

**Modern History Sourcebook:
The Treaty of Brest, 1595**

From: <http://www.fordham.edu/halsall/mod/1595brest.html>

Articles Concerning Union With The Roman Church

These articles were accepted by the hierarchy of the Church in Kiev in three languages: Ukrainian, Polish, and Latin. It is on this basis that the Church of Kiev is in communion with the Roman Catholic Church.

The articles frequently refer to the King of Poland. The function of the King of Poland vis-à-vis the Greek-Catholic Church were assumed by the Austrian Emperor. As there is no longer a King of Emperor, and the Greek-Catholic Church is certainly not state-supported in Ukraine, these functions revert to the synod or lapse entirely.

We require prior guarantees of these articles from the Romans before we enter into union with the Roman Church.

1. Since there is a quarrel between the Romans and Greeks about the procession of the Holy Spirit, which greatly impede unity really for no other reason than that we do not wish to understand one another - we ask that we should not be compelled to any other creed but that we should remain with that which was handed down to us in the Holy Scriptures, in the Gospel, and in the writings of the holy Greek Doctors, that is, that the Holy Spirit proceeds, not from two sources and not by a double procession, but from one origin, from the Father through the Son.
2. That the divine worship and all prayers and services of Orthros, Vespers, and the night services shall remain intact (without any change at all) for us according to the ancient custom of the Eastern Church, namely: the Holy Liturgies of which there are three, that of Saint Basil, that of Saint Chrysostom, and that of Epiphanius which is served during the Great Lent with Presanctified Gifts, and all other ceremonies and services of our Church, as we have had them until now, for in Rome these same services are kept within the obedience of the Supreme Pontiff, and that these services should be in our own language.
3. That the Mysteries of the Most Holy Body and Blood of Our Lord Jesus Christ should be retained entirely as we have been accustomed until now, under the species of bread and wine; that this should remain among us eternally the same and unchangeable.
4. That the Mystery of Holy Baptism and its form should remain among us unchanged as we have served it until now, without any addition.
5. We shall not debate about purgatory, but we entrust ourselves to the teaching of the Holy Church.

6. We will accept the new calendar, if the old one cannot be, but without any violation of the Paschalia [the Easter cycle] and our other feasts as they were in the time of unity, because we have some special feasts which the Romans do not have; on the sixth of January we celebrate the memory of the Baptism of the Lord Christ and the first revelation of the One God in Trinity. We call this feast Theophany, and on this day we have a special service of the Blessing of Waters.

7. That we should not be compelled to take part in processions on the day of Corpus Christi - that we should not have to make such processions with our Mysteries inasmuch as our use of the Mysteries is different.

8. Likewise that we should not be compelled to have the blessing of fire, the use of wooden clappers, and similar ceremonies before Easter, for we have not had such ceremonies in our Church until now, but that we should maintain our ceremonies according to the rubrics and the Typicon of our Church.

9. That the marriages of priests remain intact, except for bigamists.

10. That the metropolitanate, the episcopate, and other ecclesiastical dignities shall be conferred on no one except the Rus' people or Greeks, who must be of our religion. And since our Canons require that the Metropolitan, the Bishops, and so on, first elected by the clergy, must be worthy people, we ask the King's Grace that the election be free, leaving intact the authority of the King's Grace to appoint the one whom he pleases. This means that as soon as someone has died we should elect four candidates, and the King's Grace will freely chose whom he wishes from among the four. This is necessary, especially so that the persons named to such positions will be worthy and educated, for the King's Grace, who is not of the same religion, cannot know who is worthy of this, and thus it has happened that such uninstructed people were appointed that they were scarcely literate. If the King's Grace should wish to appoint a layman to these spiritual posts, the appointee must receive Holy Orders within no more than three months under pain of losing appointment, according to the Constitution of the Parliament of Grondo and the Articles of King Sigmund Augustus of blessed memory, approved by the present King's Grace, for at the moment there are some who hold certain spiritual appointments in their hands but do not receive Holy Orders even for years, justifying themselves with some sort of royal "exemptions". We ask that in future this should not be.

11. That our Bishops should not send to Rome for the sacrae (permission to consecrate), but, if the King's Grace names someone to a bishopric, that according to the old custom the Archbishop-Metropolitan should have the duty and the right to ordain him. The Metropolitan himself, before entering upon the office of metropolitan, should send the sacrae to the Pope. Then, after he has received the sacrae from Rome, let the bishops ordain him, at least two of them, according to their custom. If a bishop is elected Metropolitan, let him not send for the sacrae, because he already has the episcopal cheirotonia; he may take an oath of obedience to the Supreme Pontiff in the presence of the Archbishop of Gniezno (who on that occasion will not be functioning as Archbishop, but as Primate of Poland).

12. So that our authority would be greater and we should govern our faithful with greater respect, we ask seats in the Senate of the King's Grace for the Metropolitan and the bishops. We ask this for many reasons for we have the same office and hierarchical dignity as the Roman Bishops.

13. And if in time the Lord shall grant that the rest of the brethren of our people and of the Greek Religion shall come to this same holy unity, it shall not be held against us or begrudged to us that we have preceded them in this unity, for we have to do this for definite, serious reasons for harmony in the Christian republic [Poland] to avoid further confusion and discord.

14. Most important of all, it is necessary that if in our dioceses presbyters - Archimandrates, Hegumenoi, presbyters, and other clergy, but especially foreigners, even bishops and monks who might come from Greece - of our Religion should not wish to be under our obedience they should never dare to perform any divine service. For if that were allowed then there would never be any order.

15. If in the future someone of our Religion should want to join the Roman Church, denying his own Religion and Ceremonies, let him not be accepted, since he is degrading the Ceremonies of the one Church of God, since, being already in one Church, we shall have one Pope.

16. That marriages may freely take place between the Roman faithful and the Rus' faithful, without any compulsion as to Religion, for both are already one Church.

17. Inasmuch as we have lost the possession of many ecclesiastical properties, some of which our predecessors alienated by rights other than the free administration of these goods during their personal lives, so that we find ourselves in such want and poverty that we cannot provide satisfactorily for the needs of the churches, and indeed we ourselves scarcely have the means of subsistence, we require that these properties be returned to our churches. If anyone has legitimately acquired the lifetime usufruct of any ecclesiastical benefice, let him be obliged to pay an annual rent to the Church, and upon his death let the benefice revert to the Church. Such a benefice shall not be granted to anyone without the consent of the bishop and his chapter. Every benefice to which the Church presently has title is to be recorded in the Gospel Books, even if the Church does not exercise any control over some benefices. In that way they will at least belong indisputably to the Church. With this accomplished, the Church can then undertake to regain those benefices which have been alienated at an earlier time.

18. Upon the death of the Metropolitan or of a bishop, the wardens and state treasurer shall not interfere in the ecclesiastical properties. As is the custom and tradition of the Roman Church, these properties shall be administered by the chapter until a new Metropolitan or bishop is elected. While this is already guaranteed to us by our privilege, we ask that it be incorporated into the constitution of the kingdom.

19. That Archimandrates, Hegumenoi, monks and their monasteries, according to the old custom shall be under the obedience of the bishops of their dioceses, for among us there is only one monastic Rule, which even the bishops use, and we do not have "Provincials".

20. That at the tribunal among the Roman Clergy we also should have two of our [clergy] to look after the affairs of our Church.

21. That the archimandrates, hegumenoi, priests, archdeacons, and our other clergy be held in the same esteem as the Roman clergy, and should enjoy and make use of the same liberties and privileges which were granted by King Ladislaus; they should be exempt from all taxation, both personal and concerning ecclesiastical property, in contrast to the unjust practice which has hitherto obtained - if they possess some private properties then they should pay taxes on them, whatever is just, as other proprietors do. Any priest and other clergy who possesses ecclesiastical properties within the territories of the senators and nobility are subject to them and must obey them: they should not appeal to the courts or enter into quarrels with the landlords, but must acknowledge the right of patronage. But accusations regarding the person of the clergy and their spiritual functions, are subject only to the bishop, and the misdemeanors of the clergy shall be punished exclusively by the bishop on the complaints of the landlord. Thus everyone, clergy and laity, will have their rights preserved whole and inviolate.

22. That the Romans should not forbid us to ring bells in our churches on Good Friday, both in the cities and everywhere else.

23. That we should not be forbidden to visit the sick with the Most Holy Mysteries, publicly, with lights and vestments, according to our rubrics.

24. That without any interference we might be free to hold processions, as many as are required, on holy days, according to our custom.

25. That our Rus' monasteries and churches should not be changed into Roman Catholic churches. And if any Roman Catholic has damaged or destroyed one of our churches or monasteries, in his territory, he shall be obliged to repair it or build a new one for the exclusive use of the Rus' people.

26. The spiritual Church Brotherhoods which have recently been erected by the Patriarchs and confirmed by the King's Grace - for example, those in L'viv, in Brest, in Vilnius, and elsewhere - in which we see great benefit for the Church of God and the cultivation of divine worship if they wish to abide in this unity, shall be maintained in all their integrity under the obedience of their Metropolitan and of the bishops in whose dioceses they function and to whom each of them is properly ascribed.

27. That we shall be free to have schools and seminaries in the Greek and Church-Slavonic languages in the localities where it is most convenient, and that our printing-presses shall be free (of course under the supervision of the Metropolitan and bishops, so

that no heresies be propagated and nothing be printed without the knowledge and consent of the Metropolitan and bishops).

28. Since there have been great abuses and disobedience on the part of some priests in the dominions of the King's Grace as well as in the lands of the lords and magnates, so that these priests have obtained the protection of the landlords and magnates for their abuses, dissolving marriages, so that the wardens and other officials profit to some extent by the fees from these divorces and therefore shield these priests, not permitting the bishops and the synod to summon such wayward clerics, abusing and even beating our visitators, we request that such abuses should cease, and that we would be free to correct the wayward and keep order, and if someone should be excommunicated because of his disobedience or for an abuse, let the government and the lords, once they have been informed by the bishops or the visitator, not permit such excommunicated clergy to perform clerical functions or serve in the churches until they have been absolved by their pastors from their faults. This shall also be understood for archimadrates and hegumenoi and other ecclesiastics who are subject to the bishops and to their authority.

29. Than the Cathedrals in the main cities and all the parish churches everywhere in the dominions of the King's Grace, of every place and jurisdiction, whether founded by the King, or by the city, or by a local lord, shall be subject to the bishop and under his authority, and that lay people shall not administer them under any pretext, for there are those who meddle against the obedience of the bishop, arranging matters as they wish and who do not want to obey their bishops. Let this not occur in the future.

30. And if someone has been excommunicated by his bishops for any offense, let him not be received into the Roman Church but, on the contrary, let his excommunication be proclaimed there also. And we shall do the same with regard to those excommunicated from the Roman Church, for this is a joint concern.

31. And when the Lord God by His will and holy grace shall permit the rest of our brothers of the Eastern Church of the Greek tradition to come to the holy unity with the Western Church, and later in this common union and by the permission of the Universal Church there should be any change in the ceremonies and Typicon of the Greek Church, we shall share all this as people of the same religion.

32. We have heard that some have departed for Greece to procure ecclesiastical powers and return here to advise and influence the clergy and extend their jurisdiction over us. We, therefore, request the King's Grace to order precautions to be taken on the state borders so that anyone bearing such jurisdictions and excommunications be barred from entering the kingdom. Otherwise, grave misunderstandings could arise between the pastors and the flocks of the Church.

33. All these things we the undersigned, desiring holy concord for the praise of God's Name and for the peace of the Holy Church of Christ, we have given these articles which we consider necessary for our Church and for which we require agreement in advance and guarantees from the Holy Father the Pope and from the King's Grace, our merciful

lord, for greater security, we have committed our Instructions to our Reverend brothers in God, father Hypatius Potij, the Protothrone, Bishop Volodymyr of Brest, and Father Cyril Terlet-sky, Exarch and Bishop of Lutsk and Ostrih, so that in our name and in their own name they should ask the Most Holy Father the Pope, and also the King's Grace, our merciful lord, to confirm and guarantee beforehand all the articles which we have here given in writing, so that assured as to the faith, the Mysteries, and our ceremonies, we might come to this holy accord with the Roman Church without any violation of our conscience and the flock of Christ committed unto us and likewise that others who are still hesitating, seeing that we retain everything inviolate, might more quickly come after us to this holy union.

Given in the Year of God 1595, the month of June, the first day according to the Old Calendar.

MICHAEL, Metropolitan of Kiev and Halych and all Rus'
Hypatius, Bishop of Volodymyr and Brest
Cyril Terletsy, by the grace of God Exarch and Bishop of Lutsk and Ostrih
Leontius Pelchytsky, by the grace of God Bishop of Pinsk and Turov

[the seals of eight bishops are added, including Gedeon Balaban of L'viv and Dionysius Zbirujski of Kholm.]

Source:

This text is part of the [Internet Modern History Sourcebook](#). The Sourcebook is a collection of public domain and copy-permitted texts for introductory level classes in modern European and World history.

Unless otherwise indicated the specific electronic form of the document is copyright. Permission is granted for electronic copying, distribution in print form for educational purposes and personal use. If you do reduplicate the document, indicate the source. No permission is granted for commercial use of the Sourcebook.

© Paul Halsall, January 1999
halsall@fordham.edu