

THE COINAGE HISTORY OF THE TERM “ECCLESIA PARTICULARIS SEU RITUS” IN ORIENTALIUM ECCLESiarUM LEADING TO “ECCLESIA SUI IRUIS” IN CCEO

Sebastian Vaniyapurackal *

The author analyses various texts that are used to refer to the Oriental Churches and expopses how the Code of Canons for the Eastern Churches finally resolved the issue by preferring a term or expression that is in vigour currently. He manifests how up to Vatican II and even in the documents of Vatican Council II, the Eastern churches were referred to with a confusive term. With the promulgation of the Eastern Code, finally, such confusion is removed and brought clarity as to what an Oriental Church is and what are its salient characteristic features.

Introduction

Until the promulgation of the Code of Canons of the Eastern Catholic Churches, much confusion and uncertainty existed about the terminology which would designate the Church and her different groupings¹. The term *particular Church* was used in a variety of ways

*Sebastian Vaniyapurackal, born in 1967 at Mulankunnu, Kerala, was ordained priest on December 30, 1992 for the eparchy of Kanjirapally. After his licentiate and doctorate in Oriental Canon Law (2005), Holy Cross-University Rome, he served the eparchy as Vicar of several parishes and as judge and judicial vicar of the matrimonial tribunal of the eparchy (2006-2014). He was, then, appointed the defender of the bond of the Major Archiepiscopal Ordinary Tribunal of the Syro Malabar Church (2012 - 2014) and is now rendering service as the vice-chancellor of the Syro Malabar Archiepiscopal Church (2014 -).

¹“It is to be noted that, contrary to what is sometimes stated, the discrepancy in terminology in the conciliar documents was not an oversight on the part of the Council, but having been officially pointed out to the Fathers, it was consciously and responsibly allowed for. The reason given was that since *ecclesia* itself is an analogous term (used to designate not only the Universal Church and the Particular Church but also church buildings), the term *ecclesia particularis* could also be used analogously. In any case the context excluded ambiguity, and a discreet use of the term *ritus* taken as an equivalent excluded it altogether.” G. Nedungatt, “*Ecclesia universalis*,

in the different documents and in the legislation of the Church², especially in those of the Second Vatican Council. One use occurs in *Lumen Gentium*³ and *Christus Dominus*,⁴ which refer to dioceses and their juridic equivalents as "particular Churches." A second occurs in *Ad Gentes*,⁵ where the term indicates all churches in a given region. Finally, *Orientalium Ecclesiarum*⁶ and *Unitatis Redintegratio*⁷ give "particular Church" a third meaning: an intermediary level of communion.

Since the Council used a single technical term, "particular Church," to designate distinct entities, confusion was inevitable. On this point, G. Fürst observes:

From a negative point of view, unfortunately the Council did not succeed, as already in other cases, to find a precise terminology with regard to *coetus hierarchia junctos* and it necessarily led to various difficulties. Terminology is not, of course, *art pour l'art* and particularly in canon law it often comes out with a definable Theology behind it.⁸

Given this confusion, the introduction of the expression "Church *sui iuris*" - a term that approximates the meaning of "particular Church" found in *Orientalium Ecclesiarum* - generated significant interest among

particularis, singularis," in *Nuntia* 2 (1976), 76; Cf. also I. Žužek, "Le «Ecclesia sui iuris» nella revisione del diritto canonico," in *Understanding the Eastern Code*, Kanonika 8 (Roma 1997) 95.

²Cf. John P. Beal, James A. Coriden, and Thomas J. Green, eds., *New Commentary on the Code of Canon Law* (New York: 2000) 504. The different shades of meaning applied to "particular Church" were evident also in the now defunct *Lex Ecclesiae Fundamentalis* and in the *CIC '83*. In the drafts of the former and in the promulgated text of the latter it meant a diocese. Cf. *LEF* c. 2 §1, c. 40 §1; *CIC*, c. 369. *LEF* used "Ecclesia sui iuris" in order to designate an autonomous Oriental Church.

³Cf. *LG*, nn. 13, 23^a, 27, 45. The same expression is used to mean the intermediary level of communion like patriarchal Churches in this document. Cf. *LG* 23^d.

⁴Cf. *CD* nn.11, 23, 28.

⁵Cf. *AG* n. 6.

⁶*OE* nn. 2-4, 16, 17, 19.

⁷*UR* n. 16.

⁸G. Fürst, "Ostkirche(n)-Ritus(Riten)-Ostkirchenrecht," in *Folia Theologica* 6 (1995), 48.

ecclesiologists and canonists. However, a basic understanding of the circumstances that produced the term must precede any such advanced study. This article aims to assist those seeking to meet this essential prerequisite. To that end, it will begin by attempting to expose the Vatican II ecclesiology of "particular Churches" as expressed in the Decree on the Eastern Churches. After *Orientalium Ecclesiarum* is discussed, the rest of the article will articulate the process that ultimately produced the term "Church *sui iuris*" found in canon 27 of CCEO.

1. The *Iter* of the Decree *Orientalium Ecclesiarum*

For many historical, political, theological and doctrinal reasons, and due to differences in culture, language and ways of thinking, the Eastern and Western Churches walked in different directions for centuries. But while there were many divisions, so also were there numerous desires for and attempts at reunion.⁹ The medieval period saw many attempts at reunion. Some succeeded, but only in part; others failed. Ultimately, the so-called "uniatism"¹⁰ significantly

⁹The Councils of Lyons (1274) and Florence (1439) intended to reunite the Catholic and Orthodox Churches. However, they did not succeed. Subsequent attempts at Church unity were made by Western missionaries, whose ecclesiology highlighted and propagated the need to be directly subject to the Pope in order to be saved. These missionaries' efforts resulted in the formation of many Eastern Catholic Churches. Cf. George Nedungatt, *The Spirit of the Eastern Code* (Bangalore: 1993) 63.

¹⁰There had been two different methods adopted in the way of unity: *Unionism* and *Uniatism*. The former was the attempt to arrive at unity through bilateral accords. The latter was the method adopted to achieve communion with the Roman Church, those big or small communities of faithful and the hierarchy, who were part of the different original Orthodox Churches. The joint international commission for the theological dialogue between the Roman Catholic Church and the Orthodox Church in Freising (June 1990) stated the following words about uniatism: "we reject it as a method for the search for the unity because it is opposed to the common tradition of our Churches" (*Information Service* 83 (1993/II), 96.). The term "uniatism" is not very theological and is displeasing to the bearers themselves. R. Taft writes, "I place "Uniatism" in quotation marks because it has evolved today into what many consider (and some deliberately use as) a pejorative term of contempt, like the epithet "papist" for "Catholic", despite the fact that historically, Christians of the Byzantine tradition in union with Rome once used it of themselves. Other names like "Greek Catholic", "Byzantine Catholic", "Ukrainian Catholic", have like everything else, their origins and particular

undermined ecumenical progress with the Orthodox: "united" Churches had to struggle to resist 'latinization,' and the Orthodox Churches reacted with anger and suspicion.

In modern times, the Second Vatican Council took a unique and more effective approach to ecumenical dialogue. In addition to acknowledging the Eastern Churches and their forms of governance, the Council also concretely contributed toward their preservation and advancement. More specifically, it mandated that all those who work among these Churches do everything possible to foster their growth while also safeguarding their individual identities.

Indeed, if the Second Vatican Council has reenergized and revitalized the Church in general, it has especially done so regarding the Eastern Catholic Churches.¹¹ According to J. Madey, the Council marked the first attempt to recognize the distinct identity and authenticity of the "particular Churches" existing in the East and West.¹² A key part of that attempt was the decree *Orientalium Ecclesiarum*, which established sound disciplinary¹³ principles to govern the lives of the Eastern Catholic Churches.

By establishing a decree specifically for the Eastern Catholic Churches, the Council intended to help them flourish and, with new apostolic strength, fulfill the task entrusted to them.¹⁴ Such a decree would help these Churches resolve the problems facing them throughout the world.¹⁵ The decree on the Eastern Catholic Churches speaks about those Churches which are in full communion with the Church of

history. But history apart, to use "Uniat" as a name for Eastern Catholics can be gratuitously offensive". R. Taft, "Reflections on "Uniatism" in the Light of Some Recent Books," in *Orientalia Christiana Periodica* 65 (1999) 153.

¹¹"This holy, ecumenical synod, therefore, has a special care for the Eastern Churches, which are living witnesses of this tradition, and wishes them to flourish and to fulfill with new apostolic strength the task entrusted to them." *OE* 1.

¹²Cf. J. Madey "Das zweite Vatikanische Konzil und die Revision des Rechtes der Ostkirchen," in *Bohoslovia*, 41-42 (1977) 121.

¹³Since *OE* dealt with many disciplinary issues, it can be called a *pre-code*, or first step in the reform of Eastern canon law.

¹⁴Cf. *OE*, 1. There had been, however, different opinions about the relevance of a separate decree.

¹⁵Cf. S. Maximus IV, *Discorsi di Massimo IV al Concilio*, Collana, Documenti per il Rinnovamento della Chiesa (Bologna: 1968) 293.

Rome¹⁶ after having lived a life of separation for centuries. The periods as well as the reasons of separation vary from Church to Church.¹⁷ One can say that the break became definitive as a result of the events of 1054.

Like every other Council document, the decree on the Oriental Catholic Churches had its own *iter*. For *Orientalium Ecclesiarum*, this *iter* began with the antepreparatory consultation in the year 1959 and ended only with the decrees promulgation on December 21, 1964. A study of this *iter* will be helpful for understanding the different steps adopted from the time of the preparation of the schema, until its promulgation. This method is also useful for grasping the true meaning of the text and interpreting it according to the letter and spirit of the Council.

During the consultation or antepreparatory stage, some Eastern Catholic hierarchies preferred to give their opinions collectively and only after having discussed them collegially in their synods.¹⁸ This was really the first step and sign of the forthcoming strong stand that the Oriental Fathers would take in the Council.¹⁹ Although in this pre-

¹⁶The very title *Decretum de Ecclesiis Orientalibus Catholicis* indicates that the decree is intended for the Eastern Catholic Churches. But it is also true that the Eastern non-Catholic Churches are affected by its provision either directly or indirectly. Cf. J. Faris, *Eastern Catholic Churches: Constitution and Governance* (New York: 1992) 77.

¹⁷Nestorius was condemned in the Council of Ephesus (431) and the Monophysites in the Council of Chalcedon (451). These are the two major divisions that came in the early centuries due to doctrinal disagreements. In the decree on Ecumenism it is stated in the following words: "The first divisions occurred in the East, either because of the dispute over the dogmatic formulae of the Councils of Ephesus and Chalcedon, or later by the dissolving of ecclesiastical communion between the Eastern Patriarchates and the Roman See" (UR 13).

¹⁸For example, instead of responding individually, the members of the Greek- Melkite Church preferred to give a collective response. Maximus IV, Patriarch of Antioch for the Melkites, convoked a synod in Ain-Traz from 24 to 29 August 1959. This synod dedicated almost only to the affairs of the coming Ecumenical Council. They exposed their proposals through a common letter addressed to Cardinal Tardini and signed by the Patriarch himself together with 15 bishops and 4 superiors general. Cf. *Discorsi di Massimo IV*, 21.

¹⁹There were about hundred Bishops from the Oriental Churches at the Council, and some of them hardly spoke as representatives of the Oriental

preparatory phase, the Oriental Catholic Churches would do everything possible to stand united in their defence against latinization, they would also be presenting different opinions,²⁰ with regard to certain specific questions and disciplinary matters.²¹

Having finished the pre-preparatory work, the preparatory commission²² *De Ecclesis Orientalibus*, presided over by Cardinal A.G. Cicognani, began to function. The task of the members and consultants²³ of the commission during this period was to examine the suggestions, advice and proposals relating to both Catholic and non-Catholic Oriental Churches.²⁴ This pre-conciliar commission was free to study arguments which it considered reasonable and just, and it carried out this study according to the indications received. In conducting its work, the commission was to give serious consideration to four important issues:

1. Transfer from one rite to another
2. *Communicatio in sacris* with non-Catholic Eastern Christians
3. Model for the reunion with non-Catholic Eastern Christians
4. Principal disciplinary questions assigned to other commissions that related to the Eastern Churches²⁵

Guided by these directives, the Commission proceeded with its work. Six sessions were held according to the nature of the work allotted to each: theological, juridical, pastoral, liturgical, and historical matters.

tradition. But many did especially the Melchites and the Maronites. Cf. Y. Congar, "Church Structures and Councils in East-West Relations" in *One in Christ* 11 (1975) 235.

²⁰See J. Grootaers, *I Protagonisti del Vaticano II* (Torino: 1994) 178; G. Caprile, *Il Concilio Vaticano II, Terzo Periodo (1964-1965)*, vol. IV (Rome: 1965) 233.

²¹Cf. S. Manna- G. Distante, *Orientalium Ecclesiarum. Decreto sulle Chiese Orientali Cattoliche* (Casale Monferrato: 1986) 7.

²²The commission included a president, 59 members, of whom 29 were members and 30 consultants, coming from different nationalities, particularly from oriental countries. Cf. G. Caprile, *Il Concilio Vaticano II*, vol. I, p. II (Rome: 1965) 530.

²³The list of all these official representatives of the Oriental Churches and the specialists in oriental science was published in *L'Osservatore Romano*, 29/30, August 1960.

²⁴Cf. S. Manna- G. Distante, *Orientalium Ecclesiarum*, 8.

²⁵Cf. *Questiones Commissionibus Praeparatoriis Concilii Oecumenici Vaticani II positae*, Typis Polyglottis Vaticanis, 8°, 24; S. Manna- G. Distante, *Orientalium Ecclesiarum*, 8; G. Caprile, *Il Concilio Vaticano II*, vol. I, part. I, 295.

There were also four sub-commissions with specific responsibilities. There were many sittings of these sessions and sub-commissions, in which they wrote, discussed, elaborated and approved the eleven schemata, which were examined by the central Commission.

2. Conciliar Phase

Out of the Eastern preparatory commission's eleven schemata, only one was initially presented to the Council:²⁶ "*De Ecclesiae unitate «ut omnes unum sint»*."²⁷ This document, which Cicognani presented during the Council's 28th General Assembly, was modified according to the suggestions of the Fathers.²⁸ The latter substantially approved

²⁶By presenting the schema the President of the commission said: "Lo schema è l'espressione della sollecitudine della chiesa cattolica per ritrovare la strada dell'unione con i fratelli separati d'Oriente. Siamo uniti nella fede, ma disaccordiamo su qualche verità, come l'unità in Pietro. Lo schema, che riguarda soltanto i fratelli separati d'Oriente intende porre in rilievo la dottrina della Chiesa in proposito, affinché il Concilio prepari un documento che possa aprire la via dell'unità nella carità di Cristo". Cf. *La Civiltà Cattolica*, vol. I (1963) 70. See also A. Floyd, ed., *Council Daybook: Vatican II, Session 3* (Washington: 1965) 137.

²⁷The other schemata were 1) on Oriental rites, 2) on Oriental Patriarchs, 3) on *Communicatio in sacris*, with oriental non-catholic Christians, 4) on the use of the vernacular languages in liturgy 5) on the Sacraments of the Church 6) on the precepts of the Church 7) on the Faculty of Bishops 8) on Catechism and catechetical instructions 9) on the Divine Office of the Oriental Churches 10) on the Perpetual calendar and the celebration of the Easter. The discussion of the *Ut omnes unum* began on 27 November 1962 and finished on 1 December of the same year. 2068 Fathers voted in favour of the schema and 36 against. Cf. *La Civiltà Cattolica*, vol. I (1963) 71-76; Cf. De Vries, "Il decreto conciliare sulle chiese orientali cattoliche," in *La Civiltà Cattolica*, vol. II (1965) 108; G. Caprile, *Il Concilio Vaticano: Terzo Periodo 1964-1965*, vol. 4, 218-239.

²⁸Different Fathers made interventions. It was suggested, first of all, to change the title of the schema since it treated only the separated Eastern Christians and not the Protestants. An important suggestion was that there must be a redistribution of matter between the three schemata, on the Church, on Ecumenism and on the Eastern Churches. Another suggestion was that there should be an ecumenical discussion of the separated Eastern Churches but it was not deemed fitting to deal with the separated Churches on the same level as the Eastern Churches in communion with Rome. As a result only a little was left regarding the Catholic Eastern Churches, and that little was very important since these Churches were facing some crucial problems. Cf. A. Fannery, (ed.), *Vatican II on the Church* (Dublin: 1967) 153; *La Civiltà Cattolica*, vol. I (1963) 70-71.

this schema; however, they also suggested that it be modified by a mixed commission consisting of members of the doctrinal commission, Eastern commission, and secretariat for Christian unity.²⁹ Since these three bodies had more or less treated the same topics in different ways, this collaboration served to synthesize their efforts into a single text. Out of the other schemata, the Oriental Commission produced a single schema *De Ecclesiis Orientalibus*.³⁰ This new schema was discussed in the Council *aula* from 15 to 20 October 1964.

3. Important Interventions in the Council

About thirty Fathers made interventions during discussions of the schema. Generally speaking, some were favourable to the draft while others called for an abandonment of the text.³¹ Some interventions give significant insights into the then-prevailing attitudes regarding the Oriental Churches, especially regarding the use of the term “particular Church”, certainly³²

²⁹Cf. De Vries, “Il decreto conciliare sulle chiese cattoliche orientali,” in *La Civiltà Cattolica*, Vol. II (1965) II, 108.

³⁰This was the synthesis of all the other schemata with the exception of *Communicatio in sacris*.

³¹One main reason for the objection was that since the Council was preparing a dogmatic constitution on the Church, a separate decree on the Eastern Catholic Churches would give the impression that they were extraneous to the Catholic Church. Cf. J. Faris, *The Eastern Catholic Churches: Constitution and Governance* (New York: 1992) 76.

³²For a long time in ecclesiastical history, the East and the West continued with differences of opinions and practices. Interventions by Msgr. E. Zogby of the Melchite Church in Egypt give us some information about the conceptual and practical differences between them. He said that insisting on the collegial power of the Apostles, the Orthodox Churches (which form a majority of the Oriental Churches) always evolved into a notable autonomy. The Catholic Church (in which the Latins are the majority), on the other hand, went in the opposite direction, that is to say, towards centralization. What about the situation of the Oriental Catholics? They are a minority and are not treated according to the ecclesiastical status. He proved the argument speaking openly on the unbalanced protocol in the Council hall. It was awkward, according to him, the precedence given to the Cardinals compared with the Patriarchs in the Council: «Essi sono una minoranza, com'è dato vedere anche in questo Concilio in cui i Patriarchi delle grandi sedi apostoliche scompaiono quasi dietro la sacra porpora di un centinaio di cardinali». It is to be remembered that during the first period of the Council the Oriental Patriarchs only had seats behind the Cardinals. Later on they were seated in front of the

Franz Cardinal König of Vienna made some clear assertions. He led the debate with some fundamental objections:³³ 1) The non-Catholic Eastern Churches were not honoured sufficiently as Churches. 2) The Eastern Churches were practically identified with the Churches united with Rome and relations with the Orthodox were viewed under the guise of conversion to the Roman Catholic Church. 3) He found fault with propositions 2-4, which regarded *only the Eastern Churches* as "particular Churches", "while the Latin part of the Church is also constituted by particular Churches."³⁴

Some Fathers and theologians considered a separate schema and therefore a separate decree on the Eastern Churches unnecessary. Those who held this view believed the relevant topics could easily be integrated into other schemata, and to greater effect. Patriarch Maximos IV expressed concern about the term "particular Churches."³⁵ Concerning the schema's preamble, he stated:

The preamble praises the Catholic Church for having always held the institutions of the Christian East in great esteem. It thereby contrasts or distinguishes the Catholic Church, which addresses this praise, and the Eastern Church, to whom this praise is addressed. This leads one to believe either that the Catholic Church is identical with the Latin Church, which is not exact, or that the Eastern Churches do not belong essentially to the Catholic Church, which is also equally inexact.³⁶

Interventions such as this were very strong, based on sound ecclesiology. Above all, they called for the correction of mistaken beliefs. Consciously or unconsciously, for a long period in the history of the Church, there existed and continues to exist³⁷ the strong

Cardinals. Cf. G. Caprile, *Il Concilio Vaticano: Primo Periodo (1962-1963)*, vol. II, 218-219.

³³Cf. X. Rynne, *Vatican Council II* (New York: 1968) 336.

³⁴"Ad nn 2-4, ubi de Ecclesiis particularibus sermo est, dicitur primo Ecclesias orientales solas esse Ecclesias particulares, dum vero pars latina Ecclesiae etiam Ecclesiis particularibus componitur..." AS, vol. III, p. IV, 529.

³⁵*Discorsi di Massimo IV*, 295; AS vol. III, p. V, 873.

³⁶X. Rynne, *Vatican Council II*, 338.

³⁷The specialty attributed to the Latin Church in comparison with the Oriental Churches is evident even in the new legislation of both the Churches. The code of the Latin Church is called *Codex Juris Canonici* while that of the Oriental Churches is *Codex Canonum Ecclesiarum Orientalium*. The Latin Code has no "Latin" specification; on the other hand, the Oriental Code has "Oriental" specification. This

impression that the Latin Church is *the* Catholic Church.³⁸ As George Nedungatt, S.J., observes, the expression “particular Churches of both the East and the West” allowed the decree to affirm these Churches’ juridical equality and avoid the seeming impression that the Latin Church was synonymous with the Universal Church.³⁹

4. Incoherence in the Schema of *OE*

In using both “ritus” and “ecclesia particularis,” the schema itself became incoherent. In drafting it, the responsible commission had wanted to exclude the term *Ritus*, found in the *CIC*’17⁴⁰ and the 1957 *motu proprio Cleri sanctitati*,⁴¹ in favor of *Ecclesiae particulares*. And even during the discussion of the schema, a strong preference for distinguishing *Ecclesia particularis* from *rite* prevailed.⁴² However, the formulators of the schema

would imply that these latter were some sort of special Churches while the Latin Church was the standard Church. Cf. George Nedungatt, *The Spirit of the Eastern Code*, 43-44. But it is to be affirmed that in both the codes there are ample references to prove that the Latin Church is also considered as a Church *sui iuris*. For example see, *CIC* cc. 111 and 112.

³⁸A person who enters one of the Catholic churches in Italy, France or Germany finds the same Mass, the local language of the place, the same liturgical vestments. The uses and norms of law are substantially the same here. Such a situation exists not only in West and central Europe, but in the States, Australia and in the mission countries. Without having knowledge of the ecclesial realities with ritual diversities in various parts of the world many have the confused idea that the Latin Church alone is the Catholic Church. But this is not corresponding to the truth. For details, E. Hermann, *L’Orient Cattolico* (Roma: 1934) 5-18.

³⁹Cf. George Nedungatt, “Ecclesia universalis, particularis, singularis,” 76.

⁴⁰The 1917 code referred to the Latin and Eastern *rites*, which comprised the Catholic Church. C. 98 §1: “Inter varios catholicos ritus ad illum quis pertinent, cuius caeremoniis baptizatus fuit...” (A person belongs to the rite according to whose ceremonies he was baptized); C. 98 §2: “clerici nullo inducere praesumant sive latinos ad orientalem, sive orientales ad latinum ritum assumendum” (Clerics must abstain from inducing persons to transfer from the Latin to the Oriental rite and vice versa).

⁴¹“Orientales ritus, quorum augusta antiquitas et praeclaro est ornamento Ecclesiae omni et fidei catholicae divinam unitatem affirmat, religiose servantur.” *AAS* 49 (1957) 436.

⁴²“In titulo huius capituli dicatur: « De ritibus canonicis seu Ecclesiis ». Resp.: Deberet primum dari clara definitio termini «ritus». Cf. *AS* vol. III, p. IV, 498, emendatio (= em) 8; Clarius specificetur terminus «ritus», cf. *AS* vol. III, p. IV, 501, em. 38; Uniformetur usus termini «ritus», cf. *AS* vol. III, p. IV, 508, em. 103.

themselves were not coherent. They had used, for example, the first term in place of the latter.⁴³ It was found, after all, a determination from the part of the commission responsible for the schema not to use the term *Ritus*, if not in the sense of liturgy, ecclesiastical discipline and spiritual patrimony,⁴⁴ although they had to make adjustments in the days to come.

5. The Articles on Particular Churches lose to win

The modified schema of the decree *De Ecclesiis Orientalibus* was discussed from 15-20 October 1964. In general, few in the council hall opposed the schema, and those with opinions put them in writing.⁴⁵ After the discussion ended, the Fathers voted on the schema for the first time.⁴⁶ Of the text's seven sections, only the second one, that on *particular Churches*, was rejected.⁴⁷ According to Ivan Žužek, this rejection resulted from inconsistencies between the schema's terminology and that of *Lumen Gentium* and *Christus Dominus*.⁴⁸ The already-mentioned opposition to the term *particular Church* supports this hypothesis, as do the comments of certain Fathers who had voted *placet juxta modum*. Among the latter, some demanded introducing the term *Ritus*⁴⁹ as an equivalent to *Ecclesia particularis*. Others preferred that the schema use '*coetus Ecclesiarum particularium*' or a similar expression.

⁴³"Nomine enim Patriarche orientalis venit Episcopus cui canones tribuunt iurisdictionem in omnes Episcopos, haud exceptis Metropolitanis, clerum et populum territorii vel ritus, ad normam iuris et sub auctoritate Romani Pontificis exercendam."

⁴⁴I. Žužek, "Le «*Ecclesia sui iuris*»," 95.

⁴⁵For example, Cardinal Joseph Ritter: "While I think the content of this draft is very good, there is some doubt in my mind, whether the first part of the schemata responds to the pastoral tenor of the Council. It seems that this section is particular and juridical and pertains rather to the Canon Law of the Oriental Churches." AS vol. III, p. V, 759.

⁴⁶«An placeat Patribus, ut, post expletam disceptationem, procedatur ad suffragationem de singulis partibus schematis decreti?». Out of the 2180 Fathers present, 1911 responded with placet; 265 non placet; juxta modum 1; vota nulla 3. Cf. AS vol. III, p. VIII, 556.

⁴⁷AS vol. III, p. VIII, 556. See also, G. Caprile, *Il Concilio Vaticano II, Terzo Periodo*, vol. IV, 238.

⁴⁸"In entrambi questi documenti l'espressione *Ecclesia particularis* significava, e significa nel testo promulgato, semplicemente una diocesi, mentre le Chiese orientali venivano chiamate *coetus Ecclesiarum particularium* oppure anche *Ecclesiae locales* (LG 23)." I. Žužek, "Le «*Ecclesia sui iuris*»," 95.

⁴⁹Thirty-one Fathers wanted even the title to contain the term *ritus*. Cf. AS vol. III, p. VIII, 561.

The reasons behind the contexts that led to the identification of the terms “particular Church” and “rite” have now become clearer. “This latter term «ritus» was a later addition, which the experts of the Oriental Commission had at first resolutely refused, but later accepted as demanded by some Council Fathers, in as much as this word, though vague and inadequate as a synonym for «Church», had been in common and even official use.”⁵⁰ It would have been simpler and more precise to speak of autonomous Churches, but even the competent Easterners did not dare to use the term.⁵¹ It is, however, wrong to say that a Church is a rite;⁵² although the latter is the determining fact of the *coetus Christifidelium*.⁵³

Since articles 2-4 had not received the required two-thirds majority, they were sent back to the conciliar commission for re-drafting.⁵⁴ In

⁵⁰George Nedungatt, *A Guide to the Eastern Code. A Commentary on the Code of Canons of the Eastern Churches*, Kanonika 10 (Rome: 2002) 101.

⁵¹Cf. H. Vorgrimler, (ed.), *Commentary on the Documents of Vatican II* (New York: 1967) 314.

⁵²“As a person is distinct from a thing, so is Church distinct from a rite. People belong to a Church as persons or members; rite belongs to a Church as a thing.” George Nedungatt, *The Spirit of the Eastern Code*, 71.

⁵³Patriarch Maximus IV presented his arguments in the following way: “In tutti i casi, questo numero deve essere mantenuto per escludere ogni confusione fra Chiesa particolare e rito liturgico. Il rito non è che uno degli elementi costitutivi di una Chiesa. Uno stesso rito può essere comune a più chiese.⁵³ ad esempio il rito bizantino, adottato tanto dalla Chiesa greca che dalla Chiesa russa, ucraina, romena, bulgara, «melchita», ecc... Allo stesso modo, una Chiesa può avere, in sé, riti liturgici diversi, ad esempio la Chiesa di Lione che pratica il rito lionese e il rito romano. Bisogna quindi distinguere queste nozioni, e soprattutto non vedere nelle Chiese orientali nient'altro dei riti liturgici diversi. E' questo che il numero 2 ha voluto evitare che si facesse” *Discorsi di Massimo IV*, 295-296.

⁵⁴Following the voting, 1446 Fathers proposed 1920 *modi* which were examined later on by 5 sub-commissions, each containing 3 Fathers and 2 experts. It was the second subcommittee under the presidency of D. M. Baudoux that studied the articles on particular Churches. A. Baraniak and Y. Gad were the members and M. Wojnar and B. Talatinian the experts. The committee members were given special instructions in their examination work. The second committee that dealt with articles 2-6 was given the following instruction: “Ob difficultates in usu dictionis «Ecclesiae particulares», opportunum visum fuit dictionem hanc aequiparare aliae, nempe «Ritibus», quae hucusque in usu est, tum canonico cum quotidiano, tum etiam in ipso schemate, proposito; hoc modo maior claritas obtinetur tum quoad alia schemata tum quoad usum quotidianum; ubi dictio «ritus» sensu

preparing the revised schema, the commission took into account the aforementioned amendments as well as others proposed for the final draft.

Finally, on the 20th of November 1964 the document in its amended form was voted. Out of the 2129 Fathers present, 1841 Fathers voted in favour, 283 against. There were 5 invalid votes. Out of 2149 voters present in the Ecumenical Council of Vatican II on November 21, 1964, the final text of the decree⁵⁵ passed with a vote of 2110 in favour and 39 against. It was approved and promulgated by Pope Paul VI on the same day.

6. The Juridical Term Church *sui iuris*

To describe the reality now represented by '*Church sui iuris*'⁵⁶ the Council decree *OE* employed the term *particular Church*. As a substitute term for this ecclesial reality, the decree also utilized *rite*. Our previous discussions have shown the serious criticisms that this particular part of the decree underwent during its preparatory period. The same argument also arose during the preparatory work of the *CCEO*. The preparatory commission for the schema of *OE* had studied and presented the term only as *particular Church*.⁵⁷ The term "Individual Church" is very dear to Indian theologians like Dr Xavier

liturgico adhibetur, id clare notatur": Cf. *AS* vol. III, p. VIII, 558. It is during the study of this committee that the term "rite" was proposed as equal to "particular Churches." See, G. Caprile, *Il Concilio Vaticano II, Terzo Periodo*, vol. IV, 238: "Parlando di «Chiese particolari» si è precisato che tale espressione equivale a «riti»: quando invece quest'ultima espressione è usata in senso strettamente liturgico, la cosa è espressamente notata."

⁵⁵AAS, 57 (1965), 76-89.

⁵⁶CCEO c. 27 defines: "A community of the Christian Faithful, which is joined together by a hierarchy according to the norm of law and which is expressly or tacitly recognized as *sui iuris* by the supreme authority of the Church is called in this Code a Church *sui iuris*."

⁵⁷I. Žužek observes: "Nello schema *De Ecclesiis Orientalibus*, preparato nel 1963 da un'apposita commissione per il concilio Vaticano II, le Chiese orientali cattoliche non venivano designate con la parola "Ritus", come nel *CIC* del 1917 e nel *Motu Proprio Cleri Sanctitatis* del 1957, ma con l'espressione "Ecclesiae particulares." A chi avrebbe allora voluto ritenere la parola "Ritus" nel significato di "Ecclesia orientalis" si rispondeva con un risoluto "negative" sottolineando che prima di tutto "deberet dari clara definitio termini Ritus" I. Žužek, *Understanding*, 94.

Koodapuzha⁵⁸ and Dr Mathew Vellanickal.⁵⁹ Although J. Faris would accept the suitability of the terms «particular Church» and «individual Church» in the English language, he rejects the term Individual Church as incongruous.⁶⁰ Here the determination on the part of the commission to adhere to the term “particular Church” and also to avoid the expression “ritus” should be noted.

Conclusion

In the decree *Orientalium Ecclesiarum*, Vatican II affirmed the importance and equality of all particular Churches. As a result, the latter have developed stronger identities and a better understanding of the role they play in the Catholic communion and in the ecumenical movement. Following the decree's dictates, they are now striving to rediscover their lost heritage in order to live the faith fully but in their own way, and to enrich the Universal Church with their diverse patrimonies. Nevertheless, despite the Council's efforts to correct erroneous views about certain structures, differences of opinions and ambiguity remain. We have attempted to clarify some of these terminological discrepancies, which are found even in the official Church documents.

⁵⁸X. Koodapuzha writes: “The identity of an individual Church of apostolic origin is the result of the interaction between the *terminus a quo* of the apostolic proclamation and the *terminus ad quem* of the life-situation of the community of the believers. These two factors are the constituent elements of the individuality or identity of a Church.” X. Koodapuzha, “The Ecclesiology of the Thomas Christians of India” in T. Vellilamthadam, *et al.*, *Ecclesial Identity of the Thomas Christians* (Kottayam: 1985) 64.

⁵⁹M. Vellanickal writes: “Individual Church results from the verification of the apostolic Christ-experience in a people, taking a specific form of life, worship, liturgy, spirituality and ecclesiastical discipline which is integrated into their particular linguistic, radical, cultural and sociological conditions.” Vellanickal, M., “Biblico-theological Foundations of Ecclesial Identity” in Vellilamthadam T., *et al.*, *Ecclesial Identity of the Thomas Christians* (Kottayam: 1985) 34.

⁶⁰J. Faris, *The Communion of Churches: Terminology and Ecclesiology* (New York: 1985) 127.