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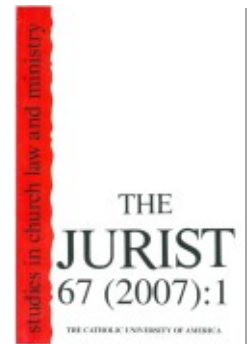
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BYZANTINES IN ITALY: A MICROCOSM OF AN EVOLVING ECCLESIOLOGY

JOHN D. FARIS*

Introduction

In the 1944 edition of the *Annuario Pontificio*, one finds the term *Italiani* under the title *Rito constantinopolitano o bizantino*.¹ For some, it may come as a surprise that Byzantine Christians live “right under the nose of the pope.” But for more than fifteen centuries, the Byzantine rite has been observed by communities in southern Italy and Sicily. Except for an interval of four centuries, Italy’s Byzantine faithful were subject directly to the bishop of Rome.

Recent statistics report the community comprises two eparchies, a monastery, and a few parishes in the Americas with a population of approximately 70,000 faithful.² Though such communities are small, canonical provisions involved in the pastoral care of these Italo-Byzantines (also referred to as Italo-Greeks, Italo-Albanians, or simply Greeks) merit examination.

Both the Latin (but initially not the Roman³) and the Antiochene (supplanted later, after the foundation of Constantinople, by the Byzantine⁴) rites flourished in this region. We shall see that during this period the Christian faithful and clergy could observe one rite and be subject to a bishop of another. With the Norman invasion in the eleventh century, the Byzantine bishops began to be replaced by Latins. The observance of the Byzantine rite in the region nearly disappeared by the fifteenth century, only to be revitalized by the arrival of Byzantine Albanians fleeing the Balkans.

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¹ It was the first edition of the *Annuario Pontificio* in which a section entitled *I riti nella Chiesa* was to appear. See *Annuario Pontificio per l'Anno 1944* (Vatican City: Tipografia Poliglotta Vaticana, 1944) 1026.

² There are three jurisdictions: the Eparchy of Lungro (near Cosenza) on continental Italy, the Eparchy of Piana degli Albanesi (near Palermo), and the territorial abbey of Santa Maria di Grottaferrata (near Rome).

³ Fragments of the Latin lectionary in use in the region reveal a liturgy originating in Gaul and the northern parts of Italy. See Adrian Fortescue, *The Uniate Eastern Churches* (New York: Benziger Brothers, 1923) 74–75.

⁴ Fortescue, 75.

The Albanian immigration began⁵ soon after the establishment of union (albeit unsubstantial) between the Catholic and Orthodox churches at the Council of Florence (1431–1439). The canonical arrangements made for them are of interest. From the perspective of Rome, these faithful were in full communion and had a right to live according to their own traditions under the care of their own hierarchy. These canonical arrangements demonstrate how a united church might function.⁶

When it became clear the union achieved between representatives of the churches of the East and the Church of Rome at Florence would not be accepted by the clergy or the faithful in the East, the Roman authorities approached the Italo-Byzantines differently—despite the fact that they were in communion with the Bishop of Rome. The faithful were encouraged to remain in their own church, observing their own rites; but they were deprived of bishops, thus subjecting them to the local Latin bishops. The lack of a bishop meant they no longer had an ecclesial character, but only a ritual character.

⁵ Various waves of immigration occurred through the eighteenth century.

⁶ The need for a new ecclesial model and canonical arrangements on the occasion of the reunion of the churches of East and West was already envisioned during Vatican II. The Vatican II decree on the Eastern Catholic churches, *Orientalium Ecclesiarum* (21 November 1965), in its closing article stated:

The holy council finds great joy in the earnest and fruitful collaboration of the Eastern and Western Churches, and at the same time makes the following declaration: All these legal arrangements are made in view of the present conditions, until such time as the Catholic Church and the separated Eastern Churches unite together in the fullness of communion. n. 30 During the process of preparing the common law for the Eastern Catholic churches, consideration was given to the possible inclusion of a proviso that new legislation would be required when a reunion of the churches was achieved. This approach was rejected in order for the Eastern code to have the same juridic certainty and permanence as the Latin Code. See *Nuntia* 28 (1989) 12. Nevertheless, in the apostolic constitution promulgating the *CCEO*, Pope John Paul II made reference to the possibility of a radical revision of the common law to accommodate the full communion of the churches of East and West:

Thus it happens that the canons of the *Code of Canons of the Eastern Churches* must have the same firmness as the laws of the *Code of Canon Law* of the Latin Church, that is, that they remain in force until abrogated or changed by the supreme authority of the church for just reasons. The most serious of those reasons is the full communion of all the Eastern churches with the Catholic Church, in addition to being most in accord with the desire of our Savior Jesus Christ himself.

John Paul II, apostolic constitution *Sacri Canones* 18 October 1990: *Code of Canons of the Eastern Churches. Latin-English Edition. New English Translation*. (Washington, DC: Canon Law Society of America, 2002) xxiii. Hereinafter this common law of the Eastern Catholic churches will be referred to as the Eastern code.

At the close of the Council of Trent (1545–1563), to be a Catholic typically meant that one observed the Latin rite; there were only a few small communities that were both *Eastern* and *Catholic*, i.e., the Italo-Byzantines, Chaldeans and Maronites.⁷ Given their proximity to Rome, the Italo-Byzantines were of special concern to the Holy See. In 1573, Pope Gregory XIII (1572–1585) established the cardinalatial congregation *de rebus Graecorum*, entrusting it with “the reform of the Greeks and the Albanians living in Italy according to the rite of the Greek Church and of the monks and monasteries of the Order of Saint Basil.”⁸ This congregation was the earliest institution of the Roman Curia concerned with the affairs of the Eastern churches and a predecessor of the present-day Congregation for the Eastern Churches.

The 1742 constitution of Pope Benedict XIV (1740–1758), *Etsi pastoralis*, served as a miniature code of canon law for the Italo-Byzantines. Unfortunately, the fundamental premise of the document, i.e., the Latin rite enjoys preeminence over all the other rites,⁹ served as a model for the canonical arrangements of other Eastern Catholic churches until the latter part of the 20th century.¹⁰

Under its current canonical configuration, Italo-Byzantine communities are categorized as “other churches *sui iuris*,” with each entity (two

⁷ In 1195 during the Crusades, the church of the Armenian Kingdom of Cilicia entered into union with the Roman Catholic Church, which lasted until 1375, when Cilicia was conquered by the Mamluks. During the Council of Florence, communion was reestablished in theory, but was not realized until 1740: Abraham-Pierre I Ardzivian, a Catholic, was elected as the patriarch of Sis. In 1742, Pope Benedict XIV formally established the Armenian Catholic Church. See Ivan Žužek, “Incidenza del CCEO nella storia moderna della Chiesa universale,” in *Understanding the Eastern Code* (Rome: Pontificio Istituto Orientale, 1997) 275.

⁸ See Vittorio Peri, *Orientalis Varietas* (Rome: Pontificio Istituto Orientale, 1994) 230–231 and Matthew Vattappalam, *The Congregation for the Eastern Churches. Origins and Competence*. (Vatican City: Libreria Editrice Vaticana, 1999) 27.

⁹ “. . . ritus enim Latinus propter suam praestantiam, eo quod sit ritus Sanctae Romanae Ecclesiae omnium Ecclesiarum Matris, et Magistrae, sic supra Græcum ritum praevalet, maxime in Italicis regionibus, ubi latinis Episcopis Graeci subiecti sunt . . .” Benedict XIV, apostolic constitution *Etsi pastoralis*, May 26, 1742: §2, 13. Gasparri, *CIC Fontes*, 1:739.

¹⁰ With an outdated terminology, Adrian Fortescue observed, “Since the Italo-Greeks are the nearest Uniates to Rome, it is natural that the Holy See should have given to them, if not most, at any rate the first attention. So it happens that many rules, made in the first case for them, have since been applied, sometimes with modifications to the other Uniates. It follows that much of the Italo-Greek Canon Law has become general Canon Law for the Uniate Churches.” Fortescue, 175.

eparchies and one monastery) immediately subject to the Apostolic See as determined in canons 174–176 of the Eastern code. We shall briefly examine the canonical arrangements operative in the governance of the Italo-Byzantine Catholic Church and discuss possible future directions.

Italo-Greek Period

Some authors date the Greek presence in Italy to the sixth century after Christ. While this might identify the beginnings of a Byzantine Greek presence, the *Hellenization* of the region took place much earlier. During the ninth century before Christ, Greeks colonized the coastal regions of Sicily and southern Italy, which became so much a center of Greek life that it came to be known as *Magna Graecia*.

Over the centuries, the Greeks of southern Italy and Sicily contended with many invaders. The first invaders were the Romans who, by the end of the first Punic war (264–241 BC), had conquered the entire peninsula as well as Sicily. The Romans dealt with the Greeks of the region in the manner they treated other conquered peoples: The land was part of the Roman Empire, but the people were permitted to retain their own language and culture. There was some colonization, but the Latin colonies were in the minority.

Christians in southern Italy and Sicily proudly claim apostolic foundations. On an Alexandrian ship, Paul the Apostle stopped at Syracuse for three days. He continued on to Rhegium (a port on the Strait of Messina) to Puteoli (on the Gulf of Naples), where he stayed for seven days with fellow believers. From there he traveled to Rome.¹¹ There is no scriptural account of Peter's Roman travels, but one would expect he would have taken a similar route.

The Greek character of the region was reinforced when the emperor Constantine moved the imperial capital to the Greek port of Byzantium in 330, calling the city New Rome. Soon after Constantine's death, the city became known as Constantinople. With the death of Theodosius the Great in 395, the Roman Empire was divided between East and West. Germanic tribes soon invaded the empire's porous Western frontier, eventually subjecting even eternal Rome. For the Greeks of southern Italy and Sicily, the ascent of Constantinople's influence balanced Rome's decline; they gravitated to the East, particularly as the empire's character and language became Greek.

¹¹ See Acts 28:11–14.

The Germanic tribes did not halt their incursions at Rome. In 489, the Ostrogoths, under the leadership of Theodoric, invaded the rest of the Italian peninsula;¹² and by 493 he enjoyed supremacy over the entire peninsula and Sicily.

Under the direction of the Eastern (Byzantine) emperor Justinian I (525–565), generals Belisarius and Narses defeated the Goths in 553 after eighteen years of war and returned imperial authority to the region. This invasion marks the beginning of the *Byzantinization* of the region, but two subsequent invasions resulted in an increase in the Latin influence in the region.

Just fifteen years after the Byzantine defeat of the Goths, Lombard king Alboin invaded Italy. Originally Arian Christians, the Lombards, thanks to the efforts of Pope St. Gregory I (590–604), embraced Catholicism, adhering to the Ambrosian rites of the Church of Milan.¹³ Influence over Italy and Sicily was divided between the Lombards (who ruled in the north from their capital in Pavia and the southwest from Beneventum) and the Byzantines in Ravenna, a few cities in the extreme southeast, and Sicily. The northern Lombard kingdom eventually succumbed to the Franks, but the Lombards remained in the south and they introduced, for the first time, a strong Latin influence.

During this same period, Byzantine emperor Leo the Isaurian (717–741) launched an attack on the veneration of sacred images, which put him into conflict with Pope Gregory II (715–731). The emperor attempted to enforce his position throughout Italy and Sicily, but was unsuccessful in the north because of a popular rebellion and the intervention of the Frankish king Charles Martel at the invitation of the pope. The failed initiative in northern Italy eventually resulted in the loss of the imperial city of Ravenna, the creation of the Papal States, and the creation of the western Holy Roman Empire.

Pope Gregory II convoked two synods in Rome (730 and 732) that anathematized and excommunicated the iconoclasts. The emperor, in retaliation, confiscated large properties of the Holy See in the south and, more importantly, began to transfer southern Italy, Sicily and Illyricum (the western part of the Balkan Peninsula) to the patriarchate of Con-

¹² Theodoric invaded the peninsula with the encouragement of Byzantine Emperor Zeno, who was having problems with Odoacer, the King of Italy, who had overthrown Romulus Augustulus, the last Western Roman emperor, in 476.

¹³ The Goths were Arian, whose ecclesiastical organization collapsed along with the collapse of the Gothic kingdom.

stantinople.¹⁴ Though there were small pockets where the Latin rite was observed, the Greek rite prevailed in the region. All this was done under the guise that Rome had been overtaken by barbaric Lombards and Franks and that governance of the region belonged to New Rome, Constantinople.

The Sicilian Byzantine city of Syracuse had suffered Saracen incursions as early as 652. From 827–963, the Saracens gradually occupied all of Sicily, forcing many Greeks to the mainland. The descendent of one Calabrian Greek émigré family, the Basilian monk Nilus of Rossano, established a monastery dedicated to the Virgin Mary near Rome in 1004—50 years prior to the Great Schism between Rome and Constantinople.

The Normans, who hailed from what is now northern France, settled in the region in 1030, first serving the Lombards as mercenaries then replacing them as feudal lords. The first Norman rulers, who were Roman Catholic, found four religious communities in the region: Greek and Roman Catholics, Jews, and Muslims. While they adopted a policy of absolute tolerance for everyone, the influence of the papacy was on the ascendancy.

Though the Normans adopted the culture of the Byzantine Greek and Muslim cultures of southern Italy, they Latinized the church, replacing Byzantine Greek bishops, whose loyalty to Rome was deemed suspect, with Latin Catholic bishops (while the presence of the Normans in southern Italy and Sicily hindered communication with Constantinople, Italy's Byzantine Greek Christians never broke communion with Rome, despite their sympathies with Constantinople, when Constantinople and Rome severed relations in 1054.¹⁵)

In Sicily, the process was accelerated because many dioceses were vacated after the Saracens. Though the Byzantine Greek population accepted this arrangement (the Normans were viewed as Christian libera-

¹⁴ M. V. Anastos, "The Transfer of Illyricum, Calabria and Sicily to the Jurisdiction of the Patriarchate of Constantinople in 732–733," *Studi Bizantini e Neoellenici* 9 (1957) 14–31.

¹⁵ "The Patriarch of Antioch, Peter III (1053), though he was in sympathy with Cerularius, certainly did not intend to go into schism with the Pope, nor did he ever do so. In much the same way, we may say that the Greeks of Lower Italy and Sicily, though their sympathies were with Constantinople, though many of them had views which would easily have led them into schism, though no doubt they would have been so led in time had the Normans not come, nevertheless were never actually schismatics. They did not, as a matter of fact, break communion with the Holy See." Fortescue, 92.

tors), the Byzantine Greek rite practically disappeared in the region by the fifteenth century.

Through the time of the Normans, the principle of having only one bishop in a city was observed.¹⁶ The bishops were both Greek and Latin, but could have faithful who observed both rites subject to them.

During the first eight centuries of the Christian era, all the bishops, both Latin and Greek, were subject to the bishop of Rome. There was no consideration for the community to be subject to the authority of the bishop of Constantinople. (It should be recalled that Constantinople was not founded until 330 A.D. and not officially accorded patriarchal status until the ninth century.¹⁷)

The bishop of Rome exercised not only primatial and patriarchal, but also metropolitan authority over the bishops of the region.¹⁸ Provincial structures were recognized by canon 4 of the first council of Nicea (325), but were not created in southern Italy or Sicily until the territory had been transferred by Emperor Leo to the Patriarchate of Constantinople. Such a lack of metropolitan structures meant all the bishops of this immense metropolitan province traveled to Rome for ordination and were summoned to provincial synods.¹⁹

After the region had been transferred to the Patriarchate of Constantinople, it was the imperial plan to create metropolitan sees throughout the region. Since Sicily was more Greek, the emperor began by creating Syracuse as the metropolitan see for the province of Sicily. Tauromenion was made an archbishopric, but without any suffragans. Both archbishops

¹⁶ The first Council of Nicea (325) in canon 8 declared that former Novationist clerics were to be incorporated into the hierarchy of the Church, even as bishops, provided that there would not be two bishops in the city.

¹⁷ In 381, canon 3 of the first Council of Constantinople accorded the bishop of Constantinople the privileges of honor after the bishop of Rome by virtue of the fact that it is the "new Rome." Canon 28 of the Council of Chalcedon (451) created a super-metropolitan (i.e., patriarchal) role for the Bishop of Constantinople over the provinces of Pontus, Asia, and Thrace for the reason that there is an emperor and senate in the new Rome. The canon was never accepted by Rome. See A. Wuyts, "Le 28^e canon de Chalcédoine et le fondement du primat romain," *Orientalia Christiana Periodica* 17 (1951) 265–282. Only in 869–870 during the fourth council of Constantinople did Rome acknowledge the second place of the bishop of Constantinople (c. 21). This council is not recognized by the Orthodox Church.

¹⁸ See P. Rodotà, *Dell'origine, progresso e stato presente del rito greco in Italia*. 3 vols. (Rome, 1758) 1:53.

¹⁹ See Fortescue, 77–79. The bishop of Rome did not ordain the bishops of Gaul or even northern Italy.

were to be consecrated in Constantinople. After the Saracen conquest of Sicily, the emperors focused on Calabria and Puglia. Under emperors Leo VI (886–911) and Nikephoros Phokas (963–969), two provinces were created in Calabria (Rhegium and Sancta Severina) and one (Hydruntum) in Puglia.

With the Norman invasions in the eleventh century, the region was returned to the bishop of Rome. Since metropolitan structures had been created, the region was governed as part of the patriarchal—but not metropolitan—territory of the bishop of Rome.

*Italo-Albanian Period*²⁰

Modern research has greatly contributed to a better understanding of the canonical arrangements of this period. A comparison of two characterizations of the period reveals a development in our understanding.

Authors agree that, despite certain tensions that fermented and occasionally erupted, Albanian refugees were received favorably in Italy and Sicily. Most of these refugees were Christian; some were Latin Catholics, who intermarried and eventually assimilated with the general Italian population while others were Byzantine Christians.²¹

Fortescue argues that some of the Byzantine Albanians had abjured Orthodoxy and made professions of faith in the Catholic faith prior to or upon their arrival in Italy.²² Despite their adherence to the Bishop of Rome, Fortescue describes the relationship between the Italo-Albanian Byzantines and the Latin Church in negative terms:

So the Albanians brought new life to the expiring rite in Italy. Yet from the beginning there were difficulties about their position. For one thing they had no bishop at all. They were, according to

²⁰ See Eleuterio F. Fortino, "Aspetti ecclesiologici della Chiesa italo-albanese—Tensioni e Comunione," *Oriente Cristiano* (January–June 1994) 3–25; Ignazio Ceffalia, "La Chiesa italo-albanese, Chiesa sui iuris?" In *Le Chiese Sui Iuris: Criteri di Individuazione e delimitazione*, ed. Luis Okulik. (Venice: Marcianum Press, 2005) 193–208; Vittorio Peri, "I metropolitani orientali di Agrigento, La loro giurisdizione in Italia nel XVI secolo," in *Bisanzio e l'Italia, Raccolta di studi in memoria di Agostino Pertusi*. (Milan: Vita e Pensiero, 1982) 274–321; Attilio Vaccaro, "Fonti Storiche e Percorsi della Storiografia sugli Albanesi d'Italia (secc. XV–XVII). Un Consuntivo e Prospettive di Ricerca," *Studi sull'Oriente Cristiano*. 8:1 (2004) 131–209.

²¹ For example, see Cyril Karalevsky, "Notizia distinta degl'Italo-Greci, e degl'Italo-Albanesi esposta da monsignor Giuseppe Schirò, già Arcivescovo di Durazzo, . . . l'anno 1742," in *Documenti inediti per servire allo storia della chiese Italo-greche. Bessarione*, ed. Nicolò Marini, Series III 7. (Rome: E. Loescher and Co., 1910) 393.

²² Fortescue, 115.

the normal Catholic rule, subject to the diocesan ordinaries of the places where they settled. These ordinaries were all Latins. There was the greatest possible difficulty about the ordaining of their clergy. Occasionally a wandering bishop of the Byzantine rite is sent down to Calabria to ordain. Sometimes the Albanians begin to dispute their ecclesiastical position, and to claim that they are exempt from the jurisdiction of the Latin ordinaries. Some bishops of the rite, who happened to be in the South of Italy or Sicily, would begin to use jurisdiction over them, to the great annoyance of the Latin ordinary.²³

Abandoning the tactic of proving the conversion of the Italo-Albanians, Eleuterio Fortino offers the interesting insight that the arrival of the Albanians in Italy took place in the "existing union" achieved at the Council of Florence.²⁴ For that reason, he gives attention to the positive relations between the Italo-Albanian Byzantines and the papacy prior to the Council of Trent (1545–63).

"... during the first [Italo-Greek] phase (with the interval opened by Leo III by the transfer of Calabria and Sicily to the jurisdiction of Constantinople and closed by the arrival of the Normans in the 11th century) and during the second [Italo-Albanian] phase [the Byzantine Church] lived in the jurisdiction of the Primate of Italy. The characteristic of this historic course of events of this portion of the people of God is that although expressing two different ecclesial traditions—a Byzantine in the milieu of a Latin majority—they lived together, even if with tensions, in communion. One has here a unique case of two ecclesial traditions in the sphere of direct jurisdiction of the pope, before and after the schism."²⁵

Recent research demonstrates that at one point, bishops were sent by Procorus, Archbishop of Ohrid (who also bore the title of Archbishop of Albania), to exercise jurisdiction over the Italo-Albanian Byzantine communities.²⁶ This arrangement was authorized by the pope and confirmed by the patriarch of Constantinople.²⁷

²³ Ibid., 120.

²⁴ Fortino, 5.

²⁵ Ibid., 4.

²⁶ The first bishop was James (+1543). The second was Pafnuzius (+1566), followed by Timothy and lastly, Acacius Casnesius, the last metropolitan, who was never able to exercise his office.

²⁷ Procorus, Archbishop of Ohrid, presented Pafnuzius as the Italo-Albanian metropolitan to Pope Paul III and asked the pope to order the Italo-Albanian communities to obey Pafnuzius. See Peri, "I metropolitani orientali di Agrigento," 310–311.

The canonical arrangement can be articulated then as follows: Albanians, i.e., Eastern Christian faithful, emigrated from their homeland in the late fifteenth century, where the archbishop of Ohrid (Albania) exercised jurisdiction, and settled in southern Italy. The archbishop requested the pope to authorize his candidate to exercise jurisdiction on behalf of these faithful and to order the Italo-Albanian Byzantines to obey the new metropolitan.

Pope Julius III accorded Procorus's colleague, Pafnuzius, the title of archbishop of Agrigento and affirmed that the archbishop was to exercise his office freely on behalf of the Italo-Albanian Byzantine faithful (e.g., celebrate the divine services and administer the sacraments, celebrate pontificals, according to the uses and customs of the Byzantine Church, and exercise judicial power) and that no one was to impede him.²⁸

The arrangement was reinforced by various papal pronouncements in favor of the Italo-Albanian Byzantines. Pope Leo X (1513–1521), with the apostolic letter *Accepimus nuper*²⁹ ordered that the bishops and faithful of the Byzantine Church living in Italy be able to observe their own liturgical and canonical traditions. The pope also authorized the celebration and administration of the sacraments by the Byzantine faithful even in the territory of a Latin bishop and prohibited the ordination of Latin clerics by Byzantine bishops or the ordination of Byzantine clerics by Latin bishops. In those places where there was only a Latin bishop, the bishop was obliged to designate the candidate elected by the Byzantines as the vicar general (who was to be supported by the Byzantine community). If the metropolitan was not Byzantine, he was to depute a Byzantine judge to adjudicate cases brought by the faithful of that community. In those places where there were both Byzantine and Latin bishops, each was to take care of his own faithful.

Latin priests were prohibited to celebrate on Byzantine altars and Byzantines were prohibited to celebrate on Latin altars. Clerics, monks, and sacred places of the Byzantine Church were accorded the same

²⁸ Peri, I metropolitani orientali di Agrigento, 318.

²⁹ Leo X, apostolic letter *Accepimus nuper*, May 18, 1521: Cited in full in the brief of Clement VII, *Provisionis nostrae*, March 26, 1526. The text is published in Leonis Allatii, *De aetate et interstitiis in collatione ordinum etiam apud Graecos servandis*. (Rome, 1639) 5–13. See also Sotirios L. Varnalidis, "Le implicazioni del Breve "Accepimus nuper" di Papa Leo X (18 maggio 1521) e del Breve "Romanus Pontifex" di Papa Pio IV (16 febbraio 1564) nella vita religiosa dei greci degli Albanesi dell'Italia Meridionale," *Nicolaus* 9 (1981) 359–382.

rights and privileges as their Latin counterparts. Further, the widows of Byzantine priests retained the same civil and economic rights and prerogatives they enjoyed during the lifetime of their husbands.

Pope Leo threatened to sanction Latin bishops or priests who interfered in the life of the Byzantines, e.g., rebaptizing, according to the Latin rite, those who had been baptized in the Byzantine rite, prohibiting priests from marrying, growing a beard, or using fermented bread in the Divine Liturgy.

Despite these papal norms, restated and confirmed by Clement VII (1523–1534)³⁰ and Paul III (1534–1549),³¹ the Latin bishops in southern Italy, unable to accommodate themselves to the conciliar ecclesiology of a “reunited church,” continued to treat the rites of the Byzantines as in error or as riddled with abuses.³²

Post-Tridentine Reversal

The union of East and West met with great resistance in the East and was dealt the death blow with the fall of Constantinople in 1453. Later, the application of the reforms of the Council of Trent (1545–1563) brought a drastic reversal in the attitude of the papacy toward the Byzantines in Italy³³ and in the fundamental ecclesiology of the Catholic

³⁰ Brief *Provisionis nostrae* March 26, 1526: Leonis Allatii, *De aetate, et interstitiis in collatione Ordinum etiam apud Graecos servandis* (Rome, 1639) 5–13.

³¹ Apostolic letter to the Nuncio of Venice *Dudum postquam*, December 23, 1534. See *Appendix ad Bullarium Pontificium Sacrae Congregationis de Propaganda Fide*. (Rome: Typis Collegii Urbani, 1842) 1:21–24 and Varnalidis, 368–369.

³² “La resistenza, che le norme papali continuarono ad incontrare in Italia, indica la persistenza tenace di una mentalità teologica e canonica totalmente estranea ai risultati raggiunti nel concilio di unione del 1438–1439. Sul problema della Chiesa Orientale, i vescovi Italiani restavano quasi istintivamente attaccati all’ecclesiologia, alle attitudini e ai pregiudizi, che si erano radicati in tutto l’Occidente nel lungo periodo della precedente divisione delle Chiese. . . . A dispetto della dottrina e delle norme disciplinari di questi Papi, i vescovi ed il clero italiano avevano persistito nel considerare come errori, abusi o scandali molte consuetudini tradizionali della Chiesa d’Oriente, che legittimamente si discostavano da quelle della Chiesa Romana, nella liturgia, nel diritto canonico, nelle istituzioni ecclesiastiche.” Vittorio Peri, “L’Unione della Chiesa Orientale con Roma,” in *Orientalis Varietas* (Rome: Pontificio Istituto Orientale, 1994) 140.

³³ For a more detailed study of this matter, see Vittorio Peri, “La Chiesa Latina e La Chiesa greca nell’Italia posttridentina (1564–1596),” in *Atti del Congresso di Bari* (1969) “La Chiesa greca in Italia dall’ VIII al XVI secolo” (Padua, 1973); idem, *Chiesa Romana e “Rito” Greco*, G. A. Santoro e la Congregazione dei Greci (1566–1596); idem, “L’unione della Chiesa orientale con Roma, Il moderno regime canonico occidentale nel suo sviluppo storico,” *Aevum* 58 (1984) 439–498.

Church. In the constitution *Romanus Pontifex*,³⁴ Pius IV (1559–1565)—responding to complaints from Latin hierarchs that the Byzantines refused to follow the Roman calendar, denied the existence of purgatory, and gave communion to infants—subjected all Byzantine churches, monasteries, and sacred places to local Latin ordinaries. The same was to hold true for the clergy, hierarchy and even the archbishop.

St. Pius V (1566–1572), in the constitution *Providentia Romani Pontificis*,³⁵ intending to prevent a creeping syncretism of the Latin and Byzantine rites, prohibited the Latins from celebrating the Byzantine rite and the Byzantines from celebrating the Latin rite. Unfortunately, the real consequence of this prohibition was a mutual isolation of the churches and a growing reciprocal antipathy. This approach eventually resulted in aberrations such as the reservation of the Eucharist in the form of unleavened bread and unleavened bread in the same tabernacle of a church used by both communities.³⁶

Increasing tensions between the Byzantines and the Latins in the region motivated Pope Gregory XIII (1572–1585) to establish in 1573 the *Congregatio pro reformatione Graecorum in Italia existentium et monachorum et monasteriorum Ordinis sancti Basilii*.³⁷ This cardinalatial commission was the predecessor of the present-day Congregation for the Eastern Churches, the Roman dicastery responsible for the oversight of affairs relating to all the Eastern Catholic churches.

The decisions of the *Congregatio Graecorum* (as it was commonly known) were published in 1595 by Clement VIII (1592–1605) in a directory³⁸ addressed to the Latin bishops of dioceses in which Italo-Byzantines lived; it synthesized the post-Tridentine reforms relevant to the Byzantines in southern Italy. The directory recognized the validity of the orders conferred by the bishops sent by the patriarch of Constantinople, but those ordained by them could not exercise their orders unless, after correcting their errors, they had been dispensed by the Holy See. Those ordained without a dimissorial letter from the Latin ordinary were

³⁴ February 16, 1564: *Bullarium Pontificium Sacrae Congregationis de Propaganda Fide*, (Rome, 1839) 1:8–10.

³⁵ August 20, 1566: in *ibid.*, 1:11–12.

³⁶ Fortino, 12.

³⁷ See Vittorio Peri, "La congregazione dei Greci e i suoi primi documenti," *Studia Gratiana* 13 (1967) 131. This cardinalatial congregation was also known as the *Congregatio pro reformatione Graecorum* or *Congregatio de rebus Graecorum*, or the *Congregatio Graecorum*.

³⁸ August 31, 1595, Instruction *Sanctissimus*: Gasparri, *CICFontes* 1:343–346, n. 179.

suspended. In 1579, a Greek Catholic bishop was appointed who would be competent to ordain Greeks subject to the Latins in southern Italy who have the proper dimissorial letters.³⁹

The application of the decrees of the Council of Trent indicated that the model of two churches, with their own liturgical, spiritual, theological, and disciplinary traditions, had been abandoned for an ecclesiology that viewed the Catholic Church as a body comprised of various communities that were able to maintain their own traditions but were denied a hierarchy. Thus, the Italo-Byzantine Catholic Church disappeared and was replaced by a distinct ritual expression, the Byzantine rite in the Catholic Church.

Etsi pastoralis

The pope-canonist Benedict XIV (1675–1758), with the apostolic constitution *Etsi pastoralis*,⁴⁰ codified all the prior dispositions of the Holy See regarding the Byzantines in southern Italy to reinforce the norms enacted by his predecessors. This constitution was of importance not only for the small Italo-Byzantine community, but for other Eastern Catholics as well: The principles articulated in *Etsi pastoralis* served as a model for canonical arrangements through the twentieth century.

It should be recalled that, at this time, the Italo-Greeks and Italo-Albanians were generally subject to Latin bishops.⁴¹ *Etsi pastoralis* instructed the ordinaries to appoint a vicar general for the Byzantines, who was to be supported by them; and metropolitans were to appoint a Byzantine judge to hear appeals cases from Italo-Byzantines, Greeks and Albanians (§9, 21).

The constitution operated on the fundamental principle that the Latin rite enjoyed a preeminence over all the Eastern rites “because it is the rite of the Holy Roman Church, mother and teacher of the church, and thus

³⁹ Ordaining prelates were later appointed for Calabria (1735) and Sicily (1787).

⁴⁰ May 26, 1742: Gasparri, *CICFontes* 1:328, 734–755.

⁴¹ Such were the dispositions of Pius IV and Pius V. In its introduction, *Etsi pastoralis* makes references to “. . . in Dioecesi Latinorum Episcoporum commorantes . . .” and “. . . latinis Praesulibus, in quorum Dioecesi degunt. . .” In treating the possible transfer of rites, §2, 13 indicates that “. . . in Italicis regionibus, ubi latinis Episcopis Graeci subiecti sunt. . .” Reference is also made to certain Greek islands where there were at that time both a Latin bishop and a Greek bishop, who were instructed not to interfere in the affairs of the other (§9, 20)

prevails over the Greek rite, especially in the regions of Italy, where the Greeks are subject to the Latin bishops."⁴²

This approach is reflected in the canonical stipulations regarding the rite of baptism: Children born of Byzantine rite parents were to be baptized according to the Byzantine rite unless their parents, with the permission of the local Latin ordinary, chose to do otherwise (§2, 8). A child born of a Latin father and Byzantine mother was to be baptized in and observe the Latin rite (§2, 9); while a child born of a Byzantine father and Latin mother was to be baptized in the Byzantine rite unless the father agreed to have the child baptized in the Latin rite for the sake of the mother (§2, 10).

One of the effects of baptism was that the children were established and must be educated in that rite ("in eo institui, et educari debent") and could not transfer out of it if they were baptized in the Latin rite because of the preeminence of that rite (§2, 13). Byzantines were permitted to transfer to the Latin rite with a dispensation of the Apostolic See (§2, 3).⁴³

A Latin mother, with the consent of her Byzantine husband and the Latin bishop, could transfer her child to the Latin rite. Individual lay persons could transfer to the Latin rite with the permission of the bishop, but the permission of the Apostolic See was required in the case of clerics and groups of faithful (§2, 14).

Specific mention was made of a prohibition against Latin men who desired to transfer to the Byzantine rite in order to become married priests (§7, 21).

In the case of marriages, the marriage of a Latin man and a Byzantine woman was to be celebrated before the Latin pastor; the marriage of a Byzantine man and a Latin woman was to be celebrated before the Byzantine pastor in the presence of two or three witnesses or before the Latin pastor if the Byzantine man desired it (§8, 11). A Latin spouse could not follow the rite of the Byzantine spouse (§8, 7-8). A Byzantine husband, if he so desired, could follow the rite of his Latin wife; a Byzantine wife

⁴² "... quod sit ritus Sanctae Romanae Ecclesiae omnium Ecclesiarum Matris, et Magistrae, sic supra Graecum ritus praevallet, maxime in Italicis regionibus, ubi latinis Episcopis Graeci subiecti sunt..." *Etsi pastoralis* §II, 13. See also Benedict XIV, apostolic constitution, *Allatae sunt*, July 26, 1755, n. 20: *Benedicti Papae XIV Bullarium*, 11:145.

⁴³ In §2, 14, the dispensation of the Apostolic See seems to be presumed in some cases.

could follow the Latin rite of her husband, but after his death, she could not return to the rite of her ancestors (§8, 11).

Certain other canonical provisions in *Etsi pastoralis* are also of interest. Byzantine priests were forbidden to administer validly the sacrament of confirmation; children baptized by them were to be confirmed by Latin bishops absolutely (§3, 1). Children confirmed by a Byzantine bishop were to be confirmed conditionally because of the doubt regarding the proper observance of the liturgical texts (§3, 2).

With *Orientalium dignitas*, Leo XIII restored an appreciation of the Eastern churches and rites, but still retained the principle that the Eastern Catholic faithful in the West were to observe their proper rites, but were subject to the local Latin ordinary.⁴⁴ This was the disposition of a decree of the Congregation for the Propagation of the Faith, *Romana Ecclesia*.⁴⁵

Current Canonical Configuration

Three Jurisdictions

Since the sixteenth century, the Byzantines had been subject to the authority of the local Latin ordinaries. After World War I, an eparchy was finally created for them. Today, the Byzantines in southern Italy comprise three jurisdictions:

1. The *Eparchy of Lungro*, created in 1919 by Benedict XV for the Byzantines of Calabria and continental Italy.⁴⁶
2. The *Eparchy of Piana degli Albanesi*, created in 1937 (under the title of *Piana dei Greci* with a change in the name in 1941) for the Byzantine faithful in Sicily.⁴⁷
3. The *Monastery of Santa Maria di Grottaferrata*, elevated to the status of an exarchal monastery in 1937 by Pius XI.⁴⁸

⁴⁴ Leo XIII, apostolic letter *Orientalium dignitas*, de disciplina Orientalium conservanda et tuenda, November 30, 1894: *Acta Sanctae Sedis* 27 (1894–1895) 256–264.

⁴⁵ Congregation for the Propagation of the Faith, decree *Romana Ecclesia*, May 1, 1897: *Collectanea* 2:357, n. 1966.

⁴⁶ Apostolic constitution, *Catholici fideles*, February 13, 1919: AAS 11 (1919) 222–226.

⁴⁷ Apostolic constitution, *Apostolica Sedes* October 26, 1937: AAS 30 (1938) 213–216.

⁴⁸ Apostolic constitution, *Pervestustum Cryptaeferratae*, September 26, 1937: AAS 30 (1938) 183–186. The constitution refers to the monastery as an *abbatia nullius* and an exarchal monastery. See Stefano Parenti, "Il Monastero Esarchico di Grottaferrata e la

Intereparchial synods

On October 13–16, 1940, the two eparchies and the exarchial monastery celebrated an intereparchial synod at Grottaferrata.⁴⁹ One interesting aspect of the synod was the presence of an Albanian Orthodox delegation that participated in the synod as observers—a quarter century before Vatican II!⁵⁰ Among the innovations of the synod was a restoration to presbyters of the power to confirm/christmate.⁵¹

The second intereparchial synod, again in Grottaferrata, was celebrated in three sessions from 17 October 17, 2004 to January 14, 2005 with the theme of “Communion and Proclamation of the Gospel.” The 120 participants, comprising priests, monks, male and female religious, and laity, examined issues relating to the renewal of the local church from the perspective of Scripture, liturgy, catechesis, and formation of religious leadership.

Other Churches Sui Iuris

The three jurisdictions of the Byzantines in southern Italy fall under the category of Other Churches *sui iuris*; canons 174–176 of the Eastern code⁵² provide a general framework for the governance of these churches.

Can. 174—A church *sui iuris*, that is neither patriarchal, major archiepiscopal nor metropolitan is entrusted to a hierarch who presides over it according to the norm of common law and the particular law established by the Roman pontiff.

The description of the “other churches *sui iuris*” has a negative and a positive component.

Chiesa Italo-albanese,” *Apollinaris* 73 (2000) 629–662 and Nicola Loda, “Il nuovo Tipikòn del Monastero Esarchico di S. Maria di Grottaferrata” *Commentarium pro Religiosis et Missionariis* 83 (2002) 41–66.

⁴⁹ Charles de Clercq, *Histoire des Conciles*, T. 11, pt. 2 (Paris: Librairie Letouzey et Ané, 1952) 980–1006.

⁵⁰ *Ibid.*, 982.

⁵¹ This power had been removed by Clement VIII in 1595. De Clercq indicates that Benedict XV had granted the power to the eparchy of Lungro in 1919, but the decree was never promulgated. DeClerq, 995.

⁵² Title VI—Metropolitan Churches and Other Churches *Sui Iuris*, Chapter II—Other Churches *Sui Iuris*.

The negative component is that the other churches are *neither patriarchal, major archiepiscopal nor metropolitan* and are, therefore, simply "other," assigned to no specific hierarchical category.⁵³

The positive element, almost theoretical, poses a problem: These "other churches *sui iuris*" as described in the canon, are "entrusted to a hierarch who presides over it." A strict interpretation of this phrase means there is only one "other church *sui iuris*" (among the ten traditionally listed under this heading) in this category, the Bulgarian Catholic Church, since it is the only one entrusted to a single hierarch. The other churches either comprise two or more ecclesiastical circumscriptions, each with a hierarch (as is the case of the Byzantines in southern Italy) or have no hierarch at all.⁵⁴ In practical terms, one must admit that the negative description, i.e., the absence of a patriarch, major archbishop or metropolitan in these churches *sui iuris*, is the only operative criterion in determining the categorization of these ecclesiastical circumscriptions.

In the case of the Byzantine community in southern Italy, the two eparchies are entrusted to eparchial bishops. However, an "other church *sui iuris*" can be entrusted to another kind of hierarch,⁵⁵ an exarch, who need not be a bishop.⁵⁶

The laws governing these "other churches" are either the Eastern code, any other common law established for the entire Catholic Church

⁵³ Other Eastern Catholic churches *sui iuris* also generally categorized as "other" include: the Bulgarian Church (Apostolic Exarchate of Sophia); the Greek Church (Eparchy of Athens and Apostolic Exarchate of Istanbul); the Hungarian Church (Eparchy of Hajdúdorog and Apostolic Exarchate of Miskolc); the Slovak Greek Catholic Church (Eparchies of Prešov [Slovak Republic] and Sts. Cyril and Methodius of Toronto [Canada] and the Apostolic Exarchate of Košice [Slovak Republic]); the Ruthenian Greek Catholic Church (Eparchy of Mukachevo [Ukraine] and the Apostolic Exarchate of the Czech Republic); Greek Catholics in former Yugoslavia (Eparchy of Križevci [Croatia], Apostolic Exarchate for Serbia and Montenegro, Apostolic Exarchate in FYROM [Macedonia]). Four other "churches" (Russians, Belarussians, Georgians and Albanians) also fall into this category, but lack hierarchies.

⁵⁴ Russians, Belarussians, Georgians, and Albanians fall into this category.

⁵⁵ It should be noted that canon 984 §1 states that the term *hierarch* is the generic designation for several figures: the Roman pontiff, major archbishop, metropolitan head of a church *sui iuris*, eparchial bishop, and any one who succeeds them in interim governance in accord with the norm of law. The *exarch* is not included in this list, but canon 313 states that what is said in law about eparchial bishops also applies to exarchs. Canon 984 §2 does include an exarch among those categorized as a *local hierarch*.

⁵⁶ Seven jurisdictions in the category of "other churches *sui iuris*" are apostolic exarchates, i.e., exarchates established by the Apostolic See. Canons 311–321 treat the governance of exarchates.

or all the Eastern churches, and particular law enacted for them (cf. CCEO c. 1493 §2).

Canon 175—These churches depend immediately on the Apostolic See. The rights and obligations mentioned in can. 159, nn. 3–8 are exercised by a hierarchy delegated by the Apostolic See.

These churches do not belong even to a metropolitan province and are immediately subject to the Apostolic See. Therefore, the Roman Pontiff, beyond his primatial role over the entire Church, exercises the function of metropolitan over the hierarchs, clergy, and faithful of these churches *sui iuris*. The pope exercises the function of metropolitan through a hierarchy who is delegated with certain rights and obligations (delineated in canon 159, 3°–8°) pertaining to the metropolitan head of a church *sui iuris*.⁵⁷ By virtue of this delegation the hierarchy is to: erect a metropolitan tribunal,⁵⁸ exercise vigilance over the faith and ecclesiastical discipline, conduct a canonical visitation if the eparchial bishop neglects to do so, appoint an eparchial administrator if a qualified administrator is not elected within eight days of the vacancy, appoint or confirm a person legitimately proposed for or elected to office, appoint the eparchial finance officer if the hierarchy fails to do so after being warned, communicate the acts of the Roman pontiff unless the Apostolic See has directly provided for it and see to the faithful execution of these acts.⁵⁹

Canon 176—If common law relegates something to particular law or to the superior administrative authority of a church *sui iuris*, the competent authority in these churches is the hierarchy who presides over it in accordance with the norm of law; however, he needs the consent of the Apostolic See, unless it is expressly stated otherwise.

The hierarchy who presides over an “other church *sui iuris*” is the competent legislator, but, unless expressly stated otherwise, the legislation

⁵⁷ Canon 139 provides that an eparchial bishop who exercises his power outside the territorial boundaries of the patriarchal church and who does not belong to a province (i.e., is not a suffragan of a metropolitan) should designate a certain metropolitan, after having consulted with the patriarch and with the approval of the Apostolic See. In virtue of this designation, this bishop has the rights and obligations of a metropolitan of a patriarchal church. The designated metropolitan exercises ordinary power, i.e., power attached to the office itself, and not as a delegate of the patriarch or the Apostolic See.

⁵⁸ Canon 1064 §2 also makes provision for the designation in a stable manner of an appellate tribunal with the approval of the Apostolic See.

⁵⁹ According to the *Annuario Pontificio* 2006, the Archdiocese of Cosenza-Bisignano serves as a “tribunal of second instance” (Trib. 2^a ist.) for the Eparchy of Lungro; and the Archdiocese of Palermo is the “ordinary of appeal” (Ord. d’app.) for the Eparchy of Piana degli Albanesi. The reference to the “ordinary of appeal” would seem to encompass more appropriately the delegated functions as delineated in c. 159, 3°–8°.

must have the consent of the Apostolic See, unless expressly stated otherwise. Ivan Žužek, in the case of a church *sui iuris* that is simply an eparchy, makes a distinction between *eparchial law* that can be enacted by an eparchial bishop with the possibility of abrogation by his successor and *particular law* that is enacted by an eparchial bishop with the consent of the Apostolic See. Such *particular law* can be abrogated only with the consent of the Apostolic See.⁶⁰

The hierarchy is also competent for those administrative acts entrusted to the superior administrative authority of a church *sui iuris* (e.g., the erection of a seminary [c. 334]; approval of a typicon of a religious institute [c. 414 §1, 1°]; the publication of books [c. 662 §2]); but again he can act only with the consent of the Apostolic See, unless expressly stated otherwise. An express release from the obligation to obtain the consent of the Apostolic See would be when the canon authorizes the eparchial bishop or the superior administrative authority to act. For example, canon 632 states that an eparchial bishop or a superior authority can establish or recognize a Catholic school; and canon 662 §1 states that the local hierarchy of the author or the superior administrative authority is to approve the publication of books. The eparchial bishop who is head of an "other church *sui iuris*" can function either in the capacity of eparchial bishop (or local hierarchy) and does not need the permission of the Apostolic See. If he acts in such a way, his successor has the power to contravene the decision. If he acts as head of the church *sui iuris*, he needs the consent of the Apostolic See; but his successor must abide by the decision or act otherwise only with the consent of the Apostolic See.

The provision regarding legislative power is similar to that for metropolitan churches: Laws and norms enacted by the council of hierarchs cannot be promulgated (i.e., acquire the force of law) without written notification from the Apostolic See of the acts of the council (c. 167 §2). With regard to administrative authority, the metropolitan can perform administrative acts committed by law to the superior administrative authority of a church *sui iuris* only with the consent of the council of hierarchs (c. 167 §4).

Future Directions

As stated above, the Byzantine community in southern Italy comprises three jurisdictions, all of which are immediately subject to the

⁶⁰ See Žužek, "Incidenza del CCEO nella storia moderna della Chiesa universale," 263.

Apostolic See. This arrangement with three independent jurisdictions is unsatisfactory.⁶¹

An issue that must be addressed in the regularization of the canonical status of the Byzantine community is that *de facto* two different rites (both specific forms of the Constantinopolitan tradition) are observed: the two eparchies follow the Albanian rite while the monastery observes the Greek rite. The monks of Grottaferrata have been very clear that they do not want the monastery to be included in any metropolitan structure comprising the eparchies of Lungro and Piana degli Albanesi.⁶²

One author recommends the creation of an exarchy for Italo-Albanian Byzantines residing in northern Italy⁶³ and uniting the exarchy and the two eparchies in one metropolitan church *sui iuris* that would be governed according to canons 155–173.

Conclusion

The Italo-Byzantines, Greeks and Albanians, are living witnesses that it is possible to be faithful to both an Eastern tradition and Roman Catholic communion. The history of these small communities reveals the history of the relationship between West and East over the past 1500 years. At first, the Byzantine Greek and Latin communities lived along side each other, but the gradual replacement of Byzantine bishops with Latin bishops resulted in a reduced observance of the rite. The fifteenth century arrival of the Albanians revitalized the Byzantine tradition. Given that this immigration took place in what was perceived to be a united church, the Albanians were welcomed; and the establishment of a hierarchy met with the approval of Rome and Constantinople. Unfortunately, the disintegration of the union of East and West resulted in the dissolution of Italo-Albanian hierarchy: the observance of the "Greek" rite was encouraged, but the ecclesial identity was lost. Like other Eastern Catholics in the diaspora, the Italo-Albanians were given a hierarchy, still in need of canonical regularization.

⁶¹ Ceffalia, 203.

⁶² See Parenti, 659–661. Parenti cites the opinion of the Exarch of Grottaferrata, P. Emiliano Fabricatore, "... non è nostra intenzione aderire ad una Chiesa metropolitana *sui iuris* Italo-albanese. Certamente è giusto che le Eparchie Italo-albanesi di Lungro e di Piana vengano costituite in Chiesa metropolitana *sui iuris*, ma le origini, la storia e il *ritus* fanno di Grottaferrata una distinta Chiesa *sui iuris*." (660).

⁶³ Ceffalia, 206–207.