

THE CONCEPT OF CHURCH *SUI IURIS* IN CCEO

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The term “Church *sui iuris*” is contributed to the canonical and ecclesiological realms by the Code of Canons of the Eastern Churches. This article provides some fundamental details about the concept of Church *sui iuris* as defined by canon 27 of the Eastern Code. In the first part the article presents the etymology of the term, the nature of the autonomy enjoyed by these Churches, the differences in the perspectives of Catholic and Orthodox Churches regarding the autonomous nature of the individual Churches. Finally, it explains the different elements of the canonical definition of Church *sui iuris*. The Author outlines the four constitutive elements of a Church *sui iuris*: community of Christian faithful, hierarchy, norm of law and recognition from the supreme authority. The author establishes that even before a Church *sui iuris* is recognized as such, it is first and foremost a Church: a community of faithful with determined hierarchy and other qualities prescribed by CCEO c. 28.

1. Introduction

The Eastern Code uses the term Church *sui iuris* to denote a group of the faithful united by a hierarchy according to the norm of law and which is expressly or tacitly recognized as *sui iuris* by the supreme authority of the Church. Because the expression *sui iuris* indicates a degree of self-governing authority “Church *sui iuris* can be roughly translated as “autonomous Church.” In the past Church *sui iuris* were called “rites.” For example, one could speak of the “Latin rite,”

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“Ukranian Rite,” “Syro-Malabar rite,” etc. this practice partially persists in the 1983 Latin code, which employs the hybrid term ‘ritual Church *sui iuris*.’

To avoid ambiguities arising from various definitions of “rite,” Vatican II referred to these hierarchical Christian communities as “Particular Churches”. Unfortunately, because the Council used the same term to denote Diocese, confusion arose about the terminology employed in conciliar documents and post-conciliar legislations.

As the commission for the revision of the Eastern code began its work, commission members understood the need to eliminate any ambiguity about the expressions “*Ritus*” and “*Ecclesiae particulares*.” The commission resolved this issue by separating these two concepts and defining them in clear, juridical terms. This work resulted in the term “Church *sui iuris*” being introduced in the Eastern Code. This article aims to provide some fundamental details about this term as defined by canon 27 of the Code of Canons of the Eastern Churches.

1. The Etymology

The term Church *sui iuris*, now used to denote a self-governing, hierarchical church in the Catholic communion, acquired this definition with the promulgation of the 1990 Eastern Code. By itself, the expression *sui iuris* appears in different canonical contexts.¹

OE 3 provides a key to understanding the notion of a Church *sui iuris*. This passage affirms that “the Churches of the east like that of the West have the right and duty to govern themselves according to their own special disciplines.” As the expression *sui iuris* refers to the right to self-governance, all Churches in the Catholic communion that possesses this right are correctly understood as *sui iuris*.

The locution *sui iuris* literally means *of its own right* or *of its own law*. In the context of the Eastern code, this expression refers to Eastern Catholic Churches regarded as capable of governing themselves with legislative, executive and judicial power.

¹ CIC cc. 613 §1, 2; 615; 616 §3, 4; 637; 638 §4; 699 and CCEO cc. 418 §1; 419 §1; 432; 433 §2; 436 §1, 2; 438 §1, 2, 4; 439 §1, 2; 440 §1; 441 §2 and so on speak of the *sui iuris* character of the religious institutes and monasteries. In the CCEO, however, it is mostly used to designate the eastern Catholic churches.

In Roman Law, the term *sui iuris* is referred to persons independent of their father's power. Unlike persons *alieni iuris*² who dependent on others for the exercise of their rights, physical or juridical persons *sui iuris* possessed full legal capacity. English law attributes similar meaning to the expression, which it uses to indicate a person capable of accepting legal obligations without control from another person. Although these secular legal meanings are relevant for canon law, they nevertheless are incompatible with the notion of a Church *sui iuris*. The former indicates a "full" autonomy, one not dependent on any person but oneself. The latter indicates an entity that possesses only *relative* autonomy. Churches *sui iuris* are always subject to the Supreme Authority, which can and must maintain the Catholic communion. As a result, Church *sui iuris* cannot possess "full" autonomy.

G. Nedungatt explains it in the following words: "The qualification *sui iuris* (from the Greek *autonomous*, "of one's own laws" or "autonomous") refers to a Church's legal status in as much as it is recognized to have the capacity or right to govern itself according to its own law, that is, the law it has either made for itself for has been given to it by a higher authority or has freely received from another Church."³

1.1. *Sui Iuris* = Autonomous

Others have also translated Church *sui iuris* as 'autonomous Church'. V. Pospishil, finding this term apt, writes: "I would find it most appropriate to use this term for designating the legal position of the Eastern Catholic Churches within the frame work of the Catholic ecclesiology".⁴

² *Alienus, a, um* (adj.) = that which belongs or relates to another (*opposite to meus, tuus, suus* and *proprius*). G. Nedungatt has something more to add and writes: "the term *sui iuris* comes from ancient Roman Law, in which it designated the legal status on an independent person not subject to any of the three forms of authority, *potestas, manus, mancipium*." Cf., G. Nedungatt, *A Companion of the Eastern Code*, Rome 1994, 360.

³ G. Nedungatt, *A Guide to the Eastern Code*, Rome, 2002, 99.

⁴ Victor Pospishil, "The Constitutional Development of the Eastern Catholic Churches in the Light of the Re-codification of their Canon Law," in *Kanon* 5 (1981) 48.

Likewise, in the apostolic letter *Euntes in Mundum Universum*, Pope John Paul II refers to the *autonomiam* that the Eastern Churches enjoy in respect to their discipline. He affirms that this autonomy does not flow from privileges conceded by the Roman Church, but from these Churches' own laws that originated in apostolic times.⁵

J. Abbass opines that since the expression *sui iuris* means 'of its own right' the expression "Church *sui iuris*" indicates that a Church with autonomy relative to the Holy See.⁶ Likewise, others such as Brogi, Žužek, Bharanikulangara and Salachas translate the expression as "autonomous," but immediately qualify this autonomy as relative and not absolute.

J Arrieta considers the necessity of autonomy in the context of communion with the Supreme Authority. He speaks of certain characteristics of autonomous ecclesial structures: they have a normative autonomy, self-government and administration and controlled by the centre.⁷

P. Pallath, describing a Church *sui iuris* as autonomous, nevertheless notes a contradiction when this translation is applied to "other Church *sui iuris*." As he seen it, these Churches have "autonomy" roughly equivalent to that of an eparchy. The hierarch of such a Church *sui iuris* is immediately subject to the Holy See, as is a Diocesan Bishop in the Latin Church.⁸ Although this observation is valid for the "other Churches *sui iuris*," it does not apply to patriarchal, major archiepiscopal and metropolitan Churches. Moreover, even a Church with relative autonomy differs from an eparchy significantly.

J. Provost attributes two different meanings to Church *sui iuris*. The first meaning is that of "autonomous" Church. However, Provost

⁵ John Paul II, *Euntes in Mundum Universum*, Apostolic Letter, 25 January 1988, in AAS 80 (1988) 950.

⁶ J. Abbass, "CCEO e CIC in Confronto," in *Appollinaris* 74 (2001) 218.

⁷ Cf. J. Arrieta, *Diritto dell'Organizzazione Ecclesiastica*, Milan, 1997, 95-99.

⁸ Cf. Paul Pallath, (ed.), *Church and its Most Basic Element*, Rome, 1995, 10-11; It would be better, as Provost holds, not to refer to the qualification "autonomous" to the last two categories (Metropolitan and Other Church *sui iuris*) although they are *sui iuris*. Cf. J. Provost, "Some Practical Issues for Latin canon Lawyers from the Code of Canons of the eastern Churches," in *The Jurist* 51 (1991) 39.

notes that individual ecclesial autonomy must also take communal nature of the Church into consideration: "No Church is a law unto itself, for all are bound in the communion of divine life and mission which is at the core of being Christian."⁹ This qualification corresponds to a caution offered by J. Lynch, who warns that the various Churches should not claim independence so as "to threaten an essential unity and disrupt the hallowed *communion*."¹⁰

The second meaning Provost gives is that of "self-governing," or having the full exercise of one's rights. This understanding is found in other Western and Eastern canonical contexts, such as the following canons on physical persons: "A person who has reached his/her majority has the full exercise of his or her rights" (CIC c. 98§1); "An adult person enjoys the full use of his/her rights" (CCEO c. 910§1).

F. McManus holds that the English term "autonomous" reflects the 'individual Eastern Catholic Churches' legitimate aspiration to a juridical autonomy comparable to that of Orthodox Churches.¹¹ McManus strongly holds that such juridical autonomy is in harmony with *Unitatis Redintegratio*¹² and *Orientalium Ecclesiarum*.¹³

In some cases, vernacular translations of the Eastern Code do not translate the expression Church *sui iuris*. This decision is supported by authors like J. Provost and L. Lorusso, who hold that it is safer to

⁹ J. Provost, "Some Practical Issues," 39.

¹⁰ J. Lynch, "Eastern Churches: Historical Background," *The Jurist* 51 (1991)14.

¹¹ Cf. F. McManus, "The Code of Canons of the Eastern Churches," *The Jurist* 53 (1993) 44.

¹² "From the earliest times the Churches of the East followed their own disciplines, sanctioned by the holy Fathers, by Synods, and even by Ecumenical Councils... To remove all shadow of doubt, then, this holy Synod solemnly declares that the Churches of the East, while keeping in mind the necessary unity of the whole Church, have the power (*facultatem*) to govern themselves according to their own disciplines, since these are better suited to the character of their faithful and better adapted to foster the good of souls." *UR* 16.

¹³ "...This Council solemnly declares that the Churches of the East like those of the West have the right and duty to govern themselves according to their own special disciplines." *OE* 5.

retain the Latin expression than to translate it inadequately.¹⁴ Consequently, the expression *sui iuris* has become familiar in canonical circles. To others, however the phrase could be translated as “autonomous” provided that the necessary qualifications are added.

2. Autonomy: Catholic-Orthodox Perspectives

Catholics and Orthodox understandings of autonomy differ significantly.¹⁵ The expressions “autonomous” and “autocephalous” are both familiar and accepted among the Orthodox. However, among Catholics, “autonomous” is used with the qualifications presently applied to *sui iuris*. The expression “autocephalous,” meaning self-headed, is completely foreign to the Catholic tradition.

The Orthodox understanding of them is more or less the following:

The Eastern Orthodox Churches, i.e., of the Byzantine tradition, are today composed of autocephalous and autonomous Churches. *Autonomy* is independence from other Churches with the exception of the mother Church, from which the election of the head bishop is to be approved. *Autocephaly* is total canonical or administrative independence from any other Church, including the right to elect their own primate and other bishops.¹⁶

¹⁴ “In the long run, it may be safest to retain the Latin term, and speak of Churches *sui iuris*, so that the diversity in the legal structures of the Eastern Code are respected even in our vocabulary.” J. Provost, “Some Practical Issues,” 38-39; L. Lorusso, *Gli Orientali Cattolici e i Pastori Latini, Kanonika* 11 (2003), 41.

¹⁵ Here one intends by Orthodox mainly those Byzantine Churches which are not in communion with the Catholic Church. The term “Orthodox” could be also adjectivized as “Oriental Orthodox.” The term “Oriental Orthodox” is used to describe the group of six ancient Eastern Churches, often called Monophysites, which did not accept the Council of Chalcedon that asserted that Christ is one person in two natures. Although they are in communion with each other, each is fully independent and possesses many distinctive traditions. M. Krikorian observes that, “the terms ‘autonomy’ and ‘autocephaly’ are immediately related with the Eastern Orthodox Churches and reflect the administrative organization and jurisdiction of particular and/or national Churches which were formed within the boundaries of the Byzantine Empire.” M. Krikorian, “Autonomy and Autocephaly in the Theory and Practice of the Ancient Oriental Churches,” *Kanon* 5 (1981), 114.

¹⁶ V. Pospishil, *Eastern Catholic Church Law*, New York 1996, 35. He explains further in another context: “An autocephalous Church in Orthodox

Rodopoulos writes:

Historically, "Autocephalous", implies that jurisdiction given to an ecclesiastical district, that is, to a group of local Churches, to elect the first among themselves, to be metropolitan or Patriarch, whereas "autonomous," implies that jurisdiction given to elect the bishops, the election, however, of the Metropolitan (*protos*) being subject to ratification by the Patriarch or being conducted directly by the Patriarch with the synod assembled around him.¹⁷

The term "autonomous" originates from the Greek (*Autonomos/auto* = self + *nomos* = law). As noted above, autonomous Churches enjoy independence from the Churches other than the Mother Church. From the later Church, the election of the head bishop is to be confirmed and Myron is to be obtained. The head of the Mother Church must also be commemorated in the diptychs of the autonomous Churches.¹⁸

"Autocephalous" comes from the Greek (*autokephalos/auto* = self + *kephalos* = head). In ancient Greek Law, *Autonomous* meant "independent living under their own laws." This term was opposed to *turanneoumenos*, meaning "living under a tyrant or king."¹⁹ Autocephalous Churches, being independent from others in

understanding is a particular Church which does not recognize the juridical authority of any other orthodox Church exercised over herself, but does accept the authority of the universal Church when she speaks in an assembly such as ecumenical council, and the autocephalous Church does not reject *per se* the moral authority of the other autocephalous Churches." V. Pospishil, "The Constitutional Development," 47.

¹⁷ P. Rodopoulos, "Ecclesiological Review of the Thirty-Fourth Apostolic Canon," *Kanon* 4 (1980) 92. McManus writes, "In Orthodoxy 'autonomous' is something less than 'autocephalous,' since the election of the chief bishop of an autonomous particular Church needs external confirmation and the autonomous Church seeks holy chrism from the Patriarchal Church on which it depends." Cf., F. McManus, "The Possibility of New Rites in the Church," *The Jurist* 50 (1990) 438.

¹⁸ Cf., G. Nedungatt, "Autonomy, Autocephaly and the Problem of Jurisdiction Today," *Kanon* 5 (1981) 22. The 5 current autonomous Churches in the Orthodox tradition are: The Orthodox Church of Mount Sinai, The Orthodox Church of Finland, The Orthodox Church of Japan, The Orthodox Church of China, The Estonian Apostolic Orthodox Church. Cf., R. Roberson, *The Eastern Christian Churches: A Brief Survey*, Roma 1996, 102-109.

¹⁹ Cf. G. Nedungatt, *The Spirit of the Eastern Code*, Bangalore 1993, 82.

governance, possess the right to elect their own primate and other bishops.²⁰ However, theologically, liturgically and spiritually, autonomous and autocephalous Churches are in communion with each other. Still, some Orthodox do disagree about the meaning of autonomy, and serious disputes on this issue have arisen between the Russian Orthodox Church and that of Constantinople.²¹

McManus hopes that the Catholic communion might accommodate this typical Orthodox terminology.²² However, his desire seems incompatible with Catholic ecclesiology: "The Churches *sui iuris* of the CCEO resemble the autonomous or autocephalous Churches of Orthodox Canon Law, but have significant differences as well; so to apply these latter terms to them can be misleading or confusing."²³

3. Canonical Definition of a Church *Sui Iuris*

In the Eastern Code canon 27 defines a Church *sui iuris* as a "Community of the Christian Faithful, which is joined together by a hierarchy according to the norm of law and which is expressly or tacitly recognized as *sui iuris* by the supreme authority of the Church."

²⁰ "Autocephaly represents the fullness of ecclesial self-determination of a particular Church within the Church Universal including the right to elect its own head without needing to have the election confirmed by any other superior ecclesiastical authority." G. Nedungatt, "Autonomy, Autocephaly," 22.

²¹ According to the Russian Church, any autocephalous Church has the right to grand canonical independence to one of its parts. On the other hand, Constantinople says that, only an ecumenical council can definitively establish an autocephalous Church. Cf. J. Erickson, "The Autocephalous Church," in J. Erickson, *The Challenge of Our Past*, New York 1991, 91. B. Petra too has observed "autocephalous problem" in Orthodoxy and says that it is not yet clear to them and the common tendency is to identify local Church and autocephalous Church. Cf., B. Petra, "Church *Sui iuris*, Ethos and Moral Theology," in P. Pallath, (ed.), *Church and Its Most Basic Element*, 162.

²² "Still at the technical level of terminology it remains for the future to see how the usage of autocephalous Churches could be accommodated within the Catholic Communion... The distinct canonical status of an autocephalous Church, such as the Greece, need not be alien to the Catholic communion, but perhaps "Autonomous," suffices for the moment." F. MacManus, "The Possibility," 438-439.

²³ G. Nedungatt, "Glossary of the Main Terms used in the Code of Canons of the Eastern Churches," *The Jurist* 51 (1991) 454; Cf., G. Nedungatt, *The Spirit of the Eastern Code*, 250.

3.1. The Constitutive Elements of a Church *Sui Iuris*

According to the definition of canon 27, a Church *sui iuris* therefore consists of the following elements:

1. A Community of Christian faithful;
2. A Hierarchy;
3. Norm of Law;
4. Recognition from the Supreme Authority

3.1.1. A Community of Christian Faithful

The first constitutive element required of a Church *sui iuris* is a community of faithful.²⁴ The *raison d'être* of any Church *sui iuris* is the particularity of its community. Although the exact nature of the *coetus*²⁵ *Christifidelium* is not described in the Code, ecclesial praxis implies the conditions necessary for a community to be called a Church *sui iuris*. According to A. Valiyavilayil, the definition of Church *sui iuris* does not list the different constitutive elements of the community precisely because it cannot be limited to specific, well-defined criteria.²⁶ In other words, a Church *sui iuris* transcends such limited criteria. Generally speaking, however, the criteria behind the formation of any community are cultural, ethnic, national, linguistic and similar factors. Therefore, these factors also significantly influence the formation of ecclesial communities to be recognized Churches *sui iuris*.

Vatican II favored the birth and growth of such communities when it stated that the "work of implanting the Church in a particular human community reaches a definite point when the assembly of the faithful,

²⁴ The expression "Community of the Faithful," is in full agreement with the teaching of the Second Vatican Council which describes the Church as a people of God. Cf., LG nn. 9-16.

²⁵ In Latin *Coetus* can mean either a community or a group. In some translations the term *group*, is used in place of *community*. But it is not very accurate. A *community* and a *group* are not the same, but two different sociological realities. A Church is more a *community* of believers than a *group*. A sociologist would hardly use the term *group* to designate ecclesial realities like the Latin Church, the Ukrainian or the Syro-Malabar Church.

²⁶ Cf., A. Valiyavilayil, *The Notion of a Sui Iuris Church*, Rome 1992, 64

already rooted in the social life of the people and to some extent conformed to its culture, enjoys a certain stability and permanence."²⁷

The community in question is above all a historic-existential reality, an ecclesial assembly of Christian faithful that contains laity, clerics, monks and religious.²⁸ This is the usual praxis or criteria followed in the recognition of a Church *sui iuris*. The Code is silent on the number of members or other qualities required for recognition.²⁹ However, there logically must be a sufficient number of people³⁰ and certain features like, a sense of belonging and apostolic, linguistic, and cultural affinities.

3.1.2. Hierarchy

The second constitutive element of a Church *sui iuris* is its hierarchy. This very important factor, which holds together the community of faithful, is as a means of serving the People of God: "That office, however, which the Lord committed to the pastors of his people, is in the strict sense of the term, a service, which is called very expressively in Sacred Scripture a *diakonia* or ministry."³¹

The CCEO envisages four Eastern hierarchical structures: patriarchal, major archiepiscopal, metropolitan, and 'other' Churches *sui iuris*.

²⁷ AG 19. This is very significant in the case of the Latin Church. If this ideal had been strictly practiced one could have seen the birth of some Churches *sui iuris* also in the Latin Tradition.

²⁸ Cf., P. V. Pinto (ed.), *Commento al Codice dei Canonici delle Chiese Orientali*, Vatican City 2001, 38; D. Salachas, *Istituzioni di diritto canonico delle Chiese Orientali*, Bologna 2003, 64: "Si tratta di una realtà storico-essenziale, cioè di una assemblea o comunità ecclesiale di popolo di Dio (fedeli, chierici, monaci e religiosi)." Lorusso would describe the community as, "una porzione del popolo di Dio, composta da Vescovi, presbiteri, diaconi, religiosi e laici." L. Lorusso, *Lo Stato Giuridico e la Cura Pastorale dei "Christifideles Orientales," nel CCEO e CIC: Collaborazione e Problematiche interecclesiali nei due codici*, Bari 1999, 29.

²⁹ P. Pallath is of the opinion that from a sociologic-phenomenological perspective the number of Christian faithful cannot be easily discarded. And for him there are a number of questions yet to be answered with clarity as regards the nature of this *coetus Christifidelium*. Cf., P. Pallath, *Church and its most basic Element*, 3-4.

³⁰ A. Valiyavilayil, "The Notion of a *Sui Iuris* Church," 65.

³¹ LG 24. In *Pastor Bonus* Pope John Paul II writes: "The main thrust of this service or *diakonia* is for more and more communion or fellowship to be generated in the whole Church body and for this communion to thrive and produce good results." *PB*, Introduction, 1.

Each designation reflects the type and extent of power that a Church *sui iuris* enjoys. Moreover, these Churches "differ organizationally in at least three major respects: the synodal dimension of their governance, the selection of their leaders, and the relationship of the chief leader with members outside the Church's traditional territory."³² The details of these four hierarchical structures are explained in CCEO cc. 55-176.

3.1.3. The Norm of Law

The third constitutive element of a Church *sui iuris* is a particular norm of law. An established system of norms demonstrates that community is not merely charismatic. What is exactly the norm of law by which a Church *sui iuris* can have legal standing? Is it the CCEO? The Code, being the common law for all the Oriental Catholic Churches, one should by all means conceive it as the basic norm of law, although it need not be necessarily and exclusively the *only* norm.

For the Easterners, however, the CCEO is the prevailing common Code for all the Churches *sui iuris* in communion with the See of Rome. It does not seem very ideal in fact to have a common Code for all the Eastern Catholic Churches, coming from the five major liturgical traditions, whose traditional homelands range from Ethiopia to Russia, from Italy to India and whose faithful can be found in all parts of the world. It is true that there are particular laws for each Church *sui iuris*. However the ideal would be to have a common Code for the Universal Church and particular Codes for each Church *sui iuris* of both East and West.

J. Erickson, who shares the same concept, joins us for a reasonable justification: "While in principle it might be preferable for each of the Eastern Catholic Churches to have its own Code rather than a generic Eastern one, in fact many of the Churches in question are extremely small, in some cases comprising only a few thousand faithful, and lack the resources necessary for such an undertaking."³³

Each Church *sui iuris*, however, is expected to have its own particular law. The Supreme Pontiff expressly stated this fact during the

³² J. Provost, "Some Practical Issues," 41.

³³ J. Erickson, "The Code of Canons of the Eastern Churches: A development favouring Relations between the Churches?" *The Jurist* (1997) 287.

promulgation of the CCEO. The Code includes, in the designation “particular law,” “all the laws, legitimate customs, statutes and other norms of law which are not common to the universal Church nor to all the Eastern Churches” (CCEO c. 1493 §2).

J. Thalachelloor observes that the term particular law is a general one, which can encompass different types of norms and is to be understood according to the author and the level of obligation.³⁴ M. Brogi says that if no specification is added to the particular law, the meaning is to be understood from the context. It might be the particular law of a single eparchy, of an intermediary ecclesiastical circumscription or of a whole Church *sui iuris*.³⁵

Therefore, one can say that *the norm of law* that will be taken into consideration in the case of a Church *sui iuris* will be various: the law of the Universal Church, the common law of all Eastern Churches (CCEO) and the particular law of the Church *sui iuris* itself. The non-codified norms such as the customs and the related regulations will also be logically consulted.

3.1.4. Recognition of the Supreme Authority

A Church *sui iuris* should have, as its fourth constitutive element, recognition from the Supreme Authority of the Church. What do we understand by the Supreme Authority? To get the answer to this question, one shall look into the CCEO cc. 42-54 and CIC cc. 330-341. One can also easily take note of the substantial identity³⁶ between the canons of the two Codes on this subject.

³⁴ Cf. J. Thalachelloor, “Particular Law of the Syro-Malabar Church,” in F. Eluvathingal, *Syro-Malabar Church since the Eastern Code*, Rome 2002, 94-95.

³⁵ M. Brogi, “Particular Law in the Future Oriental Code of Canon Law,” 90. The CCEO speaks of the “particular law of Church *sui iuris*,” 67 times; 73 times of the “particular law”; 6 times of the “particular law enacted by the Apostolic See”; 3 times of the “particular law approved by the Roman Pontiff.” Cf., J. Thalachelloor, “Particular Law,” 96. See also K. Bharanikulangara, *Particular Law of the Eastern Catholic Churches* (Maronite Rite Series, vol. IV) Staten Island (NY) 1996.

³⁶ Pontificia Commissio Codici Iuris Canonici Orientalis Recognoscendo (PCCICOR) explains the reason for this identification: “It is extremely suitable that in a matter such as this there should be no difference between the two Codes, apart from editorial modifications. This is even more obvious since, by the promulgation of the Code of Canon Law, these canons have already received the approval of the Supreme Legislator, and there is no reason for thinking that these are not in complete harmony

It is also quite logical that these canons of both Codes related to the Supreme Authority are identified, since it is the same for both the Easterners and the Westerners. The CCEO c. 42 = CIC c. 330 both reads as follows: "Just as, by the Lord's decision, Saint Peter and the other Apostles constitute one college, so in a similar way the Roman Pontiff, successor of Peter, and the Bishops, successors of the Apostles, are joined together." From these canons it can be deduced that there are two subjects of Supreme Authority in the Universal Church: The Roman Pontiff and the College of Bishops, which implies that the power may be exercised personally or collegially. Both the Codes then go on, explaining in detail, the nature and powers both these subjects can exercise.

Supreme authority over the Church can be exercised either singularly or collectively. It is exercised singularly by the Roman Pontiff, whose office entails supreme, full, immediate, universal, and ordinary power in the Church. Collectively, this authority is exercised by the College of Bishops together with its head.

Conclusion

Canonically, a Church *sui iuris* cannot exist without recognition from the Supreme Authority of the Church. To date, this authority has recognized 22 Eastern Catholic Churches as *sui iuris*:³⁷ six patriarchal (Coptic, Maronite, Syrian, Armenian, Chaldean and Greek Melkite), four major archiepiscopal (Ukrainian, Syro-Malabar, Syro-Malankara and Romanian), four metropolitan (Ethiopian, Eritrean, Slovakian and Hungarian), and eight 'other'. The Supreme Authority may recognize others in the future, as occurred with January 19, 2015 reorganization of the Catholic Church in Eritrea. At that time, in detaching the

with genuine Eastern theological traditions." Translation taken from S. Manna, "The Supreme Authority of the Church," in G. Nedungatt, *A Guide*, 129. Cf., *Nuntia* 22 (1986) 39.

³⁷ They are Coptic Church, Ethiopian Church, Eritrean Church, Syro-Malankara Church, Maronite Church, Syrian Church, Armenian Church, Chaldean Church, Syro-Malabar Church, Bielorussian Church, Byzantine Church of Croatia and Serbia, Bulgarian Church, Greek Church, Greek-Melkite Church, Byzantine Catholic Church in Italy, Macedonian Church, Romanian Church, Russian Church, Ruthenian Church, Slovakian Church, Ukrainian Church, Hungarian Church (See *Annuario Pontificio* 2017, pp. 1132-1135).

Eritrean Church from the Catholic Church in Ethiopia, Pope Francis recognized the former as a Metropolitan Church *sui iuris*.

If official recognition is a necessary quality of a Church *sui iuris*, it nevertheless "is not the recognition that makes a Church. The Church exists first and then comes the recognition, because nothingness cannot be recognized."³⁸ Therefore, it is critical to remember that even before a Church *sui iuris* is recognized as such, it is first and foremost a Church: a community of faithful with a determined hierarchy and the other qualities prescribed by *CCEO* c. 28.

³⁸ P. Pallath, *Church and its most basic Element*, 6. The Churches of Rome, Alexandria, Antioch, Jerusalem and Constantinople existed first and the ecclesiastical authority gradually recognized them. The canons of the ancient councils testify to this. Cf., Nicea, cc. 6 & 7; Constantinople, cc. 2 & 3; Chalcedon, cc. 9, 17 & 28.