The Ukrainian Catholic Church and Moral Theology:
The Pastoral Writings of Metropolitan Andrei Sheptyts’kyi on Private Property

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Abstract: While the Union of Brest-Litovsk, 1596, created the contemporary Ukrainian Catholic Church, it also had the unfortunate consequence of the 'Latinization' of its Eastern Christian moral theology. More recently, however, the Catholic Church, through the Second Vatican Council and the writings of Pope John Paul II, has presented the opportunity to reverse this trend. This article argues that the foundation of an authentic Eastern moral theology for the Ukrainian Catholic Church is found in the writings of Metropolitan Andrei Sheptyts’kyi, head of the Ukrainian Catholic Church from 1901 to 1944. Specifically, it analyses Metropolitan Andrei's assessment of the nature and purpose of private property in the life of Ukrainian Catholics. From this analysis, the article offers some conclusions for the application of Metropolitan Andrei’s thought on private property to contemporary social problems.

Key Words: Andrei Sheptyts’kyi; Ukrainian Catholic Church; Union of Brest-Litovsk 1596; private property; natural law; Christian law of love; moral theological tradition

I. INTRODUCTION

A. The Union of Brest-Litovsk, 1596, the Ukrainian Catholic Church and Moral Theology

In 1596, in exchange for certain guarantees contained in the Union of Brest-Litovsk, a small group of Ukrainian Orthodox bishops agreed to recognize the authority of the Pope of Rome within the Universal church. From the perspective of the Ukrainian Orthodox bishops who signed the Union—thus giving life to what is today known as the Ukrainian Greek-Catholic Church (the 'Ukrainian Catholic Church')—its main import,

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1 The full title of the Union of Brest-Litovsk 1596 is 'Articles for Which We Need Guarantees from the Lord Romans before We Enter into Unity with the Roman Church' ('Articles of Union'). The text of the Articles of Union is found in Borys Gudziak, Crisis and Reform: The Kyivan Metropolitanate, the Patriarchate of Constantinople, and the Genesis of the Union of Brest (Cambridge, Massachusetts: Harvard University Press, 1998), Appendix 3. For a brief account of the Union of Brest-Litovsk see Paul Babie, 'The Ukrainian Greek-Catholic Church in Australia and the Filioque: A Return to Eastern Christian Tradition' Compass 39 (2005): 17-23; Orest Subtelny, Ukraine: A History (Toronto, Canada: University of Toronto Press, 1988), 99-102. For a full analysis see Gudziak, Crisis and Reform, passim.

2 Also historically known as the 'Ruthenian Catholic Church', but for the purposes of this article, referred to as the 'Ukrainian Catholic Church'.
quite aside from being a treaty of standardization with the Latin Church in Rome, was to ensure

...retention in toto of their [the Ukrainian Catholic Church's Eastern Christian Byzantine] rite, liturgical usage and discipline and that all of these matters be left in their own hands and jurisdiction.\(^3\) Nor were there any doctrinal or dogmatic difficulties to be resolved. Union with the Holy See, therefore, consisted chiefly of shifting ecclesiastical jurisdictional dependence from the Orthodox Patriarch of Constantinople to that of the Holy Father and the Holy See of Rome.\(^7\)

The Holy See concurred completely on all counts and gladly guaranteed that all liturgical matters would be left to the Ukrainian prelates and their successors. To quote from the official Constitution of Pope Clement VIII of 23 December 1595 regarding the Union: "...we receive, unite, join, annex and incorporate our members in Christ, and to enhance more greatly the meaning of our love for all the sacred rites and ceremonies themselves, which the bishops and clergy use, as established by the holy Greek Fathers in the Divine Offices, in the Holy Sacrifice of the Mass and in the administration of the rest of the Sacraments and other sacred functions... with Apostolic graciousness we permit, concede and allow (them) to the same Ruthenian [Ukrainian] bishops and clergy..."\(^4\)

While the Union was intended to ensure the retention of the spiritual and liturgical practices of the Ukrainian bishops and their faithful—practices which were Byzantine Eastern Christian or Orthodox—the reality is that the separations of sacramental theology from moral and dogmatic theology that emerged in the post-Reformation Christian West through Thomism and Scholasticism were and are unknown to the Christian East. It is therefore difficult to draw any precise line between the two as far as Eastern Christianity is concerned; indeed, it is questionable whether such a division can even be profitably attempted. Rather than scholastically segmenting various theological categories, the entire ecclesiological life of the Eastern Christian Churches is inextricably intertwined in the total Christian life of prayer,\(^5\) and in every case—liturgical, spiritual, or theological—its roots lie in the earliest tradition of the Church, namely, in the Patristic age.\(^6\) Thus,

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\(^3\) See Articles of Union, Articles 1-8, 16, 19, and 21-33, as cited in Gudziak, *Crisis and Reform*, Appendix 3.


following 1596, being an Orthodox Church in communion with Rome, the Ukrainian Catholic Church ought to have continued to live an ecclesiological life of prayer traceable to these Patristic roots. Yet the Union of Brest-Litovsk, 1596, through a scholastic division of theological categories unknown to and artificial in the Eastern Christian tradition, had the consequence—unintended from the perspective of the Ukrainian Orthodox bishops who signed it—of stunting an organic growth from Patristic roots of a moral and systematic theology specific to the Ukrainian Catholic Church.

Unlike the Orthodox Churches, notably the Russian and Greek Churches, whose contemporary life has been marked by just such an organic growth of a Patristic-based moral and systematic theology founded in its total life of prayer, the Union of Brest-Litovsk, 1596, began an unjustifiable importation of Western dogmatic and moral theology, in addition to similar encroachments in relation to the sacraments (known as the Holy Mysteries in the Christian East) into the life of the Ukrainian Catholic Church. To such an extent did these encroachments—known as ‘Latinization’—occur that by the time of the mid- to late-twentieth century much theological writing in the Ukrainian Catholic Church, even by those of the highest hierarchical rank, was a ‘...mere rehash of Latin theology manuals.’ This process of Latinization continued virtually unchecked until the twentieth century.

Two events of the twentieth century have stemmed the advance of Latinization in the Eastern Catholic Churches. The first of these events was the Second Vatican Council. During the plenary sessions of the Second Vatican Council, Patriarch Maximos IV Saigh of the Eastern Catholic Melkite Church refused to speak Latin and continually promoted the rights and status of the Eastern Catholic Churches, and it was his role in the Council that had a major influence on the content of the document ultimately produced by the Council Fathers on the Eastern Catholic Churches: the Decree on the Catholic Church (Crestwood, New York: St Vladimir’s Seminary Press, 1997); John D. Zizioulas, Elizabeth Theokritoff, trans., Eucharist, Bishop, Church: The Unity of the Church in the Divine Eucharist and the Bishop During the First Three Centuries (Brooldine, Massachusetts: Holy Cross Orthodox Press, 2001).

7 Brian R. Keleher, ‘Sheptyts’kyi and Three Converts from the West’ in Paul Robert Magocsi, ed., Morality and Reality: The Life and Times of Andrei Sheptyts’kyi (Edmonton, Canada: Canadian Institute of Ukrainian Studies, University of Alberta, 1989) 227-243, 227, 239-240, n. 1, writes that the Ukrainian Catholic Church is an ‘Orthodox Church’ not in the sense of ‘right teaching’, but rather in its full ecclesiological sense as describing all churches that trace their origins to the Council of Chalcedon, 451 A.D. Union or communion with Rome does nothing to alter that status; thus, it is a proper name for the Church that includes the Ukrainian Catholic Church.

8 In relation to systematic theology, see Lossky, Mystical Theology; Lossky, The Vision of God; Lossky, Orthodox Theology; Meyendorff, Rome, Constantinople, Moscow; Meyendorff, Byzantine Theology; Meyendorff, Christ in Eastern Christian Thought; Schmemann, Church, World, Mission; Zizioulas, Being as Communion; Zizioulas, Eucharist, Bishop, Church.


10 Galadza, ‘Liturgical Latinization and Kievian Ecumenism’, 176, defines a latinisation of Eastern practice as: ‘...the importing or imposition onto [Eastern Catholic] worship of the spirit, practices and priorities of Latin liturgy and theology. For such an imposition or importation to constitute inappropriate latinization, it must be inorganic to the [Eastern Catholic] system. By inorganic I mean that the structural, theological or spiritual genius of the Byzantine tradition is violated by these borrowings.’


Churches of the Eastern Rite or *Orientalium Ecclesiarum*. Thus, the Second Vatican Council raised Latin Catholic awareness of the status and role of the Eastern Catholic Churches, a group which includes the Ukrainian Catholic Church, in the contemporary life of the universal Church.

The second event was the pontificate of John Paul II who, drawing upon, supplementing and advancing the work of the Council, wrote his 1995 Apostolic Letter The Light of the East (*Orientale Lumen*), followed closely by his 1995 Encyclical Letter On Commitment to Ecumenism (*Ut Unum Sint*). These two documents, in the context of encouraging ecumenical dialogue between the Catholic and Orthodox Churches, elaborated John Paul’s succinct statement of 1985, when he said that ‘the Church needs to learn to breathe again with its two lungs—its Eastern one and its Western one.’ More significantly, John Paul exhorted the Eastern Catholic churches to return to their roots. In the light of the Union of Brest-Litovsk, 1596, this can only mean that the Ukrainian Catholic Church must recapture its entire Christian life of prayer, as that is found in the Patristic roots of Eastern Christianity.

Yet, while the Second Vatican Council and the writings of Pope John Paul II provide a unique opportunity to all Eastern Catholic Churches, the lengthy absence of any work free of a heavy Latin Catholic scholastic influence has made it difficult to return fully to Eastern Christian spiritual and liturgical practice, and even more difficult to begin the difficult work of a Patristic-based moral theology specific to the Ukrainian Catholic Church. Difficult though the task be, however, it has begun, and the current hierarchy of the Ukrainian Catholic Church is both defending the need for and developing the scope of an authentically Eastern Christian moral theology.

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18 And Pope John Paul has also recently asked Eastern Catholics to lead the way in ecumenical dialogue with Orthodox Churches: Discorso Di Giovanni Paolo II Ai Partecipanti Al Sinodo Interparchiale Delle Eparchie Italo-Albanei In Italia, Martendi, 11 gennaio 2005; see also ‘Pope Invites Eastern Catholics to Reach Out to Orthodox: Attendees at Interpatriarchal Synod Hear Plea’ [http://zenit.org/english/visualizza.phtml?sid=64532](http://zenit.org/english/visualizza.phtml?sid=64532). This, too, requires an authentic Eastern Christian moral theology that resonates with the work being done by contemporary Orthodox theologians if the entreaties of Eastern Catholics are to have any purchase.

19 See Bishop Peter (Stasiuk), ‘The Catechism of the Ukrainian Catholic Church’, Address delivered at the Annual Ukrainian Catholic Bishop’s Dinner, Perth, Australia, 9 July 2005. Bishop Peter is the Chairman of the Ukrainian Greek-Catholic Church Synodal Catechetical Commission. See also Bishop Peter (Stasiuk) and Bishop Richard (Seminack), Protocol #04/053, 13 September 2004, Lviv, Ukraine; Bishop Peter (Stasiuk), Protocol #04/055, 12 October 2004, Lviv, Ukraine.
done to make it fully authentic, the Ukrainian Catholic Church recently promulgated the first ever catechism of moral theology based upon Eastern Christian Patristic tradition.20

This article assumes that there is no distinction between spiritual, liturgical and theological life in the Eastern Christian tradition, an assumption that needs little proof, so evident is its truth in every aspect of the ecclesiological life of the Eastern Christian Churches. As such, this article does not attempt to establish the link between the spirituality and liturgy and theology in the life of Eastern Christianity, which is assured to the Ukrainian Catholic Church by the Union of Brest-Litovsk, 1596. Nor does it attempt, on the basis of such an assumption, to set out a fully developed and authentically Eastern Christian moral theology for the Ukrainian Catholic Church. Rather, while advocating the need for such a moral theology, it considers an aspect of the work of the only Ukrainian Catholic hierarch since the Union of Brest-Litovsk, 1596, to attempt to develop an Eastern Christian moral theology for his Church: Metropolitan Andrei Sheptytsky.21 The article considers only his work as it relates to the nature and purpose of private property in the life of Ukrainian Catholics.

B. Sheptytsky and Moral Theology

Metropolitan Andrei Sheptytsky led the Ukrainian Catholic Church from 1901 to 1944. For most Ukrainian Catholics, he is considered the father—indeed, he has been called the 'Ukrainian Moses’—of the contemporary Ukrainian Catholic Church. He is one of the few Ukrainian Catholic hierarchs ever to expound a detailed social and moral theology for his Church. For that reason, his social thought—drawing in part on the Patristic origins of Eastern Christianity22—represents an authentic foundation for any contemporary attempt at a moral theology for the Ukrainian Catholic Church.

Why, then, should we consider private property? The answer lies in the fact that the concept of private property underpins most western legal and economic systems—largely capitalist—and so, while not always readily apparent, it in turn underpins and perpetuates the social problems associated with the cultures in which those systems operate.23 Among

20 This work is ongoing: in 2004 the hierarchy of Ukrainian Greek-Catholic Church issued the first draft of моральной катехизиса: "Життя в Христі" (Moral Catechism: "The Life in Christ"), its first attempt to develop an Eastern Christian moral theology for the Ukrainian Catholic Church. This has since been released as Christ is Our Passover: Catechism of the Christian Faith (thematic content) (Lviv, Ukraine: Ukrainian Greek-Catholic Church, Synodal Catechetical Commission, Patriarchal Catechetical Commission, September 2004).

21 This is the approach advocated by the Ukrainian Greek-Catholic Church Synodal Catechetical Commission and the Patriarchal Catechetical Commission, which states that the main sources which should be used in developing the moral theology of the Church are: (i) Sacred Scripture; (ii) Writings of the Church Fathers (Patristic tradition); (iii) Writings of the Fathers of the Ukrainian Catholic Church; (iv) Liturgical Texts; (v) Lives of the Saints; (vi) Church Documents; and (vii) Icons. There is insufficient room in this article to develop a full moral theology on private property according to this approach. The article therefore restricts itself to the work of Metropolitan Andrei, a Father of Ukrainian Catholic Church. While there is some available research on the role of Sacred Scripture (see Paul Babie, ‘Private Property and the Gospel of Luke’ Australian EJournal of Theology 3 (2004): http://dlibrary.acu.edu.au/research/theology/ejournal/ajejt_3/Babie.htm; Rachael Oliphant and Paul Babie, ‘Can the Gospel of Luke Speak to a Contemporary Understanding of Private Property? The Parable of the Rich Fool’ 2 (2005) or 1 (2006): forthcoming) the remaining six aspects of a full moral theology, especially the Patristic tradition of the Church Fathers, must await further research.

22 These origins are not always prima facie apparent, and this link requires further research, although it is possible to see similarities between the writings of Metropolitan Andrei on private property and that of St John Chrysostom; see St John Chrysostom, second sermon on Lazarus and the rich man’ in Catherine P. Roth, trans., St John Chrysostom on Wealth and Poverty (Crestwood, New York: St Vladimir’s Seminary Press, 1984) 39-55.

other problems, the way in which private property is used within capitalist systems contributes most significantly to a culture of poverty and the growing environmental crisis.\(^{24}\) Fueled by the use of private property, the insatiable demands of capitalist systems and the global economy within which they operate result in a non-sustainable use of natural resources which in turn exacerbates pollution leading to an increase in greenhouse gasses and global warming\(^{25}\) and the destruction of habitats for many endangered species.\(^{26}\)

Long before it was fashionable to make the link between private property and social problems, Sheptyts'kyi was writing about the nature and purpose of private property in the hands of Ukrainian Catholic faithful. He wrote from a perspective formed through a life of suffering and witnessing the abuse and atrocities perpetrated by the Nazi and Soviet regimes which dominated much of his adult life and which made repeated attacks against his Church and against the institution of private property. Thus, Sheptyts'kyi's writings are dominated by a unified defence of the institution of private property and implicitly of capitalism. And while it may be that capitalist systems which now make use of the concept of private property are themselves threatening the environment and perpetuating poverty, Sheptyts'kyi's work is nonetheless applicable to the abuses of any governmental system which results in negative outcomes for those who live within those systems. This article, therefore, presents Sheptyts'kyi's thought on private property as representing the nascent moral teaching of the Ukrainian Catholic Church on this significant contemporary issue.

The article is divided into three parts. The first provides a biographical sketch of Sheptyts'kyi. The second considers his thought on private property, which can be divided into (i) his justification for the institution and, (ii) his understanding of its normative content. The conclusion argues that Sheptyts'kyi's thought can be applied to some of the contemporary social problems that result from the use of private property. As such, his thought in this area establishes the foundation for a Ukrainian Catholic moral theology on private property.

II. BIOGRAPHICAL BACKGROUND

Well-known in the Ukrainian Catholic world, and rightfully regarded as a leader of the 'Eastern lung' of the Universal Catholic Church, Sheptyts'kyi is hardly known among those of the much larger, and dominant, 'Western lung', the Roman Catholic Church. Perhaps Orest Subtelny best captures the monumental significance of Sheptyts'kyi's life, work, and legacy, both in the context of the Ukrainian Catholic Church and in that of the Universal Catholic Church:

By the time of his death on 1 November 1944, Metropolitan Andrei was universally respected for his strength of character, breadth of vision, and humanity, [indeed] the metropolitan was the single-most influential character in West Ukrainian society. His conviction that the [Ukrainian] Greek Catholic church was a distinctly Ukrainian


\(^{25}\) See the various materials available at Climate Change, http://climatechange.gc.ca/english/climate_change/

institution that should preserve its Eastern ecclesiastical traditions and support the national aspirations of its people added to his popularity.\textsuperscript{27}

It is no exaggeration to say that the contemporary Ukrainian Catholic Church owes its existence largely to the work of Sheptyts’kyi—liturgically,\textsuperscript{28} theologically\textsuperscript{29} and ecclesiologically. Moreover, and quite apart from his ecclesiastical accomplishments, he led his people out of the captivity of Polish, German and Soviet oppression to the promised land of a thriving Ukrainian nation.

And as part of his legacy, Sheptyts’kyi set out the rudimentary content of a social and moral theology that includes a developed understanding of the role and place of private property in contemporary society, a topic about which the Ukrainian Catholic Church has written little. For that reason, Sheptyts’kyi’s work stands as the foundation and core of any attempt to understand the position of the contemporary Church on this topic. To understand his social thought, however, it is useful first, against the backdrop of a brief outline of Ukrainian history during his life,\textsuperscript{30} briefly to review Sheptyts’kyi’s life and major accomplishments.

\textbf{A. Nobility Yet Humility: Early Life}

The lands which today fall within the western territorial boundaries of the independent nation of Ukraine was, until the twentieth century, known as Galicia, and its inhabitants, today Ukrainians, called themselves Ruthenians.\textsuperscript{31} The Sheptyts’kyi family roots lie in these western lands, in the boyar class\textsuperscript{32} of Kyivan or princely era spanning the sixth to thirteenth centuries.\textsuperscript{33} In the fourteenth century, both Poland and Lithuania set their eyes on Galicia, making expansionist moves that brought about the demise of feudalism and with it the Kyivan era.\textsuperscript{34} Galicia came under Poland’s control as part of the Polish-Lithuanian Commonwealth; while many boyar families remained loyal to their Kyivan princely roots, others succumbed to Polish influence.\textsuperscript{35} The Sheptyts’kyis initially fell into the former group, although they, too, were ultimately ‘Polonized,’\textsuperscript{36} a loyalty for which they were rewarded with an affirmation of their boyar status by a 1469 Charter of the Polish Court. Rather than cooperate fully with the Polish regime, though, the family chose instead to withdraw from the political arena and focus attention on serving the people ecclesiastically and culturally.\textsuperscript{37}

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\textsuperscript{27} Orest Subtelny, \textit{Ukraine: A History} (Toronto, Canada: University of Toronto Press, 1988), 440.
\textsuperscript{28} Sheptyts’kyi’s liturgical achievements are recounted in Victor J. Pospishil, ‘Sheptyts’kyi and Liturgical Reform’ in Magocsi, \textit{Morality and Reality} 201-225.
\textsuperscript{29} Sheptyts’kyi’s theological thought is canvassed in Petro B.T. Bilaniuk, ‘Sheptyts’kyi’s Theological Thought’ in Magocsi, \textit{Morality and Reality} 165-183.
\textsuperscript{30} This article makes no pretense to fully analyse or outline the complexity of Ukrainian history; rather, it sets out only those aspects of that long history necessary to understand the life and work of Metropolitan Andrei. For an authoritative history of Ukraine, the reader is directed to Subtelny, \textit{Ukraine: A History}.
\textsuperscript{31} Subtelny, \textit{Ukraine: A History}, 201, n*. ‘Ruthenian Catholics’ refers to those who are today the faithful of the Ukrainian Catholic Church.
\textsuperscript{32} Ukrainian nobility who occupied leading posts in the royal court, in state offices and the royal army during the earliest period of Ukraine’s history.
\textsuperscript{33} Ibid, 19-54 and 589.
\textsuperscript{34} Ibid, 72-74.
\textsuperscript{35} Ibid, 69-198.
\textsuperscript{36} On the process of ‘Polonization’ see Subtelny, \textit{Ukraine: A History}, 94-96.
\textsuperscript{37} Vasyl Laba, Oksana B Koropeckyj, trans., \textit{Metropolitan Andrei Sheptytsky: His Life and Accomplishments} (Rome, Italy, and Toronto, Canada: Department of Theology of St Clements Ukrainian Catholic University in Rome, 1984), 11-15.
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Three partitions—in 1772, 1775, and 1795—brought the Polish-Lithuanian Commonwealth to an end, with Russia taking 60% of the former Commonwealth territory, Prussia 20%, and Austria-Hungary 18%. Galicia, where the Sheptyts'kyis were centered, fell within Austria-Hungary’s territory, which at that time was controlled by the Habsburg Empire. This change had the primary effect of further watering-down the solidarity of the boyars. When Austrian counthood was conferred upon Petro Sheptyts'kyi, the future Metropolitan Andrei’s grandfather, the family began to merge into the remaining Galician Polish nobility. Thus, by the time of his birth, Sheptyts'kyi’s parents considered themselves Polish.

It was into this largely Polish world that Roman Alexander Sheptyts'kyi, the third of five sons and the future Metropolitan Andrei, was born on 29 July 1865, in the village of Prylbychi, near Yavoriv in Galicia, to Count Ivan Sheptyts'kyi and Sophia, Countess Fredro. Whatever the family’s cultural status, it is clear that this was still a wealthy and politically connected clan, but one whose faith was deep. The future Metropolitan’s father owned estates in the Yavoriv and Bibrets Districts of Galicia, and for many years he was Marshall of Yavoriv and a parliamentary representative in Vienna and the Galician Congress. The Countess Sophia, the daughter of an eminent Polish writer, Alexander Fredro, was a devout Roman Catholic and a woman of literary talent. These virtues she sought to instill in her sons. Most importantly for the development of the future Metropolitan, Ukrainian heritage was emphasised: portraits of family members from the past were to be found in the home and the Ukrainian language was spoken on the family property.

Roman’s education consisted of early private tutoring at home, private school in L’viv, and completion of the higher grades in Cracow in 1883. Following this he enlisted for one year in the Austrian military, a commission which he never completed. Rather, from 1883 to 1887 he studied law at the Universities of Cracow and Wroclaw, during which time he attended some lectures on theology and Slavic studies. While he might have pursued a career in law following his graduation in 1888, he choose a different path altogether. In 1886, during an audience with Pope Leo XIII, Sheptyts'kyi expressed his desire to join the Ukrainian monastic order of St Basil the Great, an Eastern Catholic monastic order. Two years later he again visited the Pope, who encouraged him in his desire to join the Basilians.

In 1887 Roman embarked on a trip to Kyiv and then to Moscow, a journey which, taken in the context of his papal audiences, set the direction of his life, a direction that would take a dramatic turn back to his Eastern Christian roots. In Kyiv he saw for himself the monuments of the Ukrainian Church and State and the contemporaries of Ukrainian culture. And in Moscow he visited churches, museums and art galleries. Two people made lasting impressions: in Kyiv, Volodymyr Antonovych, professor of history at St Volodymyr’s University, and himself descended from a Polonized Ukrainian noble family who had returned to his Ukrainian roots during his college years; and,

38 Subtelny, Ukraine: A History, 176-177 and 201, and see 201-335 for a full history of this era in Ukrainian history.
39 Laba, Metropolitan Andrei Sheptytsky, 15-16. And see also Ryszard Torzecki, ‘Sheptyts’kyi and Polish Society’ in Magocsi, Morality and Reality 75-98.
40 Laba, Metropolitan Andrei Sheptytsky, 17-18.
41 Ibid, 17-21.
42 Ibid, 21-22.
in Moscow, Alexander Solov’ev, a layman who had become a Catholic and devoted himself to the unity of Eastern and Western Christianity. It was during this visit that Roman made the final decision to enter the Basilians and to devote his life to the service of the Ukrainian people and to the unity of Eastern and Western Christianity.

What Roman saw following his entry to the Basilians in 1888 shaped his future leadership of the Ukrainian Catholic Church. While it was in 1888 the only Ukrainian Catholic monastic community, discipline within the Basilian community had become lax and Polish Jesuits had been given charge of reform. And while they did restore order, given the historic animosity between the Polish and Ukrainian peoples, their work was largely unacceptable to Ukrainians. Moreover, and much more importantly for what Sheptyts’kyi would later do, they failed to take account of authentic Eastern Christian tradition.

Nonetheless, in view of his obvious calling, the Basilian superiors shortened Sheptyts’kyi’s novitiate and on 13 August 1892 he made his solemn monastic profession, choosing the name Andrei. Writing to his family on a plain piece of white paper, Monk Andrei renounced his worldly possessions ‘[i]n favor of the Community of the Ruthenian Rite Order of St. Basil I renounce my right to all the landed properties I now hold or may hold in the future. One week later the Bishop of Przemysl ordained Monk Andrei priest and later that year he completed his doctoral philosophical and theological studies at the Jesuit College in Cracow. In 1896, Sheptyts’kyi was made Hegumen (Abbot) of the St Onuphry Monastery in L’viv, Galicia and it was in this capacity that he began to give missions for the Ukrainian people, allowing him to establish close contacts with the Ukrainian intelligentsia and students.

On 17 June 1899, Hegumen Andrei was made Bishop of Stanyslaviv. His new Eparchy (diocese) had been largely neglected since it had been created as a result of the 1885 split of the Archeparchy of L’viv. As such, Sheptyts’kyi was faced with the need to consolidate and coordinate the operations of a young and culturally and spiritually diverse eparchy. He was tireless in his work, and by all accounts he was a much-loved leader, although his tenure was short-lived.

In October 1900, Sheptyts’kyi was named Archbishop of L’viv and Metropolitan of Galicia. During his solemn enthronement in St. George’s Cathedral, L’viv, on 17 January 1901, the new Metropolitan delivered a homily making it clear that he would conduct himself as a Metropolitan. This was significant, for while the incumbent to the Metropolitan See of Galicia had authority over only three eparchies—L’viv, Stanyslaviv and Przemysl—his moral suasion extended far beyond those canonical borders and his work commanded the attention of Ukrainians everywhere, including those in the

44 On the influence of efforts towards unification of Eastern and Western Christianity on the work of Sheptyts’kyi, and on the work of Sol’ev in that regard, see Jaroslav Pelikan, ‘The church between East and West: The Context of Sheptyts’kyi’s Thought’ in Magocsi, Morality and Reality 1-12. And see also Lubomyr Husar, ‘Sheptyts’kyi and Ecumenism’ in Magocsi, Morality and Reality 185-200.
45 Cited in Laba, Metropolitan Andrei Sheptytsky, 24-25.
46 Laba, Metropolitan Andrei Sheptytsky, 24-25.
48 Ibid, 26-29.
50 Ibid, 33-35.
worldwide 'Ukrainian Diaspora.' Sheptyts'kyi was therefore making it clear that he considered himself the head of the world-wide Ukrainian Catholic Church, a stance affirmed by the faithful: the entire Ukrainian nation, including the Diaspora, acknowledged the new Metropolitan as the Prince of their Church and its spiritual leader. More importantly for the purposes of this article, his elevation marked the beginning of Sheptyts'kyi's tireless work for the restoration of the Ukrainian Catholic Church to its full Eastern Christian tradition. It is in this light—as Prince of the Ukrainian Catholic Church (an Eastern Christian Church) and leader of the Ukrainian nation—that one must view Sheptyts'kyi's work. The remainder of this section briefly recounts some of his accomplishments during his near 44 year tenure as Archbishop of L'viv and Metropolitan of Galicia, during which time he developed his social teaching on the institution of private property.

B. Prince of the Church and Ukrainian Moses: Metropolitan of Galicia

When Sheptyts'kyi acceded to the Metropolitan throne, contemporary Ukraine did not exist; his canonical territory, Galicia, was still a region of the Habsburg controlled Austro-Hungarian Empire. His faithful looked to their new Metropolitan for leadership and guidance. Sheptyts'kyi did not shy from these expectations; for the purposes of this article, two areas of his work demonstrate his bold leadership.

1. Leadership during Political Crisis and War

The most significant and profound demonstration of Sheptyts'kyi’s leadership came in the face of the national and international upheavals in the two World Wars and in the communist overthrow of the Tsarist Empire in Russia. In 1914, a scant fourteen years after his enthronement as Metropolitan, the outbreak of World War I pitted Austro-Hungary against Allied forces, including Russia. As war engulfed Galicia, the Tsarist forces of Russia entered Galicia behind the retreating Austrian army, with designs to incorporate it as part of the Russian Empire. Tsarist officials and Russian Orthodox clergy followed closely, bringing with them the first crisis of Sheptyts'kyi’s Metropolitanate. Eulogius, the Orthodox bishop of Khom, wrote a pastoral letter to the clergy and faithful of the Ukrainian Catholic Church appealing to them to convert to Russian Orthodoxy. Sheptyts'kyi responded with courageous opposition to such moves: on 6 September 1914, the first weekend the Tsarist forces occupied L'viv, he preached to the people to remain faithful to their Church, stating that he was prepared to make any sacrifice to that end. On 18 September, he did just that when he was imprisoned in Kyiv; he was later moved to various locations in Russia, although protests from abroad as well

52 The phrase 'Ukrainian Diaspora' refers to those Ukrainians living outside the national boundaries of Ukraine: see Subtelny, Ukraine: A History, 559-572.
54 La, Metropolitan Andrei Sheptytsky, 35-38.
55 Subtelny, Ukraine : A History, 339-344. On Sheptyts'kyi’s relationship with the Austro-Hungarian imperial authorities prior to the outbreak of World War I, see Wolfdieter Bihl, 'Sheptyts'kyi and the Austrian Government' in Magocsi, Morality and Reality 15-28; and on his involvement in the Ukrainian National movement prior to World War I, see John-Paul Himka, 'Sheptyts'kyi and the Ukrainian National Movement before 1914' in Magocsi, Morality and Reality 29-46; Bohdan Budurowycz, 'Sheptyts'kyi and the Ukrainian National Movement after 1914' in Magocsi, Morality and Reality 47-74.
56 On Sheptyts'kyi's relationship with the Russian empire, see Ivan Muzyczka, 'Sheptyts'kyi in the Russian Empire' in Magocsi, Morality and Reality 313-327.
as from liberal Russians finally brought his transfer from prison at Suzdal to a house in Yaroslav.\footnote{Laba, Metropolitan Andrei Sheptytsky, 57-60.} Sheptyts’kyi did not gain full freedom, however, until the communists overthrew the Tsarist regime in March 1917.\footnote{Subtelny, Ukraine: A History, 344-354.}

The revolution of 1917 ultimately led to the establishment of the Soviet Union, the presence of which would, in one way or another, affect the final twenty-six years of Sheptyts’kyi’s life and tenure as Metropolitan of Galicia.\footnote{Laba, Metropolitan Andrei Sheptytsky, 60-64.} The instability created by the Soviet presence brought rapid power changes between 1917 and 1919.\footnote{Subtelny, Ukraine: A History, 344-379.} For Sheptyts’kyi, the most significant of these was a bloodless coup d’etat in 1919, which briefly created the Western Ukrainian National Republic—a brief moment of optimism in an otherwise abysmal situation. Ultimately, Polish forces occupied Galicia, took the Metropolitan’s official residence in L’viv, and placed Sheptyts’kyi under house arrest.\footnote{Laba, Metropolitan Andrei Sheptytsky, 64-67.}

The third and final cataclysmic event of Sheptyts’kyi’s tenure came in 1939 and the outbreak of World War II, which brought with it a military clash on Galician soil between the totalitarian regimes of Nazi Germany and the Soviet Union. While the Soviet repression that so terribly affected those in eastern Ukraine had left western Galicia largely untouched, Polish rule during that time was by no means easy for Ruthenians.\footnote{Subtelny, Ukraine: A History, 380-452.} And while the German blitzkrieg that crushed Poland in two weeks brought a short-lived respite, the terror of war soon the whole of Ukraine.\footnote{Ibid, 453-465.} There is little doubt that this conflict waged between Nazi Germany and the Soviet Union on Ukrainian soil represents the single most significant factor influencing some of Sheptyts’kyi’s thinking about private property.

After temporarily halting their advance through western Galicia in 1939, the Germans agreed with the Soviets to divide Galicia, with everything west of the San River to be controlled by the Nazis and everything east by the Soviets. Thus, eastern Galicia began its first Soviet occupation lasting 22 months from 1939 to 1941. Rather than aggressive attempts at pacification, the Soviets chose instead to use propaganda to ‘liberate’ the people.\footnote{Bociurkiw, ‘Sheptyts’kyi and the Ukrainian Greek Catholic Church Under the Soviet Occupation of 1939-1941,’ 102-103; Subtelny, Ukraine: A History, 453-457.} As part of this program, laws were enacted nationalizing all public and private property, a change which affected all church and monastic holdings, exempting only church buildings themselves. The populace suffered greatly at the hands of the Soviets, with some 250,000 of them either deported deep into Russia or murdered. While having no direct impact on Sheptyts’kyi, he attempted to refute the Soviet propaganda through the use of frequent pastoral letters and synodal meetings.\footnote{Laba, Metropolitan Andrei Sheptytsky, 67-71. And see Bociurkiw, ‘Sheptyts’kyi and the Ukrainian Greek Catholic Church Under the Soviet Occupation of 1939-1941,’ 103-117.}

Thus, when the Germans advanced into eastern Galicia on 30 June 1941, they were once again seen as potential liberators; although this hope was as short-lived as it had been in the west: the whole of Galicia became a district and Ukraine a Reich-Commissariat. It was clear that the territory was conquered for German use and not for the establishment of a Ukrainian State. Three years of German domination differed little from
Soviet: property remained nationalized, heavy crop quotas were imposed, young people were rounded up and sent to forced labour in Germany, and leaders of the national independence movement were arrested and executed.\(^67\) It was only Sheptyts'kyi’s position of authority and his age that prevented him from being imprisoned and executed.

While the Soviets replaced the Germans, the end of the war simply brought with it a continued occupation.\(^68\) Metropolitan Andrei Sheptyts'kyi died on 1 November 1944,\(^69\) and thereafter, the Soviets quickly liquidated the Ukrainian Catholic Church in Ukraine, imprisoned its leadership, including Sheptyts'kyi’s successor, Metropolitan Josyf Slipyj, executed bishops, clergy, monastics and faithful and seized its property for distribution to the State-controlled Russian Orthodox Church.\(^70\)

2. Guidance in Spirituality and Morality

Yet, despite the upheavals through which he led the Ukrainian Catholic Church, perhaps Sheptyts'kyi’s greatest achievement and that which has had the most lasting import in the contemporary life of his Church is the way in which he responded to the spiritual and moral needs of the faithful. Early in his episcopacy, he began a canonical visitation of his Eparchy, taking every opportunity to be among his faithful and assess their spiritual needs. In response to these needs, he wrote extensively in pastoral letters and religious pamphlets, addressing the religious and moral obligations and national and civic responsibilities of clergy and faithful alike.\(^71\) These pastoral letters form the corpus of his social thought and moral theology, and two of them—*On the Social Question*\(^72\) and *On Christian Mercy*\(^73\)—form the core of his teaching on the concept and institution of private property. The final section of this article turns its attention to these writings.

III. SHEPTYTS'KYI ON PRIVATE PROPERTY

A. The Theory and Vernacular of Private Property

To understand Sheptyts'kyi’s thought on private property, one must first be familiar with what is meant by the phrase ‘private property.’ For this one needs briefly to consider the legal-philosophical theory and vernacular of private property. There are two central elements to all theorising about private property: justification, or why private property exists and why it ought to exist at all, and normative content, or what a system of private property


\(^{68}\) On the German occupation of Galicia, see Hansjakob Stehle, ‘Sheptyts’kyi and the German Regime’ in Magocsi, *Morality and Reality* 125-144. On the Jewish holocaust, see Andrew Kania, ‘The Light that Shone in Darkness: Andrii Sheptyts’kyi and the Jewish Holocaust’ *Australasian Catholic Record* 82 (2005): 299-304.


\(^{70}\) Laba, *Metropolitan Andrei Sheptytsky*, 71-73.


property in any given society looks like and how it operates. As both are relevant to the way in which Sheptyts'kyi viewed private property, this section briefly considers these elements.

Throughout the course of human history there has arisen a need to allocate scarce resources among individuals. The most common method of meeting that need has been some form of private property. And throughout the history of that institution—and arrayed against socialist and communist critiques which advocate the abolition of private property in favour of sharing among all through forms of collective or communitarian property—political-philosophers have offered justifications for its existence, of which three major historical groupings can be identified. The earliest is based upon natural law—the leading proponent of which is John Locke—and posits that private property is an inherent and inalienable individual moral right of all humans. Natural law theories gave way to arguments justifying private property on the basis of freedom, and here G.W.F. Hegel led the way. This justification argues that property institutions, by their very nature, confer freedoms (ranges of autonomous choice) which would not exist without them, thus, the community treats no citizen justly unless it institutes or maintains a property institution. Finally, in recent times, natural law and freedom-based justifications have been supplanted by instrumental theories; the leaders here are Robert Nozick and F.A. Hayek. Instrumental theories reason that there is a range of social goals, both material and immaterial, that only a private property institution can achieve.

J.W. Harris, having reviewed the various justificatory theories, concludes:

If we suppose that, in a particular society, problems of distribution and property-institutional design [the normative content of private property which a given society uses] have been addressed, more or less, in terms of the relevant property-specific justice reasons [those grounds on which, it is alleged, that a particular legal and social institution which is differentiated as a property institution should be valued], and that the solutions reached (albeit imperfect) are arrived at in good faith, [then that]...society's property institution is, to a degree, just.

While this justifies why private property does or ought to exist, it is equally important to say what it is, to define its normative content. This is not restricted to what any particular legal system, such as Australia’s or the United States’ or any other country, might view as private property, but rather, extends to ask what all possible systems of private property

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77 Harris, Property and Justice, 182-184.
79 Harris, Property and Justice, 230-237.
82 Harris, Property and Justice, 278-279.
83 Ibid, 166.
84 Ibid, 366.
share in common—the essentials to the existence of private property in any given legal system which recognizes it. And as far as lawyers, political-philosophers and economists are concerned, the normative content of private property is not concerned with the \textit{things}—books, cars, houses, or copyright in a new song, or any tangible or intangible thing—that we hold and call our own, rather, it is concerned with the \textit{rights} that people hold in relation to those things which are enforceable against others.\footnote{Babie, 'Private Property, the Environment and Christianity'; Babie, 'Private Property and the Gospel of Luke'; Oliphant and Babie, 'Can the Gospel of Luke Speak to a Contemporary Understanding of Private Property?'; Bruce H. Ziff, \textit{Principles of Property Law} (Scarborough, Ontario, Canada: Carswell, 2000), 1-84; Harris, \textit{Property and Justice}, Part I, \textit{What is Property}?.} Thus, if I say 'this pen (or whatever) is mine', the lawyer, or the political-philosopher or the economist would say that what I mean by such a statement is that I have certain rights in relation to that pen which if violated are enforceable against others. Thus, I can use the pen as I choose to the exclusion of all others, I can sell it or lend it to others, and if someone tries to take it from me without my permission, I can get it back from that person. And all legal systems provide mechanisms, laws, which protect this 'bundle of rights' and so allow me to do all of those things.

If I hold the largest bundle of such rights in relation to a thing, say the pen, then I am said to 'own' the pen; if I hold some smaller sub-set of all possible rights in relation to the thing, then I am said to have private property in the thing. Both ownership and any smaller set of such rights are both called 'private property'.

Moreover, in the absence of any laws limiting me from doing so, I can suit my own preferences in how I choose to exercise the rights that I have in relation to the thing: to use it in any way I please, to sell or lend it to others, or to protect it against theft or the attempts of others to exercise my rights in relation to it. This is known as 'preference-satisfaction' or 'self-seekingness' in the exercise of private property rights. Taken together, what has just been described is the 'rights-based' view of private property.

Yet there are a small number of theorists who argue that private property is not only about rights. These theorists argue that because the majority of people—those who are not lawyers, political-philosophers or economists—\textit{do} use the term private property to refer to things, then any theory of private property must take account of that majority view as well.\footnote{Harris, \textit{Property and Justice}, 140-142.} Thus, the pen that I call 'mine' is actually the private property, rather than the rights alone that allow me to do things with it or to prevent others from doing things with it. The theorists who subscribe to this view argue that one must look at the actual concrete social system in which both tangible resources, such as pens, or coal, or petroleum, or water, and intangible things, such as intellectual property, are parcelled up and divided among people, to determine how that system of private property operates. Furthermore, they argue, within any given system of resource distribution, one will invariably find that it includes aspects of both the rights-based view and of the thing-based view of private property.

A very few theorists, who may fall into either the rights-based or the thing-based camp go even further and argue that there is also a 'social aspect' to private property. This controls the harmful self-seeking or preference-satisfying exercise of the private property rights held in relation to a thing. The social aspect, according to these theorists, is internal to the concept of private property and not imposed by the external legal system within which the private property is held. But this is a controversial view; most would argue that once one holds private property, on either the rights-based or the things-based view, one...
is free to exercise the rights in any way one pleases subject only to any laws which a legal system may impose from the outside upon such exercise or uses. These laws are external to the normative content of private property.87

One final point ought to be noted: it is not only theorists, but also many institutions, too, that attempt both to justify and to define the normative content of private property. Most of these see private property as being more about things than about rights; indeed, the Catholic Church’s teaching about private property, which is admittedly concerned more with justification than with normative content, can be characterised as a thing-based view of private property that contains a very strong understanding of the social aspect, although this view does not always exclude the importance of rights.88 And it is this thing-based view of private property controlled by a social aspect which characterizes Sheptyts’kyi’s thought on private property. This section considers this thought, as compiled from the wealth of material which Sheptyts’kyi produced in his pastoral letters.

B. Sheptyts’kyi and an Eastern Catholic View of Private Property89

Sheptyts’kyi’s pastoral letters represent the only attempt by a Ukrainian Catholic hierarch to address the contemporary social problems which face all Christians, with specific reference to Ukrainian Catholics, from an Eastern Christian perspective.90 His teaching on private property can be constructed from an assessment of these letters, and this section does that by dividing Sheptyts’kyi’s thought on that topic into justification and normative content.

1. Justification: Natural Law

Two of Sheptyts’kyi’s pastoral letters—one written near the beginning of his tenure as Metropolitan of Galicia and one near the end—contain the core of his justification of private property: On the Social Question,91 written in 1904, was his response to the threat posed by socialism and sets forth the main lines of his social thought,92 and On Christian

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88 Catechism of the Catholic Church (Homebush, NSW: St Pauls, 1994), Part Three, Article 7.

89 This section relies upon the work of Metropolitan Andrei in his pastoral letters, English translations of which are not readily available. Professor Andrii Krawchuk, a leading scholar on the work of Metropolitan Andrei, notes that there are no readily available English translations of the Metropolitan’s pastoral letters: personal e-mail received by the author, dated Tuesday, 25 January 2005. This article therefore uses the translations and the analyses of those letters found in Krawchuk, Christian Social Ethics in Ukraine and in Krawchuk, ‘Sheptyts’kyi and the Ethics of Christian Social Action’ in Magocsi, Morality and Reality 247-268. Professor Krawchuk offers the first comprehensive scholarly study of these letters and as such represents the best available English translations.

90 Krawchuk, ‘Sheptyts’kyi and the Ethics of Christian Social Action’, 247. On the Eastern foundations of Sheptyts’kyi’s theological thought, see Bilaniuk, ‘Sheptyts’kyi’s Theological Thought.’

91 Sheptyts’kyi, O kvestii sotsiial’ni (On the Social Question) as translated in Krawchuk, Christian Social Ethics in Ukraine. A full review of On the Social Question and Sheptyts’kyi’s ethics of Christian social action can be found in Krawchuk, ‘Sheptyts’kyi and the Ethics of Christian Social Action.’

Mercy, written in 1942, in which he discussed the various forms of the Christian duty of brotherly love and its practical implications.

In On the Social Question—which draws upon Pope Leo XIII’s Rerum Novarum (1891), itself bringing attention to the pressing question of the condition of the working classes—Sheptyts’kyi addresses the endemic peasant poverty in Galicia that had led to economic unrest and massive waves of emigration at the turn of the twentieth century. The industrial revolution had created a new social order in which capital and power, concentrated in the hands of a few, took precedence over labour, causing hatred between social classes. An emergent secularism and socialist tendency faced the Church, and these fomented for a program of social change and more equitable economic relationships between the social classes; for Sheptyts’kyi, this was the social question. Yet he did not see a process of democratisation as being incompatible with the Gospel message, so long as it improved the lot of the poor and oppressed and did not descend into a disobedience of authority, which he referred to as a ‘theory of exaggerated freedom and absolute equality’, by which he meant socialism. Socialist agitators were exploiting the lack of understanding among the Galician clergy and faithful of the difference between Christian social concern and socialism, a difference which for Sheptyts’kyi was very real.

It was in this context that Sheptyts’kyi sought to steer his clergy and faithful onto a path of social action that was Christian; in relation to private property he did this in On the Social Question by distinguishing between Christian and socialist remedies to the social question. And while he considered capitalism no panacea, Sheptyts’kyi’s justification of private property is found in what amounts to a response and defence against the key objective of the socialists, whom, he wrote ‘...aim[ed] to achieve the absolute economic and social equality of all people through the abolition of private property.’ Without explicitly referring to Patristic Tradition, therefore, Sheptyts’kyi justifies private property in accordance with the teachings of the Church Fathers when he says that as against this...

94 Krawchuk, Christian Social Ethics in Ukraine, 2.
96 Krawchuk, Christian Social Ethics in Ukraine, 3.
97 Sheptyts’kyi, O kvestii sotsial’nyi (On the Social Question), 3, paras. 1, and 68-69, para. 227, as cited and translated in Krawchuk, Christian Social Ethics in Ukraine, 4-5, nn. 9 and 10.
98 Ibid, 18 para. 52, 22 para. 67, 15 para. 43, 13 para. 39, 12 para. 33, as cited and translated in Krawchuk, Christian Social Ethics in Ukraine, 5-6, nn. 11, 12, 19 and 21.
102 Sheptyts’kyi, O kvestii sotsial’nyi (On the Social Question), 18, para. 52, as cited and translated in Krawchuk, Christian Social Ethics in Ukraine, 5, n 11.
103 See Harakas, Living the Faith, 139-157. It would be wrong, in any case, to conclude that Sheptyts’kyi’s thought is inconsistent with the Church Fathers on this issue. Rudolph Brändle, John Chrysostom: Bishop – Reformer – Martyr (John Cawte, Silke Trzcionka, and Wendy Mayer, trans., Strathfield, N.S.W.: St Pauls Publications, 2004), 39-40, notes that while amongst all the Church Fathers, St John Chrysostom was the most trenchant critic of wealth and private property, he was by no means a socialist or a revolutionary. For Brändle, it would be a mistake to consider that fundamental societal change was even on St John Chrysostom’s horizon, or, for that matter, on that of any other thinker in late antiquity. If St John Chrysostom stood at the front of the Church Fathers when it came to critiques of private property, without going so far as to advocate its abolition, then it is safe to conclude that rather than being socialists or revolutionaries in relation to this issue, the Church Fathers saw private property as a given. Drawing upon St John Chrysostom, then, the concern of the...
abolitionist stance of the socialists ‘[t]he first principle of Christian social action is the inalienability...of private property.’

This does not refer to the inability of the holder of private property to dispose of it according to personal preferences, but rather, in Lockean terms, to a natural law justification that private property is an inalienable natural human right. Sheptyts'kyi confirmed this natural law justification of private property in On Christian Mercy, in which he wrote that rather than being the fruit of human injustice, as the socialists viewed it, according to Christian tradition private property is ‘a legitimate, natural and, therefore, essential institution.’

Drawing upon Pope Leo XIII’s Rerum Novarum, but still firmly within the Patristic tradition, in On the Social Question, Sheptyts'kyi set out the six main premises of his justification:

(i) that private property was a natural right historically confirmed by human customs and laws as well as by divine law;

(ii) that the right to the permanent possession of things, as opposed to their temporary use, was derived from human rationality and the capacity to reflect on needs for future welfare;

(iii) that a worker who cultivated land had a right not only to the fruits that were harvested, but also to the land itself;

(iv) that the right to hold private property was linked to a father’s obligation to provide for the needs of his family;

(v) that remuneration was not the only incentive to work because a worker is also entitled to the liberty of choosing how to spend wages, a liberty that would be lost through the abolition of private property.

Church Fathers was with the social aspect of private property and not the institution itself. As such, it can safely be said that while not referring specifically to the Church Fathers, Sheptyts'kyi’s thought was in line with Patristic Tradition.

104 Sheptyts'kyi, O kvestii sotsial'nii (On the Social Question), 29 para. 93, as cited and translated in Krawchuk, Christian Social Ethics in Ukraine, 7 n. 23.

105 On the theory of John Locke justifying property according to natural law, see John Locke, Second Treatise of Government, ch. ii. See also Pipes, Property and Freedom, 34-37.

106 Krawchuk, Christian Social Ethics in Ukraine, 7.


109 As enumerated by Krawchuk, Christian Social Ethics in Ukraine, 7. See also Krawchuk, ‘Sheptyts'kyi and the Ethics of Christian Social Action,’ 249.

110 Sheptyts'kyi, O kvestii sotsial'nii (On the Social Question), 22, para. 68, 24, para. 76, 26, para. 81, as cited and translated in Krawchuk, Christian Social Ethics in Ukraine, 7, nn 25-27, and see also 15. And see Pope Leo XIII, Rerum Novarum (On Capital and Labor), paras. 6, 9 and 11.


112 Sheptyts'kyi, O kvestii sotsial'nii (On the Social Question), 24, para. 74, as cited and translated in Krawchuk, Christian Social Ethics in Ukraine, 7, n 29. And see Pope Leo XIII, Rerum Novarum (On Capital and Labor), paras. 7-10.


114 Sheptyts'kyi, O kvestii sotsial'nii (On the Social Question), 20, paras. 60-61, as cited and translated in Krawchuk, Christian Social Ethics in Ukraine, 7, n 31. And see Pope Leo XIII, Rerum Novarum (On Capital and Labor), para. 5.
that the abolition and collectivization of private property would produce a host of social evils: economic stagnation, harm to workers and to the poor, the loss of motivation and incentives for workers to apply their skills with diligence, which would in turn undermine the family, conferring on the state an illegitimate authority, opening the floodgates of jealousy, dissatisfaction and discord which would threaten social peace and security.115

Writing in 1940, in response to Soviet atheism and the apathy of the people towards work in the face of the communist collectivization of and wartime threat to the security of private property, Sheptyts'kyi strengthened his natural law justification in these terms:

It appears to you that this work, although essential, will bring neither any benefit nor any good. Perhaps that is truly so; the times of war in which we are living are times when no one is sure either of his life or his possessions. At any moment, the sad circumstances in which we find ourselves can place any one of us before God’s judgment, tearing us away from the present life and taking away an entire life’s earnings and all the possessions that a good father may have wanted to leave for his children.116

In other words, while war might bring a sense of futility about the necessity of work, this did not alter the reality that the fruits of one’s labour was private property, the ‘possessions’ and ‘earnings’ that one would leave to one’s children. For Sheptyts'kyi, natural and divine law still holds even in the most hopeless conditions: private property is a human right which flows from one’s productive labour.117

Still, again in conformity with Patristic teaching,118 Sheptyts'kyi places private property within a hierarchy of human rights which, while enjoying an elevated status within that hierarchy, was not a right that stood above the sanctity of human life. Rather, following the example of Christ, the duty to protect the sanctity of life even went so far as to place one’s own life at risk for the sake of another.119 Thus, private property, as a right, does not rank above the duty to preserve the sanctity of life.

Yet, while the right to private property may be an inherent natural right, the laws that put a system of private property into operation must flow from the state. Thus, Sheptyts'kyi moves from a natural law justification of the institution, to a proposition first advanced by Jeremy Bentham: private property and the rights which constitute it cannot exist without positive law, without state-sanctioned rules that protect the rights of the holder of private property to exercise them without interference from others. For Bentham, without positive law—human law—there is no private property.120

Metropolitan Andrei, in the context of setting out his Christian principles of sovereign authority in relation to nation-states, wrote that:

115 Sheptyts'kyi, O kvestii sotsiial’nii (On the Social Question), 18, para. 53, 21, para. 61, 28, para. 92, 18-19, paras. 53-55, 28, para. 90, 92, 28, para. 88, as cited and translated in Krawchuk, Christian Social Ethics in Ukraine, 7-8, n. 32.
118 See Harakas, Living the Faith, 139-157.
...[t]he aim of civil authority is to serve the public welfare and uphold the freedoms of its citizens, and it therefore enacts laws that are just (i.e., conforming to divine law and the common good) and establishes an impartial and independent judiciary that applies the general laws to specific cases and delineates the mutual rights and duties of citizens...\textsuperscript{121}

And in criticizing the Soviet communist regime, Sheptyts'kyi elaborated this understanding of the role of the state in providing the legal environment for the existence of and protection for private property:

The aim of a state is to guarantee the happiness and welfare of families and individual citizens. \textit{[Ensuring] the security of life, property and every civic right—such are the basic duties of the state; without them, there is no state. What is called the Bolshevik state is so far removed from that aim that in no way can one detect any trace of the basic, primary functions of the state in the Bolshevik government. Its rulers do not even dream about the prosperity and happiness of the people. It is the source of an exploitation of human energy, health and life about which no one else has any inkling... It is an atmosphere in which no organism can long survive. It is an atmosphere that follows from Marxism, which may be considered a system that turns a person into a machine and takes no account of his natural rights or needs.} \textsuperscript{122}

And, given that the state has the role and the duty to protect the inherent natural right to private property, divine and state law are in accord:

...the temporal, earthly goods that Divine Providence gives can be and are the property of those who have acquired them legitimately and who are their owners before the law.... Private property, \textit{[whether it is] acquired through inheritance or through thrift and hard work, is a right protected by divine law.} \textsuperscript{123}


While there is little that explicitly sets out his thinking on the normative content of private property—whether it is rights-based or thing-based or a hybrid of the two—Sheptyts'kyi’s adoption of the Benthamite 'no property without law' proposition at least points towards an implicit acceptance of the rights-based conception of private property. If state legal systems must provide the environment, through law, for the existence and protection of private property, then it seems plausible to assume, in the light of the history of private property theorizing, that what is being protected is not things, but rights in relation to things enforceable against others. It is the state and its laws that provide for the enforcement of rights against others; without the state there could be no enforcement of rights, which really means that there are no rights at all. Still, as we have seen in considering his justification, there is sufficient use of terminology within Sheptyts'kyi’s writings to suggest that he also sees private property as integrally related to the things which are protected by state-established and enforced rights. Thus, Sheptyts'kyi’s understanding of the normative content of private property may be said to be a hybrid of rights- and things-based approaches.

The central element of Sheptyts'kyi’s work on the normative content of private property, however, and that which makes it explicitly clear that a rights-based conception


\textsuperscript{123} Sheptyts'kyi, 'Pro myloserdia' ('Tsile dilo...'), paras. 25-26, 172, as cited and translated in Krawchuk, \textit{Christian Social Ethics in Ukraine}, 225 n. 105.
dominated his view, are found in his writings about the social aspect of the institution. The social aspect of private property, as we have seen, is concerned with limiting the way in which the holder of private property exercises the rights enjoyed in relation to things in such a way as to prevent harm to the social good. The acceptance of a social aspect as being inherent to the institution of private property therefore points towards a rights-based approach. Sheptyts’kyi fully elaborates his understanding of the social aspect in his writings concerning the just distribution of wealth in society, especially in the pastoral letter On Christian Mercy.

In On Christian Mercy, Sheptyts’kyi again draws a distinction between socialist and Christian views of property. The former, of course, took an abolitionist line and argued that justice bound the rich to perform specific acts of restitution and to divide up their possessions and restore to the poor what was rightfully theirs; this would lead, ultimately, to the elimination of private property. Sheptyts’kyi, however, argued that the Christian stance was founded upon the ultimate ethical principle of the law of love. The law of love—paramount in Sheptyts’kyi’s writings on social action—when combined with the dictates of justice, meant that while the rich were entitled to their property by virtue of divine and human law, they had at the same time a correlative duty toward the poor by virtue of the Christian requirement of fraternal love. Thus, as opposed to the socialist emphasis on justice alone, the Christian option promoted class harmony rather than class struggle.

Sheptyts’kyi describes the promotion of the social good through the exercise of private property rights in these terms:

It is natural for people mutually to exchange services of Christian love and reciprocal kindness. In this way, justice and love, joined together under the just and light burden of Christ’s law, support very well the bonds of human society and lead its every member to work for his own private good and for the common good.

For Sheptyts’kyi, the social aspect of private property, rooted in the law of love, translated into exercising private property use-rights to give alms to the poor, especially those whose lives were at risk as a result of the Nazi and Soviet occupations of Galicia.

While the socialists argued that to give alms was demeaning, for Sheptyts’kyi, when done in the proper evangelical spirit, ‘Christian almsgiving can only facilitate the mutual relations between rich and poor, and strengthen the bonds of mutual service.

Although such a stance was a difficult one to take at a time when there were many more poor than rich, Sheptyts’kyi saw a rather more even distribution of human needs and obligations between haves and have-nots. A Christian ethical stance, in his view, meant that the rich were not without their needs, nor the poor without their needs.
obligations:132 ‘[t]here is no one so rich as to need no assistance from others, nor anyone so poor as to be unable to give necessary and beneficial service to his neighbor.’133 Indeed, ‘[i]n our times and in the circumstances of the present moment there is the difficulty that few have plenty of anything, but many are in dire straits, hungry and even starving to death.’134 To support the call for Christian charity in the context of such widespread poverty and starvation, Sheptyts’kyi used the example of the widow’s mite (Mk. 12:11), arguing that almsgiving acquired a profound new meaning in difficult times:

Such gifts, although they may be insignificant in human terms and though they may pass unnoticed, penetrate the heavens...God looks upon the heart. Whoever cannot give more than a good word or a prayer or render a small service can, with the grace of God, receive a word such as that Christ pronounced to the Canaanite woman: "For this saying...[you may go your way; the demon has left your daughter"] (Mk. 7:29). It is not easy to replace deeds with words, for "not everyone who says to me, ‘Lord, Lord’ shall enter the kingdom of heaven, but he who does the will of my Father, who is in heaven.” [Mt. 7:21] However, it sometimes happens that before God a word acquires the value of an act.135

For Sheptyts’kyi, the social aspect revolves around the disposition of the heart, and this translates into the way in which individuals exercise private property rights for the social good. Private property, for Sheptyts’kyi, can only be seen in the light of the good it can do for others. And while it is justifiable by divine and civil law, the rights over things exercisable against others that constitute private property are not held without reciprocal obligations and duties to ensure that the have-nots receive what they need for the basic necessities required to sustain and protect life, that most fundamental and sanctified of all human rights.

And it is to this clash between the inviolability of private property and the sanctity of life that Sheptyts’kyi finally turns his attention in considering the normative content of private property. He argues that the Christian duty to give alms—to exercise private property rights in such a way as to benefit others—is proportionally related to needs in a particular situation, for ‘...the duty to give alms increases as the needs of one’s neighbor increase.’136 And when life itself is in danger, the right to life takes priority to any claims to private property: ‘[w]hoever finds himself in dire misery has the right to seek refuge even in another’s property, even without the owner’s consent.’137 Thus, the reciprocal obligations and duties to use private property for the good of others might themselves become rights in the hands of those who require that property to save their own life.138 The law of love, then, is the principle ethical principle that underpins the exercise of private property rights; for Sheptyts’kyi, the social aspect of private property is nothing less than the law of love:

The Church—whose task it is to preach the Gospel of love and to accomplish acts of mercy, and which, in the name of the Good Samaritan, must come to the rescue of and heal those who have fallen into the hands of thieves—must also remind the faithful of

132 Krawchuk, Christian Social Ethics in Ukraine, 225.
134 Ibid, 175 para. 34, as cited and translated in Krawchuk, Christian Social Ethics in Ukraine, 226 n. 111.
135 Ibid, 175 para. 35, as cited and translated in Krawchuk, Christian Social Ethics in Ukraine, 225 n. 112.
that difficult duty of Christian love and in every possible way encourage people to fulfill it.139

IV. CONCLUSIONS: AN APPLICATION OF SHEPTYTS’KYZ’S THOUGHT ON PRIVATE PROPERTY TO CONTEMPORARY SOCIAL PROBLEMS

Sheptyts’kyi’s moral and social teaching on the institution of private property has its origins in the two main threats to that institution—socialism and communism—which he fought throughout his tenure as Metropolitan of Galicia. That teaching can be further divided into justification and normative content, which together constitute the main elements of all theorising about private property. In relation to the former, Sheptyts’kyi’s defence of private property against abolition or collectivisation under state-sanctioned socialism or communism makes it clear that his thought lies in the natural law camp. Private property is an inherent and inviolable human right that flows directly from divine law and is given its existence and protection within any given society through the civil law of the state. For Sheptyts’kyi, while there could be no property without law, God alone takes priority to the state in the very existence of the institution.

As important as a sound justification of the institution is, though, of greater significance for a contemporary Ukrainian Catholic moral theology is Sheptyts’kyi’s understanding of private property’s normative content. Of paramount importance in this regard is the way in which Christians ought to exercise their private property rights over things: in other words, how ought one to use the private property which one obtains through divine providence and which enjoys the protection of civil law? For Sheptyts’kyi, we have seen that not only do rights flow from the enjoyment of private property, but also reciprocal obligations and duties. In the vernacular of private property theorising, these obligations or duties that go with rights to ensure that the latter are exercised so as to benefit the social good are collectively known as the social aspect of private property. For Sheptyts’kyi, these obligations take the specific form of giving alms, itself founded upon the Christian ethical principle of the law of love. For a contemporary moral theology, however, the specifics of almsgiving require broader purchase. How can we apply Sheptyts’kyi’s thought, developed in specific, difficult, circumstances to our own contemporary world?

The answer to this question remains in the law of love, for this ethical principle must inform the exercise of any private property right which a person enjoys in relation to a thing and which is enforceable against others. Thus, where Sheptyts’kyi speaks of almsgiving in wartime conditions to those who are starving and in danger of death, in our contemporary world, the same holds true for both the dispossessed who live in our midst—the homeless, the sick, and the suffering—and for the created world, the environment, in which we all live. For Sheptyts’kyi, the application of the law of love to the context in which he lived, worked, and wrote produced the requirement to give alms; charity of that kind was necessary to preserve the sanctity of human life. But in our contemporary context, the requirement to protect the sanctity of human life continues to require us to give alms in a different way. Our context requires a broader application of the law of love. And such an expansion and broadening of the law of love is possible.

To accomplish this expansion of Sheptyts’kyi’s understanding of the law of love, we must ask ourselves, how must we use intangible things, whatever they may be, and which

the civil law protects?’ Such intangible things may include, for example, the copyright or patent in relation to new drugs that may save lives in third world countries. Here, the law of love and the giving of alms dictates that the use of such intangible property be used to benefit the social good of the global community. Or, in relation to tangible things, such as land, machinery and fossil fuels, we must recognize that we have a choice as to how we ought to use them so as not to do serious and lasting harm to the created world and thus harm the life of all people, animals and the entire animate and inanimate environment. The Christian law of love dictates that land and machinery ought to be put to productive use, of course, but in so doing the good of the environment, and so of all people and animals and the animate and inanimate environment ought not to be detrimentally affected. The law of love and the giving of alms requires us in every case, in considering the use of any thing, tangible or intangible, to choose the good of others, whether that be persons, animals, or the environment.

Sheptyts’kyi’s giving of alms can, therefore, be applied to the way we exercise private property rights in our own contemporary world. Such an application requires that all exercises of private property rights must be undertaken within the broader context of the Christian law of love. Thus, while one who holds such rights is perfectly entitled to exercise them according to preference-satisfaction or self-seekingness, the law of love requires that they be exercised, when held by a Christian, for the benefit of others, to work for the social good, and not so as not to detrimentally affect others, which includes all people, animals and the environment.

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