishops* be re-organized speedily upon a new basis, the presidency of which he intends to entrust to Your Eminence.

Indeed the Holy Father thinks that such a conference, which reflects the theological principle of collegiality, remains the *most appropriate structure* for the brotherly cooperation of the Ukrainian Catholic Church hierarchs in view of their respective pastoral responsibilities, for the welfare of all the Ukrainian faithful entrusted to them.

This suggestion appears to contradict at least several of the principles of the Vatican II decree *On the Eastern Catholic Churches* intended to assist the Eastern Churches to "flourish and with new vigor execute the task entrusted to them." This decree states:

- (a) Since the patriarchal office (which only functions synodally) in the Eastern Churches is a traditional form of government, the Sacred Ecumenical Synod ardently desires that new patriarchates should be erected where there is need (#11).
- (b) For this reason it (The Holy Synod) declares that the Churches of the East as much as those of the West, have a full right and are in duty bound to rule themselves, each in accordance with its own established disciplines (synods) (5).
- (c) All Orientals (Eastern Christians) should know and be convinced that they can and must always preserve their legitimate liturgical rites and discipline (synods?) and that these may not be altered except to obtain an organic improvement. All these, then, must be observed by the Orientals (Eastern Christians) themselves (#6).

With reference to the above it is well known first of all, that the traditional form of ecclesiastical administration in the Christian East is the synod, gathered around a hierarchical head whether patriarch, major archbishop or Catholicos.¹⁹⁴ Secondly, while the Ukrainian Catholic Church was doing it utmost to implement the recommendations of the Vatican II Decree *On the Eastern Catholic Churches*, the pope was advising it to assume a Roman Catholic form of ecclesiastical administration — the episcopal conference. Thirdly, episcopal collegiality does not appear to be a theological principle, but rather a sociological principle, "that should adapt its way (of life) to the various needs of time, place "(#2) and tradition.

In May 1971 the Russian Orthodox Church gathered in Zagorsk, May 30 - June 2, to elect a new patriarch. The synod elected Pimen (Izvekov). Pope Paul VI sent representatives to the enthronement ceremonies — Cardinal Johannes Willebrands, head of the Secretariat for the Promotion of Christian Unity, and the Jesuit John Long. During the enthronement speech Patriarch Pimen called upon all present to rejoice at "triumphal return into the Orthodox Church in 1946 of the Uniates (Ukrainian Catholics) who had been forced into union with Rome at the Union of Berest, 1596," No one from the papal delegation registered a protest to that statement, not even upon the return of the representatives.¹⁹⁵ Does this absence of any disapproval or protest indicate papal approval?

Interestingly enough, the official and final papal response to the Ukrainian Catholic Church's request to establish patriarchal structures according

to the recommendations of the Vatican II decree *On the Eastern Catholic Churches* came on the heels of the termination of the Russian Orthodox Synod in Zagorsk. Was the timing of the papal response and the absence of papal protest to the patriarchal confirmation of the abolition of the Union of Berest (1595-96) a message the pope was attempting to communicate to the Ukrainian Catholic Church? Whatever the answer to that question, the papal response of July 7, 1971 was an emphatic no, or at least, not yet:¹⁹⁶

To our Venerable Brother Joseph of the Holy Roman Church Cardinal Slipyj, Major-Archbishop of Lviv of the Ukrainians.

Supreme Pontiff Paul VI

Our Venerable Brother greetings and Apostolic Benediction.

The respect and the greatness of the paternal love which We have for you as well as the difficulties and the importance of the question which you and the other Ukrainian bishops have brought to Us have impelled Us to institute a new and most thorough review of the petition presented by you concerning the establishment of a Ukrainian patriarchate.

Because of this as well as to enable a full examination of the question, Jean Cardinal Villot, Our Secretary of State and Perfect of the Council for the Public Affairs of the Church, requested that you prepare a written report expounding once again all the arguments which in your opinion and that of the other Ukrainian bishops should be considered in reviewing a matter of such great importance.

It was your pleasure to comply with this request and you chose to submit an authoritative exposition together with the opinions of almost all of the Ukrainian bishops.

It seemed to Us, however, that the entire question should be submitted to a detailed examination and study by a small commission of Cardinal Fathers. At a meeting of the heads of the Congregations of the Roman Curia held on the 22nd day of the past month of June, the members of this commission explained from every possible angle the conclusions that they arrived at from their examination of the question assigned to them.

Having seriously weighed before the Lord the opinions of the Cardinal Fathers, even though Our mind was most inclined to accept your petitions, nevertheless, We have come with difficulty once again to the conclusion that it is impossible, at least at this time, to establish a Ukrainian patriarchate.

There are canonical, historical, spiritual and pastoral reasons which, due to contemporary circumstances, do not, alas, permit Us to satisfy the wishes and desires of the Ukrainian Catholic Hierarchy.

Firstly, it is to be noted that the *canonical discipline of the Eastern Churches* which now has been confirmed by the conciliar decree *Orientalium Ecclesiarum* and the explanatory note (*Declaratio*) concerning the word "aggregatus" given on the 25th of March 1970, limits the jurisdiction of the patriarchs within the boundaries of their own territory. Given the present norms now in force, it is impossible to foresee whether reinterpretation and accommodation of the Eastern canonical law could bring about certain contemplated changes in the existing

canons.

Wherefore, if in these present times a Ukrainian patriarchate were to be erected, this would give sudden birth to a canonical question of an entirely peculiar seriousness. Nonetheless, taking into consideration the sorrowful conditions in which your most noble and to Us most cherished fatherland finds itself at the present time, it would not be a question here of extending the legitimate exercise of patriarchal rights and duties beyond the territory of the patriarchate — a thing which would certainly result in the head of this particular patriarchate being granted greater authority than that which the other patriarchs now enjoy — but it would be rather a recognition of the possession of this kind of right exclusively beyond the boundaries of the patriarchal territory. By the same token because of the reasons which touch Our heart with the greatest grief, it would then follow that this particular patriarch at present would lack the possibility of exercising jurisdiction within the very limits of his territory. Furthermore, the problems which could arise within the Catholic Church itself may be easily foreseen if such patriarchal jurisdiction, detrimental to other existing canonical jurisdictions, were to be recognized in those territories. In addition, who could prevent other patriarchs from seeking to enjoy the same faculty of extending their own competency beyond the limits of the territory and the prescriptions of canonical laws by which their authority is at present defined? On the other hand, diligent consideration must be given to situations which may result therefrom to Ukrainian Catholics who have been forced to silence thus far for fidelity to their own Faith in countries in which they live but which do not recognize the legitimacy of the Ukrainian Church. Would not the status of those Christian faithful, who at present distinguish themselves by their sincere faith, be rendered more difficult if a new patriarchate were to be erected publicly in foreign lands whose patriarch would openly take upon himself the task of defending their rights and hopes yet could not share their fate and alleviate it by his own presence?

Venerable Brother of Ours, since you know well of Our Paternal and loving solicitude toward you and toward the Catholic Church of the Ukrainian Rite and also of Our participation in all the spiritual vicissitudes of this Church. We are full of confidence that you will accept with just evaluation the conclusions which We have now communicated to you.

Communicating this to you, We beseech and pray from Almighty God for you and all your labors a great abundance of heavenly graces and as a token of this We lovingly bestow in the Lord Our Apostolic Benediction upon you, Venerable Brother of Ours, and upon the entire Catholic Church of the Ukrainian Rite, most dear to us.

Given at Rome at Saint Peter's the 7th day of July on the Feast of Saints Cyril and Methodius, 1971, in the ninth year of Our Pontificate. Pope Paul VI.

Apart from what has already been said, several remarks and questions appear to be in order regarding this document. The most important and in fact the only reason for the papal "no" is that "the canonical discipline of the Eastern churches, which now has binding force — and which has also been confirmed by the conciliar decree *Orientalium Ecclesiarum* and the explanatory note (Declaratio) concerning the word *aggregatus* — limits the jurisdiction of patriarchs (major-archbishops) within the boundaries of their own territory." Therefore, these documents do not allow the Pope to concur in

the establishment of patriarchal structures in the Ukrainian Catholic Church. However, it should be noted that all these documents referred to in the papal letter, i.e. the First Roman Codification of Church Law for the Christian East and *Apostolica Sedes*, with the exception of the Vatican II decree *On the Eastern Catholic Churches*, are unilateral papal and Roman statements. Given the voting pattern (yes: 1373; no: 73; abstained 719) even the "ecumenicity" of the Vatican II decree appears to stand in some doubt.

Furthermore, can a Christian Church be so radically reduced to "compact territory" and "territorial jurisdiction" in which elements of institutionalism, i.e. clericalism, legalism, ritualism, jurisdictionalism, economics and politics appear to predominate? Is not a church an entity that is essentially pneumatic, charismatic and theological (*On the Eastern Catholic Churches* e.g. #2)? Is territorial jurisdiction that relevant in a pneumatic and charismatic reality, particularly during periods of very severe persecutions, e.g. under a Soviet atheist regime? It seems that the papal advisors failed to consult the Vatican II decrees that de-empha-size the territorial understanding of the Church and its administration and emphasize the personal character of ecclesial society, e.g., the definition of a diocese in the *Decree on the Bishops' Pastoral office in the Church*. How could the implementation of the recommendations, which the greater part of the Roman Catholic Church accepted in the decree *On the Eastern Catholic Churches*, be detrimental to patriarchal jurisdictions already established? Does the "fate" of the Ukrainian Catholic Church under the Soviet regime really depend on whether it has or has not a "made-in-Rome" patriarchal structure? Would not the symbol of a patriarchal structure have even more impact on the suffering faithful in the Ukraine than a physically present one? How could the implementation of the recommendations, which the greater part of the Roman Catholic Church accepted in the decree *On the Eastern Catholic Churches*, be detrimental to patriarchal jurisdictions already established? Does the "fate" of the Ukrainian Catholic Church under the Soviet regime really depend on whether it has or has not a "made-in-Rome" patriarchal structure? Would not the symbol of a patriarchal structure have even more impact on the suffering faithful in the Ukraine than a physically present one?

Perhaps the statement in the papal letter "whose patriarch would openly take upon himself the task of defending their rights and hopes yet could not share their fate and alleviate it by his own presence?" should read thus: the major archbishop shares in the fate and suffering of his faithful, in spite of being outside his fatherland, while anguishing most profoundly from his unsuccessful attempts to implement the Vatican II decree *On the Eastern Catholic Churches*. What is the major archbishop suffering from, particularly from sources outside his fatherland? A noted Jesuit scholar,

George Maloney, summarizes these sufferings:¹⁹⁷

1. He suffers to see himself, the Major Archbishop of the Ukrainian Catholic Church, head of his Church with his see of residence in Lviv, with the ancient title of Metropolitan of Kiev and Halych, and yet unable to administer his Church in the Ukraine. The Soviets in 1946 liquidated his Church of four million faithful with their 3,000 parishes. Although the "Church of Silence" exists in heroic, underground fidelity to the Catholic Church, its leader must *sit* in the Vatican and suffer from inactivity.

2. He suffers to see the remnant of hope — the Ukrainian Catholic Church in the diaspora numbering about a million and a half faithful with 24 bishops, scattered about in 16 different countries and floundering for lack of leadership in its search for identity in a strange land.

3. He suffers to see his beloved Church *made a pawn* as the Vatican plays political chess with the Kremlin leaders. The Pope's emissary behind the Iron Curtain, Archbishop Agostino Casaroli, has been pursuing a rapprochement with the Soviet block Communists over the past few years to gain some concessions, especially for the Latin Catholics in Czechoslovakia, Lithuania, Poland, Rumania and the U.S.S.R. The implicit condition for continued dialogue is that the Ukrainian Catholic Church must not be allowed to take on a new life.

4. Cardinal Slipyj knows from vivid, personal experience how the Soviet authorities fear any native, popular movement, especially when it is deeply religious and bound in allegiance to a centre outside the U.S.S.R. such as the Vatican. It grieves the venerable prelate to see Jan Cardinal Willebrands, head of the *Secretariat for Promoting Christian Unity*, representing the Pope at the Orthodox Church in June 1971, *without registering a protest* when Patriarch Pimen called upon all present to rejoice at "the triumphal return into the Orthodox Church in 1946 of the Uniates who had been forced into union with Rome at the Union of Berest, 1596."

5. He suffers to see that in official Vatican circles such as the *Secretariat for Promoting Christian Unity* and the *Congregation for Eastern Churches* the Eastern Catholic Churches, especially his Ukrainian Church, are conceived of as the *greatest obstacle* to reunion. He sees definite signs of movement being fostered to remove the so-called Uniates from the ecumenical scene either by liquidation or by heavy Roman control so that the Eastern Catholics do not develop and eventually will disappear by assimilation.

6. Part of his suffering has come from the *Congregation for Eastern Churches* and its direct *interference* in allowing his Church to exercise the autonomy already granted it by the existing Church legislation, especially in *Cleri Sanctitatis* (1957).

7. Cardinal Slipyj's *greatest sorrow* came when the Pope on July 7, 1971, communicated to him his *rejection* of the Ukrainian Bishops' proposal as articulated in the proceedings of the 4th Synod of 1969 that the Holy Father establish a Ukrainian Patriarchate.

By way of concluding this section on the issue of patriarchal structures in the Ukrainian Church, a commentary on the papal letter from the same Jesuit scholar, George Maloney, is here quoted:¹⁹⁸

The contents of the letter can easily and briefly be summarized: the Pope tells of the verdict reached by the small commission of cardinals that he appointed to examine Metropolitan Slipyj's reasons for establishing a patriarchate. The inopportuneness of erecting such a Ukrainian patriarchate at the present time stemmed from canonical, historical, spiritual, and pastoral considerations. Then the Pope proceeds to develop only one of the reasons: the canonical ruling that prevents patriarchs and major archbishops from exercising rights *outside* of their own territory.

One cannot help but be moved by a certain sympathy and compassion towards the Pontiff in reading his letter. Like Hamlet, he appears torn dramatically in two directions. He tells us of his great love for the Ukrainian people, his admiration for their sufferings for the faith over centuries; and his personal esteem towards Metropolitan Slipyj. He goes so far as to assure the Metropolitan that his "own mind was most inclined to accept your petitions." This would imply that the Pope personally wished to establish the Ukrainian Patriarchate. But stronger reasons than his own personal convictions changed his mind: "having seriously weighed before the Lord the opinions of the Cardinal Fathers...We have come with difficulty once again to the conclusion that it is impossible at least at this time, to establish a Ukrainian patriarchate..."

His final argument skirts what is apparently the major consideration in the mind of Cardinal Villot and the "small commission of Cardinal Fathers."...As one reads this section (on the suffering of the Ukrainians) of the Pope's letter, it is difficult not to conclude that there are two main reasons — vaguely hinted at but not explicitly mentioned — which account for the refusal to create a Ukrainian Patriarchate. That the Pope is concerned about the suffering Ukrainians in the USSR no one doubts. But it cannot be denied that Vatican *politics* with Moscow play a *greater role* in formulating the answer given to Metropolitan Slipyj than the canonical reason provided.

Why did the Pope ask Metropolitan Slipyj to send a new report giving all the arguments that he and his bishops felt warranted a patriarchate to Jean Cardinal Villot, the Vatican's Secretary of State? Villot is also, as the Pope mentions in the letter, the Prefect of the Council for the Public Affairs of the Church. Canon 202 of *Cleri Sanctitati* describes this Council as the agency that deals with setting up new divisions of church order when these would touch the affairs of civil governments.

"Especially does this congregation have responsibility for those affairs which fall under its competence by the Supreme Pontiff through the Cardinal Secretary of State in a special manner for those which touch civil laws and refer to *pacts* entered upon with nations."

Anyone can see that the question of a Ukrainian patriarchate touches upon the Vatican rapprochement that the Pope's ambassador to the Iron Curtain countries, Archbishop Agostino Casaroli has been pursuing within the past few years.

The more impelling (although not explicitly stated) reason for refusing the patriarchate is the fear on the part of the Roman Curia of what would happen in predominately Roman Catholic countries if a Ukrainian or Melkite patriarch and his synod were to have jurisdiction outside of the home territory, embracing his faithful wherever they might reside. The Pope registers his alarm in these words: "Furthermore, the problems which could arise within the Catholic Church

itself may be easily foreseen if such patriarchal jurisdiction, detrimental to other existing canonical jurisdictions (particularly the Latin Church), were to be recognized in those territories."

For years there have lived in Poland 300,000 Ukrainian Catholics without a bishop of their own rite, Cardinal Wyszynski has bitterly opposed any Catholic ecclesiastical jurisdiction in Polish territories other than that given to him and his Polish Latin rite bishops. The pressures exerted in the U.S.A. and Canada by Latin rite bishops and Rome itself to retain as long as possible the Eastern-rite Catholics in *inferior* jurisdictions answerable directly to Rome, are well known to all.

The Pope clearly saw that granting a patriarchate to the Ukrainian Church would displease the Soviet authorities and the Russian Orthodox Church dignitaries. It does not make much sense to have a patriarch who can not rule within his own patriarchate. But would a newly appointed patriarch ignore the million and a half Ukrainian Catholics living throughout the rest of the world? Or did Rome really think Eastern Catholics were of the *same dignity* as Roman rite Catholics and hence had the right to be ruled by their own bishops irrespective of preferences shown by the majority of Roman Catholics and the stranglehold now exercised by the Congregation for the Eastern Churches? Can one imagine, for example, what would happen in America if Eastern bishops could ordain married men according to their ancient customs of a married clergy? No, a Ukrainian patriarchate is simply out of the question. It would cause too many problems for other "duly constituted jurisdictions" — that is, the Roman Rite!

Permanent Synod

Given the fact that the Ukrainian Church could not implement the recommendations of the Vatican II decree *On the Eastern Catholic Churches* as they pertained to patriarchal structures, due to opposition from the papacy (Letter of July 7, 1971) and the patriarchate of Moscow, it decided on another course of action. Although this was less ambitious than what the Vatican II decree recommended, the Ukrainian bishops decided to establish an organ of effective leadership and administration. With this in mind, the bishops met in synod November 1971 in Rome at the Church of Saints Serkhii and Vakh.¹⁹⁹ This synod of all the bishops established what they termed a "permanent synod" of five bishops whose function was to carry out the details of an effective administration. The five standing members of this "permanent synod" were: Major Archbishop Joseph Slipyj; Metropolitan Maxim Hermaniuk of Winnipeg (Canada); Metropolitan Ambrose Senyshyn of Philadelphia (USA); Archbishop Ivan Buchko (Rome) and Bishop Andrei Sapelak (Argentina).

However, even this less ambitious administrative organ was flatly rejected by the papacy. The Vatican declared all the Ukrainian synodal meetings and the "permanent synod" itself no more or less than "episcopal conferences," whose decisions had no legal binding power on the participants. Thus even this second and less ambitious attempt of the Ukrainian

Church to govern itself according to the recommendations of the Vatican II decree *On the Eastern Catholic Churches* was nullified by the papacy.

Furthermore, to demonstrate who held the real legal and jurisdictional powers in the Ukrainian Church, i.e. that it was not the Major Archbishop Joseph Slipyj, nor the unrealized patriarchal structures, nor the recently established "permanent synod," but the papacy, the pope made unilateral appointments and binding decisions, ignoring not only the structures just mentioned, but even the guidelines for the election of bishops in the diaspora of the Vatican declaration *Apostolica Sedes* of March 25, 1970. The major archbishop was not even consulted in any of the succeeding appointments and decisions. The pope unilaterally appointed Bishop John Stock and Bishop Basil Losten as auxiliaries to Metropolitan Ambrose Senyshyn of Philadelphia in February and May respectively, of 1971.²⁰ On December 23, 1971, the pope appointed Miroslav Marusyn, who was liturgical advisor to the major archbishop himself, as apostolic visitor for the Ukrainians in Western Europe.²⁰¹ The apostolic exarchy for the Ukrainians in Brazil was elevated to an eparchy. Efreim Krevei was appointed coadjutor to bishop Joseph Martinetz of Brazil with the right of succession.²⁰² In 1974 the pope divided the eparchy of Edmonton (Canada) into the eparchy of Edmonton and the newly created eparchy of New Westminster (Canada) and Jerome Chimy was appointed the first eparch of the newly created eparchy. On September 21, 1979 Pope John Paul II appointed Myroslav Lubachivsky as Metropolitan of Philadelphia.²⁰³ What is to be concluded from such unilateral papal decisions? Is there or is there not a Ukrainian Catholic Church?

Constitution

Since the Ukrainian Church could not establish patriarchal structures in accordance with the Vatican II decree *On the Eastern Catholic Churches* nor even a permanent synod to "rule" itself according to traditional discipline, it decided to take yet another course of action. The bishops met at the Church of Saints Serkhii and Vakh in Rome, June 4-8, 1972 to draft a constitution.²⁰⁴ This would be the second constitutional attempt in 377 years. The Ukrainian bishops hoped that a constitution would provide a more stable and predictable pattern of relations between the Ukrainian Church and Rome. Thus by August of 1972 all the bishops received a draft of the constitution for study and emendations.

The papacy, however, rejected this attempt of the Ukrainian Church to "rule" itself even before it got off the ground. The Vatican wrote to each individual bishop the following letter:

It has been brought to the attention of the Holy See that his Eminence Cardinal Slipyj has sent to the bishops of the Ukrainian rite for their comment and for

eventual publication the text of an 'archepiscopal constitution of the Ukrainian Church.' By mandate received from our Holy Father, His Eminence the Cardinal Secretary of State requests me to bring to your knowledge the following:

1. the drafting as well as the forwarding of that text have occurred *without the knowledge* of the Holy See; neither was the same subsequently informed by His Eminence Cardinal Slipyj about the matter.
2. *no juridical title* apt to legitimate such a 'constitution' can be found, particularly because the Ukrainian Church is not constituted as a patriarchate, and as a whole does not possess an intermediate jurisdictional structure between the episcopal and papal authority.
3. referring to the Ukrainian Church as '*autonomous*' is neither *juridically perspicuous nor does it conform* to the customs of the other Eastern Catholic Churches.
4. consequently, the Holy See *cannot accept* such a 'constitution' as canonically workable.
5. On the other hand, the same Holy See would not be opposed to a consultation between the Ukrainian bishops in view of updating the legislation of their Church, particularly for improving the structure of their present *episcopal conference*. Such a consultation, however, should be made with due respect to the dogmatic postulates of the Catholic Church and without prejudice of the competence of the Holy See and, naturally, in harmony with the work entrusted to the new Commission for Drafting the Code of Eastern Canon Law. In such a consultation the problem of *erecting a patriarchate* of the Ukrainian rite *cannot* be brought into discussion because of the already known pronouncement of the Holy See upon this matter.²⁰⁵

What was the real papal rationale prohibiting the Ukrainian Church from implementing the recommendations of the decree *On the Eastern Catholic Churches* to "rule" itself, by outrightly rejecting its initiative in attempting to devise an effective administrative medium — a constitution.

The reasons for the papal "no" to the "second" constitutional attempt of the Ukrainian Church were: that the Ukrainian Church had no juridical title; that the constitution referred to the Ukrainian Church as autonomous which was not legally proper; and which did not conform with the customs of the other Eastern Catholic Churches. Therefore, Rome could accept this "constitution" as canonically workable.

First of all, these reasons do not appear in the Vatican decree *On the Eastern Catholic Churches*. To the contrary, the Vatican II decree #10 states that "what has been said of patriarchs is valid also, in harmony with the canon law (Roman), concerning major archbishops, who preside over an entire particular church." In other words, ever since Pope Paul VI himself recognized (December 23, 1963) Joseph Slipyj as major-archbishop, it would appear that there was a juridical title that can "legitimate such a 'constitution' ". However, the technicality of Roman law on which the "no" to the constitution is based is that the "Ukrainian Church is not constituted as a patriarchate." The reasons why the Ukrainian Church is not yet "constituted

as a patriarchate" have already been duly discussed. Furthermore, the Berestine Ukrainian Church accepted communion with Rome and was received into communion by Rome in 1595 as an autonomous and self-governing (pomisna) Church. Why then is it now "juridically" not "perspicuous" to consider it as such? How can the Ukrainian Church govern itself in the "spirit" of the Vatican decrees, if it must notify beforehand the pope of every detail of its agenda and governing?

What is "canonically workable"? Consultation! The consultation among the Ukrainian bishops was to be undertaken with a view to "updating" the legislation of their church, particularly with regard to "improving" the structures of their present episcopal conference — a Roman Catholic administrative form. In other words, the pope was not opposed to "updating" and "improving" according to the Roman form but he was opposed to "ruling and governing," according to the Eastern form. Yet the Vatican decree *On the Eastern Catholic Churches* stated that the Ukrainian Church was "in duty bound to rule" itself according to its tradition. How can this discrepancy be explained?

The conditions of a "canonically workable" consultation between the Ukrainian Church and the pope were: that it must respect the dogmatic postulates of the Catholic Church, that it cannot prejudice the legal powers of the pope and that it must work in "harmony" with the Second Roman Codification of Church Law for the Christian East. It would appear that these "consultations" of the Ukrainian Church can deal with the implementation of all the recommendations of the Vatican II decree *On the Eastern Catholic Churches* except those forbidden by the pope. Pope Paul VI forbade the Ukrainian Church (1) to establish patriarchal structures, (2) to establish a permanent synod, and (3) to write a constitution. What else is left? What in effect can the Ukrainian Church discuss or resolve and how can it "rule" if it cannot do anything without the full fore knowledge of the pope? What are the implications for the "pomisnist" (self-government), particularity and autonomy of the Ukrainian Church, all of which it possessed at the Union of Berest?

The papal suggestion is to work in full "harmony" with the Second Roman Codification of Church Law for the Christian East. Many Eastern Catholic patriarchs, metropolitans and scholars find the work of this Second Codification of Church Law for the Christian East unsatisfactory.²⁰⁶ One source of dissatisfaction is that the early drafts contain a definite bias in favor of Rome and the papacy, enshrining in law the absolute legal and jurisdictional powers and authority of the papacy over the Christian East. This is something the papacy did not enjoy throughout the first 19 centuries of its existence. What impact will this Roman Codification have not only on the Eastern Catholic Churches, but also on future ecumenical relations? It can be surmised that this unilateral Second Roman Codification of Church

Law for the Christian East, once completed, will form the basis for ecumenical dialogue with the whole Christian East.

Finally, the papal insistence that the Ukrainian Catholic Church govern itself in Roman form — episcopal conference — rather than in the Eastern Christian traditional form — synod — contradicts not only that tradition, but even the decisions of the decrees of Vatican II. The papal intentions are obvious.

One last question on the constitution issue might be asked: Given the fact that the first Constitution of 1595 was ignored by the popes and the second Constitution was outrightly forbidden by Pope Paul VI, what is the future of relations between the particular churches of the Christian East and Rome?

Ukrainian Vatican Synod 1980

How was this legal impasse in the relations between the Ukrainian Church and Rome to be broken? Would it ever be broken? To judge from the important papal letter entitled *On February seventeenth* of February 5, 1980, it appears that not only would the legal containment not be broken, but on the contrary, the legal containment would be formally sanctioned, absolutized and more strictly enforced. In order to fill an urgent need in the Ukrainian Church for continued leadership, but without interrupting the unilateral papal legal containment of the Ukrainian Church, nor allowing it to function on the basis of traditional legal procedures or those granted it by the Vatican II decree *On the Eastern Catholic Churches*, Pope John Paul II devised an excellent "pro instantia" solution. The pope personally convened an "extraordinary" synod to achieve the desired effects without interrupting the papal legal containment of the Ukrainian Church nor allowing it to function according to conciliar decrees. The convocation and purpose of this "extraordinary" synod was announced in a papal letter of February 5, 1980, the text of which is as follows:²⁰⁷

To our venerable Brother, Cardinal Joseph Slipyj, Major Archbishop of Lviv of the Ukrainians.

On February 17, Your most Reverend Eminence will have completed, God willing, your 88th year. As I cordially congratulate you and join with you in giving thanks to the Lord, I am happy to retrace in thought the various stages of your long life, filled with toil and dedicated to the service of the Church, and in particular the great sufferings you have undergone for the cause of Christ and His Gospel. Along with my venerable predecessors, Pius XII, John XXIII and Paul VI, I too have wished to give witness to my special benevolence and esteem toward Your Eminence. I had the opportunity to do this, among other times, in the letter which I addressed to you on the occasion of the celebration beginning the preparation of the millennium of Christianity in Rus'-Ukraine, and also on the occasion of the solemn episcopal ordination I conferred last November on the Metropolitan of Philadelphia for the Ukrainians.

In connection with the sincere sentiments expressed here, I am prompted to tell you that the circumstance of the venerable age reached by Your Eminence has confronted me with the question whether as supreme Pontiff I have the duty to make some provisions with vigilant care and apostolic solicitude both for Your Eminence's personal tranquillity and for the needs of the Ukrainian Church.

Taking advantage of the recent episcopal ordination mentioned above, I made inquiries among authoritative representatives of the Ukrainian hierarchy as well as my own collaborators, and I have given the issue personally attentive reflection along with fervid prolonged prayer.

The response to this inquiry was completely affirmative: it is my apostolic duty to make provisions for sustaining Your Eminence in your difficult task and giving the Ukrainian Church, as far as possible, renewed strength for its spiritual life.

Consequently, I have reached the decision to *appoint* a coadjutor with right of succession to Your Eminence, after a synod of all the Ukrainian bishops of the diaspora has been convoked, and in addition to *grant* extraordinary faculties for other synodal meetings of the same bishops for the future 'at the will of the Supreme Pontiff.'

I consider it opportune to say something about my reasons which will aid in the understanding and carrying out of what is to be done.

First of all, it will be stated that the continuing exceptional and distressing difficulties faced by the Ukrainian Catholic Church in its homeland, make it impossible to summon a synod of bishops of the ecclesiastical province of Lviv. (The Major Archbishop is, in fact, in exile and prevented from functioning, and the two suffragan Sees, Peremysl and Stanislaviv, are vacant.) The Major Archbishop, therefore, is *unable to invite* to an archepiscopal synod even the 'aggregated' hierarchs, namely, those who reside in countries outside the territory of the Lviv province.

Second, it is clear that there is no intention to extend the jurisdiction of the Major Archbishop beyond the confines of his territory by means of extraordinary faculties, or to erect a Ukrainian patriarchate - issues which were already treated separately.

This having been said, I want to communicate to Your Eminence the following:

1. For the nomination of the above-mentioned coadjutor with right of succession to the archepiscopal See of Lviv, I have decided to convoke a synod of all the Ukrainian bishops of the diaspora, who will be obliged to participate in it.

The synod, presided over by me or a delegate of mine, will have the task of presenting a group of three candidates, from among whom, or if necessary, outside of whom, I will designate the coadjutor.

2. The Major Archbishop, 'at the will of the Supreme Pontiff,' will be able to convoke other synods, either to handle business or to propose candidates for the episcopate. He will proceed as follows:

- For each individual synod, a *request* to be able to hold it will be submitted to the Pope, together with a *disclosure* of the questions to be considered.
- Having obtained *authorization*, the Major Archbishop will call a

synod of all the Ukrainian bishops.

- The declaration of March 25, 1970 regarding *aggregatus* will be applied to such synods.

I heartily hope Your Eminence will understand the high pasoral and spiritual reasons compelling me to make these dispositions for the purpose of meeting the needs of the Ukrainian Church.

I will be grateful if Your Eminence will let me know the preferred date for convoking the synod for the election of the coadjutor. It ought to take place quite soon.

Until the time of papal convocation, Your Eminence must also observe the strictest secrecy.

In the meantime I am very happy to renew to you, dear Eminence, my affectionate sentiments in Christ and the wish that the Lord may bestow his choicest blessings on your venerable person and on the beloved Ukrainian Church, which I remember profusely in my prayers every day.

From the Vatican, February 5, 1980, the second year of my pontificate.

Joannes Paulus II.

Several remarks and questions are in order regarding the contents of this papal letter.

The first point of interest is the "extraordinary" character of this synod. According to Metropolitan Maxim Hermaniuk of Winnipeg, Canada, "this synod is officially called extraordinary because this is the first time in the history of Christ's Church in the Ukraine, that such a synod was convened by Christ's Vicar himself and that he himself wanted to preside over it."²⁰⁸ Although this statement is historically correct, it is not the historical connotation of the "extraordinary" character of the synod that is at issue, but rather its legal connotation. The "extraordinary" character of this synod in legal terms means that the synod was convened on the unilateral and personal authority of Pope John Paul II. In other words the convocation of this synod did not follow the established legal tradition of the Ukrainian Church, nor that of the Eastern Churches, nor for that matter did it follow the legal norms established in the Vatican II decree *On the Eastern Catholic Churches* and the Roman declaration *Apostolica Sedes*. The extraordinary character of the synod absolved it from regular procedures.

What is striking about the papal statement "The major archbishop is unable to invite to an archepiscopal synod even the 'aggregated' hierarchs, namely those who reside in countries outside the territory of the Lviv Province" is that the prohibition to do so comes directly and unilaterally from the popes themselves (e.g. *Apostolica Sedes*) and from the Roman theory of compact territory.

Given the fact of the Vatican II decrees, there is another interesting statement in this letter, namely, "it is my apostolic duty to make provisions

for sustaining Your Eminence in your difficult task and giving the Ukrainian Church, as far as possible, renewed strength for its spiritual life." The Vatican II decree *On the Eastern Catholic Churches* approved by the majority of the Roman Catholic bishops made all the necessary "provisions" for the continuation of leadership in all the particular churches. The question is why was it necessary for the pope to act in such a singular and unusual fashion in this particular Eastern Christian Church?

The Roman policy of legal containment of the Eastern Catholic churches under the absolute jurisdictional powers of the papacy is openly declared in the statements which grant the major archbishop "extraordinary faculties." The legal hold on the Ukrainian Church could not be more restrictive. The major archbishop can convene a synod only "at the will of the supreme pontiff." Even then he must seek authorization for each individual synod and must submit beforehand the complete agenda for papal scrutiny. Finally any decision arrived at and any resolutions passed have no binding power on the bishops due to the unilateral Roman statement of March 25, 1970.

Who in effect "rules" the Ukrainian Catholic Church? Is it the Ukrainian Church which rules on the basis of its legal tradition and the Vatican II decree *On the Eastern Catholic Churches*? Is it the papacy? Was it really necessary for Pope John Paul II shortly before the Ukrainian Vatican Synod 1980 to "assure the Russian Orthodox churchmen (or was it the Soviet atheist Regime) that the pope would not do anything to advance the Ukrainians' cause (the creation of a patriarchate)"? Given the fact of the unilateral papal decision to "appoint a coadjutor with the right of succession" and to "grant extraordinary faculties" (all ordinary faculties under the terms of church law) to the major archbishop, what was the role of the synod? Was it to present three candidates from which slate in any case the pope was not bound to choose? Was it an exercise in public relations? Or was it a truly administrative process?

Views on the Ukrainian Vatican Synod 1980

Rather than describe the problems that currently plague the Ukrainian Catholic Church, it suffices to quote several reactions to the papal procedures and decisions taken during the Ukrainian Vatican Synod 1980 to illustrate these problems. Before the reactions of others to the synodal decisions, a few remarks from the pope himself uttered during and after the synod will help put these issues in perspective.

Papal remarks at the opening of the "extraordinary" Synod on March 24, 1980 were as follows:²⁰⁹

The reason for this Extraordinary Synod is known to you: to propose candidates, who actually meet the requirements of the Sacred Canons, for the nomination of the one who can give valuable assistance today to the Major Archbishop Joseph Slipyj, and then succeed him in a worthy way.

I have desired all this to be the subject of a Synod, both because of the importance of the event, and to let the Ukrainian Catholic Church enjoy, by means of my intervention, a *moment of synodal unity* as an expression of its communion around the Vicar of Christ.

I feel deeply with you, in fact, the necessity of ensuring the continuity of the high office of the Major Archbishop of Lwow (Lviv).

This Synod, which takes place by my convocation and under my presidency, is an *extraordinary* Synod because it is a question of considering the nomination of a Coadjutor with the right to succession of Major Archbishop, an act that requires the exercise of the pontifical authority; as well as the convocation, in this case binding, on the Ukrainian bishops who are outside the territory of the Major Archbishopric of Lwow (Lviv). It takes place here in Rome, in the Pope's See, where all the Catholic Bishops and faithful are, as it were, "in their Father's house"; in the See of Rome, with which all the other Churches must agree, according to the expression of St. Irenaeus: "Ad hanc enim Ecclesiam propter potorem principalitatem necesse est omnem convenire Ecclesiam" (Adversus Haereses 3, 3, 2).

...Communion with Rome has been for centuries, and today more than ever, a fundamental and distinctive element of the faith of the Ukrainian Catholic Church. The Bishop of Rome, in his office as "the principle and foundation of the unity of ecclesial communion" (Lumen Gentium, n. 23), has a special duty of gratitude and solicitude to his brothers in the Ukrainian Episcopate, and among them particularly the venerable Major Archbishop Cardinal Slipyj, and to the whole Ukrainian Catholic Church, *so sorely tried, so faithful*.

...Afflictions, privations, hostility are sore trials, but they are also a stimulus to greater faithfulness to one's own Catholic faith, to attachment to one's own rite, to ancient traditions, in a word to one's spiritual identity, which has in communion with the Pope and with all the Bishops of the Roman Catholic Church the distinctive element of its own heritage of faith and life.

The Pope would like this identity not to appear in the eyes of brothers of the Orthodox Church as a *sign of antagonism* and almost as a *refusal* to recognize the life and glorious traditions of the Eastern Church: and he hopes so precisely in virtue of the *ecumenical spirit* of today which follows the way of dialogue, mutual understanding, considering one another — as we actually are — brothers in common faith in Christ the Saviour, members of Churches which are aiming at re-establishing the full communion willed by Christ.

Papal remarks to the Ukrainian bishops, when the pope received them in audience March 27, 1980 after the termination of the Synod:²¹⁰

Here we are, *happily* arrived, with the Lord's help, at the goal that we had set ourselves with the convocation of this Extraordinary Synod, that is, the nomination of an archbishop coadjutor with the right of succession for our venerated Brother, Cardinal Joseph Slipyj, Major Archbishop of Lwow (Lviv) for the Ukrainians.

I wish to express to you in the first place my deep satisfaction at having been able to see with what *sense of responsibility* you have carried out your task.

The Lord will certainly reward you.

After having reflected for a long time and invoked the help of the Lord in prayer,

I have decided to nominate as coadjutor, with right of succession, to Cardinal Joseph Slipyj, His Excellency Mons. Myroslav Lubachivsky, Metropolitan of Philadelphia for the Ukrainians. He is the first of the three candidates presented.

Now all of you, venerable Brothers, *return to your pastoral cares, happy* to have been able to contribute in *such tangible way* to a measure which constitutes for your Church an effective protection and a singular honor.

An early reaction was from one of the participants at the Ukrainian Vatican Synod 1980, Basil Losten, Ukrainian Catholic eparch of Stanford, Conn., U.S.A.:²¹¹

While it is a historical fact that the Ukrainian Catholic Church has always existed in her bishops, priests, religious and her faithful, the momentous decision of Pope John Paul II of February 5, 1980, has endowed our Church in her entirety with *permanent legal standing* in the Catholic community headed by the Bishop of Rome, the Successor of St. Peter, and the Vicar of Christ on earth. The Holy Father has joined together the sundry parts of the Major Archiepiscopate of Lviv and of the eparchies and exarchies around the globe into *one juridically unified body*, headed by the Major Archbishop who, along with the Synod Bishops administers the Church. The venerable tradition of the Christian East regarding collegial government of a Church by her bishops has been reaffirmed for Ukrainian Catholics by Pope John Paul II.

...Never before has a Supreme Pontiff taken so avid an interest and showed such paternal solicitude in Ukrainian Catholics as has John Paul II. He has extended to us the legal status of a Particular Church, a church *sui iuris*; established a permanent collegial body of administration in the Synod of bishops...

The second reaction came from a Ukrainian Catholic church law scholar, Archimandrite Victor J. Pospishil:²¹²

"Pomisnist" Achieved:
Ukrainian Catholic Church
Receives Equality with
Eastern Catholic Patriarchates

The main purpose of this gathering was the election of a coadjutor with the right of succession to His Beatitude Joseph Cardinal Slipyj. With the decision to call for such an election, the Pope has also granted the Ukrainian Catholic Church recognition of the long-desired "Pomisnist," or self-government in the manner of a particular Eastern Church, as the Major Archiepiscopate of Lviv of the Ukrainians.

...While it is true that the Pope declined to elevate the Ukrainian Catholic Church to a patriarchate, the decree grants the Church the same authority which Eastern Catholic Patriarchates enjoy according to the present law outside the territory of their patriarchate. With this qualification, one can say that the Ukrainian Catholic Church has now obtained patriarchal status.

Of course, it must be stated that the Eastern Catholic patriarchates themselves are dissatisfied with the limitation of their jurisdiction to the regions where they existed since antiquity. So many of their faithful have emigrated from the Middle East to Western Europe, North and South America and Australia that for some of them the majority of their faithful now live outside the ancient patriarchal limits. Consequently, the aim of these patriarchs is to exercise direct jurisdiction

over their own faithful everywhere, although they understand that their authority would be in some aspects, stipulated in law, *curtailed* for the benefit of papal authority. These are instances in which the exercise of the Pope's power could be advantageous for Eastern Catholics as well.

The chief significance of the letter is the unification of the various parts of the Catholic Ukrainians into one legal body, the Major Archiepiscopate of Lviv. Up to the present time, the various metropolias, eparchies and exarchies in the free world and in Ukraine existed as separate legal entities. This now has been terminated and they constitute one legal body: the Ukrainian Catholic Church. It is important that the Pope mentions that the bishops "who are obliged to take part" are bound by law to follow a call to a synod and have no choice as to attending the meetings called by the Major Archbishop, as it was presumed before.²¹³

...Have the Ukrainian Catholics secured something worthwhile? The answer is in the affirmative. First of all, the initiative in their own affairs has been placed into the hands of their hierarchy. Instead of being forced passively to wait until the Roman Curia has decided on some provision for their Church, they themselves are now empowered to take the first step. It is true that their resolutions, determinations and elections need to be approved by the Pope. However, this restriction should not be seen as an obstacle for the Ukrainians for these reasons:

First, as long as the Holy See has not decided to change the principle that Eastern Patriarchates have no direct jurisdiction outside the historical territory of their churches, the Pope *cannot be expected* to grant the Ukrainians something which is denied to the ancient apostolic Churches of the Middle East; and second, if we accept the question of the Ukrainian Catholic Patriarchate, which the Holy See deems unable to establish at this time, there is *no reason to assume* that the Curia would oppose a decision in which a majority of the Ukrainian bishops, led by their Major Archbishop, have concurred. Thus, for all practical purposes, Ukrainian Catholic Church affairs will now be handled by the Ukrainian bishops themselves.

...In private conversation with members of the Ukrainian hierarchy the Pope expressed his intention to do something for the Ukrainian Catholic Church as long as it could be justified within the existing legal framework. Now he has kept his promise...Those who would like to see the Pope relinquish his direct and immediate jurisdiction over Eastern Catholics outside the historical territory of their Churches, could ally themselves with the Eastern Catholic Patriarchates which have set themselves as a goal to persuade the Holy See to do just that, namely, to turn around the legal principle now in force, and to decree in the future code of canon law for the Eastern Catholic Churches that Eastern patriarchs, as well as major archbishops, enjoy direct jurisdiction over all their faithful everywhere in the world, except when law in general, and the Roman Pontiff in particular instances, has some authority reserved to the Pope.

...When speaking of the self-government of Eastern Churches, i.e. independence in various degrees from outside interference of the Churches or ecclesiastical superiors, the terms of Orthodox canon law are employed, namely, autocephaly and autonomy. What degree of independence did the Ukrainian Catholic Church attain by this act of the Pope?

Real autocephaly, i.e. when a Church is independant from external, ecclesiastical, legal authority, *cannot exist* in the Catholic Church headed by the Roman Pontiff.

Church history suggests strongly that the Catholic solution is, in the long run, the best one. The autocephalous Orthodox Churches have no ecclesiastical head, analogous to the Pope, but rather political forces lord it over them which has proven to be the worst influence upon church life, either by the tzarist government of Imperial Russia, or the atheistic rulers of the Soviet Union, of Romania or Bulgaria. The Eastern Catholic patriarchates, on the other hand, are also dependent, but they enjoy a high degree of autonomy before the Roman Curia; an autonomy which will be further extended in the future code of Oriental canon law, and which the Eastern patriarchates try to expand even more. It can be said that the Ukrainian Catholic Church, as well as the Eastern Catholic patriarchates, have been placed by Catholic canon law in a position in respect to the Roman Pontiff that is midway between Orthodox autonomy and autocephaly.

...With a magnanimity — which will be duly admired by centuries to come — born out of a sincere metanoia for past omissions, the Catholic Church has in Vatican II torn down the wall built up by the West against the Eastern non-Catholic Churches, and has made ecumenism a part of the catalogue of basic Christian duties. This reaching-out toward the *separated brethren* must continue, and the way in which the relationship of Churches is fashioned should demonstrate the sincerity of Rome. The granting of pomnist or self-government, though partial, to the Ukrainian Catholic Church after two centuries, should be accepted as such proof.

A third reaction was from journalists reporting on the Ukrainian Vatican Synod 1980 for the American journal *Newsweek*:²¹⁴

The Vatican's Hold on the Ukrainians

...Last week, for the first time in 50 years, members of the Ukrainian Catholic hierarchy (minus six underground bishops in the USSR) assembled in Rome for a secret synod with Pope John Paul II. Officially, they had come to elect a successor to their longtime spiritual leader, Cardinal Josyf Slipyj, 88. Unofficially, however, the synod marked a major triumph of the Roman Curia in its long battle to bend the feisty Ukrainians — the largest group of Eastern Rite Catholics — to the will of Rome.

In a church where the Western, or Latin, Rite is the dominant tradition, the Ukrainians, like other Eastern Rite Catholics (such as Armenians and Melchites), are regarded as second class citizens. Although they are aligned with Rome, Eastern Rite Catholics...have their own traditions of synodal self-government under the leadership of a primate. But ever since the Ukrainians lost their traditional base in the Soviet Union, the Vatican has gradually *forced the exiles* to give up most of their Eastern prerogatives. Specifically, the Roman Curia has refused to sanction eight previous Ukrainian synods convened by Slipyj in Rome, where the venerable cardinal is treated like a virtual prisoner of the Vatican. And the Curia flatly rejects Slipyj's claim to the title of Patriarch of the Ukrainian Catholic Church throughout the world.

Vatican diplomats contend that an autonomous Ukrainian Catholic Church would stand in the way of their foreign policy in Eastern Europe, and frustrate the Polish Pope's goal of internal church unity. They argue that the creation of a Ukrainian Catholic patriarchate would seriously jeopardize Rome's policy of detente with Moscow, which regards the underground Church as the chief source and symbol of Ukrainian nationalism. But many exiled Ukrainian nationalists believe that the Vatican is cynically abandoning their beleaguered native church

in the vain hope that Moscow will eventually give Rome greater control over the Latin Rite Catholics in Lithuania and other countries under Soviet dominion.

With the advent of a staunchly anti-communist Pope, many Ukrainians were expecting a reversal of policy. But once again John Paul II confounded expectations. Shortly before the start of last week's synod, a Vatican delegation assured Russian Orthodox Churchmen that the *Pope would do nothing* to advance the Ukrainians' cause. That assurance was later confirmed by the Pontiff himself when he instructed the assembled bishops — in fluent Ukrainian — not to antagonize the Russian Orthodox believers but to accept them as "brothers in the common faith of Christ."

In a separate, emotional plea to his fellow bishops, Slipyj made one last pitch for a strong successor who would provide 'the unifying element for all our faithful, in the Ukraine and among the emigrants.' Instead, the Pope chose from among the three nominees Metropolitan Myroslav Ivan Lubachivsky, 66, who had been a little-known chaplain to nuns in the U.S. until last year, when the Pope personally appointed him Ukrainian Archbishop of Philadelphia. The Pope's message to all Ukrainian Catholics was clear. Henceforth, the Vatican will *directly control* the Ukrainian Church and see to it that no one as powerful and popular as Slipyj emerges as their leader.

A fourth reaction, from the *New York Times*, reads as follows:

Ukrainian Catholics' New Head

Although the Pope went out of his way to say that Archbishop Lubachivsky was first on a list of candidates that emerged in secret balloting by 15 Ukrainian bishops at a special synod under way since Monday, Vatican sources made it clear that the choice was a controversial one.

Archbishop Lubachivski is regarded as a moderate nationalist who is expected to go along with the Vatican's policy of detente. They added that his policy had been sharply criticized in the past by more militant Ukrainian Catholic prelates and particularly by Cardinal Slipyj, who spent 18 years in Soviet prison camps. The Cardinal has lived at the Vatican since he was released from a camp in Siberia and expelled from the Soviet Union in 1963 as a good-will gesture to Pope John XXIII.

Archbishop Lubachivski, moreover, may be expected to work closely with the Curia, the Vatican's administrative organization, the sources said. Some other candidates would insist on more independence from Rome, the sources added.

But many observers at the Vatican placed the appointment of the Philadelphia prelate *primarily in the context of relations between the Vatican and the Communist countries.*

The Pope has adopted a two-part policy toward the Soviet Union and the Communist regimes of Eastern Europe.

He has been urging greater freedom of worship and education for the Catholic Churches (Roman) in Eastern Europe, and he has made it clear that he is willing to use all the moral pressure at his disposal to this effect.

But when it comes to external relations between the Vatican and Communist government, and between Eastern and Western countries, he has come out strongly for detente and collaboration.

A fifth reaction was one from Desmond O'Grady, Rome correspondent for *Our Sunday Visitor*:²¹⁶

Ukrainian Synod Part of Tricky Vatican Balancing Act

John Paul II said the synod had also been convoked to allow the Ukrainian Catholic Church "a moment of synodal unity."

For years the Ukrainians have demanded that the Vatican make Cardinal Slipyj a patriarch. This would enable them to hold their own synods which would nominate bishops who would be confirmed by the Pope. The Vatican, probably wary of the possible political repercussions of appointing a patriarch who could be taken as a rival as well as a religious leader, has refused to elevate Cardinal Slipyj to the position. This has irritated many Ukrainians.

Pope John Paul gave then some satisfaction by summoning a synod even though it took place under his presidency rather than the Cardinal's.

The Pope promised that the Cardinal could convoke further synods — with his approval. But the Pope also *went out of his way to reassure* the Russian Orthodox Church that the synod was not a challenge to it.

Shortly after his election, John Paul II spoke out strongly for the rights of his oppressed Church. The Russian Orthodox asked if this meant abandonment of ecumenism.

The Vatican answered that nothing had changed in its ecumenical intentions. Evidently the Vatican is trying both to encourage and rejuvenate the Ukrainian Catholic Church and improve its relations with the Russian Orthodox Church in view of the Catholic-Pan-Orthodox theological dialogue which is about to get underway. It is a difficult balancing act.

Finally a reaction from the noted Jesuit scholar and editor of *Diakonia*, George Maloney:

The Death of a Church

Last year the Pope personally appointed a simple Ukrainian priest who had been serving as a chaplain to a girl's junior college in Pennsylvania to be the Metropolitan of Philadelphia, the most Reverend Myroslav Ivan Lubachivsky. Now the Pope has appointed him as Slipyj's successor.

Hidden from the eyes of the non-Ukrainian world by this seemingly benign gesture on the part of the Roman Pontiff was the long struggle led by Major Archbishop Slipyj for the Ukrainian Catholics in diaspora to obtain either their own patriarch or some legitimate exercise of autonomy, as had been promised to them when their Orthodox ancestors had united with Rome in the Synod of Brest-Litovsk in 1596.

Cardinal Slipyj on September 23, 1971, at a session of the World Synod of Bishops in Rome, said:

Ukrainian Catholics have sacrificed rivers of blood and mountains of bodies because of their loyalty to the Church. And they are still suffering severe persecution. What is worse, there is nobody to defend them...Because of Church diplomacy we are impeded...the Ukrainians who have suffered so much and so long as martyrs and confessors are ignored as

inconvenient witnesses of past evils. We have become an obstacle to church diplomacy.

Since 1946 the Ukrainian Church is in the U.S.S.R. Ukraine had seen a brutal massacre in the U.S.S.R. of its glorious Church of five million and a total dissolution of what 375 years of fidelity to the Roman See had built up. One million Ukrainian Catholics live in the diaspora and are riddled with dissension and confusion. In America and Canada a slow process of latinization and usurpation of the rights and traditions of these people developed, especially climaxing in 1929 with the re-inforcement of the decree, "Cum Data Fuerit" which forbade a married clergy. Each bishop was directly answerable to the Oriental Congregation and lost any sense of a collegial, synodal Church.

This was until Major Archbishop Slipyj, after 18 years of intense hard-labor imprisonment in Siberia, was released. On December 23, 1963 he was named Major Archbishop of Lvov which title gave him according to the traditions of his Church and the Eastern Canon Law *Motu Proprio*, *Cleri Sanctitati* (1957), the equivalent rights of a Catholic Eastern patriarch. This was confirmed also by decree on the Eastern Catholic Churches of Vatican II (*Orientalium Ecclesiarum*), #10. In the union-synod with Rome of Brest-Litovsk (1596), Rome promised to respect the ancient rights of the Kiev-Halych Metropolia, which within the bosom of Eastern Orthodoxy has operated as an autonomous Church, equal to a patriarchate without enjoying, however, the title. Thus the Ukrainian Catholics had been promised by Rome a synodal administration with autonomous rights to legislate in regards to rituals, church discipline, a married clergy and with the synod's right to choose its own bishops.

Vatican II with its decree on the Eastern Churches solemnly agreed...to restore such ancient rights if for any reason they had been lost or taken away. 'We solemnly declare that the Eastern Catholic Patriarchates fully enjoy the right and are in duty bound to rule themselves. Each should do so according to the proper and individual proceedings in their traditions (#5).' It went on to declare: 'The patriarchs (including a major archbishop) with their synods are the highest authority for all business of the patriarchate, not excepting the right of setting up new dioceses...' (#9).

Cardinal Slipyj sought to act on his ancient traditions, reinforced by the existing Eastern Code of Canon Law and Vatican II...And then, much to the chagrin of the Secretary of State at the time, Cardinal Villot, he summoned all the Ukrainian bishops to eight synods, which, Villot insisted, in no way could be conceived of as true synods but merely were 'conferences.'

He made an official plea to Pope Paul VI in 1969 that the Pope recognize the Ukrainian Catholic Church Patriarchate. On July 7, 1971, Pope Paul VI answered emphatically NO! The Pope clearly saw that granting a patriarchate to the Ukrainian Church would displease the Soviet authorities and the Russian Orthodox dignitaries. The Vatican's Ostpolitik could never tolerate any encouragement to the underground Ukrainian Church in the U.S.S.R. for the Soviets have long feared the nationalism of the Ukrainians.

If the Vatican emissaries, such as Archbishop Agostino Casaroli, will gain anything from the Soviets, it will, the Ukrainians feel, be at the price of not only continuing the suppression of the Ukrainian Catholic Church in the U.S.S.R. but of stalemating its growth in the free world.

This can be seen not only in the Vatican's refusal to allow the Ukrainian bishops under their Major Archbishop Slipyj to call whenever and wherever they wished an authentic synod to legislate in the approved areas of concern granted to them already by Eastern Canon Law, but also in its denial of any Ukrainian synod's ability to offer three names for the selection of new hierarchs, ultimately chosen by the Pontiff.

In March of 1970 a declaration, *Apostolica Sedes* was issued stating that every Catholic patriarchate or major archiepiscopate had the right to submit to the Pope three names of candidates for a vacancy in such sees. Yet the Pope appointed again and again, especially in the appointments of Bishops John Stock, Basil Losten and Myroslav Ivan Lubachivsky, bishops without the slightest consultation with Cardinal Slipyj and his bishops gathered in synod.

...Autonomy as desired by the Ukrainian Catholics is not a movement to remove themselves from the guidance of the Pope. Three hundred and seventy-five years of fidelity amidst much persecution is proof enough. They only ask what has been so eloquently promised to them by Rome in the past and what has been so dramatically declared as restored to them by Eastern Canon Law and Vatican Council II.

The Orthodox sadly see the Vatican publishing beautiful testimonies of its respect for the Eastern traditions, but in reality they see the Eastern Catholics in union already with Rome living only in an external shell of a cultic rite that has lost all possibilities of inner self-growth. Pope Paul, on the occasion of the canonization of 40 English martyrs (1970), longingly held out to Anglicans the possibility of a union with Rome that would allow freedom to retain their own liturgical rituals, ecclesiastical discipline and church order. But this promise was also made to the Orthodox at Brest in 1596 and the present Ukrainian Catholics have been merely asking that charity and sincerity begin with the Eastern children within the Catholic Church.

The Ukrainian Catholics have the promise of the Pope of a Major Archbishop to succeed the present one, His Beatitude Josyf Slipyj. But the Pope's strong action in calling an extraordinary synod and appointing a person completely unknown to succeed the dynamic present Metropolitan Slipyj is the Pontiff's strongest statement that there will be no autonomous, synodal administration for the Ukrainian Bishops.

With what painful pangs did Major Archbishop Slipyj hear the Pope's final words addressed to the gathered Ukrainian bishops:

Now all of you, venerable Brothers, return to your pastoral cares, happy to have been able to contribute in such a tangible way to a measure which constitutes for your Church an effective protection and a singular honor.

A valiant warrior had come to the end of the battle. Cardinal Slipyj had suffered as a living martyr for his Church and out of love for the Pope of Rome. Millions of other Ukrainians had endured martyrdom and exile while even now untold numbers worship in an underground Church in the Ukraine, all to be faithful to their religious traditions and the Holy Pontiff.

One way to liquidate a Church of the Eastern traditions is to impose upon their hierarchy and faithful bungling tactics on the part of Roman officials who exalt the Latin Rite as the superior Rite and set the stage for mass defections from the Catholic Church to Orthodoxy by ignoring their promises to preserve the ancient

Eastern traditions. It is estimated that 75% of the present Orthodox Church of America is made up of former Eastern Catholics. The entire Carpatho-Russian Orthodox Church was once Eastern Catholic.

Another way to liquidate a Church or at least to turn it into a beautiful museum piece to be looked at but that in itself breathes no fire of inner life is for the Pope of Rome to handpick Eastern bishops that will not desire to rock the boat by insisting as the 'enfant terrible' Cardinal Slipyj, on their Church's legitimate rights. We eagerly wait for the new Co-adjutor to prove whether he is a worthy successor of Cardinal Slipyj or whether he has been another Vatican creation to foster expedient politics in place of the true Gospel of Jesus Christ.

Conclusion

The issues that emanate from these reactions to the papal document *On February Seventeenth* and the Ukrainian Vatican Synod 1980 can be summed up thus: (1) the papal approach to the internal administration of the Ukrainian Catholic Church seems to be contrary to Vatican II decrees and tradition; (2) the papacy promotes and practices total legal containment over the Ukrainian Church; (3) the papacy appears to be influenced by outside constraints (Soviet Regime and Russian Orthodox Church) in its relations with the Ukrainian Catholic Church; (4) one detects a certain unwillingness in the Ukrainian Catholic hierarchy to defend the rights of the Berestine Kievan Church; (5) one notices an excessive submissiveness to the papacy on the part of the Ukrainian Catholic hierarchy; (6) the declaration by some members of the Ukrainian Catholic Church that it has attained self-government does not appear to be correct.

Victor Psopishil and others appear to claim that pomisnist or self-government has been achieved in the Ukrainian Church as a result of the pope's document *On February Seventeenth* and his actions in the Ukrainian Vatican Synod 1980. If that is true how can it be explained that very same papal document does *not allow* the major archbishop to convoke a synod without the explicit permission of the pope and even to get that authorization to convene a synod, he *must submit* in advance the agenda for papal scrutiny. Furthermore, such synods are bound by the Roman declaration *Apostolica Sedes*. Given these facts what sort of pomisnist or self-government was achieved?

The fact that the Ukrainian bishops can be convened in synod by the major archbishop, that such a synod can convene only after the pope has scrutinized the agenda and then allows its convocation, that such synods are bound by the Roman declaration *Apostolica Sedes*, is *not* the *reality*, but only the *semblance* of pomisnist or self-government.

A particularly bothersome issue is the quality of leadership being appointed by the papacy for the Ukrainian Catholic Church. Given the difficulty of any diaspora church to survive, its leadership has to be not only average, but above average. Yet to judge from all the episcopal appointments made in

the Ukrainian Catholic Church by the papacy since Vatican II, it would appear that the quality of leadership, with few exceptions, is well below average. How can the Eastern churches "flourish" and "execute the task entrusted to them" according to the Vatican II decree *On the Eastern Catholic Churches* with leaders and administrations that are skilled in obedience rather than leadership. Would not these appointments appear to confirm George Maloney's, s.j. suspicion that one of the ways to "liquidate" the Eastern Catholics in the diaspora, particularly the Ukrainian Catholic Church, is "for the pope to handpick Eastern bishops that will not desire to rock the boat by insisting...on their church's legitimate rights"?

IV THE "VANISHED" CHURCH PLEADS

Recently a letter from the "invisible" Ukrainian Catholic Church in the Soviet Union arrived in the West. It was an appeal to Pope John Paul II to intercede before the Soviet authorities to allow Ukrainian Catholics the religious freedom guaranteed Soviet citizens by the Soviet Constitution which reads:

In order to ensure to citizens freedom of conscience, the church in the UkSSR is separated from the state and the school from the church. Freedom of religious worship and freedom of anti-religious propaganda is recognized for all citizens. (constitution of 1937, article 23).

The contents of the open letter to the pope are as follows:

We, the Ukrainian Catholics of the Eastern rite, express our immense gratitude to God's providence, which has raised you, Holy Father, to the highest office in Christ's Church. We also express our profound joy, seeing that you, Holy Father, come from the much-suffering Slavic peoples, and thus are aware of their needs and expectations.

Here is what we wish to tell you.

We, the Ukrainian Catholics of the Eastern rite who live within the confines of the state boundaries of the USSR, are regarded as the faithful of an illegal church; we exist only by God's grace, and also because of the great and constant faithfulness and generosity of our people. This situation came about after World War II, and you, Holy Father, know of it very well.

We were punished allegedly for cooperating with the enemy of the people, and all the information media still keep repeating this. Indeed, we were punished not for that fabricated activity but for our loyalty to our Catholic Church. This is already apparent from the fact that people who in time left us and renounced their faith were not punished even if they had been guilty of more serious offences; whereas others even with an irreproachable past had to suffer much.

Many tragic incidents — even now too troublesome to mention — occurred at the time. From then on our Church ceased to exist legally. However, Holy Father, we are happy to inform you, our spiritual leader, who as Peter's rightful successor guide the Universal Catholic Church, that our Catholic Church is still found among us, it exists and shall always exist. Repression and persecution only enhance her dignity and grandeur and save immortal souls. All those who have come to know and love their Church properly have remained and shall remain faithful to her in all difficult conditions.

Holy Father, we request your prayers and the prayers of our brothers in the faith, so that we, always remaining faithful to Christ, to his teaching and his love, may

persevere in goodness and live to see that happy day when everyone would recognize our good will, and also our value to the community.

With your help, Holy Father, we would like to convince our rulers, towards whom we maintain complete civic respect, and whom we obey in all matters pertaining to the social order and the peaceful coexistence with people of different convictions, that we are not enemies of the socio-political system which exists among us, and are not opposed to the peaceful living together of the many nations of our land.

We are also not opposed to the existing system of international relations, which indeed are beyond the sphere of our activity. We are convinced that our authorities know well the program and the limits of the activity of our Catholic Church. They know that adhering to the doctrine of our Teacher, "Give to Caesar what is Caesar's, but give to God what is God's," we cannot be against the realization of political aspirations since the fundamental sphere of our activity was, is and always shall be the spiritual life of the people and their relationship to their eternal destiny.

All our appeals for the return of the right of legal existence of our Church always met with a negative response. And the people who collected the thousands of signatures in support of these requests found themselves in a very complicated situation. We are aware of the fact that we can obtain nothing from the authorities by force, and we do not even want that. We have waited very long, and we shall continue to wait for the first indications of good will, human understanding and an objective appraisal of our past on the part of the persons who bear the responsibility for the existing administration.

But now we see that with God's help your worthy person, Holy Father, may hasten this day if you would explain to the representatives of our state authority that mutual understanding can only contribute to the common good — both within the state and in the international arena. The general opinion of all of us faithful, and on the whole of all thinking people, is that if our authorities would manage rationally and justly to solve the problem of religion as such, this would bring more good and gain to the human race than all armed expeditions and revolutions taken together.

It must be said that in the Constitution of the USSR there are articles which clearly guarantee the freedom of speech and of conscience and the complete freedom of religion. Why, then, can they not be applied in practice?

To be sure, the authorities show their fear and lack of trust; it seems they think that touching old wounds and committed blunders and injustices may stir up new complications. However, Your Holiness would know best how to explain to them that it would be agreeable and beneficial for all to indicate that past offenses can be forgiven once and for all. One may draw conclusions from the past and learn from them, but they should not be the basis for going to court.

We are told that we may profess every other faith except the Catholic faith. Therefore, we wish to explain our position.

We, the Catholic faithful, are so convinced of the truth of our Church that to abandon her, to depart from her, would mean for us also to stop being faithful to Christ, and thus to lose hope for the salvation of our souls, which for us is more frightful than death. Moreover, we think that since the authorities have proclaimed freedom for all religions, it is totally incomprehensible why our Catholic

Church cannot be free. Surely there is nothing in her program that is contrary to the well-being of the state, or is directed against the peaceful coexistence of its citizens.

Unfortunately, we are compelled to assert also this sad fact: the means of mass information on religious affairs — both for the authorities and for the public — are run by atheists or by people who work under their direction. And they never provide true information. Firstly, because the citizens do not express, and conceal from them, their true convictions. Secondly, because they themselves are afraid to admit that the atheistic propaganda introduced by them is ineffective.

Such disinformation is harmful to all. The authorities are convinced that it will suffice to conduct some counteraction here and there, and religion will disappear completely. So they again seek out and repeat the arguments against religion; they keep publishing new articles in newspapers and journals, which are their own worst witnesses, and affirm the low level of intelligence and the spiritual condition of those who write them.

This is all very painful, but unfortunately under present conditions, until these matters are understood by those who control the fate of our nations, no counter-measures can be employed. They say that the larger part of our nation has abandoned the Catholic Church. But this nation, in the depths of its soul, has remained the same as it was, and at the first opportunity, when it will be possible to express oneself sincerely, it will speak to the world about this.

It is true that many people attend Orthodox churches, because they are the only ones that are open; but this too is proof of an attachment to religion, without which the people cannot live, and so they justify their religious needs as best they can. Moreover, the dialogue among Christians and the general fraternal understanding can also contribute here to the common good.

What is the purpose of our letter? We appeal to you, Holy Father, to explain authoritatively to the representatives of the Soviet authorities, personally on your own behalf as head of our Church, and in the name of our faithful people, that the Ukrainian nation has the right to demand freedom for its Catholic Church of the Eastern rite. And if this should come about, the state would have no problems because of it, but only benefits — both within the state and on a world-wide scale.

After forty years it was possible to become convinced that our Church harbors no political purposes and does not interfere in the social and economic policies of the government; only her spiritual matters and interests concern her. Besides, the multilayered nature of spiritual culture, and the preservation of some historically examined traditional forms of religious practice, can only enrich the spiritual treasures of culture in general. A dialogue with those who do not believe, conducted on an equal plane in the spirit of mutual respect of human dignity, can only bring benefits.

Our only desire is a complete and consistent implementation of the articles of the Constitution of the USSR which guarantee the freedom of speech, the freedom of conscience, the freedom of religion. We demand a consistent implementation of the articles concerning church and state — the separation of the state from the church so that both believers and unbelievers would equally enjoy rights and duties in all spheres of life.

We trust that you, Holy Father, believe our words. We are not sending you the list of the names of those who signed this letter because that sometimes makes people uneasy. We think that this does not change anything but rather adds greater depth to the matter. However, if the officials concerned would like to have a true concept and information about what and how the people are thinking, and what kind of convictions are dominant among the masses of the Ukrainian nation, they would easily obtain that upon the first serious indication of good will and sincere human understanding.

As for ourselves, we shall continue to rely on God's help with the hope that the happy day will indeed come when good will shall prevail.

With profound respect to you, Holy Father, the faithful of the Ukrainian Catholic Church in the USSR.²²²

A moving testimony to the profession of Christian faith in difficult circumstances. This catacomb church declares itself not to be an enemy of anyone, it wants to forgive and forget, but would like its legal right to religious freedom restored. In light of the recent statements and behaviour of the papacy it would appear that the wish of the pope is not that the Ukrainian Church should gain the religious freedom guaranteed it in the Soviet Constitution, but that it accept the "sufferings and wrongs" in an "ecumenical spirit." To what end? Perhaps that Vatican Ostpolitik and Roman Catholic interests in the Soviet Union might not suffer?

V RECENT DEVELOPMENTS

Patriarch Pimen versus Pope John Paul II

During a synod of the Ukrainian Catholic bishops in Rome, November 25 - December 1, 1980, the synod formally declared the canonical invalidity and illegality of the so-called "synod of Lviv" 1946 (formally sanctioned by the Russian Orthodox Church in 1971), which unilaterally abolished the Ukrainian Catholic Church and incorporated it into the Russian Orthodox Church. The synod stated its declaration thus:

The Divine Redeemer has entrusted to the Church that He has founded a constitutional mandate which allows all problems inherent to the Church to be resolved collegially by the successors of the apostles, the bishops, under the leadership and vigilance of the successor of St. Peter, the Roman pontiff.

The Ukrainian Church has followed this principle in a synod of her bishops assembled in Berest-Litovsk in 1596 when she decided to renew union with the apostolic see of Rome and she considers this holy union as completely accomplished several decades later when all the Ukrainian bishops with their eparchies joined it.

Therefore, the assembly (not synod) that was convoked on the initiative of some Ukrainian priests under constraint from Soviet civil authorities in 1946 in Lviv (Leopoli) and which proclaimed itself a "Synod", cannot be and never was in any manner a legitimate synod of our Church, because it (the assembly) prevented any Ukrainian bishops from taking part in it. The presence of some members of the clergy and laity is not sufficient in any Christian church for the juridical legitimacy of such a "synod." Furthermore, the majority of the members were constrained to take part by the enemies of our Church and our people.

The holy apostolic see of Rome in the person of Pope Pius XII, in his encyclical *Orientalis Omnes* of 1946 and equally in his solemn declaration of December 15, 1952 and of John Paul II in his documents of March 19, 1979 and February 5, 1980 has made it known to all that the Ukrainian Catholic Church exists in law and in fact and has also condemned the abuse of power perpetrated against the Ukrainian priests and for this reason has declared null and void the canonicity of the "Synod of Lviv of 1946" underlining its historical falsity.

We, the Ukrainian bishops, assembled around the father and head of our church, His Beatitude Archbishop Major of Lviv and Metropolitan of Kiev-Halych, Joseph and his future successor, Archbishop Coadjutor Miroslav, convened with the approval of the Roman pontiff, Pope John Paul II, with this declaration bring to the knowledge of all the members of the clergy, secular and religious, and to all our faithful in the Ukraine and in the diaspora that a synod by means of which our Church abolished the holy union with the apostolic see of Rome never took

place and the so-called "Synod of Lviv" of 1946 never had nor has anything in common with our Ukrainian Church which continues to remain a faithful member of the Universal Church, the mystical body of Christ, with his head and vicar of Christ on earth, the Roman pontiff, successor of Peter.²¹⁸

When Patriarch Pimen of Moscow read this declaration he immediately registered his disapproval with the Vatican through Metropolitan Yuvenaliy. It appears rather curious why this declaration would have so incensed the patriarch. After all, that has been the stated position of the Ukrainian Catholic Church since 1946. What really motivated the patriarch to raise objections? It must be recalled that it was during the enthronement speech of Patriarch Pimen in 1971 that the Russian Orthodox Church officially reconfirmed the so-called "Synod of Liviv" 1946 in the presence of papal representatives. When the papal delegates failed to register any protest against that position, it appeared to Moscow that by implication the papacy concurred with that view. Thus when the Ukrainian Catholic Church made its formal declaration regarding the "Synod of Lviv" 1946 in a synod officially sanctioned by the Polish Pope, John Paul II, Patriarch Pimen was eager to know whether there had been any shift in the Vatican's Ostpolitik and its relations with the patriarchate of Moscow.

It would appear that Patriarch Pimen was not satisfied with the Vatican's explanations to the queries of Metropolitan Yuvenaliy. Therefore, on December 22, 1980, Patriarch Pimen wrote a personal letter of protest to Pope John Paul II. The relevant contents of that letter are:

To His Holiness, Most Holy John Paul II, Pope of Rome.

Your Holiness, Beloved Brother in the Lord.

...Your Holiness! We have received news about a synod of the Ukrainian Catholic bishops held recently in the Vatican with Your blessing. Metropolitan Yuvenaliy has also informed me in detail about the reception accorded to him by Your Holiness and the discussions he had with high officials of your church.

I must say with profound alarm and bitterness that the declaration of the (Ukrainian) synod, may, in the fullest sense of the word, annul all those greater achievements in the sphere of rapprochement between our two churches, which have been the outcome of our collective concerted efforts, during and after the Second Vatican Synod. It (the declaration) creates dangerous tensions in the relations between the Roman Catholic and Russian Orthodox Churches, which might be considered no less than tragic in their consequences for the mutual relations between our two brotherly churches.

The content and spirit of the declaration are alien to the spirit of ecumenical brotherhood that exists between us, and what is more, it endeavors to revise and destroy the structure of the Russian Orthodox Church. At this time, I do not wish to examine and analyze the individual points of this declaration, because I deem, that this would only re-enforce the memory of the tragic character of past relations between our churches that weighs heavily on both sides.

I write to Your Holiness with the hope that it will be possible to find a solution to this unfortunate situation, dangerous to our mutual relations. Most Reverend Metropolitan Yvenaliy informed me, that according to Most Reverend Cardinal

Wladislaw Rubin and the members of your Secretariat for Christian Unity. Your Holiness had registered your position regarding the declaration and your attitude to it, namely, that this document has no legal and canonical validity for the Roman Catholic Church. This view strengthens my conviction that Your Holiness, perceiving the dangerous situation that has arisen during the important Orthodox-Catholic theological dialogue which only recently has successfully commenced, will find in Yourself the strength and display the prudence necessary not to allow the return of those painful conditions that existed before the pontificate of Pope John XXIII of blessed memory.

Your Holiness! I deem it my duty to inform You, that as a result of this declaration of the (Ukrainian) synod, there is growing a profoundly tense feeling within the Russian Orthodox Church with regard to relations with the church of which You are the Head. I strongly entreat and urge You to initiate, without delay, such action as not only would not grant validity to this declaration but would also inform the churches that Your Holiness does not approve nor support the direction selected by the Ukrainian Catholic bishops in their dealings with the churches. I am convinced that only this kind of action on Your behalf can rectify the currently strained situation.

I am awaiting a speedy response from Your Holiness, so that we may resume our patient journey full of mutual fraternal love, towards genuine unity in Christ.

With unalterable love for You in the Lord, Pimen Patriarch of Moscow and all Russia. December 22, 1980. Moscow.²¹⁹

Patriarch Pimen told Pope John Paul II in no uncertain terms that if the Ukrainian Catholic Church in the free world is not appropriately muzzled (preferably annihilated), the developing "ecumenical" dialogue between the Church of Rome and the Church of Moscow would be in jeopardy.

Patriarch Pimen considers the unilateral abolition of the Ukrainian Catholic Church in the Ukraine as an internal matter and therefore the principle of non-interference applies. Perhaps this is a tenable position in political spheres, but it is questionable whether it is a principle to be upheld in Christian communities based on the Gospel.

Pope John Paul II responded in a letter dated January 24, 1981:

Your Holiness, Pimen, Patriarch of Moscow and all Russia.

I thank You for the letter of December 22, 1980 in which in the spirit of fraternal and christian sincerity you notify me of the fears and feelings of bitterness that were evoked in the priestly Synod of the Moscow Patriarchate by assertions publicized with the knowledge of the Ukrainian Catholic bishops after their meeting in Rome towards the end of November of the last year.

I want to assure You, Your Holiness, that I paid special attention to Your letter in conjunction with the importance that I attribute to the development of even better fraternal relations of mutual confidence between our Churches. Therefore, I hasten to respond in the same spirit of fraternal and christian sincerity, because only such an attitude — I am convinced — can resolve all kinds of misunderstandings.

During the visit of the Metropolitan of Krutitsy and Kolomna, Yuvenaliy, to Rome, for which I would like to thank Your Holiness, I had occasion to discuss

this matter with him. The Metropolitan also met with Cardinal Rubin, who participated in the consultations of the Ukrainian Catholic bishops. They convened in Rome with the purpose of presenting candidates for vacant episcopal sees and to discuss various matters pertaining to pastoral activity amongst their faithful, scattered throughout the world. The names of the candidates, as well as all other decisions of the synod were to be presented to me for approval.

Nonetheless, without any preliminary consultation, someone leaked to the press the projects discussed at the (Ukrainian) synod. The Holy See, standing firmly on the position that it always held in relations to the rights of the Ukrainian Catholic Church, regrets that such communiques appeared in the press, before I had the occasion to study the documents. Therefore, it (Holy See) immediately notified all nunciatures in countries where there are Ukrainian Catholic communities of the fact that these texts received no approval and therefore were deprived of all official character. At the same time, it was ordered not to publish nor to circulate these documents. No official publication of the Holy See ever mentioned them.

I trust that these explanatory details will alleviate the apprehensions of Your Holiness. I do not believe that this circumstance, which has transpired, would create any danger in that which the Lord has realized in our churches from the time of the Second Vatican Synod. During prayer week for unity and on the day following the celebration of the Liturgy in the Sistine Chapel, I, together with all the members of the Roman Curia, my assistants in my daily work, raised up our prayers requesting the fulfillment of the will of the Lord "that all be one." I wish to reiterate my inflexible resolve to pursue under the guidance of the Holy Spirit the path indicated by the Vatican II Synod. Its spirit and direction have inspired me from the beginning of my pontificate.

I assure You, Your Holiness, of the warmest and fraternal love in Christ, our one Lord.

John Paul II. January 24, 1981. Vatican.²²⁰

The pope draws the patriarch's attention to the fact that the papacy's position on the rights (i.e. the patriarchate, the permanent synod, the constitution and other legal containments) of the Ukrainian Catholic Church are well known and have remained unchanged. However, the pope's position regarding the declaration of the Ukrainian Catholic Church on the status of the so-called "Synod of Lviv" 1946 appears to be somewhat ambiguous. It would appear that officially the papacy disavowed itself from the declaration and, it would be reasonable to presume, by implication, from the historical content of the declaration. If so, it would be acknowledging the validity and legality of the so-called "Synod of Lviv" 1946, thus concurring with the views of Moscow. Furthermore, it would also be sending a signal to the Ukrainian Catholics in the free world that the papacy would like to see them disbanded either through incorporation in to the Roman Catholic Church (preferably) or for that matter, in the church of their choice. Why? To facilitate dialogue with the Russian Orthodox Church. That is precisely the price the Patriarch of Moscow is exacting from the papacy for the continuation of the dialogue between Rome and Moscow.

It should be noted that this position of the Roman Catholic Church regarding Ukrainian Catholics is not totally without precedent and Moscow is well aware of it. The approximately three hundred thousand Ukrainian Catholics in Poland for all practical purposes are in the final stages of being compelled through selective measures of the Polish Communist Regime and the tacit cooperation of the Polish Roman Catholic Church to incorporate either with the Polish Roman Catholic Church or the Russian Orthodox Church in Poland.²²¹

Officially therefore, the declaration of the Ukrainian Catholic Church and probably by implication the historical content of that declaration have been obliterated from all Vatican records and presumably from history and posterity. However, the unofficial position of the papacy regarding the declaration is not stated in the letter. Nor apparently did the pope initiate any adequate action in the view of Moscow. Herein lies the dissatisfaction of Patriarch Pimen with the response and the lack of action by the pope. To register that dissatisfaction, Patriarch Pimen published the secret correspondence five months after the actual exchange in the *Journal of the Moscow Patriarchate*, much to the embarrassment of Pope John Paul II. The embarrassment stems from the fact that this correspondence was carried out in secret. Secondly, it took place without any consultation with the head of the Ukrainian Catholic Church, Joseph Slipyj. The apparent disavowal of the historical content of the declaration is a further source of embarrassment given the fact that the pope himself witnessed the liquidation of the Ukrainian Catholic Church in Western Ukraine. Furthermore, the pope has a living witness and victim of that liquidation residing right in the Vatican itself in the person of Cardinal Joseph Slipyj. It would appear therefore, that history cannot be denied or disavowed, officially or unofficially particularly, in a case where documents of previous popes recognize these historical facts. One can only cover it up or at least attempt to cover it up.

Pope John Paul's II letter bears out the papal policy of complete legal containment and total subordination of the Ukrainian Catholic Church, its activity and free expression, to the papacy, contrary to the decisions of the decrees of the Vatican II Synod. The frightening feature of this policy is that it appears to be carried out under and perhaps even justified by influences and forces that are not even part of the Catholic communion. This policy is particularly disheartening to the Ukrainian Catholics because it is unscrupulously carried out in the midst of circumstances that are historically and politically most disadvantageous to the Ukrainian people in general and the Ukrainian Catholic Church in particular.

All apparently supportive statements emanating from the Vatican, e.g. *Epistola Millenii* of Pope John Paul II, March 19, 1979; the response of Cardinal Jan Willebrands to Metropolitan Yuvenaliy, September 22, 1979, are rhetorical, helpful rhetoric it is true, but nonetheless rhetoric.

Continued Harassment

On July 6, 1982, the papal administration in the person of Cardinal Rubin, Prefect of the Sacred Congregation for the Eastern Churches, again reminded the bishops that there are no patriarchal structures in the Ukrainian Catholic Church, that they cannot convene a synod without the prior permission of the Pope and that there will be no replacement for Myroslav Lubachivsky appointed by the pope. The letter reads:

Your Excellency has probably already received the letter of His Eminence Cardinal Joseph Slipyj, Archbishop of Lviv and the Ukrainian faithful, sent "to all bishops, priests, monks, nuns and all brothers and sisters in the Ukraine, in exile and dispersion on the occasion of the 90th year of (my) life."

This letter, together with its numerous edifying words and sublime character, conceal in it expressions which appear to raise again for discussion the question of the erection of a Ukrainian Patriarchate. The position of the Holy See regarding this issue has already been stated.

To prevent doubts and misunderstandings, this Sacred Congregation feels obliged to remind everyone whom it concerns that it is their grave duty to uphold the decisions of the Holy See taken in this matter, decisions, which in spite of the manifested good will and well intended reflection, remain unchanged.

We think it will be useful to note some issues clearly and intelligibly:

1. Firstly, regarding the erection of a patriarchate in the Catholic Church: It is generally known that the right to create a patriarchate is reserved to the General Council and the Holy See. Therefore, to maintain, as some do, that a Ukrainian patriarchate exists — is violating or misinterpreting the truth, which would appear to serve only the purpose of creating confusion and division in the minds of the people. Clarity and objectivity are absolutely necessary in this matter, if there is any desire to bring peace and harmony to the Ukrainian community.

Furthermore, it would be an act of disobedience not to accept the decisions of the Holy See, which it issues by word, in writing and instruction. Therefore, anyone who recognizes himself as a loyal catholic should reject such behaviour. Every catholic should avoid, nor assume positions which bring harm to the authority of the Apostolic See as well as avoid attitudes which would lead to the encouragement of dissatisfaction and the arousal of anxiety.

2. Regarding the Episcopal Synod: this institution represents the extraordinary authorization of the Holy Father for the Ukrainian Church. Therefore, in this instance it is necessary to uphold the conditions of the authorization, because it is only on the basis of such authorization that the synod of the Ukrainian hierarchy has its clearly defined character. Firstly, it can be convened only with the permission of the Holy Father. Such permission must be received each time there is any intention to convene such a gathering. Furthermore, the synod cannot appoint bishops, but only and when necessary, present a list of candidates (to the Pope who does the appointing).

3. Regarding the successor for the Metropolia of Lviv and His Eminence Cardinal Slipyj: Such a successor is already appointed in the person of coadjutor, His Excellency Prelate Myroslav Ivan Liubachivsky. Therefore, all sorts of suggestions about the possibility of appointing another hierarch, who would possess equal or

greater rights than the one already appointed for the Archepiscopal See of Lviv — is meaningless.

As Your Excellency can see, it is absolutely necessary to present the truth with proper thoroughness regarding the above mentioned matters for the purpose of removing the roots of all that which causes confusion and division.

I turn to you, Your Excellency, on the request of the Holy Father, that you diligently uphold the decisions issued (by the Papacy), as this matter requires it — “fulfilling the truth in love.”

With expression of profound reverence and special wishes for all good, yours devoted in Christ

Vladislav Cardinal Rubin, Prefect.²²³

What was the purpose of this reminder? It appears to be a dogged pursuit and containment of anything Cardinal Joseph Slipyj does, suggests and apparently even thinks. Is there not any right to freedom of speech in the Ukrainian Catholic Church?

The continued insistence that the Ukrainian Church administer itself through the Roman Catholic form of the episcopal conference controlled by the pope rather than the traditional independently convened Eastern form of the synod is a clear indication of the outright intention of the papacy to romanize and latinize the Ukrainian Catholic Church. It would appear to be a clear signal to Moscow, both civil and religious, and the dialoguing Orthodox churches that Rome is determined to absorb, at least administratively if not ritually, the “Catholics” of the Christian East.

HISTORICAL FOOTNOTE TO THE AFTERMATH OF VATICAN II

In the context of the post-Vatican II era, the Roman popes appear to have reversed the famous dictum of Pope Clement VIII (see first historical footnote). The popes are no longer willing to “suffer” with the Ukrainian Church. Rather, contrary to the decisions of Vatican II and to Christian canonical tradition, they are seeking to “rule” the Ukrainian Church. Pope John Paul II recognized the suffering of the Ukrainian Church and assured it that he wished “with all his might to alleviate the hardships of those who suffer because of their loyalty.” (*Osservatore Romano*, November 14, 1979). The Ukrainian Church must accept the “sufferings and wrongs” in an “ecumenical spirit” (Papal letter to Major Archbishop Joseph Slipyj, March 19, 1979, published only after the pope’s visit to Poland, in *Osservatore Romano*, June 17, 1979). Why? Does the Christian “ecumenical spirit” really demand

complete legal containment, total subordination and "suffering wrongs", or are these necessary in order to maintain a politicized "ecumenical dialogue"?

CONCLUDING REMARKS

On the basis of a unilaterally declared principle of territorial jurisdiction, the Papacy has managed to submit the autonomous Berestine Ukrainian Church to complete Roman legal containment and absolute papal jurisdiction, not only in the diaspora, but in principle, also in Ukraine. Why also in Ukraine? It is difficult to imagine that all the administrative precedents set by the papacy in its relations with the Ukrainian Church in exile and the diaspora would disappear when the Ukrainian Church regains its freedom. It would appear that the papacy has taken a grossly expedient advantage, justified by international power politics, of the most detrimental and disadvantageous historical and political conditions that the Ukrainian Church could ever possibly find itself in, to force into submission and to contain, legally, the autonomous and particular Berestine Ukrainian Church.

On the basis of this same territorial principle, the papacy has also prohibited and rejected all attempts (i.e. those involving the patriarchal structures, the permanent synod and the constitution) of the Ukrainian Church to "rule" itself. If the papal refusal to allow the establishment of patriarchal structures in the Ukrainian Church is examined in the light of international power politics, it might be argued, perhaps even by the Vatican itself, that Rome had its hands tied by the conditions agreed to by Pope John XXIII in obtaining the release of Metropolitan Joseph Slipyj from eighteen years of imprisonment in Russian labor camps. Perhaps! First of all the release of Metropolitan Joseph Slipyj was a gesture of *good-will* on the part of the Soviet Regime. Secondly, as far as is known, the only conditions laid down by the Soviet Regime were: that the release would not be an occasion for political exploitation and that Metropolitan Slipyj could not return to Lviv, but had to reside in exile. It would appear, therefore, that the Vatican policy towards the Ukrainian Catholic Church was not determined by the conditions of Metropolitan Slipyj's release, but rather by the rapprochement with the Russian Orthodox Church and the Soviet Regime, known as Vatican Ostpolitik. This policy was developed subsequently by the Roman curia. Even if one were to grant that the establishment of patriarchal structures in the Ukrainian Church complicated the papacy's foreign policy, how can anyone explain the papal rejection of the creation of a permanent synod and the compilation of a constitution — matters pertaining purely and strictly to

internal ecclesiastical administration with no international power-politic implications, whatsoever. The real attitude of the papacy toward the Ukrainian Catholic Church must therefore be sought precisely in the reasons that motivated the papal rejection of the permanent synod and the constitution. Was the papal reason for the rejection the possibility that the Ukrainian Catholic Church might "flourish and with new apostolic vigor execute the task entrusted "to it (*On the Eastern Catholic Churches* #1), or was it that a vigorous Ukrainian Catholic Church "might be detrimental to other existing canonical jurisdictions," i.e. the Latin Church (*Papal Letter* of July 7, 1971), or was it a veto of the Russian Orthodox Church in compliance with the Soviet wishes?

Furthermore, why did the pope recommend the "episcopal conference" as the "most suitable" means to meet the needs of the Ukrainian Catholic Church? Did or does the papacy want to make the Eastern Catholic Churches appear "Roman" rather than Eastern to facilitate dialogue with the Orthodox churches?

Is perhaps the Papacy again, as in the 1590's, taking unscrupulous advantage of the historically and politically disadvantageous circumstances of the Ukrainian Church in particular and the Ukrainian people as a whole to further its goals of ecclesiastical primacy and supremacy?

The question that inevitably surfaces is what should the Ukrainian Church, particularly the Ukrainian Catholic Church, do? Analysis of historical events leads one to conclude that the historical situation of the Ukrainian Church of both jurisdictions is that it is caught in the vice-like grip of world social, political and religious power structures and struggles: The Roman Catholic Church; Vatican Ostpolitik; the Russian Orthodox Church; the Soviet Regime; Soviet Westpolitik; and the Polish Roman Catholic Church. The immediate problem is, how can the Ukrainian Church free itself from the grip of these structures and struggles? How can the Ukrainian Catholic Church in particular loosen the legal grip of the Papacy?

Ecumenical Relations First and foremost the Ukrainian Church must have the moral and spiritual courage to be, just as the sixteenth century Kievan Church did when it was caught in the vice of the historical processes of its time. The Kievan Metropolia went so far as to change ecclesial allegiance to preserve its identity and survival. Since this is the era of ecumenism, the Ukrainian Catholic Church in particular should develop and expand relations with other Christian churches. In an ecumenical spirit it should reestablish relations with its former mother church, the Patriarchate of Constantinople, a patriarchal see not involved in deadly world power politics. The reestablishment of relations with Constantinople would not imply or necessitate the interruption of communion with Rome. Through the development of relations with other ecclesiastical centres the Ukrainian Catholic

Church would achieve a better balance in its ecclesiastical relationships and thereby would not be so firmly and unilaterally contained by the papacy and Roman law currently being designed for the Christian East. Furthermore, through the development of independent ecumenical relations the Ukrainian Church might fulfill a unique role reflective of its name (Ukraine mans borderland) and its historically singular position as the crossroads between East and West, particularly in north-central Europe.

At present many Ukrainian bishops are so "faithful" to the papacy that they do not follow what they know to be the right manner of proceeding. For example, in view of the history, tradition, theological approach and recent behaviour of Rome towards the Eastern Christian Catholic churches, it is difficult to conceive how any Eastern Catholic bishop could serve in an official capacity as a representative of the Roman Catholic papacy on a theological commission set up to dialogue with the "separated" Orthodox brothers?

Leadership The Ukrainian Catholic Church must demonstrate more effective leadership. As this historical survey indicates, the only effective leadership the Ukrainian Church demonstrated was in the area of rite. It has not manifested any leadership (whatever the historical reasons) in the theological, legal, ecumenical and political facets of ecclesiastical life. The effective leadership of these dimensions was absorbed and assumed by Rome, Moscow and Constantinople. How long can the Ukrainian Church be considered or even consider itself a particular and autonomous church when it does not exercise four-fifths of its total leadership role? The fact that the patriarchal structures have not been erected, that the permanent synod was not created or that the constitution was not written, are not due only to the opposition of the papacy, Rome, Moscow or anyone else. It is due largely, on the one hand to the glaring lack of effective leadership, and on the other hand, to a servile consciousness.

Foster Tradition The whole Ukrainian Church, i.e. the bishops, clergy and faithful must foster a greater loyalty to their whole tradition, not only liturgical, but also theological, spiritual, legal, administrative, etc. Furthermore, this loyalty to heritage should be stronger than loyalty to centres of ecclesiastical administration, be these Rome, Moscow or Constantinople. After all the Christian community is one which is predominately a pneumatic, charismatic and theological reality, rather than a merely clerical, legal, economic, and political entity. In his First Letter to the Corinthians (1. 12-13) St. Paul says: "...it is clear that there are serious differences among you. What I mean are all these slogans that you have like: 'I am for Paul,' 'I am for Apollos,' 'I am for Cephas,' 'I am for Christ.' Has Christ been parcelled out? Was it Paul that was crucified for you? Were you baptized in the name of Paul?"

Seek Christian Charity It has been part of Christian history for com-

munities to turn to one another in moments of distress. The Ukrainian Church should communicate to the whole Christian world, Catholic, Orthodox and Protestant, the difficulties it believes it has been subjected to through the unilateral approach of the bishop of Rome in the internal administration of its church. Not only should the Ukrainian Church communicate its problem to other Christian communities and leaders, but in Christian charity it should seek their assistance.

Institutions of Learning To survive there is need for a unifying force. That unifying force is achieved through proper institutions of learning capable of fostering knowledgeable leadership. At present, numbers and financial ability appear to warrant such institutions of higher learning. What appears to be lacking is a sense of loyalty and good will. Nearly all Ukrainian Catholic leaders are educated in Roman Catholic seminaries and theological schools. They become versed in Roman Catholic theology, spirituality and history. Whatever understanding of Eastern Christianity they receive comes from the manner of perceiving Eastern Christianity by Roman Catholic scholars.

FOOTNOTES

1. Kievan Metropolia possessed a multi-ethnic character Ukrainian, White Russian and even Russian. However, in this study, it is used largely in reference to and often synonymous with the Ukrainian-Ruthenian Church. The reason is that the Ukrainian Church inherited most extensively the heritage of the Kievan Metropolia.
2. O. Halecki, *From Florence to Brest 1439-1596*, Rome 1958, passim on this issue; A.S. Atiya, "The Crusades: Old Ideas and New Conceptions," *Journal of World History* II (1954): 469-475.
3. On the gradual decay of the Byzantine Church under Turkish Rule see T. Papadopoulos, *Studies and Documents relating to the Greek Church and People under Turkish Domination*, Brussels 1952.
4. *Documenta Unionis Berestensis eiusque Auctorum 1590-1600*, ed by A. Welekyj, OSBM, Rome: *Analecta OSBM*, series II, section III, 1979, no. 19. Hence *DUB*.
5. *DUB*, no. 17.
6. O. Halecki, "Isidore's Tradition," *Analecta OSBM* IV (1963): 27-43.
7. At the time of the Union of Berest (1595-1596) Rus' and Rus'ka Zemlya embraced the present day Ukraine and White Russia. To denote *that* territory, the Polish Chancellery, following the practice of the Roman Curia, used the term Rutheni, Ruthenia (Latin origin and usage) and sometimes Russi, Russia (Greek origin and usage). The Metropolitans of Kiev considered themselves the metropolitans of Kiev, Halych and All Rus'. The local people called themselves Rusiny.
8. *Volumen Legum* I, St. Petersburg 1859, pp. 30-31; D. Doroshenko, *History of the Ukraine*, Edmonton: The Institute Press, 1939, pp. 150-62; J. Macha, *Ecclesiastical Unification: A Theoretical Framework Together with Case Studies from the History of Latin-Byzantine Relations*, *Orientalia Christiana Analecta* 198 (Rome 1974) pp. 156-57.
9. Magdeburg Law (Magdeburger Recht) was a model of autonomous municipal administration developed in the 13th century city of Magdeburg (Germany). This model was widely accepted in Germany as well as in many East European countries, including Western Ukraine-Galicia.
10. On the royal policy of ecclesiastical appointments see K. Chodynicki, *Kościół prawosławny a Rzeczpospolita Polska, zarys historyczny 1370-1632* (The Orthodox Church and the Polish Confederation, An Historical Outline 1370-1632), Warsaw 1934, pp. 130-38; E. Likowski, *Die Ruthenische-Römische Kirchenvereinigung*, Freiburg im B. 1904, pp. 30-37.
11. M. Hrushevsky, *Istoria Ukrainy-Rusy* (History of Ukraine-Rus' V, New York 1955, p. 489.
12. *Listerae Nuntiorum Apostolicorum Historiam Ucrainae Illustrantes*, ed. by A. Welekyj, OSBM, Rome: *Analecta OSBM*, series II, section III, vol. II 1594-1608, no. 875. Hence *LNA*.
13. K. Bihlmeyer, *Church History* II, Westminster: The Newman Press 1967, sections 141-42,

- pp. 379-95.
- 14 *The Cambridge History of Poland, from Origins to Sobieski (1696)*, ed. by W.F. Reddaway et alii, Cambridge: Cambridge University Press 1950, p. 239.
 - 15 J. Gill, S.J., *The Council of Florence*, Cambridge: Cambridge University Press 1959.
 - 16 G. Luznitsky, *Ukrainian Church between East and West, Outline of History of the Ukrainian Church* (in Ukrainian), Philadelphia: Providence Publishers 1954, pp. 199-208; J. Macha, *op.cit.*, p.159; K. Chodyncki, *op. cit.*, pp. 96-103; M. Hrushevsky, *op. cit.*, V, pp. 240-46.
 - 17 *Sbornik dokumentov uiasniaiushchikh otnosheniia latino-polskoi propagandy k russkoi vere i narodnosti* (Collection of Documents explaining the Attitude of the Latin-Polish Propaganda directed at the Russian Faith and People), Wilno 1866, section II, no. 2.
 - 18 J. Gill, *op. cit.*, p. 362.
 - 19 O. Halecki, "U zrodle polskich uprzedzen wobec akcyj unijny (Sources of Polish Prejudice towards Unionistic Activity)," *Oriens* (1933).
 - 20 First published in Cracow in 1500. A copy of this *Elucidarius* existed in the Osolinsky Library, Lviv. An exact description of the contents is to be found in Makarii's *Istoria Russkoi Tserkvi* IX, pp. 140-48; J. Krajcar, "A Report on the Ruthenians," *Orientalia Christiana Periodica* XXIX (1963): 79-94.
 - 21 *LNA* II, no. 734.
 - 22 *Archiwum domu Sapiehow wydanie staraniu rodziny* (Archives of the House of Sapieha published by the Family), Lviv 1892, vol. I 1575-1606, no. 433.
 - 23 *Ibid.*, no. 409.
 - 24 *Ibid.*, no. 541.
 - 25 *Ibid.*, no. 443.
 - 26 *Vetera Monumenta Poloniae et Lithuaniae gentiumque finitorum historiam illustrantia*, ed. by A. Theiner, Rome 1851, vol. II, nos. 458, 519, 554, 586. Hence *VMPL*.
 - 27 M. Hrushevsky, *op. cit.*, VI, p. 415.
 - 28 K. Kharlampovich, *Zapadnorusskiiia pravoslavniiia shkoly XVI i nachala XVII veka* (West Russian Orthodox Schools in the 16th and the beginning of the 17th centuries), Kazan 1898, p. 144.
 - 29 J. Karataev, *Opisanie Slaviano-russkikh knig napechatannikh kirilevskami bukvami* (Description of Slavo-Russian Books printed in Cyrillic Alphabet), St. Petersburg 1883, vol. I pp. 50-63.
 - 30 M. Hrushevsky, *op. cit.*, VI, p. 416.
 - 31 A. Jablonski, *Akademia Kijowsko-Mobilanska* (The Kievo-Mohilan Academy), Cracow 1899-1900, p. 24.
 - 32 K. Kharlampovich, *op. cit.*, pp. 153-61.
 - 33 A. Martel, *La Langue Polonoise dans les pays Ruthenes, Ukraine, et Russie Blanche 1569-1667*, Lille 1938, p. 204.
 - 34 K. Kharlampovich, *op. cit.*, p. 161.

- ³⁵ O. Levitsky, "Sotsiiianstvo v Pol'ski i jugo-zapadnoi Rusi," *Kievskaiia Starina* II (1882): 185.
- ³⁶ A. Jablonksi, *op. cit.*, p. 50.
- ³⁷ From F.P. Sozzini (1539-1604).
- ³⁸ In Poland they called themselves Unitarii or Fratres Poloni. The Ruthenians generally knew them as Arians.
- ³⁹ K. Kharlampovich, *op. cit.*, p. 163.
- ⁴⁰ O. Levitsky, *op. cit.*, pp. 37-43.
- ⁴¹ *Ibid.*
- ⁴² *Archiv Yugozapadnoi i Zapadnoi Rossii* (Archives of Southwestern and Southern Russia), vol. I, no. 191, vol. II, no. 157.
- ⁴³ *Russkaiia Istoricheskaia Biblioteka* (Russian Historical Library), vol. IV, col. 1057. Hence *RIB*.
- ⁴⁴ A. Martel, *op. cit.*, pp. 183-87.
- ⁴⁵ *RIB* IV, col. 1057.
- ⁴⁶ E. Likowski, *Unja Brzeska 1596* (Union of Brest 1596), Poznan 1896, p. 24. Ukrainian translation by V. Kuzma and O. Zatorsky, Zovkva 1916.
- ⁴⁷ G. Luznytsky, *op. cit.*, pp. 221-22.
- ⁴⁸ *RIB* VII, col. 1017.
- ⁴⁹ A. Sushko, *Jesuity w zawiedieniu uniji na Rusi w doberestejskoji doby* (Jesuit Efforts to Introduce Union in Rus' in the pre-Berestine Period), Lviv 1902; J. Krajcar, S.J., "Jesuits and the Genesis of the Union of Berest," *Orientalia Christiana Periodica* XLIV (1978): 131-53.
- ⁵⁰ An extensive study of Ipatyev Potey's effort in the Reformation of the Kievan Church is under completion by the author and soon to be released.
- ⁵¹ *DUB*, no. 17.
- ⁵² *DUB*, no. 45.
- ⁵³ *DUB*, no. 18.
- ⁵⁴ Original texts of these articles are found in the Vatican Archives: the Latin text in *Archivum Secretatum Vaticanum* (ASV), AA. Arm. I-XVIII, no. 1858, fol. 1-5; the Polish text in *ASV*, AA. Arm. no. 1859, fol. 1-7 and in *ASV*, Fondo Borghese, ser. III, vol. 67A, fol. 90-92. They have also been published: Thomas a Jesu OCP, *De procuranda salute omnium gentium* VI, Antwerp 1613, pp. 328-33; *VMPL* III, pp. 234-37; G. Hofman, S.J., "Die wiedervereinigung der Ruthenen," *Orientalia Christiana* III, no. 12 (Rome 1924-25) 136-39; *DUB*, no. 42. Ukrainian versions: Archbishop Sylvester (Prof. S. Hajevsky), "Old Documents: 33 Articles of the Berest Council of 1596," *Our Voice* (1955) (Australia); this same version appeared in the yearly almanac of the Ukrainian Greek Orthodox Church in Canada, *Ridna Nyva* (1956); A.G. Welekyj, OSBM, *Z litopysu kbrystianskoji Ukrainy* IV, Rome: Publications of the Basilian Fathers 1971, pp. 42-66. English versions: B. Demczuk, "The Articles of the Berest Union 1595-96," *Diakonia* XIV (1979): 75-79; *Ukrainian Review* I (1977): 6-11.
- ⁵⁵ *Monumenta Ucrainae Historica*, Rome 1964, vol. I, 1075-1623, no. 198. Hence *MUH*.
- ⁵⁶ *MUH* I, no. 197; *DUB*, no. 137.

- 57 Potey published this book to dispel the rumors emanating from the circle of Prince Constantine B. Ostrozky that Potey and the hierarchy had betrayed the faith of the forefathers. The book was entitled: *Unia brekov s kostelom rymuskym, albo vyklad predneishykh artykulov ku zodnocheniu brekov s kostelom rymuskym nalezashchyykh* (Union of the Greeks with the Roman Church, or the Exposition of the principal Articles pertaining to the union of the Greeks with the Roman Church), Wilno 1595. It was published after the synodal decision to pledge allegiance to Rome and accept papal leadership, but before the departure of Potey and Terletsky to Rome.
- 58 RIB VII, col 129.
- 59 DUB, no. 143.
- 60 See footnote on p. 37 of *The Documents of Vatican II*, with Notes and Comments by Catholic, Protestant and Orthodox Authorities, ed. by W.M. Abbott, New York: The American Press 1966.
- 61 J.D. Mansi, *Sacrorum Conciliorum nova et amplissima collectio*, Paris-Leipzig 1901-1904, vol. XXXIII, col. 150C.
- 62 V.J. Pospishil, *Divorce and Remarriage*, Towards a New Catholic Teaching, New York: Herder and Herder 1967.
- 63 Saragoza is referring to the Origenist and Messalianist controversies of the sixth century which pitted the bishops against the monks.
- 64 Idem.
- 65 Idem.
- 66 DUB, nos. 133, 134; LNA II, nos. 538, 539.
- 67 *Ibid.*
- 68 O. Halecki, *op. cit.*, pp. 324-27.
- 69 DUB, no. 143; MUH I, no. 202
- 70 A.M. Ammann, "Der Aufenthalt der ruthenischen Bischöfe Hypatius Pocij und Cyrillus Terlecki in Rom im Dezember und Januar 1595-96," *Orientalia Christiana Periodica* XI (1945): 131.
- 71 The practice of submitting, even to most recent times, all candidates to major orders in the Ukrainian Catholic Church to this profession of faith for the returning Greeks, has been a most humiliating and belittling imposition of the Roman Church on the Ukrainian Christians.
- 72 *Documenta Pontificum Romanorum Historiam Ucrainae Illustrantia*, ed. by A.G. Welekyj, OSBM, Rome: Analecta OSBM, series II, section III, 1953, vol. I 1075-1700, no. 152, Hence DPR; DUB, no. 145.
- 73 DUB, no. 17.
- 74 *Ibid.*, no. 45.
- 75 O. Halecki, *op. cit.*, p. 332; A.G. Welekyj, *op. cit.*, p. 66.
- 76 DPR I, no. 152; DUB, no. 193.
- 77 I.U. Niemcewicz, *Dzieji panowania Zygmunta III*, Cracow 1860, vol. I, pp. 274-77.
- 78 MUH I, no. 201; DUB, nos. 142, 147, 149-50, 160.

- 79 J. Krajcar, S.J., "Konstantin Basil Ostrozskij and Rome in 1582-84," *Orientalia Christiana Periodica* XXXV (1969): 193-214.
- 80 DPR I, no. 402.
- 81 See I. Praszko, *De Ecclesia Ruthena Catholica sede Metropolitana vacante 1655-1665*, Rome 1944.
- 82 The book was entitled: *De laboribus unitorum, promotione, propagatione et protectione divina unionis, ab initio eius usque in haec tempora*; See I. Praszko, *op. cit.*, pp. 189-200.
- 83 G. Luznytsky, *op. cit.*, p. 414.
- 84 S. Mudrji, OSBM, *De transitu ad alium ritum (a byzantino-ucraino ad latinum)*, Rome 1973.
- 85 A.M. Amman, S.J., *Storia della Chiesa Russa e dei Paesi limitrofi*, Torino: Unione Tipografica - Editrice Torinese 1948, pp. 283-91 and pp. 367-71.
- 86 G. Luznytsky, *op. cit.*, pp. 548-57.
- 87 An excellent eye-witness account of these attempts is found in an unpublished autobiography of Rev. Josaphat Jean, OSBM in the possession of the author.
- 88 At the time of the Union of Berest (1595-96) the following distinction held firm, at least in Roman documents: *natio ruthena seu russa* was distinguished from *natio moscovitica*. This distinction is found in Roman documents as late as Pope Benedict XIV in 1753. See R. de Martinis, *Iuris Pontificii de Propaganda Fide Pars Prima*, Rome 1888, vol. III, pp. 523-24. Today this distinction is translated as follows: *natio ruthena seu russa* = Ukraine and *natio moscovitica* = Russia.
- 89 For some general works on Muscovite assimilation of the Ukrainian Church see: M.O. Kojalovich, *Istoria vozsoedynenia zapadnorusskikh uniatov starykh vremen* (History of the Re-unification of West-Russian Uniates of Olden Times), St. Petersburg 1873; S. Stebelsky, *Pereslidovannia ukrainskoji i biloruskoji katolytskoji tserkvy rosijskymy tsariamy* (Persecution of the Ukrainian and White Russian Catholic Church by the Russian Tsars), Munich 1953; E Meffert, *Das Zarische Russland und die Katholische Kirche*, M.-Gladback 1918; A.G. Welekyj, OSBM, *Khresnyj sbliakh Ukrainskoho katolytsyzmu* (The Cruciferous Path of Ukrainian Catholicism), Rome 1969.
- 90 G. Luznytsky, *op. cit.*, pp. 383-86.
- 91 G. Luznytsky, *op. cit.*, p. 429; G. Luznycky, *Persecution and Destruction of the Ukrainian Church by the Russian Bolsheviks*, New York: Ukrainian Congress Committee of America 1961, p. 16; D. Doroshenko, *op. cit.*, pp. 326-28; H. Ohienko, *Pryiednannia tserkvy ukrainskoji do moskovskoji* (The Union of the Ukrainian Church to Moscow), Winnipeg 1948.
- 92 G. Luznytsky, *op. cit.*, p. 427.
- 93 *Ibid.*, p. 429.
- 94 *Ibid.*, p. 444.
- 95 A. Deruga, *Piotr Wielki a Unicy i Unja Koscielna 1700-1710*, (Peter the Great, the Uniates and Church Union 1700-1710), Wilno 1936.
- 96 G. Luznytsky, *op. cit.*, pp. 447-48.
- 97 *Ibid.*, pp. 427-34; G. Luznycky, *op. cit.*, p. 18. G. Luznytsky refers to his history in Ukrainian and G. Luznycky refers to his study in English as noted above.
- 98 *Ibid.*, pp. 449-82.

- ⁹⁹ *Ibid.*, pp. 45-53; G. Luznycky, *op. cit.*, p. 21.
- ¹⁰⁰ G. Luznycky, *op. cit.*, pp. 21-22; For the role of Empress Catherine II in the destruction of the Ukrainian Church see: M. Loret, *Kościół Katolicki a Katarzyna II (1772-84)* (The Catholic Church and Catherine II 1772-84), Cracow 1910; P.B., Lithuanien, *5.000.000 de Polonais forcés par la czarine Catherine, les czars Paul, Alexandre et récemment Nicholas d'abjurer leur foi religieuse*. Eclaircissement sur la question des grec-unis, sous la rapport statistique, historique et religieux, Paris: Librairie Slave 1845.
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- 213 The author appears to misunderstand the statement in the papal letter of Feb. 5, 1980. The papal document reads as follows: "for the nomination of the above-mentioned coadjutor with right of succession to the Archiepiscopal See of Lvov (Lviv), I have decided to convoke a synod of all the Ukrainian bishops of the diaspora, *who will be obliged to participate in*

- it." This statement refers only to the synod being convened by the Pope. As a matter of fact the synods that the Major-Archbishop will be able to convene and that only with the permission of the Pope will be bound by the Declaration of March 25, 1970 as explicitly stated in the conditions under which such synods can be convened: "The declaration of March 25, 1970 regarding "aggregatus" will be applied to such synods," i.e. those convened by the major-archbishop with the permission of the pope.
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- 221 Witnessed by the author in the summer of 1979.
- 222 This letter was published for the first time in the Polish journal *Spotkania* in the Fall of 1981. It then appeared in the Ukrainian journal *Suchasnist* in the first issue for 1982 in Munich. Subsequently, it was reprinted in the June 9th issue of the Ukrainian daily *America* (Philadelphia). This English version was taken from the Ukrainian Rite Bimonthly *Beacon* (July-August 1982, pp. 35-39) published by the Basilians in Toronto.
- 223 I did not consult the original. I used the copy in *Church Herald* (Chicago) 22 (331) (December 5, 1982): 5.

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General Remarks

A visit to any library will demonstrate that the history of the Ukrainian Church outside of the Slavic countries is virtually a *terra ignota*. There is little scholarly research in the English language related to the history of the Ukrainian Church. What there is is often plagued by a priori positions which influence the interpretation of historical data. These a priori positions might be characterized as jurisdictionalism and phyleticism. The first stems from the tendencies of the three historical streams of Christianity, i.e. Orthodoxy, Catholicism and Protestantism to interpret historical data in a manner which would be conducive to the justification of the respective historical and ecclesiastical situations. This has been particularly true of writings in the Slavic languages. The latter is characterized by stress on nation and is known as russophilism, polonophilism, ukrainophilism, etc. Although phyleticism is more prevalent in non-ecclesiastical literature, it has permeated the writing of church history.

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