

St. Josaphat Kuntsevych's *Regulae* and *Constitutiones* for the Priesthood

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Summary. The chapter delves into two works associated with St. Josaphat Kuntsevych, who was Archbishop of Polatsk from 1618 to 1623: *Regulae S. Josaphat pro suis praesbyteris* (*Rules of St. Josaphat for His Priests*) and *Constitutiones pro omnibus sacerdotibus* (*Rules for All Priests*). Research supports St. Josaphat's authorship of the *Regulae*, although it suggests that the final version may have emerged shortly after his martyrdom. The origins of the *Constitutiones*, which is seemingly a compilation of offenses and their punishments, predate the *Regulae*, and likely existed as a metropolitan list. The *Regulae*, comprising 48 articles, was introduced during Josaphat's tenure in order to spearhead the reform of the clergy and enhance the organisation of the parishes' ministry; these were communicated at annual eparchial councils. The *Constitutiones* specifies nine articles outlining penalties for clerical misconduct. The investigation extends to the primary sources of these works, suggesting that Josaphat adapted pre-existing council precepts, which were common in Ruthenian *Kórmchaia* books, for their formulation. Further, the chapter explores the manuscript tradition, publication, and translation of these documents, scrutinising both Ruthenian and Latin manuscripts and their editions. These normative documents were aimed at eparchial protopresbyters, priests, and deacons, but explicitly excluded monastic clergy, highlighting their integral role in ecclesiastical discipline and governance.

Keywords: Josaphat Kuntsevych; Rules; Constitutions; council; canons; clergy.

1. Introduction

Archbishop Josaphat Kuntsevych of Polatsk, celebrated as a martyr to Church unity within the Catholic world, has a legacy which extends beyond the testimony of his martyrdom to include his remarkable pastoral endeavours. Historians have explored the brief span of his episcopal ministry (1618–1623) from various angles – examining his spirituality, ascetic practices, and martyrdom; and frequently lauding his virtues, his efforts to rejuvenate the archeparchy and monasteries, and his

dedication to fostering Church unity.¹ Some authors have also paid attention to this saint's activities as a legislator and judge in relation to his priests and the faithful; in particular, they have studied his *Regulae S. Josaphat pro suis praesbyteris* (*Rules of St. Josaphat for His Priests*) and *Constitutiones pro omnibus sacerdotibus* (*Rules for All Priests*) in the context of the reforms and spiritual renewal of the archeparchy. However, it is important to note that previous discussions have primarily described the content of these works rather than conducting an in-depth study.² This chapter aims to delve into the finer details of the *Regulae* and the *Constitutiones*, including their titles, authorship, creation dates, objectives, manuscript history, editions, and principal sources. Additionally, it seeks to characterise these documents, illustrating how they encapsulated the endeavours of a bishop whose tenure on the ancient throne of Polatsk lasted a mere five years.

2. The *Regulae* and *Constitutiones'* Manuscript Tradition and Publication

From the interrogation protocol of Archdeacon Dorotheus Lecykowicz³ conducted during the Polatsk beatification process in 1628, it follows that the *Regulae* and the *Constitutiones*, along with Josaphat's *Catechism* in Latin translation, were officially added to the records of the process.⁴ Initially, the Congregation for the Propagation of the Faith reviewed the beatification case, but, from 1629 onwards, the Sacred Congregation of Rites took over. Athanasij Welykyj discovered three copies of the 1628 beatification process in the Vatican Apostolic Archive.⁵ This

1 J. Susza, 1665, p. 36–79; N. Contieri, 1867, p. 110–123; A. Guépin, 1897, p. 211–229; M. M. Соловій et al., 1967, c. 190–201.

2 N. Contieri, 1867, p. 123, 129–139; A. Guépin, 1897, p. 233–240; Соловій М. М. et al., 1967, c. 203–214; М. Марусин, 1967, c. 43–86; С. Сеник, 1997, c. 64–66.

3 For brief information about Dorotheus Lecykowicz, see: S. *Josaphat Hieromartyr. Documenta Romana beatificationis et canonizationis*, vol. 1: 1623–1628, ed. Athanasius G. Welykyj, Romae: Sumptibus PP. Basilianorum, 1952, p. 7, ref. 7. Among the Lives of the Basilians (early 18th century), written by the Metropolitan Lev Kyshka, his biography is worth mentioning. His surname is written in Polish as follows: Lęcykowicz (J. Skruten, 1924, p. 112).

4 S. *Josaphat Hieromartyr*, 1952, p. 158: “Protulit etiam regulas, certasque constitutiones, ac catechesim pro sacerdotibus a Servo Dei composita, et manu propria Servi Dei subscripta. Quae de mandato Ill. morum DD. Commissariorum ex vulgari in latinum translata ad calcem praesentium actorum sunt inserta”.

5 Ibid., p. xxiii, also p. 234–235.

archive also holds Latin translations of the *Regulae* and the *Constitutiones*,⁶ first published by Nicola Contieri⁷ in 1867.⁸ Contieri mentions using the protocols of the ‘apostolic trials’⁹ for the biography of St. Josaphat, but does not specify his source.

Alphonse Guépin, a French Benedictine, later published Latin versions of the *Regulae* and the *Constitutiones* in 1874¹⁰ and 1897.¹¹ He accessed copies from Paweł Szymański’s manuscript¹² collection through Jan Koźmian,¹³ and also had the opportunity to work¹⁴ with more complete materials from Ioan Martinov.¹⁵ Guépin knew that Martinov had copied the material from the archives of the Congregation for the Propagation of the Faith, to which the documents had been transferred from the archives of the procurator of the Ruthenian Church in Rome.¹⁶ Interestingly, Szymański’s manuscript lacks the *Regulae* and the *Constitutiones*, while Martinov’s copies include these documents in Ruthenian. It appears that Guépin based his Latin *Regulae* and *Constitutiones* on Contieri’s editions. These documents are identical to those currently housed in the Vatican Apostolic Archives, which were published by A. Welykyj in 1952 under the titles *Regulae S. Josaphat pro suis praesbyteris*¹⁷ and *Constitutiones pro omnibus sacerdotibus*.¹⁸

While studying the Latin manuscript, I discovered that the text of the *Regulae* contains twenty-two corrections and additions – these are absent in the *Constitutiones*. Each time, the proofreader made notes in the margins of the pages: “ego f.[rater] Raph.[ael] ord.[inis] min.[oris] obs.[tante] appr.[obo]” (“I, Brother Raphael, of the Minor Order, notwithstanding, confirm”), or, in a shorter form, “ego f.[rater]

6 Archivio Apostolico Vaticano (hereinafter referred to as AAV), Cong. Riti, vol. 2291, fol. 109–118v. Although these documents have been published, we have also used their archival copies. I am grateful to Fr. Dr. Vasył Ilyk for his help in finding them in the AAV.

7 About this hieromonk from the Grottaferrata Monastery of St. Nilus, see: P. P. Pawlyk, 1967.

8 N. Contieri, 1867, p. xxiii–xxxv (*Regulae*), xxxvi (*Constitutiones*).

9 *Ibid.*, p. vii.

10 A. Guépin, 1874a, p. 21–30 (*Regulae*), 31 (*Constitutiones*).

11 A. Guépin, 1897, p. 21–31 (*Regulae*), p. 31–32 (*Constitutiones*).

12 ‘Dokumenta do dziejów’, 1862.

13 On Jan Koźmian, see P. Matusik, 2002.

14 A. Guépin, 1897, p. iv, ref. 1; p. xv–xvi.

15 For Fr. Joannes Martinov, SJ, see Я. Гординський, 1931, p. 264–291; C. Г. Яковенко et al., 2007.

16 The manuscript being referred to is *Polocensis Canonizationis gloriosi martyris Josaphat Cuceviti Ordinis St. Basilij et archiepiscopi Polocensis*, Joannes Martinov, 1865 (hereinafter referred to as *Polocensis, Martinov*), which is located in the Bibliothèque Diderot de Lyon, Fonds Russie et Europe médiane, Fonds slave des jésuites, BSL/Ma1, p. [127]–163.

17 *S. Josaphat Hieromartyr*, 1952, p. 235–245.

18 *Ibid.*, p. 245–246; M. Корзо, 2007, с. 410 (who erroneously states that the *Regulae* and the *Constitutiones* were published by A. Welykyj from the manuscript of I. Volotsko).

Raph.[ael] appr.[obo]” (“I, Brother Raphael, confirm”).¹⁹ Once, the proofreader wrote his full name ‘*Raphael*’ and the word ‘*approbo*’.²⁰ In another instance, he used the phrase “*ego f.[rater] Raph.[ael] or.[dinis] min.[oris] addidi et appr.[obo]*” (“I, Brother Raphael, of the Minor Order, added and confirm”).²¹ Through deciphering these marginal notes,²² we can assume that the editing of the *Regulae* was done by the Deacon Rafail Korsak, the future Metropolitan of Kyiv (1637–1640), who was then a student at the Greek College of St. Athanasius in Rome. Shortly after the martyrdom of St. Josaphat, the Metropolitan Yosyf Veliamyn Rutsky entrusted two students from the Greek College, Adrian Pidberesky and Rafail Korsak, with documentation related to Archbishop Kuntsevych.²³ I have assumed that the translation of the *Regulae* and the *Constitutiones* was done by Pidberesky, while the editing was performed by Korsak. The dating of this Latin manuscript to 1624²⁴ allows us to assert that the translator and editor already had the text of the *Regulae* and the *Constitutiones* in Ruthenian by 1624; the translation was done four years before the Polatsk beatification process, which took place in 1628.

The transfer of the Ruthenian language *Regulae* and *Constitutiones* from the archives of the procurator of the Ruthenian Church to the Apostolic See warrants closer examination. The beatification process was repeated in 1637,²⁵ and again, it included the *Regulae* and the *Constitutiones* in the Ruthenian language and in their Latin translation.²⁶ Dionysius Dorozhynsky notes that Ignatius Volotsko²⁷ copied the Latin, Polish, and Ruthenian 1637 Polatsk trial protocols, which had remained in the archives of the procurators of the Ruthenian Church under the Apostolic See until 1871, and were then moved to the archives of the Congregation for the Propagation of the Faith.²⁸ In contrast, Martinov indicates that they were

19 AAV, Cong. Riti, vol. 2291, fol. 109, 109v, 110, 112, 112v, 114, 114v, 115, 115v, 116, 117v.

20 Ibid., fol. 117v.

21 Ibid.

22 I am grateful to Fr. Dr. Vasyl Ilyk for his help in transcribing and translating these notes.

23 *S. Josaphat Hieromartyr*, 1952, p. xiv, 45–46.

24 Adrian Pidberesky left Rome on 24 August 1624, whereas Rafail Korsak departed on 28 December 1624. *S. Josaphat Hieromartyr*, 1952, p. 22, ref. 33, p. 34, ref. 52–53.

25 For the history of beatification and canonisation of Josaphat Kuntsevych, see A. Welykyj, 1967.

26 *S. Josaphat Hieromartyr*, 1952, p. 234–235.

27 Hieromonk Ignatij Volotsko (Volodzko), a member of the Order of St. Basil the Great, was procurator of the Apostolic See during the period of 1760–1772; see K. Korolewskyj, 1929–1930, p. 523; B. Мороз, 2023. M. Корзо, 2007, c. 410 erroneously states that I. Volotsko copied it in 1628.

28 *Матеріялы исторіи життя и смерті*, 1911а, c. ii–iii.

present in this archive as early as 1865.²⁹ During the period from 1905 to 1907, the Metropolitan Andrey Sheptytsky transferred the 1637 Polatsk trial materials from the Congregation's archives to the Church Museum in Lviv (which is currently the Andrey Sheptytsky Lviv National Museum).³⁰ Hilarion Svetsitsky's book of introductions for Latin manuscripts, written over the period from 1905 to 1907, lists these trial materials under '*Processus canonizationis polocensis Josaphati Koncewicz 1637*', with a note indicating that they originated from the Roman procurator's archives.³¹ Dorozhynsky published part of this in 1925.³² This manuscript, previously thought to be missing, was recently rediscovered by Roman Zakharchenko at the Institute of Manuscripts of the Vernadsky National Library of Ukraine (Інститут рукопису Національної бібліотеки України імені В. І. Вернадського).³³

Dorozhynsky published the *Catechism*,³⁴ the *Regulae*, and the *Constitutiones*³⁵ in 1911, stating that he copied these documents from the archives of the Congregation for the Propagation of the Faith with the assistance of Vasyl Levytsky, the Holy See's procurator for Ruthenians of Galicia in Rome.³⁶ He stated that the protocols of the canonisation process, which are titled '*Polocensis Canonizationis gloriosi Martyris Iosaphat Cunceuitii Ordinis s. Basilii et Archiepiscopi Polocensis processus Polociae auctoritate Apostolica fabricatus*', resided in the tenth volume of the correspondence between the Ruthenian metropolitans and the prefect of the

29 *Polocensis*, Martinov, p. [127].

30 *S. Josaphat Hieromartyr*, 1952, p. xxiii; *S. Josaphat Hieromartyr. Documenta Romana beatificationis et canonizationis*, vol. 2: 1628–1637, ed. Athanasius G. Welykyj, Romae: PP. Basiliani, 1955, p. xv; Й. Скрутень, 1924а, p. 314.

31 The book of introduction does not have a title page. I express my special gratitude to Ms. Anna Navrotska, head of the Manuscripts Department of the Andrey Sheptytsky National Museum, for providing information and a copy of the sheet from the book of introduction of Latin manuscripts.

32 D. Dorozhynskyj, 1925, c. 111–232. On page 232, there is a decree by the Metropolitan Andrey Sheptytsky which shows that the printed materials came from a manuscript kept in the National Museum (No. 157), i.e., the one which was transferred from the archives of the Congregation for the Propagation of the Faith.

33 Інститут рукопису Національної бібліотеки України імені В. І. Вернадського, ф. 18, спр. 419; Р. Захарченко, 2024.

34 *Матеріялы історіи життя и смерти*, 1911а, с. 1–17.

35 *Матеріялы історіи життя и смерти*, 1911б, с. 6–26. These *Регулы* are reprinted from the journal *Церковный Восток*, 1911, vol. 1, No. 4, с. 23–43.

36 On Dr. Vasyl Levytsky, who was a procurator in Rome from 1896 to 1902, see *Шематизмъ Всечесного Клира Гр. Кат. Митрополитальнои Архидієцезіи Львѣвскои на рѣкъ 1896*, Львів, 1896, с. xv; *Шематизмъ Всечесного Клира Гр. Кат. Митрополитальнои Архидієцезіи Львѣвскои на рѣкъ 1901*, Львів, 1901, с. xix.

Congregation for the Propagation of the Faith.³⁷ According to Dorozhynsky, he accessed them in 1901, before their transfer to Lviv.³⁸

Kyrylo Korolevsky, who published the contents of the previously mentioned tenth volume from the Catalogue of the Archives of the Procurators of the Ruthenian Church in Rome, writes that, in the title of the volume, there is the following information written in the handwriting of Ignatius Volotsko: “*Processus in materia Beatificationis S. Josaphat Kuncewicz de Ordine Basilii Magni Archiepiscopi Polocensis, Episcopi et Martyris, olim in foliis sparsim in Archivio conservatus, cura Patris Ignatii Wolodźko Procuratoris Ordinis copiatu et in Codicem redactus anno 1762*”.³⁹ In 1762, Volotsko collected together the documents related to the beatification of Archbishop Kuntsevych, which had been previously scattered throughout the archives, into one codex. The manuscript, which contains 102 sheets, concludes with a document from 1640.⁴⁰ While this volume does include documents related to the beatification of the hieromartyr Kuntsevych, it does not contain documents from the Polatsk trial of 1637, nor does it provide any information about the *Regulae* or the *Constitutiones*.

Yaroslav Hordynsky studied the *Regulae* and the *Constitutiones* in Ruthenian from a manuscript held in the National Museum (No. 157) and also referenced Dorozhynsky's edition. His analysis indicates no significant differences between the National Museum's manuscript and Dorozhynsky's publication, aside from philological variations.⁴¹

Roman Zakharchenko's discovery of the manuscript – which originated from the archives of the Congregation for the Propagation of the Faith and was later stored in the National Museum in Lviv (No. 157) – invites further examination in order to ascertain its composition date and authorship. The claim made by Dorozhynsky that it is a copy transcribed by Volotsko warrants verification, especially since another researcher of St. Josaphat, Georg Hofmann, attributes the year 1637 Polatsk trial records stored in the National Museum in Lviv to Georgius Paskiewicz.⁴²

A book from the second half of the 17th century housed in the Manuscript Department of the Library of the Russian Academy of Sciences in St. Petersburg and

37 *Матеріялы исторіи життя и смерті*, 1911а, с. ii–iii.

38 *Ibid.*, с. II, ref. *.

39 K. Korolewskyj, 1929–1930, p. 536.

40 *Ibid.*

41 Я. Гординський, 1925, с. 36, ref. 26.

42 G. Hofmann, 1923, p. 298.

part of the Pavel Dobrokhotov collection⁴³ contains the *Regulae* and *Constitutiones* in Ruthenian.⁴⁴ Yuriy Herych considers this book to be a copy of the original,⁴⁵ but he lacks substantial evidence for his claim. In the *Dobrokhotov Codex No. 40*, the *Regulae* and the *Constitutiones* are combined with a Polish⁴⁶ manuscript biography of Kuntsevych and an old Polish manuscript describing his miracles,⁴⁷ as well as the *Catechism*.⁴⁸ The title page of the old printed text *Korona Złota...* contains inscriptions such as “ректора семинарії Архимандрита Павла”, “р. Архимандрита Павла Доброхотова”, and “*klasztoru Supraslskiego*”,⁴⁹ suggesting that both the printed text and the manuscript documents came from the Basilian monastery in Supraśl. The codex has marginal notes, unclear markings, and some underlined sentences, and is in excellent condition.

43 About Bishop P. Dobrokhotov and his collection, see В. Ульяновський, 1992, с. 6–48; W. Walczak, 2010, s. 197.

44 *Reguły s[więtego] Iosaphata dla swych Prezbiterow* (Отдел Рукописей Библиотеки Российской Академии Наук (hereinafter referred to as ОР БРАН), Доброхот. 40, л. 105–117) і *Постановіє встмъ свяще(н)нико(м)* (ОР БРАН, Доброхот. 40, л. 1170б.–1180б.). See В. Ульяновський, 1992, с. 93–94. It is worth noting that other information is found in P. Zhukovich, 1909, p. 202–203. He states that from the manuscript collection of Pavel Dobrokhotov, the library of the Imperial Academy of Sciences received *Processus in causa Beatificationis et Canonizationis servi Dei Iozaphat Koncewicz, Archiepiscopi Polocensis, expeditus An. 1637*. It is in the appendix to this process in folios 192v–198v where ‘*Reguły S. Iozaphata dla swych przezbyterow*’ is presented. Zhukovich does not mention anything about the *Constitutiones* for priests. The manuscript *Processus in causa Beatificationis et Canonizationis servi Dei Iozaphat Koncewicz, Archiepiscopi Polocensis, expeditus An. 1637* is kept in the Archives of the St. Petersburg Institute of History of the Russian Academy of Sciences (coll. 52, b. No. 342). See В. Ульяновський, 1992, с. 167.

45 Ю. Герич, 1960, с. 16; М. Корзо, 2007, с. 410.

46 *Żywot y męczeństwo błogosławione[go] Iozaphata Biskupa y męczennika* (ОР БРАН, Доброхот. 40, л. 57–88). This was needed in order to compare this text with the biography of St. Josaphat by the Jesuit Stanisław Kosiński: *Żywot y męczeństwo B. Iozaphata Biskupa and Meczennika szeroko zebrane przez x. Stanisława Kosińskiego Soc. Jesu, teraz dla pospolitego wiernych zbudowania krótko do druku podane przez iednego kapłana teyże Societatis*, Wilno 1665; it was found that they are identical. Thus, we can assume that the manuscript, which was considered lost, has been found (R. Lukan, 1967, p. 218).

47 *Korona Złota Nad Głową zranioną B. M. Iozaphata Kuncewicza Arcybiskupa Polockiego Zakonu S. Bazylego W. Za Iedność z Kościołem S. Rzymskim od odszczepencow Witebskich okrutnie Zabitego: Drogiami Kamieńmi Cudow co przednieiyszych y Dobrodzieystw Boskich Sadzona*, Wilno 1673 (ОР БРАН, Доброхот. 40, л. 1–560б.). According to the information on this website, Izaak Dominik Malinowski was its author: <https://jbc.bj.uj.edu.pl/dlibra/publication/240857/edition/229216/content>.

48 ОР БРАН, Доброхот. 40, л. 89–103 об.

49 *Ibid.*, л. 1; В. Ульяновський, 1992, с. 92.

In the same library there is, in addition, also a Ruthenian version of the *Regulae* titled *Уставы с[вя]таго Юсафата Архієніс[ко]на Полоцкаго списаны длѣ Презвитеровѣ* from 1700, documented as *Dobrokhhot Codex No. 33*.⁵⁰ This codex, as its title indicates, was compiled by Józef Pietkiewicz,⁵¹ the secretary of the *Order of St. Basil the Great* (OSBM), in 1685, whereas the physical copy was made by an unidentified monk from Supraśl Monastery in 1700. In particular, this collection omits the last article of the *Regulae* and the *Constitutiones* for priests.

Between 19 May and 1 July 1865, Ioan Martinov transcribed the 1637 Polatsk beatification trial records of Josaphat Kuntsevych. These records, labelled as No. 4, originated from the archives of the procurator of the Ruthenian Church under the Apostolic See and were later moved to the archives of the Congregation for the Propagation of the Faith. Martinov states that he copied them from the original (*ex protypo*).⁵² Martinov's transcription, titled *Polocensis Canonizationis gloriosi martyris Josaphat Cuncevitii Ordinis St. Basilij et archiepiscopi Polocensis processus Polociae auctoritate Apostolica fabricatus*, includes the *Regulae*, titled 'Правила св. Юсафата для (его) священниковѣ', in lines 129–159; and the *Constitutiones*, titled 'Постановене всимъ священникомъ', in lines 161–163, with the original documents listed in lines 253–266v.⁵³ This collection, once part of the *Bibliothèque slave de Meudon*⁵⁴ in France, now resides in the *Bibliothèque Diderot de Lyon*.⁵⁵ Martinov notably wrote on only one side of each sheet but sequenced the page numbers to account for the unused back sides, for example, pages 129, 131, 133, etc.

50 *Epitome, albo krotka nauka kaplanom Ruskim zwlaszcza Xiąg Łacinskiх czytac nie mogącym, wielce potrzebna, z katechizmu ś[wię]te[go] Iozaphata Męczenika, Archiepiskopa Polockiego, y Kathechizmu Rzymkiego. z manuskryptow X. Terleckiego S. Theologiey Doktora, Prowincyala Bazylianskiiego, Arkadyusza Greczyna, Buzembawa, Diany, y inszych kazistow zebrane y napisane przez Przewielebnego X. Iozepha Pietkiewicza, Sekretarza Zakonu ś[wię]te[go] Bazylego Wielkiego, Starszego Bytenskiego w Roku 1685. A teraz przepisane przez iednego Zakonnika w klasztorze Supraskim w Roku 1700* (OP БРАН, Доброхот. 33, л. 196 об.–206 об.). See П. Жукович, 1909, с. 203; В. Ульяновський, 1992, с. 94; М. Корзо, 2007, с. 410–411.

51 About Hieromonk Józef Pietkiewicz, see П. Підручний, Б. П'єтнчко, Василянські Генеральні Капітули від 1617 по 1636 рік (*Analecta Ordinis S. Basilij Magni*, vol. 55), vol. 1, 2017, p. 462; П. Підручний, 2018, с. 108–110.

52 *Polocensis, Martinov*, p. [127].

53 *Ibid.*, p. 129; S. *Josaphat Hieromartyr*, 1955, p. 366; while providing a description of the manuscript, Martinov provides a slightly different pagination: 252v.–255v. (Дорожинський в *Регулы*, p. 5), and writes that the *Regulae* and the *Constitutiones* are in lines 252–265.

54 S. *Josaphat Hieromartyr*, 1955, p. 335, 365–366.

55 I would like to express my gratitude to Fr. Yuriy Leshchynsky from Paris and Fr. Volodymyr Pendzey from Lyon for their help in finding this codex.

Yosafat Romanyk, OSBM, translated the *Regulae* and the *Constitutiones* from Latin into Ukrainian based on a text published by A. Welykyj, with the translation appearing in 2010.⁵⁶ A subsequent Ukrainian translation of the *Regulae* by Pavlo Mykhailo Krechun, OSBM, was released in 2013.⁵⁷ The *Regulae* and the *Constitutiones* have also been translated into German⁵⁸ and Belarusian.⁵⁹ In 1967, Myroslav Marusyn referenced the *Regulae* and the *Constitutiones* in Ukrainian in his research, having translated them from Latin himself.⁶⁰

3. The Author and Addressees of the Documents

Despite the fact that the original *Regulae* has not been preserved, which would directly testify to Josaphat the holy martyr's authorship, no scholar has denied that the Polatsk saint was their author. Witnesses claimed both in the beatification process of 1628⁶¹ and of 1637 that he was the author.⁶² The *Regulae* was not printed, but each priest had to copy it (Art. 35). In fact, the penultimate article (Art. 47) stipulates that the protopresbyters were required to have a copy of the *Regulae* and had to make sure that every priest also had one. The Jesuit Stanisław Kosiński, in his *Żywot y męczeństwo*, states that, out of pastoral zeal, Josaphat Kuntsevych, the Polatsk legislator, collected together the science of administering the sacraments, the Divine Office, and the various ways of saving human souls, and wrote them down with his own hand and distributed them to the priests.⁶³ Michał Tyszkiewicz, a judge from Polatsk, testified during the beatification process that the *Regulae* was distributed among the clergy,⁶⁴ whereas the Hegumen Hennadii Khmelnytsky expressed an opinion that this document should be kept in the archives of Polatsk Archeparchy.⁶⁵

56 *Святий Йосафат Кунцевич*, 2010, с. 299–314.

57 П. М. Кречун, 2013, с. 231–240.

58 A. Mitnacht, 1961.

59 V. Panucevič, 1963, p. 230–248; O. Rác, 2023, p. 219, ref. 25 claims that there is also a translation into Bulgarian, but the link he provides only directs to a short biography of Kuntsevych in Bulgarian; access online: https://www.catholic-news.bg/?page_id=31905.

60 М. Марусин, 1967, с. 43–86.

61 S. Josaphat Hieromartyr, 1952, p. 182: "Clerum insigniter per regulas a se scriptas reformavit".

62 Ibid., 1955, p. 225, 267–268, 316.

63 ОР БРАН, Доброхот. 40, л. 73–730б.

64 S. Josaphat Hieromartyr, 1955, p. 252.

65 Ibid., p. 225.

The *Regulae* is not merely a set of individual norms; it should be perceived as a whole, and an example demonstrating this point is in Art. 33, where there is a reference to Art. 46,⁶⁶ while Art. 47 refers to Art. 35 – although the author does not indicate the number, and only writes ‘as above’. He formed the articles over time and submitted them to the annual councils for execution. There could have been several editions produced from the process of forming this document during Archbishop Kuntsevych's lifetime. Therefore, I do not exclude the idea that the version which has come down to us could have been prepared for the beatification process by some editor after the death of the Josaphat the martyr – perhaps it was the Basilian Archdeacon Dorotheus Lecykowicz who did that.⁶⁷ In my opinion, the last edition, if it existed at all, was not produced to add new articles, but rather to organise the already existing articles.

But who was the author of the *Constitutiones*? The aforementioned Archdeacon Lecykowicz submitted the protocols of the beatification process and the *Constitutiones* along with the *Regulae*. The acts of the year 1628 process state that these two documents were written and signed by Josaphat himself: “*a Servo Dei composita, et manu propria Servi Dei subscripta*”.⁶⁸ However, this is the only time that the *Constitutiones* is mentioned in the beatification process. In the protocols of the year 1637 process, the *Regulae* is often mentioned, but the *Constitutiones* is not mentioned at all. Even if Josaphat's signature⁶⁹ followed the text of the *Constitutiones* which Lecykowicz submitted for the beatification process, this does not necessarily mean that he was its author, but that he could have been passing this list to the priests for execution. We should take into account the following point: in the formulary of the Kyiv Metropolitan's cycle of sermons, which was intended to be used at eparchial councils, it is found in the Kórmchaia Book belonging to Zhyrovichy Basilian Monastery, which dates from the second quarter of the 17th century, in particular the section ‘*Се ест[в] списокъ митрополіи всматривалны*’;

66 In the *Регулы* editions, p. 20–21; *S. Josaphat Hieromartyr*, 1952, p. 243, and in the manuscript *Polocensis, Martinov*, p. 153, in Art. 33, there is a reference to Art. 47. In fact, this is a mistake, as it should be Art. 46. This may indicate that these copies were made from the same source. It is also possible that, originally, Art. 33 was actually combined with Art. 47, and, during the editing process, the number of articles changed, and the numbering in the *Regulae* was also changed as a result.

67 *S. Josaphat Hieromartyr*, 1952, p. 158.

68 *Ibid.*

69 It should be emphasised that none of the manuscripts contains St. Josaphat's signature at the end of the *Regulae*. Instead, his signature after the *Constitutiones* is found in *Reguły s[więtego] Iosaphata dla swych Prezbiterow* (ОР БРАН, Доброхот. 40, л. 118 об.); *Polocensis, Martinov*, p. 163.

it follows that the Kyivan Metropolitan utilised a certain established list of punishments in relation to the transgressions of priests. The Metropolitan, in presenting certain rules and regulations to the priests, further decreed: “Let it be known to you, the priests living in our dominion, the Metropolitanate of Kyiv and All Rus’, that those who despise these provisions, priests and deacons, drunkards and disorderly persons, will not only be punished with spiritual punishments, but will also be punished with difficult ecclesiastical fault. For this reason, we ordered the ‘вина’ to be written on a separate list: what kind of guilt the disobedience of the disorderly person should give us”.⁷⁰ Thus, we assume that Archbishop Kuntsevych may have used a ready-made list of ‘вина’,⁷¹ i.e., punishments and fines. We can therefore also assume that he was not the author of the list, but that he had familiarised his priests with an already established list of regulations at the annual councils. There are only nine regulations on the list, but perhaps this is only a fragment of a longer list of transgressions and their punishments which has not been preserved to the modern day, or which is gathering dust somewhere in the archives. Perhaps Josaphat Kuntsevych chose from the list of punishments established by the Metropolitan only those which were relevant to his archeparchy.

The *Regulae* and the *Constitutiones* were directed exclusively towards the eparchial clergy and were not intended for monks. This is evident from the text in both documents. It, therefore, applies to all the protopresbyters, priests, and deacons of the Archeparchy of Polatsk.

4. The Dates, Purposes, and Sources of the Two Documents

The *Regulae* is believed to have been authored by Archbishop Kuntsevych during his episcopate, which spanned the years 1618 to 1623. It appears unlikely that the *Regulae* was composed at the onset of his ministry in Polatsk. This inference is supported by a reference in the *Regulae* to the *Catechism* and its distribution among

70 This is the formulary of a series of sermons by the Metropolitan of Kyiv to be used at the eparchial council, from the Kórmchaia Book of Zhyrovichy Basilian Monastery, second quarter of the 17th century, [Vilno], in: *Собори*, 2022, с. 185. On Church monetary fines, see O. Rác, 2023, p. 226–227. He also gives references to other authors.

71 The term ‘вина’ should be understood as a monetary penalty; see *Словарь древнерусского языка (XI–XIV вв.)*, т. 1, гл. ред. Р. И. Аванесов, Москва: Русский язык, 1988, с. 428; *Словник української мови XVI – першої половини XVII ст.*, т. 4, гол. ред. Г. Гринчишин, Львів, 1997, с. 60.

priests in order for them to study and apply it (Art. 34) – indicating that it was prepared prior to the *Regulae*. Certain articles within the *Regulae* reflect Archbishop Kuntsevych's profound familiarity with the clergy's circumstances and his adeptness at addressing their needs. This is particularly evident in the provisions governing the convocation of the annual council. Moreover, the Archbishop's adaptability is noteworthy, and is evidenced by his establishment of norms aimed at facilitating the clergy's participation in the annual council (Art. 33) and making it more convenient for them to attend (Art. 46). Similarly, a regulation concerning the summoning of priests to the episcopal see illustrates this approach (Art. 38).

Articles 35 and 47 suggest that the norms follow a developmental progression. Initially, it was mandatory that priests personally transcribe the *Regulae* and read it twice weekly (Art. 35). Subsequently, it was specified that protopresbyters should possess the *Regulae* and ensure that the priests obtain and transcribe it by themselves, adhering to Art. 35's reading requirements. This adjustment likely stemmed from the initial ineffectiveness in implementing Art. 35, prompting Archbishop Kuntsevych to later assign this responsibility to the protopresbyters.

These observations indicate that Archbishop Kuntsevych did not compile all the norms simultaneously; rather, their development occurred over time. His Archdeacon, D. Lecykowicz,⁷² mentioned that the Archbishop annually updated the rules, which suggests that the composition of the *Regulae* was gradual, and was, in particular, informed by the experiences garnered from annual councils and visitations.⁷³ It is also posited that the *Regulae* might have undergone posthumous revision to consolidate the articles, which potentially occurred before 1628.

The *Regulae* and the *Constitutiones* were designed to meticulously regulate the ministry of the clergy within the archeparchy,⁷⁴ serving as practical instruments for addressing and resolving challenges within the Polatsk Archeparchy's priestly community. These norms transcended theoretical guidelines, and were functioning as essential tools for reforming the clergy and for tackling the specific, complex issues which were prevalent among them.⁷⁵ St. Josaphat, embodying the role of

72 "Co rok reguły dla kapłanów pisał, katechizmy dla ludu pospolitego" (D. Dorozynskij, 1925, c. 224). The same testimony is rendered somewhat differently in the Latin translation: "*Regulas Praesbyteris, pro plebe autem Cathéchismos conscribebat*" (S. Josaphat Hieromartyr, 1955, p. 324).

73 A. Guépin, 1897, p. 231, 233, ref. 1. On episcopal visits in the Uniate Church after the Union of Brest, see I. Скочиляс, 1999, c. 48–54.

74 For information on the challenges faced by the clergy during the late 16th and early 17th centuries, please refer to the following: A. Guépin, 1897, p. 1, 231.

75 S. Josaphat Hieromartyr, 1952, p. 182.

a prudent shepherd, wielded these documents in order to exercise his legislative and judicial authority. The *Regulae* delineated the standards expected of the clergy, while the *Constitutiones* specified the penalties for deviations from these established norms. Importantly, numerous articles within the *Regulae* directly connected each norm with its corresponding consequence for non-adherence or broadly indicated that any infractions would result in penalties (Art. 8, 12, 13, 15, 16, 21, 24–33, 41–45), thus underscoring their regulatory essence.

The annual councils,⁷⁶ as mandated by the legislator, emerged as the cornerstone of the episcopal ministry concerning the clergy, emphasising the critical nature of the complete participation of all priests and deacons (Art. 32, 36). Non-attendance at these councils was viewed as a grave violation, and attracted punitive measures (Art. 32). Initially, when the council convened solely in Polatsk, on the first Sunday of Lent, the Archbishop mandated personal meetings for those who were absent from the council (Art. 33). Responding to the clergy's requests, the council's venues were expanded to include Polatsk, Vitsyebesk, and Mstislavl, thereby facilitating the access and attendance (Art. 46). Consequently, Art. 33 was revised to accommodate attendance in Vitsyebesk or Mstislavl for those who were unable to participate in Polatsk.

The persistent advocacy for annual councils by Archbishop Kuntsevych was not only a reflection of an already established tradition but also influenced by his mentor, Metropolitan Yosyf Veliamyn Rutsky, who advocated for the annual convening of councils by bishops.⁷⁷ Although Rutsky's *Regulae Episcoporum* dates to around 1637, it is probable that these practices had been introduced earlier, with Josaphat being well-acquainted with the directives and complying with them. The alignment between several of Rutsky's norms and those outlined in the *Regulae* (Art. 1, 2, 5, 47) illustrates a cohesive legislative approach.⁷⁸

Art. 46 of the *Regulae* marks a significant milestone in providing initial insights into the functioning of local councils within the Ruthenian Church.⁷⁹ The degree to which Archbishop Kuntsevych succeeded in actualising this framework remains uncertain, given its introduction as one of the later norms. Despite the absence

76 Ibid., p. 12, 83, 93; vol. 2, p. 12, 26, 46, 225, 252, 267–268, 281, 316, 324; D. Dorozynskyj, 1925, c. 22.

77 E. В. Белякова, 2016, p. 190.

78 *Regulae Episcoporum*, Cap. V, Nos. 2–8, in: *Epistolae Josephi Velamin Rutskij Metropolitae Kiovensis Catholici (1613–1637)*, eds. Theodosius T. Haluscynskyj, Athanasius G. Welykyj, Romae: PP Basiliani, 1956, p. 374–375; *Василянські Генеральні Капітули*, c. 463–466; I. Скочиляс, 2022, c. ccxii.

79 I. Скочиляс, 2022, c. xxxviii.

of detailed accounts regarding the locations of these councils in the testimonies delivered during the beatification process, the annual occurrence of the councils is not doubted.

A key objective for the bishop during these councils was the education of his priests; this is a practice which had been deeply rooted in the tradition of the Ruthenian Church since the 13th century. The inclusion of various forms of instruction – such as the ‘Instruction for the Newly Ordained Priest’ (*свиток законный*)⁸⁰ and the ‘Instruction for the Council of the Eparchial Clergy’⁸¹ – in the *Kórmchaia Book*⁸² and other manuscript collections, underscores the enduring importance of this educational mission within the ecclesiastical community.⁸³

In the Ruthenian Church tradition of the 16th and 17th centuries, a specific protocol mandated that, at eparchial councils, every priest would present a document known as the *херотоніж*. This document would have been issued to them upon ordination, and it typically comprised teachings and instructions tailored to suit the newly ordained priests.⁸⁴ Additionally, notable texts such as the ‘*Списокъ с[в]л[у]т[и]ельское нахкы и рядъ се ест[в]*’⁸⁵ and the ‘*Се ест[в] списокъ митрополіи всматривалны*’,⁸⁶ provided a compilation of teachings and norms which were guiding priests in their pastoral duties.

It has been surmised that Archbishop Kuntsevych utilised these council precept frameworks, refining them so that they would suit the requirements of a clerical reform and pastoral objectives, thus shaping the *Regulae*.⁸⁷ While an initial comparison between the *Regulae* and the precepts might suggest a lack of similarity due to the structured-article format and direct citations of the Holy Canons in the former, a deeper examination reveals that the *Regulae* did actually rely on the ‘*Се ест[в] списокъ митрополіи всматривалны*’. Archbishop Kuntsevych meticulously adapted these instructional precepts, specifying and contextualising them in order to address contemporary challenges, while often enriching them

80 *Памятники древнерусского канонического права*, Санкт-Петербург, 1908, с. 101–110.

81 *Ibid.*, с. 111–116.

82 About the *Kórmchaia Book* in Rus’, see I. Žužek, 1964; E. В. Белякова et al., 2017; М. В. Корогодина, 2017.

83 For more details about the bishop’s instruction to the clergy, see A. Z. Nowak, 2014; E. В. Белякова, 2015а; E. В. Белякова, 2015b; E. В. Белякова, 2016, р. 187–193; E. В. Белякова, 2019, р. 60–69; К. В. Вершинин, 2019, с. 208–209; I. Скочиляс, 2022, с. cxviii–cxli.

84 E. В. Белякова, 2016, с. 209–213, 220–225; Формуляр, in: *Собори*, с. 101–104, 109–112.

85 Формуляр, in: *Собори*, с. 112–116.

86 *Ibid.*, с. 116–119; E. В. Белякова, 2016, р. 189–190.

87 S. Senyuk, 1985, р. 430; С. Сенник, 1994, с. 11.

with quotations and references to the Holy Canons.⁸⁸ For instance, he mirrored the expectation that every priest should have a copy of the ‘*Сѣ ест[в] списокъ митрополіи всматривалны*’ and read it often so that to memorise it; the *Regulae* similarly required priests to transcribe and review the document biweekly with the aim of having them become thoroughly familiar with it (Art. 35).⁸⁹

Archbishop Kuntsevych undertook extensive editorial work, drawing upon the Kórmchaia Book, which encompassed the canons of the ecumenical and local councils, the Apostolic Canons, and the canons of the Church Fathers along with commentaries. This is evident in him citing entire canons in Church Slavonic, indicating a direct engagement with the primary texts.⁹⁰ His selection of canons was not arbitrary – but rather focused on those which were pragmatically suited to correcting the ways of the clergy or organising church life, thus leveraging the canons’ authoritative standing among the clergy.

The genesis of the *Regulae* is unequivocally linked to conciliar practices within the Archeparchy of Polatsk, with its articles being crafted for delivery to the clergy at eparchial councils, as explicitly indicated in Art. 46. The articles which made up the *Regulae* effectively embodied the typical episcopal instructions which had been imparted by Kuntsevych, who diligently executed his episcopal responsibilities. The testimony given by the Hegumen Hennadii Khmelnytsky during the beatification process, which recorded his participation in the annual councils where Josaphat imparted teachings to priests, underscores this point.⁹¹ Witnesses appearing during the beatification process often associated their accounts of the annual councils with the *Regulae*, which had been formulated by their bishop for the clergy, illustrating the intertwined nature of conciliar practices and the development of the *Regulae*.

88 For example from the *Сѣ ж позчение с[ва]т[ите]льско ѿ херотоніи сѣ ест[в]*: prohibition on gambling (Формуляр, in: *Собори*, c. 109, Rules, Art. 45); prohibition on usury (c. 109, Rules, Art. 39); participation in feasts (c. 110, Rules, Art. 10); prohibition on beating people (c. 109–110, Rules, Art. 29); prohibition on leaving the assigned church (c. 111, Rules, Art. 16, 27); and subordination to one’s bishop (c. 111, Rules, Art. 13). From *The List of the Metropolitanate was Reviewed*: rules on forbidden books (c. 116, Rules, Art. 43); participation in feasts (c. 118, Rules, Art. 10); on drunkenness (c. 116, Rules, Art. 25, 30); subordination of priests to secular people and disobedience to the bishop (c. 119, Rules, Art. 15); priests should ask the bishop about spiritual things (c. 116, Rules, Art. 36); the celebration of the Divine Liturgy on Sundays and the Lord’s Feast days (c. 117, Rules, Art. 5); and the celebration of the Divine Office (c. 117, Rules, Art. 3–4).

89 *Ibid.*, c. 116.

90 С. Сеник, 1994, с. 20.

91 S. *Josaphat Hieromartyr*, 1955, p. 225, 252.

When studying the *Regulae*'s sources, the abundant quotations from and references to the Apostolic Canons, the canons of the ecumenical and local councils, and others, are striking.⁹² This analysis considers all references to the sources in the *Regulae* as per D. Dorozhynsky's 1911 edition.

Josaphat Kuntsevych, the Polatsk legislator, referenced the Holy Scriptures once, specifically, the Book of Malachi, Chapter 3 (Art. 2). In the *Regulae*, Josaphat frequently cites the Apostolic Canons (circa 400 instances can be found): Can. 9 (Art. 21), Can. 17 (Art. 24), Can. 27 (Art. 29), Can. 35 (Art. 28), Can. 39 (Art. 13), Can. 41 (Art. 45), Can. 45 (Art. 19), Can. 54 (Art. 25), Can. 58 (Art. 8), Can. 60 (Art. 43), Can. 65 (Art. 19), and Cann. 72–73 (Art. 44).

N. Contieri was the first person to critically examine the *Regulae*'s cited sources, with his observations later echoed by A. Guépin and A. Welykyj, who published the *Regulae* in Latin. Contieri's examination of the citations from the Apostolic Canons includes noting any inaccuracies, such as the reference in Art. 13, which should have been to Can. 65 instead of Can. 64,⁹³ and, similarly, in Art. 45, instead of Can. 41, it should have been Can. 42.⁹⁴

The *Regulae* distinguishes references to the canons of the ecumenical councils as follows:

- The first ecumenical council, the First Council of Nicaea (325) – Can. 3 (Art. 26), Can. 5 (Art. 26), Cann. 15–16 (Art. 16), and Can. 17 (Art. 39).
- The fourth ecumenical council, the Council of Chalcedon (451) – Can. 4 (Art. 14), Can. 5 (Art. 28), Can. 10 (Art. 40), Can. 18 (Art. 41), Can. 20 (Art. 16).
- The sixth ecumenical council, the Council of Toulouse (691) – Can. 4 (Art. 41), Can. 9 (Art. 42), Can. 10 (Art. 39), Can. 17 (Art. 27), Can. 19 (Art. 8), with an unspecified reference in Art. 26.
- The seventh ecumenical council, the Second Council of Nicaea (787) – Can. 9 (Art. 43), Can. 14 (Art. 18).

N. Contieri found the following errors in the references to the ecumenical councils: in Art. 26, the canon of the Council in Trullo was not mentioned. Contieri suggests that, in the text of this article, Can. 5 of the First Ecumenical Council

92 To study the sources of the *Regulae*, see Table 1 in O. Rác, 2023, p. 238–247.

93 N. Contieri, 1867, p. xxix, ref. 1; A. Guépin, 1897. *Pièces justificatives*, p. 33; S. *Josaphat Hieromartyr*, 1952, p. 240, ref. 5.

94 N. Contieri, 1867, p. xxxiv, ref. 3; A. Guépin, 1897. *Pièces justificatives*, p. 33; S. *Josaphat Hieromartyr*, 1952, p. 244, ref. 11.

should be, instead, Can. 5 of the Council in Trullo. He believed that Can. 13 was also part for this article,⁹⁵ and that, in Article 41, Can. 34 of the Council in Trullo, rather than Can. 4, should be considered the source.⁹⁶

Josaphat Kuntsevych also cites several local councils:

- The Council of Neocaesarea (314–319) – Can. 11 (Art. 24).
- The Council of Gangra (c. 340) – Can. 6 (Art. 12, 15).
- The Council of Antioch (341) – Can. 5 (Art. 12, 13), Can. 26 (Art. 12), Can. 30 (Art. 28).
- The Council of Laodicea (second half of the 4th century) – Can. 24 (Art. 25), Can. 41 (Art. 16), Can. 45 (Art. 27).
- The Council of Sardica (343–344) – Can. 17 (Art. 28).
- The Council of Carthage (419) – Can. 15 (Art. 12), Can. 40 (Art. 25), Can. 83 (Art. 14).
- The First and Second Councils of Constantinople (861) – Cann. 13–14 (Art. 13).

Regarding references to the canons of local councils, N. Contieri offers the following specific observations: Art. 12 cites Can. 6 of the Council of Gangra and Can. 5 of the Council of Antioch, which only partially aligns with the content of the article. Contieri suggests that Cann. 11–12 of the Council of Antioch and Cann. 106 and 117 of the Council of Carthage would be more suitable for this article, rather than Can. 5 of the Council of Carthage, which Kuntsevych erroneously references. Concerning the clergy's non-subordination to secular authorities and courts, Contieri identifies the relevance of Cann. 104 and 115 of the Council of Carthage.⁹⁷ Additionally, he observes that, in Art. 12 of the *Regulae*, Kuntsevych mistakenly cites Can. 26 of the Council of Antioch as a source, despite this council having only 25 canons;⁹⁸ and that, in Art. 24, the reference should be to Cann. 3 and 7 of the Council of Nicaea, rather than Can. 11.⁹⁹ Contieri suggests that Art. 26 could also appropriately include references to Cann. 3, 4, and 16 of the Council of

95 N. Contieri, 1867, p. xxi, ref. 1; A. A. Guépin, 1897. *Pièces justificatives*, p. 33; S. *Josaphat Hieromartyr*, 1952, p. 241, ref. 7.

96 N. Contieri, 1867, p. xxxiv, ref. 2; A. A. Guépin, 1897. *Pièces justificatives*, p. 33; S. *Josaphat Hieromartyr*, 1952, p. 244, ref. 10.

97 N. Contieri, 1867, p. xxvi–xxvii; A. Guépin, 1897. *Pièces justificatives*, p. 33; S. *Josaphat Hieromartyr*, 1952, p. 238–239, ref. 1.

98 *Discipline générale antique*, 1962, p. 102–126.

99 N. Contieri, 1867, p. xxx, ref. 1; A. Guépin, 1897. *Pièces justificatives*, p. 33; S. *Josaphat Hieromartyr*, 1952, p. 240, ref. 6.

Carthage.¹⁰⁰ Regarding Art. 28, the correct references should have been to Cann. 13 and 22 of the Council of Antioch, instead of Can. 30; and to Can. 15¹⁰¹ of the Council of Serdica, rather than Can. 17. For Art. 27, Contieri posits that the sources might also be Cann. 41 and 42 of the Council of Laodicea.¹⁰²

Archbishop Kuntsevych makes one reference to the canons of St. Basil the Great (Can. 20). He also cites St. Gregory the Theologian¹⁰³ (Art. 2) and the Symbol of St. Athanasius¹⁰⁴ (Art. 8). The *Regulae*'s author sometimes refers generally to the Holy Canons of the Church (Art. 8), the Church rules (Art. 38), the Holy Canons (Art. 16), the canons of the Holy Apostles and Church Fathers (Art. 13), and the canons of the Church Fathers (Art. 32).

There are no references to the Byzantine canonist Joannes Zonaras (first half of the 11th century) in the *Regulae*,¹⁰⁵ despite him being mentioned in several testimonies during the beatification process. The first trial, in 1628, mentions that Aleksander Tyszkiewicz had translated Zonaras from Latin into Polish¹⁰⁶ at the Archbishop's request, which was confirmed by the witnesses Stanisław Kosiński¹⁰⁷ and Michał Tyszkiewicz¹⁰⁸ in 1637.¹⁰⁹ This likely pertains to a commentary by Joannes Zonaras on the Apostolic Canons and ecumenical councils, which was published in Greek with a Latin translation.¹¹⁰ The great length of Zonaras' com-

100 N. Contieri, 1867, p. xxxi, ref. 1; A. Guépin, 1897. Pièces justificatives, p. 33; S. *Josaphat Hieromartyr*, 1952, p. 241, ref. 7 (instead of 34, it should have been 3, 4).

101 N. Contieri, 1867, p. xxxi, ref. 3; A. Guépin, 1897. Pièces justificatives, p. 33; S. *Josaphat Hieromartyr*, 1952, p. 242, ref. 9.

102 N. Contieri, 1867, p. xxxi, ref. 2; A. Guépin, 1897. Pièces justificatives, p. 33; S. *Josaphat Hieromartyr*, 1952, p. 242, ref. 8.

103 The author does not specify to which work of St. Gregory the Theologian he is referring. It is likely that he quotes him from some type of Kórmchaia Book which contained an extract from one of the works of St. Gregory the Theologian. See, for example, St. Gregory's Teachings to priests in the 'Formular of the Cycle of Teachings of the Metropolitan of Kyiv at the Eparchial Council' from the Kórmchaia book of Zhyrovichy Basilian Monastery; see: *Собору*, c. 121.

104 This refers to *Symbolum Quicumque* (поч. VI ст.). J. Tixeront, 1923; K. Künstle, 2012.

105 About Zonaras, see D. C. Morolli, 2007, p. 104–105.

106 S. *Josaphat Hieromartyr*, 1952, p. 122: "Et quoniam nullam aliam linguam praeter slavonicam, et polonicam noverat translationem librorum latinorum in linguam vulgarem vehementer amebat, unde etiam ad instantiam Servi Dei dictus Ill. ris D. Judex Zonaram transtulit ex latino in polonicum, obtulitque Servo Dei tum a se tum ab aliis latinae linguae ignaris legendum".

107 *Ibid.*, 1955, p. 234.

108 *Ibid.*, p. 248.

109 See also J. Susza, 1665, p. 56.

110 *Ioannis Zonarae monachi in canones SS. Apostolorum & Sacrorum Conciliorum, tam Oecumenicor. quam prouincialium, Commentarij, a viris doctissimis Latinitate donati & annotationibus illustrati*, Parisiis 1618.

mentary (1,044 pages) suggests that a complete translation is improbable, leaving it unclear as to the extent of Zonaras' texts which was translated for Josaphat. His interest in Zonaras might have stemmed from a desire to deepen his understanding of the canonist's comments,¹¹¹ which he had potentially encountered in the Kórmchaia Book. Witnesses giving evidence during the beatification process mentioned Josaphat's use of Zonaras in discussions with schismatics, which was aimed at converting them to Catholicism, but no direct use in the *Regulae* is documented.¹¹²

As we have already noted, Archbishop Kuntsevych quoted some canons in Church Slavonic directly from the source. It is difficult to determine which particular Kórmchaia Book he used.¹¹³ From the *Regulae* itself and N. Contieri's remarks,¹¹⁴ it can be inferred that Archbishop Kuntsevych might have utilised a Slavonic codex with commentaries by Byzantine canonists, specifically, Alexios Aristenos (12th century).¹¹⁵ Art. 13 of the *Regulae* references commentaries on some relevant canons, without specifying which. The commentaries of Aristinos and Zonaras had been included in the so-called *Serbian Kórmchaia Book*, which was translated into Church Slavonic by St. Sava in 1262 and introduced to Rus' in 1284.¹¹⁶ This Kórmchaia Book was highly widespread, and its editions (15th–17th century) were distributed across south Slavic countries.¹¹⁷ The eparchies of the Ruthenian Church, especially the metropolitan and episcopal cathedrals, used different editions and copies of the Kórmchaia Book. Ihor Skochylias suggests that Kórmchaia books were widely used in the Kyivan Uniate Metropolitanate in relation to pastoral and administrative matters until the middle of the 17th century.¹¹⁸

The 'Наоука Іереомъ, до порядного отправоуаня Службы Божое вельце потребная', an introduction to the Book of Divine Services, published in Vilnius in 1617,¹¹⁹ was the source for several articles in the *Regulae* (Art. 2–5, 8). M. Korzo

111 The Western Rus' recension of the Kórmchaia Book contained Zonaras: see E.V. Belyakova, 2016, p. 190. As for Zonaras in Rus', see E. В Белякова, 2018.

112 S. *Josaphat Hieromartyr*, 1952, p. 122; *ibid.*, 1955, p. 234, 248.

113 O. Rác, 2023, p. 223.

114 N. Contieri, 1867, p. xxviii, ref. 1.

115 About Alexios Aristenos, see D. C. Morolli, 2007, p. 103–104.

116 М. Е. Красножен, 1911, с. 271.

117 I. Скочиляс, 2022, с. lxxxii–lxxxiii.

118 *Ibid.*, p. lxxix–lxxx. On Kórmchaia books in Polatsk Archeparchy in the first half of the 16th century, see *ibid.*, p. xciii.

119 'Наоука Іереомъ, до порядного отправоуаня Службы Божое вельце потребная', in: *Книга Служебникъ. В нейже блаженныхъ трехъ епископовъ лтургіе съвершаються: Иоанна Златоустаго, Василия Великаго и Григорія Двоеслова, Папы Римьскаго*, Вильно, 1617, l. 4v–30.

suggests that this text drew from one of the works by the Spanish Jesuit Francisco de Toledo (1532–1596).¹²⁰ Archbishop Kuntsevych might also have utilised the 'Наука о седми тайнахъ церковныхъ' from the Euchologion (*Trebnyk*), published in Vilnius in 1617–1618, which was also influenced by the work of the same Jesuit. The Spanish theologian's principle of the triad, which was made up of the most important priestly functions 'celebrare – administrare – instruere', was echoed in St. Josaphat's *Regulae* (Art. 2–5, 7–8, 11).¹²¹

There is no evidence to suggest that other Western authors influenced the formation of the *Regulae* or the *Constitutiones*. The Archbishop Yakiv Susha, a biographer of Josaphat the Polatsk martyr, mentions his efforts to translate valuable Latin texts.¹²² St. Josaphat was known for his connections with the Jesuits and attended lectures in Ruthenian (due to his lack of Latin knowledge) at the Jesuit Vilnius Academy in Ruthenia; his confessors were also Jesuits. This background likely exposed him to Jesuit works, such as *Catechism* by Peter Canisius,¹²³ and informed his appreciation of systematic organisation. Unlike the traditional forms of episcopal instructions for clergy provided at eparchial councils, his *Regulae* had distinctly organised articles, frequently citing the Holy Canons or specific sources, which enhanced the document's credibility and logical structure.

The *Constitutiones* does not reference specific sources but is believed to align with a metropolitan list of penalties for various forms of clerical misconduct,¹²⁴ potentially connected to ancient Rus' sources detailing punishments for various offenses; this could include the statute by Prince Yaroslav on Church courts. The familiarity with this document, demonstrated by Josaphat Kuntsevych, is evident from his action taken in 1621 to incorporate elements of Prince Yaroslav's statute into Vitsyebsk's books of municipal records.¹²⁵ The origins of the *Constitutiones* merit further investigation.

120 *Summa casuum conscientiae, sive de instructione sacerdotum libri VIII*, Coloniae 1609.

121 М. А. Корзо, 2017; М. А. Корзо, 2022. The researcher rejects the previous assumptions (П. Іа-ладза, 1997; А. Z. Nowak, 2017a, p. 26; А. Z. Nowak, 2017b, s. 187–189) that St. Josaphat could have been a co-author along with Fr. Lev Krevza 'Наука Іереомъ...' and 'Наука о седми тайнахъ...', in: М. А. Корзо, 2017, с. 43–44; М. А. Корзо, 2022, с. 30–31. On the issue of the liturgical reform implemented by Archbishop Kuntsevych, see Š. Marinčák, 2016.

122 J. Susza, 1665, p. 56: "Latinos quoque huic rei accomodos libros, invulgare idioma, qui schismaticis largiretur, transferri curavit".

123 М. А. Корзо, 2007, с. 413–414. On the education of and influences on St. Josaphat, see Й. Сліпий, 1925; І. Назарко, 1967.

124 Формуляр, in: *Собори*, с. 119.

125 Я. Н. Щапов, 1976, с. 136; С. Сеник, 1994, с. 20; П. М. Кречун, 2013, с. 181.

Overall, the analysis indicates that Archbishop Kuntsevych, in developing the *Regulae* over several years and in the context of annual councils, drew upon a version of the *Kórmchaia* Book, and possibly on forms of bishops' instructions to priests at these councils, that is, the '*Се ест[ъ] списокъ митрополіи всматривалны*'. This foundational material, enriched with numerous references to the Holy Canons, showcases Josaphat's adherence to the tradition of Ruthenian bishops in providing guidance at annual eparchial councils. In his legislative work, the author drew upon the '*Наука Іереомъ, до порядного отправованя Службы Божое велице потребная*' from the *Liturgikon* published in Vilnius in 1617. The *Regulae* was also informed by the teachings and experiences of the Metropolitan Yosyf Veliamyn Rutsky.

5. Classification and Analysis of the *Regulae* and *Constitutiones*

Scholars who have examined the *Regulae* and the *Constitutiones* have adopted various methodologies in their analyses. N. Contieri¹²⁶ and A. Guépin¹²⁷ provided an analysis covering most, but not all, of the articles without categorising them. Conversely, M. M. Soloviy and A. G. Welykyj offered a structured classification of the articles, identifying several key categories: liturgical, pastoral, canonical, spiritual, and moral.¹²⁸ These authors paid particular attention to those provisions related to the organisation of eparchial and deanery councils. M. Marusyn took a different approach,¹²⁹ conducting an article-by-article examination and categorising them into groups such as the spiritual life of priests, the Divine Office, and the Liturgy; parish life, church structure, and pastoral care; initiatives for enhancing the moral standards of priests; and eparchial administration and the governance of protopresbyters. Furthermore, Marusyn extended his analysis to include prohibitions on priests being involved in profit-generating businesses, gambling, or secular ventures, subsequently offering a concise review of the decrees. Ondrej Rác,¹³⁰ in exploring the articles in the *Regulae*, adopted a distinct classification scheme, organising the articles into administrative law, penal law, liturgical matters, matrimonial law, and catechetical instruction.

126 N. Contieri, 1867, p. 123–144.

127 A. Guépin, 1897, p. 233–240.

128 Соловій М. М. et al., 1967, с. 203–214.

129 М. Марусин, 1967, с. 40–86.

130 O. Rác, 2023, p. 224–230.

5.1. The Distribution and Characteristics of the Articles in the *Regulae*

All the norms in the *Regulae* are considered to be canonical in nature since it is a legal document which binds the clergy. To analyse this, the articles will be divided into thematic groups based on canonical criteria.¹³¹

1. Organisation and Functioning of Local Eparchial Councils

The *Regulae* stresses the importance of organising eparchial councils, on the grounds of dedicating specific articles to detailing their structures and operations. These provisions outline the initial and subsequent convening of the council, initially in Polatsk on the first Sunday of Lent, and later in three designated locations, as determined by the bishop. This setup facilitated the establishment of local councils, ensuring the participation of priests from specified districts (Art. 46). Attendance at these councils was mandatory for all priests, who were required to explain any absences to their pastor, under oath if necessary, on a predetermined date after Easter (Art. 33). An amendment allowed absent priests to have the option of attending the council in Vitsyebsk or Mstislavl, in accordance with Art. 46.

Some of the key topics discussed at these annual councils included:

- Communicating the bishop's directives (Art. 46).
- Reports by protopresbyters on clerical conduct and church conditions, including disciplinary issues (Art. 47).
- Assigning duties to protopresbyters and priests (Art. 47).
- Assessing priests' knowledge of the catechism (Art. 34).
- Discussing the spiritual challenges faced by priests (Art. 36).
- Resolving disputes involving the clergy and laypersons. Individuals who had complaints against priests needed to file them with the council. Priests, on the other hand, could bring their complaints directly to a council meeting without filing a lawsuit beforehand (Art. 37).

2. Clerical Duties

The *Regulae* extensively outlines the responsibilities of presbyters and deacons, particularly focusing on the following:

a) Spiritual instruction (preaching and catechesis)

Presbyters were to have a thorough understanding of the Seven Holy Sacraments and their associated duties, as specified in the *Regulae* (Art. 1).¹³² They held

¹³¹ One of the important criteria we use is the division of canons in the *CCEO* (Code of Canons of the Eastern Churches).

¹³² According to the *Regulae Episcoporum*, Cap. V, No. 4, the bishop had to teach the clergy

the exclusive right to deliver sermons, with laypersons being prohibited from this role (Art. 18). Sermons were often drawn from the *Didactic Gospel* or the *Lives of the Saints*, exemplified by Archbishop Kuntsevych's notable preaching skills.¹³³

Beyond preaching, presbyters were required to provide catechetical instruction to the faithful, emphasising the core principles of faith. Such instruction was mandated to be held in churches after the Divine Liturgy on feast days (Art. 8), with Josaphat also directly engaged in educating the faithful.¹³⁴ Efforts included translating and adapting the catechism of Jakub Ledesma so that it would be suitable for the congregation of the Uniate Church,¹³⁵ with Josaphat distributing it among priests for educational use.¹³⁶ A compulsory catechism exam held during the councils (Art. 34)¹³⁷ emphasised the significance of accurate teaching and adherence to established Church doctrines (Art. 11). This encompassed guiding the faithful on the significance of fully participating in the Liturgy on holidays and Sundays (Art. 21).

b) Personal confession

The archbishop emphasised the importance of the presbyters exemplifying their teachings through their own lives. Specific directives were provided, stipulating that priests must confess on ten designated feast days, and had the option of choosing between the Transfiguration of the Lord or the Dormition of the Mother of God for two of these. The archbishop was tasked with appointing confessors for these confessions.¹³⁸ There was an expressed aspiration for priests to engage in confession more frequently, ideally before each celebration of the Divine Liturgy, although it was recognised that the Liturgy was not celebrated daily. The aim of such confessions was to ensure that the sacramental rites were performed and the Holy Communion was received with a pure heart. Protopresbyters were encouraged

about the Seven Holy Sacraments, or at least one of them, at councils; see: *Epistolae*, p. 374; *Василянські Генеральні Канітули*, с. 466.

133 S. *Josaphat Hieromartyr*, 1955, p. 276, 290, 315; S. Senyk, 1985, p. 430; С. Сенік, 1994, с. 11–12.

134 S. *Josaphat Hieromartyr*, 1952, p. 131; *ibid.*, 1955, p. 25, 73, 290; J. Susza, 1665, p. 55.

135 M. A. Корзо, 2007, с. 415–429. See also M. A. Korzo, 2004.

136 S. *Josaphat Hieromartyr*, 1955, p. 268, 281.

137 An edition of the catechism appeared in Vilnius as early as 1628 (cf. M. A. Korzo, 2007, p. 416). We assume that St. Josaphat may have been preparing an edition of this book and may have planned to have it published for wider distribution among the faithful. However, his death in 1623 may have prevented this plan from being carried out.

138 In *Regulae Episcoporum*, Cap. V, No. 4 states that priests were to confess at a council before confessors appointed by the bishop, see: *Epistolae*, p. 374; *Василянські Генеральні Канітули*, с. 465.

to confess weekly, thus fostering spiritual growth and serving as a model for the clergy within their jurisdiction.

c) The ministry of the Divine Office

The bishop mandated that priests celebrate the entire Divine Office daily, although, with the option to omit the psalter canticles, and to perform matins and vespers without the canons. This directive only applied to personal prayer and not to public services with the faithful, which were required to follow the complete Divine Office on Sundays and holidays. The private recitation of the Divine Office¹³⁹ seems to have been adopted from the Basilian Order, which was, in turn, influenced by the Jesuits. The Jesuits were an order that, in fact, engaged very little in communal prayer, and, when doing so, limited themselves to the breviary.¹⁴⁰ This obligation to recite the Divine Office was also justified by the observation that many laypersons recited it (Art. 3), which was referred to as *chasovnik* by the Old Believers.¹⁴¹

d) Service of the Divine Liturgy

The author of the *Regulae* required that priests pray all the services up to the sixth hour and several prayers known as 'before Communion' prayers – which included the *Proskomedie* – on the day they were to celebrate the Liturgy (Art. 4). Interestingly, Josaphat Kuntsevych uses the term 'правило часовничное' only once.¹⁴² The 'Се ест[ъ] списокъ митрополіи всматривалны' required that a priest serve the Divine Liturgy every Saturday and Sunday, and on the feast days of the Lord and the great saints.¹⁴³

139 The 'Се ест[ъ] списокъ митрополіи всматривалны' distinguishes between two types of priestly prayer: The Divine Office, which is celebrated in the church, and the cell prayer, which is personal prayer. Accordingly, instructions are given on how to serve the Divine Office in the church: Формуляр, in: Собори, с. 117; in the section titled 'С херотоніи наука', there is a list of liturgical books which should be held in the church for the service of the Divine Office: Формуляр, in: Собори, с. 102. The Byzantine tradition did not provide for a private service of the Divine Office by a priest. The 'Се ест[ъ] списокъ митрополіи всматривалны' decreed that if priests did not have time for the Divine Office, the deacons should sing it: Формуляр, in: Собори, с. 117. However, Archbishop Kuntsevych did not allow the acolytes to pray the Hours themselves while the priest was celebrating the *Proskomedie*. He required the priest to pray the Hours himself (Rules, Art. 4). On the topic of the ministry of the Divine Office, see S. Parenti, 2016, p. 119–120.

140 O. Rác, 2023, p. 225.

141 E. A. Емельянова, 2010, с. 618–619.

142 In the manuscript *Polocensis, Martinov*, p. 131 in Art. 4 of the *Regulae* begins with the words "Предъ литургию все правило часовничное...", whereas, in the Dorozhynsky *Регулы* edition, с. 7, the same article begins as follows: "Предъ Литургию все правило Церковное...".

143 Формуляр, in: Собори, с. 117.

Kuntsevych provided detailed instructions, including a list of specific days on which the Liturgy should be celebrated. Interestingly, he omitted Saturdays but insisted that priests serve even in the absence of a congregation (Art. 5). His passion for celebrating the Liturgy is evident; unlike his predecessors who served only the episcopal Liturgy, he often celebrated it in the manner of a priest in order to facilitate more frequent celebrations.¹⁴⁴ Archbishop Kuntsevych also offered precise guidance for the Liturgy's celebration (Art. 20). The author of *Żywot y męczeństwo błogosławione[go] Iozaphata Biskupa y męczennika* noted that Kuntsevych personally assisted some presbyters in mastering the Liturgy, providing hands-on instruction and advice.¹⁴⁵

e) Confession of the faithful and administration of the other Holy Sacraments

Josaphat underscored the importance of the Sacrament of Penance as being a crucial priestly duty, especially in remote villages for house blessings during Lent. He directed priests to administer the Holy Communion to the faithful post-confession, acknowledging the fact that the faithful were unable to attend church services. While not abolishing the fasting practice before confession and communion for the faithful, he proposed a flexible approach, allowing from one to three days of fasting based on individual capacity. Regardless, priests were instructed to perform confessions even if the fasting requirement had not been met. During Lent, for those in nearby villages, priests were to ensure that the faithful either attended church voluntarily for confession and Holy Communion, or were encouraged to do so by the local authorities. During the Advent fast, there was no obligation for confession, and priests could not compel confession but could administer it upon request without the accompanying Holy Communion.

Kuntsevych placed significant emphasis on educating the faithful about confession (Art. 7),¹⁴⁶ thus addressing the neglect of this sacrament, particularly in remote areas where church access was lacking.¹⁴⁷ He personally confessed both clergy and laypeople, exemplifying the importance of this practice, and also appointed confessors for the Sacrament of Penance.¹⁴⁸

144 S. *Josaphat Hieromartyr*, 1952, p. 158.

145 ИР БРАН, Доброхот. 40, л. 73. Поп. *Regulae Episcoporum*, Cap. V, No. 7, in: *Epistolae*, p. 374.

146 Regarding the obligation to confess, the influence of the so-called *Tridentine Catechism* is noted here, in *Catechismus ex Decreto SS. Concilii Tridentini ad parochos, Pii V Pont. Maximi*, Romae 1566, No. 254.

147 S. *Josaphat Hieromartyr*, 1955, p. 244.

148 *Ibid.*, 1952, p. 130, 158; *ibid.*, 1955, p. 25–26, 73, 116–117, 145, 170, 210, 224, 258.

Priests were urged to prepare spiritually before administering the Sacrament of Penance. They were prohibited from confessing or accepting confessions from individuals under the influence of alcohol (Art. 23). Additionally, while presbyters should not deny the issuing of confession certificates upon request, they could not issue them in exchange for bribes if no confession had occurred (Art. 22). For the administration of the Holy Sacraments, prayer, or funerals, the clergy were instructed to accept only voluntary donations from the faithful, without insisting on payment. The priest was expected to provide these services even in the absence of a donation (Art. 9).¹⁴⁹

f) Moral behaviour

Archbishop Kuntsevych highlighted the imperative of moral conduct among the clergy, particularly cautioning against alcohol abuse, which was a prevalent issue at the time (Art. 10). He explicitly prohibited the clergy from frequenting taverns for drinking purposes (Art. 25) or operating them (Art. 42). Performing priestly duties in a state of mortal sin, such as drunkenness, was deemed a serious violation, rendering the offender as punishable “as the worst of vagabonds” (Art. 30). Physical abuse by a priest was strictly forbidden (Art. 29). To avoid any suspicions from arising among the faithful, the archbishop, adhering to the Holy Canons, restricted widowed clergy (priests and deacons) from cohabiting with any woman other than their mother or an aunt (Art. 26). Both presbyters and deacons were prohibited from gambling (Art. 25, 45) or engaging in usury (Art. 39).

The frustration shown by the faithful with bigamous or thrice-married priests – which was in clear violation of the Holy Canons – prompted Josaphat to address and rectify this issue;¹⁵⁰ this diverged from his predecessor's tolerance. He established specific guidelines for these priests and their continued ministry (Art. 24).

g) Obedience to the bishop

The *Regulae* emphasises the critical nature of obedience to the bishop, particularly during the period of implementing the Council of Brest's decisions in 1596. Archbishop Kuntsevych, as the guardian of the Holy Canons, appealed for priests' obedience, by stating that, without unity and obedience to their bishop, presbyters could not lead the faithful or administer the sacraments. He reminded

149 A. Z. Nowak, 2017a, p. 184.

150 N. Contieri, 1867, p. 132–134; A. Guépin, 1897, p. 237; O. Rác, 2023, p. 228. On the issue of priestly marriage and the problem of bigamy in the Ruthenian Church in the 16th–17th centuries, see A. Z. Nowak, 2017a, p. 236–259.

priests of their obligation to commemorate their bishop during services (Art. 13, 16) and underscored the spiritual connection between the bishop and the priest established through the Sacrament of Ordination. He consequently cites the Holy Canons, which prohibited priests from receiving ordination from any bishop other than the one serving in their eparchy (Art. 28).¹⁵¹ Presbyters or deacons were forbidden from rebelling against their bishops or inciting others to do so (Art. 41). To facilitate communication, Kuntsevych set notification timeframes, which accounted for distance, for clergy who had been summoned to the curia: those residing more than 20 miles away were given a four-week notice, while those living closer would receive a two-week notice, which mirrored the terms under which the bishop was summoned to his metropolitan (Art. 38).

h) Attitude towards other confessions

Reflecting the era's spirit, Josaphat prohibited priests from associating with Lutherans, Calvinists, or Anabaptists (Art. 19), and from reading or possessing heretical writings (Art. 40).

3. The Duties of Protopresbyters

Art. 46 in the *Regulae* outlines the system for protopresbyters, reflecting the administrative structure of the vast Archeparchy of Polatsk. A 'protopope' appointed by the bishop for each protopresbytery was responsible for ensuring compliance with all the norms in the *Regulae* (Art. 31). It seems that the development of the system for protopresbyters, and especially the role of the protopresbyters, belonged to the late period of Archbishop Kuntsevych's episcopate.¹⁵² Protopresbyters needed to possess the *Regulae* themselves and ensure that each priest had a personal copy (Art. 47). Their responsibilities included monitoring the moral conduct of the priests and deacons, and reporting any infractions to the bishop. Josaphat explicitly demanded that his protopresbyters adhere to these responsibilities, warning of penalties for non-compliance (Art. 31). Specifically, they were tasked with addressing and eradicating the issue of bigamy or polygamy among the clergy (Art. 24). Prior to the annual local council meetings, the protopresbyters were required to conduct parish visits and compile reports on each priest and his parish for submission at the council (Art. 47). Protopresbyters, along with all other clergy of the protopresbyterate, were expected to participate in local councils (Art. 46) and to receive myrrh from the archbishop (Art. 47).

151 A. Z. Nowak, 2017a, p. 196–197.

152 *Regulae Episcoporum*, Cap. V, No. 5 the obligations of protopresbyters are mentioned in *Epistulae*, p. 374; *Василянські Генеральні Капітули*, с. 466.

4. The Parish and its Administration

Priests were mandated not to serve in any church without the archbishop's blessing, regardless of demands imposed by civil authorities (Art. 15). A presbyter was also prohibited from leaving his designated parish for another – his duty lay within the parish assigned by the archbishop. Furthermore, priests were restricted from meddling in the affairs of another parish, and were required to be focused, instead, on their assigned congregation (Art. 16). Art. 40 explicitly forbids priests from serving in two parishes simultaneously without the bishop's approval.

The clergy were prohibited from appropriating Church property (Art. 44), which thus safeguarded the assets of the Church.

5. Relations between the Church, the Civil Authorities, and the Nobility

The *Regulae*, in various sections, addresses the relationship between the Church, the civil authorities, and the nobility. It champions the Church's autonomy: priests were not permitted to submit to civil authorities as a means of avoiding their bishop's authority (Art. 12). The nobility and other laypersons were barred from constructing churches without the archbishop's consent (Art. 14), and parishes could not be established to serve the secular populace's demands (Art. 15). Consequently, parishes needed to remain under the bishop's jurisdiction, and be devoid of clergy who were not subordinate to the bishop. Civil authorities were also precluded from intervening in ecclesiastical courts, especially concerning matters of matrimony, underscoring the Church's judicial autonomy (Art. 17).¹⁵³ An illustrative instance of Archbishop Kuntsevych defending the rights of the Church involved securing the incorporation of Prince Yaroslav's Statute into Vitsyebsk's¹⁵⁴ municipal records. He additionally tackled the reluctance of priests to attend councils because they wished to avoid submission to episcopal authority (Art. 32).

Nonetheless, Archbishop Kuntsevych acknowledged the secular government's role in specific contexts. For parishioners who were reluctant to attend church, he advocated for secular intervention in the form of imposed monetary fines (Art. 6). Similarly, those who were averse to confession and Holy Communion were to be encouraged by both clerical admonition and secular penalties (Art. 7). Clergy who abstained from attending annual councils or ignored a summons to the bishop faced repercussions from both ecclesiastical and secular entities for defying their ecclesiastical superior (Art. 32).

¹⁵³ *Regulae Episcoporum*, Cap. V, No. 8, in: *Epistolae*, p. 375.

¹⁵⁴ See ref. 125.

5.2 The Characteristics of the *Constitutiones*

He *Constitutiones* specifies distinct punitive measures for various infractions, at times reinforcing the penalties already delineated in the *Regulae*. Eight articles prescribed a monetary penalty, identified as вина, by using the monetary unit of 'кону':¹⁵⁵ four articles directed fines towards the Church (Art. 1, 2, 3, 7), while three articles allocated fines to the archbishop (Art. 4, 7, 9). Uniquely, Art. 7 imposes fines on both the Church and the archbishop. However, two articles in the *Constitutiones* (Art. 5 and 8) abstain from defining any penalty, and Art. 6 omits designating the recipient of the money.

Upon examining each article individually, Art. 1 introduced a monetary penalty for clergy who consumed alcohol in a tavern, supplementing the ecclesiastical sanctions specified in the canonical literature. This acted as an additional punitive measure on top of those established in Art. 25 and Art. 30 of the *Regulae*.

Through the *Regulae*, Kuntsevych penalised priests who neglected their duties on prescribed days concerning the Divine Liturgy, initially outlined in Art. 5 of the *Regulae*, with Art. 2 of the *Constitutiones* specifying the fine payable to the Church. Similarly, Art. 3 of the *Regulae*, which underscores the significance of celebrating Vespers on designated days, associates non-adherence with a monetary fine, as detailed in Art. 2 of the *Constitutiones*.

Art. 10 of the *Regulae*, which calls on the clergy to practice moderation and sobriety, finds its punitive equivalent in Art. 3 of the *Constitutiones*, which fined priests for being visibly intoxicated.

Apostolic Canon 27 imposed the penalty of excommunication on any member of the clergy for beating a person (Art. 29 of the *Regulae*), while Art. 4 of the *Constitutiones* ordered that such a clergyman would be punished by paying ten копи to the Archbishop and serving ten weeks in prison. Archbishop Kuntsevych somewhat softened the Apostolic Canon's decree by giving the offender a chance to correct himself. He warns that those who had committed such a sin could not perform priestly acts without receiving an appropriate penance and resolution,

155 In the Latin text of the *Constitutiones*, the monetary penalty is defined by another term: *scutum aureum*, see: S. Josaphat Hieromartyr, 1952, p. 245–246. O. Rác, 2023, p. 254. Concerning the meaning of 'кона', see *Словарь русского языка (XI–XVII вв.)*, гл. ред. Р. Г. Бархударов, вып. 7, Москва: Издательство „Наука“, 1980, с. 291–292; *Словарь древнерусского языка (XI–XIV вв.)*, т. 4, гл. ред. Р. И. Аванесов, Москва: „Русский язык“, 1991, с. 261; *Словник української мови XVI – першої половини XVII ст.*, відп. ред. Д. Гринчишин, М. Чікало, вип. 15, Львів, 2010, с. 6.

and whomever performed them would be punished with the penalty of deposition (Art. 29 of the *Regulae*). The existence of an episcopal prison is also mentioned in the *Regulae Episcoporum* by the Metropolitan Yosyf Veliamyn Rutsky.¹⁵⁶

The *Constitutiones*, Art. 5, while addressing unlawful weddings, does not specify a punishment thus mirroring the silence on this matter observed in the *Regulae*.

The treatment of clerical misconduct, especially regarding moral behaviour and conflict resolution, varies. The *Regulae* articulates expectations regarding the clergy's conduct and the resolution of conflicts, whereas the *Constitutiones*, in Art. 6, specifies penalties for causing disputes among the clergy or with parishioners.

Josaphat Kuntsevych's dedication to the Sacrament of Confession is evident in both the *Regulae* and the *Constitutiones*. Art. 7 of the *Constitutiones* enforced penalties for priests who neglected the confession of the faithful, thus underscoring the sacrament's importance within the parish. Additionally, the legislation mandated that the clergy must report any parishioners who were unwilling to participate in confession to civil authorities, as stipulated in Art. 8 of the *Constitutiones*. The emphasis on the clergy's confessional duties is reinforced in Art. 9 of the *Constitutiones*, under which, priests who failed to meet their confessional obligations would be penalised, thus highlighting the archeparchy's pastoral priorities.

This thorough examination of the *Constitutiones* alongside the *Regulae*, reveals a nuanced framework of normative expectations and punitive measures aimed at maintaining clerical discipline and fostering the ecclesiastical community's spiritual and moral integrity. Future research should delve deeper into these documents, by exploring their historical context, theological implications, and influence on ecclesiastical jurisprudence.

6. Conclusions

Throughout his short tenure as a bishop, Josaphat Kuntsevych devoted himself to the pastoral care and theological education of his clergy. He sought to remedy their shortcomings and address their concerns through a comprehensive process of formation. The annual eparchial councils were among the most important initiatives manifested in the Church reform. Kuntsevych prioritised the careful planning and execution of these gatherings, which served as forums for educa-

156 *Regulae Episcoporum*, Cap. V, No. 8, in: *Epistolae*, p. 375.

tion, the exchange of best practices, the enforcement of discipline, and more. The episcopal studies at the heart of these synods facilitated the development of the *Regulae* between 1618 and 1623. And, by revising existing episcopal guidelines for the clergy of the Ruthenian Church, Kuntsevych created the *Constitutiones*. This document concisely articulates the key principles concerning pastoral duties and priestly conduct. In drafting the provisions of the *Constitutiones*, the most authoritative source was the Kórmchaia Book, although the specific edition of the codex referenced remains unidentified. The *Constitutiones* cited the Holy Canons extensively, thus underscoring their fundamental reliance on the ecclesiastical tradition. While Josaphat Kuntsevych is recognised as the primary author of the *Constitutiones*, the possibility of a final editor who posthumously prepared the document for the beatification process cannot be ruled out. The *Constitutiones* thus represents a comprehensive codification of ecclesiastical norms, including a catalogue of sins and their corresponding penalties, which was influenced by Archbishop Kuntsevych's implementation of the metropolitan list.

Both extant manuscripts in Ruthenian and Latin and their published editions were used in the study of the *Regulae* and the *Constitutiones*. These documents, characterised by their normative nature, mandated the compliance of eparchial protopresbyters, priests, and deacons; outlined standards; and, in certain cases, established penalties for noncompliance. The *Constitutiones* specifically outlines punishments for violations of the rules, reintroducing the old Ruthenian penal concept of вина (a fine) for clerical offenses.

This article, limited by its scope, has not exhaustively explored the multifaceted dimensions of these documents. Future scholarship should consider producing a critical edition of the *Regulae* and the *Constitutiones* in Ruthenian. In addition, an examination of the impact of the *Constitutiones* and the *Regulae* on contemporary clergy, coupled with a comparative analysis with the canons of the CCEO (Code of Canons of the Eastern Churches), would contribute significantly to our understanding.

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