

***Greek Catholic Metropolitan Church sui iuris
in Slovakia and Greek Catholic Church
in Czech Republic
within the Current Catholic Canon Law***

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Introduction

The aim of this contribution is to inform lawyers, above all canon lawyers, of the current legal situation of the Greek Catholic Church in Slovakia, as well as in Czech Republic, and about changes which these communities underwent in the previous years, and what these changes meant for them.

Basic characteristics: The Greek Catholic Church in Slovakia („řecko-katolická církev“ in Czech) is one of the twenty-two Catholic Churches of the Eastern rite. Originating in the Constantinopolitan traditions it uses Byzantine-Slavic rite in the liturgy. Canonically, it is part of the Catholic Church, respecting the authority of the successor to St. Peter the Apostle, the high priest of Rome.

One of its other specifics in comparison to the Latin Church lies in granting the sacrament of priesthood to married men.

The liturgical life in the Greek Catholic Church is diverse and plentiful. Liturgy is the most important means of not only prayer, but also theological cognition and spiritual life. Its disciplinary order is present in the Code of Canons of the Eastern Churches which together with the Code of Canon Law from 1983 and apostolic constitution *Pastor bonus* from 1988 create the current legal order of Catholic Churches. It was promulgated in 1990 by Pope John Paul II. So this year it is the twentieth anniversary of its lawfulness.

1. Short Reflection on the History

Eastern Catholic Churches started to originate after the unfortunate year 1054, after the division of the Christ's Church into its Eastern and

Western parts. The Eastern part started to be called Orthodox Church and the Western part Latin or Catholic Church. In rather short time after the 1054 some of the Eastern Orthodox communities began to create new unity with the Roman Apostolic See and thus new Eastern Catholic Churches arose. For example already in the 11th century Maronite church in Antioch restored the unity with the Roman Catholic Church¹. Up to day there are twenty one of them.

The Greek Catholic metropolitan church *sui iuris* in Slovakia is among the twenty one Eastern Catholic Churches. Its beginnings go back as far as the 17th century and at the time its beginnings were an answer of the Orthodox Church hierarchy to the spiritual and political challenges brought to the Christian Europe under reformation. It is natural that the pressure of the new reformation streams could not ignore the traditionally conservative communities of Eastern Christians on the territory of Eastern Slovakia and Ruthenian Ukraine.

The pressure of the reformation from the West, as well as the pressure of the Moscow Orthodoxy which was trying traditionally to have under its jurisdiction the territory of Ukraine, and the land behind the Carpathians, gave an impulse for seeking the protection in relations with the Latin Church, which at those times itself had to confront the reformation. Under these circumstances, in 1646 a Union of Uzhgorod was signed. The canonical consequence of this union was the establishment of the Eastern Catholic Church on the territory of the former Hungarian Empire, which Maria Theresa named the Greek Catholic Church. Unions were constituted as legal operations. Practically they were contracts concluded between the Orthodox hierarchs and Latin bishops. Their practical consequence was creating of a unity of Eastern Orthodox Eparchies with the Apostolic See in Rome. Moreover, these communities could keep their Eastern rite, the degree of the deacon and presbyter could be accepted by married men, and priests of these churches were, for what regards rights, equalized with the Latin cleric.

Since today's Slovakia was at the time a part of the Hungarian Empire, also all believers of the Eastern rite were part of the Mukachevo Eparchy, which was the only Eastern Eparchy. It included also those believers, who lived in today's Slovakia. It is not uninteresting that the Union of Uzhgorod was accepted by 63 priests at the beginning, who had origins in today's Eastern Slovakia.

But the decisive year for the canonical organisation of the Greek Catholic Church in Slovakia was 1818. Year in which new part of the territory of Uzhgorod eparchy was separated and by Papal Bull *Semper Fidelis*,

¹ Comp. Pospišil V. D.: *Schidne Katolicke Pravo*, Lviv – Svidčalo 1997, s.13.

a new Eparchy of Presov was established. For some hundred years it was mother to Eastern believers from the great part of today's Slovakia and that part of Hungary, where Exarchate of Miskolc is today.

The situation changed in 1918 when the old Austrian-Hungarian monarchy disintegrated, and on its ashes new states were raised— among them also the first common state of Czechs and Slovaks, The Czechoslovak Republic. After the establishment of the Czechoslovak Republic, the territory of the Eparchy of Presov widened also to land of today's Czech Republic and Slovak republic.

The new state created its brand new internal concept that differed from the old monarchic one diametrically. Fresh air of democracy and respect of the man's freedom, observance of human rights together with the incredible development of economics brought a new hope to all nations within Czechoslovakia. New opportunities, especially the economic and work ones, stimulated also great migration of the inhabitants of Eastern Slovakia into more developed Czech countries in search of work. Many of them belonged to the Greek Catholic Church. From these migrants a group of Greek Catholics was formed. They at first wanted to live in Prague, however later on they reached other towns in Czech Republic. Since 1933 new Greek Catholic parishes were established in Prague, Brno and, later in other cities also auxiliary spiritual administrations with their own priest. The great merits on this serious apostolic work among Greek Catholics in the Czech Republic had the then Prague's dean and parson, later auxiliary bishop, and today hallow Vasil' Hopko. This process of promising development of the Greek Catholic Church in Czech Republic was stopped in the unfortunate year 1950.

In 1950 the Greek Catholic Church in Czechoslovakia was being politically eliminated by the new regime of communism. Over night, by political violence, the Greek Catholics became 2nd class citizens. With this year became the period of difficult 18-year long persecution. Bishops Pavol Gojdič and Vasil' Hopko, together with many other priests, found themselves in the hardest communist prison. Priests who did not sign conversion to Orthodox Church had to leave their parishes and communists were taking them to Sudety region in Czech Republic, where they were trying to re-populate the region. They worked in factories on a state-owned land, were humiliated and deprived truly of not only their citizen rights, but also of the human rights. The activity of the Greek Catholic Church was restored in 1968, thanks among others also to the then apostolic administrator, and later cardinal and Archbishop of Prague, František Tomášek. In the Greek Catholic Church was restored rather soon, however in the Czech Republic only the Prague parish was restored. In other cities, such obstructions were made by the communist government, that by 1989 the Greek Catholic Church did not manage to restore any

other spiritual administration in Czech countries. This too, caused great decrease of the Greek Catholic Church in the Czech Republic. The situation after the first consensus in 1990 was that only some ten thousand believers of the Greek Catholic.

Eparchy bishop of Presov Jan Hirka attempted for remedy. In 1992 in the Morava territory he established new deanery in Ostrava and Liberec. After the separation of the republic in 1993 he established for Greek Catholics in Bohemia Episcopal vicariate. He started his activities on January 1st 1993. He named Ivan Ljavince the Episcopal vicar, the then Greek Catholic priest in Prague, who during the communist era was ordained bishop in secrecy. The seat of the vicariate was established in the parish building of the Roman Catholic parish of St. Haštal. By this legal act the 75-year long link of the Greek Catholics in Bohemia with the Eparchy of Presov vanished.

The new era of life of the Greek Catholic Church in Bohemia started in 1996. That is when the pope John Paul II. established the Apostolic Exarchate for the Czech Greek Catholics which he subordinated directly to his authority. Mons. Ivan Ljavinc was named the first apostolic exarch. The seat of the exarchate was Prague. In 2003 Mons. Ladislav Hucko, a university professor, son of a Greek Catholic priest, was appointed the new apostolic exarch for the apostolic exarchate. Mons. Ján Eugen Kočiš who is today emeritus bishop, was appointed auxiliary bishop.

At the present, the Greek Catholic Church in Czech Republic is strongly reinforced by Ukrainian migrants who come here for work, and naturally seek for their new spiritual homes in the Greek Catholic Church. There are estimated 80.000 believers on the territory of the Czech Republic. Exarchate, as a canonical institution, can be compared to the administration of the Latin Church. It is established on the canonical territory, which is still personally and territorially in development, thus can not be constituted an eparchy.²

The Greek Catholic Church in Slovakia represented by 1987 the only eparchy with its seat in Presov. In the same year, the first change in its canonical organisation was made. Pope John Paul II. excluded the territory of Region of Kosice from the Eparchy of Presov and konstituted a new apostolic exarchate with the seat in Kosice. Mons. Milan Chatur was appointed first apostolic exarch, by that time he was an auxiliary bishop to the Eparchy of Presov bishop.

In this phase of the development, the Greek Catholic Church in Slovakia with its canonical organisation, was part of that group of churches, which eastern codex law defines as „*other churches sui iuris*.“ Such or-

² Eparchy is an equivalent to Latin diocese.

ganisation is still present today with the Greek Catholic Church in Bohemia and Morava. Term „*other churches sui iuris*“ represents a form of a certain provisorium, and further canonical development of these churches is expected to the canonical structures typical for Eastern Catholic churches, i.e. to the patriarchal structure, but more to the *metropolitan church sui iuris*.

2. Metropolitan Church Sui Iuris in Slovakia

The year of the millennium for the Greek Catholic Church in Slovakia became the 2008. On January 30th 2008 Pope Benedict XVI. preferred the Greek Catholic Church in Slovakia to the metropolitan church *sui iuris*.

This legal act was accompanied by few steps:

First of them being that the Eparchy of Presov was promoted by Pope Benedict to the archeparchy and the then Bishop of the Eparchy of Presov Mons. Ján Babjak was elevated to the archbishop – metropolitan.

At the same time he elevated the apostolic exarchate in Košice to eparchy. The apostolic exarch Mons. Milan Chatur was appointed its first eparchy bishop.

Apart from that, the Pope separated the territories of Central and Western Slovakia and erigated the new eparchy of Bratislava with seat in Bratislava. He appointed the eparchial bishop of this new eparchy the then Greek Catholic parson of Bratislava parish Mons. Peter Rusnák, son of a Greek Catholic priest, who together with his father spent the childhood in communist exile in North of Czech Republic.

Today the Greek Catholic metropolitan church *sui iuris* in Slovakia is constituted by one archeparchy and two suffragan eparchies.

3. Ecclesiology of the Code of Canons of the Eastern Churches, Terms: Tradition, Rite, Church Sui Iuris

The Code of Canon Law from 1983 is designated to the Latin Church and so its ecclesiology is narrowed to the ecclesiology of the Latin Church. Ecclesiology of the Code of Cannons of the Eastern Churches is wider, because it is designated for the twenty-one Eastern Catholic Churches which originate from the five traditions of the east old-time traditions. It is thus set into the environment of the Catholic diversity which is rigidly respected. Ecclesiology of the Eastern Code can be understood above all in the systematization of the mutual connection of the three terms which the Eastern Code deals with. These are: *tradition, rite, church sui iuris*.

First of the terms is *tradition*. When the Code of Cannons of the Eastern Churches speaks of tradition, it sets it within five old-time political and spiritual centres of the East from which the Christianity was spread. These were the cradles of the human civilization which already in the first centuries adopted Christianity. In these cities - metropolis, but also in the old-

time nations, the Christianity was planted into the ancientness of the cultures of their nations. The Codes speaks of tradition of these cities and nations: Alexandria, Antioch, Armenia, Chaldea, and Constantinople. Without any doubt, also Rome belongs to this category, as a centre of Western tradition. Eastern Code does not mention it for understandable reasons, as the tradition of the city of Rome touches the Latin Church which has its own Code of Canon Law; however it emerges from the philosophy and logic of the Eastern Codex.

If we were to characterize briefly the term *tradition*, then very simply said, the term tradition is an expression of mode of experiencing the faith in a manner developed in the earliest centres of Christianity. Here the old-time liturgies were formed, here the great theological schools were raised, and here the oldest disciplinarian directives were given.

From these original centres of Christianity, new church communities arose by spreading of the faith. These accepted the manner of experiencing the faith how they had seen it in the great centres – metropolis. At the same time into these traditions gradually entered cultural habits of these nations, hence the individual *rites* arose. This is present also with the constituting of the rite which is used by the Greek Catholic Church in Slovakia as well in the Czech Republic. We can say that this rite has a liturgical scheme originating in Constantinople; it is, however, rooted in the culture of nations which had lived in the area. This is registered for example in the typical liturgical melodies which are used in our territory; in the colour and shape of the liturgical robes, in the architecture, in the legitimate legal patterns in sacrament granting, and other.

These are general and auxiliary terms which should help us comprehend the term *church sui iuris*. For full understanding of the term, it is necessary to browse through the Roman Family Law. In this law, the only bearer of the legal subjectivity, i.e. the *sui iuris* position in the classic Roman family, earlier referred to as *pater familias*, is the father of the Roman family. Only he is the bearer of the legal subjectivity, and thus only he represents rightfully, the family as a whole, as well as individuals in every legal cause. However, gradually it is also the eldest who is in the *sui iuris* position, and this above all in questions of his own material interests. He still remains a member of the Roman family. Hence *sui iuris* is in Roman law a term which represents certain autonomy of a member of a Roman family within its social life and social status towards the Roman law order.³

Term *ecclesia iuris* in this context expresses a certain autonomy of the Catholic community, originating from certain tradition and belonging to certain rite, within the Catholic Church, which is benefited with certain

³ Comp. Čitbaj F.: *Základné inštitúcie rímskeho práva*. Prešov: GTF PU 2009, p.58.

autonomy, regarding above all its own rite, but at the same time remaining under the authority of the successor of Peter the Apostle. This community needs to have its own hierarchy and has to be tacitly or distinctly accepted as *sui iuris* by the Highest authority of the Church.⁴

Contemporary canonists speak of context of this ecclesiology also of Latin Church as of *sui iuris* church.⁵ Code of Canon Law from 1983 deals with the *Ecclesia rituali sui iuris* in the art.111 §2.

In the context with this doctrine of the Code of Canon Law of Eastern Churches the Catholic Church can be defined as a *communio* of the twenty-one Eastern Catholic churches and the Latin Church.

4. The Metropolitan and other Important Canonical Institutes of the Greek Catholic Metropolitan Church *Sui Iuris*

On the following pages of my contribution I would like to deal with the legal systematisation of the institute of the metropolitan and other institutions of the Greek Catholic Metropolitan Church *sui iuris* in Slovakia, under regulations of the Code of Canons of the Eastern Churches.

Before we make an *ad rem* entrance it is vital to say that the Eastern Code speaks of two types of the metropolitan. The first type is a metropolitan who can only exist within the boundaries of a patriarchal church, or within the boundaries of a church of bigger archdiocese, as a part of these communities. The father and the head of his church is the patriarch, or higher archbishop who chairs the patriarchal church. The metropolitan in these churches heads the community consisting of at least one archeparchy and two suffragan eparchies, under the authority of a patriarch. We are going to be talking about a metropolitan and metropolitan church *sui iuris* whose characteristic is that it is located out of the territory of the patriarchal church or a church of bigger archdiocese. The role of the patriarch in this canonical system is practically performed by Apostolic See, through Congregation for Eastern Churches. The Metropolitan Church *sui iuris* is thus another model of hierarchical organisation of Eastern churches.

4.1 Metropolitan of the *Sui Iuris* Church

Referring to the Art. 27 of the Code of Canons of the Eastern Churches, metropolitan church *sui iuris* is a community of Christians of the metropolitan church *sui iuris*, which is presided over by

⁴ CCEO: *Can. 27 - Coetus christifidelium hierarchia ad normam iuris iunctus, quem ut sui iuris expresse vel tacite agnoscit suprema Ecclesiae auctoritas, vocatur in hoc Codice Ecclesia sui iuris.*

⁵ Comp. Pinto P.V.: *Commento al Codice dei Canonici delle Chiese Orientali.* Citta del Vaticano 2001, p. 39.

a metropolitan, and which has been recognized as *sui iuris* by the higher authority of the church.

The metropolitan church *sui iuris* can be erected only by the Apostolic See which has the exclusivity also in changing the boundaries or in its abolishment, or possibly changing its legal character.⁶ Also the metropolitan of the metropolitan church *sui iuris* is named by the Roman High priest.⁷

In comparison to the metropolitans of the Latin Church, the position of a metropolitan of the Eastern Catholic churches, in what regards his rights, within the boundaries of the metropolitan church *sui iuris*, is stronger. In the name of the metropolitan church *sui iuris*, as of a legal entity, he acts as its archbishop – metropolitan, as its actual representative.⁸ He also has the ordinary (*ordinaria*) and the proper power (*propria*) over all bishops and believer Christians of the Metropolitan church *sui iuris*, of which he is the head.⁹

Hence the metropolitan is above all the real canonical representative of the whole metropolitan church *sui iuris*. It is thus stronger, than the position of a metropolitan in the Latin Church. This position emerges from the different historic development, through which the Latin and the Eastern Churches underwent. Apart from the rights which are the same for the Latin and the Eastern metropolitan, which are: supervising the precise respecting of the faith and church discipline; execute the canonical visits in the eparchies and dioceses if these were neglected by the suffragan; appoint the administrator of the eparchy or the diocese under canonical norms, and other rights emerging from the particular law approved by the Roman High priest, the Eastern metropolitan has rights also in other areas: he has the right to ordain and enthrone bishops of his church, call the council of the hierarchs, erect the metropolitan tribunal, appoint a person legitimately suggested or elected, if the bishop of the eparchy failed to do so in the period given by the law, appoint the economist of the eparchy in case the bishop of the eparchy failed to do so, announce the Acts of the Roman High priest and supervise that the provisions in those acts contained, are accurately fulfilled.

4.2 Council of Hierarchs of the Metropolitan Church *Sui Iuris*

This, at the first sight, strong position of the metropolitan in churches *sui iuris*, is on the other hand scattered by the principle of synodality. Maintaining of this principle is secured in the metropolitan churches *sui*

⁶ Can. 155 § 1 CCEO.

⁷ Can. 155 § 1 CCEO.

⁸ Can. 157 § 3 CCEO.

⁹ Can. 157 § 1 CCEO.

iuris by Council of Hierarchs which is to be constituted in every metropolitan church *sui iuris*. Here, the ancient principle of restricted democracy is applied. It was crystallized in the Eastern Churches and in the Slavic nations is known as *sobornosť*. The Council of Hierarchs consists of all bishops of the metropolitan church who together with the metropolitan represent the collective organ of governance of all metropolitan church *sui iuris*. As in issues regarding the eparchies themselves act eparchal bishops and the metropolitan individually, based on their own decision, in matters regarding the whole of the metropolitan church they decide together by means of democratic election at the Council of Hierarchs. The Council of Hierarchs is also a symbol of unity of the metropolitan church *sui iuris*. Together with the metropolitan it forms a hierarchical structure which unites and connects the believers of the metropolitan church *sui iuris*.¹⁰

The participation at the Council of Hierarchy is voluntary, but serious obligation of all bishops, legally invited, with an exception of those bishops who had resigned their office. The Council of Hierarchs should have its own status which is to be approved by the Apostolic See. The metropolitan of the church *sui iuris* together with the Council of Hierarchs is thus a type of linking element, a coordinator of the common acting and deciding in the metropolitan church *sui iuris*.

The appointing of the metropolitan and other bishops of the metropolitan church *sui iuris* is in hands of Roman High priest.

4.3 Assembly of the Metropolitan Church *Sui Iuris*

The last institution emerging from the principle of synodality and typical for the metropolitan church *sui iuris* is the assembly of the metropolitan church *sui iuris*.¹¹

While the Council of hierarchy is constituted only by the bishops of the metropolitan church *sui iuris*, an assembly of the metropolitan church *sui iuris* consists of together with the bishops also of other local hierarchs, i.e. titular bishops, protosyncells and syncells¹², superiors of monastic orders, rectors of Catholic and church universities, deans of the theological faculties and faculties of canonical law which have their seat in the territory of the metropolitan church *sui iuris*, also rectors of higher seminaries, at least one presbyter from each eparchate, one representative of the monastic order or a member of community of institute of common life in manner of monastic

¹⁰ Comp. Mons. Pio Vito Pinto, *Commento al Codice dei Canonici delle Chiese Orientali*, Libreria Editrice Vaticana 2001, p.159.

¹¹ Can. 172 CCEO.

¹² In the terminology of the Latin church: *general vicar*., *vicar*.

order and two secular Christians.¹³ Into the assembly of the metropolitan church *sui iuris* also other member can be invited, if the status permits it.

Assembly of the metropolitan church *sui iuris* is an advisory institution which by its advices helps the metropolitan as well as the Council of Hierarchs in matters of higher importance, especially if it regards forms and means of apostolate, and religious discipline. It should be elected every five years, and for summoning of which an approval of the council of hierarchs of the metropolitan church *sui iuris* is needed.¹⁴

The assembly of the metropolitan church *sui iuris* is presided over by the metropolitan, who also has the right to summon, delay, prolong, interrupt and conclude its session.¹⁵

Conclusion

The Greek Catholic Metropolitan Church *sui iuris* in Slovakia underwent throughout its history long development in terms of canon law. From the Union of Uzhorod, through centuries of fights for its existence, and finally it survived its own death in the hands of the communist regime during the 18-years long political elimination.

Its community in 1968 when its new existence began was completely decimated.

Today it experiences its rebirth as well as true development. New canonical organisation means development of the pastoral structures which should secure even more its further development, it is a present of the Church to the hierarchs, but above all to the believers who are closer to their shepherds and thus also to the solutions of their own spiritual problems.

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¹³ Can. 143 CCEO.

¹⁴ Can. 141 CCEO.

¹⁵ Can. 142 CCEO.