

## Oriental Catholics in Germany: Between Identity and Integration

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*Deutsche Zusammenfassung:* Orientalische Katholiken zeichnen sich durch eigene Riten und durch ein eigenes Kirchenrecht aus. Dieses Recht schützt einerseits die Bewahrung ihrer Identität, ermöglicht andererseits aber auch den Austausch mit den in Deutschland ansässigen westlichen Katholiken. Es regelt zum Beispiel die Zugehörigkeit zu einer ostkatholischen Kirche und deren Wechsel sowie die Spendung von Sakramenten zwischen den verschiedenen katholischen Kirchen. So ist bei einer Heirat zwischen einem westlichen und einem östlichen Katholiken der besondere heilige Ritus einzuhalten. Die Begegnung zwischen Ost und West bringt für beide Seiten Veränderungen mit sich, aber Migranten haben auch das Bedürfnis, unveränderliche Elemente zu bewahren.

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### 1. Migration of Eastern Catholics to Germany

Oriental Catholics are a barely noticed, but increasing group of migrants. Their current number in Germany is estimated at 200.000. Of the 23 Eastern Catholic churches, 14 are present in Germany.<sup>1</sup> They are characterised by their own rites and canon law. The presence outside their territories creates challenges for the preservation of their identity as well as their integration. Changes at different levels are involved: the change of the place of residence as a result of migration is obvious. Another issue concerns the change in religious practice by the immigrant Eastern Catholics. Finally, there is the question of how the resident Latin Catholics experience the change as a result of the encounter.

My contribution examines the question: How does canon law protect the Eastern rites as a stable element even in the context of migration, and how does it facilitate adaptations and changes? In the first part, I will clarify what Eastern Catholic churches and rites are; in the second, I will classify the legal provisions in the conflicting priorities between identity and integration.

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<sup>1</sup> Secretariat of the German Bishops' Conference, Handreichung: Kirchenrechtliche Fragen in der pastoralen Praxis mit Gläubigen der katholischen Ostkirchen (24.08.2020), in: AH 316, 7f. Membership figures for the various Eastern Catholic churches worldwide and in Germany can be found at Oeldemann, Johannes, Die Kirchen des christlichen Ostens: Orthodoxe, orientalische und mit Rom unierte Kirchen, Regensburg 2016, 69-144. However, they do not yet take into account the recent wave of migration.

## 2. Eastern Catholic Churches and Rites

### 2.1. What are the Eastern Catholic Churches?

The Catholic Church in total consists of several autonomous churches, in Latin: *ecclesiae sui iuris*. The Western Latin Church is only one of them and is joined by twenty-four Eastern Catholic Churches possessing equal rights.<sup>2</sup> The Second Vatican Council commented on these churches in Art. 23 of Lumen gentium. It says:

"By divine Providence it has come about | that various churches, established in various places by the apostles and their successors, have in the course of time coalesced into several groups, organically united, which, | preserving the unity of faith and the unique divine constitution of the universal Church, enjoy their own discipline, their own liturgical usage, and their own theological and spiritual heritage. Some of these churches, notably the ancient patriarchal churches, as parent-stocks of the Faith, so to speak, have begotten others as daughter churches, with which they are connected down to our own time by a close bond of charity in their sacramental life and in their mutual respect for their rights and duties."

The 'Eastern Catholic Churches' are in full communion with the Catholic Church, recognise the papal primacy to its full extent and share the same Doctrine of Faith as the entire Catholic Church, but they preserve and maintain their own liturgical traditions, spirituality and church discipline.<sup>3</sup>

### 2.2. Term: 'churches *sui iuris*'

What does the term 'churches *sui iuris*', that is "churches of their own right" mean? It refers to the power of these churches to govern themselves through their own particular law. The Catholic Church regulates its own affairs through internal legal norms, known as canon law. While many laws apply to the entire Catholic Church, the churches *sui iuris* possess broad autonomy to arrange their internal order themselves. The central legal texts are the Code of Canon Law of 1983 and the Code of the Canons of the Eastern Churches (CCEO) of 1990. The former code only refers to the Western Latin Church while the latter code forms the legal framework of the Eastern Catholic Churches.

The Second Vatican Council solemnly declared (Art. 5 *Orientalium Ecclesiarum*):

"[...] the Churches of the East, as much as those of the West, have a full right and are in duty bound to rule themselves, each in accordance with its own established disciplines, since all these are praiseworthy by reason of their venerable antiquity, more harmonious with the character of their faithful and more suited to the promotion of the good of souls."

The term church *sui iuris* is not meant to stress independence so much as to emphasise the fact that these churches are endowed with their own identities. It must not be confused with the term "rite".

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<sup>2</sup> Cf. Aymans, Winfried, Gliederungs- und Organisationsprinzipien, in: HdbKathKR<sup>3</sup>, 430-441, 439.

<sup>3</sup> Cf. Mykhaleiko, Andriy, Mykhaleiko, Andriy, Die katholischen Ostkirchen (=Bensheimer Hefte 113), Göttingen 2012, 11-12f.

## 2.3. Term: 'rite'

For a long time, the designation 'rite' was used with reference to churches. This is imprecise, however, because not all churches *sui iuris* differ from each other in their rite. Rather, several churches belong to the same group of rites.<sup>4</sup> The term 'rite' means something else. It is defined in the Code of Canons of the Oriental Churches (c. 28 § 1): "A rite is the liturgical, theological, spiritual and disciplinary patrimony, culture and circumstances of history of a distinct people, by which its own manner of living the faith is manifested in each Church *sui iuris*."

## 2.4. Particularities concerning migrants from Eastern Catholic Churches

In earlier decades, many Latin Catholic migrants came to Germany. However, the migration of Eastern Catholics entails particularities because they bring their own rites and canon law with them.

This creates a challenge in pastoral care: "Many refugees from the Middle East are members of local Catholic churches which are united with Rome. The classical native-language missions which were established decades ago for Catholic labour migrants are however unable to meet the need for pastoral support for Christian refugees from the Middle East by themselves."<sup>5</sup>

The Catholic immigrants who came to Germany in previous decades belonged to the Latin Church. The goal was to integrate them gradually into the Latin parishes. With the members of the Eastern Catholic Churches, however, this is completely different.<sup>6</sup> They have the right and the duty to preserve and cultivate their own rites (cc. 17 and 40 § 3 CCEO).<sup>7</sup>

## 3. Legal provisions between identity and integration

The Code of the Eastern Churches contains numerous provisions concerning life outside one's own territory. Some are intended to preserve one's own identity, while others enable contact with the Latin Church. John Berry's acculturation model is useful for classifying these provisions.

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<sup>4</sup> In total, there are five groups of rite: the Alexandrian, the Antiochene (West Syrian), the Chaldean (East Syrian), the Armenian, and the Byzantine or Constantinopolitan traditions.

<sup>5</sup> German Bishops' Conference, Guidelines for the German Catholic Church's commitment to refugees (18.02.2016), in: Working Papers 282, No. III.2: Pastoral Care.

<sup>6</sup> Cf. Vasil, Cyril, Diaspora. Aus der Sicht der Kongregation für die Orientalischen Kirchen, in: Diaspora (= Kanon XXII), ed. Carl G. Fürst / Richard Potz, Hennef 2012, 143-165, 159. Mandiyil, Jacob, La situazione giuridica e pastorale dei fedeli delle Chiese cattoliche orientali in Germania, in: Ius Ecclesiae 25 (2013) 131-152, 151.

<sup>7</sup> Pontifical Council for the Pastoral Care of Migrants and Itinerant People, Instruction «Erga migrantes caritas Christi (The love of Christ towards migrants)» (03.05.2004), in: AAS 96 (2004) 762-822, Art. 38: There is a "need to safeguard universality and unity, which cannot, however, clash at the same time with the specific pastoral care that, if possible, entrusts migrants to presbyters of the same language, of their own Church *sui iuris*, or to presbyters who are close to them from a linguistic and cultural point of view".

### 3.1. Berry's Acculturation Model

Berry conceives acculturation as groups of individuals with different initial cultures entering into continuous contact with each other.<sup>8</sup> The starting point of his model begins with two major issues. The first issue is cultural maintenance: To what extent is identity considered to be important, and its maintenance strived for? The second issue is contact and participation: To what extent should they become involved in other cultural groups, or remain primarily among themselves?<sup>9</sup> When these two underlying issues are considered simultaneously, a conceptual framework is generated which posits four acculturation strategies.<sup>10</sup>

		Maintenance of Identity?	
		yes	no
Contact/ Participation?	yes	Integration	Assimilation
	no	Segregation / Separation	Marginalisation

Berry speaks of integration when both the original culture is maintained and intensive interaction with other groups is cultivated. Assimilation occurs when one's cultural identity is abandoned and intensive interaction with other cultures takes place. Segregation or separation means holding on to one's original culture of origin while avoiding interaction with others. Finally, marginalisation is characterised by both little interest in cultural maintenance and little interest in having relations with others.<sup>11</sup>

### 3.2. Integration

Integration means the link between the preservation of identity and participation in the prevailing culture. The preservation of the spiritual heritage was unequivocally emphasised by the Second Vatican Council.<sup>12</sup> The later papal magisterium emphasised the "full

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<sup>8</sup> Berry, John W., Immigration, Acculturation, and Adaptation, in: Cross-Cultural Psychology, Volume 4, ed. Peter B. Smith / Deborah L. Best, New York 2009, 251-275, 252.

<sup>9</sup> Ibid. 254.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid. 254f.

<sup>12</sup> Art. 5 OE: „For this reason it [the Council] solemnly declares that the Churches of the East, as much as those of the West, have a full right and are in duty bound to rule themselves, each in accordance with its own established disciplines, since all these are praiseworthy by reason of their venerable antiquity, more harmonious with the character of their faithful and more suited to the promotion of the good of souls.”

rediscovery of identity<sup>13</sup> and the preservation of identity in the diaspora as well.<sup>14</sup> In canon law, this was reflected in the obligation to observe one's own rite everywhere.<sup>15</sup>

At the same time, however, the importance of interaction is emphasised, which is the second component of integration. Thus, the Council appreciated "the fruitful zealous collaboration of the Eastern and Western Catholic Churches"<sup>16</sup> and Pope John Paul II. encouraged collaboration instead of isolation<sup>17</sup> as well as mutual complementation through interaction between the particular Churches of East and West.<sup>18</sup> A Roman instruction on migration refutes both a cultural ghetto – in Berry's words: separation – and assimilation, while explicitly striving for authentic integration.<sup>19</sup> Lay persons have the right to participate actively in the liturgical celebrations of any Church *sui iuris* whatsoever.<sup>20</sup> In many cases, the administration of sacraments across rite boundaries is possible.<sup>21</sup>

The tension between identity and interaction that characterises the concept of integration is particularly evident in the combination of seemingly contradictory legal provisions:

- the obligation to observe one's rite (c. 40 § 3 CCEO) versus the right to participate in the liturgy of another church *sui iuris* (c. 403 § 1 CCEO);

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<sup>13</sup> John Paul II., Apostolic Letter «Orientale lumen» (02.05.1995), in: AAS 87 (1995) 745-774, Art. 21: „It has been stressed several times that the full union of the Catholic Eastern Churches with the Church of Rome which has already been achieved must not imply a diminished awareness of their own authenticity and originality. Wherever this occurred, the Second Vatican Council has urged them to rediscover their full identity.”

<sup>14</sup> Benedict XVI., Post-Synodal Apostolic Exhortation «Ecclesia in medio oriente» (14.09.2012), in: AAS 104 (2012) 751-796, Art. 32: „I ask them [Pastors of the Eastern Catholic Churches] to continue to show affection for their priests and faithful in the diaspora, and I encourage them to stay in close contact with their families and Churches and above all to remain steadfast in their faith in God through their religious identity, built as it is upon venerable spiritual traditions.”

<sup>15</sup> C. 40 § 3 CCEO: „Other Christian faithful are also to foster an understanding and appreciation of their own rite, and are held to observe it everywhere unless something is excused by the law.”

<sup>16</sup> Art. 30 OE: „I invite the Eastern Catholic Bishops and clergy to collaborate closely with the Latin Ordinaries for an effective apostolate which is not fragmented, especially when their jurisdiction covers immense territories where the absence of cooperation means, in effect, isolation.”

<sup>17</sup> John Paul II., Apostolic Letter «Orientale lumen» (Anm. 13), Art. 26: „I invite the Eastern Catholic Bishops and clergy to collaborate closely with the Latin Ordinaries for an effective apostolate which is not fragmented, especially when their jurisdiction covers immense territories where the absence of cooperation means, in effect, isolation.”

<sup>18</sup> John Paul II., Post-Synodal Apostolic Exhortation «Ecclesia in america» (22.01.1999), in: AAS 91 (1999) 737-850, Art. 17: “The universal Church needs a synergy between the particular Churches of East and West so that she may breathe with her two lungs, in the hope of one day doing so in perfect communion between the Catholic Church and the separated Eastern Churches. Therefore, we cannot but rejoice that the Eastern Churches have in recent times taken root in America alongside the Latin Churches present there from the beginning, thus making the catholicity of the Lord's Church appear more clearly.”

<sup>19</sup> Pontifical Council for the pastoral care of migrants and itinerant people, Instruction «Erga migrantes caritas Christi (The love of Christ towards migrants)» (Anm. 7), No. 78: “The principal tasks of the pastoral worker among immigrants are, above all, thus: [...] guidance along the way to authentic integration, avoiding a cultural ghetto and at the same time opposing the pure and simple assimilation of migrants into the local culture.” This principle is applied by Salachas to the various Catholic rites as well, cf. Salachas, Dimitrios, Les orientaux en diaspora: protection de l'identité religieuse et intégration ecclésiale. Questions théologiques et canoniques, in: AnCan 53 (2011) 45-99, 51.

<sup>20</sup> C. 403 § 1 CCEO: „With due regard for the right and obligation to observe everywhere their own rite, lay persons have the right to participate actively in the liturgical celebrations of any Church *sui iuris* whatsoever, according to the prescripts of the liturgical books.”

<sup>21</sup> Szabó mentions an example of the adoption of an oriental element into the Roman rite (formula for the consecration of Confirmation), cf. Szabó, Péter, Episcopal Conferences, Particular Councils, and the Renewal of Inter-Diocesan "Deliberative Synodality", in: StCan 53 (2019) 265-297, 269.

- continuation of membership in the original church *sui iuris* despite entrustment to a foreign pastor (c. 38 CCEO<sup>22</sup>) or despite permanent reception of the sacraments in another church *sui iuris* (c. 112 § 2 CIC<sup>23</sup>);
- changes of the rite only in an organic process respecting the mutual goodwill and unity of Christians (c. 40 § 1 CCEO<sup>24</sup>).

### 3.3. Assimilation

The second strategy is assimilation. One could speak of assimilation, if the Oriental rites were only temporarily tolerated in order to eventually assimilate them into the Latin rite. This corresponded to the principle of the superiority of the Latin rite (“*praestantia ritus latini*”), which prevailed in earlier centuries<sup>25</sup> but has long been superseded. Indeed, it was abandoned as early as the 19th century<sup>26</sup> and has been definitively obsolete since the Second Vatican Council.<sup>27</sup> John Paul II. unequivocally rejected it.<sup>28</sup>

The aftermath of an assimilation attempt is still visible in the issue of celibacy. While in the Latin Church priests are bound to celibacy, in most Eastern Catholic Churches there exist married priests. In 1929 and 1930, decrees were issued prohibiting married Eastern priests from being used in pastoral ministry outside the Eastern territories. The Roman Congregation, which is responsible for the Oriental Churches, stated in 2014 that this regulation still applies, but provided for wide-ranging exceptions.<sup>29</sup>

### 3.4. Segregation / Separation

The third strategy is segregation or separation. In Berry's model, this means preserving identity while avoiding contact. Such a tendency can be found in certain efforts to establish separate hierarchies for all *sui iuris* churches worldwide in order to be independent from entrustment to the hierarchy of another *sui iuris* church, especially the Latin one. Parallel jurisdictions might pose the danger of segregation.<sup>30</sup> Both approaches can be found in the documents of the Second Vatican Council, on the one hand, the worldwide establishment

<sup>22</sup> „Christian faithful of Eastern Churches even if committed to the care of a hierarch or pastor of another Church *sui iuris*, nevertheless remain enrolled in their own Church.”

<sup>23</sup> „The practice, however prolonged, of receiving the sacraments according to the rite of another Church *sui iuris* does not entail enrollment in that Church.”

<sup>24</sup> „Hierarchs who preside over Churches *sui iuris* and all other hierarchs are to see most carefully to the faithful protection and accurate observance of their own rite, and not admit changes in it except by reason of its organic progress, keeping in mind, however, mutual goodwill and the unity of Christians.”

<sup>25</sup> Regarding its historical development cf. *Loda, Natale*, Uguale dignità teologica e giuridica delle chiese *sui iuris*, in: Nuove Terre e nuove Chiese. Le comunità di fedeli orientali in diaspora, ed. Luis Okulik, Venezia 2008, 37-79, 40-44.

<sup>26</sup> Leo XIII., Apostolic Exhortation «Orientalium dignitas» (30.11.1894), in: ASS XXVII (1894-95) 257-264.

<sup>27</sup> Art. 3 OE: „They are consequently of equal dignity, so that none of them is superior to the others as regards rite and they enjoy the same rights and are under the same obligations, also in respect of preaching the Gospel to the whole world under the guidance of the Roman Pontiff.”

<sup>28</sup> John Paul II., Apostolic Letter «Orientale lumen» (Anm. 13), Art. 20: „Of course, in today's outlook it appears that true union is possible only in total respect for the other's dignity without claiming that the whole array of uses and customs in the Latin Church is more complete or better suited to showing the fullness of correct doctrine.”

<sup>29</sup> C Ecc/Or, Pontificia Praecepta de Clero Uxorato Orientali (14.06.2014), in: AAS 106 (2014) 496-499.

<sup>30</sup> Cf. Martín-Vivas, Francisco, La globalización en la Iglesia. Estructuras para la atención pastoral de los fieles orientales en ámbito latino, Rom 2011, 55.

of separate parishes and separate hierarchies<sup>31</sup> and, on the other hand, the entrustment to the diocesan bishop, which is seen as a regular case.<sup>32</sup> Depending on the situation and temporal development of the Oriental communities, one or the other model might prove to be more appropriate.<sup>33</sup>

### 3.5. Marginalisation

The fourth and last strategy is marginalisation. In Berry's model, this means that neither maintenance of identity nor interaction is sought. It does not appear as an official position in church documents, but may sometimes be found in lived reality among immigrant Eastern Catholics as well as in Latin communities. It is present when Oriental Catholics refer to themselves only as Christians or Catholics in general, while denying or ignoring their affiliation to a specific church *sui iuris*. On the side of Latin Catholics, it is present when there is a lack of both interest in contact and awareness of being together, but also of being different. An indication of marginalisation can be found when an Oriental pastor in Germany has the impression that the Oriental churches are almost invisible within the Catholic Church and are not taken seriously in ecumenism.

## 4. Concluding remarks

In conclusion, the legal status of Oriental Catholics outside their territories offers an excellent example to show the tension between the changeable and unchangeable elements within a religion. Canon law protects the Eastern rites as a stable element even in the context of migration and, at the same time, it enables adaptations and changes in some respect. In the diaspora, it can be observed that some Oriental churches gradually supplement or replace the original liturgical language with the respective national language<sup>34</sup> or shorten the duration of the liturgy in the parishes for pastoral reasons.<sup>35</sup>

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<sup>31</sup> Art. 4 OE: „Means should be taken therefore in every part of the world for the protection and advancement of all the individual Churches and, to this end, there should be established parishes and a special hierarchy where the spiritual good of the faithful demands it.”

<sup>32</sup> Art. 23 CD: „For this same purpose, where there are faithful of a different rite, the diocesan bishop should provide for their spiritual needs either through priests or parishes of that rite or through an episcopal vicar endowed with the necessary faculties. Wherever it is fitting, the last named should also have episcopal rank. Otherwise the Ordinary himself may perform the office of an Ordinary of different rites. If for certain reasons, these prescriptions are not applicable in the judgment of the Apostolic See, then a proper hierarchy for the different rites is to be established.”

<sup>33</sup> Cf. Martín-Vivas, Globalización (Anm. 30), 54f.

<sup>34</sup> Cf. Nin, Manel, Le liturgie orientali in occidente, in: Cristiani orientali e pastori latini, ed. Pablo Gefaell, Milano 2012, 379-402, 397.

<sup>35</sup> Cf. Martín-Vivas, Globalización (Anm. 30), 54.