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INTRODUCTION TO EASTERN CANON LAW

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Introduction

Canon Law is the ecclesiastical laws governing the Catholic Church. In the Latin or Western Church, the governing code is the 1983 *Code of Canon Law*, a revision of the 1917 *Code of Canon Law*. A separate but parallel *Code of Canons of the Eastern Churches*, issued in 1990, governs the Eastern Catholic Churches, the first comprehensive code of Church laws governing all Eastern Catholic Churches.

Based on the differences in Liturgy, Theology, Spirituality and Discipline between the Latin Church and the Eastern Churches two different codes came into existence. This is stated in the Apostolic Constitution, *Sacri Canones*, promulgating the Code of Canons of the Eastern Churches. It was a concern for the Roman Pontiffs, especially after the first Vatican Council that Latin Church and the Eastern Churches should have distinct laws. The work of the codification of the Eastern Churches started in 1929 and the commission entrusted with the work completed their work and Pope Pius XII promulgated part of it by four *Motu Proprios*, namely, the canons on marriage (*Crabrae allatae*), in 1949, canons on procedural norms (*Sollicitudinam nostrum*), in 1950, canons on religious and temporal goods (*Postquam apostolicis litteris*), in 1952 and on hierarchy (*Cleri sanctitati*), in 1957. In the meantime, Pope John XXIII succeeded Pope Pius XII and he announced the second Vatican Council and the rest of the norms ready for promulgation remained in the archives. In 1972 the second codification Commission started its work and the whole text was ready in 1988. It was then sent to the Holy Father. The work of the commission can be found in *Nuntia* 1975-1990; easy to follow the legislative history of the canons.

The **1917 Code of Canon Law**, also referred to as the **Pio-Benedictine Code**, was the first official comprehensive codification of Latin canon law. It was promulgated on 27 May 1917 and took legal effect on 19 May 1918. It was in force until the 1983 Code of Canon Law took legal effect and abrogated it on 27 November 1983.

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The Code of Canons of the Eastern Churches and its Content

The first canon of the Eastern Code specifically states that this Code affect all and solely the Eastern Catholic Churches, unless, with regard to relations with the Latin Church, it is expressly stated otherwise. The code does not say anything about how many Eastern Churches are in the Catholic Church. Canon 28 § 2 says that there are five traditions in the East and the eastern Churches belong to one or the other of these traditions namely, Alexandrian, Antiochian, Armenian, Chaldean and Constantinopolitan. One can find the list of Eastern Churches in *Anuario Pontificio*, the year book of Vatican.

There are 23 Eastern Catholic Churches today and among them the Coptic Church, the Maronite Church, the Syrian Church, the Armenian Church and the Chaldean Church are Patriarchal Churches. There are also four Major Archiepiscopal Churches, namely the Ukrainian, Romanian, Syro-Malabar and Syro-Malankara Churches.

The Code uses the term **Churches *Sui Iuris*** (Autonomous Churches) to denote Individual Churches. According to canon 27 a Church *sui iuris* is a group of Christian faithful united by a hierarchy according to the norm of law which the supreme authority of the Church expressly or tacitly recognized. The code also clarifies the term **Rite** by defining it as “the liturgical,

theological, spiritual and disciplinary patrimony, culture and circumstances of history of a distinct people, by which its own manner of living the faith is manifested in each Church *sui iuris*.” (c. 28).

The Content of the Code of Canons of the Eastern Churches

The Code begins with six introductory canons. It is divided into Thirty titles which are again subdivided to chapters, articles and canons. There are 1546 canons in the Code.

Titles Topics and Canons

Preliminary Canons (1-6)

TITLE I. The rights and obligations of all the Christian faithful (7-26)

TITLE II. Churches *sui iuris* and rites (27-41)

TITLE III. The supreme authority of the Church (42-54)

TITLE IV. The Patriarchal Churches (55-150)

TITLE V. The Major Archiepiscopal Churches (151-154)

TITLE VI. Metropolitan Churches and other Churches *sui iuris* (155-176)

TITLE VII. Eparchies and bishops (177-310)

TITLE VIII. Exarchies and exarchs (311-321)

TITLE IX. Assemblies of hierarchs of several Churches *sui iuris* (322)

TITLE X. Clerics (323-398)

TITLE XI. Lay persons (399-409)

TITLE XII. Monks and other religious as well as members of other institutes of consecrated life (410-572)

TITLE XIII. Associations of the Christian faithful (573-583)

TITLE XIV. Evangelization of nations (584-594)

TITLE XV. The Ecclesiastical magisterium (595-666)

TITLE XVI. Divine worship and especially the sacraments (667-895)

TITLE XVII. Baptized non-Catholics coming into full communion with the Catholic Church (896-901)

TITLE XVIII. Ecumenism or fostering the unity of Christians (902-908)

TITLE XIX. Persons and Juridic acts (909-935)

TITLE XX. Offices (936-978)

TITLE XXI. The Power of governance (979-995)

TITLE XXII. Recourse against administrative decrees (996-1006)

TITLE XXIII. The Temporal goods of the Church (1007-1054)

TITLE XXIV. Trials in general (1055-1184)

TITLE XXV. The Contentious Trial (1185-1356)

TITLE XXVI. Certain special procedures (1357-1400)

TITLE XXVII. Penal sanctions in the church (1401-1467)

TITLE XXVIII. The Procedure for imposing penalties (1468-1487)

TITLE XXIX. Law, custom, and administrative acts (1488-1539)

TITLE XXX. Prescription and the computation of time (1540-1546)

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The rights and obligations of all the Christian faithful

(Title I Canons 7-26)

Christian Faithful

Canon seven defines who are Christian faithful. By baptism all are equal but there is a difference in function according to each one's state of life. Hence the laity, clerics and the religious fulfill their functions in the Church differently. According to canon seven paragraph two, the Church constituted and organized as a society in this world, subsists in the Catholic Church, governed by the successor of Peter and the bishops in communion with him. And canon eight states who all are in full communion with the Catholic Church. They are those **baptized persons** who are joined with Christ in its visible structure **by the bonds of profession of faith**, of the **sacraments** and of **ecclesiastical governance**.

The canons that follows describe the rights and obligations of the Christian faithful. The most important right and obligation is to **maintain integrally the faith** which was preserved and transmitted at a great price by many and to **profess it openly** as well as to strive both to **understand it better** and to **make it fruitful in works of charity**. This has to be done by adhering to the **Word of God** and to the authentic, living **magisterium of the Church** (c 10).

All Christian faithful are bound by obligation to maintain communion with the Church. They are to live a holy life and to promote the growth of the Church and its continual sanctification. They are also bound by Christian obedience to follow what the pastors of the Church, as representatives of Christ, declare as teachers of the faith or determine as leaders of the Church. All the Christian faithful are to cooperate in the building up of the Body of Christ in accord with each one's own condition and function. They are obliged to assist with the needs of the Church so that the Church has what is necessary for its proper ends, especially for **divine worship**, for **apostolic works** and **works of charity** and for the decent **sustenance of ministers**. They are also obliged to promote social justice and, mindful of the precept of the Lord, to assist the poor from their own resources.

Rights and Obligations

All the Christian faithful have the right and the obligation of working so that the divine message of salvation may increasingly reach all peoples in every age and in every land. They are free to make known their needs, especially spiritual ones, and their desires to the pastors of the Church. In accord with the knowledge, competence and position which they possess, they have the right and even at times a duty to manifest to the pastors of the Church their opinion on matters which pertain to the good of the Church, and they have a right to make their opinion known to the other Christian faithful, with due regard for the integrity of faith and morals and reverence for the same pastors, and with consideration for the common good and the dignity of persons. The Christian faithful have the right to receive assistance from the pastors of the Church from the spiritual goods of the Church, especially the word of God and the sacraments. They have the right to worship God according to the prescriptions of their own Church *sui iuris*, and to follow their own form of spiritual life consonant with the teaching of the Church. They are free to found and to

govern associations for charitable and religious purposes or for the promotion of the Christian vocation in the world; they are free to hold meetings to pursue these purposes in common.

All the Christian faithful, since they participate in the mission of the Church, have the right to promote or to sustain apostolic action by their own undertakings in accord with each one's state and condition; however, no undertaking shall assume the name "Catholic" unless the consent of competent ecclesiastical authority is given, says canon 19. They have the right to a Christian education by which they will be properly instructed so as to develop the maturity of a human person and at the same time come to know and live the mystery of salvation. Those who are engaged in the sacred disciplines enjoy a lawful freedom of inquiry and of prudently expressing their opinions on matters in which they have expertise, while observing religious submission for the magisterium of the Church.

All the Christian faithful have the right to be free from any kind of coercion in choosing a state in life. No one is permitted to damage unlawfully the good reputation which another person enjoys nor to violate the right of any person to protect his or her own privacy.

The Christian faithful can legitimately vindicate and defend the rights which they enjoy in the Church before a competent ecclesiastical court in accordance with the norm of law. The Christian faithful also have the right, if they are summoned to judgment by competent authority, to be judged in accordance with the prescriptions of the law to be applied with equity. The Christian faithful have the right not to be punished with Canonical penalties except in accordance with the norm of law. In exercising their rights, the Christian faithful, must take account of the common good of the Church and of the rights of others as well as their own obligations toward others.

Laity (Title XI Canons 399-409)

Title XI deals with canons on Laity. According to canon 399 lay people and those living in the world, participate in the mission of the Church, and are not in holy orders nor enrolled in the religious state. Lay Persons. The canons on this sections are formulated on the basis of the teachings Vatican Council II on the Church (LG).

The proper vocation of lay persons to carry out and to arrange temporal affairs according to God's plan, to seek the kingdom of God and thus in their private, family, and politico-social lives to be witnesses for Christ and to manifest Him to others; also, shining in faith, hope and charity, to strive for just laws in society, and to be like leaven for the sanctification of the world.

Lay Christian faithful have the right to have recognized that freedom in the affairs of the earthly city which belongs to all citizens; when they exercise such freedom, however, they are to take care that their actions are imbued with the spirit of the gospel and take into account the doctrine set forth by the magisterium of the Church; but they are to avoid proposing their own opinion as the teaching of the Church in questions which are open to various opinions.

With due regard for the right and obligation to observe everywhere their own Rite, lay persons have the right to participate actively in the liturgical celebrations of any Church *sui iuris* whatsoever, according to the prescripts of the liturgical books. If the necessity of the Church or genuine advantage so recommend, and when sacred ministers are lacking, certain functions of the

sacred ministers may be committed to lay persons, according to the norms of law. But what is reserved to those in sacred orders shall not be assigned to the lay people.

In addition to catechetical instruction, which should be received from infancy, lay persons have the right and obligation of acquiring a knowledge, suitable to their capacity and condition, of the doctrine revealed by Christ and taught by the authentic magisterium of the Church, so that they may be able not only to live according to that doctrine, but also to announce it, and, if need be, to defend it. They also possess the right to acquire that deeper knowledge of the sacred sciences which are taught in ecclesiastical universities or faculties or in institutes of religious science by attending classes and obtaining academic degrees. Likewise, the prescriptions as to the required suitability having been observed, lay persons are qualified to receive a mandate to teach the sacred sciences from competent ecclesiastical authority.

Lay persons should study zealously their liturgical, spiritual, theological and disciplinary patrimony, so that mutual goodwill, esteem and unity of action between the lay members of different Churches *sui iuris* is fostered, and so that the variety of rites does not harm the common good of the society in which they live, but rather may daily lead more to the same good.

Lay persons, aware of the obligation that the divine message of salvation may increasingly reach all peoples in every age and in every land, should know that this obligation has a greater impelling force in those circumstances in which people can hear the Gospel and know Christ only through them. Lay persons who live in the married state in accordance with their own vocation are bound by a special duty to work for the building up of the people of God through their marriage and their family. Those who excel in the necessary knowledge, experience and integrity, should be heard as experts or consultors by ecclesiastical authorities, whether individually or as members of various councils and assemblies, whether parochial, eparchial or patriarchal. Besides those ecclesiastical functions to which lay persons are by common law admitted, they may be also admitted by a competent authority to other functions, excepting those which require holy orders or which are expressly forbidden to lay persons by the particular law of their own Church. For example, the office of the eparchial procurator may be entrusted to lay people (c.262 § 2). Lay persons are fully subject to ecclesiastical authority in respect to the exercise of ecclesiastical functions.

Lay persons who devote themselves permanently or temporarily to some special service of the Church are obliged to acquire the appropriate formation which is required to fulfill their function properly and to carry it out conscientiously, zealously, and diligently. They have a right to a decent remuneration suited to their condition; by such remuneration they should be able to provide decently for their own needs and for those of their family with due regard for the prescriptions of civil law; they likewise have a right that their own and their family's pension, social security and health benefits be duly provided.

Associations of the Christian faithful (Title XII Canons 573-583)

Canon 18 speaks about the right of the Christian faithful to found and to govern associations for charitable and religious purposes. But the competent ecclesiastical authority alone has the right to erect associations of the Christian faithful which set out to teach Christian doctrine in the name of the Church or to promote public worship or which aim at other ends whose pursuit by their nature is reserved to the same ecclesiastical authority. The competent authority for erecting or approving

associations of the Christian faithful is for associations and their confederations: (1) the eparchial bishop for eparchial associations, but not the administrator of the eparchy, excepting those associations whose erection has been reserved to others by apostolic or patriarchal privilege; (2) the patriarch after consultation with his permanent synod, or the metropolitan after consultation with the two eparchial bishops senior in episcopal ordination, for associations open to all the Christian faithful of any patriarchal or metropolitan Church *sui iuris* and which has its principal headquarters with the territorial boundaries of the same Church; (3) the Apostolic See for other types. For the erection of any branch of any non-eparchial association, the written consent of the eparchial bishop is required; however, the consent given by an eparchial bishop for the erection of a house of a religious institute also allows for the erection in the same house or church attached to it, of an association proper to the institute.

Every association is to have its own statutes, in which are defined its name, purpose, headquarters, government and the conditions required for membership. Besides these things, the statutes are to determine its policies in accordance with the rite of their own Church *sui iuris* and the needs or usefulness of the place and time. The statutes and their modification require the approval of the ecclesiastical authority which erected or approved the association.

Every association is subject to the vigilance of the ecclesiastical authority which erected or approved it; this authority is to see that the integrity of faith and morals is preserved in them, and to watch lest abuse creep into ecclesiastical discipline. It is the duty of the eparchial bishop to be vigilant of all associations exercising activity in his territory, and as the case may be, to notify the authority which has erected or approved them, and further, if the action of the association causes serious harm to ecclesiastical doctrine or discipline, or is a scandal to the Christian faithful, to apply appropriate remedies in the meantime.

One who has publicly rejected the Catholic faith, or has publicly abandoned communion with the Catholic Church, or has been punished with major excommunication, cannot validly be received into associations; but if he has already been lawfully enrolled, he should be declared dismissed by the local hierarch in virtue of the law itself. No one who has been legitimately enrolled may be dismissed from an association except for a just cause in accordance with the norm of common law and the statutes. Associations erected or approved by the Apostolic See can be only suppressed by the Apostolic See. The other associations, with due regard for can. 927, §2, and with due regard to the right of recourse, with suspensive effect, according to the norm of law, besides by the Apostolic See, can be suppressed: (1) by the patriarch with the consent of his permanent synod; or by the metropolitan who presides in a metropolitan Church *sui iuris*, with the consent of the two senior eparchial bishops according to episcopal ordination; (2) by an eparchial bishop, if the associations were erected or approved by him.

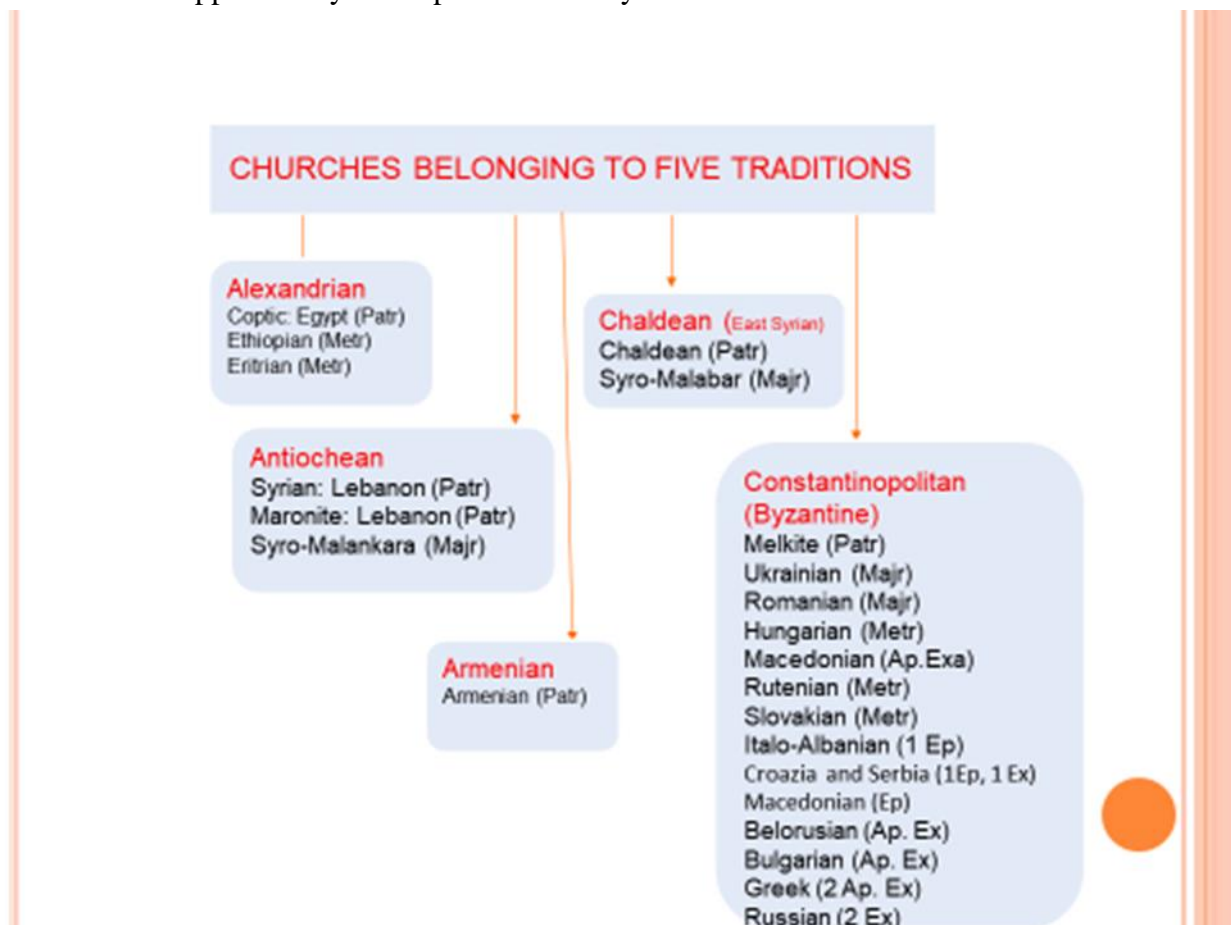
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Different Eastern Catholic Churches

Vatican Council II recognized in its "Decree on the Catholic Eastern Churches," "The holy Catholic Church, which is the Mystical Body of Christ, is made up of the faithful who are organically united in the Holy Spirit by the same faith, the same sacraments and the same government. They combine into different groups, which are held together by their hierarchy, and so form particular churches. Between those churches there is such a wonderful bond of union that this variety in the Universal Church, so far from diminishing its unity, rather serves to emphasize it. For the Catholic Church wishes the traditions of each particular Church to remain whole and entire, and it likewise wishes to adapt its own way of life to the needs of different times and places" (OE n. 2). Although these Eastern Churches differ from the Western or Latin Church in "rite" and liturgy, ecclesiastical discipline and Canon Law and spiritual traditions, they are fully part of the Catholic Church under the leadership and pastoral care of the pope, the successor of St. Peter. Today, the various Eastern Churches are organized under five traditions, Alexandrian, Antiochene, Armenian, Chaldean and Constantinopolitan and they are grouped as: 1. Patriarchal Churches (cc 55-150, 2. Major Archiepiscopal Churches (cc 151-154), 3. Metropolitan Churches (cc 155-173), and 4. Other *sui iuris* Churches (cc 174-176).

Patriarchal Churches (Title IV cc 55-150)

According to the most ancient tradition of the Church, already recognized by the first ecumenical councils, the patriarchal institution has existed in the Church; for this reason, a special honor is to be accorded to the patriarchs of the Eastern Churches, each of whom presides over his patriarchal Church as father and head. A patriarch is a bishop who enjoys power over all bishops including metropolitans and other Christian faithful of the Church over which he presides according to the norm of law approved by the supreme authority of the Church. In the Catholic Church there are



six Patriarchal Churches. They are Coptic, Syrian, Maronite, Armenian, Chaldean and Melkite Churches.

The patriarch is to manifest hierarchical communion with the Roman Pontiff, successor of Saint Peter, through the loyalty, veneration and obedience which are due to the supreme pastor of the entire Church. The patriarch must make a commemoration of the Roman Pontiff as a sign of full communion with him in the Divine Liturgy and divine praises according to the prescriptions of the liturgical books and to see that it is done faithfully by all the bishops and other clerics of the Church over which he presides (c.92).

It is the synod of bishops in a Patriarchal Church that elect the Patriarch. When a Patriarchal See becomes vacant it is the administrator who administers the affairs of the Church and convokes the Synod. He convokes the Synod in consultation with the Permanent Synod. The synod of bishops of the patriarchal Church must be convened within one month of the vacancy of the see with due regard for establishing a longer term in particular law, but not, however, beyond two months. In the election of a patriarch cc. 947-957 are to be observed, every contrary custom being reprobated unless it is established otherwise by common law.

All bishops legitimately convoked are bound by the grave obligation to be present at the election. If a certain bishop considers himself to be detained by a just impediment, he is to submit his reasons in writing to the synod of bishops of the patriarchal Church. The legitimacy of the impediment is to be decided upon by the bishops who are present in the designated place at the first session of the synod. Once the convocation has taken place according to the canons, if two-thirds of the bishops who are obliged to be present at the synod of bishops of the patriarchal Church, excluding those who are detained by a legitimate impediment, are present at the designated location, the synod is to be declared canonical and can proceed with the election.

He is elected who obtains two-thirds of the votes, unless particular law establishes that after an appropriate number of ballots, at least three, an absolute majority of the votes suffices, and the election is to be conducted according to the norms of can. 183, §§3-4. If an election is not successful within fifteen days from the opening of the synod of bishops of the patriarchal Church, the matter devolves to the Roman Pontiff. If the one who is elected is at least a legitimately proclaimed bishop, the presiding officer, or if the presiding officer was elected, the senior bishop according to episcopal ordination, in the name of the entire synod of bishops of the patriarchal Church, is immediately to communicate the election to the one who is elected according to the formula and manner used in that patriarchal Church. However, if the one who is elected is not yet a legitimately proclaimed bishop, secrecy is to be observed by everyone who in any way knows the results of the election, even toward the one elected. The synod of bishops of the patriarchal Church is suspended and notification is made when all canonical requirements for the episcopal proclamation are executed.

Within two available days after being notified, the one who is elected must indicate whether he accepts the election. If he does not accept or does not respond within two days, he loses all rights which are acquired by the election. If the one who is elected accepted and is an ordained bishop, the synod of bishops of the patriarchal Church proceeds with his proclamation and enthronement as patriarch according to the prescriptions of the liturgical books; if the one who is elected is not yet an ordained bishop, the enthronement cannot be performed validly before the one who is elected receives episcopal ordination.

By means of a synodal letter, the synod of bishops of the patriarchal Church notifies the Roman Pontiff as soon as possible about the canonical conduct of the election and enthronement and that the new patriarch made a profession of faith and the promise to exercise his office with fidelity in the presence of the synod according to the approved formulas. Synodal letters that an election took place are also to be sent to the patriarchs of the other Eastern Churches.

The new patriarch must as soon as possible request ecclesiastical communion from the Roman Pontiff by means of a letter signed in his own hand. A canonically elected patriarch validly exercises his office only after enthronement by which he obtains his office with the full effects of law. The patriarch is not to convoke a synod of bishops of the patriarchal Church nor ordain bishops before he receives ecclesiastical communion from the Roman Pontiff.

The power of the patriarch is exercised validly only inside the territorial boundaries of the patriarchal Church unless the nature of the matter or the common or particular law approved by the Roman Pontiff establishes otherwise.

The Synod of Bishops of a Patriarchal Church (cc 102-113)

The Synod of Bishops is the structure of governance in the Patriarchal and Major Archiepiscopal Churches. Together with the Patriarch/Major Archbishop, the Synod of Bishops is the highest authority in a Patriarchal/Major Archiepiscopal Church.

The powers of the Synod of Bishops of the Patriarchal Church is given in canon 110. The synod of bishops of the patriarchal Church is exclusively competent to make laws for the entire patriarchal Church which obtain force according to the norm of can. 150, §§2 and 3. §2. The synod of bishops of the patriarchal Church is the tribunal in the patriarchal Church according to the norm of can. 1062. §3. The synod of bishops of the patriarchal Church conducts the election of the patriarch, bishops and candidates for offices mentioned in can. 149. §4. The synod of bishops of the patriarchal Church is not competent for administrative actions unless the patriarch determines otherwise for certain actions or common law reserves some actions to the synod, with due regard for the Canons which require the consent of the synod of bishops of the patriarchal Church. The promulgation of laws and the publication of decisions of the synod of bishops of the patriarchal Church is the competence of the patriarch. Until the forthcoming synod, the authentic interpretation of laws of the synod of bishops of the patriarchal Church is the competence of the patriarch, having consulted with the permanent synod. The Liturgical laws promulgated by the Patriarch has binding force all over the world. But the disciplinary laws are binding only to the members in the proper territory of the Church. However, the Bishop's outside the proper territory can promulgate the same laws in their own eparchies if that do not exceed their power. If the disciplinary laws made by the Synod has the approval of the Apostolic See, then it has force everywhere in the world.

Acts regarding laws and decisions are to be sent to the Roman Pontiff as soon as possible; certain acts or even all of them should be communicated to the patriarchs of the other Eastern Churches according to the judgment of the synod.

Permanent Synod (Canons 115-1210)

Permanent Synod, which is part of the Patriarchal/Major Archiepiscopal Curia, helps the Patriarch/Major Archbishop in matters of ordinary administration or in expediting urgent affairs, in accordance with the law. The permanent synod is composed of the patriarch/major archbishop and four bishops designated for a five-year term. These four bishops may be re-elected or appointed for further five-year terms. Three of the member bishops are elected by secret ballot by the synod of bishops. Among these at least two must be eparchial bishops; one is appointed by the patriarch/major archbishop. These four bishops are designated for a five-year term, but may be re-elected or appointed for further five-year terms. At the same time and in the same manner four bishops are designated to substitute the impeded members, in rotation and in the order of seniority in Episcopal ordination. The substitutes are designated for a five-year term and may be re-elected or appointed for further five-year terms. When a member is impeded to attend the meeting of the permanent synod his place will be taken care of by a substitute member. It is mandatory that the meetings of the Synod are attended by five members.

Major Archiepiscopal Churches (Title V canons 151-154)

A major archbishop is the metropolitan of a see determined or recognized by the Supreme Authority of the Church, who presides over an entire Eastern Church *sui iuris* not endowed with the patriarchal title. What is stated in common law concerning patriarchal Churches or patriarchs is understood to be applicable to major archiepiscopal Churches or major archbishops, unless the common law expressly provides otherwise or it is evident from the nature of the matter.

A major archbishop is elected according to the norm of cann. 63-74. After acceptance of the election, the synod of bishops of the major archiepiscopal Church must notify the Roman Pontiff through a synodal letter about the canonical conduct of the election; however, the one who is elected, in a letter signed in his own hand, must petition the confirmation of his election from the Roman Pontiff. After having obtained the confirmation, the one who is elected, in the presence of the synod of bishops of the major archiepiscopal Church, must make a profession of faith and promise to carry out faithfully his office; afterwards his proclamation and enthronement are to be performed. If, however, the one who is elected is not yet an ordained bishop, the enthronement cannot validly be done before he receives episcopal ordination. If, however the confirmation is denied, a new election is to be conducted within the time established by the Roman Pontiff. There are only four canons on Major Archiepiscopal Churches. What is stated in common law concerning patriarchal Churches or patriarchs is understood to be applicable to major archiepiscopal Churches or major archbishops, unless the common law expressly provides otherwise or it is evident from the nature of the matter. At present there are four Major Archiepiscopal Churches. They are: 1. Ukrainian Church, 2. Syro-Malabar Church, 3. Syro-Malankara Church and 4. Rumanian Church.

Metropolitan Churches

A metropolitan Church *sui iuris* is presided over by a metropolitan of a determined see who is appointed by the Roman Pontiff and assisted by a council of hierarchs according to the norm of law. It is solely the right of the supreme authority of the Church to erect, modify, suppress and define the territorial boundaries of metropolitan Churches *sui iuris*.

Within three months after episcopal ordination or, if already ordained a bishop, after the enthronement, the metropolitan is bound by the obligation to petition the pallium from the Roman

Pontiff, which is a sign of his metropolitan power and full communion of the metropolitan Church *sui iuris* with the Roman Pontiff. Prior to the imposition of the pallium, the metropolitan cannot convoke the council of hierarchs or ordain bishops.

With regard to the appointment of the metropolitan and bishops, for each case the council of hierarchs is to compose a list of at least three of the more suitable candidates and send the list to the Apostolic See, observing secrecy even toward the candidates; in order to compile the list, the members of the council of hierarchs, if they judge it to be expedient, can seek the opinion of certain presbyters or other Christian faithful outstanding in wisdom concerning the needs of the Church and the special talents of a person required for the episcopate. The metropolitan will notify the Apostolic See as soon as possible of the laws and norms enacted by the council of hierarchs; nor can laws and norms be validly promulgated before the metropolitan has written notification from the Apostolic See of the reception of the acts of the council; the metropolitan is also to notify the Apostolic See of other actions of the council of hierarchs. The metropolitan is to see to the promulgation of laws and the publication of decisions of the council of hierarchs.

Other Churches *Sui Iuris*

A Church *sui iuris*, which is neither patriarchal, major archiepiscopal nor metropolitan is entrusted to a hierarch who presides over it according to the norm of common law and particular law established by the Roman Pontiff. These Churches immediately depend on the Apostolic See; however, the hierarch exercises the rights and obligations mentioned in can. 159, nn. 3-8, as a delegate of the Apostolic See. If common law remits something to particular law or to the superior administrative authority of a Church *sui iuris*, the competent authority in these Churches is the hierarch who presides over it according to the norm of law with the consent of the Apostolic See, unless it is expressly stated otherwise.

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Sacraments and Sacramentals

(Title XVI cc 667-895)

Through the sacraments, which the Church is bound to dispense so that the mystery of Christ is communicated under a visible sign, our Lord Jesus Christ sanctifies people by the power of the Holy Spirit, so that they become in a unique way true worshipers of God the Father and by which they are inserted into the Church, His Body; therefore all Christian faithful, especially sacred ministers, are to observe diligently the prescriptions of the Church in conscientiously celebrating and receiving the sacraments. Canon 3 instruct that the norms given in the liturgical books are to be diligently observed and are liturgical laws.

Since the sacraments are the same for the entire Church and belong to the divine deposit, it is for the supreme authority of the Church alone to approve or define those things which are required for their validity.

The sacraments of baptism, chrismation with holy myron and sacred ordination cannot be repeated. If a prudent doubt exists as to whether they have been truly or validly celebrated, and the doubt remains after a serious investigation, they are to be administered conditionally.

Baptism (cc 675-691)

In baptism a person through washing with natural water with the invocation of the name of God the Father, Son and Holy Spirit, is freed from sin, reborn to new life, puts on Christ and is incorporated in the Church which is His Body. Only by the actual reception of baptism is a person made capable for the other sacraments.

Canon 29 and 30 speaks about the how one is ascribed to a Church *sui iuris*. By virtue of baptism, a child who has not yet completed his fourteenth year of age is enrolled in the Church *sui iuris* of the Catholic father; or the Church *sui iuris* of the mother if only the mother is Catholic or if both parents by agreement freely request it, with due regard for particular law established by the Apostolic See. If the child who has not yet completed his fourteenth year is: (1) born of an unwed mother, he is enrolled in the Church *sui iuris* to which the mother belongs; (2) born of unknown parents, he is to be enrolled in the Church *sui iuris* of those in whose care he has been legitimately committed are enrolled; if it is a case of an adoptive father and mother, shall be enrolled in the *sui iuris* Church of the adoptive father; (3) born of non-baptized parents, the child is to be a member of the Church *sui iuris* of the one who is responsible for his education in the Catholic faith. Anyone to be baptized who has completed the fourteenth year of age can freely select any Church *sui iuris* in which he or she then is enrolled by virtue of baptism received in that same Church, with due regard for particular law established by the Apostolic See.

Baptism is administered ordinarily by a priest; but, with due regard for particular law, the proper pastor of the person to be baptized, or another priest with the permission of the same pastor or the local hierarch, is competent for its administration, which permission, for a serious reason is lawfully presumed. In case of necessity, baptism can be administered by a deacon or, in his absence or if he is impeded, by another cleric, a member of an institute of consecrated life, or by

any other Christian faithful; even by the mother or father, if another person is not available who knows how to baptize.

Parents are held to the obligation that the infant be baptized as soon as possible according to legitimate custom. The pastor is to see that the parents of the infant to be baptized and those who are given the function of sponsor, be instructed as to the meaning of this sacrament and the obligations connected with it and that they are prepared for an appropriate celebration of the sacrament.

Baptism must be celebrated according the liturgical prescriptions of the Church *sui iuris* in which according to the norm of law the person to be baptized is to be enrolled. Outside of a case of necessity, baptism is to be celebrated in a parish church with due regard for legitimate customs. Baptism can be administered in private homes according to the prescriptions of particular law or with the permission of the local hierarch.

The pastor of the place where the baptism is celebrated, must record carefully and without delay in the baptismal register, the names of those baptized, the minister, parents, sponsors, and also the witnesses, if there are any, the place and date of the baptism, together with the place of birth and also the Church *sui iuris* in which the baptized persons are to be enrolled. If the baptism was administered neither by the pastor nor in his presence, the minister must notify the pastor of the place.

God Parents or Sponsors (cc 684-685)

According to the most ancient tradition of the Churches the person who is to be baptized should have at least one sponsor. In fulfilling the function of a sponsor, the sponsor is to assist in the Christian initiation for a person who is no longer an infant; or to present the infant to be baptized and to help the baptized person lead a Christian life in harmony with baptism and to fulfill faithfully the obligations connected with it. For a person to fulfill validly the role of a sponsor it is necessary that he or she: (1) be initiated with the three sacraments of baptism, chrismation with holy myron and the Eucharist; (2) belong to the Catholic Church, (3) have the intention of carrying out the responsibility of sponsor; (4) be designated by the person to be baptized or the parents or guardians, or, if there are not any, by the minister; (5) not be a father, mother or spouse of the person to be baptized; (6) not be bound by excommunication, even a minor one, suspension, deposition or deprived of the right of acting in the function of a sponsor. To assume licitly the role of sponsor, in addition to what is required, the sponsor should be of the age required by particular law and lead a life in harmony with the faith and the role to be undertaken. For a just cause, it is permitted to admit the Christian faithful of another Eastern Non-Catholic Church to the function of a sponsor, but always at the same time with a Catholic sponsor.

Chrismation with Holy Myron (cc 692-697)

It is necessary that those who are baptized be chrismated with holy Myron, that by a seal they be signed with the gift of the Holy Spirit and be made more proper witnesses and co-builders in the Kingdom of Christ. Holy Myron, which is made from the oil of olives or other plants and from aromatics, is confected only by a bishop, with due regard for particular law which reserves this power to the patriarch.

According to the tradition of the Eastern Churches, chrismation with holy Myron is administered by a presbyter either in conjunction with baptism or separately. Chrismation with holy Myron must be administered in conjunction with baptism, except in a case of true necessity, in which case, however, it is to be seen that it is administered as soon as possible. If the celebration of chrismation with holy Myron is not done together with baptism, the minister is obliged to notify the pastor of the place where the baptism was administered.

All presbyters of the Eastern Churches can validly administer this sacrament either along with baptism or separately to all the Christian faithful of any Church *sui iuris* including the Latin Church. The Christian faithful of Eastern Churches validly receive this sacrament also from presbyters of the Latin Church, according to the faculties with which these are endowed. Any presbyter licitly administers this sacrament only to the Christian faithful of his own Church *sui iuris*; when it is a case of Christian faithful of other Churches *sui iuris*, he lawfully acts if they are his subjects, or those whom he lawfully baptizes in virtue of another title, or those who are in danger of death, and always with due regard for the agreements entered between the Churches *sui iuris* in this matter. Sacramental initiation in the mystery of salvation is perfected in the reception of the Divine Eucharist, and thus the Divine Eucharist is administered after baptism and chrismation with holy Myron as soon as possible according to the norms of the particular law of each Church *sui iuris*.

Divine Eucharist (cc 698-717)

In the Divine Liturgy through the ministry of the priest acting in the person of Christ over the offering of the Church, there is perpetuated in virtue of the Holy Spirit, that which the Lord Jesus himself did at the Last Supper, who gave to the disciples His body on the Cross offered for us and his Blood poured out for us, establishing the true and mystical sacrifice, by which the bloody sacrifice of the Cross is commemorated with the action of grace, is actuated and shared by the Church both as an offering and as a communion to signify and perfect the unity of the people of God in the building up of His Body which is the Church.

Only bishops and presbyters have the power of celebrating the Divine Liturgy. Deacons have their part in the celebration of the Divine Liturgy with bishops and presbyters according to the prescriptions of the liturgical books. Other Christian faithful, by virtue of baptism and chrismation with holy Myron, assembled in the celebration of the Divine Liturgy, participate actively in the Sacrifice of Christ in the manner determined by the liturgical books or particular law, and do so more fully if they consume the Body and Blood of Christ from the same Sacrifice.

In the Divine Liturgy the sacred gifts which are offered are bread made of wheat alone and recently made so that there is no danger of corruption and natural wine of the grape and not corrupt. The preparation of the Eucharistic bread, the prayers performed by the priests before the Divine Liturgy, the observance of the Eucharistic fast, liturgical vestments, the time and place of the celebration and other like matters must be precisely established by the norms of each Church *sui iuris*.

The local hierarchs and the pastors are to see that with every diligence the Christian faithful are instructed concerning the obligation of receiving the Divine Eucharist in danger of death and also at those times which are established by a most praiseworthy custom or by particular law of their

own Church *sui iuris*, especially at Easter time, during which Christ handed down the Eucharistic mystery.

The Divine Eucharist is to be distributed in the celebration of the Divine Liturgy, unless a just cause suggests otherwise. Concerning the preparation for participation in the Divine Eucharist through fast, prayers and other works, the Christian faithful are to observe faithfully the norms of the Church *sui iuris* in which they are enrolled, not only within the territorial boundaries of the same Church, but, inasmuch as it is possible, everywhere. The particular law of the Syro-Malabar Church prescribes one hour fasting before the reception of Holy Eucharist (art.141).

Sacrament of Penance (cc 718-736)

In the sacrament of penance, the Christian faithful who committed sins after baptism, internally led by the Holy Spirit, turn back to God, moved by the pain of sin, intent on entering a new life through the ministry of the priest, having themselves made a confession and accepted an appropriate penance, obtain forgiveness from God and at the same time are reconciled with the Church which they injured by sinning; by this sacrament they are brought to a greater fostering of the Christian life and are thus disposed for receiving the Divine Eucharist. Anyone who is aware of serious sin is to receive the sacrament of penance as soon as possible; it is strongly recommended to all the Christian faithful that they receive this sacrament frequently especially during the times of fasts and penance observed in their own Church *sui iuris*.

Only a priest is the minister of the sacrament of penance. All bishops by the law itself can administer the sacrament of penance everywhere, unless with regard to liceity, the eparchial bishop denies it in a special case. For presbyters to act validly, they must be previously granted the faculty of administering the sacrament of penance, which is conferred either by the law itself or by a special grant made by a competent authority. Priests who are endowed with this faculty by virtue of their office or by virtue of the grant of the local hierarch of the eparchy in which they are enrolled or in which they have domicile, can validly administer the sacrament of penance anywhere to any Christian faithful, unless the local hierarch in a special case expressly denies it; the same faculties are licitly used observing the norms made by the eparchial bishop and also with at least the presumed permission of the rector of the church or the superior, if it is a case of a house of an institute of consecrated life. Any priest can validly and licitly absolve any penitent in danger of death from any sin, even if there is present a priest endowed with the faculty of administering the sacrament of penance.

The sacramental seal is inviolable; therefore, the confessor must diligently refrain either by word, sign or any other manner from betraying the penitent for any reason. The obligation of observing secrecy also binds an interpreter if one is present, and also all others, to whom knowledge of the sins from confession comes in any way. A confessor is absolutely prohibited to use the knowledge acquired from confession when it might harm the penitent, even if every danger of revelation is excluded.

All to whom the care of souls is committed by reason of an office are obliged to provide that the confessions of the faithful entrusted to their care be heard when they reasonably ask to be heard and that the opportunity be given to them to come to individual confession on days and hours set for their convenience. In urgent necessity any confessor endowed with the faculty of

administering the sacrament of penance is obliged to hear the confessions of the Christian faithful, and in danger of death any priest is so obliged.

Anointing of the Sick (cc737-742)

By the sacramental anointing of the sick with prayers of a priest, the Christian faithful who are gravely ill and sincerely contrite receive grace, by which, strengthened by the hope of eternal reward and absolved from sins, they are disposed to correct their lives and are helped in patiently enduring their infirmity and suffering. The Christian faithful freely receive anointing of the sick whenever they are gravely ill; pastors of souls and persons who are close to the sick are to see to it that they are supported by this sacrament at an opportune time. Christian faithful who are gravely ill, who lack consciousness or the use of reason, are presumed to want this sacrament to be administered to them in danger of death or even at another time according to the judgment of the priest.

All priests, and only priests, validly administer the anointing of the sick. The administration of the anointing of the sick belongs to the pastor, parochial vicar and to all other priests for those persons committed to their care in virtue of their office; any priest can licitly administer this sacrament with at least the presumed permission of those mentioned, indeed, in case of necessity he must do so.

The oil to be used in the sacrament of anointing the sick ought to be blessed, even by the priest himself who administers the sacrament, unless the particular law of the Church *sui iuris* determines otherwise.

Sacred Ordination (cc 743-775)

Only a bishop validly administers sacred ordination by the imposition of hands and by the prayers prescribed by the Church. Episcopal ordination is reserved according to the norm of law to the Roman Pontiff, patriarch or metropolitan, so that no other bishop is permitted to ordain anyone a bishop unless it is previously established that there is a legitimate mandate. A bishop should be ordained by three bishops, except in case of extreme necessity. The second and third bishop, if they cannot be bishops of the same Church *sui iuris* as the first ordaining bishop, can be of another Church *sui iuris*.

A candidate to the diaconate or presbyterate should be ordained by his own eparchial bishop or by another bishop with lawful dimissorial letters. With regard to sacred ordination, for one who is enrolled in a certain eparchy, the proper eparchial bishop is the bishop of the eparchy in which the candidate has a domicile, or the eparchy in whose service the candidate declared in writing his desire to devote himself; with regard to the sacred ordination of one who is already enrolled in an eparchy, it is the bishop of that eparchy. An eparchial bishop cannot ordain a candidate subject to him who is enrolled in another Church *sui iuris* without the permission of the Apostolic See; if, however, it is a case of a candidate who is enrolled in a patriarchal Church and has a domicile or quasi-domicile within the territorial boundaries of the same Church, the patriarch can also grant this permission.

It is not permitted in any way for whatever reason to force someone to receive sacred orders or to deter someone who is worthy according to the norm of law of receiving them.

Requirements for Candidates for Sacred Ordination

Only a baptized man is able to receive sacred ordination validly.

To be ordained licitly the following are required: (1) Chrismation with holy Myron; (2) both the moral and the physical and psychological qualities in harmony with receiving a sacred order; (3) the age prescribed by law; (4) the required knowledge; (5) reception of the lower orders according to the norm of particular law of each Church *sui iuris*; (6) observation of the interstices prescribed by particular law. It is furthermore required that the candidate not be impeded according to the norm of can. 762. The particular law of each Church *sui iuris* or special norms established by the Apostolic See are to be followed in admitting married men to sacred orders.

The prescribed age for the diaconate is completion of twenty-three years, for the presbyterate the completion of twenty-four years, with due regard for particular law requiring an older age in a particular Church *sui iuris*. Dispensation beyond a year from the age required by common law is reserved to the patriarch, if it is a case of a candidate who has a domicile or quasi-domicile within the territorial boundaries of the patriarchal Church; otherwise, to the Apostolic See.

The following are the impeded from receiving or exercising Sacred Orders: (1) a person who labors under some form of insanity or other psychic defect due to which, after consultation with experts, he is judged incapable of rightly carrying out the ministry; (2) a person who has committed the delict of apostasy, heresy or schism; (3) a person who has attempted marriage, even only a civil one, either while he was impeded from entering marriage due to an existing matrimonial bond, sacred orders or a public perpetual vow of chastity, or with a woman bound by a valid marriage or by the same type of vow; (4) a person who has committed voluntary homicide or who has procured a completed abortion and all persons who positively cooperated in either; (5) a person who has seriously and maliciously mutilated himself or another person or a person who has attempted suicide; (6) a person who has performed an act of orders which has been reserved to those who are in the order of episcopacy or presbyterate while the person either lacked that order or had been forbidden its exercise by a Canonical penalty. (7) a person who holds an office or position of administration which is forbidden to clerics and for which he must render an account until he becomes free by relinquishing the office and position of administration and has rendered an account of it; (8) a neophyte, unless he has been sufficiently proven in the judgment of the hierarch.

The following are impeded from exercising sacred orders: (1) a person who illegitimately received sacred orders while under an impediment from receiving sacred orders; (2) a person who committed a crime or an act which is mentioned in can. 762, §1, nn. 2-6; (3) a person who is afflicted with insanity or with another psychological illness which is mentioned in can. 762, §1, n. 1, until the hierarch, after consultation with an expert, permits the exercise of that sacred order.

A candidate for the order of diaconate or presbyterate, in order to be licitly ordained, must give to the proper eparchial bishop or major superior a signed declaration written in his own hand, testifying that he is ready to receive sacred orders and that he accepts the obligations attached to the same of his own accord and freely and that he is to be perpetually devoted to the ecclesiastical ministry, at the same time requesting that he be admitted for the reception of sacred orders.

The authority who admits a candidate for sacred ordination should obtain: (1) a certificate of the last sacred ordination or, if it is the case of the first sacred ordination, a certificate of baptism and chrismation with holy myron; (2) if the candidate is married, a certificate of marriage and the written consent of his wife; (3) a certificate of completed studies; (4) testimonial letters of the rector of the seminary or the superior of the institute of consecrated life or the presbyter in whose care the candidate was entrusted outside the seminary, of the good morals of the candidate; (5) the testimonial letters which are mentioned in can. 771, §3; (6) testimonial letters, if it is considered expedient, of other eparchial bishops or superiors of institutes of consecrated life, where the candidate resided for some time, concerning the qualities of the candidate and his freedom from all canonical impediments. These documents are to be kept in the archive of the same authority. Every candidate for sacred obligation must make a spiritual retreat in a manner determined by particular law.

Marriage (cc 776-886)

The matrimonial covenant, established by the Creator and ordered by His laws, by which a man and woman by an irrevocable personal consent establish between themselves a partnership of the whole of life, is by its nature ordered toward the good of the spouses and the generation and education of the offspring. From the institution of Christ, a valid marriage between baptized persons is by that very fact a sacrament, by which the spouses, in the image of an indefectible union of Christ with the Church, are united by God and, as it were, consecrated and strengthened by sacramental grace.

The essential properties of marriage are unity and indissolubility, which in a marriage between baptized persons obtain a special firmness in virtue of the sacrament. From marriage each of the spouses has equal obligations and rights to those things which pertain to the partnership of conjugal life. All persons can enter into marriage who are not prohibited by law. Marriage enjoys the favor of the law; consequently, in doubt, the validity of a marriage is to be upheld until the contrary is proven.

Engagements, which praiseworthy precede marriage in the ancient tradition of the Eastern Churches, are governed by the particular law of each Church *sui iuris*. From the promise of marriage there does not arise an action to seek the celebration of marriage; however, there does arise an action for the reparation of damages, if it is warranted.

Pastors of souls are obliged to see to it that the Christian faithful are prepared for the matrimonial state: (1) by preaching and catechesis adapted to youths and adults, by which the Christian faithful are instructed concerning the meaning of Christian marriage and the obligations of spouses to each other and the primary right and obligation which parents have of doing all in their power to see to do the physical, religious, moral, social and culture upbringing of their children; (2) by personal preparation of the parties for the marriage, by which they may be predisposed to that new state.

Pastors of souls are obliged according to the needs of the times and place to prevent with suitable means every danger of an invalid or illicit celebration of marriage, and thus, before the marriage is celebrated, it must be established that nothing stands in the way of its valid and licit celebration.

All the Christian faithful are obliged to reveal any impediments they are aware of to the pastor or the local hierarch before the celebration of the marriage.

Impediments of Marriage

1. A man before he has completed his sixteenth year of age and a woman before she has completed her fourteenth year of age, cannot validly celebrate a marriage. It is within the power of the particular law of any Church *sui iuris* to establish an older age for the licit celebration of marriage.
2. Antecedent and perpetual impotence to have sexual intercourse, whether on the part of the man or of the woman, which is either absolute or relative, of its very nature invalidates a marriage. If the impediment of impotence is doubtful, either by reason of doubt of law or of a doubt of fact, the marriage is neither to be impeded nor is it to be declared null as long as the doubt exists. Sterility neither prohibits nor invalidates marriage, with due regard for can.821.
3. A person who is held to a bond of a prior marriage invalidly attempts marriage. Even if the first marriage is invalid or dissolved for any reason, it is not licit to celebrate another marriage before the invalidity or dissolution of the first is legitimately and certainly established.
4. Marriage with a non-baptized person cannot validly be celebrated. If at the time of the celebration of the marriage the party was commonly held to be baptized or his or her baptism was doubtful, the validity of the marriage is to be presumed, according to the norm of can. 779, until it is proven with certainty that one party was baptized and the other was not. Concerning the conditions for dispensing, can. 814 is to be applied.
5. Persons who are in holy orders invalidly attempt marriage.
6. Persons who are bound by a public perpetual vow of chastity in a religious institute invalidly attempt marriage.
7. No marriage can take place with a person who is abducted or at least detained for the purpose of entering into marriage, unless the person freely chooses marriage after having been separated from the abductor or detainer and is in a safe and free place.
8. A person who, with the intention of celebrating marriage with a certain person, brings about the death of that person's spouse or one's own spouse, invalidly attempts this marriage. They also invalidly attempt marriage between themselves who have brought about the death of a spouse through mutual physical or moral cooperation.
9. In the direct line of consanguinity marriage is invalid between all ancestors and descendants. In a collateral line of consanguinity, marriage is invalid up to and including the fourth degree. Marriage is never permitted if there is any doubt whether the parties are related through consanguinity in any degree of the direct line or in the second degree of the collateral line.
10. Affinity invalidates a marriage in the direct line in any degree whatsoever; in the collateral line, in the second degree.
11. The impediment of public propriety arises: (1) from an invalid marriage after common life has been established; (2) from notorious or public concubinage; (3) from the establishment of common life of those who although bound to a required form for the celebration of marriage, attempted it before a civil official or non-Catholic minister. This impediment invalidates marriage in the first degree of the direct line between a man and the blood relatives of the woman and between a woman and the blood relatives of the man.
12. From baptism there arises a spiritual relationship between a sponsor and the baptized person and the parents of the same that invalidates marriage. If a baptism is repeated under condition, a spiritual relationship does not arise, unless the same sponsor was employed for the second ceremony.

13. They cannot validly contract marriage between themselves who are related in the direct line or in the second degree of the collateral line through a legal relationship arising from adoption.

Mixed Marriages

Marriage between two baptized persons, one of whom is Catholic and the other of whom is non-Catholic, is prohibited without the prior permission of the competent authority. For a just reason the local hierarch can grant permission; however he is not to grant it unless the following conditions are fulfilled: (1) the Catholic party declares that he or she is prepared to remove dangers of falling away from the faith and makes a sincere promise to do all in his or her power to have all the offspring baptized and educated in the Catholic Church; (2) the other party is to be informed at an appropriate time of these promises which the Catholic party has to make, so that it is clear that the other party is truly aware of the promise and obligation of the Catholic party; (3) both parties are to be instructed on the essential ends and properties of marriage, which are not to be excluded by either spouse. The particular law of each Church *sui iuris* is to establish the manner in which these declarations or promises, which are always required, are to be made, what proof of them there should be in the external forum and how they are to be brought to the attention of the non-Catholic party. Local hierarchs and other pastors of souls are to see to it that the Catholic spouse and the children born of a mixed marriage do not lack spiritual assistance in fulfilling their spiritual obligations, and are to assist the spouses in fostering the unity of conjugal and family life.

Matrimonial Consent (cc817-827)

Matrimonial consent is an act of the will by which a man and woman, through an irrevocable covenant, mutually give and accept each other in order to establish marriage. No human power can replace this matrimonial consent.

They are incapable of contracting marriage: (1) who lack the sufficient use of reason; (2) who suffer from grave lack of discretion of judgment concerning essential matrimonial rights and duties which are to be mutually given and accepted; (3) who are not capable of assuming the essential obligations of matrimony due to causes of a psychic nature.

For matrimonial consent to be valid it is necessary that the contracting parties at least not be ignorant that marriage is a permanent consortium between a man and a woman which is ordered toward the procreation of offspring by means of some sexual cooperation.

Error concerning the person renders marriage invalid. Error concerning a quality of a person, even if such error is the cause of the contract, does not invalidate matrimony unless this quality was directly and principally intended.

A person contracts invalidly who enters marriage deceived by fraud, perpetrated to obtain consent, concerning some quality of the other party which of its very nature can seriously disturb the partnership of conjugal life.

Error concerning the unity, indissolubility or sacramental dignity of matrimony does not vitiate matrimonial consent so long as it does not determine the will.

The internal consent of the mind is presumed to be in agreement with the words or signs employed in celebrating matrimony. But if either or both parties through a positive act of the will should exclude marriage itself, some essential element or an essential property of marriage, it is invalidly contracted.

A marriage is invalid if it is entered into due to force or grave fear inflicted from outside the person, even when inflicted unintentionally, which is of such a type that the person is compelled to choose matrimony in order to be freed from it. Marriage based on a condition cannot be validly celebrated.

The Form for the Celebration of Marriage (cc 828-842)

Only those marriages are valid which are celebrated with a sacred rite, in the presence of the local hierarchy, local pastor, or a priest who has been given the faculty of blessing the marriage by either of them, and at least two witnesses, according, however to the prescriptions of the following canons, with due regard for the exceptions mentioned in canons. 832 and 834, 2. That rite which is considered a sacred rite is the intervention a priest assisting and blessing.

The form for the celebration of marriage prescribed by law is to be observed if at least one of the parties celebrating the marriage was baptized in the Catholic Church or was received into it. §2. If, however, a Catholic party enrolled in some Eastern Church celebrates a marriage with one who belongs to an Eastern Non-Catholic Church, the form for the celebration of marriage prescribed by law is to be observed only for liceity; for validity, however, the blessing of a priest is required, while observing the other requirements of law.

Dispensation from the form for the celebration of marriage required by law is reserved to the Apostolic See or the patriarch, who will not grant it except for a most grave reason.

The marriage with non-Catholics are to be celebrated only with due permission from the competent ecclesiastical authorities. The particular law of the Syro-Malabar Church in this regard is given in the Code of Particular Law of the Syro-Malabar Church article 181 §§ 3-4.

Sacramentals (c 867)

Through the sacramentals, which are sacred signs, by which in imitation of the sacraments effects, especially spiritual ones, are signified and obtained through the intercession of the Church, people are disposed to receive the principal effect of the sacraments and the various circumstances of life are sanctified. Concerning the sacramentals the norms of the particular law of the individual Church *sui iuris* should be observed.

According to the Particular Law of the Syro-Malabar Church, blessings of persons, meals, objects and places, such as religious profession, blessings of oil, dedication of church, betrothal and exorcism are sacramentals (Art. 192).

Feast Days and Days of Penance (cc 880-883)

Holy days of obligation common to all the Eastern Churches, beyond Sundays, are the Nativity of our Lord Jesus Christ, the Epiphany, the Ascension, the Dormition of the Holy Mary Mother of

God and the Holy Apostles Peter and Paul except for the particular law of a Church *sui iuris* approved by the Apostolic See which suppresses a holy days of obligation or transfers them to a Sunday. The Particular Law of the Syro-Malabar Church included also the Martyrdom (*Dukhrana*) of St. Thomas the Apostle as a day of obligation (art. 195 § 1).

The Christian faithful are bound by the obligation to participate on Sundays and feast days in the Divine Liturgy, or according to the prescriptions or legitimate customs of their own Church *sui iuris*, in the celebration of the divine praises. In order for the Christian faithful to fulfill this obligation more easily, the available time runs from the evening of the vigil until the end of the Sunday or feast day. The Christian faithful are strongly recommended to receive the Divine Eucharist on these days and indeed more frequently, even daily. The Christian faithful should abstain from those labors or business matters which impede the worship to be rendered to God, the joy which is proper to the Lord's day, or to the proper relaxation of mind and body.

On the days of penance, the Christian faithful are obliged to observe fast or abstinence in the manner established by the particular law of their Church *sui iuris*. In the Syro-Malabar Church fasting and abstinence are observed in the following manner: (1) on days of fasting only one full meal may be taken; (2) Abstinence is observed by abstaining from meat and meat products. The following are the days fixed for fasting: (1) fasting is obligatory on the first day of lent and on Good Friday; (2) fasting is recommended on all Fridays in Lent. Following are the days fixed for abstinence: (1) abstinence is obligatory on all Fridays except the Friday/s between Christmas and Epiphany and the Friday after Easter. Abstinence is recommended on all days of Lent (*sauma*), *moonnu nombu*, (three days' fast) *ettu nombu* (eight days of fast), *pathinanju nombu* (fifteen days of fast (arts. 196-198).

A Vow and an Oath (cc 889-895)

A vow, which is a deliberate and free promise made to God concerning possible and better good, must be fulfilled by the virtue of religion. All who have the suitable use of reason are capable of making a vow, unless they are prohibited by law. A vow made through grave and unjust fear or fraud is null by the law itself. A vow is public if it is accepted in the name of the Church by a legitimate ecclesiastical superior; otherwise, it is private. By its nature a vow obliges no one except the one who made it. A vow ceases when the time appointed for the fulfillment of the obligation has passed, when there is a substantial change in the matter promised or when the condition on which the vow depends or the purpose for which it was made no longer exists; it also ceases through dispensation or commutation. A person who has power over the matter of a vow can suspend its obligation for as long as its fulfillment would prejudice such a person. The following persons can dispense from a private vow for a just reason provided the dispensation does not injure a right acquired by others: (1) for his own subjects, any hierarch, pastor, and local superior of an institute of consecrated life who has the power of governance; (2) for other Christian faithful of his own Church *sui iuris* while they are present within the territorial boundaries of the eparchy, a local hierarch; and also a local pastor within the territorial boundaries of his own parish; (3) for those who are present day and night in a house of an institute of consecrated life, the local superior, who has the power of governance, and his major superior. Under the same condition, but only for the internal forum, this dispensation can be granted by any confessor. Vows made before monastic or religious profession are suspended while the person who makes the vow remains in the monastery, order or congregation.

An oath, that is, the invocation of the divine name as a witness to truth, can only be made before the Church in cases established by law, otherwise it produces no canonical effect.

The Temporal goods of the Church

(Title XXIII cc 1007-1054)

In looking after the spiritual well-being of people, the Church needs and uses temporal goods, inasmuch as its proper mission demands it; therefore, it has an innate right of acquiring, possessing, administering and alienating those temporal goods that are necessary to pursue its proper ends, especially for divine worship, works of the apostolate and of charity and fitting support of ministers

The Roman Pontiff is the supreme administrator and steward of all ecclesiastical goods. Under the supreme authority of the Roman Pontiff, ownership of temporal goods of the Church belongs to that juridic person which has lawfully acquired them

All juridic persons are capable of acquiring, possessing, administering and alienating temporal goods in accordance with the norm of canon law. All temporal goods which belong to juridic persons are ecclesiastical goods.

The Acquisition of Temporal Goods.

Juridic persons can acquire temporal goods by every just means permitted to others. The competent authority has the right to require from the Christian faithful whatever is necessary to attain the ends proper to the Church. Whenever it is necessary for the good of the eparchy, the eparchial bishop has the right, with the consent of the finance council, to impose a tax on juridic persons subject to his authority and which should be proportionate to their income; no tax can be imposed on the offerings received on the occasion of the celebration of the Divine Liturgy. A tax can be levied on physical persons only according to the particular law of their own Church *sui iuris*.

The eparchial bishop has the right, within the limits set by the particular law of his own Church *sui iuris*, to fix the amount of the taxes for the various acts of the power of governance and of the offerings made on the occasion of the celebration of the Divine Liturgy, of the sacraments, of the sacramentals and of any other liturgical celebrations, unless common law provides otherwise. Patriarchs and eparchial bishops from various Churches who exercise their power within the same territory are to see, after consultation with each other, that same norms on taxes and offerings be established. In all the Churches which are habitually open to the Christian faithful, the eparchial bishop may prescribe the taking up of collections for specific projects of the Church. Physical and juridic persons cannot collect alms without the permission of the authority they are subject to and without the written consent of the hierarch of the place where the alms are collected. The offerings given for a definitive purpose can be applied only for that same purpose. Unless the contrary is clear, the offerings given to the moderators or administrators of any juridic person are presumed to be given to that juridic person. These offerings cannot be refused without a just cause and, in matters of greater importance, without the permission of the hierarch; with due regard to the prescriptions of the permission of the same hierarch is required for the acceptance of those offerings to which are attached a condition or a moral obligation.

The Church also admits prescription for temporal goods, according to the norms of can. 1540-1542. If sacred objects, that is, those things which are destined for divine worship through dedication or a blessing, are privately owned, they may be acquired by private persons by means of prescription, but they may not be used for profane uses unless they have lost their dedication or blessing; if, however, they belong to an ecclesiastical juridic person, they can be acquired only by another ecclesiastical juridic person. Immovable property, precious movable property, that is, those things which are especially important due to artistic, historical or material value, personal or real rights and claims, which belong to the Apostolic See, are prescribed after a period of one hundred years; those which belong to some Church *sui iuris* or to an eparchy are prescribed after a period of fifty years; those which belong to another juridic person are prescribed after a period of thirty years.

Every authority is under the grave obligation to see that the temporal goods acquired by the Church be registered in the name of the juridic person to which they belong, with due regard for the prescriptions of civil law which safeguard the rights of the Church. If civil law does not allow temporal goods to be registered in the name of a juridic person; the same authority is to see that the rights of the Church remain protected by using appropriate ways valid in civil law, after having heard experts in civil law and the appropriate council. These prescriptions are to be observed even as regards the temporal goods lawfully possessed by a juridic person, but whose acquisition is not yet confirmed by documents. The immediately higher authority is bound to urge the observance of these prescriptions.

Unless other provisions have been made, each eparchy, according to the particular law of the proper Church *sui iuris* of which it is a part, is to have a special fund which collects goods and offerings, and whose purpose is to provide appropriately for the decent and fundamentally equal support of all the clerics who serve the eparchy. Wherever social security and health insurance have not yet been suitably arranged for the clergy, the particular law of each Church *sui iuris* will provide for the creation of institutes safeguarding these benefits and put them under the vigilance of the local hierarch. Insofar as it is necessary, each eparchy is to establish a general fund according to a manner defined by the particular law of its own Church *sui iuris*, through which the eparchial bishops can satisfy obligations towards other persons who serve the Church as well as meet the various needs of the eparchy; this fund can also be the means through which the wealthier eparchies can aid the poorer ones.

The Administration of Ecclesiastical Goods

It is the responsibility of the eparchial bishop to supervise the administration of all the ecclesiastical goods which are within the boundaries of the eparchy and are not exempt from his power of governance, with due regard for lawful titles giving him greater rights. Hierarchs are to see that the entire administration of ecclesiastical goods be suitably organized, by issuing appropriate instructions within the limits of common law and of the particular law of their own Church *sui iuris* and with due regard for rights, legitimate customs and circumstances. Unless the law provides otherwise, the administration of the ecclesiastical goods of a juridic person is the responsibility of the one who immediately governs it. An administrator cannot act validly beyond the limits and procedures of ordinary administration, unless written consent has been given by competent authority. The acts which go beyond the limits and procedures of ordinary administration are to be defined in the statutes; if, however, the statutes do not mention such acts,

it is within the competence of the authority to whom the juridic person is immediately subject to determine those acts, after having consulted the appropriate council. Unless and to the extent that it is to its own advantage, a juridic person is not held to answer for the invalid acts of its administrators. Before taking office, an administrator of ecclesiastical goods is to promise before the hierarch or his delegate to conscientiously fulfill his office; and sign an accurate inventory, reviewed by the hierarch, of the ecclesiastical goods committed to his care. One copy of the inventory of ecclesiastical goods is to be kept in the archives of the juridic person to which they belong, the other copy is to be kept in the archives of the eparchial curia; any change whatever which the stable patrimony of that juridic person may undergo is to be noted on each copy.

Authorities shall see to it that the administrators of ecclesiastical goods be sufficiently bonded according to civil law, so that the Church may suffer no harm in the case of the death or the cessation from office of these administrators. Each administrator of ecclesiastical goods is bound to fulfill his office with the diligence of a good householder. For this reason he especially must: take care that none of the ecclesiastical goods entrusted to his care are in any way lost or damaged and take out insurance policies for this purpose, insofar as it is necessary; observe the prescriptions of both canon and civil law as well as those imposed by the founder, donor or legitimate authority; he must especially be on guard lest the Church be harmed through the nonobservance of civil laws; accurately collect the income and produce of goods when they are legally due, safeguard them once collected and apply them according to the intention of the founder or according to legitimate norms; see to it that the interest on loans or on mortgages be paid when it is due and take care that the capital be repaid in due time; with the consent of the hierarch, invest the money which is surplus after expenses and which can be profitably allocated for the goals of the Church or of the juridic person; keep well-ordered books of receipts and expenditures; draw up a report on his administration at the end of each year; keep in order and preserve in an archive the documents establishing the rights of the juridic person to its ecclesiastical goods; where it can be done conveniently, deposit authentic copies in the archives of the eparchial curia. It is strongly recommended that administrators draw up each year a budget of receipts and expenditures; however, it is left to particular law to make this an obligation and to determine more precisely how it is to be presented. An administrator of ecclesiastical goods shall not make donations from movable goods which do not pertain to the stable patrimony, unless it is for a just cause of piety or charity or that these donations are in moderate amounts and according to legitimate custom. An administrator of ecclesiastical goods: (1) is to observe meticulously, according to Church principles, the civil laws pertaining to labor and social policy in the employment of workers; (2) is to pay employees a just and decent wage so that they may provide appropriately for their needs and those of their dependents.

An administrator of ecclesiastical goods is to present an annual report on his administration to his own hierarch; any contrary custom is reprobated. An administrator is to publicly render an account, in the manner provided for by particular law, of the goods given to the Church, unless the local hierarch judges that the Church would be harmed by such an account. An administrator of ecclesiastical goods is neither to initiate nor to contest a lawsuit in civil court, unless he obtains the permission of his own hierarch. An administrator of ecclesiastical goods who relinquishes an office or function on his own initiative is bound to restitution, if the Church is harmed by such an arbitrary abandonment of duty.

Contracts and Especially Alienations

Whatever general and specific regulations on contracts and payments are determined by the civil law of the territory where the contract is entered, are to be observed in canon law with the same effects in the matters which are subject to the power of the Church. In order to alienate ecclesiastical goods which through lawful designation constitute the stable patrimony of the juridic person, it is required that there be: (1) a just cause such as urgent necessity, evident advantage, piety, charity or a pastoral reason; (2) a written expert valuation of the goods to be alienated (3) the written consent of the competent authority, without which the alienation is invalid.

Other safeguards prescribed by competent authority are also to be observed to prevent loss to the Church. When the value of the ecclesiastical goods whose alienation is proposed falls between the minimum and the maximum established by the synod of bishops of the patriarchal Church or by the Apostolic See, consent is required of: (1) the finance council and the college of consultors of the eparchy for the goods of the eparchy; (2) the eparchial bishop, who gets in each case the consent of the finance council and the college of consultors of the eparchy, for the goods of juridic persons subject to that eparchial bishop; (3) the authority determined in typicon or the statutes for goods of juridic persons not subject to the eparchial bishop.

In patriarchal Churches, if the value of goods exceeds the maximum established by the synod of bishops of the patriarchal Church, but is not double, consent is required of: (1) the patriarch with the consent of the permanent synod, for the goods of an eparchy within the territorial boundaries of the patriarchal Church, unless the particular law of that Church determines otherwise; (2) the eparchial bishop and the patriarch who has the consent of the permanent synod for goods of a juridic person subject to an eparchial bishop who exercises his power within the territorial boundaries of the patriarchal Church; (3) the patriarch who has the consent of the permanent synod for those goods of a juridic person not subject to an eparchial bishop, even if pontifical right, within the territorial boundaries of the patriarchal Church. In a patriarchal Church, if the value of the goods is more than double the amount set by the synod of bishops of the patriarchal Church, or if it is a case of precious goods or of goods donated to the Church from a vow, is to be followed but the patriarch needs the consent of the same synod. In other cases, the consent of the Apostolic See is required if the value of the goods exceeds the sum it established or approved or in the case of precious goods or goods donated to the Church by reason of a vow. To alienate the temporal goods of a patriarchal Church or of a patriarchal eparchy, the patriarch needs: (1) the counsel of the permanent synod if the value of the goods is between the minimum and maximum amount established by the synod of bishops of the patriarchal Church for the goods of the patriarchate; for the goods of an eparchy of the patriarchate, can. 1036, §1, n. 1 is to be followed; (2) the consent of the permanent synod if the value of the goods exceeds but is not double the maximum amount established by the synod of bishops of the patriarchal Church (3) the consent of the synod of bishops of the patriarchal Church if the value of the goods is more than double the value or if the case involves precious goods or those things given to the Church by reason of a vow.

Those whose advice, consent or confirmation is required by law for the alienation of ecclesiastical goods shall not give their advice, consent or confirmation before having been thoroughly informed on the economic situation of the juridic person whose temporal goods are proposed for alienation as well as on previous alienations. Advice, consent and confirmation are considered as

not to have been given, unless they request lists of the alienations which have already been made. The consent of all interested parties is required for any kind of alienation. Whenever ecclesiastical goods are alienated contrary to the prescriptions of canon law, but the alienation is civilly valid, the authority superior to the one who carried out the alienation decides, after a thorough review of the situation, whether and what type of action is to be taken to vindicate the rights of the Church as well as by whom and against whom this action is to be taken. Unless they are of little value, ecclesiastical goods are not to be sold or leased out to their own administrators or to their relatives up to the fourth degree of consanguinity or affinity without the special permission of the authority mentioned in canons. 1036 and 1037 Canon 1042. The prescriptions of canons. 1035 -1041 must be observed not only in alienations, but also in any business transaction by reason of which the patrimonial condition of juridic persons can be worsened.

The Code of Particular Law of the Syro-Malabar Church prescribes elaborate norms regarding administration and alienation of ecclesiastical goods.

Pious Wills and Pious Foundations

Those who in virtue of natural or canon law can freely dispose of their goods can leave them to pious causes either by an act which becomes effective during life or at death. The prescriptions of civil law are as far as possible to be observed in the last wishes made for the good of the Church; if these prescriptions are not observed, the heirs must be advised of their obligation to fulfill the will of the testator.- The intentions of the Christian faithful who give or leave their goods to pious causes whether by an act that becomes effective during life or at death, once they have been lawfully accepted, are to be scrupulously fulfilled even as regards the manner of the administration and distribution of the goods, without prejudice to the provisions of can. 1045. The hierarch is the executor of all pious wills, whether made they be made during life or on the occasion of death. In virtue of this right the hierarch can and must exercise vigilance, even by making visitations, so that pious wills are fulfilled; other executors must render him an account concerning the performance of their duty. Stipulations added to last wills and contrary to this right of the hierarch are to be regarded as nonexistent. A person who accepts to be a trustee for goods bequeathed for pious causes whether by an act made during life or at death, must inform his own hierarch of this trusteeship and list all the goods that are entrusted to him along with the obligations attached to them; if, however, the donor expressly and completely prohibits this, the person is not to accept the trust. The hierarch must demand that the goods held in trust be safeguarded and, in accordance with can. 1045, §2, ensure that the pious will is executed.

In the law pious foundations are autonomous pious foundations, that is, aggregates of things destined to works of piety, of the apostolate and of charity, whether spiritual or temporal, and established as a juridic person by competent authority; non-autonomous pious foundations, that is, temporal goods given in any manner to a juridic person and carrying with them the long-term obligation, to be determined by particular law, to arrange from the annual income to pursue a specific purpose. If the temporal goods of a non-autonomous foundation are entrusted to a juridic person subject to an eparchial bishop, they are to be remanded to the fund mentioned in can. 1021, §1, on the expiration of the time specified, unless another intention was expressly manifested by the donor; otherwise they fall to that juridic person.

Autonomous pious foundations can be constituted only by an eparchial bishop or another higher authority. In order for a non-autonomous foundation to be validly accepted by a juridic person, the

written consent of the local hierarch is necessary; he is not to give his consent until he has lawfully established that the juridic person can fulfill the new obligation as well as those already accepted; the same hierarch is to take special care that the income entirely corresponds to the attached obligations in accordance with the customs of his own Church *sui iuris*. Further conditions, without which pious foundations cannot be constituted or accepted, are to be defined in particular law. The hierarch who constituted a pious foundation or gave his consent to the acceptance of one, immediately designates a safe place in which money and movable goods assigned as an endowment will be deposited, so that the money or the value of the movable goods is safeguarded; as soon as possible, they are to be carefully and profitably invested for the benefit of the foundation with an express and specific mention of the obligations undertaken; the investment is to be made in accordance with the prudent judgment of the hierarch, who is to consult the interested parties and the appropriate council. A copy of the articles of foundation is to be filed in the eparchial archive and another copy is to be filed in the archive of the juridic person. A book is to be kept by the pastor or the rector of the church in which the individual obligations, their fulfillment and the offerings are recorded. The reduction of obligations of celebrating the Divine Liturgy is reserved to the Apostolic See. If it is expressly provided for in the articles of the foundation, the hierarch may reduce obligations of celebrating the Divine Liturgy because of diminished income. The eparchial bishop has the power, when income diminishes, of reducing the number of celebrations of the Divine Liturgy in conformity with the level of the offerings legitimately established in the eparchy, for as long as this diminishment of income continues, provided that there is no one who has an obligation to increase the offering and can successfully be made to do so. The eparchial bishop also has the power of reducing the obligation of celebrating the Divine Liturgy which bind ecclesiastical institutes if the income proves insufficient to pursue the goals that were able to be pursued at the time the obligations were accepted. The hierarch, only for a just and necessary reason, may reduce, moderate or commute the intentions of the Christian faithful who give or leave their goods to pious causes, provided such power has been expressly granted that hierarch by the founder.

Model Questions

1. Explain the notion of *sui iuris* churches and rites.
2. The code has fixed certain *traditions* from which the rites originate. Which are those *traditions*?
3. State the norms regarding ascription to a *sui iuris* Church.
4. A child whose parents belong to different *sui iuris* Churches. Give the possible options of the child's ascription to a Church *sui iuris*.
5. Who elects the Patriarch and the majority needed for one to be declared elected patriarch?
6. Describe the composition of the Synod of Bishops of the Patriarchal Churches and the voting rights of its members.
7. How permanent synod is composed and its members are elected?
8. Who are disqualified to be God parents or sponsors in sacrament of baptism?
9. Explain the norms regulating the sacraments of Christian initiation according to Eastern Canon Law?
10. Who is the proper eparchial bishop in the matter of Sacred Ordination?
11. What are the requirements for licit ordination to sacred orders?
12. What are the requirements for the worthy reception of the sacrament of reconciliation?
13. What is required for the valid marriage of an eastern rite Catholic according to canonical form?
14. What are the essential properties of marriage?

15. Explain the impediment of consanguinity.
16. For which impediment dispensation is never granted?
17. What is required of a local hierarch to grant permission for a mixed marriage?
18. Who has the right to acquire, possess, administer and alienate temporal goods in the Church?
19. What are the means of acquiring temporal goods in the Church?
20. What are the requirements for the alienation of ecclesiastical goods which constitute the stable patrimony of a Juridic parson?
21. What is the law regarding the administration of goods accepted from Christian faithful as pious wills?
22. Give the definition of Laity according to Canon 399 of the Code of Canons of the Eastern Church.
23. What do you understand by association of Christian Faithful?
24. What is requirement for an association be named as Catholic association?
25. What are the important rights and obligations of Christian Faithful?