

**THE PONTIFICAL INSTITUTE OF ORIENTAL STUDIES**

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**THE**

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**LITURGICAL LEGISLATOR**

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**IN THE**

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**UKRAINIAN CHURCH**

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**A DISSERTATION**

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## FOREWORD

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In the last two decades, the Holy See assumed, in a practical and effective manner, the legislative authority for liturgical matter in the Ukrainian Catholic Church. In 1941 it promulgated a liturgikon for the Ruthenians. This was followed by an Ordo Celebrationis (in 1944), which spelled out in greater detail the manner of celebrating the Divine Liturgy, matins and vespers. Other service books followed.<sup>1</sup>

Again, Pope Pius XII, in 1957, promulgated his Motu Proprio, Clergi Sanctitati, in which he clearly defined, what had been already established for the Latin Church in the Code of Canon Law, namely, that the supreme liturgical authority in the Eastern rites is the Holy See.

The latter fact defined what the Holy See already enjoyed. But it was the first explicit law which established the fact that the liturgical authority for the Oriental rites is the Holy Father. Previously, some moral or physical person was responsible for any new liturgical laws and authentic interpretation thereof. It is our aim in this dissertation to determine who the traditional legislator is, not for all Oriental rites, but specifically for the Byzantine-Ukrainian rite. Furthermore, our scope will be to demonstrate the different stages in which the Holy See has appeared as the supreme liturgical legislator, using the liturgical history of the Ukrainian Church as our basis.

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<sup>1</sup> Ordo Officii Sanctae ae Magne Dominicae Paschatis in 18°, appeared in 1956; Casoslov in 8°, in 1950, and in 16°, 1950; Rituale Parvum in 18°, 1952; Epistolae and Evangelium for Sunday, etc. in 8°, 1952; Kniha Molebnih Piniji in 18°, 1952; Apostolus in 4°, 1955; Evangelium in 4°, 1958 and in 8°, 1959.

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## INTRODUCTION

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The traditional legislator in the Ukrainian Church is something of a mystery hidden deeply in the recesses of the fontes cognoscendi of Liturgy. Since hardly any positive laws identifying him exist prior to the Oriental Code, it is necessary to examine and scrutinize extant liturgical acts to learn who, according to custom, is the authority in liturgical matters.

Our first step in this proposed project is to gain a concrete idea of a liturgical legislator. But let us begin by defining liturgy as understood in this dissertation.

The definition of Liturgy has an interesting historical development, elements of which are contained in the modern definition. According to the profane use of the ancient Greek language it denotes an office or function or public ministerium for the people.<sup>2</sup> In the canonical books of the Old and New Testaments the term designates sacred public functions of priest and Levites legally delegated to offer sacrifices in the temple to honor God and for the welfare of the people.<sup>3</sup> In the primitive Church of Christ it signifies the sacrifice of Christ, the sacrifice of the Divine Liturgy and especially designates celebration of the Eucharistic Sacrifice.<sup>4</sup> Hence, this concept of the Liturgy is basic in both the Occidental and Oriental Churches.

The Roman Church, on the one hand, defines liturgy in the broad sense. “Sacred Liturgy”, in the words of Pope Pius XII, “is the public worship which our Redeemer as head of the Church renders to the Father as well as the worship which the community of the faithful renders to its Founder and through Him to the Heavenly

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<sup>2</sup> II Corint. IX, 20; Philipp. II, 30. Cfr. A. Fortescue, *The Mass*, (London, 1930) p. 397 sq.

<sup>3</sup> Exodus XXVIII, 39; Num. I, 50; IV, 3; Luke I, 23; Hebr. IX, 21.

<sup>4</sup> Acts, XIII; S. Clement, I Corinth. Ch. XL, 255; XLI, 1; Justin, I Apol. V, LXII, 21.

Father. It is in short the worship rendered by the Mystical Body of Christ in the entirety of its head and members.”<sup>5</sup> This definition includes all sacred rites employed in the Church’s official worship.

The Byzantine Church, on the other hand, using the same word, restricts its meaning to specific matter. For the Byzantines it is the celebration of the Mass itself as a form or ordo of that celebration, e.g. the Liturgy of St. Basil. In other words the Byzantine rite retains the primitive meaning that Liturgy signifies the celebration of the Eucharistic Sacrifice itself. It is in this sense that the concept of Liturgy is used in this dissertation and it has reference only to the expression of the Eucharistic Sacrifice, which consists of words, actions and things, whether they be animate or inanimate. Our working definition of Liturgy, therefore, includes both this intrinsic aspect of the Liturgy which is the worship rendered to Almighty God by the faithful and priest through the Eucharistic Sacrifice. It does not, however, exclude the added circumstances of places and occasions of such worship, i.e., extrinsic Liturgy.

Exterior and communal worship, however, calls for control by some authority and for someone to conduct it. His identity is an historical enigma in the Ukrainian Church. Nevertheless we can deduce his identifying qualities of characteristics from present day canonical sources so that we are able to recognize him in the course of history. The best resource available is where he is already defined by positive law. Pope Pius XII’s Motu Proprio, Cleri Sanctitati, states that the Holy See is the supreme liturgical legislator of the Catholic Church.<sup>6</sup> This authority is invested in the Sacred

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<sup>5</sup> Pius XII, Ap. Ency., Mediator Dei, 20 Nov. 1947 – Papal Teachings: The Liturgy, comp. by the Monks of Solesmes and tr. by the Daughters of St. Paul (Boston, 1962), n. 521, p. 321.

<sup>6</sup> Pius XII, Litt. ap. Motu Proprio, Cleri Sanctitati, 3 junii, 1957, Acta Apostolicae Sedis (hereafter cited AAS), XLIX (1957), pp.433-603, canon 162.

Congregation for the Oriental Church which has the power to approve all liturgical books of the Eastern rites; to resolve questions in regard to liturgical texts and translations; to supervise and to decide all questions concerning rubrics and ceremonies of the Divine Liturgy, the Sacraments, sacramentals and the divine office.<sup>7</sup>

From this canon, we can deduce three inherent powers in the concept of a liturgical legislator. The fact that he can resolve questions in regard to liturgical texts and translations, supervise and decide all questions concerning rubrics and ceremonies of the Divine Liturgy signals his capacity to interpret authentically liturgical laws. Since the same canon also states that the Holy See must approve all liturgical acts, it is obvious that nothing can be done without its approval.

Approval of laws presupposes someone's capability to make laws. This third power is basic and fundamental in our concept of a liturgical legislator. It is generally synonymous with the promulgator. The legislator may also possess the power of approbation of legislative proposals. If it does not, as evident in this canon, the legislator is then understood in the strict sense. In other words the one who approves proposals and the one who promulgates approved acts can be two separate persons, but not necessary.

A liturgical legislator, therefore, can be defined as that quality of a moral or physical person who enjoys the powers to approve legislative proposals, to promulgate the approved data and to interpret authentically the liturgical laws, which are the ordinances of ecclesiastical legislation regarding worship. It is this concept that we have in mind throughout this dissertation but not to the exclusion of one person enjoying the powers to both approve and to promulgate laws.

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<sup>7</sup> Ibid., canon 195, par. 1, n. 2.

A liturgical authority, however, is one who enjoys the power of jurisdiction over matters liturgical. It is a broader concept than a legislator. In fact it includes not only the Liturgy.

The scope of this study is to identify such a liturgical authority in the Ukrainian Church by evaluating extant liturgical acts and historical references pertaining to either intrinsic or extrinsic aspects of divine worship.

The Ukrainian Church, known throughout history by other titles, is identified with the ancient name of Rus and also with the Latin designate, Ruthenia, but never with what is known today as Russia. We shall, therefore, restrict our investigation to the Church whose metropolitan see is located in Kiev and those dioceses subservient to it, or if independent, found within the Ukrainian territory.<sup>8</sup>

To facilitate the study of this problem our dissertation will consist of three sections. Part I will be an attempt to examine the remote and proximate roots of the liturgical authority inherited by the Ukrainian Church, namely the primitive and Byzantine Churches respectively. In the second part we shall attempt to establish the authority in the Ukrainian Church. This section will be conveniently divided into two periods: the acceptance of Christianity to reunion (988-1596) and from the Union of Brest to the present day. The final section will demonstrate the Holy See's attitude toward the traditional liturgical legislator in the Ukrainian Church and vice versa.

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<sup>8</sup> D. Holovecky, *Ius Particulare Ruthenorum*, *Fonti, Codificazione Canonica Orientale*, (XVI Fascicoli; Rome: Typografia Poliglotta Vaticana, 1930-1937), Serie I, Fascicolo XI, p. li sq. (hereafter cited *Fonti*).

## **PART I**

### **THE TRADITIONAL ROOTS OF THE LITURGICAL**

### **LEGISLATOR IN THE UKRAINIAN CHURCH**

It is our intention in this dissertation to demonstrate traditional liturgical legislator of the Ukrainian Church and to learn also whether his status is consistent with that inherited from the Byzantine Church. In other words, is the traditional legislator of the Ukrainian Church identified among the successors of those commissioned by Christ? To answer this question it is necessary to begin our study at the very root of tradition with Christ Himself and pursue the customary legislator through the course of history of the primitive and Byzantine Churches. Part I, therefore, will be divided into two chapters. The first will identify the authority whom Christ commissioned as the liturgical legislator. Therein the authority of the primitive Church will be briefly summarized. The second chapter will cursorily examine the extant acts pertaining to the Byzantine liturgy to see whether the threat of those commissioned by Our Lord continues.

## CHAPTER I

### THE LITURGICAL AUTHORITY IN THE PRIMITIVE CHURCH

#### A. The Apostles as Liturgical Authorities

Christ, the supreme legislator of liturgical law, determined the essentials of divine worship.<sup>9</sup> He Commissioned His Apostles to continue this legislative authority.<sup>10</sup> Being itinerant herald of the Truth, they adjusted and adapted to inherited foundations of divine cult to local circumstances as is exemplified in the Acts of the Apostles and in the Epistles.<sup>11</sup> This

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<sup>9</sup> Matt. XXVI, 17-30; Mark IV, 12-26; Luke XXII, 7-21; I Cor. XI, 23-25. Cfr. Philippus Oppenheim, Institutiones Systematico-Historicas in Sacram Liturgiam, 4 vols., Vol. II: Tractatus de Jure Liturgico (Turin, 1939), p.24sq.; c. Callawaert, Liturgicae Institutiones, Vol. I: De Liturgia Universim (ed. 3, Brugis, 1933) p.18; J. A. Jungmann, The Early Liturgy, tr. F.A. Brunner (Liturgical Studies; Notre Dame Studies; Indiana, 1959) p.21, I. H. Dalmais The Eastern Liturgies, tr. Donald Attwater (Faith and Fact Books, N. III; London, 1960) p.33; A. Raes, Introductio in Liturgiam Orientalem (Romae, 1947, pp. 16-17; B. Stuart, The Development of Christian Worship (London, 1953) p.3; L. Eisenhor and J. Lechner, The Liturgy of the Roman Rite, tr. A. J. and E. F. Peeler (Freiburg, 1960) p.12; J. A. Henry The Mass and Holy Communion: Interritual Law ("The Catholic University of America Canon Law Studies", N.235; Washington, D.C., 1946) p.2; L. Duchesne, Christian Worship, tr. M. L. McClure (5<sup>th</sup> edit. Repr.; London, 1956) p.49. Christ gave His Church not only the essential elements and foundations of the Eucharistic sacrifice but practically issued every basic ordinance of Christian worship: baptism, penance, certain blessings, actions and exterior rites and prayers. M. Noirot, Liturgique (droit), Dictionnaire de Droit Canonique, vol. VI, (Paris, 1957), col. 535-594.

<sup>10</sup> Our Lord gave the Apostles the power of teaching: Matt XXVIII, 18; XXVIII, 19; of feeding the flock of the faithful: Matt. XXVI, 30; Mark XIV, 26; and of the faithful; Matt. XXVI, 30; Mark XIV, 26; and of designating liturgical texts: Matt. XXVIII, 20; Luke, XXIV, 50. The Council of Trent says that the legislative authority which the Apostles had received from Christ was exercised in liturgical matters. Council of Trent, sess. 21, ch.2- II. Denzinger, C. Bannwart, J. Umberg, and C. Rahner, Enchiridion Symbolorum, Defenitionum et Declerationum de Rebus Fidei et Morum (30<sup>th</sup> ed.; Freiburg, 1954), n. 931.

<sup>11</sup> Acts II, 46; IV, 2, 21, 25, 42; XX, 7-12; I Cor. XI, 23; XIV, 16. Clement of Rome, one of the immediate disciples of the Apostles, mentions in his letter to the Corinthians (I Cor. XLIV; XLVII) written about ad 96, that the Apostles at the behest of Christ made certain prescriptions concerning the circumstances of the celebration of Christian worship. Cfr. D. Bouix, Tractatus de Jure Liturgico (Parisiis, 1853).

authority was subsequently entrusted to their successor, who modified the celebration of the Eucharist Meal, the essentials excepted, according to local customs whenever they labored.<sup>12</sup>

### B. The Bishop's as Liturgical Successors of the Apostles

In the primitive Church, the Bishop, as successor to the Apostles, appears as an authority in liturgical matters if not de facto, then, at least, de iure. Our contention that the local bishop was some kind of liturgical authority, though he did not initiate liturgical laws, is drawn from the writings of Clement of Rome (c. 91-104),<sup>13</sup> and, especially, of Ignatius of Antioch who formulated the over-simplified principle that “nothing can be done without the bishop.”<sup>14</sup>

The Ignatian concept can also be inferred from the collections of liturgical regulations,<sup>15</sup> in which the existent norms of conducting divine worship were not, strictly speaking, formally promulgated laws, but rather customs inherited from the apostolic

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<sup>12</sup> Cfr. A. Michielis, “L’Eveque” Dictionnaire Apologetique, vol. I, col. 1780-1786 (Paris, 1911); A.G. Martimort, “La Legislation Liturgique”, L’Eglise en Prière, Introduction à la Liturgie (Tournai, 1961) p.65.

<sup>13</sup> Clement of Rome, I Corinthians, XL – XLI and XLIV. Cfr. I. Lebreton and J. Zeiller, The History of the Primitive Church, tr. Ernst C. Messenger, (New York, 1949), pp.410-415.

<sup>14</sup> Eph. V, 1-5; VII, 1-2; Trall. VII, 1-2; ad Phil. III; etc.

<sup>15</sup> Cfr. J. H. Srawley, The Early History of the Liturgy (2<sup>nd</sup> ed. rev., Cambridge 1957), p. 21; Duchesne op. cit., p. 525; Dalmais, op. cit., p. 45; Jungmann, The Early Liturgy, p. 54; Oppenheim, op. cit., pp. 12-13 Gregory Dix, The Shape of the Liturgy ( 2ed. repr.; London, 1960), p. 33-34; Noiro, art. Cit., col. 538, n.2.

period.<sup>16</sup> These liturgical customs as examples or norms were contained in various ways in the church orders: Didache, Traditio Apostolorum or Didascalia, which demonstrate that the bishop possessed some kind of authority to improve the Liturgy or that he was the established authority over worship.<sup>17</sup>

### C. The Metropolitan as a Liturgical Authority

It is also probable that the liturgical authority followed the evolution of Episcopal administration. As the bishop's jurisdiction in the first two centuries expanded to embrace other churches in his city, there was, under his guidance, an exchange of liturgical practices which were assimilated into a local rite.<sup>18</sup>

At the conclusion of the second and in the opening of the following century, the Church was beginning to model, consciously or unconsciously, its episcopacy after the civil pattern of the local government.<sup>19</sup> Individual bishops claimed the power of presiding over several jurisdictions.<sup>20</sup> The canons of the Council of Nicea

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<sup>16</sup> F. F. Warren collected all that is known about the Liturgy and the ritual of the Ante-Nicene Church. These liturgical customs of the Church were restated as examples or norms in various ways. Thus he drew his material from the following sources: Sacred Scripture; ecclesiastical writings prior to 325 A.D.; scanty surviving liturgical monuments; etc. F. F. Warren, The Liturgy of the Ante-Nicene Church (London, 1897).

<sup>17</sup> Noirot, art. cit., col. 538, n.2; Oppenheim, op. cit., pp. 12-13. The Ignatian concept of the episcopacy, sc., to do nothing without the bishop, was now applied to the higher office. Let not the bishop do anything without his metropolitan.- Apostolic Canons canon IX; Antioch, Canon 34; Laodicea, canon 57 cfr. Eusebius, Historia Ecclesiastica, II. VI, 1,2; G. Dix op. cit., pp. 8,33; J.A. Jungmann, The Early Liturgy, p. 201.

<sup>18</sup> Oppenheim, op. cit., pp. 22 and 28; Dix; op. cit., p. 6; Placidus de Meester, "Grecques (Liturgies)", Dictionnaire d'Archeologie Chrétienne et de Liturgie, (Paris, 1925), Vol, col. 1595-1596; (hereafter cited "Liturgies").

<sup>19</sup> A. K. G. Allen, Christian Institutions (Edinburg, 1898) p. 107.

<sup>20</sup> F. X. Wernz – P. Vidal, Jus Canonicum ad Codicis Normam Exactam, 7 vols in 8, (3rd. Ed. 1943), Vol. II, n.517; A. S. Popek, The Right and Obligations of Metropolitans. ("The Catholic University of America Canon Law Studies". N. 260; Washington, D. C., 1947) pp. 15-20.



(381) already show that in the Oriental Church the metropolitan institution was a highly developed organization embracing several episcopal sees.<sup>21</sup> This new system gave rise to the desire for the comparison and exchange of traditions between the churches for their mutual enrichment on a scale unknown before.<sup>22</sup> The churches dependent upon the metropolitan church generally followed the form and method of conducting the liturgy as exercised in the metropolitan church.<sup>23</sup> Such a practice by bishops sometimes on their own authority or in regional councils can explain a diversity of rites which arose in the Church.<sup>24</sup>

During the fourth century, the Church began to penetrate more deeply into the meaning of divine revelation. The phrasing of all the Eucharistic prayers, as a result, had to undergo ceaseless liturgical revision carried on in every local church. But they had to be examined for heresy by the local bishop to prevent the spread of heretical doctrine.<sup>25</sup> Eventually, Freedom in composing texts and ceremonies as well as liturgical authority of local bishops was somewhat restricted on the metropolitan level. Thus the Liturgies of the metropolitan churches became the norm for the churches of lesser

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<sup>21</sup> Canons 4-7.

<sup>22</sup> G. Dix, op. cit., p.8

<sup>23</sup> P. Oppenheim, op. cit., p.22

<sup>24</sup> In metropolitan districts, provincial councils liturgically legislated to bring about some kind of uniformity – Bouix, op. cit. p. 167 sq. Regional assemblies which eventually influenced the Byzantine rite are the Councils of Ancyra (314); Neccaesarea (315); Gangre (350); and Laodicea (363). The legislation of these councils which deremined liturgical accidentals can be found in J. Brightman, Eastern and Western Liturgies, Vol.I. Eastern Liturgies (Oxford, 1896) Appendix M pp. 519-521; and N, pp. 521-526.

<sup>25</sup> This was what happened in the case not only of liturgical titularies of certain metropolitans sees as St. Basil of Caesarea, but also reflected the heresies of that day. Paul Samostenus, bishop of Antioch, about the year 260, denying the divinity of Christ, substituted His own heretical and erroneous compositions for the doctrinally sound hymns of orthodox Christians. The Arians, in their denial of the divinity nature of Christ, replaced in the divine worship their own erroneous

importance or solidified into types, thereby avoiding the contradiction of orthodoxy teaching through heretical expressions in liturgical formulae.<sup>26</sup>

The final phase of the development of liturgical jurisdiction was remotely occasioned by Diocletian's division of the Roman Empire.<sup>27</sup> The ecclesiastical head in the civil diocese was a Metropolitan or a Patriarch who ruled several or more provinces.<sup>28</sup> Under his direction familial rites finally evolved.<sup>29</sup>

#### D. Analysis and Conclusions

The Apostles and their successors, the bishops, de jure enjoyed authority over divine cult but de facto did not exercise that jurisdiction in all possible ramifications of liturgical practice. A fortiori, they were liturgical authorities in their own territories according to the commission received from Our Lord. In practice, however, the extent of the bishops' liturgical legislative authority was not clearly defined, since one cannot say that there were so called "liturgical laws". They were inherited customs so religiously observed that they became practically norms. The Apostles and their successors did adapt the Eucharistic essentials, instituted by Christ to local customs. This fact does not rule the

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./ doxology that they might spread their errors. The Eutychians denied two natures in Christ and so changed the rites and words of commixtio after fractio in the Liturgy in such words as express their errors. The Armenians expressed in liturgical practices their heretical teaching by not pouring any water into the wine during Mass, their reason being that the mixture signified two natures in Christ, which they denied. P. Oppenheim, op. cit., pp. 28-29.

<sup>26</sup> Ibid., p. 22.

<sup>27</sup> S. Runciman, Byzantine Civilization (New York, 1961) p.162; Duchesne, op. cit., p. 24.

<sup>28</sup> T. Kane, The Jurisdiction of the Patriarchs of the Major Sees in Antiquity and in the Middle Ages. ("The Catholic University of America Canon Law Studies", N. 260; Washington, D. C., 1949) p. XI.

<sup>29</sup> Apostolic Canons, Canon 24, Adrian Fortescue, The Uniate Eastern Church (London, 1923) p. 12; G. Dix, op. cit., pp. 8 and 264.

opposing fact that innovations were introduced into the Liturgy by some lesser individuals as collective persons.

From our historical evidence we know that each Christian community expressed the Eucharistic Sacrifice according to its own personality. As the community expanded, there was an assimilation of local customs. The ecclesiastical authority asserted its liturgical power by intervening in the liturgical expression when the current customs were violated, as for example, the liturgical practice of the Arians, who expressed heretical doctrine in erroneous doxologies. By condemning such liturgical expression he implicitly approved the custom violated. He, thereby, implicitly demonstrated liturgical authority by his implicit approval.

In conclusion, this period of primitive Christianity reflects that the liturgical authority was invested de jure in the successors of the Apostles as overseers of traditional customs. It seems that they asserted their authority to correct liturgical abuses but not necessarily to impose any innovations.

## CHAPTER II

### THE LITURGICAL AUTHORITY IN THE CHURCH OF CONSTANTINOPLE

#### A. Introduction

The liturgical authority inherited by the Ukrainian Church from its remote source, the primitive and ante-Nicene Churches, at least de jure seems to be the local bishop or the highest ranking member of the local hierarchy. This deduction was not to be found so explicitly in the fonts cognoscendi which make no distinction between liturgical and ordinary jurisdiction.

The problem, now at hand, is to investigate the proximate source of the Ukrainian liturgical authority, namely the Byzantine Church. From its extant liturgical acts we wish to learn whether the concepts of the liturgical authority, inherited from the primitive Church was perpetuated or whether the Patriarch of Constantinople activated his de jure jurisdiction, namely one who formally promulgates liturgical laws which bind subjective in some obligatory manner, or explicitly approves them, or officially interprets them.

#### B. Liturgical Authority in the Byzantine Church

Although the Imperial City had acquired by inheritance from Pontus and Syria and almost ready made liturgical ritual, nevertheless, it did not cease from further

developing its own characteristic rite.<sup>30</sup> Furthermore, the quasi marriage of Church and State helped to bring about a familial liturgical rite in the sixth century.<sup>31</sup> By the thirteenth century it had become so powerful that it over extended itself and subsequently conquered the venerable patriarchates of Antioch and Alexandria.<sup>32</sup>

The liturgical authority of the Byzantine Church was intimately interwoven in the universal jurisdiction of ecclesiastical legislators. As a result it was over-shadowed. However, liturgical acts do exist and do indicate that someone was responsible for their existence. These shall be categorized and followed by an analysis of the data presented.

#### 1. The Emperor as Liturgical Authority

Between the fifth and tenth centuries the supreme civil ruler frequently considered himself competent also in ecclesiastical matters.<sup>33</sup> His place in the Church was neither as a priest nor as a layman but has been compared with that of a deacon in the Liturgy to give him ecclesiastical stature.<sup>34</sup>

The superiority of the Emperor in regulating divine cult was only a theoretical justification. For he as the Christian ‘Autocrat’ is the heir of the idea of a universal Emperor, and at the same time he is the representative of Christianity, which is

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<sup>30</sup> P. De Meester, “Les Origines et les Developments du Texte Grec de la Liturgie de S. Jean Chrysostome,” Xrysostomika (Rome, 1908); p. 250. (Hereafter cited “Les Origenes”).

<sup>31</sup> G. Dix, op. cit., p. 9.

<sup>32</sup> Ibid., p. 8.

<sup>33</sup> A.G. Martimort, art. cit., p. 65; Bouix, op. cit., pp. 82-83.

<sup>34</sup> E. Benz, The Eastern Orthodox Church. Its Thought and Life, trans. R. and C. Winston, (New York, 1963), p. 166.

also conceived as universal.<sup>35</sup> Balsamon states that “the Emperor is subject neither to the laws nor to the canons”<sup>36</sup> which allowed him to ordain or change certain matters pertaining to worship.<sup>37</sup> He was in supreme control of all the outward ordering of church affairs and regulated the disposition of benefices and the election of bishops, metropolitans and patriarchs.<sup>38</sup> Martimort claims that the basis of such authority is derived from the consent of the hierarchy or because of the complexity of that society where the Church and States were intimately interwoven.<sup>39</sup>

The Emperor’s interest in liturgical matters was various. He not only introduced prayers and formulated prescriptions but also issued disciplinary laws concerning divine cult.

Theodosius II (408-450), after a celestial apparition in 446, prescribed that the Trisagion be introduced into the liturgy.<sup>40</sup>

Justinian I (527-565) in his Novellae legislated by an imperial ordinance of 564, that all the prayers of the Mass must be said in a loud voice.<sup>41</sup> It is alleged that he

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<sup>35</sup> W. Ensslin, “The Emperor and Imperial Administration”, Byzantium, edit. By N.H. Baynes and H. Moss (Oxford, 1961) p. 273.

<sup>36</sup> Balsamon, “In Canonem XVI Concilii Carthaginensis”, P.G. CXXXVIII, col. 94.

<sup>37</sup> Oppenheim, op. cit., p. 27.

<sup>38</sup> G. Dix, op. cit., pp. 21-22.

<sup>39</sup> A.G. Martimort, art. cit., p. 65.

<sup>40</sup> St. John Damascene, De Fide Orthodoxa, L.III, n. X – P.G. t. XCVI, col. 1022; I. Ziade, “Orientale Messe”, Dictionasire Theologie Catholique, vol. XI<sup>2</sup> col. 1469.

<sup>41</sup> Nov. CXXXVIII, 6; Moscus, P.G. t.XCII, col. 3081; J. Pargoire, L’Eglise Byzantine de 527 a 847, (Paris, 1905), p. 100.

also composed the Monogenes between 535-36 and/or it was at least introduced by him in the Divine Liturgy.<sup>42</sup> The recitation of the Creed was also made a law by him.<sup>43</sup>

## 2. The Patriarch as Liturgical Authority

Inferior to the Emperor in civil matters, but representing God on earth and to whom was entrusted the government of the world, was the ecumenical Patriarch.<sup>44</sup> In this universal office the Patriarch administered liturgical matters. He issued liturgical prescriptions, gave response to liturgical inquiries and even introduced new feasts.<sup>45</sup>

### a) As issuer of intrinsic liturgical matter

Timothy I (511-518) prescribed that the Nicene Creed be recited at all Masses and that the Trisagion be sung at all liturgical function with the addition, “have mercy on us”.<sup>46</sup>

Patriarch Sergius I (610-638) instituted the singing of the hymn of thanksgiving (Da ispolniatsia) after Holy Communion.<sup>47</sup>

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<sup>42</sup> P. De Meester, “Les Origenes...”, p. 321.

<sup>43</sup> I. Ziade, art. cit., col. 1471.

<sup>44</sup> E. Herman, “Appunti sul Diritto Metropolitico nella Chiesa Bizantina”, Orientalia Christiana Periodica, Vol. XIII (1947), n. 3 – 4, p. 523. The Patriarch of Constantinople was restricted to his spiritual functions, whose task was to safeguard purity and supervise the modes of divine worship. In the sixth and seventh century, the Epanagoge, the imperial code of law, stated explicitly that the Patriarch was to stand without fear before the Emperor for the truth and defense of the holy teachings. The Patriarch was assured spiritual, if not political, freedom and autonomy. He did not enjoy independent authority as did Roman Pope. – E. Benz, op. cit., pp. 166-167.

<sup>45</sup> G. De Vries, “La Sede ed il Patriarcato Cattolici d’Oriente”, Orientalia Christiana Periodica, vol. XXVII, (1961), p. 323.

<sup>46</sup> V. Grumel, Les Registres des Actes du Patriarcat de Constantinople, (Paris, 1932), Vol. I (3 fascicules) n. 205; Pargoire, op. cit., p. 101; Duchesne, op. cit., p. 79.

<sup>47</sup> Chronicon Paschale, P.G. XCII, 1001; P. De Heester, “Les Origenes ...” p. 351.

Eutychius (577-582) ordered all churches to substitute the troparia used on Holy Thursday with those which he composed and sent to them.<sup>48</sup> He also sent a circular to the bishops prescribing the removal from their texts the formula “who was crucified for us”, used by the Monophysites in the Trisagion.<sup>49</sup>

St. Nicephorus I (806-815) variegated legislation concerning divine cult. He defined how often and when the Mass of St. Basil was to be held and also the Liturgy of the Presanctified which, incidentally, he attributed to Pope St. Gregory the Great.<sup>50</sup> He also prescribed that this Liturgy be used three times a week in Lent, which superseded the provision of the Synod of Trullo.<sup>51</sup> Furthermore he legislated the use of the antimimension, without which the priest should no perform the Liturgy.<sup>52</sup> Aqua calida was made necessary to celebrate the Liturgy except in extreme necessity.<sup>53</sup>

Cosmas I (1075-1081) issued instructions for the rite of proskomedia<sup>54</sup> and rules for the Liturgy of the Presanctified.<sup>55</sup>

Nicholas Grammaticus (1084-1111) indicated the rites and prayers for the proshphora and determined the celebrants of proskomedia. He also gave his interpretation concerning the form of the anhetz which could be round or square.<sup>56</sup>

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<sup>48</sup> V. Grumel, op. cit., n. 261.

<sup>49</sup> Ibid., n. 262 and 263.

<sup>50</sup> D. Holovecky, Fonti IX, 565.

<sup>51</sup> Ibid.

<sup>52</sup> Ibid., IX, 15.

<sup>53</sup> Ibid., IX, 614.

<sup>54</sup> Grumel, op. cit., n. 918.

<sup>55</sup> Ibid.

<sup>56</sup> Ibid., n. 992.



Philotheus (1356-1376) issued an *ordo*<sup>57</sup>, which played the greatest role in the final development of the Byzantine Liturgy.<sup>58</sup> According to Krasnoseltzev, this Patriarch was forced to prepare it because certain individuals were introducing new customs into the ritual of the Mass. His Diataxis did not obtain the desired uniformity immediately, which is evident in manuscripts showing that rubrics had been edited outside of his influence.<sup>59</sup> Later these were inserted in the text of Masses. Thus Philotheus' primitive edition underwent several changes.<sup>60</sup>

The provisions of Philotheus were published in two parts: how a deacon must conduct himself while participating in the Liturgy, matins and vespers; secondly, what rites were to be observed in the Mass.

Furthermore, Patriarch Philotheus modified and fixed some liturgical practices. Among other things he instructed the positioning of a particle representing the Blessed Virgin on the right of the ahnets and others on the left to commemorate the saints and still others underneath it.<sup>61</sup> The position of the deacon during the execution of the antiphons is indicated for the first time.<sup>62</sup> After the Gospel, while the priest is reciting the prayers, the deacon is directed to recite the great litany, observing the movements of the

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<sup>57</sup> J. Goar, Euchologion sive Rituale Graecorum, (photo-offset, Graz, 1960), pp. 1- 11.

<sup>58</sup> P. De Meester, "Les Origènes ... ", pp. 289-290.

<sup>59</sup> Krasnaseltzev, Materialij dlja istorii liturgii av. Joana Zlatoustago, (Kazan, 1889), p. 81.

<sup>60</sup> Ibid., p. 4.

<sup>61</sup> Krasnaseltzev, op. cit., p. 43 sq.

<sup>62</sup> Ibid., p. 50; P. De Meester, "Les Origènes ..", p. 329.

priest. Having noticed that the priest terminated the prayer, the deacon discontinues the litany and introduces the eophonesses of the priest.<sup>63</sup>

b) As provider of extrinsic liturgical regulations

Nectarius (381-397) suppressed the penitentiary and allowed the faithful to participate in the mysteries, each one following his own conscience.<sup>64</sup>

Anatole (446-449) issued an encyclical to fix the data of Easter.<sup>65</sup>

Nicephorus I (806-815) formulated a collection of disciplinary canons concerning worship, morals and the monastic life.<sup>66</sup>

Photius (858-867) ordered that a priest celebrate but once a day.<sup>67</sup> He also ruled that those who take possession of sacred objects which touch the altar or employ them for profane usages must be deposed.<sup>68</sup>

Nicholas III (Grammaticus) (1084-1111) ruled that a monk cannot read from the ambon unless he is constituted a lector. Priest must preach ever Saturday and Sunday on themes from the Old and New Testaments, the examples of the saints and the final end.<sup>69</sup>

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<sup>63</sup> Krasnaseltzev, op. cit., p. 58, 107.

<sup>64</sup> V. Grumel, op. cit., n.9.

<sup>65</sup> Ibid., n. 138.

<sup>66</sup> Ibid., n. 405, 406, 407.

<sup>67</sup> Ibid., n. 467.

<sup>68</sup> Ibid., n. 468.

<sup>69</sup> Ibid., n. 985; J. Oudot, Patriarchatus Constantianopolitani Acta Selecta Fonti, (Serie II, fascicolo III.) (Roma, 1941), n. 2; Cummings, op. cit., p. 970.

c) As giver of canonical responses to questions on liturgical matters

Germain (715-730) relates a canonical decision stipulating that it is forbidden for a priest to celebrate in a church in which Mass has not been celebrated for over forty days without first blessing it.<sup>70</sup>

Anthony the Studite (974-979) gave a response to a question as to how to celebrate the feast of Annunciation when it fell during the days of Lent and Holy Week.<sup>71</sup>

Nicholas III (1084-1111) instructed a bishop to allow any priest to celebrate Mass providing that the priest had embraced a life worthy of doing so.<sup>72</sup> He also responded to monks that a monk can approach the altar to light candles.<sup>73</sup> The fragments of the prosphora used in the oblation must be consumed before leaving the church.<sup>74</sup> Those forbidden to receive Holy Communion cannot partake of the prosphora offered.<sup>75</sup>

He also gave canonical responses on various canonical-liturgical subjects. The bishop cannot celebrate without priest and deacons. Those who are excluded from Communion must not receive the prosphora.<sup>76</sup>

John XI (1275-1282) replied to questions posed by the bishop of Saraj. The Liturgy ought not be celebrated on Holy Friday.<sup>77</sup> The bishop should read the Gospel

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<sup>70</sup> V. Grumel, op. cit., n. 337.

<sup>71</sup> Ibid., n. 779.

<sup>72</sup> Ibid., n. 972

<sup>73</sup> Ibid., n. 982.

<sup>74</sup> Ibid., n. 983; Oudot, Fonti, n. 11,5.

<sup>75</sup> Ibid., N. 11, 10; V. Grumel, op. cit., n. 984.

<sup>76</sup> Ibid., n. 982.

<sup>77</sup> Ibid., XVIII, 4.

in the Easter Liturgy.<sup>78</sup> He can celebrate the Liturgy without a deacon.<sup>79</sup> During concelebration only one of those concelebrating offers the Holy Gifts.<sup>80</sup> In times of necessity the juice from pressed grapes can be used instead of wine in the celebration of the Divine Liturgy.<sup>81</sup>

d) As introducer of new feasts

Sergius (610-638) on the anniversary of the deposition of the precious vestment of the Virgin into the Blachernes, instituted that day as a principal feast of Constantinople.<sup>82</sup>

3. The Patriarch with his Permanent synod as Liturgical Legislator

The Patriarch needs oftentimes the cooperation of several legislative organs to exercise his power. One of these is the synodus endomousa or permanent synod.<sup>83</sup> Sometimes the Patriarch needed advice to enact ordinances for the patriarchate or to solve difficulties referred to him. This assembly of permanently established bishops in Constantinople was originally constituted as a board of advisors. It seems that in the first millennium the synod acted as a body of consultors and in this capacity legislated liturgically.

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<sup>78</sup> Ibid., XVIII, 2.

<sup>79</sup> Ibid., XVIII, 7, 8.

<sup>80</sup> Ibid., XVIII, 5

<sup>81</sup> Ibid., XVIII, 2.

<sup>82</sup> Ibid., n. 279.

<sup>83</sup> The endomousa is a permanently established synod by the patriarch which is to aid him in transaction matters of important and in the deciding of questions which concern patriarchate. – MP Cleri Sanctitati; canon 288.

St. John Chrysostom (398-404) together with the synod issued a synodal act establishing at Constantinople the feast of the Nativity of our Lord on December 25.<sup>84</sup>

Methodius (843-847) and his endomousa instituted the feast of re-establishment the images on the first Sunday of Lent.<sup>85</sup>

A synodal canonical response issued during reign of Nicholas the Mystic (901-925) stated that a priest who receives the monastic garb can continue to celebrate the Holy Liturgy.<sup>86</sup>

Germain (1222-1240) expressed a synodal decision permitting, adjacent to the Emperor's tent whenever pitched, another tent in which the Holy Sacrifice can be celebrated.<sup>87</sup> He also responded to interested parties of a certain deceased Michael Xeros that a liturgical celebration should not be offered for an unworthy deceased.<sup>88</sup>

#### 4. The Patriarch with a Council of Bishops as Liturgical Legislator

Another organ that legislated was the Patriarch meeting with an assembly of bishops.<sup>89</sup>

Photius (858-867), united with 130 bishops, repeated the law of the sixth council forbidding priests to celebrating in domestic orations under pain of exclusion

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<sup>84</sup> V. Grumel, op. cit., n. 33.

<sup>85</sup> Ibid., n. 418.

<sup>86</sup> Ibid., n. 731.

<sup>87</sup> Outod, Fonti, n. 12.

<sup>88</sup> Ibid., XIII.

<sup>89</sup> Cfr. Victor Pospishil, Code of Oriental Canon Law: The Law on Persons, (Ford City, Pa., 1960), pp. 145-146.

from the clergy. If one goes contrary to the will of the bishops, those culpable will be deposed and the faithful excommunicated.<sup>90</sup>

Alexis the Studite (1025-1043) together with 22 metropolitans and 9 archbishops forbade priest from using abandoned chapels for marriage or baptisms except for Mass and only on a feast day after having received the permission of the bishop.<sup>91</sup>

##### 5. Oecumenical Councils as Promulgator of Liturgical Canons.

After the rise of the patriarchate of Constantinople there was one Council, the Council of Trullo or Quinisextum (691), which directly legislated in liturgical matters. The second Council of Nicea (787), however treated matters concerning images and thus indirectly touched on Liturgy.<sup>92</sup>

At the Council of Trullo the assembled conclave of bishops basically laid down the constitution of the Byzantine Church<sup>93</sup> and defined the Patriarch as “enjoying equal privileges with the Throne of Rome and ecclesiastical matters shall be magnified like the latter.”<sup>94</sup> Above all it succeeded in codifying the tradition of the Byzantine Church and fixed its institution.<sup>95</sup> Thus the legislative tendency of the Church of Constantinople was directed toward establishing its own supremacy in all questions of

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<sup>90</sup> V. Grumel, op. cit., n. 468.

<sup>91</sup> Ibid., n. 835.

<sup>92</sup> E. Benz, op. cit., pp. 3, 8-10.

<sup>93</sup> Pargoire, op. cit., p. 199 sq.; S. Runcimian, op. cit., p. 89.

<sup>94</sup> Canon 36 – Agapius and Nicodemus, The Rudder, (Pedalion), tr. D. Cummings (Chicago, 1957), p. 33 (hereafter cited D. Cummings, op. cit.

<sup>95</sup> Dalmais, op. cit., p. 19.

ecclesiastical discipline.<sup>96</sup> It also initiated an attempt to strive for divergencies in ritual between the Church of Constantinople and that of Rome.<sup>97</sup>

In the field of Liturgy, in particular, the Council of Trullo formulated liturgical decrees to meet the demands prompted by new circumstances and to rectify prevalent abuses. It directed that festal services be held and Communion be reserved throughout Easter week.<sup>98</sup> It prescribed that Holy Communion be received in the hand and not in vessels which were constructed for such a person.<sup>99</sup> The laity were prohibited from communicating themselves when a bishop, presbyter or deacon was present.<sup>100</sup> The Eucharist ought not be placed in the mouth of the dead.<sup>101</sup>

Furthermore, the Council ordains that the Pre-sanctified Liturgy be used in place of the ordinary Liturgy on all days in Lent except on Saturday, Sundays and the Annunciation.<sup>102</sup> It forbids the celebration of the Liturgy in oratories or private houses without the permission of bishop.<sup>103</sup> It also condemns the custom of Armenians of conducting the Liturgy with wine alone, without combining it with water in accordance with the tradition of the Church.<sup>104</sup> The offering of grapes at the sacrificial altar is to be

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<sup>96</sup> E. Wellesz, A History of Byzantine Music and Hymnography, (2nd rev. ed.; Oxford, 1961), pp. 132-133.

<sup>97</sup> Ibid., p. 133.

<sup>98</sup> Canon 66 – cfr. Cummings, op. cit., pp. 365-371.

<sup>99</sup> Canon 101 – cfr. Cummings, op. cit., pp. 408-409.

<sup>100</sup> Canon 58 – cfr. Cummings, op. cit., p. 356.

<sup>101</sup> Canon 83 – cfr. Cummings, op. cit., p. 387-388.

<sup>102</sup> Canon 52 – cfr. Cummings, op. cit., p. 351-353.

<sup>103</sup> Canon 69 – cfr. Cummings. op. cit., p. 372-373.

<sup>104</sup> Canon 32 – cfr. Cummings. op. cit., p. 326-329.

considered as fruits and not as a bloodless sacrifice.<sup>105</sup> The celebration of the agape is prohibited in churches at all times.<sup>106</sup>

The council likewise considers the sanctuary as the exclusive territory of clergies only.<sup>107</sup> It prohibits every layman from entering the holy of holies except the Emperor to offer gifts to his Creator and to partake Holy Communion.<sup>108</sup> Nuns, however, can enter the bema in order to light a taper or candle and to sweep it.<sup>109</sup> Women are forbidden to teach in churches or chanting in a choir of their own or along with men.<sup>110</sup>

#### 6. Liturgical acts of bishops and others

John, bishop of Citrus, answered among other questions of Constantine Cabasilas, Metropolitan of Dyrhac, two separate queries concerning the necessary use of the antimension.<sup>111</sup> Theodore Studite solved such difficulties that neither monks nor nuns but only priests are ministers of Holy Communion.<sup>112</sup>

Peter Chartophylax in one of his response stated that one prosphora can be used for Mass.<sup>113</sup> A priest can say but one Liturgy.<sup>114</sup>

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<sup>105</sup> Canon 28 – cfr. Cummings, op. cit., p. 322-323.

<sup>106</sup> Canon 74 – cfr. Cummings, op. cit., pp. 377-379.

<sup>107</sup> Canon 76 – cfr. Cummings, op. cit., pp. 381-382.

<sup>108</sup> Canon 69 – cfr. Cummings, op. cit., pp. 372-373.

<sup>109</sup> Canon 15 – cfr. Cummings, op. cit., pp. 309.

<sup>110</sup> Canon 70 – cfr. Cummings, op. cit., pp. 373-375

<sup>111</sup> E. Herman, Textus selecti ex operibus commentatorum byzantinorum iuris ecclesiastici, Fonti (Roma, 1932) serie II, fascicolo V, n. 473.

<sup>112</sup> Ibid., n. 351.

<sup>113</sup> Ibid., n. 366.

<sup>114</sup> Ibid., n. 367.



Theodore Balsamon commented on liturgical language<sup>115</sup> and frequent reception of Holy Communion providing that no impediment existed.<sup>116</sup> The Pre-sanctified Liturgy should be said everyday during Lent except Saturdays and Sundays and also the feast of the Annunciation.<sup>117</sup>

Matthew Blastares considers the third hour after the sunrise as the appropriate hour for the celebration of the Liturgy, with the exception of certain feasts when it is celebrated immediately after vespers.<sup>118</sup> He also comments in his Syntagma on the necessity of the antimension for offering the Holy Liturgy.<sup>119</sup>

### C. Analysis and Conclusions

The I Council of Constantinople (381) elevated the suffragan diocese of Constantinople to the rank of a patriarchate. Prior to and even after this elevation, Byzantium accepted its liturgical practice from such religious centers as Cappadocia and Antioch, wherefrom it also received some of its bishops. Those customs, acknowledge as positive laws at that time, were expressed in the writings of the Cappadocian Fathers and in the Apostolic Constitution

After the patriarchal institution, liturgical acts were made to clarify old practices in the light of new circumstances. They were issued by the Patriarch alone, or together with the Permanent Synod or together with a conference of bishops. Liturgical acts were also made by the Council Fathers who restated apostolic tradition or rectified abuses which have arisen from new circumstances.

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<sup>115</sup> Ibid., n. 395.

<sup>116</sup> Ibid., n. 398.

<sup>117</sup> Ibid., n. 415.

<sup>118</sup> Ibid., n. 484.

<sup>119</sup> Ibid., n. 486.

Examining the extant patriarchal decrees, which are the only sources upon which our conclusions are based, we find that they deal with the Liturgy intrinsically and extrinsically and/or disciplinary. Comparing those with the extant joint decrees of the Patriarch and the permanent synod or conference of bishops as well as those of lesser personalities than the Patriarch, the acts of the latter are only classified in the extrinsic liturgical category, i.e., dealing with the added circumstances of time or phase of the Divine Liturgy. Not one of these acts deal with the internal structure of the Divine Liturgy itself or can be identified as liturgical expressions of the Eucharistic Sacrifice.

Again, to compare the patriarchal acts with those of oecumenical or provincial councils, we learn that the canons are disciplinary and are primarily concerned with the distribution of Holy Communion. Though they deal with the Eucharistic Sacrifice in the broad sense, they do not promulgate any regulations concerning the internal structure of the Liturgy, namely, the expression of the Eucharistic Sacrifice itself.

From among those who were responsible for any kind of liturgical acts, the authority of the Patriarch seems to be far more extensive than any of the others. From him not only issued *regulae* concerning the extrinsic Liturgy but also issued *formulae* which dealt with the intrinsic liturgy in both the broad and strict sense.

This comparison between the acts of the various moral or physical persons does not offer any indication who may be a liturgical legislator but merely demonstrates that all of them do enjoy some kind of liturgical authority. Other approaches have to be employed to identify the kind of liturgical power they enjoy.

One such approach is to analyze the legal concept denoting an authority's acts. Those acts emanating from Councils, whether they be oecumenical or

provincial, votes and decision called canons.<sup>120</sup> They are improperly called definitions inasmuch as their specific purpose is to correct by redefining, as in our case,<sup>121</sup> abuses. Those who fail to keep such canons are made liable to penance, though no penalty is specified. Councils, however, do give regional bishops permission to fix a proper and suitable penalty.<sup>122</sup> Judging the liturgical canons of any council against such a concept, their authors, the Counciliar Fathers as an assembly body, are true liturgical legislators because their acts fulfill the requirements of legislating a law. Photius, confirm this fact when he says that canons are promulgated by the consensus of the synod or council of the bishops.<sup>123</sup>

Patriarch with his permanent synod of bishops or with any convention of bishops are the actions of a legislator. Furthermore, Patriarchs are obliged to have a permanently established synod which is to aid them in transacting matters of importance and in deciding questions which concern the patriarchate.<sup>124</sup> For the synod or endomousa involves itself only in affairs of the patriarchate by giving either their advice or their consent. It was never a mere advisory board. Its acts were ordinance for the patriarchate. Since the liturgical acts of a permanent synod together with the patriarch, therefore, can be considered canons or laws, their authors undoubtedly are liturgical legislators.

There yet remain for analysis the liturgical acts of a Patriarch. If they are considered as decrees, then such a concept has many meanings. Decrees may be,

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<sup>120</sup> D. Cummings, *op. cit.*, p. liv. Acts of a provincial council must be examined and sanctioned by and oecumenical council to be called canon.

<sup>121</sup> *Ibid.*, footnote 1.

<sup>122</sup> *Ibid.*, liv.

<sup>123</sup> *Title I*, c. 4.

<sup>124</sup> V. Pospishil, *op. cit.*, pp. 145-146.

generally speaking, the acts of a patriarch which are given without any intention to advise or answer someone. Their purpose is vague. More purposeful but still an enigma is the third category of liturgical acts which are response given to queries. Such can be called, in the broad sense, decretal epistles, i.e., decisions given for the purpose of giving advice to one seeking it. The latter do reflect more authority than the former inasmuch as they resolve a particular liturgical doubt or solve an individual's liturgical problem.<sup>125</sup>

Since such acts are those of an authority, it is necessary, therefore, to analyze the concept of an authority. In the canonical sense, it is the analysis of the powers of those involved in liturgical acts. Basically and generally, such acts belong to a bishop or his delegate.

Every ordinary has a right to govern his respective diocese in spiritual and temporal matters. The object of its exercise extends to teaching and to the governing of his subjects and to the administration of ecclesiastical property. This power is best described in the manner in which the episcopal power is exercised, i.e., employing legislative, judicial, and coercive power which has a twofold aspect; that of punishment and that of administration.<sup>126</sup>

Since a residential bishop can make any law for his diocese provided it is not contrary to the common law of the Church, his subjects are bound by it at the moment of its promulgation. There is no evidence that a Patriarch alone issued any of the decrees with a sanction intended. St. Gregory of Nyssa confirms our deduction that a bishop is

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<sup>125</sup> D. Cummings, *op. cit.*, p. liv-lv.

<sup>126</sup> *MP Cleri Sanctitati*, 399, par. 1; cfr. J.A. Abbo and J.D. Hannan, *The Sacred Canons*, Vol. I (2nd rev. ed., New York, 1960), p. 362.

not a legislator when he states an opinion; it does not have the authority of the canons.<sup>127</sup>

It does not deny that when he is speaking out of the contents of conciliar or synodical canons, his words are authoritative. There remains but one interpretation of a patriarch's liturgical authority and that is the fact that he is the supervisor of ecclesiastical discipline.<sup>128</sup> Without the endomousa, it seems to this writer that his liturgical acts were effective only in his own diocese. There as a local bishop he was empowered to begin new liturgical rites or alter those already in existence so long as they were not contrary to any legitimate custom. Such is our understanding of the liturgical authority invested in a patriarch or any other local bishop in the Byzantine Church.

The Emperor, however, because of this unique relationship with the church participated in either the legislative or administrative aspects of divine cult.

In conclusion, therefore, the liturgical legislators in the Byzantine Church are a council of bishops and the endomousa. A patriarch alone and any residential bishop or anyone who shares in his episcopal power, is merely a liturgical authority in the administrative sense.

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<sup>127</sup> St. Gregory of Nyssa, canon VI - D. Cummings, pp. 876-877.

<sup>128</sup> MP Cleri Sanctitati, canon 400, par. 3.

**PART II**  
**THE TRADITIONAL LITURGICAL AUTHORITY**  
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**IN THE UKRAINIAN CHURCH**  
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In the preceding chapter it has been established from objective evidence that the liturgical legislator in the Byzantine Church was the oecumenical or provincial councils. The patriarch together with his endomousa enjoyed similar status. The patriarch merely exercised administrative control over the text and ceremonies of the Divine Liturgy. The problem now arise: how did this liturgical authority extend to the Ukrainians, who accepting Christianity as the state religion adopted the Byzantine rite? The celebrated liturgist, Adrian Fortescue, formulates the principle that “whoever uses a certain rite is to obey the Patriarch of the city where that rite has its original home”<sup>129</sup>

To resolve the stated problem it will be necessary to divide this chapter into two parts. The first will deal with the Liturgy during that period of the Ruthenian Church which, for practical purposes, begins with the acceptance of Christianity and terminates with the Union of Brest in 1596. The other will continue from the reunion with Rome and extend to the present day. In the first epoch our concern embraces the Church of Rus whether it is Catholic or Orthodox; but in the second, it is limited to the Catholic Church only.

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<sup>129</sup> A. Fortescue, The Uniate Eastern Churches, p. 14.

## CHAPTER III

### THE LITURGICAL AUTHORITY IN THE EARLY CHURCH OF RUS

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#### A. Introduction

The resolution of the problem as to whether the Patriarch of Constantinople and the patriarch synod exercised any liturgical authority over the Church of Rus demands the unraveling of a more basic difficulty. Firstly it is necessary to establish whether the hierarchical system of the Kievan Church was subservient to Byzantium. We shall then examine our sparse sources to uncover any evidence whether the early Ukrainian Church acted in liturgical matters dependently on or independently of the Patriarch. These will be considered in the light of the pre-Mongolian invasions, when there was open communication with Constantinople, and during the period of the Mongolian occupation.

Finally, any existing liturgical acts will be analyzed to draw conclusions which may identify the powers of the traditional liturgical authority in the early period.

Before undertaking this investigation, it is necessary that we present a brief historical synopsis of the acceptance of Christianity by the Kievan princes, which is fundamental to this study.

## B. The Pre-Mongolian Period (988-1240)

### 1. The Baptism of the Ukraine (988)

Christianity was introduced several times into the Ukraine by both the Latin and Byzantine Churches.<sup>130</sup> In such attempt of the respective rites, missionaries failed to gain recognition.<sup>131</sup> Only with the baptism of Prince Vladimir in 988 was there success in converting the nation.<sup>132</sup> It is not our purpose to solve the problem of whence Christianity came into the Ukraine. There are many excellent manuals dealing with this problem.<sup>133</sup> Nevertheless the consensus of scientific opinions is basic to our study. The greater majority of modern scholars of church history agree that Constantinople was not the sources of Christianity in Kiev.<sup>134</sup> In the opinion of this writer one of the best supported theories, historically and philologically, identifies Ochrid in Macedonia as the immediate source of the Byzantine-Ukrainian rite.<sup>135</sup> This conclusion is signified because it gives us

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<sup>130</sup> Iraneus Nazarko, Sviatij Volodomyr Velykij: Volodar I Krystyt' Rusy-Ukrainy (Rome: Basilian Fathers, 1954), pp. 23-44, especially pp. 42-43 in which the author gives a summary of Christianity in Rus prior to Vladimir; Mykola Chubatij, Istoriia Ukrain's' koi Tserkvy (Herschberg, 1946), p. 9 sq. (hereafter cited *Istoriia*); Stephen Tomaschiwsky, Istoriia Tserkvy Na Ukrainy (Reprint of Vstup do Istorii na Ukrainy. Zapysky C.C. B.B., t. IV, 1-2 Zhovkva, 1932) (Philadelphia: America) pp. 5-64; Gregory Luznytsky, Ukrainian Church between East and West (Philadelphia: Providence Association, 1954), p. 54; George Vernadsky, "The Status of the Russian Church during the First Half-Century Following Vladimir's Conversion", The Slavonic and East European Review vol. XX (1941) pp. 298 sq.

<sup>131</sup> I. Nazarko, op. cit., pp. 27-42.

<sup>132</sup> S. Tomaschiwsky, op. cit., pp. 75-76.

<sup>133</sup> I. Nazarko, op. cit., pp. 103-105. The author cites three theories stating how Christianity came to Kiev. He lists the proponents of each theory and cites the manuals of each in the footnotes. Vernadsky, art. cit. gives a fourth.

<sup>134</sup> I. Nazarko, op. cit., p. 104.

<sup>135</sup> Ibid., pp. 104-105. It was N. Pryselkov, Ocherkki pro Tserkovno-Politicheskoi ictorii Kievskoi Rusi



our first clue into the kind of ecclesiastical authority that governed the Church in Rus, namely, that it was not subservient directly to the Patriarch of Constantinople.

## 2. The Hierarchy in the Kievan Church

Since the documents of the early Kievan ecclesiastical organization are not clear, theories concerning the origin of the first hierarchical head have developed.<sup>136</sup>

Practically all modern scholars, using the findings of the latest scientific research, agree that the first episcopal chief in Kiev was an independent archbishop.<sup>137</sup> It seems to us that the original hierarchy was neither Greek nor subservient to the Byzantine Patriarch.<sup>138</sup>

Hence it was not one of the metropolitan dioceses of the Byzantine Patriarchate but rather an autonomous authority patterned after its maternal church.<sup>139</sup> In the sources, however, there is no mention of where the archiepiscopal seat was located.<sup>140</sup>

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. /. (St. Petersburg, 1913) who first proposed this theory and Tomaschiwsky, op. cit., who developed it. Theophil Kostruba, Nazysy Z Tserkovnoi Istorii Ukrainy X-XIII- oho stolittia (Toronto, Basilian Press, 1955) p. 35. (hereafter cited Nazysy).

<sup>136</sup> It is difficult to ascertain what kind of dependence the Kievan Church had on Constantinople. The Povest (Chronicle) makes no mention of the ecclesiastic organization of Rus during the fifty years following the year 988. – H. Paszkiewicz, The Origin of Russia (London, 1954) p. 45; A. M. Ammann, Storia della Chiesa Russa (Torino, 1948) p. 20 sq.

<sup>137</sup> I. Nazarko, op. cit., pp. 116-131; T. Kostruba, Narysy, pp. 2-4 S. Tomaschiwsky, op. cit. p. 78; G. Vernadsky, art. cit., pp. 304 and 309. E. Golubinsky, Istoriia Russ koi Tzerkvi 2 vols. (2nd ed., Moskva, 1901) t. I, 1, p. 264 sq. This historian holds that he was archbishop but from Constantinople.

<sup>138</sup> I. Nazarko, op. cit., p. 118; S. Tomaschiwsky, op. cit., p. 78; T. Kostruba, Narysy, p. 36.

<sup>139</sup> I. Nazarko, op. cit., p. 117.

<sup>140</sup> G. Vernadsky, art. cit., p. 294.

The position of the autocephalous archbishop in the Kievan Church was a peculiar one. It differed substantially from that of a Metropolitan. According to the Byzantine hierarchical system, there were two classes of archbishops.<sup>141</sup> The greater majority of them was directly subordinated to the Patriarch of Constantinople. Their position was equal to that of an ordinary metropolitan. There were, however, a number of archbishops who enjoyed even wider authority and were recognized as being independent. His power was practically equal to that of the Patriarch. It follows, therefore, that the supreme hierarch of Kiev enjoyed the same ecclesiastical authority as the head of the Church of Constantinople.<sup>142</sup>

There were five such periods of independent in the early Kievan Church. The first archbishop to sit upon the episcopal throne was autonomous. He probably was not a Greek but a Slav consecrated in Ochrid.<sup>143</sup> His name was Archbishop John (1008-1020).

Enjoying approximately thirty years of autocephaly, the Church of Rus passed over into submission to Constantinople.<sup>144</sup> After Vladimir's death in 1015 an internecine struggle took place among his sons. Yaroslav (1019-1054), through a compromise, obtained control of Kiev.<sup>145</sup> But to insure protection he addressed himself to Constantinople not only for political support but also to obtain a head for his Church.<sup>146</sup>

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<sup>141</sup> Victor Pospishil, The Code of Oriental Law, vol. 1: The Law on Persons (Philadelphia, 1960), pp. 151-156.

<sup>142</sup> E. Golubinsky, op. cit., Vol. I, 1 pp. 264-265.

<sup>143</sup> Theophil Kostruba, "Kyivs'kii nytopolyt Ivan" Kalendar Ukrainc'koi Rodyny (Toronto, 1950), pp. 60-63; S. Tomaschiwsky, op. cit., p. 82; G. Vernadsky, art. cit., p. 303 aq.

<sup>144</sup> S. Tomaschiwsky, op. cit., pp. 93-94.

<sup>145</sup> Ibid., p. 94; E. Vernadsky, art. cit., p. 310.

<sup>146</sup> Ibid., p. 311; S. Tomaschiwsky, op. cit., p. 95.

In so doing he surrendered the independence of the Ukrainian Church which became one of approximately seventy metropolitans subject to the Byzantine Patriarch.

From 1037 the Kievan Metropolitans were, for all practical purpose, appointed by the Byzantine Emperor and consecrated by the Patriarch.<sup>147</sup> Only in three cases did the council of Kievan bishops elect their own head prior to the Mongolian invasions. The metropolitan see thereby returned to at least a temporary independent hierarchy and Church.<sup>148</sup>

The first time that autonomy was declared was prompted by a political blunder on the part of the ruling Byzantine Metropolitan. In 1051 the first Greek primate in Kiev, Teompt (1039-1051), whose installation terminated the original independence of the Kievan Church,<sup>149</sup> was rumored to have betrayed the Kievans under Yaroslav<sup>150</sup>, who unsuccessfully attempted to attack Constantinople. As a result, Yaroslav called the first synod of bishops in the Ukrainian Church to replace the Byzantine Metropolitan. It was held in Kiev in 1051. The Prince declared the Church independent and completely autonomous from the Patriarch of Constantinople.<sup>151</sup> To head the Church the assembled bishops chose Illarion (1051-1054) as Metropolitan.<sup>152</sup>

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<sup>147</sup> Ibid., p. 96.

<sup>148</sup> G. Luznytsky, op. cit., p. 48.

<sup>149</sup> G. Vernadsky, art. cit., p. 303, 310; E. Golubinsky, op. cit., I. 1, p. 929.

<sup>150</sup> Ibid., p. 54; S. Tomaschivsky, op. cit., p. 100.

<sup>151</sup> Ibid.

<sup>152</sup> Ibid.

The third occupant, though disputed, was Ephrem (1090-1097) who acted as an independent archbishop after an interchange of Byzantine Metropolitans.<sup>153</sup>

Nicholas (1098-1101) succeeded him.<sup>154</sup> The fourth period of an autonomous hierarchy in the history of the Ruthenian church was headed by Clement Smoliatich (1147-1155) during the reign of Prince Iziaslav.<sup>155</sup> He summoned to Kiev a synod of bishops and appealed to them to settle the question as to whether the Ukrainian Church had a right to establish its own head.<sup>156</sup> The majority of those assembled agreed and selected Clement Smoliatich as their primate.

Excluding these brief isolated periods of ecclesiastical autonomy prior to the Mongolian invasions, the Kievan Church was subservient to Byzantium, who by appointing its own bishops to the metropolitan throne, overly controlled at least until the fifteenth century,<sup>157</sup> the ecclesiastical life of the provincial see.<sup>158</sup> It accepted from Constantinople rites and ordines which, with the exception of pre-liturgical preparations for entering the church, vesting and confecting the prothesis, showed general uniformity.<sup>159</sup> Even when Constantinople had adopted the practice, especially with regard

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<sup>153</sup> Ibid., pp. 140-142.

<sup>154</sup> G. Luznitsky, op. cit., p. 184.

<sup>155</sup> S. Tomaschiwsky, op. cit., p. 155; T. Kostruba, Narysy, pp. 59-60; E. Golubinsky, op. cit., T. 1, p. 41.

<sup>156</sup> S. Tomaschiwsky, op. cit., p. 152.

<sup>157</sup> Mykola (Nicholas) Chubatij, "Ukrainian Metropolitan Sees. Their Formation and Present Status". A Commemorative book of the Ukrainian Catholic Metropolitan See, USA (Philadelphia, pp. 293-296).

<sup>158</sup> E. Golubinsky, op. cit., I. 1, p. 405.

<sup>159</sup> P. Alexis Petrovski, "Histoire de la redaction slave de la liturgie de S. Jean Chrysostome" Xrysostomika (Roma: Pustet, 1908) pp. 859-860.

to the divine services, of accepting rites and ordines used in Jerusalem, this assimilation also found its way into the Slay churches.<sup>160</sup>

It must be mentioned that more uniformity of rites existed among the Slaves that among the Byzantines, which was due perhaps to the few translations from the Greek.<sup>161</sup> Likewise, the manner in which the Liturgy was received, that is, as the inspired word of God with Apostles as its authors, accounted for the Slavic tenacity to maintain uniformity.<sup>162</sup>

### 3. Liturgical Acts of Autonomous Archbishops

John (1008-1020), who is considered as the first hierarchical head of the Ukrainian Church and also as the first independent archbishop, expressed his authority in the same manner as a Patriarch. He considered the royal martyrs, Boris, and Hleb, whom the future appointed Greek Metropolitans of Kiev refused to admit them as saints.<sup>163</sup> In their honor he composed vigil services and also dedicated as Mass.<sup>164</sup> Furthermore he ordered his priests and deacons to celebrate daily the Divine Liturgy on the tomb of those martyrs.<sup>165</sup>

There are no liturgical acts connected with the short reign of the renowned preacher, Illarion, the second autocephalous Metropolitan of Kiev.

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<sup>160</sup> E. Golubinsky, op. cit., I. 1, p. 495.

<sup>161</sup> Ibid., p. 405.

<sup>162</sup> Ibid., p. 267; S. Tomaschiwsky, op. cit., pp. 92-94; G. Luznitsky, op. cit., p. 52; G. Vernadsky, art. cit., p. 294.

<sup>163</sup> S. Tomaschiwsky, op. cit., p. 126.

<sup>164</sup> G. Vernadsky, op. cit., p. 294.

<sup>165</sup> Makary Mitropolit Moskovsky, Istoriia Ruskoi Tserkvi, 4 vols. (3rd ed., St. Petersburg, 1889), Vol. II, p. 96.

The third independent archbishop, Ephrem (1090-1097) exercised authority equivalent to that of a Patriarch. He took the first step in canonizing Theodosius. He introduced the feast of the transfer of St. Nicholas' relics to Bari,<sup>166</sup> which feast Pope Urban, in 1087, introduced into the Catholic Church and which feast the Church of Constantinople refused to recognize at that time. He allegedly composed variable parts of the Mass dedicated to St. Nicholas and determined that it be offered on May 9.<sup>167</sup>

Clement Smoliatich headed the fourth autonomous hierarchy in the history of the Church of Rus prior to the Mongolian invasions.<sup>168</sup> He probably introduced divine services which succeeding Greek Metropolitan abolished.<sup>169</sup>

It is necessary to mention here that independent archbishops of Novgorod also exhibited their liturgical authority. Their autocephaly began with Clement Smoliatich's most bitter opponent, Nicephont (1130-1156), a Greek appointed bishop of Novgorod, strongly opposed Clement's election to the see of Kiev.<sup>170</sup> This local ordinary, who was subservient to the Kievan Metropolitan, was raised to the rank of an independent archbishop exempt from Kiev.<sup>171</sup> He was not assigned a provincial

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<sup>166</sup> S. Tomaschiwsky, *op. cit.*, p. 141.

<sup>167</sup> *Ibid.*, pp. 141-142. Of all the East, only Rus accepted the transfer of the relics of St. Nicholas as a feast day. Pope Urban (c. 1090) instituted this transfer as a holy day.

<sup>168</sup> E. Golubinsky, *op. cit.*, I. 1, p. 41.

<sup>169</sup> S. Tomaschiwsky, *op. cit.*, p. 153. It is unfortunate for our study that the author did not cite the source of this assertion. It is on his reputation as one of the foremost modern scholars that this statement is accepted.

<sup>170</sup> *Ibid.*, pp. 151-152.

<sup>171</sup> *Ibid.*, pp. 157-158.

metropolitan seat. This elevation was probably his reward for loyalty to the Patriarch against Smoliatich's election.<sup>172</sup>

Shortly after assuming his archiepiscopal dignity, Necephont resolved among other ecclesiastical difficulties local problems in matters of Liturgy.<sup>173</sup> He showed his first hand knowledge of the liturgical customs of Constantinople<sup>174</sup> in his replies to the queries of three ecclesiastics: Kyrik, Sabba and Elias.<sup>175</sup>

Nicephont's outstanding replies were given to an inquisitive monk, Kyrik<sup>176</sup> who sought a commentary on or an interpretation of certain liturgical difficulties he had encountered.<sup>177</sup> Kyrik wanted to know whether the iletion which had sacred particles could be washed. The archbishop replied that the iletion but no the antimension can be.<sup>178</sup> Nicephont gave accurate and detailed directions on how to break the Holy Bread and positing one particle in the chalice.<sup>179</sup> He thoroughly described in the same reply what the left and right hands should do in the process. In his negative answer whether a priest should kiss the icon set aside for popular veneration, he offered a

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<sup>172</sup> Ibid., 158.

<sup>173</sup> A. C. Pavlov and V. Beneshevich, Ruskaia Istoricheskaia Biblioteka, Vol. VI, Pamiatniki drevne-russkago Kanonicheskago Prava. Chast' pervaja Pamiatniki XI-XV (2nd ed. St. Petersburg, 1908) col. 22-62 (hereafter cited Pamiatniki).

<sup>174</sup> Ibid., q. 10 and 20 of Kyrik; q. 4 of Sabba; and q. 23 of Elias.

<sup>175</sup> C. Smirnov, Drevne-Russkij Duchovnik (Moscov, 1913), pp. 104-105. The author gives biographical data on Kyrik on pp. 104-105; Sabba, pp. 107; and Elias, p. 107-108.

<sup>176</sup> Ibid., p. 110. Smirnov mentions that Kyrik sought liturgical information from Clement Smoliatich "as one who should know".

<sup>177</sup> A.C. Pavlov, Pamiatniki; Kyrik proposed 101 questions which are found on col. 22-51; Sabba, 24 on col. 51-57; and Elias, 28 on col. 58-62.

<sup>178</sup> Ibid., q. 64 on col. 40.

<sup>179</sup> Ibid., q. 12 on col. 54.

mystical response that the priest should kiss the altar and gospel instead.<sup>180</sup> He also settled the difficulty that a priest about to celebrate the Liturgy, who, prior to celebrating, did not participate in vespers or orthros, would not sin, even if he approached the altar without saying the preparatory prayers<sup>181</sup>

Nicephont's successor, Elias (1130-1156), continued to act as a liturgical authority while archbishop of Novgorod. He advises what one should do if he forgets to pour wine and water into the chalice during proskomedia.<sup>182</sup> As soon as this is learned, the priest should pour wine and water into the chalice and then proceed with the Mass. Another difficulty which he resolved involved the nibbling by a mouse of a host still on the prothesis.<sup>183</sup> The priest, he explains, should cut off that part rather than prepare another host.

### C. Mongolian Occupation (1240-1586)

Until the Mongolian invasions (c. 1240) Byzantine appointed bishops overprotected the Kievan Church. With the exception of the brief intervals of autonomy enjoyed by the Church of Rus, it was subservient to the Patriarch of Constantinople.<sup>184</sup> Communications between the Metropolitan seat and the Patriarch now began to deteriorate because of incursions into the Ukraine by the Tartars. Since Constantinople,

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<sup>180</sup> Ibid., q. 13 on col. 55.

<sup>181</sup> Ibid., q. 8 on col. 53.

<sup>182</sup> Ibid., n. 4 on col. 75-77.

<sup>183</sup> Ibid., n. 5, on col. 78.

<sup>184</sup> E. Golubinsky, op. cit., I, 1. p. 259.



though surrounded, was not captured until 1453, communications never fully broke down.

During this period there came into being liturgical acts which resulted from difficulties in the confection of priestly actions. Liturgical services were being held according to new customs, for which no separate prescriptions were made.<sup>185</sup> For the resolution of doubts, differences and difficulties in conferring the sacraments, salutary directions were offered through a synod of bishops and queries sent to recognized authorities. Each of these must be considered separately because each has a contribution of its own to make to our understanding of the liturgical authority of this period.<sup>186</sup>

#### 1. Synod of Vladimir (1274)

Metropolitan Cyril II (1224-1281) called a synod of his bishops at Vladimir in 1274<sup>187</sup> to correct abuses prevailing in Kiev and particular in Novgorod. A deacon, for example, prepare the host for the sacred Liturgy, which office if completed by the priest. The Synod, citing precedence, ordered that priests, themselves, under threat of penalty, cut out the host and confection the proscomedia.<sup>188</sup> It also stated that those persons having been baptized and confirmed may receive Holy Communion.<sup>189</sup>

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<sup>185</sup> Makary, op. cit., vol. IV, p. 285.

<sup>186</sup> Ibid., p. 286.

<sup>187</sup> A. C. Pavlov, Pamiatniki, col. 83-102; Julian Pelesz, Geschichte der Union der ruthenischen Kirche mit Rom (Wien, 1878), vol. I, p. 437.

<sup>188</sup> A.C. Pavlov, Pamiatniki, n. 4, col. 96-97.

<sup>189</sup> Ibid., n. 2, col. 95.

Sacramentals such as blessing of fruit may not be conferred by clerics not as yet in sacerdotal orders.<sup>190</sup>

## 2. Theognostus (1269-1291)

Theognostus, bishop of Sarajevo, presented to Constantinople in the same of the Metropolitan of Kiev,<sup>191</sup> Maxim, (1283-1305), several liturgical problems concerning the absence of a deacon at a pontifical ceremony<sup>192</sup> and ordinary Mass with celebrants only. In both cases the concelebrating priest chant the Liturgy at the altar.<sup>193</sup> Again if a priest forgets to pour wine and water into the chalice, the Synod instructs that he do this when he discovered his omission and thence continue the Liturgy.<sup>194</sup> On Wednesday and Friday preceding Lent, instead of the Mass of Chrysostom, the Hours with Vespers are prescribed.<sup>195</sup> The Liturgy ought not be celebrated on Good Friday.<sup>196</sup>

## 3. Cyprian (1390-1406)

The closing years of the fourteenth century introduced one of the few true liturgical revivals in the Ukrainian Church. It was spearheaded by a Bulgarian monk who later, as Metropolitan Cyprian, became the spiritual head of the three metropolitan sees of

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<sup>190</sup> Ibid., n. 6, col. 98.

<sup>191</sup> Ibid., q. 6, col. 132.

<sup>192</sup> Ibid., q. 7, col. 132; q. 29, vol. 135. E. Herman and A. Wuyts, Textus Selecti Juris Ecclesiastici Russorum. Fonti, (Roma 1935) Serie II, fascicolo VII, n. 682.

<sup>193</sup> Ibid., q. 11, col. 133-134; q. 3, col. 132.

<sup>194</sup> Ibid., q. 3, col. 132.

<sup>195</sup> Ibid., q. 11, col. 133-4.

<sup>196</sup> Ibid., q. 20, col. 135.

Rus.<sup>197</sup> This renewal was prompted by his love for liturgical uniformity in the entire Church of Rus.<sup>198</sup> It was also spurred by the Polish king's complaint that the Byzantine-Slav Church lacked law and order.<sup>199</sup> Above all, however, an open conflict was raging between the old liturgical customs and the current typical in vogue in Constantinople which was making inroads into the Kievan Church.<sup>200</sup>

To satisfy these demands which were probably preparatory for reunion,<sup>201</sup> and to lead a liturgical reform, the learned Metropolitan was most capable since he experienced the new Byzantine Liturgy (according to the Jerusalem typical) in his training at Athos, where he had communicated with Greeks, Slavs, Arabs, etc.<sup>202</sup> Cyprian, to institute his reform, looked to Constantinople where the Patriarch Philotheus had already introduced his Diataxis.<sup>203</sup> This was later adopted in all branches of the Byzantine rite.<sup>204</sup> Cyprian translated the ordo of Philotheus and introduced it into his

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<sup>197</sup> I. Mansvietov, Mitropolit Kiprian' v ego liturgicheskoi dicitelnosti (Moskva, 1882), p. 8, states there is much information about Cyprian in church history and monographs. In his work he historically evaluated Cyprian's liturgical contributions and compared it with the current rite in the East.

<sup>198</sup> Ibid., p. 7.

<sup>199</sup> G. Luznytsky, op. cit., pp. 150-151.

<sup>200</sup> Ibid., p. 174; Makary, op. cit., Vol. IV, 1, p. 275. The Jerusalem typical adopted by the Greeks in the eleventh century was used on Mt. Athos in the thirteenth century. In 1319 a Serbian Archbishop, Nicodemus translated it into Slavonic from the Greek. It reached the Slavs in the fourteenth century. Cfr. Manvietov, op. cit., pp. 3-4; Petrovski, op. cit., p. 886.

<sup>201</sup> Oscar Halecki, From Florence to Brest (1439-1596) (Roma, 1958) p. 24.

<sup>202</sup> I. Mansvietov, op. cit., p. 2.

<sup>203</sup> J. Goar, Euchologion sive Rituale Graecorum (photo-offset, Graz, 1960) p. 9, n. 3; E. Golubinsky, op. cit., Vol. II b, 1, p. 407.

<sup>204</sup> P. A. Raes, "Le Liturgicon Ruthene Depuis l'Union de Brest", Orientalia Christiana Periodica, vol. VIII, nos. 1-2, (Rome, 1942) p. 95.

Liturgikon.<sup>205</sup> However it does not seem that the reform had been accepted everywhere;<sup>206</sup> one reason being that it was not obligatory; another was for this, perhaps, is the fact that since it contained the most stringent measures for copiers, a fortiori, the Metropolitan undoubtedly intended that its prescriptions be religiously observed by those using it as a text. Accordingly Cyprian so stated in his euchologion;

“If anyone wishes to copy this text, let him take care not to add or omit one word or punctuation mark or comma which are beneath the line in series, not to change any composition or interpolate from another text, nor again omit anything in the deacon’s text and in the ecphonesis, nor in the prayers but rather to read, to study or to copy this carelessly he falls into sin and if anyone falls into it knowingly, it is worse than from ignorance.”<sup>207</sup>

Subsequent manuscripts of the euchologion give testimony that Cyprian’s reforms were uncontested.<sup>208</sup> It did, however, eventually put an end to the use of primitive liturgical manuscripts ascribed to their owners, Barlaam Chytynsky and Anthony the Roman, even though Cyprian had no intention of suppressing those handwritten euchologia which only the advent of printing was able to do.<sup>209</sup> Thus there existed with his Liturgikon at least two editions of the old missal of the pre-Mongolian period,

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<sup>205</sup> I. Mansvietov, *op. cit.*, p. 7; Krasnoseltzev in his book, Materialij dlja istorii chinonostigobanica liturgii sv. Joanna Zlatoustago (Kazan, 1889) compares in parallel columns the original and Cyril’s translation.

<sup>206</sup> A. Raes, *art. cit.*, p. 95.

<sup>207</sup> A. N. Popov, Opisanie Slavianskikh Rukopisei (otdil’ tretij). Knigi Bohosluzhenniia (chast’ pervaja) (Moskva, 1869) p. 5 No. 344. The compiler cites the original text as it appears on p. 72 of Cyprian’s euchologion.

<sup>208</sup> P. A. Petrovski, *op. cit.*, p. 890.

<sup>209</sup> E. Golubinsky, *op. cit.*, II b i , p. 405 sq.; Petrovski, *op. cit.*, pp. 862-863. The Barlaam edition was used in the southern part of Rus and Anthony the Roman’s, in the north. Though extant manuscripts belonging to the same eparchy, Novgorod and though one was separated from the other by a relatively short period of time, these two liturgies contain two different forms. Cfr. Descriptions in Opisanie, p. 1, No. 342 and p. 5, No. 343; Petrovski *op. cit.*, p. 826-866 compares their differences until the advent of Cyprian, with Philotheus’ edition and compares later the latter with the former two (pp. 886-915).

which have accidental variants but enjoy this common characteristic that they represent the passage of the ancient liturgical practice of relative simplicity towards a new amplified pre-liturgical celebration, such as preparation for the Liturgy, vesting and proscomedie.<sup>210</sup>

Cyprian's liturgical efforts portray him as a compiler.<sup>211</sup> But in his three instructions to his charges in Novgorod and Pskov and a certain Abbot Anthony, who desires authoritative response, he appears principally as an interpreter of the old liturgical practices in the light of the new customs. He instructs the clergy of Novgorod<sup>212</sup> (1395) in his reply by determining for them the time of celebrating the Masses of St. John Chrysostom and St. Basil. He answered that the Mass of St. John Chrysostom is to be said on the first Sunday of Lent or the Sunday of the Councils and Palm Sunday. The Liturgy of Basil is said on the other Sundays of Lent and on the Vigils of Christmas and Epiphany as also on his own feast. He further clarifies that no Liturgy is to be said on Wednesday and Friday of cheese-fare week. Instead, the Hours are said as on Good Friday.<sup>213</sup> For the clergy of Novgorod he resolved another difficulty, namely, that, if a deacon is absent, a priest cannot function as deacon.<sup>214</sup> Finally he advises the manner of chanting Sviatij Bozhe: the choir sing thrice with the Gloria and the priest sings the final verse.<sup>215</sup>

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<sup>210</sup> P. A. Petrovski, *op. cit.*, pp. 862-863; Cfr. P.M. Mandalà, La Protesi della Liturgia nel Rito Bizantino (Grottaferrata, 1935) pp. 98 and 107.

<sup>211</sup> I. Mansvietov, *op. cit.*, p. 2.

<sup>212</sup> A. C. Pavlov, Pamiatniki, n. 29, col. 235-238.

<sup>213</sup> Ibid., col. 236.

<sup>214</sup> Ibid., col. 236-37.

<sup>215</sup> Ibid., col. 237.

To the clergy of Pskov,<sup>216</sup> Metropolitan Cyprian sent, by way of a priest known as Chariton, ordines for the Liturgy of Chrysostom and Basil the Great.<sup>217</sup> He also mentions that he translated how to commemorate the orthodox emperors and princes, both living and dead. He deemed it proper also to commemorate the Metropolitan, the child in baptism, and the betrothed in marriage,<sup>218</sup> Questions, which Chariton presented, were also answered by Cyprian to order to resolve difficulties of the clergy of Pskov. Worthy to mention is that women, who once received Holy Communion after Mass at the deacon's door, were now encouraged to communicate at the royal doors at the appropriate time in the Liturgy. Those receiving Communion fold their hands on the breast.<sup>219</sup>

Cyprian's third instruction dealing with liturgical discipline by way of replies to questions was made to Abbot Athanasius between 1309-1405.<sup>220</sup> he counseled deacons to confect proscomediea.<sup>221</sup> He even considered it a grave sin to celebrate the Liturgy without wine and prescribed the manner in which monks, children and others were to prepare for Communion. But monks ought not receive Holy Communion from a secular priest except in necessity and when no monk is available. Both monks and laity

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<sup>216</sup> Ibid., col. 239-242.

<sup>217</sup> Ibid., col. 239

<sup>218</sup> Ibid., cfr. Mansvietov, op. cit., p. 132.

<sup>219</sup> Ibid., col. 240-241; cfr. Mansvietov, op. cit., p. 143.

<sup>220</sup> Ibid., n. 32, col. 253-259; Cfr. Mansvietov, op. cit., p. 112 sq.

<sup>221</sup> Ibid., col. 257.

can receive Holy Communion during the Presanctified Mass and during Lenten periods provided that the recipient is well disposed.<sup>222</sup>

#### D. Analysis and Conclusions

Though the evidence is rather sparse for the early centuries of Christianity in the Ukraine, some indicative conclusions concerning a liturgical authority can be drawn.

It has been asserted that whoever uses a certain rite is to obey the Patriarch of the city where that rite has its original home. Since the Kievan Church accepted the Byzantine Rite, it follows from this principle that the said Church was subject to the Patriarch of Constantinople. The contrary has been shown that the control of the rite depended upon the canonical status of the primate of the Kievan Church. If he was autonomous, he was, practically speaking, canonically equal and had no recourse to Constantinople. If he was dependent upon the Patriarch, it seems that in some measure the Metropolitan was restricted.

Beginning with the acceptance of Christianity as a state religion, the primates of Rus enjoyed five periods of autocephaly. Only during these periods were any liturgical acts independently introduced. In fact certain introductions made by the autonomous Metropolitans were considered invalid by succeeding patriarchal appointed Metropolitans. No historical indications were found that such a subservient archbishop acted similarly in liturgical matters as did the autonomous archbishop who canonized,

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<sup>222</sup> Ibid., col. 257-258; E. Herman and A. Wuyts, Fonti, n. 625.

introduced new feasts. Composed variable parts in the Liturgies dedicated to certain saints.

On their own authority, they did introduce something which did not exist previously in divine worship.

From this argument of silence, one can deduce that there exists a possible implication that the Kievan autocephalous archbishop did assume authority similar to that enjoyed by both the Patriarch either alone or together with his endomousa. However, there is no evidence that he is a liturgical legislator.

All the liturgical acts of Kievan Metropolitans, such as Cyprian, who in addition to conducting a liturgical revival, translated and introduced a newly compiled Liturgikon, satisfied doubts with his expert knowledge, filled in lacunae, and resolved difficulties, simply demonstrate that he fulfilled his task well as a liturgical authority, in the administrative sense only. The same can be said of Nicephorus, Elias and the other archbishops, whether they are independent or dependent on Constantinople.

We should, however, bear in mind that Metropolitan Maxim did recognize the permanent synod in Constantinople as a liturgical legislator when he sent by way of Theognostus, among other canonical problems, liturgical difficulties for solution.

It ought not be overlooked that the Council of Vladimir did demonstrate its liturgical legislative authority. For it explicitly added sanctions to its ordinance indicating that its acts were canons.

In conclusion, therefore, the council of Ukrainian bishops and the endomousa of Constantinople continued the inherited tradition of being the liturgical legislator in the Kievan Church. Its metropolitan whether independent or dependent on



Constantinople was but as liturgical authority who exercised his administrative power to oversee the Divine Liturgy.

## CHAPTER IV

### THE TRADITIONAL LITURGICAL AUTHORITY

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#### AFTER THE UNION OF BREST

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##### A. Introduction

Even though our evidence indicating a liturgical authority in the early Kievan Church is weak, it nevertheless uncovers an inherited tradition that a council of bishops and possibly the permanent synod of Constantinople are legislators of liturgical acts. The Metropolitan of Kiev, whether independent of or dependent on Constantinople enjoys the same liturgical authority as the Byzantine Patriarch, namely, that he oversees both the extrinsic and intrinsic Liturgy.

We shall now pursue our study of the liturgical authority of the Ukrainian Church during a new era, i.e., after it reunited with Rome.<sup>223</sup>

During the latter part of the fifteenth and the early sixteenth centuries, a strong desire to reunite with Rome was awakening in the Slav Orthodox Church.<sup>224</sup> In the latter half of the sixteenth century strong overtures of reunion were made, but they met with obstacles. One of those was the instruction, Protest of Nobles, which pointed out the Ukrainian Church had been for six hundred years under the Patriarch of Constantinople and objected that it was inappropriate to accept Union without his permission at a local

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<sup>223</sup> One of the best treatises on the Ukrainian reunion with Rome is the work of Oscar Halecki. From Florence to Brest, (Rome, 1958).

<sup>224</sup> Metropolitan Gregory, for example, attended the Council of Constance (1414-1418) which concerned itself with reunion but it never did materialize.

particular synod.<sup>225</sup> But eventually (in 1596) the Ruthenian bishops with their Metropolitan acknowledge the primacy of the Roman Pontiff.<sup>226</sup> This Reunion at Brest ushered in occasions for determining more clearly the traditional legitimate liturgical authorities.

#### B. The Liturgical Status about the Time of Reunion

Before entering this historical development, it is necessary to outline the liturgical status quo when the development of the Liturgy was arrested.<sup>227</sup> The missals of this époque have but few if any variations. Printing helped to eradicate those already existing.<sup>228</sup> Any subsequent changes in the Liturgy were not considered as addition or evolutionary developments but rather innovations. In the context of such change the true traditional liturgical authorities were brought forth.

Again, the Ruthenian Bishops before accepting reunion sought the following guarantees from the Holy See. They demanded that all matutinal, vesperal and nocturnal offices existed according to the custom and practice of the Oriental Church heretofore. Likewise the Liturgies of St. Basil and St. John Chrysostom, and the Mass of the Presanctified, as well as other rites or ceremonies of the Church which were then practiced, remain the same under obedience to the Supreme Pontiff and all this be satisfied in their own idiom. Furthermore, they requested that they ought no be compelled to accept any current Latin practices, such as the procession with the Holy Eucharist on

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<sup>225</sup> O. Halecki, op. cit., pp. 387-388.

<sup>226</sup> Archiv Jugo-Zapadnoi, (Kiev, 1871) Part I, vol. I, pp. 510, 531.

<sup>227</sup> P.A. Petrovski, op. cit., p. 915.

<sup>228</sup> Ibid.

the feast of Corpus Christi or be bound to perform such ceremonies before Easter as the blessing of fire.<sup>229</sup> The theme was to conserve their own practices in all things.<sup>230</sup> In fact the accent was to conserve even mirror differences in liturgical and traditional customs, not mentioned at all the Council of Florence, some of which, specifically Ukrainian, were listed in the thirty-two articles presented to the Synod of Brest as conditions for reunion.<sup>231</sup>

Pope Clement VIII in the Bull of Union on December 23, 1595 confirmed the integrity of the current rite.<sup>232</sup> The liturgical customs and practices were thereby frozen as the status quo. Any subsequent introductions into the Liturgy were not considered as additions or evolutionary development but rather innovations, particularly those contrary to the priest of the rite.

Rome inviolably respected at all time the administration of the sacraments and all ceremonies of the Oriental Church as long as they did not express anything

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<sup>229</sup> G. Hofmann, Appendix III, Orientalia Christiana Periodica, Vol. III (1924-1925) pp. 142-158. Here can be found the complete text. cfr. Also N. Harasiewicz, Annales Ecclesias Ruthenae (Leopoli, 1862); A. Theiner, Vetera Monumenta Poloniae (Romae, 1863) v. III.

<sup>230</sup> ... ac si quidem Sanctitas vestra administrationem sacramentum ritusque et caeremonias omnes orientalis Ecclesias integre inviolabiliter atque eo modo, quo tempore unionis illis utebamur, nobis conservare confirmareque pro se et successoribus suis nihil in hac parte innovationis unquam dignetur. – Ruthenian Bishops' letter dated June 22, 1595, sent to Pope Clement VIII- Hoffmann, art. cit., p. 141.

<sup>231</sup> G. Hofmann, art. cit., esp. nos. 4, 7, 8, 22, 23 and 24.

<sup>232</sup> "... atque ad maiorem charitatis nostrae erga ipsos significationem omnes sacros ritus et caeremonias, quibus rutheni Episcopi et Clerus iuxta sanctorum Patrum Graecorum institute in Divinis Officiis et sacramentorum administrations allisve sacris functionibus utuntur, dummodo veritati et doctrinae Fidei Catholicas non adversentur et communionem cum Romana Ecclesia non excludant, eisdem ruthenis Episcopis et Clero ex Apostolica benignitate permittimus, concedimus et indulgemus, non obstantibus constitutionibus et ordinationibus Apostolicis caeterisque contrariisque quibuscumque." Clement VIII, Const. Magnus Dominus, 23 dec. 1595, Welykyj, Acta Pontificum, I, n. 132, pp. 242-243.

contrary to faith or morals.<sup>233</sup> There is no evidence also that the Holy See requested the Ruthenians to accept any liturgical laws resulting from the recently held Council of Trent. The same traditional system of regulating divine cult was permitted to continue thereafter.

The good intentions of the Ruthenian Church to maintain the liturgical status quo existed only for a brief period. It was not long before the traditional rites and ceremonies succumbed to latinizations which conflicted with the basic condition laid down by the Fathers of reunion, namely, that the liturgical status quo be observed by the Ruthenians and respected by the Latins. The resulting confusion of rites generated much tension between those accepting adaptations to the Latin rite and those desiring purity of rite. In other words, the Ruthenian rite evolved not always according to good reason under the Latin influence and, on the other hand, ecclesiastical authorities were not lacking who tried to impede the development and to return to the pristine form.<sup>234</sup>

The object of this section, therefore, is to isolate those innovations, to identify thereupon those responsible for any liturgical modifications, and finally, to determine their competency to act in such a capacity. But first it is expedient that the factors or causes underlying innovations be presented to gain a proper perspective of the evolution of a defined liturgical legislator from one accepted by custom.

### C. Cause of Innovations

The factors responsible for the introduction of hybridism's into the Greek-Ruthenian rite are many. They can be reduced to and classified in the following six categories; 1)

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<sup>233</sup> Johanne Praszko, De Ecclesia Ruthena Catholica sede metropolitana vacante 1655-1665 ( Rome, 1944); esp. Appendix – “Vicissitudines ritus byzantino – slavici sasc. XVII in Ecclesia Ruthena Catholica”.

<sup>234</sup> M. Solowij, De Reformatione Liturgica Heraclii Libowsky (Analecta OSBM Series II, sectio I, vol. II: Romae, 1950), p. 13.

political circumstances; 2) cultural pressures; 3) education in Latin schools; 4) ineffective liturgical authority; 5) intolerance and 6) derision by Latin Catholics. Let us now consider briefly each of these influencing persons which prompted both physical and moral persons to effect changes in the Liturgy to approximate the Latin rite as much as possible in order that the Orientals may be identified as Catholics.<sup>235</sup>

### 1. Political Circumstances

The political circumstances in which the unite Church found itself did not fail to exert their pressure on the “strange” Catholic rite. The Ruthenians, deprived of their own political independence from the XIVth century were subjected to the Polish-Lithuanian kingdom, whose Latin rite dominated the practice of political life. All aspects of politics, whether through membership in the legislating houses, tribunals, courts, or officers, were very much closed to Oriental Catholics.<sup>236</sup>

### 2. Cultural Pressures

Occidental cultures especially grew and began to attract Ukrainian nobility and bourgeoisie.<sup>237</sup> Likewise very active social relations were entered into by a common social life which encouraged mixed marriages. The superiority of culture and the exemplary order, lacking in the Ruthenian Church, pleased it and served as an example to it.<sup>238</sup>

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<sup>235</sup> J. Praszko, op. cit., p. 282 sq.

<sup>236</sup> J. Bocian, “De Modificationibus in textu slavico-liturgiae S. Joannis Chrysostomi apud Ruthanos subintroductis. Xrysostomika (Roma: Pustet, 1908), p. 933.

<sup>237</sup> J. Praszko, op. cit., p. 284.

<sup>238</sup> J. Bocian, op. cit., p. 933.

Likewise, Latin influence on Ruthenians appeared not only in literature, architecture and art, but also in religious questions. With the founding of the Kievan Academy in the seventeenth century by Peter Moghila, the regeneration of theological literature and liturgy was accomplished under the influence of occidental theology.<sup>239</sup>

### 3. Education

The attempt to rebuild the newly acquired faith through education could not escape from the prevalent Latin bias that Catholic and Latin concepts are convertible.<sup>240</sup> Schools conducted by Latin religious orders make sincere attempts to strengthen the faith among the converts. Certain teachers in these schools tried to persuade their Ruthenian students that they were not able to be identified with the true Catholic faith and true unity of the Church except by adopting Latin practices.<sup>241</sup>

The neophyte Catholics likewise did not have their own seminaries throughout the entire seventeenth century. Various pontifical seminaries, in which secular priests and monks obtained theological knowledge and sacerdotal formation and were indoctrinated with love for the Holy See, were not able to impart a thorough knowledge of and instill a profound love for the Byzantine rite.<sup>242</sup> In the midst of such good faith and in spite of human prudence abuses crept in.

Latinizations not only made its mark on the Ruthenian Catholics via the school system but also on the dissidents. This is quite evident in the liturgical books

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<sup>239</sup> J. Praszko, op. cit., p. 282.

<sup>240</sup> Ibid., pp. 283-285.

<sup>241</sup> Ibid., pp. 289-299.

<sup>242</sup> Ibid., pp. 296-297; J. Bocian, op. cit., pp. 942.

edited by Peter Moghila and in the practices observed at the Kievan Academy. Liturgical changes were made by him to express western theology.<sup>243</sup>

#### 4. Intolerance

Latin intolerance had a profound effect not only upon the Eastern Catholics Churches but also on the dissident ones.<sup>244</sup> It manifested itself in the form of objections against the customs, traditions and practices of the Ruthenians. The leading protagonist of the seventeenth century was Cassianus Sakowicz, who was perhaps influenced by a fifteenth century writer, John Sacranus, rector of the Academy of Cracow.<sup>245</sup> Sacranus had collected his objections in a book entitled Elucidarius errorum ritus Ruthenici. This book served as a basis for Sackowicz's work subtitled, "The declaration of errors and superstitions which are found in the Graeco-Ruthenian Disunited Church both in articles of faith and in the administration of sacraments and in their rites and ceremonies".<sup>246</sup> Its content, as we shall see later, was responsible for not a few liturgical innovations.

#### 5. Derision

The Ukrainians were not able to practice their liturgical rites without suffering derision from their fellow Catholics. Praszko demonstrates how Latin ridicule influenced both the Euchologion edited by Peter Moghila for the dissidents and the Liturgikon edited by Metropolitan Zochowsky in 1692.<sup>247</sup>

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<sup>243</sup> J. Praszko, op. cit., pp. 247, 295.

<sup>244</sup> Ibid., p. 285.

<sup>245</sup> Ibid., p. 285.

<sup>246</sup> Ibid., pp. 283-284.

<sup>247</sup> Ibid., pp. 285-296.



## 6. Ineffective Liturgical Authority

The basic objection against liturgical innovation into the Byzantine rite was the lack of a well defined authority.<sup>248</sup> Heraclius Lisowsky (1784-1806-1809), one of the greatest advocate of liturgical purity complained in one of his letters to the Holy See that the Kievan Metropolitans were more than culpable for the changes, because the Synod of Zamost entrusted to them the task of composing the typical edition of liturgical books, and receiving for them the approbation of the Holy See; this they neglected the to fulfill.<sup>249</sup> Modifications which are illegitimately introduced in the Ruthenian rite were also due to “the indifference and neglect of bishop”.<sup>250</sup>

The holy See is not without fault. The vacancy of the Metropolitan see for ten years after the death of Metropolitan Sieleva (/ - 1655) who tried to maintain the liturgical status quo gave the innovators a golden opportunity to introduce latinisms.<sup>251</sup>

Ineffective authority, therefore, encouraged the Ukrainian Catholics to strive unconsciously for a rite that might be better distinguished from the dissidents and at the same time be proper and characteristic of them.<sup>252</sup>

### D. Innovations and Their Modifications

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<sup>248</sup> M. Solovij, op. cit., p. 14; A. Raes, art. cit., p. 104; J. Praszko, op. cit., p. 301.

<sup>249</sup> H. Lisowsky ad S. Congr., de Prop. Fide, 22 febr. 1786, ASV, Arch. Nunz. Vars. T. 70 p. 302; ex die 28 dec. 1786, APP Scritt. Ref. Congr. General. Vol. 876, p. 353-4.

<sup>250</sup> H. Lisowsky ad S. Congr. De Prop. Fide, 22 Feb. 1786 – ASV. Arch. Nunz. Vars. V. 70, p. 302.

<sup>251</sup> A. Raes art. cit., p. 126; J. Praszko, op. cit., p. 257.

<sup>252</sup> M. Solovij, op. cit., p. 66.

Innovations in divine worship were introduced shortly after the reunion at Brest in 1596. Since then there were two ecclesiastical forces which gave birth to modifications of sacred rites. From 1600-1750 one group made adaptations to the Latin rite whenever possible; the other, from 1750-1941, violently reacted in order to expurgate them that a purity of rite might be attained.<sup>253</sup> To each of those groups belong either physical or moral persons who played a key role in modifying the Ruthenian Liturgy. In the classification of physical persons are included priests, bishops and metropolitans; in that of moral persons, monasteries, capitula, synods and publishing houses.

The consideration of these persons responsible for changes will help us to uncover and distinguish the traditional or legitimate liturgical legislator from the illegitimate one.

### 1. Monasteries

The Ruthenian monasteries were the principal germinators of hybridisms in the Ruthenian Liturgy. Monks who were educated in Latin seminaries or were of occidental extraction, as we have already pointed out, introduced modifications which caused disorganization in liturgical administration.<sup>254</sup>

There was not an enormous but yet a significant number of complaints was sent to the Holy See protesting monastic innovations. Bishop Jacob Sousza (1652-1685) of Cholm informed Rome either by letter or personally. In one of his Memoriali he wrote that “the religious are vehemently destroying these ceremonies and are introducing

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<sup>253</sup> Those who worked for purity of rite in the seventeenth century were Jacob Sonsza and Peter Kaminsky; in the eighteenth, Heraclius Lisowsky; in the nineteenth, Semasko, Luzynsky, Wojceekyp, Popiel, Terlecki, and Naumowyc; in the twentieth, A. Sheptitsky and others.

<sup>254</sup> M. Solowij, op. cit., p. 65.

novelties which scandalize both those separated and those united”.<sup>255</sup> On another occasion he remarked that “in the change of the ancient Greek rites and in the accommodation to the Roman rite and in Celebration of the divine offices our religious innovate many things, in which they disagree among themselves, change some rites which there is no necessity of changing, and neglect, reject or invert others.”<sup>256</sup> When Sousza visited Rome in June, 1664, concerning matters of the entire Ruthenian Church, he wished to obtain explicit prohibition from the Sacred Congregation of the Propagation of Faith for monks to introduce various novelties and Latin practices into the Byzantine-Slav rite.<sup>257</sup> He also reported to his fellow bishops at the capitulum held at Brest in March, 1667, that monks omitted so many things and invented so many others that as a result the ceremonies are considered neither Greek ceremonies nor Latin but something unto themselves; that they accommodated Latin ceremonies to the Greek, notwithstanding the distinction between Greeks and Latins which existed in ceremonies.<sup>258</sup> Even the Polish king, John Sobieski,<sup>259</sup> appealed to the Holy See and to the Cardinal-protector of Poland and of the Ruthenian Church that monks be forbidden to introduce any novelties into the rite because this impede the conversion of the dissidents.<sup>260</sup> A similar letter dated April 1, 1685 was written by Ukrainian Catholic

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<sup>255</sup> Memoriale III-mo Secretario S. Congr. De Prop. F. Ab Episcopo Cholmensis unito, APF, Scritto Riff. e.o. Vol. 2 p. 145; Vasyl Schurat, U oboroni Potiievicii Uniji (L'ov, 1929), pp. 88-89.

<sup>256</sup> Memoriale III-mo, Vol. II, 44.

<sup>257</sup> Praszko, op. cit., p. 262.

<sup>258</sup> Archeograficheskii Sbornik documentov otnosiasoichsia k istorii Severo-Zapadnoi drevnich aktov, vol. XII, (Vilna, 1900), p. 262 (hereafter cited Archeograficeskii Sbornik.)

<sup>259</sup> The king had a right to file a complaint. For it was the custom of the time that his approval was necessary to make ecclesiastical matters official. For this reason his letter had weight to rectify the current situation.

<sup>260</sup> Litt. regias ad Papas 13 apr. 1685 – A. Theiner, Vetera Monumenta Poloniae, vol. III, n. 715, p. 696.

bishops together with the Metropolitan about the same time to the Pope and to the Congregation of the Propagation of Faith.<sup>261</sup>

One of the greatest enthusiasts for latinizations, who as early as 1625 led the movement of accommodating the Byzantine-Slav rite to the Roman was Cassianus Sakowicz.<sup>262</sup> This monk, who later became archimandrite of the Dubna Monastery, initiated liturgical changes whose vestiges remain to the present day. He was perhaps the first to introduce the celebration of the low or read Mass in the image of the Latin rite, obtaining also that several Masses could be said each day.<sup>263</sup> This low Mass became the opening wedge for all innovations in practicing the celebration of the Liturgy out of devotion. He also set the rule that all ceremonies subject to derision by Latins, according to his opinion had to be abandoned and accommodated to the respective Latin ceremonies.<sup>264</sup> Those liturgical prayers and rites lacking in the Ruthenian Liturgies had been translated from corresponding Latin texts.<sup>265</sup> Cassianus did not pour hot water (zeon) into the chalice before Holy Communion; nor did he close the royal doors during the Liturgy. He used bells at appropriate and determined moments. He also avoided the use of the sponges to cleanse the paten and chalice.<sup>266</sup>

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<sup>261</sup> A. Theiner, op. cit., t. III, n. 715, p. 695.

<sup>262</sup> Praszko, op. cit., p. 250.

<sup>263</sup> Cassianus Sakowicz, Perspectiva (Cracoviae, 1642), p. 28, 30; J. Praszko, op. cit., pp. 252-253.

<sup>264</sup> Ibid., p. 250.

<sup>265</sup> C. Sakowicz, Perspectiva, pp. 42, 61; S. Praszko, op. cit., p. 250.

<sup>266</sup> C. Sakowicz, Perspectiva, p. 33; S. Praszko, p. 252.

Likewise, accommodations to the Latin rite were made by monks who entered the Basilian Order from the Latin rite.<sup>267</sup> They made no serious effort to accommodate themselves to the Byzantine rite. Moreover they were promoters of change when they became superiors.<sup>268</sup>

## 2. Priests

The Basilian monks were not alone in modifying liturgical customs. At this time (1650-1700), in every diocese different ceremonies were observed. Each and every priest celebrated in his own way. In transferring from one diocese to another one had to learn the local rites; what must be added and what must be omitted.<sup>269</sup>

H. Lisowsky (1734-1809), the liturgical purist, who as Archbishop of Polotsk, attributed the greatest culpability to the introduction of illegitimate innovations on the audacity of individuals whether they be monks or priests. He also held that changes introduced neither by legitimate authority nor confirmed by immemorial custom but by the temerity of private persons had slowly crept into the Ukrainian Church.<sup>270</sup>

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<sup>267</sup> J. Praszko, op. cit., p. 300.

<sup>268</sup> V. Schurat, op. cit., pp. 92, 97. The following make no serious attempt to accommodate themselves to the Byzantine-Slav rite. Procopius Chmielevsky, a Pole, archimandrite of Dubna and Dermana, episcopal administrator and later bishop of Peremysl (1652-1664) was considered a foreigner by the Ruthenian bishops. Benedict Terlecky, provincial of the Basilians (1656-1661), a Pole, began novitiate in the Jesuit Order. Because of ill health, he was dismissed and entered the Basilian novitiate at Cholm. Though holding doctoral degrees in both philosophy and theology he did not know the Church-Slavonic language; in fact, he wrote the text of the Liturgy in Latin letters. John Malechovsky, bishop of Peremysl (1669-1692) a Pole, held the Byzantine rite in contempt. Stephen Martyskewicz a consultor and later protoarchimandrite of the Basilians, (1676-1686) one of the principle promoters of changes into the rite, desired to obtain from S.C. Prop. De Fide the privilege of celebrating in the Latin rite.

<sup>269</sup> Ibid., pp. 88-89.

<sup>270</sup> Epist., 28 dec. 1786 ad Congr. Prop. De F. Archivum S. Congregationis de Prop. Fide, Scritt. Refer. Congreg. Gener. Vol. 876, p. 353, i.

### 3. Bishops

Bishops also introduced modifications or innovations into the Byzantine rite. Some Ruthenian prelates initiated the use of Latin episcopal dress to avoid wearing the monastic garb.<sup>271</sup>

The bishop of Vladimir, Joseph Mokasy Bakovetsky (1632-52) introduced the procession with the Blessed Sacrament.<sup>272</sup> While the celebrant was making the procession around the church with the Blessed Sacrament, bell rang and accompanying priests carry the Gospel and hand crosses.<sup>273</sup>

The bishops of Vladimir and Pinsk, according to the Archbishop of Polotsk, Jacob Sousza, decided liturgical acts as it was pleasing to them.<sup>274</sup>

The Archbishop of Polotsk, Jacob Sousza, prescribed the commemoration of the Holy Father both in the Liturgy and divine offices.<sup>275</sup>

### 4. Metropolitans

Anthony Sieleva (1642-1655) was the first to recite the symbol of faith using the Filioque.<sup>276</sup> His successor as the Metropolitan of Kiev, Gregory Kolenda (1666-

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<sup>271</sup> C. Sakowics, Perspective, p. 87; praszko, p. 254.

<sup>272</sup> Ibid., p. 42.

<sup>273</sup> Ibid.

<sup>274</sup> V. Schurat, op. cit., pp. 88-36.

<sup>275</sup> J. Bocian, op. cit., pp. 935-36.

<sup>276</sup> Ibid., p. 935.

1674) ordered his vicar general, Jacob Sousza, that the Symbol be read with the Filioque in all churches.<sup>277</sup>

Metropolitan Zochowsky (1674-1693) vigorously maintained and continued the practice of the low Mass.<sup>278</sup> In 1692, he compiled and promulgated the first Catholic missal, the Liturgikon, published at Vilna<sup>279</sup> by Leo Mamanys. It contained all necessary prescriptions for a low Mass.

Metropolitan Athanasius Sheptitsky (1715-1746) made the first insertion of rubrics for a private Mass in the Liturgikon printed under his care in Unev in 1733.<sup>280</sup> In his pastoral letter dated May 3, 1738, relative to the correction of ecclesiastical books, he abolished the rubric of acts of faith and sorrow before Holy Communion.<sup>281</sup>

## 5. Capitula

Liturgical modifications were issued by another authority. Those monastic chapters, which assembled to compose the constitutions of the Basilian Order, also determined liturgical laws<sup>282</sup> in other words, provincial synods took the form of monastic chapters between the year 1617 and the Synod of Zamost in 1720.<sup>283</sup> documents are not explicit as to whether bishops were obliged to attend the chapters or not. There was no

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<sup>277</sup> Ibid.,

<sup>278</sup> J. Bocian, op. cit., pp. 967-68.

<sup>279</sup> Ibid., p. 967.

<sup>280</sup> Ibid., p. 959.

<sup>281</sup> J. Bocian, op. cit., p. 959.

<sup>282</sup> Meletius N. Wojnar, De Capitulis Basilianorum (Analecta OSBM Series II, Section I, Vol. III: Romae, 1954) pp. 7.

<sup>283</sup> Ibid., pp. IX-X.

doubt the presence of the Metropolitan.<sup>284</sup> Wojnar examining the statutes of the Novgorod Chapter, resolve the difficulty by stating a bishop had a twofold right to vote at the general chapters: because of his episcopal dignity and because of his religious profession.<sup>285</sup> Consequently the monastic chapters in the first period served as both metropolitan and provincial councils and general monastic chapters. After the Synod of Zamost they were purely monastic capitula.<sup>286</sup>

Bishops, according to Wojnar, were obliged to attend these capitula. The Bull of Pope Urban VIII, Sacrosanctum Apostolatus (12 March 1625), seems to have been satisfied if the bishops met every four years, which coincided with the capitular sessions.<sup>287</sup>

One can also gather from the title of the acts of the chapter held at Minsk in 1690 that bishops were obliged to attend these gatherings every four years.<sup>288</sup>

It behooves us, therefore, to consider those capitula which dealt with liturgical problems.

a) Lavrysiv. June 6, 1621

At this capitulum a commission was set up to describe the manner of celebrating the divine office and of observing rites and ceremonies according to common practices in the Ruthenian Church.<sup>289</sup> An instruction was also given to Archimandrite

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<sup>284</sup> Ibid., pp. 60-61.

<sup>285</sup> Ibid.

<sup>286</sup> Ibid., pp. IX-X.

<sup>287</sup> Ibid., De Martinis, op. cit., v. I p. 45.

<sup>288</sup> M. Wojnar, op. cit., p. 61.

<sup>289</sup> Archeograficheski Zbornik, Vol. XIII, p. 20.



John Dubovyc to visit all monasteries every year and thereby bring about uniformity in rites and ceremonies. The monks at the monastery at Suprasyl were admonished not to omit any ceremonies which were of ancient vintage.<sup>290</sup> It also forbade the practice of the low or read Mass.<sup>291</sup>

b) Vilna. June 12-19, 1650

The innovations of Cassianus Sakowicz were discussed. It was forbidden by this chapter to introduce any foreign elements and superfluous ceremonies into the low Mass, which was already approved, while the Metropolitan A. Sieleva presided.<sup>292</sup> Many abuses introduced by unlettered monks and taken directly from the Roman Missal were condemned. Superiors and visitatores were ordered to eradicate those changes and to restore the ceremonies of the ancient rite. If this admonition went by unheeded, those guilty were to be punished with severe penalties.<sup>293</sup>

c) Zyrovicz. December 19-27, 1661

This capitulum decided that all priests commemorate the Pope in a loud voice during the Great Entrance in the Liturgy and also in other offices.<sup>294</sup> The greatest change was the adoption or sanction of the low Mass without the assistance of the deacon. Choral singing and incensations were permitted to fall into disuse. The feast of the Immaculate

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<sup>290</sup> Ibid., pp. 25-26.

<sup>291</sup> Ibid., p. 26.

<sup>292</sup> Ibid., p. 48.

<sup>293</sup> Ibid., p. 48.

<sup>294</sup> Until this time the Metropolitan alone commemorated the Pope in the Liturgy. Latins, not cognizant of this practice, objected that the Ruthenian clergy lack loyalty toward the Holy Father and even accused them of schism. Metropolitan Jacob Sousza, as we have seen, was the first to initiate this practice.

Conception of the Blessed Virgin Mary, or rather the conception of St. Ann, was recommended to be celebrated with an octava.<sup>295</sup>

d) Vilna, September 9, 1667

Metropolitan Kolenda proposed the following propositions that were approved. There must be uniformity in the Liturgy and other divine offices; the corrected texts before publishing must have the approbation of the synod of bishops in order to be valid; the text used for the present time is to be the Liturgikon published by Leo Mamonyc in 1617 in Vilna. The Filioque must be used in the text of the Creed; the words in consecrating the chalice are to be: se jest kroy and not sya jest kroy as said up to this time. The “Forty Hours devotion” is to be instituted.<sup>296</sup>

6. Synods

a) Synod of Zamost (1720)

Metropolitan Kiska (1714-1720), as overseer of all dioceses, saw the necessity of convoking a provincial synod.<sup>297</sup> He took cognizance of the fact that the province of Kiev was Catholic but that the internal organization had not as yet sufficiently evolved, which defect a provincial synod could correct.<sup>298</sup> The matter to be treated at the synod was restricted to five topics, one of which was liturgical matters.

Uniformity in celebrating Mass, administrating the Sacraments and pontifical practices

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<sup>295</sup> Archeograficheski Zbornik, vol. XII, p. 96.

<sup>296</sup> Ibid., p. 71.

<sup>297</sup> Johannes Bilanych, Synodus Zamostiana (Analecta OSBM Series II, Sectio I, Vol. XI; Romae, 1960), p. 7.

<sup>298</sup> Ibid., pp. 9-10.

was sought.<sup>299</sup> The reason for this objective was that in the recently converted dioceses of Peremysl, Lviv and Lutsk editions of liturgical books were in use from the time of the schism, wherein the Oriental Patriarchs were commemorated, rubrics concerning acqua calida, use of sponges, and other pre-reunion practices were prescribed.<sup>300</sup> To obtain uniformity, the Liturgikon of Zochowsky had to be in practice everywhere or a new one had to be produced.<sup>301</sup> It was a victory of the Latinized Catholics of the north over the recently united Catholics of the south.

The Synod decreed that the Metropolitan is pastor of his suffragans and takes care of his province. He has the obligation of executing the decrees of the Synod.<sup>302</sup>

It further legislated that the Eucharistic matter is bread of wheat and wine of grapes, the form being, “Sie jest tilo moie” anad “Sia jest krov moia”.<sup>303</sup> It determined that the small hosts surrounding the large host should also be consecrated by the priest.<sup>304</sup> Children should not receive Holy Communion.<sup>305</sup> The reserved Species should be renewed every eight to fifteen days.<sup>306</sup> It gives instructions for distributing Holy

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<sup>299</sup> Ibid., p. 21.

<sup>300</sup> Synodus Provincial Ruthenorum habita in civitate Zamosciae anno 1720 (Romae, 1724), Tit. III De Sacramentis, pp. 61-62 (hereafter cited SPRZ).

<sup>301</sup> J. Bilanych, op. cit., pp. 21-22.

<sup>302</sup> SPRZ, Tit. V.

<sup>303</sup> SPRZ, Tit. III, par. 3, n. 1.

<sup>304</sup> Ibid., Tit. III, par. 4, n. 2. These small hosts were not consecrated during the Liturgy, prior to the 8th century. They were however placed in the chalice of consecrated wine.

<sup>305</sup> Ibid., n. 3.

<sup>306</sup> Ibid., n. 4. The practice until this time was that a large host was consecrated on Holy Thursday and served as the reserved Species for the sick.

Communion to the sick.<sup>307</sup> The spoon by which the Eucharist is administered to the faithful and pyxes must be silver or gold instead of wood.<sup>308</sup>

Furthermore, the Synod affirms that the Eucharist can be legitimately confectioned over azyme as well as fermented bread, provided that one's own rite is observed.<sup>309</sup> Mass can be celebrated in private homes for a just reason.<sup>310</sup> It determines the number of altar cloths, which are to be linen. Between the second and the third cloth is placed the antimention;<sup>311</sup> the use of the sponge is forbidden while the use of aqua calida is permitted for a grave reason.<sup>312</sup> There are to be no prostrations by the faithful during the great entrance.<sup>313</sup> Those celebrating the Mass must observe the rubrics and fast from midnight.<sup>314</sup>

The Synod also decided that on the vigila of Christmas and Epiphany, Holy Thursday and Holy Saturday, according to the rite, Mass with vespers could be celebrated in the evening.<sup>315</sup> Otherwise Mass would have to begin before noon.

The Synod of Zamost, in order to remove confusion in celebrating the divine office, ordered that a typical edition of liturgical books be confectioned by the

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<sup>307</sup> Ibid., n. 5.

<sup>308</sup> Ibid., n. 6.

<sup>309</sup> Ibid., Tit. III, par. 5, n. 1.

<sup>310</sup> Ibid., n. 2.

<sup>311</sup> Ibid., n. 5.

<sup>312</sup> Ibid., n. 6-7.

<sup>313</sup> Ibid., n. 8.

<sup>314</sup> Ibid., n. 10.

<sup>315</sup> Ibid., n. 12.

Metropolitan and be printed with the approval of the Holy See.<sup>316</sup> All texts thereafter which did not Conform to this edition could not be approved by ordinaries.<sup>317</sup> Thus the Synod wished to introduce uniformity and exclude innovations which crept in.

The Synod also decreed that during the proskomedia the priest and not the deacon would pour the wine and water into the chalice.<sup>318</sup> This rite was to take place before the Great Entrance during winter.<sup>319</sup>

The Creed, whether recited or printed, must always include the Filioque.<sup>320</sup>

b) Synod of Lviv (1891)

Although this Synod made a serious attempt to approximate the typical Liturgikon of Benedict XIV, and used the text of Goar as a basis, it prescribed new rubrics.<sup>321</sup> First, it abandoned the practice of vesting with phelonion only after the proskomedia.<sup>322</sup> The Synod prescribed six vestments for the diaconal garb: the amice, sticharion or alb, the cincture and epimanikia, the dalmatic and orarion.<sup>323</sup>

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<sup>316</sup> Ibid., Tit. III, p. 59, 61-62. The project of a typical edition collapsed with the transfer of the Apostolic Nuntio Garampi from Warsaw to Vienna on Warsaw to Vienna on May 8, 1776.; cfr. Solovij, op. cit., p. 18. Never in the history of the publishing of a Liturgikon was it ever submitted to the Holy See for approval. The first such text was the Roman edition, prepared by a commission appointed by the Holy See and promulgated by the Secretary of the Oriental Congregation in 1941.

<sup>317</sup> Ibid., p. 73

<sup>318</sup> Ibid., p. 73.

<sup>319</sup> Ibid., p. 56.

<sup>320</sup> Ibid., p. 56.

<sup>321</sup> Acta et Decreta Synodi Provincialis Ruthenorum Galiciae habitae Leopoli anno 1891. (Lvov, 1896) in Ukrainian, Tit. V, p. 153 (hereafter cited Synodus Leopoli).

<sup>322</sup> Ibid., p. 157.

<sup>323</sup> Ibid., p. 158.

The first particle of the third prosphora, once cut in honor of the angels and the Cross, is extracted to commemorate the Cross only. The formula in placing a particle for the intention of the living is omitted. The Synod further ordains that the deacon, at the end of the proskomedia and while incensing the altar, omits the tropar<sup>324</sup>

The Synod prescribes that the priest and concelebrants recite in a low voice what the deacon chants.<sup>325</sup> Each prayer which precedes a doxology in a litany is to be said after it rather than before.<sup>326</sup> The celebrant During the litany of the catechumens, raises the Gospel, kisses it and sets it to his right or before him in the middle of the altar.<sup>327</sup>

The Synod also determined that another version of the Cherubic Hymn be used which follows more faithfully the original Greek.<sup>328</sup> It further prescribes the sounding of the bells at the Sanctus and each of the consecration.<sup>329</sup>

## 7. Liturgika

A final source informing us about a possible liturgical authority is the Liturgikon. In its historical development definite innovations are seen from one edition to another. These presuppose some person or person who authorized the text. In other words, such a person, acting in such a capacity, can be identified as a liturgical legislator.

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<sup>324</sup> Ibid., p. 158-159.

<sup>325</sup> Ibid., p. 163.

<sup>326</sup> Ibid., p. 163-164

<sup>327</sup> Ibid., p. 168.

<sup>328</sup> Ibid., p. 169.

<sup>329</sup> Ibid., pp. 173-174.

It is our intention, however, to restrict ourselves to some outstanding liturgika used by Catholics to present some significant innovations introduced into missals.<sup>330</sup>

The oldest editions of liturgical books lack the approval of an ecclesiastical superior.<sup>331</sup> All editions until the last quarter of the sixteenth century have no trace of either ecclesiastical blessing or approval.<sup>332</sup> The first mention of an approbation in the Ukrainian Catholic Church is made by Metropolitan Anthony Sieleva (1642-1655) who granted his priests permission to use the edition published by Leo Mamonyc in Vilna in 1617.<sup>333</sup> It is certain therefore that Uniates used liturgical books

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<sup>330</sup> Bishop Bocian holds that the following liturgika were edited according to the prescriptions of the Synod of Zamost. Metropolitan Leo Kiska (1714-1729) published the first one at Suprasyl in 1727. Another was published under the care of Athanasius Szeptitsky (1729-1746) in the monastery at Unev in 1753 and 1740; and all the others given for the use of Ruthenian Catholics were published as follows: Pocaiv, 1755, Suprasyl 1758, 1763; Lviv 1759; Pocaiv 1765, 1778, 1791; Lviv 1808; Peremysl 1840; Lviv 1842, 1866, 1905. – Bocian, *op. cit.*, p. 949. See also I. Tyloowskyj, *Orientamenti Liturgici del Monastero di Pocaiv durante l'Unione (1712-1831)* (a doctoral dissertation presented at the Pontifical Oriental Institute, 1960) pp. 72-123.

<sup>331</sup> Andreas Iscak "De Editione Librorum Liturgicorum in Ritu Byzantino slavico", *Acta Conventus Velebradensis VII* (1937) p. 102. In Ruthenian Liturgika, there is no evidence of ecclesiastical approval from 1519-1577. In 1580 some editions of the Stauropagia of Lvov, at the order of Metropolitan Gennadius sought the approval (blessing) of the Patriarch of Constantinople, with whose blessing the typography was established. During the reign of Jeremias Tessarovsky, bishop of Lvov, the benediction of the Patriarch was received. However ever Kiev called for the approval of the Patriarch which practice continued there until 1641 when Metropolitan Peter Moghila broke relations

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with Constantinople and said approval is an eparchial power. (Iscak, *op. cit.*, p. 105). He however had approval for his previous two editions.

<sup>332</sup> *Ibid.*, p. 205.

<sup>333</sup> J. Bocian, *op. cit.*, p. 944. The Vilna edition of the Missal belongs to one of two families of Liturgika used by the Ruthenians Catholics after the Union of Brest. The other which came after is the Kievan or Moghilian Liturgikon. The Vilna family followed the Venetian editions or the first Slav printed Liturgikon under the sponsorship of the Serbian Dukes, Bogidari and Vukovic in used principally by those united to Rome in the dioceses located in the Poland-Lithuanian kingdom. The Vilna edition of 1617, printed by Leo Mamonyc was the first Catholic edition, according to S. Praszko (*op. cit.* p. 246).

The Kievan or Moghilian family of Liturgika was in use in the Catholic Church for a short period. It succeeded the Gedeon Balaban edition (1604) and was used in the dioceses of Lvov and Peremysl who joined the Church in the later half of the

edited by dissidents. Praszko, however, stated that the Catholics had their own Euchologion in 1617, of which there is no extent copy.<sup>334</sup>

a) Zachowsky's Liturgikon of 1692

This was the first Catholic edition of the Liturgikon compiled and published by a Metropolitan. It was the result of a conference of bishops and monks held at Warsaw on March 25, 1683 to set up a commission for liturgical books.<sup>335</sup> The commission failed to produce anything. In 1687 Metropolitan Zochowsky (1674-1693) decided on his own to issue and edition. He was advised, however, by the Nunzio in Warsaw, Msgr. Pallavicino, that the text be submitted for approval to the Sacred Congregation of the Propagation of Faith.<sup>336</sup> Archbishop Zochowsky fearing that this would involve too much time and delay, published his Liturgikon in 1692.<sup>337</sup>

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. /. seventeenth century. As dissidents and Catholics, the two dioceses used it until the Synod of Zamost when the conflict of which of the two families would be used by the Catholics.

<sup>334</sup> Padre Raes maintains no such Liturgikon was ever published. –A. Raes, art. cit., p. 96. J. Praszko holds the contrary opinion. To support his thesis he cites from the Perspectiva of Sackowicz and the Levhos of Peter Moghila, who speak of about such a missal. Praszko holds that the 1617 Vilna edition opened the way to local practices by introducing rites without complete rubrics. Besides enjoying brevity, it contained a few short instructions, one of which was entitled “An instruction to priests for the correct celebration of the liturgy”. It states e.g., that the priest must pay attention before, during and after the liturgy; what is the matter and form of the liturgy; and what can happen during the liturgy. It also contains general rules from the Roman missal, as though from a manual of moral theology. Certain of these laws are directly translated from the Latin, others from the decisions of the synods of the Fathers. What is taken from the Latin rites is adapted to the existing circumstances of the Byzantine rite. There are such prescriptions as using the sponges and aqua calida. –J. Praszko, op. cit., pp. 246-247.

<sup>335</sup> J. Praszko, op. cit., p. 275.

<sup>336</sup> Litterae Nuntii Opizii Pallavicino ad Secretarium S. Congr. de Prop. F., 5 Maii 1688 APF Scritt. Rif. nei Congressi MPR, vol. 2, pp. 270-273; A. Welykyj, Epistolae Metropolitanarum Kiovensium Catholicorum, Vol. III (Analecta OSBM, Series II, Section III), n. 48.

<sup>337</sup> Ibid., pp. 276-277.



Being the first Catholic edition of the Liturgikon, it incorporate not only the current innovations but also included new changes to avoid derision by the Latins. It is the first complete missal, containing provisions for the entire year: troparia and kondakia of the respective day or saint; the prokimena and Epistles; the Gospels, preceded by and alleluia; and the kinonikia.<sup>338</sup> This is the first time that a Ruthenian assembled in one book what the priest, celebrating alone, had to seek in separate books.<sup>339</sup>

This missal also contains new liturgical practices. It prescribes that the priest put on an amice. He girds himself with the cincture before taking the epitrahil. The phelonion is accepted only after confecting the proscomedia. In the liturgy itself, an inclination of the head is requested during the words “and the Word became flesh” which occur in the Unigenitum and the Creed ( which included the “Fillioque”). There is an annotation of intention to be fixed before consecration. The formula of the commemoration was expanded to include the army and benefactors. The Holy Father is commemorated thrice inn the Liturgy. The hands are to be washed before the fraction, and the Sacred Species are consumed at the altar and not at the proskomedenik.<sup>340</sup>

The Liturgikon also prescribes, for the aliturgical days of Lent, the Mass be offered either in honor of the Cross or for the Blessed Virgin or for the eternal repose of the dead.<sup>341</sup>

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<sup>338</sup> J. Bocian, op. cit., pp. 947-48; A. Raes, art. cit., pp. 100-102.

<sup>339</sup> This Liturgikon was based on that edition published in Greek at Grottaferrata in 1683.

<sup>340</sup> J. Praszko, op. cit., p. 280; A. Raes, art. cit., p. 101.

<sup>341</sup> J. Praszko, op. cit., p. 289.

The Metropolitan also describes the method of making the procession with the Blessed Sacrament, its exposition in the tomb during Holy Week, the use of the monstrance, humoral veil and other accessories taken from the Latin rite. Herein is also found the use of black vestments.<sup>342</sup>

b) The Suprasyl Missal ( 1733)

This seems to be the first Euchologian that appeared after the Synod of Zamost. It violated the Synod's command to submit the text to the Holy See for approval.

Herein appeared the ordo of celebrating a low Mass in which some elements are found that are taken out of the Roman Missal. The priest, for example, must stand now at the right side of the altar, now at the left or in the middle, and the missal is transferred from one side of the altar to the other. Genuflexion is to be made after each consecration.<sup>343</sup>

c) The Unev Euchologion, 1740

Liturgical prescriptions are now becoming more detailed. There is an instruction for extending and joining hands. Figures indicating the position of hands are inserted with certain prayers.

Another significant change is the reading of the ecphonesis before the antiphonal prayers and after the litany.<sup>344</sup>

d) The Pocaiv Liturgikon, 1744

This missal gives additional rubrics in imitating of the low Mass of the Latins. The priest must say the litany of peace before the missal while it is one the right

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<sup>342</sup>

Ibid.

<sup>343</sup>

A. Raes, art. cit., p. 104.

<sup>344</sup>

J. Bocian, op. cit., pp. 956-7.

side of the altar. After the Epistle, the server carries it to the left side and returns it after Communion. Since no small entrance is made, the priest simply makes a sign of the cross while remaining before the altar. There is no Great Entrance. It suppresses the rubric to consecrate particles.<sup>345</sup>

e) The Pocaiv Liturgikon, 1788

This reactionary edition shows the first attempt to return to purity of rite. It was heralded by a confessor of the Ruthenian hierarchy at Novogrodek on August 6, 1763 under the presidency of Metropolitan Hrebnecky (1748-1762). The assembly of Bishops considered calling a new provincial synod in which the liturgical discipline might be reformed. It was decided that the Liturgikon should be reformed according to the norms of the Greek Euchologion as ordered by Benedict XIV in his instruction “Ex quo primum”. A special pre-synodal commission delegated by each diocese was established. Unfortunately Hrebnecky died before he was able to convoke the synod. His successor, with the consent of the Roman Pontiff, convoked a provincial synod of the Ruthenian Church for the 26th of August 1765 in Brest-Litovsk. Because of opposition by the Polish government it was recalled.

The 1788 edition accomplished some of the desires of this never celebrated synod by making the first attempt to return to somewhat older usages and texts.

The initial rubric of the proskomedia is literally translated from the Euchologion of Benedict XIV. The prayers of entry are to be said before the iconostas and icons are to be kissed. The priest puts on the cincture before the stole, but uses a different formula: he vests with the phelonion before approaching the proskomedia. At its conclusion the deacon makes an incensation while reciting a tropar.

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<sup>345</sup> A. Raes, art. cit., p. 105.

At the beginning of the Liturgy, the royal doors are to remain closed. While the deacon chants the litanies, the priest does not recite them in a low voice but listens. In them appear additions which do not occur in the Greek text. He is permitted to introduce some petitions for particular needs and commemorations for the dead. The litany after the Gospel contains the entire text; the customary petitions and prayer as well as petitions for specific intentions and the dead, which can be said ad libitum.

The priest does not have any obligation to consecrate the particles prepared at proscedia. The practice of wiping the lips after Communion is reestablished.<sup>346</sup>

#### f) Liturgika in the Nineteenth Century

There are no significant changes in nineteenth century liturgika. The liturgical rubrics were more or less frozen according to the will of the superiors, including the Holy See, who hoped this to avoid the peril of schism and assimilation unto orthodoxy.<sup>347</sup> Imperialistic expansion of Russia dismembered Poland in 1792 and again in 1795 Ruthenian eparchies passed over into Russia, which initiated the work of forced apostasy accomplished in 1839 under Nicholas I. In the consistorial allocution of November 22, 1839, Pope Gregory XVI filed a protest against Russia because she had committed inhuman atrocities against the Catholics in order to force them into Orthodoxy.<sup>348</sup>

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<sup>346</sup> Ibid., pp. 105-106.

<sup>347</sup> Ibid., pp. 108-110.

<sup>348</sup> Pius XII, Ap. Encycl., Omnes Ecclesias, 23 dic. 1945 – The Popes and the Oriental Church, p. 82.

However the dioceses of Lvov and Peremysl continued to follow the liturgical usages in practice at the time. Only one edition issued in Peremysl in 1840 had one significant rubric to mention. The priest should secretly and mentally renew his intention before consecrating the Sacred Species.<sup>349</sup>

In 1882, Metropolitan Joseph Sembratowycz (1870-1882) was summoned to Rome to head a liturgical commission. After texts were prepared, the provincial Synod of Lvov (1892) was called whose liturgical acta contributed to the 1905 Liturgikon.<sup>350</sup>

g) The Lvov Missal, 1905

This Liturgikon, while exhorting to purity and uniformity, issued accurate instruction for a high and low Mass based on those according to Goar's Euchologion.<sup>351</sup> Before celebrating, the priest will justify his conscience before God by a confession of sins. Under pain of mortal sin he must abstain from food. He prepares spiritually for the Holy Sacrifice by reading the prescribed prayers and vests in the sacerdotal garb according to ecclesiastical canons.<sup>352</sup>

The Liturgikon fixes for the first time the rubrics for the kiss of peace when exchanged between the concelebrants and deacons. The deacons should elevate their hands at the same time as the priest on sursum corda and join them on gratias agimus, but they are to do this silently. After the epiclesis, the celebrant will make a profound inclination.<sup>353</sup> The priest distributes Holy Communion to his concelebrants by

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<sup>349</sup> Raes, art. cit., p. 110.

<sup>350</sup> Ibid.

<sup>351</sup> Synodus Leopoli, Tit. V, p. 153.

<sup>352</sup> Ibid., p. 154.

<sup>353</sup> Ibid., p. 172 sq.

placing the Host in the hand of each and allows them, with the exception of the deacon, to communicate from the chalice.<sup>354</sup>

The low Mass has concise prescriptions. The priest carries all instruments for the preparation of Mass to the altar from the sacristy. The Missal remains on the left side of the priest. With the Holy Gospel he makes a sign of the cross. He does not make any of the entrances except that at the Great Entrance he places the discos upon the chalice and makes a full turn with his body while holding the sacred vessels.<sup>355</sup>

The 1905 edition is the last edition that was universally issued by Ukrainian Catholics prior to the Holy See's edition in 1941. However, one special edition did appear in 1930. Metropolitan Andrew Sheptycky desiring to return to primitive purity, for the sake of converting eastern dissident Ukrainians, introduced a petit Liturgikon closely approximating the Euchologion of Benedict XIV. But since the Metropolitan's edition was local and short lived there is no reason to present its liturgical laws.

#### E. Analysis and Conclusions

We have clearly established that new liturgical practices have been introduced into the Liturgy of the Ukrainian Catholic Church. Private individuals, whether priest or monks, typographies, monasteries, bishops, metropolitans and synods of bishops have contributed thereby, the extension of the ordo. The fact remains whether each of these responsible for the innovations is a legitimate or true legislator. To answer

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<sup>354</sup> Ibid., p. 179 sq.

<sup>355</sup> Ibid., p. 181.

this final problem it is necessary that we begin by examining the liturgical status quo at the time when the Reunion took place.

Since there is no extant concrete evidence recorded at the time of the Union of Brest in 1596, we must get as close as possible to this date to interpret the prevailing liturgical customs or those which the Holy See confirmed at the Union. The Basilian Capitulum held at Lavryshiv in 1621 gives us our first insight into this legislative problem. The contrast in the Uniate Church while undergoing a liturgical change enlightens our understanding. The Basilian Capitula besides ordering the Archimandrite John Dubovyc to visit all monasteries every year to bring about uniformity in rites and ceremonies admonished a particular monastery for omitting traditional ceremonies.<sup>356</sup>

In 1650 another Capitulum held at Vilna forbade monks to introduce ceremonies directly taken from the Roman missal. Religious Superiors and visitators were ordered to remove such changes and restore the ceremonies of the ancient rite. Furthermore they warned that if these admonishments went unheeded, the guilty ones should be punished with severe penalties.<sup>357</sup>

Again, Metropolitan Sousza, an enthusiast for retaining the traditional Liturgy, on several occasions complained about innovations by religious of many things in the sacred rites. He sought from the Congregation of the Propagation of Faith affirmation that the monks depend entirely on the Metropolitan in liturgical matters and

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<sup>356</sup> Archeograficheski Sbornik, v. XII, p. 20.

<sup>357</sup> Ibid., p. 48.

ceremonies.<sup>358</sup> He also stated at the capitulum in Brest in 1667 that monks on private authority produced a rite neither Byzantine nor Roman but something unto itself.<sup>359</sup>

King John Sobieleski (1676-1696) upon learning about the innovations of the monks took the side of Metropolitan Cyprian Zochowsky. The sovereign wrote to the Pope<sup>360</sup> and to the protector of the Ruthenian Church, Cardinal Nerli,<sup>361</sup> begging that the Metropolitan be preserved in his rights over monks and that they particularly forbid monks from introducing any novelties into the rite.

Similar letters were written by Uniate bishops about the same time to the Pope and to the Congregation of the Propaganda Fide. They complained that monasteries exercised such great boldness in changing ceremonies that hardly did any of the ancient rites remain.<sup>362</sup>

Heraclius Lisowsky, the Archbishop of Polotsk, also condemned private individuals for introducing illegitimate innovations. He held that changes, which slowly crept into the Ruthenian church, were introduced neither by legitimate authority, nor confirmed by immemorial custom but only by the temerity of private individuals.<sup>363</sup>

From this testimony of contemporaries, who knew the traditional law it is obvious that private individuals, whether priests or monks, lacked liturgical traditional or legitimate authority to introduce liturgical innovations concerning rites and ceremonies.

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<sup>358</sup> Memoriale III-mo, Secretario S. Congr. De Prop. F. ab Episcopo Chelmensi Unito, APF Scritto Ref. e.o. vol. 2, p. 145 sq.

<sup>359</sup> Archeograficheski Sbornik, v. XII, p. 87.

<sup>360</sup> Litt. Regias ad Papam, 13 Apr. 1685. – A. Theiner, Vetera Monumenta Poloniae, Vol. III, p. 696, n. 715.

<sup>361</sup> APF Congr. Particol., vol. 29, p. 276.

<sup>362</sup> A. Theiner, op. cit., Vol. III, p. 695, n. 715.

<sup>363</sup> Epist 28 dec. 1786 ad Cong. de Prop. Fide – APF Scritt. Ref. Congr. Generale, Vol. 876, p. 353 r.



What has been said about private persons can also be said for typographies, or printing establishments. Throughout the years after the reunion, monastic or stauropegic typographies published liturgica. Those printed after the Synod of Zamost, which adopted the principle concerning the editing of liturgical books according to the Council of Trent,<sup>364</sup> required the Holy See's approval before the Metropolitan's promulgation. Moreover the Archbishop of Polotsk, H. Lisowsky, identified particular editions of Suprasyl, Unev, Vilna and Pocajev which notably corrupted the rite and did not follow the norms of Zamost.

The status of the liturgical authority of a residential bishop did undergo some significant change during the period following reunion. At that time the local bishop still retained his right to regulate within his respective territory concrete expressions of liturgy which meant adapting legitimate liturgical customs to living circumstances. Toward the middle of the seventeenth century innovators got so out of hand that the bishops had to unite to maintain the status quo ante reunion. At the Capitulum held in Vilna of in 1667 and later at the Synod of Zamost in 1720 the bishops prescribe of the Latin rite was obliged to adopt the reformed Missal, the only exceptions being those regions and orders whose Liturgies enjoyed a tradition of at least two hundred years. J. H. Miller, Fundamentals of the Liturgy, (Notre Dame, Ind., 1959) p. 75. uniformity throughout the Metropolitan's province to regain liturgical purity. By such and action the bishops as a legislative unit forfeited to the Metropolitan their traditional right in liturgical matters over their individual dioceses. He was delegated by them to

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<sup>364</sup> The Council of Trent seeing the disorder which reigned in the celebration of Mass, nominated a commission to see to the unification of texts and ceremonies. The Commission's reform was brought to an end when its work was promulgated by Pius V in 1570. According to his bull of promulgation. Quo primum every diocese and order

define the liturgical laws of the Ruthenian Church in a Liturgikon, which first attempt by Metropolitan Cyprian Zochowsky proved a failure.<sup>365</sup> The result was, nevertheless, that the bishops had only the right and duty to watch over the exact observance of the prescriptions of the liturgical law respecting divine worship. Hence his traditional administrative power over divine cult was seriously but voluntarily curtailed for the common good.

The procedure adopted at Vilna to legitilately approve a Liturgikon, namely that the bishops will approve the text and ordo, differed from that one odopted by the bishops at the Synod of Zamost who directed that the Metropolitan submit the Liturgikon for approval. In accordance with the demands of the Council of Trent, this method of approving the missal will bring forth a typical edition. Metropolitan Leo Kiska also failed to gain the necessary approval.

The synod of Zamost impowered the Metropolitan to promulgated the approval Liturgikon throughout the entire metropolitan province. Obviously the bishops at the synod delegated the Metropolitan as its promulgator. He, therefore, though deprived of his administrative authority in Liturgy as a residential bishop, was elevated to share in the legislative authority of the conclave of bishops.

The Ukrainian bishops, however, when attending a capitulum or a provincial synod as a unit, maintained its inherited liturgical legislative power. Not only did it ordain laws but also treated penalties if they were not upheld. It cannot be denied that the assembled bishops confirmed and promulgated practices which were innovations in the Byzantine rite and contrary to its spirit, for example, the low Mass. Nevertheless Delegation did not deprive the assembled bishops of their legislative authority.

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<sup>365</sup> Cfr. Footnote 108; cfr. A. Raes, art. cit., p.

At this point it is expedient to comment on the Liturgikon and its relationship to custom, law and legislator. The Liturgikon plays a major role during this period of liturgical history. For it is that liturgical book which contains the rules to be followed, the prayers to be recited and the acts to be accomplished, in the celebration of the Liturgy.<sup>366</sup> Using these rites, and ceremonies and words, the codifier intends that all rubrics or rules which contain rites and ceremonies<sup>367</sup> are norms or laws, namely what they indicate to do, when and how and what prayers must be said, what rites must be observed in celebrating the Liturgy.<sup>368</sup> The de facto universality of its use gives its formulary and rubrics the force of law.

It necessarily follows that if the instructions of the chapter of Vilna and the Synod of Samost were carried out, the liturgika of Metropolitans Zochowsky and Kiska would be approve codes of liturgical law. Bocian holds that not only Kiska's Liturgikon but also a number of others that were approved. By whom he does not state. Raes maintains the contrary – that none were approved until the Roman edition in 1941.

Whatever norms were incorporated in the Liturgikon and confirmed prior to Zamost by the capitulum of bishops and after Zamost by the Holy See, they would undoubtedly be laws. Maintaining that the liturgika were never approved<sup>369</sup> until that one issued by the Holy See in 1941, they were, in the estimation of this writer, a compilation

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<sup>366</sup> J. B. O'Connell, The Celebration of the Liturgy (London, 1959), p. 7.

<sup>367</sup> Rite is any legitimate method of performing externally sacred functions, while ceremonies are exterior forms of divine worship, things or actions, prescribed by the church which, from the nature of the matter or from the intention of the Church, symbolically represent something spiritual in order that the faithful may understand the mystery better.-Michiels, G., Normae Generales Juris Canonici (Tournai, 1949) p. 58.

<sup>368</sup> Ibid.

<sup>369</sup> H. Lisowsky accused not only bishops of indifference to allow liturgical modifications but also Metropolitans of neglect of duty because failed to obtain the necessary consent and approval of the Holy See to promulgate a typical edition of the Liturgikon – Epist. H.

of immemorial legitimate liturgical customs enjoying the status of law and also innovations which were invalid laws because they were new customs but also to the spirit of the rite. However if these innovations were introduced by a competent authority, e.g., the omission of the sponge and zeon, they undoubtedly are valid laws. This opinion seems to be confirmed by the fact that to-day in those territories where such a practice is observed, the Pontifical Commission for the redaction of the Liturgy forbids their reintroduction without the express permission of the Holy See. But these innovations included in any Liturgikon since Vilna or Zamost by a Metropolitan – compiler, and “promulgated Without the approval of either the synod of bishops and later the Holy See, were invalid liturgical norms. For it logically follows that they were not competent to legislate. Again, innovations were invalid as laws because then were also contrary to the prevailing legitimate custom and the spirit of the rite. Furthermore it is difficult to determine under the turbulent circumstances of the time whether any innovation was valid even if it filled a lacuna or complimented an existing customs. Hence one can readily understand from the confusion throughout the post Zamost liturgical history which norms are obligatory and which ones are not.

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Lisowsky and Congr. De Prop. Fide, 22 feb. 1786 ASC Arch. Nunz Vars. T. 70, p. 302.  
Father S. Nowicky also complained to the Holy See that an official edition, made according to the norms of the Synod of Zamost cannot be found. – Epist. S. Nowicky 4 mar. 1776, APF, Scritt.  
Ref. Congr. Mosc. Pol. Ruth., Vol. 12, pp. 449-452.

In conclusion, therefore, the provincial synod of bishops, whether in the form of a capitulum or a formal synod, continues to be the traditional liturgical legislator. The Metropolitan participated in that power by receiving delegation from the synod of bishops for the metropolitan province even though his individual authority as a local bishop has been voluntarily curtailed to correct liturgical abuses by promoting unity and uniformity of rites. Each individual local bishop merely administers the Liturgy by watching over the exact observance of the prescriptions. Finally, since the Synod of Zamost prescribes that the Metropolitan submit the Liturgikon to it for approval, the Holy See is thereby acknowledged as the supreme liturgical legislator.

### **PART III**

#### **THE REVISION OF THE TRADITION UKRAINIAN LITURGICAL**

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#### **LEGISLATOR TO THE HOLY SEE**

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The traditional liturgical legislator in the Ukrainian Church remains to be a synod of bishops. They, however, delegated their joint liturgical legislative power to the Metropolitan who, after compiling the traditional customs, might gain its necessary approval and then have it promulgated throughout the entire metropolitan province. Such was the liturgical status emanating from the Ruthenian Church itself after the Union of Brest. At the same time, it struck a new liturgical relationship which was essentially different from the one shared with Constantinople. It was a bond with the supreme liturgical authority, authorized as such by Christ Himself. Consequently, the Ukrainian Catholics were at least under an implicit direction or control of the Holy See.

Canon Law,<sup>370</sup> however, seems to recall that traditional authority of the Ruthenians and centralizes it in the Holy See. Thus arises our basis problem: whether the traditional liturgical authority of the Ukrainian Church continued to retain its local supremacy or if it compromised or lost some aspect of it as a result of this new relationship with the Apostolic See. If so, was there any evolution of the Holy See's immediate authority over the Ruthenian Church?

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<sup>370</sup> Pius XII, MP Cleri Sanctitatis, o. 195, par. 1. n.2; PiusXII, Ap. Encycl. , Mediator Dei – Papal Teachings, n. 537-538; pp.335-337.

To solve this problem, the present chapter will be divided into three parts, each corresponding to each of three powers of a liturgical authority described in the Introduction.<sup>371</sup> In this way we can learn when, how and which powers of the Holy See withdrew from the Ruthenian hierarchy. But before undertaking these investigations it is necessary to establish the fact that the Holy See is the supreme liturgical authority.

The supremacy of the Holy Father's power to make laws concerning liturgical matters can be proved dogmatically and canonically. The first way can be demonstrated from the New Testament and statements of ecumenical councils. The other can be deduced from the concept of jurisdiction.

#### 1. E dogmate

Sacred Liturgy by its nature is a true expression of faith and the doctrine of the Catholic Church.<sup>372</sup> Since it is a vehicle or a profession of faith and orthodox teaching, its forms and formulae must be free from errors and heresies. It is the duty of the Roman Pontiff as the Vicar of Christ to conserve the entire deposit faith and to guard the purity and integrity of the Catholic Liturgy in whose texts and expressions the same deposit of faith is proposed in the entire world. The Supreme Pontiff cannot fulfill his office if he is not the supreme liturgical moderator of all Churches in preserving the method of expressing the faith.<sup>373</sup>

The Holy Father acquires full authority over liturgical matters by the fact that he is the Vicar of Christ. This power was expressly granted to him by Our Lord when he

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<sup>371</sup> Pius XII, Ap. encycl., Omnem sollicitudinem, 13 maii 1958 – Papal Teachings, n. 154, p. 133.

<sup>372</sup> P. Oppenheim, op. cit., p.56; D. Bouix, op. cit., p. 1 sq.

<sup>373</sup> P. Oppenheim, op.cit., p. 63.

commissioned Peter and His successors to feed the universal flock.<sup>374</sup> The Council of Florence crystallized this traditional teaching of the Church by defining or stating that “The Roman Pontiff is the successor of St. Peter, Prince of the Apostles and the Vicar of Christ and head of the whole Church and exists as father and doctor of all Christians; and they find in St. Peter, the full power of feeding, ruling and governing the universal Church handed by Our Lord Jesus Christ.”<sup>375</sup>

The Vatican Council likewise defined that the successors of St. Peter had received from Christ the full power of ruling, directing, and governing, the Universal Church.<sup>376</sup> At the same Council, Pope Pius IX affirmed in a letter to all Catholics that “not only must they communicate with him in matters of faith and morals but also be subject to him in matters of rite and discipline.”<sup>377</sup>

## 2. E canone

The ordination of the liturgy in an act of jurisdiction.<sup>378</sup> Patriarchs, metropolitans and bishops are able to ordain only certain matters pertaining to divine worship only for their own territories. Hence their jurisdiction is ultimately dependent upon the visible Vicar of Christ<sup>379</sup> who obtains the supreme and full power of

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<sup>374</sup> John XXI, 15 sq.; Matt. XVI, 17 sq.; XVIII, 18; XXVIII, 19.

<sup>375</sup> Denzinger, Enchiridion, n.694.

<sup>376</sup> Ibid., n. 1826-1828.

<sup>377</sup> Pius IX, Epist., Non sine gravissimo, 24 febr. 1870, n. 4 – Codicis Iuris Canonici Fontes cura Emi. Petri Gasparri editi 9 Vols. (Vaticanis, 1923-39), n. 555 (hereafter cited Fontes).

<sup>378</sup> Denzinger, Enchiridion, n. 1827; cfr. D. Bouix, op. cit., pp. 109-139

<sup>379</sup> Pius XII, Ep. Encycl. Mediator Dei, 20 nov. 1947 – Papal Teachings, n. 546, p.340.



jurisdiction by divine right.<sup>380</sup> He enjoys primacy of jurisdiction which is supreme in the world in all ecclesiastical matters. “The Roman Pontiff as the successor to the primacy of St. Peter has not only the prerogative honor but also the full power of jurisdiction over the universal Church, in matters of faith and morals as well as in those that pertain to the discipline and government of the Church throughout the entire world.”<sup>381</sup>

His Holiness, Pope Pius XII, in his encyclical, Mediator Dei, clarified the fact that the sovereign Pontiff alone enjoys the right to recognize and establish any practice touching the worship of God, to introduce new rites, as also to modify those be judges to require modifications.”<sup>382</sup>

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<sup>380</sup> Pius XII, MP Cleri Sanctitati, c. 163.

<sup>381</sup> Ibid., c. 162.

<sup>382</sup> Pius XII, Mediator Dei – Papal Teachings, n. 546.

## CHAPTER V

### ROME'S RECALL OF THE POWER TO INTERPRET LAWS

The reunion of the Ukrainians with the true Church of Christ placed them in a new set of circumstances which gave rise to new canonico-liturgical problems. Some resulted from continued communication with their brethren in the Byzantine rite from whom they separated. Others came from interritual relationships with their new brothers in faith, the Latin Catholics. To resolve these difficulties the Ukrainians addressed themselves to the Holy See as to Our Lord's authentic interpreter of such matters.

The Ruthenians, likewise, indirectly recognize the supremacy of Rome. They sought from the Holy See solutions to interritual and interfaith problems and various privileges connected with liturgical rites.

Our immediate problem is, therefore, did the Ruthenians by having such recourse to the Holy See surrender anything of its traditional authority? If so, how and when?

The matter about to be presented implies an investigation of the first power of the liturgical authority, namely, to authentically interpret liturgical laws. By collecting into appropriate categories all possible responses to referrals from the Holy See rather than treating them in historical sequence, we gain more insight into our specific problem. Hence Rome's interpretations will be divided into three categories: those responses touching on interfaith liturgical problems; those pertaining to interritual difficulties and request for privileges heretofore enjoyed by Latin Catholics.

These facts will be followed by an analysis and conclusions deduced from the data.

A. Resolution of interfaith problems

The Holy Office resolved the doubt whether Catholics and take part in a schismatic Mass.<sup>383</sup> The response forbade Catholics to participate in such a Liturgy.

The same congregation restrained Greek Catholics who lack a church of their own, from communicating with schismatics.<sup>384</sup>

The Holy Office likewise responded negatively to a question whether schismatics can be admitted to sing the Liturgy in choirs of Catholic churches.<sup>385</sup>

B. Resolution of interritual problem

The Holy Office negatively replied to a query from the Metropolitan and Basilian monks whether they could celebrate the Liturgy using azyme hosts that they might communicate Latins who had no opportunity to do so in their own churches on feast-days.<sup>386</sup>

The Bishop of Halych sought permission for two Ruthenian priests to say the Latin Mass from the glagolitic missal so that Latins frequenting the Shrine of the B.V.M. of Zyrovice might be accommodated to hear Mass and receive Holy Communion

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<sup>383</sup> S.C.S. Off., 7 aug. 1704 – D. Holovecky, Fonti, n.106.

<sup>384</sup> S.C.S. Off., 7 jun. 1706 – *Collectanea Sacrae Congregationis de Propaganda Fide*, 2 vols. (Romae, 1907), n. 389 (hereafter cited as Collected.)

<sup>385</sup> S.C. de Prop. Fide, 1 maii 1889 (1879?) – Fonti, n.89.

<sup>386</sup> S.C. de S. Off., 22 febr. 1673 – Fonti n.358.

in azyrne.<sup>387</sup> Because of danger to the faith of the Ruthenian Catholics, the Holy See recommended that Latin priests celebrate in one of the chapels of the same church and on an altar erected for the same rite.

The Congregation for the Propagation of Faith answered in the affirmative that the obligation of applying Mass pro populo, recently imposed on the Occidental Church, equally obliges the Ruthenian bishops and pastors.<sup>388</sup>

The same congregation in its response condemns the proposition that one can offer one Mass for many stipends.<sup>389</sup>

After promulgating on August 10, 1915 the Apostolic constitution, Incrumentum, which allows three masses on All Souls' Day, a doubt whether the same privilege extended to Orientals was sent to the Congregation for the Propagation of the Faith.<sup>390</sup> It clarified the doubt by a negative response.

### C. Privileges

The earliest privilege granted by the Supreme Pontiff was given to the two delegates seeking reunion on behalf of the Ruthenians. Pope Clement VIII at their request permitted ordinary bishops to wear the ecclesiastical vestments of a Metropolitan.<sup>391</sup>

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<sup>387</sup> S.C. de Prop. Fide, 5 dec. 1631, - Collect. n. 16

<sup>388</sup> S.C. de Prop. Fide, 23 mar. 1863 – D. Holovecky, Fonti, n. 351.

<sup>389</sup> S.C. de Prop. Fide, 20 jan. 1893 – Collect., n. 361.

<sup>390</sup> S.C. de Prop. Fide pro negotiis Orient., 22 mar. 1916 – Fontes, nos. 696-697; T. Lincoln Bouscaren, The Canon Law Digest, 4 vols. (Milwaukee, 1934, 1943, 1954, 1960 respectively). Vol. IV, p.257.

<sup>391</sup> Clement VIII, 26 febr. 1596 – A. Welykyj, Documenta Pontificum, Vol. I, nos. 153-154.

One of the most common privileges given to Ukrainians was that of the privileged altar.<sup>392</sup> All cathedrals of the united Ruthenians received such an indult under the usual conditions. The Basilian Fathers received similar privileges for churches specified by them on special feast days.<sup>393</sup>

The Basilians have received numerous privileges of bestowing plenary indulgences for visiting Basilian Churches, visiting them on the first Sunday of the month when the Blessed Sacrament is exposed; visiting them on titular feast days; etc.<sup>394</sup>

#### D. Analysis and conclusions

It is evident from the data that the Ukrainian Church referred those problems to Rome which dealt with new relationships that Ruthenians encountered through reunion, that is, with those who enjoyed the same faith, namely the Latin Catholics, but used a different rite to express it and vice versa with the Orthodox. New and old relationships, in other words, created new liturgical problems. Only those new problems as we have seen, were forwarded to Rome for solution.

We can, therefore, deduce that the Holy See was acknowledged both as the supreme liturgical authority and the only authentic interpreter of liturgical problems touching interritual and interfaith matters. It seems that the Ukrainian Church, nevertheless, continued to resolve its own interritual problems and thereby remained as the traditional interritual interpreter.

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<sup>392</sup> S. C. de Prop. Fide, 12 jul. 1627, n. 2 – Fonti, n. 11; 6 sept. 1624 n.3 – Fonti, n.12; etc.

<sup>393</sup> Benedict XIX, 17 mart. 1742 - A. Welykyj, Documenta Pontificum, Vol. II, n. 697.

<sup>394</sup> Benedict XII, 11 jul. 1726 – A. Welykyj, Documenta Pontificum, Vol. II, n.665; 15 sept. 1727 – Ibid., n. 667; 13 jan. 1730 – Ibid., n. 674; also n. 675-695, etc.

However, as we shall see in a succeeding section the liturgical powers of the Holy See were extended by the Motu Proprio, Cleri Sanctitati to include also interpretation of intraritual difficulties. Suffice it here to say that since March 25, 1958, the day when the Motu Proprio took legal force, the Sacred Congregation for the Oriental Church assumed the power not only to interpret liturgical matters arising from interfaith and interritual communication but also intraritual. For its duty is “to resolve questions in regard to the text and translations of liturgical books...and to decide all questions concerning rubrics and ceremonies of the Divine Liturgy... etc.”<sup>395</sup>

We can therefore, summarize this section by stating there is an evolution of the authentic interpreter of liturgical laws in the Ukrainian Church. At the time of reunion in 1596, a synod of bishops was the traditional authority. New relationships after the Union of Brest activated the supreme authority to settle interfaith and interritual liturgical problems. For only the Holy See being above all rites was recognized as the logical authentic interpreter. Finally the Holy See by promulgating Cleri Sanctitati reserved for itself the resolution of interritual problems. Thus it remains today as the sole authentic interpreter of liturgical problems whether they be interritual, intraritual or interfaith.

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<sup>395</sup> Pius XII, MP Cleri Sanctitati, canon 195 par. 1, n.2.

## CHAPTER VI

### **RUTHENIAN HYERARCHY'S SURRENDER OF PROMULGATIVE POWER**

In the previous chapter it has been established that the Holy See withdrew the power to interpret liturgical laws from the traditional liturgical authority in the Ukrainian Church. We shall now focus our investigation on the supreme legislator to learn the manner in which he continues to acknowledge that traditional right of the Ukrainian liturgical authority to make its own laws regulating the Liturgy. If not, when and under what circumstances did the Holy See gain full liturgical legislative power over the Ruthenians?

The Ukrainian Catholic Church, after resubmitting to the jurisdiction of the Holy See, was not affected by the Holy See's legislation nor included in the concession of favors unless they were mentioned therein.<sup>396</sup> However, on November 8, 1882, the Sacred Congregation for the Propagation of the faith send to the Apostolic Delegates for Oriental Churches a decree which clarified the question of the kind of legislation emanating from Rome obliged the Oriental Catholics. This instruction pointed out that Apostolic constitutions of the Holy See bind them in the following three cases.

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a) if they concern matters of faith and Catholic doctrine;

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<sup>396</sup> A. Cicognani, Canon Law, tr. by J.M. O'Hara and F. Brennan, (2 rev. ed., Westminster, Md, 1947) p.453.

<sup>397</sup> "... nelle Costituzioni Apostoliche non s'intendono compresi gli Orientali se non nei tre seguenti casi:

1. Nei punti di fede e dottrina cattolica;
2. Dove la materia stessa dimostra la comprensione, in quanto non `e una legge soltanto ecclesiastica, ma una dichiarazione della legge divina e naturale;
3. Quando, benché si tratti de ordinazioni disciplinari gli Orientali vi sono espressamente nominate." S.C. de Prop. Fide, decr. 8 nov. 1882 – Fonti, n. 164.

b) if their subject matter shows that they are binding upon Oriental also, for the reason that they are not merely ecclesiastical laws merely but declarations of the divine or natural law;

c) if the laws themselves, though disciplinary in character expressly state that they are meant for the Oriental Church also.

Likewise the Latin Code of Canon Law clearly states that Orientals are not subject to it except when its legislation expressly embraces the Oriental Catholics.<sup>398</sup>

Consequently, since our concern is the liturgical aspect of this legislation, we shall pursue this investigation i.e. whether the Ukrainians enjoy their legislative right in liturgical matters by presenting those pontifical decrees issued as common law for the Universal Church; secondly, those issued for all Oriental Churches; and finally those addressed to the Ruthenian Church in particular.

#### A. Universal or common liturgical legislation

##### 1. Universal Apostolic Constitutions

a) Pope Pius XI in his celebrated encyclical, Amantissimi Redemptoris, clarified the divine law concerning the obligation of satisfying the precept of giving worship to Almighty God. The faithful must take part in the Liturgy on the feasts of precept and ought to participate with devotion.<sup>399</sup> The obligation of Mass pro populo obliges also Oriental bishops and pastors.<sup>400</sup>

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<sup>398</sup> Codex Iuris Canonici, canon 1.

<sup>399</sup> Pius IX, Ep. Encycl., Amantissimi Redemptoris, 3 maii 1858 – Fonti n. 364.

<sup>400</sup> Ibid. – D. Holovecky, Fonti, n. 352; Cfr. S.C. de Prop. Fide, 23 mar. 1863 – Fonti, n. 351; Leo XIII, 10 jul. 1882 – Fonti, n. 353, S.C. de Prop. Fide, 8 nov. 1882 – Fonti, 355.



b) Pope Pius X in constitution, “Tradita ab antiquis” made provisions for Catholics who were residing in a place where there was no church of their own rite. He informed them that the Body of Our Lord whether consecrated by a Greek priest in leavened bread or by a Latin priest in unleavened bread was truly on the altar, and they were not to hesitate in the act of adoring him.<sup>401</sup>

He also confirmed the prohibition of Pope Benedict XIV which barred a priest from consecrating the Body of our Lord and of administering Holy Communion in a rite not his own.<sup>402</sup> This Eucharist-minded Pontiff allowed every Catholic to receive the Holy Eucharist in any Catholic rite even for the sake of devotion.<sup>403</sup>

Where necessity urges and no priest of his own rite is present, it will be permitted for an Oriental priest who uses fermented bread, to administer the Eucharist in azyme and for a Latin priest to do the same in fermented. Each will use his own rite in administering.<sup>404</sup>

## 2. Universal Law of the Code of Canon Law 1918

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<sup>401</sup> Pius X, Apost. Const., Tradita ab antiquis, 14 sept. 1912, n. 3 – Fontes, n. 698; Papal Teachings n. 337-342, pp. 221-224.

<sup>402</sup> Ibid.; Benedict XIV, Ep. encycl. Allatae sunt, 26 jul. 1755, par. 16, Fontes, n. 434.

<sup>403</sup> Pius X, Apos. Const., Tradita ab antiquis, 14 sept. 1912, n.3 – Fontes, n. 698. This provision was incorporated some years later in the present code of Canon Law of the Latin Church in canon 866 par. 1 and was repeated in the decree, Cum data fuerit, of the Sacred Congregation for the Oriental Church on March 1, 1929 for the Greek-Ruthenians in the United States – S. Congr. Or. Decr.: Cum data fuerit, 1 mart. 1929 – art. 32 – AAS, XXI (1929) p. 158; Bouscaren, The Canon Law Digest, I, p. 14.

<sup>404</sup> Pius X, Apos. Const., Tradita ab antiquis, 14 sept. 1912, n. 3 – Fontes, n. 698.

Canon 1 states that Orientals are not obliged except when expressly mentioned. There are relatively few canons which specifically govern liturgical matters in the Oriental Church.<sup>405</sup>

a) Canon 804 ordains that an Oriental priest who desires to say Mass in a Church other than to which he is attached must possess letters of recommendation from a competent authority.

b) Canon 816 prescribed in the celebration of the Mass that the priest must, according to his rite, use either unleavened or leavened bread wherever he celebrates.

c) Canon 866 gives the faithful liberty to receive the Holy Communion in any rite.

## B. Oriental liturgical legislation

### 1. Apostolic Constitutions

a) The encyclical, Demandatam<sup>406</sup> of Pope Benedict XIV was issued December 24, 1743. What it he gives Byzantines only the privilege of celebrating more than one Mass a day.<sup>407</sup> The Holy Father solved the restricted use of an altar whereby

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<sup>405</sup> Cicoganani, op. cit., pp. 460-462.

<sup>406</sup> A dispute existed whether Pope Benedict XIV's Demandatam addressed to the Melkites also obliges the Ruthenians. This question was resolved in the appendix to Gregory XVI's epist. Perlatum ad nos, 17 jul. 1841, in which he writes: "... Neque si Benedictus XIV Protoarchimandritam O.S. Basilii Ruthenorum bullam "Demandatam" ad Greco-Melchitos missam servare iussit, inde colligi potest S. Pontificem omnes et singulos Ruthenos ad eandem servandam obligasse." – D. Holovecky, Fonti, n. 373.

<sup>407</sup> Benedict XIV, Ep. encycl. Demandatam coelitus, 24 dec. 1743, par. 8, N. Harasiewicz, op. cit., (Leopoli, 1862), p. 404; Fontes, n. 338.

only one Liturgy was celebrated each day.<sup>408</sup> The solution of celebration satisfied the many priests who wished to celebrate the liturgy on the same day. They were permitted to offer the sacrifice on the same altar at the same with the bishop or with some other priest. However they were all required to wear the vestments customarily used for the celebration of the divine Liturgy, to recite the whole Liturgy, and to pronounce the words of Consecration together just as if they were celebrating the Holy Sacrifice individually.

b) Pope Benedict XIV in his constitution, Imposito Nobis dated March 29, 1751 forbade priests of the Greek rite to celebrate the Liturgy in churches of the Latin rite unless they had obtained permission from the Latin ordinary or from his Vicar General who could grant this permission even though no necessity existed but only as long as some spiritual good could be expected from this celebration.<sup>409</sup> He also cites and confirms the privilege granted by Clement VIII in the year 1602 by which Ruthenians priests were permitted, in the case of necessity, and, even for the sake of devotion, to celebrate the Byzantine Liturgy with sacred vessels and vestments of the Roman rite upon the altars of the Latin churches.<sup>410</sup> The Latin priests were reciprocally permitted to celebrate the Mass in the Latin rite on the altars in the Ruthenian churches, and to use the sacred vessels and vestments of the Ruthenian rite. This privilege for Ruthenian priests to celebrate Mass on a consecrated altar, portable altars extended not only to churches but to any domestic oratory.

c) On July 26, 1775 Pope Benedict XIV promulgated, the encyclical letter, Allatae Sunt, which contained some of his most important legislation. When there

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<sup>408</sup> Ibid., par. 9 – Harasiewicz, op. cit., p. 404; Fontes, n. 338.

<sup>409</sup> Benedictus XIV, Ep. encycl., Allatae sunt, 26 jul. 1775 par. 4 – Fontes, n. 434.

<sup>410</sup> Ibid.

were no churches of their own Rite in a place, priests of the Oriental rites could celebrate the Liturgy in Latin churches, but in such a case they had to follow their rite exactly.<sup>411</sup>

Unleavened and leavened bread being valid matter to the sacrament of the Holy Eucharist.<sup>412</sup> Oriental priests, who consecrated in leavened bread were forbidden to consecrate the Holy Eucharist in unleavened and then distribute Holy Communion thus consecrated in Unleavened bread to the faithful.<sup>413</sup>

The Pope also allowed the continuance of zeon in whatever rite prescribed this practice in the celebration of the Liturgy.<sup>414</sup>

The celebration of the Holy Sacrifice is permitted in a church of another rite providing that all things necessary to celebrate the Liturgy in their own rite had.<sup>415</sup> He strictly forbade Latin clergy to celebrate Mass in churches of the Greek Rite and upon the main altar in these churches except in the case of necessity, namely, when there was no other altar in the church of the Greek Rite. Moreover the Latin priest had to obtain permission from the pastor of the Greek Church, who was not free to refuse this permission under such circumstances.<sup>416</sup>

Although the old custom existed that Oriental churches had only one altar and upon this altar only one Mass was celebrated each day,<sup>417</sup> the Pope, because of the increase in the number of priests advised that Mass might be said each day in chapels or

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<sup>411</sup> Benedict XIV, Ep. encycl., Allatae Sunt, 26 jul. 1775, par. 4 – n. 434.

<sup>412</sup> Ibid., par. 22.

<sup>413</sup> Ibid., par. 23-24.

<sup>414</sup> Ibid., par. 26.

<sup>415</sup> Ibid., par. 35.

<sup>416</sup> Ibid., par. 36.

<sup>417</sup> Ibid., par. 37.

oratories adjoining the church, called parecclesias.<sup>418</sup> In churches there should be Greek altars for Greek priests and Latin altars for Latin priests.<sup>419</sup>

## 2. Instructions and Decrees

The Sacred Congregation for the Propagation of the Faith concerned itself mostly with the practical problem of Paschal Communion. In 1721 it decreed that each one fulfill the Paschal precept by receiving Holy Communion in his own Rite.<sup>420</sup>

When Latin missionaries were active in countries wherein there were both Oriental and Occidental Catholics, the problem of receiving the sacraments took on a new circumstances. Latin missionaries were forbidden to administer the sacraments of the Oriental rites when there was a priest of their own rite present who could do so without difficulty. Each priest had to administer to the faithful the Holy Eucharistic according to his own proper rite. An oriental or an occidental priest could impart the Sacrament of Holy Viaticum in the case of necessity of a different rite but they had to observe their own rite in the administration.<sup>421</sup>

The same principle was repeated in 1821, namely that the faithful could receive the Easter communion in another rite when it was impossible for them to receive in their own rite, either because there was either no church or no priest of their own rite in the place where they were living.<sup>422</sup>

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<sup>418</sup> Ibid., par. 38-39.

<sup>419</sup> Ibid., par. 40.

<sup>420</sup> S.C. de Prop. Fide, litt. 4 sept. 1721 – Collectanea, n. 296.

<sup>421</sup> S.C. de Prop. Fide, 11 Oct. 1780 – Fontes, n. 4584.

<sup>422</sup> S.C. de Prop. Fide, 12 dec. 1821 – Fontes, n. 864.

The Sacred Congregation relaxed the custom of receiving Holy Communion in one's own rite. For Catholics who communicated in unleavened bread, if they were found among Catholics who usually communicated in leavened bread, could communicate in leavened bread in order to fulfill the Paschal precept or be enabled to receive Holy Viaticum.<sup>423</sup> In 1862 the same congregation clarified the converse, sc. that Catholics who usually receive Holy Communion in leavened bread, were allowed to receive the Holy Eucharist in unleavened bread from the Latin priest in a Latin church, if there was no church or no priest of their own rite in the place. But if there were churches of both rites in the place, then the faithful of the Oriental Church had to communicate according to their own rite.<sup>424</sup>

Those decrees were summed up in 1863 and repeated in succeeding years. It allowed two exceptions which permitted a person to receive Holy Communion in a rite not his own. Firstly, if a priest of the recipient's own rite could not be had then a person could receive Holy Viaticum in another rite from a priest of that rite. Secondly, if a priest of the recipient's own rite could not be had, then a person could fulfill the Paschal precept by receiving Holy Communion in another rite from a priest of that rite.<sup>425</sup>

The Sacred Congregation for the Oriental Church finally settled the problem concerning Paschal Communion in the Eastern rites. Any Oriental can validly and licitly satisfy the prescription in any rite but he is urged to do in the church of his

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<sup>423</sup> S.C. de Prop. Fide, 11 dec. 1838 – Fontes, n. 4778.

<sup>424</sup> S.C. de Prop. Fide, 30 april. 1862 – Fontes, n. 5920.

<sup>425</sup> S.C. de Pro. Fide, 6 oct. 1863 – Fontes, n. 4859; Collect. n. 2343.

own rite.<sup>426</sup> If he satisfies the precept in another rite or church, the pastor of his own rite must be informed.<sup>427</sup>

The same Congregation also issued an instruction on liturgical binating for priests of the Byzantine rite.<sup>428</sup> For nowhere is it allowed to celebrate the Holy Sacrifice twice on the same day, unless the Holy See has, either by itself or through the Ordinary, for grave reasons, granted the permission in writing. This instruction also explains the manner of consuming the Sacred Species and ablution followed by a Liturgy in the same church and in another church. It further treats about the consuming and ablution by a deacon. It treats about stipends for the second Liturgy.

### 3. Motu Proprio for the Oriental Church (Cleri Sanctitati)

a) Canon 1 S 2 legislates that Patriarchs, archbishops and other hierarchs not only shall promote the preservation of their rite but also shall not tolerate or permit the introduction of any change into the rite.

b) It is the duty of the Sacred Congregation for the Oriental Church to approve for all Oriental rites liturgical books, and to resolve questions in regard to their texts and translations. It also has the obligation to supervise and decide all questions concerning rubrics and ceremonies of the Divine Liturgy ...<sup>429</sup>

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<sup>426</sup> S.C. Or., 14 apr. 1924 – Cicognani, op. cit., p. 15.

<sup>427</sup> S.C. Or., decr. Cum data fuerit, 1 mart. 1929, art. 33 – AAS, XXI (1229) p. 158; Bouscaren, The Canon Law Digest, I, 14.

<sup>428</sup> S.C. Or., instr. 1 febr. 1933 – AAS, XXVI (1934), 181 – 182.

<sup>429</sup> “Ipsius est pro omnibus orientalibus ritibus libros approbare liturgicos, ac dubia solvere circa eorumdem textum et traslationes; item omnia videre ac statuere de rubricis et ceremoniis divinae Liturgiae, sacramentorum, sacramentalium et officii divini; Mp Cleri Sanctitati, canon 195 par. 1 n.2.

c) Every sacred minister must accurately observe his Rite in the celebration of Divine Liturgy.<sup>430</sup> Faithful shall be encouraged often to frequent churches of their own rite on Sundays and Holy days and assist at divine services.<sup>431</sup>

d) In the divine services, patriarchs, bishops and other hierarchs and clerics must commemorate the Roman Pontiff.<sup>432</sup> The Major Archbishop and/or Metropolitan and the local bishop shall be commemorated by the ministers subject to him in the Divine Liturgy and other ecclesiastical offices according to the rules of liturgical laws.<sup>433</sup>

e) The Patriarch will establish a council or so called commission on liturgical matters for the editing of liturgical books and for dealing with all matters that contain the Liturgy. It is the duty of the Patriarch to approve editions of liturgical books which must; agree with the approval text, the first approval of which is reserved to the Apostolic See.<sup>434</sup>

f) Canon 381 stipulates that Exarches must apply the Divine Liturgy for the people entrusted to their care at least ten times a year on the principal feasts. Exarches must also apply the Liturgy on all Sundays and other holy days of obligation except in the case of the particular law which prescribes that it is to be applied at least fourteen times a year. Bishops have also the obligation to see that at least a part of the divine office is celebrated daily, where there is such a custom and at least in every city, at least in one church and at least on Sundays and feast on principal holy days of saints and on their eve, the solemn divine office is celebrated.

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<sup>430</sup> Ibid., canon 2 par. 1.

<sup>431</sup> Ibid., canon 2, par. 2.

<sup>432</sup> Ibid., canons 166, 274 and 330.

<sup>433</sup> Ibid., canons 317, 330 par. 2, 413.

<sup>434</sup> Ibid., canon 302.



g) The pastor and quasi-pastor are also bound to apply the Divine Liturgy for the people at specified times. Though he may administer to several parishes one Divine Liturgy for the entire people entrusted to his care will satisfy his obligation.<sup>435</sup>

### C. Particular Legislation for Ruthenians

#### 1. Decrees

a) In 1863, the Sacred Congregation for the Propagation of the Faith specifically directed an instruction to Greek-Ruthenian and Latin bishops in the province of Lviv. It granted the faculty of communicating in unleavened bread at the hands of a priest of the Latin rite and also the opportunity of receiving leavened bread from the hands of a Ukrainian priest so that the faithful may not be deprived of the Holy Viaticum.<sup>436</sup>

b) The decree, Cum Episcopo, of the Sacred Congregation for the Propagation of the Faith issued in 1914 for the Greek-Ruthenians in the United States demanded that the faithful satisfy the Paschal precept by receiving Holy Communion in their own rite and from their own pastor.<sup>437</sup>

#### 2. Motu Proprio's

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<sup>435</sup> Ibid., canon 507 par. 1 par. 2.

<sup>436</sup> S.C. de Prop. Fide pro negotii orientalis, 6 oct. 1863 – Fontes n. 4859; Collect. n. 1243.

<sup>437</sup> S.C Or., decr. Cum data fuerit, 1 mart. 1929, art. 33. This historical document, which constituted the particular law for Ruthenians in the United States was first published in the AAS, XXI (1929), p. 158 sq; it was renewed Nov. 30, 1940 in the AAS, XX (1941), pp. 27-28; and again by a letter of the Apostolic Delegation in the Wash., D.C. to the Ruthenians bishops Nov. 23, 1950. For an English translation cfr. Bouscaren, The Canon Law Digest, Vol. I, 14 sq.; V. J. Pospishil, Interritorial Canon Law Problems in the United States and Canada (Chesapeake City, Md., 1955) pp. 200-208.

The first Motu Proprio affecting Ruthenians in the United States was the document “Cum data fuerit”.<sup>438</sup> It culminated the development of interrelations between Latins and Orientals. In areas where either churches or priests of their own rite are lacking and where distances are so great the Ruthenian faithful cannot go to their own church without grave inconvenience, they must satisfy their obligation by hearing Mass in a Catholic Church of another Rite, and receive sacraments from a priest of the rite.<sup>439</sup> For reasons of piety also, the faithful of any rite are given permission to receive Holy Eucharist consecrated in any rite. When necessity urges and no priest of the other rite is available, a Greek-Ruthenian priest is permitted to administer the Eucharist consecrated from unleavened bread; and conversely a Latin priest may administer the leavened bread; each however will follow his own rite while administering.<sup>440</sup>

Any Oriental fulfills validly and directly the precept of Easter Communion even if he receive Communion in a rite other than his own. It is urged that members of the faithful fulfill the precept of Easter Communion each in his own rite and in his own parish. Those who have fulfilled it in another parish shall take care to notify their own pastor that they have fulfilled the precept.<sup>441</sup>

Again in regard to the hearing of Mass on holy days which fall on the same day in both rites, they are obliged, in order to fulfill the ecclesiastical precept, to assist at the sacred Liturgy in a church of their own rite, if there is one in the place.<sup>442</sup>

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<sup>438</sup> Ibid., art. 28.

<sup>439</sup> Ibid., art. 32.

<sup>440</sup> Ibid., art. 33.

<sup>441</sup> Ibid., art. 33.

<sup>442</sup> Ibid., art. 37.

The Sacred Congregation for the Oriental Church changed this law by granting to any Greek-Ruthenian the unlimited right of fulfilling the obligation of hearing Mass in any Catholic church without distinction of rite.<sup>443</sup>

### 3. Promulgation of the Ruthenian Edition of the Liturgikon

The climax of liturgical legislation of any kind for the Ruthenians was the Holy See's promulgation of the Ruthenian edition of the Liturgikon on September 10, 1941.<sup>444</sup> On that momentous day the Sacred Congregation of the Oriental Church sent to the Ukrainian hierarchy three copies of the newly edited Liturgikon together with a brief, which outlined the historical facts which led to the birth of the first typical edition of the Liturgikon for Ruthenians approved by the Holy See. Because of its legislative importance we shall treat in this final section the history of the development of this typical edition; the method used by the Pontifical Liturgical Commission to edit the Ruthenian Recension; the comparative differences between the memorable edition and 1905 Missal edited in Lviv; and finally a special addenda to the decree.

#### a) Historical Facts Leading to the Formation of the Pontifical Liturgical Commission for the Ruthenian<sup>445</sup>

The Ukrainian Catholic hierarchy after World War I initiated missionary activity among the orthodox in eastern Ukraine. One of the obstacles to their success that

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<sup>443</sup> S.C. Or., 11 jun. 1930 – AAS XXII (1930), p. 354.

<sup>444</sup> A copy of this letter of promulgation signed by Eugene Cardinal Tisserant as secretary of the Oriental Congregation can be found at the conclusion of P.A. Raes' excellent article "Le Liturgicon Ruthene Depuis L'Union de Brest", Orientalia Christiana Periodica, vol. VIII, no. 1-2, (Rome, 1942), pp. 136-139.

<sup>445</sup> For this particular and for other information regarding this section, the writer has been able to use an unpublished writing of C. Korolevsky, The Liturgy and the Rite ad practiced by Ukrainians.

Metropolitan Andrew Sheptitsky, Archbishop of the province of Lviv, discovered was the Liturgikon used by the Galician Catholics. To remove this impasse the venerable Metropolitan summoned on November 29, 1927 all Ruthenian ordinaries to Lviv. The object of this first conference was principally to consider the adoption of a liturgical text which would help the return of the Orthodox. At this two day conference, November 29 and 30, the bishops agreed to edit a typical Liturgikon which would to be followed by all. They also proposed to seek its approval from the Holy See as well as approval for textual modifications and corrections of any evident errors introduced in the current liturgical books and practice. Before departing, a liturgical commission was formed which consisted of the following; Metropolitan Andrew Sheptitsky, Archbishop of Lviv, Galicia; Msgr. Dionysius Nyaradi, bishop of Krisevci, Croatia; Bishop Geoge Kocylovsky, eparch of the diocese of Peremysl, Galicia; and Alexander Stoika, bishop of Mukac. Its president was the Metropolitan.

Two years later, on October 21, 1929 a second Episcopal conference was held in the Jesuit Retreat House, Rome. At this conference it was decided that the Episcopal commission constituted in Lviv had proved to be impractical. The assembled bishops, in order to achieve the end established at the first conference, agreed to name an intereparchial commission composed of delegates of every bishop,<sup>446</sup> to examine the texts of liturgical books and subsequently to submit for approval to the Holy See. In the meantime the conference approved after a reading of the text, the reprinting of a small

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<sup>446</sup> The Episcopal Intereparchial Liturgical Commission eventually consisted of Mons. John Bucko, president; Rev. Theodore Haluscynsky, OSBM representing the bishop of Canada; Rev. Plato Martyniak OSBM, delegate

missal according to the 1927 Lviv edition of the Liturgikon with necessary corrections. This small Liturgikon was probably the one which appeared in 1930.<sup>447</sup>

Unfortunately, the bishops did not name their delegates by February, 1930. The Metropolitan, on his own authority, by this time had already published his 1929 liturgikon printed and sold by the Stauropugia Institute in Lviv. This text purified from almost all hybridisms incorporated the sanctions of Zamost, namely, the use of the sponge and zeon and also removed the Filioque from the text of the Creed. Some of the bishops opposed this text.<sup>448</sup>

On March 30, 1930, the Metropolitan sent to all the Ukrainian bishops a letter explaining his plan to extend his work to all liturgical books. Each of the appointed bishop's delegates would be assigned a determined book. Some of the bishops proposed to concentrate primarily on the Liturgikon.

On June 16, 1930, the intereparchial commission of the Bishop's delegates assembled for the first time in Lviv. Bishop John Butchko, auxiliary to Metropolitan Sheptisky, opened the meeting in behalf on the Archbishop and work commenced on the Liturgikon. The president of the commission was Anastasius Kalzo, Provincial of the

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of the bishops of Peremysl and the United States; Rev. Dr. Tito Myskovsky – delegate of the bishop of Mukac; Rev. Dr. Stephen Rud, delegate of the Apostolic Administrator of Presov; Rev. Demetrius Vladimir Sadowsky, delegate of the Metropolitan of Lviv; Mons. John Lutsyk, delegate of the bishop of Stanislaviv; Rev. Dr. Kostelnick, substitute of the delegate of the bishop of Krizevci; Rev. Clement Sheptitsky, delegate of the Pittsburgh exarchate, Usa; and Rev. Stephen Reshetylo OSBM, delegate substitute for the Ruthenians of Canada.

<sup>447</sup> Monsignor Koczylovsky, bishop of Peremysl, while in Rome, complained to the Assessor of the Oriental Congregation, what he had already expressed in writing, that the Metropolitan had surpassed his authority to give approval of the Liturgikon prepared in Lviv, 1927. The Nuntio to Poland also filed to Rome a similar complaint.

<sup>448</sup> Bishop Khomysyn of Stanislaviv protested to Rome against the Metropolitan's Byzantinism and new innovations; using separate books for the Liturgy, tropar and epistles in one volume, gospels in another and the text of the Liturgy in a third. Also included in the protest was the proposal of establishing square altars and abolishing the practice of benediction with the Blessed Sacrament.

Basilian priest. Before the third meeting of the commission the Basilian provincial died. Bishop Butchko succeeded him as president at the third meeting on March 6, 1931.

On January 9, 1932, the bishops again assembled for a conference in Rome to consider the progress of the intereparchial liturgical commission. It approved the minutes of the 21st meeting of the liturgical commission. This was followed by formulating a petition to the Oriental Congregation for the institution of certain feasts, the principal one of which was to be that of Christ the King. It proposed the reinstatement of the square instead of the oblong altar with proportionate tabernacles. Also discussed was the abolition of the Benediction with the Blessed Sacrament.

Between the 1929 episcopal conference and the 1932 meeting of the Ruthenian episcopate in Rome, two factions opposed each other. The one led by the Metropolitan desired a pure Byzantine liturgical text; the other led by the bishops of Peremesyl and Stanislaviv wished to maintain the liturgical status quo. Never did the twain agree. The Holy See, however, always sought for means to reconcile the two. It dispatched Dom Placidus De Meester and bishop Nyaradi of Krizevci to study the problem and file a report with their opinions on how to settle the controversy. All was to no avail. The rift so great that all bishops after the 1932 conference agreed to submit the matter to the examination of the Holy See, beseeching it to condescend to procure a typical edition of all the liturgical books.<sup>449</sup>

The Holy See promptly reacted to present the Ruthenians with a typical liturgikon. In 1933 it sent a questionnaire to all the Galician bishops to learn their opinions concerning fourteen liturgical problems. The congregation commissioned Rev. John Hudacek, C.S.S.R. as an Apostolic Visitator to the three Galician eparchies to

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<sup>449</sup> A. Raes, art. cit., p. 136.

investigate the liturgical difficulties.<sup>450</sup> It also entrusted the entire matter to consultants specialized in canon law, Oriental Liturgy, and in Old Slavonic. It requested the proceedings of the meetings of the intereparchial liturgical commission of Lviv held between 1930-1935.<sup>451</sup> The Holy See ordered that controversy be avoided by the Ruthenians bishops; authorized the provisory use of all the existing texts; and forbade the publication of new editions without a special permission of the Oriental Congregation. On January 10, 1938 the plenary section of the most eminent Cardinals for the Oriental Congregation determined criteria to serve as a basis for revision. These were approved by Pope Pius XI in his audience of January 15.<sup>452</sup> It likewise assigned such work to a special liturgical commission over which the Cardinal-secretary of the Congregation would preside.<sup>453</sup> After sixty one sessions, the Ruthenian edition of the Liturgikon was promulgated on September 10, 1941.<sup>454</sup>

#### b) Methodology

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<sup>450</sup> Rev. John Hudacek, C.S.S.R. was a Czech and Slav, thus capable of rendering an unbiased account of the Ukrainians. Though not a specialist in oriental liturgical matters, nevertheless he would not take sides the conservatists desiring to return to the ancient Liturgy and the modernists hoping to maintain the liturgical status quo. This Redemptorist was also to make a report on orthodox proselytizing and forced Latinizations in the Lemko area of the Carpathian Mountains.

<sup>451</sup> A. Raes, art. cit., p. 137.

<sup>452</sup> A. Raes, art. cit., p. 137.

<sup>453</sup> Ibid.

<sup>454</sup> The Liturgikon made its appearance in octavo. It consisted only of those parts of the divine services, the Liturgies of St. John Chrysostom, St. Basil and the Presanctified, and various blessings, which pertain to the priest. Since then the Liturgikon appeared with an accompanying text also in quarto for the cantor, which was composed of the responses and variable troparia and Epistles.

From Cardinal Tisserant's letter of promulgation an outline of methodology to develop the typical edition can be deduced.<sup>455</sup> It seems that the Pontifical Liturgical Commission did not use as a base any Greek text of the seventeenth century but rather made a concordance of Ruthenian texts in use prior to 1650. From this year onward, the Commission determined that the texts and rubrics of various liturgika were modified and altered without approval of the Holy See except four prescriptions at the Synod of Zamost. Considering the promise of the Supreme Pontiff at the Union of Brest-Litovsk and other succeeding Pontiffs to guard the integrity of the Oriental rites, the Congregation decided to follow the readings of the older Ruthenian texts. It also included the rubrics of the Euchologion of the Pope Benedict XIV which he recommended in the Apostolic Constitution, Ex quo primum, to all bishops of the Byzantine Rite.

c) Comparative differences between Roman and Lviv (1905) editions

With regard to sacerdotal dress, the use of the amice was suppressed in the Roman edition.<sup>456</sup> At proskomedie the deacon once again pours the water and wine into the chalice.

At the Little Entrance, the rubric prescribes the opening of the royal doors, which remained closed until this point.<sup>457</sup> The celebrant says the prayer of entrance not at the altar but upon his arrival before the royal doors. He, after concluding the prayer

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<sup>455</sup> A. Raes, art. cit., pp. 137-138.

<sup>456</sup> Liturgikon (Roma, 1942), p. 168, 170.

<sup>457</sup> Ibid., p. 204.



before the Trisagion, does not turn to face the faithful at any one part of the doxology but remains stationary throughout.<sup>458</sup>

An ancient practice whereby the priest salutes the people and blesses them with formula: “Peace to all” is retained and is also repeated before the Gospel in order that the Ruthenian edition may conform to the text of Benedict XIV.<sup>459</sup>

The formula recited during the Grand Entrance is actually that in practice among the Ruthenians. In this commemoration there occurs today the phrase “pravoslavny khristian” instead of “pravovirnikh khristian”. After the gifts have been deposited on the altar, the dialogue between the celebrant and the deacon is restored according to the text of Benedict XIV and the Diataxis of Philotheus.<sup>460</sup>

The Creed, which was prescribed previously to be chanted by the deacon, is to be sung by the faithful. The priest while holding the aer before himself agitates it.<sup>461</sup>

Prior to consecrating, the priest blesses the bread not thrice but once<sup>462</sup>. The lavabo before Holy Communion is also suppressed.<sup>463</sup> The deacon has the privileges of receiving the Sacred Species in the same manner as the priest<sup>464</sup>. However the consuming of the Body and Blood of Christ is confected not at the altar after the formula “always, now and forever” but rather are transferred at this moment to the prothesis. The Sacred Species will be consumed by the deacon after the prayer of the ambon or by the

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<sup>458</sup> Ibid., p. 209.

<sup>459</sup> Ibid., p. 210, 214.

<sup>460</sup> A. Raes, art. cit., p. 119.

<sup>461</sup> Liturgikon, p. 241.

<sup>462</sup> Ibid., p. 248.

<sup>463</sup> A. Raes, art. cit., p. 120.

<sup>464</sup> Ibid.

priest after the Liturgy<sup>465</sup>. The new Liturgikon does not allow the liturgical thanksgiving to be interrupted by ablution and purification of the sacred vessels. The dismissal is abbreviated by suppressing the tropar in honor of the Blessed Virgin<sup>466</sup>.

d) Special Addenda in the Letter of Promulgation

The Cardinal-Secretary's letter to the Ukrainian ordinaries<sup>467</sup> commended on the red brackets found in the Liturgikon. These concern the use of the sponge and zeon as well as incorporating the Filioque into the Creed. The following norms are established concerning their use:

a) In territories where the liturgical prescriptions published by the Synod of Zamost are being observed, anyone enjoying ordinary episcopal; jurisdiction cannot modify the existing practice without the permission of the Holy See.

b) In areas where the observance of the liturgical prescriptions of the Synod of Zamost have being introduced in recent times by way of custom, those enjoying ordinary episcopal jurisdiction are empowered to dispense from the said observance.

c) In those places where the liturgical prescriptions ordained by the Synods of Zamost and Lviv were not introduced, the Oriental Congregation desire that the Ruthenian edition of the Liturgikon be observed without dispensation.

d) Wherever the clergy are subject to the Latin Ordinaries, the dispensation is reserved to the Sacred Congregation which shall decide after having heard the local ordinary.

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<sup>465</sup> Liturgikon, p. 275-276.

<sup>466</sup> Ibid., p. 281.

<sup>467</sup> A. Raes, art. cit., p. 138.

The Sacred Congregation also permits those that have been ordained priests before September 10, 1941 to continue to celebrate privately according to previous practice. However in major and minor seminaries as also in scholasticates and novitiates, the Liturgy must be celebrated henceforth according to the new typical Liturgikon for Ruthenians.

Cardinal Tisserant, secretary of the Sacred Congregation also dispatched another letter dated September 10, 1941 to the archimandrite of the Basilian Fathers and the Rector of the Pontifical Ukrainian College in Rome<sup>468</sup>. To facilitate the use of the new Liturgikon, the Cardinal-Secretary offers explanations or interpretations concerning the low Mass; the place to be occupied by a server, concelebration, primary and secondary intentions, sacred vessels and hosts.

The eight points regarding the celebration of a low Mass found in the 1905 Lviv edition of the Liturgikon were adapted to the spirit of the Roman Liturgikon<sup>469</sup>. Accordingly, there ought not exist such a distinction between a solemn and a private Liturgy because the ceremonies are identical. These rites must be completely observed even when the priest celebrates without solemnity. With this in mind the Sacred Congregation adapted the eight explanations to the new concept so called low Mass:

a) Firstly, the priest, instead of confecting the proscomedia in the sacristy, now must do it on the pro-thesis in the sanctuary. From here he will transfer it to the main altar as when prescribed in the Liturgikon. This rule cannot be observed if side altars are attached to the wall. Such a situation impedes the ceremonies prescribed in the recent recession. But if they are to be tolerated, a credence table should be place to the left of the

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<sup>468</sup> Ibid., p. 140-143.

<sup>469</sup> Ibid., p. 141.

altar and if this is absolutely impossible, the priest makes the procomedia on the left side of the same altar.

Secondly, the position of the Liturgikon on the altar remains unchanged but instead of a bookstand one may adopt a small cushion as it is also the true Roman use.

Thirdly, the use of incense is commendable but not obligatory especially if a private Liturgy without the assistance of a group of faithful is held.

Also, in the Small Entrance, the Gospel must be carried around the altar as it is prescribed in the Euchologion. But if the altar is attached to the wall, the priest must at least descend from the steps of the altar.

Again, the procession ceremony to the throne behind the altar does not take place.

Likewise, the Gospel must be read always from the royal doors where the priest, standing, faces the people.

Furthermore, the Great Entrance must be carried out as prescribed in the Liturgikon. The priest, holding the chalice with the right hand and the diskos with the left, will make the semi-circle from the prothesis to the altar while reciting the corresponding formula.

Finally, the “prayer behind the ambon” is said by the priest in front of the royal doors between the two choirs. But he gives the final benediction and makes apolysis simple before the royal doors as prescribed in the Liturgikon. If the altar, however, is attached to the wall, he descends from the steps to say the “prayer behind the ambon”, to give the blessing and to make the apolysis.

b) The server during the Liturgy ought not remain in the sanctuary but outside the iconostas. When his presence is needed therein by the priest, he will enter by the lateral door. He can occupy a place before the iconostas either to the right or to the left since he represents the one or the other of the two choirs.<sup>470</sup>

c) Concelebration is preferred to individual Liturgies unless they are required for the utility of the people. When concelebration does not take place, the principal celebrant carries out the ceremonies. The other priests stand at the side of the altar and each holds the book in his hands. While the deacon recites the litanies, it suffices that they listen. However they are obliged to read the corresponding prayer. According to the constitution, Demandatam, of the Pope Benedict XIV, at the Pontifical Liturgy, the concelebrants are obliged to say all the prayers from the one preceding the Trisagion up to that of the thanksgiving inclusively. For other Liturgies, from the prayer of the first antiphon up to the thanksgiving inclusively. The remaining prayers must be said by the celebrant but concelebrants must remain vested until after the completion of the apolysis.<sup>471</sup>

d) Benedict XIV in his Demandatam makes reference to secondary intentions which are made by positing a particle on the diskos during the rite of proskomedia. This can be satisfied either at the Liturgy celebrated by one priest or by a concelebrated Liturgy. The Holy See has made the distinction between a primary and secondary intention and such is the practice of priests belonging to the Byzantine rite. If

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<sup>470</sup> Ibid., p. 142.

<sup>471</sup> Ibid., p. 142.

the faithful demand that Liturgy be applied for their intention they must so state and the priest can demand a larger stipend.<sup>472</sup>

e) The diskos or paten recommended for adoption may be with or without a pediculum so long as it has a lip to safeguard the fragments which would cause anxiety on a Latin patent.<sup>473</sup>

f) It is also recommended to discontinue the use of dried hosts. With a lance, the prosphora must be cut from time to time using all the ceremonies of the proscomedia. The same bread can be used for successive Liturgies.<sup>474</sup>

e) Ordo Celebrationis

The second and most important contribution to the revision of the Sacred Liturgy, from our point of view, is the *Ordo Celebrationis Vesperarum, Matutini et Divinae Liturgiae iuxta Recensionem Ruthenorum* which was promulgated by His Eminence, Eugene Cardinal Tisserant as secretary of the Sacred Congregation for the Oriental Church on May 17, 1944. Its importance lies in the fact that in the first official cod of liturgical laws existing in a single volume separate from any liturgical text. It states in detail not only general norms but also includes particular rubrics for the celebration of the Divine Liturgy of St. John Chrysostom, St. Basil the Great, and Presanctified Gifts. It prescribes for each of those their celebration by the priest with the assistance of one or two deacons, either alone, or with concelebrating priests whether celebrated with or without solemnities.

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<sup>472</sup> Ibid., p. 142.

<sup>473</sup> Ibid., p. 143.

<sup>474</sup> Ibid., p. 143.

Since we have already treated above in general the differences between the Holy See's edition and the 1905 Lviv edition, some mention must be made about some significant general norms. They prescribe that a square altar, free standing to facilitate ceremonies,<sup>475</sup> should be located in the sanctuary without any steps leading to it and raised at least one step above the nave of the church.<sup>476</sup> On the altar, flowers should never be found at any time<sup>477</sup> and candelabra should be restricted to one piece on each side of the tabernacle though they can contain one, two or three candles.<sup>478</sup> The use of little bells, liturgical vestments and other linen clothes not indicated in rubrics are forbidden.<sup>479</sup> It prescribes the manner of making a *parva inclinatio*,<sup>480</sup> metania<sup>481</sup>, and restricts the extended and elevated hands to the prayer before the Cherubic Hymn, the *Sursum Corda* and the Lord's prayer.<sup>482</sup> The revision also permits the server or deacon to put incense into the censer and then present the thurible to the priest for the blessing.<sup>483</sup>

#### D) Analysis and Conclusions

It has been concluded in Chapter V that the Holy See in 1957, by virtue of its Motu Proprio, *Cleri Sanctuitati*, withdrew from the traditional liturgical authority of the Ukrainian Church the power to interpret the liturgical laws. In the chapter we

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<sup>475</sup> Ordo Celebrationis Vesperarum, Matutini et Divinae Liturgiae iuxta Recensionem Ruthenorum (Rome: S.C.Or., 1944), n. 2, p. 3.

<sup>476</sup> Ibid., n. 1, p. 3.

<sup>477</sup> Ibid., n. 5, p. 4.

<sup>478</sup> Ibid., n. 4, p. 4.

<sup>479</sup> Ibid., n. 10, p. 5.

<sup>480</sup> Ibid., n. 11, pp. 5-6.

<sup>481</sup> Ibid., n. 12, p. 6.

<sup>482</sup> Ibid., n. 13, p. 7.

<sup>483</sup> Ibid., n. 20, p. 10.

demonstrated the Holy See's role as a *de iure* liturgical legislator. For the sake of convenience, we divided all legislation of the Holy See into appropriate categories to examine the nature and various levels of those liturgical laws.

In our investigation we noted that universal laws, general laws for the Oriental Church and even particular laws for the Ruthenians showed a consistent pattern in Rome's liturgical celebration. Those concerned themselves with interritual matters arising from foreign domination who were Latin Catholics and from migration of Oriental into predominantly Latin territories, e.g. Ukrainians to the United States; from missionary activity; and etc. As in the previous section, the Holy See seems to assume exclusive authority in interritual matters. It legislated liturgical laws to promote harmony between the Oriental and Occidental rites.

The Apostolic See, however, did promulgate laws e.g. concelebration, saying more than one Liturgy in one church, etc. which seem to infringe on the traditional authority's power to legislate on intraritual matters. Such laws were the result of the attempt by priests to imitate the Latins who exerted a strong influence on the Eastern rites. In order to satisfy the needs of the priests and faithful desiring more than one Mass on days of precept, Rome made laws but at the same time preserved the spirit of the rite in its new circumstances.

The Holy See otherwise, respected the authority of Ukrainians to legislate their own liturgical laws.

This power was seriously threatened after World War I when Metropolitan Andrew Sheptytsky sought the cooperation of his brother bishops to initiate missionary activity in eastern Ukraine. To meet this challenge there was one serious drawback, namely, the



need for a pure rite which meant editing a corresponding Liturgikon. Unfortunately, the bishops, after not a few conferences, could not come to any agreement on what the Liturgikon should contain. In 1932, they agreed that the Holy See resolve the impasse for a typical edition of its services books. In other words, the Ruthenian Church surrendered its traditional power to make laws to the Holy See, which promulgated a typical Liturgikon in 1941 and an Ordo Celebrationis in 1944.

In conclusion, the Holy See did respect the traditional authority in the Ukrainian Church to regulate its own Liturgy. But it also legislated interritual laws to foster harmony between Oriental and Occidental Churches. It accepted the request of the Ruthenian hierarchy to make and promulgate laws for interritual matters. Rome , therefore, at the present time is the sole liturgical legislator for the Ukrainian Church even though other Oriental Churches continue to enjoy this traditional power by virtue of Canon 195 par.1, n.2 in Cleri Sanctitati.

## **CHAPTER VII**

### **HOLY SEE'S APPROVAL NECESSARY FOR LITURGICAL LEGISLATION**

The Holy See, as we have seen, is the supreme liturgical legislator in the Catholic Church whether it be occidental or oriental. The Ukrainian Catholic Church acknowledged the Apostolic See as such. But what was the attitude of Rome in virtue of

supremacy towards the autonomous liturgical authority in the Ukrainian Church prior to, during and after its reunion? Did the Holy See, from its first contacts exert its supreme authority? Or did it recognize and confirm the traditional discipline? Or did the Holy See intervene at any time in the liturgical affairs of the Ruthenians? To answer these queries it is necessary to examine those papal documents in those three above-mentioned periods. For the Holy See, since the Council of Trent (1545-1563) exercises its legislative right directly by an encyclical letter or an Apostolic Constitution, or a Motu Proprio. By such an investigation we can learn Rome's attitude toward the Ruthenian liturgical authority and, at the same time, to recognize any historical development of the Holy See as sole liturgical legislator in the Ruthenian Church.<sup>484</sup>

A. Rome's Attitude Toward the Liturgical Authority in the Ruthenian Church Prior to Reunion

Rome's earliest attitude toward the liturgical authority associated with the Ruthenian Church existed in the form of a guarantee. This first assurance was drafted at the IV General Council of the Lateran (1215). It assured the Byzantines that the Latin Church intended to cherish and honor the maintenance of their customs and rites as much as possible with the help of the Lord.<sup>485</sup> There was no express or formal granting of authority to continue the practice of the liturgical rites and ceremonies inherited from the Greek Father. It was simply pledge of honor and respect.

A similar conception was give to Daniel (1201-1264) Prince of Galicia, and his brother Basilicus (1203-1269) who wrote a letter to Pope Innocent IV (1243-

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<sup>484</sup> J.B. O'Connell, *op. cit.*, p. 6.

<sup>485</sup> Denzinger, *Enchiridion* n. 435; Mansi XXII, 989.

1254) requesting to be restored to union with the Church of Rome.<sup>486</sup> In his response the Pope assured them that there was never any intention of latinizing the Orientals. The bishops and priests of their respective countries, he continued, would be allowed to consecrate ex fermentato and observe other rites so long as they do not contradict the Catholic Faith.<sup>487</sup>

The Ecumenical Council of Florence (1438-45) established a liturgical precedent in the history of the Ukrainian Church, which later served as a basis for the Union of Brest. In the Bull of Union of Greek and Latin Churches, Pope Eugenius IV (1438-1445) defined that the Body of Christ is truly consecrated in bread and wine whether it be leavened or unleavened; that priests must consecrate the Body of Our Lord in either the one or the other but each one according to his own rite.<sup>488</sup>

Pope Leo X (1513-1521) occupies a place of transition from an implicit to an explicit approval of liturgical jurisdiction enjoyed by the Greeks. Even if this Bull Accepimus nuper, was issued for a particular situation, its force embraces all Orientals.<sup>489</sup> Besides expressing his solicitude for Eastern rites he confirms those rights and privileges of the Greek Rite according to the statutes of the Council of Florence.

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<sup>486</sup> Potthast, Regesta Pontificum Romanorum inde ab anno post Christum natum MCXVIII (1198) ad annum MCCCIV (1304) 2 vols. Berolini 1874-75 N. 12669 and N. 12688; A. Welykyj, Acta Pontificum, I, n. 22, p. 261.

The annals of 1255 say that Daniel accepted the crown from God, from the Church of the Holy Apostles and from the seat of St. Peter and Pope Innocent and all his bishops. ... On this occasion letters approving the Greek-Slavic rite of the Ruthenians, were given by the same Pope - N. Harascewicz, op. cit., pp. 7-8.

<sup>487</sup> Eapropter, Carissime in Christo filii, tuis supplicationibus inclinati Episcopis et aliis presbyteris de Russia, ut liceat eis more suo ex fermentato conficere et alios eorum ritus, qui fidei catholicae, quam ecclesia Romana tenet, non obviant observare auctoritate presentium indulgemus. A. Welykyj, Documenta Pontificum n. 22, pp. 36-37.

<sup>488</sup> Item in azymo sive fermentato pane triticeo corpus Christi veraciter confici; sacerdotesque in altero ipsorum Domini corpus conficere debere, unumquenque scilicet iuxta suae Ecclesiae sive occidentalis, sive orientalis consuetudinem. - Denzinger, Enchiridion, n. 692.

<sup>489</sup> A. Welykyj, Acta Pontificum, Vol. I, n. 114; N. Harascewicz, op. cit., p. 86.

“We recently accepted the fact which had long since been permitted at the Council of Florence under our predecessor, Pope Eugene IV, of pious memory, in which among other Princes and Prelates, the Emperor of the Greeks and many other Prelates of the Greek nation took part for the union of the Greeks with the Roman Church .... that among the many matters decided and determined, the Greek nation keep their rites and observances which are not tainted with heresy, among other things, namely, that the Presbyters celebrate in fermentato .... it has likewise been granted, ordained and decreed .... that the Sacraments must be adored under both species by all, and can be administered to children”,<sup>490</sup>

After making a complaint against Latin bishops, in whose territory Greeks reside, for disturbing their rites and practices, and delaying the work of reunion, the Pope expressly approved the liturgical jurisdiction, of those Orientals.

“Considering that ... their rites and observances be preserved in their churches and elsewhere, according to their ancient practice, on our own initiative (*motu proprio*) ... we grant and concede to the mention Greeks, both their prelates and to other persons of the Greek nation and to anyone of them that they may be able to use their rites and observances or customs, as promised, that they may observe the one and the other, and also celebrate Masses and Divine Offices according to their ancient practice and (we also grant) to Archbishops, Bishops and other Greek Prelates and among the same Greeks where the Archbishops and

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<sup>490</sup> Accepimus nuper, quod licet dictum in Concilio Florentino sub felicitis recordationis Eugenio Papa IV, Praedecessore nostro, in quo inter caeteros Principes et Praelatos, Imperator tunc Graecorum et quam plurimi alii Praelati nationis Graeci pro unione facienda de Orientali Graecorum cum Romana Ecclesia ... interfuerunt, inter alia statuta ac determinata, nationem praedictam in quibusdam eorum Ritibus et observantiis, quae non imputabantur haeresis, permanere, et inter caetera, scilicet, quod Presiteri in fermentato celebrare ...; item quod ... venerandum Sacramentum sub utroque specie omnibus etiam pueris ministrare possint, per dictum Concilium statutum, ordinatum et decretum, sive permissum fuerit, Leo X, Accepimus nuper, 18 may 1521 - A. Welykyj Acta Pontificum, Vol. I, p. 201, n. 114.

other Prelates have Latin jurisdiction to exercise their pontifical offices freely, etc. ...”<sup>491</sup>

Approximately fifteen years later, Pope Paul III confirmed the liturgical principles and privileges of the Oriental Rites promulgated at the Council of Florence and by the Bull of Pope Leo X, Accepimus nuper.<sup>492</sup> The Supreme Pontiff accentuating the concern of the Holy See about the Oriental rites threatened penalties if Latin prelates violated those decree.<sup>493</sup>

### B. Rome’s Attitude During the Reunion

Shortly therefore, the Ruthenian bishops began to make overtures of reunion with the Holy See. The one and only condition for unity laid down by the prospective Ruthenian Catholics was a guarantee to be permitted to continue their liturgical costumes as they have been heretofore practiced.

(We shall subscribe to union) “if the ceremonies and rites of conducting divine worship and the Holy Sacraments are respected and observed according to the practice if the Oriental Church, all things would

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<sup>491</sup> Considerantes ... necnon Ritus et observantiae in eorum Ecclesiis et alibi iuxta antiquam ipsorum consuetudinem praeserventur, motu proprio, non ad alicuius nobis super hoc oblatae petitionis instantiam, sed de nostra mera liberalitate, et ex certa scientia, ac de Apostolicae potestatis plenitudine dictis Graecis, tam Praelatis quam aliis personis nationis Graecae et eorum cuilibet, ut eorum Ritibus ac observantiis, sive consuetudinibus, ut praemittitur, uti ac illos et illas observare. Missasque et

alia Divina officia secundum eorum antiquam consuetudinem celebrare, nec non Archiepiscopis, Episcopis, et aliis Praelatis graecies et inter eosdem Graecos, ubi Archiepiscopi et alii Praelati latini iurisdictionem habent, Pontificalia libere exercere officia, Ordinariis, officiis, ecclesiis ac piis locis et Oratoriis, super huiusmodi Rituum observantia per latinos Antitistes et Praelatos, etiam locorum Ordinarios et Dominos temporales, Magistratus saeculares in iudicium, vel alios inviti minime trahi, ... possint motu et scientia aimilibus tenore praesentium concedimus et indulgemus ... – Ibid., p. 2002.

<sup>492</sup> Paul III, Provisiones nostrae, 1 Jan. 1536 - A. Welykyj, Acta Pontificum, Vol. I, n. 121, p. 217.

<sup>493</sup> Ibid., n. 121, p. 218.

be done according to the ancient custom as once was during the union” ...  
etc.<sup>494</sup>

The same condition concluded the letter delegating Ipatius Poncius and Cyril Terlecky to negotiate reunion for the Ruthenian hierarchy and faithful.

“... if Your Holiness deems it proper to conserve for us the administration of sacraments, rites and ceremonies of the Oriental Church integrally, inviolably and in that manner in which at the time for union we employed them and to confirm for himself and his successors who would innovate nothing in this matter” (we shall except the union with Rome).<sup>495</sup>

By fulfilling this request in his Bull of Reunion, Magnus Dominus, Pope Clement VIII, in our estimation, explicitly approves the existing jurisdiction over liturgical matters of the Ruthenians ...

“... and for a greater sign of our charity toward them, we out of our apostolic benignity, allow, bestow, grant to the Ruthenian

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<sup>494</sup> “... manu propria subscribimus: salvis tamen et in integrum observatis caerimoniis et ritibus cultus divini peragendi et sanctorum sacramentorum juxta consuetudinem ecclesiae orientalis, correctis tantummodo iis articulis, qui ipsam unionem impedirent, ut more antiquo fierent omnia, sicut olim, unione durante, fuerunt.” – Decretum deliberationis et conclusionis reverendissimorum dominorum Archiepiscopi et Episcoporum Ruthenorum de recipienda et suscipienda communione sanctae Romanae Ecclesiae, factum die secunda mensis Decembris anno Domini millesimo quinquagesimo nonagesimo quarto – Julian Pelesz, Geschichte der Union der ruthenischen Kirche mit Rom 2 Vols. (Wien, 1878), vol. I, p. 525; N. Harasiewicz, op. cit., p. 181. This conclusion was defined in greater detail and incorporated in the letter addressed to the Apostolic Nuntio in Cracow and delegating Adam Hypatius Potius and Cyril Terlecky do deek reunion with Rome. “Cultus divinus omnesque orationes matutinae, vesperae et nocturnae ut nobis integrae constant secundum morem et consuetudinem receptam Orientalis Ecclesiae nominatim vero liturgiae tres, Basilii, Chrysostomi, Gregorii, quo fit tempore quadragesimali cum praesantificatis donis, similiter ut aliae omnes caeremoniae Ecclesiae nostrae, quibus hucusque usi sumus: siquidem et Romae sub obedientia Summi Pontificis idem observatur.” – Articuli sive conditiones quas nos Adamus Hipatius Pocij Vladimiriensis et Cyrillus Luceoriensis Vladicae nostrum et confratrum nostrum nomine a Catholica Romana Ecclesia prius quam ad ipsius Inionem accedamus, requirimus.” J. Pelesz, op. cit., vol. I, p. 529.

<sup>495</sup> “... ac si quidem Sanctitas vestra administrationem sacramentorum ritusque et caerimonias Orientalis Ecclesiae integer, inviolabiliter, atque eo modo quo tempore unionis illis utebamur, nobis, conservare, confirmareque pro se et successoribus suis, nihil in hac parte innovaturis umquam dignetur.” J. Pelesz, op. Cit., Vol. I, p. 537; N. Harasiewicz, op. cit., p. 194.

bishops and clergy all rites and ceremonies, which the Ruthenian bishops and clergy used according to the institutes of the holy Greek Father in the Divine Offices and sacrifice of the Holy Mass and in the administration of other sacraments or other functions providing that it is not contrary to the truth and doctrine of the Catholic faith and does not exclude communion with the Roman Church.”<sup>496</sup>

In his brief of thanksgiving given to the Ruthenian bishops, Pope Clement, urging them to ratify those acts which have been executed at Roma through the appointed delegates, also wrote

“What has been sought, we grant freely. We also permit you to retain your rites and ceremonies so long as they do not impede the integrity of the Catholic faith and our mutual relationship in the same way and manner as was granted by the Council of Florence.”<sup>497</sup>

### C. Rome’s Attitude After the Reunion

Thus Clement VIII in his guarantees or assurances that Rome would respect the customs of the Ruthenians granted the Ukrainians their rites and ceremonies and approved explicitly though not formally, the liturgical jurisdiction of the Ukrainians. But shortly thereafter, schismatics began to circulate rumors that the Church was latinizing the newly united Byzantine Church Paul V (1605-1621) denied any such

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<sup>496</sup> “... atque ad majorem charitatis nostrae erga ipsos significationem omnes sacros ritus, et caeremonies quibus Rutheni Episcopi, et Clerus juxta Sanctorum Patrum Graecorum instituta in Divinis Officiis, et Sacrosancta Missae sacrificio, ceterorumque Sacramentorum administratione, aliisve sacris functionibus utuntur, dummodo veritati, et doctrinae Fidei Catholicae non adversentur, et communionem cum Romana Ecclesia non excludant, eisdem Ruthenis, Episcopis, et Clero ex Apostolica benignitate permittimus, concedimus et indulgemus. Clement VIII, Const., Magnus Dominus, 23 dec. 1595, par. 10 – J. Pelesz, op. cit., Vol. I, p. 620; A. Welekyj, Acta Pontificum, vol. I, n. 132, pp. 242-3.

<sup>497</sup> “Quae enim experete visi sunt, libenter, (quantum cum Domino licuit) concessimus. Ritus enim et caeremonies vestras, quae fidei Catholicae integritatem et mutuam nostam conjunctionem nequaquam impediunt eadem ratione et modo, quo a Concilio Florentino permissum est, et nos quoque Vos retinere permissimus.” Clement VIII, Breve ad Archiepiscopos et Episcopos Nationis Ruthenae, 7 febr. 1596 - J. Pelesz, op. cit., Vol. I, p. 624.

intention or design and simultaneously affirmed the words of Clement VIII acknowledging the local authority over liturgical matters.<sup>498</sup>

Schismatic propaganda, which made attempts to alienate the Ruthenians from Catholic Church, was not the only problem prompting the Holy See to express its solicitude for them. The dangers of latinization followed swiftly on the heels of reunion. New circumstances expressing the worship due to God presented ritual problems. The solution dependent upon the current practice of Latin Catholics, which has adopted as a standard to imitate.<sup>499</sup> Because of such innovation, not only among the Ruthenians but also among other Oriental Catholics stimulated Pope Benedict XIV (1740-1758) to act and uphold the pledge of Clement VIII that he and his successors would preserve the rites and ceremonies of the Ruthenian Church.<sup>500</sup>

The most significant document of this canonically-minded Pontiff was the constitution, Demandatam Coelitus. Although addressed to the Melchites, Harasiewicz holds the opinion that it obliges the Ukrainians also.<sup>501</sup> Cicognani implies all Orientals.<sup>502</sup> Bouix makes no reservation and applies it as the jux liturgicoum for all Oriental Churches.<sup>503</sup> For this Bull introduces a series which restricted the ordinaries of the Oriental Churches in the exercise of legislative power over the Liturgy in such a way that

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Paul V, Breve, 12 dec. 1615 - A. Welykyj, Acta Pontificum, Vol. I, n. 225, pp. 359- 360; N. Harasiewicz, op. Cit., p. 252-254.

<sup>499</sup> J. Praszko, 282 sq.

<sup>500</sup> Benedict XIV. Ep. Encycl., Demandatam Coelitus, 24 dec. 1743, par. 10 N. Harasiewicz, op. Cit., p. 402.

<sup>501</sup> According to par. 24 of the decree, Inter Plures, 2 maii 1744, issued by Pope Benedict XIV, Harasiewicz drew the conclusion that the decree Demandatam Coelitus had been applied to and obligated the Metropolitan of Ruthenians and others. Cfr. Also J. Pelesz, op. cit., Vol. II, pp. 485-6 who holds the same conclusion.

<sup>502</sup> Authority Cicognani, op. cit., p. 464.

<sup>503</sup> D. Bouix, op. cit., p. 200.



it remains reserved to the Holy See.<sup>504</sup>

“Concerning the rites, therefore, and customs of the Greek Church we decree first of all that it must be generally stipulated that it has been permitted or is permitted to no one, by whatsoever reason or pretext, and wish any authority or dignity, even if it be patriarchal or Episcopal, to innovate anything or introduce anything which threatens their integral end exact observation.”<sup>505</sup>

Benedict XIV, in order to preserve the ancient custom of the Oriental Rites and to defend the Orientals from latinization prescribes that the Oriental Churches on their own authority cannot change or introduce anything new into the Liturgy without consulting the authority of the Holy See. He also ordered that in the future all traditional customs be observed.<sup>506</sup> This principle was reaffirmed in his apostolic constitution, Allatae Sunt.<sup>507</sup>

In the same way that critical circumstances of danger of latinization caused the Supreme Pontiffs to recall liturgical legislation from local competent authorities, new developments prompted him to issue an important liturgical decision. Not too long after reunion, the Ruthenians had been first to face with the threat of

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<sup>504</sup> D. Bouix, op. cit., p. 201.

“ De ritibus igitur et moribus Ecclesiae Graecae illud imprimis generatim statuendum decrevimus, nemini licuisse aut licere quovis titulo et colore, et quacumque auctoritate aut dignitate, etiamsi patriarchali aut episcopali, praeferat, quidquam innovare, aut aliquid introducere, quo integram exactamque eorum observationem imminuat.” Benedict XIV, encycl., Demandatam Coelitus, 24 dec. 1743, par. 3 – N. Harasiewicz, op. cit., p. 401.

<sup>506</sup> Benedict XIV, Ap. Encycl., Demandatam Coelitus, 24 dec. 1743, par. 25. Fontes, n. 338; Wernz-Vidal, op. cit., Vol. II, Jus Canonikum n. 431, p. 491; D. Bouix, op. cit., p. 201. A. Cicognani, op. cit., p. 464, uses this principle to justify that canon 1257 applies to Orientals also.

<sup>507</sup> Benedict XIV, Ep. Encycl., Allatae Sunt, - De Martiniis, Juris Pontifici de Propaganda Fide. Pars prima complectens, bullas, brevia, acta S. Sedis, Vols. I-Vii (Rome, 1888), Vol. III, 170 par. 16, pp. 597-621.

latinization. This menace having been removed about 1750, a new crisis erupted which had been fermenting from the day of reunion. Toward the end of the eighteenth century, the Ruthenians, harassed by many persecutions and vexations, were tempted to break their union with Rome. Many dioceses were cut off from the Holy See by being annexed to Russia. Schismatics sympathizers whose ambitions knew no limit, solemnly proclaimed in 1839 the union of the Ukrainian Church with the dissident Russian.<sup>508</sup> Pope Gregory XVI (1831-1846) deplored this act of ecclesiastical aggression to the world in this allocution November 22, 1839.<sup>509</sup>

The metropolitan of Halych, Michael Levitsky (1816-1858), referred to his subjects this brief expressing the sympathy of the Holy Father. The future Cardinal responded to the Pope's solicitude with another pastoral, in which he cited the numerous passages from Byzantine liturgical books in use by the same dissidents proving the primacy of Peter.<sup>510</sup> This letter, having been sent to Rome, was highly praised by Pope Gregory, who responded with a special brief, Perlatum as nos.<sup>511</sup> This memorable letter besides restating the dangers to the faith, contained a significant passage arresting the status quo of the developed liturgical rites. It neither canonized current hybridisms nor altered the fundamental liturgical policy of the Holy See toward the Ruthenian Church. It simply was a temporary stop-gap measure and prudent council to preserve the Union of Brest.

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<sup>508</sup> Pius XII, Ep. Encycl., Orientalis Omnes Ecclesias, 23 dec. 1945 – AAS 38 (1946) 33-63; tr. The Popes and the Oriental Church (St. Meinrad's Essays Vol. II, No. 2) (May); St. Meinrad, ind., 1955) pp. 81-82. His Holiness reviews in this encyclical the facts leading to the forced schism in 1839.

<sup>509</sup> Gregory XVI, Allocut., Multa quidem, 22 nov. 1839 – A. Welykyj, Acta Pontificum, Vol. II, n. 901.

<sup>510</sup> G. Luznitsky, op. cit., p. 507.

<sup>511</sup> Gregory XVI Ep., Perlatum ad nos, 17 jul. 1841 - A. Welykyj, Acta Pontificum, Vol. II, n. 905.

“For this reason, it behooves, first of all, to be on guard lest this same danger of seduction becomes all the greater as a result of some commutation, by which the rites of the Ruthenian Catholics would be adapted to a fuller similitude to the schismatics. For if we speak about these rites, which pertain to the detestation of schism, it is clear that these cannot be changed. Concerning other rites, however, which Ruthenian Catholics have retained according to their ancient customs or which with the passage of time they have adopted to protect their separation from the schismatics or for any other reasons, they also certainly cannot be changed at will and especially in a time of such great peril it would be of the greatest imprudence to detract, add, or change in any way anything of this kind for the benefit of the schismatics.”<sup>512</sup>

Gregory’s successor, Pius IX (1846-1878) was faced with an internal problem in the ranks of the Catholic clergy. Discord between the clergy of the Latin and Ruthenian rites force him to send a brief to quell the disturbance over liturgy and discipline. In this letter, Romani Pontifices Pope Pius IX significantly notified the agitators “that every ordination and innovation in these (liturgical) matters belong entirely to our supreme authority and the Holy See.”<sup>513</sup>

The same Pontiff also comments on this same principle in his brief encyclical, Omnem Sollicitudinem,<sup>514</sup> thereby clarifying the fact that the previously

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“Huno vero in finem praecavere primum oportet, ne idem illud seductionis periculum maius evadat ex nova aliqua commutatione, qua scilicet Ruthenorum Catholicorum ritus ad pelniorem cum Schismaticis similitudinem accomodentur. Enimvero si de iis ritibus loquimur, qui ad detestationem Schismaticis pertinent, hos quidem variari prorsus non posse, manifestissimum est. De aliis autem ritibus, quos Rutheni catholici retinuerunt ex veteri suo more aut quos progressu temporis ad tuendam suam a schismaticis separationem, seu alias quascumque ob causas adoptarunt, hi quoque haud certe possunt variari pro libitu, atque in tanto praesertim huius temporis periculo maximae prorsus imprudentiae foret quidquam eo in genere ad Schismaticorum placita detrahere, adiungere aut quomodolibet immutare.” – A. Welykyj, Vol. II, n. 905, p. 369.

<sup>513</sup> “Neque omittatis, Ven. Fratres, in omnium memoriam revocare, omnem de hisce rebus ordinationum et innovationem ad supremam nostrum et Apostolicae huius Sedis auctoritatem omnino pertinere.” Ibid., p. 397.

mentioned documents (the brief of Paul V, and especially the encyclical letters:

Demandatam and Allatae sunt, of Benedict XIV) oblige the Ukrainians. Pius IX writes that:

“The liturgical discipline of Ruthenians is also governed by those principles of law which have been sanctioned by wise counsel for all churches of the Oriental rites, as it has been declared several times on occasion especially in the brief to Paul V ...”<sup>515</sup>

That basic principle of law stated at various times is reiterated by Pius IX.

“This law must be kept in which it is stipulated that without consulting the Holy See not should be innovated in the rites of sacred liturgy even in the name of restoring ceremonies which seen to be more conforming to the liturgies approved by the Holy See, unless for the most serious reasons and after approaching the Holy See.”<sup>516</sup>

And again, the Pope further affirms:

“it is not permitted to anyone, however, without consulting the Holy See to introduce even minor changes in the liturgy, as the apostolic Constitutions abundantly show, which we referred to above.”<sup>517</sup>

These statements of Pius IX, in our estimation, dispel any doubt as to

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<sup>514</sup> Pius IX, Ap. encycl., *Omnem sollicitudinem*, 3 maii 1874; A. Welykyj, *Acta Pontificum*, Vol. II n. 981, pp. 438-440.

<sup>515</sup> “Hisce porro iuris principiis, quae pro universis Orientalis Ritus Ecclesiis sapienti consilio fuerunt sancita, regitur quoque, uti pluries data occasione declaratum est praesertim in superius memorato Brevi Pauli V, liturgia disciplina Ruthenorum, ...” – *Ibid.*, p. 438.

<sup>516</sup> “Ea regula omnino servanda est qua statuitur, inconsulta Sede Apostolica, in sacrae liturgiae ritibus nihil esse innovandum etiam monine instaurandi ceremonias, quae liturgiis ab eadem Sede praeferatis magis conformes esse videantur, nisi ex gravissimis causis et accedente Sedis Apostolicae auctoritate.” *Ibid.*, p. 438.

<sup>517</sup> “... at simul ipsi solemniter indicunt nemini prorsus, hac Sancta Sede inconsulta, fas esse in re liturgica vel levioris innovationis peragere, Quemadmodum satis abunde commonstrant Apostolicae constitutiones, quas initio retulimus.” – *Ibid.*, p. 440.

whether liturgical jurisdiction of the Ukrainians was altered by the encyclical letters which recalled it to the supreme legislator himself, i.e. that the Ruthenian bishops cannot promulgate anything without the Holy See's approval.

Heretofore there were no legislative developments in the liturgical authority until Pope Pius XII's Motu Proprio "Cleri Sanctitati". This portion of Oriental Canon Law clearly incorporates all aspects of the questions in clarifying what authority the supreme legislator wields at this time in order to preserve the Oriental rites in the spirit of their ancient tradition.

The present legislator of divine cult for the Ukrainian Church is the Holy See. For it is the duty of the Oriental Congregation "to approve for all Eastern Rites liturgical books and to resolve questions in regard to their texts and translations, also to supervise and decide all questions concerning rubrics and ceremonies of the Divine Liturgy, the sacraments, sacramentals and the divine office."<sup>518</sup> The supreme Pontiff, therefore, throughout the Congregation for the Oriental Churches must approve all matters liturgical whether they be essential or accidental form.

#### D. Analysis and Conclusions

This final section completes our study of the relationship between the supreme liturgical authority and the traditional one inherited by the Ukrainian Church. It presents in a historical sequence all possible papal documents expressing the Holy See's attitude toward the liturgical authority of the Ruthenian prior to, during and after the Union of Brest. This historical survey complements the two preceding sections and describes a definite evolution in the exercise of the Holy See's liturgical power over such

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<sup>518</sup> Pius XII, Ap. lit., MP Cleri Sanctitati, canon 195 par. 1, n. 2.

matters in the Byzantine-Ukrainian rite. It also proves that the Holy See was aware of being the true authority over the Ruthenian rites.

In the period prior to the Reunion, the Apostolic See gave its pledge to honor the liturgical customs and practices of the Ruthenians. It was, in other words, an implicit approval of the traditional liturgical authority. But it was Pope Leo X who formally and explicitly granted and permitted the Oriental hierarchy to follow their own liturgical practices. Pope Paul III threatened Latin Catholics with penalties if they interfered with those customs.

On the occasion of reunion, Pope Clement VIII, at the request of the Ruthenian hierarchy, allowed them to continue the administration of liturgical matters as heretofore practiced. The liturgical authority was recognized and permitted to continue but subordinate to a higher authority.

After the reunion, the Ruthenians were faced with threats of latinization which they have been unable to shake off even to the present time. Pope Paul V affirmed Clement's promise to counteract dissident propaganda that latinization if the police of Rome. But it was Pope Benedict XIV who, in the middle of the eighteenth century, positively reacted to uphold Clement's VIII's pledge to preserve the rites and ceremonies of the Ruthenian Church. He established the principle, which was followed by his successors, that no one can innovate or introduce anything which threatens the integrity and exact observation of the rites without consulting or having the approval of the Holy See.

Pope Pius XI elaborated somewhat this policy, namely that every innovation belongs to the Holy See and nothing can be done without consulting it. Finally

Pius XII in his Motu Proprio Cleri Sanctitati, stated that it is the duty of the Oriental Congregation “to approve for all Eastern Rites liturgical books and to resolve questions in regard to their texts and translations; also to supervise and decide all questions concerning rubrics and ceremonies of the Divine Liturgy.”

If at this point we compare the powers of the traditional liturgical legislator of the Ukrainian Church at the time of the reunion with those enjoyed prior to their surrender to the Holy See in 1932, the liturgical authority evolves from a single moral or physical person to a bipartite. In other words after Zamost, the Ukrainian church was unable to promulgate any legislation unless the approval of the Holy See was first had. Whereas, at the time of Clement VIII, the traditional authority was able to promulgate a law without consulting Rome. But since Benedict XIV, bipartite authority existed until the Ukrainians surrendered to the Sacred Congregation for the Oriental Church its power to legislate.

It must be noted here that Metropolitan Andrew Sheptitsky did not submit to the Holy See for approval the 1905 Liturgikon because he did not believe in the obligation to ask for it, as he explained in one of his letters. Again in 1929 the same Metropolitan on his authority edited and promulgated his Liturgikon following the same principle that he knew of no law requiring that he obtain the approval of the Holy See.

The question arises whether any such law does exist. If we consider the constitutions of Benedict XIV there may be some doubt that they refer to the Ukrainians since they were directed to some other Byzantine Catholics. However Pius IX in his brief, *Omnem Sollicitudinem*, sent to the Ukrainians, clarified the fact “that the liturgical disciplines of Ruthenians is also governed by those principles of law which have been

sanctioned by wise counsel for all Churches of the Oriental rites". It seems to us that Rome's approval was necessary.

We disagree with Bouix who stated that from the Constitutions of Benedict XIV it is very clear that ordinaries of Oriental Churches lack legislative power over their liturgy. A legislator is one who promulgates a law and not one who approves proposed legislation or whose consultation is necessary. Approval as demanded by Benedict XIV is a condition that must be fulfilled before one can promulgate. If there is no sanction by the Holy See, no legislation is necessary. But even if after approval has been received and the local authority for some reason does not promulgate the approved proposed legislation, no law exists. The legislator in this strict sense is the promulgator. The Constitutions of Benedict XIV show the Holy See as one which approves proposed legislation but does not promulgate. Such is the concept expressed in canon 195, par.1, n.2 and such is the practice in the Oriental rites.

The Sacred Congregation for the Oriental Church seems to distinguish between one who approves and one who promulgates. Maronites, for example, after preparing their own liturgical books submit them to the Holy see for approval. The bishops then promulgate the sanctioned service books which only then have binding power. Again the case of the Malabars, though their liturgical texts are prepared in Rome, they are not obligatory until their ordinaries promulgate them.

Thus between the one who sanctions proposals (Rome) and the legislator (the competent local authority) there exists a real practical distinction which Bouix failed to observe in the Constitutions of Benedict XIV. All Orientals rites according to Cleri Sanctitati enjoy such a practice today. The Ruthenians, however, are excepted from this



canon since their hierarchy in 1932 requested the Holy See to prepare a typical edition of its service books. In 1941 the Oriental Congregation promulgated a Liturgikon, prepared by a commission established for the revision of Ruthenian liturgical books and “approved by the Roman Apostolic Seat.” At the present time the legislator and approbatory of liturgical laws for the Ukrainian Church, therefore, are one and the same person.

Summarizing all three chapters of this part, we can conclude that in the course of the liturgical history of the Ruthenian Church three powers are distinguished in its liturgical authority: authentically interpreting laws, approving and promulgating them. The first two were definitely withdrawn by the Motu Proprio Cleri Santitati, the least one was voluntarily surrendered. The present competent authority which approves, promulgates and interprets liturgical laws for the Ukrainian Church is the Holy See. The Apostolic See, however, can renounce the exercise of this competency, i.e. to promulgate laws, and restore it once again to the Ukrainian Hierarchy.

## **CONCLUSIONS**

The Apostles and their successors, the bishops, received de jure authority over divine cult from the supreme lawgiver, Our Lord Himself. De facto the liturgical authority of bishops in the primitive Church consisted in the supervision of the liturgy according to the needs of the faithful. They were empowered to introduce new liturgical rites or alter those already in existence so long as they were not contrary to the prevailing customs.

The Byzantine Church preserved and continued this liturgical tradition of residential bishops, among whom is numbered the Patriarch. When the Patriarch acted alone, he enjoyed the same liturgical status of administration as any local bishop.

Together with a council or synod of bishops or with his permanent synod of bishops or with his permanent synod (endomousa), of which he was an integral member, the liturgical decisions were laws as were those of any ecumenical council. Any formal council or synod of bishops, therefore, were true liturgical legislators who corrected abuses and promoted liturgically pure expressions of doctrine.

Ukrainians, accepting Christianity, thereby inherited the traditional liturgical authority. After the Union of Brest significant change took place in the liturgical authority of the Ruthenian Catholic Church. It was at the Synod of Zamost that the bishops shared their authority with the Holy See, whose approval was necessary that some liturgical act might have an obligatory force. The legislator was now bipartite. They also delegated the Metropolitan to promulgate a code of liturgical law, namely a typical edition of a Liturgikon.

In 1932, the bishops requested the Holy See to prepare and promulgate for them a typical edition of all liturgical books. By this act they temporarily suspended their authority in liturgical matters. In the meanwhile Pope Pius XII promulgated his *Motu Proprio Cleri Sanctitati* by which act he withdrew the bishops' power of approving and interpreting liturgical matters. The Holy See as a result remains at the present time as the sole and supreme liturgical legislator of the Ukrainian Church.

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## **ABBREVIATIONS**

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AAS --- Acta Apostolica Sedis

APF --- Archivum S. Congregationis de Prop. Fide

ASV --- Archivio Segreto Vaticano

PG --- Patrologia Graeca

PL --- Patrologia Latina

Scritt. Rif. --- Scritture Originali nelle Congregazioni Generali.

**NOTA:**

TRANSLITERATIONS of the Ukrainian and Russian languages are based on the system used by the Library of Congress.