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Gläubigkeit und Recht und Freiheit : Ökumenische Perspektiven des katholischen Kirchenrechts : Hg. Wolfgang Bock : Vandenhoeck & Ruprecht : Göttingen ...

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*Gläubigkeit und Recht und Freiheit. Ökumenische
Perspektiven des katholischen Kirchenrechts.*
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The discussed monograph deserves the undivided attention of readers. *Gläubigkeit und Recht und Freiheit...* starts with a description of the ecumenical urge present at the Second Vatican Council, and then makes an attempt at summarizing John Paul II's pontificate in terms of the Pope's ecumenical activity, at the same time evaluating the results of the current dialogue between Protestant churches and the Roman Catholic Church.

Other reasons for going to this book are the following: (1) the collection of distinguished authors, (2) the book's origin. The author of the Foreword Wolfgang Bock, a judge of the Regional Court of Justice, informs the readers that the genesis of the monograph goes back to the initiative from the mid-1960s, namely the one undertaken by Hans Dombois (d. 1997) at the Forschungsstätte der Evangelischen Studiengemeinschaft (FEST) in Heidelberg — Kirchenrechtlichen Arbeitsgemeinschaft. It is from this initiative that the Arbeitsgruppe Kirchenrecht und Staatskirchenrecht emerged, a team of renowned experts on Protestant Church Law and Canon Law, Protestant and Roman-Catholic theology, as well as German constitutional law on state-church relations. Contents of the book constitutes documentation of a meeting of the mentioned study team that took place on June 24—25, 2005. What is truly worth focusing on is a source quoted and discussed in the Foreword, that is the *Communio Sanctorum*. Doctrinal context of that document was pondered on in Germany by the said study team consisting of representatives of the Protestant (VELKD) and the Catholic churches (DBK).

A framework for the interesting study by Wolfgang Lienemann, a professor of ethics at the Faculty of Theology, University of Bern, entitled “Glaube und Vernunft in der Moraltheologie” (pp. 1—24) is the encyclical teaching of John Paul II, more particularly: *Veritatis Splendor*, *Evangelium Vitae* and *Fides et Ratio*, especially referring to the problem of the faith-reason relation. Precisely measured paces of the philosophical-theological discourse — in consecutive segments: philosophy vs. theology (II), freedom vs. law (III), freedom from truth (IV), conscience vs. truth (VI) — lead the author to identifying the shared areas of the Protestant and Catholic understanding of the conscience (crucial ethical-moral issue in doctrines of the mentioned churches). These areas are well conveyed by the *Veritatis Splendor* passages: “Conscience is not an independent and exclusive capacity to decide what is good and what is evil” (VS 60) and “The Church puts herself always and only at the service of conscience” (VS 64). Unfortunately, there appears a fundamental difference: It is difficult to assume on the basis of the Protestant doctrine that “a principle of obedience vis-à-vis the objective norm” (VS 60) has been inscribed into conscience, especially as confronted with the Trent Council formula quoted in the encyclical: “The faithful are obliged to acknowledge and respect the specific moral precepts declared and taught by the Church in the name of God, the Creator and Lord” (VII. *Lehramt and Gehorsam*, p. 17).

Other obstacles in the progress of the ecumenical dialogue, this time from the canonistic perspective, are emphasized by two subsequent sources. The title “Gläubigkeit und Recht und Freiheit. Kanonistische Thesen zum Pontifikat Johannes Paul II. in ökumenischer Absicht” introduces the analyses conducted with rigorous methodological discipline by Norbert Lüdecke, professor of Canon Law at the Catholic-Theological Faculty of the University of Bonn (pp. 25—52). He who recognizes Church law as *quantité négligeable*, voluntarily abolishes the hermeneutical key to understanding of the Catholic Church (II. “Zur Lage der Ökumene,” p. 29). This precious observation, corroborated by the author’s desideratum of including canonistics (*korrekte Kanonistik*) into the ecumenical dialogue agenda, precedes the presentation of seven theses constructed around the title triad of: faith, law, and freedom. Even though conclusions are not generally optimistic (for example *Dogmatisierung der Rechtsgrundlagen und Verrechtung der Glaubenslehre* — p. 41), still — as it was presented in the Introduction — disregarding this “key structure” (triad) in bilateral studies would signify persevering in the illusions for ecumenical perspectives (p. VI).

Georg Bier, professor of Canon Law at the Faculty of Theology, University of Freiburg, in his article “Das Verhältnis zwischen Primat und

Episkopat” performs an important analysis of the Catholic understanding of the Pope’s primacy — in the context of a question asked in the subtitle “Anknüpfungspunkt für einen ökumenischen Konsens über den Petrusdienst?” (pp. 53—76). In view of canonistic evaluation, John Paul II considered the mentioned issue as a personal ecumenical challenge of the highest importance (p. 53). He expressed this in the *Ut Unum Sint* encyclical, in his teaching on service/office of unity: “When the Catholic Church affirms that the Office of the Bishop of Rome corresponds to the will of Christ, she does not separate this office from the mission entrusted to the whole body of Bishops, who are also ‘vicars and ambassadors of Christ’. The Bishop of Rome is a member of the ‘College’, and the Bishops are his brothers in the ministry. [...] I am convinced that I have a particular responsibility in this regard, above all in acknowledging the ecumenical aspirations of the majority of the Christian Communities and in heeding the request made towards me to find a way of exercising the primacy which [...] is nonetheless open to a new situation” (no. 95). Unfortunately, the reality (legislation and ecclesial practice) as shows the example of the Pope-bishops relationship (“hierarchical gap”) as well as the manner the papal primacy power is exercised (“synodal and collegial responsibility-structures [...] are only weakly developed” — p. 74), is still far from perfect.

Michael Plathow, professor of Systematic Theology at the Heidelberg University, stresses a tension that was easily noticeable, from the Protestant perspective, in the John Paul II’s pontificate — namely a kind of contradiction between the Pope Pilgrim’s pastoral creed (with the “leading” ecumenical prayers in Assisi, in 1986 and 2002) and the codification of canonical legislation (Code of Canon Law). In his article “Unabgeholtenes: Seelsorge und Recht im Pontifikat Johannes Paul II” (pp. 77—98), the author emphasizes a distinctive advantage of the latter factor (*Dominanz des Kirchenrechts*). The effect is, among others, Roman Catholic Church’s centralization, the ontological and temporary priority of “universal Church” in relation to particular churches (cf. Richard Puza), a depreciating absence of *sensus fidelium* in the Code of Canon Law (“whole people’s supernatural discernment in matters of faith” — *Lumen Gentium*, 12), and finally not recognizing Protestant churches as the Church of Jesus Christ in the *Dominus Iesus declaration* (*dogmatische unfjuridische inkludierte Exklusivismus des römisch-katholischen Kirchenverständnis* — p. 91).

Another perspective is offered by Heinrich J.F. Reinhardt, professor of Canon Law at the Faculty of Theology, Ruhr-University Bochum, in an article entitled “Perspektiven der katholischen Kirchenverfassung” (pp. 99—115). Excellent canonistic reflection is focused on these aspects of

the Catholic Faith and Order, which are of the *ad extra* nature, that is oriented towards Christian confessions and positively reveal the opportunities and limits for an ecumenical dialogue. The ecclesiological alteration of the paradigm: replacing by Council Fathers the hitherto *est* with *subsistit* in no. 8 of the constitution *Lumen Gentium* — resulted in opening the Catholic Church on the *fratres seiuncti plenam communionem cum Ecclesia catholica non habentes*. In the legal-canonistic dimension, a substantial effect of this alteration are words of can. 11 (CIC): “[...] merely ecclesiastical laws bind those who have been baptized in the Catholic Church or received into it [*Jurisdiktionsfreistellung*].” In reference to the churches of the Reformation this results in recognizing the jurisdiction of the hierarchy of these churches over their faithful ones. There is the following rule: “all non-Catholic Christians substantiate their Christian existence in their own confessions and are bound by their own laws” (p. 104). The author, expert on *ius matrimoniale* mentions two substantial facts: (1) the mentioned rule has been included in can. 780 of the Code of Canons of the Eastern Churches (and let us add: into article 2 paragraph 2 of the *Dignitas Connubii* instruction of 2005); (2) in canon marriage law there is a new developing branch defined as interconfessional, interritual or interecclesial marriage law. Not less important for ecumenism turns out to be defining the outline of the mentioned term *fratres seiuncti*: it pertains to heretics or schismatics as far as reaching the second generation (first generation remains under the jurisdiction of the Catholic Church and under the regulations of the penal canon law). For the same reasons we cannot oversee a sentence from the *Dominus Iesus* declaration, pertaining to non-Catholic Eastern Churches: “The Churches which, while not existing in perfect communion with the Catholic Church, remain united to her by means of the closest bonds, that is, by apostolic succession and a valid Eucharist, are true particular Churches” (art. 17). At the last point of the article (V. “Wege zur Kirchengemeinschaft”), the author considers realistic such an optimistic scenario of the ecumenical dialogue which will lead to unions between churches as well as a transformation of the current jurisdictional primacy of the Pope into “primacy of love” (p. 115).

There have been few documents, as Johanna WM-Armstrong mentions in the article “Die Anerkennung der Taufe zwischen den christlichen Kirchen — Eine ökumenische Zwischenbilanz” (pp. 117–132) that have given such a strong impulse to the ecumenical dialogue as the “Lima Document”: *Baptism, Eucharist and Ministry* (approved by the Faith & Order Commission in 1982). The potential of the elaborated declaration of convergence (*Konvergenzerklärung*) of the mutual recognition of Baptism validity has not been fully used, though. What was not successful in Germany at the stage of praxis in the Protestant-Catholic dialogue, did

not bring about expected fruits in relations to Orthodox Churches (*grund-sätzliche ekklesiologische Bedenken gegen den Prozeß der ökumenischen Taufanerkennung* — p. 127). This does not release us from the ecumenical efforts, focused on emphasizing the significance of Baptism, not as a one-time event, but a process of Christian initiation.

This reviewed book, rich in theological-ecumenical as well as ecumenical-legal argumentation, being a courageous (not a non-critical) summary of the condition of the ecumenical dialogue, will definitely catch the attention of not only specialists but a wide spectrum of readers as well.

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