

‘UNITY OF THE CHURCHES—AN ACTUAL POSSIBILITY: THE RAHNER-FRIES THESES AND CONTEMPORARY CATHOLIC-ORTHODOX DIALOGUE’

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In 1983 Karl Rahner, SJ and Heinrich Fries wrote *Unity of the Churches: An Actual Possibility* (*Einigung der Kirchen—reale Möglichkeit*) a small book proposing eight theses that they hoped could bring about the almost immediate reunion of Christendom. Although widely criticized for their ‘epistemological tolerance’, if ‘resurrected’ and properly adapted to issues currently under discussion in the Catholic-Orthodox dialogue (e.g., the *filioque*, the papacy, the Marian dogmas), these theses (particularly 1, 2, 4a, 4b) have the potential to build upon the progress already made and move East and West even closer toward full communion.

A Personal Note

In the years since the publication of my book on the *filioque*,¹ and then its companion volume on the papacy,² I have been asked many times by both Catholic and Orthodox friends if and when these debates will end so that the goal of unity between the churches can finally become a reality. Up to this point I have not addressed these questions in print, because until now I have restricted myself to chronicling what has been rather than detailing what should be. My work has largely been descriptive rather than prescriptive, a natural consequence of being a dogmatic historian far more concerned with the past rather than with the future.

However, I must admit that as a scholar who has spent the last two decades studying the genesis and progression of the schism I have often wanted to take the

¹ A. Edward Siecienski, *The Filioque: History of a Doctrinal Controversy* (Oxford: Oxford University Press, 2010).

² A. Edward Siecienski, *The Papacy and the Orthodox: Sources and History of a Debate* (Oxford: Oxford University Press, 2017).

next step—to use my findings and figure out what can be actually done to try and heal it. Naturally this requires moving beyond the past—my ‘comfort zone,’ if you will—and discern, based upon our shared history, what can presently be done to move the Catholic and Orthodox churches closer to full communion. My hesitation comes from the knowledge that it is far easier to chronicle the past than to suggest solutions, where one opens oneself to criticisms from both sides, especially those who think such schemes always reek of compromise and relativism. Also, I feared the loss of my reputation for objectivity—a reputation I have tried scrupulously to maintain.³ In suggesting a way forward, I feared, not only did I risk attack, but also the accusation that I have somehow ‘tipped my hand’ and displayed my biases toward one side or the other.

All that said, I decided that the risk was worth taking, since the cause of Christian unity is not, for me, merely an academic interest. On the contrary, like millions of Christians throughout the world who find themselves unable to approach a common altar with friends and families because of dogmatic differences, the disunity of Christianity is more than just a theological concern; it is also an existential one. For that reason, I decided the time had come to suggest possible concrete steps toward reunion based upon my research, and I was extremely happy when the organizers of the Syros Conference offered me the opportunity to do so. This paper, I hope, is but a first attempt at that task.

The Rahner-Fries Theses

Anyone who has studied the history of the ‘estrangement’⁴ or the current state of relations between the Orthodox and Catholic churches knows that healing a millennium old schism is not going to be easy. As I wrote in the epilogues to my books on the papacy and *filioque*, while ‘the optimist in me believes that a resolution to these issues is possible ... a sober analysis of the history also demonstrates that optimism ... is often unwarranted.’⁵ There are elements in both churches that view all ecumenical dialogue as a dangerous exercise whereby truth is sacrificed on the altar of tolerance. In the Orthodox world, where many still harbor a deep-seeded anti-Roman affect, Catholics are considered not only schismatics but also heretics, unworthy of the appellation ‘church’ having abandoned the true church over a millennium

³ In his review of my papacy book Aidan Nichols, OP wrote, ‘It is a tribute to the fastidiousness of Siecienski’s scholarship and the integrity of his mind that no one without inside knowledge of the man would be able to determine from this text whether he is himself a Catholic (as his Polish name might suggest) or an Orthodox.’ Aidan Nichols, ‘How can Orthodoxy be reassured about the Pope?’ *Faith* 52 (2017): 32–34.

⁴ This term was popularized by Yves Congar in his book *After Nine Hundred Years: The Background of the Schism between the Eastern and Western Churches* (New York: Fordham University Press, 1959). The schism, he wrote, is not ‘of itself the estrangement ... it was the acceptance of the estrangement’ *ibid.*, 88–89.

⁵ Siecienski, *The Filioque*, 215; *idem*, *The Papacy and the Orthodox*, 417.

ago.⁶ Roman Catholicism, perhaps a little better off because it is unburdened by any real anti-Orthodox sentiment, still has elements that fear the slippery slope of compromise, unwilling to grant anything to the Orthodox for fear that the Protestants will exact similar concessions. Avery Cardinal Dulles, himself a longtime participant in ecumenical dialogues, once despaired that reunion between the churches is so far from realization that it could only be understood as an eschatological event.⁷

Cardinal Dulles may, in fact, be right, for as the premature *Te Deums* sang at Lyons and Florence testify, even joint statements and agreed positions do not necessarily guarantee unity. It took centuries for the estrangement to become schism, and it will likely take several decades (or more) to reverse that process. Still, the sobering realities of the present situation should not be allowed to tempt either side into passivity or inaction. Unity may be a distant dream, but there are concrete steps that can be taken, here and now, to help bring that dream closer to reality.

In 1983 Karl Rahner, SJ and Heinrich Fries wrote *Unity of the Churches: An Actual Possibility* (*Einigung der Kirchen—reale Möglichkeit*) a small book proposing eight theses that, if acceptable to the Catholic church and all of its ‘partner churches’ (*Teilkirchen*), could bring about the almost immediate reunion of Christendom. Chiefly targeted at the churches of the Reformation with whom Rahner and Fries were more familiar, the theses provided both the dogmatic and practical groundwork for a loose confederation of churches joined by a unity of faith ‘even though we think this unity of faith—based on the spiritual situation of today—as more differentiated than had been supposed in earlier ecumenical reflections.’⁸ Simply put, church unity required a degree of ‘epistemological tolerance’, whereby certain doctrines of one church would not be forced upon, or rejected by, the others.⁹

The Catholic reception of the Rahner-Fries theses was, at best, cold. They were derided as an ‘ecumenical shortcut’ in Daniel Ols’ semi-official *L’Osservatore Romano* attack,¹⁰ and criticized by (then) Joseph Cardinal Ratzinger as ‘an artificial exploit of theological acrobatics’¹¹ and ‘a forced march toward unity ... that skipped

⁶ Among the most acrimonious debates before and during the Great and Holy Council of Crete in 2016 was whether one could apply the term ‘church’ to Catholic and Protestant bodies. In the end the council’s document on ‘Relations of the Orthodox Church with the Rest of the Christian World’ decided to sidestep the issue by holding that Orthodoxy ‘accepts the historical name of other non-Orthodox Christian Churches and Confessions that are not in communion with her’. Simply put, while the council took no decisions as to whether these other groups are or are not actual ‘churches’, it was agreed that most people describe them as such.

⁷ Avery Dulles ‘Paths to Doctrinal Agreement: Ten Theses’, *Theological Studies* 47 (1986): 32–47. See also idem, ‘Ecumenical Strategies for a Pluralistic Age’, in *The Resilient Church* (Garden City: Doubleday, 1977), 173–90.

⁸ Karl Rahner and Heinrich Fries, *Unity of the Churches: An Actual Possibility*, trans. Ruth Gritsch and Eric Gritsch (Philadelphia: Fortress Press, 1985), 6.

⁹ Ibid., 25–41.

¹⁰ Daniel Ols, ‘Ecumenical Shortcuts’, *L’Osservatore Romano*, February 25–26, 1985, In the accompanying interview Ols claimed that he had written the article at the request of the hierarchy. Ibid.

¹¹ Joseph Ratzinger, ‘Luther and the Unity of the Churches: An interview with Joseph Cardinal Ratzinger’, *Communio: International Catholic Review* 11 (1984): 216. Reprinted in *Joseph Ratzinger in Com-*

the question of truth'.¹² Avery Cardinal Dulles argued that Rahner's 'epistemological tolerance' would 'result in a reductionistic, nondescript union of churches that would be "culturally, religiously and theologically disastrous"'.¹³ This was because 'withholding assent to a dogma was equivalent to doubting or even to denying it', which meant that the Rahner plan 'would ultimately relegate all the particular doctrines of the churches to optional status'.¹⁴ Faced with these critiques, not to mention those from Protestant authors,¹⁵ the Rahner-Fries theses receded into the ecumenical backwaters, seemingly never to return.

Yet despite the criticisms leveled against them—criticisms with which I find myself in general agreement were the Rahner-Fries theses uncritically applied to all the churches of Reformation—in the context of the present Catholic-Orthodox dialogue they could be useful tools. In fact, if 'resurrected' and properly adapted to those issues currently under discussion (e.g., the *filioque*, the papacy, the Marian dogmas), certain of the theses (particularly 1, 2, 4a, 4b) have the potential not only to build upon the progress already made on the doctrinal issues, but also provide a basis for concrete action.

Thesis 1 and the Filioque

The fundamental truths of Christianity, as they are expressed in Holy Scripture, in the Apostles' Creed, and in that of Nicaea and Constantinople are binding on all partner churches of the one Church to be.

On one level this thesis is simple enough, and seemingly easy for both Catholics and Orthodox to accept, for it recognizes the normative character of the creeds as well as the fact that any sort of unity must have as its foundation the truths of the faith. Unity without truth is a false unity, for as Fries himself admitted, Christianity has 'very specific, concretely discernable contents to which faith is linked and by which faith finds its bearings'.¹⁶ Because the church is a 'community of faith and witness, and as such requires a shared vision',¹⁷ one cannot claim church unity exists unless there also exists agreement on what the fundamental truths of that faith are.

munio: The Unity of the Church (Grand Rapids, MI: William Eerdmans Publishing, 2010), 50.

¹² Ibid. For a Protestant critique of the Rahner-Fries theses see Eilert Herms, *Einheit der Christen in der Gemeinschaft der Kirchen: Die ökumenische Bewegung der römischen Kirche im Lichte der reformatorischen Theologie: Antwort auf den Rahner-Plan* (Göttingen: Vandenhoeck & Ruprecht, 1984).

¹³ Jon Nilson, *Nothing Beyond the Necessary: Roman Catholicism and the Ecumenical Future* (New York: Paulist Press, 1995), 33; See also Robert Masson, 'Rahner and Dulles on the Unity of the Churches: The Karl Rahner Society', *CTSA Proceedings* 48 (1993): 90–92.

¹⁴ Nilson, *Nothing Beyond the Necessary*, 33–34.

¹⁵ For a Protestant critique of the Rahner-Fries theses see Eilert Herms, *Einheit der Christen in der Gemeinschaft der Kirchen: Die ökumenische Bewegung der römischen Kirche im Lichte der reformatorischen Theologie: Antwort auf den Rahner-Plan* (Göttingen: Vandenhoeck & Ruprecht, 1984).

¹⁶ Rahner and Fries, *Unity of the Churches*, 13.

¹⁷ Dulles, 'Paths to Doctrinal Agreement: Ten Theses', 32.

For both Catholic and Orthodox Christians the Scriptures and the Nicene-Constantinopolitan creed remain the normative and binding expressions of that shared Christian faith.¹⁸ However, as anyone familiar with the history knows, it was the West's addition of the *filioque* to that creed that is often cited as the 'sole dogmatic grounds' for the schism between them.¹⁹ For this reason, in order for both churches to better recognize and build upon their common faith, and to remove the stumbling block to unity that the *filioque* has become, it is necessary to address and (hopefully) to solve this troublesome ecumenical issue.²⁰

Accomplishing this, I believe, would require three concurrent acts, all aimed at ensuring that the creed *as adopted at Constantinople in 381* be accepted and liturgically professed by both churches. The first act requires that the creed as professed in the Church of Rome, and all those churches in communion with her, should be recited in its original form, without the addition of the *filioque*, as it was during the first millennium.²¹ This suggestion is hardly an original one. It was the conclusion of the WCC's Klingenthal Memorandum in 1979,²² the North American Orthodox-Catholic Theological Consultation (in both 2003²³ and 2010²⁴), and almost every

¹⁸ 'The Apostles' Creed (*Symbolum Apostolicum*), 'a rather elaborate variant of the Old Roman Creed' has been widely used and accepted by the churches of the West (Catholic, Anglican, and Protestant) for centuries, but since it was never accepted by an ecumenical council it has traditionally been viewed with some suspicion in the East. Although 'the suspicion with which they once regarded it has disappeared', it is still regarded as a local (rather than ecumenical) creed and as such is not a binding statement of faith for the Orthodox despite general agreement with its contents. See JND Kelly, *Early Christian Creeds* (New York: Longman Group, 1972), 368–434.

¹⁹ Vladimir Lossky, 'The Procession of the Holy Spirit in Orthodox Trinitarian Doctrine', in *In the Image and Likeness of God* (Crestwood, NY: St. Vladimir's Seminary Press, 1985), 71.

²⁰ I am keenly aware that for centuries people have claimed—always prematurely—to have solved the *filioque*, so that another attempt comes across as both futile and hubristic. However, as I hope becomes evident, the solution I propose, relying as it does on the theology of the first saint to address the issue, Maximus the Confessor, is nothing 'new' but rather an embrace of the two churches' shared patristic heritage.

²¹ The first recorded use of the interpolated creed in Rome did not occur until 1014, when it was inserted at the insistence of Emperor Henry II. Berno of Reichenau, *Libellus de quibusdam Rebus ad Missae Officium Pertinentibus* (PL 142:1060–61).

²² In order that Christians might again 'confess their common faith in the Holy Spirit' who is 'the one who in his fullness both rests upon Jesus Christ and is a gift of Christ to the Church', the Klingenthal Memorandum recommended that 'the original form of the third article of the creed, without the *filioque*, should everywhere be recognized as the normative one and restored'. Lukas Vischer, ed., *Spirit of God, Spirit of Christ: Ecumenical Reflections on the Filioque Controversy* (London: SPCK, 1981), 17–18.

²³ 'The Catholic Church, which had recognized the 'normative and irrevocable dogmatic value of the Creed of 381' in its 1995 *Clarification on the Filioque*, was asked in future 'to use the uninterpolated creed in both catechetical and liturgical settings'. This way 'the ancient Creed of Constantinople... by our uniform practice and our new attempts at mutual understanding [could become] the basis for a more conscious unity in the one faith'. 'The Filioque: A Church-Dividing Issue? An Agreed Statement of the North American Orthodox-Catholic Theological Consultation (October 25, 2003)'. *St. Vladimir's Theological Quarterly* 48 (2004): 122–23.

²⁴ 'The faith of Nicaea, professed by the ancient councils as the foundation of Christian faith and practice, is received most fully in the original form canonized at the Council of Constantinople in 381, as understood through the canons and prescriptions of the other ecumenical councils received by Orthodox and Catholic Christians'. For this reason 'the original Greek form of the Creed of 381, because of its authority and antiquity, should be used as the common form of our confession in both our Churches'. North American Orthodox-Catholic Theological Consultation. 'Steps towards a Reunited Church: A Sketch of

Catholic theologian (with some notable exceptions) who has studied the issue since the middle of the last century.²⁵ Most, if not all, of the Eastern Catholic churches have already dropped it. Even John Paul II and Benedict XVI have followed this course, albeit in a limited fashion, and on several occasions have omitted the *filioque* during events with Orthodox participants.²⁶ Hence what is suggested here is not something radical, but rather a wider application of a principle already in use. Rome, acting on behalf of all the churches in communion with her, should simply remove the *filioque*, and then the creed would henceforth be recited throughout the Catholic world without the interpolation.

Although seemingly an uncontroversial move, there are several reasons typically given why such a shift is, at least from the Catholic perspective, highly inadvisable. Some worry that the removal of the *filioque* would essentially jettison huge chunks of the Latin theological tradition, and the work of those Western saints (e.g., Thomas Aquinas, Bonaventure) who wrote so eloquently in its defense. Another, as expressed by Aidan Nichols, is that ‘the pastoral ill-consequences of removing an article from the creed may be quite high’, signaling to Catholics that their beliefs were ‘changing’ or (even worse) being compromised.²⁷ A third fear is that such a move would not be accepted by the Orthodox in the correct spirit, and that they

an Orthodox-Catholic Vision for the Future.’ Referenced at: <http://www.usccb.org/beliefs-and-teachings/ecumenical-and-interreligious/ecumenical/orthodox/steps-towards-reunited-church.cfm>

²⁵ André Halleux was among those who proposed that the Roman Catholic Church should simply drop the *filioque* and ‘receive’ the unaltered creed of 381 as the basis for reunion. André Halleux, ‘Orthodoxie et Catholicisme: du personnalisme en pneumatologie’, *Revue théologique de Louvain* 6 (1975): 3–30; idem, ‘Pour un accord oecuménique sur la procession du Saint-Esprit et l’addition du Filioque au Symbole’, *Irénikon* 47 (1975): 170–77. This last article can be found translated and expanded in ‘Towards an Ecumenical Agreement on the Procession of the Holy Spirit and the Addition of the Filioque to the Creed’, in Lukas Vischer, ed., *Spirit of God, Spirit of Christ*, 149–63. Yves Congar also described himself as ‘categorically in favor of suppression’, arguing that Rome ‘as a gesture of humility and brotherhood’ should remove the *filioque* from the creed. He maintained that it had been ‘introduced in a canonically irregular way’ in the first place, and its suppression ‘if it was welcomed in a really “genuine” sense by the Orthodox Church, could create a new situation which would be favorable to the reestablishment of full communion’. Yves Congar, *I Believe in the Holy Spirit* 3 (New York: Crossroad Publishing Co., 1997), 206, 214. See also idem, *Diversity and Communion*, trans. John Bowden (Mystic, Conn.: Twenty-third Publications, 1984), 97–104.

²⁶ When Patriarch Dimitrios I visited Rome on December 7, 1987, and again during the visit of Patriarch Bartholomew I to Rome in June 1995 . . . the Pope and Patriarch proclaimed the creed in Greek (i.e., without the *filioque*). Pope John Paul II and Romanian Patriarch Teoctist did the same in Romanian at a papal Mass in Rome on October 13, 2002. The document *Dominus Iesus: On the Unity and Salvific Universality of Jesus Christ and the Church*, issued by the Congregation for the Doctrine of the Faith on August 6, 2000, begins its theological considerations on the Church’s central teaching with the text of the creed of 381, again without the addition of the *filioque*.

²⁷ He doubted that ‘Church leaders could put across this distinction [i.e., between the *filioque*’s orthodoxy and place in the creed] in a forceful way’. Aidan Nichols, *Rome and the Eastern Churches: A Study in Schism* (Collegeville: Liturgical Press, 1992), 219–20. However, it is interesting to note in the 2010 edition of the same book Nichols added this footnote: ‘Monsignor Franciscus Papamanolis, Latin bishop of Syros, Santorini, and Crete, assured the present author . . . in a conversation on 15 August 1991 that no adverse comment greeted the decision of the Holy See to remove the *filioque* from the vernacular creed of the Latin church of Greece’. Aidan Nichols, *Rome and the Eastern Churches: A Study in Schism*, 2nd edition (San Francisco: Ignatius Press, 2010), 259.

would see the *filioque*'s removal as either insufficient or (perhaps more problematically) as a Roman admission of guilt.

To alleviate these fears, it is necessary that the suppression of the *filioque* be accompanied by two other acts. The first, from Rome itself, would be a statement similar to the one made by the Catholic Church of Greece after they removed the *filioque* from the creed in May of 1973.²⁸ Reaffirming that this is no way entailed a rejection of the doctrine properly understood, nor addressed the larger question of whether its inclusion was licit in the first place, it made clear that this act of ecclesiastical charity and reconciliation was a brotherly gesture aimed at healing divisions in the church.

The second act, and I would argue that both the removal of the *filioque* and the Roman statement should not take place without it, is the assurance of the Orthodox that such a move would be received as the significant ecumenical gesture it is. After all, it has been a demand of the Orthodox since the ninth century, and was the only demand of the Greeks at Florence.²⁹ It is true that for Mark of Ephesus and others in the fifteenth century, the *filioque*'s removal would have been a *de facto* admission of its heretical nature, but modern Orthodoxy (it is hoped) should be able to appreciate the distinction. This is why any response to the *filioque*'s removal other than fraternal joy and gratitude would be counterproductive, especially if it led to some sort of Orthodox triumphalism ('We were right all along'). Although a pan-Orthodox statement recognizing the gesture in its proper spirit seems impossible given the current divisions within world-wide Orthodoxy, a statement by (at the very least) the Ecumenical Patriarchate welcoming the move and expressing its heartfelt appreciation would be in order.

Concerning the theological status of the *filioque*, since the nineteenth century scholars on both sides of the East-West divide have suggested that the Orthodox should simply accept the *filioque* as a *theologoumenon*, or theological opinion, of the Western Church and be asked neither to accept nor deny it (for more on this approach see *Thesis 2*).³⁰ Others suggest the need for a common statement. I, however, would

²⁸ François Rouleau, 'A propos du "Filioque," un document: Instruction pastorale de l'épiscopat catholique de Grèce', Dieu révélé dans l'Esprit, *Les Quatre Fleuves* 9 (1979): 75–78. Theologically the decision was justified, according to Congar, 'by a knowledge ... that the terms *ekporeuesthai* and *procedere* are not identical ... as confirmed by the declaration made by Maximus the Confessor'. Congar, *I Believe in the Holy Spirit*, vol 3, 207.

²⁹ According to Mark of Ephesus, 'This Symbol, this noble heritage of our Fathers, we demand back from you. Restore it then as you received it... The addition of a word seems to you a small matter and of no great consequence. So then to remove it would cost you nothing; indeed it would be of the greatest profit, for it would bind together all Christians... It [i.e., the *filioque*] was added in the exercise of mercy; in the exercise of mercy remove it again so that you may receive to your bosoms brethren torn apart who value fraternal love so highly'. Joseph Gill, ed., *Quae supersunt Actorum Graecorum Concilii Florentini: Res Ferrariae gestae*, CF 5.1.1 (Rome: Pontifical Oriental Institute, 1953), 216 (Eng. trans: idem, *The Council of Florence* [Cambridge: Cambridge University Press, 1959], 163).

³⁰ In his 'Twenty-seven Theses on the Filioque' Boris Bolotov claimed that given the fathers' teaching on procession through or from the Son, the *filioque*—understood as expression of the eternal relationship between the Son and the Spirit and not the Spirit's eternal coming-into-being—could not 'simply [be]

argue that all this is unnecessary given the fact that there already exists a 'common statement' on what the *filioque* means, and that it was authored almost fourteen centuries ago by a saint recognized in both East and West, Maximus the Confessor.

The statement, found in Maximus' *Letter to Marinus*, provides a firm basis for a mutually acceptable teaching on the *filioque* that captures the Western position (the eternal *proienai* or 'flowing forth') of the Holy Spirit through the Son while safeguarding the monarchy of the Father by making him the sole cause of the Holy Spirit's eternal coming into being (*ekporeuesthai*).³¹ At several points during the Florentine council, this formula was suggested as a means to reunion³² and it was Mark of Ephesus himself who claimed that 'the words of the Eastern and Western fathers can only be reconciled... by means of the explanation given them in the *Epistle* of Maximus'.³³ According to Mark, if the Latins accepted, in word and thought, the teachings of Maximus, the union could proceed.

Although the Latins at Florence were not yet prepared to do this (despite the fact that it was they who first introduced the *Letter*), increasingly Catholic scholars and hierarchs have come to see Maximus' teaching as an hermeneutical lens for better understanding the West's teaching on the *filioque*—an approach far different than the one taken by earlier generations, where later teachings provided the hermeneutic for Maximus. The 1995 Vatican clarification went a long way toward doing this,³⁴ something which the Orthodox themselves recognized as a significant advancement despite wishing it had gone further in addressing the issue of 'causality'.³⁵ Of course,

regard[ed] as the private opinion of a father' but instead must be accorded 'the value of an ecumenical *theologoumenon*'. He clarified that '*theologoumena* I rate highly, but...I quite sharply distinguish them from dogmas. The content of a dogma is truth: the content of a *theologoumena* is only what is probable. The realm of a dogma is *necessaria*, the realm of a *theologoumena* is *dubia*: *In necessariis unitas, in dubiis libertas*!' Basil Bolotov, 'Thesen über das Filioque von einem russischen Theologen', *Revue internationale de Théologie* 6 (1898): 682.

³¹ 'From this (i.e., the writings of the fathers) they showed that they themselves do not make the Son the cause of the Spirit for they know that the Father is the one cause of the Son and the Spirit, the one by begetting and the other by procession, but they show the progression through him and thus the unity of the essence'. Maximus the Confessor, *Opusculum* 10 (PG 91:136).

³² Emperor John VIII asked the assembled Greek delegates: 'If we should discover that the Latins gladly accept whatever Holy Maximus relates in his *Letter to Marinus* on the subject of the Holy Spirit, does it not seem good to you that we should unite through it?' Syropoulos, *Memoirs*, 8.12 in V. Laurent, ed., *Les Mémoires du Grand Ecclésiarque de l'Église de Constantinople Sylvestre Syropoulos sur le Concile de Florence* (1438–1439), CF 9 (Rome: Pontifical Oriental Institute, 1971), 400.

³³ Syropoulos, *Memoirs* 9.19 in V. Laurent, *Les Mémoires*, 452–54 (Eng. trans.: Joseph Gill, *The Council of Florence*, 260).

³⁴ 'In the seventh century, the Byzantines were shocked by a confession of faith made by the Pope and including the *filioque* with reference to the procession of the Holy Spirit; they translated the procession inaccurately by *ekporeusthai*. St Maximus the Confessor then wrote a letter from Rome linking together the two approaches—Cappadocian and Latin-Alexandrian—to the eternal origin of the Spirit: the Father is the sole principle without principle (in Greek *aitia*) of the Son and of the Spirit; the Father and the Son are consubstantial source of the procession (*to proienai*) of this same Spirit'. 'The Greek and Latin Traditions Regarding the Procession of the Holy Spirit', *Catholic International* 7 (1996): 36–43.

³⁵ 'As Saint Maximus the Confessor insisted, however, in defense of the Roman use of the *Filioque*, the decisive thing in this defense lies precisely in the point that in using the *Filioque* the Romans do not imply a "cause" other than the Father. The notion of "cause" seems to be of special significance and importance in

even a shared acknowledgement of the *Letter to Marinus* as normative would still allow for a variety of trinitarian models and theologies, but this legitimate diversity would all take place within the boundaries set by Maximus's teaching. Neither side would have to accept or reject anything they have not already affirmed in their common acceptance of Maximus.

Thesis 2 and the Marian Doctrines

'Nothing may be rejected decisively and confessionally in one partner church which is binding dogma in another partner church' nor may any 'explicit and positive confession in one partner church... be imposed as dogma obligatory for another partner church'.

The second thesis in the Rahner-Fries program was among the more controversial of their proposals, because (as Cardinal Dulles noted) 'withholding assent to a dogma was essentially no different to doubting or even to denying it'. It was, in the minds of many, the worst sort of ecumenism—the least common denominator variety, bordering on what is popularly known as cafeteria Christianity. One could be part of the church and simply choose which doctrines to affirm, simply ignoring those dogmas with which one had difficulties. The 'tyranny of relativism' in its worst form.³⁶

Outside of *Pastor Aeternus* and the *filioque* (dealt with in the other theses), the doctrinal issues often cited as ecumenical stumbling blocks, especially given the method of their promulgation, are the two Marian dogmas of the Catholic Church—the Immaculate Conception and Assumption. Part of the problem, of course, is that both doctrines were promulgated in papal documents (*Ineffabilis Deus* in 1854, *Munificentissimus Deus* in 1950) whose teachings are now regarded as infallible. Historically it has been very difficult for the Orthodox to disentangle the content of the two dogmas from the manner of their promulgation, which has often resulted in their automatic rejection.

Here, I believe, the Rahner-Fries Theses may be of some assistance, because as it concerns these two teachings there is no real question of the Orthodox denying the essential content of either, even if there are some difficulties with their dogmatic formulations. Celebrations of the Dormition in the East go back to the fifth century,³⁷

the Greek Patristic argument concerning the *Filioque*. If Roman Catholic theology would be ready to admit that the Son in no way constitutes a "cause" (*aition*) in the procession of the Spirit, this would bring the two traditions much closer to each other with regard to the *Filioque*. John Zizioulas, 'One Single Source: An Orthodox Response to the Clarification on the *Filioque*', <http://agrino.org/cyberdesert/zizioulas.htm>.

³⁶ There is a difference between the epistemological tolerance criticized by Ratzinger in his famous homily on the 'tyranny of relativism' at the 2005 funeral of Pope John Paul II, and legitimate diversity existing within the one church. For an Orthodox view see John Zizioulas, 'Uniformity, Diversity and the Unity of the Church,' *The One and the Many: Studies on God, Man, the Church and the World Today*, (Alhambra, CA: Sebastian Press, 2010), 333-348.

³⁷ Stephen J. Shoemaker, *Ancient Traditions of the Virgin Mary's Dormition and Assumption* (Oxford:

and in its hymns the Orthodox Church teaches that Mary died a natural death, that she was assumed body and soul into heaven, and that it was there that Christ himself received her—in icons Mary's pure soul is usually depicted in Christ's hands as an infant.³⁸ While the Catholic doctrine maintains a silence about her death—Pius XII was deliberately ambiguous in the definition by using the phrase 'having completed the course of her earthly life'—in content the teachings of both churches are the same.³⁹

The doctrine of the Immaculate Conception is more complicated, especially as it ties into Augustine's teaching on original sin and the idea of ancestral guilt—i.e., do we inherit simply the consequences of Adam's sin (e.g., corruption of the will and mortality) or do we also carry the guilt of it? Leaving aside for the moment the compatibility of the two traditions on this question today—the *Catechism of the Catholic Church* issued in 1992 and the International Theological Commission's 2007 document 'The Hope of Salvation for Infants Who Die without Being Baptized' sound almost 'Orthodox' on the subject⁴⁰—it is clear that the Western debate on the Immaculate Conception took place with a particular understanding of ancestral guilt in mind. John Meyendorff wrote from the Orthodox perspective that given the Mariological piety of the Byzantines and their clear teaching on Mary's sinlessness, if they had shared that understanding of original sin they certainly 'would have accepted the dogma of the Immaculate Conception as it was defined in 1854'.⁴¹ However, they did not. Yet at the same time Meyendorff quoted several hymns and authors who praised Mary as 'fully prepared', 'cleansed', and 'sanctified' for the in-

Oxford University Press, 2003).

³⁸ 'At the sovereign command of God, the God-bearing apostles were caught up from every place, and when they came to your all-pure body from which life has come, they kissed it with love. The heavenly powers also came with their master, and in awe escorted the body all-pure and well-pleasing to God: the body which had received God in the flesh! And with dignity they went before and invisibly cried out to the most high powers: Behold, the Queen of all and the Maiden of God is coming! Be lifted up, O gates! And lift up her who is the mother of the Everlasting Light, for through her was accomplished the salvation of all!' Vespers for the Dormition

³⁹ Kallistos Ware is clear that 'Orthodoxy...firmly believes in [Mary's] bodily Assumption' and that this teaching 'is clearly and unambiguously affirmed in the hymns sung by the Church on 15 August'. Timothy Ware, *The Orthodox Church: An Introduction to Eastern Christianity* (New York: Penguin, 2015), 252–53.

⁴⁰ The *Catechism of the Catholic Church* teaches that 'By yielding to the tempter, Adam and Eve committed a personal sin, but this sin affected the human nature that they would then transmit in a fallen state. It is a sin which will be transmitted by propagation to all mankind, that is, by the transmission of a human nature deprived of original holiness and justice. And that is why original sin is called "sin" only in an analogical sense: it is a sin "contracted" and not "committed"—a state and not an act. Although it is proper to each individual, original sin does not have the character of a personal fault in any of Adam's descendants. It is a deprivation of original holiness and justice, but human nature has not been totally corrupted: it is wounded in the natural powers proper to it, subject to ignorance, suffering and the dominion of death, and inclined to sin—an inclination to evil that is called concupiscence. Baptism, by imparting the life of Christ's grace, erases original sin and turns a man back towards God, but the consequences for nature, weakened and inclined to evil, persist in man and summon him to spiritual battle' (CCC, 404–5).

⁴¹ John Meyendorff, *Byzantine Theology: Historical Trends and Doctrinal Themes* (New York: Fordham University Press, 1975), 148.

carnation of Christ,⁴² and cited Gennadios Scholarios as the an explicit proponent of the doctrine, while more recently scholars have found other examples (e.g., Gregory Palamas, Mark of Ephesus) of saints who upheld the teaching.⁴³ The liturgical appellations of Mary as ‘All-Holy’ [*Panagia*] and even ‘spotless’ [*achrantos*]) come very close to the Catholic teaching on the Immaculate Conception, even if framed in a non-dogmatic way. True, there are some Orthodox who believe the Roman dogma is in danger of exalting Mary ‘to an equality with God’ by separating her from the rest of humanity,⁴⁴ but even these figures praise her as ‘ever-blessed and most pure... more honorable than the cherubim, and more glorious beyond compare than the seraphim.’⁴⁵

And thus, while then Cardinal Ratzinger might criticize the Rahner-Fries theses for their epistemological tolerance, the fact is that, at least as it concerns the Catholic-Orthodox divide and the Marian dogmas, great tolerance is not really called for. Rome would simply be asked to not to impose the Marian doctrines upon the Orthodox Church, assured that the essence of both teachings is already confessed by them liturgically. In return, the Orthodox would not reject the 1854 and 1950 dogmatic framing of the two doctrines because, in substance if not in exact formula, these teachings are already part of their Tradition.⁴⁶ This is clearly not least common denominator ecumenism or the tyranny of relativism.

Thesis 4a and the Papal Office

‘All partner churches acknowledge the meaning and right of the Petrine service of the Ro-

⁴² Ibid., 147. Meyendorff does contextualize these writings within both ‘the doctrine of original sin that prevailed in the East’ and ‘the poetical, emotional, or rhetorical exaggerations characteristic of Byzantine liturgical Mariology’ Ibid., 147–48.

⁴³ Christiaan Kappes, *The Immaculate Conception: Why Thomas Aquinas Denied, While John Duns Scotus, Gregory Palamas, and Mark Eugenikos Professed the Absolute Immaculate Existence of Mary* (Bedford, MA: Academy of the Immaculate, 2014).

⁴⁴ John Maximovitch, *The Orthodox Veneration of Mary, the Birthgiver of God*, trans. Seraphim Rose (Platina, CA: St. Herman of Alaska Brotherhood, 1978), 52.

⁴⁵ Kallistos Ware points out that ‘although a great majority of Orthodox have rejected the doctrine... the Orthodox Church has never in fact made any formal and definitive pronouncement on the matter’. He also recognizes that although ‘individual Orthodox have made statements which, if not definitely affirming the doctrine... at any rate approach close to it’, in the end ‘the whole question belongs to the realm of theological opinion’. Timothy Ware, *The Orthodox Church*, 252.

⁴⁶ It would not be dissimilar to the agreement reached with the Oriental Orthodox at Chambésy in 1990, when the Orthodox affirmed that ‘in light of our Agreed Statement on Christology as well as of the above common affirmations, we have now clearly understood that both families have always loyally maintained the same authentic Orthodox Christological faith, and the unbroken continuity of the apostolic tradition, though they have used Christological terms in different ways. It is this common faith and continuous loyalty to the Apostolic Tradition that should be the basis for our unity and communion’. Simply put, different words do not immediately mean that there is a different faith. See Paul Ladouceur, ‘Orthodox Critiques of the Agreed Statements between the Orthodox and the Oriental Orthodox Churches’, *St Vladimir’s Theological Quarterly* 60 (2016), 333–68; Christine Chaillot, ed., *The Dialogue between the Eastern Orthodox and the Oriental Orthodox Churches* (Volos GR: Volos Academy Publications, 2016).

man pope to be the concrete guarantor of the unity of the church in truth and love'

It is with discussion of the papacy that things get a bit trickier. As formulated, this thesis should be acceptable to the Orthodox, especially as recent examinations of the papacy from both sides (e.g., Paul McPartlan, Hermann Pottmeyer, JMR Tillard Olivier Clément) have refocused discussions away from the pope's powers to instead concentrate on his role as servant of unity.⁴⁷ Pope John Paul's encyclical *Ut Unum Sint* (1995) focused on this theme, and even asked other churches (particularly the Orthodox) how best this service of unity may be exercised in 'a new situation' while at the same time 'in no way renouncing what is essential to its mission'.⁴⁸

As for the primacy itself, historically speaking there is no doubt that for centuries Orthodoxy did recognize the primacy of Rome—setting aside for the moment *how* it attained that primacy—and conciliarly granted to the Bishop of Rome certain powers (e.g., the Sardican Privilege) that allowed him to serve the unity of the Church when normal structures were unable to do so. Despite the East's general acceptance of the principle of accommodation—the ecclesial structures mirror political realities and thus Rome achieved her primacy because she was the imperial capital—there is also more than enough evidence to support that the contention that the pope's 'petrine' claims were widely accepted in the East until the twelfth and thirteenth centuries. During the conciliar period when doctrinal or other issues arose that could not be resolved by local bishops or synods, everyone looked to Rome, whose significance (whatever the exact reasons) no-one seriously doubted.⁴⁹ True, the East did not recognize anything akin to universal jurisdiction during the first millennium, despite the attempts of Catholic polemicists to spin the evidence that way, but it would be equally false to claim, as the Orthodox have done and continue to do, that Rome's primacy was merely honorific, without the real authority, recognized by all, to help guarantee the unity of the church.

⁴⁷ Olivier Clément, *You Are Peter: An Orthodox Theologian's Reflection on the Exercise of Papal Primacy*, trans. M.S. Laird (New York: New City Press, 2003); J.M.R. Tillard, *Church of Churches: The Ecclesiology of Communion*, trans. R. C. De Peaux (Collegeville: Liturgical Press, 1992); Paul McPartlan, *A Service of Love: Papal Primacy, the Eucharist, and Church Unity* (Washington, DC: Catholic University of America Press, 2013); Hermann Pottmeyer, *Towards a Papacy in Communion: Perspectives from Vatican Councils I & II* (New York: Crossroad Publishing, 1998).

⁴⁸ For a whole millennium Christians were united in 'a brotherly fraternal communion of faith and sacramental life... If disagreements in belief and discipline arose among them, the Roman See acted by common consent as moderator' In this way the primacy exercised its office of unity. When addressing the Ecumenical Patriarch His Holiness Dimitrios I, I acknowledged my awareness that 'for a great variety of reasons, and against the will of all concerned, what should have been a service sometimes manifested itself in a very different light. But... it is out of a desire to obey the will of Christ truly that I recognize that as Bishop of Rome I am called to exercise that ministry... I insistently pray the Holy Spirit to shine his light upon us, enlightening all the Pastors and theologians of our Churches, that we may seek—together, of course—the forms in which this ministry may accomplish a service of love recognized by all concerned' John Paul II, *Ut Unum Sint* (Boston: Pauline Books and Media, 1995), 95.

⁴⁹ See Vincent Twomey, *Apostolikos Thronos. The Primacy of Rome as Reflected in the Church History of Eusebius and the Historico-apologetic Writings of Saint Athanasius the Great*, Münsterische Beiträge zur Theologie 49, (Münster: Aschendorff, 1982).

Thus the question for the Orthodox, at least until relations deteriorated after the Fourth Crusade, was never Rome's role as 'the Church which presides in love', but rather the limits of its authority and whether circumstances merited his direct involvement in the affairs of another local church.⁵⁰ The question was more often than not a matter of interpretation—i.e., had events occurred jeopardizing ecclesial communion, thus requiring the pope's intervention as guarantor of the church's unity? The case of Photios is the perfect example—for the Constantinopolitans this was an internal affair that did not need Roman interference, while for Pope Nicholas Ignatius's appeal to Rome against an unlawful deposition gave the pope the right to judge the matter.⁵¹

As time went on, of course, Rome became (to use the modern term) more 'proactive' in ensuring unity, not only coming to the rescue when asked, but also inserting itself where it clearly was not wanted. This development was largely the result of the Gregorian Reform, when guaranteeing the unity and reform of the church was thought to require more direct Roman involvement, and the pope's powers grew exponentially as a result. Yet for most of the first millennium this was not the case. All agreed that the pope had a role in serving the unity of the church, but where East and West differed was when exactly this authority should be brought into play. If the church today is going to use the first millennium as a model, but at the same time avoid the problems of interpretation that plagued it then, what is required is some clarity as to when papal power should be employed in the service of unity, especially in those churches outside the patriarchate of the West.

Thesis 4b and the Limits of Papal Power

'The pope, for his part, explicitly commits himself to acknowledge and to respect the thus agreed upon independence of the partner churches'.

While not directly treating the 'universal jurisdiction' granted to the pope by *Pastor Aeternus*, what this thesis does is contextualize it by guaranteeing that the pope will only become involved in the affairs of other local churches when absolutely necessary. He *can* act (or even better, be asked to act) throughout the church in times of crisis, when the normal processes no longer serve their purpose, but he would pledge that under ordinary circumstances he would not insert himself into the affairs of other churches. Essentially this is the application of the principle of

⁵⁰ For the evolution of the Eastern response to the papacy's rise see A. Edward Siecienski, 'Byzantium and the Papacy from the Fifth to Fifteenth Centuries: The Three Stage Response', in A. Bucossi and A. Calia eds, *Contra Latinos et Adversus Graecos: The Separation between Rome and Constantinople from the Ninth to the Fifteenth Century* (Leuven: Peeters Publishers, 2020), 1-30.

⁵¹ Despite its age, Francis Dvornik's *The Photian Schism: History and Legend* (Cambridge: Cambridge University Press, 1948) remains an invaluable resource for understanding the political and ecclesial complexities of the schism.

subsidiarity to the exercise of the papal office—i.e., affairs would be handled locally until they cannot be.⁵²

Today, as a matter of practice (not dogma) the Bishop of Rome is very involved in the affairs of local churches in communion with him because over the centuries popes have seen this as necessary for protecting Catholic unity. Various offices in the Vatican select the world's bishops,⁵³ approve local translations of liturgical books, oversee canonical processes, and investigate perceived deviations from Church teaching. Thesis 4b imagines a future church where the pope, recognizing the ability of local, metropolitan, and patriarchal churches to carry out their functions without this level of involvement, would act only in extraordinary circumstances when the unity of the church demanded it. It would be, historically speaking, a return to the situation that existed during the first millennium.

However, as was the case during the first millennium, there will inevitably be differences of opinion as to when these extraordinary circumstances have come to pass. In order to avoid these debates some concrete guidelines would need to be outlined. What specific powers should the East recognize as necessary to the pope's petrine mission to maintain unity? Thankfully, history offers at least one example of a mutually agreeable formula. The plan, first proposed in the year 1253 by the Emperor John III Vatatzes (1222–54) with the support of Patriarch Manuel II (1244–54), was accepted by Pope Innocent IV (1243–54), although the death of all three parties in quick succession prevented its adoption.

The agreed-upon formula suggested that along with 'complete acknowledgement and profession' of Rome's primacy over the other patriarchal sees, there should also be recognition of the pope's right to hear the appeals of bishops who disputed the decisions of regional councils.⁵⁴ This, of course, is the famous 'Sardican privilege' that in 342/343 granted the Bishop of Rome the right to receive appeals from deposed bishops.⁵⁵ Essentially it was the synod's way of addressing the problem raised by

⁵² Because of the fear that subsidiarity would also apply to matters of faith, some reject the term when applied to the Church (preferring collegiality or synodality). Philip Brown, p.s.s., 'The 1983 Code and Vatican II Ecclesiology: The Principle of Subsidiarity in Book V', *The Jurist: Studies in Church Law and Ministry* 69 (2009): 583–614; N. Knoepffler and M. O'Malley 'Karl Rahner and Pope Francis on Papal Ministry: Towards an Ecumenical Ecclesiology of Communion and Subsidiarity', *Ecclesiology* 13 (2017): 55–82.

⁵³ According to both the 1917 and 1983 Codes of Canon Law the power of appointing a bishop normally belongs to the pope, although the 1917 code acknowledged there were exceptions based on preexisting agreements with certain secular powers. The current code says 'The Supreme Pontiff freely appoints bishops or confirms those legitimately elected' (CIC 377 §1). However, historically speaking the right of the pope to appoint bishops is relatively new.

⁵⁴ Theodosius T Haluščynskyj and Meletius M Wojnar, eds., *Acta Alexandri PP VI (1254–1261)* (Rome: Pontificia Università Gregoriana, 1966), 28 (Eng. trans: Joseph Gill, *Byzantium and the Papacy 1198–1400* (New Brunswick: Rutgers University Press, 1979), 92–93.

⁵⁵ The Council of Sardica (342/3), which had been convened by the Emperors Constans and Constantius II following the Council of Nicaea, issued several canons concerning church discipline, including one pertaining to appeals. Hamilton Hess, *The Canons of the Council of Sardica: A Landmark in the Early Development of Canon Law* (Oxford: Oxford University Press, 1958); Herman Josef Sieben, 'Sanctissimi Petri apostoli memoriam honoremus. Die Sardicensischen Appellationskanones im Wandel der Geschichte',

the deposition of Athanasius, for if one wanted to appeal the unjust sentence of a regional synod, going to ‘the Roman bishop... [seemed] a more desirable alternative than being at the mercy of political powers and factional intrigue’.⁵⁶

It is interesting to note that even as late as the thirteenth century, long after Byzantine polemicists had begun attacking the authority and pretensions of the papacy, few (if any) Orthodox questioned his conciliarly granted right to hear appeals. During the debate of Niketas of Nikodemia and Anselm of Havelburg in 1136, Niketas maintained that he had never ‘deni[ed] or reject[ed] the primacy of the Roman Church... [where] all the others made appeal in problematic ecclesiastical cases’.⁵⁷ Even during the heated exchanges of the Latin occupation following the Fourth Crusade the Greeks never denied that a patriarch deposed by a synod of his own church could appeal to the Roman pope just as Athanasius had done.⁵⁸

If one wanted to extend this principle for the good of the present-day Church, one could also include the right of the pope to hear appeals from patriarchs disputing with one another, when, for example, they sever communion because of disagreements over jurisdiction. As with the Sardican privilege, the pope would not necessarily serve as judge in such cases but could instead delegate others—perhaps other bishops, metropolitans, patriarchs—to ‘judge according as they think right’.

The second part of John III Vatatzes’s plan was that in disputed matters of faith the pope’s decisions were to receive ‘canonical obedience’ from all ‘provided they did not oppose the gospel and the canonical precepts’—an ambiguous formula it must be admitted, but one that did recognize the historical reality that Rome had played a key role in settling previous doctrinal disputes.⁵⁹ At councils, the pope would have the right to ‘give his opinion before others,... have precedence in proposing his judgment’, and on all decrees he shall have ‘the first place and the first signature’.⁶⁰ This last bit is interesting for it sidestepped the issue of who should call and preside at councils—the Greeks believing that this right belonged to the emperor, while the

Theologie und Philosophie 58 (1983):501–34; C.H. Turner, ‘The Genuineness of the Sardican Canons’, *Journal of Theological Studies* 3 (1902): 370–97.

⁵⁶ In such cases the pope was not to serve as judge, but merely determine whether the case should be reviewed, and then, if necessary, to send ‘presbyters bearing his authority’ to the province to ‘judge according as they think right’. ‘Strictly speaking, Rome was not yet established as a genuine court of appeal’, but Sardica is nevertheless important because it gave to the pope, by conciliar legislation, a role and authority not possessed by any other bishop. Klaus Schatz, *Papal Primacy: From Its Origins to the Present*, trans. John Otto and Linda Maloney (Collegeville, MN: The Liturgical Press, 1996), 25.

⁵⁷ Anselm of Havelberg, *Anticimenon: On the Unity of the Faith and the Controversies with the Greeks*, trans. Ambrose Criste and Carol Neel, Cistercian Studies 232 (Collegeville: Liturgical Press, 2010), 169.

⁵⁸ August Heisenberg, ed., *Neue Quellen zur Geschichte des lateinischen Kaisertums und der Kirchenunion 1: Der Epitaphios des Nikolaos Mesarites auf seinen Bruder Johannes* (Munich: Verlag der Bayer. Akad. der Wissenschaften, 1922), 57 (Eng. trans: Michael Angold, *Nicholas Mesarites: His Life and Work in Translation* [Liverpool: Liverpool University Press, 2017], 178–79).

⁵⁹ Theodosius T Haluščynskyj and Meletius M Wojnar, eds., *Acta Alexandri PP VI (1254–1261)*, 28 (Eng. trans: Joseph Gill, *Byzantium and the Papacy 1198–1400*, 92–93).

⁶⁰ *Ibid.*

Latins had long held that the pope had this power.⁶¹ Here the pope was granted, if not necessarily the right to convene such a gathering, at the very least the first and most powerful voice at it.

Today, in the absence of an emperor, the right to call councils in the Orthodox world remains unsettled—the results of the 2016 Great and Holy Council of Crete make this abundantly clear—but certainly it would not be unreasonable in a future united church to grant this right to the Bishop of Rome, in consultation with the other patriarchs. The 2010 ‘Steps toward a Reunited Church’ issued by the North American Orthodox-Catholic Theological Consultation thought so, maintaining that the pope’s ‘universal role would also be expressed in convoking and presiding over regular synods of patriarchs of all the Churches, and over ecumenical councils, when they should occur’.⁶²

These specific powers, if granted by the Orthodox and agreed to by the Catholics as voluntary limits on papal authority, would go a long way toward addressing the ecumenical stumbling block of *Pastor Aeternus*. It does not, I admit, completely untie the Gordian knot of Vatican I, but by refocusing the pope’s petrine ministry on the service of unity, and then distinguishing what he *can* do in extraordinary circumstances to preserve communion and what he *should* do under normal conditions, it does loosen it a bit. As for the actual doctrines contained in *Pastor Aeternus*, it was Cardinal Ratzinger himself who first suggested that ‘Rome must not require more from the East with respect to the doctrine of primacy than had been formulated and was lived in the first millennium’.⁶³ In accepting thesis 4a and the powers/

⁶¹ This issue had first been raised following the Lateran Synod of 649, when Pope Martin I and Maximus the Confessor organized a council—without imperial approval—to condemn the monothelite heresy. Both during and after the synod, Maximus’s and Martin’s actions indicate that in their minds this gathering was a genuinely ecumenical council, directly challenging the long-held and universally recognized right of the emperor to call such a gathering. For Maximus it was the Orthodox faith, not imperial recognition, that dictated the legitimacy of councils. Whether they were aware of it or not, in suggesting a council could be called by the pope without the emperor’s consent, Maximus and his Roman allies ‘were claiming nothing less than a revolutionary role for the papacy... boldly challenging the emperor’s authority to supervise and direct divine matters’. In subsequent years the popes had called several ‘ecumenical councils’ without imperial (or Eastern) involvement. See Catherine Cubitt ‘The Lateran Council of 649 as an Ecumenical Council’, *Chalcedon in Context: Church Councils 400–700*, Richard Price and Mary Whitby, eds. (Liverpool: Liverpool University Press, 2009), 133–47; Rudolf Riedinger, ‘Die Lateransynode von 649 und Maximus der Bekenner,’ in *Maximus Confessor. Actes du Symposium sur Maxime le Confesseur, Fribourg, 2-5 septembre 1980*, ed. Felix Heinzer and Christoph Schönborn (Fribourg-en-Suisse: Editions Universitaires, 1982): 111–21.

⁶² North American Orthodox-Catholic Theological Consultation, ‘Steps towards a Reunited Church: A Sketch of an Orthodox-Catholic Vision for the Future’, Referenced at: <http://www.usccb.org/beliefs-and-teachings/ecumenical-and-interreligious/ecumenical/orthodox/steps-towards-reunited-church.cfm>

⁶³ Joseph Ratzinger, ‘The Ecumenical Situation: Orthodoxy, Catholicism, and Protestantism’, in *Principles of Catholic Theology: Building Stones for a Fundamental Theology* (San Francisco, CA: Ignatius Press, 1987), 198–99. See Richard A. Mattiussi, *The Ratzinger Formula: A Catalyst for the Unfolding Dialogue between the Catholic and Orthodox Churches on ‘Conciliarity and Primacy’* (Fairfax, VA: Eastern Christian Publications, 2010). In fact, the ‘Ratzinger formula’ was the inspiration for the Rahner-Fries’ book, the authors’ calling it as ‘the one conceivable solution’ to the ecumenical impasse created by *Pastor Aeternus*. Rahner and Fries, *Unity of the Churches*, 70.

limits entailed in thesis 4b, the Orthodox of today would essentially be doing exactly that. It should be noted that even as late as the thirteenth century Pope Innocent IV was willing to accept the Eastern plan, and the specific powers entailed therein, so the question becomes why the popes of the twenty-first century should ask for more.

Conclusion

Karl Rahner, unlike his brother Hugo, was not a Church historian, and had relatively little interaction with the Christian East. Although he and Fries often used the Eastern Catholics as examples of how different rites can coexist within the same church, it is obvious that *Unity of the Churches* was aimed at the West and the churches of the Reformation. And yet the theses they proposed, when applied to the Catholic-Orthodox situation and coupled with the theological dialogues taking place on both an unofficial and official level, have the ability to provide the foundation for concrete action. As was stated at the beginning, it is unlikely that the schism will be eliminated overnight, but at the same time any move forward brings the two churches ever closer to that day when it will occur. The Catholic-Orthodox dialogue is on the cusp—not there, but almost. We cannot yet solve all the theological issues that divide us, but we can eliminate or lessen some of them by applying some of the recommendations contained herein. The danger, of course, is that the fruits of the dialogues will be left to wither on the vine, and that the loss of momentum will lead to inaction. One may note, with some sadness, how discussions between the Orthodox and Oriental Orthodox have all but settled the theological issues between them and yet nothing has come of it. Having come so far, it would be a shame if the same thing should happen here.