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Ph.D. (Canon Law)	2003
TITRE DE LA THÈSE / TITLE OF THESIS: Ecclesiastical Law and Ethnic Minorities with Particular Reference to Hungarian Minorities in East-Central Europe	

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**ECCLESIASTICAL LAW AND ETHNIC MINORITIES WITH
PARTICULAR REFERENCE TO HUNGARIAN MINORITIES
IN EAST-CENTRAL EUROPE**

by
László KERÉKES

A dissertation submitted to the Faculty of Canon Law
Saint Paul University, Ottawa, Canada, in partial
fulfillment of the requirements for the degree of
Doctor of Canon Law

Ottawa, Canada
Saint Paul University
2003



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ABSTRACT

TITLE: Ecclesiastical Law and Ethnic Minorities: With Particular Reference to Hungarian Minorities in East-Central Europe

AUTHOR: Laszlo Kerekes

The Church as the new People of God from its foundation is Catholic and universal. The Church in its mission has greatly appreciated the different cultures and had consistently emphasized the value of national belonging. Different languages and cultures were always a challenge, signs of the times, when the Church carried out its salvific mission. These values were incorporated (although not explicitly) into the legislation of the Church in the light of its catholicity.

East-Central Europe is the gathering place of many nations who lived together for centuries. Political systems often created tensions among various nationalities and religions, because in East-Central Europe religion and national identity often overlap. With the dismemberment of Hungary in 1918, the tension in the so-called successor states between the Hungarian minority and the new ruling majority influenced the life of particular churches and Catholic communities. During the Communist regime, the problem of national minorities was for all practical purposes overlooked. The political philosophy based on the "dictatorship of the proletariat" left little place for various cultures, and, under the red flag of Communism, the political ideas of the majority prevailed. After the collapse of the communist regime in 1989, national minorities had the freedom to give voice to their desire for the recognition of their fundamental human rights.

The various nationalities in East-Central Europe, including national minorities, are not immigrants. They became minorities because of historical and political situations. With the changes of civil borders they were removed from the body of the mother state. Their home and cultural roots are at hand, but they find themselves in an alien culture. The Church created various means and structures for the pastoral care of immigrants in view of their exceptional situation. However, this cannot be fully applied in the situation of ethnic minorities, because certain factors make their situation different. One of these is the divided particular Churches and hierarchy, which were divided also by civil borders. In the newly created and rearranged particular Churches, the minority was often surrounded by a "hostile" majority and not by a welcoming country as in the case of immigrants. Another factor which characterizes the situation of ethnic minorities is that any attempt to establish ecclesiastical structures based on nationality (personal diocese, personal parish), might be interpreted by the majority as a breeding ground for nationalism, and could even incite their fear of a possible change of civil borders, placing the integrity of the state in jeopardy.

Pope John Paul II, in his World Day of Peace Message in 1989, summarized those values, which ecclesiastical legislation has to rely on namely, the right of an ethnic minority to its language, culture and education, as well as the duty of ethnic minorities toward the majority culture. The A. presents some practical possibilities and perspectives in creating a culture of peace and some relatively simple possibilities for ecclesiastical legislation related to ethnic minorities.

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ACKNOWLEDGMENTS

I would like to take this opportunity to thank those people who helped me throughout this period of study. First of all I would like to thank my archbishop, Msgr. Dr. György Jakubinyi, Archbishop of Alba Iulia, Romania, for sending me to Saint Paul University and allowing me the time to complete my studies in Canon Law.

My special thanks go to Reverend Dr. Leslie Laszlo, Professor Emeritus in Political Sciences at Concordia University, Montreal, Pastor of Saint Ignatius of Antioch parish and chaplain of the Hungarian Catholic Community of Ottawa for financial, scholarly and moral support. I would like to thank also the Saint Ignatius of Antioch parish community and the Hungarian Catholic Community of Ottawa.

I express my gratitude to my director, Reverend Prof. Dr. Francis G. Morrissey O.M.I., for his guidance, patience, suggestions and encouragement during the process of writing this dissertation. Without his help I could not have finished this work.

My thanks go to the Faculty of Canon Law, especially the former dean, Msgr. Dr. Roch Pagé, for his support; I thank the other professors, especially Sr. Dr. Marjory Gallagher S.C. and Dr. Lynda Robitaille as well as the secretaries for their help and assistance. I would like to thank the staff of the Library of Saint Paul University for their continuous help. My sincere appreciation goes to my fellow students and friends for their encouragement and support.

Finally I would like to thank my family for all the love, support and encouragement that they have given me despite of the distance and my long absence. May God bless them all for everything!

ABBREVIATIONS

AAS	<i>Acta Apostolicae Sedis</i>
AG	<i>Ad gentes</i>
Art.	Article
Arts.	Articles
ASS	<i>Acta Sanctae Sedis</i>
c., cc.	canon, canons
chap.	chapter
CCEO	<i>Codex canonum Ecclesiarum orientalium</i>
CIC	<i>Codex iuris canonici, 1983</i>
1917 CIC	<i>Codex iuris canonici, 1917</i>
CD	<i>Christus Dominus</i>
CLD	<i>Canon Law Digest</i>
CLSA	Canon Law Society of America
ed., eds	editor, editors

ABBREVIATIONS

vi

e.g.	for example
GS	<i>Gaudium et spes</i>
HCCB	Hungarian Conference of Catholic Bishops
i.e.	that is
LG	<i>Lumen gentium</i>
n., nn.	number, numbers
OT	<i>Optatam totius</i>
PB	<i>Pastor bonus</i>
PO	<i>Presbyterorum ordinis</i>
p., pp.	page, pages
PT	<i>Pacem in terris</i>
SC	<i>Sacrosanctum concilium</i>
transl.	translation
vol., vols	volume, volumes

INTRODUCTION

The Church founded and commissioned by Jesus Christ as the new people of God, is catholic and universal. It is not based on national criteria, but on a common call and one baptism; it embraces all nations. Catholicity is not only spiritual and intellectual, but it is also social and historical. The Church evolves particularly from the Gentiles, *Ecclesia ex gentibus*, who through baptism become the People of God.¹

The nationalism of the 18th and 19th centuries created the reality of nation-states, which in most cases were authoritarian and often proved less tolerant toward minority groups than the older empires in their attempt to absorb them. Minority beliefs were seen as an irritant or even as a security threat. This caused tensions between nations and nationalities which were highlighted on various levels and degrees, beginning with the exaltation of one nationality over all

¹ As Saint Paul wrote: "There is neither Jew nor Greek, there is neither slave nor free person, there is not male or female; for you are all one in Christ Jesus." Gal. 3:28, (in this dissertation, all quotations from the Bible are from *The New American Bible*, Saint Joseph Edition, New York, Catholic Book Publishing Co., 1986, 1103, 453 p.).

The Church is not a political entity, but the People of God which incorporates all nationalities. Membership in the Church is based on baptism and not on nationality. However, emphasizing baptism as the common criterion of membership in the Church we cannot ignore the national belongings of the Christian faithful. See SECOND VATICAN COUNCIL, Dogmatic Constitution on the Church *Lumen gentium* (=LG), 21 November 1964, nn. 9, 13, in *Acta Apostolicae Sedis* (=AAS), 57 (1965), pp. 12-13, 17-18; English translation in A. FLANNERY (ed.), *Vatican Council II: The Conciliar and Post Conciliar Documents* (=FLANNERY), New Revised Edition, Northport, NY, Costello Publishing Company, 1998, vol. I, pp. 359, 364-365.

others, moving to instances where the majority denied all rights of minorities, and even going to the extreme of mass destruction of the minority.

Religion was also used in some cases for a political maneuvering which operated under the banner of religion in the service of a totalitarian regime. Regretfully, Christian churches also played a part in the ill-treatment of minority groups, often under the pressure of the State, in order to achieve national unity. The Church, however, repeatedly emphasized the basic human rights of persons, and worked for their protection, especially when evangelizing peoples, taking into consideration their cultural heritage.²

East-Central Europe is the gathering place of many nations who lived together for centuries. Political systems often created tensions among various nationalities and religions, because in East-Central Europe religions and national identity often overlap. This is either a source of celebration or one of discomfort.³ Celebration for believers in East-Central Europe, because this is a way to reinforce their national identities, but at the same time discomfort because this gives rise to conflicts between national communities.⁴

² A remarkable example of this are the special efforts made for the pastoral care of immigrants and the structures set up to provide for this.

³ In the world there are perhaps 5000 nations, but there are only about 190 states. Of these states about fifteen are ethnically homogeneous, or genuine nation-states. More than 90% are ethnically heterogeneous. In 40% of these states, there are five or more ethnic groups. See J.M. THOMPSON, *Justice & Peace, A Christian Primer*, Maryknoll, NY, Orbis Books, 1997, pp. 116-117.

⁴ Religion played an important role in maintaining the identity of nationalities; however, because of this close relationship, it was and still is used in some instances – even unintentionally

The Catholic Church in East-Central Europe experiences even today the problems of ethnicity and nationalism. Nations and ethnic groups lived together for centuries, but by the end of the 18th century, rationalism and enlightenment created conflicts among them. This was highlighted during the First and Second World Wars, when nations stood up against each other, civil borders were changed, states divided, and majority nations became minority groups.

After the First World War, with the dismemberment of Hungary, the tension in the so-called successor states between the Hungarian minority and the new ruling majority influenced the life of particular churches and Catholic communities mostly in two situations: firstly when a minority group and the majority belonged to different Christian religions or different rites, as is the case in Romania, in Serbia and Montenegro and in Ukraine, where the majority belong to the Orthodox church or to Eastern rite; and, secondly, when both the minority and the majority are members of the Catholic Church of Latin Rite, as is the case of the Hungarian minority in Slovakia. This in some instances resulted in a claim on the part of the minority for the erection of particular churches based on national elements. Having no hierarchy and structure for the Hungarian minority, and providing pastoral care based on the pastoral needs of the majority, the Hungarian minority often sees the Church as an instrument to reinforce national identity.

– to foster nationalism and to assimilate cultures, languages and customs. For details, see S. VRCAN, "Religion and Churches and the Post-Yugoslav War", in *Concilium*, 1995/6, pp. 59-67.

During the Communist regime, the problem of national minorities was intentionally ignored. The political system based on the “dictatorship of the proletariat” denied the problem of various cultures, and, under the red flag of Communism, the political ideas of the majority nation prevailed.

After the “fall of the Wall” in 1989, national minorities had the freedom and possibility to give voice to their desire for the recognition of their fundamental human rights.⁵ In some instances this happened through the use of arms, in others in a constant struggle at international forums. The war in the former Yugoslavia showed how closely religion and nationality are connected, and how deeply the national feeling is rooted in the heart of the people. The Special Assembly for Europe of the Synod of Bishops in 1991 brought bishops of Eastern and Western Europe together to examine the role of the Church in a changing Europe. According to the declaration of the Synod, “the renewal of Europe should start from dialogue with the Gospel”, and the future of Europe needs to be decided “in conformity with the person and message of Jesus Christ.”⁶

The Church emphasized over and over again the basic human rights of the person and provided for their protection in its universal legislation. The first encyclical on the subject, *Pacem in terris*, the *Magna Charta* of human rights,

⁵ “People and ethnic, religious, cultural, linguistic groups started to vindicate their ‘differences’ and ‘equality’, questioning the existence of State systems which, in federal form or not, were the only bond to link different and historically autonomous identities”, in V. BUONOMO – A. D’AMICO (eds), *People and Rights: The Findings of a Research, Popoli e diritti: l’idea di una ricerca*, Rome, Pontificia Università Lateranense, Mursia, 1998, p. 74.

⁶ “Declaration of the Special Synod Assembly for Europe”, in *Origins*, 21 (1991-1992), pp. 457-465.

was issued forty years ago by Blessed John XXIII.⁷ The situation and pastoral care of immigrants show us the main concern of the Church toward linguistic minorities and cultures, not only because they often do not understand the language of the new country, but also because they need to maintain their identity and culture.

The various nationalities in East-Central Europe, including national minorities, are not immigrants. They became minorities because of historical and political situations. With the changes of civil borders they were removed from the body of the mother state. Their home and cultural roots are at hand, but they find themselves in an alien culture.

The Church created various means and structures for the pastoral care of immigrants in view of their exceptional situation. However, this cannot be fully applied in the situation of ethnic minorities, because certain factors make their situation different. One of these is the divided particular Churches and hierarchy, which were divided also by civil borders. In the newly created and rearranged particular Churches, the minority was often surrounded by a "hostile" majority and not by a welcoming country as in the case of immigrants. Another factor which characterizes the situation of ethnic minorities is that any attempt to establish ecclesiastical structures based on nationality (personal diocese, personal parish), might be interpreted by the majority as a breeding ground for

⁷ See JOHN XXIII, Encyclical *Pacem in terris* (=PT), 11 April 1963, in AAS, 55 (1963), pp. 257-304; English translation in NATIONAL CATHOLIC WELFARE CONFERENCE, *Encyclicals of Pope John XXIII*, National Catholic Welfare Conference, Washington, DC, 1965, pp. 241-282.

nationalism, and could even incite their fear of a possible change of civil borders, placing the integrity of the state in jeopardy.

This special situation raises questions, such as: how can the Church protect the (Hungarian) minority groups within a majority? Can the Church establish structures based on the principle of nationality without at the same time isolating the people from the universal Church? How can the Church bring peace based on justice, and build a multicultural society? What role does the nation play in ecclesiology? How can ecclesiastical laws provide for catholicity in a multiethnic society?⁸

The first chapter of this thesis through a theological and historical approach attempts to present the teaching of the Church regarding national minorities. This demonstrates that the Church in its mission has greatly appreciated the different national cultures. The Church consistently emphasized the value of cultures and national belonging, especially when it had to face the

⁸ The mission of the Church is to bring peace in a wounded society as Pope John XXIII mentioned in his radio message during the Second Vatican Council: "...the Church through the voice of the Roman Pontiffs, never ceases to make an open declaration of her love for peace, her desire for peace. She is always ready to lend aid with her whole heart to any sincere effort on behalf of peace. She strives with her might to bring people together and to develop among them a mutual respect for interests and feelings. The very fact of this conciliar congress of ours, so impressive in the diversity of the races, nations and languages it represents, bears witness to a community of brotherly love, and shines as a visible sign of it. We are giving witness that all men are brothers, whatever their race or nation", in AAS, 54 (1962), p. 824; English translation in A. BEA, *The Church and Mankind*, London, G. Chapman, 1967, pp. 4-5.

As the world, human society, adopted the Christian virtues and values, the Church's laws bring catholicity into a multiethnic society. The problem of ethnic minorities cannot be resolved with civil laws. The Church in its reality can offer a solution to these conflicts, when it emphasizes the *Gottebenbildlichkeit* of the human person.

cultural differences of human beings, for example in the missions or in the pastoral care of immigrants.

The second chapter follows a canonical approach to show how these values were canonized in the legislation of the Church and how the Church through its legislation emphasized its catholicity. Different languages and cultures were always a challenge, signs of the times, when the Church carried out its salvific mission.

The third chapter with a historical methodology analyzes the starting point of the difficult situation, namely the origins of Hungarian minorities in East-Central Europe: the division of Hungary after the First World War, the situation of Hungarian minorities in successor states between the two World Wars, under the Communist regime, and their situation today. This chapter gives us a picture of the role and service of the Catholic Church in defending the rights of minorities, particularly on the diplomatic and organizational levels. It also points out some special issues regarding national minorities in East-Central Europe after the collapse of Communism in 1990.

The fourth chapter presents some practical possibilities and perspectives in creating a culture of peace and some relatively simple possibilities for ecclesiastical legislation concerning Hungarian minorities. Pope John Paul II, in his World Day of Peace Message in 1989, summarized these values, namely, the right of an ethnic minority to its language, culture and education, as well as the

duty of ethnic minorities toward the majority culture.⁹ The protection of the rights of ethnic minorities generally can be provided for on two levels. First of all, on the universal level, by creating diplomatic relationships with respective states, establishing particular churches and appointing bishops. Secondly, at the diocesan level, by proper formation and distribution of priests, giving adequate pastoral care to minorities and the canonical means to defend their rights. The second part of this chapter presents the duties of minorities toward the majority culture and possibilities of collaboration in building up a multicultural society.

Today the complexity of cultures provides us with the challenge of a pastoral encounter between faith and culture and invites us to “enter into critical dialogue with contemporary cultures, accepting what is sound, opposing what is faulty and attempting to supply what is lacking.”¹⁰ We need to build new local bridges between faith and culture; between culture and culture in East-Central Europe, in fidelity to the past, but even more to serve the future.

⁹ See JOHN PAUL II, World Day of Peace Message, “Per costruire la pace – rispettare le minoranze”, 8 December 1988, in AAS, 81 (1989), pp. 95-103; English translation in *Origins*, 18 (1988-1989), pp. 465-469.

¹⁰ A. DULLES, “Narrowing the Gap: Gospel and Culture”, in *Origins*, 13 (1993-1994), p. 679.

CHAPTER I

CHURCH TEACHINGS RELATED TO ETHNIC MINORITIES

INTRODUCTION

The description of the Church in the teachings of the Second Vatican Council shows us a vital, dynamic Church, one which is universal, but is realized in local churches.¹ The tension between universality and particularity in the various definitions and structures of the Church has played an important role in articulating the very nature of the Church itself.²

Experiencing the radical socio-cultural changes in former Communist countries in East-Central Europe, especially ethnic conflicts among various groups – marking and influencing the thinking and the structure of the local churches with national characteristics – calls us to rethink and redefine the place of national elements within the Church and the relationship among different nations, ethnic groups and the Church itself.³ The ecclesiology of the Second

¹ See SECOND VATICAN COUNCIL, Dogmatic Constitution on the Church, *Lumen gentium* (=LG), 21 November 1964, n. 13, in AAS, 57 (1965), pp. 17-18; English translation in A. FLANNERY (ed.), *Vatican Council II: The Conciliar and Post Conciliar Documents*, (=FLANNERY), New Revised Edition, Northport, NY, Costello Publishing Company, 1998, vol. I, pp. 364-365.

² See M.D. DOYLE, "Henri de Lubac and the Roots of Communion Ecclesiology", in *Theological Studies*, 60 (1999), pp. 209-227.

³ SYNOD OF BISHOPS, "Declaration of the Special Synod Assembly for Europe", pp. 458-465. See also S. VRCAN, "Religion and Churches and the Post-Yugoslav War", pp. 59-67.

Vatican Council describes the Church, as it was on the first Pentecost, open to all peoples of different languages and fulfilling Jesus' command to proclaim the Good News everywhere. Through time, the Church has maintained this priority of salvation of souls, adapting its methods according to the traditions of various peoples.⁴

In this chapter, we intend to examine and present Church teachings relating to ethnic minorities, teachings founded on the universality of the Church, the home of the entire human family with its diversity. We could say that there is not one clear teaching relating to ethnic minorities, because the Church's main concern throughout history was the proclamation of the gospel to all nations without exclusion. But at the same time, it had consistently defended and supported various minority cultures, safeguarding the dignity of the poor and the marginalized.⁵

The first part of this chapter concerns the universality of the Church, because the meaning and place of ethnic minorities in its teachings can be understood only within the context of catholicity. In the second part we will try to present the teachings on the relationship between Church and nations prior to the Second Vatican Council, from the earliest days of Christianity through the formation of nation-states. The Second Vatican Council's teachings relating to

⁴ See L. ASZÓDI, – G. FRATER, "De profundis – Religion as the Support of Minorities", pp. 77-86.

⁵ See JOHN PAUL II, World Day of Peace Message, "Per costruire la pace – rispettare le minoranze", pp. 465-469.

ethnic minorities are presented in the third part of this chapter. Finally, the fourth part will review the post-conciliar teachings relating to ethnic minorities.

1.1 – THE UNIVERSAL NATURE OF THE CHURCH

The Second Vatican Council, in the Apostolic Constitution *Lumen gentium*, speaks of the Church's Trinitarian basis, which integrates humankind within the communion of the triune-God.⁶ The source and foundation for understanding the origin of the Church and the symbols used by the Council fathers is the Blessed Trinity. Jesus' words at the Last Supper reveal not only the eternal love relationship between the Father and the Son, but also the divine call to enter into that relationship through the Holy Spirit. The history of salvation shows that God wishes to draw all humankind into communion with him. This renewed view of the Church led to a rediscovery by the fathers of the Second Vatican Council of its supernatural and mystical elements replacing the rather visible and juridical conception that had been prevalent since the time of the Counter Reformation.⁷

"Communion Ecclesiology", a term used today with a wide range of meanings in Orthodox and Protestant churches, refers in the Catholic Church to

⁶ For more details, see J.A. KOMONCHAK, "Ecclesiology of Vatican II", in *Origins*, 28 (1998-1999), pp. 763-768, CONGREGATION FOR THE DOCTRINE OF THE FAITH, *Litterae ad Catholicam Ecclesiam episcopos de aliquibus aspectibus Ecclesiae prout est communio*, in AAS, 85 (1993), pp. 838-850, and E. CORECCO, *Canon Law and Communio: Writings on the Constitutional Law of the Church*, Città del Vaticano, Libreria Editrice Vaticana, 1999, pp. 54-69.

⁷ See A. DULLES, *Models of the Church*, Garden City, NY, Image Books, 1978, pp. 51-66.

the understanding of the Church expressed in the documents of Vatican II.⁸ The Church understood as communion means that, although certain of its institutional structures remain essential, it finds its ultimate basis in relationships among human beings with God, through Christ and in the Holy Spirit. The Church is the primary sacrament of communion (*koinonia*) and thus also the sign and model for the ways in which communion is to be lived.⁹

1.1.1 – The Church as People of God

The concept of the people of God denotes a very complex and vast reality: that of its universality, since it transcends all limits of time and race.¹⁰ God gathers a People for Himself among the peoples of the earth. Not merely from among the peoples in the anthropological and merely political sense of the term, but from all groups of people.¹¹ In this new People of God, faith and charity transcend all differences without destroying any valid natural bonds; on the

⁸ See M. VOLF, *After Our Likeness: The Church as the Image of the Trinity*, Grand Rapids, Michigan, W.B. Eerdmans, 1998, pp. 191-220.

⁹ The prominent post-Vatican II theologian, J.M.R. Tillard reflects the thought of Johann Adam Möhler, and calls upon the Church to become what Jesus meant it to be: a life-giving communion composed of distinct members and of the divided nations of the world, in order to seek a shared life amid all their diversity. For Tillard humanity is truly itself only in communion. See J.M.R. TILLARD, *Church of Churches: The Ecclesiology of Communion*, (=Church of Churches), Translated by R. C. de Peaux, Collegeville, MI, Liturgical Press, 1992, p. 27. See also M.A. FAHEY, "Ecclesial Community as Communion", in J. PROVOST (ed.), *The Church as Communion*, Washington, DC, Canon Law Society of America, 1984, pp. 4-23, R. RWEYEMAMU, *Communio – Koinonia, De juris natura et structura in Ecclesia in doctrina Concilii Vaticani II*, Roma, Pontificia Università Lateranense, 1986, pp. 65-83, 253-261.

¹⁰ See B. HANSSLER, *The Church and God's People*, Montreal, Palm Publishers, 1963, pp. 48-68.

¹¹ See B. KLOPPENBURG, *The Ecclesiology of Vatican II*, translated by M.J. O'Connell, Chicago, IL, Franciscan Herald Press, 1974, pp. 41-44.

contrary, the peoples are called to accept, purify and confirm all authentic values.¹²

The concept of the People of God of the Old Testament began with the election of Abraham and consequently that of Israel, and this was exclusively the result of God's own initiative and his completely gratuitous gift. They were chosen as representatives of the entire human family, to serve as a channel of divine revelation and of salvation for all mankind.¹³ Among those elements which contributed to the formation of one people or nation, consanguinity or common descent, common area of residence or "fatherland", language as the expression of and as a means of forming a common outlook, cultural heritage, customs and traditions, common history and destiny, territory, national consciousness and the will to become a nation all had their role to play.¹⁴

There is no break between the People of God of the Old Testament and the People of God of the New Testament, but this latter has certain features, which seem to modify it in a profound way. Among these is the fact that all human beings are called to belong to this people. Their common descent arises from the fact that they are all born of God.

¹² See Y. CONGAR, *This Church that I Love*, Denville, NJ, Dimension Books, 1969, pp. 9-38, see also K. MCNAMARA (ed.), *The Church: A Theological and Pastoral Commentary on the Constitution on the Church*, Dublin, Veritas Publications, 1983, pp. 103-162.

¹³ See A. BEA, *The Church and Mankind*, London, G. Chapman, 1967, pp. 48-49.

¹⁴ See K.L. SPARKS, *Ethnicity and Identity in Ancient Israel: Prolegomena to the Study of Ethnic Sentiments and Their Expression in the Hebrew Bible*, Winona Lake, IN, Eisenbrauns, 1998, pp. 1-22.

The Apostle Paul in his letters shows how Christ has torn down the wall of division between Jew and Gentile, so that in him all barriers have been overcome. Christ inaugurates a new phase of existence, in which former lines of demarcation have vanished, and instead of the old order, based on separation of races, languages and cultures, there is one new world in Christ.¹⁵ To this People of God everyone belongs by baptism and in it they are set aside by confirmation and order, the three sacraments “which by imprinting character are therefore the juridical signs by which the People of God is visibly established...”¹⁶ According to Saint Paul the Christians are the New Israel, the New People of God, in profound continuity with Israel.

1.1.2 – The Catholicity of the Church

In the first chapter of *Lumen gentium*, “The Mystery of the Church”, the Council wished to express the catholicity of the Church, as the sacrament of unity of the human race, and as the sign and instrument of man’s union with God and the union of all men among themselves.¹⁷

The scriptural foundation of the catholicity of the Church seen as sacrament of communion is found in the divine salvific plan of God, who sent his

¹⁵ See J. DANIELOU, *The Lord of History: Reflection on the Inner Meaning of History*, London, Longmans, 1958, pp. 35-50.

¹⁶ Y. CONGAR, *This Church that I Love*, pp. 12-13.

¹⁷ See in *Acta synodalia Sacrosancti Concilii oecumenici Vaticani II*, cura et studio archivi Concilii oecumenici Vaticani II, in Civitate Vaticana, Typis Polyglottis Vaticanis, 1970-1984; English translation in FLANNERY, p. 350-358.

only Son to redeem mankind.¹⁸ When this task was accomplished, the Holy Spirit was sent on the day of Pentecost to sanctify the Church continually.¹⁹ The Church of God, revealed as such in the event of Pentecost, is inseparably one and catholic. The new community of salvation, this People of God, is not based on natural descent and common nationality, but on the covenant instituted in the blood of Christ and the acceptance of the word of God in faith, sealed with baptism and the rebirth from the Spirit.²⁰ The People whom the Lord establishes is no longer only a People who will be his property in contrast to all other nations, but it is a People that He has chosen from among the nations.²¹

To be catholic is to share in the universal community, rooted in cosmic nature, which transcends the barriers of time and place and has its source in God's self-communication. The word "catholic" means universal as opposed to local or particular. This primary meaning is used in a number of important texts from the early Fathers of the Church, especially Ignatius of Antioch in his letter to

¹⁸ The new formula "The Church, universal sacrament of salvation" used by the Council, replaces the old formula "Outside the Church there is no salvation". See Y. CONGAR: *This Church that I Love*, pp. 39-61. Theologically, the Church can serve as a model because it is a sacrament, the primordial sacrament (Ursakrament); see K. RAHNER, "Einheit der Kirche – Einheit der Menschheit", in F. BÖCKLE (et al.), *Einheit der Kirche, Einheit der Menschheit: Perspektiven aus Theologie, Ethik und Völkerrecht. Mit Beiträgen von Franz Böckle*, Freiburg, Herder, 1978, pp. 50-76.

¹⁹ See LG, n. 24, in AAS, 57 (1965), p. 29; English translation in FLANNERY, p. 378. This communion is symbolized by the Church of Pentecost, as it responds to the call of the Prophet Isaiah to unite all peoples; see J.M.R. TILLARD, *Church of Churches*, pp. 40-41.

²⁰ Cf. A. GRILLMEIER, Commentary on *Lumen gentium*, chap. 2, in H. VORGRIMLER (ed.), *Commentary on the Documents of Vatican II*, (=VORGRIMLER), Freiburg, Herder and Herder, 1967, vol. I, p. 155.

²¹ See A. BEA, *The Church and Mankind*, pp. 22-41.

the Smyrnians²² and in the narrations of the Martyrdom of Polycarp.²³ Used by Greek Orthodox Church fathers, it means *true* or *authentic* as contrasted with *false* or *heretical*.

In his reflections on catholicity in chapter II of the Dogmatic Constitution on the Church, Alois Grillmeier highlights the idea of *communio* as a fellowship achieved through the mutual sharing of spiritual gifts:

Thus catholicity as understood by the Constitution is a union of opposites. The people of God represents one pole, in its unity and unicity, but also in its being graced by the Spirit. The other pole is formed by the multiplicity of the peoples of the earth, with their various customs, talents and energies, which are to be preserved for them insofar as they are genuine values and used to bring into the family of Christ all those who are called to the one people of God... The full catholicity of the Church only comes about when this combination of natural and supernatural goods in the local and regional churches has been fused in mutual communion in the universal Church. One of the achievements of the Council was the re-discovery of the universal Church as the sum and communion of the local Churches, understood as fully themselves, and the re-discovery of the universal Church in the local Church.²⁴

Catholicity means the type of Christianity that attaches particular importance to visible continuity in space and time as well as visible mediation

²² "Valida eucharistia habeatur illa, quae sub episcopo peragitur, sub eo, cui ipse concesserit. Ubi comparuerit episcopus, ibi et multitudo sit; quemadmodum ubi fuerit Christus Jesus, ibi catholica est Ecclesia...", Epistola ad Smyrnaeos 7:2, in J.P. MIGNE (ed.), *Patrologiae cursus completus, seu Bibliotheca universalis, integra, uniformis, commoda, oeconomica omnium SS. Patrum, doctorum, scriptorumque ecclesiasticorum, sive latinorum, sive graecorum, qui ab aevo apostolico ad aetatem Innocentii III (ann. 1216) pro latinis et ad Concilii florentini tempora (ann. 1439) pro graecis floruerunt...* Series graeca (= PG), Lutetiae Parisiorum, J.P. Migne, 1857, 161 t. en 167 v., PG 5, pp. 713-714.

²³ "Cum autem precationem finiisset, in qua mentionem fecerat omnium qui aliquando cum ipso congressi fuerant, parvorum quidem et magnorum, clarorum et obscurorum, totiusque per orbem terrarum catholicae Ecclesiae...", Epistola Ecclesiae Smyrnenensis de martyrio Sancti Polycarpi 8:1, in *ibid.*, pp. 1035-1036.

through social and institutional structures, such as creeds, sacraments and episcopate. The word “catholic” is the title of the Church, which, organized in the world as a society, is governed by the Bishop of Rome, as successor of Peter and by the bishops in communion with him.²⁵

One of the four adjectives professed in the Apostles’ Creed and later in the Nicene-Constantinopolitan Creed is the catholicity of the Church as an identification mark, which must be present along with other three: one, holy, and apostolic.²⁶ This is the very identity of the Church, which reveals the nature of its founder, Christ, who bore catholicity in himself as the revealer of the Father. Christ is the fullness of catholicity who works through the Holy Spirit. The Fathers of the first centuries found a connection between Pentecost and the drama of Babel. While Babel symbolizes the confusion of languages and the division of the human race, on the feast of Pentecost the diversity of languages was unified in the common understanding of the Good News.

The concept of catholicity does not admit any precise definition, but can be distinguished from similar concepts such as fullness and universality.²⁷ Catholicity, unlike universality, is a concrete term: it implies intensity, richness and plenitude; unlike fullness, it implies a unitive relationship among elements

²⁴ A. GRILLMEIER, “The People of God”, in VORGRIMLER, vol. I, p. 167.

²⁵ See A. DULLES, *The Catholicity of the Church*, Oxford, Clarendon Press, 1985, p. 185.

²⁶ See *ibid.*, pp. 13-15.

²⁷ For more details, see J. FREITAG, “Katholizität als Lernprinzip”, in *Catholica*, 3 (2001), pp. 157-176.

that are diverse. Catholicity is based on differences. It is a dynamic term. The catholicity of the Church is today under severe challenge, while at the same time it challenges every Christian and every human being. As P. Hünemann states:

It goes without saying that in the concrete setting of the unity and plurality in the Church, her world-wide character has to shine forth in the fulfillment of the *martyria*, *diakonia* and *leiturgia* in a completely different articulation than in earlier times. Only to the extent of how far the introduction of this new character of world-liability of the Church succeeds, will the nations recognize their home in this Church, and can the Church of today prove herself as a Church for the people.²⁸

In Europe such a Church will then become more European. That means that she will acknowledge her various customs and practices as regional particularities and will refrain from declaring these to be universal rules. In the freedom of the Spirit she will reach out the contemporary Europeans with their fears and misery, but also their cultural wealth, and will unmask some of the modern day straight-jacket systems forced onto people in the various regions and cultural milieux as a distortion of concrete and wise ways of thinking and acting.²⁹

²⁸ "Es liegt auf der Hand, daß in der konkreten Gestaltung von Einheit und Pluralität in der Kirche, im Vollzug von *martyria*, *diakonia* und *leiturgia* der Welt-Charakter der Kirche in einer ganz anderen Ausdrücklichkeit aufleuchten muß als in früheren Zeiten. Nur im der Maße, wie es gelingt, diesen neuen Charakter von Welthaftigkeit in der Kirche auszubilden, werden die Völker in dieser Kirche ihre Heimat erkennen, kann sich Kirche heute als Kirche Gottes für die Menschen erweisen." P. HÜNEMANN, *Ekklesiologie im Präsens: Perspektiven*, Münster, Aschendorff, 1995, pp. 52-53.

²⁹ "Eine solche Kirche wird dann auch in Europa europäischer sein, das bedeutet, sie wird in ihren eigenen Formen die regionale Besonderheit anerkennen und sie nicht einfach als universale Formen deklarieren. Sie wird in der Geistesfreiheit, in der sie auf den neuzeitlichen, europäischen Menschen mit seinen ängsten und seinem Elend, aber auch mit seinem kulturellen Reichtum zugeht, die von ihrem Kulturraum und von den Menschen dieser Region ausgehenden neuzeitlichen Systemzwänge als Verzerrungen eines konkreten und geistvollen Denkens und handelns zu entlarven haben." *Ibid.*, p. 54.

1.1.3 – Unity in Rich Diversity

Christianity, from its origins, gloried in its capacity to unite in Christ peoples of every nation and language. The New Testament mentions Parthians, Medes, Elamites, and devout men from every nation under heaven hearing Peter's Pentecost sermon in their own languages and being converted by him to one and the same faith.³⁰ Pentecost is a catholic event: it represents Babel in reverse, the restoration of communication among estranged peoples.³¹

The People of God is destined to embrace all peoples, because the origins of the Church's catholicity are founded in the universal salvific will of God.³² The *Ecclesia* born on the day of Pentecost contains at the very beginning the three essential elements: the Spirit, the apostolic witness, which centres on the Lord Jesus Christ, and the communion of peoples, the unity that is expressed in the multitude and its diversity.³³

The event of Pentecost dominates and conditions the vision of the Church, which gradually becomes imbedded in the Christian consciousness. The Acts of

³⁰ See Acts 2:5-13.

³¹ See A. DULLES, *The Catholicity of the Church*, p. 173.

³² The concept of God's people raises the question of the relationship of the Church to the peoples of the earth. The idea of the people of God makes us aware of the varied human gifts, traditions and values of individual peoples, which the people of the earth bring with them into the Church as their contribution to its fullness and diversity of life. See A. GRILLMEIER, "Commentary on *Lumen gentium*, chap. 2", in VORGRIMLER, vol. I, p. 167.

³³ See J.A. MÖHLER, *Unity in the Church or The Principle of Catholicism Presented in the Spirit of the Church Fathers of the First Three Centuries*, Washington, DC, The Catholic University of America Press, 1996, pp. 166-205.

the Apostles present this community as something other than the result of a cluster of believers: the immediate result of the gift of the Holy Spirit is the community of the saved united by the power of the Spirit. This basic community, gathered by the *acta et dicta* of Jesus is the beginning of the Church, formed by the grace of acceptance of the spoken message (*kerygma*) and baptism "bestowed by the Holy Spirit."³⁴ In the Pentecost event this communion, the Church of God, is revealed as inseparably one and catholic. Through the presence of the nations on Pentecost, and after the descent of the Spirit in Samaria,³⁵ catholicity becomes evident. The Promise of God to the people is no longer based on the assertion of Deuteronomy that God establishes a people for himself by drawing from among the nations, but on the *Euaggelion tou Theou*, on the Good News.

J.M.R. Tillard adopts the theological expression "inculturation", which signifies the Church as the communion of the churches, where there is no question of fragmentation, but rather a union of all in one communion, an indivisible community of salvation.³⁶ As well this communion finds its greatest strength (through divine grace) in its rich cultural diversity. Catholicity first envisaged geographically, dwells among all the nations of the earth; the faithful, however, remain in *communio* with one another, with all the Spirit-given fullness proper to the People of God. As Tillard remarks:

³⁴ Acts 2:38-41.

³⁵ See Acts 8:15-17.

Uniformity suffocates communion, while certain divergencies on fundamental points render it non-viable. Unity without diversity makes the Church a dead body; pluralism without unity makes of it a dismembered body.³⁷

The Church is incarnated in local churches. In patristic and liturgical texts, *populus* often denotes the local assembly, above all, the eucharistic assembly in which the deep mystery of the Church is to be found here and now.³⁸ The Church is the communion of local churches, each one contributing to the catholicity of the whole Body. These local churches within different cultural contexts give the universal Church its richness and variety.³⁹ This is how the Church has carried out its mission of growth in the early centuries and developed a catholicity that was a symbiosis of diversity and unity, a communion of the infinite multitude of human forms in the unity of faith.⁴⁰

1.1.4 – The Notion of “Nation” and “Ethnic Minority”

The political idea of nation came into being through a particular historical process in Europe with the emergence of the modern nation-state.⁴¹ In post-

³⁶ J.M.R. TILLARD, *Church of Churches*, p. 401.

³⁷ *Ibid.*

³⁸ The *Ecclesia* formed by the first Christians was a gathering in the name of Jesus, *congregare in nomine Jesu*. Exegetes agree to interpret the expression *populus* in the sense of the terms used in the salutations of St. Paul's epistles: "To the Church of God insofar as it exists or is realized at Corinth." See F.L. ILLANA, *Ecclesia unum et plura: riflessione teologico-canonica sull'autonomia delle chiese locali*, Città del Vaticano, Libreria Editrice Vaticana, 1991, pp. 5-12.

³⁹ See J.M.R. TILLARD, *Church of Churches*, pp. 40-46.

⁴⁰ *Ibid.* pp. 181-182.

⁴¹ The *Dictionnaire diplomatique* states: "Le principe des nationalités, qui est une des plus grandes forces spirituelles de l'histoire moderne, a une double origine. L'une est dans la

Renaissance and post-French revolution European history, the notion of *nation* and *state* were considered identical within politically sovereign territorial boundaries.⁴² In the European process of the formation of state and nation with its idea of equating the modern state with a single nation, some smaller

philosophie rationaliste des XVIIe et XVIIIe siècles, cette « philosophie des lumières » qui, écartant le dogme ancestral d'une autorité préétablie, se met à sonder les soubassements de l'Etat et à peser la question de sa légitimité. L'autre source du principe est dans le mouvement d'émancipation qui, depuis le temps de la Renaissance, agite les peuples, leur inspire la conscience d'eux-mêmes et la résolution de prendre en main les rênes de leurs destinées." See A.-F. FRANGULIS (ed.), *Dictionnaire diplomatique*, publié sous la direction de A.-F. Frangulis, avec la collaboration des membres du bureau, V^e de Fontenay (et al.), Paris, Académie Diplomatique Internationale, 1933, vol. I, pp. 195-196. See also J. IMBERT, "Du sentiment national à la nation souveraine en France (XVI^e siècle – 1791): Quelques observations", in *L'année canonique*, 37 (1995), pp. 129-130.

⁴² According to the Encyclopaedia of the Social Sciences: "Although the state included from the beginning the implication of a people as well as of a sovereign, it carried no precise indication of the relation between the two. The modern analogue of people, the nation, is often used almost interchangeably with state, although the frequent existence of minorities with differing cultural nationality under the same government and the failure of a political unit to include all its nationals have prevented the terms from becoming identical. Where the terms are distinguished, nation refers to a unity of culture: a feeling of loyalty for a common land; common language and literature; identity of history and common heroes; and common religion. Most distinctive of all perhaps is an aspiration to political self-determination. State, on the other hand, refers to a unity of legal and political authority", in E.R.A. SELIGMAN – A. JOHNSON (eds), *Encyclopaedia of the Social Sciences* (=Encyclopaedia of the Social Sciences), New York, Macmillan, 1937, vol. 7, pp. 328-329.

A. Hastings presents the two concepts of nation. The contrast between France and Germany appears to lie at the heart of any wider understanding of the central tensions within nationhood. The basic contrast is between a French *jus soli* and a German *jus sanguinis*. The French have defined themselves territorially in terms of a country created by a state and then productive of a nation; the Germans have defined themselves ethnocentrically in terms of a community of descent (in theory), of language (in practice), which is then productive of a state. Each arrived at a nation-state but came at it from opposite ends. The one is inclusivist of everybody in a place, the other is inclusivist only of people who share certain ethnic or cultural characteristics. See A. HASTINGS, *The Construction of Nationhood: Ethnicity, Religion and Nationalism*, Cambridge, UK, Cambridge University Press, 1997, pp. 6-13, and W. LESCH, "Nationalism and the Oppression of Minorities: Is There a Right to Ethnic Identity?", in *Concilium*, 1993/4, pp. 110-120.

communities, ethnic, religious or racial, were basically over-run by the majority groups or by more powerful nations.⁴³

Today we can distinguish between national and ethnic minorities. The *nation* according to Webster's dictionary is

[a] politically organized nationality esp. one having independent existence in a nation state... community of people composed of one or more nationalities and possessing a more or less defined territory and government.⁴⁴

The nation thus refers to a community of people that possesses its own cultural practices and institutions.⁴⁵ According to the Black's Law Dictionary, the *nation* means

1. A large group of people having a common origin, language, and tradition and usu. constituting a political entity. When a nation is coincident with a state, the term *nation-state* is often used.
2. A community of people inhabiting a defined territory and organized under an independent government; a sovereign political state.⁴⁶

⁴³ See G. VAN WISSEN, "Le sens moral et juridique de la nationalité", in *Communio, Revue Catholique Internationale*, 19 (1994), pp. 73-79, H. SCHNEIDER, "Patriotism and Nationalism", in *Concilium*, 1995/6, pp. 34-47, and R.J. DUPUY, "La crise de la nation et ses implications internationales", in *L'année canonique*, 37 (1995), pp. 131-136.

⁴⁴ G.P. BABCOCK, *Webster's Third New International Dictionary of the English Language*, Unabridged, Springfield, Mas., G&C Merriam, 1981, pp. 1504-1505. See also E. GELLNER, *Nations and Nationalism*, Ithaca, NY, Cornell University Press, 1983, pp. 1-7.

⁴⁵ According to C.J.H. Hayes, a nationality receives its character not from physical geography or biological race, but rather from cultural and historical forces. First and foremost is the language. Secondly are the historical traditions, which can be a) a people's religious past, b) a people's territorial past, c) a people's political past, d) a people's fighting past, e) a people's industrial and economic past and f) a people's cultural past. See C.J.H. HAYES, *Nationalism: A Religion*, New York, Macmillan, 1960, pp. 3-5. See also A. GEMELLI, *Il principio di nazionalità e amor di patria nella dottrina cattolica*, Torino, Eds, 1918, pp. 11-67, A. ROSS, "Esquisse d'une typologie des différentes conceptions de la nation à travers l'espace et le temps", in *L'année canonique*, 37 (1995), pp. 125-128.

Webster's Dictionary describes the word *ethnic* as follows:

Relating to a community of physical or mental traits possessed by the members of a group as a product of their common heredity and cultural tradition.⁴⁷

According to the *Dictionary of Race and Ethnic Relations*, ethnicity is

the term used to encapsulate the various types of responses of different groups... the ethnic group is based on a commonness of subjective apprehensions, whether about origins, interests or future (or a combination of these).⁴⁸

Ethnicity is a collective group consciousness defined by reference to a configuration of elements such as language, homeland, descent, religion, and values. In social anthropology, the word *ethnicity* refers to aspects of relationships among groups, which consider themselves, and are regarded by others, as being culturally distinctive.⁴⁹ The relationship between the terms *ethnicity* and *nationality* is such that as long as the nationalist holds that political boundaries should be coterminous with cultural boundaries, ethnic groups do not

⁴⁶ Art. "nation", in *Black's Law Dictionary*, B.A. GARNER (editor in chief), St. Paul, MN, West Pub. Co, 1999, p. 1045. For a detailed study relating the concept of nation, see R. JACQUES, *Les destinataires de la mission «ad gentes» en droit canonique. La genèse du droit missionnaire de l'Église catholique: le cas de l'Extrême-Orient*, Dissertation, Paris, XI et ICP, 2000, pp. 31-52.

⁴⁷ G.P. BABCOCK, *Webster's Third New International Dictionary of the English Language*, p. 781.

⁴⁸ E. CASHMORE, *Dictionary of Race and Ethnic Relations*, London, Routledge, 1988, pp. 97-102.

⁴⁹ Eriksen distinguishes various kinds of ethnic groups: urban ethnic groups, indigenous peoples, proto-nations, and ethnic groups in 'plural societies'. See T.H. ERIKSEN, *Ethnicity and Nationalism: Anthropological Perspectives*, London, Pluto Press, 1993, pp. 13-14.

demand control over a state.⁵⁰ In the following chapters, we intend to use both expression of *national minority* and *ethnic minority*.⁵¹

1.1.5 – The Biblical Origins of *Ethnic* and *National* Identity

The biblical background to ethnic and national identity is the relationship, common in the ancient world, between the political identity of a nation and the ethnic identity of its dominant group. The intimate relationship between people and nation is shown in the history of Israel. The Old Testament exhortations on behalf of the “stranger and the alien” show how political rights are derived from one’s belonging to a particular people, and from sharing its distinctive history and values.⁵²

⁵⁰ Groups of people can distinguish themselves from other groups by various characteristics, such as language, religion, social customs, physical appearance, and region of residence, or by a combination of these features. The members of an ethnic group share an on-going sense of common interest and identity that is based on some combination of shared historical experience and valued cultural traits. When an ethnic group becomes politicized and begins to claim a certain territory as its homeland, it becomes a *nation*. According to T.H. Eriksen, a nationalist ideology is an ethnic ideology, which demands a state on behalf of the ethnic group. However in practice the distinction can be highly problematic because nationalism may sometimes express a polyethnic or supraethnic ideology stressing shared civil rights rather than shared cultural roots, and also because certain categories of people may find themselves between the nation and ethnic categories. If some of their members want full political independence, others may limit their demands to linguistic and other rights within an existing state. See *ibid*, pp. 97-118.

⁵¹ G. DE VOS in his study “Ethnic Pluralism: Conflict and Accommodation”, adds to the broad definition of ethnicity the criteria such as “racial” uniqueness, territoriality, economic bases, religion, aesthetic cultural patterns and language, see in G. DE VOS – L. ROMANUCCI-ROSS (eds), *Ethnic Identity; Cultural Continuities and Change*, Palo Alto, CA, Mayfield Publishing Company, 1975, pp. 3-41. For a concise definition, see T.H. ERIKSEN, *Ethnicity and Nationalism: Anthropological Perspectives*, p. 179.

⁵² The unity of the human race underlies the schematic representations of Genesis: God made the entire human race from a single principle. By reason of its national vocation, Israel is the depository of essential values: the knowledge and worship of the true God, hope of salvation included in the covenant, and the promises. See X. LÉON-DUFOUR (ed.), *Dictionary of Biblical*

In the Old Testament, besides the free citizens of Israel who formed the “people of the land”, and traveling foreigners who could count on the customs of hospitality but were not protected by law, another part of the population consisted of resident foreigners, the *gerîm*.⁵³ These resident aliens were free people, not slaves, but they did not possess full civic rights and so differed from the chosen people of God.⁵⁴ Like the rest of the poor, the aliens were under the protection of God. The Israelites were to help them, remembering that they themselves had once been *gerîm* in Egypt, and, for the same reason, were charged to “love these aliens as themselves.”⁵⁵

The Old Testament most often uses the Hebrew *‘am* for the People of God.⁵⁶ This was taken into the Septuagint as *laos* (people), and it is this term which the New Testament generally uses to refer to the People of God, the

Theology, (=Dictionary of Biblical Theology), 2nd Edition, Revised and Enlarged, Translated under the direction of P. Joseph Cahill, Revisions and New Articles translated by E.M. Stewart, New York, NY, Seabury Press, 1973, pp. 380-381.

⁵³ See F. CRÜSEMANN, “You Know the Heart of a Stranger’ (Exodus 23.9): A Recollection of the Torah in the Face of New Nationalism and Xenophobia”, in *Concilium*, 1993/4, pp. 95-109.

⁵⁴ See Deut 15:3, 23:21.

⁵⁵ Lev 19:34, Deut 10:19. Deuteronomy 24:14, for example, states: “You shall not defraud a poor and needy hired servant, whether he be one of your own countrymen or one of the aliens who live in your communities.” Because they were under protection of God “who executes justice for the orphan and the widow, and befriends the alien, feeding and clothing him” (Deut 10:18).

⁵⁶ The word first represents familial relationship. Secondly, *‘am* signifies those relatives who are grouped together locally, whether or not they permanently inhabit a given location. The word may refer also to the whole of a nation formed and united primarily by their descent from a common ancestor. See M.F. UNGER and W. WHITE (eds), *Nelson's Expository Dictionary of the Old Testament*, Nashville, T. Nelson, 1980, pp. 285-286.

followers of Jesus Christ.⁵⁷ For *nation* the Old Testament often uses the Hebrew *gôy*, which was adopted in the Greek version of the Old Testament (the Septuagint) as *ethnos*, and it is this term which the New Testament most frequently employs in referring to peoples other than Israel.⁵⁸ In Jesus Christ, unity of mankind is indeed restored: there is no longer Jew or Greek. The mystery of unity is now being realized in the Church, and this is the “later time” when all the nations have entered the Church and together form the people of God.⁵⁹

The Church has been aware of its pluralism in ethnic and cultural areas since the apostolic age when its mission took it beyond the religious sphere of Judaism into the Greco-Roman world. Then came the growth of the churches in diverse cultural and political milieux: first the Greco-Roman world, then the Persian, Coptic, Punic areas, etc.⁶⁰

⁵⁷ “Once you were ‘no people’ but now you are God’s people” (1 Peter 2:10). This is the new people of God, the Church of Christ, into which the people of the old covenant is invited to enter, the people of whom one becomes a member by faith. See *Dictionary of Biblical Theology*, pp. 416-422, and M.F. UNGER – W. WHITE (eds), *Nelson’s Expository Dictionary of the Old Testament*, pp. 419-422.

⁵⁸ “...you are ‘a chosen race, a royal priesthood, a holy nation, a people of his own...’” (1 Peter 2:9); see *Dictionary of Biblical Theology*, pp. 416-422; M.F. UNGER – W. WHITE (eds), *Nelson’s Expository Dictionary of the Old Testament*, pp. 285-287; A. HASTINGS, *The Construction of Nationhood: Ethnicity, Religion and Nationalism*, Cambridge, UK, Cambridge University Press, 1997, pp. 14-19.

⁵⁹ See *Dictionary of Biblical Theology*, pp. 382-385. See also P.W. GENNRICH, *Gott und die Völker; Beiträge zur Auffassung von Volk und Volkstum in der Geschichte der Theologie*, Stuttgart, Evangelisches Verlagswerk, 1972, pp. 11-24.

⁶⁰ See Y.M.J. CONGAR, *Diversity and Communion*, London, SCM Press, 1984, pp. 34-39; see also K.L. SPARKS, *Ethnicity and Identity in Ancient Israel: Prolegomena to the Study of Ethnic Sentiments and Their Expression in the Hebrew Bible*, Winona Lake, IN, Eisenbrauns, 1998, pp. 17-22.

In referring to ethnic identity, the Bible does not speak the language of political science and sociology, but that of religious identity and belonging. It is not a matter of natural kinship, social structure, or political form of governance, but a matter of belonging to God, of being “God’s people” and members of Christ’s body, the Church. This belonging, the common descent, is what constitutes the “people of God” and establishes its identity among all the nations of the Earth.⁶¹

1.2 – CHURCH TEACHINGS RELATED TO ETHNIC MINORITIES BEFORE VATICAN II

The problem of ethnic minorities is a relatively new phenomenon in civil society. The notion of *national minority* with a meaning of *ethnic minority* was mentioned for the first time in the radio message of Pope Pius XII, *Nell'alba*.⁶² In the Church’s teaching there is not a defined thought pattern concerning ethnic minorities, because the Church by its nature is *katholikos*, universal. However, since the Christian faithful are born in a nation, with culture and language, the Church had to take into consideration these inherent properties of every person.

⁶¹ Through this union of Israel and the nations the eschatological reunion of the “new humanity” is realized; the chosen race is still spiritually the race of Abraham, but in fact includes the whole human race. See also *Dictionary of Biblical Theology*, pp. 420-421, and A. BEA, *The Church and Mankind*, pp. 50-54.

⁶² See PIUS XII, Radio message *Nell'alba*, 24 December 1941, in AAS, 34 (1942), pp. 10-21; English translation in H.C. KOENIG (ed.), *Principles for Peace: Selections from Papal Documents Leo XIII to Pius XII*, (=KOENIG), pp. 750-762.

In the following pages we shall analyze those moments in the history of the Church which are directed in the broad sense to national and ethnic minorities.

1.2.1 – The Church and Nations

The idea of “nation” in historical sources, in the lives of ordinary people and in the formation of states before the 18th century (before the French revolution) did not have the nationalist meaning which is attributed to it today.⁶³ Until the 18th and 19th centuries, the “nation” was defined by religion and culture, not by race.⁶⁴ This was the politico-religious theory of the Persians, of the Ancient Greeks, of the Romans as well as of the Jews.⁶⁵ Therefore, before the 18th century, that is, before the appearance of the modern idea of nations and national states, the Church had no explicit teaching relating to ethnic minorities, although it was concerned with the problems and tensions emerging within the nations: racism, human rights and preservation of culture.

⁶³ See J.T. DELOS, *La nation, le nationalisme et l'ordre de droit*, Montréal, Éditions de l'Arbre, 1944, vol. 2, pp. 7-39, and B. BASDEVANT-GAUDEMET, “Églises nationales, histoire d'une expression”, in *L'année canonique*, 43 (2001), pp. 15-24.

⁶⁴ According to J. Coleman, the nation has changed its fundamental meaning since the French Revolution: “[i]f before a nation designated a pre-political entity of shared common historical origin and destiny, after the eighteenth century it came to mean almost its opposite: a politically organized sovereign entity, defining in turn the political and social identity of the citizen within a democratic polity.” J. COLEMAN, “A Nation of Citizens”, in *Concilium*, 1995/6, pp. 48-57. In the formation of nations and nation-states the religious element also played an important role. See G. BARBERINI, “Intérêt national et nationalisme en Europe: actualité d'un positionnement des états, des individus, des religions”, in *L'année canonique*, 43 (2001), pp. 47-64.

⁶⁵ See G. BARDY, *La question des langues dans l'Église ancienne*, Tome I, Paris, Beauchesne, 1948, pp. 11-78.

The New Testament people of God were keenly aware of the language problem. The first community in Jerusalem contained mostly Aramaic-speaking and Greek-speaking believers who had to live together, and the situation was not without difficulties.⁶⁶ From the very beginning the liturgy was celebrated in Greek, but the Church gradually found itself obliged to provide for the needs of non-Greek-speaking Christians. Initially it did so with the help of translators, who intervened orally during the ceremonies, or by repeating the readings and the songs in several languages.⁶⁷

The Church of the early centuries developed predominantly in the Mediterranean area, in territories belonging to the Roman Empire. The well-organized Roman Empire was a good vehicle for spreading Christianity.⁶⁸ As Christianity evolved into a state Church, the Bishop of Rome also acquired civil authority. The early church was not a single uniform universe; rather it encompassed many cultures.⁶⁹ The Letter to Diognetus around the year 200 contains a famous passage which asserts the cultural variety of Christianity:

⁶⁶ See Acts 6:1.

⁶⁷ See M.J. LAGRANGE, "L'origine de la version syro-palestinienne des évangiles", in *Revue biblique*, 34 (1925), pp. 481-504, and A.G. MARTIMORT, *The Church at Prayer: An Introduction to the Liturgy*, (=The Church at Prayer), Collegeville, MN, The Liturgical Press, 1987, pp.162.

⁶⁸ See S. DELACROIX (ed.), *Histoire universelle des missions catholiques* (=Histoire universelle des missions catholiques), Paris, Grund, 1956-1958, vol. 1, pp. 33-62.

⁶⁹ See M. SLUSSER, "Diversity, Communion and Catholicity in the Early Church", in *Catholic Theological Society of America Proceedings*, 45 (1990), pp. 1-14.

Christians are not different from the rest of men in nationality, speech or customs; they do not live in states of their own, nor do they use a special language, nor adopt a peculiar way of life... Whether fortune has given them a home in a Greek or foreign city, they follow local custom in the matter of dress, food and way of life; yet the character of the culture they reveal is marvelous and, it must be admitted, unusual.⁷⁰

Saint John Chrysostom assures us that it is no shame if the Church adopts the so-called "barbarian" languages.⁷¹

The first and most significant area of difference was language, a cause of difficulties which reached to the very highest levels of the Church. In addition to the predominance of Greek, there were Syriac-speaking Christians, Persians, Coptics, Armenians.⁷² The Western bishops and legates of bishops at early ecumenical councils participated mostly through an interpreter. Ignorance of Greek in the Roman Church sometimes led to disputes over doctrinal matters.⁷³

Cultural uniformity never existed in the early Christian movement. The boundaries of the Catholic Church were not defined canonically, but it was the

⁷⁰ "Christiani enim neque regione, neque sermone, neque politicis vitae institutis a caeteris hominibus sunt distincti. Nam neque proprias civitates incolunt, neque sermone utuntur qui ab aliorum sermone differat, neque vitae genus habent quod de re aliqua sibi peculiari sit notabile... sed incolentes partim Graecas, partim barbaras civitates, prout cujusque sors tulit, et indigenarum instituta sequentes in vestitu victuque, et caeteris quae ad vitam pertinent, mirabilem et haud dubie incredibilem suae politiae statum oculis nostris proponunt." Diog. 5:1-2, 4-5, *PG* 2, p. 1174; English translation in F.X. GLIMM, M. JOSEPH, F. MARIQUE, G.G. WALSH, L. SCHOPP, *The Apostolic Fathers*, New York, Cima, 1947, pp. 358-359.

⁷¹ "Barbarae gentes ad fidem conversae Scripturas in linguam suam converterunt", in *PG* 63, pp. 501-502.

⁷² In the fourth century the individualization of the different churches became obvious. See Y. CONGAR, *Diversity and Communion*, London, SCM Press, 1984, pp. 34-39, and F. DVORNIK, "Églises nationales et Église universelle", in *Istina*, 36 (1991), pp. 9-52.

⁷³ See A. GRILLMEIER, *Christ in Christian Tradition: From the Apostolic Age to Chalcedon (451)*, translated by John Bowden, 2nd rev. ed. London, Mowbrays, 1975, pp. 365-391, 467-472.

Eucharist which gathered the community and held the early Church together in spite of its diversity.⁷⁴

1.2.2 – National Elements and the Universality of the Church

The immense aggregation of countries and peoples of varying traditions and convictions in the Church was in permanent danger of falling to pieces. The Byzantine despotic domination in the fourth and fifth centuries gave rise to a phenomenon of capital importance: the revival of nationalism. On the religious plane, these nationalist tendencies manifested themselves first of all in the organization of the hierarchical structure of the Church, where the establishment of the Patriarchates was closely linked with linguistic and cultural elements.⁷⁵ The theological battles which had periodically shaken Christianity had their counterparts on the nationalist plane.⁷⁶

⁷⁴ Jean Danielou speaks of Origen's doctrine of nationalities, which echoes a Jewish theological tradition. See J. DANIELOU, *The Lord of History: Reflection on the Inner Meaning of History*, London, Longmans, 1958, pp. 46-49.

⁷⁵ According to J.D. Faris, the major factor in the organization of Patriarchates was the common language and culture. See J.D. FARIS, *Eastern Catholic Churches: Constitution and Governance According to the Code of Canons of the Eastern Churches*, New York, NY, Saint Maron Publications, 1992, pp. 2-6.

⁷⁶ F. Dvornik writes: "It is patent from the foregoing that the Christian communities would have been organised on a national basis, one in faith, yet each organising its interior and domestic life and its relations with political powers according to its own standards and possibilities, without the slightest prejudice to the universality of the Church; for with the General Synods as embodying the Church Universal, a sufficiently firm bond would have united the various Churches and maintained among them the sense of their unity. It is true that the synods used to be summoned by the Roman Emperors, but their work was directed by the presiding bishops, i.e. the Patriarchs, amongst whom the Patriarch of Rome, the successor of St. Peter, occupied not merely a first, but a dominant and unique position. Acceptance of the synodal decisions by the National Churches had to be their supreme and most significant act of submission to the Church Universal and, by implication, to the visible Head, the Bishop of Rome."

With the conversions of various peoples to Christianity, a fusion of ethnic elements took place throughout Rome's former territories.⁷⁷ However, these people formed blocks living alongside one another. The future divisions of Europe were already potentially there. The Church was against these forces; it did all in its power to maintain unity and harmony among the nations and to emphasize its universality.⁷⁸

At the time the Nordic and Eastern nations were baptized, the language of the liturgy was Latin in order to protect the Catholic faith from heresies.⁷⁹ However, in the process of converting the Slavs, Cyril and Methodius introduced the use of the indigenous Slav language.⁸⁰ They even invented a new alphabet,

F. DVORNIK, *National Churches and the Church Universal*, Westminster, Dacre Press, 1944, p. 16.

⁷⁷ See *Histoire universelle des missions catholiques*, vol. 1, pp. 65-164.

⁷⁸ In this teaching Saint Augustine is unique by importance. In his *City of God* he lays the foundation of rights and duties of governments, unity among nations: this influences later great thinkers. In defending human rights the Church emphasized the equality of nations. The early Church reminded masters that their slaves were also their brothers, although it did not condemn slavery. Patristic writers followed Plato and Aristotle in admitting that this was part of natural law. In the fifth century churchmen began to protest against the iniquity of slave-owners, and at least fifty regional councils between 451 and 700 enacted canons for the protection of slaves. The barbarian epoch witnessed an alarming decline of moral values and of civilization. Medieval society was brutal, merciless toward children and defeated enemies. Violence and cruelty, then, were part of medieval life. In this atmosphere, the Church tried untiringly to introduce the civilizing principles of justice, human dignity and peace. For more details, see H. DANIEL-ROPS, *The Church in the Dark Ages*, translated from the French by Andrey Butler, London, Dent, 1959, pp. 1-242.

⁷⁹ According to A.G. Martimort the Church of Africa was the first important Latin-speaking Church, but it disappeared with the collapse of "Romania" in these regions. The Church of Rome was Greek-speaking until the third century; its liturgy was definitively Latinized only in the course of the fourth century. See *The Church at Prayer*, p. 163.

⁸⁰ The first occasion on which the question of translating the Latin liturgy was explicitly raised was when St. Cyril and Methodius were evangelizing Moravia. See *ibid.*, pp. 163-164.

and translated the principal parts of the Liturgy into Slavic.⁸¹ Popes Hadrian II and John VIII authorized the Slavonic liturgy.⁸² But later Pope John VIII directed Methodius to use the Slavonic language for sermons only and not in the liturgy itself.⁸³ Similarly, Pope Steven II forbade the use of Slavonic in the liturgy.⁸⁴ The

⁸¹ See *Histoire universelle des missions catholiques*, vol. 1, pp. 148-152. For a historical and theological summary of Church and minorities, see E. GATZ – U. LOTHAR, "Grundsätzliches zur Minderheitensituation der katholischen Christenheit", in E. GATZ (ed.), *Katholiken in der Minderheit, Diaspora – Ökumenische Bewegung, Missionsgedanke*, Freiburg-Basel-Wien, Herder, 1994, pp. 19-36.

⁸² Pope Hadrian II, in his letter *Gloria in excelsis*, to Rostislav, Svatopluc and Kocel between 869-870, states: "... statuimus re considerate mittere Methodium... in partes vestras... ut vos edoceret, sicut rogastis, interpretans libros in linguam vestram, per totum ecclesiasticum ordinem pleniter, etiam cum sancta missa, id est cum liturgia, et baptismo, quemadmodum coepit philosophus Constantinus... Hunc unum servate morem, ut in missa primo legant apostolum et Evangelium Romane, dein Slovenice, ut expleatur verbum scripturae: Quia laudabunt dominum omnes gentes, atque alio loco: Omnes loquentur linguis variis magnalia dei, prout dedit illis sanctus spiritus respondere... Si quis vero ex congregatis apud vos doctoribus et iis qui scabunt aures et a veritate avertunt in errores, ausus fuerit aliter seducere vos, vituperans libros linguae vestrae sit excommunicatus sed tantum in iudicium datus ecclesiae, donec se correxerit...", in P. DUTHILLEUL, *L'évangélisation des Slaves: Cyrille et Méthode*, Tournai, Desclée, 1963, pp. 3-4.

Pope John VIII in his letter *Industriae tuae*, authorizes the Slavic liturgy: "Quodsi contumaces et inobedientes existentes scandalum aliquod aut scisma facere presumpserint et post primam et secundam ammonitionem se minime correxerint, quasi zizaniorum seminarios ab ecclesiis et finibus vestris auctoritate nostra precipimus esse procul abiciendos secundum auctoritatem capitulorum, quae illi dedimus et vobis direximus. Litteras denique Sclavinicas a Constantino quondam philosopho repperas, quibus Deo laudes debito resonant, iure laudamus et in eadem lingua Christi domini nostri preconia et opera enarrantur, iubemus, neque enim tribus tantum, sed omnibus linguis Dominum laudare auctoritate sacra monemur, quae praecepit dicens: Laudate Dominum eum omnes gentes et collaudate omnes populi, et apostoli repleti Spiritu Sancto locuti sunt omnibus linguis magnalia Dei... Nec sane fidei vel doctrinae aliquid obstat sive missas in eadem Sclavinica lingua canere sive sacrum evangelium vel lectiones divinas novi et veteris testamenti bene translatas et interpretatas legere aut alia horarum officia omnia psallere, quoniam, qui fecit tres linguas principales, Hebraeam scilicet Grecam et Latinam, ipse creavit et alias omnes ad laudem et gloriam suam. Iubemus tamen, ut in omnibus ecclesiis terrae vestrae propter maiorem honorificentiam evangelium Latine legatur et postmodum Sclavinica lingua translatum in auribus populi Latina verba non intelligentis adnuntietur, sicut in quibusdam ecclesiis fieri videtur...", *ibid.*, pp. 3-4.

⁸³ "Missas et sacratissima illa ministeria, que Sclavorum lingua idem Methodius celebrare presumpsit, quamvis decessoris sui temporibus domni videlicet Johannis sanctissimi pape juraverit, se ea ulterius non presumere, apostolica auctoritate, ne aliquo modo presumatur, penitus interdicat. Verumtamen si aliquis Sclavorum lingua tam doctus invenitur, ut post sacratissimam, evangelicam, apostolicam lectionem ejus explicationem doctus sit dicere ad aedificationem eorum, qui non intelligent, et laudat, si fiat, et concedit et approbat." *Ibid.*, p. 8.

Church, while intent upon safeguarding unity of faith and morals and its supreme spiritual authority, generally respected the sensibilities of the peoples it converted by establishing primatial sees for each, and initiating vernacular literatures through translations of the Bible and prayer books from Latin and Greek.

The Fourth Lateran Council in 1215 mentions for the first time the pastoral care of minorities, as “peoples of different languages [who] live within the same city or diocese, having one faith but different rites and customs.”⁸⁵ The conversion of various peoples to Christianity resulted in the fusion of ethnic elements, and from this fusion emerged a new, healthy population and new forms of culture, which formed the foundation of the culture of the Middle Ages.⁸⁶

The Church in the Middle Ages represented a supranational cosmopolitanism or universalism through the use of Latin as the common language of scholars and intellectuals.⁸⁷ The Council of Vienne in 1311-1312

⁸⁴ “Divina autem officia et sacra mysteria ac missarum solemnia quae idem Methodius Sclavorum lingua celebrare praesumpsit, quod re ulterius faceret supra sacratissimum beati Petri corpus juramento firmaverat, sui perjurii reatum perhorrescentes nullo modo deinceps a quolibet praesumatur. Dei namque nostraque apostolica auctoritate sub anathematis vinculo interdicimus, excepto quod ad simplicis populi et non intelligentis aedificationem attinet, si Evangelii, vel apostoli, expositio ab eruditis eadem lingua annuntietur, et largimur et exhortamur...” Letter of Pope Steven II “Commonitorium”, in *ibid.* See also *Histoire universelle des missions catholiques*, vol. 1, pp. 152-160.

⁸⁵ “Quoniam in plerisque partibus intra eandem civitatem atque dioecesim permixti sunt populi diversarum linguarum, habentes sub una fide varios ritus et mores...”, in J.D. MANSI (ed.), *Sacrorum Conciliorum nova et amplissima collectio 1166-1225*, (=MANSI), Parisiis, H. Welter, (1901-1927), vol. 22, p. 998.

⁸⁶ See C.J.H. HAYES, *Nationalism: A Religion*, pp. 30-42, and T. GRENTROP, *Religion und Muttersprache*, Münster in Westfalen, Aschendorff, 1932, pp. 176-283.

⁸⁷ For more details, see H.J. SCHMIDT, *Kirche, Staat, Nation, Raumgliederung der Kirche im mittelalterlichen Europa*, Weimar, H. Böhlau, 1999, pp. 452-507.

recommended knowledge of “the languages most in use by the unbelievers” in order to proclaim the gospel among the non-Christians.⁸⁸ The Council of Basel called for faithful observance of the Council of Vienne’s constitution, because “the preaching will be more fruitful in proportion to the linguistic skill of the preachers.”⁸⁹

In the sixteenth century, the Church teachings were related to the defense of human rights. Pope Paul III in his bull *Sublimis Deus*, on June 2, 1537 reaffirmed the traditional teaching of the Catholic Church concerning the spiritual equality and fraternity of all people, and forbade the Spanish landlords to abuse the persons and properties of the defenseless natives in Latin America.⁹⁰

⁸⁸ See Council of Vienne, n. 24, in J. ALBERIGO (et al.), *Conciliorum oecumenicorum decreta*, Bologna, Istituto per le scienze religiose, 1973, Editio terzia, pp. 379-380; English translation in TANNER, vol. 2, p. 379.

During the fourteenth century, western Europe had advanced with giant strides toward the formation of national states. The nationalistic trends of Europe were manifested at the Council of Constance, where the fathers sought to decentralize the Church by emphasizing the role of the nations. The growing commitment of the clergy to regional and national interests and loyalties jeopardized the unity of the Church. As L.R. Loomis remarks, “This awareness of national power, moreover, obliged Martin V to close the Council by publishing papal concordats with the various nations. This act was the first significant recognition of the identity of the national churches to find its way into church law, and it therefore introduces us to the constitutional form of the Catholic Church that was to be typical of the modern or secular period in European history.” In L.R. LOOMIS (translation), *The Council of Constance, The Unification of the Church*, New York, NY, Columbia University Press, 1961, p. 22. For more details, see *ibid.*, pp. 21-28.

⁸⁹ “... haec praedicatio eo sit fructuosior, quo predicantes linguarum habuerint peritiam...” in MANSI, vol. 29, pp. 98-99; English translation in TANNER, vol. 2, p. 483. In this period of time, alongside the native tongue of peoples, Latin was the “international language”.

⁹⁰ The papal bull states: “We, who, though unworthy, exercise on earth the power of our Lord and seek with all our might to bring those sheep of His flock who are outside into the fold committed to our charge, consider, however, that the Indians are truly men and that they are not only capable of understanding the Catholic Faith but, according to our information, they desire exceedingly to receive it. Desiring to provide ample remedy for these evils, We define and declare by these Our letters, or by any translation thereof signed by any notary public and sealed with the seal of any ecclesiastical dignitary, to which the same credit shall be given as to the originals,

In the development of national identity, a milestone was reached with the religious upheaval of the sixteenth century.⁹¹ The rising tide of national self-assertion was in part the cause of the Protestant Reformation.⁹² This "revolution" and the Catholic reformation further stimulated national spirits.⁹³ The Protestant revolution, by disrupting the Catholic Church and subjecting the Christian community to national variations of form and substance, dissolved much of the intellectual and moral ties which had long held European peoples together.⁹⁴

Religion and nationality were often regarded as equally important.⁹⁵ Religion became a symbol of national patriotism: Catholics in Protestant countries and, similarly, Protestants in Catholic countries, were generally regarded as unpatriotic because they did not prize the religious beliefs and

that, notwithstanding whatever may have been or may be said to the contrary, the said Indians and all other people who may later be discovered by Christians, are by no means to be deprived of their liberty or the possession of their property, even though they be outside the faith of Jesus Christ; and they may and should, freely and legitimately, enjoy their liberty and the possession of their property; nor should they be in any way enslaved; should the contrary happen, it shall be null and no effect." See PAUL III, Bull *Sublimis Deus*, 2 June, 1537, in J.T. ELLIS (ed.), *Documents of American Catholic History*, vol. 1, 1493-1865, Wilmington, DE, M. Glazier, 1987, vol. 1, pp. 7-8.

⁹¹ It was mainly in the sixteenth century that the national languages of Western Europe reached their full development and were no longer considered simply popular dialects. The development of vernacular literature and the invention of printing was one of the factors which promoted national feelings in Europe. See C.J.H. HAYES, *Nationalism: A Religion*, p. 30.

⁹² For more details, see H. SCHILLING, "Confession and Political Identity in Europe at the Beginning of Modern Times (Fifteenth to Eighteenth Centuries)", in *Concilium*, 1995/6, pp. 3-13.

⁹³ The Protestant reformers, by utilizing the vernacular for translations of the Bible and controversial writings, and the Catholic reply in kind contributed to the development of national identities.

⁹⁴ See C.J.H. HAYES, *Essays on Nationalism*, pp. 38-41.

⁹⁵ See M. TOMKA, "Secularization and Nationalism", in *Concilium*, 1995/6, pp. 22-31.

worship of the majority of their fellow citizens, this often resulted in mutual persecution.⁹⁶

1.2.3 – The Church and Nation-States

The romantics and the seventeenth century's philosophy of rationalism gave birth to the idea of the modern nation state.⁹⁷ Philosophers such as Thomas Hobbes, John Locke and Jean-Jacques Rousseau established the principle of the "common good" as the foundation of social and political life.⁹⁸ National self-

⁹⁶ See *ibid.*, pp. 36-38. For a detailed description of Church and mother tongue in Central Europe until XIXth century, see E. GATZ (ed.), *Kirche und Mutterschprache, Auslandsseelsorge Nichtdeutschsprachige Volksgruppen*, Freiburg-Basel-Wien, Herder, 1991, pp. 17-33.

⁹⁷ Also four other factors: linguistic, political, economic and religious, had their roles in developing the modern idea of nation. See A. BOSSIN, *Les nations et l'organisation mondiale de la paix*. Préface de Robert Buron, Paris, Economie et humanisme, Editions ouvrières, 1960, pp. 41-55. See also J.T. DELOS, *La nation*, Montréal, Éditions de l'Arbre, 1944, vol. 1, pp. 163-197, and H. KOHN, *Reflections on Modern History, The Historian and Human Responsibility*, Westport, CT, Greenwood Press, 1978, pp. 89-240.

A. Hastings expresses his view on nationalism: "A nationalism grounded on *jus soli* can in principle assist neighbors of different languages and cultures inclusively to live together and accept one another as members of a single national society, while a nationalism grounded on *jus sanguinis* is in principle exclusivist and intolerant. Given the fact that in most parts of the world people of quite different backgrounds, races, languages and religions do live cheek by jowl and have nearly always done so, *jus sanguinis* leads logically to ethnic cleansing, *jus soli* to ethnic integration." See A. HASTINGS, *The Construction of Nationhood: Ethnicity, Religion and Nationalism*, Cambridge, UK, Cambridge University Press, 1997, p. 34. Regarding nation and territoriality, see also J.T. DELOS, *La nation*, pp. 101-111.

See also J. BAECHLER, *Les ambiguïtés idéologiques dans la déclaration des droits de 1789*, in RENCONTRE D'HISTOIRE RELIGIEUSE (13e, 1989, Fontevraud), *L'Église catholique et la déclaration des droits de l'homme: actes de la treizième Rencontre d'histoire religieuse tenue à Fontevraud les 6 et 7 octobre 1989, organisée par la Société française d'histoire des idées et d'histoire religieuse, avec le soutien du Centre culturel de l'Ouest*, (=RENCONTRE D'HISTOIRE RELIGIEUSE), Angers, Presses de l'Université d'Angers, 1990, pp. 59-72.

⁹⁸ See J.F. COLLANGE, *Théologie des droits de l'homme*, Paris, Cerf, 1989, pp. 35-111. The theory of national self-determination was put forward in and after 1848 with growing success in central and East-Central Europe as a basis for international law and democratic rights. See also A. GEMELLI, *Il principio di nazionalità e amor di patria nella dottrina cattolica*, Torino, Eds, 1918, pp. 11-20.

determination gave way to determination by so called superior peoples. The Declaration of the Rights of Man and of the Citizen was prescribed by the French Constitution.⁹⁹

The French Revolution promulgated in Europe the idea of national democracy; it also asserted the rights of individuals and the doctrine of national self-determination.¹⁰⁰ The Revolution proclaimed the altruistic and messianic character of the new nationalism, as a new gospel of *liberté, égalité, fraternité*, evoking among other European peoples a spirit of nationalism. Romantic nationalism, a result of revolutionary ideas about society, spread throughout Europe, encouraging every linguistic and cultural group to desire its own sovereign state in order to protect its unique way of life.¹⁰¹

In the nineteenth century, one idea of nationalism became dominant according to which the natural goal of every national movement was the creation, maintenance and increase in power of a national state. The self-determination of peoples in Europe was interpreted and utilized as a license for the most unrestrained kind of nationalism at the expense of the defeated nations and

⁹⁹ See C. RUTTEN, *Déclaration des droits et constitution dans le débat de 1789*, in *RENCONTRE D'HISTOIRE RELIGIEUSE*, pp. 17-28. See also *Encyclopaedia of the Social Sciences*, s.v. "nationalism", pp. 231-248.

¹⁰⁰ See B. PLONGERON, "L'Eglise et les Déclarations des droits de l'homme au XVIIIe siècle", in *Nouvelle revue théologique*, 101 (1979), pp. 358-377.

¹⁰¹ The Constitution in 1791 prescribed the solemn profession of belief in the Declaration of the Rights of Man and of the Citizen, which was hailed also as "the national catechism" and started the process of the worship of the Political State. See in C.J.H. HAYES, *Essays on Nationalism*, pp. 102-103.

minorities.¹⁰² The popes of this period emphasized the universality of the Church, and their promotion of missionary activity gave witness to its catholicity.¹⁰³

With the phenomenon of modern nation-states, Church teaching relating to ethnic minorities was concretized in the social teachings of the Church. The cornerstone of a good and just state order lies in respecting human rights.¹⁰⁴ The popes in different documents have emphasized the obligation and responsibility of the State in providing for safeguarding the rights of all persons in its territory.¹⁰⁵

Pope Leo XIII issued a number of letters which addressed the issue of human rights. In his Encyclical *Immortale Dei*, on the Christian constitution of States, he emphasizes that a State should be governed according to the principles of Christian philosophy, in order to provide liberty and equal rights for

¹⁰² See M. SPIEKER, "Nation und Konfession, Eine katholische Perspektive", in *Communio, Internazionale Katholische Zeitschrift*, 23 (1994), pp. 99-112.

¹⁰³ Missionaries, in order to proclaim the Gospel more effectively, made great efforts in composing grammars and dictionaries in the missionary states. For example, in India and Indonesia between 1800-1909, they composed 55 grammars and 97 dictionaries; in Oceania 66 grammars in 49 languages and 110 dictionaries; in Africa between 1910-1940, 218 grammars in 110 languages and 202 dictionaries in 121 languages. See *Histoire universelle des missions catholiques*, p. 55.

¹⁰⁴ See p. 31, footnote 99, and L. SWIDLER, "Human Rights: A Historical Overview", in *Concilium*, 1993/4, pp. 12-22.

¹⁰⁵ See C. ALIX, *Le Saint-Siège et les nationalismes en Europe, 1870-1960*, Paris, Sirey, 1962, p. 367. See also Y-M. HILAIRE, "Der Heilige Stuhl angesichts von Nationalismus und Krieg im 20. Jahrhundert", in *Communio, Internazionale Katholische Zeitschrift*, 23 (1994), pp. 137-147.

At the same time the popes also acknowledged the legitimate sentiments of patriotism, the "patriae caritas". For more details, see J.J. WRIGHT, *National Patriotism in Papal Teaching*, Westminster, MD, Newman Bookshop, 1943, 358 p.

all individual citizens.¹⁰⁶ In *Quod multum* to the bishops of Hungary, the Pope highlights the importance of the Catholic religion as the firmest foundation for peace in any nation.¹⁰⁷

In his letter to the Brazilian bishops, *In plurimis*, issued on May 5, 1888, Pope Leo XIII speaks against racism.¹⁰⁸ In his apostolic letter *Quam aerumnosa*, December 10, 1888, to the archbishops and bishops of America he encourages assistance to immigrants.¹⁰⁹ On June 19, 1900, under the initiative of Pope Leo XIII, the Secretariat of State issued a Circular letter to the Italian archbishops, establishing norms guiding the spiritual assistance of emigrants in Europe.¹¹⁰

In his letter *Reputantibus* to the bishops of Bohemia and Moravia regarding language differences, Pope Leo XIII states that he did not wish to participate in those disputes so that the cause of religion would not suffer.¹¹¹ Instead, he declared that although nations and peoples may differ in race and in

¹⁰⁶ See LEO XIII, Encyclical *Immortale Dei*, on the Christian Constitution of States, in ASS, 18 (1885), pp. 162-179.

¹⁰⁷ See LEO XIII, Encyclical *Quod multum*, 22 August 1886, in ASS, 19 (1886), pp. 99-100.

¹⁰⁸ See LEO XIII, Letter to the Brazilian Bishops *In plurimis*, 5 May 1888, in ASS, 20 (1887), pp. 545-559.

¹⁰⁹ See LEO XIII, Apostolic Letter *Quam aerumnosa*, 10 December 1888, in ASS, 21 (1888), pp. 258-260.

¹¹⁰ See LEO XIII, *Leonis XIII Pontificis Maximi acta*, Romae, Ex Typographia Vaticana, 1881-1905, vol. 20, pp. 168-172.

¹¹¹ See LEO XIII, Apostolic Letter to the Bishops of Bohemia and Moravia, *Reputantibus*, 20 August 1901, in ASS, 34 (1902), pp. 321-322; English translation in KOENIG, p. 106.

language, "the brotherhood of Christ indeed is greater than that of blood."¹¹² However, at the same time, he accepted true patriotism, and recognized the right to one's native tongue. The "native land" is one of the consistent elements of a national bond and an essential element of a true nation.¹¹³ In his letter *Pervenuti*, the pope reviews his pontificate, and draws the attention of all nations to Christian principles in order to avoid war.¹¹⁴

In the documents of the Church relating to nations and ethnic minorities there is a clear distinction between the various types of national minorities. First, there are travelers or immigrants, those who left their country whether for a temporary stay devoted to work or study, or as exiles or refugees from their native land;¹¹⁵ secondly, there are those who, because of political circumstances, became a minority group in their native land.¹¹⁶

¹¹² "Maiores est siquidem paternitas Christi quam sanguinis...", in *ibid.*

¹¹³ In his Encyclical *Insignes Deo*, 1 May 1896, the Pope describes the Hungarian nation as having been born when "their ancestors founded their homes and took up their station in those lands and (thus) the Hungarian nation began", ("Maiores illi domicilia sedesque sua istis in regionibus collocaverunt, atque res coepit Hungarica"), Leo XIII, Apostolic Letter to the Hungarian people, *Insignes Deo*, in *Acta Leonis XIII*, vol. 16, p. 109.

¹¹⁴ See LEO XIII, Letter *Pervenuti*, in *ASS*, 34 (1902), pp. 519-520; English translation in KOENIG, p. 107.

¹¹⁵ Pope Pius X, on August 15, 1912 issued the *Motu proprio* concerning the migration of Catholics to foreign countries, founding the office for the spiritual assistance of Catholic migrants of Latin rite, see *Motu proprio De catholicorum in exteris regiones emigratione, Cum omnes catholicos*, 15 August 1912, in *AAS*, 4 (1912), pp. 526-527.

¹¹⁶ See Pius XII, Radio message *Nell'alba*, 24 December 1941, in *AAS*, 34 (1942), pp. 10-21. Pope John XXIII uses this notion in his Encyclical *Pacem in terris*. See JOHN XXIII, Encyclical *Pacem in terris* (=PT), 11 April 1963, in *AAS*, 55 (1963), pp. 257-304. See also P.É. BOLTÉ, *Les droits de l'homme et la papauté contemporaine: Synthèse et textes*, Montréal, Fides, 1975, 428 p.

The popes in their various documents use the expression *gens* or *natio* in order to signify the common character of a group of people. The social entities recognized by popes as *nations* include several linguistic groups. For instance, Pope Leo XIII in his encyclicals addresses *national groups* rather than *states*, he defers to modern patriotism, and in his documents he uses such expressions as: *gens, natio, populus*.¹¹⁷

National language as the determining factor of a nation is not an adequate criterion in papal teachings, for example, Poland is viewed by Pope Pius X as a "nation" comprising several linguistic groups.¹¹⁸ Pope Benedict XV recognizes that within the single Canadian nation there exists more than one linguistic group.¹¹⁹ Popes Leo XIII and Benedict XV stressed the obligation of the rulers of

¹¹⁷ Leo XIII, Encyclical Letter to the Spanish Nation, *Cum multa*, in *Acta Leonis XIII*, vol. III, pp. 170-180; Apostolic Letter to the Hungarian People, *Insignes Deo*, in *Acta Leonis XIII*, vol. XVI, p. 109; Encyclical Letter to Polish People, *Caritatis providentiaeque*, in *Acta Leonis XIII*, vol. XIV, pp. 65-80. See also p. 32, footnote 104, pp. 25-27.

Pope Pius XI is unwilling to use the misleading word *racas*; rather he prefers *gentes*. The Latin *gens* differed from *natio*, as *gens* signified a wider group than the mere *natio*. As J.J. WRIGHT remarks, "in its wider application, in the more sociological sense, *gens* denotes a definite people bound together by ties which need not be of blood, but may arise from political, geographical, or other historical circumstances by which is constituted any one 'ex nationibus majoribus orbis terrarum' ...into which the several peoples of a determined area have become united." J.J. WRIGHT, *National Patriotism in Papal Teaching*, p. 23.

¹¹⁸ See PIUS X, Apostolic Letter *Poloniae populum*, 8 December 1905, in *Acta Pii X*, vol. II, pp. 197-204.

¹¹⁹ See BENEDICT XV, Apostolic Letter *Litteris apostolicis*, 7 June 1918, in AAS, 10 (1918), p. 440.

States to observe the principles of equity in legislation concerning the use of the mother tongue of national communities subject to their jurisdiction.¹²⁰

In determining nationality, the Popes in their teaching accept the territorial principle of the State, admitting in certain cases the presence of minority groups.¹²¹ Pope Pius XI in his letter *Dopo gli ultimi* declares that the Church admits without any difficulty legitimate political and territorial changes of states.¹²² For Pius XI, Czechoslovakia seems to be a single national fatherland despite its plurality of linguistic groups.¹²³

1.2.4 – During World War I

By the beginning of the twentieth century, nation-states had become the prevalent form of government in Europe.¹²⁴ These nation-states often did not include the whole of a nationality; in other cases they had numerous national minorities.¹²⁵ The outbreak of World War I in 1914 – involving many nations and millions of Catholics on both sides of the conflict – was the main concern of the

¹²⁰ See LEO XIII, Encyclical *Rerum novarum*, 15 May 1891, in *Acta Leonis XIII*, vol. XI, p. 120.

¹²¹ See *ibid.*, p. 358.

¹²² See PIUS XI, Apostolic Letter *Dopo gli ultimi*, 8 November 1918, in *AAS*, 10 (1918), p. 479.

¹²³ See PIUS XI, Apostolic Letter *Non sine magna*, 20 June 1935, in *AAS*, 27 (1935), p. 484.

¹²⁴ See F. RODÉ, *Église, nations et démocratie, de la Slovénie au Vatican*, Paris, Beauchesne, 1993, pp. 41-50.

¹²⁵ See A. BOSSIN, *Les nations et l'organisation mondiale de la paix*, pp. 52-80.

Church's teaching.¹²⁶ The popes of this time in their letters and documents call for peace among nations, for the respect of human rights and the respect of conquered peoples.¹²⁷

Pope Benedict XV was elected in the year of the outbreak of World War I. In his Encyclical *Ad beatissimi*, issued on November 1, 1914, he states that the bloody conflict produces deep sorrow in the heart of the common Father of all nations.¹²⁸ Jesus Christ has set aside every difference of race, of language and of interest, and taught us the *Our Father*. The pope analyzes the basic causes of the war and issues an earnest appeal for peace.¹²⁹

In 1915, after a year of war, in his exhortation *Allorchè fummo* the Pope invites the nations to end the conflict and to make a just peace.¹³⁰ In his discourse to delegates from Finland, he states that before the Holy See all nations, large or small, have equal rights.¹³¹

In his letter *Commissio Divinitus Nobis* to Cardinal L.N. Bégin, Archbishop of Québec, and to the other Bishops of Canada, the Pope highlights that "it will

¹²⁶ For more details, see V. PAPEŽ, "Die Nationalen Minderheiten in den Kirchlichen Dokumenten", in *Folia theologica*, 9 (1998), pp. 33-47.

¹²⁷ See C. ALIX, *Le Saint-Siège et les nationalismes en Europe, 1870-1960*, pp. 241-281.

¹²⁸ See BENEDICT XV, Encyclical *Ad beatissimi*, 1 November 1914, in AAS, 6 (1914), pp. 565-581.

¹²⁹ Official Latin version in AAS, 6 (1914), pp. 565-581. Official English version in AAS, 6 (1914), pp. 647-660.

¹³⁰ See BENEDICT XV, Apostolic Exhortation *Allorchè fummo*, 28 July 1915, original Italian in AAS, 7 (1915), pp. 365-368, original English in AAS, 7 (1915), pp. 375-377.

certainly be for the spiritual good and the concord of Catholics of both languages if all the priests know the two languages.”¹³² In another letter *Litteris apostolicis* to the same persons, he urges that all language controversies be solved in the spirit of charity. He also gives the criterion for the use of language: “to meet the needs of the faithful.”¹³³ In his Encyclical *Maximum illud*, he rejects excessive nationalism and emphasizes the catholicity of the Church.¹³⁴

After the Treaty of Versailles, in his letter of February 10, 1921, *Cum semper* to Cardinal D. Mercier, Archbishop of Malines, and to the other bishops of Belgium, the pope discusses the “Flanders Question” and gives advice on the language problem.¹³⁵ He recalls the letter of Pope Leo XIII to the Bishops of Bohemia and Moravia about language differences. Pope Benedict XV does not take a position on the side of either ethnic group, but refers to the common good

¹³¹ See KOENIG, p. 247.

¹³² “Certe spirituali bono et concordiae catholicorum utriusque linguae valde est profuturum, si sacerdotes utrumque sermonem callebunt omnes.” BENEDICT XV, Letter *Commissio Divinitus nobis*, 8 September 1916, in AAS, 8 (1916), p. 392. English translation in KOENIG, p. 213.

¹³³ The pope recommends “that all the priests should seek to acquire the habit of speaking competently each of the two languages, English and French, and casting all prejudices aside, should use now one, now the other to meet the needs of the faithful...”, BENEDICT XV, Letter to Cardinal L.N. Bégin, Archbishop of Québec *Litteris apostolicis*, 7 June 1918, in AAS, 10 (1918), pp. 440-441.

¹³⁴ See BENEDICT XV, Encyclical *Maximum illud*, 30 November 1919, in AAS, 11 (1919), pp. 440-455. To put this encyclical into effect the Congregation for the Propagation of the Faith, on January 6th 1920, issued an instruction to missionaries in China urging them to avoid propagating their own national language among the peoples to whom they are sent. For more details, see *Canon Law Digest (=CLD)*, vol. 3, p. 543. The same tone of protection of national minorities can be found in his Letter to the Apostolic delegate of East India on 15 October, 1921. See AAS, 14 (1922), pp. 7-10.

¹³⁵ See BENEDICT XV, Letter to Cardinal D. Mercier, Archbishop of Malines, *Cum semper*, 9 February 1921, in AAS, 13 (1921), pp. 195-196; English translation in KOENIG, pp. 306-307.

of the people, and to the good of the souls.¹³⁶ He acknowledges the right of the peoples to their native language. The letter advises the bishops to instruct the priests in all those things which “the times” demand, including understanding and correctly using the vernacular that people of particular regions may speak.¹³⁷

Between the two World Wars, a pope with a diplomatic past was elected: Pope Pius XI. In his documents, he highlights human rights as well as peace and justice and social issues. His main concern is peace among nations, a concern that is present in most of his documents.¹³⁸

In his Encyclical *Ubi arcano Dei*, he examines various societal problems and proposes solutions. Among these difficulties he mentions extreme nationalism to which he juxtaposes the equal rights of all nations. The Church is

¹³⁶ “A defense of one’s native language is not reprehensible, if it is kept within reasonable limits. For the principles which hold for the defense of other private rights can be applied here, so long as the common good does not suffer from their application. It is the duty of those who administer the affairs of the State to safeguard the rights of individuals in such a way that the common good may be protected. Our duty however is clear. It is to watch carefully lest religion, which is the first and chief good of souls, and the origin of all other benefits, be imperilled by these controversies”, in KOENIG, pp. 306-307.

¹³⁷ “If the priest is to gather those abundant fruits of his labour, which he so ardently desires, let him be above all instructed in all those things which “the times” demand, and which will make him useful, pleasing, and acceptable to his flock. Above all, he must understand and correctly use the vernacular, which people of particular sections may have, and with which he must communicate Catholic doctrine...”, *ibid.* p. 307.

¹³⁸ See PIUS XI, Bull Announcing the Jubilee Year of 1933, *Quod nuper*, 6 January, 1933, in AAS, 25 (1933), pp. 5-7; Allocution to the College of Cardinals *Iterum vos*, in AAS, 25 (1933), pp. 112-118.

the institution which safeguards the sanctity of the law of nations, because "this institution is part of every nation; at the same time it is above all the nations."¹³⁹

In *Ab ipsis pontificatus primordiis* to the Vicars Apostolic of China, Pius XI rejects the accusation that the Church is hostile to the independence of the peoples whom she evangelizes, as well as to the free exercise of their national aspirations.¹⁴⁰

In his Encyclical *Mit brennender Sorge*, he condemns the doctrine of Nazism.¹⁴¹ He makes a clear and direct statement against the idea of a "German national church": the Church is one for all nations and peoples, and is the homeland of all peoples and all languages.¹⁴² This document shows also the position of the Holy See regarding international politics.¹⁴³

¹³⁹ See PIUS XI, Encyclical *Ubi arcano Dei*, in AAS, 14 (1922), pp. 674-700; English translation in KOENIG, pp. 346-347.

¹⁴⁰ "Ex quo quidem exitiali errore cum in populorum ac principum suspicionem Ecclesia cadat ac vocetur, quasi insidias eorum iuribus struat, miserrime evenit ut animi a catholica fide abalienentur. At profecto vel unum Ecclesiae <catholicae>, idest <universalis>, nomen ostendit, ipsam ad omnes gentes pertinere universosque populos complecti, nullamque in ea, ex divina Christi Conditoris voluntate, esse posse stirpis vel generis distinctionem." PIUS XI, Letter to the Vicars Apostolic of China, *Ab ipsis pontificatus primordiis*. Original Latin in AAS, 18 (1926), p. 304. The pope condemns exaggerated nationalism in his address *Le missioni e il nazionalismo* on 21 August 1938, to the students of the Collegio de Propaganda Fide in Rome, original Italian in *Civiltà cattolica*, 3 (1938), pp. 464-465.

¹⁴¹ See PIUS XI, Encyclical Letter *Mit brennender Sorge*, 14 March 1937, nn. 1167-1194, in AAS, 29 (1937), pp. 145-167. See also PONTIFICAL JUSTICE AND PEACE COMMISSION, "The Church and Racism: Toward a More Fraternal Society", in *Origins*, 18 (1988-1989), pp. 613-626.

¹⁴² For more details, see S. FRIEDLÄNDER, "A l'heure des responsabilités: réflexions historiques, l'Église catholique dans l'engrenage nazi", in *Istina*, 36 (1991), pp. 251-262. See also P.É. BOLTÉ, *Les droits de l'homme et la papauté contemporaine, Synthèse et textes*, Montréal, Fides, 1975, pp. 28-30.

¹⁴³ "Wer die Rasse, oder das Volk, oder den Staat, oder die Staatsform, die Träger der Staatsgewalt oder andere Grundwerte menschlicher Gemeinschaftsgestaltung – die innerhalb der

1.2.5 – World War II

After the death of Pius XI and the beginning of World War II, Pope Pius XII was elected. At the beginning of his pontificate, he prayed for a peace, which would join nations and peoples through mutual love.¹⁴⁴ He also highlighted that Christ can bind the nations together and settle their disputes by the law of truth, justice and charity.¹⁴⁵ Religion is indispensable in creating a sound life in a nation.¹⁴⁶ Exaggerated nationalism is a major obstacle in building up a Christian Europe: “A fundamental postulate of any just and honourable peace is an assurance for all nations, great or small, powerful or weak, of their right to life and independence. The will of one nation to live must never mean the sentence of death passed upon another.”¹⁴⁷ In another address to the College of Cardinals,

irdischen Ordnung einen wesentlichen und ehrengbietenden Platz behaupten – aus dieser ihrer irdischen Wertskala herauslöst, sie zur höchsten Norm aller, auch der religiösen Werte macht und sie mit Götzenkult vergöttert, der verkehrt und fälscht die gottgeschaffene und gottbefohlene Ordnung der Dinge. Ein solcher ist weit von wahren Gottesglauben und einer solchem Glauben entsprechenden Lebensauffassung entfernt.” Pius XI, Encyclical *Mit brennender Sorge*, 14 March 1937, in AAS, 29 (1937), p. 149. See also A. LEBEAUPIN, “La notion de nation selon la «conception» contemporaine du Saint-Siège”, in *L'année Canonique*, 37 (1995), pp. 145-152.

¹⁴⁴ See PIUS XII, Radio Message to the World, *Dum gravissimum*, 3 March 1939, in AAS, 31 (1939), pp. 86-87. See also Encyclical on the Function of the State in the Modern World, *Summi Pontificatus*, in AAS, 31 (1939), pp. 543-564. For more details see V. PAPEŽ, “Per costruire la pace - rispettare le minoranze”, in *Antoniano*, 65 (1990), pp. 644-645.

¹⁴⁵ See PIUS XII, Homily, *Exsultet jam Angelica*, delivered in St Peter's Basilica on Easter Sunday, in AAS, 32 (1940), pp. 146-150.

¹⁴⁶ See PIUS XII, Reply, *Les circonstances*, to the address of the new Minister of Rumania, Daniel Papp, on 1 August 1941, in AAS, 33 (1941), p. 359. In 1965 the state's name was changed to Romania from Rumania to emphasize its Western origins. For more details, see D. KEVINSON (ed.), *Encyclopedia of World Cultures*, Boston, MA, G. K. Hall, 1991, vol. 4, p. 212.

¹⁴⁷ PIUS XII, Allocution to the College of Cardinals, *In questo giorno di Santa*, 24 December 1939, in AAS, 32 (1940), pp. 5-13; English translation in KOENIG, p. 636.

Pope Pius XII calls for secure cooperation among nations, particularly ethnic minorities.¹⁴⁸

In the allocution *Sempre dolce*, again to the College of Cardinals on the feast of the Holy Father's patron, St. Eugene, belligerent nations were asked to observe the principles of humanity and of international law in their treatment of non-combatants and occupied countries.¹⁴⁹

In his Radio message *Nell'alba* on December 24, 1941 to the whole world, Pope Pius XII expounds five fundamental conditions essential for an international order which will guarantee a just and lasting peace for all peoples.¹⁵⁰ Among these he mentions, as the second principle, respect of the rights of national minorities.¹⁵¹

"If a better European settlement is to be reached, there is one point in particular which should receive special attention: it is the real needs and the just demands of nations and populations, and of racial minorities. It may be that, in consequence of existing treaties incompatible with them, these demands are unable to establish a strict legal right. Even so, they deserve to be examined in a friendly spirit with a view to meeting them by peaceful methods, and even, when it appears necessary, by means of an equitable and covenanted revision of treaties themselves. If the balance between nations is thus adjusted and the foundation of mutual confidence thus laid, many incentives to violent action will be removed." Pius XII, Allocution to the College of Cardinals, *In questo giorno di Santa*, 24 December 1939. Original text in AAS, 32 (1940), pp. 5-13; English translation in KOENIG, p. 636. See also French translation in E. MARMY (ed.), *La communauté humaine selon l'esprit chrétien*, Fribourg-Paris, Editions St-Paul, 1949, [Réimpression, 1953], p. 643.

¹⁴⁸ See Pius XII, Homily to the College of Cardinals, *Grazie, Venerabili fratelli*, 24 December 1940, in AAS, 33 (1941), pp. 6-14.

¹⁴⁹ See Pius XII, Allocution to the College of Cardinals, *Sempre dolce*, 2 June 1940, in AAS, 32 (1940), pp. 270-276. For more details, see KOENIG, pp. 672-673.

¹⁵⁰ See Pius XII, Radio message, *Nell'alba*, 24 December 1941, in AAS, 34 (1942), pp. 10-21; English translation in KOENIG, pp. 750-762.

¹⁵¹ "Secondly: Within the limits of a new order founded on moral principles there is no place for open or secret oppression of the cultural and linguistic characteristics of national

Again in the Encyclical on the Supra-Nationality of the Church *Ad Sinarum gentem*, to the Archbishops, Bishops, Clergy and People of China, the Pope emphasizes the importance of a native clergy:

We desire, then, that the day may soon come – for this We send up to God most ardent petitions and suppliant prayers – when Bishops and priests of your own nation and in sufficient number can govern the Catholic Church in your immense country, and when there will no longer be need of help from foreign missionaries in your apostolate.¹⁵²

To those who want autonomy for the Church of China, he states that “a ‘national church’...no longer could be catholic because it would be the negation of that universality or rather ‘catholicity’ by which the society truly founded by

minorities, for the hindrance or restriction of their economic resources, for the limitation or abolition of their natural fertility. The more conscientiously the government of a State respects the rights of minorities, the more confidently and the more effectively can it demand from its subjects a loyal fulfillment of those civil obligations which are common to all citizens”, *ibid.*, p. 757.

The pope in his Christmas messages calls for respect of human rights, especially of the rights of national minorities. See PIUS XII, Christmas Messages, in AAS, 37 (1945), pp. 10-23; AAS, 38 (1946), pp. 15-25; AAS, 46 (1954), pp. 5-16; AAS, 47 (1955), pp. 15-28.

The United Nations on December 10, 1948 promulgated the Universal Declaration of the Rights of Man. The respect of rights of minorities is echoed in the *Catholic, Jewish, Protestant Declaration on World Peace* of Catholic Association for International Peace, 7 October 1943: “National governments and international organizations must respect and guarantee the rights of ethnic, religious, and cultural minorities to economic livelihood, to equal opportunity for educational and cultural development, and to political equality.” In H.W. FLANNERY (ed.), *Pattern for Peace: Catholic Statements on International Order*, Westminster, MD, Newman Press, 1962, p. 393.

¹⁵² “Atque utinam quam primum dies elucescat – hac de causa incensissima vota supplicesque preces ad Deum fundimus – quo die apud vos quoque sacrorum Antistites ac sacerdotes omnes, qui e gente sint vestra ac necessitatibus sint pares, catholicam Ecclesiam queant in immensis regionibus istis regere ac moderari, atque adeo iam necesse non sit ut missionales, ex aliis Nationibus orti, in vestro apostolatus campo adiutricem vobis operam navent.” PIUS XII, Encyclical on the Supra-Nationality of the Church, *Ad Sinarum gentem*, 7 October 1954, in AAS, 47 (1955), p. 8.

Jesus Christ is above all nations and embraces them all.”¹⁵³ And Pope Pius XII continues:

The Catholic Church does not single out a particular people, and individual nation, but loves all men, whatever be their nation or race, with that supernatural charity of Christ, which should necessarily unite all as brothers, one to the other. Hence it cannot be affirmed that she serves the interests of any particular power. Nor likewise can she be expected to countenance that particular churches be set up in each nation, thus destroying that unity established by the Divine Founder, and unhappily separating them from this Apostolic See where Peter, the Vicar of Jesus Christ, continues to live in his successors until the end of time.¹⁵⁴

In his Encyclical *Mater et magistra*, Blessed John XXIII emphasizes the mutual dependency and relationship of the nations of the world.¹⁵⁵ He dedicates his Encyclical *Pacem in terris* to a careful analysis of basic human rights and at the same time repeats the teaching of the Church relating to ethnic minorities.¹⁵⁶

¹⁵³ “At revera, ut ad summam deveniamus, eo denique pro viribus spectant ut Ecclesia <nationalis>, ut aiunt, apud vos constituatur; quae quidem Ecclesia, si fieret, iam catholica non esset, cum universitatem, seu <catholicitatem> illam negaret, qua fit ut vera societas, a Iesu Christi condita, supra omnes Nationes sit, easque singulas universas amplectatur.” Ibid., p. 12.

¹⁵⁴ “Catholica Ecclesia <non unum populum>, non unam gentem ad se advocat, sed omnes cuiusvis generis, cuiusvis stirpis homines superna illa Christi caritate diligit, qua singuli universi fraternal invicem necessitudine inter se coniungantur oportet. Quamobrem nemo asseverare potest eam peculiari imperio ac dominatui servire; parique modo fas non est ab ea petere, ut diffracta unitate, qua Divinus ipse eius Conditor eam insignitam voluit, ac disiunctis in unaquaque Natione constitutes Ecclesiis, eadem ab Apostolica hac Sede, ubi Petrus Iesu Christi Vicarius in Successoribus suis ad saeculorum usque obtum vivit, miserere abstrahantur...” Ibid., p. 12.

¹⁵⁵ JOHN XXIII, Encyclical on Christianity and Social Progress, *Mater et magistra*, 15 May 1961, in AAS, 53 (1961), pp. 401-464.

¹⁵⁶ See *PT*, in AAS, 55 (1963), pp. 257-304. English translation in NATIONAL CATHOLIC WELFARE CONFERENCE, *Encyclicals of Pope John XXIII*, National Catholic Welfare Conference, Washington, DC, 1965, pp. 241-282. See also P.É. BOLTÉ, pp. 98-105.

For the first time the encyclical is addressed to the whole world as part of a dialogue with all individuals of good will.¹⁵⁷

The starting point in Church teaching relating to ethnic minorities is that all nations are equal in dignity.¹⁵⁸ The encyclical underlines the treatment of ethnic minorities, acknowledging that it has not always been possible to make geographical boundaries coincide with ethnic ones.¹⁵⁹

Unity of language in a state facilitates exchange and communication, but at the same time has the tendency to destroy the unique culture of a minority group: "it must be made clear that justice is seriously violated by whatever is done to limit the strength and numerical increase of these lesser peoples; the injustice is even more serious if vicious attempts of this kind are aimed at the very extinction of these groups."¹⁶⁰ The minority group in turn as a defense often exaggerates and exalts its originality to the point where it is detrimental to national unity and harmony.

¹⁵⁷ For more details, see P.J. RIGA, *Peace on Earth: A Commentary on Pope John's Encyclical*, New York, Herder and Herder, 1964, p. 254.

¹⁵⁸ In fact, men cannot by nature be superior to others since all enjoy an equal natural dignity. See *PT*, in *AAS*, 55 (1963), p. 281.

¹⁵⁹ "Quam ad rem peculiari modo pertinet ille publicarum rerum cursus, qui inde a saeculo XIX ubique terrarum increbruit passim atque invaluit, quo fit ut homines eiusdem stirpis sui iuris esse velint atque in unam nationem coire. Quod cum pluribus de causis non semper effici possit, illud exinde oritur, ut gentes pauciores numero intra fines nationis alius stirpis saepe contineantur, atque ex hoc quaestiones magnae gravitates existant." *Ibid.*, p. 283.

¹⁶⁰ "Hac in re aperte profitendum est, quidquid contra has gentes agatur ad coërcendum stirpis vigorem atque incrementum, iustitiae officiis graviter adversari; idque multo magis, si prava huiusmodi molimina ad ipsam gentis internecionem spectent." *Ibid.*, p. 283.

It should be noted, however, that these minority groups, either because of their present situation which they are forced to endure, or because of past experiences, are often inclined to exalt beyond due measure anything proper to their own people, and to such a degree as to look down on things common to all mankind as if the welfare of the human family must yield to the good of their own ethnic group. Reason rather demands that these very people recognize also the advantages that accrue to them from their peculiar circumstances: for instance, no small contribution is made toward the development of their particular talents and spirit by their daily dealings with people who have grown up in a different culture since from this association they can gradually make their own the excellence which belongs to the other ethnic group. But this will happen only if the minorities through association with the people who live around them make an effort to share in their customs and institutions. Such, however, will not be the case if they sow discord which causes great damage and hinders progress.¹⁶¹

The relationship between the state and various minority groups must be governed by the principles of subsidiarity and justice. It is especially in keeping with the principles of justice that effective measures must be taken by the civil authorities to improve the lot of the citizens of an ethnic minority, particularly when that betterment concerns their language, the development of their natural gifts, their ancestral customs, and their accomplishments and endeavours in the

¹⁶¹ "Nihilo minus animadvertendum est, hos cives numero pauciores, sive ob rerum statum, quem aegre ferre cogantur, sive ob praeteritorum temporum eventus, haud raro proclives esse ad ea, quae suae gentis sunt propria, plus aequo efferenda; adeo quidem, ut vel ipsa bona posthabeant, quae omnium hominum sunt propria, quasi humanae familiae bonum bono suae ipsorum gentis sevirere oporteat. Rationi vero consentaneum est, ut iidem cives commoda quoque agnoscant, sibi ex peculiaribus hisce rerum adiunctis orta: ad ingenii sui nempe atque animi perfectionem non parum conferre cotidianam cum civibus alio civili cultu imbutis consuetudinem; cum ex hac paulatim ipsi virtutes, quae ad aliam gentem pertineant, in sucum et sanguinem suum convertere possint. Hoc tamen tantum eveniet, si cives numero pauciores, cum circumiectis populis societate quadam inita, horum usus est instituta participare studeant; non autem, si iidem contentiones serant, quae iacturas pariant innumeras, ac civilem nationum progressionem cohibeant." *PT*, in *AAS*, 55 (1963), pp. 283-284; English translation in P.J. RIGA, *Peace on Earth*, pp. 227-228.

economic order. Any attempt to legislate for these minority groups must be in the interest of the common good.¹⁶²

The encyclical points out that the ethnic characteristics of the various human groups are to be respected as constituent elements of the common good, because the common good is intimately bound up with human nature.¹⁶³ The future of an ethnic group is not seen in isolation, but in relationship with the people who live near by.¹⁶⁴

1.3 – THE VATICAN II TEACHINGS ON ETHNIC MINORITIES

Although the documents of the Council contain few instances of specific teaching on ethnic minorities, we can find indirect references related to them. For instance, the Council speaks of the supra-nationality of the Church, plurality of

¹⁶² See P.J. RIGA, *Peace on Earth, A Commentary on Pope John's Encyclical*, pp. 123-124.

¹⁶³ See *ibid.*, p. 272.

¹⁶⁴ "Tum etiam commune universale bonum requirit, ut in unaquaque natione inter cives et interiectas societates commercium omne genus foveatur. Cum enim in multis terrarum orbis partibus existent hominum coniunctiones stirpe plus minusve inter se dissimiles, prospiciendum est, ne alius stirpis homines impediatur, quominus cum alius stirpis hominibus commercium habeant; quod aperte a nostrae aetatis rationibus dissidet, qua intervalla prope submota sunt, quibus a populis populi seiunguntur. Neque praetereundum est homines cuiusvis stirpis, praeter proprias peculiaresque dotes, quibus a reliquis distinguuntur hominibus, alias habere cum iisdem communes, easque magni momenti, quibus possunt magis magisque progredi et sese perficere, praesertim in iis, quae ad bona animi pertinent. Iis igitur ius et officium est vitam degere cum ceteris societate coniunctis." *Ibid.*, pp. 284-285.

cultures, evangelizing nations, the rights of the human person, pastoral care of national minorities, and so forth.¹⁶⁵

The expression *national* used by the Council is congruent with the idea of nation-state. When the Council uses the expression *nation* or *national*, it does so in most of the cases with the meaning of territoriality defined by romanticism in the nineteenth century, thus accepting the political and civil boundaries of states.¹⁶⁶ Therefore the Council talks about national conferences of bishops in which the bishops of a given nation or territory jointly exercise their pastoral office,¹⁶⁷ the boundaries of ecclesiastical provinces,¹⁶⁸ organizations for vocations in various dioceses, regions or nations,¹⁶⁹ establishing diocesan seminaries, whether regional or national,¹⁷⁰ the national programme for

¹⁶⁵ For a summary, see J.M. LACHAGA, *Eglise particulière et minorités ethniques: jalons pour l'évangélisation des peuples minoritaires*, Paris, Le Centurion, 1978, pp. 45-47, 59-68.

¹⁶⁶ The Council had no intention of attributing to the individual states either internally or externally that god-like sovereignty which the nation-states arrogated to themselves before the First World War, but regards them as its partners.

¹⁶⁷ See SECOND VATICAN COUNCIL, Decree on Bishop's Pastoral Office, *Christus Dominus* (=CD), 28 October 1965, n. 38, in AAS, 58 (1966), pp. 693-694; English translation in FLANNERY, pp. 587-588.

¹⁶⁸ See CD, n. 39, in AAS, 58 (1966), p. 694; FLANNERY, pp. 588-589.

¹⁶⁹ See SECOND VATICAN COUNCIL, Decree on Priestly Formation, *Optatam totius* (=OT), 28 October 1965, n. 2, in AAS, 58 (1966), pp. 714-715; English translation in FLANNERY, pp. 708-710.

¹⁷⁰ See OT, n. 1, in AAS, 58 (1966), pp. 713-714; FLANNERY, pp. 707-708.

education of priests,¹⁷¹ establishing a common fund for remuneration of priests, and social security.¹⁷²

1.3.1 – The Supra-Nationality of the Church

In the dogmatic constitution *Lumen gentium* the Church is described as the People of God, a new covenant made by Christ, which transcends all limits of time and race.¹⁷³ All human beings and all the nations of the earth are called to this new people of God; therefore, there is one people since it draws its citizens from all nations. Speaking on the distribution of priests and priestly vocations, the Council again points out the supra-nationality of the Church, when it mentions that “the priesthood of Christ, of which priests have been really made sharers, is necessarily directed to all peoples and all times, and is not confined by any bounds of blood, race, or age.”¹⁷⁴

The Church encourages the richness, resources and customs of peoples. This note of universality, which characterizes the people of God, is a gift of the Lord himself by which the Catholic Church effectively and continually tries to recapitulate the whole of the human family, with all its riches, under Christ the

¹⁷¹ See *OT*, n. 7, in *AAS*, 58 (1966), p. 718; *FLANNERY*, pp. 712-713.

¹⁷² See SECOND VATICAN COUNCIL, Decree on the Ministry and Life of Priests *Presbyterorum ordinis* (=PO), 7 December 1965, n. 21, in *AAS*, 58 (1966), pp. 1021-1022; English translation in *FLANNERY*, pp. 899-900.

¹⁷³ See *LG*, n. 9, in *AAS*, 57 (1965), pp. 17-18; *FLANNERY*, pp. 359-360.

¹⁷⁴ *PO*, n. 10, in *AAS*, 58 (1966), pp. 1007-1008; *FLANNERY*, pp. 882-883. For more details, see *VORGRIMLER*, vol. IV, pp. 261-266.

head, in the unity of his Spirit.¹⁷⁵ There is, therefore, no inequality in Christ and in the Church, with regard to race or nation, social condition or sex, because the members are one in Christ.¹⁷⁶

The Church is the communion of all nations, not identified by their government or by their language. They should live for God and Christ by following the honourable customs of their own nation, and as good citizens should practice true and effective patriotism. But they must avoid racial prejudice and bitter nationalism, fostering instead a universal love for persons.¹⁷⁷ The Church is not bound (in virtue of its mission and nature) to any particular form of human culture, but by its universality can be the bond between diverse human communities and nations.¹⁷⁸

In the decree on the Church's missionary activity, the Council states that Christ and the Church, which bears witness to Him by preaching the gospel, transcend every particularity of race or nation and therefore cannot be considered foreign anywhere or to anybody.¹⁷⁹ Regarding the proclamation of the

¹⁷⁵ See *LG*, n. 13, in *AAS*, 57 (1965), pp. 17-18; FLANNERY, pp. 364-365.

¹⁷⁶ See *LG*, n. 32, in *AAS*, 57 (1965), pp. 38-39; FLANNERY, pp. 389-390.

¹⁷⁷ The Church as instrument of unity: the promotion of unity belongs to the innermost nature of the Church. See SECOND VATICAN COUNCIL, Pastoral Constitution on the Church in the Modern World *Gaudium et spes* (=GS), 7 December 1965, n. 42, in *AAS*, 58 (1966), pp. 1060-1061; FLANNERY, pp. 942-943.

¹⁷⁸ About the universality of the Church, see the article *Human Race*, in J. DERETZ – A. NOCENT (eds), *Dictionary of the Council*, London, G. Chapman, 1968, p. 506.

¹⁷⁹ See SECOND VATICAN COUNCIL, Decree on the Church's Missionary Activity *Ad gentes* (=AG), 7 December 1965, n. 8, in *AAS*, 58 (1966), pp. 956-957; FLANNERY, pp. 821-822.

Gospel, as the universal plan of the Church, the Council emphasizes that missionaries should be able to give this witness to Christ fruitfully: "...through the various undertakings and affairs of human life they should share in their social and cultural life. They should be familiar with their national and religious traditions..."¹⁸⁰

The Christian community, "endowed with the cultural riches of its own nation, must be deeply rooted in the people."¹⁸¹ But the Christian faithful, gathered together in the Church from all nations, following the honourable customs of their own nations, "are not marked off from the rest of men either by country, by language, or by political institutions."¹⁸²

1.3.2 – The Church, Culture and Human Rights

The pastoral constitution on the Church in the modern world, *Gaudium et spes*, clearly states that the Church spreads and explains the message of Christ to all nations because it is sent to all peoples of every time and place.¹⁸³ But the

¹⁸⁰ "...et in vita culturali et sociali partem habeant per varia humanae vitae commertia et negotia; familiares sint cum eorum traditionibus nationalibus et religiosis", AG, n. 11, in AAS, 58 (1966), pp. 959-960; FLANNERY, p. 825.

¹⁸¹ "Haec fidelium congregatio, divitiis culturae propriae gentis praedita, in populo profunde radicetur...", AG, n. 15, in AAS, 58 (1966), p. 965; FLANNERY, p. 830.

¹⁸² "Christifideles ex Gentibus cunctis in Ecclesia congregati, 'neque regimine, neque sermone, neque politicis vitae institutis a ceteris hominibus sunt distincti', ideoque in honesta consuetudine vitae gentis suae Deo et Christo vivant; ut boni cives amorem Patriae vere et efficaciter colant, alienae tamen stirpis contemptum et nationalismum exacerbatum vitent omnino, amorem hominum universalem promoveant", AG, n. 15, in AAS, 58 (1966), p. 965; FLANNERY, p. 930.

¹⁸³ The Council acknowledges that true evangelization includes the adaptation of the local culture. "The Church learned early in its history to express the Christian message in the

Church is not bound exclusively and indissolubly to any race or nation; by heavenly riches it makes fruitful the spiritual qualities and gifts of every people and of every age.¹⁸⁴

The pastoral constitution lists the universal and inviolable rights of the human person. The first schema of this constitution did not refer to the rights of national minorities. During the third meeting of the Council, September 14 – November 21, 1964 the Slovenian Bishops (from former Yugoslavia) presented the problem of national minorities in Slovenia, Italy, Austria and Hungary, proposing to the Council fathers the inclusion of a reference to the problem of national minorities.¹⁸⁵ The intervention of the Yugoslavian Bishops presented by Jožef Pogačnic, Archbishop of Ljubljana, at the final session on September 14–December 8, 1965, resulted in the pastoral constitution referring to the protection of the rights of national minorities.¹⁸⁶

concepts and language of different peoples... In this way it is possible to create in every country the possibility of expressing the message of Christ in suitable terms and to foster vital contact and exchange between the Church and different culture." See GS, n. 44, in AAS, 58 (1966), p. 1064; FLANNERY, p. 946.

¹⁸⁴ See GS, n. 58, in AAS, 58 (1966), p. 1079; FLANNERY, pp. 234-235.

¹⁸⁵ See in *Acta synodalia Sacrosancti Concilii Oecumenici Vaticani II*, vol. IV, p. III, Typis Polyglottis Vaticanis, 1975, vol. III periodus tertia, pars 5, cap. IV, pp. 701-740.

¹⁸⁶ "Infrascripti episcopi humiliter petunt, ut in schemate de Ecclesia huius temporis, in parte II, cap. IV, no. 86, pag. 68, post linn. 25-26, addatur sequens vel similis incisa de minoritatibus nationalibus: «Eo magis deploramus quascumque formas oppressionis politicae..., quae libertatem civilem et religiosam aut iura nativa minoritatum nationalium quoad linguam, ingenii cultum, avitas consuetudines, opera et incepta oeconomica praepediunt». (Cf. Litterae Encycl. Pacem in terris, A.A.S., 1963, pag. 283). Ratio: Iura minoritatum nationalium pro dolor de facto saepe graviter laeduntur a nationibus maioribus, quapropter Concilium de hoc silere nequit, eo vel magis, quod minoritates nationales saepe non habent possibilitatem iura sua tuendi. S. P. Ioannes XXIII f. r. primus in litteris Enc. Pacem in terris haec iura laudabiliter asseruit et defendit ad magnum solatium oppressarum nationalium minoritatum. Rogamus, ut et

The constitution speaks specifically about national minorities in three instances. First of all, it emphasizes the right to culture as fundamental to the human person. Culture must be made to bear on the integral perfection of the human person, on the good of the community and on the whole of society. Culture flows from man's spiritual and social nature, therefore it has constant need of a just freedom; it demands respect and enjoys a certain inviolability, at least as long as the rights of the individual and of the community, whether particular or universal, are preserved within the context of the common good. Because culture needs freedom, the Council clearly established the duties of public authorities in this regard: they are not to determine what the proper nature of forms of human culture should be; but rather they should foster the conditions and the means capable of promoting cultural life among all citizens and even within the minorities of a nation, without any discrimination on the grounds of race, sex, nationality or social status.¹⁸⁷ The constitution in this part speaks also about harmony between culture and Christian formation in view of their mutual enrichment.¹⁸⁸

Concilium eius exemplum sequatur. [Subscripserunt etiam] M. Držečnik, ep. Maribor; I. Jenko, adm. Ap. Litoris Slovenici Jugoslavici." "«Animadversiones Scriptae – De Ecclesia in mundo huius temporis», Exc.mus P. D. Ioseph Pogačnik, Archiepiscopus Labacensis", in *Acta synodalia Sacrosancti Concilii Oecumenici Vaticani II*, v. IV, p. III, Typis Polyglottis Vaticanis, 1977, n. 52, p. 465.

¹⁸⁷ See GS, nn. 59-60, in AAS, 58 (1966), pp. 1079-81; FLANNERY, pp. 235-236. See also P.É. BOLTÉ, *Les droits de l'homme et la papauté contemporaine, Synthèse et textes*, Montréal, Fides, 1975, pp. 105-106, 177.

¹⁸⁸ See GS, n. 62, in AAS, 58 (1966), pp. 1082-1084; FLANNERY, pp. 238-240.

Secondly, when the constitution speaks about the life of the political community, it refers to state authority. In the political-juridical order, personal rights can gain better protection through constitutional conditions. The protection of rights of national minorities will be honored keeping in mind that minorities also have their duties toward the political community.¹⁸⁹

Thirdly, the constitution speaks about fostering peace and the promotion of a community of nations. It states, for example, that among the actions, which contradict the universal natural law and its all-embracing principles, “must be counted those actions designed for the methodical extermination of an entire people, nation or ethnic minority.”¹⁹⁰ The constitution calls for international action to avoid war. This requires a universal public authority acknowledged as such by all, and endowed with effective power to safeguard security, regard for justice and respect for rights. Peace must be born of mutual trust among nations rather than imposed on them through fear of one another’s weapons.¹⁹¹

1.3.3 – The Pastoral Care of National Minorities

The Council sees particular churches as mirrors of the universal church. The bishop’s duty is to know his portion of the people of God and the conditions

¹⁸⁹ See GS, n. 73, in AAS, 58 (1966), pp. 1094-1095; FLANNERY, pp. 254-256. See also H. VORGRIMLER (ed.), *Commentary on the Documents of Vatican II*, vol. V., pp. 317-318.

¹⁹⁰ “Inter has actiones illae ante omnia recensendae sunt quibus, ratione quadam et methodo, universa gens, natio aut minoritas ethnica exterminantur: quae tamquam crimina horrenda vehementer condemnandae sunt”, GS, n. 79, in AAS, 58 (1966), pp. 1102-1103; FLANNERY, pp. 264-266.

¹⁹¹ See GS, n. 82, in AAS, 58 (1966), p. 1105-1107; FLANNERY, pp. 268-270.

of his flock. The lay faithful “belong fully both to the people of God and civil society. They belong to the nation into which they were born, they begin to share in its cultural riches by their education... They must give expression to this newness of life in their own society and culture and in a manner that is in keeping with the traditions of their own land.”¹⁹² The young churches, rooted in Christ and built on the foundation of the apostles, participate in a wonderful exchange in all the riches of the nations, which were given to Christ as an inheritance.¹⁹³

Thus, within ecclesiastical communion, particular churches exist with their own proper traditions.¹⁹⁴ The Council, in determining the boundaries of a diocese, suggests that “the variety of the composition of the People of God should be taken into consideration... The limits of civil boundaries should also be taken into account where they occur, as well as the special characteristics – psychological, economic, geographical or historical – of people and regions.”¹⁹⁵ The decree speaks about the “portion of People of God” from the point of view of

¹⁹² “Laici enim fideles plene pertinent simul ad Populum Dei et ad societatem civilem: ad gentem suam pertinent in qua nati sunt, in cuius thesauris culturalibus per educationem participare coeperunt... Debent vero hanc novitatem vitae exprimere in ambitu societatis et culturae patriae, secundum traditiones suae nationis.” AG, n. 21, in AAS, 58 (1966), pp. 972-973; FLANNERY, p. 838.

¹⁹³ See AG, n. 22, in AAS, 58 (1966), pp. 973-974; FLANNERY, pp. 476-477.

¹⁹⁴ See LG, n. 13, in AAS, 57 (1965), pp. 17-18; FLANNERY, pp. 364-365. The variety of local churches is evidence of the catholicity of the Church. See LG, n. 23, in AAS, 57 (1965), pp. 28-29; FLANNERY, pp. 376-378.

¹⁹⁵ “... quantum fieri poterit, habeatur varietatis compositionis populi Dei, quae multum conferre potest ad pastorem curam aptius exercendam; simulque curetur ut huius populi conglobationes demographicae, cum civilibus officiis institutisque socialibus quae structuram ipsius organicam efficient, in unum, quantum fieri poterit, serventur. ... Attendatur etiam, si casus ferat, ad fines circumscriptionum civilium, atque ad peculiariora personarum locorumque adiuncta, v. g. psychologica, oeconomica, geographica, historica.” CD, n. 23, in AAS, 58 (1966), p. 684; FLANNERY, pp. 576-577.

the good of souls. Therefore, bishops are urged to provide for the spiritual needs of the faithful of different rites and language groups in the diocese.¹⁹⁶ The diocesan bishop should be a servant in exercising pastoral care of all the faithful regardless of their age, condition or nationality, be they natives, strangers, or foreigners.¹⁹⁷ As a special concern to the bishop, the decree lists migrants, the exiled and refugees, seafarers, air-travelers, gypsies, and others in similar situations.¹⁹⁸

The decree foresees the appointing of coadjutor and auxiliary bishops to assist the diocesan bishop, when a particular need requires.¹⁹⁹ The council also mentions the possibility of appointing episcopal vicars to provide for the needs of different groups, such as ethnic minorities. Episcopal vicars enjoy the same

¹⁹⁶ The pastoral care of members of another language differs from those of another rite by the fact that the erection of a special hierarchy has not been mentioned so explicitly: "Finally, for the more effective exercise of the ministry of salvation, each diocese should normally have enough priests capable of looking after the People of God. Those offices, institutions and activities should not be lacking which are suited to a particular diocese and which experience shows to be necessary for its efficient administration and for its apostolate. Lastly, resources for the care of personnel and the maintenance of institutions should be already in hand or at least it should be foreseen that they will be provided from elsewhere. Accordingly, where there are believers of different rite, the bishop of that diocese should make provision for their spiritual needs either by providing priests of those rites, or special parishes, or by appointing Episcopal vicars, with the necessary faculties. If necessary, such a vicar may be ordained bishop. Alternatively, the bishop himself may perform the functions of an Ordinary for each of the different rites. And if the Apostolic See judges that, on account of some special circumstances, none of these alternatives are practicable, a special hierarchy should be established for each different rite. Likewise in similar circumstances provision should be made for the faithful of a different language group either by appointing priests who speak that language, or by creating special parishes, or by appointing an episcopal vicar well versed in it. If it is deemed suitable he may be ordained bishop, or the matter may be dealt with in some other appropriate way." *CD*, n. 23, in *AAS*, 58 (1966), p. 684; *FLANNERY*, pp. 577-578.

¹⁹⁷ See *CD*, n. 16, in *AAS*, 58 (1966), pp. 680-681; *FLANNERY*, pp. 572-573.

¹⁹⁸ See *CD*, n. 18, in *AAS*, 58 (1966), p. 682; *FLANNERY*, pp. 574-575.

¹⁹⁹ See *CD*, n. 25, in *AAS*, 58 (1966), pp. 685-686; *FLANNERY*, p. 578.

authority as the vicar general, but only for a certain part of the diocese, or for a determined type of ministry or for the faithful of a determined rite.²⁰⁰ The boundaries of ecclesiastical provinces should be so adjusted that the needs of the apostolate will be better met in keeping with social and local circumstances. The relationship of the bishops with one another and with their metropolitans, and with other bishops of the same nation and even between bishops and civil authorities ought to be rendered easier and more fruitful.²⁰¹

The root of the pastoral care of ethnic minorities lies in the education of priests. In the process of seminary formation, the Council suggests the promotion of pastoral training according to various circumstances. However, seminarians “should be filled with that truly Catholic spirit which habitually looks beyond the boundaries of diocese, country or rite, to meet the needs of the whole Church, being prepared in spirit to preach the Gospel everywhere.”²⁰² The decree on the Church’s missionary activity adds an extra requirement for priestly training: seminarians are to be formed according to the thinking and acting characteristic of their own people. “In the same way, priestly formation must take account of the pastoral needs of the region; the students must learn the history, goal and

²⁰⁰ See *CD*, n. 27, in *AAS*, 58 (1966), pp. 686-687; *FLANNERY*, pp. 579-580.

²⁰¹ See *CD*, n. 39, in *AAS*, 58 (1966), p. 694; *FLANNERY*, p. 588.

²⁰² See *OT*, n. 20, in *AAS*, 58 (1966), pp. 725-726; *FLANNERY*, p. 723.

method of missionary activity, as well as the peculiar social, economic and cultural conditions of their own people.”²⁰³

1.4 – POST CONCILIAR TEACHING

The principal post-conciliar documents relating to ethnic minorities attempt to re-emphasize their fundamental rights and duties as a requirement for true peace. The popes frequently call the attention of the world and of states to their responsibility toward minorities.

1.4.1 – Pope Paul VI

On May 14, 1971 Paul VI issued the Apostolic Letter *Octogesima adveniens*, to Cardinal Maurice Roy, Archbishop of Québec, President of the Council of the Laity and of the Pontifical Commission Justice and Peace, on the occasion of the eightieth anniversary of the Encyclical *Rerum novarum*.²⁰⁴ In this letter, he mentions the victims of injustice who are discriminated against because

²⁰³ “Alumnorum mentes ergo aperiatur et exacuatur ut bene cognoscant et iudicare valeant suae gentis culturam... Item institutio sacerdotalis necessitates pastoralis regionis respiciat: alumni discant historiam finem et methodum actionis missionalis Ecclesiae, et speciales condiciones sociales, oeconomicas, culturales proprii populi.” AG, n. 16, in AAS, 58 (1966), pp. 966-967; FLANNERY, p. 831.

²⁰⁴ See PAUL VI, Apostolic Letter, 14 May 1971, in AAS, 63 (1971), pp. 401-441; English translation in V.P. MAINELLI (ed.), *Social Justice* (=MAINELLI), Wilmington, NC, Consortium Books, 1978, pp. 254-302.

of their race, origin, colour, culture, sex or religion, and he calls Christians to act for justice.²⁰⁵

In his address to the College of Cardinals on December 21, 1973, Paul VI affirmed the rights of peoples to auto-determination, which is the prerequisite of a durable peace.²⁰⁶

On December 10, 1974, the twenty-fifth anniversary of the Universal Declaration of Human Rights, the Pontifical Commission *Justitia et Pax* issued a document, entitled *The Church and Human Rights*.²⁰⁷ This document affirms that everyone has the same fundamental rights and duties, and the rights of the human person are inviolable, inalienable and universal. In the context of civil, political, economic, social and cultural rights the document affirms that

all men and nations enjoy the right to development, regarded as a dynamic interpretation of all those fundamental human rights on which the aspirations of individuals and nations are based; this includes the right to equal opportunities in the cultural, civic, social and economic spheres and to an equitable distribution of national resources; everyone also has a natural right to share in the benefits of a culture, and therefore the right to basic education and to technical and professional training in keeping the level of educational development of the country to which he belongs... not only individuals but also communities and particularly minority groups enjoy the right to life, to personal and social dignity, to free association, to development within a safe and improved

²⁰⁵ See, *Octogesima adveniens*, n. 16, in MAINELLI, p. 262. See also the Synod of Bishops' document, *Justice in the World*, 30 November 1971, in AAS, 63 (1971), pp. 897-942; English translation in MAINELLI, pp. 284-302.

²⁰⁶ See PAUL VI, Address to the College of Cardinals, 21 December 1973, in AAS, 66 (1974), p. 21.

²⁰⁷ See PONTIFICAL COMMISSION JUSTITIA ET PAX, "The Church and Human Rights", 10 December 1974, in *Origins*, 5 (1975-1976), pp. 161-170. See also MAINELLI, pp. 344-393.

environment... the Magisterium makes a special plea on behalf of minorities, claiming the need for public authorities to promote their betterment with effective measures, to conserve their language, their culture, their ancestral customs.²⁰⁸

The Pontifical Council in this document calls for greater protection for ethnic, linguistic or religious minorities, declaring that: "minority groups who play their part in a nation's life need adequate protection for their traditional customs and values, both religious and cultural. As social life becomes more and more pluralistic, the need for appropriate legislation increases."²⁰⁹

In his Apostolic Exhortation on Evangelization in the Modern World *Evangelii nuntiandi*, the Pope calls for an evangelization that takes account of the interplay of the Gospel and of persons's concrete life, as well as respecting human rights.²¹⁰

1.4.2 – Pope John Paul II

The most significant papal document relating to ethnic minorities is the 1989 World Day of Peace Message of Pope John Paul II, which is the *Magna Charta* for minorities.²¹¹ The entire document addresses the issue, the rights and duties of ethnic minorities, which are essential to the building of a peaceful

²⁰⁸ PONTIFICAL COMMISSION JUSTITIA ET PAX, *The Church and Human Rights*, nn. 37-38, MAINELLI, p. 359

²⁰⁹ N. 112, in *ibid.*, pp. 388-390.

²¹⁰ See, *ibid.*, pp. 394-446.

²¹¹ See JOHN PAUL II, World Day of Peace Message, *Per costruire la pace - rispettare le minoranze*, 1 January 1989, in AAS, 81 (1989), pp. 95-103; English translation, "To Build Peace, Respect Minorities", in *Origins*, 18 (1988-1989), pp. 465-469.

society.²¹² The document points out the fundamental principles of all social organization, especially in a nation made up of various groups of people, which can never be abrogated:

1. the inalienable dignity of every human person, irrespective of racial, ethnic, cultural or national origin, or religious belief, and the right to a collective identity, which must be safeguarded;²¹³

2. the fundamental unity of the human race, which takes its origin from the one God, the creator, who in the language of Sacred Scripture, 'made from one every nation of men to live on all the face of the earth' (Acts 17:26).²¹⁴

The document lists the rights of minorities: 1. the right to exist, which includes the duty of the state to provide legal protection;²¹⁵ 2. the right to preserve and develop their own culture which includes the right to use their own

²¹² See also G. FILIBEC (ed.), *Les droits de l'homme dans l'enseignement de l'Eglise, de Jean XXIII à Jean-Paul II: recueil de textes du Magistère de l'Église catholique de Mater et magistra à Centesimus annus (1961-1991)*, Cité du Vatican, Libreria Editrice Vaticana, 1992, pp. 457-460, and U.C. SACCO, *John Paul II and World Politics: Twenty Years of Search for a New Approach 1978-1998*, Leuven, Peeters, 1999, pp. 29-57.

²¹³ "Il primo principio è l'inalienabile dignità di ciascuna persona umana, senza distinzioni relative alla sua origine razziale, etnica, culturale, nazionale o alla sua credenza religiosa... A loro volta, i membri delle minoranze hanno l'obbligo di trattare gli altri con lo stesso rispetto e senso della dignità." JOHN PAUL II, *Per costruire la pace - rispettare le minoranze*, n. 3, in AAS, 81 (1989), pp. 96-97; English translation in *Origins*, 18 (1988-1989), p. 467. See also G. BIRÓ, "Kollektív jogok" [Collective Rights], in *Vigilia*, 7 (1996), pp. 495-500.

²¹⁴ "Il secondo principio riguarda l'unità fondamentale del genere umano, il quale trae la sua origine da un unico Dio creatore che, secondo il linguaggio della Sacra Scrittura, <da un solo ceppo ha fatto discendere tutte le stirpi degli uomini e le ha fatte abitare su tutta la faccia della terra> (Atti 17, 26)." JOHN PAUL II, *Per costruire la pace - rispettare le minoranze*, n. 3, in AAS, 81 (1989), p. 97; English translation in *Origins*, 18 (1988-1989), p. 467. See also F. RODÉ, *Église, nations et démocratie, de la Slovénie au Vatican*, Paris, Beauchesne, 1993, pp. 47-49.

²¹⁵ The pope emphasizes that the state can play an important role by "favouring the promotion of cultural initiatives and exchanges" which help in mutual understanding, "as well as educational programs which help to train young people to respect others and reject all prejudices, many of which stem from ignorance", see JOHN PAUL II, *Per costruire la pace - rispettare le minoranze*, n. 3, in AAS, 81 (1989), pp. 98-101; English translation in *Origins*, 18 (1988-1989), p. 468.

language and the right to literary and artistic expression;²¹⁶ 3. religious minorities have the right to worship as a community, according to their own rites, and the right to religious education; 4. the guarantee of a legitimate freedom of exchange and contacts with other communities, both within and outside their own national borders.²¹⁷

The document lists also the duties of minorities: 1. "toward society and the State in which they live: in the first place the duty to cooperate, like all citizens, for the common good"; they "must offer their own specific contribution to the building of a peaceful world that will reflect the rich diversity of all its inhabitants";²¹⁸ 2. "to promote the freedom and dignity of each one of its members and to respect the decisions of each one, even if someone were to decide to adopt the majority culture."²¹⁹

²¹⁶ Pope John Paul II several times emphasized the rights of native people. See for example: meeting with native Americans in Phoenix, Ariz., during his visit to U.S. in September 1987, in AAS, 80 (1988), pp. 741-833; English translation in *Origins*, 17 (1987-1988), p. 295; meeting with Canadian native peoples in Fort Simpson, Northwest Territories, in AAS, 79 (1987), pp. 973-979; English translation in *Origins*, 17 (1987-1988), p. 334; The pope's defence of the rights of aboriginal peoples in Alice Springs, Australia, in AAS, 77 (1985), pp. 417-422; English translation in *Origins*, 16 (1986-1987), p. 473; meeting with native Americans in Canada in September 1984, in *Origins*, 14 (1984-1985), p. 230; meeting with Guatemala Indians, in AAS, 75 (1983), pp. 740-744; English translation in *Origins*, 12 (1982-1983), p. 645.

²¹⁷ JOHN PAUL II, *Per costruire la pace - rispettare le minoranze*, in AAS, 81 (1989), pp. 98-101; English translation in *Origins*, 18 (1988-1989), n. 11, p. 468. See also V. PAPEŽ, "Per costruire la pace - rispettare le minoranze", in *Antonianum*, 65 (1990), pp. 627-660.

²¹⁸ "Anche I membri dei gruppi minoritari hanno I loro propri doveri nei confronti della società e dello Stato in cui vivono: in primo luogo, quello di cooperare, come tutti gli altri cittadini, al bene commune. Le minoranze devono, infatti, offrire il loro specifico contributo alla costruzione di un mondo pacifico che rifletta la ricca diversità di tutti i suoi abitanti." JOHN PAUL II, *Per costruire la pace - rispettare le minoranze*, n. 11, in AAS, 81 (1989), pp. 100-101; English translation in *Origins*, 18 (1988-1989), p. 469.

²¹⁹ "In secondo luogo, un gruppo minoritario ha il dovere di promuovere la libertà e la dignità di ciascuno dei suoi membri e di rispettare le scelte di ogni suo individuo, anche quando

John Paul II, in his annual World Day of Peace Messages, repeatedly expresses the Church's teaching relating to respect of human rights including those of ethnic minorities. Thus, in 1999, he outlines eight categories of human rights: the right to life; the right to religious freedom; the right of citizens to participate in the life of their community; the right of ethnic groups and national minorities to exist; the right to self-fulfillment, including the right to education and the right to employment; economic and social rights; the right to a healthy environment, and the right to peace.²²⁰

In order to build a civilization of love, "dialogue between cultures must work to overcome all ethnocentric selfishness and make it possible to combine regard for one's own identity with understanding of others and respect for diversity."²²¹ The knowledge, respect and help of the other brings equity and peace among peoples. "The Catholic Church is determined to defend the dignity, the rights and the transcendent dimension of the human person."²²² The Pope

uno decidesse di passare alla cultura maggioritaria." Ibid., n. 11, in AAS, 81 (1989), pp. 100-101; English translation in *Origins*, 18 (1988-1989), p. 469.

²²⁰ See JOHN PAUL II, World Day of Peace Message, "Respect for Human Rights: The Secret of True Peace", 8 December 1998, in AAS, 91 (1999), pp. 377-388; English translation in *Origins*, 28 (1998-1999), pp. 489-493. See also World Day of Peace Message, *Peace on Earth to Those Whom God Loves*, 8 December 1999, in AAS, 92 (2000), pp. 359-371; English translation in *Origins*, 29 (1999-2000), pp. 449-455.

²²¹ "Para construir la civilización del amor, el diálogo entre las culturas debe tender a superar todo egoísmo etnocéntrico para conjugar la atención a la propia identidad con la comprensión de los demás y el respeto de la diversidad." JOHN PAUL II, World Day of Peace Message, *Dialogue Between Cultures for a Civilization of Love and Peace*, 8 December 2000, n. 20, in AAS, 93 (2001), p. 245; English translation in *Origins*, 30 (2000-2001), p. 463.

²²² "Je voudrais ici vous redire et redire par votre intermédiaire aux Gouvernants qui vous ont accrédités auprès du Saint-Siège, la détermination de l'Église catholique à défendre l'homme, sa dignité, ses droits et sa dimension transcendante." JOHN PAUL II, Address to Diplomats, 13

also in his various speeches and letters distinguishes between patriotism as a positive value which ought to serve as a bond to unite various nations/cultures, and nationalism, as a perverse and destructive distortion of true patriotism.²²³

The Pontifical Justice and Peace Commission's first document on racism, November 3, 1988, also contains some important references relating to ethnic minorities.²²⁴ The document defines the victims of racism, who are "certain groups of persons whose physical appearance or ethnic, cultural or religious characteristics are different from those of the dominant group..."²²⁵ The document reiterates the importance

for ethnic, linguistic or religious minorities who live within the borders of the same state to enjoy recognition of the same inalienable rights as other citizens, including the right to live together according to their specific cultural and religious characteristics. Their choice to be integrated into the surrounding culture must be a free one.²²⁶

January 2001, n. 7, in AAS, 93 (2001), pp. 318-319; English translation "Overcoming the Many Current Conflicts Between Peoples", in *Origins*, 30 (2000-2001), pp. 517-519.

²²³ Pope John Paul II in his letter to Archbishop V. Puljic (Archbishop of Sarajevo) wrote: "The past has proved that *good neighbourly relationships* were possible. These relationships were fostered by a deep sense of patriotism that led each citizen, despite his or her different religious creed, to recognize the other as an integral part of the same nation. Indeed, it is right to be patriotic and to love one's own identity as a member of a specific national community. *The denial of patriotism is nationalism*: while patriotism, which implies loving what is one's own, respects what belongs to others, nationalism disdains everything that is not its own. If it does not succeed in destroying what belongs to others, it seeks to appropriate it." JOHN PAUL II, Letter to Archbishop V. Puljic "Pray for Conversion of Hearts", 29 September 1993, in *L'Osservatore Romano*, Weekly English Edition, 20 October 1993, p. 7.

²²⁴ English translation PONTIFICAL JUSTICE AND PEACE COMMISSION, "The Church and Racism: Toward a More Fraternal Society", in *Origins*, 18 (1988-1989), pp. 613-626.

²²⁵ *Ibid.*, n. 8, p. 617.

²²⁶ *Ibid.*, n. 28, p. 623.

The document, in its conclusion, adds that “respect for every person and every race is respect for basic rights, dignity and fundamental equality... [this] does not mean erasing cultural differences.”²²⁷

In the Address delivered before the United Nations General Assembly on October 5, 1995, Pope John Paul II drew the attention of the International Community to the necessity of protecting the identity of each people and nation, and he stressed the importance of elaborating an International Charter of Rights of Nations, as a juridical means to complement the Universal Declaration of Human Rights.²²⁸ In his Address he emphasized:

A presupposition of a nation’s rights is certainly its right to exist: therefore no one – neither a State nor another nation, nor an international organization – is ever justified in asserting that an individual nation is not worthy of existence. This fundamental right to existence does not necessarily call for sovereignty as a state, since various forms of juridical aggregation between different nations are possible... Its right to exist naturally implies that every nation also enjoys the right to its own language and culture, through which a people expresses and promotes that which I would call its fundamental spiritual “sovereignty”. History shows that in extreme circumstances (such as those which occurred in the land where I was born) it is precisely its culture that enables a nation to survive the loss of political and economic independence. Every nation therefore has also the right to shape its life according to its own traditions, excluding, of course, every abuse of basic human rights and in particular the oppression of minorities. Every nation has the right to build its future by providing an appropriate education for the younger generation.”²²⁹

²²⁷ Ibid., n. 33, p. 625.

²²⁸ See JOHN PAUL II, Address to the Fiftieth General Assembly of the United Nations Organization, “The Fabric of Relations Among Peoples”, 5 October 1995, in *Origins*, 25 (1995-1996), pp. 293-299.

²²⁹ Ibid., n. 8, p. 297.

On January 1, 2000, Pope John Paul II stated that peace in the new century demands “a complete change of perspective” based on the recognition that “humanity ... is called by God to be a single family.”²³⁰ In that family, he said, “the dignity and rights of individuals - whatever their status, race or religion - are accepted as prior and superior to any kind of difference or distinction.”²³¹ He pointed to globalization as a potential ally of peace:

Globalization, for all its risks, also offers exceptional and promising opportunities ... to become a single family built on the values of justice, equity and solidarity... It is no longer the well-being of any one political, racial or cultural community that must prevail, but rather the good of humanity as a whole.²³²

Pope John Paul II summarizes the Church’s teaching relating to ethnic minorities, when he states that:

faith ... overcomes all differences between people... However, even though the differences are overcome, faith does not destroy them, but rather respects them. Our unity in Christ does not signify uniformity from the human point of view. On the contrary, the

²³⁰ “...l’humanité est appelée par Dieu à former une unique famille. Il nous faut reconnaître et favoriser ce dessein divin en promouvant la recherche de relations harmonieuses entre les personnes et entre les peuples, dans une culture partagée d’ouverture au Transcendant, de promotion de l’homme, de respect de la nature.” JOHN PAUL II, *World Day of Peace Message, Peace on Earth to Those Whom God Loves*, 8 December 1999, n. 2, in AAS, 92 (2000), p. 360; English translation in *Origins*, 29 (1999-2000), pp. 449-455.

²³¹ Ibid. See also G. BARBERINI, “Intérêt national et nationalisme en Europe: actualité d’un positionnement des états, des individus, des religions”, in *L’année canonique*, 43 (2001), pp. 47-64.

²³² “Le contexte mondial actuel, marqué par les dynamismes de la mondialisation, peut recevoir de cette prise de conscience son âme, son sens et son orientation. Un tel processus n’est pas exempt de risques, mais on y trouve des occasions extraordinaires et prometteuses de faire précisément de l’humanité une seule famille, fondée sur les valeurs de justice, d’équité et de solidarité. Il faut pour cela opérer un retournement de perspective: ce qui doit prévaloir sur toute autre chose, ce n’est plus le bien particulier d’une communauté politique, ethnique ou culturelle, mais le bien de l’humanité.” JOHN PAUL II, *Peace on Earth to Those Whom God Loves*, nn. 5-6, in AAS, 92 (2000), p. 360; English translation in *Origins*, 29 (1999-2000), pp. 449-455.

Church, the family of God to which we all belong, is enriched through its acceptance of the multiple diversity and variety of all its members.²³³

CONCLUSION

The Church as People of God, called from all nations and sent to all peoples by Jesus Christ to proclaim the good news, is catholic and universal, bearing the characteristics of different nations. Throughout the course of history, the Church has spoken out for the fundamental human rights of minorities and the marginalized, recognizing different cultures and traditions as an integral part of humanity's moral patrimony. Defending every culture and nation, the Church has paid respect to basic rights, human dignity and fundamental equality.²³⁴

Pope John Paul II underlines that "culture is the form of man's self-expression in his journey through history."²³⁵ The Church appreciates the values of one's own culture, including that of the ethnic minorities, but at the same time emphasizes that every culture, as a typically human and historically conditioned

²³³ "La fe, queridos hermanos y hermanas, supera las diferencias entre los hombres. La fe da vida a un Nuevo pueblo: el pueblo de los hijos de Dios. Sin embargo, aún superando las diferencias, la fe no las destruye sino que las respeta. La unidad de todos nosotros en Cristo no significa, desde el punto de vista humano, uniformidad. Al contrario, la Iglesia, la familia de Dios, de la que todos nosotros formamos parte, se siente enriquecida al acoger la multiple diversidad y variedad de todos sus miembros." JOHN PAUL II, *Address to Farm Workers and Representatives of the Mapuche Indians in Temuco, Chile*, 7 April 1987, in AAS, 80 (1988), pp. 178-185. See also A. LEBEAUPIN, "La notion de nation selon la «conception» contemporaine du Saint-Siège", in *L'année canonique*, 37 (1995), pp. 145-152.

²³⁴ See JOHN PAUL II, *World Day of Peace Message, Respect for Human Rights: The Secret of True Peace*, 8 December 1998, in AAS, 91 (1999), pp. 377-388; English translation in *Origins*, 28 (1998-1999), pp. 489-493.

²³⁵ "La cultura es expresion cualificada del hombre y de sus vicissitudes históricas." JOHN PAUL II, *World Day of Peace Message, Ob diem paci dicatum*, 8 December 2000, in AAS, 93 (2001), pp. 234-247; English translation in *Origins*, 30 (2000-2001), pp. 457-464.

reality, has its limitations. Thus the major nations have their duties toward national minorities; on the other hand, the ethnic minority groups need to cultivate the spirit of dialogue and openness toward cultural diversity.²³⁶

Cultural diversity in the Church can be understood only within the broader context of the catholicity of the Church.²³⁷ The Church has been universal since its beginnings; but this universality has been contested by political and nationalistic ideas, and is challenged by shrinking distances and technical revolutions, e.g. the self-assertion of ethnic minorities (especially in East-Central Europe), by the birth of the new nations, the displacement of the axis of the world toward Asia. If this evolution does not lead to the fragmentation of the Catholic

²³⁶ "...one cannot underestimate the capacity of the characteristic culture of a region to produce a balanced growth, especially in the delicate early stages of life, in those who belong to that culture from birth. From this point of view, a reasonable way forward would be to ensure a certain "cultural equilibrium" in each region, by reference to the culture which has prevalently marked its development. This equilibrium, even while welcoming minorities and respecting their basic rights, would allow the continued existence and development of a particular 'cultural profile', by which I mean that basic heritage of language, traditions and values which are inextricably part of a nation's history and its national identity." Ibid. p. 462.

²³⁷ "It is on the basis of this essential relationship with one's own 'origins' — on the level of the family, but also of territory, society and culture — that people acquire *a sense of their nationality*, and culture tends to take on, to a greater or lesser degree in different places, a "national" configuration. The Son of God himself, by becoming man, acquired, along with a human family, a country. He remains forever Jesus of Nazareth, the Nazarean (cf. *Mk* 10:47; *Lk* 18:37; *Jn* 1:45; 19:19). This is a natural process, in which sociological and psychological forces interact, with results that are normally positive and constructive. Love for one's country is thus a *value to be fostered*, without narrow-mindedness but with love for the whole human family and with an effort to avoid those pathological manifestations which occur when the sense of belonging turns into selfexaltation, the rejection of diversity, and forms of nationalism, racism and xenophobia." Ibid., pp. 459-460.

Church into national and regional units, it will give new birth to the whole people of God.²³⁸

The dialogue among cultures engenders basic values, which are common for all: the values of solidarity, peace, life, education, forgiveness and reconciliation, as an eloquent expression of the wondrous reality of the Church, sign and instrument of Christ for the salvation of the world and for the unity of humankind.²³⁹

Having established the doctrinal principles, it is now time to review the corresponding legislation, which will be the object of Chapter II.

²³⁸ See H. de LUBAC, *At the Service of the Church: Henri de Lubac Reflects on the Circumstances that Occasioned His Writings*, San Francisco, Communio Books, Ignatius Press, 1993, p. 137.

²³⁹ See JOHN PAUL II, World Day of Peace Message 2001, "Dialogue Between Cultures for a Civilization of Love and Peace", 8 December 2000, in *AAS*, 93 (2001), pp. 234-247; English translation in *Origins*, 30 (2000-2001), pp. 457-464.

CHAPTER II

CHURCH LEGISLATION RELATED TO ETHNIC MINORITIES

INTRODUCTION

The Church, as the new People of God, proclaimed a doctrine far above the plane of nationality, above all distinctions of class and race.¹ According to the intention of Christ, the Church is not limited to any one nationality, but it embraces all nations. The catholicity and universality of the Church and the equal rights of all nations were and are the basis of the legislation of the Church concerning ethnic minorities. This legislation is primarily concerned with the unity of faith and that of the Church.²

The Church has often recognized the need of ministering to people in their own language, especially in missionary countries. The absence of a priest who speaks the idiom of a particular language group could have a negative influence on the saving of souls. Church law emphasizes the importance of the proclamation of the Gospel in a language understood by the people.

¹ See CONGREGATION FOR THE DOCTRINE OF THE FAITH, *Litterae ad Catholicae Ecclesiae episcopos de aliquibus aspectibus Ecclesiae prout est communio*, 28 May 1992, in AAS, 85 (1993), nn. 7-10, pp. 842-844.

² See A. LEBEAUPIN, "La notion de nation selon la «conception» contemporaine du Saint-Siège", in *L'année canonique*, 37 (1995), p.152.

In this chapter we intend to analyze Church legislation regarding ethnic minorities, examining instructions relating to the proclamation of the Gospel in national languages, looking at steps taken to establish appropriate structures for the pastoral care of various national groups; and attempting to situate this issue within the broader framework of the protection of basic human rights, including the right to one's native language and culture.

The first part of this chapter then, details the legislation of the Church prior to the first codification: the development of the legislation and the decrees of the Ecumenical Councils, especially those of the Council of Trent, which influenced the Church until the 1917 Code of Canon Law. The second part deals with the provisions of the 1917 Code. The third part presents the provisions of the 1983 Code of Canon Law and 1990 Code of Canons of the Eastern Churches, as the one *Corpus iuris canonici* of the Catholic Church.

Pope John Paul II, through the Apostolic Constitution *Pastor bonus*, reorganized the structure of the Roman Curia,³ and established or confirmed the existence of Pontifical Councils for the study and promotion of pastoral life. The fourth part of this chapter then examines three of these Pontifical Councils, which work with national minorities. While conscious of the fact that the solution of the

³ See JOHN PAUL II, Apostolic Constitution *Pastor bonus*, 28 June 1988, in AAS, 80 (1988), pp. 841-924; English translation in *Code of Canon Law Annotated: Latin-English Edition of the Code of Canon Law, and English-language Translation of the 5th Spanish-language Edition of the Commentary Prepared under the Responsibility of the Instituto Martín de Azpilcueta, (=Code of Canon Law Annotated)*, Edited by E. CAPARROS, M. THÉRIAULT, and J. THORN, Montréal, Wilson & Lafleur, 1993, pp. 1167-1179.

problems of ethnic minorities is primarily the responsibility of the states and international organizations, we include a fifth part outlining certain elements of the *ius publicum ecclesiasticum* regarding this matter.

2.1 – PROVISIONS PRIOR TO THE 1917 CODE

2.1.1 – The Development of Church Legislation

The principle of nation has never been a structuring principle in the Church's legislation, because the new People of God was based on baptism and not on race, language or cultural criteria. The apostolic church recognized itself as the new chosen people, as sign and instrument of salvation of the world, an organic reality with a diversity of charismata for the service of the Body of Christ.⁴

The existence of various local communities in the first centuries gives us the impression of a pluralistic reality with territorially circumscribed communities, having a single bishop who is the guarantor of internal unity and communion with the universal Church.⁵ Canons 34 and 37 of the *Apostolic Canons* speak of the bishops of all nations; this refers to the different ethnic, cultural and geographical

⁴ For more details, see P. ERDŐ, *Az egyházjog teológiája [Theology of Canon Law]*, Budapest, Szent István Társulat, 1995, p. 125.

⁵ For more details, see M. COSTALUNGA, "L'organizzazione in province e regioni ecclesiastiche", in *Jus canonicum*, 22, (1982), pp. 749-762, and D. SALACHAS, "The Local Church in the Universal Communion of the Churches According to Ancient Canon Law", in *Concilium*, 2001/3, pp. 21-33.

areas, with their various traditions.⁶ Canon 8 of the Ecumenical Council of Ephesus prescribes that the ancient laws and customs of each province be kept pure and intact.⁷

The Roman Empire recognized the continuing existence within it of a variety of peoples speaking languages or dialects different from literary Latin and retaining peculiar customs and traditions, and for them it evolved a special system of law – the *jus gentium*, the law of tribes, or peoples – differing from the legal system for full-fledged citizens. Likewise the Catholic Church, while intent upon safeguarding unity of faith and morals and its supreme spiritual authority, generally respected the sensibilities of the peoples it converted by establishing primatial sees for each, and initiating vernacular literature through translations of the Bible and prayer books from Latin or Greek.⁸

Medieval canon law's reaction to the different people's *unanimous* conversion to the Christian faith can be found in the Collection of Pseudo-Isidorian Decretals,⁹ which later was received into the *Decretum Gratiani*.¹⁰

⁶ "Episcopus Gentium singularum scire convenit...", *Canones Apostolorum*, c. 35, in MANSI, vol.1, pp. 53-55. See J. GAUDEMET, *Église et cité: histoire du droit canonique*, Paris, Cerf/Montchrestien, 1994, pp. 37-42, and B. BASDEVANT-GAUDEMET, "Églises nationales, histoire d'une expression", in *L'année canonique*, 43 (2001), pp. 15-24.

⁷ See N. TANNER (ed.), *Decrees of the Ecumenical Councils* (=TANNER), London, Sheed and Ward, 1990, vol. 1, pp. 68-69.

⁸ See C.J.H. HAYES, *Nationalism: A Religion*, New York, NY, Macmillan, 1960, p. 28.

⁹ While this is not an authentic papal decretal, it does tell us about the right of the people to organize themselves appropriately. "Nulli archiepiscopi primates vocentur, nisi illi qui primas tenent civitates, quarum episcopos et successores eorum regulariter patriarchas vel primates esse constituerunt, nisi aliqua gens deinceps ad fidem convertatur, cui necesse sit propter multitudinem episcoporum primatem constitui. Reliqui vero qui alias metropolitanas sedes adepti

According to these norms, if a great number of people convert to Christianity, a primate shall be appointed for them.¹¹ This may have influenced the basic idea of church organizational policy of the first Hungarian King, Saint Stephen.¹²

The development of both Primatial and of the National Councils in the V-VI centuries was influenced by the need to resolve problems within the same language territory.¹³ Until the thirteenth century there was no general law which provided for national minorities under the Church's jurisdiction.¹⁴

sunt, non primates, sed metropolitani nominentur." *Decreta Annitici*, c. 3, in PSEUDO-ISIDORUS, *Decretales pseudo-Isidorianae et Capitula Angilramni. Ad fidem librorum manuscriptorum recensuit, fontes indicavit, commentatione de collectione pseudo-Isidori praemisit Paulus Hinschius*, Neudruck der Ausgabe Leipzig, 1863, Aalen, Scientia Verlag, 1963, p. 121.

¹⁰ *Decretum Gratiani*: D 99. c. 2: "nisi aliqua gens deinceps ad fidem conuertatur, cui necesse sit pre multitudine primatem constitui", in *Corpus iuris canonici*, Editio Lipsiensis Secunda post Aemilii Ludouici Richteri curas ad librorum manu scriptorum et editionis romanae fidem recognuit et adnotatione critica, Lipsiae, Ex officina Bernhardi Tauchnitz, 1879, vol. 1, p. 350. See also RUFINUS VON BOLOGNA (MAGISTER RUFINUS), *Summa decretorum*, Neudruck der Ausgabe Paderborn, 1902, Paderborn, Scientia Verlag Aalen, 1963, p. 194.

¹¹ The *Decretum Gratiani* mentions the institution of the primate: "In illis ciuitatibus uero, in quibus olim apud ethnicos primi flamines eorum atque primi legis doctores errant, episcoporum primates uel patriarchas poni B. Petrus precepit, qui reliquorum episcoporum causas et maiora negotia in fide agitent. §. 1. In illis autem, in quibus dudum apud ethnicos predictos errant eorum archiflamines, quos tamen minores tenebant quam memoratos primates, archiepiscopos institui precepit. §. 2. In singulis uero reliquis ciuitatibus singulos, et non plures episcopos constitui precepit, qui episcoporum tantum uocabulo potirentur; quoniam nec inter ipsos apostolos par fuit institutio, sed unus prefuit omnibus", D. Gratianus LXXX, c. 2., in *Corpus iuris canonici*, vol. 1, p. 280.

¹² See P. ERDÓ, "Az Egyház mint szent nemzet" [The Church as a Holy Nation], in *Teológia*, 24/1 (2000), p. 7.

¹³ See W.M. PLÖCHL, *Geschichte des Kirchenrechts*, Wien – München, Verlag Herold, 1953-1969, vol. 1, pp. 136-140.

¹⁴ The basic elements of the personal criterion relating to the structure of the Church seem to have appeared at the Third Lateran Council, which provided for the pastoral care of lepers through the establishment of parishes or in another suitable way. See THIRD LATERAN COUNCIL, Canon 23, in MANSI, vol. 22, p. 998; English translation in TANNER, vol. 1, pp. 222-223.

The Fourth Lateran Council in 1215 obliges bishops to provide for the pastoral care of peoples of different rites:

Since in many places peoples of different languages live within the same city or diocese, having one faith but different rites and customs, we therefore strictly order bishops of such cities and dioceses to provide suitable men who will do the following in the various rites and languages: celebrate the divine services for them, administer the church's sacraments, and instruct them by word and example. We altogether forbid one and the same city or diocese to have more than one bishop, as if it were a body with several heads like a monster. But if for the aforesaid reasons urgent necessity demands it, the bishop of the place may appoint, after careful deliberation, a catholic bishop who is appropriate for the nations in question and who will be his vicar in the aforesaid matters and will be obedient and subject to him in all things.¹⁵

The provisions of Lateran IV were absorbed into the Decretals of Gregory IX (1227-1241), and confirmed as law with their promulgation in 1234.¹⁶ This law provides adequate pastoral care for the peoples of different languages and rites within the same city. This phenomenon existed already in many places, *plerisque partibus*. It was the obligation of the bishop to appoint suitable men, who knew the language, to look after their pastoral needs. But if there was an urgent need

¹⁵ "Quoniam in plerisque partibus intra eandem civitatem atque dioecesim permixti sunt populi diversarum linguarum, habentes sub una fide varios ritus et mores, districte praecipimus ut pontifices huiusmodi civitatum sive dioecesum, provideant viros idoneos, qui secundum diversitates rituum et linguarum divina officia illis celebrent et ecclesiastica sacramenta ministrent, instruendo eos verbo pariter et exemplo. Prohibemus autem omnino, ne una eademque civitas sive dioecesis diversos pontifices habeat, tanquam unum corpus diversa capita, quasi monstrum; sed si propter praedictas causas urgens necessitas postulaverit, pontifex loci catholicum praesulem, nationibus illis conformem, provida deliberatione constituat sibi vicarium in praedictis, qui ei per omnia sit obediens et subiectus", FOURTH LATERAN COUNCIL, Canon 9, in MANSI, vol. 22, p. 998; English translation in TANNER, vol. 1, p. 239.

¹⁶ The text of Lateran IV was copied, following by the following admonition: "Unde, si quis aliter se ingesserit, excommunicationis se noverit mucrone percussus, et, si nec sic resipuerit, ab omni ministerio ecclesiastico deponendum, adhibitio, si necesse fuerit, brachio saeculari ad tantam insolentiam repellendam." In *Decretales Gregorii IX*, De officio iudicis ordinarii, c. 14, l. 31, in *Corpus iuris canonici*, vol. 2, pp. 191-192.

(*propter praedictas causas urgens necessitas*) the bishop could appoint a prelate for the faithful of a particular language, who was subject to him in all things pertaining to this group.¹⁷

Since the time of the Fourth Lateran Council it has been the beginning of a policy of the Church, in dioceses in which there are various people, to appoint priests to minister to each national group in its own language and according to its own rites.¹⁸

Among the rules of the papal chancery office issued by Pope John XXII, revised by Pope Clement XI, and which remained unchanged until Pope Pius X, there is a paragraph concerning languages. According to this, one requirement for the valid assignment to a *beneficium* is the knowledge of the language of the place.¹⁹

¹⁷ Decree 24 of the Council of Vienne although not strictly related to the pastoral care of national minorities, but which spoke of the importance of languages, ordered the establishment of schools for the study of languages in order to evangelize the whole world. COUNCIL OF VIENNE, n. 24, in TANNER, vol. 1, p. 379. See also T. GREENTRUP, *Religion und Muttersprache*, Münster in Westfalen, Aschendorff, 1932, pp. 283-302.

¹⁸ The Council of Basel called for faithful observance of the Council of Vienne's constitution, because "the preaching will be more fruitful in proportion to the linguistic skill of the preachers." "...haec praedicatio eo sit fructuosior, quo predicantes linguarum habuerint peritiam..." in MANSI, vol. 29, p. 99; English translation in TANNER, vol. 1, p. 483.

¹⁹ "Item ordinavit et voluit idem dominus noster, videlicet V. id. iulii pontificatus sui anno tertio, quod si de cetero contingat ipsum alicui persone de aliqua parrochiali ecclesia providere seu mandare provideri, quod nisi persona ipsa bene intelligat et intelligibiliter loquatur ydioma illius loci ubi dicta parrochialis ecclesia consistat, provisio seu mandatum de providendo nullius existat roboris vel momenti." In E. VON OTTENTHAL, *Regulae Cancellariae Apostolicae, Die päpstlichen Kanzleiregeln von Johannes XXII bis Nikolaus V, gesammelt und herausgegeben*, Aalen, Scientia Verlag, 1968, p. 40.

2.1.2 – The Council of Trent

Among the decrees of the Council of Trent, two subjects are related to national minorities. The first refers to the use of national languages in the liturgy, and the second to the pastoral care of different groups of people.²⁰ To answer the claim of the Reformation for the right to use the national languages in the liturgy, the Council of Trent found itself obliged to face the problem; it did so in chapter 8 (canon 9) of its twenty-second session:

Although the Mass is full of instruction for the faithful people, the council fathers did not think it advantageous that it should everywhere be celebrated in the vernacular. Each church in its place should retain its ancient rite, approved by the holy church of Rome, mother and teacher of all the churches. At the same time, lest the sheep of Christ go hungry or the children ask for bread and there is no one to break it for them, the holy synod instructs the shepherds and all who have responsibility for souls frequently to explain during the celebration of mass, either personally or through another, some of what is recited in the course of the mass, and in addition to give some explanation of this mysterious and most holy sacrifice, especially on Sundays and feast days.²¹

²⁰ The Council of Trent when referring to a cleric to be appointed to an office takes into account the different customs of nations, people and cultures: "However, in view of the variety of nations, people and cultures, no single standard can be used in gathering serious and adequate evidence of all these qualities from men of virtue and wisdom. Hence the holy council enjoins that in each provincial synod held under the metropolitan's presidency, there should be drawn up a formula of examination or enquiry and information proper to each place and province, as seems most useful and appropriate for that place...", Sessio XXIV, Decretum de reformatione, Canon 1, in TANNER, vol. 2, p. 760.

²¹ "Etsi missa magnam contineat populi fidelis eruditionem, non tamen expedire visum est patribus, ut vulgari passim lingua celebraretur. Quamobrem, retento ubique cuiusque ecclesiae antiquo et a sancta Romana ecclesia, omnium ecclesiarum matre et magistra, probato ritu, ne oves Christi esuriant, neve parvuli panem petant et non sit, qui frangat eis: mandat sancta synodus pastoribus et singulis curam animarum gerentibus, ut frequenter inter missarum celebrationem vel per se vel per alios, ex his, quae in missa leguntur, aliquid exponant atque inter cetera sanctissimi huius sacrificii mysterii aliquod declarent, diebus praesertim dominicis et festis." CONCILIUM TRIDENTINUM, Sessio XXII, caput VIII, in MANSI, vol. 33, pp. 130-131; English translation in TANNER, vol. 2, p. 735.

The Council's main concern was to separate the language question from any doctrinal considerations and to treat language as a disciplinary matter.²² Despite the fact of prohibiting the celebration of mass in the vernacular, an apostolic brief, May 26, 1615, allowed Jesuit priests in China to use the vernacular language. This permission however did not last very long.²³

The Council of Trent faced the problem concerning the pastoral care of a group of people, especially a large community of a distinct national or racial character, speaking the language of their native country, but living within the territorial limits of another country, and recognized that instruction, preaching, and the administration of the sacraments were necessary means for the salvation of souls.²⁴

²² "Can 9. Si quis dixerit, Ecclesiae Romanae ritum, quo submissa voce pars canonis et verba consecrationis proferuntur, damnatum esse; aut lingua tantum vulgari Missam celebrari debere; aut aquam non miscendam esse in vino calice offerendo, eo quod sit contra Christi institutionem: anathema sit." In H. DENZINGER, *Enchiridion symbolorum definitionum et declarationum de rebus fidei et morum*, Quod emendavit, auxit, in linguam germanicam transtulit et adiuvante Helmuto Hoping edidit Petrus Hünemann, Freiburg im Breisgau, Herder, 1991, p. 1760. See also T. GRENRUP, *Religion und Muttersprache*, Münster in Westfalen, Aschendorff, 1932, pp. 302-308.

²³ "Initio saeculi elapsi actum est de facultate celebrandi Divina Officia vernaculo sermone in Sinarum Imperio. Eam postularunt facultatem Missionarii e Societate Jesu. Paulus V. Pontifex die 25 Januarii 1615 decrevit, ut apud Sinas Missam et Divina Officia Sinica lingua celebrari liceret", Benedict XIV, *De sacrosancto Missae sacrificio*, Lib. II, Cap. II, n. 13, in BENEDICTUS XIV, *De sacrosancto Missae sacrificio, Libri tres*, Prati, In Typographia Aldina, 1843, p. 39.

²⁴ A remarkable example is the Provincial Council of Tarragona (Spain) in 1635-1636, which allowed in the ecclesiastical province of Tarragona the use of Catalan or Spanish as the language of preaching. See "Constitutio de anno 1636 super modo et forma verbum Dei praedicandi in Provincia", in *Coleccion de cánones y de todos los concilios de la Iglesia de la Espana y de America, (en latin y castellano)*, con notas é ilustraciones por D. Juan Tejada y Ramiro, Madrid, P. Montero, 1853-1863, vol. 6, p. 133. See also A.G. MARTIMORT, *The Church at Prayer: An Introduction to the Liturgy*, Collegeville, MN, The Liturgical Press, 1987, pp. 164-165.

So that the faithful people may approach the reception of the sacraments with greater reverence and spiritual devotion, the holy council charges bishops not only to explain their power and benefit in a way that those receiving can grasp, before they themselves administer them to the people; but to ensure that the same is done by all parish priests with devotion and wisdom, even in the vernacular tongue, where there is need and it can reasonably be done; and this is to be done according to the form laid down by the holy council for each sacrament, which bishops should take steps to have accurately translated into the vernacular and explained to the people by all parish priests. Similarly, during mass or the celebration of office on every feast or solemnity they should explain the divine commandments and precepts of salvation in the vernacular, and should be zealous to implant them in the hearts of all (leaving aside useless questions) and educate them in the law of the Lord.²⁵

The diversity of language could lead to a lack of service as far as a particular group of faithful was concerned. The Council of Trent made it the obligation of the bishops to provide suitable pastors for all groups of people. These priests were expected to instruct the people in the vernacular whenever necessary.²⁶

²⁵ "Ut fidelis populus ad suscipienda sacramenta maiori cum reverentia atque animi devotione accedat: praecipit sancta synodus episcopis omnibus, ut non solum, cum haec per se ipsos erunt populo administranda, prius illorum vim et usum pro suscipientium captu explicant, sed etiam idem a singulis parochis pie prudenterque, etiam lingua vernacula, si opus sit et commode fieri poterit, servari studeant, iuxta formam a sancta synodo in catechesi singulis sacramentis praescribendam, quam episcopi in vulgarem linguam fideliter verti atque a parochis omnibus populo exponi curabunt; necnon ut inter missarum solennia aut divinorum celebrationem sacra eloquia et salutis monita eadem vernacula lingua singulis diebus festis vel solemnibus explanent, eademque in omnium cordibus (postpositis inutilibus quaestionibus) inserere, atque eos in lege Domini erudire studeant." CONCILIUM TRIDENTINUM, Sessio XXIV, Canon 7, in MANSI, vol. 33, p. 159; English translation in TANNER, vol. 2, p. 764.

²⁶ See Sessio XXII, 17 September 1562, Doctrina et canones de sanctissimo missae sacrificio, Caput VIII; Sessio XXIII, Decretum de reformatione, Caput I; Sessio XXIV, Decretum de reformatione, Caput IV, XVIII, in MANSI, vol. 33, pp. 136; 140-142; 159-160; 166-168; English translation in TANNER, vol. 2, pp. 763, 770-772.

The decrees of the Council of Trent remained in effect until 1918 when the Code of Canon Law went into effect.²⁷

²⁷ The existence of personal parishes and family parishes before and after the Council of Trent is mentioned in G.B. DE LUCA: "De privilegio parochialitatis concessio alicui Ecclesiae in personis alicujus nationis quamvis viventibus in alienis parochiis, An amissum dicatur per non usum, Et de materia parochialitatis in personis absque territorio", in *Theatrum veritatis, et justitiae, sive Decisivi discursus per materias, seu titulos distincti, & ad veritatem editi in forensibus controversiis canonicis & civilibus, in quibus in Urbe advocatus, pro una partium scripsit, vel consultus respondit*, Venetiis, Ex Typographia Balleoniana, 1734, Liber XII, pars III, *De parochis*, disc. XIV, pp. 331-333.

It is mentioned that the regular way of establishing parishes is according to the principle of territoriality, but the personal criterion is also acknowledged: "In unica igitur disputatione, in qua ob non communicata jura hinc inde, maturum judicium pro veritate scribendo pro Universitate parochorum efformare non potui, controversa reducebatur ad punctum, an dictum indultum ex prefato contrario longo usu abolitum esset necne; Posita enim illius subsistentia, planum fuisset bonum jus dictae Ecclesiae indultariae, quoniam licet ex deductis disc. praes. Inter quatuor requisita parochialitatis, illud sit praecipuum territorii, in quo vivat populus cum numero competenti familiarium; Attamen non implicat dari ex Apostolico indulto, vel antiqua legitima consuetudine jurisdictionem parochialem in personas, seu familia quamvis in alieno territorio viventes, ex iis quae de hac jurisdictione in personas absq; territorio habentur pluries sub.tit.de jurisd. praesertim in Nazarena, seu Tranen. disc. 20. & in Lauretana disc. 34. Et de parochiis distinctis per familias, quam vis sparsim, ac promiscue habitantes, habetur infra in Novar divisionis parochialium disc. 33. & seq. E converso autem secluso dicto indulto planum erat bonum jus parochorum in omnibus concernentibus jurisdictionem, omniaque jura parochialia cum viventibus intra parochiae fines, & consequenter tota disputatio erat, an per non usum, seu alias dictum indultum non suffragaretur." *Ibid.*, nn. 2-3-4, p. 332.

"Dubietatem autem praedictam resultare dicebam ex pluribus; Primo scilicet ex Constit. 94. Pii IV. revocante similia indulta, potissime dum ob adhuc non sequutam Ecclesiae constructionem illud adhoc effectuum non erat; Secundo in idem ob regulam Cancellariae Pauli III. & successorum revocatoriam quarumcumq; unionum dismembrationum, & gratiarum effectum non fortitarum; Tertio quia in illis temporibus plures irrepserant abusus, pro quibus tollendis convocatum fuit Concil. Trid. Quod prae ceteris sess. 24. c. 13. de reform. disponit, quod populus debeat esse distinctus in proprias, ac certas parochias propter plura inconvenientia alias resultantia; Et quarto ob eandem impracticabilitatem ponderatam supra, disc.prox.praeced. Cum enim nationales viverent sparsi per Urbem, cujus situs nimium vastus est hinc prorsus impracticabile videtur, ut deputatus ad exercitium curae in dicta Ecclesia nationali, prompte omnibus occurrere posset, ac sacramenta aliaquae divina, vel solemnia, vivis, & defunctis ministrare. E converso autem tolerabilis videbatur dictus usus praecepti paschalis, ac fontis baptismalis, Tum quia fons baptismalis non importat per necesse parochialitatem, sed esse potest etiam in Ecclesia non parochiali, Gregor. decis. 108. & 387. & in aliis, Tum etiam quia sicuti sere ubique servatur, quod sufficiat satisfacere praecepto paschali in Ecclesia Cathedrali, ac in Urbe in tribus Basilicis Patriarchalibus ita non incongruum, sed potius congruum videtur id explicari posse in Ecclesia nationali, ex majori spirituali consolatione nationalium in ea solemnitate ibi congregatorum." *Ibid.*, nn. 10-11-12-13, p. 332.

2.1.3 – The Church and Missions

The Church also recognized the need for the pastoral care of people in their own language in mission territories. Thus the Council of Trent insisted that the bishops “divide the people into separate and clear parishes and assign to each their own proper and permanent parish priest, who will be able to know them,²⁸ that they themselves preach to these people and instruct them,²⁹ and that they learn to understand their flock”.³⁰ Pope Gregory XV through his Apostolic Constitution *Inscrutabili* issued on June 22, 1622,³¹ created the Congregation *de Propaganda Fide* which organized the work in missionary countries and exercised its authority in the name of the Pope.³²

²⁸ Sessio XXIV, Decretum de reformatione, Canon 13, in MANSI, vol. 33, p. 159; English translation in TANNER, vol. 2, p. 768.

²⁹ See Sessio XXII, Doctrina et canones de sanctissimo missae sacrificio, Caput 8, in MANSI, vol. 33, pp. 130-131; English translation in TANNER, vol. 2, p. 735, and Sessio XXIV, Decretum de reformatione, cc. 4, 7, in MANSI, vol. 33, pp. 159-160; English translation in TANNER, vol. 2, pp. 763, 764.

³⁰ See Sessio XXIII, Decreta super reformatione, Canon 1, in MANSI, vol. 33, p. 140; English translation in TANNER, vol. 2, p. 744.

³¹ GREGORY XV, “Inscrutabili divinae providentiae”, in *Codicis iuris canonici fontes*, cura Petri Gasparri, Romae, Typis Polyglottis Vaticanis, 1923-1939, vol. 1, pp. 381-383.

³² See in *Bullarum, diplomatum et privilegiorum sanctorum Romanorum pontificum Taurinensis editio. Locupletior facta collectione novissima plurium brevium, epistolarum, decretorum actorumque S. Sedis a Leone Magno usque ad praesens [i.e. 1740]. Cura et Studio collegii adlecti Romae virorum S. Theologiae et SS. Canonum peritorum... auspicante Em. dom. S. R. E. card. Francisco Gaude. Augustae Taurinorum, Seb. Franco & H. Dalmazzo editoribus, 1857-1872, vol. 12, pp. 690-693. See also J. METZLER, “Foundation of the Congregation “de Propaganda Fide” by Gregory XV”, in J. METZLER (ed.), *Sacrae Congregationis de Propaganda Fide memoria rerum, 1622-1972*, Rom-Freiburg-Wien, Herder, 1976, vol. 1/1, pp. 79-111, and A. REUTER, “De iuribus et officiis Sacrae Congregationis ‘de Propaganda Fide’ noviter constitutae seu de indole eiusdem propria”, in *ibid.*, pp. 112-145.*

Various documents and responses of the Congregation *de Propaganda Fide* were concerned with the use of vernacular language in the liturgy in mission territories,³³ the importance, formation and distribution of native priests,³⁴ adaptation to the culture and customs of the people,³⁵ and the pastoral care of people of different languages,³⁶ including the translation of the Roman Catechism into vernacular languages and the religious instruction of native people.³⁷ The Congregation *de Propaganda Fide* recognized that the ideal resolution of the language problem in mission territories lay in the formation and distribution of native missionaries.³⁸

³³ The use of the vernacular language was mostly important in the administration of baptism, Eucharist, and the sacrament of reconciliation. See CONGREGATIO DE PROPAGANDA FIDE, *Collectanea S. Congregationis de Propaganda Fide; seu decreta, instructiones, rescripta pro apostolicis missionibus, ex tabulario eiusdem Sacrae Congregationis deprompta*, Romae, Ex Typographia Polyglotta S.C. de Propaganda Fide, 1893, pp. 106, 248, 329. For more details, see W. HENKEL, "The Polyglot Printing-office of the Congregation", in J. METZLER (ed.), *Sacrae Congregationis de Propaganda Fide memoria rerum*, vol. 1/1, pp. 335-350.

³⁴ See K. MÜLLER, "Propaganda-Kongregation und einheimischer Klerus", in *ibid.*, vol. 1/1, pp. 538-558.

³⁵ See J. METZLER, "Orientation, programme et premières décisions (1622-1649)", in *ibid.*, pp. 146-196.

³⁶ See CONGREGATIO DE PROPAGANDA FIDE, *Collectanea S. Congregationis de Propaganda Fide; seu Decreta, instructiones, rescripta pro apostolicis missionibus, ex tabulario eiusdem Sacrae Congregationis deprompta*, Romae, Ex Typographia Polyglotta S.C. de Propaganda Fide, 1893, pp. 106, 111-113, 137-138, 248-249, 251-252, 329.

³⁷ See URBAN VIII, "Constitutio super Missionibus Religiosorum ad Japoniam, et alias regiones Indiarum orientalium", 22 February 1633, in CONGREGATIO DE PROPAGANDA FIDE, *Bullarium pontificium Sacrae Congregationis de Propaganda Fide*, Romae, Typis Collegii Urbani, 1839-1841, vol. 1, pp. 81-86.

³⁸ The Congregation *de Propaganda Fide*, 8 September 1869, issued a circular letter to the apostolic vicars of East-India on the importance of native clergy and use of the native languages. See in CONGREGATIO DE PROPAGANDA FIDE, *Collectanea S. Congregationis de Propaganda Fide; seu Decreta, instructiones, rescripta pro apostolicis missionibus*, Romae, Ex Typographia Polyglotta S.C. de Propaganda Fide, 1907, vol. 2, pp. 21-28.

2.2 – THE 1917 CODE AND SUBSEQUENT LEGISLATION

2.2.1 – The 1917 Code of Canon Law

The 1917 Code of Canon Law (=1917 CIC) does not deal expressly with different nations and minorities, but its goal was to provide the appropriate legislation for the *society* which is the Church. Nevertheless, we can distinguish areas where universal legislation concerning national minorities can be found.³⁹

Nation in the 1917 CIC first of all has the meaning of Nation-State. Thus when the Code in canon 3 speaks about agreements between the Holy See and various nations, it refers to States;⁴⁰ so too does canon 254 regarding the ceremonies affecting diplomatic representatives of different nations,⁴¹ and canon 255, regarding the competence of the Congregation of Extraordinary Ecclesiastical Affairs with civil laws and concordats of different nations.⁴² There is a similar meaning in canon 1278 regarding the constitution of patron saints of

³⁹ *Codex iuris canonici, Pii X Pontificis Maximi iussu digestus, Benedicti Papae XV, auctoritate promulgatus, praefatione, fontium annotatione et indice analytico-alphabetico ab Emo Petro Card. Gasparri auctus*, in Civitate Vaticana, Typis Polyglottis Vaticanis, 1933, xlvii, 786 p.

⁴⁰ C. 3, "cum variis Nationibus". See J.A. ABBO – J.D. HANNAN (=ABBO – HANNAN), *The Sacred Canons: A Concise Presentation of the Current Disciplinary Norms of the Church*, St. Louis, MO, Herder, 1952, vol. 1, pp. 6-7.

⁴¹ C. 254, "...itemque eadem Congregatio cognoscit quaestiones de praecedentia tum Patrum Cardinalium tum Legatorum quos variae Nationes ad Sanctam Sedem mittunt." See S. SIPOS, *Enchiridion iuris canonici ad usum scholarum et privatorum*, Romae, Orbis Catholicus, 1960, p. 174.

⁴² C. 255, "...cum legibus civilibus coniunctum aliquid habent et ad pacta conventa cum variis Nationibus referuntur." See *ibid.*

nations,⁴³ canon 1379 regarding the foundation of a national or regional catholic university,⁴⁴ and canon 1508 concerning prescription as it functions in the legislation of respective nations.⁴⁵

In other canons, the 1917 CIC uses the expression *nation* to represent national belonging. Thus when it speaks about the incardination of clerics, the excardinating document should provide appropriate information regarding the birth, the life history, the morals, and the learning of the cleric involved, especially relating whether he is of a different nationality or speaks a foreign language.⁴⁶ The language of the liturgy follows the rite, so the liturgical language for the whole Western Church is Latin, but the Oriental Rites differ in language.⁴⁷

⁴³ C. 1278, "sancti nationum". The approval of the Apostolic See is needed to choose a patron saint for a nation. The expression "nation" used by the canon refers to a Nation-State. See C.A. BACHOFEN, *A Commentary on the New Code of Canon Law*, St. Louis, MO, Herder, 1925-1936, vol. 6, pp. 240-241, and S. SIPOS, *Enchiridion iuris canonici*, p. 591.

⁴⁴ C. 1379 §2, "...optandum ut in natione vel regione Universitas catholica condatur." See *ibid.*, pp. 628-629.

⁴⁵ C. 1508, "Praescriptionem, tanquam acquirendi et se liberandi modum, prout est in legislatione civili respectivae nationis". For more details, see *ibid.*, pp. 40-43, and A.G. CICOGNANI, *Canon Law*, pp. 467-474.

⁴⁶ C. 117, 2°. See ABBO – HANNAN, *The Sacred Canons; A Concise Presentation of the Current Disciplinary Norms of the Church*, vol. 1, pp. 169-170, S. SIPOS, *Enchiridion iuris canonici*, pp. 89-90, and T.L. BOUSCAREN, *Canon Law, A Text and Commentary*, Milwaukee, WI, The Bruce Publishing Company, 1966, p. 104.

⁴⁷ Cc. 818-819. See also C.A. BACHOFEN, *A Commentary on the New Code of Canon Law*, vol. 4, pp. 156-160.

In the Eastern Rite diocese of Hajdúdorog (Hungary), Pope Pius X with his constitution *Christifideles graeci ritus catholici*, on 8 June 1912, forbade the use of the Hungarian language in the liturgy: "Ad linguam liturgicam huius novae erectae dioecesis quod attinet, praecipimus ut sit graeca antiqua, vernacula vero in functionibus tantum extraliturpicis toleretur eodemque modo quo in ecclesiis latini ritus iuxta Sanctae Sedis decreta illa uti fas est. Quo vero memoratae novae dioecesis sacerdotibus tempus suppetat antiquae linguae graecae addiscendae, tribus tantum annis decretam huius dioecesis erectionem proxime sequentibus in singulis paroeciis ea lingua

Church legislation concerning ethnic minorities can be found implicitly in other canons. Thus, the pastoral care of national minorities in the erection of parishes based on national or personal criteria,⁴⁸ the obligation of the bishop to visit his diocese in order to be aware of the different needs, including those of national minorities,⁴⁹ the pastor's obligation for the care of souls from the moment of his taking possession of the parish,⁵⁰ the appointment of an assistant for a group of parishioners speaking a different language.⁵¹

liturgica uti poterunt, quae hucusque usitata est, vetita prorsus hungarica lingua, quam, quum non sit liturgica, in sacra Liturgia nunquam adhibere licet." In AAS, 4 (1912), pp. 432-433.

On March 9, 1927, the Congregation of Rites accepted the petition of the Bishops of Yugoslavia, and allowed the use of the new edition of the Slavic Missal: "... praedictam editionem Missalis Romano-Slavonici characteribus latini exornatam approbavit et universo Clero lingua slavonica rite utenti libenter indulisit: servatis rubricis", in AAS, 19 (1927), p. 156.

⁴⁸ Can. 216. - § 4 "Non possunt sine speciali apostolico indulto constitui paroeciae pro diversitate sermonis seu nationis fidelium in eadem civitate vel territorio degentium, nec paroeciae mere familiares aut personales; ad constitutas autem quod attinet nihil innovandum, inconsulta Apostolica Sede". See T.L. BOUSCAREN, *Canon Law, A Text and Commentary*, pp. 149-150, and C.A. BACHOFEN, *A Commentary on the New Code of Canon Law*, vol. 2, pp. 201-206, M.D. GALINDO, "Los principios de territorialidad y personalidad y las circunscripciones eclesiásticas personales", in *Ius canonicum*, 41 (2001), p. 611.

The erection of personal parishes based on language is an exception which requires an indult of the Apostolic See, but the local ordinary can establish personal parishes based on rite. "Quandoque tamen parochia constituta est non pro distincta parte territoriali, sed pro fidelibus determinati sermonis seu linguae in eadem civitate vel territorio degentibus, pro certa familia vel certis personis, forte in diversis parochiis territorialibus habitantibus (Parochiae nationales, familiares et personales). Tales parochiae determinatae non ex territorio, sed ex natione, lingua, vel secundum familias aut personas, rationem exceptionis habent et constitui ex speciali tantum apostolico indulto possunt, quoad constitutas autem nihil innovandum, inconsulta Apostolica Sede. Parochiae autem determinatae ex ritu ab Ordinariis erigi possunt." In S. SIPOS, *Enchiridion iuris canonici*, p. 251.

⁴⁹ Cc. 338-346; see S. SIPOS, *Enchiridion iuris canonici*, pp. 214-215.

⁵⁰ See c. 461 §1; C.A. BACHOFEN, *A Commentary on the New Code of Canon Law*, vol. 2, pp. 534-535.

⁵¹ C. 476; see *ibid.*, vol. 2, pp. 571-576.

Another field is that of religious instruction: the 1917 CIC says that the ordinary has the right and duty to watch over religious instruction.⁵² The administration of the sacrament of penance requires also the use of the native language of the penitent. According to the 1917 CIC, all the faithful are free to confess their sins to any lawfully approved confessor whom they prefer.⁵³ Pastors and others to whom is entrusted the care of souls are obliged to hear the confessions of their faithful.⁵⁴ Preaching the word of God is also the duty of the pastor, especially on the most solemn feasts of the year.⁵⁵

2.2.2 – After the 1917 Code

On June 28, 1917, the Consistorial Congregation issued norms concerning preaching which emphasized that the preacher should accommodate himself to the grasp of his hearers, both in thought and in the use of words.⁵⁶

On November 4, 1918, the Consistorial Congregation issued a decree concerning the new form of the diocesan report to be submitted to the Holy

⁵² Cc 1381-1382; although the canons do not speak explicitly about the religious instruction of national minorities. See *ibid.*, vol. 6, pp. 423-427.

⁵³ This includes confessors who speak the language of the faithful. See c. 905. For more details, see *ibid.*, vol. 4, p. 347.

⁵⁴ C. 892; see *ibid.*, vol. 4, pp. 307-310. Although the CIC mentions the possibility of confessing through an interpreter, see c. 903.

⁵⁵ See cc. 1327-1348. See *ibid.*, vol. 6, pp. 338-369.

⁵⁶ “Quamobrem concionator tam in ratiocinatione quam in linguae usu sese communi auditorum captui accomodet; quoad vero actionem ac recitationem, eam observet modestiam et gravitatem, quae illi convenit pro Christo legatione fungitur”, *Normae pro sacra praedicatione*, in AAS, 9 (1917), pp. 328-334; English translation in *CLD*, vol. 1, pp. 622-630.

See.⁵⁷ According to this decree, the diocesan bishop in his report must include the number of personal parishes for different languages or nations in his diocese.⁵⁸

The Pontifical Commission for the Authentic Interpretation of the Code of Canon Law gave an answer to a *dubium* concerning the erection of national parishes. According to this, in a single State which contains regions of mixed language groups, for the erection of a national parish, which is destined exclusively for the faithful of a certain language, an apostolic indult is required.⁵⁹

On 28 February 1926, Pope Pius XI issued an Encyclical on the missions, in which he urged the establishment of seminaries for native clergy in prefectures

⁵⁷ See AAS, 10 (1918), pp. 487-503.

⁵⁸ "Dicat praeterea: f) in quot vicariatus foraneos, decanatus, archipresbyteratus aliasve circumscriptiones dioecesis divisa sit; quot sint paroeciae, cum numero fidelium earum quae maxime vel minimae sunt; an adsint paroeciae per linguas seu nationes distinctae, et an per familias et non territorio divisae, et quo iure quot aliae ecclesiae vel oratoria publica adsint; sitne sacer aliquis locus celeberrimus, et qualis, cann. 216, 217", in J. OCHOA, *Leges Ecclesiae post Codicem iuris canonici editae*, Roma, Commentarium pro Religiosis, 1966, vol. 1, pp. 155-156.

⁵⁹ "Utrum in regionibus mixtae linguae, quae politice unicum Statum efformant, sed diversis utuntur linguis, ut aiunt, officialibus, requiratur, vi canonis 216, § 4, indultum apostolicum ad erigendam paroeciam exclusive destinata fidelibus determinati sermonis seu linguae, etiamsi haec determinata lingua sit una ex linguis officialibus eiusdem nationis, et paroecia erigenda suam distinctam habeat partem territorialem in dioecesi. Resp.: Affirmative", PONTIFICIA COMMISSIO AD CODICIS CANONES AUTHENTICE INTERPRETANDOS, "De paroeciis nationalibus (can. 216, §4)", 20 May 1923, in AAS, 16 (1924), p. 113.

and vicariates apostolic.⁶⁰ In his Apostolic Constitution, 8 April 1935, he recommends a native clergy for the effectiveness of the proclamation of faith.⁶¹

Regarding the use of the vernacular in distributing the sacraments and sacramentals, the Congregation of Rites on June 3, 1954, granted the use of English in conferring baptism, extreme unction, matrimony and funeral services in the United States of America.⁶² The whole issue of the use of vernacular was regulated by the Second Vatican Council's Constitution *Sacrosanctum Concilium*⁶³ and by the various instructions of the Congregation of Rites (later the Congregation for Divine Worship) for the proper implementation of this constitution.⁶⁴

⁶⁰ See Pius XI, Encyclical *Rerum Ecclesiae gestarum*, 28 February 1926, in AAS, 18 (1926), p. 76, and CLD, vol. 1, p. 656.

⁶¹ "For a native priest, being like his people in birth, disposition, sentiments, and aspirations, is better able than anyone else to instill the Faith into their souls." Pius XI, Apostolic Constitution *Ad christianum nomen*, 8 April 1935, in AAS, 28 (1936), pp. 94-95; CLD, vol. 2, p. 238.

⁶² See CLD, vol. 4, p. 251-252. Relating to the use of the vernacular, the Conciliar Commission on 10-18 November 1964, approved and confirmed the decisions of J.P. Vincent, Bishop of Bayonne, that the liturgical language in the Diocese of Bayonne is Basque. See CLD, vol. 6, p. 101.

⁶³ The Second Vatican Council provided the appropriate legislation for the language to be used in liturgical celebrations, in SECOND VATICAN COUNCIL, Constitution on the Sacred Liturgy, *Sacrosanctum Concilium* (=SC), 4 December 1963, n. 36, in AAS, 56 (1964), pp. 109-110, FLANNERY, p. 13.

The same Constitution provided norms for adapting the liturgy to the temperament and traditions of peoples: "Even in the liturgy the Church does not wish to impose a rigid uniformity in matters which do not involve the faith or the good of the whole community. Rather does she respect and foster the qualities and talents of the various races and nations." SC, n. 37, in AAS, 56 (1964), p. 110, FLANNERY, p. 13.

⁶⁴ For territories of multilingual communities, the Instruction states: "In nations which have several languages, different vernacular translation should be prepared for these languages and submitted to the special examination of the Bishops concerned. ... In liturgical services which are

Following the liturgical reform of the Second Vatican Council, Cardinal G. Lercaro, President of the Liturgical Commission, sent a letter on 25 January 1966, to the Presidents of the Episcopal Conferences of all countries, outlining the norms that should regulate the liturgical reform in local circumstances. This letter contains instructions concerning the liturgical language in bilingual regions:

In the same spirit and with the same pastoral intentions, the local Ordinary in bilingual territories will take care to provide in a suitable manner for the needs of the faithful of diverse languages: either by using Latin or, as is done in some places, by having the services at different times for the faithful of different languages. Let every precaution be taken to see that the language chosen be not troublesome to the persons attending the religious service, and that it does not cause a diminution of charity and understanding in the parishes.⁶⁵

celebrated in some places with people of another language, it is lawful with the consent of the local Ordinary to use the vernacular language known to these faithful, especially in the case of groups of immigrants, or of members of a personal parish, or similar instances. This shall be done in accordance with the extent of the use of the vernacular and the translation as legitimately approved by a competent territorial ecclesiastical authority of the respective language." CONGREGATION OF RITES, Instruction for the Proper Implementation of the Constitution on the Sacred Liturgy, *Inter oecumenici*, 26 September, 1964, nn. 40 d, 41, in AAS, 56 (1964), p. 886, CLD, vol. 6, p. 83.

The Congregation of Rites, on 5 March 1967, issued the instruction *Musicam sacram*, which also deals with the language of the liturgical celebrations. See *Notitiae*, 3 (1967), pp. 105-108, and CLD, vol. 6, pp. 748-750. The same Congregation on 4 May 1967, issued further instructions on the correct implementation of the Constitution on the Liturgy, in AAS, 59 (1967), pp. 442-448. The third Instruction on the Correct Implementation of the Constitution on the Liturgy, was issued by the Congregation of the Divine Worship, *Liturgicae instaurationes*, 5 September 1970, in AAS, 62 (1970), pp. 692-704, CLD, vol. 7, pp. 40-52.

⁶⁵ Original French version in *Notitiae*, 2 (1966), pp. 157-161; English translation in CLD, vol. 6, pp. 123-127.

The Congregation for Divine Worship on October 25, 1973, issued a letter to the presidents of the episcopal conferences on the translation of the formulae of the sacraments.⁶⁶

2.2.3 – The Church and Immigrants

Church legislation concerning national minorities was concretized in another field: the pastoral care of immigrants.⁶⁷ On August 15, 1912, Pope Pius X established within the Consistorial Congregation a new section for the pastoral care of immigrants.⁶⁸ On March 19, 1914, he established a College for the formation of Italian priests for immigrant Italians.⁶⁹ In 1914 the Consistorial Congregation issued a decree concerning the life of priests in immigrant territories.⁷⁰

The same Congregation on December 30, 1918 issued the decree *De clericis in certas quasdam regiones demigrantibus*, about the incardination of

⁶⁶ See AAS, 66 (1974), pp. 98-99. See also *CLD*, vol. 8, pp. 67-69.

⁶⁷ See G. ROSOLI, "Alcune considerazioni storiche su S. Sede e fenomeno della mobilità umana", in PONTIFICIA COMMISSIONE PER LA PASTORALE DELLE MIGRAZIONI E DEL TURISMO VATICANO, *Chiesa e mobilità umana*, Documenti della Santa Sede dal 1883 al 1983 a cura di Graziano Tassello e Luigi Favero, Roma, Centro Studi Emigrazione, 1985, pp. XIII-XXX.

⁶⁸ See AAS, 4 (1912), p. 526.

⁶⁹ See PIUS X, *Motu proprio iam pridem*, 19 March 1914, in AAS, 6 (1914), p. 132, and in PONTIFICIA COMMISSIONE PER LA PASTORALE DELLE MIGRAZIONI E DEL TURISMO VATICANO, *Chiesa e mobilità umana*, pp. 98-101.

⁷⁰ "Decretum de Sacerdotibus in certas quasdam regiones demigrantibus", in AAS, 6 (1914), pp. 173-176. In PONTIFICIA COMMISSIONE PER LA PASTORALE DELLE MIGRAZIONI E DEL TURISMO VATICANO, *Chiesa e mobilità umana*, pp. 101-102.

clerics coming from Europe to America, which demonstrates the concern of the Holy See for national minorities. According to this decree, bishops may grant discessorial letters to priests going from Europe to America if they have a just cause for making the journey, e.g., the spiritual assistance of those of their own nation.⁷¹

Pope Pius XI with his *Motu Proprio Sancta Dei Ecclesia*, on March 25, 1938, extended the competence of the Congregation for the Oriental Churches, which obtained full and exclusive jurisdiction over the faithful of the Oriental Rites and the Latin Rite living in certain regions of Europe and Italy.⁷²

Another piece of ecclesiastical legislation concerning national minorities was the *Responsum* of the Code Commission, mentioned earlier which resolved the *dubium* concerning the indult of the Holy See for establishing national parishes.⁷³

⁷¹ See *CLD*, vol. 1, pp. 93-97.

⁷² See PIUS XI, *Motu proprio Sancta Dei Ecclesia*, 25 March 1938, in *AAS*, 30 (1938), pp. 67-70.

⁷³ "Utrum in regionibus mixtae linguae, quae politice unicum Statum efformant, sed diversis utuntur linguis, ut aiunt, officialibus, requiratur, vi canonis 216, § 4, indultum apostolicum ad erigendam paroeciam exclusive destinata fidelibus determinati sermonis seu linguae, etiamsi haec determinata lingua sit una ex linguis officialibus eiusdem nationis, et paroecia erigenda suam distinctam habeat partem territorialem in dioecesi. Resp.: Affirmative." PONTIFICIA COMMISSIO AD CODICIS CANONES AUTHENTICE INTERPRETANDOS, "De paroeciis nationalibus (can. 216, § 4), 20 May 1923, in *AAS*, 16 (1924), p. 113. See also H.S. MAYER, *Neueste Kirchenrechts-Sammlung; die Gesetze der Päpste, die authentischen Auslegungen der kirchlichen Gesetze und die anderen Erlasse des Heiligen Stuhles seit Erscheinen des Codex iur. can. geordnet und ins Deutsche übersetzt*, Freiburg, Herder, 1953-1962, vol. 1, pp. 63-66.

Regarding the parish affiliation of foreign-born Catholics and their children, the Congregation of the Council on January 15, 1938, issued a declaration to all the members of the Hierarchy of the United States.⁷⁴

On August 1 1952, Pope Pius XII issued the Apostolic Constitution *Exsul familia* for the pastoral care of migrant and itinerant people.⁷⁵ This was followed by a document regarding the pastoral care of emigrants issued on 10 December 1954 by the Consistorial Congregation.⁷⁶

After the Second Vatican Council, on August 15, 1969, Pope Paul VI issued the Motu Proprio *Pastoralis migratorum cura* approving the Instruction of the Congregation for Bishops on the Pastoral Care of Migrants in order to revise the norms of the Apostolic Constitution *Exsul familia*.⁷⁷ On March 19, 1982, the Pontifical Commission for the Spiritual Care of Migrants and Travelers issued a decree concerning faculties for chaplains and privileges for the faithful.⁷⁸ The

⁷⁴ "When foreign immigrants and their children speak the English language and do not wish to belong to their own national parishes, they must affiliate with the American territorial parish in which the said immigrants and their children have their domicile, and not with any other parish in which the English language may be spoken." In *CLD*, vol. 2, p. 79.

⁷⁵ See PIUS XII, Apostolic Constitution *Exsul familia*, 1 August 1952, in AAS, 44 (1952), pp. 692-704; English translation in *CLD*, vol. 3 (1942-1953), pp. 84-98, G. TESSAROLO (ed.), *Exsul familia: The Church's Magna Charta for Migrants* (=TESSAROLO), Staten Island, NY, St. Charles Seminary, 1962, pp.106-179.

⁷⁶ SACRA CONGREGATIO CONSISTORIALIS, *Norms and Faculties*, 10 December 1954, in AAS, 47 (1955), pp. 91-92; English translation in *CLD*, vol. 4, pp. 120-123. See also V. DE PAOLIS, "Principali documenti", in *On the Move*, 33 (1981), pp. 26-34.

⁷⁷ SACRA CONGREGATIO PRO EPISCOPIB, Instructio, *Nemo est*, 22 August 1969, nn. 35-36, in AAS, 61 (1969), pp. 632-633; English translation in *CLD*, vol. 7, pp. 188-224. For a concise commentary, see TESSAROLO, pp. 106-179.

⁷⁸ See AAS, 74 (1982), p. 742-745; English translation in *CLD*, vol.10, pp. 34-38.

new Code of Canon Law did not derogate from the legislation concerning the pastoral care of immigrants; the earlier provisions remained in force along with the new legislation.⁷⁹

2.3 – THE 1983 CODEX IURIS CANONICI

Among the general principles governing the reform of the Code of Canon Law (=CIC) was the delimitation and circumscription of the jurisdiction of bishops for the better pastoral care of the People of God with its variety of components.⁸⁰ In the CIC⁸¹ the notion of *Natio* and expressions related to it can be found 17 times with different meanings: first to signify the political order, and second to show the cultural background of the persons, taking into account the language of the Second Vatican Council.⁸²

⁷⁹ See V. DE PAOLIS, "Aspetti canonici del magisterio della S. Sede sulla mobilità umana", in PONTIFICIA COMMISSIONE PER LA PASTORALE DELLE MIGRAZIONI E DEL TURISMO VATICANO, *Chiesa e mobilità umana*, pp. xxxi-xlix, and "La cura pastorale dei migranti: aspetti canonici", in *On the Move*, 33 (1981), pp. 65-68.

⁸⁰ See A. DEL PORTILLO, "Dinamicidad y funcionalidad de las estructuras pastorales", in *Ius canonicum*, 9 (1969), pp. 305-329.

⁸¹ *Codex iuris canonici, auctoritate Ioannis Pauli PP. II promulgatus, fontium annotatione et indice analytico-alphabetico auctus*, in Civitate Vaticana, Libreria Editrice Vaticana, 1983, xxx, 317 p.; English translation: *Code of Canon Law, Latin-English Edition, New English Translation Prepared Under the Auspices of the Canon Law Society of America*, Washington, DC, Canon Law Society of America, 1999, 751 p.

⁸² See A. LEBEAUPIN, "La notion de nation selon la «conception» contemporaine du Saint-Siège", in *L'année canonique*, 37 (1995), pp. 145-152.

2.3.1 – *Natio* as a State

The Code of Canon Law first of all “adopts” the expressions of *Nation*, and *State* used by international legislation concerning political and civil denominations. Thus in the Code the term *natio* or *nationalis*, becomes identical with State. E.g. when speaking about the agreements of the Apostolic See with nations or other civil entities,⁸³ or about the civil legislation of each country.⁸⁴

When organizing the activities of the Church, the criterion for establishing structures of the Church is the territory of the State. In this sense the Code uses the expression *national*,⁸⁵ for instance, the right of the Prelate of a personal prelatore to establish a national or an international seminary;⁸⁶ the Bishops' Conference is competent in its own territory to establish national associations which by their very establishment are intended for work throughout the whole

⁸³ “...cum nationibus aliisque societatibus politicis...”, c. 3. The agreement could be in the form of a concordat, which is a general agreement between the Church and a particular nation (State), or a partial agreement or protocol, *modus vivendi*, accord, etc., which regulates various kinds of matters. According to J.M. Huels, “Agreements between the Church and the State are not treaties between nations (between a civil government and the Vatican State), but between a nation and the competent authority of the Roman Catholic Church. The Roman Catholic Church is unique among world religions for its highly developed diplomatic relations with civil governments and its participation in world affairs and representation in world organizations”, J.M. HUELS, “Introductory Canons, Agreements”, in J.P. BEAL, J.A. CORIDEN and T.J. GREEN, *New Commentary on the Code of Canon Law*, (=New Commentary on the Code of Canon Law) Commissioned by the Canon Law Society of America, New York/Mahwah, NJ, Paulist Press, 2000, pp. 50-51.

⁸⁴ “Ecclesia recipit prout est in legislatione civili respectivae nationis...”, c. 197. This canon canonizes the local civil law regarding prescription. See *ibid.*, pp. 84-86.

⁸⁵ See N. DOE, “Pour une première analyse de la notion d’Église nationale”, in *L’année canonique*, 43 (2001), pp. 65-66.

⁸⁶ “...cui ius est nationale vel internationale seminarium erigere...”, c. 295 §1. See R. PAGÉ, “Title IV, Personal Prelatures [cc. 294-297]”, in *New Commentary on the Code of Canon Law*, pp. 396-397.

nation;⁸⁷ the celebration of provincial councils in an ecclesiastical province whose boundaries in praxis coincide with those of a country;⁸⁸ the Bishops' Conference is the assembly of the Bishops of a country or of a certain territory;⁸⁹ the national shrine;⁹⁰ special national collections determined by the ordinary.⁹¹

⁸⁷ "...pro consociationibus nationalibus, quae scilicet ex ipsa erectione destinantur ad actionem in tota natione exercendam, Episcoporum conferentia in suo territorio"; c. 312 §1, 2°. See *ibid.*, pp. 409-410.

⁸⁸ "...cum territorio nationis coincident...", c. 439. In practice an episcopal conference is responsible for the particular churches in a given State, but there are examples when an episcopal conference exercises its jurisdiction over the territories of several countries, e.g., Gambia, Sierra Leone and Liberia. See J.G. JOHNSON, "Title II, Groupings of Particular Churches, [cc. 431-459]", in *New Commentary on the Code of Canon Law*, pp. 577-580.

⁸⁹ "...coetus Episcoporum alicuius nationis...", c. 447. According to c. 448 §1 "As a general rule, the Bishop's Conference includes those who preside over all the particular Churches of the same country" (*praesules omnium Ecclesiarum particularium eiusdem nationis*). The Latin term *natio* refers to the political boundary of a state (as it is used in canon 3), and not to the group of people with the same ethnic characteristics. According to G. Feliciani, "Por tanto, la innovación introducida por el Código aparece plenamente en línea, tanto con las indicaciones que emergen de la evolución histórica de esta institución, como con las exigencias de la evangelización en el mundo contemporáneo. Sin embargo, habría que preguntarse si esta formalización del principio de nacionalidad – y, por tanto, del principio de respeto de los límites de cada Estado – no podría llegar a hacer más difícil para la Iglesia, sobre todo en países que se manifiestan especialmente celosos de su propia unidad e independencia, recurrir a soluciones distintas donde parezcan oportunas o necesarias. En efecto, la institución de la Conferencia nacional no está siempre exenta de inconvenientes, puesto que, a causa de la diversísima extensión del territorio de los Estados, de la escasa homogeneidad de los criterios seguidos para la erección de diócesis, y de la diferente consistencia de la presencia de los católicos en las diversas naciones, puede no resultar adecuada a las exigencias pastorales", in *Comentario exegético al Código de derecho canónico*, (= *Comentario exegético*), obra coordinada y dirigida por A. MARZOA, J. MIRAS y R. RODRÍGUEZ-OCAÑA, Pamplona, Ediciones Universidad de Navarra, S.A., 1997, vol. II/1, p. 951.

The Holy See has the right to establish an episcopal conference for more than one State/nation, and to decide if the circumstances of the respective particular churches suggest not following the State/national boundaries in establishing an episcopal conference, for instance in Ireland today. See *ibid.*, pp. 590-592. See also J. PROVOST, "Particular Councils", footnote n. 33, in M. THÉRIAULT and J. THORN, *The New Code of Canon Law, Proceedings of the 5th International Congress of Canon Law*, Ottawa, Saint Paul University, Faculty of Canon Law, 1986, vol. 1, p. 546.

⁹⁰ "Ut sanctuarium dici possit nationale...", cc. 1231-1232 §1. See *Comentario exegético*, vol. III/2, pp. 1846-1853.

2.3.2 – *Natio* as Cultural Belonging

The *CIC* in some cases uses the term *natio* to signify the national and cultural belonging of the *christifideles*. Thus when it speaks of establishing a particular Church in a given territory according to the rite of the faithful or some other similar quality;⁹² the pastoral office of the diocesan bishop for all Christ's faithful entrusted to his care whatever their age, condition or nationality;⁹³ the appointment of an Episcopal vicar; competence is limited to a determined part of the diocese, or to a specific type of activity, or to the faithful of a particular rite, or to certain groups of people;⁹⁴ the parish is to be territorial, but where it is useful, it can be established by reason of rite, language or nationality of Christ's faithful of a certain territory;⁹⁵ the appointment of a chaplain in a stable manner for the pastoral care of some community or special group.⁹⁶

⁹¹ "...Ordinarius loci praecipere potest ut specialis stips colligatur pro determinatis inceptis paroecialibus, dioecesanis, nationalibus vel universalibus...", c. 1266. See *ibid.*, vol. IV/1, pp. 87-88.

⁹² C. 372 §2. This later refers to the personal criterion which can be based on cultural belonging of the faithful. See J.I. ARRIETA, "Le circoscrizioni personali", in *Fidelium iura*, 4 (1994), pp. 207-243, and G. DALLA TORRE, "Le strutture personali e le finalità pastorali", in J. CANOSA (ed.), *I principi per la revisione del Codice di diritto canonico, La ricezione giuridica del Concilio Vaticano II*, Milano, Giuffrè Editore, 2000, pp. 577-581.

⁹³ "...Episcopus dioecesanus sollicitum se praebeat erga omnes christifideles qui suae curae committuntur, cuiusvis sint aetatis, condicionis vel nationis...", c. 383 §1. See *Comentario exegetico*, vol. III/1, pp. 747-750.

⁹⁴ C. 476. The canon under "certi personarum coetus" means a specific category of persons designated by characteristics other than rite, such as language or culture. See B.A. CUSACK, "Title III, The Internal Ordering of Particular Churches, [cc. 460-572]", in *New Commentary on the Code of Canon Law*, pp. 629-630.

⁹⁵ "...ubi vero id expediat constituentur paroeciae personales, ratione ritus, linguae, nationis christifidelium...", c. 518. See A. BORRAS, *Les communautés paroissiales; Droit*

2.3.3 – Protecting the Rights of Ethnic Minorities

In the *CIC*, norms regarding the protection of rights of ethnic minorities can be noted in four areas. First, as regards priestly formation; secondly, the obligations of the clergy; thirdly those of bishops, and fourthly the criteria for establishing structures.⁹⁷

The *CIC*, when speaking of priestly formation, underlines that “the programme of priestly formation is to provide that the students are not only taught their native language accurately, but are also well versed in Latin, and have a suitable knowledge of other languages which would appear to be necessary or useful for their formation or for the exercise of their pastoral ministry.”⁹⁸ The formation of seminarians has a pastoral purpose, according to the needs of place and time.⁹⁹ But formation is not limited to a local situation, it includes also the necessity of instructing the seminarians about the needs of the

canonique et perspectives pastorales, Paris, Les Éditions du Cerf, 1996, pp. 55-74, and F. COCCOPALMERIO, *De paroecia*, Roma, Editrice Pontificia Università Gregoriana, 1991, pp. 1-7.

⁹⁶ C. 564. See J.I. ARRIETA, *Diritto dell'organizzazione ecclesiastica*, Milano, Giuffrè Editore, 1997, pp. 468-470.

⁹⁷ See J. PROVOST, “Structuring the Church as a *Communio*”, in J. PROVOST (ed.), *The Church as Communion*, Washington, DC, Canon Law Society of America, 1984, pp. 191-245.

⁹⁸ C. 249. See also the commentary of canon 249 in K. LÜDICKE (ed.), *Münsterischer Kommentar zum Codex iuris canonici, unter besonderer Berücksichtigung der Rechtslage in Deutschland, Österreich und der Schweiz (=Münsterischer Kommentar)*, Essen, Ludgerus Verlag, 1985, vol. 4, and *Comentario exegetico*, vol. II/1, pp. 260-261.

⁹⁹ See c. 255. See also R.G. CUNNINGHAM, “Title III, Sacred Ministers or Clerics, [cc. 232-293]”, in *New Commentary on the Code of Canon Law*, p. 323. Pope John Paul II in his Post Synodal Apostolic Exhortation, *Pastores dabo vobis*, calls the attention of seminarians to the needs of the particular church. See JOHN PAUL II, Post Synodal Apostolic Exhortation, *Pastores dabo vobis*, 25 March, 1992, n. 58, in *AAS*, 84 (1992), pp. 759-761.

entire Church.¹⁰⁰ The formation of the students is to encompass in its scope the needs of the universal Church, and not only those of the particular Church in which they are incardinated.¹⁰¹ The *CIC* also insists on the obligation of the clergy to promote peace and harmony among peoples, based on justice.¹⁰²

The Code protects the basic rights of ethnic minorities when it refers to the possibility of establishing structures for the pastoral care of ethnic minorities. The particular churches are defined as portions of the people of God.¹⁰³ When the *CIC* speaks about establishing particular churches, it mentions territoriality, not as a constitutive element, but rather as a determining element of a particular church. Thus in the second paragraph of canon 372, the *CIC* mentions the

¹⁰⁰ See c. 256 §2. See also R.G. CUNNINGHAM, "Title III, Sacred Ministers or Clerics, [cc. 232-293]", in *New Commentary on the Code of Canon Law*, pp. 323-324.

¹⁰¹ C. 257 §1. See also the commentary of canon 257 §1, in *Münsterischer Kommentar*, vol. 4.

¹⁰² C. 287 §1: "Clerici pacem et concordiam iustitia innixam inter homines servandam quam maxime semper foveant." The expression used by this canon is *homines*, and not *nationes*, because the mind of the legislator focuses on those people whose pastoral care is entrusted to priests. This obligation implies that the priest has to do all in his power to defend the rights of the human person arising from natural or positive justice. According to *Pastores dabo vobis*, n. 18, priests have to be people of peace, community and dialogue. See *Comentario exegetico*, vol. II/1, pp. 373-374.

The Code states this obligation positively in contrast to the 1917 Code, which took a negative position and forbade the clergy to participate in any way whatever in civil conflict and public disturbances. See R.G. CUNNINGHAM, "Title III, Sacred Ministers or Clerics, [cc. 232-293]", in *New Commentary on the Code of Canon Law*, p. 379. See also *Communicationes*, 14 (1982), pp. 71-84, and 16 (1984), pp. 172-186; A. CELEGHIN, "Obligationes, iura et associationes clericorum", in *Periodica*, 78 (1989), pp. 32-33. See also the commentary of canon 287 §1 in *Münsterischer Kommentar*, vol. 2.

¹⁰³ C. 368. See also the commentary of canon 368, in *Münsterischer Kommentar*, vol. 2, A. D'ORS, "Iglesia universal e iglesia particular", in *Jus canonicum*, 28 (1988), pp. 295-303, and A.M. ROUCO VARELA, "Iglesia universal – Iglesia particular", in *Jus canonicum*, 22 (1982), pp. 221-239.

possibility of establishing particular churches determined by personal or ritual elements according to the judgment of the supreme authority.¹⁰⁴ It is within the competence of the supreme authority alone to establish particular Churches, after consultation with the Bishops' Conferences.¹⁰⁵

Among the obligations of the diocesan bishop, as pastor of his particular church, the *CIC* mentions the pastoral care of all the Christian faithful entrusted to his care regardless of age, condition or nationality.¹⁰⁶ The diocesan bishop can fulfill this obligation personally, or by appointing an Episcopal vicar, whose competence is limited either to a determined part of the diocese, or to a specific type of activity, or to the faithful of a particular rite, or to certain groups of people, including the Christian faithful belonging to an ethnic minority.¹⁰⁷ The diocesan

¹⁰⁴ C. 372, "...by the rite of the faithful or some other similar reason..."; see also c. 518. See also the commentary of canon 372, in *Münsterischer Kommentar*, vol. 2, and J.I. ARRIETA, *Diritto dell'organizzazione ecclesiastica*, pp. 358-361.

¹⁰⁵ See c. 373. See also the commentary of canon 373, in *Münsterischer Kommentar*, vol. 2.

¹⁰⁶ C. 383 §1. In the second paragraph, the *CIC* mentions the faithful of a different rite, because this corresponds to the right of the Christian faithful "to worship God according to the precepts of their own rite approved by the legitimate pastors of the Church", c. 214. The canon reflects the teaching of *Christus Dominus*, n. 23. See also the commentary of canon 383 §1, in *Münsterischer Kommentar*, vol. 2.

The Directory for the Pastoral Ministry of Bishops, *Ecclesiae imago*, 22 February 1973, lists the different rights and obligations of the bishop, including providing for the pastoral care of different groups in the diocese. See *Directorium de pastorali ministerio Episcoporum*, in *Enchiridion Vaticanum: testo ufficiale e versione italiana*, Bologna, Edizioni Dehoniane, 1980, vol. 4, pp. 1226-1487.

¹⁰⁷ See the commentary on c. 476 by B.A. CUSACK, "Title III, The Internal Ordering of Particular Churches, [cc. 460-572]", in *New Commentary on the Code of Canon Law*, pp. 629-630. See also the commentary of canon 476, in *Münsterischer Kommentar*, vol. 3. For more details, see R. SCHEULEN, *Das Amt des "Vicarius Episcopalis", Ein kirchenrechtlicher Beitrag zur Ämterstruktur in der Partikularkirche*, Würzburg, Echter, 1991, pp. 167-186.

bishop can request the appointment of an auxiliary bishop if the pastoral needs of the diocese require it. In this case the pastoral need of ethnic minorities seems to be an adequate reason for appointing an auxiliary bishop.¹⁰⁸

The protection of ethnic minorities is concretized by providing adequate pastoral care for them, and for this reason establishing personal parishes determined by the rite, language, nationality or some other factor affecting the persons living within the territory.¹⁰⁹ The office of chaplain is also related to the pastoral care of ethnic minorities; he may be entrusted in a stable manner with the pastoral care of some community or special group.¹¹⁰ The *CIC* offers the office of the chaplain as a possibility for those who, because of their condition of life, are not able to avail themselves of the ordinary care of parish priests, but the chaplaincies do not enjoy the rights of parishes.¹¹¹

The protection of cultures of ethnic minorities has also become part of canon law in the section dealing with the missionary activity of the Church. The *CIC* underlines that "missionaries are to establish a sincere dialogue with those

¹⁰⁸ See c. 403, and the notes on canon 403, in *Code of Canon Law Annotated*, p. 315.

¹⁰⁹ See c. 518. See also B.A. CUSACK, "Title III, The Internal Ordering of Particular Churches, [cc. 460-572]", in *New Commentary on the Code of Canon Law*, pp. 688-690, and the commentary of canon 518, in *Münsterischer Kommentar*, vol. 3. R. PAGÉ, *Les Églises particulières, Tome II, La charge pastorale de leurs communautés de fidèles selon le Code de droit canonique de 1983*, Montréal, Éditions Paulines, 1989, pp. 46-49, and G. SARZI-SARTORI, "La parrocchia personale nell'attuale disciplina della Chiesa", in *Quaderni di diritto ecclesiale*, 2 (1989), pp. 165-173.

¹¹⁰ C. 564. See notes on canon 564, in *Code of Canon Law Annotated*, pp. 406-408.

¹¹¹ C. 568. See B.A. CUSACK, "Title III, The Internal Ordering of Particular Churches, [cc. 460-572]", in *New Commentary on the Code of Canon Law*, pp. 736-739.

who do not believe in Christ, taking their native character and culture into account.”¹¹² While the canon speaks about those who do not believe in Christ, its main concern is to integrate the gospel message within a culture.¹¹³

The use of the native language and the vernacular translation of liturgical books in the liturgy is also connected with the protection of rights of ethnic minorities. The *CIC* emphasizes the importance of the role of episcopal conferences in this matter.¹¹⁴

2.4 – THE 1990 CODEX CANONUM ECCLESiarUM ORIENTALIUM

2.4.1 – *Natio* as a State

The Code of Canons of the Eastern Churches (=CCEO), in using the expression *natio*, in some cases refers to Nation-States in the modern meaning of the word.¹¹⁵ Thus, when it states that the canons neither abrogate nor derogate the agreements between the Holy See and nations, it means the

¹¹² C. 787; see *ibid.*, pp. 946-947. See also *Comentario exegético*, vol. III/1, pp. 189-193.

¹¹³ For more details, see commentary of canon 787, in *Münsterischer Kommentar*, vol. 3.

¹¹⁴ See c. 838 and its commentary by F.R. McMANUS, “Introductory Canons, [cc. 834-839]”, in *New Commentary on the Code of Canon Law*, pp. 1012-1016. See also CONGREGATION FOR DIVINE WORSHIP AND THE DISCIPLINE OF THE SACRAMENTS, *Instructio quinta <ad exsecutionem Constitutionis Concilii Vaticani Secundi de Sacra Liturgia recte ordinandam>*, *Liturgiam authenticam*, 8 March 2001, in *AAS*, 93 (2001), pp. 685-726.

¹¹⁵ *Codex canonum Ecclesiarum orientalium, auctoritate Ioannis Pauli PP. II promulgatus* (=CCEO), in *Civitate Vaticana, Typis Polyglottis Vaticanis*, 1990, xxxiv, 381 p.; English translation *Code of Canons of the Eastern Churches, Latin-English Edition, New English Translation*, prepared under the auspices of the CANON LAW SOCIETY OF AMERICA, Washington, DC, Canon Law Society of America, 2001, xli, 860 p.

political organization of a State.¹¹⁶ The patriarchs, metropolitans, eparchial bishops exercising their authority in the same nation or region, can hold periodic assemblies when it seems advisable.¹¹⁷ The nation in this context signifies the territory of a State.¹¹⁸

The CCEO uses *natio* with the same meaning, when it speaks about the formation program of clerics, which can be common to an entire region or nation;¹¹⁹ the major seminary may be erected even for diverse Churches *sui iuris* which have an eparchy in the same region or nation;¹²⁰ the curriculum of a minor

¹¹⁶ C. 4. See V.J. POSPISHIL, *Eastern Catholic Church Law*, (=POSPISHIL), Second Revised and Augmented Edition, Staten Island, NY, Saint Maron Publications, 1996, pp. 87-89.

¹¹⁷ "...in eadem natione vel regione potestatem suam exercentes...", CCEO, c. 322 §1. See also M. BROGI, "Sinodi Patriarcali, Assemblee e Conferenze Episcopali di rito orientale", in *Antonianum*, 51 (1986), pp. 256-265.

¹¹⁸ "The Eastern Churches ought to be aware that most nations do not permit religious superiors to reside in another nation, (of which perhaps they themselves were once a part) or to influence in any manner members of their denomination in the nation, with the exception of the supranational supervisory function of the Roman Pontiff. In case of a new national boundary line which divides a diocese, the bishop will be prevented from exercising jurisdiction in the part 'left over the fence'. All the successor states of Austro-Hungary (after 1918) insisted on this arrangement; and Poland demanded that the local Eastern Orthodox Church had to separate from the mother Church of Moscow and establish itself as an autocephalous or independent Polish Orthodox Church. The same will now be applicable to parts of the Ukrainian Catholic Church in Poland, Belarus, Romania, and other nations, namely that they will not belong directly to the Ukrainian Church, except in the same manner as the eparchies and metropolitans in the North Americas and elsewhere." In POSPISHIL, pp. 148-149.

¹¹⁹ See CCEO, c. 330. It is the responsibility of the synod of bishops to set up programs for the training of clerics, above all seminaries within the territorial boundaries of its own Church *sui iuris*, which follow the territorial boundaries of a State. See *ibid.*, p. 272.

¹²⁰ See CCEO, c. 332 and its commentary, in *ibid.*, pp. 272-273.

seminary is to consist of those things required in each nation for beginning higher studies.¹²¹

In marriage nullity cases, according to the *CCEO*, one of the competent tribunals is the tribunal of the place in which the petitioner has a domicile, provided that both parties live in the territory of the same nation.¹²² According to the *CIC*, the competency in this situation is attached to the territory of the same Bishop's Conference where the parties live, because there are several nations (countries) with more than one conference.¹²³

2.4.2 – *Natio* as Cultural Belonging

The term *natio* in *CCEO* in other cases is used to signify the cultural belonging of the Christian faithful and not the territorial boundaries of a State. Thus among the rights and obligations of eparchial bishops, are listed the obligations of the eparchial bishop toward the Christian faithful regardless of age, condition, nation. This latter signifies the ethnic character of the Christian faithful.¹²⁴

¹²¹ See *CCEO*, c. 344 §3. The mind of the legislator with this paragraph is that the curriculum of the minor seminary should enable the students to obtain a state diploma, not being influenced to continue their studies in major seminary, preserving their freedom in the selection of the priesthood. See *ibid.*, p. 275.

¹²² See *CCEO*, c. 1359. See also *ibid.*, pp. 736-737.

¹²³ See *CIC*, c. 1673, 3°.

¹²⁴ See *CCEO*, c. 192 §1. This obligation of the bishop arises from the basic right of the Christian faithful to have their spiritual needs met. See J.D. FARIS, *Eastern Catholic Churches: Constitution and Governance According to the Code of Canons of the Eastern Churches*,

The criterion of erecting personal parishes could be based on nationality, or language.¹²⁵ In this case, nationality/language is the factor determining the membership of a parish. According to the CCEO, a parish is a delimited community of faithful, established on a stable basis as a part of an eparchy, whose pastoral care is entrusted to a pastor. The bishop could erect personal parishes based on nationality or language.¹²⁶

2.4.3 – Protecting the Rights of Ethnic Minorities

The CCEO, as a first step in protecting the rights of ethnic minorities, provides for an adequate formation of seminarians. Thus the “pastoral formation of seminarians is to be adapted according to the conditions of place and time, to the aptitude of the students whether celibate or married, and to the needs of the ministry for which they are preparing themselves.”¹²⁷ Although the criterion for the formation of seminarians is their own autonomous church, also they are to be open to the needs of the entire church.¹²⁸

(=FARIS), Saint Maron Publications, New York, NY, 1992, pp. 440-441, and POSPISHIL, p. 214. See also J.A. ABBASS, “Latin Bishops’ Duty of Care Towards Eastern Catholics”, in *Studia canonica*, 35 (2001), pp. 7-32.

¹²⁵ See CCEO, c. 280. Such parishes exist in the Ruthenian Metropolitan Church of the United States, e.g., for Hungarians and Croats, and in the Ukrainian Eparchy of Toronto for Byzantine Hungarians. For more details, see FARIS, p. 576, and D. SALACHAS, *Istituzioni di diritto canonico delle Chiese cattoliche orientali, strutture ecclesiali nel CCEO*, Roma, Edizioni Dehoniane, 1993, p. 245.

¹²⁶ See CCEO, cc. 279-280; see also POSPISHIL, pp. 247-249.

¹²⁷ See CCEO, c. 352 and its commentary in POSPISHIL, p. 279.

¹²⁸ See *ibid.*, p. 279.

Clerics, as leaders of a group of people of God, can protect ethnic minorities. Thus, the CCEO lists among their obligations as ministers of reconciliation of all in the love of Christ, to be attentive to foster peace, unity and harmony based on justice among all peoples.¹²⁹

Among the obligations of the bishop, the CCEO does not list explicitly the pastoral care of different groups of people, but it does include the possibility for adequate care of national minorities, for example, the obligation of the eparchial bishop to visit the entire eparchy, which encompasses all persons entrusted to his pastoral care,¹³⁰ the obligation of the eparchial bishop to inform the Apostolic See in his quinquennial report, about the state and needs of the Christian faithful who, even if they are ascribed in another Church *sui iuris*, are committed to his care.¹³¹ The possibility of appointing one or several auxiliary bishops at the request of the eparchial bishop, if the pastoral needs of the eparchy suggest it (the special nature of the apostolate), also shows the CCEO's concern about ethnic minorities.¹³² The eparchial bishop, as often as the good governance of the eparchy requires it, can appoint one or several syncelli for a certain group of

¹²⁹ See CCEO, c. 384 §1.

¹³⁰ See commentary on c. 205 §1, CCEO, in FARIS, pp. 460-462.

¹³¹ See CCEO, cc. 206-207, in *ibid.*, pp. 462-464, and D. SALACHAS, *Istituzioni di diritto canonico delle Chiese cattoliche orientali*, pp. 234-235.

¹³² See CCEO, c. 212 §1, in FARIS, pp. 470-471.

persons, which may include members of another language group or nationality or ethnic minority.¹³³

The CCEO, when it speaks about the missionary activity of the Church, is more sensitive toward other cultures and nations than is the CIC. Thus “the evangelization of the peoples should be so done that, preserving the integrity of faith and morals, the gospel can be expressed in the culture of each individual people.”¹³⁴ It upholds the rights of catechumens to choose a church *sui iuris* more appropriate to their culture.¹³⁵ During the formation of missionaries they are to be qualified and instructed in the history and culture of the peoples to be evangelized.¹³⁶ The newborn communities’ right to culture includes recognizing the importance of native clergy, and the formation of hierarchies and Churches of their own.¹³⁷ Similarly institutes of consecrated life in missionary territories are to

¹³³ See commentary on c. 246, CCEO, *ibid.*, p. 518.

¹³⁴ See CCEO, c. 584 §2 and its commentary in POSPISHIL, pp. 358-359.

As G. Nedungatt remarks: “The gospel is not only to be preached to all peoples, but is to find expression in their cultures. Since cultures vary, the cultural expression of the gospel also will vary. But this variety, which is not only legitimate but an exigency of the gospel, cannot be at the expense of the unity and integrity of faith and morals but must be preserved in the various cultural expressions of the gospel: namely, catechesis, liturgy, sacred art, particular law, in a word, in the whole life of the Particular Church that sprouts forth from the gospel seed”, see G. NEDUNGATT, “Evangelization of Peoples (cc. 584-594)”, in G. NEDUNGATT (ed.), *A Guide to the Eastern Code: A Commentary on the Code of Canons of the Eastern Churches (=A Guide to the Eastern Code)*, Rome, Pontificio Istituto Orientale, 2002, p. 409.

¹³⁵ See CCEO, c. 588.

¹³⁶ See CCEO, c. 589.

¹³⁷ See CCEO, c. 591.

be promoted, taking into account the particular qualities and the character of different peoples.¹³⁸

2.5 – ESTABLISHING PONTIFICAL COUNCILS

Church legislation concerning ethnic minorities can be found also in the creation of various Pontifical Councils for their protection. Although these do not have legislative power, they can assist the legislator in the search for appropriate norms. These Pontifical Councils trace their origins back to the teaching of the Second Vatican Council. The pertinent legislation can now be found in the Apostolic Constitution *Pastor bonus*.¹³⁹ There are three Pontifical Councils established, which are related to ethnic minorities: The Pontifical Council for Justice and Peace, The Pontifical Council for the Pastoral Care of Migrants and Itinerant People, and the Pontifical Council for Culture.¹⁴⁰

¹³⁸ See CCEO, c. 592. For details, see G. NEDUNGATT, "Evangelization of Peoples (cc. 584-594)", in *A Guide to the Eastern Code*, pp. 403-429.

¹³⁹ See JOHN PAUL II, Apostolic Constitution *Pastor bonus* (=PB), 28 June 1988, in AAS, 80 (1988), pp. 841-924; English translation in *Code of Canon Law Annotated*, pp. 1167-1279.

¹⁴⁰ Some other Pontifical Councils also are concerned with areas which are related to ethnic minorities, for example, the Pontifical Council for Interreligious Dialogue which organized a colloquium and issued a document in 1994 on nationalism. For details, see PONTIFICAL COUNCIL FOR INTERRELIGIOUS DIALOGUE – ROYAL ACADEMY FOR ISLAMIC CIVILIZATION RESEARCH AL ALBAIT FOUNDATION, *Nationalism Today: Problems and Challenges*, Acts of a Muslim-Christian Colloquium Organized Jointly by the Pontifical Council for Interreligious Dialogue and the Royal Academy for Islamic Civilization Research Al Albait Foundation, 18-20 January 1994, Amman, Jordan, Roma, Scuola Tipografica S. Pio X, 1994, 134 p.

2.5.1 – The Pontifical Council for Justice and Peace

At the proposal of the Second Vatican Council in the Pastoral Constitution on the Church in the Modern World,¹⁴¹ Pope Paul VI established the Pontifical Commission for Justice and Peace.¹⁴² The mandate given to the Commission was to arouse the whole People of God to fulfill its calling for promoting world development, justice and peace.

After ten years of an experimental period, the Pope gave the Commission its definitive status.¹⁴³ Pope John Paul II with the Apostolic Constitution *Pastor bonus* of 28 June 1988 reorganized the Roman Curia, and changed the Commission's name to Pontifical Council for Justice and Peace and reconfirmed the general lines of its work.¹⁴⁴

According to *Pastor bonus*, the mandate of this Pontifical Council is to promote justice and peace in the world, to deepen the social teachings of the Church.¹⁴⁵ It is concerned first of all with social justice, but it reflects on a broad

¹⁴¹ See SECOND VATICAN COUNCIL, Pastoral Constitution on the Church in the Modern World *Gaudium et spes* (=GS), 7 December 1965, n. 90, in AAS, 58 (1966), p. 1112; FLANNERY, pp. 998-999, and JOHN PAUL II, Encyclical *Sollicitudo rei socialis*, 30 December 1987, n. 6, in AAS, 80 (1988), pp. 517-518.

¹⁴² PAUL VI, Motu proprio *Catholicam Christi Ecclesiam*, 6 January 1967, in AAS, 59 (1967), pp. 25-28.

¹⁴³ With the Motu proprio *Justitiam et pacem*, 10 December 1976, in AAS, 68 (1976), pp. 700-703.

¹⁴⁴ *PB*, arts. 142-144, in AAS, 80 (1988), pp. 897-898.

¹⁴⁵ *PB*, art. 142, in *ibid.*, p. 897.

range of questions related to war, violence and its various ever-changing forms, e.g. terrorism, exaggerated nationalism, etc.¹⁴⁶

The Pontifical Council for Justice and Peace emphasizes that the dignity of the human person is the foundation of the promotion and defense of the human person's inalienable rights. In order to protect these rights, the Council collaborates with various institutions and international movements, but welcomes exchanges also with non-governmental organizations working in the field of peace, justice and human rights.¹⁴⁷

2.5.2 – The Pontifical Council for the Pastoral Care of Migrants and Itinerant People

The Church, recognizing the signs of the times, is engaged in the service of the pastoral care of marginalized people. Thus its concerns for migrants were concretized by Pope Pius XII, who established in 1952 the Superior Council for Emigration and the Work of the Apostleship of the Sea within the Consistorial Congregation, now known as the Congregation for Bishops.¹⁴⁸

¹⁴⁶ *PB*, art. 143, in *ibid.*, pp. 897-898. Thus the Pontifical Council for Justice and Peace on February 10, 1988 released a document dealing with racism. Although this is not law, it gives insights for protection of ethnic minorities. See PONTIFICAL COMMISSION FOR JUSTICE AND PEACE, "The Church and Racism: Toward a More Fraternal Society", in *Origins*, 18 (1988-1989), pp. 613-626.

¹⁴⁷ *PB*, art. 144, in *AAS*, 80 (1988), p. 898. For more details, see N. DEL RE, *La Curia romana, lineamenti storico-giuridici*, Quarta edizione, Città del Vaticano, Libreria Editrice Vaticana, 1998, pp. 255-257.

¹⁴⁸ See Pius XII, Apostolic Constitution *Exsul familia*, 1 August 1952, in *AAS*, 44 (1952), pp. 692-704; English translation in *CLD*, 3 (1942-1953), pp. 84-98.

In 1965, Paul VI founded within this congregation a secretariat whose duty was to give spiritual comfort to a population without a stable home and also to those persons who live in analogous conditions. In 1976, an office was set up within the Congregation for Clergy whose task it was to guarantee religious assistance to all those persons who fall within the sphere of tourism.¹⁴⁹

With his Motu Proprio *Apostolicae caritatis*, Pope Paul VI created a specific commission within the Congregation for Bishops which embraced all those pastoral ministries regarding human mobility: migrants, exiles, refugees, seafarers, air travel personnel and passengers, nomads, pilgrims and tourists.¹⁵⁰ The current Pontifical Council for the Pastoral Care of Migrants and Itinerant Peoples was instituted with the Apostolic Constitution *Pastor bonus* in 1988.¹⁵¹

According to the constitution *Pastor bonus*, the task of this Pontifical Council is the pastoral care of the people involved in human mobility.¹⁵² It is committed to assure that on the local level efficacious and relevant spiritual

¹⁴⁹ For more historical details, see G. ROSOLI, "Alcune considerazioni storiche su S. Sede e fenomeno della mobilità umana", in PONTIFICIA COMMISSIONE PER LA PASTORALE DELLE MIGRAZIONI E DEL TURISMO VATICANO, *Chiesa e mobilità umana*, Documenti della Santa Sede dal 1883 al 1983 a cura di Graziano Tassello e Luigi Favero, Roma, Centro Studi Emigrazione, 1985, pp. xiii-xxx, and V. DE PAOLIS, "Aspetti canonici del Magistero della S. Sede sullà mobilità umana", in *ibid.*, pp. xxxi-xlix.

¹⁵⁰ See PAUL VI, Motu proprio *Apostolicae caritatis*, 19 March 1970, in AAS, 62 (1970), pp. 193-197. See also V. DE PAOLIS, "The Communitarian Dimension in the Experience of Faith in a Context of People on the Move", in *People on the Move*, 58 (1991), pp. 53-60.

¹⁵¹ See *PB*, arts. 149-151, in AAS, 80 (1988), pp. 899-900. See also N. DEL RE, *La Curia romana, lineamenti storico-giuridici*, pp. 261-264.

¹⁵² See *PB*, art. 149, in AAS, 80 (1988), p. 899. See also G. CHELI, "La direttive della Santa Sede per la pastorale delle migrazioni e le chiese di immigrazione oggi", in *People on the Move*, 54 (1989), pp. 14-31.

assistance is offered for migrants and immigrants, and to sensitize all Christians to the needs of these people.¹⁵³ Although ethnic minorities are not the principal concern of the Pontifical Council, its fields of activity are directed at groups of people whose basic human rights are jeopardized and who require the nourishment of the Word of God, and this includes all minorities.¹⁵⁴

2.5.3 – The Pontifical Council for Culture

The Second Vatican Council in its Pastoral Constitution on the Church, *Gaudium et spes*, emphasizes the fundamental importance of culture for the full development of the human person, the many ways in which salvation and culture are linked, and the mutual enrichment of the Church and cultures throughout the history of civilisations.¹⁵⁵

Pope Paul VI at the Synod of Bishops on evangelisation, held in the autumn of 1974, said that:

¹⁵³ See *PB*, art. 150, in *AAS*, 80 (1988), pp. 899-900. See also V. DE PAOLIS, "La pastorale dei migranti nelle direttive della Chiesa", in *People on the Move*, 54 (1989), pp. 33-114.

¹⁵⁴ Among these people the Pontifical council lists the following groups: migrants, refugees, seafarers, nomads, gypsies, circus and fairground workers, tourists and pilgrims, people involved in civil aviation and foreign students. For more details, see J. SANCHIS, "La pastorale due aux migrants et aux itinérants", in *People on the Move*, 58 (1991), pp. 7-35, PONTIFICAL COUNCIL FOR THE PASTORAL CARE OF MIGRANTS AND TRAVELERS, "III Congresso Internazionale della pastorale per gli Zingari", in *People on the Move*, 56 (1990), pp. 10-143, and PONTIFICIUM CONSILIUM DE SPIRITUALI MIGRANTIUM ATQUE ITINERANTIUM CURA, *The Mission of the Pontifical Council for the Pastoral Care of Migrants and Itinerant People Toward Today's Growing Human Mobility*, XII Plenary Meeting, 19-21 October, 1993, Vatican City, Pontifical Council for the Pastoral Care of Migrants and Itinerant People, 1995, pp. 49-68.

¹⁵⁵ See *GS*, nn. 53-62, in *AAS*, 58 (1966), pp. 1075-1084, FLANNERY, pp. 958-968.

The Gospel, and therefore evangelisation, are certainly not identical with culture, and they are independent in regard to all cultures. Nevertheless, the Kingdom, which the Gospel proclaims, is lived by men who are profoundly linked to a culture, and the building up of the Kingdom cannot avoid borrowing the elements of human culture or cultures. Though independent of cultures, the Gospel and evangelization are not necessarily incompatible with them; rather they are capable of permeating them all without becoming subject to any one of them.¹⁵⁶

Building on these teachings of Pope Paul VI, as well as those of the Second Vatican Council and the Synod of Bishops, Pope John Paul II in 1982 founded the Pontifical Council for Culture,¹⁵⁷ and in 1993 with his Motu Proprio Apostolic Letter *Inde a Pontificatus nostri*, he merged the Pontifical Council for Dialogue with Non-Believers with the Pontifical Council for Culture.¹⁵⁸

This council assists the Roman Pontiff in the exercise of his supreme pastoral office concerning the encounter between the Gospel and cultures, promoting dialogue with contemporary cultures, supporting the Church's pastoral activity in evangelizing cultures and inculturating the Gospel. The Council has the

¹⁵⁶ PAUL VI, Apostolic Exhortation *Evangelii nuntiandi*, 8 December 1975, n. 20, in AAS, 68 (1976), pp. 5-76. See P. POUPARD, "L'Église au défi des cultures", in *Cultures and Faith*, 3 (1995), pp. 1-17, and "The Dialogue between Faith and Culture", in *Cultures and Faith*, 4 (1996), pp. 4-13.

¹⁵⁷ See Personal Letter to the Cardinal Secretary of State, 20 May 1982, in AAS, 74 (1982), pp. 683-688.

¹⁵⁸ See JOHN PAUL II, Motu proprio *Inde a Pontificatus nostri*, 25 March 1993, in AAS, 85 (1993), pp. 549-552.

task also to keep up with the cultural policies and activities of governments throughout the world.¹⁵⁹

2.6 – THE CHURCH AND INTERNATIONAL ORGANIZATIONS

The international relations of the Holy See go back for centuries, but the current international position of the Holy See was formally recognized for the first time by the Lateran Treaty between the Holy See and Italy, signed on February 11, 1929.¹⁶⁰ According to art. 2 of this Treaty, the sovereignty of the Holy See in the international order was recognized as its inherent right,¹⁶¹ regardless of possession of territory.¹⁶²

¹⁵⁹ See *PB*, arts. 166-168, in *AAS*, 80 (1988), pp. 903-904. See also N. DEL RE, *La Curia romana, lineamenti storico-giuridici*, pp. 276-278, and H. CARRIER, "Le Conseil pontifical pour culture. Réflexions socio-théologiques", in *Revue théologique de Louvain*, 14 (1983), pp. 197-208.

¹⁶⁰ See "Inter Sanctam Sedem et Italiae regnum conventiones, Trattato fra la Santa Sede e l'Italia", in *AAS*, 21 (1929), pp. 209-271, and G. BARBERINI (ed.), *Raccoltà di fonti normative di diritto ecclesiastico*, Torino, G. Giappichelli, 1995, pp. 36-46.

¹⁶¹ "L'Italia riconosce la sovranità della Santa Sede nel campo internazionale come attributo inerente alla sua natura, in conformità alla sua tradizione ed alle esigenze della sua missione nel mondo", Treaty of Lateran, art. 2, "Inter Sanctam Sedem et Italiae regnum conventiones. Trattato fra la Santa Sede e l'Italia", in *AAS*, 21 (1929), pp. 210. This was radically modified by a new Agreement on February 18, 1984 – June 3, 1985 between the Holy See and the Italian Republic. See "Accordo tra la Santa Sede e la Repubblica Italiana che apporta modificazioni al Concordato Lateranense", in *AAS*, 77 (1985), pp. 521-578. See also G. BARBERINI (ed.), *Raccoltà di fonti normative di diritto ecclesiastico*, pp. 47-66, H.F. KÖCK, *Die völkerrechtliche Stellung des Heiligen Stuhls, dargestellt an seinen Beziehungen zu Staaten und internationalen Organisationen*, Berlin, Duncker & Humblot, 1975, pp. 136-170.

¹⁶² See P. CIPROTTI, "The Holy See: Its Function, Form and Status in International Law", in *Concilium*, 1970/8, pp. 63-73. See also J.M. LACHAGA, *Eglise particulière et minorités ethniques: jalons pour l'évangélisation des peuples minoritaires*, Paris, Le Centurion, 1978, pp. 98-105.

The Church in modern times recognized the importance of cooperation with international organizations for many reasons: to settle disputes among nations, to preserve peace, to guarantee the territorial integrity of smaller nations and to safeguard human rights.¹⁶³ Based on the teachings of the Second Vatican Council, the activity of the Church in the international order was concretized in different fields, as human rights, culture and education, disarmament and peace, justice and law, population, human settlements and environment, etc.¹⁶⁴ These values formed the basics for international relations and the *ius publicum ecclesiasticum* of the Holy See.¹⁶⁵

¹⁶³ For more details, see A. DUPUY, *La diplomatie du Saint Siège après le II^e Concile du Vatican, Le pontificat de Paul VI 1963-1978*, Paris, Téqui, 1978, pp. 17-85, E.J. GRATSCH, *The Holy See and the United Nations 1945-1995*, New York, Vantage Press, 1997, pp. 47-59, H.E. CARDINALE, *The Holy See and the International Order*, Toronto, ON, Macmillan of Canada, Maclean-Hunter Press, 1976, pp. 229-273, A. RICCARDI, *Les politiques de L'Église*, Paris, Les Éditions du Cerf, 1999, pp. 178-189, and Ph. LACHAPPELLE, *La Déclaration universelle des droits de l'homme et le catholicisme*, Paris, R. Richon et R. Durand-Auzias, 1967, pp. 334-341.

¹⁶⁴ See J.B. D'ONORIO (ed.), *Le Saint-Siège dans les Relations Internationales. Actes du colloque organisé, les 29 et 30 janvier 1988, à la Faculté de droit et de science politique d'Aix-en-Provence par le Département des sciences juridiques et morales de l'Institut Portalis*, Paris, Éditions du Cerf, 1989, 469 p., and H. DE RIEDMATTEN, "The Part Played by the Holy See in International Organizations", in *Concilium*, 1970/8, pp. 74-93.

¹⁶⁵ The *Annuario Pontificio*, the official annual directory of the Holy See contains a section about the Representatives of the Holy See in International Organizations. See "Rappresentanze della Santa Sede presso Organizzazioni Internazionali Governative", in *Annuario Pontificio per l'Anno 2003*, Città del Vaticano, Libreria Editrice Vaticana, 2003, pp. 1241-1243.

The diplomatic mission of the Popes is at the base of the international relationships of the Holy See. Cardinal Angelo Sodano, Secretary of the State summarizes that the foundation of the diplomatic openness of Pope John Paul II lies in his personality, experience and his love toward the human person. See A. SODANO, "Les Relations Internationales du Saint-Siège", in J.B. D'ONORIO (ed.), *Le Saint-Siège dans les Relations internationales*, 1989, pp. 29-40.

After the Peace Treaty of Trianon on June 4, 1920, when Hungary lost seven-tenths of its territory, the Holy See used its moral authority to influence the League of Nations to protect the rights of the Hungarian Catholic minority remaining in the territory of the newly formed States. See H.F. KÖCK, *Die völkerrechtliche Stellung des Heiligen Stuhls, dargestellt an seinen*

2.6.1 – The Holy See and the United Nations

In 1995, the United Nations celebrated its Fiftieth Anniversary and, for more than thirty years, the Holy See has participated officially in the work of the Organization with Observer status.¹⁶⁶ Article XXIV of the Lateran Treaty excluded the Holy See from the League of Nations as a member,¹⁶⁷ but on March 21, 1964, the United Nations admitted the Holy See's representative with a status of permanent Observer.¹⁶⁸ From the beginning of 1990, the United Nations sponsored a series of international summits, conferences and meetings, dealing with important issues such as human rights, environment and development, population, social development, women, children, etc., to which the Holy See's representatives were invited.¹⁶⁹

Pope Paul VI, in his address to the General Assembly of the United Nations in New York on October 4, 1965, expressed his solemn approval of the United Nations and its work.¹⁷⁰ This bond between the Holy See and United

Beziehungen zu Staaten und internationalen Organisationen, Berlin, Duncker & Humblot, 1975, pp. 656-657.

¹⁶⁶ See A. RICCARDI, *Les politiques de L'Église*, pp. 93-117, and V. BUONOMO, "Considerazioni sul rapporto Santa Sede-Comunità Internazionale alla luce del diritto e della prassi internazionale", in *Ius Ecclesiae*, 8 (1996), pp. 3-33.

¹⁶⁷ See "Inter Sanctam Sedem et Italiae regnum conventiones, Trattato fra la Santa Sede e l'Italia", in *AAS*, 21 (1929), pp. 209-294, at p. 220.

¹⁶⁸ See A. DUPUY, *La diplomatie du Saint Siège*, pp. 45-52, and J.B. D'ONORIO (ed.), *Le Saint-Siège dans les Relations Internationales*, pp. 11-35.

¹⁶⁹ See E.J. GRATSCH, *The Holy See and the United Nations, 1945-1995*, pp. 84-162.

¹⁷⁰ See *ibid.*, pp. 69-74, and J.B. D'ONORIO (ed.), *Le Saint-Siège dans les Relations Internationales*, pp. 97-98.

Nations was reaffirmed by Pope John Paul II through the establishment of a permanent office and a permanent mission in 1989. The Holy See enjoys by its own choice the status of a Permanent Observer at the United Nations, rather than that of a full Member. This is due primarily to the desire of the Holy See to maintain absolute neutrality in specific political problems.¹⁷¹

On December 10, 1948, the General Assembly of the United Nations adopted the Universal Declaration of Human Rights which declares the equal rights and freedoms of all human persons "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."¹⁷² This includes the right to education and the right to participate in the cultural life of the community.¹⁷³

Following the adoption of the Universal Declaration of Human Rights, several international covenants on human rights were introduced. Thus on December 16, 1966, the International Covenant on Economic, Social and Cultural Rights was adopted, and the International Covenant on Civil and Political Rights together with the latter's Optional Protocol were proposed for signature.¹⁷⁴

¹⁷¹ Full membership would involve the Holy See too directly in political, military, economic and commercial matters. As a full Member the Holy See would be obliged to abstain too often in these areas, due to the fact that it would go beyond the scope of its own specific mission. For more details, see E.J. GRATSCH, *The Holy See and the United Nations 1945-1995*, pp. 74-83.

¹⁷² See *ibid.*, pp. 84-108.

¹⁷³ See *Universal Declaration of Human Rights*, art. 27, in I. BROWNLIE (ed.), *Basic Documents on Human Rights*, Second edition, Oxford, Clarendon Press, 1981, p. 26.

¹⁷⁴ See "International Covenant on Economic, Social, and Cultural Rights", in *ibid.*, pp. 118-145, especially art. 13, pp. 122-123.

A second Optional Protocol was adopted in 1989.¹⁷⁵ The Church by accepting and promoting the Universal Declaration of Human Rights sanctioned the trend in international law for greater input and influence in national and international developments for the protection of human rights.¹⁷⁶

2.6.2 – The Holy See and the European Community

The long historical and juridical relationship of the Holy See with the European community resulted in formal acceptance of the Holy See by the European Community on May 14, 1993, as a Permanent Observer.¹⁷⁷

The activity of the Holy See, as observer, lies primarily in its ability to influence the development of policies for the protection of human rights, especially those of national minorities, which it can exert as a Delegate promoting Education and Culture.¹⁷⁸

¹⁷⁵ See *ibid.*

¹⁷⁶ See E.J. GRATSCH, *The Holy See and the United Nations 1945-1995*, pp. 109-162.

¹⁷⁷ See C. DE MONTCLOS-ALIX, "Le Saint-Siège et l'Europe", in J.B. D'ONORIO (ed.), *Le Saint-Siège dans les Relations Internationales*, pp. 139-161, and http://www.vatican.va/roman_curia/secretariat_state/documents/rc_seg-st_20010123_holy-see-relations_en.html, 5 June 2002.

¹⁷⁸ See "European Charter for Regional or Minority Languages", Strasbourg, 5 November 1992, in <http://conventions.coe.int/Treaty/EN/Treaties/Html/148.htm>, 11 June 2003. See also "Framework Convention for the Protection of National Minorities", on 1 February 1995, in <http://conventions.coe.int/Treaty/en/Treaties/Html/157.htm>, 11 June 2003, and "Vienna Declaration on Multiculturalism and Multiethnicity in Central, Eastern and South-Eastern Europe", 30 September 1998, in *Cultures and Faith*, 8 (2000), pp. 103-107, and CONSEIL DE L'EUROPE, *Déclaration sur la diversité culturelle*, Adoptée par le Comité des Ministres lors de sa 733^e réunion, le 7 décembre 2000, in *Cultures and Faith*, 9 (2001), pp. 8-10.

2.6.3 – Particular Agreements Between the Holy See and Governments

The most fundamental principle governing Church-State relationships stems from the missionary activity of the Church.¹⁷⁹ The Church should have “the true freedom to preach the faith, to proclaim its teaching about society, to carry out its task among people without hindrance, and to pass moral judgments even in matters relating to politics, whenever the fundamental rights of human beings or the salvation of souls requires it.”¹⁸⁰

According to the Apostolic Constitution *Pastor bonus*, “the Secretariat of State provides close assistance to the Supreme Pontiff in the exercise of his supreme office.”¹⁸¹ Its Section for Relations with States deals with diplomatic relations with civil governments, including the establishment of Concordats or similar agreements.¹⁸² By order of the Supreme Pontiff and in consultation with the competent dicasteries of the Roman Curia, it provides for appointments to particular Churches, and for their establishment or modification; in close collaboration with the Congregation for Bishops, it attends to the appointment of

¹⁷⁹ See J.C. OTERO, “Church-State Relations in the Light of Vatican II”, in *Concilium*, 1970/8, pp. 113-124, R. MINNERATH, *L'Église et les États concordataires (1846-1981), La souveraineté spirituelle*, Paris, Les Éditions du Cerf, 1983, pp. 7-35, and V. CÀRCEL ORTÍ, “Chiesa e Stato nell'Europa comunista. I. Introduzione generale”, in *Apollinaris*, 64 (1991), pp. 309-340.

¹⁸⁰ GS, n. 76, in AAS, 58 (1966), pp. 1099-1100. FLANNERY, p. 985.

¹⁸¹ PB, art. 39, in AAS, 80 (1988), p. 870.

¹⁸² For more details on the Diplomatic Representation of the Church, see I. MARTÍN, “The Church's Relations with Foreign Governments”, in *Concilium*, 1970/8, pp. 94-103, and H.F. KÖCK, “Die multilaterale Diplomatie des Heiligen Stuhls”, in *Österreichisches Archiv für Kirchenrecht*, 32 (1981), pp. 204-226.

Bishops in countries which have entered into treaties or agreements with the Holy See in accordance with the norms of international law.¹⁸³

The juridical guarantee and the independence required for the fulfillment of this mission is the concordat, an agreement between the ecclesiastical and civil authorities. In these concordats canon law is usually acknowledged as an autonomous system of law.¹⁸⁴ The agreements first of all highlight the freedom of religion, protection of Catholics, including but not specifically the protection of rights of ethnic minorities, as a political entity.¹⁸⁵ E.g. the agreement between the Holy See and Slovakia does not mention the situation of the Hungarian Catholic ethnic minority in Slovakia, but at the same time it does recognize the independence of the Church in carrying out its activity, including the right of establishing, modifying and suppressing particular churches and public juridical persons.¹⁸⁶

¹⁸³ See *PB*, art. 46, in *AAS*, 80 (1988), p. 872. See also A. DE JONG, "Concordats and International Law", in *Concilium*, 1970/8, pp. 104-112. The Holy See in these concordats accepts the actual borders of the State in establishing particular churches. See C. ALIX, *Le Saint-Siège et les nationalismes en Europe, 1870-1960*, Paris, Sirey, 1962, pp. 156-158.

¹⁸⁴ See P. HUIZING, "Church and State in Public Ecclesiastical Law", in *Concilium*, 1970/8, pp. 126-135.

¹⁸⁵ For example, the Concordat between the Holy See and Italy, in art. 22 provides also for the pastoral care of different language groups. See "Concordato fra la Santa Sede e l'Italia", in *AAS*, 21 (1929), p. 284. See also H.F. KÖCK, *Die völkerrechtliche Stellung des Heiligen Stuhls*, pp. 656-657; E.M. GUERRY, *The Popes and World Government*, Montreal, Palm Publishers, 1964, 254 p. and G. BARBERINI, "Intérêt national et nationalisme en Europe: actualité d'un positionnement des états, des individus, des religions", in *L'année canonique*, 43 (2001), pp. 47-64.

¹⁸⁶ See "Conventio inter Sanctam Sedem et Slovachiae Rem Publicam", in J.T.M. AGAR, *Concordati del 2000*, Città del Vaticano, Libreria Editrice Vaticana, 2001, pp. 57-70.

In the Concordat between the Holy See and Italy (1929), the Vatican met the difficulty arising from the inclusion within Italy's political confines of large linguistic minorities. Concerning the right of the hierarchy to publish and display instructions, ordinances, pastoral letters, diocesan bulletins and other acts concerning the spiritual government of the faithful, in the Concordat it is expressly provided that these, in addition to the Italian version, may also be published in other languages as well.¹⁸⁷ Article 22 concedes that bishops of all dioceses and pastors of all parishes should speak Italian in addition to the language of their own people; nevertheless it provides that where other linguistic

Some of the concordats contain a reference to the protection of rights of ethnic minorities. For example, the concordat between the Holy See and Lithuania, signed on 27 september 1927, and ratified on 10 December, 1927, art. 21 states: "Les Ordinaires veilleront à ce que tous les fidèles aient l'assistance religieuse dans leur langue maternelle, selon les règles de l'Eglise", in AAS, 19 (1927), p. 431. The concordat between Poland and Holy See, art. 18, allows the minority rites the use of their proper language, see AAS, 17 (1925), p. 279. The first concordat between the Holy See and Latvia in art. 11, states that the language in major seminary is Latvian, except for the philosophical and ecclesiastical studies. See AAS, 14 (1922), pp. 578-579.

The concordat between Holy See and Yugoslavia, signed on 25 July 1935, in art. X obliges pastors appointed to communities of different linguistic minorities to know the language of the faithful as well as the national language: "Dans les communautés paroissiales appartenant à des minorités linguistiques, les curés devront connaître, outre la langue de leurs fidèles respectifs, la langue nationale, pour s'en servir dans la correspondance avec les Autorités civiles et militaires." The same concordat, in art. 19, allows the ethnic Catholic minority the use of their mother tongue in ecclesiastical matters: "Les catholiques résidant dans le Royaume de Yougoslavie et appartenant à des minorités ethniques auront, pour l'usage de leur langue maternelle dans le culte, dans l'enseignement religieux et dans les associations ecclésiastiques, un traitement non moins favorable que celui qui détermine, dans le territoire de l'Etat étranger correspondant aux dites minorités, la condition de droit et de fait des citoyens d'origine et de langue yougoslave. Le Gouvernement yougoslave ayant accepté sans délai cette disposition favorable aux minorités non yougoslaves, le Saint-Siège déclare qu'en conformité des principes qu'il a toujours défendus au sujet de l'usage de la langue maternelle dans la cure d'âmes, dans l'instruction religieuse et dans la vie des organisations catholiques, il s'emploiera, à l'occasion de la stipulation de futures conventions Concordataires avec d'autres Etats, à y faire insérer une identique disposition pour la sauvegarde des droits des minorités yougoslaves." In *SECRETARIA STATUS, Raccolta di concordati su materie ecclesiastiche tra la Santa Sede e le autorità civili*, a cura di Angelo Mercati, nuova ed. anastatica con supplemento, Città del Vaticano, Tipografia Poliglotta Vaticana, 1954, vol. 2, pp. 206-207.

¹⁸⁷ Concordat with Italian State, 7 June 1929, in AAS, 21 (1929), pp. 276-277.

groups exist there should be provided clergy able to understand and speak the language of these people.¹⁸⁸

It is beyond the scope of this thesis to analyze all the documents issued by the Holy See in conjunction with civil authorities. It suffices to say that they give important insights into the protection of rights of ethnic minorities as we begin the third millenium.¹⁸⁹

CONCLUSION

After our examination of the various legal documents, we can conclude that Church legislation deals frequently, although not always explicitly, with national or ethnic minorities. This shows us the mission-consciousness of the Church proclaiming the Word of God, and at the same time reveals the Church's concern and sensitivity for minority and cultural differences of peoples.

The legislation of the Church incorporates the values of the ecclesiology of communion. The Church's and the legislator's main concern was and is the *bonum spirituale fidelium*, which governs all ecclesiastical discipline. It does not have the intention of creating new national entities, or political structures. The

¹⁸⁸ Art 22. "Non possono essere investiti di benefici esistenti in Italia ecclesiastici che non siano cittadini italiani. I titolari delle diocesi e delle parrocchie devono inoltre parlare la lingua italiana. Occorrendo, dovranno essere loro assegnati coadiutori che, oltre l'italiano, intendano e parlino anche la lingua localmente in uso, allo scopo di prestare l'assistenza religiosa nella lingua dei fedeli secondo le regole della Chiesa." In *ibid.*, p. 284.

¹⁸⁹ For more details, see R. MINNERATH, *L'Église et les États concordataires (1846-1981)*, pp. 29-419.

nation does not constitute the principle of delimitation, because there is no true catholicity where the ecclesiastical structure – instead of the eschatological sign of unity – institutionalizes the ethnic and cultural differences of human beings.¹⁹⁰

According to the teaching of the Second Vatican Council, the catholicity of the Church is embodied in the oneness (unicity) of the bishop to whom the care of a portion of people of God is entrusted in which the one, holy, catholic and apostolic Church of Christ is truly present and operative.¹⁹¹ But the pastoral care of ethnic minorities and the protection of their rights seems to bind the bishops *ex natura rei*, since it corresponds to a fundamental human right and relies on the natural law rights of the human person, among which the right to use their native language.¹⁹²

Since cultural diversity is becoming the norm today, the legislation of the Church (although implicitly) provides adequate discipline and guidelines for the pastoral care of ethnic minorities and for the protection of the basic human right of preserving the ethnic identity of the faithful, but it does so within the framework of the catholicity of the Church. In order to make real progress in this field, there

¹⁹⁰ As B.V. Johnstone remarks: "European thinkers have been questioning the validity of the nation-state for some time. Catholic social teaching has also challenged the current notion of national sovereignty. It seems to be clear that the nation state, founded on the claims of history, land, or race is not the pattern for the future", B.V. JOHNSTONE, "Ethical Problems in the Pastoral Care of the New Movements of Populations", in PONTIFICIUM CONSILIIUM DE SPIRITUALI MIGRANTIUM ATQUE ITINERANTIUM CURA, *The Mission of the Pontifical Council for the Pastoral Care of Migrants and Itinerant People Toward Today's Growing Human Mobility*, p. 78.

¹⁹¹ See CD, n. 11, in AAS, 58 (1966), pp. 677-678. FLANNERY, pp. 576-578.

is need for an intense collaboration between the local Churches and the Apostolic See.¹⁹³

In the following chapters we intend to analyze the situation of the Hungarian minority in East-Central Europe, as a case study of the tensions arising from the catholicity of the Church in a multiethnic society.

¹⁹² The diversity of discipline is a reality of local churches, but it must not jeopardize the strong bonds of communion. See J.A. CORIDEN, *Freedom and Good Order for the Church*, New York/Mahwah, NJ, Paulist Press, 2000, pp. 163-167.

¹⁹³ See PONTIFICIUM CONSILIUM DE SPIRITUALI MIGRANTIUM ATQUE ITINERANTIUM CURA, *The Mission of the Pontifical Council for the Pastoral Care of Migrants and Itinerant People Toward Today's Growing Human Mobility*, pp. 96-102.

CHAPTER III

HUNGARIAN MINORITIES AND THE CATHOLIC CHURCH IN EAST-CENTRAL EUROPE

INTRODUCTION

“The depth of national sentiments and the endurance of ethnic cultures are permanent facts in the history and life of the peoples of East-Central Europe.”¹ Language is one of the principal criteria which distinguish the peoples in this region, since in East-Central Europe, citizenship is an inadequate description of a population. In historical perspective, the existence of multinational states such as the Austro-Hungarian monarchy, as well as the partition of nations, has created a discrepancy between linguistic and state borders. The appearance and development of the concept of nationalism in international law in the 19th century had an effect on the birth — or rebirth — of nation states, but the gap between ethnic and geographical borders still exists.²

The Hungarians of Hungary, after years of cohabitating with other nationalities within the historic Hungarian state, found their own nation divided by

¹ J.C. CAMPBELL, “Introduction”, in S. BORSODY (ed.), *The Hungarians: A Divided Nation*, New Haven, Con., Yale Center for International and Area Studies, 1988, p. xxii.

² Religion is a very important factor in differentiating Eastern European populations, partly because historically the various nationalities have been so intolerant of each other. See KOCSIS, K. – E. KOCSIS-HODOSI, *Hungarian Minorities in the Carpathian Basin, A Study in Ethnic Geography*, (=Hungarian Minorities in the Carpathian Basin), Toronto, Buffalo, Matthias Corvinus Publishing, 1995, pp. 8-9.

the new frontiers drawn after the First World War and confirmed after the Second one.³ The problem is not merely a Hungarian one; it is more general, we should say European. In an age of nation-states, no matter where the frontiers are drawn in East-Central Europe, conflict over territory and over the treatment of ethnic minorities is almost unavoidable.⁴

In this chapter, we will localize one of the ethnic minorities in question, namely the Hungarian minority in East-Central Europe. The first part of this chapter considers the historical context in which the Hungarians became an ethnic minority in today's nation-states and their situation during the Communist regime. In the second part of this chapter, we undertake to present the situation of Hungarian Catholic minorities as subjects of ecclesiastical laws and the various attempts made to provide them with pastoral care.

Important socio-political issues, such as the relationship between religion and nationality, as well as the phenomena of assimilation and isolation, are discussed in the third part of this chapter. Finally, in the fourth we will take a closer look at the pastoral and canonical issue which forms the *Status quaestionis* of this dissertation.

³ See J.C. CAMPBELL, "Introduction", pp. xxi-xxviii.

⁴ It is not easy to describe a multinational reality through the history of a nation-state. In this chapter we will not try to assign a priority among the origins of nations, ethnic groups and Nation-States in East-Central Europe, but rather would summarize the facts as objectively as we can, according to various internationally well-known authors, such as C.A. Macartney and others. It is beyond the scope of this thesis to become entangled in the controversial claims of the various nationalities, such as who first inhabited a certain territory; rather its intention is simply to describe the multiethnic, multicultural and multireligious reality of East-Central Europe.

3.1 – THE TREATY OF TRIANON AND ITS EFFECTS

In order to understand the political and social changes in Hungary after the First World War which resulted in creating Hungarian ethnic minorities in East-Central Europe, we should first recall the *Compromise* of 1867 which ended the revolution and reaction after 1848, and shaped the border of XXth century Hungary.⁵ Hungary formed only a part of the interlinked complex of the Habsburg Monarchy; however, the *Compromise* placed it in a position to be master of its own destiny. Although not autonomous in the conduct of foreign relations, all its internal affairs – including the question of nationalities – were part of its self-governance.⁶

The period from 1867 to 1914 witnessed the rise of nationalism everywhere in East-Central Europe. This created a number of very serious problems. One of these, that of non-Hungarian “nationalities” within Hungary, played an important role in the dismemberment of the Hungarian State following its defeat in the First World War.⁷

⁵ For a precise and detailed description of the history of Hungary after the *Compromise* of 1867, see B. HÓMAN, G. SZEKFÜ, *Magyar történet* [Hungarian History], Budapest, Királyi Magyar Egyetemi Nyomda, 1936, vol. 5, pp. 464-478.

⁶ For details, see F. WALTER, H. STEINACKER, *Die Nationalitätenfrage im alten Ungarn und die Südostpolitik Wiens*, München, R. Oldenbourg, 1959, pp. 29-67, and E.C. SUTTNER, *Kirche und Nationen: Beiträge zur Frage nach dem Verhältnis der Kirche zu den Völkern und der Völker zur Religion*, Würzburg, Augustinus Verlag, 1997, pp. 301-316.

⁷ As Macartney remarks, “throughout the *Compromise* Era the national question... played a far more important role in Hungarian Politics than the social questions”, in C.A. MACARTNEY, *October Fifteenth, A History of Modern Hungary, 1929-1945, (=October Fifteenth)*, Part I, Edinburgh, University Press, 1956, p. 11. As a result of the Treaty of Trianon in 1920, more than

The starting point of the origins of Hungarian ethnic minorities in East-Central Europe is the Treaty of Trianon, signed on June 4, 1920.⁸ The defeat of the Central Powers (Germany and Austria-Hungary) and their allies (Bulgaria and the Ottoman Empire) precipitated the fall of their governments and the division of their territories. Yet, while peace talks were taking place in Paris, a kind of stabilization had begun to take shape in Eastern Europe based on the existence of national states.⁹

30 percent of all Hungarians live in neighboring states outside the borders of Hungary. See C.A. MACARTNEY, *Hungary: A Short History*, Chicago, Aldine Publishing Company, 1961, pp. 155-207.

The problem of national minorities in the second half of the XIXth century was a new one, because no policy not even the idea of protecting national minorities had yet been formulated. This problem was not a Hungarian one, but European because of the European-wide national awakening in the XIXth century. For details including the nationality problems in Hungary, and the different conception of nationality in the second part of the XIXth century, see B. HÓMAN, G. SZEKFÜ, *Magyar történet* [Hungarian History], vol. 5, pp. 558-582.

⁸ For Peace Conditions prescribed by the Treaty of Trianon, see A.-F. FRANGULIS, *Dictionnaire diplomatique, publié sous la direction de A.-F. Frangulis, avec la collaboration des membres du bureau, V^e de Fontenay (et autres)*, (=Dictionnaire diplomatique), Paris, Académie Diplomatique Internationale, 1933, vol. I-II, pp. 1079-1083. For a better understanding of the effects of the Treaty of Trianon, see the map attached in Appendix I.

⁹ In reality these States were States of Nationalities but became National States. See S. BETHLEN, *The Treaty of Trianon and European Peace*, London, New York, Toronto, Longmans, Green and Co., 1934, pp. 57-91, and C.A. MACARTNEY, *Hungary: A Short History*, pp. 209-235. For example, for the territory attached to Romania, according to the census of 1910, on the basis of their mother tongue, 53,2% of the population was Romanian, 32,4% Hungarian and 10,6% German speaking. For more details, see GY. RÁNKI et al., *Magyarország története 1918-1919, 1919-1945* [History of Hungary 1918-1919, 1919-1945], Budapest, Akadémiai Kiadó, 1976, vol. 8, pp. 99-124.

3.1.1 – Hungarian Minorities from the Treaty of Trianon to 1990

The Treaty of Trianon attached two-thirds of Hungary's territory to neighbouring states.¹⁰ Although these territories did not contain a homogeneous Hungarian population, according to the 1910 census – which classified the inhabitants according to their mother-tongue – the Magyar-speaking (Hungarian) population was the following:¹¹

Nationalities	Total	Per cent.
Magyars	9,944,627	54.5
Germans	1,903,357	10.4
Slovaks	1,946,357	10.7
Roumanians	2,948,186	16.1
Serbs and Croats	656,324	3.6
Ruthenes	464,270	2.5
Others	401,412	2.2

The number of Hungarians living on the territory ceded to Austria was 26,183, in Czechoslovakia 1,063,020, in Italy 6,493, in Poland 230, in Romania 1,704,851, and in Yugoslavia 441,787.¹² Through this action, Hungary became a nation state with a homogeneous population. There were only two minority groups of any consequence: 400,000 Germans and about 100,000 Slovaks. But over three million Hungarians outside the new borders found themselves

¹⁰ Of its original area of 282,876 km², it assigned 4,020 km² to Austria, 61,633 to Czechoslovakia, 589 to Poland, 103,093 to Romania, 21 to Italy and 20,547 to Yugoslavia, leaving Hungary itself with only 92,963 km². For more details, see C.A. MACARTNEY, *October Fifteenth*, pp. 3-24.

¹¹ C.A. MACARTNEY, *Hungary and Her Successors: The Treaty of Trianon and Its Consequences 1919-1937 (=Hungary and Her Successors)*, London, New York, Toronto, Oxford University Press, Issued under the Auspices of the Royal Institute of International Affairs, 1968, p. 33.

absorbed into neighbouring states. The problem of non-Hungarian nationalities within Hungary had been replaced by the problem of Hungarian national minorities in the successor states.¹³

3.1.1.1 – Austria

The territory transferred to Austria by the Treaty of Saint Germain on September 10, 1919, was the Burgenland, a narrow strip of land running the entire length of the Austro-Hungarian frontier.¹⁴

The population of this area, according to the census in 1910, numbered 285,609, including 26,225 Hungarian-speaking persons. According to the Austrian census in 1923 the population was 275,356, of whom 222,417 were

¹² See C.A. MACARTNEY, *October Fifteenth*, pp. 3-24.

¹³ According to Webster's Dictionary, "successor state, or succession state is one of a number of states that succeed a former state in sovereignty over a certain territory", in *Webster's Third New International Dictionary of the English Language Unabridged*, Springfield, MA, G&C Merriam Company, 1981, p. 2282. In this thesis it means all neighbouring countries of Hungary, to whom parts were attached by the Treaty of Trianon, and where the Hungarian population continued to exist.

¹⁴ See The Treaty of St. Germain, 10 September 1919, Part II, art. 27, n. 5, in L. MARTIN (ed.), *The Treaties of Peace: 1919-1923*, New York, Carnegie Endowment for International Peace, 1924, vol. I, pp. 275-276.

According to H. Bogdan: "This territory under Austrian authority was the province of Burgenland, and had an 80 percent German majority with the remaining 20 percent divided about equally between Hungarians and Croats... The Hungarians were unwilling to cede the Sopron region where they were in the majority to their neighbors and sent groups of armed men to prevent the Austrians from moving in. Italy offered to mediate, and set up a plebiscite on December 14-15, 1921, at Sopron and the surrounding area. Two-thirds of the votes were cast for Hungary. Thus the Sopron region remained Hungarian, but the rest of Burgenland, including the city of Eisenstadt, became Austrian." See H. BOGDAN, *From Warsaw to Sofia, A History of Eastern Europe, (=From Warsaw to Sofia)*, Edited by Istvan Fehervary, Santa Fe, NM, Pro Libertate Publishing, 1989, p. 179.

Germans, 41,761 Croats, 9,606 Hungarians, and 2,702 'others'. The population in 1934 was 299,503, of whom 241,326 were Germans, 40,500 Croats, 10,422 Hungarians, 6,452 Gypsies and 933 others. The discrepancies between the numbers are presumably due to emigration.¹⁵

In Austria the minority problem was not very important since together the constitutive groups comprised only one-sixth of the population. By all accounts, they were treated with great consideration. While higher education was in German, instruction in Hungarian was retained in the elementary schools of the Hungarian-speaking localities.¹⁶

3.1.1.2 – Czechoslovakia

The area attributed to Czechoslovakia by the Treaty of Trianon was approximately 49,000 km², and consisted of the northern section of the former Hungary, the northern part of the Carpathian Mountains, and the southern part of Slovakia. The western part coincided with the old boundary between Hungary and Moravia.¹⁷ According to the Czechoslovak census in 1925, the population was 2,998,244 of which 1,941,942 were Slovaks, 71,733 Czechs, 85,628

¹⁵ See C.A. MACARTNEY, *Hungary and Her Successors*, pp. 42-43.

¹⁶ Macartney mentions in his book that he had not found any evidence of oppression of national minorities. See C.A. MACARTNEY, *Hungary and Her Successors*, p. 68.

¹⁷ See Treaty of Trianon, Part II, art. 27, n. 4, in L. MARTIN (ed.), *The Treaties of Peace: 1919-1923*, vol. I, pp. 471-474.

Ruthenes, 634,827 Hungarians, 139,880 Germans, 70,522 Jews, 2,499 Poles, 7,999 Gypsies, 968 others, 'Foreign subjects' 42,246.¹⁸

In Czechoslovakia the national minorities amounted to nearly one third of the population. Compact blocks of Hungarian population composed the overwhelming majority both in the towns and in the country along the southern frontier. The position for all the minorities was satisfactory in elementary education. In other fields they had to struggle against the suspension of cultural and educational societies.¹⁹

As a result of political changes in Europe in 1938, especially in Germany, some parts of the territories detached by the Treaty of Trianon were reattached to Hungary. Germany was counting in return on Hungary's cooperation in eventual military action against Czechoslovakia, and promised restitution of Hungarian territory lost in the Treaty of Trianon.²⁰ In the First Arbitration of Vienna in November, 1938, 4,670 square miles with 1,030,000 inhabitants, 830,000 of them Magyar and only 143,000 Slovak, including the towns of Kassa (Kosice), Komárom (Komarno) and Munkács (Munkatchevo) were reattached to Hungary. From a purely ethnic viewpoint, according to H. Bogdan, the new

¹⁸ See C.A. MACARTNEY, *Hungary and Her Successors*, p. 78.

¹⁹ For more details, see *ibid.*, pp. 148-176, and J.M. KIRSCHBAUM, *Slovakia, Nation at the Crossroads of Central Europe*, New York, Robert Speller & Sons, 1960, pp. 75-144. For a concise summary of the history of Slovak Hungarian relations, see A. MARKO, P. MARTINICKÝ, *Slovak – Magyar Relations, History and Present Day in Figures*, Bratislava, Slovak Society for Protection of Democracy and Humanity, 1995, pp. 5-46.

²⁰ For a historical overview of this time, see J. VIDALENC, *L'Europe danubienne et balkanique 1867-1970*, Paris, Masson, 1973, pp. 140-164.

border was nearly perfect, with only 66,000 Hungarians left under Czechoslovakian rule.²¹

In March 14, 1939, after Slovakia became independent and separated from the Czech Lands, Hungary took possession of the other Transcarpathian territories inhabited mainly by Ruthenians and belonging, until 1919, to Hungary. The Hungarian census of 1941 occurred after these events – after the Transcarpathian Hungarians regained their status of a state-forming nation. At this time, 27.3% or 233,840 persons of Transcarpathia's total population of 854,772 declared Hungarian to be their mother tongue.²²

After the Second World War, with the Peace Treaty of Paris, signed on 10 February 1947, the frontiers of the East-Central Europe States were acknowledged by the super-powers, so the minority status of Hungarians in the Carpathian basin was legalized. The Treaty formally restored the Trianon frontiers, further aggravated by a small but strategically important frontier rectification in favour of Czechoslovakia.²³

²¹ For more details, see H. BOGDAN, *From Warsaw to Sofia*, pp. 209-214.

²² See *Hungarian Minorities in the Carpathian Basin*, p. 24. For details, see also J. ROTSCCHILD, *East Central Europe Between the Two World Wars*, Seattle and London, University of Washington Press, 1974, pp. 73-135.

²³ As Macartney summarizes, "on 23 December 1944, under Soviet auspices, a 'Provisional Government of Democratic Hungary' had been assembled and 'appointed' by a 'Provisional National Assembly' brought together in Debrecen by pragmatic methods. This government then signed an armistice, under which the new Hungary renounced all territorial acquisitions made since 1938", in C.A. MACARTNEY, *A Short History of Hungary*, p. 235.

In Czechoslovakia the minority problem was always a difficult one. After the Second World War, the Czechoslovakian government attempted to solve the problem of the Hungarian minority in the same way as it solved the problem of the German minority, namely by deportation. Thus approximately 31,000 Hungarians who moved to the present day territory of Slovakia between 1938-1945, were expelled by July 1, 1945.²⁴ Tens of thousand of others were forcibly moved to the Czech lands vacated by the Sudeten Germans. After the Great Powers stopped the deportations, a protracted population exchange took place between Hungary and Czechoslovakia in 1947-1948. On the whole, between 1945 and 1948, 120,490 Hungarians were forced to leave their homes.²⁵ After 1948, under the Communist regime, the situation of national minorities became acceptable.²⁶

²⁴ For details, see R.R. KING, *Minorities Under Communism: Nationalities as a Source of Tension Among Balkan Communist States*, Cambridge, MA, Harvard University Press, 1973, pp. 109-123.

²⁵ See *Hungarian Minorities in the Carpathian Basin*, pp. 17-18, and H. SCHÜTZ, "Der 'Aktivismus', Ein Abschnitt politischer Geschichte der Sudetendeutschen", in K. REIß, H. SCHÜTZ, *Kirche, Recht und Land*, Festschrift Weihbischof Prof. Dr. Adolf Kindermann dargeboten um 70. Lebensjahre im Auftrage des Sudetendeutschen Priesterwerkes und der Ackemann-Gemeinde, Königstein im Taunus und München, Palottinerdruck Limburg, 1969, pp. 147-148.

²⁶ For details, see A. MARKO, P. MARTINICKÝ, *Slovak – Magyar Relations*, pp. 27-31.

3.1.1.3 – Romania

The territory attached to Romania by the Treaty of Trianon was 102,787 km², an area actually larger than that left to Hungary itself. It comprises the ancient Principality of Transylvania.²⁷

According to the Hungarian 1910 census the population of this area was the following:²⁸

By Language	Transylvania
Magyar	918,217
German	234,085
Slovak	2,405
Roumanian	1,472,021
Ruthene	1,759
Croat	944
Serb	
Other languages	
	48,937
Total	2,678,368

²⁷ See Treaty of Trianon, Part II, art. 27, n. 3, in L. MARTIN (ed.), *The Treaties of Peace: 1919-1923*, vol. I, pp. 470-471.

As H. Bogdan remarks, "Despite the separate treaty Rumania had been obliged to sign with the Central Powers in March, 1918, it returned to battle on the side of the Entente countries during the Allied army's offensive. For this, Rumania became one of the victors, and its leaders intended to make the most of it. National councils in Russian Bessarabia, in Austrian Bukovina and in Hungarian Transylvania made their desires to join Rumania clear. On December 1, 1918, at Gyulafehervar (Alba Iulia), the assembly of the National Rumanian party announced that Transylvania had joined Greater Rumania, thus anticipating by a few days the Allied decision authorizing Rumania to occupy most of Transylvania. The borders would not be final until the peace conference, however." In H. BOGDAN, *From Warsaw to Sofia*, p. 165. See also S. PASCU, *A History of Transylvania*, Detroit, MI, Wayne State University Press, 1982, pp. 274-298.

²⁸ C.A. MACARTNEY, *Hungary and Her Successors*, p. 252.

The number of Romanian, Hungarian and German nationals under the different régimes and political situations were constantly changing due to the emigration of Hungarians and Germans, and the immigration of Romanians.²⁹

The architects of the Treaty of Trianon were aware of the phenomenon of national minorities, and designed some guidelines for their protection. Thus Romania pledged to extend to all inhabitants full protection of life and liberty without regard to birth, nationality, language, race or religion.³⁰ The Romanian Government recognized as Romanian citizens, with full rights and without further ceremony, all persons residing within its territory effective from the date of the Treaty. In spite of the Government's adoption of an official language, the use of the mother tongue of other nationals was guaranteed.³¹ Minorities also received

²⁹ See *ibid.*, pp. 251-269.

³⁰ "La Roumanie confirme vis-à-vis de la Hongrie son engagement d'agréer l'insertion, dans un Traité conclu avec les Principales Puissances alliées et associées, des dispositions jugées nécessaires par ces Puissances pour protéger en Roumanie les intérêts des habitants qui diffèrent de la majorité de la population par la race, la langue ou la religion, ainsi que pour protéger la liberté du transit et un régime équitable pour le commerce des autres nations...", *Traite de Trianon*, Section III, art. 47, in *Dictionnaire diplomatique*, vol. II, p. 598.

See also T. GRENRUP, *Die kirchliche Rechtslage der deutschen Minderheiten katholischer Konfession in Europa, Eine Materialsammlung*, Berlin, Deutsche Rundschau G.m.b.h., 1928, p. 280, and L.C. GREEN, "Protection of Minorities in the League of Nations and the United Nations", in A.E. GOTLIEB (ed.), *Human Rights, Federalism and Minorities, Les droits de l'homme, le fédéralisme et les minorités*, Toronto, ON, Canadian Institute of International Affairs, 1970, pp. 187-189.

³¹ In the resolution of the national assembly in Alba Iulia the rights of all ethnic minorities living in Transylvania were also recognized: "Comme suite à cet acte, l'assemblée nationale proclame les principes suivants se trouvant à la base de l'édification du nouvel État roumain: - Entière liberté nationale pour tous les autres peuples habitant le même territoire. Chaque peuple va s'assembler, s'administrer et distribuer la justice dans sa propre langue par des citoyens sortis de son sein et chaque peuple aura le droit d'être représenté dans les corps législatifs et dans le gouvernement du pays en proportion du nombre des individus qui le constituent. - Droit égal et entière liberté religieuse pour toutes les confessions existant dans l'État." In J. VIDALENC, *L'Europe danubienne et balkanique 1867-1970*, p. 100.

the right – at their own expense – to create, direct and control, charitable, religious or social institutions, schools and other educational establishments with the right to use their own language and to observe their religion freely.

By 1939, the increasingly anti-Romanian agitation in Hungary and the corresponding anti-Hungarian agitation in Romania created war-like tensions between the two countries. Acting on the principle of *divide et impera* (divide and conquer), the German decision makers split Transylvania into two parts at the Vienna Court of Arbitration on August 30, 1940.

At the Second Arbitration of Vienna on August 30, 1940, Hungary was awarded the north of Transylvania, a territory of 17,000 square miles and 2,500,000 inhabitants, over 1,100,000 of them Hungarian.³² The northern half with a 52% population of Hungarian mother tongue (1941 Hungarian census data) was re-annexed to Hungary, and the southern territory with a 68.5% population of Romanian ethnic origin (1941 Romanian census data) remained in Romania.³³

For a concise history of Romania after the Treaty period, see J. ROTSCCHILD, *East Central Europe Between the Two World Wars*, pp. 281-322; K. HITCHINS, *Rumania 1866-1947*, Oxford, Clarendon Press, 1994, pp. 377-547; I. LIVEZEANU, *Cultural Politics in Greater Romania: Regionalism, Nation Building & Ethnic Struggle, 1918-1930*, Ithaca, Cornell University Press, 1995, pp. 129-187, and S. FISCHER-GALATI, "Trianon and Romania", in B.K. KIRÁLY, L. VESZPRÉMI, (eds), *Trianon and East Central Europe: Antecedents and Repercussions*, New York, NY, Columbia University Press, 1995, pp. 185-199.

³² See H. BOGDAN, *From Warsaw to Sofia*, pp. 238-239.

³³ For more details, see E. ILLYÉS, *National Minorities in Romania Change in Transylvania*, East European Monographs, New York, NY, Boulder, Columbia University Press, 1982, pp. 78-86.

In this extremely tense situation, atrocities were committed against the "hostile minority" in both dissatisfied countries. In 1941 the territory, once again under Hungarian administration, regained its 1910 Hungarian population percentage as a result of the forced Hungarian and Romanian migrations, the self-declaration as Hungarians of a large number of Jews and Germans, and settlers from the previous Hungarian territory. The mass fleeing of Hungarians began in September of 1944. It is beyond the scope of this chapter to detail all the historical and political changes until the end of the Communism. There is abundant literature which can provide further information.³⁴

The greatest number of Hungarians living outside the present-day borders of Hungary are to be found in Romania, more precisely in Transylvania, West of the Carpathians, where significant numbers of many other ethnic groups of Central and South-Eastern Europe (Bulgarians, Czechs, Germans, Gypsies, Serbs, Slovaks, Ukrainians, etc.) also live.³⁵ During the Communist regime the minority problem was unresolved. This includes the right to language, education,

³⁴ Most important sources in this field are: H. BOGDAN, *From Warsaw to Sofia*, 422 p.; E. HARASZTI, *The Ethnic History of Transylvania*, Astor Park, FL, Danubian Press, 1971, 218 p.; E. ILLYÉS, *National Minorities in Romania Change in Transylvania*, 351 p.

³⁵ For a detailed description of the Hungarian minorities in Romania, see L. DIÓSZEGI, A. SÜLE (eds), *Hetven év, A romániai magyarság története 1919-1989* [Seventy Years, The History of Hungarians in Romania 1919-1989], Budapest, Magyarságkutató Intézet, 1990, pp. 1-9, 45-48, E. ILLYÉS, *National Minorities in Romania Change in Transylvania*, pp. 29-237, and E. HARASZTI, *The Ethnic History of Transylvania*, pp. 134-194.

etc. On the contrary, in the 1970s a campaign began against national minorities.³⁶

Although the Constitution of the Romanian Socialist Republic, issued on 21 August, 1965, guaranteed equal rights for all citizens (art. 17), freedom of conscience (art. 30), and the use of the mother tongue (art. 22), a series of later internal directives changed the situation of national minorities,³⁷ in particular on the linguistic, religious, social, cultural and demographic levels.³⁸

3.1.1.4 – Soviet Union

Transcarpathia (or Subcarpathia, or Ruthenia at the time of the Treaty of Trianon, 1920) is the name given to the present-day Ukrainian region south-west of the Ukraine neighbouring on Slovakia, Hungary and Romania. As a result of the Peace Treaty of Trianon, the current Transcarpathian region was annexed to the Czechoslovak Republic under the name of Podkarpatska Rus (Subcarpathian

³⁶ This is shown by the Human Rights Petitions of the Hungarian minority. See HUNGARIAN HUMAN RIGHTS FOUNDATION, COMMITTEE FOR HUMAN RIGHTS IN RUMANIA, *Human Rights Petitions of the Hungarian Minority in Rumania*, Translation Prepared by the Hungarian Human Rights Foundation, Committee for Human Rights in Rumania, Ottawa, ON, Conference on Security and Cooperation in Europe, Meeting of Experts on Human Rights, May 1985, pp. 1-36. See also E. ILLYÉS, *National Minorities in Romania Change in Transylvania*, pp. 123-211 and G. SCHÖPFLIN, *Nations, Identity, Power*, New York, New York University Press, 2000, pp. 410-434.

³⁷ See R. JOÓ (ed.), *The Hungarian Minority's Situation in Ceaușescu's Romania*, Distributed by Columbia University Press, New York, 1994, p. 125, and E. ILLYÉS, *National Minorities in Romania Change in Transylvania*, pp. 130-139.

³⁸ In Romania and also in Yugoslavia, policies regarding minority groups were even harsher than in Czechoslovakia. With examples such as these, it is easy to see why the minority question poisoned international relations in this part of Europe. For details, see *Hungarian Minorities in the Carpathian Basin*, p. 47; R.R. KING, *Minorities Under Communism*, pp. 146-169;

Ruthenia), Rusinsko (Ruthenia). The area, which was detached from Hungary by the Treaty of Trianon was 12,800 square kilometres. According to the Hungarian census in 1910, the total population was 571,488. Of this 319,361 were Ruthenes, 169,434 Hungarians, 62,187 Germans, 15,387 Romanians.³⁹

As a consequence of the Second World War, a number of Hungarians fled from Transcarpathia; others became victims or were subject to deportation. After the war, Subcarpathian Ruthenia became part of the Soviet Union on the basis of an agreement signed on June 29, 1945 by Czechoslovakia and the Soviet Union.⁴⁰ The Transcarpathian Region (Oblast) itself was formed on January 22, 1946 as an administrative unit.⁴¹

The issue in the Soviet Union after 1948 was not that of national minorities, but the enforcement of the Communist system and economy. The national minorities enjoyed their rights on a certain level by preserving their ethnic identity. The Soviet Union was more preoccupied with "loyal" states than with national minorities.

and J. SZALAY, *Vérités sur l'Europe centrale: tableau de Mgr. A. Marton*, Bordeaux, Fonderie du Midi, 1955, pp. 25-79.

³⁹ See C.A. MACARTNEY, *Hungary and Her Successors*, pp. 200-203.

⁴⁰ See H. BOGDAN, *From Warsaw to Sofia*, p. 268.

⁴¹ As a consequence of the war, about 10,000 Hungarians fled from Transcarpathia in 1944. Thousands of Hungarians became victims of the bloody passions following the change of power, including the November and December 1944 deportation of more than 25,000 Hungarian men of military age (18–50 years) to concentration and forced labor camps in the Ukraine and distant territories of the Soviet Union. One third of them never returned. For details, see *Hungarian Minorities in the Carpathian Basin*, p. 25.

3.1.1.5 – Yugoslavia

The Kingdom of Serbs, Croats and Slovenes, later renamed Yugoslavia, was created on the assumption that these South Slavic peoples, whose languages were very closely related, wanted to form a single nation and unite in one state.⁴² One of the constituent parts of this new state, Croatia-Slavonia, had been an associate kingdom of the Hungarian crown for eight hundred years. Its *Sabor* (National Assembly) voted to join Yugoslavia and this decision was never contested by Hungary.

The number of Hungarians in the territory of Croatia-Slavonia according to the 1910 census was 105,948. The total population was 2,621,954, of whom 1,630,354 were Croats and 644,955 Serbs, the two nations forming together nearly 90% of the total population.⁴³

The portion of Hungary proper that was acquired by Yugoslavia was the so-called Voivodina, a triangular section of the southern part of Hungary, a territory of 19,221 km². Its population according to the census taken in 1910 and in 1925 was as follows:⁴⁴

⁴² See C.A. MACARTNEY, *Hungary and Her Successors*, p. 362. For more details, see *ibid.*, pp. 362-379, and J. VIDALENC, *L'Europe danubienne et balkanique 1867-1970*, pp. 123-124.

⁴³ See C.A. MACARTNEY, *Hungary and Her Successors*, p. 362.

Nationalities	1910	1925
Serbs	383,198	514,121
Bunjevci, Šokci, Croats	71,708	
Slovenes		7,949
Hungarians	441,787	382,070
Germans	311,162	328,173
Romanians	71,788	74,099
Other Slavs	58,051	67,886
Others	12,783	6,162
Total	1,350,477	1,380,460

In the interwar years, it was in Yugoslavia where the minorities experienced the harshest treatment. In contrast, following the Second World War, after a period of savage revenge and persecution as a retribution for the wartime occupation of the region by Hungary, the situation of the Hungarian minority improved greatly. In fact, the treatment of minorities was much better in Yugoslavia than in its neighbours. During Tito's dictatorship, minority languages were actually encouraged and multinational Voivodina was given the status of an autonomous province.⁴⁵

3.1.2 – Hungarian Minorities After 1990

In the wake of the collapse of communism a possibility arose for ethnic minorities to reorganize and establish their cultural and political organizations

⁴⁴ See *ibid*, p. 381. See also E.C. SUTTNER, "Die Herausforderung für die Kirchen beim Zusammenbruch Jugoslawiens: Sprachgruppen und Volksgruppen im ehemaligen Jugoslawien", in *Una sancta*, 47 (1992), pp. 247-259.

⁴⁵ R.R. KING, *Minorities Under Communism*, pp. 124-145. For an analysis of ethnicity and communism in Yugoslavia, see G. SCHÖPFLIN, *Nations, Identity, Power*, pp. 324-369.

and parties.⁴⁶ In Austria, at the time of the 1991 census, 63 percent more inhabitants declared themselves as Hungarian speaking in Burgenland (6,763) than in 1981 (4,147).⁴⁷ According to 2001 statistics in Burgenland (based on mother tongue), 4,704 Hungarians were recorded.⁴⁸

In Czechoslovakia, on November 25, 1992 the Czechoslovak government adopted the law relating to the separation of the Slovak Republic, and on January 1, 1993, Slovakia became an independent state. According to the latest census data on May 26, 2001, there were 520,528 Hungarians in Slovakia, and the Hungarian minority represented 9,7% of the population.⁴⁹

In Romania in 1986, the number of persons who claimed Hungarian as their native language was 2 million.⁵⁰ At the time of the latest Romanian census

⁴⁶ See S. BORSODY (ed.), *The Hungarians: A Divided Nation*, pp. 345-346.

⁴⁷ See *Hungarian Minorities in the Carpathian Basin*, p. 52, and J. YACOB, *Les minorités dans le monde*, Paris, Desclée de Brouwer, 1998, p. 345.

⁴⁸ See <http://www.statistik.at/cgi-bin/presstext.pl?INDEX=2002209>, 9 January 2003.

⁴⁹ See <http://www.statistics.sk/webdata/english/census2001/tab/int2.doc>, 19 December 2002. See also *Hungarian Minorities in the Carpathian Basin*, p. 14, M. KUSY, "A szlovákiai magyar kisebbség a szlovák nemzetállamban" [The Hungarian Minority of Slovakia in the National State of Slovakia], in *Vigilia*, 7 (1996), pp. 518-527, and J. YACOB, *Les minorités dans le monde*, pp. 369-375.

⁵⁰ According to K. Kocsis, E. Kocsis-Hodosi, this data indicates that close to 60 percent of the Hungarians living outside the borders of Hungary in the Carpathian Basin and 13.3 percent of the Hungarians in the world inhabit Transylvania. See *Hungarian Minorities in the Carpathian Basin*, p. 28, J. YACOB, *Les minorités dans le monde*, pp. 414-422, and L. DIÓSZEGI, A. SÜLE (eds), *Hetven év, A romániai magyarság története 1919-1989* [Seventy Years, The History of Hungarians in Romania 1919-1989], pp. 49-115.

in 2002, the number of the Hungarians in Romania had decreased to 1,434,377 (6,6 % of the total population) due to emigration, low birth rate and assimilation.⁵¹

Ukraine encompasses the former territory of Transcarpathia. The 1989 census recorded 156,000 of Hungarian mother tongue living there.⁵² The Hungarians of this region are far less numerous than the Hungarians of Transylvania and Slovakia.⁵³

In Voivodina (autonomous province of former Yugoslavia, today Serbia and Montenegro) at the time of the latest Yugoslavian census in 1991, 341,000 people declared themselves to be Hungarian.⁵⁴ In Croatia according to the census of 1991, there were 22,000 Hungarians, and in Slovenia according to the census of 1991, 8,500 Hungarians were recorded.⁵⁵

⁵¹ See <http://www.recensamant.ro/>, 19 December 2002.

⁵² See MINISTRY OF FOREIGN AFFAIRS BUDAPEST, "Act on Hungarians Living in Neighbouring Countries: Interests and Goals", in *Fact Sheets on Hungary*, 2001/1, p. 4.

⁵³ See *Hungarian Minorities in the Carpathian Basin*, p. 22, and J. YACOB, *Les minorités dans le monde*, pp. 446-448.

⁵⁴ See MINISTRY OF FOREIGN AFFAIRS BUDAPEST, "Act on Hungarians Living in Neighbouring Countries", p. 4. See also *Hungarian Minorities in the Carpathian Basin*, p. 47, and J. YACOB, *Les minorités dans le monde*, p. 396-398.

⁵⁵ See MINISTRY OF FOREIGN AFFAIRS BUDAPEST, "Act on Hungarians Living in Neighbouring Countries", p. 5.

3.2 – THE CATHOLIC CHURCH AND CATHOLIC HUNGARIAN MINORITIES

3.2.1 – The Catholic Church and the Hungarian Minorities from the Treaty of Trianon until 1990

When dealing with such a long period of time, namely, the time-frame between 1918-1990, one should bear in mind both the territorial changes and the changes in socio-political systems which influenced the situation of the Catholic Church and of the Hungarian minorities in neighboring regions.

The decisive territorial change occurred in the aftermath of the First World War with the forcible dissolution of the Habsburg Monarchy. According to the Treaty of Trianon, Hungary was reduced to a third of its former size, while huge areas of its former territory were assigned to its neighbors, where the formerly ruling Hungarians became minorities. This naturally had a great impact on the structure of the Catholic Church.

Then, in the years 1938-1941, sizeable territories were regained by Hungary, requiring once again readjustments in the ecclesiastical spheres. These territories were lost again in 1945 and the Trianon borders reestablished by the Treaty of Paris in 1947.⁵⁶

⁵⁶ For details about the Paris Conference, see S.D. KERTESZ, *Between Russia and the West: Hungary and the Illusions of Peacemaking 1945-1947*, Notre Dame, IN, University of Notre Dame Press, 1984, pp. 182-224.

As to the socio-political systems of the states under our purview, i.e. Hungary, Austria, Czechoslovakia, Romania and Yugoslavia, between the two World Wars they all had some form of parliamentary system, though the degree of democracy and the extent of civil liberties their citizens enjoyed varied greatly from Czechoslovakia being most liberal to the other extreme of Yugoslavia where King Alexander replaced parliament with his royal dictatorship.⁵⁷

The Second World War brought immense suffering to all the nations in our area of discussion: enemy occupation, mass persecution, deportation, destruction of life and property on an unprecedented scale. The scope of this dissertation does not permit us to examine in greater depth the different political and military policies of the leaders of the various national groups, ranging from collaboration with, to passive or active resistance to the German occupation forces and National Socialism. It should suffice to say that, in the end, all the nations of the area had to endure immense suffering, even if their wartime casualties were on different scales.

Their fate, alas, was not much improved following their liberation from Nazism. At the Yalta Conference (February 1945) in the closing days of the War, the Western Powers yielding to Stalin's demand assigned East-Central Europe to

For the diplomatic relations between Hungary and the Holy See regarding the divided dioceses, see I. ZOMBORI (ed.), *Magyarország és a Szentszék diplomáciai kapcsolata (1920-2000)* [Diplomatic Relations of Hungary and the Holy See (1920-2000)], Budapest, Szent István Társulat – Magyar Egyháztörténeti Enciklopédiai Munkaközösség, 2001, pp. 43-45, 70-71.

⁵⁷ For details, see J. ROTSCCHILD, *East Central Europe Between the Two World Wars*, pp. 201-280.

the Soviet sphere of influence. Within a short time, Soviet pressure forced the budding democratic governments to give preponderant weight to the Soviet sponsored Communist Parties which soon grabbed the monopoly of power resulting in one-party dictatorship. The Marxist-Leninist ideology of Communism was professedly atheistic and had scant respect or tolerance for religion. The Soviet and under its influence the East European regimes were particularly inimical to the Roman Catholic Church since it owes allegiance to the Pope whom they regarded as the ally of American imperialism.⁵⁸ Thus, in spite of the clause of "freedom of religion" in the Soviet and in all East European Communist constitutions, the churches, but especially the Catholic Church, were subjected to strict governmental controls, debilitating restrictions on their functioning, depriving them of their schools, seminaries, various institutions, dissolving their associations, social movements, etc., while their clergy, religious and lay believers were viciously persecuted.⁵⁹

We shall now examine how this universal and relentless pressure on the religious people and their communities further aggravated the already

⁵⁸ For details, see T. KURTOVIĆ, *Church and Religion in the Socialist Self-Management Society*, Belgrade, Socialist Thought and Practice, 1980, pp. 15-39.

⁵⁹ V. Cárcel Ortí summarizes the Church-State relationship in Communist Europe. The common trend of all Communist governments was discrediting the Catholic Church through the media on national and international levels. A second was to abolish all ecclesiastical associations, nationalize all the property of local churches and limit the religious activities in social, cultural and religious areas; thirdly, to impede any relationships between the Holy See and the local church; fourthly, to divide the clergy by creating different peace associations; fifthly, to impose a "modus vivendi" or statutes on bishops in order to control their activity through the establishment of an Office for religious affairs. For more details, see V. CÁRCEL ORTÍ, "Chiesa e Stato nell'Europa comunista I., Introduzione generale", in *Apollinaris*, 64 (1991), pp. 309-340.

disadvantaged situation of the Hungarian minorities in each of the Communist dominated successor states. (The exception being Austria, where the Eastern part, including Burgenland with its Hungarian and Croatian minorities, was under Soviet occupation; no Communist government was established there and in 1955 all foreign occupation ended).⁶⁰

Communist rule, progressively weakened through internal corruption, economic mismanagement and loss of popular support, finally imploded both in the Soviet Union and in its former satellites. By 1990 all the states in our purview had changed into multiparty democracies, and proclaimed respect for human rights, including freedom of religion. For the Church, as well for the national minorities, a new and hopeful chapter seemed to be opening.

Let us now return to the starting point of our discussion, namely the changes brought about by the Treaty of Trianon, and examine country by country the subsequent history of the relationship between the Catholic Church and the Catholic Hungarian minorities in the respective states.

⁶⁰ Various sources and books present the situation of the Catholic Church in Communist countries, e.g. L. GUSSONI, A. BRUNELLO, *The Silent Church, Facts and Documents Concerning Religious Persecution Behind the Iron Curtain*, New York, Veritas Publishers, 1954, 391 p.; *Une Église du Silence, Catholiques de Yougoslavie*, Bruges, Belgique, Desclée De Brouwer, 1954, 176 p.; and H. SLAPNICKA, "Die Rechtstellung der Kirchen in der Tschechoslowakei", in REIß, K., H. SCHÜTZ, *Kirche, Recht und Land*, pp. 116-129; S. NÁHALKA, "The Persecution of the Catholic Church in Slovakia", in *Slovak Studies*, 1 (1961), pp. 123-144.

Regarding papal diplomacy, see H. STEHLE, "Papal Eastern Diplomacy and the Vatican Apparatus", in P. RAMET, *Catholicism and Politics in Communist Societies*, Durham, NC, Duke University Press, 1990, pp. 341-355.

The Treaty of Trianon (1920) created a special situation regarding church structures and the pastoral care of Catholic Hungarians remaining in the successor states.⁶¹ The new borders created by the Treaty of Trianon resulted in important changes in the thousand-year-old governance structure of the Catholic Church in Hungary and in the successor states. About one half of the structure, thirteen dioceses were placed outside of the new borders of Hungary. Thus: 1. from the ecclesiastical province of Esztergom, the Latin dioceses of Nyitra, Beszterce Bánya, Szepes and the eparchy of Munkács were transferred to Czechoslovakia (only one parish of the latter was left in Hungary), 2. From the ecclesiastical province of Kalocsa, the entire diocese of Transylvania became part of Romania, 3. The metropolitan Church of Alba Iulia and Făgăraș with all its eparchies were attached also to Romania (except for 3 parishes), 4. The ecclesiastical province of Zagreb became part of Yugoslavia. Only four undivided

⁶¹ The problem of minorities is not just a political issue. It involves the dimension of human rights, including freedom of religion in all its aspects and thus it becomes a concern of the churches. This is why the Hungarian government requested the intervention of the Holy See in protecting the cultural identity of ethnic Hungarians. See H.F. Köck, *Die völkerrechtliche Stellung des Heiligen Stuhls, dargestellt an seinen Beziehungen zu Staaten und internationalen Organisationen*, Berlin, Duncker & Humblot, 1975, pp. 656-657.

The governance structure of the Catholic Church in Hungary until 1918 was the following: 1. Ecclesiastical province of Esztergom with its suffragan latin rite dioceses of Győr, Veszprém, Pécs, Székesfehérvár, Szombathely, Vác, Besztercebánya, Nyitra, and the eastern rite suffragan eparchies of Eperjes, Munkács, Hajdúdorog. 2. Ecclesiastical province of Kalocsa-Bács with its latin suffragan dioceses of Csanád, Nagyvárad and Transylvania. 3. Ecclesiastical province of Eger with latin suffragan dioceses of Szatmár, Kassa, Rozsnyó and Szepes. 4. Metropolitan Church of Alba Iulia and Făgăraș with eparchies of Lugoj, Gran Varadino greco rumeno, Szamosújvár. 5. The territorial abbacy of Pannonhalma. 6. If we include the territory of Croatia and Slavonia, which was part of the Hungarian Kingdom, we can also mention the ecclesiastical province of Zagreb with suffragan dioceses of Diakovár, Zeng and the eparchy of Körös. For a better understanding and more details, see the map in Appendix II, and see also J. GERGELY, *A katolikus egyház története Magyarországon 1919-1945* [The History of the Catholic Church in Hungary 1919-1945], Budapest, Pannonica, 1999, pp. 33-41. For the different names of dioceses according to Successor States, used by the *Annuario Pontificio* and *Acta Apostolicae Sedis*, (=AAS); see Appendix III.

dioceses remained on the territory of new Hungary: Veszprém, Székesfehérvár, Vác and Eger. The remaining thirteen (13) dioceses were divided into two or three parts according to the new state borders.⁶²

The role and concern of the Church regarding Catholic Hungarian minorities were evident in different fields. Firstly, in erecting new particular churches out of parts of dioceses divided by the Treaty of Trianon. This became necessary since the Holy See had no other option but to accept the borders of the newly created states. This was confirmed in the various concordats between the Holy See and these States. Secondly, in the use of the mother tongue in liturgy and catechesis, and thirdly, in providing for the formation of native clergy for minorities.⁶³

The relationships between the Vatican and the respective states, as well as the situation and number of their minorities varied.⁶⁴ We shall provide a short

⁶² See J. GERGELY, *A katolikus egyház története Magyarországon 1919-1945* [The History of the Catholic Church in Hungary 1919-1945], pp. 33-41.

⁶³ For details regarding the Treaty of Trianon and the Vatican, see I. EÖRDÖGH, "A trianoni béke és a Vatikán" [The Peace of Trianon and The Vatican], in *Vigilia*, 7 (1996), pp. 510-514.

⁶⁴ In the diplomatic relationships between the Holy See and the Communist governments three periods can be distinguished: 1) from 1945 to 1950, characterized by denunciation of concordats, 2) the period from 1950, when the bishops were forced to foster close relationship with Communist governments rather than with the Holy See, 3) from 1964, when a kind of relationship was established between the Holy See and Communist governments; the Communist governments made great efforts to create national (patriotic) churches independent from Rome. For details, see "Concordati con gli Stati socialisti europei", in V. DE PAOLIS, G. GHIRLANDA, C.C. SALVADOR (eds), *Nuovo dizionario di diritto canonico*, (=Nuovo dizionario di diritto canonico), 2a. ed. aggiornata, Milano, San Paolo, 1996, pp. 233-234.

analysis of each state regarding the situation of the Catholic Church and that of Catholic Hungarians.⁶⁵

3.2.1.1 – Austria

After the peace Treaty of Trianon, the westernmost part of Hungary, today Burgenland, became part of Austria. This region contained 99 parishes of the divided Diocese of Győr and 57 parishes of the Diocese of Szombathely.⁶⁶ These parishes were not linguistically homogeneous but mainly contained Hungarian, German and Croat speaking Catholics.

For these 156 parishes now in Burgenland, the Apostolic See erected on May 18, 1922 the Apostolic Administration of Burgenland, with residence in Kismarton (Eisenstadt) under the administration of the Archbishop of Vienna.⁶⁷ According to the Concordat between the Holy See and Austria, the Apostolic Administration of Burgenland was raised to the rank of *prelatura nullius*.⁶⁸ In

⁶⁵ For a summary of the diplomacy of the Holy See and Eastern Europe, see A. RICCARDI, "La diplomatie pontificale en Europe orientale, de la Révolution bolchevique à la coexistence pacifique (1917-1978), in J.B. D'ONORIO (ed.), *Le Vatican et la politique européenne*, Études de l'Institut européen des Relations Église-État, Paris, Mame, 1994, pp. 43-84.

⁶⁶ For more details, see J. GERGELY, *A katolikus egyház története Magyarországon 1919-1945* [The History of the Catholic Church in Hungary 1919-1945], pp. 41-46, and G. SALACZ, *A magyar katolikus egyház a szomszédos államok uralma alatt* [The Hungarian Catholic Church under the Rule of Neighboring States], München, Aurora könyvek, 1975, pp. 131-134.

⁶⁷ See G. SALACZ, *A magyar katolikus egyház a szomszédos államok uralma alatt* [The Hungarian Catholic Church under the Rule of Neighboring States], p. 132.

⁶⁸ "Inter Sanctam Sedem et Rempublicam Austriacam sollemnis conventio", 5 June 1933, ratified on 1 May 1934, in AAS, 26 (1934), pp. 249-283.

August 15, 1960, Pope John XXIII established the Diocese of Eisenstadt, which encompasses the entire territory of Burgenland.⁶⁹

Because of their small number and the authorized use of their language, the minorities in this case did not have cause for complaint. The pastoral care of the Catholic Hungarian minority was provided by Hungarian or German-speaking bilingual pastors.⁷⁰

3.2.1.2 – Czechoslovakia

Apart from the dioceses which were, in their entirety, included in the newly formed Czechoslovakia (Nyitra, Szepes), four others were divided into two or more parts by the new borders, and part of their territory transferred to Czechoslovakia. These were the dioceses of Esztergom, Rozsnyó, Kassa, Szatmár and two eparchies, Eperjes, Hajdúdorog. In May 29, 1922 the Apostolic Administration of Nagyszombat (Trnava) was created, and subjected directly to the Holy See.⁷¹ This was a part of the Diocese of Esztergom attached to Czechoslovakia (125 Hungarian speaking parishes out of 404 parishes).

⁶⁹ This diocese was established by the bull *Magna quae*, 15 August 1960, in AAS, 53 (1961), pp. 253-255. Its first bishop was Stefan László who was trilingual: Croatian, German and Hungarian, see <http://www.catholic-hierarchy.org/diocese/deise.html>, 11 June 2003.

⁷⁰ Only 50% of the 6763 Hungarian speaking population is Catholic. For details, see J. WEIßENSTEINER, "Seelsorge an Nichtdeutschsprachigen im Gebiet des heutigen Österreich", in E. GATZ (ed.), *Kirche und Muttersprache, Auslandsseelsorge Nichtdeutschsprachige Volksgruppen*, Freiburg-Basel-Wien, Herder, 1991, pp. 226-234.

⁷¹ See G. SALACZ, *A magyar katolikus egyház a szomszédos államok uralma alatt* [The Hungarian Catholic Church under the Rule of Neighboring States], p. 34. This was affirmed by the Apostolic Constitution *Ad ecclesiastici regiminis*, as follows: "S. Hippolyti, Viennensis,

The diocese of Rozsnyó was also divided by the new border: 115 parishes were attached to Czechoslovakia. After 1920, the diocese was governed only by vicars and apostolic administrators. The remaining 19 parishes in Hungary were under the administration of the vicar of the ordinary of the Diocese of Rozsnyó until 1937, when the *modus vivendi* took effect.⁷² The *modus vivendi* was first published on February 2, 1928. According to art. 1. bishops outside the territory of Czechoslovakia had no jurisdiction over territories in Czechoslovakia.⁷³

The larger part of the Diocese of Kassa (116 parishes) also became part of Czechoslovakia. Until 1925, it continued to be governed by Bishop A. Fischer Colbrie, but after that by apostolic administrators. 49 parishes remaining on the territory of Hungary were governed by his vicar until 1937.⁷⁴ The 42 parishes of

Strigoniensis et aliarum, territoria quarumdam dioecesium Reipublicae Čecoslovacae finitimarum nova circumscriptione definiuntur atque ex iis nonnullae administrationes apostolicae ad nutum Sanctae Sedis constituuntur. Insuper aliquae dioeceses, ad provincias ecclesiasticas Agriensem et Strigoniensem hucusque pertinentes, Apostolicae Sedi immediate subiectae declarantur et paroeciae omnes byzantini ritus in dicione Čecoslovaca positae dioecesi Mukačevensi subduntur", Pius XII, Apostolic Constitution *Ad ecclesiastici regiminis*, 2 September 1937, in AAS, 29 (1937), pp. 366-369. After the *Modus vivendi*, the 16 Hungarian-speaking vicars forane and 5 parish priests sent a *Memorandum* to the Holy See asking for the establishment of a diocese for Hungarian-speaking Catholics. See G. SALACZ, *A magyar katolikus egyház a szomszédos államok uralma alatt* [The Hungarian Catholic Church under the Rule of Neighboring States], pp. 34-37.

⁷² See J. GERGELY, *A katolikus egyház története Magyarországon 1919-1945* [The History of the Catholic Church in Hungary 1919-1945], p. 42, and *Modus Vivendi inter Sanctam Sedem et Rempublicam Cecoslovacham*, 1 March 1928, in AAS, 20 (1928), pp. 65-66.

⁷³ "Le Saint-Siège et le Gouvernement Tchecoslovaque sont d'accord sur le principe qu'aucune partie de la République Tchecoslovaque ne dépende d'un Ordinaire dont le siège se trouverait hors des frontières de l'Etat tchecoslovaque, de même qu'aucun diocèse de Tchecoslovaquie ne s'étende au delà des frontières du pays. Le Saint-Siège et le Gouvernement Tchecoslovaque se mettront d'accord au sujet de la nouvelle délimitation et de la dotation des diocèses", *ibid.*, art. 1, in AAS, 20 (1928), p. 65.

⁷⁴ For more details, see G. SALACZ, *A magyar katolikus egyház a szomszédos államok uralma alatt* [The Hungarian Catholic Church under the Rule of Neighboring States], pp. 9-54.

the Diocese of Szatmár, which was divided in three, were attached to Czechoslovakia. They were under the jurisdiction of the bishop of Szatmár, in Romania, who exercised his authority through his vicar in Ungvár until 1930 when the Holy See created the Apostolic Administration of Ungvár.⁷⁵

On July 19, 1939, as a result of the Declaration of Vienna and the change of borders, Pope Pius XII in his bull, *Dioecesium fines*, reorganized the ecclesiastical structures in the territories reattached to Hungary. Thus the dioceses of Kassa and Rozsnyó became once again suffragans of the Archdiocese of Eger, and the diocese of Munkács (Munkacsiensis) suffragan of the Archdiocese of Esztergom.⁷⁶

Following the Peace Agreements after the Second World War, which reinstated the borders of the Treaty of Trianon, the ecclesiastical governance regained the shape and structure it had before 1938.⁷⁷ Accordingly Catholic

⁷⁵ See J. GERGELY, *A katolikus egyház története Magyarországon 1919-1945* [The History of the Catholic Church in Hungary 1919-1945], p. 43.

⁷⁶ The bull *Dioecesium fines* of Pope Pius XII, issued on 19 July 1939, was never published in the AAS. There is a reference among the documents of the Hungarian Conference of Catholic Bishops on 3 October 1939, see J. GERGELY, *A püspöki kar tanácskozásai: A magyar katolikus püspökök konferenciáinak jegyzőkönyveiből 1919-1944* [Conferences of Hungarian Bishops: Excerpts from the Minutes of the Hungarian Conference of Catholic Bishops 1919-1944], Budapest, Gondolat, 1984, p. 264. See also G. SALACZ, *A magyar katolikus egyház a szomszédos államok uralma alatt* [The Hungarian Catholic Church under the Rule of Neighboring States], p. 49, and E. HRABOVEC, "La Santa Sede e la Slovacchia (1918-1938)", in THE MINISTRY OF FOREIGN AFFAIRS OF THE SLOVAK REPUBLIC, THE PONTIFICAL INSTITUTE IN ROME, THE EMBASSY OF THE SLOVAK REPUBLIC TO THE HOLY SEE, *International Bilateral Legal Relations Between the Holy See and States: Experiences and Perspectives (=International Bilateral Legal Relations)*, Città del Vaticano, Libreria Editrice Vaticana, 2003, pp. 241-254.

⁷⁷ For more details, see M.S. ĐURICA, "Die Slowakei", in E. GATZ (ed.), *Kirche und Katholizismus seit 1945*, Paderborn, F. Schöningh, 1998, pp. 153-164, and B. CYWIŃSKI, "A katolikus egyház Szlovákiában a kezdetektől 1948-ig" [The Catholic Church in Slovakia, From the Beginning Until 1948], in *Magyar Egyháztörténeti Vázlatok, Essays in Church History in Hungary*,

Hungarians were found in the following dioceses: Diocese of Bratislava-Trnava, 125 Hungarian-speaking parishes; Diocese of Rožnava, 34 parishes; in the part of the diocese of Satu Mare situated in Czechoslovakia, 22 parishes; Diocese of Košice, 15 parishes with homogeneous Hungarian-speaking Catholics and 35 mixed parishes; Diocese of Nyitra, 6 parishes with homogeneous Hungarian speaking Catholics and 9 mixed parishes. The formation of priests took place in major seminaries.⁷⁸ Hungarian-speaking or bilingual priests provided for the pastoral care of the Hungarian minority. After the Second World War, during the Communist period, the Church in Czechoslovakia was subjected to brutal persecution, as in the other countries in the region.⁷⁹ On February 27, 1973 an accord was signed between the Vatican and Czechoslovakia for the stabilization of their relationship.⁸⁰ On December 30, 1977, the Apostolic Administration of Trnava was elevated to the status of an Archdiocese,⁸¹ with the suffragan

7 (1995), pp. 261-278, and C. FALCONI, *La Chiesa e le organizzazioni cattoliche in Europa*, Milano, Edizioni di Comunità, 1960, pp. 773-796.

⁷⁸ According to Salacz, in 1933 in the major seminary of Nagyszombat (Trnava), the Hungarian speaking seminarians were fewer than 30%, in Kassa (Košice) only seven out of 60. In Rozsnyó (Rožnava) there was a more favourable situation, because together with 13 Slovak seminarians, 11 Hungarian speaking seminarians studied there; see G. SALACZ, *A magyar katolikus egyház a szomszédos államok uralma alatt* [The Hungarian Catholic Church under the Rule of Neighboring States], p. 46.

⁷⁹ See SCHWEIZERISCHE NATIONALKOMMISSION JUSTITIA ET PAX, *Situation der katholischen Kirche in der Tschechoslowakei: Dokumente, Berichte*, Bern, National-Kommission Justitia et Pax, 1976, pp. 11-150.

⁸⁰ See *Nuovo dizionario di diritto canonico*, p. 234. For details, see A. CASAROLI, *A türelem vértanúsága: A Szentszék és a kommunista államok (1963-1989)* [The Martyrdom of Patience: The Holy See and the Communist States (1963-1989)], Budapest, Szent István Társulat, 2001, pp. 173-246.

⁸¹ See PAUL VI, Apostolic Constitution *Qui divino consilio*, 30 December 1977, in AAS, 70 (1978), pp. 275-276.

dioceses of Košice, Banská Bystrica, Nitra and Rožnava. Until this time the Diocese of Košice was suffragan of the Archdiocese of Eger (Hungary), the Dioceses of Banská Bystrica, Nitra and Rožnava were suffragans of the Archdiocese of Esztergom (Hungary).⁸²

3.2.1.3 – Romania

After the Treaty of Trianon, the reorganization of dioceses and eparchies in Romania took place according to the Apostolic Constitution *Solemni conventione* promulgated on June 5, 1930.⁸³ In the western part of Romania, in the territory of Transylvania, the Hungarian Catholics belonged to four dioceses. Firstly, the largest territory was the diocese of Transylvania, which as a whole became part of Romania. Secondly, the former diocese of Csanád was divided by the Treaty: its 153 parishes became part of Romania, from which the Apostolic Administration of Timișoara was created on March 23, 1923.⁸⁴ This was erected as a diocese on June 5, 1930, as a result of the Concordat between the Holy See and Romania.⁸⁵

⁸² See PAUL VI, Apostolic Constitution *Praescriptio sacrosancti Concilii oecumenici Vaticani II*, 30 December 1977, in AAS, 70 (1978), pp. 273-274.

⁸³ See Pius XI, Apostolic Constitution *Solemni conventione*, 5 June 1930, in AAS, 22 (1930), pp. 381-386. The names of the dioceses are used according to this apostolic constitution.

⁸⁴ See *ibid.*, p. 381.

⁸⁵ See the Concordat between Romania and the Holy See, "Convention Solennelle entre le Saint-Siège et le Royaume de Roumanie", 10 May 1927, ratified on 7 June 1929, in AAS, 21 (1929), p. 441-451. The Concordat changes the name of the Diocese of Transylvania to Alba Iulia. For more details of the religious situation in Romania after 1923, see E.C. SUTTNER, *Beiträge zur Kirchengeschichte der Rumänien*, Wien, München, Verlag Herold, 1978, pp. 24-40.

The larger part of the Diocese of Szatmár, 45 parishes and the episcopal see of Szatmár was also attached to Romania, and in 1930 was united with the diocese of Nagyvárad with the name *Satmariensis et Magno-Varadinensis latinorum*.⁸⁶

The greater part of the territory of the Diocese of Nagyvárad, with its episcopal see, also became part of Romania. This Diocese contained 54 parishes, and was governed by Bishop Miklós Széchenyi until his death in 1923; afterwards until its unification with the Diocese of Satu Mare in 1930, by the bishop of Satu Mare, as administrator.⁸⁷

During the Second World War, when the northern section of Transylvania became part of Hungary through the second Arbitration Award of Vienna in 1940, the diocese of Alba Iulia was also divided in two. Bishop Áron Márton with 86 parishes and 85,938 Catholics remained in Romania, with the diocesan center of Alba Iulia, while the greater part of the diocese, which again became part of Hungary with 163 parishes and 341,000 Catholics, was governed by his episcopal vicar, Imre Sándor.⁸⁸

⁸⁶ The 16 parishes left in Hungary were governed by the parish priest of Mérc until 1929, when the Apostolic Vicariate of Mérc was established (following the Concordat between Romania and Holy See). According to the Apostolic Constitution *Solemni conventione*, territories outside of Romania could not be governed by an ordinary residing in Romania. See AAS, 22 (1930), pp. 381-386.

⁸⁷ See G. SALACZ, *A magyar katolikus egyház a szomszédos államok uralma alatt* [The Hungarian Catholic Church under the Rule of Neighboring States], pp. 81-89.

⁸⁸ See *ibid.*, p. 67.

On June 28, 1941 the Holy See with its Apostolic Constitution *Dioecesium circumscriptionum immutatio* reestablished the autonomy of the dioceses of Oradea and Satu Mare and put an end to the *aequae principalis* union between the two dioceses.⁸⁹ After the Second World War, when the borders existing before 1938 were once again restored, and during the difficult times under the Communist regime, the Catholic Church along with its concern for the pastoral care of souls also became the protector of the Hungarian minority.⁹⁰

⁸⁹ See PIUS XII, Apostolic Constitution *Dioecesium circumscriptionum immutatio*, 28 June 1941, in AAS, 34 (1942), pp. 28-29. According to I. Zombori this took place on 1 October 1941. See I. ZOMBORI (ed.), *Magyarország és a Szentszék diplomáciai kapcsolata (1920-2000)* [Diplomatic Relationship of Hungary and the Holy See 1920-2000], pp. 70-71.

The Holy See with Apostolic Constitution *Quandoquidem spiritali*, 18 October 1982, separated the Dioceses of Oradea and Satu Mare. See JOHN PAUL II, Apostolic Constitution *Quandoquidem spiritali*, 18 October 1982, in AAS, 75 (1983), p. 356.

⁹⁰ For details, see J. BROUN, "The Catholic Church in Romania", in P. RAMET (ed.), *Catholicism and Politics in Communist Societies*, Durham, NC, Duke University Press, 1990, pp. 207-231; M. VADAN, *Le relazioni diplomatiche tra la Santa Sede e la Romania (1920-1948)*, Città del Vaticano, Libreria Editrice Vaticana, 2001, pp. 49-236, I. DUMITRU-SNAGOV, *La Romania nella diplomazia Vaticana 1939-1944*, Roma, Editrice Pontificia Università Gregoriana, 1987, pp. 9-153 and C. FALCONI, *La Chiesa e le organizzazioni cattoliche in Europa*, pp. 923-935.

For a remarkable description of the Romanian Gulag, see A. RATIU, W. VIRTUE, *Stolen Church: Martyrdom in Communist Romania*, Huntington, IN, Our Sunday Visitor, 1979, pp. 13-192. M. Maqua points out one aspect of the State's position towards the Hungarian ethnic minority: "En septembre 1980, deux lettres pastorales d'un ton inhabituel dans un pays de l'Est parviennent en Occident. Il s'agit d'une lettre de l'évêque latin du diocèse d'Alba Iulia, Mgr. Áron Márton – qui décèdera le 29 septembre 1980 – et de celle de son successeur à ce poste, Mgr Antal Jakab, âgé de 71 ans. Mgr. Marton proteste contre la politique d'assimilation forcée que le régime de Bucarest réserve aux Transylvaniens, dont, selon lui, seule l'Eglise catholique respecte la langue et la culture hongroises", in M. MAQUA, *Rome-Moscou: l'Ostpolitik du Vatican*, Louvain-la-Neuve, Cabay, 1984, p. 155.

At the end of June 1948, the media launched a campaign against the Vatican, presenting the Catholic Church as the Church of the rich people and an ally of the capitalistic western world. On 19 July 1948, Decree n. 151 was published in *Monitorul Oficial*, the official revue for civil law, in which Romania denounced unilaterally the Concordat with the Vatican. See M. MAQUA, *Rome-Moscou: l'Ostpolitik du Vatican*, p. 150. For details, see D. DUNN, *Religion & Nationalism in Eastern Europe and The Soviet Union*, Boulder and London, Lynne Rienne Publishers, 1987, pp. 173-176, M. MAQUA, *Rome-Moscou: l'Ostpolitik du Vatican*, pp. 149-156; and P.J. BABRIS, *Silent*

3.2.1.4 – Yugoslavia

In Yugoslavia 23 parishes of the former diocese of Csanád were erected as the Apostolic Administration of Banat on February 10, 1923.⁹¹

The larger part of the Archdiocese of Kalocsa-Bács (two thirds), named Bácska, also became part of Yugoslavia (Kingdom of Serbs, Croats and Slovenians). Until 1923, its 89 parishes were governed by a vicar of the archbishop of Kalocsa (only 33 parishes remained in Hungary, together with the archdiocesan see of Kalocsa). In February 10, 1923, it became the Apostolic Administration of Backa, with an episcopal see in Subotica.⁹² The Administration was directly subject to the Holy See. The faithful of the Administration have been mostly Hungarians, Germans, Croats and Slovaks. In 1941, the Apostolic Administration of Backa was subordinated to the Archdiocese of Kalocsa, but after the Second World War the civil borders, the limits and structures of particular churches were restored according to the situation existing before 1938.⁹³

Churches: Persecution of Religions in the Soviet-dominated Areas, Arlington Heights, IL, Research Publishers, 1978, pp. 347-357.

⁹¹ See G. SALACZ, *A magyar katolikus egyház a szomszédos államok uralma alatt* [The Hungarian Catholic Church under the Rule of Neighboring States], pp. 107-108. The remaining 33 parishes in Hungary formed the diocese of Csanád, with its centre in Szeged (definitely established in June 19, 1931).

⁹² See *ibid.*, p. 107.

⁹³ See I. ZOMBORI (ed.), *Magyarország és a Szentszék diplomáciai kapcsolata (1920-2000)* [Diplomatic Relations of Hungary and the Holy See 1920-2000], p. 71.

On January 25, 1968, Pope Paul VI established in the territory of the Apostolic Administration of Backa, the new Diocese of Subotica and named Matija Zvekanovic as its first Bishop. He remained at the head of the diocese until May 16, 1989 when John Paul II named Msgr. Janos Penzes as the new Bishop of Subotica.⁹⁴

The southern part of the diocese of Pécs also became part of Yugoslavia; it contained 13 Croatian parishes and 15 Hungarian ones. In 1922, this territory was erected as the Apostolic Administration of North Szerém and South Baranya, under the administration of the Bishop of Diakovár.⁹⁵ The larger part of the diocese, with 178 parishes, remained in Hungary.

The Diocese of Szombathely was divided in three: 118 parishes remained in Hungary, a section (57 parishes) became part of the Apostolic Administration of Burgenland (Austria), 18 parishes were transferred to Yugoslavia. In December 1, 1923 the territory in Yugoslavia was erected as Apostolic Administration of Muravidék, under the jurisdiction of the Bishop of Maribor (Slovenia).⁹⁶

⁹⁴ For details, see Msgr. Stjepan BERETIC, "History of Diocese of Subotica", in <http://www.catholic-hierarchy.org/country/dyu.html>, 15 December 2002.

⁹⁵ See G. SALACZ, *A magyar katolikus egyház a szomszédos államok uralma alatt* [The Hungarian Catholic Church under the Rule of Neighboring States], pp. 107-108.

⁹⁶ See *ibid.*, pp. 107-108 and J. GERGELY, *A katolikus egyház története Magyarországon 1919-1945* [The History of the Catholic Church in Hungary 1919-1945], p. 44.

In 1935 a Concordat between the Holy See and Yugoslavia had as its goal the stabilization of the relationship between them and to ease the situation of Catholics and of ethnic minorities in Yugoslavia. This Concordat required the use of the mother tongue in catechesis and in the liturgy. Although the Concordat was never ratified, its spirit was felt in the following years.⁹⁷ On June 25, 1966 a *protocollo relativo* took place between the representants of the Holy See and Yugoslavia.⁹⁸

3.2.1.5 – Eparchies Affected by the Treaty of Trianon

Before the Treaty of Trianon (1920), in the Territory of Hungary, there were the Eparchies of Eperjes, Hajdúdorog and Munkács. On June 4, 1924, the Holy See erected the Apostolic Exarchy of Miskolc out of the 20 parishes remaining in Hungary of the Eparchy of Eperjes and one parish of the Eparchy of Munkács. Its first exarch was the *emeritus* bishop of Munkács, named titular archbishop.⁹⁹

The Eparchy of Hajdúdorog was divided into three: the larger part, with 82 parishes remained in Hungary, with the eparchial see in Nyíregyháza, 4 parishes

⁹⁷ For the period between 1945 and 1960, see C. FALCONI, *La Chiesa e le organizzazioni cattoliche in Europa*, pp. 797-830.

⁹⁸ See *Nuovo dizionario di diritto canonico*, p. 234. For details, see S. ALEXANDER, *Church and State in Yugoslavia since 1945*, Cambridge, Cambridge University Press, 1979, pp. 313-315, and A. CASAROLI, *A türelem vértanúsága: A Szentszék és a kommunista államok (1963-1989)* [The Martyrdom of Patience: The Holy See and the Communist States (1963-1989)], pp. 247-307.

⁹⁹ See J. GERGELY, *A katolikus egyház története Magyarországon 1919-1945* [The History of the Catholic Church in Hungary 1919-1945], pp. 42-43.

became part of Czechoslovakia, and 75 of Romania, under the jurisdiction of the bishops residing in the successor states.¹⁰⁰

3.2.2 – The Catholic Church and the Hungarian Minorities in East-Central Europe since the Political Changes in 1990

Following the political changes in 1989-1990, Eastern Europe experienced the blessings of democracy and freedom, but at the same time nationalism and ethnic conflict have returned to the forefront of East-Central European politics.¹⁰¹ The borders of the dioceses in East-Central Europe have changed during the last decade with the reorganization of hierarchical structures.¹⁰² They were reorganized according to State borders, which shows the acceptance of political realities by the Holy See. At the same time, this restructuring was carried out with sensitivity for the historical and multicultural aspects of this region and with a particular concern toward ethnic minorities.¹⁰³

¹⁰⁰ For a concise history of the Eparchy of Hajdúdorog and Apostolic Exarchate of Miskolc, see I. PIRIGYI, *A görögkatolikus magyarság története* [History of Hungarian Greek-Catholics], Nyíregyháza, Görögkatolikus Hittudományi Főiskola, 1982, pp. 127-170.

¹⁰¹ For details see, WORLD COUNCIL OF CHURCHES, "Statement on Issues Arising Out of Developments in Central and Eastern Europe", in *The Ecumenical Review*, 42 (1990), pp. 349-351; and "Statement on Romania", in *ibid.*, p. 352; J. UYANGODA, "Understanding Ethnicity and Nationalism", in *The Ecumenical Review*, 47 (1995), pp. 190-194; R.J. PÁTKAI, "Hungarian Minorities in Europe: A Case Study", in *The Ecumenical Review*, 47 (1995), pp. 217-224.

¹⁰² A total reorganization of hierarchical structures took place in Poland and Hungary. In Poland on 25 March 1992, in AAS, 84 (1992), p. 1097, and in Hungary on 31 May 1993, in AAS, 85 (1993), p. 869.

¹⁰³ For more details, see P. ERDŐ, "A magyar és európai egyházmegyék alakulása az utóbbi tíz évben" [The Development of Hungarian and European Dioceses in the Last Ten Years],

In Romania, on August 5, 1991, the diocese of Alba Iulia was elevated to the rank of archdiocese (without any suffragan dioceses), because of the sensitivity of the Holy See toward the Hungarian minority in the diocese, which was unique in this restructuring procedure.¹⁰⁴ Bishops were appointed to the dioceses of Timișoara, Oradea, Satu Mare, and together with the diocese of Iași, in the Eastern part of Romania, they remained suffragans of the Archdiocese of Bucharest.¹⁰⁵ Four of these dioceses contain Catholic Hungarians: the Archdiocese of Alba Iulia, and the Dioceses of Oradea, Satu-Mare and Timișoara. The formation of priests takes place in the Major Seminary of Alba Iulia.¹⁰⁶

After the dissolution of the Soviet Union, the Holy See reorganized the hierarchy in Ukraine on January 16, 1991. For the pastoral care of Latin Catholics, the Apostolic Administration of Transcarpathia was established on August 14, 1993,¹⁰⁷ which later became the diocese of Munkacsensis

in *Magyar Egyháztörténeti Vázlatok, Essays in Church History in Hungary*, 3-4 (1998), pp. 269-277.

¹⁰⁴ See JOHN PAUL II, Apostolic Constitution *Quod satis constat*, 5 August 1991, in AAS, 83 (1991), pp. 917-918.

¹⁰⁵ This, however, creates an exception in establishing ecclesiastical provinces, because the Catholics of the dioceses of Oradea, Satu-Mare, and Timișoara are mostly Hungarian speaking, while the Catholics of the dioceses of Bucharest and Iași are Romanian speaking. However this structure should foster catholicity in a multiethnic society. The names of the particular churches are according to the AAS. The Eastern Rite eparchies also were restructured.

¹⁰⁶ For details, see L.D. TANASE – I. GALEA, "Romania and the Holy See: A Special Unique Relation", in *International Bilateral Legal Relations*, pp. 221-226.

¹⁰⁷ See CONGREGATION FOR BISHOPS, Decree *Quod aptius provideretur*, 14 August 1993, in AAS, 86 (1994), p. 108.

Latinorum.¹⁰⁸ Most of the Latin Catholics are Hungarians: 85% Hungarian, 7% Slovak and German origin.¹⁰⁹ The formation of Hungarian speaking priests takes place in seminaries in Hungary, Alba Iulia (Romania), and in western countries.

In Czechoslovakia, and after January 1, 1993 in Slovakia, a kind of restructuring took place. In the new state of Slovakia, the Holy See established the Archdiocese of Košice on March 31, 1995,¹¹⁰ and on the same day the name of the Archdiocese of Trnava was modified to that of Archdiocese of Bratislava-Trnava.¹¹¹ On January 18, 1996, a part of the territory of the Eparchy of Prešov was attached to Apostolic Exarchate of Czech Republic.¹¹² On February 21, 1997, the Apostolic Exarchate of Košice was erected.¹¹³

Today, the following dioceses contain a number of Hungarian speaking Catholics: Archdiocese of Bratislava-Trnava (155 parishes), Diocese of Rožnava

¹⁰⁸ The new name of this diocese is *Munkacsiensis Latinorum*; see JOHN PAUL II, Apostolic Constitution *Cum Transcarpatiae*, 27 March 2002, in AAS, 94 (2002), pp. 511-512.

¹⁰⁹ See J.C. PÉRISSET, "L'Église catholique dans les États issus de l'ex-URSS", in J.B. D'ONORIO (ed.), *Le Vatican et la politique européenne*, p. 243. According to G. Feige, in 1997 there were 880.000 Latin rite Catholics, most of them Hungarian speaking, but also Slovaks and Germans. See G. FEIGE, "Ukraine", in E. GATZ (ed.), *Kirche und Katholizismus seit 1945*, Paderborn, F. Schöningh, 1998, pp. 223-244.

¹¹⁰ See JOHN PAUL II, Apostolic Constitution *Pastorali quidem*, 31 March 1995, in AAS, 87 (1995), pp. 776-777.

¹¹¹ See CONGREGATION FOR BISHOPS, Decree *Cum intra fines*, 31 March 1995, in AAS, 87 (1995), pp. 1164-1165.

¹¹² See JOHN PAUL II, Apostolic Constitution *Quod aptius consuleretur*, 5 March 1996, in AAS, 88 (1996), p. 614.

¹¹³ See JOHN PAUL II, Apostolic Constitution *Ecclesiales communitates*, 21 February 1997, in AAS, 89 (1997), pp. 439-440.

(49 parishes), Archdiocese of Košice (25 parishes), Diocese of Nitra (6 parishes), Eparchy of Košice (15 parishes).¹¹⁴

In Yugoslavia, on December 16, 1986, Pope John Paul II established the ecclesiastical province of Belgrade; the Dioceses of Subotica and Zrenjanin became suffragan Dioceses. The diocese of Subotica contains a number of Catholic Hungarians. Indeed the majority of the faithful are of Hungarian nationality, but there are also a number of Croats, Germans, Slovaks and other nationalities. Those are the languages in which the liturgy is celebrated. The formation of priests takes place in the Diocesan Major Seminary *Paulinum*, while theological studies are done in Hungary, Croatia, Slovakia and Italy.¹¹⁵

3.3 – SPECIAL SOCIO-POLITICAL ISSUES

Students of the multiethnic societies of East-Central Europe have also to pay attention to certain aspects of a socio-political nature,¹¹⁶ such as the relationship between nationality and religion, nationalistic tendencies, the phenomenon of assimilation, and the European context in which ethnic minorities are embedded.

¹¹⁴ See <http://mojweb.sk/pazmany/memorand.htm>, 30 November 2002. Regarding the Church-State relations in Slovakia, see J. JURAN, "The Current State of Church-State Relations in the Slovak Republic", in *International Bilateral Legal Relations*, pp. 255-264.

¹¹⁵ For details, see S. BERETIC, "History of the Diocese of Subotica", in <http://www.catholic-hierarchy.org/country/dyu.html>, 15 December 2002.

¹¹⁶ See J. YACOB, *Les minorités dans le monde*, pp. 71-79.

3.3.1 – Nationality and Religion

Religion is one of the important factors in differentiating nations and cultures in East-Central Europe. The interrelationship of nationality and religion in the region shows that religion and the churches play a significant role in reinforcing national identity.¹¹⁷

Before the Treaty of Trianon, Hungary was a multinational state with seven major language groups and six state-supported churches. Belonging to a language group often coincided with adherence to a particular religion.¹¹⁸ After the 1867 Compromise between Austria and Hungary, the predominance of the Magyar language in Hungary was reaffirmed. This was accompanied by a strong pressure for Magyarization, prescribing it as the only language of public (state) schools.¹¹⁹ Education in languages of national minorities was left to communal

¹¹⁷ For more details, see N. BÁRDOS-FÉLTONYI, *Églises et États au centre de l'Europe. Réflexions géopolitiques*, Paris-Montréal-Budapest-Torino, L'Harmattan, 2000, pp. 71-78, and H. SCHILLING, "Confession and Political Identity in Europe at the Beginning of Modern Times (Fifteenth to Eighteenth Centuries)", in *Concilium*, 1995/6, pp. 3-13.

J. Yacoub states: "La religion est un élément de constitution et de différenciation des communautés humaines, un enjeu de reconnaissance et de pouvoir et, par là, un facteur sociopolitique", in J. YACOUB, *Les minorités dans le monde*, p. 71.

¹¹⁸ These major languages were Hungarian (Magyar), German, Slovak, Ruthene, Romanian, Serbian and Croatian. The state supported religions were Catholic, Calvinist, Lutheran, Unitarian, Orthodox and Jewish. For more details, see L. LASZLO, "Nationality and Religion in Hungary", in *East European Quarterly*, 27 (1983), pp. 41-56, and "Religion and Nationality in Hungary", in P. RAMET, *Religion and Nationalism in Soviet and East European Politics*, Durham and London, Duke University Press, 1989, pp. 287-298.

¹¹⁹ As L. Laszlo summarizes, "neither the Catholics nor the Protestants practiced any discrimination in their ecclesiastical organizations because of national origins. Any Slovak or Swabian, provided he accepted the Hungarian national ideal of a single nation and state and provided he learned Magyar, could rise to the highest post. In fact, a disproportionately great number of Slovak and German names can be found in a list of leaders of the Catholic and Lutheran churches of this period. The very highest office which, under the Hungarian constitution,

and denominational schools which rendered the greatest service to the maintenance of the culture and identity of minorities.

The identification of religion and nation had traditionally played a role in preserving and fostering national identity. The Communist system had difficulty with this, because destroying religious organizations also meant abolishing national institutions. Throughout history, military conquerors have recognized the political potency of churches in protecting national identities.¹²⁰

On the other hand, the close relationship of nationality and religion can be a source of particularism, the basis of national churches, of a national religion, and an instrument of nationalism.¹²¹ This was the goal of the Communist systems

a citizen could aspire to was that of Archbishop of Esztergom, Prince Primate of Hungary. This rank was superior to that of Prime Minister and directly below that of the King. Yet this office was repeatedly held by Slovaks and Swabians of humble origin", in L. LASZLO, "Nationality and Religion in Hungary", in *East European Quarterly*, 27 (1983), p. 48.

For more details, see also L. ASZÓDI, G. FRATER, "De profundis – Religion as the Support of Minorities", in *Concilium*, 1995/6, pp. 77-86.

¹²⁰ P. Ramet, giving an analysis of nationality and religion, writes, that "Communist religious policy is determined by at least six important factors: (1) the size of the religious organization in question, (2) the organization's disposition to subordinate itself to political authority and its amenability to infiltration and control by the secret police, (3) the question of allegiance to a foreign authority, (4) the loyalty or disloyalty of the particular body during World War II, (5) the ethnic configuration of the respective country, and (6) the dominant political culture of the country"; "The Interplay of Religious Policy and Nationalities Policy in the Soviet Union and Eastern Europe", in *Religion and Nationalism in Soviet and East European Politics*, p. 9.

¹²¹ According to J. Yacoub, "Les faits prouvent que les religions sont, en même temps, un facteur de division, un indicateur de tensions et un indice de conflictualité interne et internationale, surtout quand elles sont asservies par le nationalisme et les fanatismes et quand l'enchevêtrement se solidifie entre Églises, nations et États. La Lituanie en est un exemple, comme d'ailleurs la Pologne, l'Ukraine et la Roumanie", in J. YACOB, *Les minorités dans le monde*, p. 76.

when they tried to persuade the Catholic Churches to break all relationships with the Vatican and to reconstitute themselves as “national churches”.¹²²

This intertwined situation of religion and national sentiments can be experienced even today in East-Central Europe.¹²³ A survey made in Transylvania, Romania, among the ethnic minorities shows a close connection between religion and national identity.¹²⁴

3.3.2 – Nationalistic Tendencies

Modern nationalism is often regarded as one of the most dangerous contemporary movements.¹²⁵ The Communist system not only impeded spontaneous and free cultural development, but it also generated an attitude of fear and suspicion towards all; this concealed and even at times exacerbated the burden of history: centuries-old tensions among peoples, mutual wounds and

¹²² After the Second World War the Communists, by different strategies, tried to intimidate the Church. Those churches which were not suppressed were merely legally tolerated. See L. GYURGYIK, “Nemzeti és vallási identitás a szlovákiai magyarság életében” [National and Religious Identity in the Life of Hungarians in Slovakia], in *Vigilia*, 7 (1996), pp. 515-517.

¹²³ See *ibid.*

¹²⁴ For details, see F. GERESEN, M. TOMKA, *Vallásosság és nemzettudat, Vizsgálódások Erdélyben* [Religion and National Identity, A Survey in Transylvania], Budapest, Kerkai Könyvek, 2000, pp. 53-84. In Romania, the churches are often named according to the nationality of their adherents, like the Hungarian church (Catholic or Protestant), German church (Evangelical), Romanian church (Orthodox or Eastern Rite Catholic).

¹²⁵ J. Linden analyzes the sources of new nationalisms in the last decades. See J. LINDEN, “Vallás és nacionalizmus napjainkban” [Religion and Nationalism Today], in *Mérleg*, 31 (1995), pp. 143-155.

hatred.¹²⁶ The war in the former Yugoslavia serves as an example of how the different ethnic groups and national communities can be brought into conflict by enforcing nationalistic tendencies and elevating the national identity into a false absolute.¹²⁷

It was always a temptation and a possibility for political forces to use religion as an instrument to nationalize and assimilate national and ethnic minorities.¹²⁸ This situation allows for the possibility of the clergy's awakening or reinforcing national feelings in different ethnic groups. The majority of the faithful can manipulate the minority. The hierarchy can become an instrument of assimilation, even passively, by not recognizing the existence of ethnic minorities.¹²⁹

¹²⁶ See W. FREISTETTER, "The Cultural Situation in the Former Communist Countries of Central and Eastern Europe: A Challenge for the Church, Address to the Inter-dicasterial meeting held at the Pontifical Council for Culture on May 30, 1996", in *Cultures and Faith*, 4 (1996), pp. 253-260.

¹²⁷ As acknowledged by the Special Synod Assembly in Europe at the beginning of the war in Yugoslavia, "...since the destruction of Marxism, linked as it was with the forced uniformity of peoples and the oppression of small nations, the peoples of Eastern and Western Europe have returned yet again to issues of nationalism. National identity is, however, only fulfilled in openness to and solidarity with other peoples", Declaration of the Special Synod Assembly for Europe, November 28 – December 14, 1991, in *Origins*, 21 (1991-1992), p. 464.

For details, see S. VRCAN, "Religion and Churches and the Post-Yugoslav War", in *Concilium*, 1995/6, pp. 59-67, and J. LANGAN, "Nationalism, Ethnic Conflict, and Religion", in *Theological Studies*, 56 (1995), pp. 122-136.

¹²⁸ See G. BAUM, "Religion and Nationalism World-Wide", in *Concilium*, 1995/6, pp. 87-95.

¹²⁹ As G. Németh remarked in 1991, "After decades of imposed atheist uniformity, the revival of national awareness will clearly encourage the various peoples to emphasise their native languages, cultures, folk cultures and histories, and also the histories of their national churches. This rediscovery and preservation of values is quite proper, but since it entails self-assertion by the majority in each country, it may well turn into aggression and intolerance toward minorities at

This fact could affect the life of the community of the faithful. In establishing ecclesiastical structures for Hungarian minorities, there is the risk of fostering exaggerated nationalist feelings and a tendency toward particularism. There should be some objective criteria in determining the nature and number of ethnic minorities which can be protected. Minorities can also exaggerate and foster nationalistic tendencies.¹³⁰ Is this self-defense or exaggeration? Who is to decide?¹³¹

home and towards neighbouring peoples.", in G. NÉMETH, "Christianity's Answer to Nationalism", in *Religion in Communist Lands*, 19 (1991), pp. 85.

¹³⁰ As Pope John Paul II mentioned in 1989, in his World Day of Peace Message, "...one sees minorities which exert no influence and do not fully enjoy their rights, but rather find themselves in situations of suffering and distress. This can lead them either to passive resignation or to unrest and even rebellion", JOHN PAUL II, World Day of Peace Message, *Per costruire la pace - rispettare le minoranze*, 1 January 1989, n. 2, in AAS, 81 (1989), p. 96; English translation "To Build Peace, Respect Minorities", in *Origins*, 18 (1988-1989), p. 467.

B.J. Groen mentions a positive aspect of nationalism. Those people, who lived in multinational states for centuries and experienced the repression of their own language, culture and religion, were able to create their own autonomous areas and states. For details, see B.J. GROEN, "Nationalism and Reconciliation: Orthodoxy in the Balkans", in *Religion, State & Society*, 26 (1998), pp. 114-115.

¹³¹ The majority usually always understands the minority's petition as a nationalistic movement. When the diocese of Alba Iulia was elevated to the rank of archdiocese subject directly to the Holy See, it was considered by both the Romanian Catholic and Orthodox hierarchy as a manifestation of Hungarian nationalism; see "Chronique des Églises, Roumanie", in *Irénikon*, 64 (1991), pp. 570-571.

G. Schöpflin emphasizes, "Majority-minority relations are reciprocal and interactive. There is little point in trying to understand what is happening only by looking at the minority, for this effectively decontextualises the essence of inter-ethnic politics. The political, cultural and social context of the minority is the majority and to some extent vice versa. Each side tends to define itself by an image, usually negative, of the other", in G. SCHÖPFLIN, *Nations, Identity, Power*, New York, New York University Press, 2000, p. 255.

3.3.3 – Assimilation or Isolation

Ethnic minorities always have to face the phenomenon of assimilation. Those people who belong to a less powerful or less dominant culture are apt to find themselves under considerable pressure; they are in danger of losing their sense of identity and security. The majority controls and owns institutions, dominates the cultural framework which can be an instrument toward wanted (or even unwanted) assimilation. The cultural identity of ethnic minorities is gravely threatened because of the pressures from the dominant culture to conform as rapidly as possible to their standards of behavior.¹³²

The close relationship between religion and nationality also has the possibility of forcing and fostering the process of assimilation. The Churches can become supporters of the national interest. When the ethnic minority has the same religion as the majority, there is the possibility of religion itself becoming an instrument of assimilation of the minority.¹³³

There is a normal process of assimilation, as in the case of immigrant communities in the western world, which could serve as a criterion for the

¹³² The situation of immigrants shows us the same tendency. For details, see G.A. ARBUCKLE, "Migrants and Pastoral Care", in *The Jurist*, 46 (1986), pp. 452-457.

¹³³ The Church, in establishing structures and organizing the pastoral care of immigrants, highlights the value of culture in the work of evangelization. As G. Rosoli summarizes the documents issued by the Holy See for immigrants: "I documenti raccolti esprimono bene l'opposizione della Chiesa centrale verso una assimilazione degli emigranti, che avrebbe devastato e disperso il loro patrimonio culturale e religioso, impedendo così un processo di arricchimento della Chiesa locale", G. ROSOLI, "Alcune considerazioni storiche su S. Sede e fenomeno della mobilità umana", in PONTIFICIA COMMISSIONE PER LA PASTORALE DELLE MIGRAZIONI E DEL TURISMO VATICANO, *Chiesa e mobilità umana*, p. xv.

legislator in designing structures for minorities. However the situation of Hungarian ethnic minorities is not the same. They are not immigrants! The place and their ethnic roots are the basis of their historical heritage. Immigrant people are uprooted from their homeland; their new home is surrounded by another culture. The ethnic minorities in East-Central Europe retained their homelands, only the borders of the states were reshaped.¹³⁴

However ethnic minorities too have to face some kind of natural assimilation. Their situation in a culturally mixed territory results in a slow assimilation.¹³⁵ On the other side of the coin, there is the tendency of isolationism when the minority tries to be a closed group within itself, and gives up all means of communication with the majority.¹³⁶

¹³⁴ According to the definition of the European Charter for Regional or Minority Languages, "regional or minority languages" means languages that are: i. traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population; and ii. different from the official language(s) of that State; it does not include either dialects of the official language(s) of the State or the languages of migrants", in European Charter for Regional or Minority Languages, art. 1, Strasbourg, 5 November 1992, in <http://conventions.coe.int/Treaty/EN/Treaties/Html/148.htm>, 15 January 2003.

¹³⁵ In the mainly Hungarian speaking dioceses of Alba Iulia, Oradea, Satu-Mare and Timișoara (Romania), because of natural assimilation, the tendency is toward a growing Romanian speaking Roman Catholic minority, which in time can become a majority. The legislator has to deal with the phenomenon of natural assimilation in establishing particular churches. The administration of a diocese seems to be easier with a homogeneous population, because there is no need to establish appropriate structures for minorities.

There is a distinction between integration and assimilation. Integration means stepping out from isolation and keeping contact with the majority without giving up one's own language and culture. A healthy integration of ethnic minority can prevent their total assimilation. For details, see G. SCHÖPFLIN, *Nations, Identity, Power*, pp. 272-273 and L. VENCSEI, "Fremdsprachige Seelsorge am Beispiel der Diözese Linz", in *Theologisch-Praktische Quartalschrift*, 142 (1994), pp. 277-284.

¹³⁶ Pope John Paul II, in his World Day of Peace Message, points out, "Some minority groups share another experience: that of separation or exclusion. While it is true that at times a

In constituting ecclesiastical structures for ethnic minorities there is always the possibility on the one hand, of fostering the process of assimilation and, on the other of causing the ethnic group to retreat into itself and turn to isolationism which results in the death of the community.¹³⁷

group may deliberately choose to remain apart in order to protect its own way of life, it is more often true that minorities are confronted by barriers that keep them apart from the rest of society. While in such a context the minority group tends to become closed within itself, the majority group may foster a feeling of rejection toward this group as a whole or toward its individual members. When this happens, the latter are no longer in a position actively and creatively to contribute to building a peace based on the acceptance of legitimate differences", in JOHN PAUL II, World Day of Peace Message, *Per costruire la pace - rispettare le minoranze*, 1 January 1989, n. 2, in AAS, 81 (1989), p. 96; English translation "To Build Peace, Respect Minorities", in *Origins*, 18 (1988-1989), p. 467.

¹³⁷ According to a sociological survey, the ethnic identity of Hungarian minorities in East Central Europe is congruent with their relationship with other nations, especially the majority nation in a given country. For details, see F. GEREBEN, *Identitás, kultúra, kisebbség, Felmérés a közép-európai magyar népesség körében* [Identity, Culture, Minority, A Survey within the Hungarian Population in East-Central Europe], Budapest, Osiris – MTA Kisebbségkutató Műhely, 1999, pp. 56-138.

As G. Schöpflin remarks, "...the memory of the various tribulations undergone by ethnic minority groups during the Communist period has created patterns of inter-ethnic distrust, fear of assimilation on the part of the minority and frustration in the majority. The far greater openness of the democratic structures now in place, coupled with pressure from the West, are gradually leading towards a state of affairs in which the traditional visceral fear for group survival can be eased, albeit there is and will be repeated backsliding. ...In Central and Eastern Europe, inter-ethnic relations have entered a wholly new era in which the assimilation of ethnic minorities is over (because they are non-migrant groups) and the complexity of continued interethnic negotiation will be the normal feature of these systems", in G. SCHÖPFLIN, *Nations, Identity, Power*, pp. 26-27.

3.3.4 – The Hungarian Minority in the European Context

The uniting of Europe and the process of globalization cannot erase the differences of national and ethnic cultures. The new European community demonstrates rather a reordering of its structures.¹³⁸

Because the identity of Europe lies in multiculturalism, the place and future of the well being of all its nations including the Hungarian ethnic minorities is assured only if they recognize and foster this multicultural reality. Ethnic minorities can find their place in Europe only if they break with any thoughts of particularism and exclusive nationalism and accept the plurinational entity of Europe.¹³⁹

Europe is multicultural with many nations and diverse cultures which should not only be protected, but also fostered and developed. The one political

¹³⁸ K. Heidegger, referring to new nationalisms at the end of the XXth century, distinguishes two kinds of nationalism: state-nationalism and ethnic nationalism. He attributes them to officially articulated hostility toward foreigners, popular hostilities toward foreigners, "new rights". According to K. Heidegger, ethnic nationalism is the result of State identity and economical crises. For details, see K. HEIDEGGER, "Europäische Union und Nationalismus", in *Theologisch-Praktische Quartalschrift*, 142 (1994), pp. 253-262.

¹³⁹ For more details, see R.M. PALACIOS, "Kisebbségek Európában I, Problémák és megoldások" [Minorities in Europe I, Problems and Solutions], in *Mérleg*, 27 (1991), pp. 71-78, and *Vienna Declaration on Multiculturalism and Multiethnicity in Central, Eastern and South-Eastern Europe*, 30 September 1998, in *Cultures and Faith*, 8 (2000), pp. 103-107.

The Synod of Bishops, in its declaration proclaimed the same perspectives, when it stated, "nations are living cultural formations which express the richness of Europe. So national differences must not disappear, but rather are to be retained and cared for as the historically evolved foundation of European solidarity", SYNOD OF BISHOPS, "Declaration of the Special Synod Assembly for Europe", in *Origins*, 21 (1991-1992), p. 464.

model for the solution of ethnic conflicts and for the protection of rights of ethnic minorities should be the self-determination of minority groups.¹⁴⁰

The Catholic Church in Europe also finds itself in a multicultural world, which suggests that ecclesiastical structures at all levels have to reflect this multicultural reality. There is no place in Europe for any national Church, or any ecclesiastical structure which does not reflect this multicultural and multiethnic reality of the actual territory.¹⁴¹

3.4 – SPECIAL CANONICAL AND PASTORAL ISSUES

The presence of ethnic minorities in East-Central Europe also creates a series of pastoral and canonical issues. As long as the constitutions of the various states emphasize the character of Nation State, there is a tendency for ecclesiastical structure to nationalize ethnic and religious minorities. The agreements and Concordats usually do not contain any reference to ethnic minorities, unlike art. 29 of the Concordat with Germany, regarding the use of the

¹⁴⁰ R.M. PALACIOS, "Kisebbségek Európában II, Politikai megoldás" [Minorities in Europe II, Political Solution], in *Mérteg*, 27 (1991), pp. 286-295.

¹⁴¹ B. ARDURA, "L'Europe vers l'union politique et économique dans la pluralité des cultures", in *Cultures and Faith*, 9 (2001), pp. 135-139.

The Special Assembly for Europe of the Synod of Bishops underlined: "The rights of minorities cannot be obliterated but rather the traditions of every people are to be maintained and nurtured. The Catholic Church, which recognizes and affirms the value of nationhood is, however, a communion consisting of many peoples and at the same time transcends all particularisms. Close communion with the universal Church – *cum Petro et sub Petro* – has often remarkably preserved particular churches from being absorbed by individual systems of national domination. Even in today's circumstances this principle of Catholicity must stand." SYNOD OF BISHOPS, "Declaration of the Special Synod Assembly for Europe", in *Origins*, 21 (1991-1992), p. 464.

native language in the liturgy.¹⁴² The concordats regulate only the relationship between the State and the Holy See, and guarantee religious freedom in the respective state. The State itself has the primary duty to enact appropriate legislation for the protection of ethnic minorities.¹⁴³

The multicultural and multiethnic character of States can also affect the structures of the Church, especially in cases where the ethnic minority belongs to the same religion as the majority, as it is in the case of Catholic Hungarians in Slovakia.¹⁴⁴ After 1990 the situation of the Catholic Hungarian minority was most delicate in Czechoslovakia, especially in Slovakia. On July 17, 1992, the new parliament accepted the sovereignty of the Slovak Republic, on September 1,

¹⁴² "Die innerhalb des Deutschen Reiches wohnhaften katholischen Angehörigen einer nichtdeutschen völkischen Minderheit werden bezüglich der Berücksichtigung ihrer Muttersprache in Gottesdienst, Religionsunterricht und kirchlichem Vereinswesen nicht weniger günstig gestellt werden, als der rechtlichen und tatsächlichen Lage der Angehörigen deutscher Abstammung und Sprache innerhalb des Gebietes des entsprechenden fremden Staates entspricht", "Inter Sanctam Sedem et Germanicam Rempublicam Sollemnis Conventio", 10 September 1933, art. 29, in AAS, 25 (1933), p. 405. An equivalent article was missing from the other Concordats of that time.

As P.J.M. Restrepo notices, "Hic articulus, novus omnino ceterisque Concordatis ignotus, quique iuxta Protocollum finale (ad Art. 29) S. Sedes curabit ut in omnibus futuris conventionibus concordatariis inseratur ad tutelam minoris partis germanicae in aliis Statibus, sollicitudinem ostendit Ecclesiae ut nulla pars suorum subditorum beneficiis et auxiliis spiritualibus privetur quibus pars maior gaudere potest. Quod quidem iis principiis innititur (ut ait Protocollum) quae Ecclesia semper et ubique defendit, circa usum linguae maternae in animarum cura, in instructionibus religiosis et in associationum religiosarum vita. Quod perpetua atque etiam hodierna experientia comprobatur." In P.J.M. RESTREPO, *Concordats conclus durant le pontificat de sa Sainteté le Pape Pie XI*, Roma, Pontificia Università Gregoriana, 1934, footnote n. 512, p. 588. The Concordat between the Holy See and Lithuania contains also a reference to the mother tongue of the faithful.

¹⁴³ For details, see S. OETER, "A nemzeti kisebbségek védelme az európai államok jogrendjében" [The Protection of National Minorities in the Legislation of European States], in *Mérleg*, 31 (1995), pp.156-167.

¹⁴⁴ See L. GYURGYIK, "Nemzeti és vallási identitás a szlovákiai magyarság életében" [National and Religious Identity in the Life of Hungarians in Slovakia], pp. 515-517.

1992 the new Constitution of Slovakia was adopted and officially on 1 January 2003 the Slovak Republic came into existence. In establishing an independent Slovakia, the Slovak political leaders enjoyed the support of the Catholic hierarchy. After independence was secured, attention turned to the ethnic Hungarians who were left on the Slovak side of the old Czechoslovak-Hungarian border.¹⁴⁵

The Slovak Catholic hierarchy today is faced with many questions: should the Catholic bishops support a political regime that fosters ultra-national aspirations? Should the Catholic hierarchy protest the discrimination against the Hungarian minority which is used by the political regime as an instrument of Slovak nationalist mobilization? Needless to say, the Catholic hierarchy is a focal point of the ethnic conflict between Slovaks and Hungarians, because the majority of the ethnic Hungarian population living within the borders of the Slovak Republic are Roman Catholic.¹⁴⁶

This is not just the problem of the Slovak-speaking Catholics, or of the Hungarian minority, but it is a problem for the whole Catholic Church in Slovakia, because ethnicity and religion coincide in this case. These territories contain mostly a mixed population of Hungarian and Slovak-speaking people. The

¹⁴⁵ See M. KUSÝ, "A szlovákiai magyar kisebbség a szlovák nemzetállamban" [The Hungarian Minority of Slovakia in the National State of Slovakia], in *Vigilia*, 7 (1996), pp. 518-527.

¹⁴⁶ The principal problem for the Catholic Church in Slovakia is the 560,000 Hungarian-speaking Catholics in South and East of Slovakia. See T.A. BYRNES, "Church and Nation in the Slovak Republic", in *Religion, State & Society*, 25 (1997), pp. 281-292.

hierarchy is mainly Slovak-speaking. The pastoral care of Catholic Hungarians is provided in some places by Hungarian-speaking priests, but in some mixed communities by Slovak priests who barely speak Hungarian.¹⁴⁷

This situation generates pastoral and canonical problems, such as creating ecclesial structures, providing appropriate pastoral care for Hungarian minorities, Hungarian communities with non-Hungarian priests and the impact of ethnic minorities on the process of ecumenism.

3.4.1 – Establishing a Hierarchy for Hungarians

The canonical system of the Church is based on personal criteria, which is evident by the fact that membership in the Church is received through baptism. Before the modern nation-states were established within their territorial limits, several nations – based on their common language, customs and laws – considered themselves as organized communities. Obviously the linkage to a territory is not a requirement for the establishment of laws.¹⁴⁸

In the development of ecclesiastical legislation, the principle of territoriality was adopted step by step, as being the most natural way to determine the scope of law, and the criterion to formulate the structure of the Church was always the

¹⁴⁷ The Hungarians of Slovakia have asked many times for the erection of a personal diocese for Catholic Hungarians based on language, or to have a Hungarian bishop, who can represent them in the Slovak Conference of Catholic Bishops. See www.jopasztor.sk, 22 November 2002.

¹⁴⁸ See M.D. GALINDO, “Los principios de territorialidad y personalidad y las circunscripciones eclesiásticas personales”, in *Ius canonicum*, 41 (2001), pp. 607-629.

bonum spirituale fidelium. The proclamation of the Gospel message in different centres of evangelization and its implantation in various cultural and historical circumstances resulted in a multiplicity of churches with a unique rite. The Church has not institutionalized the ethnic and cultural partitions of people, but has taken it into account in proclaiming the Gospel. The catholicity of the Church was expressed in the oneness of the bishop, whose jurisdiction was over baptized persons living in a given territory. This principle of territoriality expressed by the Fourth Lateran Council¹⁴⁹ was canonized in the *Liber extra*, which became the canonical norm until the XIXth century.¹⁵⁰

The fathers of the Second Vatican Council, addressing the use of various forms of pastoral care for different language groups, did not want to make it as the structuring principle of the Church, but an exception for pastoral care.¹⁵¹ Only in this sense did the Church adopt the principle of nation in establishing different structures and institutions, as an instrument of providing for the pastoral needs of different language groups.¹⁵²

¹⁴⁹ For details, see Chapter II, footnotes 15-16, p. 76.

¹⁵⁰ See E. PACELLI, "La personnalité et la territorialité des lois particulièrement dans le droit canon", in *Ephemerides iuris canonici*, 1 (1945), pp. 5-17.

¹⁵¹ See CD, n. 23.3, in AAS, 58 (1966), pp. 684-685; FLANNERY, pp. 577-578. See also A. DEL PORTILLO, "Dinamicidad y funcionalidad de las estructuras pastorales", in *Ius canonicum*, 9 (1969), pp. 305-329.

¹⁵² See J.I. ARRIETA, "Le circoscrizioni personali", in *Fidelium iura*, 4 (1994), pp. 207-243, and "Chiesa particolare e circoscrizioni ecclesiastiche", in *Ius Ecclesiae*, 6 (1994), pp. 3-40.

Before the 1917 Code of Canon Law, the bishops had the power to establish personal parishes for the pastoral care of people of certain language or nationality. They had the right to establish purely personal parishes or they could erect mixed territorial parishes, for the faithful of

The situation of the Catholic Hungarian ethnic minority in East-Central Europe raises the questions of 1. establishing dioceses on territorial criteria, reorganizing the borders based on territoriality, which hastens the process of assimilation of the Hungarian minority into a majority; 2. or a personal diocese based on national elements, and a hierarchy for Hungarian-speaking Catholics. There is a precedent of appointing a bishop for Hungarian immigrants.¹⁵³ Can, for instance, a personal diocese be established for Hungarians in Slovakia? The criterion is the *bonum spirituale fidelium*, and the documents of the Second Vatican Council as well as the *CIC* make this possible.¹⁵⁴

The establishment of ecclesial structures based on criteria of nationality and language gives rise to questions such as: What will be the consequences in the case of a diocese established on personal, or national criteria? The context in East-Central Europe is different from that of immigrants, because a hierarchy based on the principle of nation includes the possibility of isolation, particularism

a certain language or nationality within definite limits. Because of the parochial nature of the elements that contributed to their formation, they were considered quasi-parishes or missions. See F.X. WERNZ– P. VIDAL, *Ius canonicum*, Romae, Pontificia Universitas Gregoriana, 1943, vol. 2, n. 720, pp. 913-915.

¹⁵³ After the death of Bishop László Irányi on 12 August 1989, Bishop Attila Miklósházy, as titular bishop of Castellum Minus, was appointed for the pastoral care of Hungarian immigrants. His "jurisdiction" is for Hungarians outside of Hungary (not including the Catholic Hungarians in East-Central Europe), and he is member of the Conference of Catholic Bishops in Hungary. See AAS, 8 (1989), p. 1078, and http://www.katolikus.hu/bcs_mag.html, 15 January 2003. For the Hungarian translation of his mandate, see J. BOROVI, *A szórványban élő magyar katolikusok lelkipozásának története* [The History of the Pastoral Care of Hungarians in Diaspora], Budapest, Szent István Társulat, 2000, p. 220.

¹⁵⁴ Among the obligations of the bishops, see c. 383 and J.A. RENKEN, "Section II, Particular Churches and their Groupings [cc. 368-430]", in J.P. BEAL, J.A. CORIDEN, T.J. GREEN, *New Commentary on the Code of Canon Law, (=New Commentary)* Commissioned by the Canon Law Society of America, New York, NY/ Mahwah, NJ, Paulist Press, 2000, pp. 521-522.

and nationalistic tendencies.¹⁵⁵ In establishing particular churches there is need for native clergy. Where should they be formed? If outside of Slovakia, they will lose contact with the multiethnic character of their homeland.¹⁵⁶

3.4.2 – Providing Appropriate Pastoral Care for Hungarian Minorities

Pastoral care has as its purpose to provide for the spiritual welfare of Catholics with the sacraments and the Word of God.¹⁵⁷ For the celebration of some of the sacraments, the knowledge of a language is not absolutely necessary. However the validity of sacraments in other cases requires certain knowledge of the language of the faithful. Thus, for the reception of sacraments, the *CIC* obliges the sacred pastors to provide adequate preparation, which

¹⁵⁵ The question arises: will the ecclesiastical structure based on ethnicity and nationality reinforce or foster nationalistic tendencies, which lead to particularism and isolation, or is this an appropriate mode for the pastoral care of Catholic Hungarians in Slovakia? What are the criteria to be followed in establishing a particular church? Does the number of faithful matter? Is it an instrument of isolation, a barrier in fostering peace and catholicity? Can an auxiliary bishop, or episcopal vicar organize and provide for the pastoral care?

¹⁵⁶ The pastoral care of ethnic minorities can be provided by personal parishes, chaplancies, and by other forms of pastoral care. The jurisdiction of the chaplains and pastors is cumulative.

¹⁵⁷ The expression of appropriate pastoral care means all pastoral forms which are necessary for the spiritual care, salvation of souls, e.g., the Word of God and the Sacraments, which require adequate knowledge of the language of the Christian faithful. What does pastoral care include? Does it include also the tribunal for instance? It seems so, especially if we take into account the need to interview the parties and witnesses in marriage cases.

According to the *CIC* the Christian faithful have the right to receive the spiritual goods of the Church, especially the word of God and the sacraments. See c. 213.

This means the sanctifying function of the Church, which is exercised through the sacred liturgy. See c. 834 §1, and F.R. McMANUS, "Introductory Canons [cc. 834-839]", in *New Commentary*, pp. 1004-1006. This includes also prayers, works of penance and charity and pious exercises. See c. 839, and *ibid.* pp. 1016-1017.

usually presumes a proper knowledge of a language.¹⁵⁸ Moreover, the Word of God is also among the requirements for the spiritual welfare of the Christian faithful. For the proclamation of the Word of God, an adequate level of knowledge of the language is necessary.¹⁵⁹

In most cases, the pastoral care of Catholic Hungarian minorities in East-Central Europe is adequately provided. The Holy See established new ecclesiastical structures according to the number of Catholic Hungarians in the dioceses in Austria, Romania, Ukraine, and former Yugoslavia, taking into account the civil borders of those respective States.¹⁶⁰

The only exception is the Hungarian ethnic minority in Slovakia, where despite the number of Catholic Hungarians – according to the *Memorandum* of the association of *Jó Pásztor* (Good Shepherd) – one third of Hungarian-speaking parishes have no priest who speaks their language.¹⁶¹ The pastoral

¹⁵⁸ See c. 843 §2, and *ibid.*, pp. 1022-1024.

As the Vienna Declaration remarks, "Language is no mere means of communication, but is also a quintessential expression of identity and culture", *Vienna Declaration on Multiculturalism and Multiethnicity in Central, Eastern and South-Eastern Europe*, 30 September 1998, in *Cultures and Faith*, 8 (2000), p. 104.

¹⁵⁹ See cc. 756-780. The primary responsibility lies with the bishop. See J.A. CORIDEN, "Title I, The Ministry of the Divine Word [cc. 756-780]", in *New Commentary*, pp. 920-937.

¹⁶⁰ See the second part of this chapter, especially under the title "The Catholic Church and the Hungarian Minorities in East-Central Europe Since the Political Changes in 1990."

¹⁶¹ In order to give voice of their needs, the Hungarian-speaking clergy and laity organized every year since 1990, the Day of Prayers in Komarom, where they pray also for vocations. In 1997 the Catholic Hungarians established an association of the faithful called *Jó Pásztor* (Good Shepherd) for the adequate provision of pastoral care to Catholic Hungarians. See "Memorandum of Hungarians", in <http://www.jopasztor.sk>, 22 November 2002.

care of the remaining two thirds of Catholic Hungarian communities is provided by Hungarian-speaking priests and by bilingual Slovak-speaking priests.¹⁶²

The right of language is a fundamental human right of every person. How can the Church provide appropriate pastoral care for all its members? If the Church's main concern is the pastoral care of immigrants, what is the situation of ethnic minorities? The fundamental reason for the Holy See to organize the pastoral care of immigrants was the spiritual welfare of those who did not understand the language of the country.¹⁶³ One can draw a parallel with the Hungarian ethnic minorities of East-Central Europe living in the so-called *Successor States* after Trianon or after the Second World War, where the official language was the State language (the language of the majority). Usually they do understand the language of the State.

Is it a question of human rights in the Church? It is obvious that the legislator had the intention of protecting human rights, in this case the use of the native language, but in the context of the ecclesiology of the Second Vatican

¹⁶² See *ibid.*

¹⁶³ As J.E. Ciesluk remarks, "...the purpose of national parishes in the United States was to provide for the spiritual needs of the immigrants who did not understand English, the common language of this country...", J.E. CIESLUK, *National Parishes in the United States*, Washington DC, The Catholic University of America Press, 1944, p. 53. See PIUS XII, Apostolic Constitution *Exsul familia*, 1 August 1952, in *AAS*, 44 (1952), pp. 692-704; English translation in *CLD*, 3 (1942-1953), pp. 84-98, and other similar documents.

Council and of the canons of the *CIC*, it is understood that the nation is not a principle of delimitation of the Church.¹⁶⁴

3.4.3 – Hungarian Communities with Non-Hungarian Priests

The first condition for good pastoral care is the necessity of the knowledge of language of the people. It is linked in our case to ethnic minorities, because in almost every situation, their desire is to receive the sacraments and to hear the Word of God in their native language. This opens the way for questions such as: Can language be a major factor in pastoral care? What level of knowledge is required for pastoral care? Who can determine a sufficient proficiency in language? Are the major seminaries prepared for this?¹⁶⁵ Did any diocesan synod issue particular law concerning the pastoral care of national minorities?¹⁶⁶

¹⁶⁴ According to the 1917 *CIC*, it was possible to establish personal parishes, but this was regarded as rather an exception. See c. 216 of the 1917 *CIC*. See also S. SIPOS, *Enchiridion iuris canonici ad usum scholarum et privatorum*, Romae, Orbis Catholicus, 1960, pp. 251-253.

The *CIC* in c. 383 §1 mentions also the pastoral care of faithful of different language, rites and other reasons as the obligation of the diocesan bishop. In case the bishop ignores this obligation, how can the community of the Christian faithful defend their right? Where can they appeal in defence of this right?

¹⁶⁵ The Archdiocesan major seminary of Alba Iulia, where the formation of priests is provided for four dioceses (with mainly Hungarian-speaking Catholics) in Romania, states in its statutes that the students in addition to Latin and modern languages which are necessary for their studies (according to c. 249), must also acquire a knowledge also in the Romanian and German languages which are necessary for pastoral care in those dioceses. See *A Római Katolikus Hittudományi Főiskola Szabályzata: Szellemi élet* [Statutes of the Archdiocesan Major Seminary of Alba Iulia: Intellectual life], § 34.

¹⁶⁶ The Decrees of the Diocesan Synod of the Archdiocese of Alba Iulia contain a whole section about the pastoral care of national/ethnic minorities. See GYULAFEHÉRVÁRI FŐEGYHÁZMEGYE, *Zsinati Könyv* [ARCHDIOCESE OF ALBA IULIA: *Synodal Book*], Kolozsvár, 2001, pp. 112-116.

Missiology has already proved the importance of the knowledge of idioms and language in pastoral work and in mission territories. In the case of immigrants, in establishing structures and hierarchy for their pastoral care, one principle (besides the good of the souls) was the principle of language, because in most cases they did not speak the language of the new country. Hungarian minorities in East-Central Europe usually speak the language of the state, because it is the official language of the country. However, the problem is much deeper, primarily psychological, and it is rooted in history: the official language as the language of pastoral care usually are identified with the language of a hostile majority.

This obviously involves the relationship of culture and religion. There is the crucial importance of language, the means of communication between the priest and the community. This in turn involves the formation of priests in major seminaries. It is basically a question of how can the fundamental rights of minorities be respected? How can the community give voice to its right to its own language?

3.4.4 – Ecumenism and Ethnic Minorities

Nationality and religion are very closely related as we have seen in the previous part of this chapter. In most cases they have an impact on ecumenical process: it is an obstacle to ecumenism in East-Central Europe. The differences are based more on historical and cultural factors than on theological questions,

for example Catholic Hungarians and Orthodox Romanians, Hungarian Protestants and Orthodox Romanians. Sometimes the relationship between Catholic and Protestant Hungarians (based on a common language) is more fruitful than between Catholic Hungarians and Orthodox Romanians, who theologically are closer to the Catholic teaching.¹⁶⁷

In some cases, the quest for national identity among these people is more deeply rooted than membership in a Church. A good example is the situation in Slovakia, between Catholic Slovaks and Catholic Hungarians, who in spite of the same religion do not dialogue with each other. First, these problems have to find a solution within the Catholic Church, and after that ecumenism can be extended toward the Orthodox and Protestant churches.

As religion and nationality are closely related, bitter sufferings throughout their divergent history deepened the divisiveness of religions in East-Central Europe. The presence of ethnic minorities and the multicultural reality of these regions in their ecumenical process have much to do with their different languages.¹⁶⁸ The main task of the Church and other churches also is to bring

¹⁶⁷ Tension arose in countries with an Orthodox majority after the Constitution of the respective states proclaimed the Orthodox Church the "national church". See the summary of the dispute, I. BRIA, "Evangelism, Proselytism, and Religious Freedom in Romania: An Orthodox Point of View", in *Journal of Ecumenical Studies*, 36 (1999), pp. 163-183. However there is another understanding of national Church in the Orthodox Churches which gives hope for ecumenical relations, see M. BASARAB, "Kirche und Nation nach orthodoxem Verständnis", in *Una Sancta*, 48 (1993), pp. 312-320.

¹⁶⁸ See P. NØRGAARD-HØJEN, "Linguaggio, dialogo e verità: riflessioni sulla possibilità di un impegno ecumenico", in *Studi ecumenici*, 11 (1993), pp. 443-461.

reconciliation into wounded communities, to approach the cultural and religious otherness of communities and bring the culture of peace based on justice and forgiveness.¹⁶⁹

CONCLUSION

The presence of ethnic minorities, particularly the Hungarian minority, is a reality in East-Central Europe which has a new face and new possibilities, especially after the change of the Communist system in 1990. The Church – aware of the power of religion preserving national identity – has made great effort through diplomacy to provide appropriate pastoral care of ethnic minorities.¹⁷⁰ The mission of the Church is not a political one, that is, the protection of national minorities, but the salvation of souls. However, in its pastoral care it respects and protects the basic human rights of the person. Recognizing the impact of cultures

There is need for reconciliation, openness and tolerance toward other cultures and languages, which should be based on *Gottebenbildlichkeit*, i.e., the creation of the human person in God's image. For details, see K. RAHNER, *Schriften zur Theologie*, Einsiedeln/Zürich/Köln, Benziger Verlag, 1962, vol. V, pp. 411-414. This requires first of all forgiveness, reconciliation, then loving acceptance and a critical/self-critical attitude which bears fruit in dialogue, in constant discussion with "the stranger", with the other person, with other cultures and religions.

¹⁶⁹ See J. UYANGODA, "Understanding Ethnicity and Nationalism", in *The Ecumenical Review*, 47 (1995), pp. 190-194, and WORLD COUNCIL OF CHURCHES, WORLD ALLIANCE OF REFORMED CHURCHES, LUTHERAN WORLD FEDERATION, "Ethnicity and Nationalism: A Challenge to the Churches", in *The Ecumenical Review*, 47 (1995), pp. 225-231.

¹⁷⁰ See M. GJIDARA, "L'Église, les nations et les minorités dans l'Europe post-communiste", in J.B. D'ONORIO (ed.), *Le Vatican et la politique européenne*, Études de l'Institut européen des Relations Église-État, Paris, Mame, 1994, pp. 151-228.

on faith is a normal trend in proclaiming the Gospel, as Pope John Paul II emphasized during his visit in Australia.¹⁷¹

The new nationalisms arising after the collapse of the Communist system gave rise to certain pastoral and canonical issues which can be resolved in the light of socio-political studies. The situation of Catholic ethnic minorities in East-Central Europe is not the same as that of immigrants. They are more deeply rooted in their culture, and surrounded by a “hostile majority”, which encourage their reactions and their tendencies toward nationalism. In a world where prejudices, hostilities and fears between different national and ethnic groups are present, it is not easy to maintain a balance between cultural self-awareness and openness towards the other, “the stranger” in everyday life.

The wounds of history are still deeply rooted in the heart of the nations in East-Central Europe. The Church – keeping in mind these tendencies – can be the sign of tolerance and can foster peace and catholicity in this multiethnic society based on justice, forgiveness and reconciliation. The mission of the Catholic Church in such circumstances is to recognize the signs of the times and

¹⁷¹ “The gospel of Our Lord Jesus Christ speaks all languages. It esteems and embraces all cultures... That gospel now invites you to become, through and through, Aboriginal Christians. It meets your deepest desires. You do not have to be people divided into two, as though an Aboriginal had to borrow the faith and life of Christianity like a hat or a pair of shoes, from someone else who owns them. Jesus calls you to accept his words and his values into your own culture... The church invites you to express the living word of Jesus in ways that speak to your Aboriginal minds and hearts. All over the world people worship God in their own language, and colour the great signs and symbols of religion with touches of their own traditions. Why... should you not be allowed the happiness of being with God and each other in Aboriginal fashion”, JOHN PAUL II, “Address to Australian aborigines of Alice Springs”, in *Osservatore romano*, (weekly edition in English), 9 December 1986, p. 17.

to emphasize its catholicity. The task of other Churches is also to make their members receptive to a greater Europe, to dismantle their fears and prejudices towards other cultures, and to motivate them for life in community with different peoples where the "other" is recognized and respected in his or her otherness and dignity.

In the next chapter we intend to review different possibilities for the ecclesiastical legislator, which foster forgiveness and reconciliation, and emphasize the catholicity of the Church in a multiethnic society.

CHAPTER IV
POSSIBLE ECCLESIASTICAL LEGISLATION AND CATHOLIC
HUNGARIAN MINORITIES

INTRODUCTION

The first chapter of this thesis presented the Church as the people of God, encompassing all baptized persons from every nation; they are members of the Church through baptism and not by nationality.¹ The mission of the Church is the *bonum spirituale fidelium*, exercised generally within the context of basic human rights of persons since the *christifideles* are at the same time citizens of a state, members of a nation.²

The tensions between Hungarian minorities and the majority groups in East-Central Europe are still unresolved and the historical wounds weigh heavily

¹ Thus the expression *ethnic minority* is not a canonical term but merely a sociological-political one, because the Church is not a political institution to enact laws for political phenomena, or to establish structures on the basis of nationality. According to W. Aymans, the Church is a *plebs in Spiritu* and a *communitas spiritualis*; see W. AYMANS, *Kirchenrechtliche Beiträge zur Ekklesiologie*, Berlin, Duncker & Humblot, 1995, pp. 4-5.

² The Church has constantly raised its voice for the protection of human rights, especially the rights of ethnic minorities to their language and culture. The good of souls requires proper communication, the understanding of the symbols of faith which are communicated through the idioms of a language. According to Saint Paul, faith comes from hearing, thus it requires the capability of communicating and understanding. Religion has an impact on culture, so "any attempt to separate Christian faith from its cultural roots ignores its essentially incarnational aspect." D. MURRAY, "The Culture of the Nation in Christian Perspective, Faith Views Contemporary Nationalisms", in *Cultures and Faith*, 4 (1996), pp. 33-36.

on the life of the people. This mistrust and hostility affect the Catholic communities of different languages, especially where both a majority and a minority exist. In his annual World Day of Peace Messages, especially in 1989, Pope John Paul II speaks of the rights of minorities, which must be protected, and of those of the majority. The development of harmony presupposes an open, collaborating minority, capable of communication.³

In this chapter, we intend to examine first of all the different means whereby ecclesiastical law can respect and protect the basic human rights of Hungarian ethnic minorities throughout the universal Church and also at the diocesan level. This includes relationships between the Holy See and particular States and the various forms of pastoral care of national minorities. The second part of this chapter highlights the possible contributions of Hungarian minorities toward a peaceful society in the successor states, and their witness of a Church which is catholic and supra-national.

Although we will be focusing our attention on the situation of Hungarian minorities, the principles outlined below could readily be adapted to other groups.

³ "Anche I membri dei gruppi minoritari hanno I loro propri doveri nei confronti della società e dello Stato in cui vivono: in primo luogo, quello di cooperare, come tutti gli altri cittadini, al bene commune. Le minoranze devono, infatti, offrire il loro specifico contributo alla costruzione di un mondo pacifico che rifletta la ricca diversità di tutti I suoi abitanti." JOHN PAUL II, World Day of Peace Message, *Per costruire la pace - rispettare le minoranze*, 8 December 1988, n. 11, in AAS, 81 (1989), pp. 100-101; English translation in *Origins*, 18 (1988-1989), p. 469.

These two rights are understood in their mutual relationship: the construction of the cultural identity of national minorities within the context of a majority culture. Basic values for the ecclesiastical legislator in formulating norms and laws should be the restoration of peace, reconciliation and justice. The ecclesiastical legislator will have to take into account various

4.1 – PROTECTING THE RIGHTS OF HUNGARIAN MINORITIES

The Second Vatican Council taught clearly that the Church is not a political community, nor does it interfere in the legislation of the States in protecting human rights, including those of ethnic minorities. The message of the gospel and the theological principles are not directly ordered to the political field. “The political community and the Church are autonomous and independent of each other in their own fields”,⁴ however the Catholic Church in its teachings consistently emphasizes the fundamental rights of human persons, and also the principle that the State has the duty and obligation to protect the rights of ethnic minorities.⁵

factors, such as the integrity of civil borders as defined in the constitutions of the states, and more particularly the multicultural aspects of Europe.

⁴ See SECOND VATICAN COUNCIL, Pastoral Constitution on the Church in the Modern World *Gaudium et Spes* (=GS), 7 December 1965, nn. 42, 76, in AAS, 58 (1966), pp. 1060-1061, 1099-1100; English translation in A. FLANNERY (ed.), *Vatican Council II: The Conciliar and Post Conciliar Documents*, (=FLANNERY), New Revised Edition, vol. I, Northport, NY, Costello Publishing Company, 1998, pp. 942-943, 984.

⁵ Pope Paul VI states: “There is no true peace except in justice. And true justice is not to be found in a legislation that is imposed by one or another group because of its strong position in society. It is found, on the contrary, in the concern for assuring even better protection for natural rights.” In *The Pope Speaks*, 13-14 (1978-1979), p. 374.

Pope John Paul II concludes, “The state, though, can play an important role by favoring the promotion of cultural initiatives and exchanges which aid mutual understanding, as well as educational programs, which help to train young people to respect others and reject all prejudices, many of which stem from ignorance. Parents too have a great responsibility, since children learn much from observation and tend to adopt their parents’ attitudes toward other peoples and groups.” JOHN PAUL II, World Day of Peace Message, *Per costruire la pace - rispettare le minoranze*, n. 9, in AAS, 81 (1989), pp. 99-100; English translation in *Origins*, 18 (1988-1989), p. 468.

Constitutions in countries of East-Central Europe, which are highly concerned by the minorities question, recently adopted identity as a criterion to infer the existence of minoritarian groups. In particular, the Constitution of Romania, art. 6, affirms the existence of a “right to

The Church in its legislation presupposes these rights and is concerned primarily with the canonical rights of the Christian faithful.⁶ The obligations of the diocesan bishop in regard to the pastoral care of ethnic minorities include the protection of their religious rights.⁷ Among their basic human rights are the right to exist, to preserve and develop their own culture, to retain their language, education and cultural identity.⁸ On the ecclesiastical level this is reflected in the

identity" for the persons belonging to a minority. See *Constitution of Romania*, in <http://domino.kappa.ro/guvern/constitutia-e.html>, 8 March 2003.

⁶ As J.H. Provost remarks, "the ultimate source for rights in the Church is the natural law as it applies to the Church through the economy of salvation... The natural basis for rights is the dignity of the human person... Rights arise from the God-given reality of the dignity of a human person. This God-given reality establishes a claim which must be respected by other human beings who share the same dignity, and by society itself", in J.H. PROVOST, "Rights in Canon Law: Real, Ideal, or Fluff?", in *Canon Law Society of America Proceedings*, 61 (1999), pp. 319-320. See also K.E. MCKENNA, *The Ministry of Law in the Church Today*, Notre Dame, IN, University of Notre-Dame Press, 1998, p. 32.

⁷ See c. 383 §1. See *Codex iuris canonici, auctoritate Ioannis Pauli PP. II promulgatus, fontium annotatione et indice analytico-alphabetico auctus*, in Civitate Vaticana, Libreria Editrice Vaticana, 1983, xxx, 317 p.; English translation *Code of Canon Law, Latin-English Edition, New English Translation Prepared Under the Auspices of the Canon Law Society of America*, Washington, DC, Canon Law Society of America, 1999, 751 p.

⁸ See JOHN PAUL II, World Day of Peace Message, *Per costruire la pace - rispettare le minoranze*, nn. 3-8, in AAS, 81 (1989), pp. 96-99; English translation in *Origins*, 18 (1988-1989), pp. 467-468. The Second Vatican Council had already recognized the contemporary significance of culture, more "sociological and ethnological", while allowing for a "plurality of cultures". See also GS, n. 53, in AAS, 56 (1966), p. 1075.

The rights of national minorities are recognized and approved in the constitutions of states which would like to join the European Community. For instance, the constitution of Romania acknowledges the religious rights of all citizens, see art. 4 and art. 6. See *Constitution of Romania*, in <http://domino.kappa.ro/guvern/constitutia-e.html>, 8 March 2003.

In the Charter of the European Community there is provision for protecting the rights of ethnic minorities. One of the determining points for the ecclesiastical legislator in issuing norms for national minorities is the number of national minorities in question. Safeguarding the rights of persons was among the principles for the revision of the *Code of Canon Law*. For details, see J. HITE – D.J. WARD, *Readings, Cases, Materials in Canon Law, A Textbook for Ministerial Students*, Rev. Ed., Collegeville, MN, The Liturgical Press, 1990, pp. 89-90. For the determination of the number of national minorities, the legislator can refer to census data and to civil statistics.

language of the liturgy and in catechesis, while guaranteeing the same dignity and same equality to everyone before the law.

The Church protects the rights of ethnic minorities whenever it emphasizes the responsibility and obligations of the political community for the defense of their rights. But the Church also respects and protects this fundamental right when, in its structural reality, it takes into account the cultural heritage of the Christian faithful, and issues norms based on the fundamental rights of the human person.⁹ As V. De Paolis remarks:

To its multiple and various needs the Church answers in a pastoral perspective, understood as a commitment to the defense of fundamental rights, considered as a dimension of human dignity and a reflection of its eternal destiny.¹⁰

The protection of rights of national minorities can take place on two levels: throughout the Church universal and on the diocesan level. Firstly, the Church can protect indirectly the rights of national minorities on the universal level through statements and representation at international organizations, or through various agreements with States where the rights of an ethnic minority are endangered.

⁹ See J.A. CORIDEN, "Human Rights in the Church: A Matter of Credibility and Authenticity", in *Concilium*, 1979/4, pp. 67-69.

¹⁰ V. DE PAOLIS, "The Pontifical Council for the Pastoral Care of Migrants and Itinerant People According to the Constitution *Pastor bonus*", in PONTIFICIUM CONSILIIUM DE SPIRITUALI MIGRANTIUM ATQUE ITINERANTIUM CURA, *The Mission of the Pontifical Council for the Pastoral Care of Migrants and Itinerant People Toward Today's Growing Human Mobility*, XII Plenary Meeting, 19-21 October 1993, Vatican City, Pontifical Council for the Pastoral Care of Migrants and Itinerant People, 1995, p. 60.

The direct protection of national minorities by the Church occurs when the ecclesial legislation takes into account the existence of national minorities, maintaining as a value – beyond the salvation of souls – their cultural identity. The *CIC* contains legislation which takes into account national minority groups on the local level, and addresses their pastoral needs.¹¹

4.1.1 – Throughout the Church Universal

The first and most important step by which the rights of ethnic minorities can be protected at the universal level is through relationships between the Holy See and particular States and particular Churches. This includes the various agreements with States wherein the Catholic Church carries out its mission. The papal legates with their information about a respective State can help in the strengthening of this relationship and in providing background for different norms and laws.¹²

The various dicasteries of the Roman Curia and the conference of bishops of the respective States also have their special role in fostering relationships between the Holy See and particular Churches. They can intervene with international organizations and governments, mediate between conferences of bishops and give guidelines, a *modus operandi*, for the pastoral care of ethnic

¹¹ This process of legislation is carried out within the context of the majority, and these norms can serve the minority and give witness to the catholicity of the Church, without leading to the isolation of ethnic minorities.

¹² See I. MARTÍN, “The Church’s Relations with Foreign Governments”, in *Concilium*, 1970/8, pp. 94-103.

minorities.¹³ Like the Pontifical Council for the Pastoral Care of Migrants and Itinerant People, they “can animate and call attention to the responsibilities of the local Church and bring to bear the international experience of the Church in regard to possible models of service.”¹⁴

4.1.1.1 – Agreements and Concordats

The purpose of agreements is to secure the rights of the Church to carry out its mission, such as the affirmation of the legal status of the Church, the canonical appointment of bishops, the freedom of the Church in establishing particular Churches, the right to education, ownership and the free use of property, freedom to practice the faith. This is the first step in establishing the legal situation of the Church in the respective State.¹⁵

¹³ See V. DE PAOLIS, “The Pontifical Council for the Pastoral Care of Migrants and Itinerant People According to the Constitution *Pastor bonus*”, in PONTIFICIUM CONSILIUM DE SPIRITUALI MIGRANTIUM ATQUE ITINERANTIUM CURA, *The Mission of the Pontifical Council*, pp. 39-49.

¹⁴ S.M. TOMASI, “The Mission of the Pontifical Council in Light of a Survey of the World’s Episcopal Conferences – Expectations and Proposals”, in *ibid.*, p. 100.

¹⁵ For details, see C. CORRAL, “Concordati vigenti (Concordata vigentia)”, in V. DE PAOLIS, G. GHIRLANDA, C.C. SALVADOR (eds.), *Nuovo dizionario di diritto canonico*, 2a. ed. aggiornata, Milano, San Paolo, 1996, pp. 225-236.

The constitutions of States which are the focus of special interest in our study, namely Romania, Slovakia, Ukraine and Serbia and Montenegro also acknowledge freedom of conscience and religion for all citizens. See art. 29, in the Constitution of Romania, in <http://domino.kappa.ro/quvern/constitutia-e.html>, 8 March 2003. The Constitution of the Slovak Republic refers also to freedom of conscience and religion. According to art. 24, “(3) Churches and religious communities administer their own affairs. In particular, they constitute their own bodies, inaugurate their clergymen, organize the teaching of religion, and establish religious orders and other church institutions independently of state bodies”, in <http://www.legacyrus.com/library/Constitutions/Slovakconstit.htm>, 8 March 2003.

In concordats and agreements there usually is no special reference to ethnic minorities, since agreements are not treaties between two nations, but between the Catholic Church and the respective State. Thus the most recent agreements emphasize the independent rights of the Church in its activities.¹⁶ The agreements and concordats refer also to the rights of the Church in the areas of education, by providing for the establishment of schools and other institutes.¹⁷

For instance, the agreement between the Holy See and Slovakia, signed on November 24, 2000, does not deal directly with Hungarian ethnic minorities, but accepts the exclusive right of the Church to erect, modify and suppress particular churches, requiring only that the Slovak Republic be informed about such steps before their publication.¹⁸

¹⁶ The most recent concordats, according to J.B. d'Onorio, contain some innovations, for example the participation of bishops in the process of diplomatic relations, the parity of treatment of ecclesiastical institutions to civil institutions with the same goals, the use of the media, the introduction of a clause of respectability of the Catholic Church. See J.B. D'ONORIO, "La diplomatie concordataire de Jean Paul II", in J.B. D'ONORIO (ed.), *La diplomatie de Jean Paul II*, Paris, Les Éditions du Cerf, 2000, pp. 275-291.

¹⁷ "La Chiesa Cattolica ha il diritto di costituire, gestire ed utilizzare per l'educazione e l'istruzione, scuole elementari, scuole medie, università e altre istituzioni scolastiche, secondo le condizioni stabilite dall'ordinamento giuridico della Repubblica Slovacca", in "Conventio inter Sanctam Sedem et Slovachiae Rem Publicam", art. 13, n. 1., in AAS, 93 (2001), pp. 136-151.

¹⁸ "1) La Chiesa Cattolica ha il diritto esclusivo di decidere e modificare il suo ordinamento giuridico, erigere, modificare e sopprimere le strutture ecclesiastiche proprie, soprattutto province, arcidiocesi, diocesi, eparchie, esarcati ed amministrazioni apostoliche. 2) La Santa Sede informerà in via riservata la Repubblica Slovacca circa l'erezione, la modifica o la soppressione di una provincia ecclesiastica, di una archidiocesi, di un'eparchia, di un'esarcato o di un'amministrazione apostolica, prima della loro pubblicazione." "Conventio inter Sanctam Sedem et Slovachiae Rem Publicam", 24 November 2000, ratified on 18 December 2000, in AAS, 93 (2001), pp. 136-151. See also T. HAJDU, "L'Accordo base tra la Santa Sede e la Repubblica Slovacca", in *Ius Ecclesiae*, 13 (2001), pp. 524-532. For Church-State relationships,

The relationship between the Holy See and Romania is still based on the Concordat signed on May 10, 1927.¹⁹ The Constitution of Romania grants religious freedom to the Churches, including those ones whose members belong to a national minority.²⁰ Romania has diplomatic relations with the Holy See, thus the freedom of the Church is generally provided for.²¹

see also P. MULÍK, "State and Churches in the Slovak Republic", in *European Journal for Church and State Research*, 5 (1998), pp. 183-192.

¹⁹ The Concordat acknowledges the right of the Catholic Church to offer religious education in the mother tongue of the students: "Article XX. §1. L'Eglise catholique a le droit de donner l'instruction religieuse aux élèves catholiques dans toutes les écoles publiques et particulières du Royaume; cette instruction religieuse leur sera donné dans leur langue maternelle." In Concordat between Romania and the Holy See, "Convention Solennelle entre le Saint-Siège et le Royaume de Roumanie", 10 May 1927, ratified on 7 June 1929, in AAS, 21 (1929), p. 449.

²⁰ The Constitution of Romania in art. 29, under Freedom of Conscience, states: " (1) Freedom of thought, opinion, and religious beliefs may not be restricted in any form whatsoever. No one may be compelled to embrace an opinion or religion contrary to his own convictions. (2) Freedom of conscience is guaranteed; it must be manifested in a spirit of tolerance and mutual respect. (3) All religions shall be free and organized in accordance with their own statutes, under the terms laid down by law. (4) Any forms, means, acts or actions of religious enmity shall be prohibited in the relationships among the cults. (5) Religious cults shall be autonomous from the State and shall enjoy support from it, including the facilitation of religious assistance in the army, in hospitals, prisons, homes and orphanages. (6) Parents or legal tutors have the right to ensure, in accordance with their own convictions, the education of the minor children whose responsibility devolves on them", Constitution of Romania, 21 November 1991, in <http://domino.kappa.ro/guvern/constitutia-e.html>, 8 March 2003, and *Monitorul Oficial* (Official Gazette of Romania), Part I, N. 233/November 21, 1991. The Constitution of Romania was adopted in the Constituent Assembly Session of 21 November 1991, and entered into effect pursuant to its approval by the national referendum of 8 December 1991.

²¹ See L.D. TANASE – I. GALEA, "Romania and the Holy See: A Special Unique Relation", in THE MINISTRY OF FOREIGN AFFAIRS OF THE SLOVAK REPUBLIC, THE PONTIFICAL INSTITUTE IN ROME, THE EMBASSY OF THE SLOVAK REPUBLIC TO THE HOLY SEE, *International Bilateral Legal Relations Between the Holy See and States: Experiences and Perspectives*, Città del Vaticano, Libreria Editrice Vaticana, 2003, pp. 221-226, and Bilateral and Multilateral Relations of the Holy See, in http://www.vatican.va/rc_seg-st_20010123_holy-see-relations_en.html, 8 March 2003.

In the Laws of Serbia and Montenegro, freedom of religion is generally respected.²²

There has not yet been any agreement or concordat concluded between the Holy See and the Ukraine. However Church-State relationships are stabilized in the new Ukrainian Constitution, in the Law on Freedom of Conscience and Religious Organizations, and in the Addendum and Changes, which regulate the religious sphere of life.²³

Papal legates also have a special role to play in protecting the fundamental rights of national minorities. They are sent by the Roman Pontiff first of all to particular Churches, but also to States and public authorities.²⁴ Their mission is twofold: a) on the ecclesiastical level toward particular churches, maintaining the bonds which link the particular Churches and the Roman Pontiff and sending information to the Apostolic See "concerning the conditions of particular Churches and everything that touches the life of the Church and the good of souls",²⁵ and b) on the civil level, toward the State, to safeguard the

²² According to the International Religious Freedom Report, released by the Bureau of Democracy, Human Rights, and Labor, 7 October 2002, the respect for religious freedom is improving. For details, see <http://www.state.gov/g/drl/rls/irf/2002/13991.htm>, 17 March 2003.

²³ According to L. Filipovitch, the Ukrainian Orthodox Church carries a national idea. One of the solutions for good Church-State relationships would be to determine the content of an all-national interest, to ensure legally freedom of conscience, freedom of religion, to develop the legislative basis for harmonising Church-State relations, and to support ethnic confessional communities and confessional minorities. See L. FILIPOVITCH, "Church-State Relations in Ukraine", in *European Journal for Church and State Research*, 5 (1998), pp. 173-182.

²⁴ See cc. 362-364. For details, see C.D. BALVO, "Legates of the Roman Pontiff [cc. 362-367], in *New Commentary*, pp. 490-498.

²⁵ C. 364.

rights of the Christian faithful as well as the fundamental rights of all human persons.²⁶ These missions implicitly contain the duty to see to the protection of rights of national minorities.

4.1.1.2 – Establishing Particular Churches

The *CIC* refers to the possibility of erecting particular churches distinguished by the rite of the faithful or some other similar reason, although the general rule is that “a diocese or other particular church is limited to a definite territory so that it includes all the faithful living in the territory.”²⁷ The Holy See is competent – after the Conferences of bishops concerned have been heard – to erect a personal diocese based on language or on some other similar reason.²⁸

The constitutive elements of a diocese are: the bishop, the presbyterate and the people of God. The *CIC* does not mention territoriality as a constitutive

²⁶ For details, see D. LE TOURNEAU, “La mission *ad extra* des représentants pontificaux”, in *Ius Ecclesiae*, 9 (1997), pp. 496-507, and J.I. ARRIETA, *Governance Structures within the Catholic Church*, Montreal, Wilson & Lafleur Ltée, 2000, pp. 167-168.

²⁷ C. 372 §1.

²⁸ See cc. 372 §2 – 373. For a concise study regarding territoriality and personality in Canon Law, see E. CAPARROS, “Territoriality and Personality in the Canon Law System”, in P. ERDŐ, and P. SZABÓ (eds), *Territorialità e personalità nel diritto canonico ed ecclesiastico: Il diritto canonico de fronte al terzo millennio; Territoriality and Personality in Canon Law and Ecclesiastical Law: Canon Law Faces the Third Millennium*, Proceedings of the 11th International Congress of Canon Law and of the 15th International Congress of the Society for the Law of the Eastern Churches (= *Territorialità e personalità*), Budapest, Szent István Társulat, 2002, pp. 315-356.

element.²⁹ However the general rule in establishing particular churches is that they be identified by a specific geographical territory. Yet c. 372 §2 refers to the possibility of erecting particular churches based on the rite of the faithful or some other similar reason (*aliave simili ratione distinctae*). This expression though does not specify the category of persons (rite, ethnicity, language, etc.).³⁰

The initial schema of the Second Vatican Council contained a restriction as to the erection of a personal diocese on the principle of nationality.³¹ The Schema *Praecipuae de animarum cura quaestiones. Pars Prior*, had made mention of the appointing of auxiliary bishops as a possibility for the pastoral care of the faithful belonging to different rites or language groups.³² In the second part

²⁹ See c. 369 and its commentary in K. LÜDICKE (ed.), *Münsterischer Kommentar zum Codex Iuris Canonici, unter besonderer Berücksichtigung der Rechtslage in Deutschland, Österreich und der Schweiz (=Münsterischer Kommentar)*, Essen, Ludgerus Verlag, 1985, vol. 2.

³⁰ See commentary on c. 372, in *ibid.*, and H. PREE, "Nichtterritoriale Strukturen der hierarchischen Kirchenverfassung", in *Folia canonica*, 4 (2001), pp. 21-44.

The CIC does not specify the number of Christian faithful in the diocese, just "a portion of the people of God". According to the *Annuario Pontificio* the number of Christian faithful in a diocese is quite varied. For example, 96,200 Catholics in the Archdiocese of Bucharest, 83,262 in the Diocese of Zrenjanin (Serbia), 52,000 in the Diocese of Mukacheve (Ukraine), 22,000 in the Diocese of Tunis, 5,710 in the Diocese of Moosonee (Canada), 4,500 in the Diocese of Nouakchott (Senegal), 3,750 in the Eparchy of Istanbul for Armenian Catholics. See *Annuario Pontificio per l'Anno 2003*, Città del Vaticano, 2003.

³¹ "13. §1. Dioeceses personales ratione idiomatis vel nationalitatis erigendae non sunt", §2. Pro diversitate rituum erigi poterunt, cum plures sunt fideles diversi ritus, quibus sufficienter consuli nequit per sacerdotem aut paroeciam eiusdem ritus", Schema "De dioeceseon partitione", Prima Congregatio, 20 February 1962, in *Acta et documenta Concilio Oecumenico Vaticano II apparando*, in Civitate Vaticana, Typis Polyglottis Vaticanis, 1960-, Ser. II, Vol. II, Pars. II, p. 498.

³² "Cum suis Episcopis coadiutoribus et auxiliariis et Episcopis dioeceseon personalium, si qui forte sint, frequenter conferat Episcopus residentialis ut totius laboris apta distributio inter episcopos, sive per territorii partes, sive per personarum coetus, sive per activitatum genera, sive per rituum diversitatem fiat", in *Acta et documenta Concilio Oecumenico Vaticano II apparando*, Ser. II, Vol. II., Pars. III, p. 688.

of the schema, the Council referred to the legislation of the Fourth Lateran Council regarding pastoral care of those belonging to different rites.³³ However the Schema did not mention explicitly the possibility of establishing a diocese based on a national criterion. The erection of a diocese based on reasons other than territoriality or rite remains always at the discretion of the supreme authority of the Church.³⁴

The principle of personality in establishing particular Churches can be found also in *CCEO*. Accordingly, an exarchy can be limited territorially or on the basis of some other criterion (*alia ratione circumscripta*).³⁵ A personal factor in establishing an exarchy could be the criterion of membership in an autonomous Church.³⁶

The eventual establishment of a diocese for Hungarian minorities, especially in the East-Central European context, would have to overcome two

³³ "De diversis etiam advenarum ritibus et linguis maximam curam habuit, ut ex decretis Concilii Lateranensis IV clarissime patet", *ibid.*, p. 725.

³⁴ As the Pontifical Commission for the Revision of the Code of Canon Law concluded "...non habetur periculum, de quo loquitur quidam, ait, quia auctoritas suprema iudicare debet, et non possumus ligare supremam auctoritatem", Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo, "De circumscriptionibus ecclesiasticis", in *Communicationes*, 17 (1985), p. 93. See also P. SZABÓ, "Stato attuale e prospettive della convivenza delle Chiese Cattoliche *sui iuris*", in *Territorialità e personalità*, pp. 225-253.

³⁵ See c. 311 §1, in *Codex canonum Ecclesiarum orientalium, auctoritate Ioannis Pauli PP. II promulgatus (=CCEO)*, in Civitate Vaticana, Typis Polyglottis Vaticanis, 1990, xxxiv, 381 p. English translation: *Code of Canons of the Eastern Churches: English-Latin Edition*, New English Translation, prepared under the auspices of the CANON LAW SOCIETY OF AMERICA, Washington, DC, Canon Law Society of America, 2001, p. 125.

³⁶ See J.D. FARIS, *Eastern Catholic Churches: Constitution and Governance, According to the Code of Canons of the Eastern Churches*, New York, NY, Saint Maron Publications, 1992, p. 631.

major obstacles. Firstly, the conference of bishops comprises bishops from the majority language group; it is not likely to give a favorable opinion for establishing a diocese for the Hungarian minority, especially in a situation where the majority is concerned with the integrity of the national state. Secondly, a personal diocese based on nationality will not reflect the universality and the catholicity of the Church, because nationality is not a structuring principle of the Church. There is no real catholicity where the Church, instead of being the eschatological sign of unity, institutionalizes the ethnic and cultural traits of people, and because of this is not open to all the Christian faithful.³⁷

In the context of East-Central Europe, a diocese based on national elements would not seem to foster good relationships between the national minority and the majority, and would not reflect the catholicity and universality of the Church. East-Central Europe is a multicultural reality because the various

³⁷ As F.J. Ramos summarizes: "...la delimitazione delle Chiese particolari in considerazione delle differenze linguistiche, etniche, economiche, ideologiche, ecc., è pericolosa in quanto rischia di far perdere la cattolicità della Chiesa, limitandosi a determinati gruppi", in F.J. RAMOS, "La delimitazione delle Chiese particolari (can. 372)", in *Angelicum*, 77 (2000), p. 309.

According to F.J. Ramos, beside the criterion of *ritus*, there are no other criteria for establishing a personal diocese. His opinion is based on three arguments: 1) in the documents of the Second Vatican Council there is no foreseen possibility; 2) the text of the canon does not specify this possibility; 3) the Council encourages the better distribution of the clergy (see *PO*, n. 10). See *ibid.*, pp. 311-323. But other canonists do not support this opinion because when the *CIC* uses *aliave simili ratione*, according to the rules of interpretation, it means criteria other than a *ritus*. See H. PREE, "Nichtterritoriale Strukturen der hierarchischen Kirchenverfassung", in *Folia canonica*, 4 (2001), pp. 21-44.

In postconciliar ecclesiology a considerable question has arisen concerning the priority of the universal Church over the particular Church. For details, see A. CATTANEO, "La priorità della Chiesa Universale sulla Chiesa Particolare", in *Antonianum*, 77 (2002), pp. 503-539.

nations have lived together for centuries, as is not always the case with immigrants.³⁸

The Holy See, when creating particular Churches on the attached territories in successor states and in Hungary, did not change the former limits of particular Churches according to newly formed nation-States; even in Hungary the reorganization took place only in 1993.³⁹ These dioceses in successor states are not limited to homogeneous Hungarian-speaking Catholics, but embrace other nationalities as well. Thus, the erection of a personal diocese for the Hungarian minority based on the principle of nationality or language will not reflect the universality of the Church and will not result in better communication

³⁸ For details, see F.J. RAMOS, "La delimitazione delle Chiese particolari (can. 372)", pp. 299-336.

There is no example in the universal Church of a personal diocese based on nationality. The bishop appointed for Hungarian immigrants does not have a diocese. His mission is to harmonize their pastoral care. See J. BORÓVI, *A szórványban élő magyar katolikusok lelkigondozásának története* [The History of the Pastoral Care of Hungarians in the Diaspora], Budapest, Szent István Társulat, 2000, pp. 133-136.

Regarding the erection of a personal diocese for national minorities from the point of view of the catholicity/universality of the Church, J.B. d'Onorio states, "Ces diocèses ou Églises particulières ne sont pas une balkanisation de l'Église universelle, mais sa concrétisation: sans les Églises particulières composées des communautés de croyants rassemblées autour de leur chefs évêques, il n'y aurait pas d'Église universelle visible, car «c'est dans les Églises particulières et à partir d'elles (*in quibus et ex quibus*) que se forme la seule et unique Église catholique» (Constitution conciliaire «Lumen gentium» n° 23; canon 368). Les diocèses ne sont pas des fractions d'Église dont la juxtaposition ferait une confédération d'Églises qui s'appellerait Église catholique. Celle-ci n'est pas le produit arithmétique de ses subdivisions administratives. En ce sens, les Apôtres qui parlaient des Églises au pluriel les situaient toujours dans le concert à l'unisson de l'Église une et universelle. Ainsi, à leur exemple et à leur suite, convient-il de parler en toute rigueur de termes non pas de l'Église de France, de Pologne, du Canada ou des Philippines, encore moins de «l'Église française, polonaise, canadienne ou philippine», mais de l'Église en France, en Pologne, au Canada ou aux Philippines", in J.B. D'ONORIO, *La nomination des évêques, Procédures canoniques et conventions diplomatiques*, Paris, Éditions Tardy, 1986, p. 9.

³⁹ For the reorganization of particular churches in Hungary, see Apostolic Letter *Hungariae episcopis*, 31 May 1993, in AAS, 85 (1993), pp. 869-876.

and mutuality among different nationalities.⁴⁰ The Congregation for the Doctrine of the Faith in its letter, *Communio notio*, emphasizes also that the particular Church is formed in the image of the universal Church: *ad imaginem Ecclesiae universalis*.⁴¹ Nevertheless, a diocese established on an attached territory in the respective State could be in favour of different nationalities who live on that territory, and a solution to protect the rights of ethnic minorities.

4.1.1.3 – Appointing a Bishop

The appointment of a bishop belongs also to the universal jurisdiction of the Holy See.⁴² Regarding Hungarian minorities there are three possibilities: 1) appointing a bishop for the coordination of the mission to Hungarians, similar to that of the present bishop for Hungarian immigrants; 2) appointing a Hungarian-

⁴⁰ The International Theological Commission distinguished the notions of *particular* Church and *local* Church. The *local* church “can refer to a more-or-less homogeneous grouping of particular churches, whose formation results in most cases from the givens of geography, history, language or culture”, in COMMISSIO THEOLOGICA INTERNATIONALIS, *Texts and Documents*, Edited by Michael Sharkey, San Francisco, Ignatius Press, 1989, p. 282. Later it gives the notion of universality: “Catholic universalism must therefore be distinguished from those falsifying accounts of universality that one finds in totalitarian doctrines, in materialistic systems, in the false ideologies of scientism and the cult of technology, and indeed in imperialistic strategies of every kind. No more should Catholic universalism be confused with a uniformity that would destroy legitimate particularities. Again, one ought not try to assimilate that universalism to a systematic postulation of the uniquely singular, subversive as that would be of essential unity”. *Ibid.*, pp. 283-284.

⁴¹ See CONGREGAZIONE PER LA DOTTRINA DELLA FEDE, *Lettera «Communio notio» su alcuni aspetti della Chiesa intesa come comunione*, 28 maggio 1992, nn. 7-13, Città del Vaticano, Libreria Editrice Vaticana, 1994, pp. 26-33.

⁴² See c. 377. As such, Governments have no right to designate candidates for bishops, see F. SARRAZIN, “La nomination des évêques dans l’Église latine”, in *Studia canonica*, 20 (1986), pp. 401-402.

speaking auxiliary bishop for the respective dioceses;⁴³ 3) when appointing the diocesan bishop where sizeable Hungarian minorities exist, the competent authority should take into account, among other requirements, the fluency of the candidate in the minority's language.⁴⁴

The pastoral care of Hungarian immigrants is exemplified in the appointment of a bishop for the coordination of the pastoral work among them.⁴⁵ Another possibility is the appointment of an auxiliary bishop as vicar general or episcopal vicar, as in the diocese of Zrenjanin in Voivodina, Serbia, where a Hungarian-speaking auxiliary bishop was appointed to coordinate the pastoral care of the Hungarian minority. As vicar general or episcopal vicar he can harmonize the pastoral care of an ethnic minority. The appointment of a bishop has special significance. He should be bilingual, open and understanding toward ethnic minorities.⁴⁶

⁴³ See *Acta et documenta Concilio Oecumenico Vaticano II apparando*, Ser. II, Vol. II, Pars. III, pp. 676-695.

⁴⁴ See c. 378 §1, 1°. For details, see F. SARRAZIN, "La nomination des évêques dans l'Église latine", in *Studia canonica*, 20 (1986), pp. 367-407.

⁴⁵ The bishop for Hungarian immigrants is Bishop Attila Miklosházy, S.J. The distribution of the clergy for Hungarian communities is done in collaboration with the local hierarchy. See J. BORÓVI, *A szórványban élő magyar katolikusok lelkipozásának története* [The History of the Pastoral Care of Hungarians in the Diaspora], pp. 133-136.

⁴⁶ The papal legate, although he does not have a determinative role and must embody the greatest neutrality regarding the *episcopabili*, has a very special duty in describing the situation of the diocese, the good of souls, and the good of ecclesiastical provinces. The Secretariate of State and the various Congregations have significant responsibilities and decisions to make as well as the experts who evaluate the received information in the light of the universal Church. See J. A. RENKEN, "Appointment of Bishops", in *New Commentary*, pp. 514-516; R. METZ, "Papal Legates and the Appointment of Bishops", in *The Jurist*, 52 (1992), pp. 272-275, C. CORRAL, "Response to René Metz", in *The Jurist*, 52 (1992), pp. 285-293, D. LE

While the local Church has the primary responsibility for the pastoral care of various language groups, the conference of bishops can issue norms, establish a committee or designate a bishop responsible for pastoral care of ethnic minorities. The statutes of the conference of bishops should reflect also the multiethnic character of the local Church.⁴⁷

4.1.2 – At the Diocesan Level

The protection of rights of ethnic minorities can be more directly provided for on the particular, i.e. diocesan, level. Taking into account the multicultural reality of a particular Church, in our case the diocese, there are different possibilities for diocesan legislation to be at the service of Hungarian minorities; for instance, in the formation of clergy, through the teaching and sanctifying offices of the Church as well as at the governance level.⁴⁸

TOURNEAU, "Les légats pontificaux dans le Code de 1983, vingt ans après la constitution apostolique «Sollicitudo omnium Ecclesiarum»", in *L'année canonique*, 32 (1989), pp. 250-253.

⁴⁷ See S.M. TOMASI, "The Mission of the Pontifical Council in Light of a Survey of the World's Episcopal Conferences – Expectations and Proposals", in *The Mission of the Pontifical Council*, pp. 39-49.

The Statutes of the Conference of Catholic Bishops in Romania reflect this multicultural reality, they when state: "art. 28. Secretaria Generalis componitur a Secretario generali et a duobus sacerdotibus vel aliis, a conventu plenario electis, ut eum adiuvent. Diversitas linguarum et rituum tenenda est pro criterio electionis officialium secretariae Conferentiae... art. 35 Linguae officiales Conferentiae Episcoporum Romaniae sunt: Romena, Hungarica et Germanica. In his tribus Linguis fiunt allocutiones. Ubi necesse videtur, interpretes fideliter mentem oratorum exponent. Acta conventuum rediguntur lingua Romena", in CONFERENTIA EPISCOPORUM ROMANIAE, *Statuta Conferentiae Episcoporum Romaniae*, 25 November 1993. Approved on 29 August 1994 by the Secretariate of State, Prot. N. 855/90.

⁴⁸ For details regarding culture as characteristic of a particular church, see J.M. LACHAGA, *Eglise particulière et minorités ethniques: jalons pour l'évangélisation des peuples minoritaires, (=Eglise particulière et minorités ethniques)*, Paris, Le Centurion, 1978, pp. 120-137.

The diocesan bishop as pastor of his diocese has the obligation to see to the pastoral care of different groups distinguished by rite or language.⁴⁹ This obligation reflects the protection of rights of the national minority groups present in the diocese. He can do so in different ways: a diocesan synod, appointing episcopal vicars, erecting national parishes, seeing to the proper formation of priests, establishing chaplancies, and so forth.

The diocesan synod is a vehicle for pastoral governance.⁵⁰ Its composition as well as the synodal laws should reflect the multiethnic character of the diocese. The only legislator in a diocesan synod is the diocesan bishop.⁵¹ The synod can prepare norms for the pastoral care of national minorities, the formation of seminarians, establishing committees within the diocesan pastoral council for national minorities, etc. These provisions can become part of the diocesan legislation after approval by the diocesan bishop.⁵²

⁴⁹ See c. 383.

⁵⁰ See a recent document on the diocesan synod, a joint instruction by the CONGREGATION FOR BISHOPS AND THE CONGREGATION FOR THE EVANGELIZATION OF PEOPLES, *Instruction on Diocesan Synods*, 8 July 1997, in *Origins*, 27 (1997-1998), pp. 324-331. In the former Communist countries after 1990 almost every diocese held a diocesan synod. However only a few of the decisions reflect the multiethnic character of those dioceses which contain sizeable ethnic minorities.

⁵¹ See c. 466.

⁵² The Decrees of the Diocesan Synod of Alba Iulia came into effect on 2 December 2001. A whole section dealing with the pastoral care of national minorities, namely Romanian, German and Gipsy minorities, concluded with suggestions and norms. Among suggestions there is the formation of seminarians and priests regarding pastoral care of national minorities, provisions for liturgical and catechetical books, formation of catechists, the obligation of pastors of communities, where national minorities exist, to foster peace, taking steps toward establishing relationships with brother/sister communities of national minorities, representation of minority groups in parish pastoral councils, their active participation in different associations. The Decrees of the Diocesan Synod of the Archdiocese of Alba Iulia provide for a committee in the diocesan

4.1.2.1 – Formation and Distribution of Clergy

An initial step in respecting and protecting the rights of national minorities would be the formation of the clergy, since, as the proper pastors of a community, they are in a close relationship with the multiethnic reality of a particular Church.⁵³

The pastoral care of national minorities – similar to that of immigrants – requires special formation on the part of priests.⁵⁴ The formation of the clergy includes, firstly, the formation of candidates who belong to an ethnic minority. This can be provided, for instance, through seminaries where the language of formation is Hungarian; secondly, giving seminarians a formation which is proper to the needs of ethnic minorities, that is the formation of non-Hungarian candidates to serve Hungarian communities which are without a native priest.⁵⁵

pastoral council for the coordination of the pastoral care of national minorities, the formation of priests for their pastoral care; they also oblige all priests to provide pastoral care for all Christian faithful in their native language. See GYULAFEHÉRVÁRI FŐEGYHÁZMEGYE, *Zsinati Könyv* [ARCHDIOCESE OF ALBA IULIA: *Synodal Book*], Kolozsvár, 2001, pp. 112-116.

⁵³ The importance of pastoral-theological formation in universities and seminaries was also a special issue for immigrants. See V. DE PAOLIS, "La pastorale della mobilità umana nella formazione teologica nelle università e nei seminari", in *On the Move*, 39 (1983), pp. 29-38.

⁵⁴ "Una preparazione specializzata di tipo accademico sarà necessaria soprattutto ai sacerdoti incaricati della promozione e del coordinamento della pastorale della mobilità sul piano nazionale o regionale", CONGREGATIO PRO INSTITUTIONE CATHOLICA, "La Pastorale della Mobilità umana nella formazione dei futuri sacerdoti", 25 January 1986, in *Seminarium*, 37 (1985/4), p. 5.

⁵⁵ At the Congress on Vocations to the Priesthood and to Consecrated Life, the Pontifical Work for Ecclesiastical Vocations outlines the European situation, which is diversified and complex, especially in Eastern Europe. The final document emphasizes the different approach to the formation of vocations. "People who are capable of 'building bridges' are needed in order to join together ever more the Churches and the peoples of Europe and to reconcile souls." For details, see PONTIFICAL WORK FOR ECCLESIASTICAL VOCATIONS, *New Vocations for a New Europe (In Verbo tuo...)*, Final Document of the Congress on Vocations to the Priesthood and to

The statutes of seminaries should provide for the language of formation of the candidates.⁵⁶ Provisions should be made for bilingualism, depending on the number of people belonging to the national minority in the diocese. On the part of the majority, certain knowledge of the language of the minority present in the diocese should be required. The formation of seminarians should be done in a way as to help later with the proper distribution of the clergy.

Regarding the distribution of clergy, in the East-Central European context, the knowledge of only one language would be an obstacle. In those dioceses where national minorities exist, a requirement for priests to learn other languages should include also the language of these minorities. For example, in the diocese of Timișoara (Romania), the knowledge of Hungarian, Romanian and German is necessary for the pastoral care of different minority communities.⁵⁷

Consecrated Life in Europe, Rome, 5-10 May 1997, by the Congregations for Catholic Education, for the Oriental Churches, for Institutes of Consecrated Life and for Societies of Apostolic Life, in http://www.vatican.va/roman_curia/congregations/ccatheduc/documents/rc_con_ccatheduc_doc_13021998_new-vocations_en.html, 8 March 2003.

⁵⁶ In the Archdiocesan Major Seminary of Alba Iulia (Romania) the language of formation is Hungarian. There is a diocesan seminary for Romanian speaking candidates in the diocese of Iași. The Hungarian candidates are to give proof of their knowledge of the Romanian language through an examination. The non-Hungarian candidates have the opportunity to study in their native language, but at the end of their formation they must give proof of their Hungarian knowledge through an examination. They have also the possibility to form a literary and debating society of seminarians in their native language.

⁵⁷ See *A Római Katolikus Hittudományi Főiskola Szabályzata: Szellemi élet* [Statutes of the Archdiocesan Major Seminary of Alba Iulia: Intellectual Life], Alba Iulia, Seminarium Incarnatae Sapientiae, 1997, § 34.

The statutes of the Diocesan Major Seminary of Csanad already in 1855 prescribed the study of two other languages necessary in the diocese: "§ 29. Studium der Landessprachen. Weil in unserer Diözese die Kenntnis mehrerer Sprachen eine unbedingte Notwendigkeit ist, so schreiben wir vor, daß die Alumnen an Sonn- und Feiertagen (ausgenommen Weihnachten, Neujahr, Ostern und Pfingsten) nach der im voraufgehenden Paragraphen beschriebenden

However, nobody is obliged to achieve the impossible; the distribution of clergy within diocesan entities should be according to their knowledge of language, as in the case of assignments to vicariates and national parishes. The right person in the right place in this context means that priests with a knowledge of a minority language should be sent to communities using the same language. The diocesan bishop should consult the vicar forane or episcopal vicar in this case.⁵⁸ Where there is a shortage of minority priests, the permanent diaconate should be encouraged, as well as the formation of lay people for catechetical training.

The formation of formators: there is a need for new moderators in seminaries, who have a catholic/universal view of the Church, and who do not carry the national prejudices and feelings of the past. "There is need for masters of the spiritual life, of significant figures, capable of evoking the mystery of God and disposed to listening in order to help people to enter into a serious dialogue with the Lord."⁵⁹ Only those can form priests for the third millennium who can

Methode darin unterrichtet werden. Im besonderen verlangen wir – und davon gibt es keine Dispens –, daß jeder Alumne wenigstens zwei in unserer Diözese gebräuchliche Landessprachen vollkommen beherrsche, was vorzüglich von der deutschen Sprache gilt, die ja vor den übrigen die erste Stelle einnimmt. Wir werden keinem die Hände auflegen, der es im Laufe der theologischen Studien nicht dahin gebracht hat, daß er den geistlichen Obliegenheiten in zwei Landessprachen der Diözese gut Genüge leisten kann...". See "Leges et instituta Seminarii cleri iunioris dioecesis Csanadiensis. Temesvarini 1855. § 29 Cura linguarum vernacularum, p. 32", in T. GRENRUP, *Die kirchliche Rechtslage der deutschen Minderheiten katholischer Konfession in Europa, Eine Materialsammlung*, Berlin, Deutsche Rundschau G.m.b.h., 1928, pp. 327-328.

⁵⁸ The suitability of the pastor could be made evident by some means determined by the diocesan bishop, or by means of an examination. See c. 521 §3.

⁵⁹ See p. 208, note 55.

“foster the peace and harmony based on justice which are to be observed among people”,⁶⁰ and make visible the ecclesial *communio*.⁶¹

4.1.2.2 – Institutes of Consecrated Life

Living in the spirit of the evangelical counsels, seeking to follow Christ poor, chaste and obedient, does not require a specific belonging to a nationality. In reality, however, the different languages spoken have a certain influence on the structure of the institutes of consecrated life and the societies of apostolic life. This can affect the language of formation and the mission of a religious institute. In East-Central Europe in most cases the limits of the provinces of religious institutions are congruent with the civil borders of the State.

In the context of multi-lingual East-Central Europe the erection of institutes of diocesan right, the erection of houses of religious institute, the various works of the apostolate carried out by an institute of consecrated life, such as the care of souls, the public exercise of divine worship, etc., requires special vigilance and discretion on the part of the diocesan bishop.⁶² This includes also visitation by

⁶⁰ C. 287 §1.

⁶¹ See J.A. RENKEN, “The Parish: Community of the Christian Faithful within the Particular Church”, in *Canon Law Society of America Proceedings*, 60 (1998), pp. 179-223.

⁶² After 1990 a major tension had arisen in Romania on both the civil and ecclesiastical levels, when an Eastern rite (Romanian speaking) religious institute was erected in a homogeneous Latin rite, Hungarian speaking area in the Archdiocese of Alba Iulia (Romania).

The vigilance of the bishop should also include temporal goods, especially when a national parish is entrusted to a religious institute.

the diocesan bishop – in the case of necessity – of the churches, oratories, schools and other works of religion or charity entrusted to religious.⁶³

Regarding the institutes of consecrated life in East-Central European context, two possibilities can be envisioned. One precedent and a good example is the structure of religious institutes in Canada, which in some cases are established according to language.⁶⁴ The second possibility, which is more applicable in East-Central Europe – due to the shortage of vocations – is the bilingual institute, where the formation of members and the mission of the institute is carried out according to languages.⁶⁵

4.1.2.3 – Proclaiming the Word of God

The Church has the duty and right to preach the gospel. This solemn mission includes the means and the content of proclamation. The sciences of communication have already proven the importance of language in communication.⁶⁶ The ministry of the Divine Word means first of all preaching

⁶³ See c. 683.

⁶⁴ See the English speaking and French speaking Jesuit provinces. In 1924 the Province of Canada was divided into two along linguistic lines. See *Dictionary of Jesuit Bibliography: Ministry to English Canada 1842-1987*, Toronto, ON, Canadian Institute of Jesuit Studies, 1991, pp. ix-xi.

⁶⁵ In Romania although the language of the Romanian Jesuit Province is Romanian, however, for the good of souls there are Hungarian-speaking Jesuits from the Jesuit Province of Hungary who are working there.

⁶⁶ For details, see C. TAYLOR, *Human Agency and Language*, Cambridge, Cambridge University Press, 1985, pp. 213-294.

and catechetical instruction, catholic education and social communication. Use of the native language has a very special role in the proclamation of the Gospel.⁶⁷

The preaching of the Word of God has a special significance for ethnic minorities. Although the *CIC* does not explicitly prescribe the use of the language of the respective community, it calls for effective communication of the Word of God. Preaching must be made "in a way accommodated to the condition of the listeners and in a manner adapted to the needs of the times."⁶⁸ This requires on the part of the preacher a good skill in mastering the language of the community, because he proclaims the Word of God. Diocesan norms should be issued regarding preaching in the language of ethnic minorities.⁶⁹

The Word of God can also be proclaimed through catechesis.⁷⁰ The goal of catechetical instruction is to enlighten and strengthen the faith of the Christian

⁶⁷ See J.M. LACHAGA, *Eglise particulière et minorités ethniques*, pp. 122-132.

⁶⁸ C. 769. As J.A. Coriden remarks, "The language and idiom of the people, their culture and economic condition, their social and political setting, the present situation in this neighborhood – these factors must be among the preacher's first concerns", J.A. CORIDEN, "The Ministry of the Divine Word", in *New Commentary*, p. 931.

⁶⁹ Homiletics and the art of preaching emphasize that language is the *sine qua non* of delivering effective sermons. The preacher has to explain the theme, to convince and to persuade, or to move the audience. See T.V. LISKE, *Effective Preaching*, New York, Macmillan, 1960, pp. 51-77; R.C. KWANT, "Wort und Sprache", in B. DREHER, N. GREINACHER, F. KLOSTERMAN (eds), *Handbuch der Verkündigung*, Freiburg, Herder, 1970, vol. 1, pp. 11-52, and W. SCHRÜFER, "Zur Sprache der Predigt: Eine praktische Gewissenserforschung", in W. BEINERT (ed.), *Glaubensangst, Glaubenshoffnung: Anregungen für die Verkündigung*, Regensburg, Friedrich Pustet, 1997, pp. 120-137.

⁷⁰ The Gospel cannot be separated "without serious loss from the cultures in which it has already been expressed down the centuries", JOHN PAUL II, Apostolic Exhortation *Catechesi tradendae*, 16 October 1979, n. 53, in AAS, 71 (1979), pp. 1319-1321; English translation in A. FLANNERY (ed.), *Vatican Council II: More Post Conciliar Documents*, New Revised Edition, vol. I, Northport, NY, Costello Publishing Company, 1998, pp. 794-795.

faithful and to lead them to a conscious and active participation in the liturgical celebrations/mysteries. This requires proper communication to be understood by the community, namely through the use of its language. This presupposes first of all the formation of catechists in order to fulfill this obligation properly.⁷¹ Diocesan legislation should provide for the appropriate translation of catechetical material into the languages of minorities.⁷²

One fundamental minority right is the right to education in one's own language. The ecclesial right to Catholic education is based on this fundamental human right. It can be realized for the Hungarian minority according to the possibility of the diocese to give Catholic education to all in their native language, through Catholic schools, universities and other institutes of higher studies.⁷³ The competent authority should take this factor into account in the appointment of teachers and professors.

The proper use of instruments of social communication is also a means to show sensitivity toward ethnic minorities. It is part of the mission of the Church to

⁷¹ For the goal of the catechesis, see c. 773, and J.A. CORIDEN, "The Teaching Function of the Church [cc.747-833]", in *New Commentary*, p. 933.

⁷² Specialized catechists are required similarly for immigrant groups, who are able to respond to particular situations. A prime important element is the psychology, the language and the conditions of the minority. For details, see E. CLARIZIO, "Catechesi della mobilità umana", in *On the Move*, 18 (1977), p. 19.

For details on the importance of the language in catechesis, see J. HÖFFNER, "Die Bedeutung der Katechese für die Zigeuner-Seelsorge", in *On the Move*, 18 (1977), pp. 35-36, and A. ANCEL, "Cathéchèse des enfants de migrants", in *On the Move*, 18 (1977), pp. 53-66.

⁷³ On the secular level one of the most controversial problems is the establishment of a university for the Hungarian minority in successor states. A Catholic university which offers an education for minorities, is an example of peace and universality.

spread the message of salvation through the media, which includes also all forms of newly developing electronic communication, bringing about revolutionary changes in the relationship of nation-to-nation and culture-to-culture.⁷⁴ There are no explicit norms in the documents of the Church and the *CIC* regarding social communication and ethnic minorities. But in the context of East-Central Europe, the competent ecclesiastical authority should pay attention to the multiethnic character of the diocese.⁷⁵

The pastoral care of ethnic minorities includes also special attention regarding the books to be used in the diocese, in particular for catechesis, Christian worship, and liturgy.⁷⁶ Thus, for the use of Sacred Scriptures for Hungarians, the translation approved by the Hungarian Conference of Catholic Bishops (=HCCB) or the translations of National Bible Societies. The diocesan bishop should issue norms for liturgical books, prayer books, catechisms, textbooks and other books for national minorities. This is also a way to respect

⁷⁴ As the document of the Pontifical Council for Social Communication remarks, "the Church has a twofold aim in regard to media. One aspect is to encourage their right development and right use for the sake of human development, justice and peace – for the upbuilding of society at the local, national and community levels in light of the common good and in a spirit of solidarity", in PONTIFICAL COUNCIL FOR SOCIAL COMMUNICATIONS, "The Church and the Internet", 18 February 2002, in *Origins*, 31 (2001-2002), p. 668.

⁷⁵ An example would be the language of web pages. In Romania the Catholic web-page which is available in four languages, namely Romanian, Hungarian, German and English, is a good example of this interaction. See <http://www.catholic.ro>, 8 March 2003.

⁷⁶ The Church has a major concern for the quality of the translation of liturgical books into the vernacular languages. According to the instruction *Liturgiam authenticam*, for the introduction of vernacular languages into liturgical use, the two-thirds vote of the bishops from the conference of bishops is required. For details, see CONGREGATION FOR DIVINE WORSHIP AND THE DISCIPLINE OF THE SACRAMENTS, Instruction on the Use of Vernacular Languages in the Publication of the Books of the Roman Liturgy, *Liturgiam authenticam*, 28 March 2001, in *Origins*, 31 (2001-2002), p. 20.

and protect their rights. There should be a diocesan policy regarding these matters.⁷⁷

4.1.2.4 – Divine Worship

The Second Vatican Council, especially in its Constitution on the Liturgy, emphasized that the celebration of the Eucharist and the administration of sacraments, sacramentals and other forms of divine worship have a public and social character, and involve the presence and active participation of the faithful.⁷⁸

For Hungarian minorities, the celebration of the liturgy in Hungarian is a vehicle for active participation. This requires a minister who speaks the language of the community as well as the proper translation of liturgical books.⁷⁹

The formation and distribution of clergy mentioned above makes necessary provision for ministers who speak the language. Regarding the different translations of liturgical books, the *CIC* states that the Apostolic See is

⁷⁷ See cc. 826-827.

⁷⁸ See SC, nn. 37-40, in AAS, 56 (1964), pp. 110-111; English translation in FLANNERY, pp. 13-14. For details, see S. RAU, *Die Feiern der Gemeinden und das Recht der Kirche: Zu Aufgabe, Form und Ebenen liturgischer Gesetzgebung in der katholischen Kirche*, Altenberge, Telos Verlag, 1990, pp. 336-343.

⁷⁹ In the Archdiocese of Alba Iulia, for example, where the majority of Catholics are Hungarian speaking, in 39 parishes the Eucharist is celebrated also in Romanian, and in 78 parishes there is catechesis also in Romanian. See GYULAFEHÉRVÁRI FŐEGYHÁZMEGYE, *Zsinati Könyv* [ARCHDIOCESE OF ALBA IULIA: *Synodal Book*], p. 114.

competent to publish liturgical books and review their translations in the vernacular.⁸⁰

In the case of Hungarian minorities, the vernacular translation of the liturgical books has already been prepared by the *HCCB*.⁸¹ The conference of bishops or the diocesan bishops in successor states are the competent authorities for issuing norms, making provisions for necessary permissions to use these translations or to republish them.⁸²

The conference of bishops when determining its own rite of marriage should also take ethnic minorities into consideration. Particular law can prescribe

⁸⁰ See c. 838 §2 and its commentary in A. MARZOA, J. MIRAS, R. RODRÍGUEZ-OCAÑA, (eds), *Comentario exegético al Código de derecho canónico*, Pamplona, Ediciones Universidad de Navarra, S.A., 1997, vol. III/1, pp. 401-409.

⁸¹ The norms of the Instruction, *Inter oecumenici* can be applied here: "In actionibus liturgicis quae concurrente populo alius linguae alicubi, praesertim adstante coetu emigrantium, paroeciae personalis hisque similibus, celebrantur, adhibere licet, de consensu Ordinarii loci, linguam vernaculam iis fidelibus notam, iuxta modum et versionem a competenti auctoritate ecclesiastica territoriali illius linguae legitime approbata", SACRA CONGREGATIO RITUUM, *Inter oecumenici*, Instructio ad executionem Constitutionis de Sacra Liturgia recte ordinandam, 26 septembris 1964, n. 41, in *AAS*, 56 (1964), p. 886. English translation in COMMISSION FOR THE IMPLEMENTATION OF THE CONSTITUTION ON THE SACRED LITURGY, AND THE SACRED CONGREGATION OF RITES, *Instruction for the Proper Implementation of the Constitution on the Sacred Liturgy*, Collegeville, MN, The Liturgical Press, 1964, p. 11.

⁸² See c. 838 and F.R. McMANUS, "The Sanctifying Function of the Church [cc.834-1253]", in *New Commentary*, pp. 1012-1016.

In the Archdiocese of Alba Iulia and the Dioceses of Oradea, Satu-Mare and Timișoara the translations of the HUNGARIAN CONFERENCE OF CATHOLIC BISHOPS are used for liturgical books, and this has remained the custom after these parts were attached to successor states.

the use of particular rituals of the mother state, which have received the *recognitio* of the Holy See.⁸³

The language of registers and bookkeeping also requires diocesan guidelines in those communities where this multicultural reality is present. Even if the language of registration is according to the official language of the State, the registration of names should respect the rights of ethnic minorities.⁸⁴

4.1.2.5 – The Office of Governance: Episcopal Vicar and Personal Parishes

The exercise of the office of governance regarding the pastoral care of Hungarian minorities includes structures based on a personal criterion. At the diocesan level, for the provision of pastoral care of the Hungarian minority, the diocesan bishop may appoint a vicar general, or an episcopal vicar, or establish national parishes.⁸⁵

⁸³ See cc. 838 §3, 1120. The Hungarian form of the marriage ritual contains a special part which is a Hungarian cultural heritage, namely taking the oath of the couple. See MAGYAR KATOLIKUS PÜSPÖKI KAR [HUNGARIAN CONFERENCE OF CATHOLIC BISHOPS], *Ordo celebrandi matrimonium: A házasságkötés szertartása*, Budapest, Magyar Katolikus Püspöki Kar, 1971, pp. 31-32.

⁸⁴ After the Treaty of Trianon, in the successor states Hungarians often experienced this form of discrimination. In Romania there were cases, when the Hungarian speaking Latin rite Catholics were baptized in the Eastern rite and the baptism was registered in the registers of the Eastern rite Catholic churches, the name of the baptized was changed into a Romanised form in order to further the assimilation of the Hungarian minority (because the Latin rite Catholics in Transylvania were seen as the Hungarian Church.) See G. SALACZ, *A Magyar katolikus egyház a szomszédos államok uralma alatt* [The Hungarian Catholic Church under the Rule of Neighboring States], München, Aurora könyvek, 1975, p. 57.

⁸⁵ The starting point in the establishing structures is to ascertain the number of ethnic minorities, for which the results of civil census should give adequate assistance.

In the diocesan structure, the office of vicar general can be a channel for pastoral concern for national minorities. The diocesan bishop may appoint more than one vicar general, according to the size, population, or the pastoral needs of the diocese.⁸⁶ If the number of Hungarian minority Catholics so requires, a vicar general should be appointed for their pastoral care.

Another possibility is through the appointment of an episcopal vicar for a specific part of the diocese, or for a certain type of affairs, or for the faithful of a specific rite or certain groups of persons.⁸⁷ The example of the Archdiocese of Ottawa could be followed, where the diocese is divided in two on personal criteria: English and French sectors each with an episcopal vicar.⁸⁸

There are other ways where the Hungarian minority can be actively involved in the office of governance, for example in the constitution of the presbyteral council to reflect the multiethnic character of the diocese.⁸⁹ The diocesan pastoral council and the parish pastoral council should contain members of ethnic minority groups present in the diocese or in the parish

⁸⁶ See c. 475 §2 and its commentary, in K. LÜDICKE (ed.), *Münsterischer Kommentar*, vol. 3.

⁸⁷ See c. 476. For details, see R. SCHEULEN, *Das Amt des "Vicarius Episcopalis", Ein kirchenrechtlicher Beitrag zur Ämterstruktur in der Partikularkirche*, Würzburg, Echter, 1991, pp. 168-186.

⁸⁸ See P. HURTUBISE, M. MCGOWAN, P. SAVARD, *Planted by Flowing Water: The Diocese of Ottawa 1847-1997*, Ottawa, Novalis, 1998, pp. 36-37.

⁸⁹ Before the erection, suppression and alteration of parishes, the diocesan bishop has to consult the presbyteral council. See c. 515 §2.

community, in order to reflect the multinational character of the diocese or parish.⁹⁰

The judicial system in the diocese should also take ethnic minorities into consideration. The members and staff of the Diocesan Tribunal should include those who have skills in the languages currently used in the diocese.⁹¹ This is particularly necessary in marriage nullity cases at the level of the preliminary investigation, in interviews where the meanings of the words are important in enabling the judges to reach moral certainty when issuing the sentence.⁹²

There is another diocesan structure for ethnic minorities, namely the personal parish based on nationality.⁹³ This is applicable in territories where a

⁹⁰ The diocesan pastoral council has to reflect the entire portion of the People of God. See c. 512 §2, and its commentary in *Münsterischer Kommentar*, vol. 3. For the parish pastoral council, see c. 536 §1.

⁹¹ The Congregation for Catholic Education on 30 November, 1996, approved the Institute of Canon Law at the Catholic University of Budapest, in order to provide adequate canonical preparation for tribunals in Hungary and in neighbouring states where a number of Hungarians live. See CONGREGATIO DE INSTITUTIONE CATHOLICA, "Decretum quo Institutum Iuris Canonici in Universitate Catholica Budapestinensi erigitur", in AAS, 89 (1997), pp. 148-149.

⁹² A good example would be the Archdiocesan Tribunal of Alba Iulia concerning marriage nullity cases, where – in spite of the fact that 90% of all petitions were in Hungarian, and only 10% in Romanian – there is a set of formulas also in Romanian, and the tribunal personnel is bilingual.

⁹³ Regarding immigrants, V. De Paolis emphasizes: "I migranti portano con sé il loro modo di pensare, la propria lingua, la propria cultura e la propria religione. È un patrimonio spirituale che deve essere conservato e rispettato, anche e soprattutto da parte della Chiesa. Si giustifica, in tal modo, l'esigenza di una cura pastorale specifica che preveda loro sacerdoti della stessa lingua predisponendo quelle forme di assistenza pastorale che ogni fedele può trovare nella propria parrocchia", in PONTIFICIA COMMISSIONE PER LA PASTORALE DELLE MIGRAZIONI E DEL TURISMO VATICANO, *Chiesa e mobilità umana*, Documenti della Santa Sede dal 1883 al 1983 a cura di Graziano Tassello e Luigi Favero, Roma, Centro Studi Emigrazione, 1985, p. xliii.

One precedent regarding parishes established on personal and national criteria is the history of pastoral care of the English-speaking Catholics of Montreal. In 1866 Bishop Bourget designated Saint Patrick's parish as bilingual with a definite territory, but in 1872, after a petition

homogeneous Hungarian population lives, or in cities where the number of Hungarian-speaking Catholics requires the establishment of a personal parish. In mixed communities a bilingual pastor should be appointed.⁹⁴

The *CIC* when describing the elements of the parish emphasizes two points: 1. a certain community of the Christian faithful constituted in a stable manner in a particular church, and 2. whose pastoral care is entrusted to a pastor as its proper pastor under the authority of the diocesan bishop.⁹⁵ Although the *CIC* does not specify a number of persons to erect a parish, but only “a certain community of the Christian faithful” (*certa communitas christifidelium*, see c. 515

of six thousand parishioners, the Vatican annulled the decree of Bishop Bourget, and appointed Saint Patrick's parish exclusively for English-speaking Catholics living in the diocese of Montréal. For details, see *L'Église de Montréal, aperçus d'hier et d'aujourd'hui, 1836-1986*, Montréal, Fides, 1986, p. 323.

⁹⁴ See the Archdiocese of Ottawa, where in the countryside bilingual parishes exist. Based on a personal interview with Mgr. Gérard St-Denis, episcopal vicar of the Archdiocese of Ottawa, 17 February 2003.

⁹⁵ See c. 515 §1. For details, see A. BORRAS, *Les communautés paroissiales: droit canonique et perspectives pastorales*, Paris, Les Éditions du Cerf, 1996, pp. 55-63.

Regarding the erection of personal parishes, J.C. Périsset remarks: “La critère décisif pour l'érection de paroisses personnelles est un fait social, qui doit faciliter le regroupement des fidèles marqués par ce même fait (langue, origine, rite, etc.), parce que ce regroupement facilite l'exercice de la charge pastorale. Si ce fait devait provoquer une opposition envers les autres fidèles ou un repli de cette communauté sur elle-même (c'est le danger des communautés nationales), il ne faudrait pas l'ériger en paroisse, puisqu'elle manquerait à sa mission d'ouverture au diocèse et à l'Église tout entière (c. 529 §2). Aussi l'évêque diocésain devra parfois renoncer à certaines demandes de paroisses personnelles lorsque les motifs avancés sont susceptibles d'instituer un système d'«apartheid spirituel». Il y a d'autres moyens de venir au-devant de certains groupes de personnes pour leur donner l'assistance spirituelle dont elles ont besoin – liturgie, prédication, sacrements surtout –, en conservant leur insertion dans les paroisses territoriales, par l'appel à la collaboration ponctuelle de prêtres. Le canon 529, §1 rappelle au curé le devoir d'entourer d'une attention spéciale «les immigrés et tous ceux qui se trouvent dans des difficultés particulières». In J.C. PÉRISSET, *La paroisse: commentaire des canons 515-572*, Paris, Éditions Tardy, 1989, p. 47.

§1), however practically speaking this requires a reasonable number of Christian faithful.⁹⁶

At the parish level in mixed communities there should also be norms providing for the involvement of minorities. For example, the constitution of the parish pastoral council should provide for their representation. The Second Vatican Council emphasized that the communities of the parish and the diocese must bear witness to Christ before the nations.⁹⁷

There are also other available means and structures for the pastoral care of ethnic minorities.⁹⁸ One of these is the establishment of particular chaplancies, especially in those territories where the Hungarian minority constitutes a special

⁹⁶ According to Coccopalmerio, the community has to have financial means. See F. COCCOPALMERIO, *De paroecia*, Roma, Editrice Pontificia Università Gregoriana, 1991, p. 55. T. Green suggests that a parish enjoy a certain stability. See T. GREEN, "Mission Parishes (Quasi-Parishes) Changed to Status of Parish", in P. COGAN (ed.), *CLSA Advisory Opinions, 1984-1993*, Washington, DC, Canon Law Society of America, 1995, pp. 113-114, and A. SOB CZAK, "Las parroquias para los emigrantes en el derecho canónico latino", in *Ius canonicum*, 34 (1994), pp. 249-278.

In the Archdiocese of Alba Iulia (Romania) personal parishes exist for Romanian and Gipsy Catholics. See ARCHDIOCESE OF ALBA IULIA, *Decree N. 1089/1996*, Regarding the Erection of a Personal Parish in Braşov, 26 June 1996, and *Decree N. 1098/1996*, Regarding the Erection of a Personal Parish in Sfântu-Gheorghe, 26 June 1996.

⁹⁷ See AG, n. 37. In the same way, parochial responsibility has to do with the good of souls (see CD, n. 31); concern for the salvation of souls is to be the motive for determining or reconsidering the erection, suppression, or other modifications of parishes (see CD, n. 32). See also PAUL VI, *Motu proprio Implementing Four Council Decrees, Ecclesiae sanctae*, 6 August 1966, I., 21 (3), in AAS, 58 (1966), p. 769, and the CONGREGATION FOR BISHOPS, *Directory on the Pastoral Ministry of Bishops, Ecclesiae imago*, 22 February 1973, nn. 176-180, in CANADIAN CATHOLIC CONFERENCE, *Directory on the Pastoral Ministry of Bishops*, English translation by the Benedictine Monks of the Seminary of Christ the King, Mission, BC, Ottawa, Publications Service of the Canadian Catholic Conference, 1974, pp. 90-92.

⁹⁸ For details, see V. DE PAOLIS, "The Communitarian Dimension in the Experience of Faith in a Context of People on the Move", in *People on the Move*, 58 (1991), pp. 53-60.

group of faithful, like migrants, exiles, refugees, nomads and sailors, the essential element being the *cura pastoralis*.⁹⁹

The translation of documents, the judicial system, the administrative sector of the diocese should also be concerned with the needs of ethnic minorities. Finances should also take minorities into account according to their number, especially in meeting diocesan expenses, publishing and editing books and catechetical materials.

4.1.3 – Canonical Means to Defend Rights

The *CIC* mentions among the rights of all Christian faithful the legitimate vindication of the rights which they possess in the Church.¹⁰⁰ The right to language and education is not an ecclesiastical right but a fundamental human one.¹⁰¹ This basic human right should be protected first of all by the State or civil legislation. However if this concerns the ecclesial structure, the Church must also provide for the vindication of rights.¹⁰²

⁹⁹ See F.G. MORRISEY, "Chaplains': Canon 564, Canonical Theory and Current Practice", in *Canon Law Society of America Proceedings*, 61 (1999), pp. 267-281. An example would be a chaplancy established for pastoral care of Hungarians living in Bucharest, something which is still a challenge for the future.

¹⁰⁰ See c. 221.

¹⁰¹ For a different approach to the basis for rights, see R. TORFS, "Rights in Canon Law: Real, Ideal or Fluff?", in *Canon Law Society of America Proceedings*, 61 (1999), pp. 344-354.

¹⁰² The different disputes in the particular church (regarding the rights of ethnic minorities) between the Christian faithful and the local hierarchy are mostly related to internal Church affairs, although these should be resolved first of all at the diocesan level.

As noted above at the universal level, today there are numerous possibilities for the particular churches in East-Central European countries to provide pastoral care for the Hungarian minorities. Problems can occur, however, in situations where the diocesan bishop is unable to fulfill his obligations toward the Christian faithful of a different nationality living in the territory of his diocese, and when at the local/diocesan level there is no legislation or other provision for the pastoral care of ethnic minorities. The *CIC* lists some definite structures and procedures for the vindication and defense of rights and freedoms in the Church, namely the courts, hierarchical recourse, dispute resolutions such as arbitration and reconciliation.¹⁰³

When adequate pastoral care for a Catholic minority is not provided, a peaceful solution should be found. The first level in resolving this problem is the local, or diocesan one. For this reason, dispute resolution procedures, such as arbitration and reconciliation, should be used.¹⁰⁴ The characteristics of dispute resolution are: simplicity, low cost, personal involvement, flexibility and directness, which in an East-European context promotes charity, reconciliation

J. Sanchis summarizes the rights of immigrants to receive specific pastoral care, which includes the right to pastoral care offered in their language. See J. SANCHIS, "La pastorale due aux migrants et aux itinérants", in *People on the Move*, 58 (1991), pp. 7-35.

¹⁰³ See A. MENDONÇA, "Promotion and Protection of Rights in the Church", in *Canonical Studies*, 11 (1997), pp. 28-35, S.S. KARAMBAI, "Protection of the Rights of the Laity", in *ibid.*, pp. 50-55, and M. WIJLENS, "The Protection of Rights: The Task of the Bishop and the Cooperation of Laity", in *ibid.*, pp. 122-130.

¹⁰⁴ See K. MARTENS, "L'organisation de la protection juridique des droits au sein de l'Église: quelques réflexions à propos des tribunaux administratifs, de la conciliation et du due process", in *Studia canonica*, 36 (2001), pp. 225-252.

and peace.¹⁰⁵ The first step is to listen to the petition of the community and examine if there is any basis for it.

Next to the diocesan level, the conference of bishops could provide for an adequate solution. The ethnic minority community can send a report to the National Conference of Catholic Bishops or – because the conference is composed of bishops from the dominant nationality – the community could instead ask the papal legate to be mediator in this case. Through papal legates, petitions can be sent to the Holy See, to the competent dicastery. The appropriate Congregation can then examine the situation, or it can initiate an apostolic visitation for the investigation of the case.¹⁰⁶

4.1.4 – Perspectives for the Future

Various sociological surveys made among immigrant and ethnic minority groups has proved that despite the positive attitude of keeping their national identity the number of people belonging to ethnic minorities is in decrease. This is due to a slow assimilation, but in the case of ethnic minorities in East-Central Europe in the last ten years, emigration and secularization were also major factors. The speed of assimilation is related to the form of settlement of the

¹⁰⁵ J.A. Coriden lists some forms of dispute resolution procedures, as negotiation, conciliation, facilitation, mediation, arbitration, ombudsperson, mini trials, etc. He suggests, that conciliation should be the first step in any dispute resolution procedure. For details, see J.A. CORIDEN, "Alternative Dispute Resolution in the Church", in *Canon Law Society of America Proceedings*, 48 (1986), pp. 64-65, 74, 79.

¹⁰⁶ The Pontifical Council for Justice and Peace has a special service of advocacy, which include monitoring of public policy, legislation, and the protection of human rights.

community. When the minority lives in the diaspora, i.e. in dispersion within a massive majority of another language, then it is assimilated sooner, while a more compact, homogeneous community slows down the process of assimilation.¹⁰⁷

Parallel with the improvement of the economy of the successor states, the emigration of ethnic minorities is in decrease. The decline, on the other hand, of the number of Hungarians in the successor states after 1990, is due to a major emigration to the mother state and to the West. The number of Catholics in the last twelve years in the four dioceses in Romania, with mainly Hungarian Catholics, according to the *Annuario Pontificio* is the following:¹⁰⁸

Archdiocese/Diocese	Number of Catholics	Number of Catholics
	<i>Annuario Pontificio 1991</i>	<i>Annuario Pontificio 2003</i>
Archdiocese of Alba Iulia	542,164	491,763
Diocese of Oradea Mare	111,285	107,609
Diocese of Satu Mare	150,000	110,000
Diocese of Timișoara	276,000	182,649

¹⁰⁷ Sociological surveys show us a very positive self-portrait of Hungarian minorities in East-Central Europe, which is no longer an ethnic identity, but mostly a cultural-national identity, which is more positive than of Hungarians in Hungary. The positive identity of Hungarian minorities and the relationship with the majority results in more tolerance toward other nationalities than in the case of Hungarians in the mother country. For details, see F. GERE BEN, *Identitás, kultúra, kisebbség, Felmérés a közép-európai magyar népesség körében* [Identity, Culture, Minority, A Survey Among the Hungarian Population in East-Central Europe], Budapest, Osiris – MTA Kisebbségkutató Műhely, 1999, pp. 56-139.

¹⁰⁸ See *Annuario Pontificio per l'Anno 1991*, Città del Vaticano, 1991, *Annuario Pontificio per l'Anno 2003*, Città del Vaticano, 2003.

In issuing ecclesiastical laws or structuring the particular Church, the legislator should also be aware of the future of the ethnic minorities. Although the assimilation of ethnic minorities is different from the case of immigrants because of their close-relatedness to the mother-state, this involves various canonical questions, such as the establishment of structures and offices, the temporal goods of the national parishes in case of their closing, pious foundations, the spiritual and cultural patrimony of the minority, the records of the closed national parishes, etc.¹⁰⁹

The temporal goods in the case of closing national parishes include church buildings – erecting a new parish¹¹⁰ or donating the church building for secular use – schools, and other properties. The process should involve the parish council of the respective community. The various donations given to a specific purpose, mass stipends and mass foundations by virtue of cc. 1299-1310, must still be honoured, and the intentions of the donors respected.

Each diocese where national parishes exist should have a policy regarding temporal goods, the alienation of the temporal goods of the parish and the disposition of sacred articles. Closing national parishes, however, is not

¹⁰⁹ For details, see F. DANEELS, "Soppressione, unione di parrocchie e riduzione ad uso profano della chiesa parrocchiale", in *La parrocchia*, Studi Giuridici, XLIII, Città del Vaticano, 1997, pp. 85-112.

¹¹⁰ According to c. 515 §2, the diocesan bishop has to hear the presbyteral council. But in making his decision the advice of the diocesan pastoral council, the vicar general, episcopal vicars, vicars forane, the diocesan finance council, etc., will be helpful. He should also give an opportunity to the people involved to express their views.

purely a financial matter; it is also pastoral concern which should be placed in the broader context of pastoral planning in the diocese.¹¹¹

The spiritual/cultural patrimony in the case of suppression of national parishes should also be taken into consideration by diocesan policies. In most cases, national parishes serve as cultural centres with libraries and other means for the national group. Other cultural centres of the same national group could be designated as the place to preserve this patrimony.¹¹²

4.2 – THE DUTIES OF HUNGARIAN MINORITIES

Regarding the protection of rights of Hungarian minorities in East-Central Europe, it is obvious that the first step has to be on the part of the majority to show acceptance and protection toward national minorities. This will foster confidence in them since they are more inclined to self-defense, an automatic

¹¹¹ For details, see J.H. PROVOST, "Some Canonical Considerations on Closing Parishes", in *The Jurist*, 53 (1993), pp. 362-370.

¹¹² Regarding the suppression of parishes of Hungarian minorities in East-Central Europe there are two different situations. Firstly, where the Catholic Church is in the minority, as is the case in Romania, Yugoslavia and Ukraine: in this case, the church buildings are taken by the majority, or are used for other purposes. Secondly, when the majority is also Catholic, as is in Slovakia: in this case the church buildings remain in the use of Catholic community, only the language of the liturgy will change.

Although the rights of ethnic minorities to preserve their spiritual patrimony must always be held in high esteem, the suppression of national parishes does not violate these rights, because a personal parish is not the only way to preserve this patrimony. See F. DANEELS, "The Suppression of Parishes and Reduction of a Church to Profane Use in the Light of the Jurisprudence of the Apostolic Signatura", in *Forum*, 8 (1997) 2, pp. 287-293.

tendency to become closed in on themselves in order to protect their culture and identity, mostly because they are forced to live with the dominant culture.¹¹³

The Hungarian minority, however, has to be open to learn from the dominant culture, and be open to dialogue and cooperation. There is in the memory of the people in East-Central Europe mutual mistrust of the past, but in the light of new international organizations for the protection of human rights, the minority should trust that the failures of the past will not be repeated.¹¹⁴

The starting point for the obligation of Hungarian minorities is to recognize and accept their multicultural milieu as a reality of their life that includes dialogue with other cultures, especially with the majority. It is obvious that the cultural and religious traditions of people in East-Central Europe are a positive and enriching element in their personal and communal identity.¹¹⁵

¹¹³ Pope John Paul II, speaking of the fundamental rights of nations, has emphasized the right to exist; the right to language and culture, through which a people expresses and promotes its fundamental spiritual "sovereignty"; the right to shape its life according to its own traditions, excluding every abuse of basic human rights, in particular the oppression of minorities. See JOHN PAUL II, Address to U.N. General Assembly, "The Fabric of Relations Among Peoples", 5 October 1995, n. 8, in *Origins*, 25 (1995-1996), p. 297.

¹¹⁴ As D.A. Kerr summarizes, "Christian Churches – Orthodox, Catholic and Protestant – played a part in this ill-treatment of non-dominant groups. Often the reason was essentially political – the pressure of the state to achieve national unity and the Churches' acquiescence." In D.A. KERR, "Christianity, European Governments and the Cultural Identity of Non-Dominant Groups in the 19th and 20th Centuries", in *Cultures and Faith*, 1 (1993), p. 27.

¹¹⁵ Pope John Paul II, in his World Day of Peace Message, emphasized, "while it is certainly important to be able to appreciate the values of one's own culture, there is also a need to recognize that every culture, as a typically human and historically conditioned reality, necessarily has its limitations. In order to prevent the sense of belonging to one particular culture from turning into isolation, an effective antidote is a serene and unprejudiced knowledge of other cultures", in JOHN PAUL II, World Day of Peace Message, "Dialogue Between Cultures for a Civilization of Love and Peace", 8 December 2000, n. 7, in *AAS*, 93 (2001), p. 237.

Hungarian minorities should accept the fact that they live in the midst of a majority which tries to recognize the cultural and spiritual richness of the minority and provide for their protection; a majority that no longer has their assimilation as its goal. This could be called the right of the majority to have an open and communicating minority, a behaviour which is the obligation of ethnic minorities, as was emphasized by Pope John Paul II in his World Day of Peace Message in 1989.¹¹⁶

The next step is cooperation with the majority, because both groups exist within a multinational and multicultural context. Thus they could become a vibrant sign of catholicity.

There are different means of building up this mutual relationship, on both the civil and ecclesial levels, within the State and other communities; for example, establishing interdiocesan and diocesan structures, in the fields of the teaching office, sanctifying office and the office of governance of the Church.

Cardinal J. Glomp suggests five principles that must be heeded to ensure the sovereignty and unfolding of national cultures: 1. love for and a sense of the importance of one's own culture, 2. dialogue with other cultures, 3. respect for other cultures, 4. interchange and mutual creativity, and 5. institutionalization of mutual relations. For more details, see J. GLEMP, "Many Cultures, One World", in *Origins*, 27 (1997-1998), pp. 681-684.

¹¹⁶ See JOHN PAUL II, World Day of Peace Message, *Per costruire la pace - rispettare le minoranze*, 8 December 1988, n. 11, in *AAS*, 81 (1989), pp. 100-101; English translation in *Origins*, 18 (1988-1989), p. 469.

These are the values which should be the basis of any ecclesiastical legislation on the subject.¹¹⁷

4.2.1 – Toward Society and Churches

The Hungarian minority should foster good relationships toward the State which protects their rights, and whose citizens they are. This includes knowledge of the state's official language, of the culture of the majority, participation in the life of the society, respecting the holydays and feast days of the majority. There is always the temptation to return to the past, but there should be a purification of memory.

Because religion and nationality are closely connected, and this was a means to preserve national identities, the fundamental tension lies on the level of culture. Minorities are expected to participate in the meetings and feast days of other churches, etc. The diocesan bishop should establish norms and policies in this regard. For example, celebrating the feast days together, holding gatherings where the priest would participate.

¹¹⁷ The end of conflict and tensions is extremely welcome, but it carries with it the risk of new forms of disillusionment. Peace may bring a cutting of the roots, and the nationalities may begin to recognize that they are rootless and homeless on the globe. As Pope John Paul II highlighted: "How can the culture which is predominant in a given society accept and integrate new elements without losing its own identity and without creating conflicts? The answer ... can be found in a thorough education with regard to the respect due to the conscience of others; for example, through greater knowledge of other cultures and religions", JOHN PAUL II, Message for the World Day of Peace 1991, in AAS, 84 (1992), pp. 324-325.

Another approach is to invite the other churches to the minority's gatherings and celebrations. In the Archdiocese of Alba Iulia, for example, because of the Orthodox majority and the different dates of Easter, priests in some places with mixed local communities mutually attend each other's celebrations. The breaking down of the barriers of nationality and language is a first positive step toward ecumenism.

4.2.2 – Building Up a Multicultural Church

The term *multiculturalism* means “a social system which offers freedom of choice to those who wish to be culturally different in one or several aspects, e.g. religious or political beliefs, occupation, ethnic identity.”¹¹⁸ This includes the assumption that the meeting of the majority and minority cultures can bring riches and values to all. “The stress is no longer on toleration (as is the case in cultural pluralism), but on fostering a spirit of positive acceptance of cultural differences.”¹¹⁹ Multiculturalism assumes that ethnic minorities will be able to move out to contact other cultures with a sense of self-respect and confidence, but only if they have confidence in their own culture.

There are structures and means which can foster inter-cultural relationships in East-Central Europe between Hungarian ethnic minorities and

¹¹⁸ G.A. ARBUCKLE, “Migrants and Pastoral Care”, in *The Jurist*, 46 (1986), p. 458.

¹¹⁹ *Ibid.*

other nationalities.¹²⁰ The first one is a personal attitude of attention, appreciation, listening, a sense of welcoming and openness toward the other culture. This is a translation of evangelical values in everyday practice. On the local level, this is expressed in the responsibility of the clergy to promote peace and reconciliation with mutual meetings, celebrations, common prayers, etc.¹²¹

The diocesan and parish pastoral councils should reflect the multicultural reality of the community. The parish priest should encourage the majority to welcome the minority, and to give them possibilities to be proud of their cultural otherness. The diocesan legislation could also provide norms for establishing parish pastoral councils.¹²² The leadership of both groups must learn to intermingle, to plan, to share places and to communicate.

¹²⁰ As J.A. Komonchak underlines, "this catholicity is also more than diversity and particularity; it is an integration of this cultural diversity into a fullness, into a wholeness, around Jesus Christ and in the Spirit. That integration has to take place at every level of church existence: in small communities, in parishes, in dioceses, in regional and national groups of churches, in the one Catholic communion." J.A. KOMONCHAK, "The Theology of the Local Church: State of the Question", in W. CENKNER (ed.), *The Multicultural Church: A New Landscape in U.S. Theologies*, New York/Mahwah, NJ, Paulist Press, 1996, p. 48.

¹²¹ As J. Coleman remarks, "there are two quite different truths we want to honor in the large multicultural, multiethnic parishes... (1) multiculturalism means honoring and encouraging a subcongregation which worships in its own language, find resources to approximate a true community centre as well as a worshiping congregation and builds on its own leadership, stewardship and ministry style. So some serious separatism is absolutely essential... (2) we are catholic together", J. COLEMAN, "Pastoral Strategies for Multicultural Parishes", in *Origins*, 31 (2001-2002), p. 497.

¹²² In the Archdiocese of Alba Iulia the diocesan norms regarding parish pastoral councils were issued on 1 May 1993, and took effect on 1 September 1993. See *Archdiocesan Circular Letters*, N. 1291/1993. Diocesan norms can provide for the representation of the different nationalities present on the territory of the parish in the parish pastoral council.

Various religious and social associations could also be a means of cooperation.¹²³ Of great importance would be meetings with the conference of bishops of the mother state of the minority where the formation of priests, cultural events, social issues, books, media, etc. can be discussed.¹²⁴

The formation of priests is also an instrument for mutual relationship. The national formation program in seminaries should provide for the multicultural formation of seminarians, especially for those who are going to serve in mixed communities.¹²⁵ This implies also the theological, cultural and pastoral formation of clergy and laity. Pastoral studies should include ways to offer pastoral services in a multiethnic community. Pastoral internship could be made in a multicultural community. The place of formation should be the national major seminary, which can train candidates for this multicultural reality.¹²⁶

Since cultural diversity in East-Central Europe is the norm today, the universities and institutions of higher education have a special role in fostering

¹²³ For example, the Archdiocesan Caritas is at the service of all people, because human need and suffering are not attached to nations and races. For details, see <http://www.hhrf.org/gyrke/caritas.html>, 8 March 2003.

¹²⁴ In recent years joint meetings have been organized between the Slovak Conference of Catholic Bishops and the Hungarian Conference of Catholic Bishops.

¹²⁵ At the Diocesan Major Seminary in Alba Iulia, the focus of the self-study group called Erdélyi Magyar Egyházirodalmi Iskola (EMEI), [Hungarian School of Church and Literature of Transylvania] is the literary self-education of seminarians. When there were a number of Romanian-speaking seminarians, it had also established a section for Romanian-speaking candidates.

¹²⁶ In the Archdiocesan Major Seminary of Alba Iulia, candidates of various nationalities studied together from its establishment in 1754, such as Hungarian, Romanian, German, Slovak, and Croatian. This created an atmosphere where the candidates learned to respect the cultures.

multicultural cooperation among the professors and students who come from different cultural backgrounds and who are called to be a "community of students and teachers in search of truth."¹²⁷ Thus the Catholic universities have a primary role to welcome students of different cultural backgrounds and foster a climate where the mutual respect of cultures is emphasized.¹²⁸

Catholic universities, theological faculties and cultural centres can reflect systematically on intercultural relations in the Scriptures and in the history of the Church.¹²⁹ They have a special role in giving a theological, cultural and pastoral

¹²⁷ CONGREGACIÓN PARA LA EDUCACIÓN CATÓLICA, CONSEJO PONTIFICIO PARA LOS LAICOS, CONSEJO PONTIFICIO DE LA CULTURA, "Presencia de la Iglesia en la Universidad y en la Cultura Universitaria", in *Cultures and Faith*, 2 (1994), pp. 167-177; English translation in CONGREGATION FOR CATHOLIC EDUCATION, PONTIFICAL COUNCIL FOR THE LAITY, PONTIFICAL COUNCIL FOR CULTURE, "The Church's Presence in the University and in University Culture", in *Origins*, 24 (1994-1995), p. 76.

¹²⁸ As Archbishop P. Erdő remarks, "Esta región es el mundo de los estados naciones, que no obstante su pequeño tamaño disponen de una cultura relativamente desarrollada, de lengua propia y fuerte identidad. El nuevo nacionalismo se difundió en esta área de manera relativamente tardía, por lo que hasta nuestros días es fuente potencial de ciertos conflictos. Junto a este trasfondo psicológico y social, muchos viven dramáticamente el hecho de que las culturas vinculadas con la literatura y la lengua nacional se han devaluado económicamente. Son una excepción hasta cierto punto los países que solamente después del cambio de sistema obtuvieron su soberanía, tal es el caso de algunos países de la ex Unión Soviética, Ucrania, por ejemplo. En estos países la lengua nacional tenía un rol secundario anteriormente, pero ahora se ha constituido en primera lengua del Estado, así su cultivo también ha recibido nuevo impulso... Las relaciones con el alumnado extranjero y el intercambio estudiantil ofrece un cuadro bastante desigual. Son pocos los alumnos extranjeros que vienen a estudiar en estos países. Aunque se organiza formación en lengua extranjera. Si se trata de formación básica, generalmente participan en ella occidentales como estudiantes de pago que en su país han quedado fuera del numerus clausus. Hay algunos cursos de doctorado donde una institución determinada recibe estudiantes procedentes de los países del área examinada, por ejemplo, en Polonia en la Facultad de Derecho Canónico de la Universidad Católica de Lublín estudian numerosos alumnos ucranianos y eslovacos, o también en la Facultad de Derecho Canónico de la Universidad Católica de Budapest, donde vienen estudiantes procedentes de Rumanía, Ucrania, Eslovaquia y Alemania." In P. ERDŐ, "Situación cultural y humana en las universidades de Europe del Este", in *Cultures and Faith*, 8 (2000), pp. 316-327.

¹²⁹ See J. AMMER, *Zum Recht der »Katholischen Universität«, Genese und Exegese der Apostolischen Konstitution »Ex corde Ecclesiae« vom 15. August 1990*, Würzburg, Echter, 1994, pp. 344-348.

formation to the clergy and laity, who are engaged in the concrete cultural situation of the countries, to establish and form a pastoral leadership of multicultural and pluri-lingual parishes.¹³⁰ They have also a role in re-evaluation of cultural traditions and identities, and in the formation of the Christian faithful for a multicultural Europe.¹³¹

Catholic schools can also guarantee cultural and educational pluralism.¹³²

As G.A. Arbuckle points out in relation to immigrants:

In fact, schools which refuse to face up to the multicultural challenge should no longer be referred to as "Catholic"; they are contradicting the Church's basic assumptions about the dignity of the person and the rights to cultural diversity.¹³³

¹³⁰ See W. FREISTETTER, "The Cultural Situation in the Former Communist Countries of Central and Eastern Europe: A Challenge for the Church, Address to the Inter-dicasterial meeting held at the Pontifical Council for Culture on May 30, 1996", in *Cultures and Faith*, 4 (1996), p. 259.

¹³¹ See J. BEUTLER, "The Role of the Theological Faculties within the Existing Context of Identity Claim: The Western European Perspective", in L. VACHON (ed.), *L'universalité catholique face à la diversité humaine*, Montréal, Médiaspaul, 1998, pp. 225-233.

According to R. Weiler, the Catholic Church has an immense duty toward building a relationship between ethnic minorities and majorities. The social teaching of the Church has to use the results of social sciences, history, social-politics. The mission of the Church is to diminish the concept of national states. For this reason there is a need for a positive division of Church and State. The solution of nationality problems can be found in a more effective way by Christians than by politicians. For details, see R. WEILER, "Az állam és a nemzet nem azonosítható" [State and Nation are not Identical Concepts], in *Mérleg*, 31 (1995), pp. 136-142.

¹³² For details, see CONGREGATION FOR CATHOLIC EDUCATION, "The Catholic School", Document on Catholic School, in *Origins*, 28 (1998-1999), p. 411, and P. SUDAR, "Scuole per l'Europa': Piccolo segno della grande speranza", in *Seminarium*, 41 (2001), pp. 861-871.

¹³³ G.A. ARBUCKLE, "Migrants and Pastoral Care", p. 471.

Conference and study centres also play a special role in this cooperation among cultures.¹³⁴ After 1990, several cultural centres were built in East-Central Europe to provide a Christian service for preserving cultural identity and to foster dialogue, respect and tolerance among cultures. They are relevant for the post-Communist situation, where after enduring a boring but cruel ideology, people have to face the situation of delicate and difficult adaptation.¹³⁵ This is a remarkable opportunity for diocesan legislation and pastoral practice regarding intercultural relationships in East-Central Europe.

Common liturgies should be celebrated together, for example, on feast-days of saints whose relevance crosses cultures, or a common liturgical time

¹³⁴ "En segundo lugar, el Papa y los obispos hablan de *unos foros públicos en los que se lleva a cabo un diálogo creativo*. Los centros culturales católicos son un punto de encuentro entre la fe y el mundo de la cultura real, un lugar de escucha de los interrogantes concretos de los hombres, un lugar de reflexión sobre los grandes desafíos culturales de nuestro tiempo, y un lugar de búsqueda creativa de respuestas, inspiradas por un espíritu de fe. La nota predominante es la del diálogo: un diálogo que se hace a la luz del día, abiertamente, en público; y un diálogo que está dispuesto a buscar soluciones nuevas, poniendo en juego un máximo de creatividad humana y cristiana." P. POUPARD, "La misión de los centros culturales católicos en la Europa contemporánea", Conferencia inaugural del *1er Encuentro de centros culturales católicos del sur de Europa*, pronunciada en Barcelona el 30 de mayo de 1996, in *Cultures and Faith*, 4 (1996), pp. 161-172.

¹³⁵ For details, see P. POUPARD, "Religion and Culture in the Contemporary World", in *Cultures and Faith*, 3 (1995), pp. 169-171.

See L. VENCSEK, "Egyenes adásban, A (katolikus) tanulmányi házak a hit és kultúra szolgálatában: az idők jeleinek 'antennái'" [The (Catholic) Study Centres in Service of Faith and Culture: The Antennae of Signs of the Times], in *Keresztény Szó*, 10/2001, pp. 2-5. and "Az Európai Unió bővítése és az egyház szerepe" [The Enlargement of the European Union and the Role of the Church], in *Keresztény Szó*, 2/2001 február, pp. 2-6.

In May 17-20, 2001 the Pontifical Council for Culture organized a conference in the cultural centre "Jakab Antal" of the Archdiocese of Alba Iulia, in Șumuleu Ciuc, Romania. The theme of this conference was Catholic cultural centres as a Christian service toward cultural identity and dialogue among cultures. For details, see B. ARDURA, "I centri culturali cattolici: un servizio cristiano per l'identità culturale e per il dialogo tra le culture", in *Cultures and Faith*, 9 (2001), pp. 139-141.

may be the best time for such united liturgies. Liturgical celebrations on the diocesan as well as on the parish level can also foster cooperation among cultures. It is an ecclesiological sign when people can pray together as sons and daughters of the same Father.¹³⁶ Shrines have a special role to play in this regard. The liturgical books of the mother state should be used. There is no need for a new translation; the liturgical books should be taken from the approved translation of that language.¹³⁷

The instruments of social communication can also become a channel for intercultural dialogue. Cyberspace can help establish a dialogue between the dominant culture and the minority one, but only with sensitivity and respect for each other's values. As the Pontifical Council for Social Communications emphasizes, this dialogue "has to be a two-way street. Cultures have much to learn from one another, and merely imposing the world view, values and even language of one culture upon another is not dialogue but cultural imperialism."¹³⁸

¹³⁶ Liturgical celebrations should not be a "seeking refuge in a mushy and inorganic liturgical polyculture", see D.N. POWER, "Comunion within Pluralism in the Local Church: Maintaining Unity in the Process of Inculturation", in W. CENKNER (ed.), *The Multicultural Church, A New Landscape in U.S. Theologies*, New York/Mahwah, NJ, Paulist Press, 1996, p. 95.

¹³⁷ For example, the Archdiocese of Alba Iulia for its Romanian Latin rite liturgy uses the official translation of liturgical books of Romanian speaking dioceses of Bucharest and Iași.

¹³⁸ PONTIFICAL COUNCIL FOR SOCIAL COMMUNICATIONS, "Ethics in Internet", 18 February 2002, in *Origins*, 31 (2001-2002), p. 675.

Pope John Paul calls this "the requirements of universality", which is expressed "through a clear awareness of the duties which nations have vis-à-vis other nations and humanity as a whole". The Pope among these duties highlights "living in a spirit of peace, respect and solidarity with other nations", which "promotes a fruitful exchange of gifts, which strengthens the unity of all mankind", JOHN PAUL II, Address to U.N. General Assembly, "The Fabric of Relations Among Peoples", 5 October 1995, n. 8, in *Origins*, 25 (1995-1996), p. 297.

4.2.3 – Duties Towards its Members

Culture plays a very important role in the development of the human person. The Church has consistently recognized the special role of culture and language in the integration of the human person.¹³⁹ We have examined in the first and second chapters the teaching of the Church and its legislation relating to ethnic minorities.¹⁴⁰

Because of the multicultural context in East-Central Europe, there is a slow process of assimilation of minorities, especially in culturally mixed marriages, usually adopting the majority culture.¹⁴¹ This process could create

¹³⁹ As E.A. Nida remarks: “Languages can and must be learned if the Word of God is to be communicated in the words of men, but this cannot be done outside of the total framework of the culture, of which the language in question is an integral part”, in E.A. NIDA, *Customs, Culture and Christianity*, London, Tyndale Press, 1963, p. 223.

¹⁴⁰ Pope John Paul II also highlighted the cultural rootedness of the human person, when he stated, “The need to accept one’s own culture as a structuring element of one’s personality, especially in the initial stages of life, is a fact of universal experience whose importance can hardly be overestimated. Without a firm rooting in a specific ‘soil’, individuals risk being subjected at a still vulnerable age to an excess of conflicting stimuli which could impair their serene and balanced development. It is on the basis of this essential relationship with one’s own ‘origins’ – on the level of the family, but also of territory, society and culture – that people acquire a sense of their nationality, and culture tends to take on, to a greater or lesser degree in different places, a ‘national’ configuration. The Son of God himself, by becoming man, acquired, along with a human family, a country. He remains forever Jesus of Nazareth, the Nazarean (cf. Mk. 10:47; Lk. 18:37; Jn. 1:45; 19:19). This is a natural process, in which sociological and psychological forces interact, with results that are normally positive and constructive. Love for one’s country is thus a value to be fostered, without narrow-mindedness but with love for the whole human family and with an effort to avoid those pathological manifestations which occur when the sense of belonging turns into selfexaltation, the rejection of diversity, and forms of nationalism, racism and xenophobia”, in JOHN PAUL II, World Day of Peace Message, “Diálogo entre las culturas para una civilización del amor y la paz”, 8 December 2000, n. 6, in AAS, 93 (2001), pp. 236-237; English translation “Dialogue Between Cultures for a Civilization of Love and Peace”, in *Origins*, 30 (2000-2001), pp. 459-460.

¹⁴¹ According to G.A. Arbuckle, in the case of immigrants this is the “Culture of an Alienated Elite” model, which can be found in the midst of ethnic minorities. “In order to achieve acceptance with the dominant culture they [immigrants] seek to distance themselves from their

tensions inside the minority community. Often those who do assimilate with the majority are rejected and excluded from the minority community and are treated as traitors who neglected and gave up their culture.

Pope John Paul II, in his 1989 World Day of Peace Message, emphasized, "The minority group has the duty to promote the freedom and dignity of each one of its members and to respect the decisions of each one, even if someone were to decide to adopt the majority culture."¹⁴² This involves the special role of priests in promoting peace. The minority group should be aware of each individual's right in the minority group to adopt or to choose a different culture.

Pastoral care should be provided for culturally mixed families, which are often also inter-religious families. They should be encouraged to keep their religion, culture and language, and not to be induced to assimilation. The Hungarian communities gave a beautiful example in maintaining their customs, culture, and language in culturally mixed families.¹⁴³

origins, often readily denigrating their cultures-of-origin", G.A. ARBUCKLE, "Migrants and Pastoral Care", p. 456.

¹⁴² JOHN PAUL II, World Day of Peace Message, "Per costruire la pace - rispettare le minoranze", 8 December 1988, n. 11, in AAS, 81 (1989), pp. 100-101; English translation in *Origins*, 18 (1988-1989), p. 469.

¹⁴³ For a model of the pastoral care of a multilingual community, see S. DANKO, "Pastorale, fede e identità culturale dei giovani nell'ambiente multilinguistico", in *Folia theologica*, 13 (2002), pp. 179-198.

Pope John Paul II emphasized the importance of purification of mind, because the memory of peoples in East-Central Europe is affected by divisions, wars, conflicts, injustice, victories and defeats. There is a need for peace among nations in this part of Europe, which cannot be achieved without justice, and justice exists only if there is forgiveness.¹⁴⁴

For a new European identity, peoples in East-Central Europe, according to D. Müller, need a new frontier ethic, “an ethic which over and above questions of nationality and citizenship marks the course of our quest for a confident and open identity.” And he continues:

A new social and international pact is called for, fixing frontiers without erecting walls, based on mutual recognition and law rather than on fact and threat, but never dodging the issues of transgression and aggression. In the face of new and rising intolerance there is a need to affirm the right to difference, the ethic of otherness, the rights of the human person: but it would be wrong to succumb here to mirages of difference without asperity, identity without contour, and cosmopolitanism without security and without homelands.¹⁴⁵

¹⁴⁴ See JOHN PAUL II, World Day of Peace Message, “No Peace Without Justice, No Justice Without Forgiveness”, 8 December 2001, in *AAS*, 94 (2002), pp. 132-140; English translation in *Origins*, 31 (2001-2002), pp. 461-466. See also “Dialogo tra popoli e culture”, in *Cultures and Faith*, 10 (2002), pp. 312-319.

¹⁴⁵ D. MÜLLER, “A Homeland for Transients. Towards an Ethic of Migrations”, in *Concilium*, 1993/4, p. 142.

CONCLUSION

The Catholic Church has shown deep concern for the disadvantaged, strangers and immigrants by protecting their rights and cultural heritage. The special situation of Hungarian minorities in East-Central Europe calls for a special approach, focusing always on the catholicity and universality of the Church as values for the legislator.¹⁴⁶

Particular churches in East-Central Europe have the richness of the multicultural reality of the people, thus their legislation must reflect the multiethnic character of East-Central Europe. Norms and laws are not enough to restore peace in post-Communist societies: the important factor is the purification of minds. This chapter has simply outlined possible ecclesiastical legislation regarding the Hungarian minority. As Pope John Paul II, in his World Day of Peace Message in 1989, stated:

¹⁴⁶ R. Weiler list some of the duties of churches in protecting ethnic minorities: 1. the social teaching of the Church has to be connected to social sciences and law, giving special attention to political and social situations; 2. Special attention should be given to the World Day of Peace Message in 1989 of Pope John Paul II; 3. The Church must foster by all means confidence towards ethnic minorities; 4. The perception of the ethnic minority problem as a social problem is not sufficient; 5. The Church's mission in post-atheistic states should be the diminishing of the identification of State and nation, which requires the positive separation of Church and State, and a critical position of the Church toward nationalism; see R. WEILER, "Az állam és a nemzet nem azonosítható" [State and Nation are not Interchangeable Concepts], in *Mérleg*, 31 (1995), pp. 136-142.

Msgr. Gy. Jakubinyi, Archbishop of Alba Iulia (Romania), at the Special Assembly of the Synod of Bishops for Europe (28 November – 14 December 1991), highlighted the role of Church structures to emphasize the supranationality of the Church in a multiethnic society. See GY. JAKUBINYI, "L'Église, mère des nations", in ASSEMBLÉE SPÉCIALE POUR L'EUROPE DU SYNODE DES ÉVÊQUES, 28 Novembre – 14 Décembre 1991, *Vers une nouvelle Europe*, Paris, Centurion/Le Cerf, 1992, pp. 118-119.

However essential these juridical instruments may be, they are still not enough to overcome deep-seated attitudes of prejudice and distrust or to eliminate ways of thinking which lead to actions directed against minority groups. The translation of law into behavior constitutes a long and slow process, especially with a view to eradicating such attitudes.¹⁴⁷

Today the Church is called to commit itself to a culture of reconciliation in the former Communist countries, to proclaim a new awareness of fundamental and moral values.¹⁴⁸ There may be different approaches relating to the East-Central European situation, but the fundamental requirement is a new attitude of mind. The *novus habitus mentis* of the Second Vatican Council is required on the part of the legislator and on that of the Christian faithful in order to build a culture of peace based on justice and forgiveness.

¹⁴⁷ JOHN PAUL II, World Day of Peace Message, "Per costruire la pace - rispettare le minoranze", 8 December 1988, n. 9, in AAS, 81 (1989), pp. 100-101; English translation in *Origins*, 18 (1988-1989), p. 468.

¹⁴⁸ See W. FREISTETTER, "The Cultural Situation in the Former Communist Countries of Central and Eastern Europe: A Challenge for the Church, Address to the Inter-dicasterial meeting held at the Pontifical Council for Culture on May 30, 1996", in *Cultures and Faith*, 4 (1996), pp. 253-260.

GENERAL CONCLUSION

1. The Church in its mission and self-definition appears as the Church of nations, called together by the word of God and sent by the Holy Spirit, universal but not uniform. The Encyclical of Blessed John XXIII, *Pacem in terris* issued forty years ago (on Holy Thursday, 11 April 1963) is still actual today, and addressable to all people of good will.¹ Our world is still wounded by conflicts among different nations and ethnic groups, and there is still need for peace. The essential condition for peace is characterized in four precise requirements of the human spirit: truth, justice, love and freedom. But the question of peace cannot be separated from those of human dignity and human rights.²

2. The existence of various nations is a reality in the world. The international community still has a major role to play in defending human rights: it must develop different concepts of state, nation, and sovereignty as well as various institutional arrangements for civil societies. When human rights are honoured, especially those of minorities and the marginalized, violent conflict is

¹ See JOHN XXIII, Encyclical *Pacem in terris* (=PT), 11 April 1963, in AAS, 55 (1963), pp. 257-304; English translation in NATIONAL CATHOLIC WELFARE CONFERENCE, *Encyclicals of Pope John XXIII*, National Catholic Welfare Conference, Washington, DC, 1965, pp. 241-282.

² See JOHN PAUL II, World Day of Peace Message 2003, 8 December 2002, in *Origins*, 32 (2002-2003), pp. 484-489.

rare. Any scheme that attempts to reorganize states and nations will need to pay particular attention to forms of participation and to human rights.³

3. The existence of various cultures in the Church is also a reality today, and the Church is more and more aware of this richness. In the past, religion has often been used to add fuel to the fire of nationalism. Since both religion and nationalism relate to core values, it is understandable that they become intertwined. However, authentic religion should criticize the absolutization of any value save God, and any ideology that inculcates hatred and division.

4. Through the four chapters of this thesis it was demonstrated that the legislation of the Church on both the universal and the particular levels and the application of ecclesiastical laws must be done in the light of the new understanding of *nation* – which cannot be identified a priori and necessarily with the State - and of the basic human rights of peoples.⁴ This requires vigilance and accuracy in all East-Central European countries.

5. The pastoral care of ethnic minorities and right to self-determination of peoples does not mean primarily the creation of new particular churches based on nationality, since the principle of nationality is not a structuring principle in the Church, and is not in the same line as the principle of rite, the *aliave simili ratione*

³ See J.M. THOMPSON, *Justice & Peace, A Christian Primer*, Maryknoll, NY, Orbis Books, 1997, pp. 140-141.

⁴ For details, see V. BUONOMO and A. D'AMICO (eds), *People and Rights: The Findings of a Research, Popoli e diritti: L'idea di una ricerca*, Rome, Pontificia Università Lateranense, Mursia, 1998, pp. 69-79.

distinctae mentioned in c. 372.⁵ Pastoral care may be carried out within the existing ecclesiastical structures, namely dioceses, especially those which were created on the territories attached to successor States. Special emphasis should be placed on the appointment of bishops, which always should show concern for ethnic minorities. Apostolic Nuntios have a special role to play in this regard.

6. The legislation of the Church includes many possibilities regarding the basic human rights of ethnic minorities. There is need for an open mind and spirit to apply ecclesiastical laws correctly, especially from the part of diocesan bishops.⁶ It would be helpful to create a new ethic for international relations which are rooted not in the raw power of States but in the existence within their borders of peoples and nations. The erection of structures within particular Churches in the East-Central European countries could serve as an example of this ethic. These include appointing an episcopal vicar for national minorities,⁷ establishing national parishes,⁸ chaplancies,⁹ issuing proper guidelines for establishing diocesan and parish pastoral councils which include the minority.¹⁰

⁵ See c. 372.

⁶ See c. 383 §§1-2.

⁷ See c. 476.

⁸ See c. 518.

⁹ See c. 564.

¹⁰ See cc. 511-512 and c. 536.

7. The internal organization and structure of particular Churches have a primary role in protecting the basic human rights of peoples and nations. The statutes of seminaries and the guidelines for the formation of priests and religious must be revised in order to form priests who are able “to foster the peace and harmony based on justice.”¹¹

8. Religious communities must be advocates for conversion, forgiveness, and reconciliation; they should be forces for justice, solidarity, non-violence and peace. Religious communities should produce leaders who serve their communities and work for the common good. Religion can and must become a constructive force for justice and equality, reconciliation and peace in situations of ethnic conflict.

9. Christian Churches have a special role to play in preserving the cultural identity of minority groups: to emphasize the fact that every nation is part of the community of peoples and owes its cultural riches to intercultural exchanges. The Church has a special role in bringing peace in East-Central Europe. Civil legislation and governments cannot resolve this situation alone. But the Church can offer a model for the peaceful living-together of the various peoples and language groups, if it can put more emphasis on the *Gottebenbildlichkeit* of every person.¹²

¹¹ C. 287 §1.

¹² According to R. Schreiter, there are three stages in the development of a multicultural society: the recognition of diversity, the respect for difference, the forum of cooperation and

10. There are temptations to create uniformity under the title of the catholicity and universality of the Church, especially in East-Central Europe, where the model of political systems of treating minorities facilitates this understanding.¹³ However, the Church is universal but not uniform. In order not to be influenced by civil models, it has to return always to its sources and to its foundation.

11. Pope John Paul II, in his World Day of Peace Message in 2002, wrote that there is no reconciliation without justice, and no justice without forgiveness. He emphasized the importance of the purification of mind. The pillars of true peace are justice and that form of love which is forgiveness. There is an obligation on the part of all members of the Church, especially those who have legislative power, to build the right order – *tranquillitas ordinis* – the tranquility of order, the culture of peace. This peace requires justice; the fullness of justice is forgiveness, which brings about the deepest healings of the heart.¹⁴

12. The future of Europe and the ecumenical movement among the churches in Europe shows a growing cooperation in counteracting “any form of

communication. For details, see R. SCHREITER, *The New Catholicity: Theology Between the Global and the Local*, Maryknoll, NY, Orbis Books, 1997, pp. 93-97.

¹³ D. Müller calls for the renewal of nation and its specific components instead of emphasizing post-national (European) identity. See D. MÜLLER, “A Homeland for Transients. Towards an Ethic of Migrations”, in *Concilium*, 1993/4, pp. 139-140.

¹⁴ A justice which includes equal treatment of all nationalities without discrimination, especially on the part of the majority. However, this can be achieved only if the injustices of the past are forgiven, and minds and hearts purified. See JOHN PAUL II, World Day of Peace Message, *No Peace Without Justice, No Justice Without Forgiveness*, 8 December 2001, nn. 2-3, in AAS, 94 (2002), pp. 132-134.

nationalism which leads to the oppression of other peoples and national minorities” and the need for reconciling peoples and cultures in Europe.¹⁵

13. The role of the Church is no longer a political one, to be the *magister* of a political system, or to dictate the flow of history; however, Christians have the obligation and the right to defend human rights.¹⁶ The role of the Church is to show the way to peace through justice and forgiveness. Christians have the duty to build a society of nations, a society that would safeguard human dignity, solidarity, cooperation and culture.¹⁷ As K. McKenna remarks:

The Church will be judged concerning human rights by its own practice. Its prophetic defense of human rights and of the dignity of the human person can be credible only if the Church itself is perceived by others to be just. Its service to human rights thus pledges the Church to a constant examination of conscience and to a continuous purification and renewal of its own life, laws, institutions, and conduct.¹⁸

¹⁵ See CONFERENCE OF EUROPEAN CHURCHES AND THE COUNCIL OF EUROPEAN BISHOP'S CONFERENCES, "Ecumenical Charter of European Christians: Guidelines for the Growing Cooperation Among the Churches in Europe", 22 April 2001, n. 8, in <http://www.ccc-kek.org/English/ChartafinE.htm>, 25 April 2003.

This charter was signed also by representations of the Christian Churches in Hungary in October 1, 2002, but in other countries in East-Central Europe, where the problem of Hungarian minorities exists, this gesture is still waiting for action.

¹⁶ See K. HILPERT, "Az emberi jogok védelme és a politika: a keresztények szerepéről" [Protection of Human Rights and Politics: The Role of Christians], in *Méreg*, 38 (2002), pp. 307-314.

¹⁷ As Bishop D. Murray remarks: "It is easy to see signs of the 'serious loss' which follows on a failure to be aware of the roots which faith has in our culture. The alternative is an empty, shallow, secularist culture which has no roots in Ireland and which is ultimately incapable of addressing the deep human questions of life and death. The reclaiming of that tradition and of the riches it contains is an important task for the health of religious faith." Bishop D. MURRAY, "The Culture of the Nation in Christian Perspective: Faith Views Contemporary Nationalisms", in *Cultures and Faith*, 4 (1996), pp. 33-36.

¹⁸ K. MCKENNA, *The Ministry of Law in the Church Today*, p. 33.

14. In order to protect the rights of ethnic minorities, the first challenge to the Church is to propose a positive Christian vision, to commit itself to a culture of reconciliation, and to give a critical welcome to the aspiration of cultural and national identity. The particular Churches need to accept the existence of many nations and to familiarize themselves with the ethnic composition of their own community; to provide opportunity and facilities to minorities; to support and encourage minorities, to share from their own resources, supporting also non-church groups and organizations working for ethnic groups, and to represent minority groups in their dealings with the Governments of their respective States.

15. The signs of the times are also visible in East-Central Europe: the renewed understanding of the mission of the Church in a secularized world, the service of unity among Churches, the service of peace between North and South, East and West. But the first and most important step is to create this peace inside the Church, by respecting the basic dignity of all human persons. As long as there is no unity among cultures, there will be no action to face the new challenges.¹⁹

16. The role of the Church in East-Central Europe, besides promoting the good of souls, is to encourage and to give minorities a positive identity, which results in tolerance and acceptance of the "other". As M. Volf summarizes:

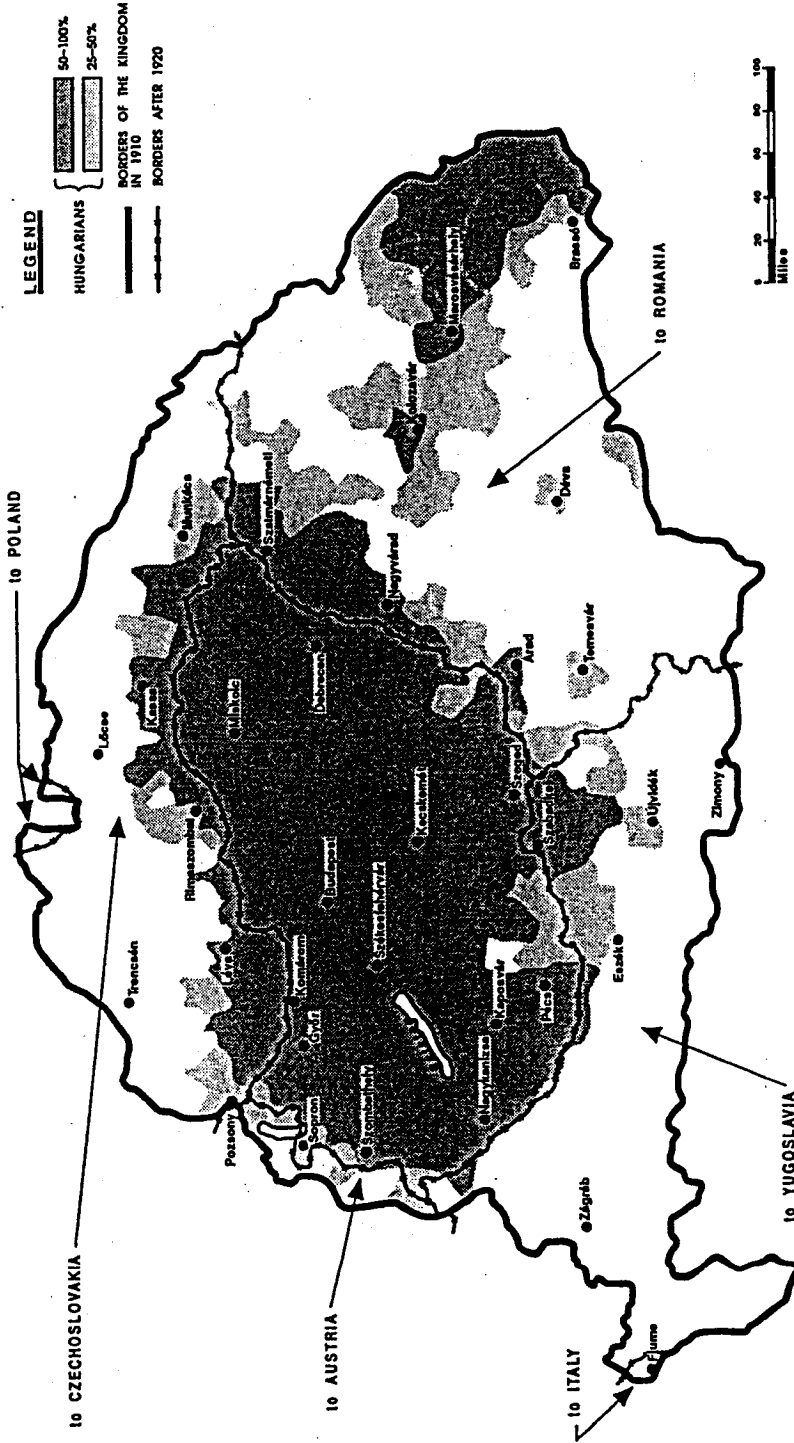
¹⁹ See John Paul II, Post Synodal Apostolic Exhortation *Ecclesia in Europa*, 28 June 2003, in *Origins*, 33 (2002-2003), pp. 152-154, 162-174.

We need the grand vision of life filled with the Spirit of God. We need reminders that the impossible is possible: we can and we will communicate with one another while we each speak our own languages; submerged voices will prophesy boldly and closed eyes will be opened to see visions; the needs of all will be met because none of us will call our things only our own. But along with the grand visions we need stories of small successful steps of learning to live together even when do not quite understand each other's language, even when we suppress each other's voices, and even when we still cling too much to our own possessions and rob the possessions of others. The grand vision and the small steps will together keep us on a journey toward genuine justice between cultures. As we make space in ourselves for the perspective of the other on this journey, in a sense we have already arrived at the place where the Spirit was poured out on all flesh. And as we desire to embrace the other while we remain true to ourselves and to the crucified Messiah, in a sense we already are where we will be when the home of God is established among mortals.²⁰

²⁰ M. VOLF, *Exclusion and Embrace: A Theological Exploration of Identity, Otherness, and Reconciliation*, Nashville, TN, Abingdon Press, 1996, pp. 230-231.

APPENDIX I

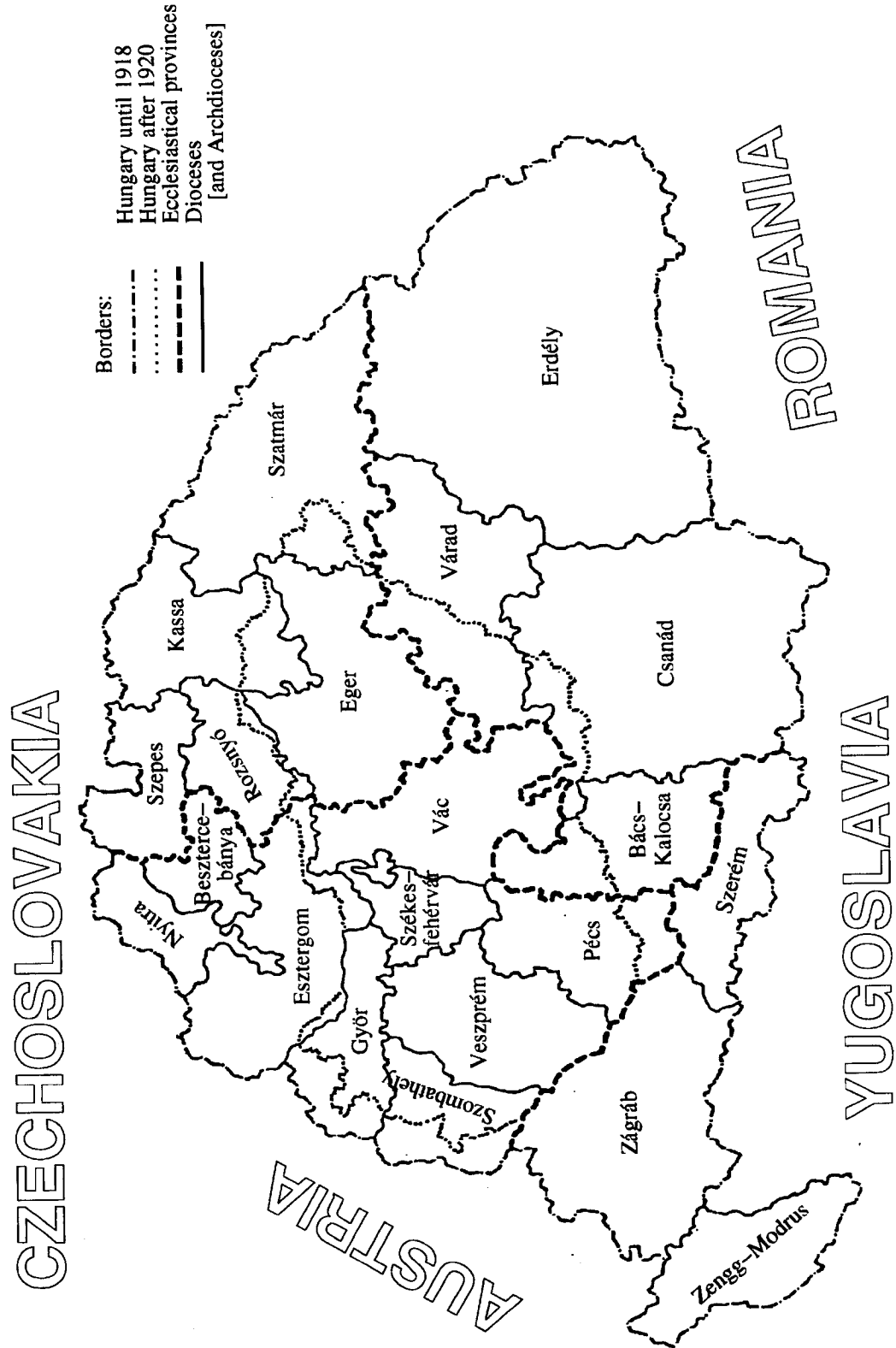
ETHNIC HUNGARIAN POPULATION OF THE KINGDOM OF HUNGARY IN 1910
AND OF PARTITIONED HUNGARY AFTER 1920¹



1 In B.K. KIRALY – L. VESZPRÉMI, (eds), *Trianon and East Central Europe: Antecedents and Repercussions*, New York, NY, Columbia University Press, 1995, p. 281.

APPENDIX II

PARTICULAR CHURCHES IN HUNGARY AFFECTED BY THE TREATY OF TRIANON



APPENDIX III

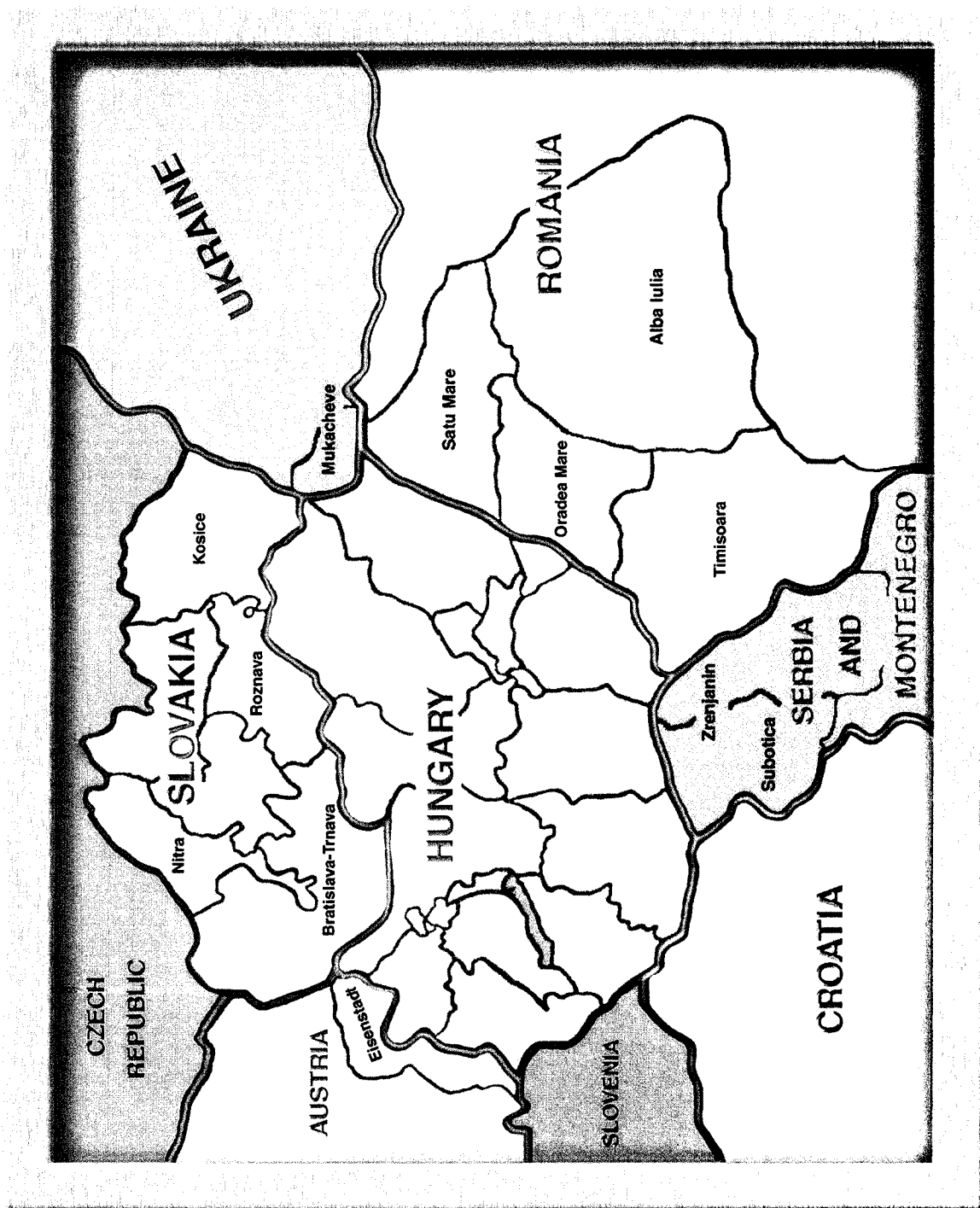
The Various Names of the Dioceses and Eparchies in Hungary, in
Successor States and in Ecclesiastical Documents

Hungary	Successor State	AAS and <i>Annuario Pontificio</i>
Bácska	Backa (Jugoslavenska)	Baciensis
Bánát	Banat (Jugoslavenska)	Banatus (Iugoslavi)
Besztercebánya	Banská Bystrica	Neosolio, Neosoliensis, Banská Bystrica
Burgenland	Burgenland	Burgenland
Csanád	-	Csanadiensis
Diakovár	Djakovo	Sirmio
Eger	-	Agria
Eperjes	Prešov	Presovens, Prešov
Erdély	Transilvania	Transylvaniensis
Esztergom	-	Strigoniensis, Strigonia
Győr	-	Giavarino
Gyulafehérvár	Alba Iulia	Albae Iuliensis, Alba Iulia
Kalocsa	-	Kolocza
Kassa	Košice	Cassovia, Cassoviensis, Košice
Kismarton	Eisenstadt	Sideropolitanus, Eisenstadt
Kőrös	Krizevci	Crisio
Lugos	Lugoj	Lugosiensis, Lugoj
Máramaros	Maramures	Maramuresensis
Miskolc	-	Miskolcensis
Munkács	Mukacheve	Munkacsiensis, Mukacevensis, Mukacheve
Nagyszombat	Trnava	Tyrnaviensis, Trnava
Nagyvárad	Oradea	Magno-Varadinensis Latinorum, Gran Varadino dei Latini, Oradea Mare
Nyitra	Nitra	Nitriensis, Nitra
Pécs	-	Cinque Chiese
Pozsony	Bratislava	Bratislaviensis, Bratislava
Rózsnyó	Rožnava	Roznaviensis, Rožnava
Szabadka	Subotica	Suboticanus, Subotica
Szamosújvár	Gherla	Claudiopolitanus-Armenopolitanus; Szamo-Uiavariensis Romenorum, Cluj-Gherla,
Szatmár	Satu Mare	Satmariensis, Satu Mare
Szepes	Spis	Scepusio, Spis
Szerém	Srijém	Sirmio
Székesfehérvár	-	Alba Reale
Szombathely	-	Sabaria
Temesvár	Timișoara	Timisoarensis, Timișoara
Vác	-	Vacia
Veszprém	-	Veszprimia
Zágráb	Zagreb	Zagrabia, Zagrebiensis, Zagreb
Zeng	Croatian: Senj; Italian: Segna	Seniensis, Senj (-Modruš)

APPENDIX IV

Archdioceses and Dioceses in East-Central Europe

With Hungarian Minorities



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