

Are the Ratzinger Proposal and Zoghby Initiative Dead? Implications of *Ad Tuendam Fidem* for Eastern Catholic Identity

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Revised April 4, 2008

Introduction

Is Rome satisfied with Eastern Catholic loyalty in terms of the Zoghby Initiative? In 2002 this question was submitted several times to various speakers at Orientale Lumen Conference VI, but never received an answer. One of the conference organizers, responsible for communicating audience questions to speakers, remarked that one of the speakers, a Roman Catholic Cardinal and member of the international Orthodox-Catholic dialogue, had declined the question because he did not know what the Zoghby Initiative was. And yet, for many Eastern Catholics, it has had an important part in shaping their understanding of their role as bridges between East and West.

Eastern Catholic Hopes

Many Eastern Catholics, in the wake of 20th-century improvements in relations between Rome and Constantinople, the ecumenical declarations of Vatican II, and Roman insistence that Eastern Catholic churches recover their authentic liturgical traditions, have found courage to abandon the theological hybridism of uniatism and claim for themselves the identity of Orthodox-in-communion-with-Rome. In this way they have begun to think of themselves, not as Eastern rites within the Roman Catholic Church, but as forerunners of the coming reunion of the Roman Church with the Orthodox sister churches.

In the early 1990s, encouraged by the advances represented by the Balamand Statement, the Kievan Church Study Group¹ and the Melkite Greek Catholic bishops explored the possibility of double communion whereby Eastern Catholic churches would reestablish communion with their historic Orthodox mother or sister churches without breaking communion with Rome. Much thought also went into reflecting on the possible implications of the distinction between the Bishop of Rome's role as universal primate and as patriarch of the West.² The hope was that if the West could properly distinguish between those roles and recover an adequate understanding of the patriarchate, Eastern

¹ See, for example, the collection of papers from the First Stamford Consultation of the Kievan Church Study Group, October, 1992, in *Logos: A Journal of Eastern Christian Studies* 34 (1993).

² The recent papal renunciation of the title "Patriarch of the West" would seem to preclude any return to the *primus inter pares* of the first millennium pentarchy of patriarchs as the basis for understanding the Roman primacy. More recently, Cardinal Walter Kasper, president of the Pontifical Council for Promoting Christian Unity, hailed as a "real breakthrough" the fact that at the October 2007 meeting of the Joint International Commission for the Theological Dialogue between the Orthodox Church and the Roman Catholic Church in Ravenna, for the first time, "the Orthodox were ready to speak about the universal level of the church" (November 14, 2007 interview with Vatican Radio, reported by the Catholic News Service, November 14, 2007).

churches would have a secure foundation for an appropriate autonomy which until then seemed incompatible with the Roman self-understanding of its universal jurisdiction.

Then-professor Josef Ratzinger, owing to his later role as head of the Congregation for the Doctrine of the Faith, is credited with articulating the possibility that communion could be restored on the basis of the shared faith of the first millennium together with a mutual recognition that the subsequent developments of both churches were legitimate and orthodox.

Although it is not given to us to halt the flight of history, to change the course of centuries, we may say, nevertheless, that what was possible for a thousand years is not impossible for Christians today. ... Rome must not require more from the East with respect to the doctrine of primacy than had been formulated and was lived in the first millennium. When the Patriarch Athenagoras, on July 25, 1967, ...designated [the Pope] as the successor of St. Peter, as the most esteemed among us, as one who presides in charity, this great Church leader was expressing the essential content of the doctrine of primacy as it was known in the first millennium. Rome need not ask for more. Reunion could take place in this context if, on the one hand, the East would cease to oppose as heretical the developments that took place in the West in the second millennium and would accept the Catholic Church as legitimate and orthodox in the form she had acquired in the course of that development, while on the other hand, the West would recognize the Church of the East as orthodox in the form she has always had.³

Although the “ifs” here are significant, the conditions of the “Ratzinger Proposal” are certainly less strenuous than requiring the Eastern churches to accept all the developments of the Roman magisterium during the second millennium as their own.

For example, some advocates of the return to the first millennium consensus as grounds for restored communion, such as Archbishop Zoghby, further relativize the second millennium developments by emphasizing the distinction between the first Seven Ecumenical Councils and later “general synods of the West,” pointing especially to Pope Paul VI’s use of this terminology in relation to the failed reunion council of Lyons in 1274. This distinction is based on the criterion for ecumenicity laid down by the Seventh Council (Nicea II, AD 787) itself, requiring acceptance of a council by the churches of both East and West so that neither could claim ecumenicity for its own separate synods. Councils that lack such agreement, these advocates would argue, are not ecumenical and should not be considered infallible.⁴

Combining this position with the terms of Ratzinger’s proposal, then, the Eastern churches could acknowledge the orthodoxy of Vatican I, for example, while not regarding it as infallible or its teaching as ecumenically binding. Such a stance might

³ Joseph Cardinal Ratzinger, *Principles of Catholic Theology* (San Francisco: Ignatius Press, 1987), 199.

⁴ Elias Zoghby, *Ecumenical Reflections* (Fairfax, Va.: Eastern Christian Publications, 1998), 33-35. In

allow the separated churches to enter into communion and then work toward full reconciliation of their second millennium differences.

Some such hope is expressed by the proposal for double communion by Archbishop Elias Zoghby on the basis of the following profession of faith, which was endorsed by a large majority of the Melkite hierarchy in 1995/1996:

Profession of Faith

1. I believe everything which Eastern Orthodoxy teaches.
2. I am in communion with Rome as the first among the bishops, according to the limits recognized by the Holy Fathers of the East during the first millennium, before the separation.⁵

Is Rome satisfied with Eastern Catholic loyalty on such terms?

Roman and Orthodox Responses to the Zoghby Initiative

The aim of the initiative was to find a basis for establishing communion with the Antiochian Orthodox church without damaging the existing communion with Rome. The Roman response, therefore, addressed primarily the admissibility of the Melkite Patriarchate establishing communion with Antioch prior to Rome and Antioch resolving their differences. The judgment was negative: It is not appropriate for the Melkites to declare their complete agreement with Eastern Orthodoxy precisely because Orthodox churches do not share the same faith as the Catholic Church, at least in profession and exercise.

As to the Greek-Melkite Catholics declaring their complete adhesion to the teaching of Eastern Orthodoxy, it is necessary to take into account the fact that the Orthodox Churches today are not in full communion with the Church of Rome, and that this adhesion is therefore not possible as long as there is not a full correspondence in the profession and exercise of the faith by the two parties.⁶

Relative to the second point of the proposed profession of faith, the Roman response insists on the need to maintain the fully developed doctrine of the Roman primacy since it is an essential component of the Catholic faith.

We know that the doctrine concerning the primacy of the Roman Pontiff has experienced a development over time within the framework of the explanation of the Church's faith, and it has to be retained in its entirety, which means from its origins to our day.⁷

⁵ *To the Ends of the Earth: Aspects of Eastern Catholic Church History* (Pittsburgh, Pa.: God With Us Publications, 1997), 88.

⁶ Congregation for the Eastern Churches Prot. No. 251/75 (June 11, 1997), addressed to His Beatitude Maximos V Hakim, the Greek-Melkite Catholic Patriarch, and signed by Joseph Cardinal Ratzinger, Achille Cardinal Silvestrini, and Edward Cardinal Cassidy.

⁷ *Ibid.* The text then cites the relevant sections of the documents of Vatican I and Vatican II.

The letter acknowledges the offer made in John Paul II's *Ut unum sint* to consider other modalities in which to exercise the Petrine ministry, but it reiterates the fundamental point of Roman ecclesiology on which the Melkite proposal founders: the communion of particular churches with the Church of Rome is the principle of their communion with each other.

It is appropriate to be reminded that in any case, "The Catholic Church, both in her praxis and in her solemn documents, holds that the communion of the particular Churches with the Church of Rome, and of their Bishops with the Bishop of Rome, is—in God's plan—an essential requisite of full and visible communion" (*Ut Unum Sint*, 97).⁸

From the Orthodox side the Zoghby Initiative provoked similar concerns over the integrity of the faith which is to serve as the ground of union. Of particular interest, in the response of the Holy Synod of the Antiochian Orthodox Patriarchate, is its insistence on a return to the first millennium consensus as the starting point for progress toward doctrinal unity.

The first step toward unity on the doctrinal level is not to consider as ecumenical the Western local councils which the Church of Rome convened separately, including the First Vatican Council.

And second the Melkite Catholics should not be obligated to accept such councils. Regarding inter-communion now, our Synod believes that inter-communion cannot be separated from the unity of faith. Moreover, inter-communion is the last step in the quest for unity and not the first.⁹

The last sentence suggests that the Orthodox may not be satisfied with the Ratzinger Proposal as the basis for restored communion, but certainly the Antiochian Synod regards something like it as a necessary first step in the doctrinal dialogue. Equally clear is the fact that Rome is not satisfied with Eastern Catholic loyalty that includes anything less than full acceptance of the Catholic faith as fully developed in the second millennium.

Joseph Cardinal Ratzinger's signature on the letter to the Melkite patriarch makes it clear that whatever his private opinion may be about his earlier proposal—made before he assumed responsibility for the Congregation for the Doctrine of the Faith—that proposal is not on the table in any official context. The only proposals on the table are, *vis-à-vis* the Orthodox (and other separated Christians), the well-known proposal made by John Paul II in *Ut Unum Sint* to search for new modalities for the exercise of the Petrine

⁸ Ibid.

⁹ As quoted in a Melkite Greek Catholic press release (September 1996), an online version of which can be found at <http://www.ratzinger.it/documenti/BeatitudeMaximos.htm> (accessed October 25, 2007).

ministry;¹⁰ and with respect to Eastern Catholics, acceptance of the Catholic faith as currently defined by the Roman Church.

Still Hoping

To my knowledge, neither Archbishop Zoghby, who has continued to defend his initiative and profession in writing,¹¹ nor the Melkite Synod has repudiated the 1996 proposal for reunification of the Antiochian Patriarchate. At *Oriente Lumen VI* in 2002, Patriarch Gregory III reiterated his commitment to the 1996 document of the Synod, making no reference to the letter from the Eastern Congregation cited above.

He did acknowledge that there are problems. “The difficulty lies in the fact that Rome is not ready to accept the genuine rights of the Eastern Catholic Churches as proclaimed by Vatican II (OE; n. 5).” Eastern Catholics “have to speak up, to discover the real Eastern ecclesiology and to develop it, and help the Western mentality to mature in that regard.” Eastern Catholics are called to be a bridge or window between East and West, “Orthodoxy with a plus”, namely, the plus of being in communion with Rome. But at present the Roman denial of the genuine rights of the Eastern Catholic Churches obscures that identity. “Rome would more easily give them to the Orthodox Churches. We do not represent, in the full sense, genuine Orthodoxy to Rome or, for that matter, to the Orthodox Churches.”¹² But that should not stop Easterners from fulfilling their role.

His Beatitude regards the 1996 proposal as a proper expression of the identity which for 300 years has “never asked for reciprocity. We did what we did [in entering communion with Rome in 1724] as genuine Easterners, because we consider that we are committed to something that is not extraneous to us or to our tradition.”¹³ Communion with Rome was part of the Eastern tradition in the first millennium. By professing communion “with Rome as the first among the bishops, according to the limits recognized by the Holy Fathers of the East during the first millennium, before the separation,” Eastern Catholics are simply being faithful to their own *Eastern* tradition, not adopting a Roman one, and they are thereby able to provide a bridge between Constantinople and Rome.

The question, then, is not whether Rome is satisfied with communion on these terms, but whether and for how long it will continue to tolerate those, like Patriarch Gregory III, who understand the terms of communion differently.

¹⁰ This is the only proposal Ratzinger, now as Pope Benedict XVI, reiterated in the public statements made during his visit to Constantinople in November 2006. The extent of this offer can perhaps be best understood in reference to Canon 45, § 2 of the *Code of Canons of the Eastern Churches*: “The Roman Pontiff, in fulfilling the office (*munus*) of the supreme pastor of the Church is always united in communion with the other bishops and with the entire Church; however, he has the right, according to the needs of the Church, to determine the manner, either personal or collegial, of exercising this function.”

¹¹ *We Are All Schismatics* (Newton, Mass.: Educational Services, 1996); *Ecumenical Reflections* (Fairfax, Va.: Eastern Christian Publications, 1998); see also his earlier *A Voice from the Byzantine East* (Newton, Mass.: Educational Services, Diocese of Newton, 1992).

¹² His Beatitude Gregory III, “Eastern Catholic Churches: Window between East and West,” *Oriente Lumen VI Conference Proceedings 2002*, (Washington, D.C.), 42.

¹³ *Ibid.*

Ad Tuendam Fidem and the Oath of Fidelity

In 1998 Pope John Paul II promulgated changes to Canon law, both Latin and Eastern, that take on added significance within this context. The changes were new norms “which expressly impose the obligation of upholding truths proposed in a definitive way by the Magisterium of the Church, and which also establish related canonical sanctions.”¹⁴

The document takes as its point of reference the Profession of Faith developed by the Congregation for the Doctrine of the Faith and superseding the Profession and Oath of 1989. This Profession of Faith, and the accompanying Oath of Fidelity, is required of the Church's clergy, including bishops, and teachers in disciplines that deal with faith and morals.¹⁵ After a recitation of the Nicene-Constantinopolitan Creed, the Profession of Faith contains three paragraphs dealing with three classes of truths to be held with varying degrees of firmness: 1) truths to be believed as divinely revealed, 2) truths definitively proposed by the Magisterium regarding faith and morals, and 3) non-definitive, yet authentic, teachings of the Magisterium. The first class are to be held "with firm faith", the second are to be "firmly accepted and held," and the third are to be adhered to "with religious submission of will and intellect."¹⁶

The Congregation for the Doctrine of the Faith issued a doctrinal commentary, signed by Joseph Cardinal Ratzinger, coincident with the promulgation of *Ad tuendam fidem*.¹⁷ It contains a full discussion of each of these classes. The first class comprises those doctrines which require "the assent of theological faith." Any Catholic who "obstinately places them in doubt or denies them falls under the censure of heresy" (n. 5).

To the truths of the first paragraph belong the articles of faith of the Creed, the various Christological dogmas and Marian dogmas; the doctrine of the institution of the sacraments by Christ and their efficacy with regard to grace; the doctrine of the real and substantial presence of Christ in the Eucharist and the sacrificial nature of the eucharistic celebration; the foundation of the Church by the will of Christ; *the doctrine on the primacy and infallibility of the Roman Pontiff*; the doctrine on the existence of original sin; the doctrine on the immortality of the spiritual soul and on the immediate recompense after death; the absence of error in the inspired sacred texts; the doctrine on the grave immorality of direct and voluntary killing of an innocent human being (n. 11, *emphasis added*).

¹⁴ John Paul II, *Apostolic Letter Motu Proprio AD TUENDAM FIDEM, by which certain norms are inserted into the Code of Canon Law and into the Code of Canons of the Eastern Churches*, (May 18, 1998).

¹⁵ See CCL, Canon 833, nn. 5-8.

¹⁶ Congregation for the Doctrine of the Faith, *Profession of Faith and The Oath of Fidelity on assuming an office to be exercised in the name of the Church*, (July 15, 1998).

¹⁷ Congregation for the Doctrine of the Faith, *Doctrinal Commentary on the Concluding Formula of the Professio Fidei*, (June 29, 1998).

The difference between truths of the first class and of the second is that those of the second contain elements “that are not revealed or which are not yet expressly recognized as such.” Assent to the first class (doctrines *de fide credenda*) is based on the authority of the Word of God, whereas assent to doctrines of the second class (doctrines *de fide tenenda*) “is based on faith in the Holy Spirit’s assistance to the Magisterium and on the Catholic doctrine of the infallibility of the Magisterium.”¹⁸

In giving an example of truths of the second class—which are the class to which *Ad tuendam fidem* particularly wished to add canonical norms and sanctions—the Commentary offers as an example the development of the Church’s doctrine of papal primacy and infallibility.

[O]ne can consider, for example, the development in the understanding of the doctrine connected with the definition of papal infallibility, prior to the dogmatic definition of the First Vatican Council. The primacy of the Successor of Peter was always believed as a revealed fact, although until Vatican I the discussion remained open as to whether the conceptual elaboration of what is understood by the terms 'jurisdiction' and 'infallibility' was to be considered an intrinsic part of revelation or only a logical consequence. On the other hand, although its character as a divinely revealed truth was defined in the First Vatican Council, the doctrine on the infallibility and primacy of jurisdiction of the Roman Pontiff was already recognized as definitive in the period before the council. History clearly shows, therefore, that what was accepted into the consciousness of the Church was considered a true doctrine from the beginning, and was subsequently held to be definitive; however, only in the final stage - the definition of Vatican I - was it also accepted as a divinely revealed truth.¹⁹

This remarkable paragraph suggests that the three classes of doctrine identified in the Profession of Faith reflect stages in the development of the church's consciousness of the word of God. By asking its pastors and teachers to make the Profession of Faith and take the Oath of Fidelity, the Roman Church is asking of them a full communion, a full sharing, in its own consciousness of faith. There is nothing here to suggest that it is prepared to receive those whose awareness of the faith is at an earlier stage of development. Certainly there can be no turning back of the clock in its own march toward the fullness of truth.

In every profession of faith, the Church verifies different stages she has reached on her path toward the definitive meeting with the Lord. No content is abrogated with the passage of time; instead, all of it becomes an irreplaceable inheritance through which the faith of all time, of all

¹⁸ Ibid., n. 7.

¹⁹ Ibid., n. 11.

believers, and lived out in every place, contemplates the constant action of the Spirit of the risen Christ, the Spirit who accompanies and gives life to his Church and leads her into the fullness of the truth.²⁰

In the picture presented here of a single, irreversible development of doctrine has little in common with the earlier moment in Ratzinger's thinking in which communion could be offered to those whose development had not taken the same path.

Conclusion

In answer to my original question, then, whether Rome was content with Eastern Catholic communion on the basis of the Zogby profession of faith, there seems little doubt that Rome asks the same profession of faith from Eastern Catholics as it does from its own Latin rite faithful. *Ad tuendam fidem* adds norms to the code of canons for the Eastern churches, as well as to the Latin code. No accommodation is made for the meaning attributed by Patriarch Gregory III to his communion with Rome. Nonetheless, as far as I know, Rome has not yet repudiated that communion. As long as Rome tolerates those who use the Ratzinger Proposal and the Zogby Initiative to define their own loyalty, perhaps they are not completely dead.

²⁰ Ibid., n. 12.