

KEYNOTE ADDRESS  
By His All-Holiness  
Ecumenical Patriarch Bartholomew

At the 24<sup>th</sup> International Congress  
of the Society for the Law of the Eastern Churches  
(Rome, *Pontifical Oriental Institute*, September 16, 2019)

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**“The Society for the Law of the Eastern Churches 50 Years Later  
and the Ecumenical Movement”**

Your Eminences,  
Honorable President of the Society,  
Esteemed Professors,  
Ladies and Gentlemen,

It is a great pleasure and honor for us to be among all of you today, at the commencement of the 24<sup>th</sup> International Congress of the Society for the Law of the Eastern Churches, celebrating the 50<sup>th</sup> anniversary since its founding in 1969. Please, allow us to express our warmest, most sincere gratitude for being invited here by Prof. Astrid Kaptijn, President of the Society and Vice-Rector of Fribourg University of Switzerland. We would like to add that, more than being pleased and honored, we really feel blessed to be here in Rome again, in the birthplace of the Society, 50 years after its founding. We are also very moved to deliver this Keynote Address today at the Pontificio Istituto Orientale, where we spent three whole years, after the conclusion of our studies in theology and canon law at the historic Patriarchal School of Theology on the island of Chalki, deepening and widening our canonical formation and completing our doctoral dissertation on the question of the codification of the holy canons in the Eastern Orthodox Church. We are grateful to God for this unique opportunity, and we are

deeply moved as we recall the people with whom we jointly worked for the founding of the Society, as well as its first Congress, which took place in Vienna all the way back in 1971. The majority of the Society's founders are now deceased and repose in the bosom of the Lord, to whose service they had dedicated their entire lives. May their memory be eternal. All of us are deeply thankful to them for their generous legacy, which they handed over to their younger successors for its further improvement, development, and enrichment.

Most of you, dear friends, are likely aware that the founding of the association was due to the initiative of the Reverend Professor and Dean of the Pontificio Istituto Orientale, Ivan Žužek, who was also the doctoral supervisor of our Modesty. But we would be remiss if we failed to mention the contribution of the late Hamilcar Alivizatos, Professor of Canon Law at the School of Theology of the University of Athens. His demise prevented him from further advancing the early steps of the Society. It was those two inspired figures that conjointly set the agenda for the founding of the association, as early as 1968. By November of the same year, the first exchange toward that goal had already occurred here in Rome, and no less than 50 famed canon law experts responded, as hopeful participants, to the public communiqué announcing the decision for the establishment of the Society. The final resolution for the founding of the Society was made a year later, in November 1969. It was at that meeting that the association received its name, and Vienna was designated as its headquarters and the place of its first Congress. At the same time, Professor Dr. Willibald Plöchl was appointed its first president, after the written request of the then Archbishop of Vienna, Cardinal Dr. Franz König. It was there that its Board of Directors was elected.

50 years have passed since the establishment of the Society. Issues such as mixed marriages, the fundamental administrative ecclesial institutions of autonomy and autocephaly, the position of the *primus* in the context of synodality, the place of the laity in the

Church, the meaning of the concept of *οἰκονομία* and its application, the bishop and his jurisdictional standing, the notions of ecumenism and intercommunion from a canonical perspective, are among those that the Society has addressed in the five decades of its operations. 40 years have been completed since the initiation of the formal dialogue between the Roman Catholic and the Orthodox Church, which has resulted in common statements, from the Munich text of 1982 down to the recent documents of Ravenna in 2007, and Chieti in 2016. The Sacraments, particularly the Holy Eucharist, as well as synodality and primacy, are among the issues broached in our theological dialogue.

We have no doubt whatsoever that the role of the Society cannot but be actively supportive of the Roman-Catholic – Orthodox formal theological dialogue. Our mixed theological committee could find useful relevant material to that end in the papers and conclusions of the Society’s congresses. It is true that the Society is entitled to its autonomy; nevertheless, it cannot fail to keep up on the topics discussed in our theological dialogue, which seeks to focus on what could potentially lead to mutual understanding, convergence, and unity. Comprised as it is of both theologians and canon law experts from both Churches, the Society is uniquely privileged to examine the same issues in an epistemologically multifaceted, holistic, and well-rounded manner.

In terms of the importance of canon law for the advancement of the theological dialogue between the two sister Churches, the Ravenna Agreed Statement affirms: “In order for there to be full ecclesial communion, there must be, between our Churches, reciprocal recognition of canonical legislations in their legitimate diversities” (§ 16). For example, the canons of the Council in Trullo, which has always been regarded as ecumenical by the East, had within the Church of Rome a complex status, alternating between rejection and reception, primarily due to the medieval East – West polemics. Nevertheless, toward the end of the second millennium, precisely as a result of several studies published on

the occasion of the organization of various conferences for the celebration of its 13<sup>th</sup> centenary in 1992, a scholarly consensus about the status of its canons as canons of an ecumenical council began to gain momentum among scholars in the West.

What the Ravenna Agreed Statement emphasized in 2007 about the centrality of canon law for ecumenism was already included in the Bylaws of the Society since its establishment in 1969. As specified by article 4 of its Bylaws, the purpose of the Society is the study of the history of the sources and institutions of canon law. This same article contains also the call to engage in a comparative study of the various canonical traditions of the Eastern Churches. Quite pertinent, in this regard, is the remark made by Cardinal König, during the Society's inaugural congress in Vienna in 1971, that its purposes are beneficial for the *aggiornamento* of the Latin *Codex Juris Canonici*, in the sense that any attempt to reform this *Codex* cannot be considered complete and successful without taking into account the enormous legacy of the Christian East. In Cardinal König's view, the "*lux ex oriente*" can be beneficial for the entire Church.<sup>1</sup> Moreover, as the then Metropolitan Panteleimon of Corinth stated during the same congress, "The invitation and the task of the Society for the Canon Law of the Eastern Churches arises very wisely in the present times, as these times are marked by the growing tendency of a return to the sources and the necessity of approaching one another."<sup>2</sup> And, as he concluded, "May the first congress assembled here become a starting point for many fruitful future meetings, which will be crowned by such success as to construct a threshold for the unification of all Christians into one, undivided flock under the one flag and by the steady pastoral staff of Jesus Christ for the Lord's glory and for the extension of the salvation and the word of God to the whole world."<sup>3</sup>

It wouldn't be an exaggeration to reach the conclusion that the perception of canon law as a tool for the promotion of the

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<sup>1</sup> See the remarks of Cardinal König in *Kanon 1* (1971): 12-15, at 14-15.

<sup>2</sup> See the statement of Metropolitan Panteleimon in *Kanon 1* (1971): 16-17, at 16.

<sup>3</sup> *Ibid.*, 17.

ecumenical dialogue is deeply embedded within the DNA of the Society. Here the juridical instruments of the Churches—their canons, laws, or other regulatory instruments—are not treated merely as “borders” that define the “limits of the Church,” to use the title of the famous article<sup>4</sup> by the “dean of the Orthodox theologians” in the 20<sup>th</sup> century, Archpriest Georges Florovsky, whose memory the Ecumenical Patriarchate honored with the organization of an International Conference in Istanbul just two weeks ago, on the occasion of the fortieth anniversary since his repose. For the Society, the canons are not juridical walls between the separated Churches that distinguish those within the Church from those outside of it.

On the contrary, for us the ecclesial regulatory instruments are considered as essential components for the advancement of the ecumenical movement and as inseparable from the quest for agreement at the level of doctrine, achieved through theological debate, which has been so far the principal and dominant focus in contemporary ecumenical discourse. To put it in the words of the renown 20<sup>th</sup>-century canonist Fr. Nicolas Afanasiev, “canons are a kind of canonical interpretation of the dogmas for a particular moment of the Church’s historical existence... Dogmas are absolute truths and canons are applications of these truths for the historical existence of the Church... The truth that canons express is in itself absolute, yet the content of canons is not this truth itself, but the mode through which this truth must be expressed in a given historical form of the Church’s life. Canons express the eternal in the temporal.”<sup>5</sup>

In our doctoral dissertation we argued, and in our lecture at the Society’s inaugural Congress we had the opportunity to reiterate, that the ancient canons “contain the guiding and

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<sup>4</sup> Georges Florovsky, “The Limits of the Church,” in *The Patristic Witness of Georges Florovsky – Essential Theological Writings*, Brandon Gallaher and Paul Ladouceur eds. (London: T & T Clark, 2019), 247-256, at 256.

<sup>5</sup> Nicolas Afanasiev, “The Church’s Canons: Changeable or Unchangeable?,” in *Tradition Alive: On the Church and the Christian Life in Our Time/ Readings from the Eastern Church*, Michael Plekon ed. (Lanham, MA: Rowman & Littlefield Publishers, Inc., 2003), 31-45, at 37-38.

fundamental principles, on which all legislative work of the Church, created by changing ecclesiastical circumstances, must be based. The Church's legislation must always aim: firstly, at the application of the above-mentioned principles in accordance with the special needs of the Church in a given age, and secondly, at the elaboration of these principles in specific appropriate canons."<sup>6</sup> These canonical principles have a theological content and are fundamental to the Church's ecclesiological self-understanding. They have a living force and contain within themselves the possibility of further development and articulation. They form a dynamic canonical tradition, "which is the living experience of the whole body of the Church, and not a museum piece, expressing the demands of each time."<sup>7</sup>

Through the comparative study of the various juridical instruments of the Churches to which article 4 of the Society's Bylaws invites us to undertake, it is possible to explore critically the extent to which different Christian traditions share common principles in their canons and other instruments of internal governance, to induce such common principles of Christian law and Church order, and to examine the ways in which these common principles may contribute creatively to the ecumenical endeavor to enhance fuller visible unity.

This past March we had the chance to be personally informed at the Ecumenical Patriarchate about the significant canonical work of an ecumenical panel of religious leaders, jurists and theologians from ten Christian traditions worldwide – Roman-Catholic, Orthodox, Anglican, Lutheran, Methodist, Reformed, Presbyterian, Baptist, Old Catholic and Pentecostal. The outcome of the research work of this panel has been a *Statement of Principles of Christian Law* (2016), based on the book *Christian Law:*

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<sup>6</sup> Bartholomew Archondonis, "A Common Code for the Orthodox Churches," *Kanon* 1 (1973): 45-53, at 46.

<sup>7</sup> See this statement of the then Metropolitan of Philadelphia (current Ecumenical Patriarch) Bartholomew at the Second Pre-Conciliar Pan-Orthodox Conference (Chambésy, 1982) in *Συνοδικά VII: Β' Προσσυνοδική Πανορθόδοξος Διάσκεψις (Σαμπεζύ, 3-12 Σεπτεμβρίου 1982)* (Chambésy: Orthodox Center of the Ecumenical Patriarchate, 1994), 104.

*Contemporary Principles*, by Professor Norman Doe,<sup>8</sup> one of this Congress's speakers. These *Principles* were induced from similarities drawn precisely from a comparative study of the regulatory instruments of the participating Christian canonical traditions.

We express our gladness that a special workshop within the framework of this Congress is dedicated to this important *Statement*, which is a means of unity and collaboration between Christians of different traditions. This *Statement* is being fed into the work of the World Council of Churches (WCC) and its Faith and Order Commission, which in 2017 established at Geneva a partnership with the above-mentioned ecumenical panel, in fulfilment of the acknowledgment by the WCC in 1974 that "church law" should be treated and studied as an instrument of ecumenism.

We congratulate the Organizing Committee of this Congress for the inclusion within its proceedings of a discussion about this project, which is designed to fill the historical juridical deficit in the ecumenical enterprise. This discussion is not only very pertinent to the Congress's theme about "how canon law assists in the ecumenical dialogue," but it also shows the Society's commitment to the promotion of its purposes through the engagement with up-to-date topics, such as "juridical ecumenism," i.e. the study and practical deployment of canons and other regulatory instruments of churches on ecumenism.<sup>9</sup>

The Orthodox Church, being faithful to its ecumenical nature, deems juridical ecumenism as crucial for the promotion of the various theological dialogues with Roman Catholics, Anglicans, the Oriental Churches, Old Catholics, Lutherans and members of the Reformed Church, in which we have been engaged during the past decades. In June 2016, the Holy and Great

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<sup>8</sup> Norman Doe, *Christian Law: Contemporary Principles* (Cambridge, UK: Cambridge University Press, 2013).

<sup>9</sup> For juridical ecumenism see Norman Doe, "Juridical Ecumenism," *Ecclesiastical Law Journal* 14 (2012): 195-234.

Council of the Orthodox Church, which took place in Crete with the participation of 10 out of the then 14 local Autocephalous Churches, adopted 6 documents. One of these documents, entitled “The Relations of the Orthodox Church with the Rest of the Christian World,” underscored the necessity of the inter-Christian dialogues in general and the duty of the Orthodox Church to participate in them, as an expression of Orthodoxy’s “self-consciousness” (*Relations*, § 5). This same point was raised in the Council’s *Encyclical*, as well as in its *Message*. As it is prescribed in the abovementioned Cretan document, the basis for conducting these theological dialogues are “the canonical principles of Orthodox ecclesiology and the canonical criteria of the already established Church Tradition” (*Relations*, § 20), “inspired by common fundamental principles of the Gospel” (*Relations*, § 23). Thus, the Orthodox Church recognizes not only the centrality of the principles of canon law for its participation in the ecumenical dialogue, but also the existence of shared by all Christians fundamental principles.

Reference to “the principles of the holy canons” is also made in another document of the Holy and Great Council, the one about “The Sacrament of Marriage and its Impediments.” In this case, too, the principles are employed in relation to a topic that affects the ecumenical relations: mixed marriages of Orthodox Christians with non-Orthodox Christians. The principles derived from the canons are used as guides by the Holy Synod of each local Autocephalous Church during its decision-making process with regard to the “exercise of ecclesiastical *οἰκονομία* in relation to impediments to marriage” (*Marriage*, II.5.ii).

In an accurate reflection of the canonical prerogatives of the Ecumenical Patriarchate, the documents adopted by the Holy and Great Council acknowledge the coordinating role of the First-throned Church of Constantinople among the local Autocephalous Churches with regard to their participation in the ecumenical movement. For example, in the case of the periodical evaluations of the bi-lateral and multi-lateral theological dialogues on a pan-

Orthodox level, “the Ecumenical Patriarch shall seek unanimous consensus among the Orthodox Churches about possible courses of action” (*Relations*, § 10). The Holy Great Church of Christ, upholding the “pan-Orthodox consensus” (*Autonomy*, § 2e), is the protector and guarantor of the canonical tradition of the Orthodox Church, faithfully preserving its first principles in order to offer them anew to the ecumenical dialogue, contributing crucially to a dynamic renewal of the canonical consciousness of the Church, which is so vital for both the intra-Orthodox and inter-Christian relations, always with respect to the canonical traditions of the other Churches in their legitimate diversities.

In this spirit of love, mutual respect, and understanding, theological dialogues have been carried out from the 20<sup>th</sup> century onwards, delving into new and sometimes unprecedented issues and concerns. The fundamental obligation of every Church, be that the Orthodox, Roman Catholic, or any other among the cluster of the Protestant denominations, is to respect and recognize “the other.” Such recognition, while not imposing a mutual acceptance of the doctrinal and canonical views of their conversation partners – for there would be no need for dialogue had that been the case – it does signify the lack of hostile antagonism among Christians of different confessions. This is a valuable accomplishment. Participating parties work and converse on an equal footing in their common search for the truth. The Church is not divided by a line demarcating “progressives” from “conservatives,” but by a split between error and truth, between life and death. But the road leading to the truth and to life is a rough one, demanding besides effort, a resistance to such historical evils as fanaticism, intolerance, and fundamentalism. These evils are by no means intrinsic to this multi-sided quest; on the contrary, they must be rejected out of hand in the name of the Gospel. Equality and respect for the canonical tradition of the other are precious values acknowledging the capacity of every participant to discover, understand and experience the truth attained through this joint quest. For, in every theological exchange among the Churches, each side submits its own experience and comprehension of the

broader truth, thereby making it available to the rest of participants.

This quest for the truth, as is promoted in the ecumenical movement, is not a self-centered, vainglorious endeavor; it aims rather at sharing humbly this truth among brothers and sisters who are eager to hear and taste it. It can hardly be disputed that the Orthodox Church gains immensely from its participation in the inter-Christian dialogue, in a twofold manner: not only does it become aware of the problems facing other denominations, but also in the sense of being itself subjected to criticism over its own *lacunae* and sometimes unfortunate practices. None of this undermines the integrity of the canonical tradition of the Orthodox Church. On the contrary, Orthodox Canon Law is enriched by this process throughout, inasmuch as its exposure to critique brings into prominence the fact that the Church really has its treasure in jars of clay (2 Cor. 4:7). Needless to say, however, this critical process bears no relation to any form of programmatic, compartmentalized relativism.

Inter-Christian dialogue can only flourish when practiced with sincere mutuality, as a witness, as a sacrifice of smug certainties, and an overcoming of self-centeredness. Faced with this task, the Ecumenical Patriarchate is charged with an enormous mission: it is expected to boldly converse with the rest of the Churches without fearing that it may suffer an undue compromise of its truth-coordinates, i.e., of having its identity deformed. Yet, "love casts fear out." When properly conducted, as it has always been thus far, faithful to the spirit of Scripture and the canonical consciousness of the Church, ecumenical dialogue is bound to successfully reunite the common fundamental canonical principles of the Christian faith and spirituality for the benefit not of itself but of the world.

Beloved brothers and sisters in Christ,

A fresh transmission of Christianity's message to the world, freed from prejudices, superstition, ignorance, and intolerance, is

literally vital nowadays, and its urgency cannot be overstated. Therefore, the end point of the ecumenical dialogue cannot be reduced to the prospect of a union of the Christian Churches alone. More than that, the ulterior purpose of our exchange is to facilitate the salvation of the world in Jesus Christ. The quest for the unity of Christians is in fact the quest for the unification of humankind, whose fragmentation is nowadays wrought by several factors. On Holy Friday, in the Orthodox Church, we address Christ who suffers for our salvation, saying to Him, "You spread the palms of your hands and united what had previously been fragmented and scattered." In its genuine form, contemporary ecumenical dialogue is the work of Christ and is shaped after the example of Christ.

In our present cultural milieu, still mired by multiple forms of racism but confident of its post-medieval progressivism, any initiative aiming to unite the peoples of the earth in the spirit of sincere reconciliation is a loud protest against malicious intentions and inhumanity; it is a substantial contribution towards a better future for humankind. The Churches' mission is to serve humankind, not their own turf. They are expected to tend to the Lord's sheep, to instill in them a trust in the love of God, who despite adversities is and remains steadfast on our side, even unto death. For this reason, the only criterion and "the entire concern" for the exercise of its canonical privileges has always been for the Holy Great Church of Christ, as "the one entrusted with pastoral authority, ... to bring back the lost sheep and heal the serpent's bite ... by wisely guiding the man who is called to the splendor on high" (cf. Trullo Canon 102).

In this spirit, we extend once again to the Organizing Committee and to all those who were involved in the preparation of this anniversary Congress of the Society for the Law of the Eastern Churches our congratulations together with our Patriarchal blessings and wishes for a fruitful continuation of your God-pleasing work toward the direction of "removing the stubbornness of dissension"<sup>10</sup>—to use the phrase of Fr. Georges

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<sup>10</sup> Florovsky, "The Limits," 256.

Florovsky—through the cultivation of the noble canonical discipline. We are deeply moved to see the continuation of the work that we set forward 50 years ago, and are looking forward to its unceasing operation in the years to come. In the words of our great predecessor to the Throne of the City of Constantine, Gregory the Theologian, “we seek not conquest, but the return of brethren, the separation from whom is tearing us [apart],”<sup>11</sup> using the comparative study and practical deployment of the various Christian canonical traditions as a theoretical and practical framework to complement, but in no case to replace, our long-ago established dialogue of truth and love, our commitment to always “speak the truth in love” (Eph. 4:15).

Thank you for your kind attention and may God bless you all!

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<sup>11</sup> As cited by Florovsky, *ibid.*