

TEOLOGIA

anul XV, nr. 1, 2011

The review publishes studies, translations from Holy Fathers, notes, comments and book reviews.

REQUIREMENTS

The authors are expected to send the studies that meet the specified requirements 2.0 lines spacing. The authors assume the responsibility of the contents of the articles. The unpublished studies are not returned.

TEOLOGIA

Orice corespondență se va adresa:

FACULTATEA DE TEOLOGIE
310096 ARAD
Strada Academiei Teologice Nr. 9
Tel/Fax: 0040-257-285855

TEOLOGIA

Totute correspondance sera envoyee a
l'adresse:

FACULTATEA DE TEOLOGIE
310096 ARAD
Strada Academiei Teologice Nr. 9
Tel/Fax: 0040-257-285855

UNIVERSITATEA „AUREL VLAICU” ARAD
FACULTATEA DE TEOLOGIE ORTODOXĂ

TEOLOGIA

ANUL XV,
NR. 1, 2011

Editura Universității „Aurel Vlaicu”
ARAD

COLEGIUL DE REDACȚIE

COLEGIUL ȘTIINȚIFIC ȘI REDACȚIONAL

PREȘEDINTE DE ONOARE:

Î.P.S. dr. TIMOTEI SEVICIU, Arhiepiscop al Aradului

PREȘEDINTE DE REDACȚIE:

Pr. Prof. dr. IOAN TULCAN, Universitatea „Aurel Vlaicu” din Arad

CONSILIUL ȘTIINȚIFIC:

Pr. Prof. dr. ȘTEFAN BUCHIU, Universitatea din București; Pr. Prof. dr. CONSTANTIN RUS, Universitatea „Aurel Vlaicu” din Arad; Pr. Prof. dr. ERNST CHR. SUTTNER, Universitatea din Viena (Austria); Prof. dr. IRINI CHRISTINAKIS-GLAROS, Universitatea din Atena (Grecia); Prof. dr. DIMITRIOS TSELENGIDIS, Universitatea din Tesalonic (Grecia); Prof. dr. ARISTOTLE PAPANIKOLAOU, Lincoln Theology Center of Fordham University (U.S.A.); Prof. dr. FADI GEORGI, Universitatea din Balamand (Liban); Prof. dr. PYOTR MIHAILOV, St. Tihon’s Humanitarian University of Moscow (Rusia); Prof. dr. MICHEL STAVROU, Institute Saint Serge, Paris (Franta);

REDACTOR ȘEF:

Conf. dr. CRISTINEL IOJA, Universitatea „Aurel Vlaicu” din Arad;

COMITETUL DE REDACȚIE:

Pr. Lect. dr. ADRIAN MURG, Universitatea „Aurel Vlaicu” din Arad; Pr. Lect. dr. FILIP ALBU, Universitatea „Aurel Vlaicu” din Arad; Pr. Lect. dr. LUCIAN FARCAȘIU, Universitatea „Aurel Vlaicu” din Arad; Pr. Asist. dr. ȘTEFAN NEGREANU, Universitatea „Aurel Vlaicu” din Arad.

SECRETAR DE REDACȚIE:

Diac. Lect. dr. CAIUS CUȚARU, Universitatea „Aurel Vlaicu” din Arad

Culegere text, corectură, traducere în limba engleză a rezumatelor:

Prof. ANCA POPESCU, GEORGIANA COSTESCU, RALUCA TUDORACHE, DIANA BAN

Design:

CĂLIN CHENDEA

Editura Universității “Aurel Vlaicu” Arad

Complex universitar M, Etaj I, Sala 82, Tel. 0257/219555,

<http://www.uav.ro/ro/resurse/editura-uav>

Tipografia:

SC “TIPO STAMPA” S.R.L. Arad

Tel. 0257.349.004

Email: stampasrl@yahoo.com

Revista TEOLOGIA este o publicație științifică trimestrială, recunoscută CNCISIS categoria C (cod 545)

TEOLOGIA review is a quarterly scientific publication, recognized by CNCISIS Institution in C category (cod 545)

Prețuri/ Prices:

Uniunea Europeană (UE): 1 abonament (4 exemplare/ copies = 24 €; 1 exemplar/ copy = 6 €)

Alte țări/ Other countries: 1 abonament (4 exemplare/ copies = 40 €; 1 exemplar/ copy = 10 €)

CONTENTS

EDITORIAL

The Sacrament of Baptism - the Sacrament of rebirth and renewal in the Church	7
--	----------

STUDIES AND ARTICLES

Despina D. Prassas St. John Chrysostom's Homily 50 on Matthew: A Systematic Theology for Today	9
--	----------

Dimitrios Tselengidis “Folgend den Heiligen Vätern“ Ein Vorschlag von diachronischem Charakter für die dogmatische Lehre der Kirche. Die theologischen Voraussetzungen und die Kriterien der dogmatischen Lehre der Kirche	15
--	-----------

Assaad Elias Kattan Die Kirche, die den Vorsitz in der Liebe führt	24
--	-----------

Daniel Munteanu Dogma and Culture. Main Contribution of the Orthodox Faith to Public Theology	34
---	-----------

Constantin Rus The Code of Canons of the Eastern Churches - two decades from its publication. Some canonical remarks	51
--	-----------

Iulian Mihai L. Constantinescu Quelques aspects généraux concernant les empêchements au mariage dans l'Eglise Orthodoxe Roumaine.....	75
---	-----------

Christoph Tapernoux The Special Commission on Orthodox Participation in the World Council of Churches (WCC) - Background of a Process as Reflected in some Contributions by Father I. Bria: (9 March 2009 - Quotations of Fr Bria's in italics – other emphases put by Ch.T.)	100
---	------------

NOTES AND COMMENTS

- **Joint communiqué of the 6th Russian-Iranian Commission for Islam-Orthodoxy Dialogue**..... 120
- **Meeting of the Inter-Orthodox Preparatory Commission (Chambesy, 22-26 February 2011)**..... 122
- **Inter-Orthodox Consultation in Cyprus (2-9 March 2011)**..... 126

BOOK REVIEWS

- **Valeriu Anania, *Memories*, Polirom, Bucharest, 2008, 692p.**
(Rev. Nicu Breda) 131
- **Păcurariu Mircea, *The Romanian Theological Culture. Brief historical overview*, “Basilica” Press, Bucharest, 2011, 311 p.**
(Florin Dobrei)..... 133
- **Rev. Ph. D. Nicolae Razvan Stan- *The Orthodox Church and human’s rights. Paradigms, foundations, implications*, Universul Juridic, Bucharest, 2010, 370 p.** (Cristinel Ioja) 135
- **Konstantin V. Zorin - *Rise up and walk: steps to get well*, Sofia, Bucharest, 2009, 310 p.** (Rev. Ștefan Negreanu) 137
- **Review: CRISTINEL IOJA, *Homo economicus Iisus Hristos, sensul creației și insuficiențele purului biologism* (trad: *Homo Economicus. Jesus Christ, the Meaning of Creation and the Deficiencies of Pure Biologism*), Editura Marineasa, Timișoara, 2010, 335 pg.**
(Rev. Filip Albu) 139

WRITING REQUIREMENTS FOR THE STUDIES INCLUDED IN THE “TEOLOGIA” REVIEW 143

AUTHORS LIST..... 146

The Sacrament of Baptism - the Sacrament of rebirth and renewal in the Church

The Sacrament of baptism is a fundamental act in the life of the believers, because it gives him one new identity – the Christian identity, it introduces them in the secret life of the Body of Christ - the Church and gives them the statute of the son of God, by the grace of the Holy Spirit. Receiving the Sacrament, the Christian no longer belongs to himself, but to the One in whose name he was baptized and in whose perfect and immortal life he received in Baptism.

The Sacrament of Baptism pours on the one who is baptized a lot of spiritual gifts, of which we mention two: the gift of rebirth and the gift of renewal. These gifts can not be separated from the gifts that the Church itself, as the Body of Christ, is and covers the whole human rebirth in the new life in Christ and the permanent renewal by the power it has from Jesus Christ - Founder and Head of the Church.

About the necessity and the value of Baptism for the salvation of the man, the Saviour speaks in conversation with Nicodemus, the scholar: “Verily, Verily, I say unto thee, Except a man be born of water and of the Spirit, he cannot enter into the Kingdom of God. That which is born of the flesh is flesh; and what is born of the Spirit is spirit” (John 3, 5-6). These words express the fact that the human beings can not have access to the kingdom of God unless they go through the act of being born again, because only in this way people can be open for values of the Kingdom of God. The process of rebirth of man through the Sacrament of Baptism should be placed in the Savior’s death and resurrection, as St. Paul tells us: “Know ye not, that so many of us as were baptized into Jesus Christ were baptized into his death? Therefore we are buried with him by baptism into death: that like as Christ was raised up from the dead by the glory of the Father, even so we also should walk in newness of life” (Romans 6, 3-4). When we are baptized, we become contemporaries of Christ,

The Sacrament of Baptism - the Sacrament of rebirth...

participating in a sacramental, mysterious way, through the Holy Spirit, at the redemptive acts committed by Jesus Christ, and which become our own acts. In fact, in what Christ has done for the salvation of mankind, He has covered all in His humanity and His work, so that those who approach him and want to receive His gifts of salvation must directly and personally share His saving acts. The death and resurrection of Christ is expressed by the words: "For as many of you as have been baptized into Christ have put on Christ" (Galatians 3, 27). This is just the new identity in Christ for a Christian; to be a new being in the Lord.

The succession of death-rebirth that happens to man at his Baptism, is reverse to the sequence of Christ's birth-death, only when we understand our death as death to sin, as the stale man's death. Our death in Christ also means total surrender to God of the one who is baptized, that the man should no longer live for themselves but for Him who suffered, died and rose for us.

The Gifts of the Baptism that flows abundantly upon he who enters in the water of Baptism should not remain as a hidden treasure in the life of the Christian. Rather, they must be put into work, to constantly transform the human life according to the image of Christ. Thus, receiving the Baptism, one must always be guided in his life of by his gifts. Otherwise, they remain an un-working gifts in the depths of the Christian, opening a gap between what the Christian became at his Baptism, the new man, and what happens with his life after Baptism.

The priests have an important role in this mission. They must continue their pastoral work after Baptism, directing those he resurrected to new life in order to continue to live this new life. Also, the godparents have a great responsibility in this regard, working with the family of the baptized. Only in this way, the life of Jesus Christ will be stated in this way, by those called by Him "that ye should shew fort the praises of him who hath called you out of darkness into his marvelous life" (I Peter 2, 9).

Rev. Ioan Tulcan

STUDIES AND ARTICLES

Despina D. Prassas¹

St. John Chrysostom's Homily 50 on Matthew: A Systematic Theology for Today

Abstract

At the question of "What kind of Dogmatic Theology do we propose for today?" I will try to response in the following roads. I propose that Dogmatic Theology needs to take into consideration that which is salvific (also defined as relational), that which is social (defined in terms of care for the poor), that which is therapeutic (defined in terms of healing the listener), and that which is sacramental. Dogmatic theology must take all these aspects into consideration if it is to be relevant to the lives of believers (and beyond) and in keeping with the tradition of the Church. For these reason I will put in our discussion the method revealed on St. John Chrysostom's Homily 50 on Matthew.

Keyword

systematic theology, Holy Bible, St. John Chrysostom,

Without a doubt, most everyone in this room is familiar with the writings of St. John Chrysostom (c. 349-407). Whether one recognizes his achievement as one of Christianity's greatest (if not the greatest) preachers, or as a proponent of the so-called "social Gospel," St. John's reputation is far reaching, and he has influenced Christian believers within the "traditional" as well as the Reformation churches and beyond.²

¹ Ph.D. Providence College, Providence, RI/ United States of America (dprassas@providence.edu).

² See the article by David Davis, a Presbyterian pastor, who comments on the "freshness of the conversation that comes from such an ancient voice," "St. John Chrysostom on Ministry, Discernment, and Call" *Theology Today* 62 (2005): 408-13.

St. John is perhaps best known for his rhetorical skill, more than likely developed as a result of study with the greatest rhetorician of the time, Libanius. But he was also well trained in biblical exegesis, the type practiced at Antioch in the fourth century under the guidance of Diodore, who would become bishop of Tarsus.³ Diodore was working within the exegetical tradition that began with Lucian and continued through Methodius of Olympus and Eusebius of Emesa.⁴ It would be at the ascetical school, or *asketerion*, at Antioch that St. John would learn to interpret scripture.⁵

Though the biblical exegetical style developed at Antioch has been characterized as “literal,” or historical (and in textbooks on early Christianity the Antiochean style is usually compared to that of Alexandria, which is often characterized as “allegorical”) we know that literal interpretation can mean many things.⁶ It would seem that the literal meaning, or *r(hto/n/littera* was obvious; as Ambrosiaster, a contemporary of Ambrose of Milan, would comment, “This can be understood from the words as read, for the story is not concealed by literary artifice.”⁷ Yet for the ancient commentators, “the transparency of the texts was as much a part of the divine nature of Scripture as was its more obscure meaning.”⁸ Therefore, the literal meaning, especially since this was understood as originating from a divine source, was important and engaging in literal interpretation was considered to be a spiritual exercise. The text itself is filled with divine mysteries.

³ For biographical information on Diodore, see “Diodore of Tarsus” in Angelo DiBerardino, *Encyclopedia of the Early Church*, vol. I (New York: Oxford University Press, 1992), 236.

⁴ Charles Kannengiesser, *Handbook of Patristic Exegesis: The Bible in Ancient Christianity* (Leiden: Brill, 2006), 786.

⁵ Mayer, Wendy and Pauline Allen, *John Chrysostom. The Early Church Fathers*. (London: Routledge, 2000), 5.

⁶ For general information regarding these “schools,” see Frances Young, “The Rhetorical Schools and Their Influence on Patristic Exegesis” in Rowan Williams, ed., *The Making of Orthodoxy* (Cambridge: Cambridge University Press, 1989), 182-99. With regard to Chrysostom, see L. Thuren, “John Chrysostom as a rhetorical Critic: The Hermeneutics of an Early Father,” *BibInt* 9 (2001), 180-218 and Margaret M. Mitchell, “Reading Rhetoric with Patristic Exegesis: John Chrysostom on Galatians,” in A.Y. Collins and M.M. Mitchell (eds.), *Antiquity and Humanity: Essays on Ancient Religion and Philosophy presented to Hans dieter Betz on his 70th Birthday* (Tubigen: Mohr Siebeck, 2001), 333-55.

⁷ “Ex verbis hoc ipsius lectionis potest colligi, quia non est litterarum arte velata historia”, *Quaestiones* 5,1.

⁸ Kannengiesser, *Handbook of Patristic Exegesis*, 168.

St. John Chrysostom's Homily 50 on Matthew...

St. John Chrysostom, though a product of the Antiochean “school,” understood scripture as originating from a divine source; he also understood the many ways in which scripture could be interpreted, “we interpret some passages by the letter, others with a meaning different from the literal, others again as literal and figurative.”⁹ The interpretation of a passage was dependent upon the context of the passage.

In this paper, I hope to respond to the question posed as the topic of this conference, “What kind of Dogmatic Theology do we propose for today?”, in terms of patristic biblical exegesis; or, to be more specific, I suggest that patristic biblical exegetical style is a model for contemporary Systematic Theology. And St. John, through his *Homily 50 on the Gospel of Matthew* will provide that model.

Homily 50 on the Gospel of Matthew was one of ninety sermons that St. John at Antioch in the last decade of the fourth century.¹⁰ As a group, these sermons¹¹ stress the continuity between the Old and New Testaments (against the Manicheans) and the equality of the Father and Son (against the Arians). The ascetical life and almsgiving are also common themes. *Homily 50* focuses on Matthew 14:23-24,

And when he had dismissed the crowds, he went up into the mountain by himself to pray. When the evening came, he was there alone, but by this time the boat, battered by the waves, was far from the land, for the wind was against them. (NOAB)

The biblical passage will go on to present the story of Jesus and Peter walking on the water. But Chrysostom begins with a discussion on prayer. He states that withdrawing into the wilderness to pray to God is necessary; silence is essential for serious prayer and he calls the wilderness the “mother of quiet.”¹² He continues his interpretation of the passage by examining the significance of the storm, which is interpreted as the troubles that affect human beings; often times, he says, things get worse before they get better, “when he [God] is on the point of removing our terrors, he brings upon us other worse things, and more alarming.”¹³

⁹ *In. Ps.* 9,4.

¹⁰ Johannes Quasten, *Patrology*, vol. III. Christian Classics Reprint (Westminster, MD: Christian Classics, 1990), 437. The sermons were probably preached in 390.

¹¹ The entire commentary on Matthew is found in J.-P. Migne, *Patrologia graeca* vols. 57 and 58.

¹² PG 58.504a.

¹³ Sec. 1, PG 58.505a.

But the bulk of the interpretation of the biblical passage focuses on Jesus's relationship with Peter. He reminds the congregation that Peter did not say, "Ask me to walk on the water" but "Ask me to come to you."¹⁴

Chrysostom concludes his interpretation of the pericope with the importance of being close to Jesus in faith, not simply in physical proximity.

The sermon continues, though, by focusing on what it means to be close to Jesus. One must move beyond physical proximity to Jesus, as outlined in the various stories from the Gospel of Matthew: bringing Jesus into one's home, seeking to touch his body or clothing, asking for a teaching.

One must ask for healing, and that healing takes place not by touching his garment alone but by "hav[ing] him entire[ly]."¹⁵ It is at this point that Chrysostom's interpretation takes another turn: he focuses on the sacramental nature of Christ's body,

For indeed his body is set before us now, not his garment only, but even his body; not for us to touch it only, but also to eat and be filled. Let us now then draw near with faith, every one that has an illness.¹⁶

By drawing near to Jesus in faith, by partaking of Jesus in his entirety, all who are sick will be healed. Therefore, all are called to partake of Christ, who fills us.¹⁷

But Chrysostom is not quite finished yet. He will continue to elaborate on this idea of getting our fill of Christ. When we fill ourselves with Christ, how is it possible to sin? Or, with his usual rhetorical flair, he asks, "What excuse shall we have then, when feeding on such food, we commit such sins? When eating a lamb, we become wolves? When feeding on sheep, we destroy with violence like lions?"¹⁸ He specifically targets the wealthy in his congregation and the interpretation moves well beyond the literal.

Rather than purchase gold and jeweled cups for the altar, St. John encourages his congregation to offer instead one's soul, and "cause that to become golden."¹⁹ This is the best way to honor the sacrifice of Christ. The church is not a "gold foundry nor a workshop for silver, but an assembly of angels."²⁰ But how should one honor Christ's body, he asks.

¹⁴ Sec. 2, PG 58.505a.

¹⁵ Sec. 3, PG 58.507b.

¹⁶ Sec. 3, PG 58.507b.

¹⁷ Sec. 3, PG 58.507b.

¹⁸ Sec. 3, PG 58.508c.

¹⁹ Sec. 4, PG 58.508c..

²⁰ Sec. 4, PG 58.508c.

St. John Chrysostom's Homily 50 on Matthew...

The response is found in Matthew 25: cloth the naked, and feed the hungry, because, “just as you did not do it to one of the least of these, you did not do it to me.”²¹ In this sermon, St. John makes the connection between the physical body of Jesus in the Gospels, the sacramental body of Christ in the Eucharist, and now the body of Christ as the members of the congregation, specifically the poor. And again, this is not a literal interpretation of the biblical passage being examined.

He concludes the sermon by reminding the congregation that if one truly wants to honor Christ, that person will honor Christ in the way Christ desires; to make the point, Chrysostom references the passage of Peter's insistence on washing Jesus' feet.²² Peter thought he was honoring Christ through his suggestion but, in fact, what Christ wanted was the exact opposite of what Peter insisted on doing. What does Christ want? God has no “need of golden vessels, but of golden souls.”²³ After all, one's brother is “more properly a temple” than the church building.²⁴ The Christian who honors Christ gives to the poor.²⁵

The message of this sermon is powerful. For our purposes, though, we must look at the different types of biblical interpretation St. John presents; as mentioned several times throughout this paper, the literal interpretation of the biblical passage in no way seems central to his exegesis.

The “classic” types of biblical interpretation include the literal (or historical/ grammatical), the tropological (or moral/ethical), the allegorical, and the anagogical. But I believe St. John Chrysostom is creating his own exegetical categories and what makes his biblical exegesis so powerful is precisely his departure from the classic models of biblical interpretation.

His interpretation of the importance of prayer (and withdrawing into the wilderness) is literal. Yet, the goal of that interpretation seems more important than the interpretation itself. The goal is to deepen one's prayer in order to develop a closer relationship with God. Therefore, what is the connection between the interpretive method and the goal of that interpretive method? Are the two the same? I would argue, yes. In this case the interpretive method could be described as either salvific or relational. However, if this is his purpose, could one argue that this interpretation is,

²¹ Matt 25:45 (NOAB).

²² Sec. 4, PG 58.508c; John 13:5-11 (NOAB).

²³ Sec. 4, PG 58.508c.

²⁴ Sec. 5, PG 58.509d.

²⁵ Sec. 5, PG 58.509d.

in fact, anagogical, that of lifting one up spiritually? The entire question of labeling interpretive methods becomes unclear.

St. John also emphasizes the therapeutic interpretation of the passage, an interpretation that focuses on the healing of the individual. Again, is this considered an allegorical interpretation, or a literal interpretation? The focus on healing, the therapeutic emphasis in the interpretation, seems to eclipse any other type of interpretation. The type of interpretation and the goal of the interpretation seem to be one and the same.

With regard to the social interpretation, that of ministering to the poor, it could be described as tropological or possibly literal. The goal of the interpretation is to move the listener to action. The interpretation and the goal of the interpretation seem one and the same. I would conclude that St. John's interpretations cut across these "classical" types of biblical exegesis. Yet, he also seems to be able to hold these varying interpretive methods and goals together; there is a holistic character to the sermon that stands above the various interpretive models.

To finally return to the question of "What kind of Dogmatic Theology do we propose for today?" I propose that Dogmatic Theology needs to take into consideration that which is salvific (also defined as relational), that which is social (defined in terms of care for the poor), that which is therapeutic (defined in terms of healing the listener), and that which is sacramental. Dogmatic theology must take all these aspects into consideration if it is to be relevant to the lives of believers (and beyond) and in keeping with the tradition of the Church. In the early Church, all dogmatic theology was pastoral. The goal of the Ecumenical Councils was to safeguard the unity of the Church, even if they did not always succeed.

But perhaps the question posed for this conference speaks more to the *role* of the Systematic Theologian today. I believe that role is the same as it ever was, namely, to interpret scripture in a way that speaks to the Church and is consistent with the tradition of the Church. The Church fathers in their interpretation of scripture "spoke" to the Church of their day. They applied a contemporary interpretation of scripture that redefined narrow understandings of certain concepts and specific words. The contemporary Systematic Theologian, by using a variety of interpretive methods, will speak to the Church today. Only then will the light of Christ, which has "shone in our hearts... give the light of knowledge of the glory of God in the face of Jesus Christ."²⁶

²⁶ II Cor 4:6 (NOAB).

Dimitrios Tselengidis¹

**“Folgend den Heiligen Vätern“
Ein Vorschlag von diachronischem Charakter für die dogmatische Lehre der Kirche
Die theologischen Voraussetzungen und die Kriterien der dogmatischen Lehre der Kirche**

Zusammenfassung

Der vorliegende Beitrag bezieht sich auf eine komplexe und schwierige Problematik, nämlich die, die auf der Art und Weise, antwortet, in der die Lehre der Kirche sich im Zusammenhang mit der Schrift und dem Denken der grossen Väter der Kirche befindet. Eine wichtige Herausforderung der Theologie ist die, aufgrund dessen, die Lehre der Kirche in einer engen Beziehung zu dem konkreten Leben der Gläubigen steht und es sich ständig von dieser inspirieren lässt. Infolgedessen, die Lehre bleibt nicht einfach eine Ideologie oder eine Philosophie, sondern sie eine solche Grosse darstellt, die zum Durchbruch im Leben der Menschen zum Ziel hat. Diese Betrachtung des Zeugnisses der Kirche in der Welt wurde der Kirche anvertraut, durch die Apostel des Herrn und durch die Väter der Kirche. Deswegen, hat es Sinn, den Heiligen Vätern zu folgen.

Stichwörtern

orthodoxe Theologie, Kirche, Ökumenische Synoden,

Wie aus den Akten der Ökumenischen Synoden bekannt ist, bekennen die am Konzil teilnehmenden Väter, bevor im Heiligen Geist Entscheidungen, über die dogmatische Lehre der Kirche, die von den Häretikern angefochten

¹ Ph. D. Theology Faculty of Thessalonica/Greece, (tselioann@yahoo.gr)

wird, getroffen werden, mit der allergrößten Präzision den überlieferten Glauben aller vorangegangenen Synoden. So bezeugen sie auf eine sehr spezielle und praktische Weise, dass sie dieselbe Einstellung haben wie die Väter, wenn diese sich zu den Ökumenischen Synoden versammelten. Und da diese Haltung, die von Gottesträgern ausgesprochen wird, eine Frucht des Heiligen Geistes ist, wird sie als Glaube der Kirche notwendig begleitet von der Demut.

Wenn also die versammelten Väter die dogmatische Wahrheit der Kirche formulieren, erscheinen sie nicht als sie selbst, autonom, sondern sie befinden sich immer, wenn sie sprechen, in Übereinstimmung mit den vorangegangenen Vätern. Genau deshalb stellen sie diese bescheiden voran, wenn sie selbst erscheinen, sei es bei der Formulierung, sei es in ihrem heiliggeistigen Leben, „folgend den Heiligen Vätern“. Es handelt sich hier nicht um eine unfruchtbare Wiederholung der überlieferten dogmatischen Lehre der Väter, es handelt sich nicht um einen Konservatismus oder gar um Kriecherei. Im Gegenteil, es handelt sich um eine schöpferische Annahme und Fleischwerdung ihrer Theologie, angesichts der Tatsache, dass sie den neuen Problemen und den neuen Herausforderungen gegenüberreten, mit der Einstellung aber, die vom Heiligen Geist der personalen Wahrheit selbst eingegeben wird. Die dogmatische Lehre der Väter, Ausdruck der lebendigen Überlieferung, ist immer den wahren Bedürfnissen der Kirche angepasst, als lebendiger Ausdruck des Geistes der Wahrheit.

Die stete Formulierung der gotttragenden Väter der Ökumenischen Synoden „folgend den Heiligen Vätern“ enthält auch das Moment für den diachronischen Charakter der dogmatischen Lehre der Orthodoxen Kirche. Dieser diachronische Charakter der dogmatischen Lehre ist auf die Überlieferung der Kirche gegründet, die als das Leben der Kirche im Heiligen Geist verstanden wird, als die lebendige Gegenwart und das Handeln des Heiligen Geistes mitten in ihr. Ebenso schafft der Heilige Geist, der in der Kirche lebt, die Überlieferung². Und weil Handeln und Wirken des Heiligen Geistes ungeschaffen sind, ist die Überlieferung der Kirche immer lebendig, aber auch neu und aktuell. Ebenso lebendig ist und bleibt auch die dogmatische Lehre der Kirche durch alle Zeiten, nicht nur weil sie auf der heiliggeistigen Überlieferung der Kirche gründet, sondern auch, weil sie insbesondere diese in aller Genauigkeit ausdrückt, indem sie gleichzeitig den Inhalt ihres gottmenschlichen Lebens umgrenzt und sichert, ohne ihn freilich in ihrer Darstellung erschöpfen zukönnen.

² s. *Mansi* 13.377

“Folgend den Heiligen Vätern“ Ein Vorschlag von diachronischem...

Wenn man die Akten der 7. Ökumenischen Synode studiert, stellt man fest, dass sich ihre gesamte dogmatische Lehre auf die Überlieferung der Kirche stütze, und dass diese Überlieferung identisch mit der Orthodoxie selbst ist. So ist das besondere Kriterium für die authentische dogmatische Lehre der Kirche ihre heiliggeistige Überlieferung, welche historisch von den namhaften und ruhmvollen Gliedern der Kirche, von ihren Heiligen, gelebt und offenbart worden ist.

Im vorliegenden Fall ist die Entscheidung der 7. Ökumenischen Synode besonders erhellend, die wir hier anführen wollen: „Wir haben die Überlieferung der Katholischen Kirche befolgt und haben sie weder verkleinert noch vergrößert, sondern wir bewahren die Überlieferung, die wir empfangen, da wir apostolisch gelehrt wurden. Wir nehmen an und verehren alles, was die Heilige Katholische Kirche ungeschrieben und geschrieben seit ihren ersten Jahren empfing. ... Das echte und wahre Verständnis der Kirche erlaubt nicht, dass in ihr Neuartigkeiten und Abstriche geschehen“³. Und diejenigen, die zur Überlieferung hinzufügen oder von ihr wegstreichen, entfernt die Kirche von ihrem Körper⁴.

Wenn aber die Überlieferung der Kirche als lebendes Dasein und als ungeschaffene Energie des Heiligen Geistes in ihr verstanden wird, wie wird diese Energie im existentiellen Raum der lebendigen Glieder der Kirche gelebt, so dass sie authentisch in die Formulierung ihrer dogmatischen Lehre mündet, wenn dies von den historischen Gegebenheiten gefordert wird, die immer in Form des Zweifels an der heiliggeistigen Erfahrung auftreten?

In Wirklichkeit bildet die echte und fehlerfreie dogmatische Lehre der Kirche den gelehrten Ausdruck des stets im Heiligen Geist gelebten dogmatischen Bewusstseins ihrer Gesamtheit. Wenn wir vom dogmatischen Bewusstsein der Gesamtheit der Kirche sprechen, meinen wir jenes geistliche Wissen, das aus der tief assimilierten Erfahrung der ungeschaffenen Göttlichen Gnade hervorgeht. Die Erfahrung dieser Göttlichen Gnade existiert nur dann, wenn Gott in uns wirkend wohnt⁵. Organisch und unzertrennbar - folgt daraus die Einheit des dogmatischen Bewusstseins mit

³ s. *Mansi* 13,409-412

⁴ s. *Mansi* 13,416

⁵ s. Archimandrit Sophronios Sacharov, *Der Hl. Siluanos vom Berg Athos*, Essex 2005. S.239-240

dem heiliggeistigen Leben⁶. Also nur wenn das heiliggeistige Leben der Gläubigen blüht, steht das dogmatische Bewusstsein der Kirche in Blüte und bringt Frucht. Mit anderen Worten, das dogmatische Bewusstsein wird gnadenhaft in den Herzen der Gläubigen geboren durch die wirksam gewordene ungeschaffene Gnade ihrer Heiligen Salbung. Deshalb ist auch das dogmatische Bewusstsein der Gläubigen völlig unabhängig von ihrer weltlichen Bildung und von ihrer eventuellen intellektuellen oder nicht-intellektuellen Beschäftigung.

Das dogmatische Bewusstsein als verdichtetes heiliggeistiges Wissen ist die Filterung der Erfahrung, die hervorgeht aus dem langen Erleben der geoffenbarten göttlichen Gnade als Licht des Ewigen Lebens und dem ungeschaffenen Königreich Gottes in uns. Es ist 'augenscheinlich, dass es sich hier nicht um eine wissenschaftliche Errungenschaft theologisch-theoretischen Wissens handelt.

Wohlbegründet also können wir behaupten, dass das dogmatische Bewusstsein der Gläubigen in der Kirche ein heiliggeistiges Fundament besitzt und als unfehlbares Kriterium der Wahrheit funktioniert. Das dogmatische Bewusstsein der Kirche arbeitet nämlich auf diese Weise, weil es inspiriert und genährt wird vom Geist der Wahrheit, der - entsprechend der Gewähr der Worte Christi - die Kirche in die ganze Wahrheit führen wird (vgl. Joh. 16,13).

Wenn aber der Charakter des dogmatischen Bewusstseins der Gläubigen entscheidend bestimmt wird von der aktiven Anwesenheit des Heiligen Geistes in ihnen mit dem Erleben dieser Anwesenheit in der gesamten Wahrnehmung, worin besteht dann sein spezifischer Unterschied zu dem dogmatischen Bewusstsein, das von dem angeblich objektiv nichtig-akademischen theologischen Wissen gestaltet wird?

Der gnadenvolle und der wissenschaftliche Erwerb richtigen dogmatischen Bewusstseins sind äußerlich vollkommen identisch. Dennoch gibt es zwischen ihnen eine gewisse innere Differenz, die rein Qualitativ ist. Etwas anderes ist es, etwas nur zu wissen, d.h. zu akzeptieren und logisch und wissenschaftlich die Wahrheiten des Glaubens in der Heiligen Schrift zu verstehen, die mit Genauigkeit in den Beschlüssen der Ökumenischen Synoden formuliert wurden und etwas anderes ist es, heiliggeistig die Wahrheiten der Kirche zu kennen, gnadenvoll ihren inneren Inhalt zu leben. Unter dem Aspekt der Qualität also ist es eine

⁶ a. a. O. S. 179

“Folgend den Heiligen Vätern“ Ein Vorschlag von diachronischem...

Sache, richtig an die Existenz des Dreifaltigen Gottes zu glauben und eine andere Sache, Gott empirisch zu kennen, indem man gnadenvoll an Seiner Gottheit teilnimmt, die einem durch den Heiligen Geist mitgeteilt wird. Überdies gewährt eben diese gnadenvolle Teilnahme an Gott selbst die unfehlbare geistliche Erfahrung der lebendigen Glieder der Kirche für den ungeschaffenen Charakter der Gnade, die Gott durch die Sakramente Seiner Kirche, teilhaftig lässt.

Die direkte Gemeinschaft der Gläubigen mit dem Dreifaltigen Gott durch die Gnade des Heiligen Geistes, der geheimnisvoll durch die Kirche gewährt wird, ist Gemeinschaft und bewusste Erfahrung des ewigen Lebens Gottes, welches gnadenvoll die psychosomatische Existenz der Gläubigen bereichert und sofortiges, sicheres und persönliches Wissen von Gott gewährt, was von existentiellm Charakter ist.

Das gnadenvoll erhaltene empirische und heiliggeistige Wissen der Gläubigen von Gott ist vollkommen identisch mit den biblischen und synodalen Formulierungen des Glaubens der Kirche. Eben diese gnadenvoll-heiliggeistige Erfahrung besaßen, in ihrer reinen Gestalt, die Propheten ebenso wie die Apostel, da sie nach biblischem Zeugnis „vom Heiligen Geist getragen gesprochen haben“⁷.

Das bedeutet, dass das dogmatische Bewusstsein die Überlieferung der Kirche ausdrückt, und der „Folgende“ (Nachfolger) der Väter auch Nachfolger der Überlieferung des geistlichen Lebens als heiliggeistiges Leben ist.

Folglich ist es offensichtlich, dass wir praktisch dann „Nachfolger der Heiligen Väter“ sind, wenn wir zuvor „die Nachfolger“ auch der Voraussetzungen ihrer dogmatischen Lehre sind, die das heiliggeistige Leben ist, was die Reinigung⁸ von den Leidenschaften und die Erleuchtung des Verstandes durch die gottgeschaffene Gnade voraussetzt. Die Befolgung der Gebote, die Askese und das sakramentale Leben bilden die Grundvoraussetzungen sowohl für ihre heiliggeistige Auffassung als auch für ihre wissenschaftliche dogmatische Theologie.

⁷ 2 Petr 1.21.

⁸ Unsere Reinigung, die für Gott geschieht - d.h. für die Gotesschau - betrachtet der Hl. Gregorios der Theologe als besonders notwendig für die Theologie. Überdies, der Verstand des Menschen kann nur, wenn er gereinigt ist, Gott wahrhaft kennen - als Teilnahme - und nur dann kann der Mensch mit Sicherheit von Gott sprechen, s. Logos 23,3. PG 36, 16 A.

Wenn wir also wollen, dass die orthodoxe dogmatische Theologie unserer Universitäten den Charakter der orthodoxen Überlieferung innehat und ausdrückt, dann muss sie untrennbar mit der orthodoxen Geistigkeit verbunden sein, die auch ihr praktischer Wert ist. So werden die Auswirkungen des Dogma nicht nur im persönlichen heiliggeistigen Leben der Gläubigen offenbar, sondern auch in ihrem gesamtkirchlichen Lebensausdruck, und ihre Einheit wird bewahrt mit den Grenzen, die das Dogma setzt.

Überdies sind die Qualität und die Echtheit dieses Lebens, das greifbare tägliche Praxis ist, genau dasjenige, was dem Inhalt der dogmatischen Theologie ein attraktives Interesse gibt. Mit der oben erwähnten Verbindung wird die dogmatische Theologie nicht in die Randzonen des persönlichen oder weiteren kirchlichen Lebens verwiesen, und sie fristet ihr Dasein auch nicht als Spezialgebiet einiger weniger akademischer Theologen.

Ganz im Gegenteil wird sie zum Zentrum des kirchlichen Interesses der Gläubigen, weil diese Verbindung unser orthodoxes Selbstverständnis, *expressis verbis*, ausdrückt.

Hier aber sind einige notwendige Erklärungen zu geben. Damit das persönliche und kirchliche Leben der Gläubigen garantiert echt ist, d.h., damit dieses Leben heiliggeistig ist, muss die dogmatische Theologie, die es umgrenzt und sichert, unbedingt von der Ekklesiologie in die Soteriologie der Kirche einmünden. Denn, außerhalb der Kirche und ohne die Perspektive der Heilslehre verliert das Leben des Menschen seine besondere Tiefe und ist ohne heiliggeistigen Charakter.

Genau diese tätige Verbindung zwischen Wahrheit und Leben, dogmatischer Theologie und heiliggeistigem Leben der Gläubigen durchzieht wie eine Achse die dogmatische Theologie der Kirchenväter und erklärt all ihre Sensibilität und ihr Handeln im Hirtenamt. Deshalb, z.B., hat der große Athanasius den titanischen Kirchenkampf gegen Arios aufgenommen, hat der Hl. Gregorios der Theologe gegen die Pneumatologen gekämpft und der Hl. Gregorios Palamas gegen die lateinischen Gegner des Hesychasmus, um nur diese beispielhaft zu nennen. Sie alle hatten erkannt, dass die fehlerhafte dogmatische Theologie ihrer häretischen Gegner die Macht des heiliggeistigen kirchlichen Lebens dezimierte und das Werk der Göttlichen Ökonomie, das der Dreifaltige Gott durch Christus wirkt und weiterhin wirkt durch den mystischen Leib Christi, die Kirche, buchstäblich entleerte.

“Folgend den Heiligen Vätern“ Ein Vorschlag von diachronischem...

Die oben erwähnte Verbindung der dogmatischen Wahrheit mit dem kirchlichen Leben wirkt kraftvoll in den orthodoxen Christen, die auf diese Weise die Echtheit ihres Lebens kontrollieren können. Sie ist aber auch den Heterodoxen hilfreich, weil es ihnen die Möglichkeit gibt, nicht nur die Unvereinbarkeit ihrer Dogmen mit der dogmatischen Lehre der Orthodoxen zu überprüfen, sondern auch die daraus folgende Unvereinbarkeit ihres gesamten persönlichen und institutionellen Lebensausdrucks mit dem heiliggeistigen Leben, das die Offenbarung Gottes durch die Hl. Schrift verspricht und empirisch nur innerhalb der Orthodoxen Kirche beglaubigt ist.

Die Verbindung aber der dogmatischen Theologie mit dem heiliggeistigen Leben der Gläubigen macht auf praktische Weise die Bedeutung der Kirche selbst für die Verwirklichung des persönlichen Heils der Gläubigen verständlich. Wenn z.B. das Heil des Menschen für den orthodoxen Gläubigen eine Folge der wirklichen Vereinigung zwischen Gott und Mensch ist, dann ist für ihn die Unterscheidung, die die orthodoxe dogmatische Theologie beim Dreifaltigen Gott macht, verständlich und einleuchtend, die Unterscheidung nämlich zwischen seinem ungeschaffenen Wesen, das unzugänglich und unerkennbar ist und Seinen ungeschaffenen Energien, die dem Menschen zugänglich und erkennbar sind. Dann versteht der Gläubige, warum die wirkliche Vereinigung Gottes mit dem Menschen, wie die orthodoxe Theologie lehrt, ein intensives existentiell-ontologisches Ereignis ist, das sich nicht in irgendeiner philosophischen oder gar christlichen Vorstellungsform von ethischer Vollkommenheit erschöpft. Dann wird auch verständlich, dass die Vereinigung Gottes mit dem Menschen sich nicht im Raum einer dogmatischen Theologie, autonom vom Leben der Kirche, verwirklichen kann. Man versteht außerdem, dass die Vereinigung Gott und Mensch nur im mystischen Leib Christi gelebt werden kann, dass sie ein ekklesiologisches Ereignis ist, ein Ereignis, das die Kirche als „göttliche Vereinigung“ des Menschen voraussetzt, als den charakteristischen Träger also, innerhalb dessen der Mensch ontologisch vom Rosen, der Sünde und dem Tod befreit wird und persönlich am ungeschaffenen Leben Gottes teilnimmt.

Aus dem bisher Gesagten wird, wie wir meinen, klar ersichtlich, dass eine nur verstandesmäßige Annäherung an die dogmatische Theologie, die Vertrautheit mit ihr oder ihre Formulierung, die sie sich vom heiliggeistigen Leben der Kirche verselbständigt, nicht die Überlieferung der Kirche

wesenhaft ausdrückt. Also können wir wohlbegründet behaupten, dass die akademische dogmatische Theologie des 20. Jahrhunderts, die tief beeinflusst ist von der verweltlichten und heterodoxen westlichen Theologie und besonders von ihrer theologischen Methodologie⁹, aber auch hin und wieder von ihren fehlerhaften theologischen Voraussetzungen, nicht der Väter-Version der dogmatischen Theologie entsprochen hat, bis natürlich auf einige leuchtende Ausnahmen, wie z.B. die Väter Johannes Romanidis, Dimitri Staniloae und vielleicht auch Justin Popovici.

Es ist bekannt, dass die orthodoxe Theologie Frucht der Gottesschau ist, die nach dem Hl. Gregorios Palamas die Krone der geistigen Reinheit ist¹⁰, was aber die Reinheit und die Erleuchtung des Geistes voraussetzt. Die Gottesschau garantiert die Präzision der fehlerlosen dogmatischen Lehre und sogar im absoluten Grad, wie es geschieht, wenn sie gemeinsam von den Ökumenischen Synoden formuliert wird. Wenn aber diese dogmatische Theologie sich von der heiliggeistigen Erfahrung ihrer Sprecher verselbständigt, ist sie in nichts wesentlich nützlich, wie auch dem Teufel sein Glaube an Gott zu nichts nütze ist. Wenn derjenige, der sich mit der dogmatischen Theologie beschäftigt, der heiliggeistigen Reinigung entbehrt, entbehrt er wesentlich den lebendigen Charakter der Gotteserkenntnis. So aber steht er jedes Moment in der grössten Gefahr, dass er von der echten dogmatischen Theologie abweicht und sie infolgedessen unbewusst verfälscht. „Theologie ohne Erfahrung“, sagte der selige Altvater Paisios der Agiorite, „gleich einem Maulwurf, der versucht, die Sonne zu beschreiben“¹¹. Folglich, werden die Bedingungen, die die Richtigkeit der dogmatischen Theologie sichern, entscheidend von der heiliggeistigen Erfahrung der gotttragenden (der in die Gottesschau eingedrungenen) Glieder der Kirche bestimmt, aber auch von ihren

⁹ Die westliche theologische Methodologie stützt sich generell auf die von Gott unabhängige Vernunft und die abstrakte Tätigkeit des Verstandes, auf der Basis der Universalien. Daher wurden die Dogmen von den Westlichen hauptsächlich als theologische Begriffe betrachtet, die verstandesmäßig aufgenommen wurden, ohne eine besondere Beziehung zum Leben desjenigen zu haben, der sich darüber äußert. Demgegenüber ist die Methodologie der orthodoxen Theologie empirisch. Ihr Charakter wird bestimmt durch das empirisch-erlebte Wissen von Gott, das in der Kirche verwirklicht wird, verstanden als „Vereinigung mit Gott“.

¹⁰ s. ΕΠΕ, Bd. 9. S. 328f

¹¹ Ιερόμόναχου Ισαάκ, *Βίος Γεροντός Παισιου του Αγιορειτου*, Αγιον Ορος; 2004, σ. 566 [Priestermönch Isaak, *Leben des Allvaters Paisios des Agiorhen.*]

“Folgend den Heiligen Vätern“ Ein Vorschlag von diachronischem...

beauftragten Sprechern im Rahmen der akademischen Theologie, in dem Maße, in dem auch sie als Gottesträger die heiliggeistige Überlieferung der Kirche ausdrücken, praktisch und wesenhaft „nachfolgend den Heiligen Vätern“.

Im 20. Jahrhundert und insbesondere im ersten Jahrzehnt des 21. Jahrhunderts, in dem wir uns befinden, haben sich unsere dogmatischen Unterschiede zu den heterodoxen Christen des Westens abgeschwächt, wegen der weitgehenden Verweltlichung in unserer kirchlichen Raum. So herrscht heute der dogmatische Minimalismus auch bei den Professoren der dogmatischen Theologie. Dieser Minimalismus erstreckt sich bis zum die Religionen übergreifenden Synkretismus hin, eine Sache, die das Gleichmachen des Glaubens begünstigt und die, schließlich, zusammen mit anderen institutionellen und nicht-institutionellen Faktoren in der angestrebten Globalisierung von Allem enden wird.

Hier, zeichnet sich schon die Gefahr ab, dass die orthodoxe Theologie ihre ursprüngliche Authentizität verliert, indem sie von ihren wesentlichen Werten abgekoppelt wird. So aber werden dogmatische Theorie und Lehre ohne das wirkliche Leben sein und als „Salz“, das schal geworden ist, wird sie wertlos sein und vom Leben der Gläubigen ausgestoßen werden. Deshalb „Lasst uns aufrecht stehen“! „Lasst uns stehen“ in der „Nachfolge der Heiligen Väter“!

Assaad Elias Kattan¹

Die Kirche, die den Vorsitz in der Liebe führt

Zusammenfassung

In einem zweiten Studium beschäftige ich mich mit dem sogenannten Dokument von Ravenna, das von der offiziellen Dialogkommission im Oktober 2007 verabschiedet wurde und welches unmittelbare Implikationen für die Frage nach dem Primat in der Kirche besitzt. Im letzten Teil gehe ich auf offene Fragen im Blick auf den päpstlichen Primat ein und versuche darüber zu spekulieren, wie dieser Primat aus orthodoxer Perspektive nach der Wiederherstellung der Kircheneinheit aussehen kann.

Stichwörtern

Die orthodoxe und katholischer Kirche, dialog, Dokument von Ravenna

Die orthodoxe Kirche und das päpstliche Amt

Das päpstliche Amt scheint heute wohl der alleinige Faktor zu sein, der katholische und orthodoxe Kirche noch trennt. Und dies, obwohl Katholiken und Orthodoxe mindestens elf Jahrhunderte gemeinsam haben, und trotz der Tatsache, dass die Orthodoxen den Primat des Bischofs von Rom prinzipiell akzeptieren, diesen Primat aber im Vergleich zur offiziellen katholischen Meinung anders wahrnehmen und deuten. Die folgenden Ausführungen gliedern sich in drei Teile. Ich werde erstens einen kurzen Überblick über die Geschichte des offiziellen Dialogs zwischen der orthodoxen und der katholischen Kirche zwischen 1980 und 2000 bieten und versuchen zu zeigen, warum der päpstliche Primat in dieser ersten Phase des Dialogs kaum thematisiert wurde. In einem zweiten Studium

¹ Ph.D., *Centrum für Religiöse Studien, Münster*

Die Kirche, die den Vorsitz in der Liebe führt

beschäftige ich mich mit dem sogenannten Dokument von Ravenna, das von der offiziellen Dialogkommission im Oktober 2007 verabschiedet wurde und welches unmittelbare Implikationen für die Frage nach dem Primat in der Kirche besitzt. Im letzten Teil gehe ich auf offene Fragen im Blick auf den päpstlichen Primat ein und versuche darüber zu spekulieren, wie dieser Primat aus orthodoxer Perspektive nach der Wiederherstellung der Kircheneinheit aussehen kann.

Der offizielle Dialog

Der offizielle theologische Dialog zwischen katholischer und orthodoxer Kirche fing 1980 auf Initiative von Papst Johannes Paul II. (1978-2005) und dem ökumenischen Patriarchen Demetrios I. (1972-1991) an. Das Organ dieses Dialogs ist nach wie vor eine gemischte internationale Kommission, die paritätisch besetzt ist. Die Entscheidung, diesen Weg zu gehen, war die Frucht rascher Annäherung zwischen Papst Paul VI. (1963-1978) und dem ökumenischen Patriarchen Athenagoras I. (1948-1972), die dazu führte, 1965 die gegenseitigen Verurteilungen zwischen Rom und Konstantinopel aus dem 11. Jahrhundert aufzuheben. Zwischen 1980 und 2000 war die Frage nach dem römischen Primat aber kaum auf der Tagesordnung. Dies hing zunächst mit der Methode des Dialogs zusammen. Denn die Arbeitsweise, für die man sich damals entschied, bestand darin, von den Gemeinsamkeiten zwischen beiden Kirchen auszugehen, um vor dem Horizont dessen, was gemeinsam ist, später an die Unterschiede, wie etwa den Primat des Papstes, heranzugehen. Man verabschiedete drei Dokumente, in denen ein hohes Maß an Gemeinsamkeit im Blick auf die Sakramente, die Kirche und die Trinitätslehre beschrieben und festgehalten werden konnte. Das sind in zeitlicher Reihenfolge die folgenden Dokumente: „Das Geheimnis der Kirche und der Eucharistie im Licht des Geheimnisses der Heiligen Dreifaltigkeit“ (München 1982), „Glaube, Sakramente und Einheit der Kirche“ (Bari 1987) und „Das Weihsakrament in der sakramentalen Struktur der Kirche, insbesondere die Bedeutung der apostolischen Sukzession für die Heiligung und Einheit des Volkes Gottes“ (Valamo 1988). Diese Dokumente zeigen einerseits, dass es sich beim Dialogprozess in der Phase der 1980er Jahre vor allem um einen wachsenden Konsens handelte. Andererseits aber wird in den Texten

die Existenz von Unterschieden, z.B. dem römischen Primat, festgestellt. Die Diskussion über diese Unterschiede hat man aber mit der berechtigten Absicht verschoben, eine möglichst breite Konsensgrundlage zu schaffen.

Kritischer wurde es aber Anfang der 1990er Jahre nach dem Zusammenbruch des ehemaligen Ostblocks und den dortigen politischen Veränderungen, die zur Folge hatten, dass das Problem der sogenannten griechisch-katholischen Kirchen, also der Ostkirchen, die mit Rom uniert sind, stärker in den Vordergrund trat. Denn diese Kirchen, die in kommunistischen Zeiten fast überall verboten waren, wurden nun wieder zugelassen und waren in der Lage, sich vor allem durch westliche Unterstützung zu erholen. Demzufolge wurden sie von den orthodoxen Kirchen als Konkurrenzfaktor empfunden, während die Orthodoxen ihrerseits von den mit Rom Unierten häufig als ehemalige Unterdrücker wahrgenommen wurden. Infolge der zugespitzten Verhältnisse zwischen den griechisch-katholischen und orthodoxen Kirchen bestanden die letzteren nun darauf, im offiziellen Dialog das Problem des Uniatismus zu behandeln, bis es geklärt wird. Unter Uniatismus versteht man jene missionarischen Bemühungen seitens der katholischen Kirche, die in der Vergangenheit dazu führten, dass Mitglieder der Ostkirchen unter Beibehaltung ihres Ritus eine Union mit Rom eingingen. Nun musste also zum ersten Mal etwas Problematisches diskutiert und geklärt werden. Man verabschiedete sich von der ursprünglichen Methode. Doch dieses Problem war interessanterweise der Uniatismus und nicht der Primat des römischen Bischofs.

1993 kam die Dialogkommission in Balamand zusammen und verabschiedete ein Dokument mit dem Titel „Uniatismus, der frühere Weg zur Einheit, und das heutige Suchen nach Wegen zur Einheit“. Dieses Dokument ist meines Erachtens von fundamentaler Bedeutung: Zum ersten Mal wird von Orthodoxen und Katholiken gemeinsam akzeptiert, dass der historische Uniatismus sowie jegliche Proselyten-Macherei keinen adäquaten Weg zur Wiederherstellung der Kircheneinheit bilden. Vor allem für die Orthodoxen war es wichtig zu hören, dass sich die katholische Kirche nun offiziell von jenen Unionsmethoden distanziert, die in der Vergangenheit Kirchenspaltungen innerhalb der Ostkirchen hervorriefen. Im Gegenzug erkennt das Dokument von Balamand den griechisch-katholischen Kirchen das Recht auf freie Religionsübung zu. Interessant ist auch die Beobachtung, dass sich orthodoxe und katholische Kirche in

Die Kirche, die den Vorsitz in der Liebe führt

diesem Text gegenseitig als „Schwesterkirchen“ bezeichnen. Das Dokument von Balamand wurde aber sowohl in orthodoxen als auch in griechisch-katholischen Kreisen kritisiert. Während einige Orthodoxe der Ansicht waren, dass es den „unkanonischen“ Status der griechisch-katholischen Kirchen verharmlose, und andere mit dem Begriff „Schwesterkirche“ unzufrieden waren, hatte man auf griechisch-katholischer Seite vor allem in der Ukraine und in Rumänien den Eindruck, Rom habe die Unierten zugunsten der Ökumene mit der Orthodoxie quasi verraten. Trotz seiner Wichtigkeit also vermochte das Dokument von Balamand die Spannungen nicht zu beseitigen. Im Jahre 2000 kamen sie zu einem Höhepunkt auf dem Treffen der Dialogkommission in Baltimore, das sich als ein großes Debakel erwies und faktisch zu einem Abbruch des Dialogs führte.

Nach der Wahl von Papst Benedikt XVI. (2005), der bei vielen Orthodoxen als Orthodoxie-Kenner und -Freund gilt, wurde der offizielle Dialog wieder aufgenommen. Damit begann die zweite Dialogphase. 2006 kam man in Belgrad wieder zusammen, und 2007 war man in der Lage, wieder einen gemeinsamen Text zu verabschieden, das Dokument von Ravenna, das auf Vorarbeiten basierte, die auf die Zeit vor dem Dialogabbruch, ja vor Balamand, zurückgingen.

Das Dokument von Ravenna

In deutscher Übersetzung trägt das Dokument von Ravenna folgenden Titel: „Die ekklesiologischen und kanonischen Folgen des sakramentalen Wesens der Kirche. Kirchliche Gemeinschaft, Konziliarität und Autorität“. Auch dieses Dokument beschreibt vor allem Gemeinsamkeiten zwischen katholischer und orthodoxer Seite, obwohl es in seinem Schlusswort kurz auf die strittige Frage des päpstlichen Amtes eingeht und dadurch die Perspektive eröffnet, diese Frage in der Zukunft ausführlicher zu erörtern. Doch beim Ravenna-Dokument handelt es sich um eine Thematik, die direkte und weitreichende Folgen für die bevorstehende Debatte über den päpstlichen Primat hat. Denn hier geht es um das Verhältnis von zwei Prinzipien in der Ekklesiologie, nämlich Primatialität und Synodalität, die direkt damit zusammenhängen, wie die Kirche geleitet wird. Bekanntermaßen kennen beide Kirchen beide Prinzipien. Tatsache aber ist, dass das Primatialitätsprinzip in der katholischen Kirche durch

das päpstliche Amt mehr betont wird, während in der orthodoxen Kirche dem Synodalitätsprinzip mehr Wert beigemessen wird. In dieser Hinsicht versucht das Dokument von Ravenna zu zeigen, dass Synodalität ohne Primat und Primat ohne Synodalität unvorstellbar sind, indem es das Verhältnis der zwei Prinzipien zueinander auf drei Ebenen thematisiert: der Lokalebene, die in der Diözese bzw. im Bistum zu verorten ist, der Regionalebene, die dem Patriarchat (orthodox) bzw. der Bischofskonferenz (katholisch) entspricht, und der Universalebene, die alle Kirchen Christi, einschließlich der Kirche von Rom, erfasst. Auf allen drei Ebenen sei ein Gleichgewicht und eine Wechselbeziehung zwischen Synodalität und Primatialität zu implementieren, denn diese zwei Prinzipien schließen sich nicht aus, sondern vielmehr bedingen sie sich gegenseitig und gehören eng zusammen. Dass ein gemeinsamer Diskurs über das Verhältnis von Synodalität und Primatialität eine angemessene Grundlage für die weitere Debatte über die Natur des päpstlichen Primats bietet, liegt auf der Hand. Mir scheint also, dass die Haupterrungenschaft des Dokuments von Ravenna darin besteht, dass wir zum ersten Mal in der Geschichte des Dialogs zwischen katholischer und orthodoxer Kirche einen gemeinsamen Text haben, der Synodalität und Primatialität zusammendenkt und zeigt, dass sie korrelieren und aufeinander angewiesen sind.

Selbstverständlich aber weist das Dokument von Ravenna Unzulänglichkeiten auf, von denen ich drei hervorheben möchte: Erstens vermittelt dieses Dokument den Eindruck, zu sehr bischofszentriert zu sein. Abgesehen von der Tatsache, dass bei der Erörterung der drei Ebenen die Rolle der örtlichen Gemeinde, in der *de facto* die kirchenkonstituierende Eucharistie gefeiert wird, mangelhaft beschrieben wird und daher unklar bleibt, geht das Dokument kaum auf die Rolle der Priester und der Laien bei der Ausübung von Autorität in der Kirche ein. Zweitens ist die Parallelität zwischen den drei Ebenen nicht immer überzeugend. Wenn man z.B. das Thema anschneidet, wie sich auf der Lokalebene die Gemeindeglieder zum Bischof verhalten sollen, redet man gerne von Gehorsam. Dieser Begriff wird natürlich definiert. Es geht nämlich nicht um den weltlichen Gehorsam, sondern um Gehorsam im Sinne der Heiligen Schrift. Immerhin aber kommt hier der Begriff „Gehorsam“ vor, während dieses Gehorsam-Prinzip auf der Universalebene nicht mehr erwähnt wird, weil er dort offensichtlich nicht mehr funktioniert. Denn aus orthodoxer Perspektive kann man nicht einfach sagen, dass alle

Die Kirche, die den Vorsitz in der Liebe führt

Bischöfe dem Papst gehorchen müssen. Der Versuch also, von den drei Ebenen auszugehen, ist zwar begrüßenswert, manchmal aber werden die Unterschiede zwischen diesen Ebenen wenig begründet und daher auch unverständlich. Drittens hat man den Eindruck, dass das Dokument je nach Ebene mit unterschiedlichen Maßstäben operiert. Wenn das Dokument z.B. von der Lokalebene redet, vermittelt es weitgehend ein Idealbild, d.h. es beschreibt, wie der Sachverhalt sein *muss*, wie sich etwa der Bischof und die Gemeindemitglieder verhalten *müssen*. Wenn es aber um die Universalebene geht, schaltet das Dokument insofern um, als die Sprache eines Idealbildes mit einer deskriptiven Sprache verquickt wird, welche die eigentlichen historischen Probleme benennt. In letzter Analyse gibt es kein Idealdokument. Doch das Dokument von Ravenna bildet auf jeden Fall eine gute Grundlage, auf der die Frage nach dem Primat erörtert und hoffentlich geklärt werden kann.

Offene Fragen

Seit Ravenna widmet man sich im offiziellen Dialog konsequent der Frage nach dem päpstlichen Primat. Es ist aber seitdem nicht gelungen, ein weiteres gemeinsames Dokument zu verabschieden, was die Schwierigkeiten zeigt, mit dieser Frage umzugehen.

Wie ich am Anfang signalisiert habe, wurde der Primat des Papstes, die Tatsache also dass das römische Oberhaupt innerhalb der Universalkirche einen Vorrang genießt, von den Orthodoxen auch in Zeiten, da es zwischen beiden Kirchen kritischer wurde, nie bestritten. Dies gilt auch für die spätbyzantinische Zeit, als die Kreuzfahrer Konstantinopel eroberten (1204), oder als sich die Byzantiner von ihren westlichen Geschwistern im Stich gelassen fühlten. Auch nach der Eroberung Konstantinopels (1453) wurde das Prinzip, dass es in der Kirche einen *protos* bzw. *primus* geben muss, und dass dieser einst der Bischof von Rom war und er es wieder werden kann, von den byzantinischen Theologen nie in Frage gestellt. Das Problem besteht aber darin, *wie* dieser Primat des Papstes zu verstehen und zu praktizieren ist. Dabei bestehen die Orthodoxen darauf, dass der Primat nur in jener Form akzeptiert werden kann, in der er im ersten Jahrtausend, das für die Gemeinschaft, die *communio*, zwischen Ost und West steht, ausgeübt wurde. Damit überschneidet sich die berühmt gewordene

Aussage von Papst Benedikt XVI, man dürfe von den Orthodoxen nicht mehr verlangen als das, was im ersten Jahrtausend üblich war. Die Lösung mutet also auf den ersten Blick einfach an, denn es geht nur darum, zur Praxis des Primats im ersten Jahrtausend zurückzukehren. Auf ihrer letzten Sitzung in Wien versuchte auch die gemischte Kommission, diesen Weg einzuschlagen, also ein Dokument zu verabschieden, das die Praxis des Primats im 1. Jahrtausend beschreibt. Dies scheint aber gescheitert zu sein. Und man möchte meines Wissens wieder die Methode ändern. Denn in Wirklichkeit ist das Problem viel komplizierter.

Zwei Schwierigkeiten scheinen mir ausschlaggebend zu sein: Erstens sind sich Ost- und Westkirche bis heute nicht darin einig, wie die Ausübung des Primats in den ersten 1000 Jahren der Kirchengeschichte verlief. Wir haben somit unterschiedliche Wahrnehmungsweisen dessen, was der Primat im ersten Jahrtausend bedeutete, und unterschiedliche Meinungen darüber, wie die sich darauf beziehenden historischen Fakten zu deuten sind. Doch Divergenzen bei der Geschichtsinterpretation, gerade wenn diese Interpretation auch für die Gegenwart relevant ist, sind alles andere als befremdlich. Zudem sind die verschiedenen Wahrnehmungsweisen kein bloßes gegenwärtiges Phänomen. Historiker belehren uns nämlich, dass es bereits im Laufe des ersten Jahrtausends Unterschiede in der Art und Weise gab, wie der Primat zu verstehen war. Fairerweise muss man aber darauf hinweisen, dass trotz dieser Unterschiede die Kircheneinheit bis zum 11. Jahrhundert weiterbestehen konnte. Zweitens leben wir heute nicht direkt nach dem ersten Jahrtausend, sondern wir haben hinter uns auch ein zweites Jahrtausend, in dem sich die Kirchen auf unterschiedliche Art und Weise weiterentwickelt haben. Vor allem in der katholischen Kirche gab es Entwicklungen, die für die Kirche des Westens einen hohen Stellenwert genießen, mit denen sich die orthodoxe Kirche aber nicht identifizieren kann. Dazu gehören beispielsweise die Dekrete des Ersten Vatikanischen Konzils (1870/71), die den Primat des römischen Bischofs und seine Unfehlbarkeit in Fragen der kirchlichen Lehre kodifizieren und ihnen den Wert eines Dogmas beilegen.

Zuersten Schwierigkeit: Die Aufgabe, ein in Grundzügen gemeinsames Verständnis des Primats im ersten Jahrtausend zu entwickeln, ist zwar nicht leicht. Sie ist aber meinem Ermessen nach nicht unmöglich. Denn in vielen Fällen können wir zwar nicht ganz genau sagen, worin der Primat des römischen Papstes bestand, in den meisten Fällen aber sind wir in der Lage

Die Kirche, die den Vorsitz in der Liebe führt

zu sagen, was dieser Primat *nicht* war, wir können also sozusagen den Primat *negativ* bestimmen. Ich habe den Eindruck, dass im ersten Jahrtausend der Autoritätsanspruch der Päpste in keinem Fall so maximalistisch rezipiert und praktiziert wurde, wie es im zweiten Jahrtausend in der katholischen Kirche der Fall war. Und das ist von ausschlaggebender Bedeutung. Diese erste Beobachtung darf aber nicht verabsolutiert werden. Denn es gibt auch Fälle, in denen wir sagen können, was der Primat in der Tat war. Zum Beispiel scheint der römische Papst spätestens ab dem Konzil von Serdica (342) ein Appellationsrecht genossen zu haben. Demnach durfte er, wenn man in bestimmten Konfliktfällen an ihn appellierte, Entscheidungen von Lokalsynoden akzeptieren bzw. eine Wiederholung des rechtlichen Verfahrens fordern. Darüber hinaus kann im ersten Jahrtausend so etwas wie eine Dialektik zwischen dem päpstlichen Amt und dem ökumenischen Konzil betrachtet werden (Olivier Clément). Dabei handelte es sich sozusagen um eine *kreative* Spannung: Einerseits verhinderte das Konzil, dass das Amt des Papstes im Sinne eines Absolutheitsanspruchs ausgeübt wurde, andererseits aber inspirierte und erleichterte das päpstliche Amt häufig den Prozess der Entscheidungsfindung auf den Konzilien.

Zur zweiten Schwierigkeit: Die gemischte Dialogkommission wird sich früher oder später damit befassen müssen, wie das Erste Vatikanische Konzil mit seinen Dekreten über Primat und Unfehlbarkeit nicht mehr als Stolperstein empfunden werden kann. Hier ist vor allem die katholische Theologie beansprucht. Denn zunächst bedarf man einer innerkatholischen *relecture*, d.h. einer neuen Interpretation des Ersten Vatikanischen Konzils, welche die Orthodoxen für plausibel und annehmbar erachten. Die ersten Schritte dieses Wegs hat Walter Kardinal Kasper zu gehen versucht, indem er vor einigen Jahren einen Aufsatz dazu geschrieben hat, in dem er vier hermeneutische Prinzipien für diese neue Interpretation vorschlägt (Istina 2005, S. 341-352): Erstens soll der päpstliche Primat in den Gesamtkontext der gemeinsamen Ekklesiologie von Ost und West integriert werden. Zweitens soll das Erste Vatikanische Konzil im Lichte der gesamten kirchlichen Tradition gelesen und in sie integriert werden. Drittens bedarf man einer historischen Interpretation des Ersten Vatikanischen Konzils. Viertens soll der Dienst des Petrus im Lichte des Zeugnisses des Evangeliums gedeutet werden. Selbstverständlich kann man sich mit dem Inhalt dieser Prinzipien, wie sie Kardinal Kasper erläutert, kritisch auseinandersetzen. Vor allem Kaspers Unterscheidung

im dritten Prinzip zwischen dem allgemeingültigen und normativen Inhalt des petrinischen Amtes einerseits und seinen veränderlichen historischen Formen andererseits ist klärungsbedürftig. Trotzdem kann man sich als orthodoxer Theologe nur darüber freuen, dass sich katholische Theologen mittlerweile darauf eingelassen haben, das Erste Vatikanische Konzil hermeneutisch unter die Lupe zu nehmen, um eine für die Orthodoxie akzeptable Interpretation dieses Konzils zu erarbeiten. Einige katholische Stimmen fügen in dieser Hinsicht hinzu, dass sich die katholische Kirche in die Lage versetzen muss, den Orthodoxen ein Modell dafür zu liefern, dass eine gemäßigte Ausübung des Primats innerkatholisch möglich ist. Ein Beispiel dazu wäre, dass die regionalen Bischofskonferenzen, und nicht Rom, die Ortsbischöfe wählen. Im Gegenzug halte ich es für nötig, dass die Orthodoxen mehr darüber reflektieren müssen, wie der Primat in der Praxis in die synodalen Strukturen verankert werden kann. Denn es ist kein Geheimnis, dass die Orthodoxen, obwohl unter ihnen heutzutage der Patriarch von Konstantinopel als *primus* gilt, gelegentlich Zeichen von Zersplitterung zeigen. Ein administrativ vereinheitlichendes Prinzip können sie demzufolge gut gebrauchen.

Der Dialog zwischen orthodoxer und katholischer Kirche beschränkt sich aber nicht darauf zu erkunden, wie die Schwierigkeiten der Vergangenheit zu beseitigen sind, sondern er muss auch eine Perspektive herausarbeiten, wie die Zukunft aussehen kann. Deshalb möchte ich am Schluss kurz darüber spekulieren, wie der Primat des Papstes in einer Kirche, die wieder zu sich selbst gefunden hat, beschaffen sein kann: Das Appellationsrecht, das in der Kirchenpraxis verankert ist, kann die Ostkirche mit gutem Gewissen dem Papst zuerkennen. Es geht aber meines Erachtens um mehr. Nicht nur, wenn an ihn appelliert wird, muss der Papst eingreifen, sondern er ist dazu aufgefordert, eine Vermittlerrolle zwischen den Kirchen zu spielen, immer wenn Konflikte entstehen – was seinem Dienst als Diener der Einheit entspricht. Doch über die Konflikte hinaus soll der Papst die Koordinationsrolle unter den Kirchen übernehmen und im Blick auf die Herausforderungen unserer postmodernen Welt Initiativen ergreifen. Es gibt nämlich in unserem Zeitalter viele wichtige Fragen, die auf kirchliche Antworten harren. Und der Papst ist zweifellos die geeignetste Person, um die entsprechenden Initiativen wahrzunehmen, wodurch diese Fragen gesamtkirchlich beantwortet werden können. In diesem Geiste muss der Papst zuletzt das Recht darauf haben, ein ökumenisches Konzil

Die Kirche, die den Vorsitz in der Liebe führt

einzuuberufen. Hierbei handelt es sich um eine Aufgabe, die im ersten Jahrtausend der Kaiser erfüllt hat. Wir haben heute – Gott sei Dank – keinen christlichen Kaiser mehr. Ökumenische Konzilien werden aber sicherlich auch in der Zukunft eine Notwendigkeit sein. Und wer kann die Rolle, zu einem ökumenischen Konzil einzuladen und ihn zu präsidieren, effizienter übernehmen als der Bischof von Rom, der *primus* unter seinen Geschwistern, den Patriarchen?

in einer wiedervereinigten Kirche wird der Papst von Rom zwar keinen Absolutheitsanspruch mehr erheben können bzw. wollen, er wird aber genug zu tun haben. Und das wird ein Primat in der Liebe sein. Die Liebe als Vision für die Kirche von Rom hatte bereits in der ersten Hälfte des zweiten Jahrhunderts der Heilige Ignatius von Antiochien in den Vordergrund gerückt, als er an die Kirche der Römer schrieb, die „gotteswürdig, ehrwürdig, preiswürdig, lobwürdig, des Erfolgs und der Heiligung würdig“ ist, und „Christi Gesetz haltend“ und „des Vaters Namen tragend“ „den Vorsitz in der Liebe führt“. Und das, was bei Ignatius von Antiochien der Gesamtkirche von Rom gilt, dürfte um so mehr derem Haupt gelten, dem Bischof von Rom, der Zeugnis dafür ablegt, dass viele seiner Vorgänger bescheidenen Herzens waren, und dass sie gelitten haben bzw. gestorben sind, damit der Name Jesu von Nazareth in der Welt weiter bestehen kann.

Daniel Munteanu¹

Dogma and Culture. Main Contribution of the Orthodox Faith to Public Theology

Abstract

Orthodox spirituality sustains and cultivates life-supporting relationship. It is a transformative contribution to a culture of communication, oriented towards the life of the Trinity. If we understand human beings as relational beings, we treat them as imago trinitatis. Human beings are like the dogmas situated between the finite and the infinite. Orthodox culture, dogmas, liturgy and spirituality contribute to the „expanding universe“ of healing communication, by communicating God’s Word and Truth in a complex world.

Keywords

culture, ecclesial, orthodox theology, dogma

„For now we see in a mirror; dimly, but then we will see face to face. Now I know only in part; then I will know, fully even as I have been fully known“ (1 Cor 13,12)

1. Ecclesial and eschatological dimension of dogmas

Dogma means in philosophical usage „what seems right“, the believed, the meant, the doctrine.² δόγματα (Apg 16.4) as decisions and orders of the Jerusalem community do not arise from human arbitrariness, but have a

¹ Ph. D., Assistant Professor at the Faculty of Human Sciences, University of Bamberg (daniel.munteanu@web.de).

² U. Wickert, Dogma I Historisch, in Theologische Realenzyklopädie (from hier TRE) 9, Berlin New York 1982, 26.

Dogma and Culture. Main Contribution of the Orthodox Faith...

pneumatological dimension or a divine base of their authority - Apg 15, 28: „ἔδοξε γὰρ τῷ πνεύματι ἁγίῳ καὶ ἡμῖν“ (it seemed good to the Holy Spirit and to us).³ They have a social-normative function, because they lead as behavioral norms to a Christian existence. According to Ignatius of Antiochia each dogma dispose as „δόγμα κυρ...ου“ of a specific liability in community.⁴ This liability of Christian doctrine is based on the fact that dōgmata of Christians „are not coming from people, but are spoken and learnt from God“ as Athenagoras pointed to. As revealed must»rion, Christian dogmas are not bare *ἐντρέπινον* dōgma, but dōgmata *θεοῦ* (Origenes).⁵

Where does the authority of a dogma comes from? Does this authority have only a divine dimension? Eusebius von Caesarea underlined the ecclesial character of dogmas and spoke of the council decisions as *ἐκκλησιαστικὰ δόγματα*.⁶ Justinian went in his Novella 131 *de ecclesiasticis titulis* so far that he attributes to the dōgmata of the first four ecumenical councils the same dignity as to the Holy Scripture («quattuor synodorum dogmata sicut sanctas scripturas accipimus»).⁷ On the one hand the authority of the dogmas has an ecclesial dimension. The authority of the church is based on the other hand on her vocation to be „column and foundation of the truth“ (1 Tim 3.15). The church is such a column only by the presence of the Holy Spirit: „Ubi enim ecclesia, ibi et spiritus dei, et ubi spiritus dei, illic ecclesia et omnis gratia, spiritus autem veritas“ (Irinaeus III, 24.1). The church exists through the descendance of the Holy Spirit and is as those „no bare sociological institution“⁸, but a communion with the Trinity, i.e. a theanthropical reality.

The Holy Spirit, the Paraklet who comes from the Father makes present in his epiclesis Christ as the „way, the truth and the life“ (Joh 8.14). Christ is „the head of the body, namely of the community“ (Kol 1, 18.24). The sense of church consists in the inhabitation of the Trinity, in the communication of the eschatological life. Thus seen, the truth of the Christianity has not only an epistemological, but also a communion-oriented dimension. The communion with God's truth transforms the

³ Ibidem.

⁴ Idem, 27.

⁵ Ibidem.

⁶ Ibidem.

⁷ Ibidem.

⁸ A. Kallis, Kirche V, TRE XVIII, Berlin New York 1989, 256.

human being into a transparent organism who irradiates the beauty of the resurrection. The truth of Christian doctrine aims primarily not at a philosophical theory, but at the *life in communion* with God. That's why the fruit of the Holy Spirit is love (Gal 5.22) and the church has to be seen as new life in Christ and in the Holy Spirit (ODII, 164), i.e. as life in and from the magnificence of the *trinitarian communion*.

The church exists on account of the inhabitation of the Holy Spirit, so that the truth of its doctrine is directly connected to the experience of the divine, healing reality: „The kingdom of God consists not in word, but in strength“ (1 Cor. 4.20). „In the energy of the Holy Spirit irradiates the Church the truth as an experienced reality“.⁹ The Holy Spirit leads to this eschatological reality because he is the „Spirit of truth“ (Joh 16.13). That's why the dogmas cannot be separated from their liturgical context, which means the living experience of eternal truth.

2. The hermeneutical circle

The dogma of the church has not only an eschatological character, but also a historical one. Basilios the Great made a distinction between *δόγμα* and *κήρυγμα*. *Ḍ*ogma points to the mystic character of the doctrine, while *κήρυγμα* referst to the public aspect of the doctrine.

The dogma as a durable basic truth, i.e. as *articulus* or *regula fidei* is vital for the identity of the faith, although it requires an interpretation. Thomas von Aquin showed that dogmas are caused historically and, therefore, changeable.¹⁰

The dogma brings into expression the constant tradition of the church – «*id teneamus quod semper, quod ubique, quod ab omnibus creditum est*» (Vincentius of Lerin). This «semper» of each dogma needs a hermeneutical progress of the already believed which means not change (*permutatio*) of faith, but deepening (*profectus*).¹¹ Consequently the religious contents of dogmas must be reflected continuously. The dogmas are therefore no static truth or closed interpretations. This unseclusion of dogmas is the reason why the theological research is in search of better interpretations of the already available truth.

⁹ Idem, 257.

¹⁰ C. Heinz Ratschow, Ulrich Wickert, *Dogma II*, in: TRE 9, Berlin, New York 1982, 36.

¹¹ U. Wickert, *Dogma I*, in: TRE 9, Berlin, New York 1982, 30.

Dogma and Culture. Main Contribution of the Orthodox Faith...

Theologia dogmatica as a „science of dogma“¹² is not a repetition of old theological statements, but an always new strain to the truth of faith in today's history. „The theology has been appointed to in a continuous progress of renewal, to remain in dialogue with the contemporary culture“.¹³

An authentic Orthodox theologia dogmatica has nothing to do with scholasticism. It has to make visible in every new theological expression the inexhaustible richness of the divine mystery. The progress in interpretation is possible on account of the infinite riches of God. The human spirit can progress endless in the divine reality.¹⁴ «Every dogmatic formulation (...) allows the light of the mystery lying beyond it to shine through. Through each doctrinal definition we come into contact with certain realities and ultimate meanings which become ever more profound before our minds to the extent that the human spirit experiences them and becomes absorbed in them, and thus is capable of still deeper and more subtle experience and intuitions».¹⁵

Any progress in understanding the dogma depends on the progress of the human spirit, „which is itself conditioned by the whole of its experience – an experience always growing richer in the various context of world, history, and society“.¹⁶ The main difference between an orthodox understanding of dogma and a western one lies in the role of spirituality. The orthodox faith focus on spiritual growth and not on an intellectual selfsufficiency. It ends not in hermeneutics, but in the real communion, in the authentic experience of God as last source of love, truth and eternal life. „The truth can be spoken only by someone who is already at home in it; not by someone who still lives in untruthfulness, and does no more than reach out towards it from within untruthfulness“.¹⁷

Thanks to its connexion between *lex orandi* and *lex credendi* the orthodox tradition allways preserved that christian truth is beyond hermeneutics, relativism and cultural relativity.

¹² Ibidem.

¹³ D. Popescu, *Teologie și cultură*, București 1993, 65.

¹⁴ D. Stăniloae, *Theology and the Church*, New York 1980, 215.

¹⁵ Ibidem.

¹⁶ Idem, 216.

¹⁷ L. Wittgenstein, *Remarks on truth from On Certainty and Culture and Value*, in: José Medina, David Wood, *Truth. Engagements Across Philosophical Traditions*, Oxford 2005, 68.

2.1 Hermeneutics of truth

In our postmodern age as an age of challenge of religious pluralism¹⁸, there is no *terra ferma* of truth any more. Today we find a seismic shift and a huge rift „in the intellectual landscape (...) because there is no agreement on what the terrain looks like, or even if there is any terrain at all. From the Copernican revolution that substituted the sun for the earth as the center of the universe, through the discoveries of modern physics and astronomy, we know now – cosmologically, philosophically, and culturally – that there is no center“.¹⁹ The postmodern situation involves an awareness that the historical circumstances in which we find ourselves condition our *notion of truth*. Nobody approaches the Bible with a mind *tabula rasa*, as the seventeenth century English philosopher John Locke liked to think. Instead, as postmodernism has convincingly proclaimed, we are all the products of cultural and ideological traditions. „We cannot stand nowhere and view the rest of the world objectively“.²⁰ Each objectivity of truth or of meaning is constituted within a certain *tradition*. The way in which we understand is rooted in *prejudice* and thoroughly conditioned by the past or by „*effective history*“.²¹ Does the Christian truth have a future in such a postmodern world?

2.2 Hermeneutic as critic of ideology

Wilhelm Dilthey characterizes the development of modern hermeneutics as a „liberation of interpretation from dogma“.²² The text of the Bible must be understood in the light of differences in context and linguistic usage. Also Gadamer, in his critique of romantic hermeneutics, agree with the overcoming of dogmatic prejudices and assumptions.²³ He gave a *dialogical conception of knowledge*. For him understanding (*Verstehen*) is primarily coming to an understanding (*Verständigung*) with others: „Understanding

¹⁸ P. Bouteneff, *Sweeter than Honey. Orthodox Thinking on Dogma and Truth*, New York 2006, 11.

¹⁹ P. Lakeland, *Foreward*, in: Kathryn Tanner, *Theories of Culture. A New Agenda for Theology*, Minneapolis 1997, vii.

²⁰ B. Watson, *Truth and Scripture. Challenging Underlying Assumptions*, St Bride's Major Aureus 2004, ix.

²¹ G. Warnke, *Gadamer. Hermeneutics, Tradition and Reason*, Cambridge 1987, 3.

²² W. Dilthey, *Die Entstehung der Hermeneutik*, *Gesammelte Schriften* 5, 326.

²³ G. Warnke, *Gadamer*, 6f.

Dogma and Culture. Main Contribution of the Orthodox Faith...

(Verständnis) is first of all agreement (Einverständnis). So human beings usually understand one another immediately or they communicate (sich verständigen) until they reach an agreement. Reaching an understanding (Verständigung) is thus always: reaching an understanding about something.²⁴ We live and interpret in different times and places²⁵ than the times and places in which and to which the text originally spoke. Meaning is the communicative intention of the author, which has been inscribed in the text. Texts are culturally located, communicative acts that contribute to the communicative process, thin terms of person to person communication.²⁶

The Christian message is a message of communication. Revelation is also communication of God: „Scripture is, at heart, communication. The author is the one who communicates; the text is the vehicle of communication; and the reader is the one whom the text is addressed to and who responds“.²⁷ Human beings have an *intentionality towards communication*, because communication occurs between persons and it is inherently interpersonal. *If nobody can transcend his historical condition, how is truth in a culture of pluralism possible?*

2.3 Truth and Authority

Issues concerning truth are inseparable from those of authority. Authority is „a point of reference, the locus of credibility which gives direction and abiding character to human life“.²⁸

In premodern Christian communities the Bible, Creeds, doctrines, ecclesiastical practices, councils lead to a holy Tradition. This Tradition became much less important as an authority since Enlightenment.

„The acids of modernity eroded the church’s inherited patterns of authority“.²⁹ The postmodern ethos brings a significant change, so that

²⁴ H. G. Gadamer, *Wahrheit und Methode*, 168.158.

²⁵ M. Foster, *Gadamer and Practical Philosophy. The Hermeneutics of Moral Confidence*, Atlanta, Georgia 1991, 13-43.

²⁶ J. K. Brown, *Scripture as Communication. Introducing Biblical Hermeneutics*, Michigan 2007, 20-27.

²⁷ *Idem*, 13.

²⁸ L. T. Lundeen, *The Authority of the Word in a Process Perspective*, *Encounter* 36 (1975), 281; R. Allen, *Authority in the Pulpit in a Postmodern Ethos*, in: *idem*, *Theology for Preaching*, 35.

²⁹ *Ibidem*.

„the house of authority has collapsed“.³⁰ „Human beings cannot achieve pure, unbiased perception of the world. Every act of observation or logical deduction is filtered through the lenses of one’s own preconceptions, values, biases, and practices“.³¹

1961 Hannah Arendt talked about „a breakdown of all traditional authorities“³². This beginning experience of this time is already a clear reality of today’s postmodern world, where a rapid deterioration of authorities occurs. Traditional notion of authority is also through postmodern theories of language and meaning undercut. For the postmodern thinkers interpretive authority is egregiously flawed. The postmodern relativity touch also the divine milieu, where everything „is thoroughly transitional and radically relative“.³³

But even in the postmodern age the past is considered as containing elements of truth, like „forgotten truth“ or like a „primordial tradition“.³⁴

Nietzsche says that „there are no facts, only interpretations“³⁵. This radical plurality leads to radical ambiguity. Christians are convinced to have the true faith and the liberating truth of evangelium. What kind of truth of life do the Christians have? How is Christian truth in the postmodern world of relativism and pluralism ethos possible?

There is a postmodern variation on truth, from the Christian point of view, the method of mutual critical correlation to determine correspondence between claims and experience. Each human being has every moment of awareness filtered through interpretive lenses. „These lenses are grounded by culture, gender, race, ethnicity, family, class, education, political orientation, psychology, religion, ecological setting, our personal histories of feeling“.³⁶

Postmodern thinkers expose the limitation of knowledge. All human knowing is cast in a provisional light. Also the theology underlies the

³⁰ Ibidem.

³¹ R. Allen, *Authority in the Pulpit in a Postmodern Ethos*, 37.

³² H. Arendt, *What Is Authority*, in: C. J. Friedrich (ed.), *Between Past and Future*, New York 1968, 91.

³³ M. C. Taylor, *Erring: A Postmodern A/Theology*, Chicago 1984, 16; see Ch. Taylor, *The Ethics of Authenticity*, Cambridge Harvard 1991.

³⁴ R. Allen, *Authority in the Pulpit in a Postmodern Ethos*, 38.

³⁵ G. Green, *Theology, Hermeneutics and Imagination. The Crisis of Interpretation at the End of Modernity*, Cambridge 2000, 1.

³⁶ R. Allen, *Truth in the Postmodern Word*, 63; F. Colling, F. Guldman, *Meaning, Use and Truth. Introducing the Philosophy of Language*, Ildershot, 2005, 14f.

Dogma and Culture. Main Contribution of the Orthodox Faith...

stigma of finitude. The historical knowledge is always interpretive and retrospective. Historical understanding involves a mediation of meaning with one's own situation, an aesthetic experience that Gadamer calls a „fusion of horizons“³⁷. By this he means the integration of one's understanding of a text or historical event with its relevance to one's own circumstances in such a way that an „original“ or „intended“ meaning cannot be differentiated from the meaning of the text or event for oneself. This fusion is part of all hermeneutic understanding.³⁸

Each hermeneutical understanding of truth is a new voice in which the past echoes. Through the dialogue we learn to understand another aspect of tradition, which illuminates the meaning it has for us, and transforms our own previous perspective. A dialogue is important for the selfunderstanding and for overcoming the fear of the other as „essence of sin“³⁹. „The fear of the other, is an implanted pathological infirmity that pervades human understanding as fear of all otherness.“⁴⁰ Difference (in Greek, *diafora*), when perverted becomes a source of divisiveness, fragmentation (*diaspasi*) and conflict. It brings ultimately “death to the self and to others and more broadly to authentic human communion“.⁴¹

In confronting texts, different views and perspectives, alternative world-views, we can put our own prejudices in play and learn to enrich our own point of view, we can overcome the own limits and encapsulated understanding of the world.

3. Some criterias regarding the public dimension of the Christian dogma/truth

«Public Theology» belongs today to the most important paradigms of theology.⁴² It results from the growing consciousness that theology must react to the needs and to the topical questions of contemporary society. Christian theology is a theology of „interference and lowyanship“, i.e.

³⁷ H. G. Gadamer, *Wahrheit und Methode*, 288-290.

³⁸ G. Warnke, *Gadamer*, 69.

³⁹ J. Zizioulas, *Communion and Otherness: further studies in personhood and the church*, London 2006, 1f.; E. Clapsis, *Orthodoxy in Conversation*, 140.

⁴⁰ *Idem*, 141.

⁴¹ *Ibidem*.

⁴² www.public-theology.de.

always *public* because due to its basic values it embodies amongst other things a society-critical dimension. Moreover, it argues the future questions of humanity and fights for human rights as well as for social and ecological justice.

Nowadays christian faith can become a cultural force field and contribute to the *transformation of the society*. Public theology means the continuous search for ways to realise peace and justice in the society. In a world shaken by terror Public Theology promotes a *culture of tolerance and recognition of the other*, i.e. a *culture of responsibility, peace and justice*. Public Theology leads to *responsibility for the humanisation of the society* and its social structures. It is a form in which the church fulfils her vocation to „be salt of the earth and light of the world“.

1. *Honesty and hospitality*. The Christian claims must be told and preached with integrity and honesty. It can be no credibility without the authenticity of the lived truth. The pluralistic society needs an “*ethic of narrative hospitality*, that involves ‘taking responsibility in imagination and in sympathy for the story of the other, through the life narratives which concern the other’”.⁴³

In hesychast spirituality honesty means also transparency for the beauty of God. There is no transparency without the risk to be changed, i.e. to become vulnerable. The openness for God transforms the human being, because the old Adam has to die in order to become a new creature. The human being can be honest and transparent only by acceptance of the cross.

2. *Humility* regarding the truth in postmodern times means that we must recognize the finitude of human existence. Our interpretation of truth remains an interpretation that means limited. Gregory of Nyssa, the original thinker of divine infinity shows through his concept of *epektasis* the connection between truth and life. We cannot have real life and truth without a dynamic of an infinite love.⁴⁴ There is no light of truth without the fire of love.⁴⁵ For

⁴³ R. Kearney, Thinking after Terror: An Interreligious Challenge, in: C. Crockett (ed.) Religion and violence in a secular world. Toward a New Political Theology, Charlottesville London 2006, 222.

⁴⁴ D. Munteanu, Die Heilige Dreieinigkeit als heimatlicher Raum unserer ewigen Vollendung, in: M. Welker, M.v Volf (Hg.), Der lebendige Gott als Trinität. Jürgen Moltmann zum 80. Geburtstag, Gütersloh 2006, 257-278.

⁴⁵ See G. D. Badcock, Light of Truth and Fire of Love. A Theology of the Holy Spirit, Michigan Cambridge 1997.

Dogma and Culture. Main Contribution of the Orthodox Faith...

Christian it is not allowed to have an attitude of arrogance, authoritarianism or imperialism. The way of ecumenical reconciliation goes through overcoming this attitude. Humility has a special place in Christian morality. Jesus said of himself: „Learn from me, for I am meek and humble of heart, and you will find rest for yourselves“ (Matth 11,29). There is no truth without *kenosis* (Phil 2, 6-8) and without love (Joh 14, 6). The man is *imago dei* only through *kenosis* as a mode of living the eternal life of God. “Kenosis is the form, character and praxis of a theo-logic that lies outside of, and illuminates, all human logics”.⁴⁶

3. *Openess – or living the truth in love.*⁴⁷ The main idea that the truth can become a way of existence, is very present in the orthodox spirituality. The Trinitarian life as life of truth is at the same time the life of *perichoresis*, of reciprocal “giving way” and “containing”.⁴⁸ The Spirit of truth is the Spirit of life and of freedom. He is not only the bond of love, but the person who “from eternity assures that divine love has no single, stable center, no isolated ‘self’. (...) The Spirit is that other in whom Father and Son meet ‘again’, in the commonality of their *love for another*”.⁴⁹ “Original unity is original ‘reciprocity’”.⁵⁰ The openness to the possible truth of the other is the condition of understanding and of overcoming subjectivism.⁵¹ Each understanding has a dialogical structure. The fragmented truth of the postmodern world can be reestablished by a paradigm of communion, that means by a *Trinitarian and relational ontology* as *ontology of love*. The question of Pontius Pilatus „what is the truth?“ has to be replaced with the question „who is the truth?“⁵², because truth has an interpersonal dimension in the christian awareness. At the heart of truth stays not a fixed center theory, but a communion of persons. Truth means life, eternal life,

⁴⁶ G. Ward, *Christ and Culture*, Oxford 2005, 200.

⁴⁷ B. M. Ashley, OP, *Living the Truth in Love. A Biblical Introduction to Moral Theology*, New York 1996.

⁴⁸ D. Bentley Hart, *The Beauty of the Infinite. The Aesthetics of Christian Truth*, Michigan 2003, 175.

⁴⁹ *Ibidem*; see D. Staniloae, *Theology and the Church*, New York 1980, 93-94.

⁵⁰ D. Bentley Hart, *The Beauty of the Infinite*, 179.

⁵¹ G. Warnke, *Gadamer*, 89.

⁵² P. Bouteneff, *Sweeter than Honey*, 36: „When Pontius Pilatus asked Jesus that fateful question ‚What is truth?‘ it is sometimes said that he should better have asked, ‚Who is truth?‘ because he was standing in the presence of the one who is the truth“.

which cannot be completely understood or possessed by humans. That's why Christian truth has always to do with participation in love. Christian truth is communication of love and eternal life by acceptance of the cross. The truth of Christianity is the *truth of divine love*.⁵³

4. Theological anthropology as heart of the cultural anthropology

1. We need a theological anthropology in terms of the dialogical nature of hermeneutical understanding, which is primarily agreement (consensus), integration of different horizons or opinions of others into one's search for the truth. Theological anthropology grounds not only on the *common quest for truth as fundamental aspect of conditio humana*, but also on the hermeneutics of trust and vividly communication in the present and common situation of pluralism of theologies. This anthropology encourages through "the hermeneutics of doctrine" to "the intersubjectivity of genuine multiple voice" and "prevents doctrine from becoming only monologic discourse".⁵⁴

2. The theological anthropology contributes to the public theology through the „healing communication“ and the „therapy of the society“.⁵⁵ Living the truth in love means to cultivate a public perspective of truth as love – *veritas in caritatem*. Christian life has to be characterised as affection and openness for the others. Lead by the Holy Spirit who indwells us, we live in an ecstatic manner. The ecumenical understanding of human being contributes to a culture of reciprocal respect and tolerance. Truth has to do with reconciliation. God was in Christ reconciling the cosmos with himself.⁵⁶ "God's conciliatory action is entirely directed at the restoration of the relationship of truth".⁵⁷ The fundamental Christian statement is the *message of reconciliation*. Each Christ

⁵³ See about the Theology of the Crucified God from Jürgen Moltmann G. Jones, *Critical Theology. Questions of Truth and Method*, New York 1005, 60-72.

⁵⁴ A. C. Thiselton, *The Hermeneutics of Doctrine*, Michigan 2007, 136.

⁵⁵ R. A. Young, *Healing the Earth. A Theocentric Perspective on Environmental Problems and Their Solutions*, Nashville 1994.

⁵⁶ Ch. A. M. Hall, *The Common Quest. Theology and the Search for Truth*, Philadelphia 1962, 57.

⁵⁷ N. Shreurs, *Truth and Reconciliation. Is Radical Openess a Condition for Reconciliation?* in: Alistair McFadyen, Marcel Sarot (ed.), *Forgiveness and Truth*, New York 2001, 137.

Dogma and Culture. Main Contribution of the Orthodox Faith...

should be an ambassador of reconciliation because “forgiveness is the clue to the ontology of the new creation”.⁵⁸ The engagement with the hermeneutics of truth has formative and transformative effects because a multicultural society is not value-neutral but depends on an “ethical impregnation”.⁵⁹

3. Revelation in Scripture means selfcommunication of God to his creature. This is a relational and intelligible communication through his uncreated energies. The main content of revelation is the message of love. To understand the message of the scripture means to take part to the cosmic dynamic of God’s love and to become a new creation. Biblical and Christian truth is not propositional⁶⁰ but ontologically ecclesial – it is the communion in diversity⁶¹ (*koinonia*) with the source of existence, with God. With regards to the theological truth, we cannot say „Truth or community“⁶² but only „Truth through community“.

4. Christian truth is *liturgical* and *doxological* at the same time, that means eucharistic, open for the eschatological reality of the kingdom of God, open for the reception of the *splendor veritatis*. This anticipative character of truth leads to openness for the other: „You only seek me because you have already found me“⁶³. The searching for truth is the *common mission* of the humanity. This mission sustains the diaconic dimension of the Christian way of being, because orthopraxis is the very criterion for orthodoxy. The Christian life is one of “doing the truth” in love. This is the only way for the “Children of Light” to grow into spiritual maturity (Eph 4, 15).⁶⁴

6. The culture of love has to do with the theological education, which implies formation, transformation and liberation⁶⁵. „Human beings (...) are

⁵⁸ H. Willmer, Jesus Christ the Forgiven. Christology, Atonement and Forgiveness, in: A. McFadyen, M. Sarot, Forgiveness and Truth, New York 2001, 29.

⁵⁹ J. Habermas, in: Ch. Taylor (Hg.), Multikulturalismus und die Politik der Anerkennung, Frankfurt am Main 1993, 168.

⁶⁰ P. D. Murray, Reason, Truth and Theology in Pragmatist Perspective, Leuven, Paris, Dudley 2004.

⁶¹ Y. Congar, Diversité et communion: dossier historique et conclusion théologique, Paris 1982 ; see the relational and ecclesiological Ontology from J. Zizioulas, Being as communion: studies in personhood and the church, London 1985; idem, Communion and otherness: further studies in personhood and the church, London 2006.

⁶² B. Watson, Truth and Scripture, 94.

⁶³ P. Avis, Ecumenical Theology and the Elusiveness of Doctrine, London 1986, 4.

⁶⁴ G. D. Badcock, Light of Truth and Fire of Love, 272.

⁶⁵ M. Percy, Engaging with Contemporary Culture. Christianity, Theology and the Concrete Church, Chippenham 1988, 133-154.

animals suspended in webs of significance they themselves have spun⁶⁶. Culture is the name for those webs. Culture deals with the spiritual, ethical and intellectual significance of the material world. It is, therefore, of fundamental theological concern. The metaphorical application of the tilling of fields – agriculture – to the cultivation of minds is ancient. Now we are talking about a „cultivated“ person. Culture is seen as a process of cultivation, as *cultura animi*. This process „has no particular end, and (...) can never be supposed at any time to have finally realized itself, to have become complete“⁶⁷.

Theologically understood, culture is the name of that whole process in the course of which God does what it takes (...) to make and to keep human beings human. Culture is a „human task“. Like in the agricultural process, like trees and plants, human beings need to keep their roots, their tradition.⁶⁸ We have to understand culture as a „way of life“, as a process. There is no truth without a process of civilisation, i.e. without a constant growth in truth and in love⁶⁹: “You may live a life worthy of the Lord and may please him in every way: bearing fruit in every good work, *growing in the knowledge of God*“ (Col 1, 10; 1 Chor 13, 9; 2 Petr 1, 8; 3, 18).

The transition from *humus* to *homo* occurs through culture.⁷⁰ Religion and culture are conceived of as „webs of significance“ that connects human thought and behaviour. There is no truth without love. Truth has an interpersonal dimension. Christian truth has a soteriological dimension of healing, transformation and transfiguration of thinking (*metanoia*). In postmodern context we can learn to trust more not in the human truth but in the power of the eschatological truth of God. God is the truth of men and of the world. The human hermeneutics of God’s truth cannot be identified with the truth himself, because this truth is life, and transcends everything. It is an *apophatical truth*, which overcomes particular language. Each concept of truth is different from the truth itself. Gregor of Nyssa talks

⁶⁶ C. Greetz, *The Interpretation of Cultures*, London 1993, 2.

⁶⁷ R. Williams, *Resources of Hope*, London 1989, 37.

⁶⁸ S. Weil, *The Need for Roots*, London 1958, 41: „A human being has roots by virtue of his real, active and natural participation in the life of community“.

⁶⁹ R. Re Manning, *Theology at the End of Culture*. Paul Tillich’s *Theology of Culture and Art*, Leuven, Paris, Dudley 2005; A. Th. Khoury, *Religiöse Wahrheit und Toleranz*, in: G. Risse, H. Sonnemand, B. Theß (Hg.), *Wege der Theologie: an der Schwelle zum dritten Jahrtausend. Festschrift für Hans Waldenfels zur Vollendung des 65. Lebensjahres*, Paderborn 1996, 400.

⁷⁰ G. Hartmann, *The Fateful Question of Culture*, New York 1997, 172.

Dogma and Culture. Main Contribution of the Orthodox Faith...

about the idols of truth and encourages us to reject any idolatry of truth. This apophatical dimension of truth helps us to overcome violence and religious fanaticism in our contemporary world. Christian hermeneutical consciousness of the apophatic depth of the divine truth is against each form of cultural hegemonialism or cultural imperialism.⁷¹ In the horizon of God's truth we can accomplish human freedom and fulfill our own existence.

7. Ecumenical anthropology is against cultural imperialism, anti-semitism, rassism, sexism, socioeconomic inequality, heightened racial and cultural group tensions, rampant individualism, sustain and harmonize the struggle for justice. An epistemology which doesn't ignor the cultural diversity, contribution to an emancipatory discourse, socialpolitics of equality, overcoming ethnocentrism. Culture of love means that we have a dynamic understanding of truth. We can grow up in truth and love in the process of holyness, of forgiveness⁷² and through a *Spirituality of self-transcendence*.⁷³ Lonergan wrote about „polymorphic consciousness – that means the fact that our minds are subject of many impulses and influences that mediate the pure desire to know the heart of human nature.⁷⁴ The human knowledge has a dynamic structure. The human subject has the ontological ability of an intentional selftranscendence.⁷⁵

8. Dialogical theology or the “paradigm of symphonic truth”.⁷⁶ In a pluralistic society we have to think “from the other and towards the other”⁷⁷, i.e. we need a new way of thinking. The interculturality and the plurality of the other help us to overcome the borders of our own historico-cultural horizon.

To be orthodox in our days means to be open for the dialog. The hermeneutic experience of opening is a paradigm of healing communication and cultural achievement of orthodox faith. „To be orthodox is not a matter

⁷¹ T. J. Gorringer, *Furthering Humanity. A Theology of Culture*, Burlington 2004, 77-102.

⁷² H. H. Knight III, *A Future for Truth*, 186f.

⁷³ B. Valentin, *Mapping Public Theology. Beyond Culture, Identity, and Difference*, Harrisburg, London, New York 2002, 86f.

⁷⁴ P. Avis, *Ecumenical Theology*, 83.

⁷⁵ B. Lonergan, *Theologie im Pluralismus heutigen Kulturen*, Freiburg Basel Wien, 1975, 34.

⁷⁶ A. C. Thiselton, *The Hermeneutics of Doctrine*, 137.

⁷⁷ H. Waldenfels, *Gott. Auf der Suche nach dem Lebensgrund*, Leipzig 1995, 43.

of lazily repeating the decisions and arguments of the past to meet each new critical proposal.

The transformational dynamic of orthodoxy is only in evidence where theologians fully accept the contemporary task of uncovering presuppositions, analysing arguments and engaging in vigorous dialogue⁷⁸.

5. The epictetical nature of truth

Communion and eschatological truth is no possible without the work of the Holy Spirit. Pentecost is the wonder of *transformative communication* and understanding in different language. Truth is bond to the Spirit of God and has always a pneumatological dimension: „Heavenly King, Comforter, Spirit of Truth, who are present everywhere and filleth of all thing, Giver of all good and of all life, come and dwell in us, purify us and save our souls“.⁷⁹ Truth is life, vitality, reconciliation, authenticity because of the Holy Spirit who is the Spirit of Life and the Spirit of Communion. The Spirit brings Truth into human existence as an ecstatic dynamic of love (1 Chor 14, 18) and transforms the human beings into witnesses to the Truth (Act 2, 15.32). Paul says that the Spirit teaches and „interprets spiritual truth to those who possess the Spirit“ (1 Chor 2, 12-13) and connects sanctification by the Spirit and belief in the truth (2 Thess 2,13). John the Evangelist also speaks about the „Spirit of truth“ (14, 17) and declares that God „must be worshipped in Spirit and truth“ (4, 23-24). „The Spirit is his witness, because the Spirit is his truth“ (1 Joh 5, 6). „The truth that has been entrusted to you by the Holy Spirit who dwells within us“ (2 Tim 1, 14).⁸⁰ We are all baptized into one body by one Spirit

⁷⁸ A. Sykes, „'Orthodoxy' and 'Liberalism', *Essentials of Christian Community: Essays for Daniel W. Hardy, D. F. Ford, D. L. Stamps* (eds.), Edinburgh 1996, (76-90), 76-77.

⁷⁹ E. Clapsis, *Orthodoxy in Conversation. Orthodox Ecumenical Engagements*, Geneva 2000, 65; E. Timiadis, *The Centrality of the Holy Spirit in Orthodox Worship*, in *Ekklesiastikos Faros*, 60, 1978, 317-357

⁸⁰ M. Welker, *The Spirit in Philosophical, Theological, and Interdisciplinary Perspectives*, in: idem (ed.), *The Work of the Spirit. Pneumatology and Pentecostalism*, Michigan Cambridge 2006, 225; see G. Vattimo, *The Truth of Hermeneutics*, in: J. Medina, David Wood (ed.), *Truth. Engagements Across Philosophical Traditions*, Oxford 2005, 172: „If truth as opening is not thought as the incontrovertible givenness of an object possessed by a clear and distinct idea and adequately described in a proposition that faithfully reflects the idea, then the truth of the opening can, it seems, only be thought on the basis of the *metaphor of dwelling*“.

Dogma and Culture. Main Contribution of the Orthodox Faith...

(1 Chor 12, 13); „now the Lord is Spirit, and where the Spirit of the Lord is, there is freedom“ (2 Chor 3, 17). M. Welker wrote about the „canonic coherence of the biblical traditions provided by the Spirit, who speaks as the one voice in and through the different voices of the canon“.⁸¹ The Spirit has a „multicontextual and polyphonic presence“. „The complex multicontextual and polyphonic unity brought forth by the Spirit is not a luxury or a ‚postmodern‘ invention. The pluralistic unity of the Spirit is the divine power by which God works through frail and finite human creatures against the power of sin a disortion“.⁸² The power of the Holy Spirit counters evil and forces of sin, freeing creation from self-jeopardy and self-destruction. It is a salvific power of loving merciful creator. He helps the truth-seeking communities to grow insight, on the road towards truth.⁸³ The epiclesis presupposes the awareness for the total dependence of life from the divine grace. „The epiklesis makes the Church ‚kenotic‘ in the image of Christ (Phil 2,7) and challenges it to abandon all inclinations to triumphalism and self-sufficiency“.⁸⁴ Through the understanding of the epictetical nature of truth we can overcome a „society incurvata in seipsam“, the arrogance and the idea of possessing truth. Theological truth enables to a pneumatic koinonia. The presence and work of the Holy Spirit in the world are oriented to communion, make authentic communion possible and real. In each communion diversity is important, even in the trinitarian life of God. „The recognition of difference is a necessary precondition for an authentic communion. It is in relationships, in community, that the awareness of otherness emerges; community ceases to exist when all otherness is reduced to sameness“.⁸⁵ Relationship is not possible without the „experience of cross“.⁸⁶ Only in relationship we can develop and realize the fullness of our identity and humanity.⁸⁷ Orthodox spirituality sustains and cultivates life-supporting relationship. It is a transformative

⁸¹ Idem, 228.

⁸² Idem, 229.

⁸³ Idem, 232: „Truth-seeking communities do not affirm the same certainties in repetitive ways. Rather, they search for growth in certainty, they strive for a strengthening of their conviction and consensus. At the same time they search for growth in insight“.

⁸⁴ E. Clapsis, *Orthodoxy in Conversation*, 65.

⁸⁵ Idem, 141.

⁸⁶ See H. H. Knight III, *A Future for Truth. Evangelical Position in a Postmodern World*, Nashville 1997, 150-156.

⁸⁷ E. Clapsis, *Orthodoxy in Conversation*, 141.

contribution to a culture of communication, oriented towards the life of the Trinity. If we understand human beings as relational beings, we treat them as *imago trinitatis*.⁸⁸ Human beings are like the dogmas situated between the finite and the infinite.

They have an infinite transcendence and at the same time are dependent and historically conditioned.⁸⁹ Orthodox culture, dogmas, liturgy and spirituality contribute to the „expanding universe“ of healing communication, by communicating God’s Word and Truth in a complex world.

⁸⁸ See B. J. Hilberath, *Der dreieine Gott als Orientierung menschlicher Kommunikation angesichts der Kommunikationswelten ‚Weltgesellschaft‘ und ‚Weltkirchen‘*, in: B. J. Hilberath, Kraml, Scharer (ed.), *Wahrheit in Beziehung. Der dreieine Gott als Quelle und Orientierung menschlicher Kommunikation*, Bd. 4, Mainz 2003, 71-78,

⁸⁹ K. Rahner, *Foundation of Christian faith: an introduction to the idea of Christianity*, New York 1978, 42.

Constantin Rus¹

The Code of Canons of the Eastern Churches - two decades from its publication. Some canonical remarks

Abstract

The promulgation of the Codex Canonum Ecclesiarum Orientalium, therefore, raises for the Orthodox a whole series of interrelated questions. Most obvious, of course, would be the question of whether the Codex Canonum Ecclesiarum Orientalium does indeed have the „Eastern character” called for in the „Guidelines for the Revision of the Code of Oriental Canon Law”. Is it truly Eastern, or it is simply the 1983 Codex Iuris Canonici in the Eastern guise? Before „receiving” the Codex Canonum Ecclesiarum Orientalium in any manner, the Orthodox would ask to what extent this Code itself receives the ancient canonical patrimony preserved to this day among the Orthodox Churches. The Codex Canonum Ecclesiarum Orientalium call us to go beyond polemics to serious theological reflection. On the one hand, we must be willing to listen anew to „the voice of our fathers”, whose approach to basic issues in ecclesiology and sacramental theology was certainly Eastern but not necessarily anti-Western. But we must not be content simply to repeat our fathers’ words. We must also take seriously the need for „responding to present-day demands”, for applying our father’ message to new situations. If, as apostolic canon 34 suggests, the life of the Church is meant to reflect the life of the Holy Trinity, we cannot think simply in terms East and West, of „our way” and „their way”, „our law” and „their law”, „our fathers” and „their fathers”. Rather, we must try to discern the workings of the Holy Spirit throughout the fabric of human history, where new ways and new laws and new fathers may yet be emerging unto the renewal of all God’s Churches. So, our study try to answer at all these questions.

Keywords

Codex Iuris Canonici, Codex Canonum Ecclesiarum Orientalium, promulgare, officium Petrin, ius divinum, canon, iure ecclesiastico

¹ Rev. Ph. D. Professor at the Orthodox Theology Faculty of Arad (constantin.rus@uav.ro).

“When this code will appear, each Orthodox who will take it into account would shout: Yes, indeed, it is our code, this is our right and this is the voice of our fathers.” With these words, the Cardinal Massimo Massimi, President of the Pontifical Commission for the Revision of Eastern Code Pontifical, expressed his hope and the hope of the bishops, to Patriarch Melkite Cyril IV for *Codex Iuris Canonical Orientalis*, still in preparation at that time.² Although he didn’t use the word „perception” (which has not yet entered the lexicon of the theologians), the cardinal suggested that the new code would give at least one important premise for perception: the recognition. In the new code, the Orthodox would recognize their own heritage; they would see the code as a genuine expression of the discipline and the order that flows from their own apostolic faith.³

Of course, the cardinal spoke in 1939. Since then, the context for a possible perception and recognition has dramatically changed. The code he spoke about was never enacted in its final form. Only four, of the twelve sections, appeared as apostolic letter *motu proprio*, of Pope Pius XII. The continuation of the Eastern Code project was interrupted by the pontiff’s death in 1958 and by the genuine ecclesiastical revolution which is the result of The Second Vatican Council (1962-1965). With its ecumenical opening and its care for the renewal of the life of the Church, the post-conciliar Church was very different from the Church in 1939. The change of this context, gave hope that the new *Code of Canons of the Eastern Churches*, in 1990, will not be an obstacle but rather will promote the cause of Christian unity in general and, in particular, the aim of the full communion of all the Eastern Churches with the Roman Catholic⁴ - a hope through we, the Orthodox in some way, we can recognize or receive it as „our code”, „our right”, „the voice of our fathers”.

² The Massimo Massimi, quoted by Archbishop Peter (Medawar) Pelusium in the study “On Safeguarding the Rights of the Oriental Church”, translated from French in *The Unity of the Churches of God*, ed. Polycarp Sherwood, Dublin: Helicon, 1962, p. 21.

³ About the link between the reception and recognition, see Jean-Marie Tillard, *Reception - Communion*, in “One in Christ”, 28 (1992), p. 307-322. On reception, see: Gilles Routhier, *La réception d’un concile*, Les Editions du Cerf, Paris, 1993, also see the works of the special Colloquium entitled: *Reception and Communion among Churches*, published in *The Jurist*, Vol LVII, No. 1, 1997.

⁴ According to Pope John Paul II, the apostolic constitution *Sacred Canones*, 18 October 1990, “Acta Apostolicae Sedis”, 82 (1990), p. 1033-1044, which promulgated the *Code of Canons of the Eastern Churches*.

The Code of Canons of the Eastern Churches...

But it would be good to remember the Latin adage *Quidquid ad modum recipitur recipientis recipitur* - whatever is perceived is perceived in the way is perceived. Orthodox Christians are proud of their loyalty to tradition, and rightly indeed, but Orthodoxy is not an unchanging monolith. Since 1939, the external circumstances of the Orthodox Church have changed in a very important way. No less important, although certainly less visible, were the reflection and the internal Orthodox debate about the ecclesiological problems. The context for a possible perception has changed.

However, the enactment of *The Code of Canons of the Eastern Churches* raises a whole series of questions for the Orthodox, in correlation to each other, not all of which would have crossed their mind in 1939. The clearest question, of course, would be that whether *The Code of Canons of the Eastern Churches* has indeed the “Eastern character” reported in the “*Guide for the Revised Code of Eastern Canon Law*”.⁵ It is truly Eastern, or is it simply the 1983 *Code of Canon Law* in an Eastern guise? Before the “perception” of the *Code of Canons of the Eastern Churches* in any way, the Orthodox would be asked to what extent this code gets the old heritage preserved to this day among the canonical Orthodox Churches. But most Orthodox would admit that this quite legal *Code of Canons of the Eastern Churches* searches and proclaims to be more than an exercise of archeology, an exotic adornment for a museum church. It would be “able to meet the present-day demands” and thus a sort of refuge to the “other sources of religious law” (e.g. *Code of Canon Law*) could not be wrong.⁶ In addition, while the *Code of Canons of the Eastern Churches* is designed to be Eastern, its main purpose is to interpret the theological and ecclesiological point of view of Vatican II in legal rules. This raises several questions: “how Vatican II has actually received *The Code of Canons of the Eastern Churches*?” and “how could Orthodox receive Vatican II?”

A few decades ago, when a Great and Holy Synod of the Orthodox Churches still seemed imminent and the projects for encoding the Orthodox Canon Law had been advanced, the emergence of a new Code of Canon Law of Oriental Catholic could have a lively response among the Orthodox. Questions like those from above could be asked and

⁵ In English in *Nuntia*, no. 3 (1976), p. 19.

⁶ *Ibid.*

discussed. However, until now, *The Code of Canons of Eastern Churches* from 1990 was greeted with a polite silence. The Orthodox believers have not commented it. They haven't showed any signs of the incorporation of its elements in their own lives, or plagiarized it, as Peter (Petro) Mohyla from the seventeenth century did, for their own purpose. This silence, this lack of response could be important. Quite positively, up to a point the Orthodox find this new code irrelevant to their needs and circumstances, making questionable the perception issue. On the other hand, the Eastern Catholics, which necessarily and directly, were more affected by the code, were more vocal and in some cases quite critical.

At a superficial look over *The Code of Canons of the Eastern Churches*, a disinterested Orthodox observer might be willing to sympathize with the Oriental Catholic critics. It seems incidentally that we have a common code for about twenty religious groups, which takes five major liturgical traditions (Alexandrian-rite, Antiochene-rite, Armenian-rite, Chaldean-rite and Constantinople / Byzantine-rite), whose traditional territories are stringing from Russia to Ethiopia from Italy to India and whose believers now can be found in every corner of the world. For all those believers no common designation can be found, except for the non-translatable phrase "*sui iuris* Church". Having a code whose official language is Latin, and whose name, *The Code of Canons of the Eastern Churches*, when is placed alongside its Latin copy - *The Code of Canon Law*, suggests that "Oriental" is an exception to the Latin law in the order and the life of the Church. Of course, these features can be easily explained and even justified. The Latin does not always has a true history of its legal using; for the Eastern Churches in question, it is also a "neutral" language. While in principle it would be preferable for each of the Eastern Catholic Churches to have their own code, rather than a generically Oriental one, in fact many of the Churches in question are extremely small, in some cases covering only a few thousands of believers, and they have a lack of resources that are needed for such an initiative.⁷ And as the "Instructions" notes for the preparation of the Code, "the legal legacy of the Eastern Churches must be found in the same old Canons which should associate with all the oriental

⁷ A more adequate presentation of the historical and current statistical estimates for all the Eastern Churches – Orthodox and Catholic and "others" - is stipulated by Ronald G. Roberson, *The Eastern Churches: a Brief Survey*, revised 5th ed., Rome: Instituto Pontificio Orientale, 1955.

The Code of Canons of the Eastern Churches...

canonical collections and the shared traditions.”⁸ (Of course, we should note that the “old canons” that is referenced to, must be associated with the old Western canonical collections; in fact, they are common to the universal Church, not just the East). As for the name of the Code, once the name *Codex iuris Canonici*, with no geographical or ecclesiological specification had not been acquired by the *Latin Code* of 1983, there are few alternative left. Under some circumstances, the Committee for the Eastern Code had to do the best it could.⁹

More problematic is the term “*Church sui iuris*”. Like the name of the code, indeed this term also was adopted by mistake. *Ecclesiarum Orientalium 2* used the term *ecclesia particularis seu ritus* to refer to the Eastern Catholic Churches. The use of the name *ritus* was regrettable, because the general need of *Orientalium Ecclesiarum* was precisely to recognize the Eastern Churches as Churches, not simply as some exotic rites in a Roman Catholic Church. The term *Ecclesia Particularis*, on the other hand, ecclesiological richer, was acquired by the Committee for the Latin Code (which used the vocabulary of *Christus Dominus* and *Lumen Gentium*) to refer to the dioceses. Then, various other proposals have been studied but were found unsatisfactory. For example, technical terms most commonly used among Orthodox “autocephalous” and “autonomous”, quite properly, have been recognized as describing the different groups of the Eastern Catholic Churches. Meanwhile, the 1983 *Code of Canon Law* adopted the term *ecclesia ritualis* or *ecclesia ritualis sui iuris* to refer to the Eastern Catholic Churches. The Committee has rejected the problematic term “ritualis” for the Oriental code, leaving - through a process of elimination - the term *Church sui iuris*. Undoubtedly, it is favorable that it has resisted to any weak temptation to look to the Eastern Catholic Churches simply as rites. One of the greatest achievements of *The Code of Canons of Eastern Churches* is that for the first time it clearly distinguishes the terms “Church” and “rite”, the latter being understood as “liturgical, theological, spiritual and disciplinary heritage, different by the culture and historical circumstances of peoples” expressed in the first canon (canon 28 § 1).¹⁰

⁸ *Nuntia*, no. 3 (1976), p. 19.

⁹ About the title of the Code, see especially George Nedungatt, *The Title of the New Canonical Legislation*, in “*Studia Canonica*”, 19 (1985), p. 61-80 and also his book *The Spirit of the Eastern Code*, Rome and Bangalore: Centre for Indian Studies and Inter-religious, and Dharmaram Publications, 1993, p. 42-44.

¹⁰ According to canon 27: “In this Code it is called *sui iuris* Church (*coetus*) a group

But this clarity came at a price. The term *Church sui iuris* may be a convenient legal name for these various ecclesial groups, but it lacks the theological resonance and the ecclesiological depth. Indeed, the code says that a *Church sui iuris* is a group which the supreme authority of the Church recognizes as *Church sui iuris*.¹¹ Here we reach a difficult problem which has concerned not only the Eastern Catholics, but also the Western Catholics and the Orthodox: what is the ecclesiological significance (if there is any) and, therefore, the legal authority of the ecclesiastical groups larger than the Diocese / the Episcopal diocese but less large than the universal Church?

As it is suggested by this brief overview of *The Code of Canons of the Eastern Churches*, his critics not only questioned the details of the title and the terminology, but also the orientation and the fundamental ecclesiological principles, as they are expressed (although not exclusively) in Titles III-IX. Is *The Code of Canons of the Eastern Churches*, in this regard, a derivative of the *Latin Code of Canon Law*, as some critics have said? To these ecclesiological problems we will return, because in a more direct and profound way, they will hit by the relations between the Orthodox and the Catholics. So, first, it would be more useful to examine other aspects of *The Code of Canons of Eastern Churches*, taking into account the views of those, both Oriental and Latin Catholics, who have seen in a more favorable light. We should not neglect, for example, the studies which have now appeared, and which, based on detailed

of Christian faithful linked to the hierarchy, under the rules of law, which a supreme authority of the Church expressly or tacitly recognizes “sui iuris”, in *Code of Canons of the Eastern Churches*, translation and editing PhD Fr. Iuliu Vasile Muntean, Editura Universitara Clujeana, Cluj-Napoca, 2001, p. 17. Also see Antony Valiyavilayil, *The Notion of a Church sui iuris*, in *The Code of Canons of the Eastern Churches: A Study and Interpretation. Essays in Honour of Joseph Cardinal Parecatil...*, ed. Jose Kuriakose Chiramel and Bharanikulangara, Alway, India: St. Thomas Academy for Research, 1992, p. 60, n. 9, quoted by Andrew T. Onuferko, *The New Code of Canons of the Eastern Churches: Ecclesiological Presuppositions* in “Logos”, 35 (1994), p. 147.

¹¹ See Rose M. McDermott, *Two Approaches to Consecrated Life: The Code of Canons of the Eastern Churches and the Code of Canon Law*, in “Studia Canonica”, 29 (1995), p. 193-239, Thomas J. Green, *Criminal Law in the Code of Canon Law and in the Code of Canons of the Eastern Churches: Some Comparative Reflections*, in “Studia Canonica”, 28 (1994), p. 407-451, and Aurelie A. Hagstrom, *Canon 207 (CIC) and canon 399 (CCEO): A Comparative Analysis*, in “Logos”, 34 (1993), p. 622-638.

The Code of Canons of the Eastern Churches...

comparative analysis of specific sections of the two codes, they found delicate differences in religious attitudes, revealing distinctions and the complementarities between East and West.¹² And, in fact, in many sections of *The Code of Canons of Eastern Churches* can be recognized elements that we, Orthodox Christians, can truly consider “ours”, which might be classified as “Eastern”.

In particular, amazing in this link is Title XXVII (Penal Sanctions in the Church), along with Title XXVIII (The Procedure for Imposing Penalties). The tone is given from the outset, by the Canon 1401 (which has no copy in *The Code of Canon Law*):

“Since God employs every means to bring back the erring sheep, those who have received from Him the power of loosing and binding, are to treat appropriately the illness of those who have committed offenses, by correcting, reproving, appealing, constantly teaching and never losing patience, and are even to impose penalties in order to ensure that the wounds inflicted by the offense may receive a cure and to preclude the offender from being given to dissoluteness of life and contempt of the law.”¹³

In general, in the Eastern tradition, the penalties are understood as being more medical in nature, rather than vindictive. Also absent is the theme of restoring the natural right of reestablish the justice, so obvious in the Latin code of 1917 and still present to a certain point in *The Code of Canon Law*, 1983 (for example, the canon 1341, which has no duplicate in *The Code of Canons of the Eastern Churches*) and the foreign concept of the coercive power (see Code of Canon Law, canons 1311-1312), which also do not have duplicate the Code of Canons of the Eastern Churches). Also, are missing the *latae sententiae*.

The “Eastern” elements are sometimes very shying placed; they can be also noted in many other paragraphs. For instance, the monasticism, so central to the Eastern Christian life through the centuries, introduces the presentation of the institutions of the consecrated life in Title XII. Indeed, it serves as standard and benchmark for what follows. In another consideration for the Eastern sensibility, state code requires that a valid marriage is “a sacred rite, in the presence of the local hierarch, local

¹² *The Code of Canons of the Eastern Churches*, p. 693.

¹³ *The Code of Canons of the Eastern Churches*, p. 693.

pastor, or a priest who has been given the faculty of blessing the marriage by either of them ...” (canon 828).

Such examples of the “Eastern character” of *The Code of Canons of Eastern Churches* could be multiplied, and no doubt, we would be thankful for them. However, we must say a few words of warning. While *The Code of Canons of the Eastern Churches* contains a number of “Eastern elements”, it also excludes or ignores many others which an attentive reader of the “old canons” could find. For example, regarding the marriage, the code ignores the insistence of the early Church, expressed in many liturgical and canonical texts, both Western and Eastern, that the perpetual monogamy is the norm for Christian marriage and that successive bigamy is a concession to human weakness. Moreover, *The Code of Canons of Eastern Churches* simply takes by good and uncritically incorporates concepts that can be viewed only as “Western” separately - for example: the German concept of the “consumed” marriage, as criterion in cases of dissolution / revocation of the marriage (canon 1367). On the same time many of the most noteworthy elements of the “Eastern” *Code of Canons of the Eastern Churches* are not in any way exclusively Eastern. They are part of that return to authentic sources of Christian tradition – that closeness to the Holy Scriptures, to the ancient Liturgies, to the old canons and Fathers - which Vatican II has encouraged as part of its efforts to renew and revitalize the life of the Church today. The same “Eastern” inspiration which can be found in *The Code of Canons of the Eastern Churches*, can be recognized in a number of sections of the *Code of Canon Law* - for example, the revised criminal law, where the number of the *lata sententiae* punishments is dramatically reduced; in applying the principle of subsidiary, etc. It could be argued that, generally, *The Code of Canons of the Eastern Churches* is better than the *Code of Canon Law* on the particular translation of Vatican II’s pastoral vision in legal terms. This is because its “Eastern” character. *The Latin Code of Canons of the Eastern Churches* is superior to the *Code of Canon Law*. Appearing seven years after the *Code of Canon Law*, *The Code of Canons of the Eastern Churches* took the advantage of the lack of predictability.

It would be fascinating at this point, just to name several superior characteristics of *The Code of Canons of Eastern Churches*. For example, it is intentionally ecumenical, as is particularly clear in its title XVII and

The Code of Canons of the Eastern Churches...

XVIII, respectively dedicated to “Baptized Non-Catholics Coming into Full Communion with the Catholic Church” and “Ecumenism or Fostering the Unity of Christians”. It provides a considerable aim for the different *sui iuris Churches* - potentially including the Latin Church – in order to formulate their own particular law. This really demonstrates the concern for evangelization and missions (Title XIV). One could go so far as to argue that, with some cutting, adapted vocabulary and other minor changes, *The Code of Canons of Eastern Churches* could serve as a common code for all the Churches of the Roman communion, its title was shortened to *Codex Canonum* and the specification *Ecclesiae Latinae* was added to the title of this *Codex Iuris Canonici*. Such a proposal implies, however, in its entirety “Eastern” elements, other merits too. *The Code of Canons of Eastern Churches* remains a code of and for the Roman communion, a new - though improved - edition of the *Code of Canon Law*. But if *The Code of Canons of Eastern Churches* can be characterized so, it does not necessarily mean it is a monolith. Moreover, it reveals many internal tensions, inconsistencies and paradoxes of the Vatican II Catholicism, and even in the single constitution, *Lumen Gentium*, at least two divergent approaches have been recognized by the Church: The Church as *Societas* and the Church as *Communio*, the institutional model and the sacramental model.¹⁴ With the skill of a surgeon wielding a sharp scalpel, Eugenio Corecco showed how the 1983 *Code of Canon Law*, in its reception of Vatican II, has perpetuated and even emphasized this duality,¹⁵ or much more, as it tried to contain the new vineyard of the Church understood in terms of the sacraments as communion in the old legal skin bags inherited from the pre-conciliar period. Many of the criticisms of Corecco apply very well to the *Code of Canon Law*, could be very well applied to *The Code of Canons of Eastern Churches*, but only if it essentially reproduces the Code of Canon Law in so many sections. Let us consider, for example, how both Codes failed to take into account the ecclesiological significance of the Sacraments. Many Orthodox and Roman Catholic theologians have depicted the sacramental nature and the fundament of the Church. This approach could be summarized

¹⁴ See Antonio Acerbi, *Due ecclesiology: ecclesiology ecclesiology giuridica e di Nella Communion “Lumen Gentium”*, Bologna: Edizioni Dehoniane, 1975.

¹⁵ Eugenio Corecco, *Aspects of the Reception of Vatican II in the Code of Canon Law*, in *The Reception of Vatican II*, ed. Giuseppe Alberigo and al., Washington: Catholic University of America Press, 1987, p. 256.

in the maxim: “the sacraments make the Church.” However, both Codes return to old institutional perspective according to which “the Church does the Sacraments”. It is defined the structure of the governance of the Church (Book III // Titles III - XIII) and various aspects of its work (Book III // Title XIV “Evangelization of Nations” and Title XV “The Ecclesiastical Magisterium”) are explained in detail before we got to “Divine Worship and Especially the Sacraments” (Book IV // Title XVI). This darkens the genetic link of the Sacraments with the rules of the Church. Also, rules for clerical status (Second Book i.iii // Title X) have no explicit link with the Sacrament of the Ordination (Book IV // Title XVI.vi), those for the Church, in its various forms (eparchy, the Church sui iuris, the universal Church) have no explicit link with the Eucharist (Book IV.i.iii // XVI.iii) - a perspective that has been extended to modern Orthodox Eucharistic ecclesiology. The only important exception regarding this is the welcomed link between Baptism and “the rights and the obligations of all faithful Christians” (in particular, Canon 7).¹⁶

The same criticism could be brought to other aspects of the two codes. For example, given the Code of Canon Law, Book V // Title XXIII, “The Temporal Goods of the Church”. None of the two codes draw attention to the “necessary role of *communio* in possession of material goods.” Moreover, they make “the patrimonial connection between the believer and the Church” according to the state model. As Corecco noticed on the Book V of the Code of Canon Law, “therefore, is no accident that precisely in this code book the Church is yet seen (and not simply due to terminology) a group which, like the state, lies in alertly connection with her subjects.”¹⁷ Surely, it might be noted that in some aspects *The Code of Canons of Eastern Churches* significantly improves the *Code of Canon Law*. As I mentioned above, this is true about the discussions about the punishment. Even its organization in thirteen book titles (seven in the Code of Canon Law of 1983, five in the Code of Canon Law of 1917) could be seen as an improvement. While the dividing in titles, some of them short,

¹⁶ It could be possible for the *Code of Canon Law* to be elaborated on sacramental principles? For such a proposal, which the Orthodox might find it attractive, see Stephan Kuttner, *Betrachtungen zur Systematik eines neuen Codex iuris Canonical, the ex aequo et bono: W. Plöchl zum 70. Geburtstag*, ed. Leisching Peter et al. Innsbruck: Universitätsverlag Wagner, 1977, p. 15-21.

¹⁷ Eugenio Corecco, *Aspects of the Reception of Vatican II in the Code of Canon Law*, p. 256

The Code of Canons of the Eastern Churches...

others very long, may be less indicated and less logical than the dividing of the *Code of Canon Law*. Comparatively, *The Code of Canons of Eastern Churches* is more flexible, quite different from the *Code of Canon Law* of 1917, which, indeed, is trying to be a comprehensive, legal treaty, tightly held on the basis of the legal principles of the civil law codes of the nineteenth century and intends to virtually cover every aspect of the life of the Church. Therefore, generally speaking, *The Code of Canons of Eastern Churches* is somewhat more successful than the *Code of Canon Law* canon law regarding the removal of the model of *societas perfecta*. But in its effort to be practical, to avoid theorizing and theologizing, to be strictly legal, The Code of Canons of Eastern Churches distract attention from the adoption of a more satisfactory model. While words, which suggests that the Church is a sacramental communion, are frequently repeated in *The Code of Canons of Eastern Churches*, often they are cruelly cut through a perspective on the institutional Church, which is more cunning because it is more implicit than explicit.

Here we begin to touch one of the most fundamental differences between orthodox ecclesiological concepts (“Eastern”) and Roman Catholic (“Western”), differences that prove themselves hard to be understand for the Orthodox, to recognize *The Code of Canons of Eastern Churches* as “our code”, “our right”, “the voice of our fathers”. Of course, for the Orthodox, the mutual interiority, which is the essence of the communion, should be present and expressed at all levels and in all aspects of the life of the Church. But here, as we often observed, the Orthodox have tended to start with the individual aspect, the internal life of the local Church.¹⁸ For example, much of modern Orthodox ecclesiology took the Eucharistic local community as its departure point. The Eucharist is seen

¹⁸ According to the pertinent comments made by Archbishop Rembert G. Weakland, President of the Theological Consultation between Roman Catholics and Orthodox from United States, *Roman Catholic and Orthodox Dialogue: The Larger Picture* in “Ecumenism”, 107 (1992), p . 31: “... we, the Roman Catholics use the term “Universal Church” more than we realize. It is an expression that characterizes our ecclesiastical position very well ... In particular, since the Second Vatican Council we have developed an elaborate thinking about how universal Church is present in the local Church and perform there. We Roman Catholics almost always start with such a universalism and then proceeds to local events ... Local Orthodox Church begin with the Eucharist. Local Eucharistic community - more than the concept of a Universal Church - is their starting point”.

not just as a means of Grace at the disposal of the Church, understood as a political body established in the divine way, but as a basis for the life and the structures of the Church. In the Eucharistic assembly, when all the clergy and believers, together with all their different gifts are gathered in unity under the chairmanship of the Bishop, reveals the true nature of the Church as communion. In this perspective, the Bishop is inseparable from the local Church, being in a relationship of mutuality that reflects in several ways the canonical Eastern tradition: the provisions regarding the restriction of the transfer of the Bishops from one chair to another, the provisions restricting the activities of the Bishop only to his own Church, and most remarkably, the provisions on the participation of clergy and people of the local Church at the election of the Bishop.

Quite different is the prospect of Title VII of *The Code of Canons of Eastern Churches* (Eparchies and Bishops). The canonical instruction as those we have already mentioned - both the "Eastern", so full of ecclesiological significance - are present only in a low or silent way, for example, canon 204 (the eparchial bishop, even if he has a coadjutor or auxiliary bishop, is bound by the obligation of residing in his own eparchy) and canon 205 (the eparchial bishop is bound by the obligation of canonically visiting the eparchy either entirely or in part every year). Indeed, the eparchy itself is defined in a manner as to remove the bishop from it, placing him in an alertly bound to the eparchy:

"An eparchy is a portion of the people of God which is entrusted for pastoral care to a bishop with the cooperation of the presbyterate so that, adhering to its pastor and gathered by him in the Holy Spirit through the Gospel and the Eucharist, it constitutes a particular Church in which the one, holy, catholic and apostolic Church of Christ" (can. 177 § 1).

Here, as in canon 369 of the *Code of Canon Law*, there is little reason for the particular Church to be a communion in which are located the bishop and his ministry. Moreover, as a "precious object", the particular Church is "entrusted" to the Bishop, who takes care of it using the Gospel and the Eucharist as instruments.

This definition, of course, is taken directly from the documents of Vatican II, but - significantly - from the Decree on the Bishops, *Christus Dominus* 11, and indirectly from *Lumen Gentium* 23 (part of Chapter 3, "the hierarchical structure of the Church with special reference to Episcopate"). What difference would have been if the definition on the Church / Eparchy

The Code of Canons of the Eastern Churches...

would have been taken from Chapter 2 of *Lumen Gentium* “The people of God” as its starting point, instead! This chapter, as noted, was a true “Copernican revolution” in the Ecclesiology, placing the hierarchy among *Christifideles*, among the People of God, rather than over or before it. But the Council as a whole, including the Chapter 3, was more concerned with the problem of Episcopal collegiality, with the relationship between primate and bishops, the pope and the council. Its concern has been the hierarchical communion, bishops’ communion with each other than ecclesial communion, communion with the local church.¹⁹

More acceptable at first glance is the discussion about the communion in the *Church sui iuris* in the *Code of Canons of the Eastern Churches*. Canons about mutual responsibilities and powers of bishops and patriarchs / Major Archbishops, try to achieve a proper balance between conciliarity and primate, according to the old canons, especially the 34 Apostolic Canon:

“The bishops of every nation must acknowledge him who is first among them and account him as their head, and do nothing of consequence without his consent; but each may do those things only which concern his own parish, and the country places which belong to it. But neither let him (who is the first) do anything without the consent of all; for so there will be unanimity, and God will be glorified through the Lord in the Holy Spirit [*some mss. read: through the Lord Jesus Christ, and the Father through the Lord by the Holy Spirit, even the Father, the Son, and the Holy Spirit*]”²⁰

Of course, in the light of modern Orthodox Eucharistic ecclesiology, *The Code of Canons of Eastern Churches* may occur that gave to the patriarchal institution an undue importance and to the patriarch a “personal jurisdiction ... over the other bishops, which is foreign to Eastern tradition, where the patriarch or any other primate is always the *primus inter*

¹⁹ This aspect is very well developed by Nedungatt, *Spirit of the Eastern Code*, p. 86-88, which states: “The Church is not only God’s people, but the body of Christ, built on the Eucharist. Thus, ecclesial communion is not lost even when there is no hierarchical communion. But where the unequal importance is attached to the hierarchical communion, the importance of ecclesial communion is likely to be reduced”.

²⁰ P. P. Joannou, *Fonti, Fascicolo IX. Discipline Generale Antique (IV-e – IX-e s.)*, t. I. 2. *Les canons des Synodes Particuliers*, Italo-Orientale Printing “S. Nillo”, Grottaferrata, Rome, 1962, p. 24: See also Constantin Dron, *Canoanele. Text si interpretare*, Volume I. *Canoanele Apostolice*, Bucuresti, Tipografia Cartilor Bisericesci, 1932, p. 96.

parens.”²¹ In *The Code of Canons of the Eastern Churches*, in all regards, the patriarchal authority appears to be based on the expense of the eparchial authorities in order to highlight the high position of the patriarch in his *sui iuris Church*.²² However, we should note that now, in the *Code of Canons of the Eastern Catholic* (canon 82-83, 85-90) a number of Orthodox patriarchs enjoy or have enjoyed similar rights (or even higher) like the ones of the patriarchs of the Eastern Catholic Churches.

However, for all this balance, the presentation in *The Code of Canons of Eastern Churches* of the communion inside the *sui iuris Church* differs from the traditional old Eastern models in one crucial aspect: the role given to the Apostolic See, the Roman Pontiff. An Eastern Catholic critic observed, “centralist forces from Rome ... have succeeded in redefining the Eastern Patriarchs as participants at the over-bishopric power of the Pope, rather than the culmination of the authority of the patriarchal councils”.²³ This may be an over-simplification, but certainly the unity, the solidarity, the “the unity of thought” of the episcopate of the patriarchy, patriarch and bishops together, is potentially undermined when many of the major decisions (e.g. the establishing / the modification / the suppression of eparchies [c. 85 § 1], aspects of the Episcopal discipline [204 § 4], the approval of the candidates for the choice of the [v. 182, cf c. 185] require the approval of the Roman Pontiff, also when the eparchial Bishop is responsible to the two senior (cf. the instructions for reporting every five years [c. 206], the *ad limina* visits [c. 208], the promise of obedience [c. 187 § 2]). The differences can be seen as a liturgical detail of a considerable ecclesiastical importance. According to the Eastern traditional model, during the Holy Liturgy, the priest commemorates his bishop, the metropolitan bishop, the patriarch or other primate, the patriarch and other Primates of the Churches according to the prescriptions of the diptychs.²⁴ But according

²¹ Alexander Schmemmann, “A Response” to the Decrease of the Eastern Churches, in *The Documents of Vatican II*, ed. Walter M. Abbott, New York: America Press, 1966, p. 387-388

²² For example, according to canon 835: “Dispensation from the form for the celebration of marriage required by law is reserved to the Apostolic See or the patriarch, who will not grant it except for a most grave reason” whereas in the Latin Church the local Church can dispense.

²³ Andriy Chirovsky, *Toward an Ecclesial Self-Identity for the Ukrainian Greco-Catholic Church*, in “Logos”, 35 (1994), p. 121.

²⁴ See: Robert Taft, *The Diptychs*, *Orientalia Analecta* 238, Rome: Pontificium Insti-

The Code of Canons of the Eastern Churches...

to *The Code of Canons of Eastern Churches* eparchial Bishop and indeed, all the eparchial clergy commemorates both eparchial and the patriarch of the Roman Pontiff, in that order (cc. 91, 209). Doesn't seem to be some confusion about who is "first among them?"

The instructions concerning the election of a new patriarch reveal another estranged practice, from the traditional and continuous old Orthodox practice. According to *The Code of Canons of Eastern Churches*, the conciliar letters must be sent, announcing the Roman Pontiff and the other patriarchs of the Eastern Churches about the election, but also "The new patriarch must as soon as possible request ecclesiastical communion from the Roman Pontiff by means of a letter signed in his own hand" (c. 76, § 2) and The patriarch is not to convoke a synod of bishops of the patriarchal Church nor ordain bishops before he receives ecclesiastical communion from the Roman Pontiff. (c. 77, § 2)

According to an Eastern Catholic enthusiastic writer, "the link between the Roman Pontiff and the Patriarch is based on the manifested and requested communion, and on the consented and extended communion: perfect communion in faith and fully hierarchically communion with the Apostolic See of Rome."²⁵ But a person familiar with the practice of the early Church might ask himself why the new Patriarch calls for the ecclesiastical communion" only from the Roman Pontiff and not from the others Eastern Catholic patriarchs and why a similar request for "ecclesiastical communion" is not required or hoped from a new Roman Pontiff. Another Oriental Catholic writer, Andrew Onuferko, notes quite clearly:

"The traditional sharing of letters regarding the ecclesiastical communion, as it is understood in the Orthodox Church is, in fact, an exchange between the Primates of the particular *sui iuris Churches* and a reaffirmation of the communion which already exists between these Churches. This communion is not ended simply because the Patriarchal see was vacant, as the Catholic Church does not cease to exist at the death of a Roman Pontiff. Therefore, it seems logical that an ecclesiastical

tutum Orientalium, 1991, p. 9-21, see also Prof. Nicholas V. Dura, *Dipticele. Studiu istorico-canonic si liturgic*, in "Studii Teologice", XXIX (1977), no. 9-10, p. 636-659.

²⁵ A. Valiyavilayil, *The Notion of a Church sui iuris*, in *The Code of Canons of the Eastern Churches: A Study and Interpretation. Essays in Honour of Joseph Cardinal Parecatil*, p. 73, quoted by A. Onuferko, *The New Code of Canons of the Eastern Churches: Ecclesiological Presuppositions*, p. 154 (supra, n. 10).

communion requires that the newly elected patriarch of Rome receives something he has not possessing yet, but to reaffirm the unity of faith and the communion that already exists.”²⁶

Here, as well as in other contexts, the *Code of Canons of Eastern Churches* is concerned with the hierarchical communion, rather than with the ecclesial communion, with the communion of a bishop with other, rather than the communion between the Churches. But the very word “communion” seems to be a euphemism. Certainly, the text of the canon suggests that the authority of the new patriarch to convoke a synod of bishops or to ordain bishops is conditioned by the certification of the “ecclesiastical communion”, that, in fact, his over-bishop authority derives from the supreme authority of the Church and is a participation at this authority and not something personal as the head of a *sui iuris* Church.²⁷

Of course, here comes the most obvious obstacle for the recognition of *The Code of Canons of Eastern Churches* as “our code”, and “our right”: the role of the pope as it is presented Title III “The Supreme Authority of the Church” (/ / Paper II.ii.ii). As topic of the supreme authority, the pope is the supreme legislature, whose promulgation in the apostolic constitution *Sacri Canones*, gives to the *Code of Canons of Oriental Churches* force of the law itself.²⁸ It is unnecessary to review here the

²⁶ Ibid.

²⁷ Ibid.

²⁸ G. Nedungatt, *Spirit of the Eastern Code*, p. 168, clearly identifies the issues that this papal authority legislation creates, “*Ecclesia sui iuris* or *gratiae suae Ecclesia*? Survival in old papacy of the old Roman legal principle that the king is above the law ... continues to make the codes of the Roman Catholic Church. By law, the Roman Pontiff as a legislator of The Code of Canons of Eastern Churches (and the Code of Canon Law) is not tied to any one of its canons, and also, not by the canons of the Ecumenical Councils, which he can change with the power of the keys of the Petrine kingdom. Here are the different views in terms of biblical theology, ecclesiology and theology of the law backwards. Here is an ecumenical theology which is to perish. But both codes provide formal legal certainty that the right needs. Is wording the “legal certainty” a price so high? Of course, Eastern Christians or Orthodox or Catholic, would see their own right basis for independence in a different way. According to the words of Ukrainian Catholic bishop, Basil Losten, *Patriarch and Pope: Roman Different Levels of Authority*, in “Logos”, 35 (1994), p. 211: “talking about the autonomy of the Eastern Churches, the right to lead themselves, we do not talk about some kind of privilege or dispensation, not about a “special concession” that the pope may revoke it, but a genuine *right* that comes from the Holy Apostles, which the Bishop of Rome is bound to respect, to sustain and even to defend it”.

The Code of Canons of the Eastern Churches...

reasons, both practical and doctrinal, that led to the promulgation of *The Code of Canons of Eastern Churches* only to the pope alone and not by a collectively document also to the Patriarchs and the other Primate of the Oriental Churches. But as Frederick McManus noticed, “Without decreasing in any way the influence of the new code, the course of the work raises some issues in pastoral ministry about the consensus of the Eastern Catholic bishops, and indeed about the future reception of the Code of Canons by the their Churches”.²⁹ Also, this course of the work rises up another obstacle to reconciliation between the Orthodox and Catholics. As, of course, the Orthodox will recall, the old canons of the universal Church have not emanated from the pope, but rather from the local and ecumenical councils, and they were recognized as authoritative in a complex, quite different process of perception that the one depicted by the *Code of Canons of the Eastern Churches Orientalium Ecclesiarum* 2 of the Vatican Council II talks about *aequalis dignitas* of all the Churches of East and West, thus reversing a long history which insisted on the *praestantia latini Ritus*. In principle, the Latin Church is just another *sui iuris* Church.³⁰ But actually, as many Eastern Catholics have said, the Latin Church occupies in many respects a privileged position in the canon law. The Oriental Patriarchal Churches have precise territorial boundaries (and extremely narrow!) in which not their jurisdiction, but their liturgical issues are limited. This is not the case regarding the patriarchate of the West. As Andrew Onuferko harshly noticed:

“On the issue of equal rites, as the Roman Pontiff has no territorial limits, the Roman rite has become *de facto* the universal rite of the Catholic Church, without territorial limits and without restrictions. The consenting is made for other rites due to the history and the tradition, but always under restrictions and the boundaries set by the Supreme Authority of the Church. It would seem that if the Latin Church is the Western Patriarchate, then anywhere you are in the world, is the West”.³¹

²⁹ Frederick R. McManus, *The Code of Canons of the Eastern Churches*, in “The Jurist”, 53 (1993), p. 37.

³⁰ We note several canons which refers to “any church that includes the Latin Church *sui iuris*” (c. 696 § 1). Latin Church as a Church *sui iuris*, see, among others, G. Nedungatt, *Spirit of the Eastern Code*, p. 102 and *passim*.

³¹ A. Onuferko, *The New Code of Canons of the Eastern Churches: Ecclesiological Presuppositions*, p. 149-150 (*supra* n. 10).

An often proposed solution by the Eastern Catholic to this apparent inequality would release the Eastern Catholic Churches of the territorial restrictions, allowing them to freely and directly serve the faithful from the “Diaspora” in their own church discipline (for example, a married clergy).³² More corresponding to the old canons (e.g. the Ecumenical Synod I, canon 8) and to the territorial principle, which the Orthodox claim it in principle (but often ignores in practice), should be a clear and credible description of the boundaries for the Latin Church. Comparable instructions of *The Code of Canons of Eastern Churches* which are set for bishops / Eastern Catholic eparchies in the “Western” territory should be applied then to the bishops / eparchies of the “oriental” territory. But until now, no distinction was made between the territory of the Latin Church and the universal Church; however, the Latin Church and the universal Church can be very much distinguished in theory. And that is because too little attention has been given to the distinction between the dignity of the pope as patriarch of the West and his universal “Petrine” dignity as bishop of the Episcopal College and head of Universal Church. But practically speaking can be made such a distinction? According to Ivan Žužek, “If we speak about the Roman Pontiff as the “Patriarch of the West” and about the Latin Church as the “Patriarchate of the West”, we must always remember that the power conferred by Christ to Peter and his successors, it is not possible to do *adequatae distinctiones* between his powers as the bishop of Rome, Primate of Italy, and Patriarch of the West.”³³ Of course, in practice, as one writer notices, this meant that “wherever the pope is working, he works with the supreme authority of the Church.”³⁴

Historical reasons for this confusion are not hard to find, which date back at least since the separation between the two Churches in the eleventh century. As Jean-Marie Tillard observed, “One of the consequences of separation from the East has been the decreasing of the ecclesial space where the bishops chair in communion with the Bishop of Rome and the identification of this space with the Western patriarchy.”³⁵ As a result of

³² See, e.g., Philip A. Khairallah, *Melkite Expectations and the Post-Conciliar Church*, in “Eastern Churches Journal, 2 (1995), p. 105-134.

³³ Ivan Žužek, *Presentazione del Codex Canonum Ecclesiarum Orientalium* “in the” *Monitor Ecclesiasticus*, 115 (1990), p. 605

³⁴ A. Onuferko, *The New Code of Canons of the Eastern Churches: Ecclesiological Presuppositions*, p. 151 (supra n. 10).

³⁵ Jean-Marie Tillard, *Church of Churches: The Ecclesiology of Communion*, Collegeville, MN: Liturgical Press, 1992, p. 269.

The Code of Canons of the Eastern Churches...

this identification, popes have come to associate with the bishops (and even patriarchs) of the other patriarchates. It is quite understandable why the 1917 Code of Canon Law from 1917 would be characterized by this perspective. It is less understandable why this perspective would still characterize the 1983 *Code of Canon Law* and *The Code of Canons of Eastern Churches*. The fact that there is a possible perspective, that, in fact, *adequatae distinctiones* can be found was justified both by the canonists and theologians, including no less than an authority, like that of Joseph Ratzinger, who, in 1972, wrote:

“The Bishop of Rome has an administrative office for the churches in Italy (and, in general, in the West) but not for the Church as a whole, for this he has a primacy as a direction and as a standard of unity to be followed. It is also true to say that the bishops from Alexandria and Antioch have a regional primacy, while the bishop of Rome holds a regional primacy and in addition, a primate of a different kind in connection with the Church as a whole.”³⁶

Of course, if only these distinctions are drawn, it is hard to imagine any major steps towards reconciliation between the Orthodox Churches and the Roman Catholic Church.

But it is enough to appeal to the pastoral and ecumenical reasons for these distinctions to be drawn? In doing so, have we not damaged or avoided the problem regarding the nature and the ecclesiological significance of the intermediate groups, as the patriarchal Churches and other *sui iuris* Churches, with their regional, territorially boarded primacy?

The Roman Catholic theology has sometimes suggested that the *sui iuris* Church is simply an administrative institution established by the law of the Church, in contrast to the papacy and the episcopate, which is *de iure divino*. Such an approach is obvious in the 1917 Code of Canon Law, canon 108 § 3: “The establishment of the divine (e.g. divina institutione) ... the jurisdictional hierarchy consists of the Roman Pontiff and the subordinate bishops; the other degrees were added by the establishment of the Church (e.g. Ecclesiae institutione). The Code of Canons of the Eastern Churches somewhat approached this aspect in a more gentle manner, using expressions such as *statuente Domino* (v. 42 // Code of Canon Law, c. 330) and *Domino concessum* (c. 43 // The Code of Canon Law, c. 331),

³⁶ Joseph Ratzinger, *Das neue Volk Gottes*, Düsseldorf: Patmos Verlag, 1972, p. 131 as cited in Jean-Marie Tillard, *The Bishop of Rome*, Wilmington, DE: Michael Glazier, 1983, p. 50.

and referring to the Roman Pontiff and the College of Bishops affirms that the patriarchal institution exists *secundum antiquissimum Ecclesiae traditionem* (v. 55). However, this seems to have put a qualitative distinction between the two kinds of ecclesiology, first is primary and necessary and the other is derivative and disposable. In contrast to the local Church and the universal Church, the intermediate group, the *sui iuris*, Church, would seem to be only nominally a church. Ontologically and historically it can be accepted for pastoral reasons, but it lacks its own theological basis.

Oddly enough, the Orthodox theology sometimes suggested the same thing. The modern Orthodox Eucharistic ecclesiology took as its starting point the local church, while the Roman Catholic ecclesiology often began with the universal Church, both presented more and more their simultaneity and mutual inferiority. But the Orthodox theologians have had little to say comparing to their Roman Catholic colleagues on the ecclesial intermediate groups, despite their prominence in the history of the Orthodox Church, from the ancient patriarchate to the modern autocephalous Churches. Of course, inter-orthodox Preparatory Commission for the Holy and Great Council can affirm that “the institution of the autocephaly expressed in an authentic way one of the fundamental aspects of Orthodox ecclesiological tradition referring to the links between the local Church and the universal Church of God”, that there is a “profound connection between the institution canonical of autocephaly and the Orthodox ecclesiastical teaching about the local Church”.³⁷ But relatively little was done to elucidate these claims. Often, the suggestion was that the Church hierarchy over the local church level, intermediate or universal, is determined by the competent authority (ecumenical council, clearly also by the king) as a response to the particularly sociological and political circumstances - in short it determines the law of the Church. Therefore, the main difference between

³⁷ *Autocephaly and the way in which it is to be proclaimed* adopted text Chambesy, November 7-13, 1993. About autocephaly and autonomy, see the following: Prof. Liviu Stan, *Despre autocefalie*, in “Orthodoxy”, VII (1956), no. 3, p. 369-396, Idem, *Despre autonomia bisericeasca*, in “Studii Teologice”, X year (1958), no. 5-6, p. 376-393, Idem, *Obarsia autocefaliei si autonomiei*, in “Mitropolia Olteniei”, XIII (1961), no. 1-4, p. 80-113, Idem year Autocephaly Orthodoxy and autonomy, the “Metropolitan of Oltenia, year XIII (1961), no. 5-6, p. 278-316, and the work of Canon Law Symposium 19 to 12 September 2008, from Arad, published in volume “*The Place of Canonical Principles in the Organization and Working of the Autocephalous Orthodox Churches*”, edited by the Rev.. Prof. Constantin Rus, Arad, 2008.

The Code of Canons of the Eastern Churches...

the Orthodox and Catholic conceptions would seem to be the base of their assessment for the Church hierarchy (e.g. papal primacy), *iure divino* saying the Catholics, and the Orthodox saying *iure ecclesiastico* and not base for their assessment of the intermediate ecclesial groups.

This schematization represents how the Catholic and the Orthodox understandings of ecclesiology were both against each other in debates of the past and possibly in more recent discussions. Is it possible another approach? As a number of modern studies debated,³⁸ the concept of *ius divinum* is not very helpful here, even when it is expressed in a moderate form (as in *The Code of Canons of Eastern Churches*) or when it is not explicitly invoked (as is the case of the Orthodox position described above). It involves that always some institutions are necessary, and others, probably historical, are subject to the relative indifference. But, as Tillard noticed, “There is no clear border that would allow us to say: What is on this part was probably wanted by God, which is on the other side depends directly on human freedom.”³⁹ If the Church is only a *societas*, long established by Christ the Savior, such a scheme might be possible. But the Church is the living body of Christ, which has always been constituted by the Holy Spirit in history as the place for the restoration of the communion of the faithful with God and with one another. The need for a given structure for the Church, be it the intermediate ecclesiastical grouping, or the Petrine priesthood or episcopate, so that does not depend on whether it was explicitly mandated or established in Scripture, but whether it responds to what the very nature of the Church requires. In this perspective it may be possible for both Orthodox and Roman Catholics to reach a deep understanding of the ecclesiological significance of the *sui iuris* Church, and also the universal service oversight exercised by the Roman Pontiff.

In *Sacri Cannones*, Pope John Paul II has shown that the canons of the *Code of Canons of Eastern Churches* “will stand until they will be repealed or changed by the supreme authority of the Church for a just cause, of which the full communion of all Eastern Churches with the Catholic Church is the most serious”. Is that day soon to be? As one whose training is in

³⁸ See, among others, Yves Congar, “*Jus divinum*” in “*Revue de Droit Canonique*”, 28 (1978), p. 108-112, Avery Dulles, *Jus divinum year as Ecumenical Problem*, in “*Studii Teologice*”, 38 (1977), p. 688-697, Carl J. Peter, *Dimentions of Jus divinum in the Roman Catholic Theology* in “*Studii Teologice*”, 34 (1973), p. 227-250.

³⁹ Jean-Marie Tillard, *Church of Churches*, p. 304.

canon law, I am not prepared to undertake in future predictions. However, I am able to identify that what the Orthodox and Roman Catholics were engaged in the study of ecclesiology and canon law will do to haste that coming.

First, we, the Orthodox, must make an effort to struggle with basic problems of the sacramental theology and ecclesiology raised for us by *The Code of Canons of Eastern Churches*, something we have not done so far. We can not refuse not to acknowledge *The Code of Canons of Eastern Churches* as “our code” and “our right” simply because it is more Western than Eastern. To some extent it is an enhanced version of the Code of Canon Law of the Latin Church. The Roman Catholic “position” on this issue was clearly stressed at Vatican Council II and is now expressed in the form of canonical norms of the *Code of Canon Law* and *The Code of Canons of Eastern Churches*. We, the Orthodox, on the other hand, have not stressed our “position” in a clear and authoritative manner. For example, what is the ecclesial status of those outside the visible structures of the Orthodox Church? Are our methods and practices relating to the Baptism of the persons who are not Orthodox and come to full communion with the Church comparable to those expressed in the Code of Canons of Oriental Churches in the Title XVII “Baptized Non-Catholics Coming into Full Communion with the Catholic Church”? In fact, the Orthodox practices in such a rampant problem vary, as do the theological explanations to justify these different practices. We repeat too often the original arguments brought in the controversial contexts whose main objective was to separate the Orthodox Eastern from the “heretic” West as clearly as possible.⁴⁰ *Code of Canons of the Eastern Churches* is calling us to go beyond polemics and go for the serious theological reflection. On the one hand, we must be prepared to listen again to the “voice of our fathers”, whose approach to basic problems of ecclesiology and sacramental theology was certainly Eastern but not necessarily anti-Western. But we must not be content to repeat our fathers’ words. We must be seriously concerned about the need to “meet the present-day demand”, for applying our fathers’ message to new situations. As we won’t blame *The Code of Canons of Eastern Churches*

⁴⁰ According to some theories of sacramental fellowship that developed in eighteenth-century the controversy over the Latin baptism, the principle that everyone converted to Orthodoxy should be baptized.

The Code of Canons of the Eastern Churches...

for the simple reason of being “Western”, as well we won’t blame it for the simple reason of being “new”.

The Roman Catholics, on the other hand, must gain a deep appreciation for the fundamental and irreducible “differences” that the Christian East represents. This does not mean simply winning a profound appreciation for spirituality, Liturgy and other characteristic expressions of the various Eastern Churches, however important they may be. This means to be able to understand the attitudes and the religious sensibilities which are quite different from their own, in the same time are deeply and authentic Christian. For a variety of reasons related to their own particular history, the Latin West was in particular and historically insensitive. One of the consequences was a universalistic ecclesiology with no history, which had been inclined to describe the Church as a pyramidal institution, well firm, closely united, with the Pope on its top and to portray aspects of hierarchical communion to others. The fact that this mentality can be overcome is suggested by the comments that Cardinal Ratzinger, now Pope of Rome, made in 1993 about the Orthodox Churches:

“Their way of ensuring the unity and stability in the common belief is different from our Western Catholic Church. They have no doctrinal Congregation. But the Orthodox Church Liturgy and monasticism are two very strong factors that ensure the consistency and the firming in the faith. History shows that these are adequate and reliable in the historical and ecclesial context of the fundamental unity”.⁴¹

Are the Eastern Orthodox Churches, actually and potentially, the only ones whose the “historical and ecclesial context” provides such a measure of safety as to ensure “the firmness and consistency in faith?” Sometimes the Eastern Christians, in contrast to the Roman tendencies to monopolize the name “Apostolic See”, have stood the apostolic origin of their own Church to justify its autonomy and “differences” of their being, making implicitly a particular case⁴². But apostolicity is not simply a matter of

⁴¹ In *30 Days* (January 29, 1993), apud Bishop Basil Losten, *Patriarch and Pope*, p. 228.

⁴² About unfortunate tendency of the Code of Canons of Oriental Churches use the term “Apostolic See” exclusively with reference to Rome, see Jobe Abbass, the *Apostolic See in the New Oriental Canonical Legislation*, in “*Studia Canonica*”, 27 (1993), 173-215. About the significance of apostolic origin of the Eastern Catholic identity, see Boniface Luykx, *Thirty Years Later: Reflections on Vatican II's Unitatis Redintegratio and Orientalium Ecclesiarum* in “*Logos*”, 34 (1993), p. 370: “The issue of identity of the Eastern Catholic Churches is first of all a theological one. Since the Council

historical foundation. For the Orthodox, at least, apostolicity means above all faithfulness to the apostolic faith, something as possible in a new church as in an old patriarchy. In this case, however, not only the “new patriarchates” of the Eastern Christian world, but also the new African Churches, with their many rites and customs, fully meet the criterion of being a *sui iuris* Church.⁴³ For a possible reconciliation between the Orthodox and Roman Catholic, the recognition of the irreducible “differences” to these churches - and their free acceptance of the ecclesial communion - can be just as important as a deep appreciation of what is specifically Eastern, or Western.

We are accustomed that if a thinking consists of two elements, an element is necessarily contrasted with or opposed to the second. When this pattern of thinking is extended to ecclesiology, we are left with no more than useless clichés, such as *ex oriente lux, ex occidente Lex*. But our God is not a Dyad, nor is he an all-inclusive monad, but a triad, three Persons in one communion of love. If, as it is suggested by the Apostolic Canon 34, the life is understood to reflect the life of the Church of the Holy Trinity, we can not simply think in terms of East and West, of “our way” and “their way” to “our right” and “their right”, “our fathers” and “their fathers”. Furthermore, we must try to discern the workings of the Holy Spirit throughout the fabric of human history, where new ways and new laws new parents might be emerging unto the renewal of all the Churches of God.

decided that they should be treated as real and perfect Church, equal in dignity with the Roman Church because of their origin to the apostolic and continuous faith with the heritage of Christ (Holy Tradition), their identity *is not established* on the origin or ethnical association”.

⁴³ See Frederick R. McManus, *The Possibility of New Rites in the Church*, in *The Jurist*, 50 (1990), p. 435-458.

Iulian Mihai L. Constantinescu¹

Quelques aspects généraux concernant les empêchements au mariage dans l'Église Orthodoxe Roumaine

Résumé

Le problème des empêchements au mariage s'impose aujourd'hui, quand la société moderne est sécularisée et caractérisée par le sensualisme et le libertinage. Dans ce contexte, l'Église du Christ doit défendre les deux institutions sacrées, le mariage et la famille, par les normes canoniques non changeables et aussi par les décisions prises au niveau local.

Dans le droit canonique orthodoxe les empêchements au mariage ont été bien précisé, étant divisé en absolue (απόλυτα κωλύματα, impedimenta absoluta) et relatifs (σχετικά κωλύματα, impedimenta relativa). La présence des certains empêchements dans les moments de la finition du mariage peut attirer sa nulité.

Mots-clés

Droit canonique, mariage, l'Église Orthodoxe Roumaine

1. Préliminaires

Le problème des empêchements au mariage s'impose avec la nécessité aujourd'hui, parce que nous vivons dans une société moderne sécularisée, caractérisée par le sensualisme et le libertinage et par des pratiques immorales, en s'éloignant de Dieu et du véritable sens du mariage et de la famille chrétienne. Dans ce contexte, l'Église du Christ doit défendre les deux institutions sacrées, le mariage et la famille, par les normes canoniques non changeables et aussi par les décisions prises au niveau local.

¹ Leturer Ph D Iulian Mihai L. Constantinescu, Faculty of Orthodox Theology, University of Craiova

Nous avons trouvé qu'il faut préciser clairement les empêchements au mariage, afin d'assurer les meilleures conditions pour l'accomplissement du mariage, en étant évités les empêchements qui apportent de grands préjudices à la santé de la famille chrétienne. S'il y a des empêchements graves au mariage on constate une véritable maladie de la famille, en touchant aussi gravement la vie de l'Église.

La notion de mariage en tant que *sacrement* suppose que l'homme est un citoyen du Royaume de Dieu, non pas seulement un être avec des fonctions physiologiques, psychologiques etc., c'est-à-dire que la vie de l'homme met en jeu des valeurs éternelles et Dieu Lui-même. "Quand le mari et la femme s'unissent dans le mariage, - affirme Saint Jean Chrysostome (PG 61, 215; 62, 387) - ils ne forment pas une image de quelque chose de terrestre, mais de Dieu lui-même". L'homme et la femme s'unissent en un troisième terme qui est Dieu, comme les deux natures (divine et humaine) dans l'hypostase du Verbe, comme le Père et le Fils s'unissent en l'Esprit Saint. "Ce mystère est grande; je le dis par rapport au Christ et à l'Église" (Epître aux Ephésiens V, 32). Saint Apôtre Paul dans le cinquième chapitre de l'Epître aux Ephésiens met en lumière le nouveau sens du mariage chrétien qui ne peut être réduit ni à l'utilitarisme judaïque, ni au légalisme romain: la possibilité de transfigurer l'unité (leur accord) des époux en une réalité nouvelle, la réalité du Royaume de Dieu. Le mariage chrétien ne peut être qu'unique, en tant que Mystère, Sacrement du Royaume de Dieu.

Par sa vocation comme *l'image et la ressemblance de Dieu*, l'homme doit user de ses pouvoirs créateurs, de désirer le Bien absolu, la Beauté, l'Amour véritable, parce que Dieu lui-même est cette Beauté et l'Amour absolu et aime l'homme. Les vrais chrétiens peuvent crier vers Lui et ils seront entendues, ayant l'expérience de son Amour. Dans la doctrine chrétienne Dieu n'est pas un concept à saisir, mais il est une personne avec qui nous avons la possibilité d'entrer dans des relations personnelles: "Je suis en mon Père, et vous en moi et moi en vous" (Jean XIV, 20).

Aujourd'hui, on trouve dans certains pays un *mariage religieux* et aussi bien un *mariage civil*. Ainsi, si dans de nombreux pays orthodoxes il existe de nos jours non seulement un mariage religieux, mais aussi un mariage civil, nous avons exposé parallèlement les empêchements au mariage civil et au couronnement, au niveau des relations Église-état en Roumanie et aussi au niveau interorthodoxe. Par le *mariage civile* on comprend le

Quelques aspects généraux concernant les empêchements...

mariage réglementé par les lois de l'Etat et accompli devant l'autorité qui le représente. L'institution du mariage civil a été la conséquence du laïcisme d'Etat. Dans un monde sécularisé, les Etats modernes «se déclarant étrangers à tout l'ordre surnaturel, ne peuvent plus reconnaître la notion de sacrement, et partant la notion de mariage - sacrement». L'Etat ont soumis tous leurs sujets, sans distinction de religion, à l'obligation du mariage civil, les chrétiens pouvant célébrer le mariage religieux par leur volonté.

Une condition de fond essentielle pour accomplir un mariage civil et aussi un mariage religieux est le *consentement réciproque des futurs époux*. Dans notre pays, Roumanie, le mariage peut être réalisé seulement à base du consentement librement et consciemment exprimé par les futurs époux (art. 1, 16, 17 C. fam.; art. 48 de la Constitution de 2003). Le consentement est libre "dans le sens qu'il sont éliminées les limitations de caste, raciales, religieuses et juridiques en ce qui concerne le libre choix entre les futurs époux". Du point de vue juridique, le consentement libre au mariage conduit au manque des vices de consentement, tels: *l'erreur, le dol et la violence*. Ainsi, pour éviter ces vices de consentement, la libre volonté de se marier (le consensus) s'exprime en des formes déterminées, comme la loi le prévoit, le mariage ayant un caractère solennel.

D'un sens restreint, les conditions de fond se présentent d'une manière positive, leur existence étant nécessaire pour accomplir le mariage, tandis que les conditions de fond négatives sont des situations de fait ou de droit qui ne doivent pas exister pour l'accomplissement du mariage, elles étant nommées des *empêchements*. Ainsi, les conditions de fond sont-elles: la différence de sexe; l'âge légal pour le mariage; le consentement au mariage; la communication réciproque de l'état de la santé des futurs époux (pour éviter la présence des maladies physiques ou psychiques, connues ou inconnues pour les deux).

Appart les conditions imposées par la législation civile pour l'accomplissement du mariage, les futurs époux doivent correspondre aussi aux conditions canoniques de l'Eglise pour leur administrer le Sacrement du Mariage, certains conditions canoniques se trouvant parmi celles demandées par la législation civile en matière, d'autres, d'ordre religieux morale n'étant pas parmi celles demandées par l'état. Ainsi, de nos jours non seulement qu'il n'existe pas une harmonisation de la législation civile avec celle ecclésiastique en matière matrimoniale, en

plus cette harmonie, cette unité regardant les conditions et empêchements au mariage, n'existe non plus entre les Églises Orthodoxes locales au sein de l'Orthodoxie œcuménique, et pourtant tendant vers la réalisation de cette harmonie par les efforts communs de théologiens au cadre des commissions interorthodoxes.

Concernant les conditions de forme du mariage, les actes antérieures à l'accomplissement du mariage et aussi la procédure de l'accomplissement du mariage d'après la législation d'état et dans le droit ecclésiastique orthodoxe, on peut dire que la publicité (les annonces ou des bans) est très importante, comme condition de forme légale, afin d'accomplir le mariage civil et religieux.

Les empêchements au mariage se divisent en: *absolus*² (**απολυτα κωλυματα**, *impedimenta absoluta*) et *relatifs*³ (**σχετικα κωλυματα**, *impedimenta relativa*), les premiers empêchant le mariage d'une personne avec toute autre personne et attirant la nullité du mariage, tandis que les derniers arrêtent une personne de se marier seulement avec une certaine autre personne, en attirant seulement des sanctions administratives. L'existence des empêchements au moment de l'accomplissement du mariage attire la nullité de celui-ci.

La parenté, d'après sa nature, peut être *religieuse, morale et physique*. Dans certains degrés qui expriment une parenté plus éloignée, celle-ci ne constitue pas un empêchement au mariage et au couronnement ou peut constituer un empêchement qui est éliminé par la dispense. Lorsque la

² *Les empêchements absolus sont*: Le manque des facultés mentales normales; L'impuissance physique d'accomplir le devoir conjugal; Le manque du consentement de l'autorité tutélaire; Le mariage existant légalement; L'enceinte de la fiancée; L'ordination; Les vœux monastiques; Le troisième mariage. *Les empêchements impédients, par lesquels le mariage accompli n'est pas annulé, mais apparaît comme interdit, sont*: Le manque de l'âge nécessaire pour l'accomplissement du mariage; Le temps interdit pour l'accomplissement du mariage, établi par l'Église; La contrainte et la peur; La perfidie; Les fiançailles; L'embûche contre l'autre personne; La condamnation pour meurtre; L'année de deuil (nécessaire pour établir la paternité de l'enfant né après); Le service militaire; Le manque des annonces (des bans); Le manque des actes nécessaires.

³ *Les empêchements relatifs des rapports de parenté sont*: La parenté de sang; L'affinité; La parenté spirituelle; L'affinité imaginaire; L'adoption. *Les empêchements relatifs en dehors de l'idée de parenté sont*: L'enlèvement; L'adultère; La provocation au divorce; La tutelle, la curatelle; La différence de religion.

Quelques aspects généraux concernant les empêchements...

parenté est en degrés trop prochains aux récepteurs du Sacrement, elle peut constituer un empêchement auquel on ne peut pas accorder des dispenses. Les empêchements qui provoquent la plupart des malentendus sont ceux déterminés par les liaisons de parenté, qui sont de trois catégories: liaisons de parenté spirituelle ou religieuse, liaisons de parenté morale et liaisons de parenté physique.

Voir ici le schéma:

La parenté spirituelle:

- par l'acte d'assistance au Baptême;
- par l'acte d'assistance au Couronnement;

La parenté morale:

- l'acte de la tutelle;
- l'adoption;
- l'office des fiançailles;

La parenté physique:

-parenté de sang (en ligne *directe* ascendante ou descendante et *collatérale*);

-l'affinité (de type I^{er}; de type II^e; de type III^e).

En ce qui concerne les mariages mixtes dans la doctrine canonique de l'Église Orthodoxe est nécessaire à retenir les aspects essentiels suivantes: Les mariages mixtes des chrétiens orthodoxes avec personnes d'autre confession, spécialement les païens, les juifs et les hérétiques sont absolument interdits par l'Église; Le mariage mixte est permis seulement sous la forme où, d'un mariage conclut en dehors de l'Église Orthodoxe, donc dans une société de confession non chrétienne ou hérétique, l'un des époux reçoit la foi orthodoxe tandis que l'autre reste à la confession antérieure et lorsque le respectif époux d'autre religion désire de rester en mariage avec l'époux convertit à la religion orthodoxe; Les enfants nés de tels mariages mixtes en tout cas doivent être baptisés et éduqués dans l'esprit de la religion chrétienne orthodoxe; Si l'époux d'autre confession ne désire plus de rester marié avec l'époux convertit, alors le mariage est défait et l'époux orthodoxe a la permission de se remarier avec une personne orthodoxe; On permet à une personne orthodoxe de se marier avec une personne hétérodoxe si cette personne-là promet qu'elle accepte la foi orthodoxe et accomplit toute de suite cette promesse. Ainsi, L'Église Orthodoxe a toujours appliqué l'économie ecclésiastique pour le support

et la consolidation de la famille, pour éviter les problèmes dans le domaine matrimonial, en se guidant toujours d'après le principe biblique que Dieu ne veut pas la mort du pêcheur.

2. Sur les empêchements en général

Par *empêchement au mariage* (κωλυμα του γαμου, impedimentum matrimonii) nous comprenons la situation, l'empêchement ou l'obstacle⁴ qui s'opposent au mariage, respectivement au couronnement, en faisant le mariage déjà conclu d'apparaître comme illégal⁵. Les empêchements sont invoqués contre les futurs époux par la voie de l'opposition au mariage, à la suite de sa publicité, ou de l'office, par l'officier de l'état civil⁶. Ainsi le mariage peut-il être conclu seulement si les conditions nécessaires sont accomplies, par conséquent s'il n'y a pas d'empêchements.

2.1. Les empêchements absolus

Entre les empêchements absolus certains ne permettent pas l'accomplissement du mariage, celui déjà accompli apparaissent comme nul, ils étant annulatifs (les empêchements dirimants), et d'autres permettent un mariage valable mais interdit (les empêchements impédients).

a). Les empêchements absolus, annulatifs, sont⁷: Le manque des facultés mentales normales; L'impuissance physique d'accomplir le devoir conjugal; Le manque du consentement de l'autorité tutélaire; Le mariage existant légalement; L'enceinte de la fiancée; L'ordination; Les vœux monastiques; Le troisième mariage.

- *Le manque des facultés mentales normales.* Les maladies psychiques, comme l'aliénation et la débilité mentale sont des empêchements au

⁴ Arhid. Prof. Dr. Ioan N. FLOCA, „Impedimente la căsătorie și cununie”, en roumain, in rev. *Mitropolia Ardealului*, XXXIV, (1989), nr. 1, p. 30.

⁵ N. MILAȘ, *Dreptul bisericesc oriental*, en roumain, trad. de D. I. Cornilescu, V. S. Radu, București, 1915, p. 488.

⁶ Ion P. FILIPESCU, Andrei I. FILIPESCU, *Tratat de dreptul familiei*, en roumain, Ed. VIIe, All Beck, București, 2002, p. 23.

⁷ N. MILAȘ, *Dreptul...*, pp. 489-492; aussi bien le cours universitaire du P. Prof. Dr. Alexandru I. STAN, *Administrarea puterii bisericești și administrație parohială*, en roumain, București – Târgoviște, 2002, p. 30.

Quelques aspects généraux concernant les empêchements...

mariage et à la noce, parce que ceux qui souffrent de ce sorte de maladies ne peuvent pas accomplir le but du mariage, les devoirs conjugaux et en même temps ne peuvent pas s'exprimer librement le désir de se marier, en étant dans un tel état de maladie.

- *L'impuissance physique d'accomplir le devoir conjugal.* Une telle impuissance physique constitue un empêchement au mariage, en ne pouvant pas accomplir l'un des buts du mariage (la naissance des enfants). Dans le droit civil actuel, comme nous l'avons vu, l'impuissance ne constitue plus une cause de la nullité mais, en échange, elle est une raison de divorce si elle n'a pas été connue avant le mariage, sans que ce fait soit invoqué comme erreur vice de consentement⁸.

- *Le manque du consentement de l'autorité tutélaire* (on appelle à la compétence de la tutelle ou de la curatelle). Le consentement réciproque des futurs époux est essentiel pour le mariage, mais le consentement des parents, de l'autorité tutélaire est demandé seulement dans le cas des mineurs.

- *Le mariage existant légalement.* Conformément au Code de la famille de Roumanie, art. 5, la personne qui est déjà mariée ne peut pas réaliser un mariage légal. Celle-ci est la consécration du principe de la monogamie (**μονογαμία**) qui se trouve à la base du mariage⁹. Dès la genèse du monde et de l'homme, la monogamie, l'union avec une seule femme, s'est prouvée la meilleure pour le but et l'existence du mariage. La polygamie est interdite de même par les lois civiles que par l'Église, une telle union étant considérée comme débauche¹⁰.

Si une personne a accompli un nouveau mariage et le premier mariage est déclaré nul même après l'annulation du second mariage, il n'y a pas de la bigamie¹¹. Pareil, si le second mariage est déclaré nul, mais pour une autre raison que la violation de la monogamie, il n'est pas de la bigamie. En échange, il y a de la bigamie lorsqu'on a accompli un nouveau mariage et le premier est annulé par divorce après la date de l'accomplissement du second mariage¹².

⁸ L'erreur vice de consentement se réfère seulement à l'identité physique de la personne.

⁹ La violation du principe de la monogamie est nommée de la bigamie (polygamie) et est punie non seulement civilement (art. 5 et 19 C. fam. de Roumanie), mais aussi pénalement (art. 303 C. pén.).

¹⁰ I Cor. VII, 4; can. 48 apost.; can. 77, 80 Saint Basile le Grand.

¹¹ Ion DOGARU, Sevastian CERCEL, *Elemente de dreptul familiei*, en roumain, Editura Themis, Craiova, 2001, p. 32.

¹² Ion P. FILIPESCU, Andrei I. FILIPESCU, *Tratat...*, p. 23.

Dans la situation où l'un des époux, en étant disparu, est déclaré mort par décision judiciaire et l'autre se re-marie, il n'y a pas de la bigamie au cas où l'époux déclaré mort réapparaît, en étant annulée la décision déclarative de la mort, parce que le premier mariage est considéré annulé le jour de l'accomplissement du second (art. 22 C. fam.)¹³. Si l'époux se marie entre la date de la déclaration de la mort de l'autre et la date de la décision définitive déclarative de la mort, il n'est pas bigame¹⁴.

Donc le mariage existant légalement est un empêchement pour l'accomplissement d'un nouveau mariage. Ceux qui ne respectent pas le principe de la monogamie, promué par l'état et aussi par l'Église, sont soumis aux punissements civils et ecclésiastiques. Ainsi, l'union d'une personne mariée avec une autre personne, en ne respectant pas le sacrement du mariage et la dévotion pour le mari, a été considérée comme débauche par les Saints Pères de l'Église, et ceux qui commettaient un tel pêché seulement après 7 années pouvaient recevoir les Sacrements de l'Église, s'ils se repentissaient en larmes (can. 78 și 80 Saint Basile le Grand)¹⁵

Le prêtre orthodoxe ne peut pas administrer le Sacrement du Mariage aux personnes qui se trouvent en état de bigamie, parce qu'il consacrerait la bigamie par la communion de la grâce de ce Sacrement. Ce serait un sacrilège, parce que la bigamie est un pêché que l'Église ne bénit pas par le couronnement. Pour pouvoir administrer le Sacrement du Mariage il faut avoir obtenu en préalable le divorce civil et religieux¹⁶, dans le cas où les personnes sont mariées aussi civilement que religieusement¹⁷.

- *L'enceinte de la fiancée*. L'Église considère que l'homme qui se mariera a le droit de connaître si sa future épouse n'est pas enceinte, en admettant l'enceinte de la fiancée comme un empêchement dirimant au

¹³ *Ibidem*, pp. 23-24.

¹⁴ Dans le cas où le mariage a été déclaré nul avant que la décision déclarative de la morte reste définitive, après la décision définitive la cause de la bigamie disparaît.

¹⁵ P. Traian COSTEA, *Căsătoria din punct de vedere: istoric, dogmatic și canonic*, en roumain, thèse de doctorat, București, 1935, p. 98.

¹⁶ On ne peut pas administrer le second mariage religieux si le premier n'est pas annulé par l'évêque respectif. Voir aussi Prof. Dr. Iorgu IVAN, „Căsătoria, Sfântă Taină a Bisericii și instituție juridică a Statului”, en roumain, in rev. *BOR* (1983), nr. 11-12; P. Dr. Gheorghe SOARE, „Impedimentele la căsătorie și motivele de divorț”, în rev. *BOR*, LXI (1943), nr. 4-6, p. 579.

¹⁷ Arhid. Prof. Dr. Ioan N. FLOCA, *Drept canonic ortodox. Legislație și administrație bisericească*, vol. IIe, EIBMBOR, București, 1990, pp. 75-76.

Quelques aspects généraux concernant les empêchements...

mariage et au couronnement¹⁸, le mariage accompli devant être nul¹⁹. Cet empêchement dirimant devrait exister contre le mariage, pour des considérations morales, “la peur du mélange de sang”²⁰, et dans le cas où les deux jeunes ont accompli pourtant le mariage civil, ils doivent recevoir la dispense de l’évêque local, en s’appliquant l’économie ecclésiastique, ceux-ci pouvant se marier même dans l’Église.

De nos jours, cet empêchement n’est plus admis dans la législation civile, en tenant compte du fait que les fiançailles civiles n’ont pas des effets juridiques et, par conséquent, ne créent pas des responsabilités pour les futurs époux, et que les fiançailles ecclésiastiques, ceux qui créent des effets concernant le couronnement, n’aient pas de la valeur civile. Par conséquent, cet empêchement est reconnu par l’Église en ce qui concerne l’accueil du Sacrement du Mariage.

- *Le Sacrement de l’Ordre sacré.* Conformément aux *dispositions canoniques*, l’Église Orthodoxe interdit le mariage après avoir reçu le Sacrement de l’Ordre sacré dans les degrés hiérarchiques de diacre, prêtre et évêque. Les membres du clergé d’institution divine peuvent se marier avant l’ordination, plus précis avant l’ordination dans le degré de diacre. Dans certains canons (can. 26 apost.; can. 6 VI œcum.) il est prévu même le mariage avant la réception du degré d’hypodiacre, en étendant l’ordre canonique aussi aux degrés d’institution ecclésiastique. Pour les évêques, il a été interdit le mariage (can. 48 VI œcum.), en leur imposant l’état civil du célibat (can. 12 VI œcum.), pour être imposé ultérieurement par l’usage l’état monastique²¹.

Ainsi, “Les prêtres et les diacres ne peuvent pas se marier après leur ordination. Seuls les lecteurs et les chantes le peuvent (Concile in Trullo, canon 6). Pour tout membre célibataire du sacerdoce d’ordre et pour les moines, le mariage n’est autorisé qu’après la réduction de leur état à l’état laïc”²². Dans l’Ancienne Église, les diacres, de même que les prêtres et les évêques avaient la liberté de se marier ou non, mais aussi la liberté de choisir entre le mariage avant ou après l’ordination. Cette liberté décline était fondée sur l’ordre établi par les Saints Apôtres, par lesquels les clercs

¹⁸ N. MILAȘ, *Dreptul...*, p. 490.

¹⁹ P. Traian Costea, *Căsătorie...*, p. 100. Cf. La Nouvelle 93 de Léon le Philosophe.

²⁰ P. Dr. Gheorghe SOARE, „Impedimente...”, p. 589.

²¹ Arhid. Prof. Dr. Ioan N. FLOCA, *Drept...*, vol. II, p. 57.

²² Paul EVDOKIMOV, *Sacrement de l’amour*, Paris 1980, p. 257.

disposaient sur leur état civil qui leur semblait plus convenable. L'unique restriction dans ce problème était celui se référant à la monogamie, qui devait être respectée, par rapport à la bigamie, qui se pratiquait légalement, d'après les lois romaines et mosaïques, en pouvant avoir à côté de l'épouse une concubine aussi²³.

Peu à peu il a été imposée par la voie de l'usage l'ordre conformément à laquelle les ecclésiastiques devaient se marier seulement avant l'ordination, mais sans prendre des mesures pour arrêter ceux qui se mariaient après l'accueil du Sacrement de l'Ordre sacré. La première disposition canonique, par laquelle a été imposé le mariage seulement avant l'ordination a été le canon 26 apost., qui permet le mariage après l'entrée dans le clergé, seulement pour les lecteurs et les chanteurs²⁴. En même temps, le canon ne prévoit pas des punissements pour ceux qui auraient violé cet ordre, parce que cette sorte de punissements n'a pas une raison justifiable.

Le synode local d'Ancyre (314), par le canon 10, permet le mariage des diacres après l'ordination, si ceux-ci ont confessé en avant leur désir de se marier²⁵, et pour ceux qui auraient violé cette ordre en se mariant lorsqu'ils étaient ordonnés de rester célibataires, le canon disposait la cesse du diaconat. Plus tard, le canon 6 du Synode VI œcum. in Trullo a interdit le mariage des diacres. En fait, on peut constater dans la pratique ecclésiastique le fait que l'ordination ne constitue pas un empêchement de nature dogmatique au mariage, mais un empêchement de nature disciplinaire.

Au Congrès Panorthodoxe de Constantinople de 1923 on a décidé la permission du second mariage pour les diacres et les prêtres veufs par décès, une mesure qui n'est pas contre l'enseignement évangélique, les synodes locaux pouvant approuver un tel mariage à la proposition de l'évêque compétent²⁶. Cette décision a été acquise par les Églises locales. Le Synode du Patriarcat Œcuménique a adopté cette décision dans la séance de 23 juillet 1923. L'Église Orthodoxe Roumaine, en étant préoccupée de ce problème, a décidé dans la Séance du Saint Synode de 12 mars 1936, les suivantes: «La question du re-mariage des prêtres est réservée pour

²³ Arhid. Prof. Dr. Ioan N. FLOCA, *Drept...*, p. 58.

²⁴ *Ibidem*, p. 59.

²⁵ Prof. Dr. Vlassios PHIDAS, *Droit canon. Une perspective orthodoxe*, Centre Orthodoxe du Patriarcat Œcuménique, Chambésy, Genève 1998, p. 203.

²⁶ P. Dr. Gheorghe SOARE, „Impedimente...”, p. 579.

Quelques aspects généraux concernant les empêchements...

le prochain Synode Œcuménique»²⁷. Ce problème étant repris en 1952, le Saint Synode de l'Église Orthodoxe Roumaine a disposé de laisser ce problème dans la préoccupation de chaque évêque, pour être résolu particulièrement chaque cas, en respectant les canons et les décisions œcuméniques et en appliquant l'économie ecclésiastique²⁸.

L'ordination est un empêchement au mariage religieux, mais elle n'est pas un empêchement au mariage civil, la législation d'état permettant facilement le second mariage des prêtres, de même qu'il est admis le mariage des moines.

En ce qui concerne *le célibat clérical dans l'Église Catholique Romaine*²⁹, on peut dire que d'après la révélation gardé dans la Sainte

²⁷ Rev. "BOR", Bucarest 1936, nr. 5-6, supplement, p. 21.

²⁸ Rev. "BOR", Bucarest 1952, nr. 6-8, p. 438.

²⁹ Voir ici : BRACELAND, F.-J, *Mariage et célibat*, (travail collectif - les participants du III-e Congrès de l'Association catholique internationale d'études médico-psychologiques, Cerf, Paris 1965; CODRON, Jean et Marie-José, *Prêtres de quelle Eglise? (Onze témoignages - travail collectif)*, Paris 1971; COLAIANNI, James F., *Married Priests & Married Nuns*, New York 1968; COPPENS, Joseph, *Sacerdoce et célibat, études historiques et théologiques*, XXVIII, Louvain 1971; DAUVILLIER, Jean, CLERCQ, Carlo de, *Le Mariage en Droit canonique oriental*, Paris 1936 ; DUQUESNE, Jacques, *Demain, une Eglise sans prêtres?*, Paris 1968 ; FICHTER, Joseph H., FRANCOEUR, Robert T., HUNT, Ignatius, McBRIDE, Alfred, NOONAN, John T. Jr., *Celibacy, the necessary option*, New York 1968; FLOCA, Archidiacre Prof. Ioan N., *Drept canonic...*, Bucarest 1990 (en roumain) ; FLOCA, Archidiacre Prof. Ioan N., *Canoanele Bisericii Ortodoxe. Note și comentarii*, Bucarest 1991 (en roumain) ; GRYSON, Roger, *Les origines du célibat ecclésiastique du premier au septième siècle*, 1970 ; HILDEBRAND von, Dietrich, *Celibacy and the Crisis of faith*, Chicago 1971; ICHIM, Dumitru, „Problema celibatului sacerdotal în Biserica Romano Catolică”, in rev. *Studii Teologice* XXII (1970), nr. 9-10, Bucarest (en roumain) ; KATHOLIEK, Archief, DE HORSTINK, Amersfoort, *Le célibat du pretre un problème de l'Eglise*, Cerf, Paris 1969 ; MANSI, *Dictionnaire de Théologie Catholique*, tome XII, col. 11 ; NAZ, R, *Dictionnaire de droit canonique*, tome III, Paris 1942 ; PHIDAS, Vlassios I., *Droit canon, une perspective orthodoxe*, Chambésy/Genève 1998 ; POTEL, Julien, *Demain d'autres prêtres? leur place et leurs roles*, Paris 1977 ; RAGUIN, Yves SJ, *Celibacy for our times*, vol. 7, 1975; RONDET, Michel S.J., *Le célibat évangélique dans un monde mixte*, Paris 1968 ; ROUET, A., *Prêtres mariés nos frères*, Cerf, Paris 1974 ; SCHILLEBEECKX OP, E., *Celibacy*, New York 1968; SCHILLEBEECKX OP, E., *Clerical Celibacy under fire*, London 1968; SCHILLEBEECKX, E., *Autour du célibat du prêtre*, Cerf, Paris 1967 ; SERIAUX, Alain, *Droit canonique (catholique-romain)*, PUF, Paris 1996 ; STORA, G, *Dictionnaire Hachette*, Paris 2002 ; VOGELS, Heinz - J., *Celibacy - gift or law? a critical investigation*, London 1992.

Écriture, le célibat n'est pas une condition «sine qua non» pour entrer dans le clergé (il n'est pas un commandement, mais un conseil évangélique). On dit que les arguments pastorales-missionnaires du célibat ont l'origine dans la volonté pour la domination de l'Église Catholique Romaine (envoyer des prêtres en certains régions très facile).

Mais, le célibat «pour le Royaume des cieux» ne pourra conserver sa valeur d'idéal authentique dans l'Église de demain, également et expressément pour les ministres, que si la liberté de choix se voit garantie par le fait que cet état de vie n'est plus associé, comme condition indispensable, au choix du sacerdoce³⁰. Ceci implique la suppression de la loi du célibat et, en même temps, une prédication rénovée sur la valeur du célibat comme charisme libre. Ce qui signifie concrètement: ne plus exiger de tous les *futurs* candidats au sacerdoce qu'ils soient célibataires pour pouvoir être admis au ministère. Il faut en outre toujours examiner dans quelle mesure la communauté chrétienne locale accepte l'éventualité d'un prêtre marié. Quelques sondages révèlent qu'aux Pays-Bas la majorité des croyants accepte le prêtre marié³¹ et admet de moins en moins l'exclusion des personnes mariées du sacerdoce.

Nous sommes d'accord de modifier le statut matrimonial des prêtres, de laisser dans l'avenir la *possibilité pour les candidats au sacerdoce de choisir*³² *entre célibat et mariage*. C'est une perspective nouvelle qui demanderait un long délai avant d'être mise progressivement en place³³. Nous savons que dans la plupart des pays, les prêtres qui veulent soulever la question se croient obligés de le faire dans une quasi-clandestinité. Ils craignent les calomnies, le soupçon. L'exigence du célibat abaisse sans aucune doute le nombre des vocations au sacerdoce. Le célibat est un véritable obstacle mis en évidence par la quasi-totalité des sondages

³⁰ KATHOLIEK, Archief, DE HORSTINK, Amersfoort, *Le célibat du prêtre un problème de l'Église*, Cerf, Paris 1969, p. 85.

³¹ Des prêtres renoncent à l'exercice du ministère sacerdotal, la plupart se marient. Ils sont près de 5.000 en France (1974). Cet état de fait nous atteint en ce qu'il y a en nous de plus sensible, de plus sacré - ROUET, A., *Prêtres mariés nos frères*, Cerf, Paris 1974, p. 7.

³² Le prêtre doit choisir entre le mariage et le célibat pour éviter les problèmes avec des implications morales - PROF. Theophile KAMMERER, *Homosexualité dans le mariage et le célibat*, dans *Mariage et célibat*, (travail collectif - les participants du III-e Congrès de l'Association catholique internationale d'études médico-psychologiques, Cerf, Paris 1965, p. 208.

³³ POTEL, Julien, *Demain d'autres prêtres? leur place et leurs rôles*, Paris 1977, p. 86.

Quelques aspects généraux concernant les empêchements...

effectués près des jeunes³⁴. D'autre part la vie familiale est utile à l'équilibre de tous et serait donc utile à celui de l'homme prêtre. L'absence de responsabilités familiales freine la maturité³⁵. Les prêtres sont tellement conscients de cette frustration qu'ils en arrivent parfois à proposer de créer des familles artificielles.

- *Les vœux monastiques*³⁶. La parution du christianisme a mené à la promotion de la vie en Christ, vie menée soit en chasteté, soit en mariage, pour la réalisation de l'idéal chrétien. Dès l'aube du christianisme, il y avait des personnes qui se mettaient volontairement au service de Dieu, par la déposition d'un vœu solennel. Entre eux, certains ont été mariés et sont restés veufs, d'autres qui, en étant mariés, ont renoncé par consentement mutuel à toute liaison conjugale postérieure, tous renonçant au monde sont entrés dans le monachisme³⁷.

À côté des moines, ont existé aussi des vierges³⁸ qui déposaient le vœu de la virginité pour leur vie toute entière, celle-ci étant l'institution des diaconesses³⁹, leur vœu étant déposé devant l'évêque local. L'institution des diaconesses s'est organisée le IV-ème siècle, elles étant considérées les fiancées de Christ et appelées de saintes vierges (*ἑραὶ παρθέναι*). Les diaconesses ne pouvaient pas se marier après avoir déposé le vœu de la chasteté, leur mariage était considéré de la bigamie et puni par l'exclusion de la communauté chrétienne. Pourtant, la gravité de leur acte était laissée à l'appréciation de l'évêque, comme unique juge compétent, qui pouvait les exclure de la communauté religieuse ou pouvait leur appliquer un punissement plus sévère⁴⁰. Après un tel mariage ils étaient punis aussi les hommes qui se mariaient avec elles, le mariage étant nommé *contubernium*, et les enfants résultés du mariage étaient considérés en dehors de la loi⁴¹.

De même, les moines, en déposant les vœux monastiques: *obéissance, célibat, pauvreté* n'ont pas le droit de se marier, en cas contraire ils étant

³⁴ DUQUESNE, Jacques, *Demain, une Eglise sans prêtres?*, Paris 1968, p. 222.

³⁵ *Ibidem*.

³⁶ Pour beaucoup plus de détails, voir Prof. Univ. Dr. Vlassios PHIDAS, *Droit canon. Une perspective orthodoxe*, Chambésy – Genève 1998, pp. 165-185.

³⁷ P. Traian COSTEA, *Căsătorie...*, p. 102.

³⁸ Voir N. MILAȘ, *Dreptul...*, p. 490.

³⁹ Pour être consacrée, la diaconesse devait avoir une quarante d'années environ.

⁴⁰ Can. 19 Ancyre; 6 et 8 St. Basile le Grand.

⁴¹ Les enfants n'avaient pas le droit à l'héritage, voir ESMEIN, *Le mariage en droit canonique*, t. I, Paris, 1891, p. 272.

soumis aux punissements ecclésiastiques. Celui qui renonce aux liaisons charnelles doit respecter cette promesse, autrement il est « un parjure et un renégat »⁴². La violation des vœux monastiques, solennellement déposés et habillés d'un vêtement sacramentel, est une véritable offense contre Dieu⁴³.

Si le droit romain, et aussi celui byzantin, prévoyaient des punitions⁴⁴ pour ceux qui violaient ce sorte de vœux déposés d'une manière solennelle, le droit civil actuel permet facilement le mariage des moines. L'explication est que dans la législation civile, comme dans celle religieuse, on ne fait pas distinction entre l'état civil du moine (comme état spécial) et l'état civil du célibataire commun. Le moine, comme célibataire, de même que le célibataire commun, ont le droit de se marier civilement sans aucune restriction de la part de l'état et sans aucune punition pour la violation du vœu monastique. Voilà que l'indifférence envers la religion, entrée dans les mœurs et la législation civile dans la seconde moitié du XIX-ème siècle se manifeste aussi de nos jours. Donc, la déposition des vœux monastiques constitue un empêchement à la noce, cet empêchement n'étant pas reconnu par l'état pour le mariage civil. Les moines qui empiètent sur les vœux monastiques obéissent aux punitions religieuses, en ne pouvant pas être mariés et ne pouvant pas marier à leur tour, comme des parrains.

- *Le III-ème mariage.* L'Église Orthodoxe permet l'accomplissement du troisième mariage pour ceux restés veufs, bien sûr en les soumettant à la punition ecclésiastique. L'accomplissement du troisième mariage devient un empêchement pour le quatrième⁴⁵. Cette décision canonique a été prise par le Synode de Constantinople de 920⁴⁶, qui a décidé que « personne n'a pas le droit d'accomplir⁴⁷ le quatrième mariage (τέταρτος γάμος) »⁴⁸. Les personnes qui auraient accompli le quatrième mariage devaient être

⁴² P. Traian COSTEA, *Căsătorie...*, p. 103.

⁴³ Can. 22 VII œcum. (787).

⁴⁴ Conformément au droit romain celui qui violait le vœu monastique déposé était puni avec la mort et sa fortune était prise par le monastère, et le droit byzantin prévoyait le punissement corporel et l'annulation du mariage.

⁴⁵ P. Prof. Dr. Alexandru I. STAN, *Administrarea...*, p. 30.

⁴⁶ E. MELIA, „Le lien matrimonial à la lumière de la théologie sacramentaire et de la théologie morale de l'Église Orthodoxe”, in *RDC*, tome XXI, (1971), no. 1-4, p. 183.

⁴⁷ De nos jours, il faut faire la différence entre le contract et l'acte juridique concernant le mariage.

⁴⁸ Cf. N. MILAȘ, *Dreptul...*, p. 491.

Quelques aspects généraux concernant les empêchements...

soumises à la punition avec l'exclusion de l'église, et le mariage considéré comme s'il n'aurait pas existé⁴⁹. Cette décision synodale a été consolidée par l'Église et par l'état l'année 997 et elle est entrée dans toutes les collections de canons de l'Église Orthodoxe, le veuvage après le troisième mariage en constituant un empêchement au mariage⁵⁰.

Quoique d'après les canons de l'Église Orthodoxe le quatrième mariage soit interdit⁵¹, la législation civile de Roumanie, comme celle d'autres pays, n'impose pas un nombre de mariages permis, donc le quatrième mariage est permis. Ceux qui ne respectent pas la règle ecclésiastique et se marient civilement la quatrième fois ne seront pas couronnés dans l'Église et obéissent en même temps à la pénitence ecclésiastique. Ainsi, Saint Grégoire de Nazianze enseigne : « Un premier mariage se fait pleinement en conformité avec la loi (de l'Église), un second est toléré par indulgence, un troisième est néfaste. Un mariage ultérieur tient des mœurs des pourceaux »⁵²

b) *Les empêchements impédients, par lesquels le mariage accompli n'est pas annulé, mais apparaît comme interdit, sont*⁵³: Le manque de l'âge nécessaire pour l'accomplissement du mariage; Le temps interdit pour l'accomplissement du mariage, établi par l'Église; La contrainte et la peur; La perfidie; Les fiançailles; L'embûche contre l'autre personne; La condamnation pour meurtre; L'année de deuil (nécessaire pour établir la paternité de l'enfant né après); Le service militaire; Le manque des annonces (des bans); Le manque des actes nécessaires.

- *Le manque de l'âge nécessaire pour l'accomplissement du mariage.* Pour assurer le consentement libre au mariage (la maturation de la personne) et pour atteindre le but physique et moral du mariage, on a imposé dans la législation civile l'âge minimal pour l'accomplissement de cet acte juridique, le mariage. L'Église Orthodoxe respecte la législation civile de

⁴⁹ Voir *Τόμος της ενωσεως*, inclus aussi in Krmcija, chap. 52 apud *ibidem*.

⁵⁰ Le quatrième mariage est interdit dans plusieurs Églises Orthodoxes locales, par des canons, mais non pas par la loi civile. Voir ici les décisions des synodes de Constantinople sous les patriarches Joasaph II (1560), Dionise (1663), Jacob (1683), et aussi la décision synodale de l'Église de Serbie, de sept. 1865 no. 45.

⁵¹ Le deuxième et le troisième mariage sont permis pour la faiblesse humaine et pour la protection contre l'immoralité, par l'obéissance à des punissements ecclésiastiques et cela seulement par l'économie ecclésiastique.

⁵² Paul EVDOKIMOV, *Sacrement...*, p. 257.

⁵³ N. MILAŞ, *Dreptul...*, pp. 492-495.

l'état en vertu des bonnes relations existantes entre ces deux institutions, de 18 ans pour l'homme⁵⁴ et 16 ans pour la femme, avec dispense légale jusqu'à 15 ans, avec la réalisation des conditions respectives. À la différence de la législation ecclésiastique⁵⁵, dans le droit civil il n'est pas prévu un âge maximal jusqu'auquel peut être accompli un mariage et on n'y impose pas une différence maximale d'âge entre les deux époux.

- *Le temps interdit pour l'accomplissement du mariage.* Le Sacrement du Couronnement et les fiançailles sont défendus par l'Église d'être officiés pendant les jeûnes de l'année: le Carême des Paques⁵⁶ – le canon 52 du synode local de Laodicée (343-380) interdit l'accomplissement de mariages et d'anniversaires pendant le Grand Carême⁵⁷, le Carême de la Nativité Selon la Chair de Notre Seigneur, le Carême des Saints Glorieux Apôtres Pierre et Paul et le Carême de la Dormition de la Très Sainte Mère de Dieu et toujours Vierge Marie⁵⁸. D'autres Carêmes sont le mercredi et le vendredi au cours de la semaine, et aussi les fêtes qui sont célébrées avec du carême: La Décollation du Saint Précurseur et Prophète Jean le Baptiste (29 août) η Αποτομητης τιμίας κεφαλης του Προδρόμου et L'Exaltation Universelle de la Sainte Croix (14 septembre)⁵⁹. L'accomplissement des mariages est aussi défendu entre la fête de la Nativité de Christ (Le Noël) et la Sainte Théophanie de notre Seigneur, et aussi entre la Résurrection du Seigneur et le Dimanche du Saint Apôtre Thomas⁶⁰.

En ce qui concerne le carême, l'Église Orthodoxe enseigne par le second commandement ecclésiastique: "Gardons tous les jeûnes à travers l'année", et le neuvième commandement ecclésiastique se réfère justement aux mariages et aux autres festins dans la période de jeûne: "Qu'on ne réalise pas des mariages et des festins ou d'autres distractions pendant

⁵⁴ Paul EVDOKIMOV, *Sacrement...*, p. 256.

⁵⁵ *Ibidem*, pp. 478-479.

⁵⁶ Arhid. Prof. Dr. Ioan N. FLOCA, *Canoanele...*, p. 215.

⁵⁷ «Qu'il ne faut pas célébrer des anniversaires ou des mariages en Carême – le Grand Carême -, n. n.) », cf. Prof. Dr. Vlassios I. PHIDAS, *Droit...*, p. 210.

⁵⁸ Le Saint Synode de l'Église Orthodoxe Roumaine, dans les séances de 17-20 avril 1934, a décidé de ne plus accorder facilement des dispenses pour l'accomplissement de couronnements pendant le jeûne, surtout pendant le Grand Carême, cf. can. 52 Laodicée.

⁵⁹ P. Traian COSTEA, *Căsătorie...*, p. 104.

⁶⁰ Dans certaines situations sérieuses, l'évêque local peut accorder la dispense concernant l'accomplissement du mariage et du couronnement pendant le jeûne. Voir ici N. MILAȘ, *Dreptul...*, p. 492.

Quelques aspects généraux concernant les empêchements...

les jeûnes”⁶¹. La période du jeûne est décidée par l’Église comme moyen d’enfreinement des mauvais désirs, pour la défaite des tentations et des pêchés, par de la prière insistante. Seulement avec du jeûne et de la prière, avec de la croyance active par l’amour (Gal. V, 6)⁶², croyance qui a comme fruits les bonnes œuvres, l’homme peut vivre en vertu, atteindre son but existentiel, par l’actualisation de l’image de Dieu dedans lui-même et par l’aspiration ontologique vers la ressemblance avec son Créateur, son Sauveur, son Sanctificateur et son Juge et l’union avec Celui-ci. Par conséquent, l’Église interdit officialiser de noces pendant le jeûne, parce que ce sorte d’événements sont des occasions de joie, incompatibles avec la période de carême, en interdisant en même temps la participation aux joies et plaisirs à travers le carême, celui-ci étant une période d’enfreinement charnel et spirituel⁶³. Si dans le passé le Couronnement était accompli pendant la Sainte Liturgie, étant bien liée à la Sainte Eucharistie, de nos jours, pendant l’année religieuse et seulement dans la période établie par l’Église, ce Sacrement est accompli d’après la Sainte Liturgie, en suivant le rituel recommandé par l’Église.

- *La contrainte et la peur.* Le consentement librement exprimé est un élément essentiel du mariage. La contrainte et la peur sont des empêchements au mariage et au couronnement, parce que par eux, il est vicié le consentement des futurs époux.

- *La perfidie.* En étant un vice de consentement, la perfidie est un empêchement au mariage et au couronnement, reconnu par la législation civile et aussi par l’Église.

- *Les fiançailles.* D’après le droit canonique de l’Église Orthodoxe, les fiançailles religieuses deviennent un empêchement au mariage⁶⁴ seulement si elles sont officiées séparées du couronnement et l’un des fiancés⁶⁵ veut

⁶¹ ****Învățătura de credință creștină ortodoxă (L’Enseignement de foi chrétienne orthodoxe)*, en roumain, EIBMBOR, București, 1992, pp. 337-338.

⁶² «Car, en Jésus-Christ, ni la circoncision ni l’incirconcision n’ont de valeur, mais seulement la fois qui est agissante par l’amour » (Gal. V, 6).

⁶³ *Ibidem*, p. 338.

⁶⁴ P. B. IORGULESCU, „Le Mystère du Mariage dans la tradition orthodoxe”, in *RDC* 1992, pp. 347-348.

⁶⁵ En étant fiancé et en désirant le mariage avec une autre personne, il faut obtenir l’annulation des fiançailles et la dispense nécessaire, parce que dans une telle situation les fiançailles religieuses sont considérées comme la première noce, surtout pour les candidates à la sacerdoce.

Quelques aspects généraux concernant les empêchements...

se marier avec une autre personne⁶⁶. De nos jours, dans la pratique, les fiançailles religieuses s'offient avec le Couronnement, en précédant ce dernier et ainsi il n'existe plus le risque de la parution de cette sorte d'empêchement (les fiançailles) par la séparation du couronnement. À la différence des fiançailles religieuses, qui créent des effets concernant l'administration du couronnement, les fiançailles civiles ne créent aucune responsabilité pour les futurs époux, ceux-ci pouvant renoncer facilement aux promesses faites. Par conséquent, la législation d'état ne reconnaît pas un tel empêchement, existant dans le droit canonique orthodoxe. Dans un tel contexte on recommande l'accomplissement ensemble des fiançailles religieuses avec le Sacrement du Mariage, pour éviter la collision entre les deux législations⁶⁷.

- *L'embûche contre une personne*. Conformément au droit ecclésiastique oriental, si après les fiançailles il est prouvé que l'une des parties prépare des embûches qui mettent en danger la vie de l'autre personne, la partie coupable est arrêtée d'accomplir le mariage, en devant obéir aussi aux punissements correspondants⁶⁸. De nos jours, dans les conditions de l'accomplissement des fiançailles civiles et religieuses, cet empêchement a perdu son importance pratique.

- *La condamnation pour meurtre*. Nous soulignons en avant le fait que, pour accomplir un mariage religieux, il faut aussi accomplir certaines conditions morales. Pour le manque de certaines de ces conditions on peut obtenir la dispense⁶⁹, en échange, pour d'autres, non. Ainsi, si une personne a été condamnée pour meurtre, en entendant par cela le meurtre de l'un des époux ou seulement l'attentat à la vie de l'un des époux, en étant un empêchement grave, ne peut pas obtenir de la dispense pour l'accomplissement du mariage religieux⁷⁰. Dans la législation d'état aussi il est prévu qu'une personne ne peut pas se marier lorsqu'elle se trouve sous l'interdiction civile. En tenant compte de la gravité de ces faits, ce sorte de personnes étant atteintes par l'indignité morale et non présentant de la garantie pour l'accomplissement d'un tel acte (le mariage), ne

⁶⁶ N. MILAȘ, *Dreptul...*, p. 493.

⁶⁷ P. Dr. Gheorghe SOARE, „Impedimentele...”, p. 580.

⁶⁸ N. MILAȘ, *Dreptul...*, p. 493 (Nomocanon XIV, 3). Au début du XX-ème siècle cet empêchement était mentionné dans le code civil autrichien (§ 119) et dans celui serbe (§ 69 e et § 81).

⁶⁹ Dans le cas de la condamnation pour des faits pas trop graves.

⁷⁰ Arhid. Prof. Dr. Ioan N. FLOCA, *Drept ...*, vol. IIe, p. 77.

devraient pas se marier. Par conséquent, le droit canonique considère la condamnation pour meurtre comme empêchement au mariage⁷¹.

- *L'année de deuil* (το πένθος, το πένθειν). Dans la législation grecque romaine, on mettait beaucoup d'accent sur l'année de deuil, que la femme doit respecter, en ne pouvant pas accomplir un mariage dans cette période⁷². La nécessité de l'année de deuil est fondée non seulement sur des considérants d'ordre religieux moral (le respect doué à l'époux décédé), mais aussi sur des raisons juridiques, en entendant par ces dernières l'établissement de l'origine (de la paternité)⁷³ de l'enfant né après le décès de l'époux⁷⁴. Dans le droit civil roumain, il était prévue cette période à 10 mois (300 jours, cf. art. 210, C. civ.), et dans le Code civil autrichien ce terme de veuvage est restreint à 6 mois⁷⁵. Mais de nos jours dans la législation civile roumaine on a supprimé cette période de 300 jours de veuvage, sur la considération qu'il est limité l'expression du consentement libre au mariage⁷⁶.

- *Le service militaire*. Conformément à l'enseignement de l'Église, la personne qui veut accomplir un mariage doit être libre de toute obligation qui pourrait troubler la vie conjugale⁷⁷. Dans la législation autrichienne du commencement du XIX-ème siècle cet empêchement était réglementé, en précisant quand et dans quelles conditions un soldat pouvait accomplir un mariage⁷⁸.

De nos jours, nous considérons qu'un tel empêchement apparaît comme non justifié, il n'étant plus applicable tant plus qu'il se fonde sur un canon ecclésiastique, et dans la législation civile actuelle apparaît comme dépassé. En Roumanie, en ce qui concerne les cadres militaires, la Loi

⁷¹ N. MILAȘ, *Dreptul...*, p. 494. Les criminels sont arrêtés par les canons de partager une période où ils sont en pénitence et ainsi, surtout dans cette période ils ne peuvent pas accomplir un mariage béni par l'Église (can. 22 Ancyre; can. 56 et 65 Saint Basile le Grand).

⁷² *Ibidem*.

⁷³ Cf. P. Prof. Dr. Alexandru I. STAN, *Administrarea...*, p. 30.

⁷⁴ *Nomocanon*, XIII, 2; P. Dr. Gheorghe SOARE, „Impedimentele...”, p. 581; P. Traian COSTEA, *Căsătorie...*, p. 106. Un enfant né à 11 ou 12 mois après le décès de l'époux de la veuve attire le soupçon de débauche.

⁷⁵ N. MILAȘ, *Dreptul...*, p. 494.

⁷⁶ Voir Ion P. FILIPESCU, Andrei I. FILIPESCU, *Tratat...*, p. 18.

⁷⁷ N. MILAȘ, *Dreptul...*, p. 494.

⁷⁸ Cf. à la Décision de 10 juin 1812, et aussi d'autres décisions de 19 janvier 1830, 5 dec. 1868, apud *ibidem*.

Quelques aspects généraux concernant les empêchements...

no. 80/1995 prévoit seulement le fait que ceux-ci, dans le cas où elles se marient avec une personne apatride ou qui n'a pas exclusivement la citoyenneté roumaine, doivent obtenir l'approbation préalable du ministre de la défense nationale⁷⁹.

- *Le manque des annonces (des bans)*. On a pu voir aux conditions de forme du mariage et du couronnement, l'importance de la publicité pour éviter les empêchements au mariage, toute personne pouvant s'opposer avec fondement à l'accomplissement du mariage dans le cas de l'existence d'un empêchement. L'officier d'état civil pour le mariage civil, et le prêtre pour le couronnement, doivent analyser tous les empêchements divulgués pour établir leur vérité. De nos jours, si dans la législation civile la publicité est une condition légale de forme pour le mariage, dans l'Église Orthodoxe Roumaine les annonces sont pratiquées seulement dans certaines régions, la restriction de leur pratique ayant son explication non seulement dans la simple perte de certaines pratiques ecclésiastiques dans la société actuelle sécularisée mais aussi dans l'existence du mariage civil, séparé du couronnement, qui s'officialie obligatoirement avant celui-ci, ainsi étant-ils évités les plus importants empêchements par la recherche légale de l'officier d'état civil.

- *Le manque des actes nécessaires*. Ceux qui désirent d'accomplir un mariage doivent présenter les documents nécessaires, comme l'on a montré dans les conditions de forme du mariage, et pour l'administration du Sacrement du Mariage il faut présenter l'acte qui prouve le mariage civil et les autres actes, s'il y a le cas (la dispense de l'évêque local pour des empêchements; l'accord du prêtre compétent, etc.), autrement le prêtre obéira aux punissements mérités.

3. L'économie et l'acribie du Sacrement de Mariage dans la vie ecclésiastique actuelle

Les termes "économie" et "acribie" sont habituellement employés dans la terminologie théologique pour désigner deux attitudes de l'Église, quand elle fait usage des moyens de salut qu'elle possède. Par "l'économie", il faut comprendre l'attitude pleine d'amour de l'Église envers ceux de

⁷⁹ Ion P. FILIPESCU, Andrei I. FILIPESCU, *Tratat...*, p. 27.

ses membres qui transgressent ses prescriptions canoniques⁸⁰. Le terme “acribie”, désigne la préservation fidèle par l’Église des prescriptions canoniques vis-à-vis de chaque fidèle⁸¹.

L’économie ecclésiastique a toujours existé dans l’Église Orthodoxe. Le terme “économie” vient du grec *oikonomia*. Ce substantif *oikonomia* dérive de *oikonomein*, composé de *oikos* (maison, habitation, puis ce qui appartient à la maison) et de *nomein* (distribuer, partager, puis administrer, gouverner)⁸². Ce terme comporte plusieurs sens et aussi on peut voir une grande richesse d’applications, surtout chrétiennes. Au sens propre et profane, par l’*oikonomia* on comprend la direction d’une maison, l’administration de ses affaires; et puis par extension, une administration ou un gouvernement plus général⁸³.

Le mot *oikonomia* va connaître en temps des applications et des sens divers et aussi de grande valeur dans le domaine religieux et chrétien. “Les anciens Grecs aimaient à célébrer l’univers bien ordonné, harmonieux – le cosmos – et à décrire la providence à l’égard des hommes comme une œuvre d’économie divine⁸⁴”.

De façon toute spéciale, l’Écriture Sainte et les Pères grecs ont exalté l’économie divine du salut dans le Christ. Dans l’Épître aux Éphésiens I, 3-10 et III, 9, on observe de manière impressionnante le dessin de salut de Dieu en Christ et sa réalisation aux temps messianiques ou eschatologiques. Aussi bien les Pères appliqueront la notion d’économie à la vie du Christ selon la chair: “l’œuvre de Dieu dans le Christ se caractérise par sa belle ordonnance au milieu des hommes”⁸⁵. Par conséquent, une telle économie inclut un mode d’agir profondément humain: “Jésus déploie une pédagogie adaptée à la faiblesse de l’homme pour l’inviter et le conduire au salut. Selon économie est plein de condescendance et d’accommodation; elle

⁸⁰ Mgr Damaskinos PAPANDREOU, Métropolitte de Tranoupolis, „Saint et Grand Concile de l’Église Orthodoxe”, in Supplément au numéro 80 – quatrième trimestre 1972 de la Revue orthodoxe *Contacts*, p. 10.

⁸¹ *Ibidem*.

⁸² Cf. K. DUCHATELEZ, „Pour une valorisation de l’économie ecclésiale au Grand Concile orthodoxe”, in *NRT* (2002), no. 124, p. 565, voir aussi et suiv. pp. 565-581; Idem, „La notion d’économie et ses richesses théologiques”, in *NRT* (1970), no. 92, pp. 267-292., trad. grecque: „Hè ennoia tès Oikonomias kai ho theologikos ploutos autès” in *Problēmata Theologias* (1971), no. 4, pp. 39-62.

⁸³ *Ibidem*, p. 566.

⁸⁴ *Ibidem*.

⁸⁵ *Ibidem*.

Quelques aspects généraux concernant les empêchements...

n'en supprime pas pour autant son idéal exigeant"⁸⁶. Dès le Saint Basile le Grand⁸⁷ au IV^e s. et Saint Cyrille d'Alexandrie au V^e s. on peut constater que cette économie ecclésiale comporte des applications explicites variables: dogme, sacrements, morale, droit canonique, etc. C'est très importante l'existence de l'économie dans les communautés chrétiennes. L'économie témoigne d'autre part d'une histoire mouvementée et il est difficile d'en montrer la cohérence⁸⁸.

L'acribie canonique. La vie toute entière de l'homme par rapport à Dieu est réglée ecclésiastiquement par l'enseignement de la Sainte Ecriture et les canons de l'Église. Ainsi, dans la rencontre entre l'homme et Dieu, ce rapport est un rapport de canonicité, d'acribie. "Cela exige, d'une part, la réception correcte et complète de la vérité révélée et de la grâce et, d'autre part, la libre conformité, correcte et complète, aux canons établis par l'Église"⁸⁹. Comme nous l'avons pu voir dans notre exposition, certains empêchements en matière matrimoniale peuvent être dispensés, et d'autres non (en appliquant l'acribie), en fonction de leur gravité et des conséquences qu'ils peuvent avoir sous l'aspect physique et moral sur l'avenir des futurs époux et aussi dans la société.

Le grand canoniste de l'Église Orthodoxe de la fin du XIX-ème siècle et le commencement du XX-ème siècle, *Dr. Nicodème Milasch* affirmait que l'Église ne peut pas accorder la dispense pour certains empêchements, cette chose pouvant être réalisée par un futur Synode œcuménique qui devrait résoudre beaucoup des problèmes du régime matrimonial et légiférer uniformément, en les encadrant dans les prévisions canoniques⁹⁰. Seulement dans des situations extraordinaires, lorsque l'ordre ecclésiastique est mise en danger, les canons de l'Église permettent aussi au synode de l'Église locale d'interpréter la loi avec de l'indulgence⁹¹ pour certaines personnes.

⁸⁶ *Ibidem*.

⁸⁷ Voir ici A. de HALLEUX, „L'économie dans le premier canon de Basile”, in *ETL* (1986), no. 62, pp. 381-392.

⁸⁸ K. DUCHATELEZ, „Le principe de l'économie baptismale dans l'Antiquité chrétienne”, in *Istina* (1973), no. 18, pp. 327-358.

⁸⁹ Mgr Damaskinos PAPANDREOU, Métropolitte de Tranoupolis, *Saint et Grand Concile de l'Église Orthodoxe*, p. 10.

⁹⁰ N. MILA□, *Dreptul...*, p. 512.

⁹¹ Le canon 1, Saint Basile le Grand.

Iulian Mihai L. Constantinescu

En ce qui concerne les empêchements établis par l'autorité ecclésiastique en dehors du Synode œcuménique, ceux-ci peuvent être abrogés ou peuvent être dispensés par l'évêque local⁹² et ainsi on peut permettre le mariage. Ainsi, le prêtre peut accomplir le couronnement, mais seulement après avoir reçu la dispense par ceux qui désirent d'être couronnés, le prêtre n'ayant pas le droit d'administrer ce Sacrement avant l'approbation de l'évêque compétent, pour ce sorte de cas il étant soumis aux peines de l'Église⁹³.

A côté des empêchements ecclésiastiques, l'autorité d'état a établi peu à peu, par des lois civile, des différents empêchements pour le mariage civil, certains d'eux étant dispensables, les autres, par le manque des conditions essentielles au mariage, ne peuvent pas recevoir la dispense⁹⁴.

Le même canoniste rappelé ci-dessus disait: "La *dispense* ou l'ignorance d'un empêchement, pour les personnes auxquelles on accorde une telle dispense, forment un acte de grâce de la partie de l'Église, pour lequel la personne respective doit montrer une reconnaissance particulière à l'Église. Cette reconnaissance doit être prouvée pratiquement par une bonne œuvre, aimée par Dieu. En général cela se fait par des dons pour l'Église ou pour une société de charité, d'après la décision de l'autorité ecclésiastique qui a donné la dispense. Cette décision s'appelle actuellement *pénitence matrimoniale*"⁹⁵.

L'Église Orthodoxe a toujours appliqué l'économie ecclésiastique pour le support et la consolidation de la famille, pour éviter les problèmes dans le domaine matrimonial⁹⁶, en se guidant toujours d'après le principe biblique que Dieu ne veut pas la mort du pécheur. La dispense est accordée par l'autorité compétente respective, mais seulement pour des raisons sérieuses. Les arguments apportés pour recevoir la dispense doivent être bien analysés, avec beaucoup d'attention et de responsabilité, l'autorité en droit pouvant, après l'examen, accorder la dispense ou la refuser.

La dispense peut être sollicitée aussi après le couronnement, dans le cas où l'on n'a pas connu l'existence de l'empêchement avant l'administration du sacrement, mais l'on a découvert ultérieurement. Dans cette sorte de

⁹² Can. 12 I œcum.; 16 IV œcum.; 102 VI œcum.; 2, 5, 7 Ancyre; 6, 43 Carthage; 1 Basile le Grand; 4, 5, 7 Grégoire de Nysse.

⁹³ P. Traian COSTEA, *Căsătorie...*, p. 157.

⁹⁴ Ion P. FILIPESCU, Andrei I. FILIPESCU, *Tratat...*, pp. 23-27.

⁹⁵ N. MILAȘ, *Dreptul...*, pp. 512-513.

⁹⁶ Arhid. Prof. Dr. Ioan N. FLOCA, „Impedimente...”, p. 35.

Quelques aspects généraux concernant les empêchements...

cas, l'autorité ecclésiastique accorde la dispense avec plus d'indulgence, pour éviter les éventuels problèmes, en gardant la considération pour la famille dans les limites légales possibles⁹⁷. Par l'accord de la dispense et par l'élimination de l'empêchement au mariage, l'Église désire "de soulager et d'éviter les obstacles et de niveler la voie"⁹⁸, pour pouvoir être accomplis le mariage qui se trouve à la base de la famille chrétienne

A travers le temps, dans les relations avec l'Église, l'état a désiré de s'appropriier les droits spirituels de celle-ci, pour pouvoir dominer le domaine canonique juridique tout entier en matière matrimoniale. Il est connu le cas de l'empereur Léon le Philosophe, qui, pour se marier avec sa nièce après son frère, a imposé le IV^e mariage. Ainsi, l'Église à-t-elle admis avec pénitence le III^e mariage, mais elle n'a pas permis l'accomplissement du IV^e mariage, désiré par le pouvoir civil, en étant nées ainsi dans l'histoire de nombreuses collisions entre les deux institutions. Il existe aussi de nos jours de nombreuses différences entre la législation civile et celle ecclésiastique en matière matrimoniale, comme nous l'avons souligné, le IV^e mariage étant défendu par l'Église, en échange le pouvoir civil ne précise pas un numéro maximal de mariages qu'une personne peut accomplir.

Dans le cas de cette sorte de collisions existantes entre l'Église et l'état en matière de droit matrimonial, l'Église doit respecter ses propres lois, les canons, autrement on peut arriver à un fondement étranger à l'enseignement de Christ. La doctrine et la discipline ecclésiastique doivent être respectées et il ne faut pas accepter seulement certaines dispositions juridiques de l'état seulement pour le plaisir du monde et qui ne soient pas pour le plaisir de Dieu.

En effet, l'Église Orthodoxe se développe au cadre d'un état national et par conséquent elle doit respecter la législation civile en vigueur seulement dans la mesure où elle ne contrevienne pas à son propre enseignement de foi. Il existant de nos jours un mariage civil et l'un religieux, l'état dispose en matière civile, en accordant ou non des dispenses en fonction de la condition respective non accomplie, et l'autorité ecclésiastique accorde la dispense de certains empêchements par l'économie, pour pouvoir être administré le Sacrement de Mariage.

⁹⁷ N. MILAȘ, *Dreptul...*, pp. 512-513.

⁹⁸ P. Traian COSTEA, *Căsătorie...*, pp. 157-158.

Pour éviter les collisions qui peuvent apparaître entre les saints canons de l'Église et les dispositions de la législation civile, il faut tenir compte des suivantes: Les empêchements mentionnés par les Canons Apostoliques et des Synodes œcuméniques sont obligatoires, sans qu'ils soient dispensés; Les empêchements établis ultérieurement par les décisions des synodes patriarcaux de Constantinople, après l'époque des synodes œcum., mais qui ne peuvent pas être éliminés par les Églises locales, peuvent être dispensés par les synodes locaux ou par l'évêque compétent⁹⁹.

Dans le contexte du monde contemporain, le respect des canons d'après l'acribie paraît de plus en plus difficile à accomplir, l'Église ayant le droit d'appliquer l'économie ecclésiastique, parce qu'elle administre ses propres moyens laissés à la disposition de l'Église par notre Seigneur Jésus Christ, pour atteindre le but essentiel: le salut du monde.

Le rapport acribie économie diffère non seulement dans la relation de l'Église avec l'état, mais aussi dans le rapport entre les Églises Orthodoxes locales, l'application de l'économie étant à la disposition de chaque évêque et de chaque synode local. Les différences dans l'application des canons et de l'économie sont inévitables, surtout dans le contexte du monde où nous vivons.

On a fait de nombreux efforts au niveau inter orthodoxe pour éclairer le problème de l'économie ecclésiastique et des empêchements au mariage, au but de l'existence d'une harmonie au sein de l'Orthodoxie œcuménique. En ce qui concerne les empêchements au mariage et les degrés dispensables, on a arrivé à un accord de principe à la IIe Conférence Panorthodoxe Préconciliaire de Chambésy/Genève (3-12 sept. 1982)¹⁰⁰, décisions mentionnés ci-dessus et qui doivent être approuvées par le Saint et Grand Synode de l'Église Orthodoxe.

Par conséquent, nous devons respecter les fondements divins de l'Église de Jésus Christ en gardant la foi orthodoxe et de la Sainte Tradition. Il faut exister un harmonieux rapport de collaboration entre l'état et l'Église. En ce qui concerne l'administration des dispenses, l'Église peut accorder la bénédiction du couronnement, mais seulement d'une manière restreinte, "pour ne pas créer une raison de démoralisation et de scandale par la violation répétée des canons"¹⁰¹.

⁹⁹ P. Dr. Gheorghe SOARE, „Impedimentele...”, p. 589.

¹⁰⁰ *Synodica VIII*, Les éditions du Centre Orthodoxe, Chambésy – Genève 1994, pp. 180-181.

¹⁰¹ P. Traian COSTEA, *Căsătorie...*, p. 159.

Christoph Tapernoux¹

The Special Commission on Orthodox Participation in the World Council of Churches (WCC) - Background of a Process as Reflected in some Contributions by Father I. Bria: (9 March 2009 - Quotations of Fr Bria's in italics – other emphases put by Ch.T.)

Abstract

This comment follows mainly an earlier article written by Father Bria in 1996(b). He starts with the recent „*serious tensions*“ „*between the Orthodox churches and the*“ other – post-Reformation - churches **within the WCC**. He speaks of a „*malaise*“ or „*gap*“ in his last article or ‚testament‘ published after his death in 2004 (p.199 resp. 201). Here he exemplifies „*the incompatibility*“ by „*opposite ecclesiologies, divergent ethos and ethics, unacceptable understanding of the gospel itself, ecumenical worship‘ indefinite.*“ (2004, p.201)

Keyword

orthodoxy, dialog, World Churches Council, ecclesiology, Rev. Ion Bria

Bishop Hilarion Alfeyev of Vienna (2006, p.263s) writes of „the abyss that divides the, **churches of tradition**‘ from the **churches** that opt for a **liberal agenda**“ – expressing, as at ecumenical „conversations“, especially with Protestants from the South, it „becomes clear“ „that by no means all Protestants are liberals“. Fr Bria traces this development back „to a more

¹ Rev., Sent Galen, Switzerland

The Special Commission on Orthodox Participation...

general theological ambivalence about ecumenism“ from „the formation of the WCC in 1948 ... as having an ambiguous agenda“ and even the beginning of the ecumenical movement in the early 20th century. He does not exempt the famous „1920 encyclical of the Ecumenical Patriarchate calling for a **koinonia of churches in spite of the doctrinal differences between them**“ from „some ambiguities“; for instance koinonia can mean fellowship or community in a more general sense, as well as communion in a specifically ecclesiological meaning. „Consequently, the Orthodox attitude towards the WCC ... has never followed a continuous, consistent line ...“. Whenever the Orthodox felt that the others had come to conclusions they couldn't share, they „produced separate statements, furiously denouncing ,deviations' in WCC policy.“ (I.Bria,1996b,p.203)

Already in 1963 Fr Alexander Schmemmann (quoted in: Metr. Gennadios of Sassima, ed., *Grace in Abundance*, 2005, p. 107-111) had written in „Moment of Truth for Orthodoxy“: that „(t)he **official position of the Orthodox churches is ,dangerously cut off... from Orthodox reality itself, that is the totality of spiritual, theological and liturgical experience which alone can give life and authenticity to the acts of ecclesiastical policy'.**“ – „**Orthodox ... representation has not become participation**“ (as Fr Leonid Kishkovsky, former orthodox president of the – predominantly protestant - National Council of the Churches in Christ in the USA, recapitulates, p.108). - Of course some major tensions had already existed in pre-modern periods – as not only the example of the unsuccessful theological correspondence between the Ecumenical Patriarch Jeremias II. (1573-1581) and the Württemberg church leaders shows, but also the most probably equally abortive contact by the Utraquist (Hussite) church administrators of Prague to Constantinople (motivated by the necessity to obtain consecrated bishops, what Rome refused in spite of the agreement reached at the Council of Basel, 1433) with the (later) Patriarch Gennadios in 1452/53; as the personal messenger was re-baptized (and recognized as priest!), Gregorios Scholarios expected from the Utraquist church, that it converted to Orthodoxy, what the church of Prague would have denied, because one of their leaders, Martin Lupach, wrote in the same year to the greatest philosopher and theologian of the time, Cardinal Nicholas Cusanus: „Neither the Cardinal nor the whole world could separate us from the Catholic and Apostolic Church (sc. of the Creed), but only Christ, who holds the key of David.“ (Apc 3:7, in contrast

with the one entrusted to Peter in Mt 16:19 – quoted by Amedeo Molnar, *L'évolution de la théologie hussite*, in: *Revue d'Histoire et de Philosophie Religieuses* 43/1963, p.158).

„New tensions have now been provoked by the end of the cold war era ... the rapid changes in the political and cultural environment of the Orthodox churches in formerly communist countries have deeply affected their ecumenical attitude. All of them face internal crises and readjustments for which they are not prepared.“ (I.Bria,1996b, p.203) What happens in Central-Eastern Europe and in Russia, shows the signs of an *„unprecedented crisis: churches without either institutional stability or real, confident membership, theological faculties unconvinced of the need for a new civil society, people with nebulous socio-political aspirations.“* - *„At the end of“* communist *„despotism, the image of society is contradictory. It appears to be a society in which all values are relative, including Christian. The clash between Byzantine Orthodoxy and Marxist ideology has resulted in a bizarre, mixed form of culture, without identity and integrity“* with an dreadful amount of social desolidarizing, *„while a residual Orthodoxy converges towards ultra-dogmatism and a non-historical spirituality. ‚The churches in the service of nothing but God and his truth‘, proclaim stubborn confessors suspicious of any social diakonia. Others see the ecumenical movement as the heresy of our century, into which the Orthodox have been forced“* by Khrushchev veiling a new persecution in 1961 (as Stalin in 1948 wanted to keep the iron curtain locked). Maybe, that the WCC did not always exercise a consistent double strategy to its full possibilities - namely dialogue with the church leaders and advocacy for the victims of the regime! - In the nineties, after the collapse of the regime, *„the ecumenical situation is worsening: tensions with the Roman Catholic Church because of“* having restored *„uniatism; conflict with churches of the Reformation on confessional, ethnic and political grounds; animosity towards evangelical“* groups and movements (at present most of them outside the WCC!) *„because of proselytism.“* (I.Bria,1996b, p.204)

„The churches must re-examine again and again whether they have the confidence of their faithful and conciliar ground for their mission. Hence the need to give them more ecclesial space for participation.“ *„The elimination of the topic of laity from the agenda of the pan-Orthodox synod was hardly an ‚ecclesiological‘ decision“* (I.Bria,2000,p.257), whereas in

The Special Commission on Orthodox Participation...

many a protestant setting ‚participatory congregation - with people, not only caring for them’ has been one of the main topics for decades. - „For“ the Orthodox *„the main problem of the oikoumene - God’s world – is the absence of an authentic paradigm in which neither the unity of the churches nor the **universality of the gospel will be compromised.**“* - „The main charge was that the WCC has given up the idea of visible unity as central to the ecumenical movement.“ (1996b, p.204)

Patriarch Bartholomaios I. rightly said in Geneva (1995) *„that the WCC lacks pastoral sensitivity towards the Orthodox“*. This shows that the WCC *„must treat the Orthodox as a real partner.“* As far back as in 1983 *„an Orthodox theological symposium“* had warned *„the Orthodox participants ,not to be pressured into any **minimalistic conceptions of Christian unity**“*. *„Since“* 1948 *„(t)he Orthodox insisted on ecumenism in time (sc. diachronic), the continuity between the apostolic tradition and the catholicity of the church, ...“*, whereas *„the Protestant type of ecumenism ... preferred to speak about the sense of a wider church - ... – in space (sc. synchronic), ... without the concern for wholeness ...“*. (1996b, p.205)

While the Orthodox have always considered it vital that *„the **essential unity of faith**“* must be *„a condition for visible unity“*, the WCC *„(i)n recent years ... has no longer spoken about visible unity as (an) ‚ultimate objective’ or about a possible **consensus model through theological convergences. Baptism, Eucharist and Ministry shows the deficiency of the reception process.**“* But what can you expect from church leaders, when even the expert of the Evangelical Church in Germany for ecumenism Reinhard Frieling frankly admits that the bilateral convergence documents - in German three volumes with much more than 2>000 pages - have become quite unsurveyable?! *„The Orthodox“* suspect that a majority of Protestants *„deny any definite and universal truth and abandon any hermeneutical effort to find global consensus“*, following *„post-modern sociologists and politicians“* (I.Bria,1996b, p.206 - e.c. inter-religious relativism; ‚anything goes’, ‚everything is optional’).

Protestant and Orthodox member Churches seem to have widely differing priorities. Are there any attempts at reconciliation?

A good example of a convergent **bridge-building** at the Third European Ecumenical Assembly in Sibiu is H.B. Archbishop Anastasios (Yannoulatos) of Tirana and All Albania’s address on *„The Light of Christ and Europe“* (6 Sept 2007), at the beginning of which he quoted the English

byzantinist, cultural and historical philosopher Arnold Toynbee (1889-1975); who „noted the difference between technological development on the one hand and genuine progress, which he called ‚**spiritualization**’, on the other. He saw the roots of the crisis in the Western world in its **estrangement from the religious experience** and its adoption of the cult of technology, nationalism and militarism.“ To these powers one ought to oppose „the vigour and vitality of creative minorities and of outstanding personalities.“ - „**Cult of technology, nationalism and militarism**“, as a Western Christian I must add: preceded by **confessionalism**, which at the time of Reformation and Counter-reformation (16th/17th centuries) came close to the self-destruction of France, the German Empire and Great Britain – like nationalism after the French Revolution to World War II. Fr Bria rightly mentions „*the plague of destructive nationalism of chauvinistic groups*“ in connection with the Orthodox belief „*that the local churches have a responsibility towards their respective nations and cultures*“ (1996b, p.206). – That „*Orthodox ecclesiology ... seems to be ... distorted by the ideology of recent nationalism*“ is by no means only „*the critique of the non-Orthodox*“ (I.Bria,2004, p.202). „No nation has his (sc. God’s) exclusive love. Identifying the nation with the Church does damage to the ‚One, Holy, Catholic, and Apostolic Church - , it ignores fundamental elements of the Christian creed.“ (H.B. Anastasios, 2003, p.202s) It is in fact question of a new apostasy from Christian faith, several Russian religious philosophers of orthodox background commented. Vladimir Solovjev wrote (around 1888) in ‚L’idée Russe’/Paris, that Russia needed a second baptism in truth and love; thereby the „madness of nationalism“ as „new idolatry“ and „new paganism“ had to be overcome (quoted by Erich Bryner, in: G2W/Glaube in der 2. Welt / Zürich, 21/1993, nr.3, p.2). But, as any other theologian of whatever church before the First World War - for church leaders to the Second one! - , Solovjev could not speak out or publish this at home! – Another Russian religious philosopher, Nicholas Berdiajev, observed: „The people believe in a ‚Russian Christ’, who is the national god, a peasant god with their own characteristics – it is a pagan tendency in the very bosom of Orthodoxy. This narrow and exclusive nationalism, ..., is completely out of accord with the universalist spirit of Christ.“ (Quoted by: Branimir Anzulovich, Heavenly Serbia: from myth to genocide, New York 1999, p.191 - I doubt, however, that this has been „foreign to Western Christianity“, as N.Berdiajev put it!)

The Special Commission on Orthodox Participation...

In his book "Facing the World" (2003) Archbishop Anastasios pointed out that „'Change for the better,' both personal and social, becomes reality by means of this constant charity, illuminated by the paschal ideal.“ (p.161) In the 4th and 5th centuries – contrasting with today – there was hardly any technological development, instead among the leading Church Fathers humane **metamorphousthai** (Greek); in Latin we would expect, as in today's Romanic and English translations, **transformari** (as in 2 Cor 3:18 - compare the motto of the WCC Assembly in Porto Alegre 2006: "God, in your grace transform the world!"). But the Vulgata uses as well **reformari** (Rom 12:2) - „'Change for the Good' Continuously Increases Humanity's Potential for Ascent" (sc. to God – title: H.B. Anastasios, p.172). „The process of 'turning back' to God and becoming like him begins in this life. ... Such transformation does not take place all at once: it involves constant change, an upward (sc. spiritual) evolution ... It involves the dynamic motion of **constant renewal** in the (sc. Holy) Spirit.“ (p.174s) The Fathers Basil the Great, Gregory Nazianzen and John Chrysostom „played an important role in bringing about profound and revitalizing **social change**, and today their ideas on **radical reform** still remain daring and relevant.“ (p.176) The three ecumenical Fathers gave way to a consequently **diaconal practice** in a qualitative, Spirit-given renewal of the human mind (greek: „**anakainôsis** tou noos“/latin: „novitas/renovatio“ – at the side of „metamorphousthai“ as opposed to „mê sychêmatizesthe tô aiôni toutô“) – Thus: „Do not conform yourselves to the scheme (standard, that is:) to this world, but let you be transformed (divine passive!) by a renewal of your mind, in order that you (can) examine (greek: dokimazein) what is the will of God ...“ (Rom 12:2). The diakonia agapês (service of love or compassion) is an integral part of the „logikè latreia“, which is the title of the Apostle Paul's chapter – we ought to keep in mind, that „logikè“ not only means rationable or reasonable, but hints at a „worship inspired by the Word (Logos) of God“. The Monastic Rules of St Basil emphasize the charitable hospitality of the monks' communion, to which the systematized practice according to the Benedictine Rule followed (washing every guest's feet when they entered a monastery, cf. John 13,1ss) and later again and again **renewal or Reform movements** – for instance Cistercienses about 1100 (Ordo S. Benedicti Cisterciensium) and about 1200 Franciscans – around 1180 Valdenses and later in the 15th century (Hussite) Utraquists and Czech Brethren.

Back to the article of 1996: Fr Bria rightly ascribes to the - European and North American – ‚main stream’ *„of the Protestant tradition“*, that they *„welcomed secularization as evidence of intellectual maturity and even a providential gift of the Enlightenment“* and arranged themselves with the relatively neutral *„and secular state.“* (1996b, p.206) That the state had to disentangle itself from the denominational parties, was in the 17th century the only way for the population to survive (France: 1598 Edict of Nantes, revoked 1685; Revolution 1789! – Germany: 1648 Peace Treaty of Münster and Osnabrück, etc.) In Western Europe there are basically still two models of **state/church relationship** – the French one (with strict separation of State ‚laicity’ and religious communities) and the German/Swiss (etc.) one (with a certain amount of co-operation of the State with some established churches, which are in a democratic framework internally autonomous); in the United States there is a third model (the State keeps up a ‚civil religion’, under informal influence by – so far mainly conservative - Evangelicals; there can be no established church; in Congress the Protestant/Evangelical in 2008 for the first time have lost the majority, but together with the Catholic and the Jew are over-represented with 93 % of the seats). European society is definitely more secularized and ‚post-Christian’! - All three models today are not really anti-religious, but rather non-denominational, neutral. If there are different churches in a secular state there is certainly a lack of unity, but probably a greater awareness of a state’s social shortcomings, and – with the rapid development of international communication – of the world’s social shortcomings.

Fr Bria goes on: *„Of course, moral issues are vital for the Christian fellowship, and ecumenism oriented to justice, peace and the integrity of creation has its ... importance“* – I add: even more so at present than in the 1980-ies – *„but the Orthodox are not ready to compromise the essentials of the faith by mixing them with ethical issues.“* (1996b, p.207) One of the actors of the mentioned period in East-Germany lately wrote: The process of those years *„remains a sign of (sc. still unredeemed) hope for Christian ecumenism, because it (overcame) – (so to speak at its own body) - the problematic separation between dogmatics and ethics, between faith and activity, between ‚Faith and Order’ and ‚Life and Work’.* In an exemplary way it made plain, that the question for the ecclesiality of the church cannot be separated from the church’s acting in the world.“

The Special Commission on Orthodox Participation...

(Joachim Garstecki, What remains?/Was bleibt? In: Orientierung / Zürich, 73/2009, Nr.1, 1s) –Although I fully agree with Fr Bria, that „*the quest for unity in faith, worship and prayer*“ on the basis of „*the Nicene-Constantinopolitan Creed (381)*“ (1996b, p.207) for the WCC must have priority, I think that the ‚vertical‘ and the ‚horizontal‘ dimensions are inseparable. With Fr Bria’s choice of the concept ‚liturgy after the liturgy‘ (cf. his book of 1996a) I am not quite happy, because Christian life – in faith, hope and love – in my view is - and has to be - integrated in the **liturgy** as the integral ‚**common work‘ of the church**. – Following Acts 2:42-47; 4:32-37 and St Paul Justinus Martyr (+ 167) writes about the **Eucharist** on Sunday and concludes with its ‚distribution and receiving ... everyone obtains his share of the consecrated (sc. bread & wine mixed with water); to the absent persons it is brought by the deacons. – The well-to-do who are of good intention give to their discretion what each of them wants and whatever comes together is deposited at the head (prohestôs, sc. of the congregation); this one helps orphans and widows and people such as needy because of illness or for another reason, the prisoner and the stranger, who are present in the congregation, shortly, he is a social officer to all who are in town. ...“ (First Apology, ch. 67).

The refusal to „*participate in ecumenical services, common prayers*“ etc. in view of the Harare Assembly of the WCC within the inter-Orthodox declaration of **Thessalo-niki** (1998 – I.Bria,2004,p.199) – a „provocation“ and an alarm (Dagmar Heller and Barbara Rudolph, ed’s, Die Orthodoxen im Oekumenischen Rat der Kirchen / OeRK, Frankfurt am Main 2004, p.201& 203: H.J.Held) - was commented by Anastasios Kallis as an attempted „separation of working table and prayer“ („Trennung von Arbeitstisch und Gebet“, in: Oekumenische Rundschau 47/1998, p.499-504). There „can be no common work without common prayer“ (p.504)!- As Martin Luther said: „Prayer, meditation (sc. of the Word) and temptation make (up) the theologian (Oratio, meditatio, temptatio facit theologum)“. „*The real theologian is the one who prays, who lives in a profound and personal communion with God*“ (I.Bria,1996a, p.40). According to Luther in worship „nothing else happens, than that God is speaking with us through his holy Word and we in our turn speak with Him through prayer and song of praise“ (quoted in: Die Orthodoxen im OeRK, Frankfurt am Main 2004, p.156s: Reinhard Thöle). – The Final Report of the Special Commission says in Annex A nr.6: „Our **common prayer**

rightly entails adoration, confession, supplication, thanksgiving, listening to Scripture, and intercession for others.“ (quoted in: Die Orthodoxen ..., p.130: H.J.Held) The ritual or liturgical „book of the Church of England is characteristically called Common Prayer Book“ (p.212: Heinz Joachim Held), tracing back to the reforming Archbishop of Canterbury Thomas Cranmer (first in 1549). The German translation by ‚devotion‘ (‚Andacht‘) is too weak and doesn’t carry the English connotation; ‚service of the Word‘ (‚Wortgottesdienst‘) would have been a better equivalent.

The **Porto Alegre** General Assembly of the WCC (2006) started with the address at the Opening Prayer by Archbishop Anastasios (2007a), where he – with biblical and patristic foundation – linked the biblical message of salvation with the **commitment to the poor** in present-day world – a world of „economic globalization“ – and with the propagation of „a society of understanding, healing, reconciliation and fraternization“ (p.59). But: „An unjust, unlawful world cannot expect peace.“ (p.60) Although H.B. Anastasios declined a „transformation of the church“ on principle, he didn’t refrain from criticizing the churches: „Instead of the primacy of service“ – „the primacy of authority“, „instead of the power of love, the power of this world; instead of respect for others, we have demanded their submission to our opinions and desires.“ (p.58) Instead of „humility“ – „pride and arrogance“ (p.61). And this although we are more than ever obliged to follow Matth. 25:31-46: „In the face of all the poor – the hungry, estranged, and refugees“ which means „to discern the face of Jesus“ (p.59) – as the Church Fathers Basil the Great and John Chrysostom emphasized many times. Fr Bria confirms that by saying: „*St John Chrysostom spoke about the liturgy which takes place outside the temple, where the altar raised by the poorer people must be reinstated by the Christians. It is the ‚sacrament of the brother‘, the brothers of Christ, the poor:*“ – „*To strengthen the diaconal role of the worshipping community scattered for daily life, this second movement of the liturgy, the eucharist has to become ‚pilgrim bread‘, food for missionaries, nourishment for Christians involved in social and moral struggles.*“ (1996a, p.25 resp. 27s)

H.B. Anastasios wrote in his book: „Our steadfast vision is a worldwide koinonia (sc. communion by sharing) of love. - ... Fanaticism, xenophobia, and the transformation of ecclesiastical belief into some ideological construction are all out of keeping with the free spirit of Orthodoxy.“ (2003, p.203) „... Racism, inequality between classes, nations, or the sexes, and

The Special Commission on Orthodox Participation...

disregard for human right all clearly constitute deviations from humanity's true nature, for they deny the basic (sc. baptismal) principle that ,there is neither Jew nor Greek, there is neither slave nor free, there is neither male nor female ...' (Gal 3:28 ...) ... Ultimately, they impede God's basic plan for a koinonia of love.“ (2003, p.38 – cf. Gen 1:27s: „And God created man (the hebrew collective, adam' means ,humankind') according to the image of God, according to the image of God he created him; male and female he created them. And God blessed them...“).

At the Third **European Ecumenical Assembly in Sibiu**, toward the end of his address Archbishop Anastasios said: „Let your light so shine before men that they may see your good works and give glory to your Father who is in heaven' (Mt 5:16) The Church will always be called upon to express its faith with works of service, for the good of all, without exception. Almost all the humanitarian initiatives and structures that have originated in Europe for the relief of pain, sickness, old age, loneliness and the plight of orphans and strangers, derived from ideas and efforts inspired by the Christian faith. They were then adopted by the State. This tradition and dynamic must be continued with creative ideas and bold initiatives.“ (2007b) – The problem with this development is: „In the 20th century the charitable (sc. diaconal) services in the West of Europe were largely professionalized“ and are at present to more than 90 % financed by the respective state. „Today the Western churches recognize increasingly, that this has led to a deplorable retrogression of the honorary (unpaid) commitment for the poor and the ill.“ (Johannes Oeldemann, *Orthodoxe Kirchen im ökumenischen Dialog. Positionen, Probleme, Perspektiven*, Paderborn 2004, p.190) In eastern Europe the question is quite obvious: If the State is not willing or not able to do this job, who else will do it than Christian groups and the churches – preferably in common!

Fr Bria goes on saying that „*the Orthodox must consider a new methodology to approach ecumenical matters.*“ Maybe that ecumenical dealing with **ethical questions must be most closely linked to the church's practice, to the entire testimony**, in particular to **pastoral care and diakonia**. „*Ecumenism is more than an internal ecclesiological question restricted to the koinonia of the churches. An ecumenism limited to the visible unity of Christians would lose its biblical vision, according to which the oikoumene (,the whole inhabited earth') belongs to God and there will be a new heaven and a new earth.*“ The „search for unity“ is „not

only for the church *ad intra*“, that is for „a Christian fellowship“, „but also for the church *ad extra*“, „for the service of a large human *koinonia*.“ (1996b, p.207) Fr Bria appreciates „the constructive contribution of the WCC“ – „not only interchurch aid in all domains, combating poverty, aiding refugees and victims of civil wars and natural catastrophes, but also its role in advocating human rights and religious liberty, in women’s liberation, in the struggle against racism and dictatorship“ and the „contribution with its studies on ecclesiology and ethics“, but also regrets, that in Santiago de Compostela (Faith & Order, 1995) „the Orthodox did not go beyond the **eucharistic theology of koinonia** to speak about a responsible **diaconal communion**. As one of the participants said, they forgot that Orthodoxy is ... also orthopraxis.“ (1996b, p.208) – „The strongest biblical model of sharing with one another is ... the Eucharist.“ (quoted by Margot Kässmann, *Die Eucharistische Vision*, München/Mainz 1992, p.233) – „The Church as sacrament, this means ... to understand the Church as gift of Christ“ – resp. of the Holy Spirit – „in which the grace of God becomes visible and can be experienced.“ (p.327) „Eucharist“ is a „Point of Intersection of Ecclesiology and Ethics“ (p.347). From „the eucharist“ „ought to grow“ „a community of sharing between the poor and the rich“ „and therewith (derive)... at least partially overcoming this contrast as anticipation of God’s Kingdom“ (p.357) – I could understand the protest of the German Lutheran Bishop – after the Final Report of the Special Commission - better, if she had expressed her disappointment that her interpretation of the „eucharistic vision of the church“ had not been appreciated. (Instead she reacted to the alleged breaking-off from the practice of ‚ecumenical services’!)

I also fully agree with the Orthodox having „insisted on greater specificity in the **basis of the WCC**, making the **theology of the Trinity**“ - and of „a **more biblical Christology**“, to which the doctrinal decisions of the **first Ecumenical Synods** deeply correspond - „an essential part of its confession of faith.“ (I.Bria, 1996b, p.207s) Fr Bria rightly points out that this ancient Synodical „drawing the line“ „is the outcome of long **spiritual and doctrinal discernment**.“ This can be compared to the apostle Paul’s expression ‚*diakrisis tôn pneumatôn*’, discernment, distinction, judgement of the Spirit’s expressions or manifestations (1Cor 12:10), which is not only a **charism**, a gift of the Spirit, perhaps one of the most decisive ones, entrusted and committed to certain charismatics, but what the Spirit says

The Special Commission on Orthodox Participation...

must also be **received by the whole church**: „The prophets, two or three, ought to speak, and the others ought to judge“ (discern/diakrinein – 1Cor 14:29). Let me add a remark to the passage 1Cor 14:33-40, where Paul excludes women from the church-leading debate in the congregation: This looks to me as if it were a contradiction in itself, because women were equal in faith, full members of the church, and above that some of them received the highly valued gifts of praying and prophesying - sc. proclaiming the gospel - in public worship (1Cor 11:5 cf. Acts 21:8s)! According to „1. Cor 14 the prophetic speech is ‚edifying‘, that is: oriented toward community and promotive of communion, and not ‚provocative‘ or confrontational.“ (Die Orthodoxen im OeRK, 2004, p.208: H.J.Held)

This is a principle that should be applied to all the deliberations of the WCC. How could such discernment get more room in the WCC? Maybe we ought to give more scope to several less known protestant traditions, which could inspire the work of the WCC:

(I) To Fr Bria's hint at „the **Reformation**“ not being understandable „*apart from the anti-latin and anti-papist protest*“ – I have to say that it was from the start far more, yet at the same time I must admit: „*Western Christianity of the Reformation feared mystics, religious orders, ... and saints, ...*“ (I.Bria,1991, p.47) - which was entirely self-contradicting, because any Reform movement based on monastic charismatics, mystics and saints, for instance on Bernard de Clairvaux (first half of 12th century), a father of the Cistercians Reform Order. Reforms were carried from the 10th to the 12th century by monachism, from growing spiritual-monastic cells into the church and then to the world; finally lay-persons, mainly from towns, took over. - The first Reformation started as follows: 25 years „*before the attacks of the Crusaders against*“ Constantinople (1996b, p.209) and twenty years before the peace practice, brought into the Western church by Francis of Assisi's friends, in **Lyon** (France) a first lay (!) movement was formed by **Valdes**, who was a rich merchant like Francis' father. His deepest motive was: „A burning faith and the feeling of responsibility for the salvation of the neighbour, this is the essential of the Valdensian movement from its origins.“ (K.-V.Selge, quoted by Gabriel Audisio, *Die Waldenser: Geschichte einer religiösen Bewegung*, Munich 1996, p.26) The first catholic source, written by the English Canon Walter Map (quoted by Giorgio Tourn, *Geschichte der Waldenser-Kirche*, Erlangen 1980, p.24) writes about the first two Valdenses (Vaudois), who

were present at the Third Lateran Council in 1179, that they had been „homines ydiotas, illiterati“, uneducated and ignorant people; maybe maybe was aware to have repeated the judgement on Peter and John (Acts 4:13: agrammatōi kai idiōtai) by the high priests' court. Likewise, in the eyes of the council's fathers the first Valdenses were illiterate, because they „were hardly informed of the most elementary things“; „they move two by two through the country with bare feet“ (Luke 10:1.4 par.). „They have no possession of their own, but they have everything in common, according to the Apostles' model“ (cf. Acts 2:44). „Their number is still small, they have not yet got a firm footing. If we let them have their way, they will chase us away. ...“ (G.Tourn, 1980, p.24). For Map they were „arrogant simple-minded people, not able in their illiteracy, to know exactly the doctrine and to represent it“. With „their ‚humble' desire“ for **lay-preaching** these men – and women! – „threatened the social world order and the position of the clergy.“ (Kurt-Victor Selge, Die ersten Waldenser, vol. I, Berlin 1967, p.30) This was the reaction of a privileged caste which based itself on the divinely instituted monopoly. Valdes' being a naive prophet rests on questioning this exclusive control of the church's teaching (cf. G.Audisio, 1996, p.17 – the history repeated itself, whenever Reformation fell a victim to the theologians, what Jan Hus, himself a divinity professor, realized when he as a refugee got into contact with Valdensians in Southern Bohemia/Czechia after 1412, as he noted: „Recently I have understood, that the simple and poor priests, the poor laymen and even the women know to defend the truth much more courageously than the doctors of the Holy Scripture do this as a rule“ - quoted by G. Audisio, 1996, p.99). - Valdes asked two clergymen to translate for him and his friends the whole New Testament and a selection of the Old Testament into the language of the people, in addition also a number of sentences or maxims of the Fathers Augustine, Jerome, Ambrose and Pope Gregory. (G.Audisio, 1996, p.186) - It ought to be remembered: „*The whole of patristic theology was written in the form of homilies and biblical commentaries.*“ (I.Bria,1980,p.6) Personally I think, that I ought to put a question mark to Fr Bria's sentence: „*The words of the patristic period have lost their meaning today*“ – have they really? (1980,p.86) Although the bishops and the council did not allow lay-preaching and drove them into schism, blamed them even as heretics, yet for a time they tolerated their effective arguing with the really dualist (neo-manichean) Cathars;

The Special Commission on Orthodox Participation...

among the people these poor lay-preachers with their thorough biblical training were much more credible than rich monks and prelates. Until the 16th century, during the persecution the Valdensian people remained formally within the Catholic church, but they went to confession to their own **itinerant preachers**, who acted as missionaries and spiritual advisers. This is another example of the „*apostolic succession*“ going „*hand in hand with succession in apostolic faith and life*“ (I.Bria,1996b, p.209). But this first Reformation – like any later one - did not fulfill the aspiration of transforming the whole (Western) church. It is noteworthy that one of the priest friends of Valdes (Durandus de Huesca) and later J.Hus („*De ecclesia*“) were apparently the first to write a „monographic“ ecclesiology. The „*Latin ecclesiastical institutions and traditions*“ felt destabilized by the first Reformers, who indeed had a fuller „**biblical ... integrity**“, but by no means emphasized a „*self-oriented piety*“ (cf. Luther’s „*On the Liberty of a Christian person*“ which explicitly rejects „*individualism*“ with a „*sense of belonging to the church*“, where „*each member*“ is „*responsible for the other in the body of Christ*.“ Western „*individualism*“ is due to the later Enlightenment and to an absolute humanism which the Reformers already had criticized heavily. (I.Bria,1996b, p.209 - compare Luther’s „*De servo arbitrio*“ (On subservient decision) against Erasmus’ „*De libero arbitrio*“ (On free decision) – I quote Luther’s decisive sentences at the beginning of „*On the Liberty ...*“: „*A Christian person is a free master over all things and subject to nobody. – A Christian person is a subservient slave of all things and subject to everybody.*“ Luther was „*recognizing the ambiguity of human freedom.*“ (cf. I.Bria,2000, p.258). – Let me put another orthodox voice at the end of this passage: „*Understood as striving towards the orthopraxis of the Kingdom, Orthodoxy is also rediscovering, beyond all the mistakes and tentativeness of the historic churches, the prophetic sense of the Reformation as a return of the living Tradition ...*“ (Antoine Arjakovsky, 2006, p.278) .

(II) „*(T)he historical mainstream Protestant churches are in danger of marginalizing evangelical and (sc. traditionally confessing) Protestant denominations.*“ (I.Bria,2004,p.204) Liberalism among Anglicans is called the „*Broad Church*“, but it is ,as well as among Lutherans and Reformed people, the matter rather of intellectual urban minorities, not of a broad basis, at least of active members. And the ecumenical movement is not the result of **modernism**, rationalism or **liberalism**, but rather a fruit of the **Revival**

movement around 1800, mainly carried by Methodism and Baptism in the USA and of German **Pietism** in the 17th/18th centuries: Nicholas Ludwig von Zinzendorf's settlement partly for refugees from the Czech/Moravian Brethren is maybe the most impressive example of communitarian life within the Pietist movement. Zinzendorf maintained that every Christian needs a threefold conversion – first to Christ, then to the church/communion and finally to the world. To his congregation Zinzendorf explained the trinitarian faith as ‚truth for the heart’, not as a speculation, understanding the Holy Trinity as ‚Divine Family’ (according to: Peter Zimmerling, *God in communion/ Gott in Gemeinschaft. Zinzendorfs Trinitätslehre*, 2nd ed., Hildesheim 2002). - Fr Bria wrote in 1996: „*The past conciliar experience of the Orthodox churches is completely uncommunicated and ignored in the West.*“ (1996b, p.210) Fact is, that some Protestant churches around the world had already an experience of conciliarity and were in the process of the Special Commission (in 1999-2002) all too eager to communicate their expertise to the WCC. Peter Bouteneff (*Die Orthodoxen im OeRK*, 2004, p.225) mentions „Churches together in Britain and Ireland“, the Canadian Council of Churches, the National Australian Council of Churches, the Uniting Church in Australia.

(III) The Westminster (English) parliamentary system – applied until 2002 by the WCC - traces back only to the end of 16th century and expresses itself in a quick sequence of rhetoric speeches, within which the more radical voices usually prevail. In Western-Central Europe local self-government goes back to Germanic judiciary and legislative bodies and the Benedictine monastic reform movement of the Cistercienses (around 1100) which had more respect for the autonomy of lower strata of lay persons than the feudal system. The Reformed/Presbyterian model of shared church leadership – on every level by pastors and elders/lay-presbyters together - lived and taught a conciliatory way especially for local democracy. In a congregation and community - assembly and council - majority voting is rather rare, except in financial and administrative matters and elections, and the debate can be lively. New ways of informal assemblies have been developed lately. I see a great „*ecumenical potential*“ from several different traditions and therefore their common „*relevance for ecumenism*“ (1996b, p.211).

Instead of a a summary let me write something of my own mostly encouraging experience with some consequences of the Special

The Special Commission on Orthodox Participation...

Commission's recommendations as practised by the WCC at the Assembly in **Porto Alegre** (2006): **(a)** Regarding „the **relation of the Church to the churches**“ the Final Report of the Special Commission (Section B 15) makes the difference between „churches (like the Orthodox) which identify themselves with the One, Holy, Catholic and Apostolic Church and the (ecclesial understanding) of other churches, which understand themselves als part of the One, Holy, Catholic Church.“ In my view Protestants ought to change their language, to use a verbal expression like ‚to share, take part, participate in the body of Christ‘ (in Greek *koinônein*) instead of being part of².; this could build a bridge between the two positions (cf. Die Orthodoxen im OeRK, 2004, 136: Fernando Enns) - I keep in mind a remark of Pastor Thomas Wipf in Porto Alegre, chairman of the Council of the Swiss Protestant Church Federation, that the Reformed church, too, with priority has to „investigate into what it means to be a church“ (sentire ecclesiam – in my own words), though, I think, without losing sight of –

(b) the social and ethical concerns. (The following topic got a much stronger emphasis – particularly by the Russian Orthodox Church – at the European Assembly in Sibiu.) The question of ethical values and a Christian basic attitude calls urgently for an ongoing open debate. In the often lamented ‚moral relativism‘ and the alleged loss of traditional values‘ first of all a fundamental change of values becomes apparent. The German Section of Pax-Christi-Movement (in its memorandum of September 17th 2006) pointed as well to the dark side of the traditional ‚values of Europe‘, so much called up, in particular to the abuse of ‚God‘ for a history full of violence and injustice! Personally I would like to take side with the American evangelical theologian and consultant in Washington Jim Wallis in setting the priority – with the Bible - on the economic question of worldwide poverty without neglecting an equally biblical inter-personal ethic for life – particularly in its beginning and end. (Pastor Wallis called his students to cut out every reference to poor human beings and to economic situations in a Bible copy, so that this one became full of holes and totally incomplete!)

(c) In Porto Alegre there were **interconfessional common morning prayers** and **confessional evening prayers** according to several traditions of the Pentecostal, the Anglican, the Orthodox and the Roman-Catholic etc.. I attended them more and more regularly and with growing joy. These prayers exemplified „how to use language, symbols, imagery and rites

in ways which would not cause theological, ecclesiological or spiritual offence“ (although the catchword „offence“ smells of self-censorship). Thus „common prayer can become something in which all traditions may participate in good conscience, and with theological and spiritual integrity.“ (Section B V.43) Praying for the unity of the Christians is not only „at the centre of our identity as Christians“ (Appendix A.1). It is – precisely according to orthodox understanding – an integral part of any theological dialogue, from which none of the participants can exempt himself. With all due respect to condemnations of prayer fellowship with „separated Christians’ according to some (e.c. Laodicea) Canons hinted at in App. A.8, even if they had been appropriate to a context of enmity in the 4th century, they have definitely no room in an ecumenical context today!

(d) The **consensus procedure of decision-making** tries to avoid first of all, that parliamentary divisions fix the positions of majorities or minorities. The description of the model, for instance the diagram of the issue, seems rather complicated. Yet, in my opinion, its practical application has worked out rather well. „A major purpose of the WCC is for churches to learn from each other, to deepen their fellowship and to be better equipped for their mission. This means that there will be occasions when the churches accept a situation of disagreement while continuing to help and support each other.“ (App. B II.16) The part of the moderator, who must constantly sound the assembly about their views, grows definitely more important. The chairperson must „possess the capability, to feel the“ convergent – if possible – „opinion of the Assembly and to bring it to the point.“ (J. Oeldemann,2004,p.50) The object, that „the moderator is responsible for seeing that the discussion has been both fair and as detailed as it needs to be“ (App. B II.29) in fact cannot be achieved, when – as it happened in Porto Alegre (probably also before) - after comprehensive presentations less than half of the time remained for plenary discussion and the passing of resolutions. Thus it may happen that the delegates, even if acquainted with the consensus procedure as such, respond with displeasure to the inevitable ‚choreography’.

Epilogue: Fr Ion Bria has been a wonderful expert on the topic of mission. An example from the genesis of my town **St.Gallen** confirms the truth of what he had to say: The monk Gall(us) followed his Irish abbot Columba(nus) the younger (from Bangor), who was the author of a most detailed and strictest monastic rule - under the motto: mortifying

The Special Commission on Orthodox Participation...

one's own will and corresponding discipline of penance). This autocratic personality did not permit any challenge to his authority. Gallus who was most probably bi-lingual (early medieval Latin/Romanic and old German/Alemannic) was told twice to preach a missionary sermon to the Alemannic people (at Tuggen and at Bregenz), while Columbanus had the sanctuary destroyed and the idols be thrown into the respective lake. The legend in honour of the abbot shows Gallus as a fisherman like Peter in Luke 5:1-11, at first disobedient and then obedient. In reality it was the other way round: Gallus did preach – probably against his own conscience. But when Columbanus went with his disciples to Northern Italy (Bobbio), Gallus did not join them, apparently because of a fever, and was forbidden to celebrate mass (,small interdiction' – until his abbot died in 615). Probably his disobedience was motivated by the insight that the radical missionary method of his abbot was bound to remain fruitless. Therefore Gallus decided to stay in a virgin forest, at a distance away from Lake Constance and from the nearest Roman Christian congregation (Arbon), in order to attract some other hermits (erêmitai) – first a deacon and other Roman Christians - and gain over the confidence of the Alemannic people, which – a century later - led to the foundation of a Benedictine monastery of a widespread and unique cultural radiance. This is the „**contrast**“ mentioned by Fr Bria (1996a,p.31s – quoting K.M. George): „*between the ,saint' in the Orthodox tradition and the ,crusading missionary': ,The saint prays and receives the creation of God with hospitality. The missionary preaches ... , often aggressively, ... It is the saint who, manifesting God's tender love and receiving all creatures'“* (cf. the bear in St.Gall's legend!) „*,in divine hospitality, is genuinely sensitive to the riches of other religions, to different cultures, to all sentient beings. The crusading missionary is afire with the message he proclaims, but can be totally lacking in receptivity and sensitivity ... Today we need to combine in our experience of our church the true saint and the genuine missionary whose sole concern is manifesting the kingdom and not annexing new territories.*“ – One of the sentences most frequently quoted of the **Taizé** brothers is: „Show the passion for the unity of Christ's body!“ For Frère Roger Schutz it was obvious, „that the Reformation wanted to ,remain something preliminary' an event which ought to set out in the heart of the old institutions.“ „Not to preach, to indoctrinate, to mission, but simply to be present (to attend,

to be available); not to compel anybody to anything, but to **live out of a fiery centre**, this is the challenge of Taizé and the legacy of its founder to the separated churches.“ (Walter Schöpsdau, obituary/Nachruf auf Frère Roger Schutz, Oekumenische Rundschau 54/2005, p.527&529) - A certain **blessed conscientious disobedience** by not following particular monastic or church fathers, and a distinctive **biblical discontinuity** were elements of later Reform movements within – and beyond - the Roman Catholic (or any other) Church. Fr Bria frequently combines living **Tradition and renewal** (or reform), but why then the fear of discontinuity? (cf.1991,p.62) In the Bible we meet a basic discontinuity as an initial experience, both with Old Testament prophets and among the Apostles: Isaiah compares the royal dynasty of David to a tree that has been cut down; but just as a new branch can sprout from a stump of a tree, so the new David (the new branch of Jesse’s breaking through) will arise (Is 11:1) – St Paul writes to the Christians of Rome: Some of the branches of the cultivated olive tree have been broken off, and branches of a wild olive tree (meaning the Gentiles incorporated into God’s people of Israel) have been joined to it – which is totally against the logic and experience of an arborist (Rom 11:17 cf.24).

Bibliographical Data

Books and Articles in German are quoted fully in the text of this contribution (quotations translated by Ch.T.)

Ion Bria, Time to Unfold the Orthodox Tradition, The Ecumenical Review 48/1996b, 203-211

Ion Bria, Widening the Ecclesiological Basis of the Ecumenical Fellowship, EcumRev 56/2004, 199-210 („He was working on this article at the time of his death in 2002“ p.199)

Ion Bria, Looking Anew at Orthodox Theology, Three Recent Consultations, Ecum Rev 51/2000, p.255-260

Ion Bria, The Liturgy after the Liturgy, Mission and Witness from an Orthodox Perspective, Geneva 1996a

Ion Bria, The Sense of Ecumenical Tradition, The ecumenical witness and vision of the Orthodox, Geneva 1991

Ion Bria, ed., Martyria/Mission, The Witness of the Orthodox Churches today, Geneva 1980

Archbishop Anastasios (Yannoulatos), Facing the World. Orthodox Christian Essays on global concerns, Geneva 2003, 208 pp.

Archbishop Anastasios, Opening Sermon, in: Luis N. Rivera-Pagan, Ed., God, in your Grace Official Report of the Ninth Assembly of the World Council of Churches (Porto Alegre) , Geneva 2007a, 55-64

The Special Commission on Orthodox Participation...

Archbishop Anastasios, Adress: „The Light of Christ and Europe“. (6 Sept 2007b) Third European Ecumenical Assembly, in Sibiu – according to the Website of CCEE <www.chiesacattolica.it/cgi_new/PagineCCI/AllegatiArt/284>

Metropolitan Gennadios of Sassima, Ed., Grace in Abundance, Orthodox reflections on the way to Porto Alegre, Geneva 2005, p.107-11 Fr Leonid Kishkovsky, referring to Fr Alexander Schmemmann, „Moment of truth for Orthodoxy“ (1963)

Bishop Hilarion Alfeyev, Orthodox Participation in the WCC Ninth Assembly, Ecum Rev 58/2006, p.261-164

Antoine Arjakovsky, Porto Alegre's Redefinition of Ecumenism and the Transformation of Orthodoxy, Ecum Rev 58/2006, p.265-279

Christoph Tapernoux, Biblical Reflection of the „One, Holy, Catholic and Apostolic Church“, Lecturen held in Arad 2008 (in German – short version also in English)

Christoph Tapernoux, The Secret or Mysterion of the Triune God and the Mysteria/Sacraments in the Church – Theses for an Ecumenical Understanding – on Biblical Basis, 2009 (in German)

NOTES AND COMMENTS

Joint communiqué of the 6th Russian-Iranian Commission for Islam-Orthodoxy Dialogue

The Joint Commission for Orthodoxy-Islam Dialogue held its 6th meeting on October 6-7, 2010, in Teheran, the Islamic Republic of Iran. It discussed ‘The Role of Religion in the Life of the Individual and Society’. The meeting was chaired by Bishop Feofilakt of Smolensk and Vyazma and Dr. Mahdi Mostafi, President of the Islamic Culture and Relations Organization, Iran. Dr. Mostafi opened the meeting with words of welcome. Bishop Feofilakt brought a message of greeting from His Holiness Patriarch Kirill of Moscow and All Russia. In his message, Patriarch Kirill underlined the fact that “the theme of the meeting ‘The Role of Religion in the Life of the Individual and Society’ has become again especially acute as we see today religious and moral relativism spreading rapidly throughout the world. In the first place, it concerns the attempts to oust authentic religious values from human life and to replace them with a cult of unrestrained consumerism and all-permissiveness. Economy, becoming a dominant in social development, has imposed on people a race for material wealth and carnal pleasures. Faith and morals are presented as useless and old-fashioned notions. As a result, the age-old traditions of peoples, the traditions of family and community are being destroyed thus distorting the very human personality”.

Papers were presented on the influence of religion on the spiritual health of society, the role of religion in consolidating the institution of family and family values, the relationships of religious tradition and the doctrine of human rights and freedom and the influence of religious tradition on the morality of the individual. The meeting also discussed a historical similarity between the ways in which the Russian and Iranian civilizations developed.

In their discussion, participants proceeded from the conviction that religious tradition is of essential importance for the life of the modern society. The crisis of the modern society is linked to a great extent with the

Joint communiqué of the 6th Russian-Iranian Commission...

denial of religious tradition. During the dialogue, participants repeatedly pointed to the danger of aggressive secularism which views religion as a source of violence and conflict and insists on its exclusion from public life.

Secularism often uses the institution of human rights and freedoms for struggle with religion. Participants spoke unanimously against aggressive secularization and its imposition on the world.

Human rights and freedom cannot be set against religious tradition.

The meeting stressed the danger of subjecting religious views to legal norms which have been developed exclusively on the basis of non-religious ideas. On the contrary, the religious worldview should make its own contribution to the development of norms of national and international law so that they may acquire a really universal nature. It was deemed as necessary to unite the efforts of the Russian Orthodox Church and the Muslim community in Iran in developing a notion of 'traditional values' and to seek its recognition in international law and observance in the work of international organizations. Traditional values include the important role of religion in private and public life, the human desire of moral perfection, the preservation of family life as union of man and woman, respect for the elderly, diligence, aid to the poor and the protection of the weak.

The participants pointed to the special role that religion plays in forming and developing the institution of family and family values. They also expressed concern for today's tendency to blur the moral foundation of family life and to disseminate and propagate immorality and expressed readiness to hold further joint conferences aimed to consolidate traditional moral values in family and society.

The sides expressed concern over the fact that the major mass media are subjected today to the influence of bearers of secular worldview which prevails in educational institutions and educational standards. The sides condemned the cases of outrage against religious symbols and shrines.

The participants also noted the atmosphere of hospitality and openness in which the discussion was held. They also expressed satisfaction with the development of dialogue between the Russian Orthodox Church and the Muslim community in the Islamic Republic of Iran, which began fifteen years ago.

It was considered useful to continue the bilateral dialogue as contributing to the broadening of cultural and interreligious relations and creating the basis for an atmosphere of fruitful cooperation.

Joint communiqué of the 6th Russian-Iranian Commission...

It is planned to hold the 7th meeting of the Orthodoxy-Islam Dialogue in 2012 in Moscow.

We may safely assert that this kind of meetings is of paramount importance not only for the religious institutions, but also for the entire society. In this age of global violence and threats allegedly motivated by religious reasons, this coming closer of Christianity and Islam and getting to know better each other may contribute significantly to the building-up of a common front against such plagues. That's why it is worth every effort to keep this dialogue going on. Bishop Feofilakt pointed to the translation of the Russian Orthodox Church's Basic Social Concept into Farsi as an important historical event. This translation, made at the request of the Department for External Church Relation, was produced by the best Russian linguists who work at the State Linguistic University in Moscow and represented the first experience of translation into a language of the Indo-Iranian language group. Copies of the Basic Concept in Farsi were distributed to the participants in the dialogue and guests. Bishop Feofilakt also said that the document was an expression of respect for the Iranian people and their religious and intellectual tradition and expressed hope that the Iranian side would find it interesting.

**Meeting of the Inter-Orthodox Preparatory
Commission (Chambesy, 22-26 February 2011)**

Between the 22nd and the 26th of February 2011 the Inter-Orthodox Preparatory Commission for the Holy and Great Council of the Orthodox Church convened to consider the agenda of the Pan-Orthodox Council, carried out its works at the Orthodox Centre of the Patriarchate of Constantinople in Chambesy, Switzerland.

The previous Pan-Orthodox Pre-Council Conferences were held in 1976, 1982, 1986 and 2009.

Representatives of the fourteen Autocephalous Orthodox Churches took part in the meeting chaired by Metropolitan John of Pergamon, Patriarchate of Constantinople. Before the beginning of works the

Meeting of the Inter-Orthodox Preparatory Commission...

Metropolitan John of Pergamon, notably declared: «The Orthodox Church must indeed follow contemporary evolutions and not become withdrawn on itself; but she would know how to make it only in accordance to her fundamental ecclesiological principles and to her ancient tradition». Concerning the strengthening of the conciliar system before the meeting of the Holy and Great Council, the Metropolitan specified: «It is urgent that this conciliar system is reinforced so that the Church does not remain broken up in isolated local Churches while at the same time the world shrinks fast and events which happen in the world someplace have quasi simultaneous consequences in all corners of the planet. Orthodoxy will not be able to survive if it resides in isolation and in scattering of self-sufficient local units. Those who have the mission of leading the Orthodox Church carry the high responsibility of promoting this unity with all their forces and without delay».

The Commission, whose task was to elaborate questions for the agenda of the Pan-Orthodox Council, continued to consider the issue of signing the Tomos of autocephaly. As a long discussion has not led to the unanimous decision, the necessity of further studying of the issue of autocephaly was recognized.

The Commission also discussed the issue of diptychs, considered canonical and ecclesiological aspects, described the current practice of the Orthodox Churches and the criteria of including the Churches into diptychs and the order of the Primates' names in them and also noted the necessity of compiling the uniform diptychs of the Orthodox Church. Also considered was a wish of the Polish and Albanian Orthodox Churches to reach uniformity in regard of the place of their Primates in diptychs of the Autocephalous Orthodox Churches. The Commission suggested to take these requests into account and to consider proper changes in diptychs.

The requests of the Georgian Orthodox Church concerning its sixth place in diptychs and of the Orthodox Church of Cyprus concerning a higher place of its Primate in holy diptychs were presented at the meeting. Consent has not been reached either on this issue, or on the differences in holy diptychs of some Churches due to the lack of Pan-Orthodox agreement on the number of the recognized autocephalous Churches.

In a an interview he gave on his return from the meeting, The Metropolitan Hilarion of Volokolamsk, the leader of the Russian Orthodox Church delegation, made some interesting specifications, especially

Meeting of the Inter-Orthodox Preparatory Commission...

on the disagreements that were reported to have appeared during the discussions. Here's the whole interview, posted on the Internet on the Moscow Patriarchate site, which offer a quite clear imagine about how this commission works:

«Your Eminence! You have recently led a delegation of the Russian Orthodox Church at the meeting of the Inter-Orthodox Preparatory Commission held in Chambesy near Geneva. Which questions did you discuss?

The Inter-Orthodox Preparatory Commission is a working body which prepares the Holy and Great Council of the Orthodox Church. It elaborates items included in the Council's agenda. The catalogue of the items was compiled in 1976 and includes ten topics demanding the elaboration of common position of the Orthodox Church. According to the regulation, proposals made by the Inter-Orthodox Preparatory Commission are to be approved by the Pan-Orthodox Pre-Council Conference.

The major part of the mentioned catalogue has been elaborated in the last decades, while in 2009 the Pan-Orthodox Pre-Council Conference approved the decisions on the ordering of cooperation among the Churches in Orthodox diaspora. That same year the Commission formulated the unanimous opinion on the method of granting the autonomy (self-governing) to a church province within a Local Church and considered in part a method of promulgating a new autocephalous (completely independent) Church.

This time the Commission had to complete consideration of the issue of church autocephaly and discuss the topic of the holy diptychs – the lists, according to which the Primates of the Local Churches are commemorated during divine services.

Was an agreed decision on the mentioned questions taken?

The Commission's work has shown that both mentioned questions need serious complementary exploration. The discussion in Chambesy was not an easy one and disclosed different positions, while the decision must be taken only by consensus in accordance with regulations.

The major debate developed on the method of signing a document on the promulgation of autocephaly called "Tomos." Some participants, including those of the Russian Church, made the following proposal: In

Meeting of the Inter-Orthodox Preparatory Commission...

keeping with the practice of the former Ecumenical and Pan-Orthodox Councils, common decision of all the heads of the Churches sign their common decision without any distinction, beginning, certainly, with the first among them – the Patriarch of Constantinople. In the end it was recognized that this topic needs further exploration.

As to the topic of diptychs, the Commission has thoroughly studied all its aspects and analyzed the criteria used for the inclusion of the name of a Primate of a Church into diptychs. Having compared the differences in the present diptychs, the Commission considered it useful to reach a uniform opinion on this matter.

Also considered were opinions on the place of the Primates of the Orthodox Churches of Georgia, Cyprus, Poland and Albania and the variant reading in the diptychs that exist because of the lack of common opinion on the number of Churches recognized as autocephalous. This refers to the Orthodox Church in America, which is recognized as autocephalous by five Local Churches, including the Russian Orthodox Church, while other Churches do not have the name of its Primate in their diptychs. Unfortunately, mutual consent has not been obtained on all these questions.

Is it really true that convocation of the Holy and Great Council is postponed for an indefinite period? What should be done to reach the unity of sentiment on disputed questions?

The situation should not be excessively dramatized. It is true that we have encountered certain difficulties in the process of obtaining consensus on certain questions. However, it only means that we all should seriously ponder over the overcoming of these difficulties. After all, it was difficult to obtain consensus in the past.

Participants in the discussion in Chambesy are aware of their responsibility for the destiny of inter-Orthodox dialogue. They understand the necessity to continue in a constructive way the preparation for the Holy and Great Council. They understand the importance of thorough elaboration of all questions included in the agenda. We should seek to hear those points of view that do not concur with ours and try to comprehend them. In the process of seeking other solutions the voice of each participant in the dialogue should be heard and the opinion of each Local Church should be taken into account. This principle is reflected in the regulations

Meeting of the Inter-Orthodox Preparatory Commission...

of the Inter-Orthodox Preparatory Commission and the Pan-Orthodox Pre-Council Conference.

Our common aim is not to convene the Council as soon as possible, but to do all we can to make its decisions show the majesty of the Orthodox faith to the world, to bring witness of the intransient meaning of the Holy Tradition of the Church, and to confirm the unity of the Church.

I am confident that preparations for the Pan-Orthodox Council will continue in the near future».

**Inter-Orthodox Consultation in Cyprus
(2-9 March 2011)**

In December 2005, the Commission on Faith and Order launched its latest results on the study on ecclesiology, *“The Nature and Mission of the Church” -- A Stage on the Way to a Common Statement (Faith and Order Paper 198, 2005 WCC)*. The text seeks to express some common convictions about the role of the Church, its nature and mission, and to identify issues and ecclesiological difficulties which continue to divide the churches today. This important text already has been sent officially to the WCC member churches inviting them to study and evaluate the document as well as to offer their reactions and response. The Orthodox Churches participated in the drafting process.

It had been proposed that the WCC convene an Inter-Orthodox Consultation, inviting the Eastern Orthodox and Oriental Orthodox Churches to study, discuss and produce a common reaction. The unique purpose of such a meeting was to facilitate the Orthodox Churches’ response by providing a “common response” on behalf of all Orthodox Churches to this important ecumenical text. Convening such an Inter-Orthodox consultation is not a new pattern; several similar consultations have been planned and organized by the WCC in the past, facilitating the process of a unified Orthodox response – but also contribution – to major WCC studies.

The consultation met from 2 to 9 March 2011 in the Holy Metropolitanate of Constantia in Aghia Napa, Cyprus, enjoying the

Inter-Orthodox Consultation in Cyprus (2-9 March 2011)

hospitality of His Beatitude Archbishop Chrysostomos of Cyprus. H.E. Metropolitan Gennadios of Sassima (Ecumenical Patriarchate) and H.E. Bishop of Damietta (Coptic Orthodox Church) co-moderated the encounter. H.E. Metropolitan Vassilios of Constantia-Ammochostos, moderator of the Faith and Order Commission, received and hosted the participants in his diocese. Forty hierarchs, priests, deacons, university professors, lay (male and female) and youth, coming from nearly all the Eastern Orthodox and Oriental Orthodox Churches (the Ecumenical Patriarchate, the Patriarchate of Antioch, the Patriarchate of Moscow, the Patriarchate of Serbia, the Patriarchate of Romania, the Church of Cyprus, the Church of Greece, the Church of Albania, the Church of Czech Lands and Slovakia, the Orthodox Church in America as well as from the Armenian Apostolic Church, Mother See of Holy Etchmiadzin, the Coptic Church and the Church of Malankara), as well as representatives of the World Council of Churches and the Faith and Order Commission, were present. Most of the participants in this meeting were also members of the Faith and Order Commission. It was regarded as a particular honour the presence at this meeting the WCC general secretary, the Rev. Dr Olav Fykse Tveit. The consultation heard and discussed twenty papers, addressing the text as a whole and section by section.

Along with the discussion on a series of various topics, the programme included prayer and visits to local parishes. On the first day of the consultation, 3 March, a Te Deum was celebrated by H. B. Archbishop Chrysostomos II of Cyprus in the historic monastery of Aghia Napa. At the opening session H.E. Metropolitan Prof. Dr Gennadios of Sassima, expressed gratitude and worm thanks to the archbishop for his generous hospitality, extended regularly to inter-Orthodox and ecumenical gatherings, and he also highlighted the archbishop's life-long struggle to overcome dividing lines, in his own country and elsewhere in the world. Furthermore, Metropolitan Gennadios added, "*walls of separation and division still exist in the world, and one of our priorities as Orthodox is to continue our struggle for peace, reconciliation and friendship among peoples and nations.*" Archbishop Chrysostomos underlined the significance of the fact that "*Orthodox theology is primarily ecclesiological*", and concluded, "*Christianity cannot be understood except as the Church*". Rev. Dr Olav Fykse Tveit, the WCC general secretary, expressed appreciation both to Archbishop Chrysostomos for his hospitality, which is a tangible sign of his

Inter-Orthodox Consultation in Cyprus (2-9 March 2011)

ecumenical commitment, and to Metropolitan Dr Vassilios of Constantia-Ammochostos, moderator of the Faith and Order Commission, for hosting the consultation in his diocese and for his many contributions to the work of Faith and Order.

In the afternoon, the general secretary together with Metropolitan Prof. Dr Gennadios of Sassima, vice-moderator of the WCC Central Committee, Metropolitan Dr Vassilios of Constantia-Ammochostos, moderator of the Faith and Order Commission, and Georges Lemopoulos, deputy general secretary of the WCC visited H. B. Archbishop Chrysostomos II at the archbishopric in Nicosia. At the meeting, they spoke about the importance of dialogue and the role of religious leadership, particularly in situations of occupation, division and conflict. *“Cyprus is an island at the crossroads of civilizations and religions”*, Tveit said after his meeting with the Archbishop. *“It has a long experience of peaceful coexistence between people of different confessions and religions”*, he added, and ended by observing that the *“conflict in Cyprus is not a religious one, but religion has become part of the separation. The conflict has prevented people from visiting and worshipping in their holy sites. I am encouraged that the archbishop has taken initiatives to meet with the Turkish Cypriot religious leadership and is willing to work with them. These are signs of hope for the future.”*

After the meeting with the archbishop, Metropolitans Gennadios and Vassilios together with Dr Olav Fykse Tveit and Mr Georges Lemopoulos visited His Excellency Dimitris Christofias, the president of the Republic of Cyprus, at the Presidential Palace. Metropolitan Gennadios conveyed to the president the warm greetings of His All Holiness Ecumenical Patriarch Bartholomew and the thanks of all participants for being well received in this apostolic and very hospitable island where so many sufferings have happened on the course of history. During the meeting, Dr Tveit was able to explain the work of the WCC and its member churches in conflict and post-conflict situations. He expressed the WCC hope for peace efforts in Cyprus: *“We believe that walls can come down, including the ‘wall’ which divides Cyprus today. There is however a wall in our souls which also needs to be addressed.”*

On Sunday 6th March all the members attended the Divine Liturgy which was concelebrated at Saint George’s Cathedral of the Holy Metropolitanate of Constantia and Ammochostos, by Metropolitans

Inter-Orthodox Consultation in Cyprus (2-9 March 2011)

Vassilios of Constantia, Chrysostomos of Messinia, and Bishop Ignatius of Branicevo, and many clergy. The D. Liturgy was followed by a visit to the occupied area of Cyprus. The group was taken to the Monastery of Saint Barnabas, the Apostle and founder of the Church of Cyprus, as well as to the ancient Basilica of Saint Epiphanius of Salamis. On leaving the occupied area the participants visited the Cathedral of Saint John the Theologian at the Archdiocese in Nicosia.

On Monday 7th March the consultation's members visited the Holy Stavropegic Monastery of the Virgin Mary the Theotokos of Kykkos. H. E. Metropolitan Nikiforos of Kykkos and Tyliria generously received the group and wished the participants every success in their work. Metropolitan Gennadios thanked him very warmly for his generous hospitality. Whilst at Kykkos the members had the opportunity to pray in the ancient church dedicated to the Virgin Mary, the Theotokos, to admire the unique Byzantine museum and ended the visit with a lunch offered by the monastery.

After intensive discussion and thorough consideration of the above-mentioned Faith and Order Study on Ecclesiology, the Consultation stressed, among other things, that:

1) The issue of ecclesiology has been taken very seriously in ecumenical discussions during the last decades. Without any doubt, ecclesiology remains in our times the crucial issue for Christian theology in ecumenical perspective. As the churches are challenged to make theology more relevant for the modern world, ecclesiology today becomes central for a church-centred ecumenism and church-centred theology.

2) The NMC text is drafted as an explanation of ecclesiology, based upon the various ecclesial traditions, yet it fails to reach the level of a "convergence text." The text was drafted with a western philosophical methodology.

3) The Church is a mystery in God's providence, and is not systematically defined in Holy Scripture and in the patristic teaching. The text provides various definitions from different Church traditions, but the text does not define how the Church is related to God's kingdom.

4) Meanwhile Christ in his communion/koinonia enters entirely into human existence, in soul, heart, mind and body, and he sacrifices himself in his whole humanity.

5) The participants expressed their gratitude for the efforts of the Faith and Order Commission and acknowledged all those who worked under

Inter-Orthodox Consultation in Cyprus (2-9 March 2011)

difficult circumstances to draft this ecumenical document. Some churches have used it as a study document on the way to finding their own ecclesial identity. The words of Charles Brent, chairman of the preliminary meeting in preparation for the Lausanne First World Conference on Faith and Order, were quoted: "...our journey is a long one... controversy loves war and discussion loves peace... someday [there] will be one flock under one Shepherd."

6) The One Church today is the continuation of the apostolic community of the first days. If the denominations are to overcome their present stage of division, communion must be restored among them. They must find the common roots of their faith, the living Tradition, which is experienced in the sacramental life of the One Church. By the power of the Holy Spirit, communion must be realized anew in each place and time. The Church exists within the context of its calling to proclaim God's purpose for the world and to live it out in historical contexts and situations.

The final communiqué concluded with the words of St. Basil the Great:

"I think then that the one great goal of all who are really and truly serving the Lord ought to be to bring back to union the churches who have 'at different times and in diverse manners' divided from one another. ...for nothing is so characteristically Christian as being a peacemaker, and for this reason our Lord has promised us peacemakers a very high reward..."

Rev. Ph. D. Adrian Murg

BOOK REVIEWS

Valeriu Anania, *Memories*, Polirom, Bucharest, 2008 692p.

The Metropolitan bishop of Cluj, Alba, Crisana and Maramures, recently passed away to heaven, is the author of the memoirs.

The great hierarch is a very well known personality, both in the theological world and in the literary world. He was born in 1921 in the Valcea county. He graduated from the Central Theological Seminary in Bucharest, then the Medical School and Music academy in Cluj-Napoca, from where he was expelled by the communist authorities. Then he graduated from the Andreiana Academy specializing in theological studies. He becomes a monk in 1942 and between the years 1966-1976 he occupies different positions in the Romanian Orthodox Archiepiscopate in America. In 1990 he is part of the reflection Group for the renewal of the Church, and in 1993 he becomes archbishop of Vad, Feleac and Cluj.

The Metropolitan bishop is known both in a theological way, considering works like “**File de acatist**” or the jubilee publication of the Holy Scripture which has the Old Testament corrected according to the Septuagint but also in a literary way, considering works like “The dome of the lighted poplars” (1983), “Apter pilgrim’s memories”(1990) or the two theater volumes published by the Polirom publishing house in 2010.

The memories prove his life experience; he was eager to be an example for the theologians and the men of letters, to promote the right faith and the culture, because these are two necessary things for people’s prosperity.

The Metropolitan bishop himself confesses that the Memoires are” uncompleted, the last chapters especially, considering he was forced by time. But, even so, they are a world and a soul’s confession.”

The work is divided in two parts. The first part talks about the beginning of his activity, the activity at the Central Theological Seminary especially. In his student period he suffered because of the communists who put him in jail. Also, this part describes Valeriu Anania’s activity in the Patriarch Justinian Marina’s pasturing:”

Valeriu Anania, Memories, Polirom, Bucharest, 2008 692p.

I was impressed by the Patriarch Justinian's force and vivacity, by his huge labor force, by his remarkable memory and by his, almost perfect, administrative mind.”(p.175)

The second part begins with the author's introduction: *”I resume writing my memoires after a beak of 30 years. My hand is not trembling yet, but I'd rather use the computer because my hand has lost its elasticity. I forgot many landmarks of the past, but I still find my summary notes necessary.”(p.349)*

A large number of pages are dedicated to the American Orthodox Bishopric and to Valerian Trifa and Victorin Ursache Bishops. Also he mentions the Romanian culture 's personalities Mircea Eliade(p.590) and Mira Simian(p.592) etc.

One of his memories mentioned in the book, refers to his retiring at the Varatec monastery, a place which was a real source of inspiration for his work: “the Varatec monastery was the most generous literary workshop, where I wrote most poems...the volumes of prose...and “Heavens of the Olt” book-album.(p.648) And do not forget the new Romanian Bible's translation according to the translation of the Greek Septuagint's.

His activity during Patriarch Teoctist's pasturing and the reflection group of the Romanian Orthodox Church also represent some important periods in his activity.

“The Memoires”'s author writes down about Patriarch Daniel, the past Metropolitan bishop of Moldavia and the Patriarch of the Romanian Orthodox Church today: “ *young, intelligent, educated in the West...open to new things and very appreciated by his teacher, Dumitru Staniloae...*”(p.686). Indeed, these words anticipated our Patriarch's personality.

The last chapter is very significant, and is called “The old soldier” who was called to be a Metropolitan bishop. When he became a Metropolitan bishop he confessed:” I understand that the Church calls her old soldier under the flag.”(p.691)

To sum up, this volume presents a great personality of Romanian theology and culture, a model for us according to Saint Paul's advice, always reminding us about our predecessors (cf. Evrei 13,7)

Rev. Nicu Breda

Păcurariu Mircea, *The Romanian Theological Culture. Brief historical overview*, “Basilica” Press, Bucharest, 2011, 311 p.

Recently, at “Basilica” Press, of the Romanian Patriarchy, saw the light of the day a new volume of history of the tireless researcher of the past of our Church, Prof. PhD. Mircea Păcurariu member of the Romanian Academy, entitled *The Romanian Theological Culture. Brief historical overview*. The works and the sources, which was used in preparing a comprehensive bibliography, is the first complete and uniform exposure of all aspects that define the theological Romanian culture, from the dawn of Christianity until now.

The book is divided into seven chapters, each with several divisions. The first chapter presents the beginnings of Christian culture in the area of ethnogenesis of the Romanian people, the content of the acts of the martyrs written in these places and the elaborate theological works of the bishops of Tomis, of St. John Cassian, Dionysius Exigua, Nicetas of Remesiana, or those of the “Scythian monks”. Slavo-Romanian theological culture within the VII-XV centuries received special treatment in the second section being inventoried the Slavonic liturgical manuscripts copied on these lands, and some of the work established during the original theological the Basarabs (from Greater Wallachia) and the Mușatinilor (from Moldavia). In the third chapter, we are presented: the monastic centers where Slavic manuscripts were copied, the monastic libraries, the printings of Lavrenty and Makarios, the monks, the craftsmen and printers Demetrius Liubavici, Philip the Moldavian and Deacon Coresi, the chronicles of the bishops and Moldavian scholars, Macarius from Roman and Eftimie of Rădăuți, Azariah the monk and the chorographical collection of Isaiah, the monk. It is also presented the work of Neagoe Basarab *The teachings of Neagoe Basarab to his son Theodosie*. We also find information about the first scriptural, liturgical, canonical and Romanian literature manuscripts from the sixteenth century. A special attention was given to the seventeenth century, the richest in terms of cultural and religious activities.

Thus, in a separate chapter of the achievements are great hierarchs (Teofil, Stefan, Varlaam, Theodosie and Antim from Ivron, Metropolitans

Păcurariu Mircea, The Romanian Theological Culture...

of Walachia, Vallam and Dosoftei, Metropolitans of Moldavia, Simion Stefan from Transylvania, Peter (Petro) Mohyla the Romanian Metropolitan of Kiev), of some monks (Mihail Moxalia and Mardarie de la Cozia) and lay scholars (Udriște Nasturel, Nicolae Milescu, Dimitrie Cantemir, the brothers Radu and Serban Greceanu), cultural initiatives crowned entirely in the Romanian printing of the New Testament (Bălgrad, 1648) and of the Holy Scriptures (Bucharest, 1688); and the support of some rulers as Matei Basarab, Serban Cantacuzino, Constantin Brancoveanu or Vasile Lupu was decisive. Also is presented in detail the theological culture in the southern and eastern Carpathians during the Phanariot period (1711/1716-1821), and the concerns of the priests, the monks or lay scholars in Transylvania, activity of the Grigorie II the Romanian Metropolitan of Walachia, Iacob Putneanul and Iacob Stamati Metropolitans of Moldova, the bishops Damaschin Dascalul Chesarie and Filaret of Râmnic and Amfilohie of Hotin, which is eloquent. In the same period, the Greek culture reached its peak in its development on Romanian land. A consistent chapter was reserved for the work of the great cultural and religious hierarchy in the nineteenth century (Veniamin Costachi, Grigorie Dascalul, Andrei Saguna, Nicolae Popea, Melchisedec Stefanescu, Ghenadie Enăceanul, Dionisie Romano, Silvestru Morariu-Andrievici, etc.) and to the translations from Greek and Russian theological schools of different grades, the development of teaching manuals and religious media. The same issues, namely the university education (with sketch of the biographies of the well-known Romanian teachers), theological literature (patristic literature translations and post-patristical and modern theologians, the publishing of the religious books, textbooks and works of theological profile), the Church music and press are detailed in the last chapter of the book, covering the cultural presentation from the Great Union until today, observing the three major contemporary historical stages: 1918-1948 (the flourishing church life in Romania); 1948-1989 (restrictions imposed on the Church by the atheistic communist regime) and 1990-2010 (the revival of all ecclesiastical sectors, especially the cultural and theological ones).

According to the Foreword of His Beatitude Daniel, Patriarch of the Romanian Orthodox Church, who gave his blessing for the publishing of this highly anticipated volume, the work of high scientific and graphics, is recommended to all who wish "to deepen their knowledge of the history

Rev. Ph. D. Nicolae Razvan Stan- The Orthodox Church...

of the Romanian Orthodox Church from the perspective of its contribution to Romanian culture and spirituality” in a time when “the nationally and universally affirmation of Romanian society needs its own identity”.

Ph. D. Florin Dobrei

Rev. Ph. D. Nicolae Razvan Stan- *The Orthodox Church and human's rights. Paradigms, foundations, implications*, Universul Juridic, Bucharest, 2010, 370 p.

This volume edited by Father Nicolae Razvan Stan, brings together a series of studies on the complex issues of human rights from the perspective of the Church and the Orthodox theology, being an original publication in the landscape of Romanian Orthodox theology. The value of this volume is unchallenged from the point of view of the content of the studies signed by different famous theologians in our country and also from other countries: P.F. Bartolomeu I, Archbishop of Constantinople and Ecumenical Patriarch, P.F. Kiril, Archbishop of Moscow and the whole Russia, P.F. Anastasios Yannoulatos, Archbishop of Tirana and whole Albania, I.P.S. Univ. Prof. PhD Irineu Popa, Archbishop of Craiova and Metropolitan Bishop of Oltenia, Pr. Univ. Prof. PhD Stanley S. Harakas, Pr. Univ. Prof. PhD Paul Nadim Tarazi., Univ. Prof. PhD Nicolae Roddy, Pr. Univ. Prof. PhD Petre Semen, Pr. Univ. Conf. Constantin Bajau and Pr. Univ. Asist. PhD Nicolae Razvan Stan who have wisely grouped these studies in paradigms, foundations, implications and expectations.

Indeed, this problem of human rights is an important one in the contemporary society where there are more and more talks about these rights than God's rights, because of the anthropocentric tendencies that have marked and still mark deeply the modern and post-modern world. The treatment of the subject according to the Orthodox theology is inspired and fits into multiple debates of the globalized world regarding anthropology in general and human manifestations in a secularized society especially. This volume offers an integrative, balanced and dynamic vision on the open perspectives about this complex subject of economics, politics, law,

Rev. Ph. D. Nicolae Razvan Stan- The Orthodox Church...

philosophy, culture, in general; this vision is proposed by the Orthodox theology which is a responsible participant in this field-though sometimes shy-at the global colloquium. The Orthodox theology's perspective grounded in biblical patristic and contemporary-ecclesiastic, exceeds the reductionism established by different scientific and philosophical views about human rights and offers a unified vision about the meaning of life and man's perfection in Jesus Christ.

In the context of a confused and unilateral perception of the contemporary world about human rights-which, actually, targets the existence and the human's meaning on the threefold coordinates: man-man, God-man-cosmos-it seems to be opportune, and even healing for those fallen consciences into their own idolatry, to mention the paradigms the foundations and the implications of this subject, according to the theology life and the Church's experience. So, this volume targets not only exchanging ideas and conceptions about different ideas on human rights but also the expanding horizon of contemporary man, regarding his meaning and responsibilities-not only rights- within creation, in his relationship with other people but first of all in his relationship with the Creator.

The different secular conceptions about human rights which are discussed in this volume, have not been denied or abolished by Orthodox theologians but they showed their limits and the adverse implications which may occur in a human's life, being completed by the anthropocentric perspective of the Orthodox theology.

The publication of this book, inspired and coordinated by Father Nicolae Razvan Stan, is- as I said before- an original appearance in Romanian Orthodox Theology, contributing substantially to the affirmation of the Orthodox view on this ardent subject of the contemporary world. The volume can be viewed as a very well articulated document within these complex issues, involving one way or another, the most important religions, confessions, systems and conceptions of the world in a debate, and we are glad that Romanian Orthodox Theology also participates. Therefore, we congratulate the initiator and the publisher of this volume and we admire his effort to highlight to the christian of the third millennium, the Orthodox values, in a scientific and spiritual way.

Ph. D. Cristinel Ioja

**Konstantin V. Zorin - *Rise up and walk: steps to get well*,
Sofia, Bucharest, 2009, 310 p.**

K.V. Zorin's present work - the sequel and deeper of his previous books - has the purpose to help the sick by appeasing their physical mental, and especially spiritual suffering. The author is a Russian physician, specialist in medical psychology and Orthodox theologian. The book represents a synthesis of K.V. Zorin's medical and theological concerns for the spiritual side of diseases.

The paper begins with a comparative presentation between the medicine of pagan antiquity and the medical rules contained in the Old, and especially in the New Testament. The numerous Old Testament prescriptions, remaining at that time only with a strictly medical application, will find spiritual valences in the New Covenant. The unmercenary saints and Church Fathers will take all the treasure gathered by Moses and other Old Testament righteous and will use it by healing the physical and spiritual wounds, believing that in fact God is who heals.

The Russian doctor's concern is to bring to light the most ignored part of diseases, that is the spiritual aspect. Without reaching a sense of awareness of his disease, the patient will lose the opportunity to salvation that God gives him by the disease.

As one of his chapters entitled, K.V.Zorin sees illness as God's providence toward people. The Russian scientist overtakes the purely scientific conclusions of Western doctors, psychologists and even theologians and shows the disease is not just a simple mechanism. To have a clearer image, he discovers and presents some of the essential moments of the disease: understanding the illness as a crucial event in human life, finding its causes; disease - land for repentance and spiritual growth stimulus.

We can find many examples from medical and spiritual life throughout the book. Being a keen psychologist observer, K.V.Zorin uses even literary to support his ideas. He presents the novella "The Death of Ivan Ilyich" by Leo Nikolayevich Tolstoy that reflects the "struggle with the fear of death and search for the meaning of life" in a purely materialistic world.

The most important part of the Russian doctor's book is the analyses of sin as "the metaphysical principle of bodily, soul and spiritual diseases,

Konstantin V. Zorin - Rise up and walk: steps to get well...

and of the death.” Sin is regarded as the first factor of the disease and its spiritual source of occurrence and development. The idea is not new; it is inspired from Church Fathers’ teachings and we can find it in some studies of Western scientists and especially theologians. Nevertheless, K.V.Zorin shows that although the causal chain between sin and disease is obvious, we must not wrongly label the patient and contempt him. There are plenty of examples taken from Scripture, and lives of saints, but also from everyday life, when people of God or innocent babies received and led the cross of disease as a particular manifestation of Providence.

Most times, sin born disease. However, how? It is much easier to look through a microscope and to understand how different viruses attack the human body. Nevertheless, beyond the first scientific explanation, which opens the gates and helps them enter the human body, destroying it to death?

K.V. Zorin is aware of the risk of using only patristic and theological terms to explain the mechanisms by which sin born diseases. Therefore, using the Scriptures and the writings of the Church Fathers too, he manages to be understood by contemporary man through a modern language. People live nowadays in a strictly secular environment and the concepts of “stress”, “inter-personal conflicts”, “psychological trauma” or “perversion of the natural needs” are more familiar to them than “cutting the will”, “the law of the life Spirit and the law of sin and death.” The author pays special attention to one of the most devastating diseases of our century, the computer disease. K.V.Zorin is particularly interested in the damaging effect of this disease on the soul, which is more severe than the physical disorders caused by it.

Taking into account K.V.Zorin’s medical education, he considered an important step to show the main diseases of the modern man and specific spiritual causes of their occurrence: allergic reactions, asthma, hypertensive and heart disease, obesity, cancer and ulcer. The examples from medical life abound, but the author investigates them with a spiritual eye, and concludes that the disease is “body’s cry for help and soul’s warning through the body.”

An important chapter of this book is called “Spiritual disease of our time”. First and for the Russian doctor takes into account the source of spiritual disease that is the bottom of human heart and the life lived against God’s commandments. Putting his finger on soul diseases, K.V.Zorin shows that these are actually the result of broken communion between human soul and God. Like a chain reaction, the diseases follow each other in a

Review: CRISTINEL IOJA, *Homo economicus Iisus Hristos...*

crescendo, or rather into an abyss which leads to the complete alienation from God and suicide: sleeping consciousness, running from oneself, sudden enrichment, inner emptiness, boredom and ontological shock. Aware of the risk of confusion between the spiritual and psychological, K.V.Zorin makes a synthesis from the main Church Fathers works on „spirit”, „soul” and „passions”. The purpose of his analysis of patristic theology is to cut through and make “a division even of the soul and the spirit”, as St. Paul said, where evil, sin and death entered. K.V.Zorin calls the reader to a deep sincere research of conscience, which is the spiritual barometer of human life or death.

After the pattern of physical medicine, the spiritual diseases have „two parallel but not alternative paths of spiritual therapy: active prevention of diseases and fight them.” Here are the medicines proposed by the author: faith and repentance, church sacraments, services, holy objects, prayer and fasting. By using them, man heals spiritually, is cured and to be healed „means to become whole, to restore the integrity of their own personality and the integrity of his own nature”.

K.V.Zorin’s book, „Get up and walk: steps towards recovery” is a radiograph of the soul of the contemporary man who is sick and disoriented, and a starting point on the path of Truth and Life.

Rev. Ștefan Negreanu

Review: CRISTINEL IOJA, *Homo economicus Iisus Hristos, sensul creației și insuficiențele purului biologism* (trad: *Homo Economicus. Jesus Christ, the Meaning of Creation and the Deficiencies of Pure Biologism*), Editura Marineasa, Timișoara, 2010, 335 pg.

In the past two decades at list, from time to time, more voices standing up and claiming a position of the Orthodox Church in order to response to the profound problems of new approach of the economic philosophy which it is related with the culture of secularization. It is a challenge for everyone who tries to define or to explain the bases and the consequences

Review: CRISTINEL IOJA, Homo economicus Iisus Hristos...

of this issue and I do not remember to have here, in Romanian theological literature, a lot of exposures like this proposed now by Ph. D. Cristinel Ioja, a younger Assistant Professor of Dogmatic Theology at the Orthodox Theology Faculty of Arad but also a hard worker person in this area.

In this last paper of him, the fifth, entitled: *Homo Economicus; Jesus Christ, the Meaning of Creation and the Deficiencies of Pure Biologism*, he tries an interesting approach in order to analyze the relation between man and the creation, in terms of revelation, life and Church experience, and also how man related to the mystery of creation in different times and hence God's mystery revealed in Christ. Structured in seven chapters, the book reveals God's mystery, the mystery of man and of the creation, seen in a specific Eastern Christianity relationship and in a distinctive way to the different idolatrous attitudes of modern and post-modern man: pantheistic, deistic or materialist - atheistic.

The central idea of this study lies in the following truth of faith: Jesus Christ is the supreme purpose of the creation - man and cosmos - and beyond the meaning revealed in Him and through Him, man and the world experience ongoing crisis of their own limitation and self-sufficiency, being the object of suffering, crisis, illness, dissatisfaction, helplessness and death.

But who is *Homo economicus*? For the author is "The man who lives and works with all his forces in order to obtain a maximum welfare for the pleasure of having and spending, and incentives to continuously satisfy hedonistic and narcissistic aspirations, and to exacerbate passions considered true virtues, ideals achieved" (p. 3) and that kind of man seems to be the man of our day. This is the main motivation of present book: to show, like in a mirror, the truth faces of humanity in away of God and how can the man of today rediscover its stature in and through Christ Church.

In the first chapter the author establish the theological fundamentals of the understanding life and creation, using the apostolic and patristic comparison between Christ and Adam: "The man and the cosmos fall and rise together. They fall through Adam's autonomy and idolatry in Paradise and they arise in Christ, Who re-unifies the creation and its union with God in His divine-human Person, thus fulfilling Adam's vocation. Adam and Christ reveal two visions: that of the human meaning in cosmos and that of the cosmos meaning to man. These are opposite views which explain the dialectic between life and death itself. In Adam the meaning of creation is

Review: CRISTINEL IOJA, Homo economicus Iisus Hristos...

diverted from its purpose, but in Christ it is restored” said the author. In this context is shown the actuality of the theme, because the Christian beliefs and actions do not always conform to the purpose of creation which was restored in Christ, although Christ becomes, through the Church Mysteries.

In the second chapter the author analyzed the mutations occurring in human-cosmos relation in terms of a scientific vision of the world, being analyzed and evaluated the researches of Planck, Heisenberg and Einstein: “All changes from the scientific philosophy have huge reverberations, from the point of view of the author, in organizing human life, its system of values, in the relation between the individual and the others, in the way to “have” and to “be”, and how to gather and eat. Man autonomy fixes his place in the centre of the world as that who exploits the world through science and technology. Industry and economy are the results of his research and offer him a comfortable and carefree life, a material satisfaction in an earthly paradise. Thus, these mutations relativized and distorted the meaning of creation in modern and post-modern human consciousness guides him toward another bad experience, the pantheism”.

The third chapter examined the influence of modern and post-modern ideologies, particularly on liberalism and neo-liberalism, Marxism and communism, globalization and nihilism with its various accents that culminates with the destruction of mankind experienced in the twentieth century and new-age nihilism of today. For him “modernity gave rise to two major ideologies which have a common orientation - the immanent creation stripped of any personal transcendent reference, and a common point - the worship of matter, however the way in which is worshipped and “consumed” differs, especially how the world is organized ... *Homo economicus* both in communism and capitalism lost his spiritual meaning and the theological and cosmic vocation. He lives not to give the world matter a transcendent sense by a spiritual-material relationship, but to exploit and use it for production and consumption, either individually or collectively”. In this context, appears a confusion between the means of life (economy) and its purpose (religion), so that why economy becoming a “new religion”. A related aspect revealed here is the globalization theme which they are identified positive and negative aspects.

In the next chapter it is presented the metamorphoses of the consumer society during the industrial capitalism period until today when we see a

Review: CRISTINEL IOJA, Homo economicus Iisus Hristos...

hyperindividualist, hedonistic, diversified, and full of entertainment and advertising media hyperconsumerism. The contemporary society wants to be a new paradise of delights, but only for the body because the soul lost its priceless value as man lost faith in the eternal value and in a different world beside this one we live in. A new term is bring here: *homo consumans*, and the author explain that is “the man of the present without past and without any deep reflection on the future”. For him all the method and mince are created: “In order to be as good as possible this experience is put into an environment that enhances the entertainment, game, music, ornaments and show”. Even the holiday are aim to make human life a life of entertainment, a spectacle. The image of such a person is very well described: “In order to look better and to consume you need to be in shape. To experience diversified consumption pleasure it is necessary for the body to function, be ready to eat, have fun and to entertain and of course for “doing”, for “to have””.

Further is presented the dissatisfaction that *homo economicus* and *homo consumans* generate to humanity that experience an ecological, social and even a material crisis. Thus without Christ as the Meaning of life man has constantly the feeling of unfulfillment no matter how fulfilled is materially speaking. He critically examined social-existential, religious, cultural, spiritual and economic-consumer context of post-modernity, from the perspective of Revelation, life and Church experience. Naturally, the ending chapter offers the supreme response of the Church by the models of the Saints. The author recalls of the liturgical and philanthropical dimension of the Church that could be change the world.

The book was presented here is a very good scientific research, because the author uses the Church Fathers works, with that explains the major problems of the contemporary days. Also the present study excels at using the scientific literatures, shoving the consequences of these in the contemporary culture of humanity. I think that is a welcome book for the Church priest in their pastoral work and also for all the peoples who want to discover an attitude to the challenge of secularization. I would say that the book tries to rebuild a Christian “philosophy” of life, of economy, in which the search for higher meaning, from God, prevails.

Rev. Filip Albu

Writing requirements for the studies included in the “Teologia” review

The description of the theoretical framework of the theme

- accuracy in description and presentation;
- present interest and relevance of the bibliography used in connection with the theme;
- relevance of the information regarding the theme;

The aim of the study

- accuracy of expression;
- originality;
- relevance of the aim for the analysis and the innovation of the suggested theme;

The objectives of the study

- accuracy of expression;
- relevance and operational degree according to the stated aim;
- relevance regarding the stated theme;

The advanced hypothesis and the considered variables

- accuracy of expression;
- relevance of hypothesis according to the stated theme, aim and objectives;
- correlation between hypothesis and variables;

The description of the research methodology

- accuracy of building up research techniques;
- accuracy in applying the research techniques;
- relevance of the used methodology according to the theme, aim and objectives;

The presentation of the resultus of the investigation

- relevance of the results according to the theme, aim and objectives;
- quality of the results and their presentation according to the stated aim;
- quantity of results;

Interpretation of the results obtained

- relevance of interpretation according to the hypothesis, aim and objectives ;
- relation of the interpretation with the theoretical framework of the theme;
- accuracy, originality and extent of interpretation;

Suggestions

- innovative degree of suggestions;
- capacity of the suggestions to solve the identified problems;
- transferable value of the launched suggestions;

Writing requirements

Title: 14 Times New Roman Black, Bold, Center, one line.

Author: University degree, name and surname, name of the institution, country, one under the other, written in 12 Times New Roman, Italic, one line, Align Right.

Summary: 12 Times New Roman, Italic, one line, Align Justify, no longer than 15 lines. It will be in Romanian, English, French or German.

Keywords: A list of 4-5 keywords written in 12 Times New Roman, Italic, one line, Align Left in English.

The content of the article: In Word, format A4, Align Justify using 12 Times New Roman, one line.

*Footnote: example (Dumitru Stăniloae, *Spiritualitate și comuniune în Liturgia ortodoxă*, Ed. a II-a, Editura Institutului Biblic și de Misiune al Bisericii Ortodoxe Române, București, 2004, p. 109-110).*

The title of the article structural elements: written in 14 Arial Black, Bold, Align Left, one line.

Subtitles of the article, imposed by the structure and given by the author: written in 12 Arial Black, Bold, Align Left, one line.

Remarks:

- the author is obliged to specify the domain of the scientific research of the study;
- the consultant and the editorial staff reserve the right of publishing the article according to the epistemic or/and the editing requirements;

- each article will be analyzed according to the requirements of the domain it belongs to, the above requirements being the reference framework;
- the editorial staff guarantees the author the feedback right, during the first week after receiving the article;
- the editorial staff will, confidentially, send and comment both the positive and the negative feedbacks;
- the consultant and the editorial staff will accept for publication the rejected articles, in an improved form.

AUTHORS LIST

Albu Filip, Rev Ph. D. Theology Faculty of Aurel Vlaicu University, Arad/Romania

Breda Nicu, Rev Ph. D. Theology Faculty of Aurel Vlaicu University, Arad/Romania

Constantinescu Iulian Mihai L., Leturer Ph D, Faculty of Orthodox Theology, University of Craiova

Dobrei Florin, The “Eftimie Murgu” University of Resita/Romania

Ioja Cristinel, Ph. D. Theology Faculty of Aurel Vlaicu University, Arad/Romania

Kattan Assad Elias, *Centrum für Religiöse Studien, Münster/Germany*

Munteanu Daniel Ph. D. University of Bamberg/Germany

Murg Adrian, Rev Ph. D. Theology Faculty of Aurel Vlaicu University, Arad/Romania

Negreanu, Stefan, Rev Ph. D. Theology Faculty of Aurel Vlaicu University, Arad/Romania

Prassas Despina D, Ph.D. Providence College, Providence, RI/ United States of America

Rus Constantin, Rev. Ph. D. Theology Faculty of Aurel Vlaicu University, Arad/Romania

Tselengidis Dimitrios, Ph. D. Theology Faculty of Thessalonica/Greece

Tulcan Ioan, Rev. Ph. D. Theology Faculty of Aurel Vlaicu University, Arad/Romania

