

VATICAN II AS THE FIRST SOURCE OF CCEO CANONS

Cherian Thunduparampil, CMI*

Cherian Thunduparampil making a survey of CCEO canons identified the following facts: It is not surprising to realize that in accordance with the vision of John XXIII and the interest of his successor Paul VI, 15 out of the 16 Vatican Documents have functioned as the source and inspiration of of the CCEO canons. 1. Titles of CCEO without any Reference to Vatican II Cited as Source and Inspiration; 2. Vatican Documents as Sources of CCEO; 3. Vatican Document which is not Cited as Source of CCEO; 4. How many Canons Mention Vatican Council II as Source?

Introduction

In 1959 when he announced convening the Council, John XXIII had three projects in mind: i) a Diocesan Synod for Rome, ii) the convocation of an Ecumenical Council, and iii) the reform of the laws

*Cherian Thunduparampil, born in 1964 at Pachai (Kerala, India) was ordained priest in 1994 in the Carmelites of Mary Immaculate Congregation, India. He took licentiate (1997) and Doctorate in Oriental Canon Law from the Pontifical Oriental Institute, Rome in 2001, with specialization on the Process of Canonization. He holds a diploma on the Process of Canonization from the Congregation for the Causes of Saints, Rome (1998). From 2001 he is a full time lecturer (associate professor from 2006) of Oriental Canon Law, DVK and served as the Director of the Institute of Oriental Canon Law; the Controller of Examinations, DVK; the Master of theology Students (2003-2006 and 2010 -); as parish priest; defender of the bond at the archdiocesan marriage tribunal, Bangalore and Managing Editor of the *Journal of Dharma, Asian Horizons, Vinaya Sadhana* and *Iustitia*. He is the chief Editor of the *Iustitia, Dharmaram Journal of Canon Law*. At present he serves as the Postulator General of the Carmelites of Mary Immaculate (CMI) and handles the Causes of Blessed Chavara and Blessed Euphrasia.

of the Church as norms and guidelines are necessary for action and implementation of the Church's teachings. In the preamble to the "Guidelines for the Revision of the Code of Oriental Canon Law", which were approved at the First Plenary Assembly of the Commission of the March 18-23 1974" we read: "One of the most effective ways of implementing the "aggiornamento" of the Church, as desired and decreed by the Second Vatican Council is by the revision of the Code of Oriental Canon Law carried out in accordance with the principles and spirit of the same council."¹ Paul VI addressed the Plenary assembly: Vatican II is to be the loadstar of the Eastern Code. On this occasion of the 50th anniversary of the opening of the Vatican Council II, by making a survey of CCEO, I want to identify the canons for which Vatican II is cited in the first place as a source.

In this process apparently CCEO, c. 2 presents a question because according to it, "The canons of the code, in which ancient law of the Eastern Churches has been mostly received or adapted, are to be assessed chiefly by that law."² This canon poses the problem of understanding the role of the ancient law: is ancient law to be the standard to judge the canons of the whole code? Or only those canons in which ancient law is cited are to be assessed by that law?³ In the formulation of the canons of CCEO, in fact, we can note a beautiful blend of the ancient laws or the sacred canons and the integration of the renewed theological and ecclesiological vision of Vatican II in order to make both the teachings of Vatican II and the laws more relevant to the present day.

1. Titles of CCEO without any Reference to Vatican II as Source and Inspiration

Of the thirty titles of CCEO only in the following eight instances we do not notice any explicit mention of Vatican II Documents as the source and inspiration.

¹ *Nuntia*, 3 (1976) p. 18.

² CCEO, c. 2: "Canones Codicis, in quibus plerumque ius antiquum Ecclesiarum orientalium recipitur vel accommodatur, praecipue ex illo iure aestimandi sunt."

³ See George Nedungatt, "Ancient Law in CCEO: The Interpretation of Canon 2" in George Nedungatt ed., *Digital CCEO with Resources and Studies* (Bangalore: Dharmaram Canonical Studies-6, 2009) 3-48.

Title VII	: Exarchies and Exarchs
Title XIII	: Associations of the Christian Faithful
Title XIX	: Persons and Juridic acts
Title XXII	: Recourses against Administrative Decrees
Title XXV	: The Contentious Trial
Title XXVI	: Certain Special Processes
Title XXVIII	: The Procedure for Imposing Penalties
Title XXX	: Prescription and the Computation of Time

2. Vatican Documents Cited as Sources of CCEO

The following fifteen, out of a total of sixteen documents of Vatican Council II, have been cited as the source and inspiration of the CCEO canons:

AA	: <i>Apostolicam actuositatem</i> , Decree on the Apostolate of Lay People (18 Nov. 1965).
AG	: <i>Ad gentes divinitus</i> , Decree on the Church's Missionary Activity (7 December 1965)
CD	: <i>Christus dominus</i> , Decree on the Pastoral Office of Bishops in the Church (28 October 1965)
DH	: <i>Dignitatis humanae</i> , Declaration on Religious Liberty (7 December 1965)
DV	: <i>Dei Verbum</i> , Dogmatic Constitution on Divine Revelation (18 Nov. 1965)
GE	: <i>Gravissimum educationis</i> , Declaration on Christian Education (28 October 1965)
GS	: <i>Gaudium et spes</i> , Pastoral Constitution on the Church in the Modern World (7 December 1965.)
IM	: <i>Inter mirifica</i> , Decree on the Means of Social Communication, (4 December 1963)
LG	: <i>Lumen gentium</i> , Dogmatic Constitution on the Church (21 November 1964)
OE	: <i>Orientalium ecclesiarum</i> , The Decree on the Catholic Eastern Churches (21 November 1964)
OT	: <i>Optatam totius</i> , Decree on the Training of Priests (28 Oct. 1965)
PC	: <i>Perfectae caritatis</i> , Decree on the Up-to-date Renewal of Religious Life (28, October 1965)
PO	: <i>Presbyterorum ordinis</i> , Decree on the Ministry and Life of Priests (7 December 1965)
SC	: <i>Sacrosanctum concilium</i> , The Constitution on the Sacred Liturgy (4 December 1963)

UR : *Unitatis redintegratio*, Decree on Ecumenism (29 November 1964)

3. Vatican Document which is not Cited as Source of CCEO

Only one out of the total sixteen Documents of Vatican II has not been mentioned explicitly as the source and inspiration of CCEO, that is,

NA : *Nostra aetate*, Declaration on the Relation of the Church to Non-Christian Religions (28 October 1965)

4. How many Canons Mention Vatican Council II as Source?

Of the 1546 canons of CCEO a total of 262 canons have been inspired by the teachings of Vatican II. Here below are presented those canons. Repeated mention of the same document in the different paragraphs of the same canon has not been indicated separately. In 191 canons Vatican II is cited in the first place as their source and in the other 71 instances reference is made but not in the first place.

Canons	Sources	Canons	Sources
Title I: The Rights and Obligations of all the Christian Faithful		20	: GE 2
7	: LG 31, 8; GS 40	21	: GS 59, 62; GE 10
8	: LG 14, UR 3	22*	: GS 26, 29, 52
9	: LG 14; AG 14, SC 64, AG 14	23	: GS 26
10	: LG 11; DV 10	25	: PO 20, 21; AG 36; AA 8; DH 1, 6, 14; GS 26, 29, 42, 65, 68-69, 72, 75, 88
11	: LG 32; GS 29, 49	Title II: Churches <i>sui iuris</i> and Rites	
12	: LG 11, 13; GS 1: LG 30; AA 10	27*	: LG 23, OE 2, 3; UR 16
13	: LG 11, 39-42; AA 6	28	: LG 23; OE 3; UR 15, 17
14	: LG 33; AA 3; AG 5, 35-36	31*	: OE 21
15	: LG 37, 25; PO 9; IM 8; AA 6, GS 92	39	: OE 1, 2
16	: LG 37	40*	: OE 6
17	: SC 4; OE 2, 3, 5	40 §2	: OE 6
18*	: AA 18-21; PO 8; GS 68	41	: OE 6
19	: AA 24, 25; LG 37; PO 9	Title III: The Supreme Authority of the Church	
		42	: LG 22, 1

43	: LG 20, 18, 23, note to no. 3; OE 3; UR 2; CD 2	195	: CD 15; LG 27; OT 2; AG 20
45	: CD 2, 8; LG 13, 18, 22, 27; OE 3; notes to LG 3, 4; LG 13,18, 22,23, 27; AG 22	196	: LG 25; CE 13-14, LG 23
46	: CD 9, 10	197	: CD 15; LG 41
49	: LG. 22, 20, 23, note to no. 2; CD 4, AG 38	199	: CD 15; LG 26; SC 41
50	: LG 22, 25; CD 4; note to LG 3	201	: LG 23
51	: LG 22	202	: OE 4
54	: LG 22	203	: CD 17
Title IV: The Patriarchal Churches			
55	: OE 79; LG. 23	210	: CD 21
56	: OE 7	211	: CD 21
59	: OE 8	212	: CD 25, 26
78 §2	: OE 9; LG 23	213*	: CD 25
84	: OE 4; CD 38 (b)	215	: CD 26, 25
85	: OE 9	218	: CD 21
Title V: Major Archiepiscopal Churches			
151	: OE 10	221	: CD 26
152	: OE 10	241	: LG 27, CD 8
Title VI: Metropolitan Churches and Other Churches sui iuris			
164	: OE 23	243	: CD 27
Title VII: Eparchies and Bishops			
177	: CD11; LG 25, 26, 28, SC 41; PO 4; OE 9	245	: CD 27
178	: LG 27; CD 8	246	: CD 23, 27
191	: LG 27; CD 27	264*	: PO 7; LG 28; CD 27, 28
192	: CD 11; AG 16, 18; CD 16; LG 28; PO 20, 21	269*	: PO 7
193	: OE 4, 6; CD 23, n. 3	272	: CD 27; AD 30
		273	: CD 27
		276*	: CD 30
		279*	: SC 42; CD 30; AA 10; AG 37
		280*	: CD 23; OE 4; CD 32
		281	: CD 30
		284*	: CD 28; CD 31 (284§3)
		285*	: CD 31
		289	: CD 30,2
		293	: LG 28
		295	: AA 26; PO 17
		297	: CD 31
		302 §3*	: CD 30, n. 3; LG 28
		Title IX: Assemblies of Hierarchs of Several Churches sui iuris	

322 : CD 37, 38, 6; OE 4

Title X: Clerics

323* : PO 2, 7, 12; LG 10, 29,
32, 10, 20, 31

324 : LG 28, 29; PO 2, 7

325* : LG 28

326* : LG 22, 29; PO 2, 8

328* : OT 1

329 : OT 2; PO 11; AA 11;
CD 15

330 : OT 1

331 : OT 3, 4

332 §2 : OT 4, 7

334 : OT 7

338* : OT 5

340 : OT 5

342 : OT 6

344 : OT 3

345 : OT 4, 13

336 : OT 8; LG 11; OT 9;
PO 8, 15; OT 11

348 §2*: OT 14, UR 11

349 : OT 15

350 : OT 16

352* : OT 19, 20, 9; CD 6;
AG 39; PO 10

353 : OT 21

355 : OT 9, 10; PO 16

361* : CD 6; PO 10

365* : PO 10, CD 6

367 : PO 4

368 : PO 12, 13; LG 28, 41

369* : DV25; PO 12-14, 18;
LG 41; CD 16;
PO 18

370* : PO 7

372* : OT 22; PO 19; CD16;
PO 19

373 : OE 17; PO 16

378 : PO 13, 18; OE 15

379 : PO 8

380 : PO 11

381 : PO 8; LG 37; SC 19;
PO 5, 9; AA 25

384 : GS 92; PO 6

385 : PO 17

390 §1 : PO 20; 21

391 : PO 8

392 : PO 20

393 : PO 10; CD 6

Title XI: Lay Persons

399 : LG 31; AA 2

401 : LG 31; GS 43

402 : LG 37; GS 43; PO 9

403 : SC 14; LG 35; AA 24

404 : LG 35; DH 14; AA 29;
AG 26; 41; GS 62; GE
10

405 : OE 4, 6

406 : LG 33; AG 21; AA
10,17

407 : AA 11; GS 52

408 : LG 33, 37; CD 10, 27;
AA 20b,d, 24, AG 30,
17

409 : AA 22; AG 17

**Title XII: Monks and Other
Religious as well as Members
of other Institutes of
Consecrated Life**

410* : LG 43-44; PC 1,2,a,e;
PC 5,12, 25

411* : LG 44, 46

412 §2*: LG 45; CD 35, 3;

413* : LG 45; CD 35, n. 3

415 : CD 35, 4; CD. 35, n.1-2

421* : PC 14

422* : PC 14

424 : PC 13

426*	: LG 45; PC 2b	601	: GS 4
433*	: PC 9	602	: GS 62
471	: PC 18	603	: GS 62
473*	: PC 6, 14	604	: LG 18, 25; OE 2; UR 4,17
474*	: PC 14	605	: LG 18, 23; CD 13
476*	: PC 17	606	: GS 44, 62; DV 23
477*	: PC 7, 16	607	: DV 24
512	: PC 14	608	: LG 28, 29, 33, 35; CD 12, 13; PO 4; AA 3, 10, 20d, 24, 31a; AG 41
534n.3	: PC 13	609	: LG 27; CD 13
540*	: PC 17	610	: PO 4
541*	: PC 16	614	: SC 35, n. 2; DV 24; PO 4; SC 52
563	: PC 11	616	: CD 12; GS 41
570	: LG 41	617*	: CD 14; GE 4
571	: LG 45; PC 1; AG 18	618	: GE 3, 6-8; LG 11, 35; AA 11, 30; GS 48
Title XIV: Evangelization of Peoples		619*	: CD 30, n. 2, 35,4
584	: AG 35, n. 2, 6; LG 17, 20, 23; DH 13; AG 9,19	621	: CD 44, 13-14, 36, 38,6; AG 31
585	: OE 3; LG 23; AG 6, 29, 38; LG 23; AG 36, 38- 39, 41; PC 20	623	: LG 25, 27; CD 2, 13- 14, 35, n. 4
586	: AG 13, 12; DH 2, 4, 10	624	: CD 30, n.2, 35; LG 28- 29
587	: AG 14	627	: GE 3, 6, 7
589	: AG 16, 23, 25-26	628	: GE, introd. in fine, 2,3 "Singulari," 4), GE 2
590	: LG 17; AG 6, 15, 16,18-20	629	: GE 1-3
591	: AG 15, 16, 17, 26	630	: GE 1, 9
592	: AG 15; 18-19, 11-12,15	631	: GE 5, 8
593	: AG 20	632	: AA 24
Title XV: The Ecclesiastical Magisterium		633 §2	: GE 8 in fine
595	: DV 10; IM 3; LG 24- 25; CD 19; DH 13; CD 12; DH 15; GS 76, 89	635	: GE 9
596	: LG. 25; DV 10	636*	: CD 35
597	: LG 25	638*	: CE 35,4
598	: LG 25; DV 5,10	639	: GE 8; AA 30
599	: LG 25	640	: GE 10
600	: LG 25	641	: GE 10; AA 24
		643	: GE 10

645 : GE 10
 651 : IM 3, 13, 16-17
 652 : IM 3, 15
 655 : DV 22, 25
 657* : SC 22

**Title XVI: Divine Worship
 and Especially the
 Sacraments**

667* : SC 6-7, 14, 26-28, 59;
 LG 29
 668§2 : SC 22 §3
 670 : OE 26, 28, UR 8
 671 : OE 26; UR 8; OE 27;
 UR 15
 673 : SC 14, 26-27, 48
 675§ 2*: LG 11, 40; AG 14
 677* : LG 26, 28; PO 5
 692* : LG11; AG 36; PO 5
 693* : OE 13; LG 26
 694 : OE 13-14
 696 : OE 14
 698* : SC 10, 47; LG 13, 11,
 17, 28, 50; PO 5, 13;
 AG 39
 699* : LG 10, 26, 28
 699§2 : LG 29
 699§3 : LG 10; SC 14, 26, 33,
 48; PO 5; OE 15
 704 : PO 13
 718 : LG 11, 28; CD 30, n.
 2; PO 5
 722* : PO 5
 724§4 : OE 16
 735 : CD 30, n. 2; PO 13
 736* : SC 73; LG 11; PO 5
 743* : LG 10, 11, 20; PO 2, 5,
 12
 744* : LG 21, 28; PO 5
 745* : CD 20

754* : PO 2
 756* : OT 6
 760 : OT 12
 769* : OT 6
 776 : GS 48; AA 11; LG
 11, 41; GS 48
 780§2* : UR 16; DH 4
 783§1* : GS 47, 52; LG 41; GS
 52
 783§3 : LG 41; GS 52
 795§7 : CD 8
 834§2* : OE 18
 853* : GS 48
 867 : SC 60
 872§2* : PO 5
 880 : OE 19
 880§2 : OE 19
 881 : OE 19; SC 106; OE 15
 883 : OE 21
 884 : LG 50-69; SC 103-104,
 111
 886 : SC 125, 111

**Title XVII: Baptized Non-
 Catholics Coming into Full
 Communion with the
 Catholic Church**

896* : UR 18
 897 : OE 25
 899 : OE 25

**Title XVIII: Ecumenism or
 Fostering the Unity of
 Christians**

902 : UR 5, 1, 4, 8, 24; LG
 13, 15; OE 30
 903 : OE 24; UR 17
 905* : OE 26; UR 4, 8
 906 : UR 9, 10
 908* : UR 12

Title: XX: Offices
936 §3 : PO 20

Title: XXIV: Trials in General
1066* : LG 27

Title: XXI: The Power of Governance
979 §2 : LG 33

Title: XXVII: Penal Sanctions in the Church
1450* : GS 27, 51

Title: XXIII: The Temporal Goods of the Church
1007* : LG 8; GS 42, 76; AA 8; PO 17
1021 : PO 20, 21; CD 6

Title: XXIX: Law, Custom and Administrative Acts
1536§2 : CD 8, b)
1538 : CD 8, b)

Conclusion

We can say that the Revision commission for the codification of the Oriental Canon Law has done justice to the vision of Pope John XXIII and the interest of his successors to reform the laws of the Church and to do it in accordance with the teachings of Vatican Council II. All documents of Vatican II except one have been seriously considered in the codification process and thus 191 out of the 262 canons mentioned about cite Vatican II in the first place as their source.