

## **ECUMENICAL SIGNIFICANCE OF CCEO WITH SPECIAL APPLICATION IN THE CONTEXT OF INTER-CHURCH RELATIONS IN INDIA**

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The Subject under discussion is presented in detail under four major titles: 1) Ecumenical Dialogue, 2) Ecumenism or Fostering the Unity of Christians, 3) Admission of non-Catholic Christians to Catholic Church, and 4) Sharing of Spiritual Activities and Resources. The author concludes the long article by making an attempt, in the second part, to apply the theoretical principles in the context of the Kerala Church under the general title, 'Ecumenical Cooperation in the Context of Kerala.'

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## Introduction

Pope Benedict XVI in his address to the participants of the Congress held in Rome on October 9 and 10, 2010 to commemorate the twentieth anniversary of the promulgation of the *Code of Canons of the Eastern Churches* (CCEO) stated, "The same *Sacri Canones* of the first centuries of the Church constitute to a large extent the same basic patrimony of canonical discipline that also regulates the Orthodox Churches. Thus the Eastern Catholic Churches can offer a peculiar and relevant contribution to the ecumenical journey. I am happy that in the course of your symposium you have taken account of this particular aspect and I encourage you to make it an object of further study, cooperating thus on your part to the common effort to adhere to the Lord's prayer: "May all be one ... that the world may believe..." (John 17:21). The exhortation similar to that of the Pope had always been an inspiring force in the codification of the Eastern Canon Law.

One among the guidelines approved by the *Pontifical Commission for the Revision of Eastern Canon Law* (PCCICOR) in 1974 for revision of the Code of Eastern Canon Law was about the ecumenical character of the Code. It stated,

It must be a prime concern of the new Code to promote the fulfillment of the desire expressed by the Second Vatican Council that the Oriental Catholic Churches "flourish and execute with new apostolic vigour the task entrusted to them" (*Orientalium Ecclesiarum* n. 1), both as regards the good of souls and as regards the 'special office of promoting the unity of all Christians' (*ibid.*, n. 24), - of which unity they are called upon to be faithful witnesses according to the principles of the Decree on Ecumenism.

In virtue of this 'special office,' referred to in the previous paragraph, due consideration must be given, in the revision of CICO, to the "aggiornamento" to which the Orthodox Churches are tending in the hope of an

ever greater unity of the Canon Law of all the Oriental Churches.<sup>1</sup>

This guideline is approved on the foundation that the new Eastern Code should hold good only for those who legitimately belong to an Oriental Catholic Church<sup>2</sup> and in all things concerning the Orthodox Churches, the Code will be inspired by the respect expressed by Pope Paul VI towards the Orthodox Churches as sister Churches and by the status of “almost full” communion that exists between the Catholic Church and those Churches, and all the more, by the recognition on the part of the Catholic Church concerning the right of the Orthodox Churches “to govern themselves according to their own disciplines” (UR 16).

Pope John Paul II was eloquent in certifying the ecumenical character of the Code. The Apostolic Constitution *Sacri Canones* with which the Roman Pontiff promulgated the CCEO makes explicit reference to the ecumenical character of the Code in line with the teaching of the Second Vatican Council in its decree OE 24 that invites the Eastern Churches in full communion with the Roman Apostolic See to fulfill their special task of fostering the unity of all Christians, particularly of the Eastern Christians, through a scrupulous fidelity to the ancient traditions, prayers, good example, better mutual understanding, collaboration and a brotherly regard for what concerns others and their sensibilities. He continues, “With regard to the whole question of the ecumenical movement, which has been set in motion by the Holy Spirit for the

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<sup>1</sup>*Nuntia* 3 (1976) 20.

<sup>2</sup>This fact is stated in the very first canon of CCEO: “The canons of this Code concern all and only the Eastern Catholic Churches, [...]” But the title CCEO, that is, *Code of Canons of the Eastern Churches* may give the impression that the Code intends to regulate the matters of all the Eastern Churches both Catholic and non-Catholic.

realization of the perfect unity of the entire Church of Christ, the new Code is not at all an obstacle, but rather a great help.”<sup>3</sup>

The same Pope stated it in his allocution to the Synod of Bishops on October 25, 1990: “There is no norm in the code which does not foster the road to the unity of all Christians, and clearly there are norms here for the Eastern Catholic Churches concerning the manner of promoting this unity first of all through prayers, by the example of life, by religious fidelity to the ancient traditions of the Eastern Churches, by mutual and better knowledge of each other, and by collaboration and brotherly respect in practice and spirit.”<sup>4</sup> CCEO c. 40§1 insists that mutual good will and unity of Christians should not be in peril even in the attempt on the part of the hierarchs who preside over Churches *sui iuris* to observe their own rite accurately and faithfully. A direct reference to this directive is found in c. 657§4 that speaks about making changes in liturgical texts.

We can understand how much importance the CCEO gives to the unity of Christians when the legislator speaks about the duration of validity of the CCEO in the bull of promulgation.<sup>5</sup> He says, “Thus it happens that the canons of the *Code of Canons of the Eastern Churches* must have the same firmness as the laws of the *Code of Canon Law* of the Latin Church, that is, that they remain in force until abrogated or changed by the supreme authority of the church for just reasons. The most serious of those reasons is the full communion of all the Eastern Churches

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<sup>3</sup>John Paul II, Apostolic Constitution *Sacri Canones*, October 18, 1990, in *Code of Canons of the Eastern Churches*, Latin-English edition, p. xxii.

<sup>4</sup>AAS 83 (1991) 493.

<sup>5</sup>It is to be noted that OE 30 had stated “all these directives of law are laid down in view of the present situation, until such time as the Catholic Church and the separated Eastern Churches come together into the fullness of communion” and PCCICOR had suggested to incorporate this norm in the Code (see *Nuntia* 28 (1986) 9). But it did not appear in CCEO.

with the Catholic Church, in addition to being most in accord with the desire of our saviour Jesus Christ himself.”<sup>6</sup>

The legislator of the CCEO takes into account the increasing awareness of openness and co-operation among the Christians of various denominations. Human mobility and contact between people of different nationalities, cultures, races, religions and the development of social communication have contributed to such openness. Such a *weltanschauung* is reflected in a number of canons in the CCEO, especially in those on ecumenism. The CCEO sets apart two titles to deal with ecumenism and Christian unity. They are: Title XVII. *Baptized Non-Catholics Coming into Full Communion with the Catholic Church* and Title XVIII. *Ecumenism or Fostering the Unity of Christians*. The Latin Code does not specifically treat the matter of ecumenism although there are a few canons found scattered in the Code, especially c. 755 without giving details regarding reception of non-Catholic Christians to the Catholic Church.<sup>7</sup>

We analyse the ecumenical significance of the CCEO by examining the canons listed under those two titles and other titles in the CCEO. We divide the matter into the following four themes:

1. Ecumenical Dialogue
2. Fostering the Unity of Christians
3. Admission of non-Catholic Christians to Catholic Church
4. Sharing Spiritual Activities and Resources

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<sup>6</sup>*Sacri Canones*, p. xxiii. The pope was inspired by a suggestion of the *coetus de expansione observationum* regarding a preface to CCEO: “Comunque si ritiene che il Codice Orientale, per ogni certezza giuridica, non debba essere trattato diversamente dal CIC latino, le cui leggi valgono finchè non sono abrogate” (*Nuntia* 28 (1986) 12).

<sup>7</sup>It does not mean that the Latin Code is less ecumenical. But it does not set apart a title or chapter to deal with ecumenism, and certain prescriptions of CCEO regarding ecumenical sharing are not found in CIC. However, the following canons of CIC deal with ecumenism and ecumenical sharing directly or indirectly: cc. 256, 364, 6°, 383§3, 463§3, 755, 825§1, 844, 868§2, 869§2, 933.

## 1. Ecumenical Dialogue

Ecumenism is a new term in canon law. Even the Latin Code of 1983 does not treat much the ecumenical matters. But the PCCICOR inspired by the guidelines approved in 1974 decided to treat the matter of ecumenism more extensively in the Eastern Code. However, the Commission thought it necessary to avoid all possible misunderstandings and misinterpretations of the term 'ecumenism.' Hence the Study Group IV of PCCICOR decided to state the term 'ecumenism' in the title with an explanation. Thus, the Title XVIII in the CCEO appeared as *Ecumenism or Fostering the Unity of Christians*.<sup>8</sup>

Down through the centuries, the attitude of the Catholic Church toward ecumenism or fostering the unity of Christians was at first negative and one sided in the sense that the Catholic Church considered herself as the sole custodian of truth and that unity meant the return of all non-Catholic Churches to the Catholic Church as the prodigal son must return to the father's house and the erring sheep must be brought back to the sheepfold. The official change of attitude in the Catholic Church occurred with the Second Vatican Council through which she committed herself to the task of ecumenism (UR 4-5).

The CCEO promotes dialogue<sup>9</sup> with other Christian Churches and ecclesial Communities. Dialogue requires a positive attitude of understanding, listening and openness to others. This will help overcome mistrust, and will enable people to work together. By engaging in frank dialogue, Churches and ecclesial Communities help one another to look at themselves together in the light of the Apostolic Tradition. The CCEO lays

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<sup>8</sup>*Nuntia* 17 (1983) 62. Till 1983 the title was *De Oecumenismo*.

<sup>9</sup>It is important to distinguish between ecumenism and interfaith dialogue. Ecumenism pertains to prayer and religious dialogue between validly baptized Christians. Dialogue with other religions like Hinduism, Islam, Sikhism, etc. falls under the category of interfaith dialogue.

down the foundation of ecumenical dialogue especially with the Eastern non-Catholic Churches on the two assumptions described below:

### **1.1. Recognition of Certain non-Catholic Groups as Churches**

The Catholic Church considers the faithful separated from her as sisters and brothers. "For those who believe in Christ and have been truly baptized are in some kind of communion with the Catholic Church, even though the communion is imperfect" (UR 3). The Catholic Church recognizes the eastern non-Catholic communities as Churches. UR 14 - 18 explain the special position of the Eastern non-Catholic Churches. "These Churches, though separated from us, yet possess true sacraments, above all, by apostolic succession, the priesthood and the Eucharist, whereby they are still linked with us in closest intimacy" (UR 15), they merit the title of "particular or local Churches" (UR 14), and are called sister Churches of the particular Catholic Churches (UR 14).<sup>10</sup> "It is through the celebration of the Eucharist of the Lord in each of these Churches that the Church of God is built up and grows in stature" (UR 15). However, since communion with the Catholic Church, the visible head of which is the bishop of Rome and the Successor of Peter, is not some external complement to a particular Church but rather one of its internal constitutive principles, these venerable Christian communities lack something in their condition as particular Churches.<sup>11</sup>

With regard to the ecclesial Communities, the Catholic teaching is that these Communities do not enjoy apostolic succession in the sacrament of Orders, and are, therefore

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<sup>10</sup>John Paul II, Encyclical Letter *Ut Unum Sint*, dated May 25, 1995, 56.

<sup>11</sup>CONGREGATION FOR THE DOCTRINE OF THE FAITH, Letter *Communio Notio*, dated May 28, 1992, 17; IBID, *Responses to Some Questions regarding certain Aspects of the Doctrine on the Church*, dated June 29, 2007, Q. 4.

deprived of a constitutive element of the Church. UR states, "Though the ecclesial communities which are separated from us lack the fullness of unity with us which flows from baptism, and though we believe that they have not retained the authentic and full reality of the Eucharistic mystery, especially because the sacrament of orders is lacking, nevertheless when they commemorate his death and resurrection in the Lord's supper, they profess that it signifies life in communion with Christ and look forward to his coming in glory" (UR 22). However, they cannot be called Churches in the proper sense.<sup>12</sup>

From what has been described above, we understand that there are different levels of ecumenism depending upon the proximity of the separated Christians to the Catholic Church. For example, Catholics and the Orthodox share a mutual belief in the sacraments, hierarchical priesthood, and the intercession of the Blessed Mother. On the other hand, Protestants and Anglicans form the category of denominational groupings of validly baptized Christians who lack valid holy Orders. This distinction is clearly kept in the CCEO and in The Directory on Ecumenism of 1993 (Hereafter DE).<sup>13</sup>

The CCEO treats the Eastern non-Catholic Churches as those very close to the Catholic Church. "The Catholic and Orthodox Churches have so much in common that Popes Paul VI, John Paul II and Benedict XVI all speak of an 'almost complete communion.'"<sup>14</sup> Thus c. 897 prescribes, "A member of the Christian faithful of an Eastern non-Catholic Church is to be

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<sup>12</sup>CONGREGATION FOR THE DOCTRINE OF THE FAITH, Declaration *Dominus Iesus*, dated August 6, 2000, 17.

<sup>13</sup>*Directory for the Application of Principles and Norms on Ecumenism*, published by the Pontifical Council for Promoting the Unity of Christians and approved by Pope John Paul II on March 25, 1993. It provides practical norms for engaging in ecumenical dialogue and sharing with our separated Christian brethren.

<sup>14</sup>Report after the discussion read on October 18, 2010 by the general relator of the Special Assembly for the Middle East of the Synod of Bishops, Patriarch Antonios Naguib of Alexandria of the Copts.

received into the Catholic Church with only the profession of the Catholic faith, after a doctrinal and spiritual preparation that is suited to that person's condition." But in the case of the non-Catholics who do not belong to an Eastern Church, norms of the CCEO are to be observed with necessary adaptations (c. 901), that is, even the validity of their baptism is to be examined. The Catholic Church recognizes the validity of the order administered in the Eastern non-Catholic Churches. C 899 prescribes, "A cleric of an Eastern non-Catholic Church entering into full communion with the Catholic Church can exercise his sacred order in accord with the norms established by the competent authority; a bishop, however, cannot validly exercise the power of governance except with the assent of the Roman Pontiff, head of the college of bishops."

## 1.2. Self-Governance of the Non-Catholic Churches

Recognition of this self-governance is the result of serious study and reflection. The study has been strongly inspired by the teachings of the Second Vatican Council. UR 16 says: "the Churches of the East, while keeping in mind the necessary unity of the whole Church, have the power to govern themselves according to their own disciplines." *Dignitatis Humanae* 4 teaches: "the freedom or immunity from coercion in religious matters which is the right of individuals must also be accorded to men when they act in community." Clear examples of this recognition are found in the CCEO cc. 780 and 781:

C. 780§1. The marriage of Catholics, even if only one party is a Catholic, is governed not only by divine law but also by canon law, without prejudice to the competence of the civil authority concerning the merely civil effects of marriage.

§2. The marriage between a Catholic and a baptized non-Catholic is governed, without prejudice to divine law, also by:

1° the law proper to the Church or ecclesial community to which the non-Catholic belongs, if that community has its own marriage law;

2° the law to which the non-Catholic is subject, if the ecclesial community to which the person belongs has no marriage law of its own.

Increase in human mobility and contact between people of different nationalities, cultures, races, religions and the development of social communication means gives occasions to cases of mixed marriages. Such marriages produce much legal and canonical problems. When a partner in marriage is a Catholic, the duty of solving a number of problems falls on the ecclesiastical tribunals. C. 1490 states very clearly: "Merely ecclesiastical laws bind those baptized in the Catholic Church or received into it, who have sufficient use of reason and, unless it is expressly provided otherwise in law, who have completed their seventh year of age." Divine or natural law regulates all marriages. Similarly, as regards the juridical capacity of the parties, the form of marriage, the effects of marriage, etc., human law also gets competence.

In the new legislation - both Eastern and Western - we notice a change in the applicability of ecclesiastical laws. CIC of 1917 (c.1016) was binding also the ecclesial Communities separated in the West; and the motu proprio *Crebrae Allatae*<sup>15</sup> had force on the baptized non - Catholics also. It was corrected by UR 16 which says: "the Churches of the East, while mindful of the necessary unity of the whole Church, have the right to govern themselves according to the disciplines proper to themselves."

C. 781. If sometime the Church must judge on the validity of a marriage between baptized non-Catholics:

1° as regards the law to which the parties were subject at the time of the celebration of their marriage, c. 780 §2 is to be observed;

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<sup>15</sup>Pius XII, Motu proprio *Crebrae Allatae Sunt*, dated February 22, 1949.

2° as regards the form of the celebration of marriage, the Church recognizes any form prescribed or admitted by the law to which the parties were subject at the time of the celebration of their marriage, provided that the consent was expressed in a public form and, if at least one of the parties is a Christ's faithful of an Eastern non-Catholic Church, the marriage was celebrated with sacred rite.

This question was very much discussed in the Commission for the Codification of CIC 1983. A norm similar to the CCEO c. 781 could not be accepted; because it was, in the opinion of the majority, recognition of the capacity of the non-Catholic Churches or ecclesial communities in making proper matrimonial legislation. Some applying the norm of CIC c.1059 said that the marriage of Catholics even if only one party is Catholic is governed not only by divine law but also by canon law.

If in a marriage between a non-Catholic and a Catholic, the non-Catholic party is governed by the proper law and the Catholic party is governed by canon law, there is the possibility of becoming the marriage valid for one party and invalid for another. So it is logical that there should be one law. Accordingly, since the non-Catholic party is not subject to laws, which govern strictly ecclesiastical impediments and nor subject to proper law whether civil or religious, the consideration of natural law is to be applied. This is the view of some authors like Abate. This view cannot be held. We cannot say that a non-Catholic party contracting a marriage with a Catholic party is free from his/her proper law and is governed only by natural law.

Here we have to consider two things: the norms concerning the form of marriage and those regarding the juridical capacity of the person. The form of the celebration of marriage which is the uniting act is to be governed by a single legislation; while the juridical capacity (freedom from impediments) is to be regulated by the proper law of each party according to which,

if an impediment exists only with one party, it renders the marriage invalid (c. 790§2). This principle is to be applied in the marriage both between an Eastern Catholic and a Latin Catholic and between a Catholic and a non-Catholic.

In short, CCEO c. 781,2° proposes some dispositions:

- a) A marriage in which at least one of the parties is an Eastern non-Catholic, is recognized valid only if it was celebrated with the benediction of a priest.<sup>16</sup>
- b) A marriage between Protestants is considered valid only if it was contracted in a public form prescribed or admitted (for example, from the civil law) in their proper rite.
- c) In judging the validity of a marriage between a Catholic and an Eastern non-Catholic, concerning the elements of divine law, canon law should be applied; and for the elements strictly ecclesiastical, proper law of each party is to be applied.

No similar prescription is found in CIC. But the Latin Church could apply the Eastern norm in the light of CIC c.19. Now,

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<sup>16</sup>The Eastern non-Catholic Churches consider very important the blessing of the priest. Therefore, they do not fully endorse the axiom: *consensus facit matrimonium*. The Orthodox Churches, at least the Churches of Byzantine tradition, do not view matrimonial consent as the essential element that establishes the nuptial union. The blessing of the priest is viewed as founding the marriage. Consent is considered a requirement for reception of the sacerdotal blessing. It is to be noted that in the Pontifical Commission for the Revision of the Eastern Canon Law (PCCICOR) there was a proposal that a paragraph is to be added to the canon that *essentiales actus, qui matrimonium constituunt sunt: consensus matrimonialis et benedictio Ecclesiae* (the essential acts that constitute marriage are the matrimonial consent and the benediction of the Church) see *Nuntia* 29 (1989) 71. But it was not accepted probably to retain the extraordinary form of the celebration of marriage also in the Eastern Code.

however, the instruction *Dignitas Connubii*,<sup>17</sup> arts. 2 and 4 issue the same provisions for the Latin Church.

## **2. Ecumenism or Fostering the Unity of Christians**

This theme is treated as a separate title in the CCEO (Title XVIII). There are seven canons under this title. The principles and norms that should govern the practice of ecumenism are explained in these canons. We can divide the subject matter of the title in seven themes.

### **2.1. Prayer and Works for the Restoration of Christian Unity**

“The ecumenical movement is a grace of God, given by the Father in answer to the prayer of Jesus (Jn. 17:21) and the supplication of the Church inspired by the Holy Spirit (Rom 8: 26-27)” (DE 22). Therefore, all the Christian faithful have the obligation to cooperate with this divine plan. The Directory on Ecumenism continues, “all those who are baptized in the name of Christ are, by that fact, called to commit themselves to the search for unity” (22). C. 902 prescribes, “Since solicitude for the restoration of the unity of all Christians belongs to the entire Church, all the Christian faithful, but especially the Church’s pastors, should pray and work for that fullness of unity desired by the Lord, resourcefully taking part in the ecumenical activities set in motion by the grace of the Holy Spirit.” The canon reminds all the Christian faithful especially the pastors of the Church of their duty to pray and work for the unity of Christians. C. 192§2 obliges the eparchial bishop to do everything needed so that the Christian faithful committed to his care foster unity with other Christians.<sup>18</sup> A period of time by name “Unity Octave” is set apart in the Catholic Church for

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<sup>17</sup>PONTIFICAL COUNCIL FOR LEGISLATIVE TEXTS, Instruction *Dignitas Connubii*, dated January 25, 2005.

<sup>18</sup>The corresponding canon in CIC is 383§3 which exhorts the diocesan bishop “to act with kindness and charity toward those who are not in full communion with the Catholic Church [...]”

prayer and activities for the realization of Christian unity. Pope John Paul II in his encyclical *Ut Unum Sint* writes, "It is a source of joy to see that the many ecumenical meetings almost always include and indeed culminate in prayer. *The Week of Prayer for Christian Unity*, celebrated in January or in some countries, around Pentecost, has become a widespread and well established tradition" (no. 24). About ecumenical prayer, the Pope writes, it "discloses the fundamental dimension of brotherhood in Christ, who died to gather together the children of God who were scattered, so that in becoming "sons and daughters in the Son" (Eph 1: 5) we might show forth more fully both the mysterious reality of God's fatherhood and the truth about the human nature shared by each and every individual" (no. 26). "(Ecumenical) Prayers in common are certainly an effective means of obtaining the grace of unity, and they are a true expression of the ties which still bind Catholics to their separated fellow Christians" (UR 8).

## **2.2. Specific Duty of the Eastern Catholic Churches**

The Eastern Catholic Churches have a unique function in promoting Christian unity as the separated Christians who are closer to the Catholic Church are in the Eastern tradition than in the Western. Pope John Paul II in his encyclical *Ut Unum Sint* writes, "Certainly the Eastern Catholic Churches, in the spirit of the decree on ecumenism, will play a constructive role in the dialogue of love and in the theological dialogue at both the local and international levels, and thus contribute to mutual understanding and the continuing pursuit of full unity" (60). C. 903 states, "The Eastern Catholic Churches have a special function of fostering unity among all Eastern Churches, first of all through prayers, by the example of life, by conscientious fidelity to the ancient traditions of the Eastern Churches, by better knowledge of each other, by working together, and by fraternal respect for the feelings of others and their history." The canon is almost the verbatim reproduction of OE 24. It puts forward six means that can help promotion of Christian unity:

- a) Prayer: In prayer the Christians are united with the prayer of Christ "that all may be one". Church unity should become a theme in our personal, liturgical and community prayer. DE exhorts the Eastern Churches to celebrate Divine Liturgy with the special intention of Church unity and to include the theme of unity in the prayer of the faithful and in the various litanies (DE 62, 63).
- b) Example of life: Nobody can effectively work for Christian unity except by living genuine Christian life. Christians, in so far as they live a genuine spiritual life with Christ the Saviour as its centre and the glory of God the Father as its goal, can always and everywhere share deeply in the ecumenical movement, witnessing to the Gospel of Christ with their lives (UR 7, DE 63).
- c) Fidelity to the ancient traditions of the Eastern Churches: Pope John Paul II in promulgating the CCEO reminds that all the Churches in the East, both Catholic and non-Catholic, have the same heritage of canonical discipline, namely, the "sacred canons" of the first centuries of the Church. Therefore, he reaffirms, the Eastern Catholic Churches have the obligation to show utmost fidelity to the common heritage and to return to the traditions of their forefathers, if they have improperly deviated from them (Apostolic Constitution *Sacri Canones*, OE 6 and 24).
- d) Better knowledge of each other: Lack of sufficient knowledge of one another is a great obstacle for unity and it generates prejudices and hatred. Therefore, mutual knowledge of one another is a prerequisite for progress in ecumenical activities. In many respects, the Eastern Catholic Churches can enrich themselves by learning from the Orthodox Churches. *Instruction for Applying the Liturgical Prescriptions of the Code of Canons of the Eastern Churches* published by the Congregation for the Eastern Churches on January 6, 1996 (Hereafter *Instruction*) exhorts the Catholic faithful while speaking about liturgical renewal to take into account the practice of the Orthodox brethren, to know it, respect it and distance from it as little as possible (21).

- e) Working together: Mutual knowledge and appreciation should lead to activities. No. 7 below deals with various fields of common activities. "These activities, properly directed, can show the efficacy of the social application of the Gospel and the practical force of ecumenical sensitivity in various places" (DE 64).
- f) Fraternal respect for the feelings of others and their history: Here the point is not very much knowledge but attitude. DE exhorts, "Ecumenism calls for renewal of attitudes and for flexibility of methods in the search for unity" (56). The pre-Vatican attitude of negative approach towards the non-Catholic Churches should be transformed to understanding and appreciation. The readiness to call the Orthodox Churches sister Churches should be expressed in considering and respecting them as members of the same family. It includes the readiness to accept the reality of the Eastern Churches with all that they are and they have, for example, their liturgy, spirituality, theology, discipline, monasticism, married clergy, icons, practice of prayer facing the east, etc.

### **2.3. Ecumenical Movement in Every Church *sui iuris* and in Eparchies**

The CCEO obliges each Church *sui iuris* and the eparchies to initiate ecumenical movements by constituting commission of experts on ecumenism. Particular norms are to be enacted for this purpose. Every such initiative shall be under the moderation of the Apostolic See and, if circumstances so suggest, in consultation with the patriarchs and eparchial bishops of other Churches *sui iuris*. In short, for the promotion of ecumenical movement there should be a commission in every Church *sui iuris*, a council meant for an eparchy or for more eparchies and, at least a faithful in charge of the movement in an eparchy that cannot constitute a council (cf. c. 904§§1-3). The office of the Apostolic See in this matter is the Pontifical Council for Promoting the Unity of Christians and the Directory on Ecumenism (DE) is its current policy

statement. DE explains in detail the functions of such commissions, councils and eparchial ecumenical officers (41 – 47). The encyclical *Ut Unum Sint* also speaks about the necessity of constituting local structures of dialogue (31).

#### 2.4. Dangers in Ecumenical Activities

C. 905 warns against the dangers in ecumenical activities. DE reminds, “In our day there exists here and there a certain tendency to doctrinal confusion. Also it is very important in the ecumenical sphere, as in other spheres, to avoid abuses which could either contribute to or entail doctrinal indifferentism” (6). Possible dangers may be lack of prudence, false irenism,<sup>19</sup> indifferentism<sup>20</sup> and immoderate zeal.<sup>21</sup> DE asks the local Hierarchs/Ordinaries, Synods of Eastern Catholic Churches and the Episcopal Conferences to take measures to overcome such dangers. It exhorts, “In all their contacts with members of other Churches and ecclesial Communities, Catholics will act with honesty, prudence and knowledge of the issues. This readiness to proceed gradually and with care, not glossing over difficulties, is also a safeguard against succumbing to the temptations of indifferentism and proselytism,<sup>22</sup> which would be a failure of the true ecumenical spirit” (23).

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<sup>19</sup>Irenism (from Greek *eirēnikos*, from *eirēnē* peace) means peace at any cost. Here in this context it means union of Churches, notwithstanding deep doctrinal and other differences.

<sup>20</sup>Religious indifferentism is the belief that it does not matter what religion a man professes, he can be saved nonetheless. Here in this context, indifferentism may lead to alienation from one’s own ecclesial identity.

<sup>21</sup>‘Immoderate’ implies an amount, quantity or extent too great to be just, reasonable or endurable. It may imply lack of restraint especially in the feelings or their expression. Here in this context, immoderate zeal may lead inconsiderate rivalry.

<sup>22</sup>By ‘proselytism’ is meant every sort of action which appears to smack of coercion or dishonest or incorrect solicitation, especially in cases of uneducated or needy persons. see G. Nedungatt (ed.), *A Guide to the Eastern Code*, Rome 2002, 599.

## 2.5. Ecumenical Formation of the Faithful

It is necessary that the Catholics know what is taught and handed down by the Catholic Church regarding ecumenism. At the same time, they should know about the teaching of the non-Catholic Churches and ecclesial Communities. An ecumenical pedagogy adapted to the concrete situations of individuals and groups is to be developed. It is the duty of the preachers of the word of God, persons involved in the means of social communications, catechism teachers and others who are engaged as teachers and directors of institutes of higher education (cf. c. 906). Mutual knowledge is an important factor in the search for unity. "Theology and other branches of knowledge, especially of an historical nature, must be taught with a due regard for the ecumenical point of view, so that at every point they may correspond more exactly with the facts" (UR 10).

Pope John Paul II in his Apostolic Exhortation *Catechesi Tradendae* dated October 16, 1979 speaks about the ecumenical dimension of catechism, ecumenical collaboration in the field of catechesis and the problems of manuals concerning the presentation of other religious and Christian confessions (32 – 34). The words of the Pope get codified in c. 625 which prescribes, "Catechesis should be ecumenical in orientation and present the correct image of other Churches and ecclesial Communities; above all care is to be taken that the proper perspective of Catholic catechesis is safeguarded."

While speaking about the formation of the ministers of the Church, c. 350§4 asks the competent authorities to see to it that ecumenism is one of the necessary dimensions of every theological discipline. Similarly, such candidates are to be instructed about the apostolate of ecumenism and evangelization in order that they be formed in a truly universal spirit (c. 352§3). Pope Benedict XVI in his *Letter to Seminarians* dated October 18, 2010 reminds the seminarians of "the importance nowadays of ecumenical theology, and of a

knowledge of the different Christian communities.” DE speaks extensively regarding the ecumenical formation to be imparted both to the ordained and non-ordained ministers (DE 72 – 91).

Interaction between Catholic and non-Catholic students and teachers in ecclesiastical universities and faculties has also ecumenically a formative value. Such centres provide occasions for meeting both the Catholic and the non-Catholic faithful and for understanding each other. The Apostolic See has started a practice about which Pope John Paul II speaks in *Orientale Lumen*<sup>23</sup> of “welcoming Orthodox professors and students to the Pontifical Universities and other Catholic academic institutions” (25).

## **2.6. Religious Liberty of Other Christians**

C. 907 asks the Catholic faithful, especially Directors of schools, hospitals and other similar institutions to see to it that the Christians who attend such institutions or stay there have the facilities to obtain spiritual assistance and to receive the sacraments from their own ministers. Such a prescription derives from our obligation to respect the religious freedom and liberty of conscience of every person and to avoid every act of proselytism. Thus, we respect other Christians, their rites and their ministers. DE instructs, “In Catholic schools and institutions, every effort should be made to respect the faith and conscience of students or teachers who belong to other Churches or ecclesial Communities. In accordance with their own approved statutes, the authorities of these schools and institutions should take care that clergy of other Communities have every facility for giving spiritual and sacramental ministrations to their own faithful who attend such schools or institutions” (141). Similar facilities are to be provided in hospitals, in homes for the aged and in other institutions run by Catholics (142). The prescription of the canon can be executed either by making available the service of their

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<sup>23</sup>John Paul II, Apostolic Letter, *Orientale Lumen* dated May 2, 1995.

ministers in such institutions or by directing the faithful to go to their ministers outside.

## **2.7. Collaboration of Christians in Various Common Fields**

C. 908 exhorts every Christian to be a witness to Christ in the world. It reads, "It is desirable that the Catholic faithful, while observing the norms on *communicatio in sacris*, undertake any project in which they can cooperate with other Christians, not only by themselves but together: for example, charitable works and works of social justice, defense of the dignity and the fundamental rights of the human person, promotion of peace, days of commemoration for one's country, national holidays."

The society of today is badly affected by a number of social evils like social injustice, underdevelopment, corruption, illiteracy, extreme poverty and extreme riches, consumerism, denial of religious freedom, ideological and practical atheism, fundamentalism, violations of human right, challenges to life, alcoholism, problems of farmers and small scale industrialists, drugs, dangers to environments, etc. They spread like cancer in the society. They make an urgent appeal to all Christian communities for joint prayer and effort to save the world and give a spiritual meaning to life and to the human person.

C. 905 exhorts the Catholics to undertake common initiatives with the cooperation of non-Catholics. Keeping intact the right of every Church or ecclesial Community to impart pastoral care to its faithful, "there are certain situations in which the religious need of Christian people may well be served more effectively when pastoral agents, ordained or lay, from different Churches and ecclesial Communities work together. This kind of ecumenical collaboration can be practised with success in the pastoral care of those who are in hospitals, prisons, the armed forces, universities, and large industrial complexes" (DE 204). DE further points out certain fields of collaboration such as missionary activity, dialogue with other religions, social and cultural life of the people like social and

ethical questions, medicine, social communications media, etc. (205- 218).

C. 655§2 speaks of a common venture both by Catholics and non-Catholics to spread copies of the Sacred Scripture with suitable notes appropriate for the use of non-Christians. Combined efforts in biblical, theological, patristic and cultural studies would promote spirit of dialogue between Churches.<sup>24</sup> Preparing and using common liturgical texts has also great ecumenical value. DE exhorts, "Agreement on a version of the Psalter for liturgical use, or at least of some of the more frequently used psalms would be desirable; a similar agreement for common scriptural readings for liturgical use should also be explored" (187).

Another area of collaboration is undertaking joint pilgrimages. While speaking about collaboration between Catholics and the Orthodox, Pope John Paul II writes in *Oriente Lumen*, "I judge very positively the initiatives of joint pilgrimages to places where holiness is particularly expressed in remembering men and women who in every age have enriched the Church with the sacrifice of their lives" (25).

### **3. Admission of Non-Catholic Christians to the Catholic Church**

The matter is dealt with under title XVII. *Baptized Non-Catholics Coming into Full Communion with the Catholic Church*. The title may give the impression and the Orthodox may suspect that the Catholic Church advocates proselytism and 'sheep stealing'. But when we enter to analyse the canons under the title, that impression vanishes. This title consists of six canons (896 - 901). The first canon under the title is c. 896. It enunciates out the principle already adopted in the Second Vatican Council in UR 18 and OE 25. It states that the non-Catholic

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<sup>24</sup>Report after the discussion read on October 18, 2010 by the general relator of the Special Assembly for the Middle East of the Synod of Bishops, Patriarch Antonios Naguib of Alexandria of the Copts.

faithful who decide *on their own* to enter into full communion with the Catholic Church *should not be imposed any burden* beyond what is necessary (italics added). Thus, the canon keeps a balance between the obligation of the Catholics to promote Christian unity and to respect the freedom of conscience. Obviously, the Catholic Church is bound to pray and work for the restoration of Christian unity and perfect ecclesial communion. This unity, we believe, subsists in the Catholic Church (UR 4, LG 8).<sup>25</sup> Consequently, the Catholic Church cannot reject the genuine and sincere request of the non-Catholic faithful “who under the guidance of the Holy Spirit” (OE 25) ask for full communion with the Catholic Church. However, it is to be made sure that those faithful come with full liberty and no one is coerced nor is unjustly persuaded to join the Catholic Church. C. 900§1 directs that a non-Catholic faithful who has not yet completed his or her fourteenth year is not to be received to the Catholic Church, if the parents are opposed to it.

It is to be noted that the Catholic Church in receiving non-Catholics respects the level of communion that they have with the Catholic Church, especially with regard to ecclesiality and sacramentality. A distinction is to be made between persons born and baptized outside the visible communion of the

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<sup>25</sup>The Congregation for the Doctrine of the Faith in its responses to some questions regarding certain aspects of the doctrine on the Church dated June 29, 2007 in question no. 2 clarifies the term “subsists.” “In number 8 of the Dogmatic Constitution *Lumen Gentium* ‘subsistence’ means this perduring, historical continuity and the permanence of all the elements instituted by Christ in the Catholic Church, in which the Church of Christ is concretely found on this earth. It is possible, according to Catholic doctrine, to affirm correctly that the Church of Christ is present and operative in the Churches and ecclesial Communities not yet fully in communion with the Catholic Church on account of the elements of sanctification and truth that are present in them. Nevertheless, the word “subsists” can only be attributed to the Catholic Church alone precisely because it refers to the mark of unity that we profess in the symbols of the faith (I believe ... in the “one” Church); and this “one” Church subsists in the Catholic Church.”

Catholic Church and persons baptized in the Catholic Church has knowingly and publicly abjured Catholic faith. The first category of persons “cannot be accused of the sin involved in the separation” (UR 3). “Hence, in the absence of such blame, if they freely wish to embrace the Catholic faith, they have no need to be absolved from excommunication, but after making profession of faith according to the regulations set down by the ordinary of the place they should be admitted to the full communion of the Catholic Church’ (The Directory on Ecumenism of 1967, no. 19). But it is to be noted that such practice continues even now in certain Orthodox Churches.<sup>26</sup> The Fathers in the special assembly for the Middle East held in Rome in October 2010 state with anguish, “The repeated baptism of Catholics by the Orthodox is still a cause of suffering and it diminishes progress towards unity.”<sup>27</sup>

C. 897 prescribes, “A member of the Christian faithful of an Eastern non-Catholic Church is to be received into the Catholic Church with only the profession of the Catholic faith, after a doctrinal and spiritual preparation that is suited to that person’s condition.” The canon affirms the special position of the Eastern non-Catholic Churches. UR 14 directs all those who work for the restoration of full communion between the

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<sup>26</sup>Dimitri Salachas speaks about such a practice in his article in “The Ecumenical Significance of the New Code” in Jose Chiramel and Kuriakose Bharanikulangara (eds.), *The Code of Canons of the Eastern Churches, A Study and Interpretation*, Alwaye 1993, 261. He writes, “the Orthodox Churches especially the Greek Orthodox Church has in her ritual of sacraments a particular Rite entitled “rite of maturing to the orthodoxy from the Latin Church.” This rite, besides the profession of faith and the renouncement of heresy (from the new dogmas of the Latin Church), prescribes also the anointing with the holy chrism using the following formula: “The seal of the Holy Spirit.” It refers, according to the existing opinion of the Orthodox theologians, to the sacrament of confirmation. Such a rigid way of taking position mirrors obviously the times of polemics between the two Churches which today is unacceptable from the part of the Catholic Church.”

<sup>27</sup>Report after the discussion read on October 18, 2010 by the general relator of the Special Assembly for the Middle East of the Synod of Bishops, Patriarch Antonios Naguib of Alexandria of the Copts.

Catholic Church and the non-Catholic Churches of the East to give due consideration to the special feature of the origin and growth of the Eastern Churches. The Catholic Church recognizes the sacraments of these non-Catholic Churches. "There is no doubt about the validity of baptism as conferred in the various Eastern Churches. It is enough to establish the fact of the baptism. In these Churches the sacrament of confirmation (chrismation) is properly administered by the priest at the same time as baptism. There it often happens that no mention is made of confirmation in the canonical testimony of baptism. This does not give grounds for doubting that this sacrament was also conferred" (DE 99, a).

With regard to the reception of non-Catholics who do not belong to an Eastern Church, their level of communion with the Catholic Church is to be carefully examined. UR 19 speaks about such separated Christians that they "on account of their differences of origin, doctrine and spirituality, differ considerably not only from us (Catholics) but also among themselves." When the members who belong to such ecclesial Communities are received into the Catholic Church, first of all, the validity of their baptism is to be analysed. DE gives certain guidelines in this regard. There is no reason to doubt the validity of their baptism if it is verified that there is an agreement on baptism between the Catholic Church and those ecclesial Communities and that baptism has been administered according to that agreement. Similarly, if it is possible to get an official ecclesiastical attestation with regard to these Christians, then their baptism can be considered valid. If such things are not available, then the Catholic minister is to examine the matter and form and words used in the conferral of their baptism.<sup>28</sup> If, even after careful investigation, a serious doubt

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<sup>28</sup>The Congregation for the Doctrine of the Faith on February 1, 2008 replied negatively on the validity of the baptism conferred with the formulae: I baptize you in the name of the Creator, and of the Redeemer, and of the Sanctifier or I baptize you in the name of the Creator, and of the Liberator, and of the Sustainer. The same Congregation had denied the

persists, about the proper administration of the baptism in a particular case, then the Catholic minister should give him/her conditional baptism in private and not in public after explaining the doctrine of baptism and the reasons for the conditional baptism (DE 99, b,c,d). These explanations are to be given to the adult candidate directly and to the parents in the case of infant baptism.

As the Catholic Church has not yet reached an agreement with the ecclesial Communities of the Reformation on the sacrament of confirmation, “persons entering into full communion with the Catholic Church from one of these Communities are to receive the sacrament of confirmation according to the doctrine and rite of the Catholic Church before being admitted to Eucharistic communion” (DE 101).

It is the wish of the Catholic Church that baptized non-Catholics coming into full communion with the Catholic Church should retain and practice their own rite and should observe it everywhere in the world as much as humanly possible (c. 35). Further, the canon directs them to join the Church *sui iuris* in the Catholic communion which follows the same rite. The canon offers also the possibility of approaching the Apostolic See for exceptions.

C. 898 enlists the authority competent to receive non-Catholics to the Catholic Church. C. 899 speaks about the clerics who

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validity of the baptism conferred by the *Christian Community (Die Christengemeinschaft)* on March 9, 1991 and by *The Church of Jesus Christ of Latter-day Saints* called *Mormons* on June 5, 2001. John Huels names the non-Catholic ecclesial Communities whose baptism is recognized valid by the Catholic Church: African Methodist Episcopal, Amish, Anglican, Assembly of God, Baptists, Evangelical United Brethren, Church of the Brethren, Church of God, Congregational Church, Disciples of Christ, Episcopalians, Evangelical Churches, Lutherans, Methodists, Liberal Catholic Church, Old Catholics, Old Roman Catholics, Church of the Nazarene, Polish National Church, Presbyterian Church, Reformed Churches, Seventh Day Adventists, and the United Church of Christ (J. Huels, *The Pastoral Companion*, Chicago 1986, 51).

come into full communion with the Catholic Church: “A cleric of an Eastern non-Catholic Church entering into full communion with the Catholic Church can exercise his sacred order in accord with the norms established by the competent authority; a bishop, however, cannot validly exercise the power of governance except with the assent of the Roman Pontiff, head of the college of bishops.” The reason for giving permission to such clerics is that these Churches have faithfully preserved valid priesthood (cf. OE 25). Assent of the Roman Pontiff is required for a bishop to exercise power of governance, because it guarantees ecclesiastical communion with the head of the Church, necessary condition for the valid exercise of such an important office.

Finally, c. 900 prescribes that minors who have not completed fourteen years of their age is not to be received to the Catholic Church, if their parents are opposed to it. It is possible that the non-Catholic children who have frequent contact with the Catholics or their institutions like schools may wish to join the Catholic Church. But such children can be received only after obtaining the consent of their parents. This prescription safeguards the rights of the parents and wellbeing of the children. Similarly, it promotes smooth relationship between Churches.

#### **4. Sharing Spiritual Activities and Resources**

Ecumenical dialogue is mainly between the competent authorities of various Churches. But the ordinary faithful of those Churches have more frequent occasions to come together, work together and enter into friendship and even relationships. The CCEO takes all these situations into consideration and formulates norms for sharing starting from those for simple collaboration to those for sacramental sharing. Frequent interaction and collaboration is demanded of the faithful of both the Catholic and the non-Catholic Churches especially in a region where these two groups coexist. Cc. 905 and 908 draw out various fields of activity that can be

undertaken jointly by Catholics and non-Catholics (see the explanation on pp. 10-11). Sharing between Catholics and non-Catholics in spiritual matters is a delicate area but very important in the attempt of the Churches for full communion.

“The term ‘sharing in spiritual activities and resources’ covers such things as prayer in common, sharing in liturgical worship in the strict sense, as well as common use of sacred places and of all necessary objects” (DE 103). The same Directory puts forward certain guidelines for such sharing. The reason behind such sharing is that all those who have been baptized are incorporated into Christ. Thus there exists a real, even if imperfect, communion among Christians which can be expressed in many ways, including sharing in prayer and liturgical worship (DE 104, UR 3 and 8). Since such sharing belongs to a complex and delicate area of relationship, consultations on this matter should take place between appropriate Catholic and non-Catholic authorities to seek out the possibilities for lawful reciprocity according to the doctrine and traditions of different Communities. Therefore, CCEO directs that the competent Catholic authority shall enact norms regarding sharing spiritual activities and resources after consulting at least the local competent authority of the non-Catholic Church or ecclesial Community concerned (c. 671§5). It will create reciprocal respect for the liturgical and sacramental discipline of each community, leading to a spirit of mutual good will and charity.

#### **4.1. Prayer in Common**

We have seen the CCEO’s invitation to pray together for the restoration of unity between Churches and ecclesial Communities. DE also recommends prayer in common for Catholics and other Christians so that they may “put before God the needs and problems they share-e.g., peace, social concerns, mutual charity among people, the dignity of the family, the effects of poverty, hunger and violence, etc.” (109). It is all the more a strong testimony before the world that the

Christians come together to pray especially on certain occasions like national holiday, time of public disaster or mourning, a day set aside for commemorating those who have died for the country, etc. “When Christians pray together, with one voice, their common witness reaches to heaven as well as being heard on earth” (DE 187). We see detailed prescriptions on this matter in DE (110 - 115).

#### **4.2. Sharing in Non-Sacramental Liturgical Worship and Services**

Worship carried out according to books, prescriptions and customs of a Church or ecclesial Community, presided over by a minister or delegate of that Church or Community is called liturgical worship. This worship may be of a non-sacramental kind or may be a celebration of one or more sacraments of the Church. In some situations prayers like liturgy of the hours of a Church or a Community may be used in certain ecumenical prayer sessions. DE encourages Catholics to take part in the psalms, responses, hymns and common actions of the liturgical celebrations taking place in other Churches and ecclesial Communities (118). The Directory warns all to have “meticulous regard for the sensibilities of the clergy and people of all the Christian Communities concerned, as well as for local customs which may vary according to time, place, persons and circumstances” (119).

##### **4.2.1. Participation in the Liturgical Worship of Other Christians**

Catholic Christian faithful can for a just reason attend and take part the liturgical worship of other Christians, provided that does not effectively contradict the Catholic faith. In doing so they are to take into account the degree of communion that the Catholic Church has with those non-Catholic Churches as per the determination of the eparchial bishop or a higher authority (c. 670§1). The degree of communion that the Catholic Church has with the Eastern non-Catholic Churches is deeper

compared to that with the Reform Churches and ecclesial Communities. Such participation can be justified for a just reason, like relationship, friendship, ecumenical meetings, etc.

#### **4.2.2. Ecclesiastical Burial and Blessings**

The CCEO gives a provision by which a Catholic minister can give ecclesiastical funeral to non-Catholic Christians with the permission of the local hierarch (not necessarily of the eparchial bishop), unless there is proof about their contrary wish and provided their own minister is not available (c. 876§1).

DE permits the Catholic ministers to impart blessings to non-Catholic faithful who request them. It permits the Catholic ministers to pray for non-Catholics, living or dead, and for the needs and intentions of other Churches and ecclesial Communities and their spiritual heads. Such prayers may be offered during litanies or in other invocations of a liturgical service, but not during the Eucharistic Anaphora (121).<sup>29</sup>

#### **4.2.3. Use of Liturgical Texts**

It is the prescription of law that the books to be used in liturgical celebrations are those which have received ecclesiastical approval (c. 656§1). In spite of this principle, *Instruction* in no. 29 observes, certain practical difficulties are encountered in certain Eastern Catholic Churches who lack their own editions of liturgical books and they are forced to use the books of the corresponding Orthodox Churches which objectively speaking are sometimes very well prepared. *Instruction* says that this use is with the tacit approval of the Apostolic See or the local authority. *Instruction* opines, "This necessity, each case being examined with prudence, may prove

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<sup>29</sup>"Ancient Christian liturgical and ecclesiological gradation permits the specific mention in the Eucharistic Anaphora only of the names of persons who are in full communion with the Church celebrating the Eucharist" (DE 121).

itself a valuable custom, as a manifestation of the partial but deep and extensive communion existing till today between the Catholic and Orthodox Churches which come from a common trunk, and may serve as a dynamic seed for the recovery of full communion" (29). *Instruction* observes that quite a number of editions of liturgical books published in Rome are sometimes appreciated and used by Orthodox brethren. This leads to the possibility of preparing and using common editions of liturgical texts. In fact, this idea has been proposed by Pope John Paul II in his homily during the Divine Liturgy in the Armenian rite on November 21, 1987, "It is particularly dear to me to wish that the common study of the liturgy and its necessary adaptations be a privileged field of collaboration between Armenian Catholics and Orthodox."<sup>30</sup>

#### **4.2.4. Use of Sacred Places by Catholics**

Catholics also can share the sacred places of a non-Catholic Church. A Catholic priest can celebrate the Divine Liturgy in a non-Catholic church with the permission of the local hierarch (c. 705§2). There may arise the need to use non-Catholic edifices or cemeteries by Catholics for sacred functions. Therefore, it is necessary to reach agreements after proper consultation between the competent authorities of both the communities.

However, the CCEO does not permit a Catholic minister to concelebrate the Divine Liturgy with non-Catholic priests or ministers (c. 702). Concelebration of the Divine Liturgy is an expression of full communion of faith and worship that exist between the Churches of the concelebrants. Such a full communion does not exist between the Catholic Church and non-Catholic Churches and the ecclesial Communities. Celebration of the Eucharist signifies the fullness of the profession of faith and of ecclesial communion (DE 104e).

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<sup>30</sup>*L'Osservatore Romano*, 23 - 24 November 1987, p. 6.

Eucharistic concelebration cannot be taken as a means for the full communion (UR 8).

#### **4.2.5. Use of Sacred Places by Non-Catholics**

OE 28 permits sharing of sacred functions, objects and places with the separated Eastern brethren for a just cause. On the basis of this permission The Directory on Ecumenism of 1967 explains that “with the approval of the local ordinary separated Eastern priests and communities may be allowed the use of Catholic churches, buildings and cemeteries and other things necessary for their religious rites, if they ask for this, and have no place in which they can celebrate sacred functions properly and with dignity” (52). Further, the same Directory extends this privilege to all the separated brethren, not only Eastern (61). This extended permission finds place in CCEO. Thus, we have c. 670§2 which reads, “If non-Catholic Christians lack a place in which divine worship can be celebrated with dignity, the eparchial bishop can grant the use of a Catholic building or cemetery or church in accord with the norm of particular law of his own Church *sui iuris*.” According to the Directory, the authority competent to grant permission is the local ordinary. But as per c. 670§2, it is the eparchial bishop. Explicit reference to the eparchial bishop in the canon excludes the competence of all other superiors to give permission unless the particular law of the proper Church *sui iuris* decides otherwise or by the special mandate of the eparchial bishop as per c. 987. DE has the same prescription found in the CCEO (137).

#### **4.2.6. Participation in Various Assemblies**

The CCEO obliges the eparchial bishop to convoke eparchial assemblies whenever, in his judgement and after consultation with the presbyteral council, circumstances recommend it (c. 236) to discuss the matters that regard the special needs of the eparchy or its benefits (c. 235). The assembly consists of bishops, presbyters, deacons, religious and laity. Unity and

collaboration among Christians could also be a matter of discussion in such an assembly. Therefore, c. 238§3 recommends the eparchial bishop to invite observers from non-Catholic Churches and ecclesial communities to the eparchial assembly.

C. 143§4 opens the possibility of inviting observers from the non-Catholic Churches and ecclesial Communities to the patriarchal assembly. Patriarchal assembly is a consultative group of the entire Church presided over by the patriarch (c. 140) that is to be convoked at least every five years or whenever the patriarch with the consent of the permanent synod or the synod of bishops of the patriarchal Church considers it to be useful (c. 141).

Title IX of the CCEO speaks of assemblies of hierarchs of several Churches *sui iuris*. Members of such assemblies are patriarchs, metropolitans, eparchial bishops and, if statutes so state, other local hierarchs of various Churches *sui iuris*, even of the Latin Church, exercising their authority in the same nation or region (c. 322). The CCEO exhorts those who are responsible for drawing up the statutes of such assemblies to incorporate norms by which the participation of the hierarchs of those Churches not in full communion with the Catholic Church is fostered (c. 322§4).

### **4.3. Sharing in Sacramental Life**

The Catholic Church in her sharing of spiritual goods considers the Eastern non-Catholic Churches and the ecclesial Communities differently. Between the Catholic Church and the Eastern non-Catholic Churches, there is a very close communion in matters of faith (UR 14). The Second Vatican Council teaches, “These Churches, though separated from us, yet possess true sacraments, above all, by apostolic succession, the priesthood and the Eucharist, whereby they are still linked with us in closest intimacy” (UR 15). This offers ecclesiological and sacramental grounds for not only permitting but

encouraging some sharing in sacramental life between the Catholic Church and the Eastern non-Catholic Churches, “given suitable circumstances and the approval of Church authority” (UR 15).

Other Churches and ecclesial Communities differ considerably from the Catholic Church on account of their differences of origin, doctrine and spirituality (UR 19). They have not retained the authentic and full reality of the Eucharistic mystery, especially because the sacrament of orders is lacking (UR 22). Nevertheless, when they receive the sacrament of baptism with proper disposition, as it is instituted by Our Lord, they also are incorporated into the crucified and glorified Christ and reborn to a sharing of the divine life. This fact constitutes the basis for sharing spiritual goods with the other Churches and ecclesial Communities.

#### **4.3.1. The Sacraments That the Catholic Faithful Can Receive from Non-Catholic Churches**

##### **4.3.1.1. Sacraments of Penance, the Eucharist and Anointing of the Sick**

The basic stand of the Catholic Church is expressed in c. 671§1, “Catholic ministers licitly administer the sacraments only to the Catholic Christian faithful who, likewise, licitly receive the sacraments only from Catholic ministers.” But, c. 671§2 proposes an exception to what is stated in §1. Accordingly, the Catholic Christian faithful can receive lawfully the sacraments of penance, the Eucharist and anointing of the sick from non-Catholic ministers, provided the following conditions are fulfilled:

- a) Necessity requires or genuine spiritual advantage suggests it. The sacraments are not mere instruments for satisfying individual desires or for practising piety, rather they are meant to establish and sustain union with Christ. Therefore, there should be true spiritual need. OE 26 qualifies it as a

situation in which the need for salvation and spiritual good of souls are urgent.

- b) Danger of error or indifferentism is avoided. Request for these sacraments on the part of a Catholic should not imply a formal assent to error or the danger of erring in faith, of scandal and of indifferentism. OE 26 states it as a basic demand deriving from divine law and it is recognized also in the separated Churches.
- c) Physically or morally impossible to approach a Catholic minister. Physical impossibility may arise from very long distance, extreme illness, lack of time before imminent danger, speech impediment, ignorance or inculpable omission. Moral impossibility refers to the danger of breaking the confession secret, danger of scandal or sin for the penitent or the confessor, grave scruples of conscience, a credible thread of serious harm, danger of disgrace completely extrinsic to confession<sup>31</sup>
- d) Those three sacraments are valid in that non-Catholic Church. A Catholic faithful before approaching a non-Catholic minister for these sacraments, it is very important to determine whether the minister belongs to a Church or ecclesial Community which has these sacraments valid as per the determination of the Catholic Church. It is rather difficult to determine the validity of those sacraments in all Churches or ecclesial Communities. We have seen that the Catholic Church recognizes the Eastern non-Catholic Churches as having true sacraments. Because of the fact that the Orthodox Churches, though separated from the Catholic Church, have true sacraments, above all because of the apostolic succession, the priesthood and the Eucharist which unite them to the Catholic Church by close ties, the risk of obscuring the relation between Eucharistic communion and ecclesial communion is somewhat

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<sup>31</sup>E. Caparros et al. (eds), *Code of Canon Law Annotated*, Montréal 1993, 610.

reduced.<sup>32</sup> The validity of those sacraments presupposes that the ministers are validly ordained.

- e) DE permits Catholic faithful to read lessons at a sacramental liturgical celebration in the Eastern non-Catholic Churches if they are invited to do so (126). However, reception of the Eucharist is not permitted on such occasions. What the DE envisages here are rare situations in which the Catholic faithful are in a way obliged to participate in the non-Catholic celebrations out of relationship, friendship, public office, etc.

#### 4.3.1.2. Baptism

The ordinary minister of baptism is a priest as per the CCEO.<sup>33</sup> However, in case of necessity baptism can be administered by anybody. But it is to be noted that as per the CCEO, even in a case of necessity the one who administers baptism should be a Christian faithful, not just 'any person with the right intention' as permitted in the Latin Church (CIC c. 861§2). Therefore, only a Christian faithful or a baptized person can baptize. The category of Christian faithful includes also a non-Catholic Christian.<sup>34</sup>

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<sup>32</sup>The Letter of Pope Paul VI to Patriarch of Constantinople Athenagoras I dated February 8, 1971, *L'Osservatore Romano*, 7 March 1971.

<sup>33</sup>The fact that a deacon can be an ordinary minister of baptism in the Latin Church is considered by the Orthodox Church as a matter of great doctrinal difference: see *Commissione internazionale mista per il dialogo teologico tra le Chiesa cattolica ed ortodossa*: Documento di Bari (1987) 50.

<sup>34</sup>But the provision of the CCEO does not exclude the validity of the baptism given by a non-baptized person. *Catechism of the Catholic Church* no. 1256 states, "In case of necessity, any person, even someone not baptized, can baptize, if he has the required intention. The intention required is to will to do what the Church does when she baptizes, and to apply the Trinitarian baptismal formula. The Church finds the reason for this possibility in the universal saving will of God and the necessity of baptism for salvation."

### **4.3.1.3. Marriage Blessing**

C. 832§1 speaks of the extraordinary form of marriage, that is, a marriage conducted validly and licitly in the presence of witnesses only in a situation of danger of death, provided a priest competent to bless cannot be present or approached without great inconvenience. The canon exhorts the parties to call upon any priest even a non-Catholic one to get the marriage blessed, without prejudice to the validity of the marriage celebrated in the presence of only the witnesses (c. 832§2).

## **4.3.2. The Sacraments That the Non-Catholic Faithful Can Receive from the Catholic Church**

### **4.3.2.1. Sacraments of Penance, the Eucharist and Anointing of the Sick**

C. 671§3 permits the Catholic ministers to administer licitly the sacraments of penance, the Eucharist and anointing of the sick to Christian faithful of Eastern Churches who do not have full communion with the Catholic Church if they ask for them on their own and are properly disposed. There should not be any sort of pressure or coercion on the part of the Catholic minister. It is to be verified that the non-Catholic recipient is duly prepared to receive those sacraments. The assumption behind the canon is that the Eastern non-Catholic Churches have true sacraments. Here, the Catholic minister himself is authorized to evaluate the situation in the light of the prescriptions of law. The provision permitted to the faithful of the non-Catholic Eastern Churches holds also for the Christian faithful of other Churches, who according to the judgement of the Apostolic See, are in the same condition as the Eastern Churches as far as the sacraments are concerned. DE asks the Catholic ministers to be aware of the discipline of those Churches in this regard, especially concerning frequency of communion, Eucharistic fast, confession before communion, etc (122, 124). Similarly, care must be taken to avoid any suggestion of proselytism and

to make sure that there is no scandal and suspicion among the faithful.

Other Christians who are not in full communion with the Catholic Church also can lawfully receive those sacraments from Catholic ministers provided they are in danger of death, or there is another matter of serious necessity in the judgement of the eparchial bishop, the synod of bishops of the patriarchal Church or of the council of hierarchs. The required conditions in this case are: they cannot approach the ministers of their own ecclesial communities, they request them on their own, they manifest a faith consonant with that of the Catholic Church concerning those sacraments and they are rightly disposed (c. 671§4). Regulations here are more restrictive compared to those with the Eastern non-Catholic Churches because of the distant communion existing between the Catholic Church and the ecclesial Communities regarding sacraments. In the situation of danger of death, a Catholic priest can determine the case and give those sacraments to a Protestant faithful, provided the above stated requirements are present. The canon gives the same possibility in the case of serious necessity. But this necessity cannot be determined by the priest but the eparchial bishop, the synod of bishops or the council of hierarchs. Two examples of serious necessity may be imprisonment or persecution.

#### **4.3.2.2. Baptism**

The CCEO permits Catholic priests to administer baptism lawfully to the infants of non-Catholic Christians “if their parents or at least one of them or the person who legitimately takes their place request it and if it is physically or morally impossible for them to approach their own minister” (c. 681§5). It is to be noted that this canon speaks about the baptism of an infant, that is, one who has not completed his/her seventh year of age (c. 909§2) or the one who habitually lacks the use of reason and is considered not responsible for himself/herself (*non sui compos*) (c. 909§3). Such an infant is to be ascribed to

the Church or ecclesial Community of the non-Catholic parents, unless they request that the child be received into the Catholic Church. This canon addresses mainly an emergency situation. The Catholic ministers are to evaluate all the circumstances especially with regard to the physical and moral impossibility of approaching their own ministers, intention of the parents behind the request, etc. This is necessary for the smooth relationship between the Catholic Church and the non-Catholic Churches and ecclesial Communities.

According to the most ancient tradition of the Churches, the person who is to be baptized should have at least one sponsor (c. 684§1). Normally there are two sponsors in every baptism. Catholics fulfill the role of sponsors in a Catholic baptism. But, the CCEO permits an Eastern non-Catholic to stand as a sponsor in a Catholic baptism for a just cause but always at the same time with a Catholic sponsor (c. 685§3). A just cause may be the case of a baptism of a child born of mixed marriage. The CIC also has such a norm. It permits even a person who belongs to a non-Catholic ecclesial community (c. 874§2). However, it does not distinguish between an Orthodox and a Protestant. The CCEO admits only an Orthodox Christian as sponsor, while the CIC admits both Orthodox and Protestant, but not as sponsors but only as witnesses (CIC c. 874§2). DE 98 permits a Catholic to act as sponsor in the baptism of an Eastern non-Catholic (not of a Protestant).

#### **4.3.2.3. Marriage**

C. 833§1 provides for the faithful of the Eastern non-Catholic Churches to get married in the Catholic Church. They can get their marriage blessed by a Catholic priest, provided they cannot approach a priest of their own Church without great difficulty and if they voluntarily ask for the blessing. The Catholic priest should obtain the permission of his local hierarch before blessing such marriages and he should make sure that nothing stands in the way of valid and licit celebration. That means, he should know the ecclesiastical

prescriptions of those persons with regard to juridical capacity and matrimonial consent of the parties.

The provision of c. 833§1 should be used with precaution. The factors such as: great difficulty to approach a priest of their own Church' and sincerity of their request, are to be carefully evaluated by the Catholic priest. Similarly, such practice should in no way cause to create tension and conflict between the Catholic Church and the non-Catholic Church. Therefore, c. 833§2 asks the Catholic priest to try his best to notify the competent authority of those Christian faithful before blessing the marriage.

#### **4.3.3. Mixed Marriages**

The term 'mixed marriage' refers to any marriage between a Catholic and a baptized Christian who is not in full communion with the Catholic Church (c. 813). Such marriages are permitted for just reasons provided the following conditions are fulfilled as prescribed by c. 814:

- a) The Catholic party declares that he/she is prepared to remove dangers of falling away from the faith and makes a sincere promise to do all in his/her power to have all the children baptized and educated in the Catholic Church;
- b) The other party is to be informed in good time of these promises that 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;
- c) Both parties are to be instructed on the essential ends and properties of marriage, which are not to be excluded by either spouse.

DE further clarifies the above stated prescriptions. With regard to the response of the non-Catholic party for the promise of the Catholic party, it states that no formal written or oral promise is required of this partner. At the same time, an explicit refusal on the part of the non-Catholic party towards the promise of the Catholic party should be a reason for denying permission on the part of the local hierarch for such mixed marriages (150).

The Catholic partner has the obligation to follow the Catholic faith and to bring up the children in that faith. But he/she has to respect the freedom and conscience of the other partner and to strive for the unity and indissolubility of marriage. DE states, "If, notwithstanding the Catholic party's best efforts, the children are not baptized and brought up in the Catholic Church, the Catholic parent does not fall subject to the censure of canon law. At the same time, his/her obligation to share the Catholic faith with the children does not cease" (151).

C. 834§1 prescribes that the Catholic form for the celebration of marriage is to be observed in every mixed marriage. But if a Catholic faithful ascribed to an Eastern Church celebrates a marriage with one who belongs to an Eastern non-Catholic Church, the Catholic form of celebration is required only for lawfulness, for validity, however, the blessing of a priest is enough, while observing the other requirements of law (c. 834§2). The other requirements of law include the presence of two witnesses; juridical capacity of the parties and true exchange of matrimonial consent. But a marriage between a Catholic and a member of other Churches or ecclesial Communities is to be celebrated with the Catholic form for validity. Therefore, if a Catholic party wishes to marry such a non-Catholic without the Catholic form of celebration, he/she has to obtain dispensation from the Catholic form for the celebration of marriage from the Apostolic See or from the patriarch, as the case may be, who will not grant it except for a most grave cause (c. 835). DE mentions a few reasons for dispensation as "maintaining of family harmony, obtaining parental consent to the marriage, the recognition of the particular religious commitment of the non-Catholic partner or his/her blood relationship with a minister of another Church or ecclesial Community" (154). "The obligation imposed by some Churches or ecclesial Communities for the observance of their own form of marriage is not a motive for authentic dispensation from the Catholic canonical form" (155). With regard to the juridical capacity and the matrimonial consent of

the parties, the proper law of each party is to be observed (c. 780§2, 1°, 2°).

DE gives certain guidelines regarding the participation of both Catholic and non-Catholic ministers in the celebration of mixed marriages. A Catholic priest or deacon may attend or participate with the previous authorization of the local hierarch and he can, if he is invited by the celebrant, offer certain prayers, read from the Scriptures and give a brief exhortation and bless the couple in the celebration of a mixed marriage conducted after obtaining dispensation from the Catholic form (157). Similarly, upon request of the couple, the local hierarch may permit the Catholic priest to invite the minister of the other Church or ecclesial Community to perform those acts stated above (158). A mixed marriage according to the Catholic form is celebrated outside the Divine Liturgy, unless with the permission of the eparchial bishop, because of the presence of the faithful belonging to non-Catholic Churches or ecclesial Communities that hold substantially different views on the Eucharist (159). The criterion for granting permission by the eparchial bishop may be the ascription of the non-Catholic party, whether he/she belongs to an Eastern Church or to other Churches or ecclesial Communities.

DE invites all those who have care of souls to provide special instruction and support to the parties in mixed marriage in the preparation for the marriage, in its sacramental celebration, for the life together that follows the marriage ceremony and for the formation of children in faith (146 - 150, 152).

## **5. Ecumenical Cooperation in the Context of Kerala**

There is the presence of a strong Christian community in various denominations in Kerala. The Churches in the Catholic communion are the Syro Malabar, Latin and Syro Malankara. The non-Catholic groups include the Syrian Orthodox Church, the Orthodox Syrian Church, the Assyrian Church of the East, the Mar Thoma Church, Church of South India and a number of reform communities. Ecumenical dialogue is going on

between the Catholic Church and almost all the organized non-Catholic Churches.

Like the Catholic Church, the non-Catholic Churches in Kerala also are well organized with sufficient infrastructure for pastoral care. Therefore, non-sacramental and sacramental sharing does not become very necessary. Ecumenical actions are limited to certain joint endeavours in social, cultural and educational fields and prayer in common on rare occasions. The major realm in which the Catholics and the non-Catholics are ecumenically related is of marriage.

### **5.1. Ecumenical Relations between the Catholic Church and the Syrian Orthodox Church**

Ecumenical relations between the Catholic Church and the Syrian Orthodox Church (Patriarch's party or *Bavakakshi*) have achieved considerable progress. A common declaration of the same faith was made on June 23, 1984 between Pope John Paul II and Moran Mor Ignatius Zakka I Iwas, Patriarch of Antioch and all the East and Supreme head of the universal Syrian Orthodox Church.<sup>35</sup> This declaration acknowledges the excellent relationship existing between these two Churches through the joint initiative of Pope Paul VI and the Syrian Orthodox Patriarch Moran Mor Ignatius Jacobus III.<sup>36</sup>

Further, an agreement between the Catholic Church and the Malankara Syrian Orthodox Church on inter-Church marriages was made on January 25, 1994. It was based on the following points of the common declaration made between Pope John Paul II and Patriarch Ignatius Zakka I Iwas:

- a) The common profession of faith between the Pope and the Patriarch on the mystery of the Incarnate Word;

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<sup>35</sup> AAS 85, 3 (1993) 238 - 241 and *Information Service* 55 (1984/II-III) 61 -63.

<sup>36</sup> A common declaration was made between Pope Paul VI and Patriarch Ignatius Jacobus III dated October 27, 1971 in AAS 63, 11 (1971) 814 - 815.

- b) the common affirmation of their faith in the mystery of the Church and the sacraments;
- c) the possibility given by the declaration for a pastoral collaboration including the mutual admission of the faithful belonging to both Churches to the reception of the sacraments of Penance, Eucharist and Anointing of the Sick for a grave spiritual need.

Then, the agreement enters to treat the sacrament of marriage. It states, "Our two Churches accept the sacredness and indissolubility of the sacramental bond of marriage and consider the conjugal relationship as an expression of the above communion and a means to achieve self-effacing mutual love and freedom from selfishness which was the cause of the fall of humanity." Basing on this theological perspective, it gives the following directive: "Our two Churches desire to foster marriages within the same ecclesial communion and consider this the norm. However, we have to accept the pastoral reality that inter-Church marriages do take place. When such occasions arise, both Churches should facilitate the celebration of the sacrament of matrimony in either Church, allowing the bride/bridegroom the right and freedom to retain her/his own ecclesial communion, by providing necessary information and documents. On the occasion of these celebrations, the couple as well as their family members belonging to these two Churches are allowed to participate in the Holy Eucharist in the Church where the sacrament of matrimony is celebrated."

Together with the agreement, the Catholic Church published pastoral guidelines with twenty five points for her members to be followed in marriages with the members of Malankara Syrian Orthodox Church. The pastoral guidelines contain more detailed prescriptions and certain exhortations from the Catholic point of view. We quote directly from the document from nos. 5 - 25:

### **5.1.1. Preparation for Inter-Church Marriages**

- 1) When the parties apply for an inter-Church marriage they should be told that the marriage within the same faith is better for the harmony of the family and the upbringing of the children.
- 2) If they insist on conducting the inter-Church marriage they should be instructed properly about the Agreement reached between the Syrian Orthodox Church and the Catholic Church on inter-Church marriages.
- 3) It should be stressed that, while each partner holds his/her ecclesial faith as supreme or paramount, he/she should respect the ecclesial faith of his/her partner.
- 4) A pre-marriage preparatory course and a premarital counseling session are highly recommended.
- 5) The bride/bridegroom shall produce her/his baptism certificate.
- 6) The priest must ensure that the bride/bridegroom is eligible for marriage.
- 7) The priest should ensure that bride/bridegroom has paid the church donations in connection with marriages according to the practice of the Churches.
- 8) The bride and bridegroom, after mutual consultation, may select the church in which the marriage is to be celebrated.
- 9) Written permission for inter-Church marriage from the respective bishops should be obtained by the bride/bridegroom.
- 10) Banns should be published in the respective churches, which also announce that it is an inter-Church marriage.
- 11) Once the permission is obtained from the bishops, the respective parish priests are expected to issue the necessary documents for the conduct of marriage.
- 12) Marriage in the Lent or Advent seasons is only to be conducted with the permission of the Bishops.

### **5.1.2. Celebration of Inter-Church Marriages**

- 1) The liturgical minister should be the parish priest of the church where the marriage is celebrated, or his delegate from the same ecclesial communion.
- 2) There is to be no joint celebration of marriage by the ministers of both Churches. The marriage is to be blessed either by the Catholic or by the Syrian Orthodox minister. However, there could be some kind of participation at the liturgical service by the other minister who could read a scriptural passage or give a sermon.
- 3) On the occasion of these celebrations the couple, and any members of their families who belong to these Churches, are allowed to participate in the Holy Eucharist in the church where the sacrament of matrimony is being celebrated.
- 4) Proper entries must be made in the church registers, and marriage certificates should be issued for a record to be made in the register of the other church.

### **5.1.3. Pastoral Care of Catholic and Syrian Orthodox Inter-Church Families**

- 1) The Catholic partner is to be reminded that he or she has to commit him/herself to imparting to their children proper Catholic formation, to the extent possible and in agreement with his/her partner (cf. Directory for the Application of Principles and Norms on Ecumenism, Nos. 150-151). Such formation should be fully in harmony with the Catholic tradition to which he/she belongs.
- 2) The pastors of both partners are bound in conscience to provide continued pastoral care to the inter-Church families in such a way as to contribute to their sanctity, unity and harmony.
- 3) Each partner is to be advised to attend the liturgical celebrations of his/her respective Church, but the couple may be allowed to participate jointly in the Eucharistic

celebration on special occasions when this joint participation is socially required.

- 4) Any declaration of the nullity of such marriages is only to be considered with the consent of the bishops concerned from both Churches.
- 5) The funeral service should as far as possible be conducted according to the rite of the dead person's Church, even though he/she may be buried in either of the cemeteries, especially if the other partner is already buried there in a family tomb.

The participation in the Holy Eucharist about which no. 19 speaks seems to mean not only participation in the celebration of the Eucharist but also its reception provided the recipient is properly disposed. No. 21 is purely a Catholic exhortation. Accordingly, the Catholic Church obliges the Catholic partner to bring up the children in Catholic faith. The Syrian Orthodox Church also might have given a similar direction to her faithful.

Novelties in this agreement compared to the prescriptions of the CCEO on mixed marriages may be:

1. Neither the agreement nor the pastoral guidelines mention about the declaration to be made by the Catholic party that he/she is prepared to remove dangers of falling away from the faith, about the promise to do all in his/her power to have all the children baptized and educated in the Catholic Church and about the obligation of the Catholic party to make sure that the non-Catholic party is informed in good time of these promises that the Catholic party has to make and that the other party is truly aware of the promise and obligation of the Catholic party. Moreover, the agreement does not use the term 'mixed marriage'.
2. The difference of an inter-Church marriage treated above from a marriage between two Catholic parties is that the former needs the permission of the eparchial bishop.

3. As per the CCEO, a mixed marriage, for example between a Syro Malabar Catholic and a member of the Malankara Syrian Orthodox Church, is to be celebrated as per the form for the celebration of the Catholic Church (here in this case form for the celebration of the Syro Malabar Church) in order that it be lawful. If the parties insist that the Catholic form cannot be followed, in order that it may be celebrated in Kerala according to the rite of the Malankara Syrian Orthodox Church, the Syro Malabar party needs dispensation from the Catholic form from his/her Major Archbishop as per c. 835. But, by this agreement the permission mentioned in no. 13 carries with it the dispensation from the Catholic form.

## **5.2. Ecumenical Relations between the Catholic Church and the Orthodox Syrian Church**

Another major Eastern non-Catholic Church in Kerala is the Orthodox Syrian Church (Bishop's party or *Methrankakshi*). Ecumenical dialogue was begun between the Catholic Church and the Orthodox Syrian Church on the initiative taken by Pope John Paul II and Moran Mor Baselios Mar Thoma Mathews I in 1989. An official declaration on Christology was issued in 1989 explaining that the Christological confessions of the two Churches were in agreement, despite the historical and verbal differences that have occurred over the past centuries. For more than two decades this dialogue process has been successfully carried forward and established agreements on various topics, such as the early history of the St. Thomas Christians, episcopacy and the like.

Even though the Catholic Church and the Orthodox Syrian Church have mutual recognition regarding the validity of the sacraments, an agreement on mixed marriages has not yet been reached. The main reason is that the Orthodox Syrian Church does not admit mixed marriages. It holds that there cannot have two Eucharistic communions in a family, that is, the husband following a Church and the wife another. This

position of the Orthodox Church is an obstacle for lawful mixed marriages. It does not admit a marriage in which both the parties continue their membership in their own Churches. The law of the Orthodox Syrian Church for her faithful recognizes only those marriages as valid that are celebrated according to the rite of that Church. For that it is necessary that the non-Orthodox party joins the Orthodox Syrian Church before marriage. It is heard that even a Catholic faithful is received into the Orthodox Church only after anointing with chrism. Sometimes, the Catholic party in order that their marriage be celebrated in the Orthodox Church, approaches the competent Catholic authority to obtain dispensation from Catholic form. But there is no meaning in granting dispensation to the Catholic party who has to join the Orthodox Church for celebrating marriage with an Orthodox in the Orthodox Church.

### **5.3. Ecumenical Relations between the Catholic Church and the Assyrian Church of the East**

The Common Christological Declaration between the Catholic Church and the Assyrian Church of the East was signed on November 11, 1994 by Pope John Paul II and Patriarch Mar Dinkha IV.<sup>37</sup> In this document the Assyrian Church and the Catholic Church confessed the same doctrine concerning Christology and Mariology. The declaration went on to create a mixed committee for further theological dialogue between the two (now sister) Churches. This committee went on to draw up guidelines on July 20, 2001 for mutual admission to the Eucharist between the Chaldean Catholic Church and the Assyrian Church of the East, overcoming the issue of the lack of words of Institution in the Anaphora of Addai and Mari. The pastoral necessity behind the agreement between these two Churches is clearly expressed in the first number of the guidelines, "The request for admission to the Eucharist between the Chaldean Church and the Assyrian Church of the

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<sup>37</sup>*L'Osservatore Romano*, 12 November 1994, p. 1.

East is connected with the particular geographical and social situation in which their faithful are actually living. Due to various and sometimes dramatic circumstances, many Assyrian and Chaldean faithful left their motherlands and moved to the Middle East, Scandinavia, Western Europe, Australia and Northern America. As there cannot be a priest for every local community in such a widespread diaspora, numerous Chaldean and Assyrian faithful are confronted with a situation of pastoral necessity with regard to the administration of sacraments." What is stated in the agreement is permitted between the Catholic Church and all Eastern non-Catholic Churches as per the CCEO, under certain conditions which we have seen before. Therefore, what is important is that the Catholic Church recognizes the Assyrian Church of the East as a non-Catholic Church with "true sacraments, and above all, by apostolic succession, the priesthood and the Eucharist, whereby they are still joined to us in closest intimacy" (UR 15).

The Common Christological Declaration has force in the Assyrian Church of the East in Kerala also. But, no formal agreement has been signed so far on ecumenical affairs between the Catholic Church and the Assyrian Church in Kerala. Therefore, the Catholic Church can have ecumenical relations with the Assyrian Church only within the parameters of the CCEO and the CIC.

### **Conclusion**

Thus, the Eastern Catholics find ample directives in the CCEO for an effective dialogue with the non-Catholic Christians especially with the Eastern non-Catholics. Most of the directives are explained in detail by the *Directory on Ecumenism* which, of course, finds its basis in the teachings of the Second Vatican Council and the codes of canon law.

The wish of Pope John Paul II was that the Eastern Code should be ecumenical and there should be no norm in the Code that would be an obstacle on the road to the unity of all

Christians. He expressed his readiness to abrogate the Code once full communion of the Eastern non-Catholic Churches with the Catholic Church would occur. The CCEO dedicates two separate titles to treat 'ecumenism' and 'coming into full communion with the Catholic Church'. Besides, there are a number of canons which promote sharing of spiritual things and resources with the non-Catholic Churches and ecclesial Communities. We have studied the ecumenical significance of the CCEO by analyzing four themes: Ecumenical dialogue, Fostering the unity of Christians, Admission of non-Catholic Christians to Catholic Church and Sharing spiritual activities and resources.

Before the Second Vatican Council, the Catholic Church could think of ecumenism only in terms of return of the non-Catholic Churches and ecclesial Communities to the Catholic Church. Thus, the Churches who joined the Catholic Church came to be called uniate Churches. But with the Council, a change in the attitude began to take shape officially. The decree of the Council on ecumenism (UR) approved certain non-Catholic groups as Churches with valid sacraments and apostolic succession. Further, it recognized the authority of the non-Catholic Churches and ecclesial Communities to govern themselves according to their own disciplines. It was a change from the prior stand that the non-Catholics also were bound by the laws of the Catholic Church. The affirmation of the Council is a milestone in the history of ecumenism.

After the Council the Catholic Church and a number of Eastern non-Catholic Churches entered common Christological declarations through official documents. Now, the Catholic Church publicly declares that between the Catholic Church and the Eastern non-Catholic Churches, there is a very close communion in matters of faith. The Catholic Church recognizes that these Churches possess true sacraments, above all - by apostolic succession - the priesthood and the Eucharist. Thus, an ecclesiological ground has been established for permitting and even encouraging sacramental and non-sacramental

sharing between these Churches. But these Churches still lack full communion with the Catholic Church, the visible head of which is the bishop of Rome and the successor of Peter. Similarly, ecumenical relations with the ecclesial Communities of Reformation also have made considerable progress. It is true that the Catholic Church has reached no understanding on sacraments except baptism with such ecclesial Communities, precisely because the sacrament of order is lacking in these Communities. However, sharing in certain spiritual activities and resources with these Communities has been permitted. Thus, ecumenism has inscribed itself deeply in the consciousness of the Church.

The Eastern Churches both Catholic and non-Catholic share to a great extent the same basic patrimony of theology, spirituality, liturgy and discipline. Therefore, the Eastern Catholic Churches, more than the Latin Church, have a special duty of fostering unity among all Eastern Churches. For, they can have better mutual knowledge, understanding and appreciation. Hence, the invitation of the CCEO to work for the restoration of Christian unity, first probably among the Eastern Churches, by better knowledge of each other and by collaboration and brotherly respect in practice and spirit, has significant relevance. At the same time, care is to be taken lest the possible dangers in ecumenical activities like irenism, indifferentism, lack of prudence, immoderate zeal, etc. should creep in.

We have studied that the sacramental sharing between Catholics and non-Catholics is permitted on certain conditions. But, sometimes, there seems to have laxity on the part of both the groups to follow those conditions as prescribed by the canons. It may be because of the present social set up, especially among the migrants who have interactions with Christians of various denominations. The danger of indifferentism is found among such groups. It increases all the more when pastoral care according to their own liturgical traditions lacks. Eg. If the facility for liturgical celebration

according to the traditions of the Syro Malankara Catholic Church is unavailable in a certain area, then the faithful of that Church prefer the worship of the Syrian Orthodox or Orthodox Syrian Church to that of the Latin or Syro Malabar Church.

We have contextualized our study in the situation of Kerala where there is the presence of the Catholic Church and certain Eastern non-Catholic Churches and ecclesial Communities with a good number of faithful. Among the Eastern non-Catholic Churches, the Syrian Orthodox Church stands in the forefront to have very close relationship with the Catholic Church. These two Churches have succeeded to make an agreement on inter-Church marriages. It is to be noted that the term 'mixed marriage' is not used in this agreement. All the formalities that can be followed in a marriage between two Catholic parties, namely betrothal, publication of banns, etc. can be possible in such inter-Church marriages also. The only difference with regard to the conduct of such marriages may be that they need the permission of the respective bishops. The agreement is a consolation for both the Catholic and the non-Catholic partners who happen to choose inter-Church marriages and at the same time wish to live according to their own faith and ecclesial traditions.

Open and sincere dialogue is constantly going on between the Catholic Church and other Churches and ecclesial Communities. Besides, both the Catholic and the non-Catholic communities join together to fight against social evils and to promote values in the society.

We have seen that the Catholic Church has come forward with a much liberal stand regarding non-sacramental and sacramental sharing with the non-Catholic Christians, especially with the Christians of the Eastern Churches. However, with regard to the question of sharing in Holy Orders, the Church holds very strict position and permits no sharing. Because, the sacrament of order presupposes full

communion between the one who receives the order and the one who confers it.

We must give clearer and more concrete witness to the unity of the Churches which today is all the more imperative than ever in our coexistence with other religions. All Churches both Catholic and non-Catholic should listen to the words of Pope John Paul II in his Apostolic Letter *Orientalis Lumen*, "Today we know that unity can be achieved through the love of God only if the Churches want it together, in full respect for the traditions of each and for necessary autonomy. We know that this can take place only on the basis of the love of Churches which feel increasingly called to manifest the one Church of Christ, born from one Baptism and from one Eucharist, and which want to be sisters" (20).

We conclude this study proposing certain points for reflection. First is regarding the use of the term 'Non-Catholics'. In order to designate the non-Catholic faithful, the CCEO uses in general the adjective *acatholici* (cc. 35, 896 - 901, 293, 143§4, 238§3, 634§2, 681§4 and 5, 685§3, 671§2 and 5, 670§5, 702, 705§2, 876§1, 832§2, 833§1, 834§2, 450,1°, 517§1, 559§1, 780§2, 781, 813, 815, 810§1,3°, 1372§2, 858, 1439); but at times also uses the expression 'Christian faithful of Eastern Churches who do not have full communion with the Catholic Church and Christian faithful of other Churches' (cc. 671§3 and 4). The adjective *acatholici* does not seem to be the most fitting word from a theological and an ecumenical point of view. The faithful and Churches whom we call non-Catholics and non-Catholic Churches may not like to be called so as they believe that they form part of the one, holy, catholic and apostolic Church. Similarly, it is wrong that the non-Catholic Churches call themselves orthodox as the usage seems to suggest that the Catholics are not orthodox. The Latin Code in line with the terminology of the Second Vatican Council prefers to use the name 'Churches and ecclesial communities' to *acatholici*. A number of instances can be found in the Code, for example, cc. 383§3, 463§3, 908, 933, 1124.

Second is the question of coming into full communion and the right of pastoral care. Many orthodox Churches fear whether they can practice faith according to their liturgical, theological and spiritual traditions by coming into full communion with the Catholic Church. Here comes the question of the proper pastoral care of the Syro Malabar faithful living outside Kerala in the Latin dioceses. We all know, provisions as envisaged by the laws of the Church have not yet been made outside the proper territory of the Syro Malabar Church. In this context, the assurance of Pope Benedict XVI expressed in his address on October 10, 2010 to the participants in the congress marking the 20<sup>th</sup> anniversary of the promulgation of the CCEO held in Rome draws our special attention. He says, "In preserving the Catholic communion the Eastern Catholic Churches did not at all intend to deny their own tradition. As has been many times repeated, the full union of the Eastern Catholic Churches with the Church of Rome that is already realized must not lead to a diminution of the consciousness of the unique authenticity and originality of those Churches."<sup>38</sup> For this reason it is the task of all the Eastern Catholic Churches to conserve the common disciplinary patrimony and nourish their own traditions, which is a treasure for the whole Church." It includes logically the facilities for the proper pastoral care of the Eastern Catholics who are found in big numbers in the Latin dioceses outside Kerala. Proper pastoral care means not merely celebrating the Divine Liturgy in their rite but formation and practice in their own spiritual, liturgical, theological and disciplinary patrimony through lawful ecclesiastical structures.

Third is concerning the agreement between the Catholic Church and the Malankara Syrian Orthodox Church on Inter-Church Marriages. It is a consolation for many who happen to enter such marriages and for their families. It is a fact that the number of such marriages is on the increase. It is similarly a fact that in majority of cases the female partners belong to the

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<sup>38</sup>Pope John Paul II has expressed the same idea in his Apostolic Letter *Oriente Lumen* in no. 21

Catholic Church. There may be many reasons for such marriages. One among them may be that the share system (that is, the amount to be given to the bridegroom by the parents of the bride) is higher in the Catholic community than in the non-Catholic groups. With the emergence of the agreement such girls can conduct their betrothal as per the laws of the Catholic Church. It is not permitted ordinarily in the case of a Catholic girl marrying a member of the Orthodox Syrian Church since the latter insists that the marriage be celebrated according to the Orthodox rite.

No 24 of the Pastoral Guidelines on Marriages between Members of the Catholic Church and of the Malankara Syrian Orthodox Church regarding declaration of the nullity of such marriages is not strictly followed. It is generally observed that the non-Catholic partner easily obtains dissolution from his Church and is married again.<sup>39</sup>

Similarly, it sometimes happens. For example, a marriage between a Syro Malabar man and a Syrian Orthodox or Orthodox Syrian woman (after becoming Catholic) is celebrated as per the Catholic form. After some time the joint life is broken. The woman returns to the Syrian Orthodox or Orthodox Syrian Church and she is permitted to celebrate another marriage with a Syrian Orthodox or Orthodox Syrian in a Syrian Orthodox or Orthodox Syrian Church without considering the validity of the prior bond and without making any consultation with the competent authority of the Catholic

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<sup>39</sup>There is no divorce in the Catholic Church. What the tribunals of the Catholic Church do is declaring the marriages invalid in the presence of reasonable evidences. The practice of the Orthodox Church is that the bishops preside over spiritual courts and dissolve marriages contracted legally and in accordance with the sacred canons by granting ecclesiastical divorces. In addition, the Orthodox Church allows with condescension and according to economy the remarriage of the innocent party. The difference between granting annulments and ecclesiastical divorces points to deeper disagreements concerning the nature and formation of marriage. This remains to be a stumbling block in the path to unity between the Catholic and the Orthodox Churches.

Church. It is said that such marriages are granted dissolution by the Metropolitan of the Syrian Orthodox or Orthodox Syrian Church.