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50
136

THE PRIVY COUNCIL AND GREEK CATHOLICS.

In 1908 the Judicial Committee of the Privy Council dealt with an appeal in a case of *Zacklinski v. Polushie* (1908 A. C. 65), which originated in the Courts of the North-West Territories. The decision turned on a pure question of fact and the circumstances of the case are not important. But in the course of their judgment, their Lordships make, obiter, certain incorrect statements which recent events have made it desirable to challenge. The headnote of the report reads as follows:—

"In Galicia the population is divided between Poles and Little Russians, the former being Roman Catholic, the latter Orthodox Greeks who, as a condition of being allowed to use their own liturgy and conduct their services in the old Slavonic language, are compelled to acknowledge the supremacy of the Pope, all else being allowed to remain Greek. There results a composite church known as the Uniate Church, liable in Galicia to taxation by the Pope, in consequence of its enforced union with Rome."

In the judgment their Lordships say that "the Orthodox Greek religion is proscribed in Galicia" and that the term "Greek Catholic" is ambiguous. With most of these statements I desire to take issue.

1. It is not true that the "Little Russians of Galicia," who are also known as Ruthenians and Ukrainians, are "Orthodox Greeks." By "Orthodox Greeks," is of course meant members of the "Orthodox Eastern Church," commonly called the "Greek Church." The Ruthenians of Galicia all belong to the Uniate or United Greek Church, which acknowledges the Pope as its head and forms an integral portion of the (Roman) Catholic Church. This Uniate or United Greek Church (so called from its union with Rome), uses it is true the same liturgy as the Orthodox Church, but it is in belief, identical in all respects with the Catholic Church. Nor is this Uniate Church a new thing or an invention of the Austrian Government. It is of more than three hundred years standing. In 1595 the Ruthenian bishops of the whole Ukraine, then under Polish rule, voluntarily concluded a union with Rome, which was confirmed by the Ruthenian Synod of Brest in 1596. With two exceptions all of the bishops, including the Metropolitan of Kiev, the head of the Ruthenian Church, accepted the union. The exceptions were the bishops of Lemberg and Przemyśl, and their successors did not adhere to the union until 1720. The Ruthenians, or Little Russians, of Galicia have all, since the latter date, been in union with Rome.

2. It is not true that these people, or any of them, "as a condition of being allowed to use their own liturgy and conduct their services in the old Slavonic language, are compelled to

acknowledge the supremacy of the Pope, all else being allowed to remain Greek."

2. No such bargain or arrangement was ever entered into or ever subsisted. The liturgy used by the Ruthenians, though almost identical with that used in the Orthodox Church, is and always has been one of the recognized and authorized liturgies of the Catholic Church. It was composed in the fifth century by Saint John Chrysostom, who is to this day honoured at Rome as one of the great saints and doctors of the Catholic Church. It has been from earliest times, and still is the authorized liturgy of a large section of the Pope's spiritual subjects in southern Italy. It was translated into the Slavonic language in the ninth century by Saints Cyril and Methodius, the apostles of the Slavs, and Old or Church Slavonic has ever since then been one of the languages authorized by the Catholic Church as a liturgical language. People unfamiliar with Eastern Christianity are apt to suppose that Latin is the only such language in use in the Catholic Church. There are in fact ten languages in which on every day in the year mass is said by priests owing allegiance to the Pope. These are: Latin, Greek, Coptic Geez (Abyssinia), Syriac, Armenian, Arabic, Church Slavonic and Rumanian.

3. It is not true that the Ruthenians of Galicia, or any of them, were compelled, conditionally or otherwise, to acknowledge the supremacy of the Pope. On the contrary, they stood precisely where their ancestors had stood ever since 1595, or at latest since 1720.

For generations there has been no compulsion in Galicia in matters of religion. The Orthodox religion was always tolerated there, whether under Polish or Austrian rule, back to the sixteenth century, when the Province first came under the domination of Poland. There has been complete religious freedom in all Austria-Hungary for all denominations ever since 1781. Successive editions of the Statesman's Year Book have for many years contained the following information as to religion in Austria,

"The leading principle is religious liberty and the independence of the Church as regards the State, saving the rights of the Sovereign arising from ecclesiastical dignity. The Minister for Ecclesiastical Affairs will grant legal recognition to any religious bodies if their doctrine, worship, constitution and designation contain nothing illegal or immoral. The Catholic Church has seven Latin Archbishoprics and one Greek Ruthenian and one Armenian Archbishopric, twenty-three Latin and two Greek Ruthenian bishoprics. The Greek Oriental or Orthodox Church has one archbishopric and two bishoprics. Protestants have six superintendents of the Augsburg Confession, three of the Helvetian and one of the Mixed."

And for Hungary, the following information has been given:—

"There is perfect equality between all legally recognized religions. These are: The Roman and Greek Catholic, the Evangelical (Augsburg and Helvetian), the Unitarian, the Greek Oriental, the Gregorian Armenian, the Baptist and the Jewish."

4. It is not true that the Orthodox Church was proscribed in Galicia, or anywhere in Austria-Hungary. On the contrary, it has been for the last half century, and possibly for a very much longer period, one of the state religions. The Orthodox Church is made up of seventeen independent churches or branches which are all (excepting the Bulgarian) in communion with each other and together form one religion or church under the titular primacy of the Patriarch of Constantinople. Of these seventeen churches no less than four existed in Austro-Hungary. They are:

1. The Church of Carlowitz for Serbs in Hungary.
2. The Church of Hermannstadt for Rumanians in Hungary.
3. The Church of Bukowina for all Orthodox in Austria.
4. The Church of Bosnia and Herzegovina made up chiefly of Serbs, but including all Orthodox in those provinces.

And not only were they permitted to exist, they were in fact established churches. The archbishops and bishops of all four of them were paid salaries by the state, and sat as *ex officio* members of the Upper House of Parliament at either Vienna or Buda-Pest, as the case was. The confusion in the judgment of their Lordships evidently arose from a failure to distinguish between the Orthodox Church itself and the Russian Church, which is one of its seventeen branches already alluded to. Prior to the revolution, the Russian Church was under the absolute domination of the Imperial Russian Government, and was constantly used by the State as an instrument of Russian nationalist propaganda. The Ruthenians or Ukrainians of Galicia are identical in race with the people of the Russian Ukraine and the Russian government was always scheming to secure the annexation of Eastern Galicia to Russia. Some years ago the plan was adopted of sending into the province political agents in the guise of missionaries of the Russian Church. The Austrian Government became alarmed and decreed the expulsion of these men. But if the Russian Church was not available to the Ruthenians, the Orthodox Church of Bukowina was and the two churches are absolutely identical in doctrine, ritual and practices. The only difference between them was that one was governed by the Holy Russian Synod, practically a department of the Imperial Russian Government, while the other was under the Orthodox Archbishop of Cernowitz, an Austrian subject. And if a Uniate Greek Catholic wished to join the Church of Bukowina he was free to do so. Everyone in Austria or Hungary was permitted to change his religion as and when he pleased. All that was necessary was that he should register the change with a government official for statistical purposes. I am not of course concerned with a defence of the Austrian laws or constitution, which have now passed away. What I am concerned with is the correction of misstatements which may still create a wrong impression regarding the religious status of about a quarter of a million Canadian citizens.

The judgment of their Lordships seemed to assume that the Uniate Greek Catholics of Galicia were really Orthodox Greeks who were uniate under compulsion and that once in Canada, with the

compulsion released, they would naturally revert to the Orthodox Church. Experience has shown the fallacy of this assumption. It is twenty-five years since the happening of the events which gave rise to the decision under review. There has so far been no movement of any importance among the Ruthenians making towards union with the Orthodox Church. There are now probably between two hundred and fifty and three hundred thousand Ruthenians resident in Canada. Of these probably between two hundred and two hundred and fifty thousand are members of the Ruthenian Greek Catholic Church. Of the remainder not more than half or say in all twenty-five thousand, about eight per cent., are persons who were formerly uniates but who abandoned the Roman for the Orthodox Communion, and these are as a rule more inclined to be independent than to attach themselves to the regular Orthodox Church. With these the impelling motive for the change appears to have been the fear of coming under the control of Latin bishops rather than any particular desire to be associated with the Orthodox Church. The other half of the non-uniates is made up of, (1) Immigrants from Bukowina and the Ukraine, who belonged to the Orthodox Church before coming to Canada, (2) Socialists who do not profess any religion, and (3) members of one or other of the Protestant denominations.

5. It is not true that anyone in Austria-Hungary is or ever was liable to taxation by the Pope. It is difficult to conceive how such a fantastic statement could have come from such a source. As every educated person knows, the Pope has no longer any power to tax, even in Rome itself. He never had that power outside the Papal States, of which he was at one time the temporal sovereign. It is quite true that the members of his church all over the world make him an annual contribution known as "Peter's Pence." Donations to this fund are, however, purely voluntary. It is in no sense "taxation." The making of contributions is not enforced even under spiritual sanction. The rules of the church do not specify what amount must be donated nor even that the making of some contribution is compulsory.

6. It is not correct to describe the Uniate Greek Catholic Church as a "composite church."

What is evidently meant by a composite church is a church having the doctrine or belief of one church and the liturgy and language of another. But this, as has already been pointed out, is based on the erroneous assumption that the Greek or Byzantine liturgy and the Church Slavonic language are not indigenous in the Catholic Church, but are the exclusive property of the Orthodox Church. There are within the Catholic Church various divisions called "rites" or churches, and while these are all identical in belief, and in particular all unreservedly accept the Catholic doctrine regarding the Papacy, each has its own peculiar liturgy, liturgical language, canon law, ecclesiastical dress and local customs. There are, including the Latin, fifteen of these rites or churches. With few exceptions each of these is autonomous under its own patriarch or other ecclesiastical head, who deals directly with the Papal authorities. No bishop or other ecclesiastic has in general any

authority over those of a rite other than his own. And while the Latin rite is numerically immensely the greatest, far outnumbering all the others put together, yet in the eyes of the Church all rites are of equal rank and authority, and no one is more peculiarly Catholic than any other. Nor is this situation in any sense a recent innovation. The idea of a church made up of different local churches with a common doctrine but differing in every other respect is as old as Christianity. Such was the Catholic Church for the ten centuries prior to the Great Schism, made up as it was of the local churches of Rome, Constantinople, Alexandria, Antioch and Jerusalem, the five Patriarchates, each following its own peculiar rite. And when the four Eastern Patriarchates separated from Rome she nevertheless still counted within her fold other similar, though numerically less important, local churches, and has continued to do so up to the present time.

Nor is the idea of many rites united in one Church or religion confined to the Catholic Church. The Monophysite Religion includes four distinctive rites or Churches, the Coptic, the Abyssinian, the Jacobite and the (Monophysite) Malabar, which are in entire communion and are identical in belief, but which in all other respects differ very widely one from another.

So little is generally known in the west of these eastern rites that anyone may well be pardoned for falling into the error complained of, but I think that in the light of what has been said it must be admitted that I have good ground for objecting to the correctness of the term "composite church" as applied to that portion of the Catholic Church known as the Ruthenian Greek Catholic Church.

7. There is no ambiguity about the term "Greek Catholic." On the contrary it has a very definite and well understood meaning. It is used exclusively to designate a member of a Uniate Church of the Byzantine or Greek Rite in communion with Rome. It is used in contradistinction with the term "Greek Orthodox," which designates a member of one of the churches which together form the Orthodox communion or religion. It is so used in standard works of reference. For instance in the *Encyclopædia Britannica*, the *Encyclopædia Americana* and the *Catholic Encyclopædia*. "Greek Catholic" is used in that sense and in no other. When the Orthodox Church (the only other "Greek" church) is meant it is called the "Orthodox Eastern Church," its more appropriate designation. Similar use is made of the term in "Whitaker's Almanac," in which religious statistics for Austria-Hungary are given under the heads of "Roman Catholic" (meaning Catholics of the Latin or Roman Rite), "Greek Catholic (meaning Byzantines who are in communion with Rome), and "Greek Orthodox" (meaning members of the Orthodox Eastern Church). The same terms are used with a like meaning in the *Statesman's Year Book*, excepting that for "Greek Orthodox" the term "Greek Oriental" is sometimes substituted.

As the result of a fairly exhaustive search through books of reference and other works I have not been able to find a single instance of the use of the term "Greek Catholic" in any sense

excepting as applied to a person in communion with Rome. The term is not often employed in other than Catholic books; but where it is used at all it is used exclusively in that sense.

This is, however, a matter which anyone may test for himself. We have in Canada a quarter of a million Ruthenian Greek Catholics who are in communion with Rome, ten thousand of them in Ontario. Ask one of these if he is a "Greek Catholic" and he will answer "yes." We have also a considerable number of members of the Orthodox Eastern Church, commonly called the "Greek Church." Ask one of these the same question and he will answer "no." Substitute for that question "Are you an Orthodox (pravoslavni is the word in Ruthenian), and the answers will in each case be reversed. (Of course care must be taken not to frame the question in the form "Are you Orthodox?" to which anyone might answer in the affirmative). An Orthodox may occasionally call himself an "Orthodox Greek Catholic," though that is unusual. But he will never call himself a "Greek Catholic" omitting the word "Orthodox." Dr. Adrian Fortescue gives the official name of the Orthodox Church as the "Orthodox Eastern Church." Rev. Professor Headlam in an article in the current Quarterly Review gives it as the "Holy Orthodox Eastern Church." No doubt the Orthodox Eastern Church, in common with most Christian Churches, claims to be "Catholic." According to the Encyclopædia Britannica its official designation is "The Holy Orthodox Catholic Apostolic Eastern Church." But as is there pointed out, "Orthodox" is the designation upon which particular stress is always laid. Moreover in practice the laity usually repudiate the term "Catholic." I had occasion sometime ago to prepare a deed of land in trust for an Orthodox church. The designation given me by the priest was "Bukowinan Orthodox Greek Catholic Church." But when the trustees saw this they insisted on striking out the word "Catholic." The inscription over the door of the church since erected on this property reads "Austrian Bukowinan Orthodox Greek Holy Trinity Church."

Light is thrown on the matter by examining the designations which Orthodox bodies have selected when seeking incorporation in Canada. I know of only five such incorporations, one by an Act of the Quebec Legislature and four by letters patent under the Alberta Companies Act. The first of these, incorporated by chapter 141 of the Quebec Statutes of 1909, is named:—

"Greek Orthodox Church Evangelismos of Montreal."

The four Alberta corporations are as follows:—

"Orthodox Greek Catholic Church, Siv. Woznesnia Hospoda Nasz. Is. Chrysta, Congregation of the Orthodox Greek-Catholic Church."

"Greek Orthodox Romani Biserica Inaltareal Sfinti Cruti of Shepentez, Alberta."

"Greek Orthodox Congregation Siviatoho Ilija, of Duvernay, Alberta."

"Orthodox Greek Oriental Church of Saints Peter and Paul, of Nowa Bukowina, Alberta."

The matter is now definitely settled in so far as the Ruthenians are concerned by chapter 191 of the Dominion Statutes of 1913, which incorporates their bishop as "The Ruthenian Greek Catholic Episcopal Corporation of Canada." This statute also makes very clear their subjection to the spiritual authority of the Pope. See in particular the preamble and sections 1 and 12.

The reason for the addition of the word "Ruthenian" to their name is that they are not the only Uniate body calling themselves "Greek Catholics." There are in fact seven variants of the Byzantine Rite in communion with Rome who answer to that name. These are the Pure Greeks, the Italo-Greeks, the Uniate Georgians, the Melchites (Syrians), the Ruthenians, the Uniate Bulgarians, and the Uniate Rumanians. Of these, besides the Ruthenians, there are in Canada a considerable number of Melchites and Uniate Rumanians and possibly some of the others are represented here also. The matter is complicated by the fact that all of these Greek Catholics will say that they are "not Roman Catholics." This is because by "Roman Catholics" they understand persons of the Roman or Latin Rite, to which they, of course, do not belong. But as they admittedly belong to the religion of which the Pope is the visible head, they are unquestionably "Roman Catholics" in the sense in which that term is used in Canada.

I cannot close without saying something of the present situation with regard to the Canadian Ruthenians, or Ukrainians, as they prefer to call themselves. There are, as I have said, about three hundred thousand of them in Canada, and they are industrious, frugal and law abiding people and are therefore a valuable asset to the country. While the adults do not as a rule speak English, they are most anxious that their children should do so and the language question, if meddlesome interference does not prevent it, will therefore soon solve itself. His Lordship Bishop Budka, who counts about five-sixths of them as his flock, has been doing all in his power to make of them good Canadians and his efforts have been meeting with success. It is therefore, to say the least unfortunate that, in despite of history and ethnology, they should have been branded by both the government and the public as "Austrians" and "alien enemies," and as such deprived of the franchise and otherwise discriminated against. There is moreover at the present moment in certain quarters a blind and unreasoning demand for their deportation, a proposal as unwise as it is impracticable. They are of course Austrians in the sense that when they left Galicia it was an Austrian province, but they are no more entitled to be called "Austrians" than are the Poles of Galicia, the Czecho-Slovaes or the Jugo-Slavs. They are not and have never been pro-German. They have always hated Austria, ever since by the partition of Poland they became her unwilling subjects, and they have been far more bitter in their opposition to the Austrian Government than have the Poles themselves. It is a pity that these facts are not more generally known, and acted upon. There is no reason whatever why Canada should be saddled with a "Ukrainian Question," unless through ignorance and blind prejudice we create one and hand it on to our descendants.

W. L. Scott.