

Editorial

**POPE FRANCIS AND THE ECCLESIAL
SYMPHONY: HARMONIZATION OF LAW AND
LIFE**

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In his recent reform document, *Concordia inter codices* (2016), Pope Francis complements a 2013 discourse he delivered on harmony. With the latter, the pope gave pastoral and practical recommendations for harmonizing life and law. With the former, he achieved such harmonization by creating legal concordance between Eastern and Western canon law.

In the aforementioned 2013 general audience, Pope Francis teaches that the "catholic" nature of the Church makes it the "home of harmony". Explaining that the word derives from "the Greek 'kath'olon' which means 'according to the whole', the totality," the pope presents "harmony" as one of three basic integral meanings of "catholic": "the Church is catholic, because she is the "home of harmony" where *unity and diversity* know how to merge in order to become a great source of wealth."¹

Illustrating this desired merger, the pope compares the differences within the Church to the elements of a symphony. As in an orchestra, differences in the Church are real and mutually beneficial gifts. Consequently, they should not create conflict and opposition. Through the Holy Spirit, identified by Pope Francis as the true master of harmony, these divergences are united for the enrichment of all:

¹Pope Francis, "General Audience," St. Peter's Square, Rome (October 9, 2013). See, https://w2.vatican.va/content/francesco/en/audiences/2013/documents/papa-francesco_20131009_udienza-generale.html, accessed, 2017. The other two significances attached to 'catholic' are: (i) Church is the "space, the home in which *the faith* is proclaimed to us *in its entirety*, in which the salvation brought to us by Christ is offered to everyone." (ii) the second meaning is that Church is universal.

Church is like a great orchestra in which there is great variety. We are not all the same and we do not all have to be the same. We are all different, varied, each of us with his own special qualities. And this is the beauty of the Church: everyone brings his own gift, which God has given him, for the sake of enriching others. And between the various components there is diversity; however, it is a diversity that does not enter into conflict and opposition. It is a variety that allows the Holy Spirit to blend it into harmony. He is the true “Maestro”. He is harmony.²

Thus, the pope affirms the theoretical principle that differences do not harm unity but rather add beauty to the “catholic” whole.

Yet the 2013 papal discourse does not limit itself to affirming mere possibilities. Having established that differences can, in theory, be blended into unity and harmony, the pope turns to urging the concrete application of this theory. Urging the faithful to apply it to the various spheres of the Church’s life, he exhorts them to ask:

in our communities do we live in **harmony** or do we **argue** amongst ourselves? In my parish community, in my movement, in the place where I am part of the Church, is there **gossip**? If there is gossip, there is no harmony but rather conflict. And this is not the Church. **The Church is everyone in harmony**: never gossip about others, never argue! Let us accept others, let us accept that there is a fitting variety, that this person is different, that this person thinks about things in this way or that — that *within one and the same faith we can think about things differently ...*³

Appreciation of ecclesial diversity is not a new development in magisterial teaching. Pope Leo XIII recognized the value that “legally approved diversity of Eastern liturgical forms and discipline” had for the whole Church. According to him, diversity had the potential to lead to unity or harmony, and to function as “an ornament for the whole Church and a confirmation of the divine unity of the Catholic faith.”⁴ Decades later, the Fathers of the Second Vatican Council echoed that sentiment by stating that “the diversity of the Churches united together demonstrates in a very clear fashion the catholicity of

²Pope Francis, “General Audience,” October 9, 2013.

³Pope Francis, “General Audience,” October 9, 2013. Emphasis added.

⁴Leo XIII, ap. Let. *Orientalium dignitas*, 30 Nov. 1894, *prooem.*, as quoted by John Paul II in the apostolic constitution *Sacri canones*, promulgating CCEO.

the undivided Church" (LG 23), and "in no way harms the Church's unity, but rather declares it" (OE, n. 2).⁵

John Paul II made similar observations in promulgating the *Code of Canon Law for the Eastern Churches*. *Sacri canones*, the apostolic letter that promulgated CCEO, expressed that the differences and unity help the Church to be ever youthful and vibrant when harmonized well: "... we are clearly conscious both of the unity and diversity harmonizing to the same end and coalescing, so that the vitality of the whole Church never appears to be aging" (*Sacri Canones*).

The Catholic Church's esteem for the diversity and the individuality identities of its constituent Churches *sui iuris*, coupled with the desire to uphold and perpetuate these characteristics for the common good, has significantly impacted how the Church governs herself. More specifically, these factors led the supreme legislator to maintain two 'independent' codes - one for the Latin Church and another for the Eastern Churches. According to John Paul II, this decision was based on the desire "to preserve that which in God's providence had taken place in the Church: that the Church, gathered by the one Spirit breathes, as it were, with the two lungs of East and West, and burns with the love of Christ, having one heart, as it were, with two ventricles" (*Sacri canones*).

The above-mentioned opinions of Pontiffs and Vatican Council II Fathers, which consider diversity unequalled "in illustrating the note of catholicity in the Church of God,"⁶ thus seem to be echoing in Francis' description of harmony and its connection to the 'catholic' nature of the Church.

Recently, the Holy Father amended some of the *CIC* canons through the *motu proprio De Concordia inter codices*.⁷ These changes have come 33 years after the promulgation of the *CIC* and 26 years after that of CCEO. Since then, cultural, religious, political, environmental, social, global and ecclesial contexts have changed drastically. During that

⁵As quoted in the apostolic constitution *Sacri canones*.

⁶Leo XIII, ap. Letter *Orientalium dignitas*, 30 Nov. 1894, *prooem.*, as quoted by John Paul II in the apostolic constitution *Sacri canones*, promulgating CCEO.

⁷Pope Francis, Apostolic letter in the form of *motu proprio De Concordia inter Codices*, 31 May 2016. See, http://w2.vatican.va/content/francesco/la/motu proprio/documents/papa-francesco-motu-proprio_201605_de-concordia-inter-codices.html/, accessed in 2017.

time, hierarchs and pastors experienced many problems that suggested the need to better harmonize *CIC* and *CCEO*. Canonists likewise observed legal discrepancies and practical difficulties which impeded the pastoral and legal application of the norms.

As a result of these experiences and observations, Pope Francis has now revised certain norms of *CIC* by adapting them to others found in *CCEO*. The immediate goal of these revisions, that is, better correspondence and harmony between the Latin and Eastern Churches, has the ulterior goal of enhancing and rendering Church's legal and pastoral services more effective. Thus, as we understand the Holy Father, the current *motu proprio* aims:

- i) to harmonize common or universal laws that affect the universal Church with the mutually independent particular norms of the individual Churches *sui iuris*;
- ii) to mitigate the negative pastoral consequences of two contradictory sets of laws;
- iii) to resolve the conflict between a migrant's right and obligation to observe his Eastern discipline everywhere and the obligation of a Latin pastor to adhere to his own Western norms and practices. In this area, the legislator felt a just, equitable harmonization of the norms would both help safeguard Eastern practices and "respect the historical and canonical tradition of the West;"
- iv) to enhance the Church's relations with non-Catholic Eastern faithful.

In *CCEO*, some canons explicitly address the concordance, or harmony, needed at various levels to achieve the common good and the ultimate goal of the Church. For example, *CCEO* c. 84 §1 exposes the responsibility and duty of Eastern Catholic patriarchs and Major Archbishops to effect intra-ecclesial and inter-ecclesial harmony. Within their own Churches *sui iuris*, the heads of these Churches must work in harmony with the bishops of their own hierarchy. Outside of their Churches, these figures must collaborate with the heads of other Churches *sui iuris*, including the Latin Church, who minister in the same territory. The goals of this inter-ecclesial collaboration are four-fold: i) to promote unity of action; ii) to sustain common works having in view "the good of religion," iii) to protect the Church discipline effectively and iv) to foster unity of all Christians.

The patriarch is to take the greatest care that both he and the eparchial bishops of the Church over which he presides, after consultation with the patriarchs and eparchial bishops of the other Churches *sui iuris* who exercise their power in the same territory especially in the assemblies foreseen by law, promote a unity of action among themselves and with all the other Christian faithful of any Church *sui iuris*, and through concerted efforts, sustain common works that intend to promote more expeditiously the good of religion, to protect more effectively ecclesiastical discipline, and also to foster more harmoniously the unity of all Christians (CCEO c. 84, 1; see, also CCEO c. 322).

These two canons have no corresponding canons in *CIC*. Consequently, for harmony's sake, it may be advisable to introduce equivalent norms in *CIC*. However, even without such parallel canons, the spirit of the norm nevertheless requires unity and harmony between the patriarch and the bishops of his own Church. Likewise, one could also argue that the same spirit requires harmony between the heads of different Churches *sui iuris* in order for those Churches to exist meaningfully and minister effectively. In fact, in treating assemblies of hierarchs, CCEO c. 322 recommends that even Orthodox Churches be present in the assembly. Therefore, we may deduce that harmony does not always mean exact correspondence of norms in the two codes or among different traditions of the Churches *sui iuris*. Rather, harmony requires adhering to the spirit of the law in discharging the mission of the Church that is, as Pope Francis explains it, "catholic".

Unfortunately, "gossip", "arguments" and even rivalry at times replace collaboration among hierarchs and ministers of individual and different Churches *sui iuris*. Such situations prevent the Churches from attaining the good they are really capable of by adhering to the concordance fundamentally mandated by Jesus.

For example, within the Syro-Malabar Church, disharmony on the issue of liturgy has existed among bishops and priests for decades. This disharmony has not resulted from lack of norms, regulations, or instructions from higher authority. Rather, the discord has prevailed because of insufficient respect for and acceptance of legitimate differences within the Church. Or, in the terms of Pope Francis, perhaps the discord has prevailed because those involved have not sufficiently listened to the Holy Spirit's directing of the ecclesial

symphony: "If there is gossip, there is no harmony but rather conflict. And this is not the Church. **The Church is everyone in harmony:** never gossip about others, never argue!"

For Pope Francis, harmonization of life and law is more important than canonical uniformity. He wants the people of God to learn "that within one and the same faith we can think about things differently ..."⁸ Thus, within the Church must exist a good will: a good will to execute the law of love and charity, and to adhere to the common mission entrusted by God that transcends any divide or boundary. This good will is fundamental and essential. Consequently, its absence harms the Church more greatly than the absence of legal or canonical harmony ever could.

Because harmony is so fundamental, it must exist at the most fundamental levels of the Church. Thus, after *CCEO* presents the duty of the patriarchs, other heads, and bishops to work harmoniously for effective mission, the code treats the harmony required between the pastor and vicar of a parish. Without explicitly referring to "harmony," the text of the canon clearly indicates that fruitful parish ministry depends on such concord:

... Between the pastor and the parochial vicar the relation is to be fraternal; mutual love and reverence are to prevail always; they are to assist each other with advice, support and example in order to provide parochial care with unanimity of mind and joint endeavour (*CCEO* c. 302 §3; *CIC* c. 548; 550 §§1, 3).

Admittedly, in most cases, the pastors involved possess the required elements that make the ministry effective: fraternal relationship, reciprocal love and reverence, and mutual assistance through advice and council that. In such cases, these elements render the care of souls meaningful and effective. Nevertheless, we cannot ignore the minority cases in which pastors' of disharmony and discord impedes ministry and scandalizes the faithful.

Given the importance of harmony, the legislator's call for concordance is correspondingly extensive. At all levels of ecclesial life, the law requires the apostolate of diverse ministers to exhibit concord and harmony. Without the latter, their ministry cannot bear fruits and lead to "the salvation of the souls," which is the ultimate goal of all laws in Church (*CIC* c. 1752).

⁸Pope Francis, "General Audience," (October 9, 2013) n. 3.

Harmony in the apostolate requires effective collaboration not only within the hierarchies themselves, but also between the heads of Churches *sui iuris* and the religious communities who minister in their territory. Hence, patriarchs and local hierarchs must "promote meetings with superiors of religious at fixed times and whenever it appears opportune, in order that the apostolic works that the members exercise be carried out cooperatively and harmoniously" (CCEO c. 416). Of course, such efforts at harmony must respect the natural differences between diocesan/eparchial and religious structures, charisms, lifestyles, ministries, etc. One should be able to find room for harmony without compromising the individual identities and specialities of each and their ministries (cf. CCEO c. 542),

Recent events have revealed a lack of harmony and co-operation in some of the Churches *sui iuris*. As mentioned above, the disharmony, arguments, and gossip the pope warns us about have at times created scandals and prevented the Church from attaining the good of which she is capable. Infighting among ecclesial entities has also drawn the Church into civil courts.

In our competitive, professional, and scientific world, tremendous developments happen daily. To try to keep pace with them, the Church adapts its discipline and attempts to instill professionalism in her future ministers. For that reason, the code requires cooperation among the professors, harmony in the content of their course material, and concordance between the teachers and seminary officials. Such concordance between various officials and disciplines is key to forming future ministers for diverse ministries in the Church. CCEO c. 340 §2 (See, CIC cc. 239 §1; 253 §1) states:

The teachers should update regularly their professional preparation. Cooperating harmoniously among themselves and with the moderators for the seminary, they are to serve the goal of an integrated formation of the future ministers of the Church while aiming at the unity of faith and of formation among the varieties of discipline.

Unfortunately, sometimes stories arise of disharmony and discord among seminary personnel. In these cases, suffering inevitably occurs on multiple levels. While students suffer inside the seminary, outside of it scandal damages the Church as a whole. Here, the notions of the Church as "everybody in harmony" and the Holy Spirit as the true "*Maestro*" of harmony are relevant. Problems do not arise solely from

disciplinary discrepancies between the two codes or among the various Churches. Beyond that, good will is necessary to understand, appreciate and accept differences in the Church. Likewise important is a strong determination and concerted efforts to harmonize life with existing norms, precepts, and structures.

In its first paragraph, *CCEO* c. 384 recommends that clerics endeavour “to foster peace, unity and harmony.”⁹ The basis for such an endeavour is a hunger and thirst for justice. *CCEO* c. 384 §1 states: “As ministers of reconciliation of all in the love of Christ, clerics are to be attentive to foster peace, unity and harmony based on justice among all people” (cf. *CIC* c. 287 §1). According to scholars, this paragraph's sources “stress the need for the clergy to be imbued with an all-embracing concern for concord.”¹⁰ The text of both codes support this conclusion. In *CIC* and *CCEO*, clerics are obliged to work for justice among all people. Neither code restricts this obligation to individual faithful or groups thereof, to the cleric's own Church *sui iuris*, nor even to the Church as a whole. The obligation is universal.

Having reviewed the theoretical and juridical foundations of the canons that discuss the need for collaboration, unity and harmony, and so on let us also consider what Pope Francis tells about the practical ways to execute it. Considering the present ecclesial, pastoral and ecumenical context of each Church *sui iuris*, one must critically examine the questions the pope prompts the people of God to ask themselves. Such an examination must determine whether there is argument, gossip, and conflict in each one's concrete field of existence and work. It must also ask whether a lack of recognition and mutual acceptance ignores the legitimate differences that exist within the Church. If the answer is yes, there is no Church, because she “is everyone in harmony.”¹¹

At present, Church's life on earth is governed by two codes which were formulated and promulgated based on the existence of divergent patrimonies among her member Churches. Therefore, it is not only

⁹The same canons of *CIC* and *CCEO* (§2) permit that if the promotion of the common good or protection of rights of the Church require it, they may even do so.

¹⁰John P. Beal, James A. Corriden and Thomas J. Green, eds. *New Commentary on the Code of Canon Law* (Bangalore: Theological Publications of India, 2003) 379.

¹¹See above, p. 4 for the text of the Holy Father.

impossible but also meaningless to seek exact correspondence between all canons and norms. For the laws to function as intended, the differences within the Church must be mutually acknowledged and accepted. All must recognize and appreciate the differences and harmonization of life with the true spirit of the law of love, led by Holy Spirit as the true "Master of harmony."

Most often, trouble and conflicts arise not from a lack of corresponding rules, laws and regulations, but due to juridical stubbornness, misuse of power and authority, sense of superiority, or lack of respect for differences. These causes, often rooted in the temptation to safeguard one's own interests or to exercise power over others, lead to the gossip, argument, and discord that prevent the Church from being what it ought to be.

Consequently, while the new canonical concordances between East and West are welcome, it is high time to insist upon the observance of canons that already mandate harmonious cooperation for the common good. One such neglected precept is the fundamental mandate of Jesus to go to the ends of the earth and preach the gospel (Mt 28:19; Mk 16:15). This precept, echoed in the documents of Vatican Council II, finds legal expression in both *CIC* and *CCEO*. But while the codes affirm the right of all Churches *sui iuris* to evangelize everywhere, this right has not been fully implemented despite decades-long cries for it.

Ultimately, Pope Francis' principle point about harmony is a practical one. First, we must become aware "that there is a fitting variety, that this person is different, that this person thinks about things in this way or that — that within one and the same faith we can think about things differently ..."¹² Once aware that legitimate differences can exist, we must then recognize and respect the differences that do exist and work for the common good in harmony.

Therefore, in attempting to effect ecclesial harmony by harmonizing the different sources of ecclesial law, we must remember that legal disharmony is not solely responsible for problems and conflicts. Consequently, purely legal harmony will not resolve all problems conflicts. We must have a good will ready to understand, appreciate and accept differences. Moreover, we must also be determined to harmonize life with current norms and precepts and actually strive to do so. To that effect, we would be wise to accept the counsel of the

¹²Pope Francis, "General Audience," October 9, 2013.

Holy Father to pray to the only “maestro” who can bring the stable fruits of concord: “Let us pray to the Holy Spirit, who is truly the author of this unity in variety, of this harmony, that he might make us ever more “catholic” in this Church which is catholic and universal!”

In the current issue of *Iustitia*, two articles treat the aforementioned *motu proprio*, *De Concordia inter codices*. The first, that of Jobe Abbass, assesses how the *motu proprio* has effected greater harmony between the Latin and Eastern codes. While recognizing the pope’s efforts, Abbas argues that still more areas require harmonization. According to the author, this need derives from the diversity among the Eastern Churches: “These issues remain and represent a certain disharmony between the two Codes of the Church. In the ongoing work of canonical science to reconcile disharmonious areas of the Codes especially regarding inter-ecclesial relations, the guidance of the Legislator and the Pontifical Council for Legislative Texts will prove to be essential” (see below, p. 40).

In his article, George Nedungatt presents the second part of a study previously presented (*Iustitia*, Vol. 7, n. 2). Part I of this article treated the various aspects of law in the Old Testament. Here in Part II, the author considers law and its theology in connection with Jesus and the New Testament, the new covenant established by Him, apostles and the Christian Tradition. To that effect, the author examines Jesus and the New Law, the Apostles and the Church Order, the New Covenant and the New Law, the NT Theology of the New Law and Covenant Law in the Christian Tradition.

Vatican II, in its documents (LG, CD, AG, UR and especially OE) attached various meanings to the term “particular churches”. Sebastian Vaniyapurackal explores these various meanings in his article, “The Coinage History of *Chiesa particularis seu ritus in Orientalium Ecclesiarum Leading to ecclesia sui iuris in CCEO*.” The author states that because of the use of “a single technical term, ‘particular Church,’ to designate distinct entities confusion was inevitable.” In the first stage of his study, the author analyzes the iter of the term in its ante-preparatory and conciliar phases and the different significances attributed to it. He devotes the second stage of the study to deliberating how the juridical term “Church sui iuris” evolved, developed, formulated and was inserted into CCEO.

Cardinal Francesco Coccopalmerio, in his article, “The Work of the Pontifical Council for Legislative Texts: To Harmonize Some Provisions of the *CIC* and the *CCEO*” presents the efforts the dicastery

PCILT has taken to effect legislative harmony among the various Churches *sui iuris* by amending the *CIC*. The author explains that though "the Study Commission, constituted by our Dicastery, has identified 13 issues that required a normative adjustment to correspond to pastoral practice, ... not all of them have been adopted in the aforementioned *motu proprio*" (see below, pp. 89-90).

The recent reform of the procedural law desired by Pope Francis, without detracting from its legal rigour, is above all pastoral, because it aims to bring the process instrument closer to the life of God's people, involving also pastors and not just the legal operators. In this new perspective, Andrea Ripa's article considers law as an instrument of pastoral charity of parish priests, aimed at further empowering pastors with regard to the faithful who wish to ascertain the possible nullity of their marriage. Hence he also proposes that "it will be the task of the Synods of Bishops, or of the individual particular Churches, to propose basic courses on matrimonial law, in order to offer to the Parish Priests the first rudiments of a "spiritual first aid" to discern the so-called "irregular" situations and to orient them towards that" (see below p. 106).

